November 19, 2019

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

SUBJECT: County of Marin Rezoning, Marin Countywide Plan Land Use Designation Amendments, and Local Coastal Program Amendments

Dear Supervisors,

RECOMMENDATION:
On behalf of the Planning Commission, staff recommends that your Board adopt the proposed ordinances rezoning a limited number of parcels throughout unincorporated Marin County. Additionally, it is recommended that your Board adopt the proposed resolutions amending the Marin Countywide Plan land use designation and Local Coastal Program designations for consistency purposes.

SUMMARY:
On October 10, 2019, the Planning Commission recommended the Board of Supervisors approve the proposed rezoning and corresponding Marin Countywide Plan (CWP) and Local Coastal Program (LCP) land use designation amendments.

Most of the rezonings referred to in this report have been required by past Planning entitlements and are now being brought forward for consideration. The 34 identified Assessor’s Parcels to be rezoned have been grouped together in nine ordinances and six resolutions. Each group is associated with a past Planning entitlement, previously recorded documents, or specific request by property owners. In addition to the rezonings, as appropriate, some Marin CWP land use designations will require amendments.

According to State planning law, there must be consistency between the Marin CWP land use designations and the specific zonings for each property. To ensure vertical consistency between the County’s general plan and zoning, some Marin CWP land use designations are proposed to be amended.

In the Coastal Zone, horizontal consistency is also required between the County’s zoning and the LCP. For the five Assessor’s Parcels within the Coastal Zone, the LCP land use and zoning designations need to be changed to reflect the proposed rezoning. These changes affect coastal land use designations established in the currently effective LCP as well as LCP amendments that were approved in 2018 (the 2018 LCP amendments were approved by the Board of Supervisors and Coastal...
Commission, but have not become effective due to ongoing work on two remaining LCP amendments for environmental hazard policies).

The proposed rezonings are part of a larger initiative which began in 2015. The initiative had three phases identifying several priority rezonings including rezonings related to previous code amendments, conditions of Master Plans, and parcels held by public agencies. The first phase of rezoning was for the Gnoss Field area, where prior zoning districts had been eliminated by previous Marin County Development Code amendments. The rezoning of Gnoss Field was approved by the Marin County Board of Supervisors on January 9, 2018 by Ordinance No. 3682.

The set of amendments currently proposed are generally associated with past Planning entitlements and make up the second phase. Phase three of the rezoning initiative will entail identifying Assessor's Parcels that are either owned by public agencies or reserved for public uses and rezoning them as open space or for public facilities to be consistent with their purpose.

DISCUSSION:
Below is a summary of the Planning entitlements and basis for the proposed rezoning.

**California State Parks**
The California State Parks contact the Planning Division in January 2019 regarding Assessor's Parcels 046-261-01, 046-262-01, 046-263-01, 046-264-01, 046-274-14, and 046-272-01 being classified under a residential zoning district. These vacant Assessor's Parcels are within Mount Tamalpais State Park and are owned by the California State Parks. The OA (Open Area) zoning district is intended for areas of the County committed to open space uses, as well as environmental preservation. Therefore, the OA (Open Area) zoning district would be the most appropriate zoning district for the subject Assessor's Parcels. Additionally, to ensure compliance with Marin CWP land use designation for Assessor's Parcels 046-271-14 and 046-272-01 should be amended to OS (Open Space).

**Tamalpais Community Services District**
The Tamalpais Community Services District purchased Assessor's Parcel 052-032-12 from the Tamalpais Valley Improvement Club in 2017. Assessor's Parcel 052-032-12 is currently the parking lot for the Tamalpais Community Center located at 203 Marin Avenue. Recorded document 17-0037749 included a term that required Assessor's Parcel 052-032-12 to be rezoned to OA (Open Area). Additionally, to ensure compliance with Marin CWP land use designation Assessor's Parcel 052-032-12 should be also amended to OS (Open Space).

