

MARIN COUNTY LOCAL COASTAL PROGRAM
 IMPLEMENTATION PROGRAM AMENDMENTS
 SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Note: Please refer to the Land Use Plan for a complete record of all Commission Modifications

Chapter & Page	Suggested Modification	Comments
22.32.023(B)(6) and (7) p. 6	<p>22.32.023 – Agricultural Homestays</p> <p>...</p> <p>6. Be limited to one per <u>farm tract</u> and</p> <p>7. Shall not be allowed if there is already a bed and breakfast on the <u>farm tract</u>.</p>	Land use requirements for an agricultural homestay.
22.32.024 (B), (D) & (G) p. 7-8	<p>22.32.024 – Agricultural Dwellings Units (Coastal)</p> <p>...</p> <p>B. No more than one Agricultural Dwelling Cluster may be permitted per farm tract, whether it contains a single farmhouse or in a combination of a farmhouse and one or two intergenerational homes, <u>including existing homes</u>.</p> <p>...</p> <p>D. Nothing in this subsection shall be construed to prohibit the sale of any legal lot comprising the farm <u>tract</u>, nor require the imposition of any restrictive covenant on any legal lot comprising the farm <u>tract</u> other than the legal lot upon which development of one farmhouse and up to two intergenerational homes is approved. Future development of other legal lots comprising the farm <u>tract</u> shall be subject to the provisions of the LCP and Development Code, including but not limited to Section 22.65.040.</p> <p>...</p> <p>G. A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e., a parcel-legal lot must be at least 60 acres for a farmhouse, 120 acres for a farmhouse and intergenerational house, and at least 180 acres for a farmhouse and two intergenerational homes).</p> <p>...</p>	The number of agricultural dwellings per farm tract depends on the acreage of each legal lot.
22.32.02x(B) p. 10	<p>22.32.025^x – Airparks</p> <p>...</p> <p>B. Airparks shall not constitute a nuisance resulting from frequency and timing of flights, location of landing area, or departure and approach patterns that conflict with surrounding land uses. <u>Coastal resource impacts shall be avoided, and if unavoidable,</u></p>	Helicopters are allowed to land for emergency purposes only

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
22.32.050(E)(2)(a) p. 19	<p><u>appropriately mitigated. Airparks do not extend to helicoptering, including private helicoptering.</u></p> <p>Child Day-Care Facilities 22.32.050(E)(2)(a)</p> <p>...</p> <p>a. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area <u>or where there would be significant impacts to coastal resources, including public views.</u> All fences or walls shall provide for safety with controlled points of entry in compliance with 22.20.050 (Fencing and Screening Standards). In the coastal zone, all fences and walls shall also comply with Chapter 22.64.045(2) (Fencing and Similar Structure Standards).</p> <p>...</p>	Most fences do not typically require discretionary review
22.32.062 p. 20-21	<p>22.32.062 – Educational Tours Coastal (Coastal)–Limitations on use. As defined in Section 22.130.030, educational tours are interactive excursions for groups and organizations for the purpose of informing them of the unique aspects of a property, including agricultural operations and environmental resources. In the C-APZ zoning district, educational tours operated by non-profit organizations or the owner/operator of the agricultural operation are a principal permitted use <u>if no revenue is generated in excess of reimbursement costs related to the educational tour;</u> for-profit- educational tours operated by a third-party require a Conditional-Coastal Permit appealable to the Coastal Commission and a Use Permit <u>if revenue is generated in excess of reimbursement costs related to the educational tour.</u></p>	Permit requirements for educational tours
22.32.110 p.25	<p>22.32.110 – Mobile Home Parks (non Coastal) Entire section deleted.</p>	Not relevant since pertains to areas outside the coastal zone.
22.32.130 p. 27 -28	<p>22.32.130 – Residential Accessory Uses and Structures When allowed in the zoning district applicable to a site, see Section 22.10.030 (Residential District Land Uses and Permit Requirements) or Section 22.62 (Coastal Zoning Districts</p>	New development standards, similar to residential

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>and Allowable Land Uses), residential accessory uses and structures are subject to the provisions of this Section. <u>In the coastal zone, the standards in this section governing residential accessory uses and structures shall also apply to agricultural dwelling units, unless there is a perceived conflict, in which case the agricultural dwelling unit provisions shall control.</u> Residential accessory uses and structures include any uses and structures customarily related to a residence, including swimming pools, workshops, studios, storage sheds, small greenhouses, and garages.</p> <p>...</p>	<p>accessory uses, are provided for agricultural dwelling units.</p>
<p>22.32.180 p. 36</p>	<p>22.32.180 - Wind Energy Conversion Systems (WECS) This Section establishes permit requirements for planned zoning districts and non-planned zoning districts and standards for the development and operation of Wind Energy Conversion Systems (WECS) in compliance with Marin County policies and State and Federal laws and allows and encourages the safe, effective, and efficient use of WECS in order to reduce consumption of utility supplied electricity. Wind Energy Conversion Systems (WECS) are not allowed in the Coastal Zone.</p>	<p>Wind Energy Conversion Systems are not allowed in the Coastal Zone.</p>
<p>22.62.040(B)(1) p. 38-39</p>	<p>22.62.040 - Allowable Land Uses and Coastal Permit Requirements ... 1. <u>Land divisions are not</u> the principally permitted use in any zoning district ...</p>	<p>Land divisions are subject to the Subdivision Map Act.</p>
<p>22.62.060(B)(1)(d) p. 41</p>	<p>22.62.060 – Coastal Agricultural and Resource-Related Districts ... d. Other Agricultural Uses, if appurtenant <u>and necessary</u> to the operation of agriculture, limited to: (1) Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s) or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used for processing activities do not exceed an aggregate floor area of 5,000 square feet: (2) <u>Not for profit</u> e Educational tours.</p>	<p>See Board Letter Attachment 1</p>
<p>22.62.060(B)(1) p. 41</p>	<p>22.62.060 – Coastal Agricultural and Resource-Related Districts</p>	<p>Conditional uses in the C-APZ zoning district</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification					Comments
	Conditional uses in the C-APZ zone, as specified in Table 5-1 of Chapter 22.62, include a second intergenerational home per farm tract legal , for-profit educational tours operated by a third party , agricultural homestay facilities, agricultural worker housing above 12 units or 36 beds per legal lot and additional agricultural uses and non- agricultural uses including land division, consistent with Section 22.65.040. ...					
Table 5-1-b p. 46	LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards in Section:	Footnotes deleted
	Agricultural Production	Agricultural Residential Planned	Open Area			
MANUFACTURING AND PROCESSING USES						
	Cottage industries	<input type="checkbox"/>	U	<input type="checkbox"/>	22.32.060	
	Recycling - Scrap and dismantling yards	<input type="checkbox"/>	U	<input type="checkbox"/>		
RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES						
	Campgrounds	U	U	U		
	Educational Tours (for profit)	U	U	P	22.32.115	
	Equestrian facilities	U	P (9)	U	22.32.030	
	Golf courses/country clubs	<input type="checkbox"/>	<input type="checkbox"/>	U		
	Horses, donkeys, mules, ponies	P,U(5)	P,U(5)	U(5)	22.32.030	
	(5) Permit requirements are determined by Section 22.32.030 (Animal Keeping). (9) Equestrian employee housing is permitted with Use Permit approval (See Chapter 22.48 Use Permits)					
Table 5-1-d p. 49	(10) Only allowed when the primary use of the property is for agriculture; see Chapter 22.32.115 (Non-Agricultural Uses). The non-agricultural standards contained in Section 22.32.115 do not apply to C-ARP zoned properties with an assigned density of one unit per 1—5 acres.					Footnote (10) pertains to certain land uses in the C-ARP zoning district.
Table 5-1-e p. 49	LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT			See Standards	Uses changed from Permitted Use to Conditional.
		C-APZ Agricultural	C-ARP Agricultural	C-OA Open		

