CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

Important Hearing Procedure Note:
This is a substantial issue only hearing. Public testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Commission's Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

W19a

Appeal Filed:	10/27/2014
49th Day:	Waived
Staff:	S. Fiala - SF
Staff Report:	12/19/2014
Hearing Date:	1/7/2015

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number:	**A-2-MAR-14-0059**
Applicant:	**The Barn Project LLC**
Appellant:	Bridger Mitchell
Local Government:	Marin County
Local Decision:	Coastal development permit number 2014-0090 approved with conditions by the Marin County Deputy Zoning Administrator on October 16, 2014.
Location:	80 Fourth Street (APN 119-224-11) in Point Reyes Station, Marin County.
Project Description:	Construction of a new, 23-foot tall, 800-square foot detached accessory structure and a septic system upgrade.
Staff Recommendation:	No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

Marin County approved a coastal development permit (CDP) to construct a new, 23-foot tall, 800-square foot detached accessory structure and septic system upgrade at 80 Fourth Street in

Point Reyes Station, Marin County. The subject property is currently developed with a two-story, 10,700 square foot commercial building and an existing septic system. The subject parcel is used and designated for commercial uses, and is surrounded by other commercial uses.

The Appellant contends that the County relied on non-Local Coastal Program (LCP) requirements from part of its non-LCP Development Code in making its decision, and that had it relied on the LCP, then the project would be limited to a height of 15 feet. Although the County did cite some non-LCP sections, the County's existing LCP includes procedures for granting use permits to allow height exceptions for accessory structures, and allows structures at this location to reach a height of up to 25 feet. Therefore, the County-approved project is consistent with the certified Marin County LCP with respect to use permits and height limitations.

In addition, although the Appellant did not specifically cite any coastal resource issues, staff has reviewed the County-approved project and it does not result in adverse coastal resource problems. In terms of visual resources, the approved project does not block public views from designated scenic roads or from any other visual resource areas, nor does it significantly impact views of Tomales Bay, consistent with the visual resource policies of the LCP. In terms of historic resources and community character, the project constitutes infill development, is comparable to and blends in with the existing and surrounding built environment, and is consistent with the LCP's applicable design standards.

In short, the County-approved project allows for a commercial accessory structure to be constructed in a village commercial area where it does not raise any significant coastal resource concerns. As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION 4
II. FINDINGS AND DECLARATIONS 4
A. PROJECT DESCRIPTION AND LOCATION 4
B. MARIN COUNTY COASTAL PERMIT APPROVAL 4
C. APPEAL PROCEDURES 5
D. SUMMARY OF APPEAL CONTENTIONS 6
E. SUBSTANTIAL ISSUE DETERMINATION 6
F. CONCLUSION 9

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location Map
Exhibit 2 – Project Area Photos
Exhibit 3 – County-Approved Project Plans
Exhibit 4 – County's Coastal Permit Decision Final Local Action Notice
Exhibit 5 – Appeal of Marin County's Coastal Permit Decision
Exhibit 6 – Appellant Correspondence
Exhibit 7 – Applicable LCP Policies and Standards
Exhibit 8 – Marin County Zoning Ordinance 264 (1938)

I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of no substantial issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

> ***Motion:*** *I move that the Commission determine that Appeal Number A-2-MAR-14-0059 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a* ***yes*** *vote.*
>
> ***Resolution.*** *The Commission finds that Appeal Number A-2-MAR-14-0059 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The County-approved project, located at 80 Fourth Street in Point Reyes Station, Marin County, includes construction of a new, 23-foot tall, 800-square foot detached accessory structure and a septic system upgrade. Existing development on the subject property consists of a two-story, 10,700 square foot commercial facility that houses the Tomales Bay Food Company and Cowgirl Creamery on the first floor (5,500 square feet) and various professional offices on the second floor (5,200 square feet). The parcel is zoned C-VCR:B-2 (Coastal Village Commercial Residential, 10,000 square foot minimum lot size) and is located within the historic preservation boundaries for Point Reyes Station. Parcels adjacent to the subject property in the block created by Fourth, Third, A and B Streets contain commercial uses, including the Livery Stable, and the Point Reyes Emporium, which includes Viewpoints, Point Reyes Books, Bovine Bakery and Cabaline, as well as two single-family residential properties, occupied by Brickmaiden Breads and a bed and breakfast.