**Floyd Master Plan Waiver, Coastal Permit, Precise Development Plan, and Land Division**
In 2006, Assessor's Parcel 100-300-03 was subdivided into four lots by the Floyd Master Plan Waiver, Coastal Permit, Precise Development Plan, and Land Division, creating Assessor's Parcels 100-300-09, -10, -11 and -12. The current zoning district and LCP zoning for the subject Assessor's Parcels is C-RMP-1.23 (Coastal,
Residential, Multiple Planned, 1.23 units/6.52 acres). The current Marin CWP land use designation and LCP designation is C-MF2 (Coastal Multi Family, 1-4 units/acre). Condition of approval 11 required that the property be rezoned to reflect the ultimate residential density of four units on the 6.65-acre property. Therefore, the proposed zoning district would be C-RMP-0.60 (Coastal, Residential, Multiple Planned, 4 units/6.65 acres). To ensure consistency with the proposed zoning district, the Marin CWP land use designation and LCP designation would need to be amended to C-PR (Coastal Planned Residential, 1 unit/1-10 acres).

Marin Audubon Society
The current zoning for Assessor's Parcel 125-130-08 is A60 (Agricultural and Conservation, 60-acre minimum lot area). The Marin Audubon Society restored approximately 100 acres of diked baylands to tidal marsh on the property. Rezoning Assessor's Parcel 125-130-08 to OA (Open Area) would be an appropriate zoning district and would make it consistent with the Marin CWP land use designation of OS (Open Space). The Marin Audubon Society has consented to this rezoning.

LV Ranch Capital Partners LLC Design Review
The current zoning for Assessor's Parcel 164-310-06 is A2 (Limited Agriculture, 2-acre minimum lot area). The LV Ranch Capital Partners LLC Design Review 03-68 allowed for the redevelopment of the property with a new residence and various site improvements. As part of the LV Ranch Capital Partners LLC Design Review, the owner proposed to extinguish four of the six potential residential parcels on the 12.5-acre property allowed under the A2 zoning district. This proposal was approved by the Planning Division on October 23, 2003 through Design Review condition of approval 18. Design Review condition of approval 18 stated that the property shall be rezoned to ARP-6 (Agricultural Residential Planned, 1 unit/6 acres).

Skye Ranch Certificate of Compliance
The Skye Ranch Certificate of Compliance encompassed Assessor's Parcels 169-302-08, -09, 169-303-01, 169-331-16, -17, 170-182-11, 172-360-59, 172-360-63, 172-360-67, and -68. The Skye Ranch Certificate of Compliance acknowledged the legal status of the remainder parcels of the Skye Ranch Master Plan that were created as a result of the Marin County Open Space District acquisition. Consistent with the terms of the Open Space District acquisition, the Certificate of Compliance then determined the maximum development potential under the terms of the open space purchase agreement for the subject Assessor's Parcels.

Triple C Ranch (Fisher) Master Plan Amendment
The Triple C Ranch (Fisher) Master Plan Amendment allowed for the expansion of the existing Triple C Ranch development area by 3.7 acres to allow for future construction of three homes, a barn and other site improvements. The master plan was for Assessor's Parcels are 176-251-57, 176-350-02, -03, -04, -05, -06, -07 and -08. Ordinance 3352 approved by the Marin County Board of Supervisors on September 10, 2002 included condition of approval 4, which endorsed new zoning districts for the master plan area. The zoning changes required by condition of approval 4, are for areas within the development area or building envelopes to be rezoned to RSP-0.56 (Residential, Single-Family Planned, 0.56 units/acre) and areas
outside the development area or building envelopes or within open space easements to be rezoned to OA (Open Area). To ensure consistency with the OA (Open Area) zoning district, the Marin CWP land use designation would be amended to OS (Open Space).

**Draper Design Review**
The Draper Design Review 98-100 was for the construction of a new single-family residence, a barn and other associated site improvements. As part of Draper Design Review 98-100 the applicant requested a Master Plan Waiver and downzoning of the subject Assessor's Parcels to RMP-1.0 (Residential, Multiple-Family Planned, 1 unit/acre). This proposal was approved by the Planning Division on August 6, 1998 through Design Review conditional of approval 5. Design Review condition of approval 5 approved the proposal to rezone Assessor's Parcels 177-190-04 and 177-220-10 to RMP-1.0 (Residential, Multiple-Family Planned, 1 unit/acre) from RMP-1.33 (Residential, Multiple-Family Planned, 1 unit/0.75 acres).