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification							Comments
		Production	Residential Planned	Area	in Section:			Footnote (9) deleted since above ground telecommunications facilities are now a Conditional use.
	TRANSPORTATION & COMMUNICATIONS USES							
	Airparks	□	U					
	Marinas and harbors	□	U	U				
	Pipelines and utility lines	P/U(9)	P/U(9)	P/U				
	Telecommunications facilities	P/U(9)	P/U(9)	P/U(9)	22.32.165			
	(9) Use Permit approval may be required for aboveground telecommunications facilities per Section 22.32.165							
Table 5-2-d p. 55	LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section:	Telecommunication facilities are changed to a Conditional use
		C-RA Residential Agri- cultural	C-R1 Single Family	C-R2 Two Family	C- RSPS Single Family Seadrift Sub- division	C-RSP Single Family Planned		
	TRANSPORTATION & COMMUNICATIONS USES							
	Pipelines and utility lines	U	U	U	U	U	U	
	Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	22.32.165	
Table 5-3-c p. 58-59	LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section	Residential uses are a Permitted use in the C-VCR zone. See Board Letter Attachment 1.
		C-VCR Village Commercial Residential (43)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation		
	RESIDENTIAL USES							
	Affordable housing	P, PP	U	U	P	P (9)		
	Group homes, 6 or fewer residents	P, PP	U	—	P	—	22.32.080	

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification							Comments
	Group homes, 7 or more residents	U	U	—	U	—	22.32.080	
	Guest houses	P, PP	U	—	P	—	22.32.090	
	Home occupations	P, PP	U	—	P	—	22.32.100	
	Multi-family dwellings	U	U	U	P	—(9)	22.32.150	
	Organizational houses	U	U	—	U	—		
	Residential accessory uses and structures	P, PP	U	—	P	—	22.32.130	
	Residential Second Units	P, PP	P	P	P	—	22.32.140	
	Room rentals	P, PP	U	—	P	—		
	Single-family dwellings	P	U	U	P	—(9)	22.32.150	
	Tennis and other recreational uses	U	U	U	P	—	22.32.130	
	Two-family dwellings	U	U	U	P	—(9)	22.32.150	
	<p>(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-VCR zone and residential shall be commercial Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core area, rR Residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property <u>within the commercial core area (i.e. the central portion of each village that is predominantly commercial)</u>. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed <u>subject to a finding provided</u> that the development maintains and/or enhances the established character of village commercial <u>core</u> areas. <u>Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.</u></p> <p>The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.</p> <p>.(4) Development on parcels zoned C-VCR must also meet the requirements of Land Use Plan Policy C-PK-3.</p>							
Table 5-3-d p. 60-61	LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards	Commercial shall be the Principal permitted use in the C-VCR zone. See Board Letter
		C-VCR Village Commercial Residential (3)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation		

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification						in Section	Comments
							22.32.020	Attachment 1.
RETAIL TRADE USES								
Accessory retail uses	PP, P	U	PP	PP	—		22.32.020	
Auto, mobile home, vehicle and parts sales, new	U	—	—	U	—			
Auto sales, used	U	—	—	U	—			
Bars and drinking places	U	—	U	U	U			
Building material stores	U	U	U	U	—			
Farmers' markets	U	U	U	U	—			
Fuel and ice dealers	U	U	U	U	—			
Furniture, furnishings, and equipment stores	PP, P	U	PP	PP	—			
Grocery stores	PP, P	U	PP	PP	—			
Liquor stores	PP, P	U	PP	PP	—			
Outdoor retail sales and activities	U	U	U	U	—			
Outdoor retail sales, temporary	U	U	U	U	—			
Restaurants, 40 patrons or less	PP, P	PP	PP	PP	U			
Restaurants, more than 40 patrons	U	U	U	U	U			
Restaurants, with liquor and/or entertainment	U	U	U	U	U			
Restaurants, take-out, fast food	U	U	U	U	U			
Retail stores, general merchandise	PP, P	U	PP	PP	—			
Retail stores, visitor/collector	U	U	U	U	—			
Second hand stores	U	U	U	U	—			
Shopping centers	U	U	U	U	—			
Tobacco retail establishments	—	U	U	—	—	22.32.170		
<p>(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVCR zone shall be commercial, and residential shall be Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core are, r Residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property <u>property within</u></p>								

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification						Comments		
	<p><u>the commercial core area (i.e. the central portion of each village that is predominantly commercial).</u> Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed subject to a use permit where a finding can be made provided that the development maintains and/or enhances the established character of village commercial <u>core</u> areas. <u>Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.</u></p> <p>The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.</p>								
Table 5-3-e p. 61-62	LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards in Section	Commercial shall be the Principal permitted use in the C-VCR zone. See Board Letter Attachment 1.	
		C-VCR Village Commercial Residential (3)	C-H1 Limited Roadside Business	C-CP Planned Commercial	C-RMPC Residential Commercial Multiple Planned	C-RCR Resort and Commercial Recreation			
	SERVICE USES								
	Automatic teller machine (ATM), not at bank	PP, P	P	PP	PP	P			
	Banks and financial services (no drive-thru)	PP, P	—	PP	PP	—			
	Bed and breakfast, 3 or fewer guest rooms	PP, P	U	—	PP	—	22.32.040		
	Bed and breakfast, 4 or 5 guest rooms	U	U	—	U	—	22.32.040		
	Business support services	P	—	P	P	—			
	Cemeteries, columbariums and mortuaries	—	U	—	U	—			
	Child day-care centers	U	U	U	U	—	22.32.050		
	Child day-care, large family day-care homes	P	P	P	P	—	22.32.050		
	Child day-care, small family day-care homes	P	P	P	P	—	22.32.050		
	Construction yards	—	—	—	U	—			

