

MARIN COUNTY LOCAL COASTAL PROGRAM
 LAND USE PLAN 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
Table of contents	Format change - see document	Deletes Map Set 29a- 29I (Zoning Maps) from the Land use Plan since they are part of the Implementation Program
Introduction p. 1, 5	... Appendix 7: Categorical Exclusion Orders and Maps <u>a. Zoning in effect in Marin County on August 4th, 1981 (Date of approval of E-81-2)</u> ...	Modifies Appendix 7 to include the zoning in effect when the Categorical Exclusion Orders and Maps were approved
Introduction p. 2, 5	... <u>Appendix 9. Hillside Subdivision Design Ordinance (Marin County Development Code Section 22.82.050)</u> ...	Adds Hillside Subdivision Design Ordinance to the Appendices
Introduction p. 4	... Marin County’s LCP Implementation Program (IP) consists of the coastal zone–specific portion of the Marin County Development Code (i.e. <u>Chapters 22.60 through 22.70 inclusive, along with portions of Chapters 22.32 (Standards for Specific Land Uses) and 22.130 (Definitions) that apply in the coastal zone</u>) and the zoning maps for the Coastal Zone (Map Set 29a–29I). ...	Clarifies the Implementation Program consists of Chapters 22.60 through 22.70 inclusive, along with portions of Chapters 22.32 and 22.130. Note: Staff will recommend a minor Amendment in the future to revise these numbers, allowing the LCP to be a stand – alone document for the coastal zone.
Interpretation p. 8	C-INT-4 Terminology. The following rules of interpretation shall apply. , consistent with Marin County Development Code Sec.20.02.020 ...	Development Code Section 20.02.020 provides that the Director is assigned the responsibility and authority to interpret the requirements of this Development Code, and is more specific about such things as calculating lot areas, density and FARs

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Agriculture Background p. 12	<p>...</p> <p>A key measure to continue the preservation of agriculture is the Agricultural Production Zone (C-APZ), which limits the use of land to agriculture, or uses that are accessory to, in support of, <u>and</u> compatible with, <u>or necessary for</u> agricultural production.</p>	<p>This useful clarification is discussed in the Board Letter Attachment 1</p>
C-AG-2 p. 13-14	<p>C-AG-2 Coastal Agricultural Production Zone (C-APZ).</p> <p>...</p> <p>A. In the C-APZ zone, the principal permitted use shall be agriculture, limited to the following:..</p> <p>4. Agricultural Dwelling Units, consisting of:</p> <p>a. One farmhouse or a combination of one farmhouse and one intergenerational home per farm tract, <u>defined in this LCP as all contiguous legal lots under a common ownership within a C-APZ zoning district</u>, consistent with C-AG-5, including combined total size limits;</p> <p>b... per legal pareel <u>lot</u>...</p> <p>5.b. <u>Not for profit</u> educational tours.</p> <p>B. Conditional uses in the C-APZ zone include a second intergenerational home per <u>farm tract legal lot</u>, for-profit tours operated by a third party, agricultural homestay facilities, agricultural worker housing above 12 units per legal lot<u>36 beds in group living quarters per legal lot or 12 units or spaces per legal lot for agricultural works and their households</u>, and additional agricultural uses and</p>	<ul style="list-style-type: none"> • The definition of “farm tract” was previously accepted by the Board. • “Parcel” is often confused with Assessor’s parcels used for tax purposes. “Legal Lot” and “Legal Lot of Record” are specifically defined terms discussed in the Board Letter Attachment 1. • Educational tours are discussed in Attachment 1. • Differentiation between Principally Permitted and Conditional agricultural worker housing is further clarified. • Contiguous properties under the same ownership “shall” rather than “may” be included when reviewing a Coastal Permit application

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	<p>non-agricultural uses consistent with Policies C-AG-5, 6, 7, 8 and 9. ... The County (and the Coastal Commission on appeal) may shall include all contiguous properties under the same ownership when reviewing a Coastal Permit application <u>that includes agricultural dwelling units.</u> ...</p>	
<p>C-AG-5 p. 16-17</p>	<p>C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing). Support the preservation of family farms by facilitating multi-generational operation and succession. A. Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, as well as any applicable requirement in C-AG-6, 7, 8, and 9. Agricultural dwelling units must be owned by a farmer or operator actively and directly engaged in agricultural use of the property. 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, <u>defined in this LCP as all contiguous legal lots under common ownership within a C-APZ zoning district,</u> whether in a single farmhouse or in a combination of a farmhouse and intergenerational homes(s)...<u>The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP</u></p>	<ul style="list-style-type: none"> • Definition of farm tract was previously approved by your Board (see also C-AG-2). • Contiguous properties under the same ownership “shall” rather than “may” be included when reviewing a Coastal Permit application (see also C-AG-2) • “Parcel” is often confused with Assessor’s parcels used for tax purposes. “Legal Lot” and “Legal Lot of Record” are specifically defined terms discussed in the Board letter Attachment 1 (see also C-AG-2).