**Osterweis Ranch Master Plan Waiver, Coastal Permit and Design Review**
The current zoning and LCP zoning for the Assessor's Parcel 188-120-36 is C-ARP-5 (Coastal, Agricultural Residential Planned; 5-acre minimum lot size) and C-APZ-60 (Coastal, Agricultural Production Zone; 60-acre minimum lot size). The current Marin CWP land use designation and LCP designation is C-AG1 (Coastal Agricultural, 1 unit/31-60 acres) and C-AG3 (Coastal Agricultural, 1 unit/1-9 acres). The Osterweis Ranch Master Plan Waiver, Coastal Permit and Design Review approved by the Marin County Deputy Zoning Administrator on November 29, 2007 was a resolution approving development of agricultural and residential improvements on the 71.93-acre property. Condition of approval 22 required the portion of the property zoned C-ARP-5 (Coastal, Agricultural Residential Planned; 5-acre minimum lot size) to be rezoned C-APZ-60 (Coastal, Agricultural Production Zone; 60-acre minimum lot size). To ensure consistency, the Marin CWP land use designation and LCP designation should be amended to C-AG1 (Coastal Agricultural, 1 unit/31-60 acres). Additionally, the LCP zoning should be amended to C-APZ-60 (Coastal, Agricultural Production Zone; 60-acre minimum lot size).

**FISCAL/STAFFING IMPACT:**
These code amendments are not expected to have fiscal or staffing impacts.

**REVIEWED BY:**
[ ] Department of Finance [ ] N/A
[ X ] County Counsel [ ] N/A
[ ] Human Resources [ ] N/A

**SIGNATURE:**

Megan Alton
Planner

Brian C. Crawford
Director
Attachments:
1. California State Parks
   a. Recommended Ordinance
   b. Recommended Resolution
   c. Information sheets
   d. Rezoning maps
   e. Request from California State Parks for rezoning
   f. Planning Commission Final Resolution
2. Tamalpais Community Services District
   a. Recommended Ordinance
   b. Recommended Resolution
   c. Information sheet
   d. Rezoning maps
   e. Recorded Document 17-0037749
   f. Planning Commission Final Resolution
3. Floyd Master Plan Waiver, Coastal Permit, Precise Development Plan, and Land Division
   a. Recommended Ordinance
   b. Recommended Resolution
   c. Information sheets
   d. Rezoning maps
   e. Resolution 06-131
   f. Planning Commission Final Resolution
4. Marin Audubon Society
   a. Recommended Ordinance
   b. Information sheet
   c. Rezoning maps
   d. Consent for rezoning
   e. Planning Commission Final Resolution
5. LV Ranch Capital Partners Design Review
   a. Recommended Ordinance
   b. Information sheet
   c. Rezoning maps
   d. Design Review 03-68
   e. Planning Commission Final Resolution
6. Skye Ranch Certificate of Compliance
   a. Recommended Ordinance
   b. Recommended Resolution
   c. Information sheets
   d. Rezoning maps
   e. Skye Ranch Master Plan Certificate of Compliance
   f. Planning Commission Final Resolution
7. Triple C Ranch (Fisher) Master Plan Amendment
   a. Recommended Ordinance
   b. Recommended Resolution
   c. Information sheets
   d. Rezoning maps
   e. Ordinance 3352
   f. Planning Commission Final Resolution
8. Draper Design Review
   a. Recommended Ordinance
   b. Information sheets
c. Rezoning maps
d. Review 98-100
e. Planning Commission Final Resolution

9. Osterweiss Ranch Master Plan Waiver, Coastal Permit and Design Review
   a. Recommended Ordinance
   b. Recommended Resolution
   c. Information sheet
   d. Rezoning maps
   e. Osterweiss Ranch Master Plan Waiver, Coastal Permit and Design Review
   f. Planning Commission Final Resolution

10. Planning Commission Staff Report, attachments, and minutes from October 11, 2019