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification							Comments
	Homeless shelters	—	—	P	—	—	22.32.095	
	Hotels and motels	U	U	U	U	PP		
	Medical services - Clinics and laboratories	U	U	U	U	—		
	Medical services - Hospitals and extended care	U	U	U	U	U		
	Offices	PP, P	U	PP	PP	—		
	Personal services	PP, P	—	PP	PP	—		
	Public utility or safety facilities	U	U	U	U	U		
	Repair and maintenance – consumer products	P	—	P	P	—		
	Repair and maintenance – vehicles	U	U	U	U	—		
	Service stations	U	U	U	U	U	22.32.160	
	Storage, accessory	P	P	P	P	U		
	Veterinary clinics and animal hospitals	U	U	U	U	—		
	Warehousing	U	—	U	U	—		
	<p>(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-GVCR zone and residential shall be Principal Permitted use in all other parts of the C-VCR zone commercial. In the village commercial core area, r Residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property <u>property within the commercial core area (i.e. the central portion of each village that is predominantly commercial)</u>. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed <u>subject to a use permit where a finding can be made</u> provided that the development maintains and/or enhances the established character of village commercial core areas. <u>Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.</u></p> <p>The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.</p>							
Table 5-3-f p. 62-63	LAND USE (1)	PERMIT REQUIREMENT BY DISTRICT					See Permit Requirements and Standards	Permit requirements modified for telecommunication
		C-VCR Village Commercial	C-H1 Limited Roadside	C-CP Planned Commercial	C-RMPC Residential Commercial	C-RCR Resort and Commercial		

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification						Comments
		Residential (3)	Business		Multiple Planned	Recreation	
							facilities and transit stop shelters
	TRANSPORTATION & COMMUNICATIONS USES						
	Commercial parking and vehicle storage	U	—	U	U	—	
	Harbors	U	—	U	U	U	
	Marinas	U	—	U	U	U	
	Pipelines and utility lines	U	U	U	U	U	
	Telecommunications facilities	P/U	P/U	P/U	P/U	P/U	22.32.165
	Transit stations and terminals	U	—	U	U	U	
	Transit stop shelters	P, PP	P	P	P	P	
	Vehicle and freight terminals	—	—	P	U	—	
	<p>(3) Commercial shall be the Principal Permitted use within the mapped village commercial core area of the C-CVCR zone and residential shall be commercial Principal Permitted use in all other parts of the C-VCR zone. In the village commercial core area, r Residential shall be limited to: (a) upper floors, and/or (b) the lower floors if not located on the road-facing side of the property <u>property within the commercial core area (i.e. the central portion of each village that is predominantly commercial).</u> Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed <u>subject to a use permit where a finding can be made</u> provided that the development maintains and/or enhances the established character of village commercial <u>core</u> areas. <u>Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.</u></p> <p>The replacement, maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted</p>						
Table 5-4-a p. 67	<p>TABLE 5-4-b – COASTAL ZONE DEVELOPMENT STANDARDS</p> <p>Notes:</p> <p>(3) Setbacks are determined through the Coastal Permit. <u>Setback exceptions for ESHA and hazards are only allowed per the LCP's Biological Resources and Environmental Hazards policies, respectively.</u></p> <p>(4) See Section 22.64.045(3) (Height Limits and Exceptions) for height measurement and exceptions. Building height limits may change, as follows:</p> <p>a. In C-RSP districts on the shoreline of Tomales Bay, building height limits shall comply with Section 22.65.060.C (C-RSP Zoning District Height Limit - Tomales Bay).</p>						Additional clarification regarding setback, height, and floor area standards

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>b. In C-RSPS districts, building height limits shall comply with Section 22.65.070.D (C-RSPS Zoning District Height Limit - Seadrift Subdivision).</p> <p>c. All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, 2, and 3. Notwithstanding "a" and "b" above, where an increase in height in the coastal zone consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8, the maximum height limit allowable (without a variance) shall be increased by that height.</p> <p>d. <u>As allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).</u></p> <p>(5) Maximum floor area is determined through the Coastal Permit. <u>In C-APZ, no more than a combined total of 7,000 sq ft (plus 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) may be permitted as an agricultural dwelling per farm tract, whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s).</u></p>	
Table 5-4-a p. 68-69	<p>TABLE 5-4-b – COASTAL ZONE DEVELOPMENT STANDARDS</p> <p>...</p> <p>(6) The maximum residential density for proposed divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, <u>hazardous areas and setbacks</u>, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, <u>and if it can be demonstrated that the development will can avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will</u> be served by on-site water and sewage disposal systems.</p> <p>(7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, <u>hazardous areas and setbacks</u>, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, <u>or and</u> where it can be demonstrated that the development <u>will can avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will</u> be served by on-site water and sewage disposal systems.</p>	See Board Letter Attachment 1.
22.64.040(B) p. 69	<p>22.64.040 – Coastal Minimum Lot Size (-B) Combining District</p> <p>B. Development standards. Where the -B combining district is applied, the minimum lot</p>	See Board Letter Attachment 1.