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	<p>...</p> <p>B. Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters per legal parcel lot or 12 units or spaces per legal parcel lot for agricultural workers and their households shall not be included in the calculation of density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA. Additional agricultural worker housing above <u>such</u> 36 beds or 12 units shall be subject to the density requirements applicable to the zoning district. An application for agricultural worker housing above <u>such</u> 36 beds or 12 units shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area</p>	
<p>C-BIO-4 p. 27</p>	<p>C-BIO-4 Protect Major Vegetation. Require a Coastal Permit for the removal or harvesting of major vegetation other than for agricultural purposes. Such major vegetation removal shall avoid adverse impacts to an ESHA, its ESHA buffers, coastal waters, and public views, and shall not conflict with prior conditions of approval, and shall be consistent with Policy C-DES-11 (Minimization of Fuel Modification).</p>	<p>The removal of major vegetation shall not occur in an ESHA or ESHA buffer, whereas previous language allowed removal such that said removal avoided adverse impacts to an ESHA or its buffer. The former is far stricter than the latter.</p> <p>See also Board Letter Attachment 1.</p>
<p>C-DES-4 p. 68</p>	<p>C-DES-4 Limited Height of New Structures. Limit all new construction to a maximum height of twenty-five (25) feet with the following exceptions:</p> <ol style="list-style-type: none"> 1. In the Highlands neighborhood of Stinson Beach, the maximum height shall be no more 	<p>The deletion removes height requirements in FEMA special flood hazard (V) zones. This will be included in the Environmental Hazards chapter.</p>

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	<p>than seventeen (17) feet (see LCP Map 17 – Stinson Beach Highlands Subdivision).</p> <p>2. In FEMA special flood hazard (V) zones within the Seadrift Subdivision, the maximum building height of 15 feet shall be measured from the minimum floor elevation required by the flood hazard zone designation (see also <i>Environmental Hazards Policy C-EH-11: Minimum Floor Elevations in the Flood Velocity Zone at Seadrift</i>).</p> <p>23. On the shoreline of Tomales Bay, the maximum height shall be fifteen (15) feet. (See also <i>Community Development Policy C-CD-56: Standards for Development on the Shoreline of Tomales Bay</i>).</p>	
<p>Community Design</p> <p>C-DES-11 p. 69 - 70</p>	<p>C-DES-11 MinimizationAvoidance of Fuel Modification. Site and design new development to avoid required initial and future fuel modification and brush clearance in general, and to avoid such activities within ESHAs and ESHA buffers, in order to avoid habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas. <i>(See also Policies C-BIO-3, C-BIO-1819 and C-BIO-2324 (ESHA, Wetland, Stream Buffers), C-BIO-4 (Protect Major Vegetation) and C-EH-9 (Standards for Development Subject to Fire Hazards). -Vegetation Management in Environmentally Sensitive Habitat Areas.)</i></p>	<p>See Board Letter Attachment 1.</p>

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Community Development C-CD-4 p. 73	<p>C-CD-45 Non-Conforming Structures and Uses. Allow existing, lawfully established non-conforming structures or uses to be maintained or continued, provided that such structures or uses are not enlarged, intensified, or moved to another site, <u>or redeveloped in areas potentially subject to hazards.</u> Structures or uses that are enlarged, intensified, or moved to another site, <u>or redeveloped in areas potentially subject to hazards,</u> must be brought into conformance with the LCP. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, the use shall be deemed to have been abandoned and shall lose its legal nonconforming status. <u>However, 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>	Note the language refers to “redeveloped”, which pertains to the topic of redevelopment addressed in the Environmental Hazards chapter. The modifications are otherwise acceptable.
Community Development C-CD-14 p. 76	<p>C-CD-145 Residential Character in Villages. <u>Consistent with the limitations outlined in C-PK-3,</u> discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the home should be preserved.</p>	The modification adds a reference to policy C-PK-3. A corresponding issue is with the modifications to the Implementing regulations regarding C-PK-3 and Section 22.64.170(A)(3). See Board Letter Attachment 1.
Community Development	<p>C-CD-214 Commercial/Mixed-Use Land Use Categories and Intensities. Establish</p>	The modification removed a provision allowing exemptions for minor additions or remodels if consistent with the Marin