See **Exhibit 1** for a location map, **Exhibit 2** for photographs of the site, and **Exhibit 3** for the County-approved project plans.

B. MARIN COUNTY COASTAL PERMIT APPROVAL

On October 16, 2014, the Marin County Deputy Zoning Administrator approved coastal development permit (CDP) 2014-0090 for the proposed accessory structure and septic system upgrade. The Appellant testified at the Deputy Zoning Administrator Hearing on October 16, 2014, and had submitted e-mail messages to Marin County staff on August 21, 2014 and October

14, 2014. The County's Final Local Action Notice was received in the Coastal Commission's North Central Coast District Office on Friday, October 24, 2014. The Coastal Commission's ten-working day appeal period for this action began on Monday, October 27, 2014 and concluded at 5pm on Friday, November 7, 2014. One valid appeal was received during the appeal period.

See **Exhibit 4** for the County's Coastal Permit Decision Final Local Action Notice, and **Exhibit 5** for the full appeal of Marin County's CDP decision.

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain Coastal Development Permit (CDP) decisions in jurisdictions with certified Local Coastal Programs (LCPs). The following categories of local CDP decisions are appealable: approval for development that is located (1) 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 line of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; or (4) any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved by the Commission according to the certification procedures in the Coastal Act (Section 30500 et seq.). This project is appealable because the approved accessory structure is not the principally permitted use of the site.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" exists with respect to the ground on which the appeal was filed.[1] Under Section 30604(b), if the Commission finds a substantial issue and conducts the de novo portion of an appeal hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus this additional finding would not need to be made if the Commission were to take jurisdiction over the CDP and approve the project following a de novo hearing.

[1] The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal, if there is one.

D. Summary of Appeal Contentions

The Appellant contends that the County approval incorrectly applied a section of the Marin County Development Code that is not part of the certified LCP, in order to grant a use permit for the proposed accessory structure to exceed the height requirements of the certified LCP. In approving the CDP for the proposed project, the County granted a use permit to allow the accessory structure to reach a height of 23 feet, above the height limit established in County Development Code Section 22.70.060I, but based on height increase exception procedures found in County Development Code Section 22.70.030I. These two sections of the Marin County Development Code are incorporated by reference into the certified LCP Zoning Ordinance for C districts (including the C-VCR district that applies to this site) through LCP Section 22.56.020I.

The Appellant agrees that Section 22.70.060I is part of the LCP, but does not agree that Section 22.70.030I is part of the LCP because he contends that it was added to the County's Development Code through Zoning Ordinance 3108 in 1992 and it was not certified by the Commission. Thus, the Appellant contends that the County CDP approval is inconsistent with the height limitation requirements of the certified LCP because there are no provisions to allow for a height greater than 15 feet for an accessory structure such as this. Beyond these contentions, the Appellant does not specifically make any contentions regarding coastal resource impacts.

See **Exhibit 5** for the full appeal of Marin County's CDP decision, **Exhibit 6** for additional Appellant correspondence, and **Exhibit 7** for a listing of applicable LCP policies.

E. Substantial Issue Determination

The Commission does not agree with the Appellant's contentions. In order to evaluate the appeal contentions, it is important to understand how the LCP addresses height requirements at this site. First, LCP Section 22.56.020I identifies the standards that apply to C districts, such as the C-VCR district in this case. LCP Section 22.56.020I states:[2]

> ***22.56.020I Applications***
> *The C district shall conform to the coastal zone as established by the Coastal Act of 1976. The following general regulations shall apply in all C zoning districts as noted below and should be subject to the provisions of Chapters 22.62 through 22.74I of this title. The provisions of Section 22.88.010I (3), (5), (6), (7a) through (7e) and (8) shall not apply in C districts.*

Thus, LCP Section 22.56.020I notes that "the following general regulations shall apply in all C districts", including the subject C-VCR district. Those general regulations, largely procedural, are contained within LCP Section 22.56. LCP Section 22.56.130I(O), the general regulation