MARIN COUNTY LOCAL COASTAL PROGRAM
 IMPLEMENTATION PROGRAM AMENDMENTS
 SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>area, average lot width, and depths of front, side, and rear yards in Table 5-5 shall be required, instead of those that are normally required by the primary zoning district. The maximum residential density for proposed division of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, <u>hazardous areas and setbacks</u>, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and where it can be demonstrated that the development can will avoid and protect all ESHA and ESHA buffers, <u>will avoid all hazardous areas and hazard setbacks</u>, and <u>will</u> can be served by on-site water and sewage disposal systems.</p>	
<p>Table 5-5 p. 70</p>	<p>TABLE 5-5 – COASTAL -B COMBINING DISTRICT DEVELOPMENT STANDARDS</p> <ol style="list-style-type: none"> (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a lower minimum lot area standard <u>(See also Appendix 9)</u>. (2) See (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. <u>Setback exceptions for ESHA and hazards are only allowed per the LCP’s Biological Resources and Environmental Hazards policies, respectively.</u> (3) See Section 22.64.045(3) (Height Limits and Exceptions) for height measurement and exceptions. Primary building height limit in the Stinson Beach Highlands is 17 feet, not 25 feet. Single-family dwellings over 25 feet in height shall require approval in compliance with 22.70.150 (Coastal Zone Variances), in addition to a Coastal Permit. <u>All height limit exceptions must be found consistent with Land Use Plan Policies C-DES-1, -2, -3.</u> (4) Design review requirements are contained in Chapter 22.42 rather than in the LCP and such design review requirements apply independent of, and in addition to, coastal permit requirements. (5) The maximum residential density for proposed divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, <u>hazardous areas and setbacks</u>, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, <u>and</u> if it can be demonstrated that the development can <u>will avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will</u> be served by on-site water and sewage disposal systems. 	<p>Additional clarification regarding setback, height, and floor area standards.</p> <p>For footnote (5), See Board Letter Attachment 1.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
<p>22.64.045(2)(A)(1) and 22.64.045(2)(B) p. 71-72</p>	<p>22.64.045--Property Development and Use Standards 2. Fencing and Similar Structure Standards A. Height limitations. 1. General height limit. A fence or wall having a maximum height of four feet or less above grade may be located within a required setback for a front yard or side yard that abuts a street...<u>In all cases, such fences, walls, trellises, or other similar structures shall only be allowed so long as such structures adequately protect significant public views.</u> B. Setback requirements. Fences, walls, trellises, or other similar structures up to four feet in height or six feet in height above grade may be located within a required setback or on property lines in compliance with the height limits of Subsection A., above. Fences, walls, trellises, or other similar detached structures exceeding the height limits specified in Subsection A, shall be subject to the same setback requirements of this Implementation Plan applicable to the primary structure. <u>Fences, walls, trellises, or other similar structures shall be sited and designed to adequately protect significant public views.</u></p>	<p>Most fences do not typically require discretionary review</p>
<p>22.64.045(4)(A) p. 74-75</p>	<p>22.64.045--Property Development and Use Standards ... 4. Setback Requirements and Exceptions. A. In addition to other applicable LCP provisions, this section establishes setback standards, including those related to allowed uses in setbacks, minimum sizes for setbacks, and exceptions to setback standards (Additional setbacks may be required by the Hillside Ordinance<u>Marin County Development Code Section 22.82.050 (Hillside Subdivision Design) (Appendix 9)</u>). These standards are intended to provide for open areas around structures, including but not limited for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; space for privacy, landscaping, and recreation; water quality protection; space to account for fire safety; and protection of significant public views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas. <u>All setbacks are minimums and may be increased in order to meet LCP provisions, including those related to water quality and community</u></p>	<p>Setback distances may be increased to address water quality or community character provisions</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p><u>character. Setback requirements and exceptions for coastal permits involving ESHA and coastal hazards are listed in 22.64.050 and 22.64.060, respectively.</u></p>	
<p>22.64.045(4)(E) p. 79</p>	<p>22.64.045--Property Development and Use Standards ... E. Allowed projections into setbacks. Attached architectural features and certain detached structures may project into or be placed within a required setback, <u>as long as it is not a hazard or ESHA setback</u>, in compliance with the following requirements: ...</p>	<p>Hazard areas are broadly defined</p>
<p>22.64.080(A)(1) p. 100</p>	<p>22.64.080 – Water Resources A. Application requirements. 1. <u>Water Quality Impairment Assessment. The Reviewing Authority shall conduct a water quality assessment of all development proposals, including for both new development and modifications to existing development, to identify potential water quality impacts. Where the assessment reveals the potential for water quality impairment, the project shall be required to have a Drainage Plan (see below) which addresses both temporary (during construction) and permanent (post-construction) measures to control erosion and sedimentation, to reduce or prevent pollutants from entering storm drains, drainage systems and watercourses, and to minimize increases in stormwater runoff volume and rate.</u> ...</p>	<p>Projects shall be assessed to determine if a drainage plan is required</p>
<p>22.64.080(A)(1) p. 100</p>	<p>22.64.080 – Water Resources ... 5. Grading plans. Coastal permit applications for any cut, fill, or grading <u>above 50 cubic yards</u> shall be accompanied by a preliminary grading plan that indicates existing and proposed contours across the building site and existing and proposed average lot slope.</p>	<p>Grading plans are required above 50 cubic yards.</p>
<p>22.64.110(A)(11) p. 108</p>	<p>22.64.110 – Community Development A. Community development standards ...</p>	<p>See Board Letter Attachment 1.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>11. Residential character in villages. Consistent with the limitations to the village core commercial area outlined in C-PK-3, discourage the conversion of residential to commercial uses in coastal villages per Land Use Policy C-CD-1415.</p>	
<p>22.64.120 (A)(4) p. 108</p>	<p>22.64.120 – Energy A. Energy efficiency standards 4. Energy and Industrial Development. Major energy or industrial development, both on and offshore, shall not be permitted per Land Use Policy C-EN-6. <u>shall be prohibited consistent with the limitations of Public Resources Code Sections 30260, 30262, and 30515. The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.</u></p>	<p>Existing certified language is reinstated as advised by the Commission's Counsel and approved by your Board in 2015. The Public Resource Code sections cited relate to industrial facilities, oil and gas development, and energy facilities.</p>
<p>22.64.130(A)(2)(b) p. 109</p>	<p>22.64.130 – Housing A. Affordable housing standards ... 2. Density for affordable housing <u>(b) The project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.</u> ...</p>	<p>Density bonus may apply</p>
<p>2.64.140 p. 110</p>	<p>22.64.140 – Public Facilities and Services A. Public facility and service standards a. Development receiving water from a water system operator and/or wastewater treatment from a public/community sewer system shall only be approved if there is: (i)</p>	<p>See Board Letter Attachment 1.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>sufficient water and wastewater public works capacity within the system to serve the development given the outstanding commitments by the service provider; or, (ii) evidence that the entity providing the service can provide such service for the development. Such evidence may include a will-serve letter from the service provider which shall constitute substantial evidence that adequate service capacity is available.</p> <p>b. An application for new or increased well production to increase public water supply shall include a report prepared by State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists which demonstrates, to the satisfaction of the Director, that:</p> <ol style="list-style-type: none"> 1) The sustainable yield of the well meets the LCP-required sustained pumping rate (minimum of 1.5 gallons per minute) and must be equal to or exceed the project’s estimated water demand. 2) The water quality meets safe drinking water standards. 3) The extraction will not adversely impact other wells located within 300 feet of the proposed well; adversely impact adjacent biological <u>and hydrogeologically-connected</u> resources including streams, riparian habitats, and wetlands <u>that are located on the subject lot or neighboring parcelslots</u>; and will not adversely impact water supply available for existing and continued agricultural production or for other priority land uses <u>that are located on the subject parcel or served by the same water source</u>(i.e. coastal dependent uses, public recreation, essential public services basic industries vital to economic health of the region, state, or nation, and, within village limit boundaries only, visitor-serving uses and commercial recreation uses). <p>1. c. — The application for a development receiving water from a private well shall include a report prepared by State Licensed Well Drilling Contractors, General (Class A License) Engineering Contractors, Civil Engineers, or Geologists. The report shall demonstrate, to the satisfaction of the Director, all standards in Marin County Code Chapter 7.28, are met.</p> <p>...</p>	
22.64.150(A)(6) p. 114	22.64.150 – Transportation A. Transportation standards	Adequate parking and transportation