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C-CD-21	<p>commercial/mixed-use land use categories to provide for a mix of retail, office, and industrial uses, as well as mixed-use residential development, in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of design. Mixed-use developments are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. The following criteria shall apply to any mixed-use development:</p> <p>...</p> <p>Renovations not resulting in additional square footage will be exempt from the above requirements if consistent with the requirements of the Marin County Jobs Housing Linkage Ordinance, Chapter 22.22 of the Development Code</p>	County Jobs Housing Linkage Ordinance, Chapter 22.22 of the Development Code.
Community Specific Policies C-SB-2 p. 84	<p>C-SB-2 Limited Access in Seadrift. Allow only limited public access across the open space area generally located north of Dipsea Road and adjacent to Bolinas Lagoon in the Seadrift subdivision to protect wildlife habitat subject to the Deed of an Open Space and Limited Pedestrian Easement and Declaration of Restrictions as recorded March 26, 1986 as Instrument No. 86-15531. This area includes parcels 195-070-35 and 36; 195-080-29; 195-090-44; 195-320-62 and 78; and 195-340-71, 72, and 73.</p>	Policy C-SB-2 was modified by the Commission to delete the phrase “only limited” with respect to public access in Seadrift. The policy is intended to enforce the “Deed of Open Space and Limited Pedestrian Easement” recorded March 26, 1986. While the resulting language appears to contradict the policy’s aim to “allow only limited public access...to protect wildlife habitat,” the policy clearly states such access is subject to the Deed. The “only limited” phrase remains in the Implementing Code Section 22.64.040(B).

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Energy C-EN-6 p. 97	<p>C-EN-6 Energy and Industrial Development. The Coastal Zone contains unique natural resources and recreational opportunities of nationwide significance. Because of these priceless resources and the very significant adverse impacts which would result if major energy or industrial development were to occur, such development, both on and offshore, is not appropriate and shall not be <u>prohibited consistent with the limitations of Public Resources Code Sections 30260, 30262, and 30515.</u> The development of alternative energy sources such as solar or wind energy shall be exempted from this policy.</p>	<p>The modification retains existing language from the certified LCP, 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>
Public Facilities and Services C-PFS-4 p. 105	<p>C-PFS-4 High-Priority Visitor-Serving and other Coastal Act Priority Land Uses. In acting on any coastal permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate capacity is available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e. coastal-dependent uses, agriculture, essential public services, and public recreation). <u>In areas with limited service capacity (including limited water, sewer and/or traffic capacity), new development for a non-priority use, including land divisions, not specified above shall only be allowed if adequate capacity remains for visitor-serving and other Coastal Act priority land</u></p>	<p>See Board Letter Attachment 1.</p>

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	<p><u>uses, including agricultural uses.</u></p> <p><u>C-PFS-4.a Reservation of Capacity for Priority Land Uses.</u> <u>Coordinate with water service and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses.</u></p>	
<p>Parks, Recreation & Visitor-Serving Uses</p> <p>C-PK-3 P. 125</p>	<p>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. Principal permitted use of the C-VCR zone shall be include commercial uses. In the village commercial core area, <u>R</u>esidential 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>provided subject to a use permit where a finding can be made</u> that the development maintains and/or enhances the established character of village commercial <u>core</u> areas. Existing legally established residential uses in the C-VCR zone on the ground floor and road-facing side of the property can be maintained.</p>	<p>See Board Letter Attachment 1.</p>

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Public Coastal Access C-PA-2 p. 134-135	<p>C-PA-2 <u>Provide New Public Coastal Access in New Development.</u> Examine proposed new development between the shoreline and the first public road, whether or not it is mapped as the first public road for purposes of coastal permit appeals, for impacts on public access to the coast. Where the provision of public access is related in nature and extent to the impacts of the proposed development, require dedication of a lateral and/or vertical accessway, including <u>to provide</u> segment(s) of the California Coastal Trail as provided by Policy C-PK-14, as a condition of development, in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter, unless Policy C-PA-3 provides an exemption. Impacts on public access include, but are not limited to, intensification of land use resulting in overuse of existing public accessways, creation of</p>	<p>The modification is consistent with Coastal Act Section 30212, which states “public access from the nearest public roadway to the shoreline and along the coast shall be provided for new development projects...”</p>

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	physical obstructions or perceived deterrence to public access, and creation of conflicts between private land uses and public access.	