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>...</p> <p>6. Roads, Driveways, Parking, Sidewalks. Roads, driveways, parking, and sidewalks shall be provided in a manner that best protects coastal resources and is consistent with all applicable LCP provisions, including by meeting applicable agricultural, biological resources, environmental hazards, visual resources, transportation, and public facilities and services policies. Adequate parking and transportation facilities (including bicycle and pedestrian facilities) shall be provided. New development shall not adversely impact existing public parking facilities nor the ability to access existing development or existing coastal resource areas.</p>	<p>facilities shall be required.</p>
<p>22.64.170 (A)(3)) p. 116</p>	<p>22.64.170 – Parks, Recreation, and Visitor-Serving Uses</p> <p>...</p> <p>3. Mixed uses in coastal village commercial/residential zones. A mixture of residential and commercial uses shall be permitted in the C-VCR zoning district as follows:</p> <p>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. Commercial shall be the principal permitted use within the mapped village commercial core area of the C-VCR zone and residential shall be <u>allowed in the C-VCR zone subject to all other LCP standards, the principal permitted uses in all other parts of the C-VCR zone</u> In the village commercial core area, rResidential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing side of the property <u>within the commercial core area (i.e. the central portion of each village that is predominantly commercial)</u>. Residential uses on the ground floor of a new or existing structure of the road-facing side of the property shall only be allowed <u>subject to a finding provided</u> that the development maintains and/or enhances the established character of village commercial <u>core</u> areas. Replacement, mMaintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.</p> <p>...</p>	<p>See Board Letter Attachment 1.</p>
<p>22.64.180(B)(1) & (2)</p>	<p>22.64.180 – Public Coastal Access</p> <p>B. Public Coastal Access standards. Development, as defined in Article VIII, shall be</p>	<p>Protects public coastal access</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
 IMPLEMENTATION PROGRAM AMENDMENTS
 SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
p. 117-118	<p>consistent with all Public Coastal Access Policies of the LUP, including, but not limited to:</p> <ol style="list-style-type: none"> 1. <u>Avoid and Mitigate Public Coastal Access Impacts.</u> <u>If possible, development shall avoid negatively impacting existing public recreational access facilities and opportunities. If unavoidable impacts are identified, require commensurate and proportional public access mitigation, such as requiring new or enhanced public trails or facilities, and potentially in lieu fees. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access.</u> 2. <u>Public coastal access in new developments.</u> <u>New public access from the nearest development located between the shoreline and the first public roadway to the shoreline and along the coast shall be provided evaluated for impacts on public access to the coast</u> per Land Use Plan Policy C-PA-2. Where a requirement to dedicate public access is related in nature and extent to the impacts of the proposed development, the dedication of a lateral, vertical and/or bluff top accessway shall be required per Land Use Plan Policy C-PA-9, unless Land Use Plan Policy C-PA-3 provides an exemption. A finding that an accessway can be located ten feet or more from an existing single-family residence or be separated by a landscape buffer or fencing if necessary shall be considered to provide adequately for the privacy of existing homes. All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the procedures specified in Section 13574 of the Coastal Commission's Administrative Regulations. <p>...</p>	
22.65.030 p. 122	<p>Planned District General Development Standards 22.65.030</p> <p>...</p> <p>C. Building design:</p> <ol style="list-style-type: none"> 1. Height limits for structures: 	Provides height limit flexibility to address Environmental Hazard policies but

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>(a) The height limit is 25 feet for primary structures and 15 feet for accessory structures. (See also height limit provisions for the Seadrift Subdivision in Section 22.65.070.D and the shoreline of Tomales Bay in Sections 22.66.080.D and 22.66.090.B).</p> <p>(b) The floor level of the first floor shall not exceed 10 feet above natural grade at the lowest corner, unless otherwise <u>required by FEMA standards allowed by LUP Policy C-EH-5 (Standards for Shoreline Development)</u>.</p> <p>(c) Structures located within the ridgeline areas pursuant to Subsection D.2 below shall be limited to a maximum height of 18 feet.</p> <p>(d) The Director may adjust these requirements based on site characteristics, consistent with the intent of LUP policies.</p>	<p>eliminates Director's ability to adjust height requirements for other reasons.</p>
<p>22.65.040 p. 125</p>	<p>C-APZ Zoning District Standards 22.32.024</p> <p>A. Purpose. This Section provides additional development standards for the C-APZ zoning district designed to preserve productive lands for agricultural use, and ensure that development is accessory and incidental to, in support of, and compatible with agricultural use—production. <u>“Appurtenant and nNecessary for agricultural production”</u> means that the proposed development is needed to sustain an efficient and productive agricultural operation and to ensure continued agricultural viability.</p>	<p>See Board Letter Attachment 1.</p>
<p>22.65.040 p. 128</p>	<p>C-APZ Zoning District Standards 22.32.024</p> <p>...</p> <p>C. Development Standards</p> <p>...</p> <p>3. Standards for Non-Agricultural Conditional Uses and Development.</p> <p>...</p>	<p>Added restrictions on land divisions within C-APZ zoning district</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>c. Required findings. Review and approval of Coastal Permits for non-agricultural development, including land divisions and determinations of allowed density in the C-APZ zoning district, shall be subject to the following written findings, in addition to others required by this LCP:</p> <p>...</p> <p>6. <u>Land divisions shall only be permitted where 50% of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.</u></p> <p>7. <u>Land divisions shall be prohibited if the resulting lots cannot be developed consistent with the LCP.</u></p>	
<p>22.65.060 p. 131</p>	<p>C-RSP Zoning District Standards 22.65.060</p> <p>...</p> <p>C. C-RSP zoning district height limit - Tomales Bay. New residential construction on the shoreline of Tomales Bay shall be limited in height to 15 feet, <u>except as allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).</u> Additional height may be permitted where the Director determines, based on topography, vegetation or character of existing development, that a higher structure would not create additional interference with coastal views either to, along, or from the water.</p>	<p>Provides height limit flexibility to address Environmental Hazard policies</p>
<p>22.65.070 p. 131</p>	<p>C-RSPS Zoning District Standards (Seadrift Subdivision) 22.65.070</p> <p>...</p> <p>D. Height limit. Development on all lots in Seadrift shall be limited to a maximum height as follows:</p> <ol style="list-style-type: none"> 1. In Seadrift Subdivision One (with the exception of lots 01 through 03) and Two, and lots 01 and 02 of Parcel 1 in the Lands of Sidney J. Hendrick, finished floor elevations shall not exceed 19.14 feet above NAVD (North American Vertical Datum), <u>except on those portions of</u> 	<p>Provides height limit flexibility to address Environmental Hazard policies</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>lots or parcels where the Federal Emergency Management Agency (FEMA) requires minimum finished floor elevations to be set at a higher level as allowed by LUP Policy C-EH-5 (Standards for Shoreline Development). In the areas of lots or parcels where FEMA requires minimum finished floor elevations to be set at levels higher than 19.14 feet above NAVD, minimum floor elevations shall comply with FEMA requirements. The height of any structure shall not exceed 34.14 feet above NAVD, provided that in those portions of lots and parcels where FEMA requires minimum finished floor elevations to be set at a level higher than 19.14 feet above NAVD, the height of any structure shall not be greater than 15 feet above the level of the minimum finished floor elevation required by FEMA. Maximum allowable heights identified above may be modified by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8.</p> <p>2. In Seadrift Lagoon Subdivisions One and Two, Seadrift Subdivision Three, Norman’s Seadrift Subdivisions, and Lots 01 through 03 in Seadrift Subdivision One, finished floor elevation shall not exceed 14.14 feet above NAVD. Total height of a structure shall not exceed 29.14 feet above NAVD. Maximum allowable heights identified above may be modified by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation required by Policy C-EH-8. <u>as allowed by LUP Policy C-EH-5 (Standards for Shoreline Development).</u></p>	
22.66.080 p.134	<p>Inverness Community Standards 22.66.080 ... C. Tomales Bay shoreline development standards. New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policies C-CD-56 and <u>LUP Policy C-EH-5 (Standards for Shoreline Development).</u></p>	Provides height limit flexibility to address Environmental Hazard policies

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
22.66.090 p. 135	<p>East Shore Community Standards 22.66.090</p> <p>...</p> <p>B. Tomales Bay shoreline development standards. New construction along the shoreline of Tomales Bay shall be limited in height to 15 feet above grade except as provided for per Land Use Plan Policies C-CD-56 and <u>LUP Policy C-EH-5 (Standards for Shoreline Development)</u>.</p>	Provides height limit flexibility to address Environmental Hazard policies
22.68.040 p. 138	<p>Coastal Permit Not Required: Categorically Excluded Development 22.68.040</p> <p>A. Development specifically designated as categorically excluded from the requirement for a Coastal Permit by Public Resources Code Section 30610(e) and implementing regulations is not subject to Coastal Permit requirements if such development is consistent with all terms and conditions of the Categorical Exclusion Order. A Coastal Permit is not required for the categories of development identified in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6 (see Appendix 7), and are only excluded provided that the Exclusion Orders themselves remain valid, the development is proposed to be located within the approved categorical exclusion area, and provided that the terms and conditions of the Exclusion Orders are met. <u>For those Categorical Exclusion Orders that require development to be consistent with the zoning ordinances in effect at the time the Categorical Exclusion Order was adopted, all local zoning ordinance in effect at the time each Categorical Exclusion Order was adopted are provided within Appendix 7a.</u></p> <p>B. Categorical Exclusion Noticing. The County shall post on the Community Development Agency’s website and on the same day transmit to the applicant, the Coastal Commission, and any known interested parties (including those who have specifically requested such notice) a notice of development projects determined to be categorically excluded from the requirements of obtaining a Coastal Permit. The notice shall include the applicant’s name, project description</p>	<p>Modifications add a reference to past zoning ordinances which may be relevant to Categorical Exclusion determinations and clarify the type of information to be included in Categorical Exclusion notices.</p> <p>See Board Letter Attachment 1.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>and location, the reasons supporting the categorical exclusion, <u>including appropriate supporting evidentiary information and other materials (i.e., location maps, site plans, etc.)</u>, and the date of the Director's exclusion determination for each project, and the procedures for challenging the Director's determination.</p>	
<p>22.68.050 p. 138</p>	<p>Coastal Permit Not Required: Exempt Development 22.68.050 ...</p> <p><u>A.</u> The following development, as determined by the Director, shall be exempt from the requirements of Section 22.68.030 unless listed as non-exempt by Section 22.68.060. ...</p> <p>8. Maintenance dredging. Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the US Army Corps of Engineers.</p> <p><u>B. Exemption Challenge. The determination of whether a development is exempt from the requirements for a Coastal Permit can be challenged pursuant to Coastal Act Section 30625 and Section 13569 of the Commission's regulations.</u></p>	<p>Eliminates Coastal Permit Exemption for maintenance dredging and adds provision that allows Exemptions to be challenged.</p>
<p>22.68.060 p. 1418</p>	<p>Coastal Permit Required: Non-Exempt Development 22.68.060 ...</p> <p>C. Improvements to an existing structure <u>including single family residences</u> not included in Paragraph A above. On property that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, <u>or in significant scenic resource areas as designated by the Coastal Commission</u>, an improvement that would result in an increase of 10 percent or more of <u>internal</u> floor area of an existing structure (or an additional improvement of 10 percent or less where an improvement to the</p>	<p>Various modifications to categories of Non-Exempt development including property in areas CCC has designated as a significant resource area or an area with critically short water supply.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>structure had previously been exempt from Coastal Permit requirements), an increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.</p> <p>D. Changes in intensity of use. Improvements to a structure, other than a single-family residence, which increase or decrease <u>changes</u> the intensity of use of the structure, as determined by the Director.</p> <p>...</p> <p>J. Critically short water supply. <u>In areas which the Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use but not limited to swimming pools, or the construction and extension of any landscaping irrigation system.</u></p> <p>K. Repair and maintenance activities. Repair and maintenance activities as follows: ...</p> <p><u>4. Unless destroyed by a natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin, or any other structure is not considered repair and maintenance, but instead constitutes a replacement structure requiring a Coastal Permit.</u></p> <p>L. Redevelopment, as defined in Section 22.130.</p> <p>M. Any other development that is not explicitly and specifically exempt from coastal permit requirements by Section 22.68.050 above.</p>	<p>Mods also clarify definition of “repair and maintenance”.</p>
<p>22.70.030 p. 146</p>	<p>Coastal Permit Filing, Initial Processing 22.70.030</p> <p>...</p> <p>B. Determination of processing category. The Director shall determine if the</p>	<p>Coastal Permit Exemptions added to provisions for</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>proposed development is categorically excluded, <u>exempt</u>, qualifies for a De Minimis Waiver, is or is not appealable to the Coastal Commission and/or requires a Coastal Permit that does or does not require a public hearing as set forth below. <u>Notice of processing category determination shall be sent in compliance with the requirements specified for the particular permit category.</u> All such determinations regarding permit category may be challenged in compliance with Section 22.70.040 – Challenges to Processing Category Determination.</p> <p>1. Categorical exclusion. A determination that development is categorically excluded shall comply with Section 22.68.040 – Coastal Permit Not Required: Categorically Excluded Development.</p> <p>2. Exemption. <u>A determination that development is exempt from the requirement to obtain a Coastal Permit shall comply with Section 22.68.050 – Coastal Permit Not Required: Exempt Development and with Section 22.68.060 – Coastal Permit Required: Non-Exempt Development.</u></p>	<p>Coastal Permit filing and processing.</p>
<p>22.70.040 p. 148</p>	<p>Challenges to Processing Category Determination 22.70.040 ...</p> <p>A. Challenges to Processing Category Determination. The Director’s determination that a proposed development is to be processed as a categorical exclusion, <u>exemption, de minimis waiver</u>, non-public hearing application, <u>or</u> public hearing application may be challenged.</p> <p>B. Timing of Challenge. A determination regarding processing category by the Director may be challenged to the Coastal Commission within 10 working days after of the date of the Commission receiving the sending public notice as required by this Chapter. The Director’s determination that a proposed development is to be processed as a public hearing waiver for minor development may be challenged to the Coastal Commission within 15 working days after the date of the Commission receiving the public notice as required by this Chapter.</p>	<p>Clarifications regarding process to challenge a processing category determination</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
<p>22.70.050 p. 149</p>	<p>Public Notice 22.70.050 ... A. Form of notice. Permit applications shall be noticed at least 10 days prior (15 working days for public hearing waiver applications) to a hearing or action on the proposed project by posting <u>one (or more as necessary to ensure the public is made aware)</u> notice in at least one location that is conspicuously visible to the general public on or adjacent to the property which is the subject of the permit and by mailing notice to:</p>	<p>Modifies noticing provisions to potentially require posting of notices at more than one location.</p>
<p>22.70.080 p. 153</p>	<p>Appeal of Coastal Permit Decision 22.70.080 ... B. Appeals to the Coastal Commission. An action on a Coastal Permit, <u>including amendments and extensions,</u> may be appealed to the Coastal Commission by an aggrieved person, including the applicant, or two members of the Coastal Commission, as follows:</p> <p>1. Appealable Development. For purposes of appeal to the Coastal Commission, appealable development includes the following:</p> <p>... (c) Development approved that is not designated as the Principal Permitted Use (PP) by Tables 5-1, 5-2, or 5-3 in Chapter 22.62 – Coastal Zoning Districts and Allowable Land Uses <u>(land divisions are a type of development that is not designated as the principally permitted use in any zoning district);</u> and...</p> <p>D. Delivery of Relevant Documents. <u>Upon receipt of a Notice of Appeal from the Coastal Commission, the County shall, within five(5) working days, deliver to the Executive Director of the Coastal Commission all relevant documents used by the local government in its consideration of the Coastal Permit application.</u></p>	<p>Specifies that land divisions are appealable to the Coastal Commission in all cases and notes documentation to be provided to the Coastal Commission in conjunction with an appeal.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
<p>22.70.090 p. 155</p>	<p>Notice of Final Action 22.70.090</p> <p>Within 7 <u>calendar</u> days of a final County decision on an application for a Coastal Permit, the Director shall provide notice of the action by <u>First Class-certified</u> mail to the Coastal Commission, and <u>by first class mail</u> to any persons who specifically requested notice and provided a self-addressed stamped envelope or other designated fee covering mailing costs and shall provide additional public notice via the Community Development Agency’s webpage. Both mailed and webpage notice shall include conditions of approval, written findings and the procedures for appeal of the County decision to the Coastal Commission. <u>The notice shall be in two parts: (1) a cover sheet or memo summarizing the relevant action information, and (2) materials that further explain and define the action taken, which shall be submitted electronically or by mail. The cover sheet / memo shall be sent to all recipients of the notice, and the cover sheet/memo shall be mailed to the Coastal Commission, with supporting documents sent either via hard copy or electronically (see below).</u></p> <p><u>A. Cover Sheet/Memo: The cover sheet/memo shall be dated and shall clearly identify the following information:</u></p> <ol style="list-style-type: none"> <u>1. All project applicants and project representatives and their address and other contact information.</u> <u>2. Project description and location.</u> <u>3. County decision-making body, County decision, and date of decision.</u> <u>4. All local appeal periods and disposition of any local appeals filed.</u> <u>5. Whether the County decision is appealable to the Coastal Commission, the reason why the development is or is not appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.</u> <u>6. A list of all supporting materials provided to the Coastal Commission as part of the final local action notice (see subsection B below).</u> <u>7. All recipients of the notice.</u> <p><u>B. Supporting Materials: The supporting materials shall include</u></p>	<p>Adds detailed requirements for material to be submitted to Coastal Commission with Notice of Final Action.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p><u>the following information:</u></p> <ol style="list-style-type: none"> <u>1. Final adopted findings and final adopted conditions.</u> <u>2. Final staff report.</u> <u>3. Approved project plans.</u> <u>4. All other substantive documents cited and/or relied upon in the decision including any environmental review documents prepared in accordance with the California Environmental Quality Act, technical reports (geologic reports, biological reports, etc.), correspondence, etc.</u> 	
<p>22.70.140 p. 157</p>	<p>Emergency Coastal Permits 22.70.140 ... D. Emergency permit approval. The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a Coastal Permit application later, if the Director finds that:</p> <ol style="list-style-type: none"> 1. An emergency (defined as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential services) exists that requires action more quickly than permitted by the procedures of this Article for a Coastal Permit, and the work can and will be completed within 30 days unless otherwise specified by the emergency permit; 2. Public comment on the proposed emergency action has been reviewed, if time allows; and 3. The proposed work is consistent with applicable Marin County Local Coastal Program policies. <u>4. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging short- and long-term manner. ...</u> 	<p>For Emergency Coastal Permits, requires the minimum amount of temporary work to abate the emergency and specifies that all emergency permits shall expire in 90 days unless extended.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
 IMPLEMENTATION PROGRAM AMENDMENTS
 SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>E. Coastal Permit required. <u>All emergency Coastal Permits shall expire ninety (90) days after issuance, unless extended for good cause by the Planning Director, such extension is limited as much as possible in duration, and such extension is subject to challenge provisions per Section 22.70.040.</u> All emergency development pursuant to this section is considered temporary and must be removed and the affected area restored if it is not recognized by a regular Coastal Permit within 6 (six) months of the date of permit issuance, unless the Director authorizes an extension of time for good cause. Within 30 days of issuance of the Emergency Coastal Permit, the applicant shall apply for a regular Coastal Permit. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 22.70.175 (Enforcement).</p>	
<p>22.70.150 p. 159</p>	<p>Coastal Zone Variances 22.70.150 ... B. Decision and Findings on Coastal Zone Variance. Following notice for an administrative Coastal Zone Variance, or a public hearing for a Public Hearing Coastal Zone Variance, the Review Authority shall issue a notice of decision in writing with the findings upon which the decision is based, in compliance with state law (Government Code Section 65906). The Review Authority may approve an application, with or without conditions, only if all of the following findings are made:</p> <ol style="list-style-type: none"> 1. There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. 2. Granting the Variance <u>may only provide relief from standards relating to height, floor area ratio, and yard setbacks, and</u> does not grant relief from the use limitations, or minimum lot size, and density requirements, <u>or any other LCP requirements,</u> governing the subject <u>development.</u> 	<p>Clarifies what Coastal Zone Variances may and may not be granted for.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
<p>22.70.160 p. 160</p>	<p>Nonconforming Uses and Structures 22.70.160</p> <p>A. Application. This section shall apply to: (1) any existing and lawfully established and authorized use of land; or (2) any existing and lawfully established and authorized structures, that do not conform to the policies and development standards of the certified LCP. <u>Development that occurred after the effective date of the Coastal Act or its predecessor, the Coastal Zone Conservation Act, if applicable, that was not authorized in a coastal permit or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development, is not subject to the provisions of Section 22.70.160, but is subject to the provisions of Section 22.70.030 (Coastal Permit Filing, Initial Processing).</u></p> <p>B. Burden to Establish Legal Status on Owner. Nonconforming uses and structures may be continued only in conformity with the provisions of this Section. The owner of property on which a nonconforming use or structure is claimed shall have the burden of proof in establishing to the satisfaction of the Director the legal nonconforming status claimed. The Director may charge a fee, as established in the County Fee Schedule, for the review of evidence submitted to meet the owner's burden of proof.</p> <p>C. Nonconforming Uses. A nonconforming use means a use of a structure or land that was legally established and maintained prior to the adoption, revision, or amendment of the <u>Coastal Act and its predecessor statute (see Section A above) and</u> certified LCP, but does not conform to the certified LCP use and/or density standards. A nonconforming use is not a nonconforming structure. Nonconforming uses shall not be expanded nor intensified. For nonresidential uses, intensification shall include, but not be limited to, any change or expansion which is determined by the Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation. If any nonconforming use is abandoned for a continuous period of 12 months or longer, the use shall relinquish its legal nonconforming status and any subsequent use of such land shall be in conformity with the regulations</p>	<p>Modifies and clarifies provisions related to nonconforming uses and structures.</p>

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>specified by the LCP.</p> <p>D. Nonconforming Structures. A nonconforming structure means a structure that was lawfully erected prior to the adoption, revision, or amendment of the <u>Coastal act and its predecessor statute (see Section A above) and the certified LCP</u>, but that does not conform with standards <u>of the LCP, including</u> for lot coverage, setbacks, height, distance between structures, or floor area ratio prescribed in the certified LCP. Nonconforming structures may be repaired and maintained <u>as defined in Article VIII, Chapter 22.130</u>. However, repair and maintenance involving demolition and/or replacement of 50 percent or more of the nonconforming structure, <u>or that constitutes “Redevelopment” as defined in Chapter 22.130,</u> is not permitted repair and maintenance but instead constitutes a replacement unless the entire structure is that must be brought into conformance with the policies and standards of the LCP. <u>The 50 percent calculation shall be cumulative, so that any repair and maintenance of a structure after the effective date of this ordinance shall be counted towards the total calculation figure.</u> For blufftop and shoreline structures, see Subsection F, below.</p> <p>E. Additions and Improvements. Improvements which enlarge and/or expand a <u>legal</u>-nonconforming structure, including additions, may be authorized, provided that the additions and/or improvements themselves comply with the current policies and standards of the LCP. However, improvements involving demolition and/or replacement of 50 percent or more of the existing structure, are not permitted unless the entire structure is brought into conformance with all applicable LCP policies. <u>The 50 percent calculation shall be cumulative over time from the date of certification of this ordinance.</u> For blufftop and shoreline structures, see Subsection F, below.</p> <p>F. Blufftop and Shoreline Development. For <u>legal</u> nonconforming structures located on a blufftop or along the shoreline, including such structures that are nonconforming with respect to required blufftop and shoreline setbacks, such structures may be repaired, <u>and</u> maintained <u>as defined in Article VIII, Chapter 22.130,</u> and improved consistent with Subsections D and E, above. <u>However,</u></p>	

MARIN COUNTY LOCAL COASTAL PROGRAM
IMPLEMENTATION PROGRAM AMENDMENTS
SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p><u>replacement of 50 percent or more of the nonconforming structure is not repair and maintenance but instead constitutes a replacement structure that must be brought into conformance with the policies and standards of the LCP.</u></p> <p>G. Natural Disasters. If a nonconforming use or structure is destroyed by natural disaster, replacement shall be subject to provisions of 22.68.050(C) in accordance with LUP Policy C-EH-24 (Permit Exemption for Replacement of Structures Destroyed by Disaster).</p>	
22.70.175 p. 161	<p>Violations of Coastal Zone Regulations and Enforcement of LCP Provisions and Penalties 22.70.175</p> <p>...</p> <p><u>D. No coastal development permit application (including all coastal permits, coastal permit exclusions and exemptions, and de minimis waivers) shall be approved unless all unpermitted development on the property that is functionally related to the</u> proposed development is proposed to be removed or retained consistent with the requirements of the certified LCP.</p>	Requires functionally-related unpermitted development to receive Coastal Permit approval.
22.70.190 p. 164	<p>Land Divisions 22.70.190</p> <p>This section shall provide standards for the issuance of coastal permits for development as a result of property modifications such as land divisions. Land division is a type of development, defined to include subdivisions (through parcel map, tract map, grant deed), resubdivisions, lot line adjustments, redivisions, mergers, and conditional certificates of compliance.</p> <p>A. Certificates of Compliance: A conditional certificate of compliance issued pursuant to Government Code section 66499.35 shall <u>include a condition that</u> requires <u>any necessary</u> Coastal Permit.</p> <p>B. Criteria for <u>Land Divisions</u> of Land</p> <p><u>12) Land divisions</u> Divisions of land shall be designed to minimize impacts on</p>	Modifies requirements for Land Divisions, including a provision to prohibit land divisions outside village areas under certain conditions.

MARIN COUNTY LOCAL COASTAL PROGRAM
 IMPLEMENTATION PROGRAM AMENDMENTS
 SUMMARY OF COASTAL COMMISSION SUGGESTED MODIFICATIONS

Chapter & Page	Suggested Modification	Comments
	<p>coastal resources. Except for environmental subdivisions pursuant to Section 66418.2 of the Subdivision Map Act, a land division of land shall not be approved if it creates a parcel that would not contain an identified building site that can be developed consistent with all policies of the certified LCP.</p> <p>2) Land divisions Divisions of land outside existing developed areas shall be permitted only in areas with adequate public services, and where they will not have a significant adverse effect, either individually or cumulatively, on coastal resources. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding legal parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited, and lot line adjustments that do not increase potential development intensity are allowed.</p> <p>35) Land divisions shall be designed to cluster development in order to minimize site disturbance, landform alteration, and fuel modification.</p> <p>4) Land divisions are development that is not designated as the principally permitted use in any zoning district.</p>	