[2] Applicable policies are also shown in Exhibit 7.

contained within this section that addresses visual resources and community character, requires that new development be designed and sited so as not to impair or obstruct existing coastal views from Highway 1, but imposes no particular height limit at this site. LCP Section 22.56.130I(O) states:

> ***22.56.130I Development requirements, standards and conditions***
>
> *O. Visual Resources and Community Character*
>
> *2. To the maximum extent feasible, new development shall be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway.*

LCP Section 22.56.130I(Q), the general regulation contained within this section that addresses historic resources, requires that new development located in historic areas be consistent in scale, design, materials, and texture with the surrounding community character. LCP Section 22.56.130I(Q) states:

> ***22.56.130I Development requirements, standards and conditions***
>
> *Q. Historic Research Preservation. In the issuance of any coastal permit, the planning director or appropriate hearing body shall make findings that the proposed project is consistent with the historic resource policies of the local coastal plan and the historic study. Additionally, when considering any permit which pertains to any identified historic area or pre-1930 structure, the following criteria shall apply:*
>
> *1. New Construction. New construction located within an identified historic area shall be consistent in scale, design, materials and texture with the surrounding community character.*

Thus, LCP Section 22.56 imposes no particular height requirements and instead looks to visual and historic compatibility as the applicable review standards.

Second, LCP Section 22.56.020I then indicates that that compatibility standard should be subject to Sections 22.62 through 22.741, which includes Section 22.70 (and by extension Sections 22.70.030I and 22.70.060I).[3] LCP Sections 22.70.030I and 22.70.060I state:

> ***22.70.030I Effect of variance or use permit on height limitations***
>
> *Upon the securing of a use permit, any building may be erected to a height exceeding that hereinbefore specified for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit hereinbefore specified for such district.*
>
> *(Ord. 264 § 14(b)(3), 1938)*

[3] The Appellant's assertion that Section 22.70.030I of the Marin County Development Code was added to the Marin County Development Code through Zoning Ordinance 3108 in 1992 is incorrect. This section has been a part of the Marin County Development Code since at least 1938. Although the County renumbered its Development Code prior to LCP certification, and renumbered this section as Section 22.70.030I, these procedures have been part of the LCP since its certification. See **Exhibit 8** for Marin County Zoning Ordinance 264, which established use permit procedures for height exceptions in 1938.

> ***22.70.060I Height limitations for detached accessory buildings***
> *A detached accessory building may not be over one story in height and may not exceed fifteen (15) feet in height unless said accessory building is located at least forty feet from any property line, in which case the accessory building may be erected to a height specified in this chapter for a main building in the respective district. In the case where a garage or carport is located to within three feet (3) of the front or side lines of the lot pursuant to Section 22.72.080, the height for such garage or carport shall be measured from the finish grade of the parking area. (Ord. 2560 § 5, 1980: Ord. 1283, 1963)*

These two sections read together identify a maximum height of 15 feet for accessory structures (Section 22.70.060I) and then allow that maximum height to exceed that specified in the zoning ordinance for the respective district if a use permit is obtained (Section 22.70.030I). In the subject situation, the County processed a use permit, and allowed this accessory structure to extend to 23 feet. Although the "should" in Section 22.56.020I indicates that compliance with these sections is not a mandatory requirement, it is also indicative of provisions that are to be followed unless the particular facts and circumstances require deviation.[4]

Third, LCP Section 22.57.120I contains specific regulations for C-VCR districts. Section 22.57.124I indicates that height in C-VCR districts shall comply with the standards listed in Section 22.57.200I, which states that in C-VCR districts the height limit for buildings is 25 feet. Thus, the County-approved project is consistent with the LCP height standards that apply to this site.[5]

In terms of historic resources, the County-approved accessory structure is located within the LCP-designated historic area of Point Reyes Station. The LCP requires new development within such designated historic areas to conform in scale, design, materials and texture with the surrounding community character,[6] and to be reviewed in accordance with the LCP's "Design Guidelines for Construction in Historic Areas and for pre-1930 Structures" and the LCP's "Historic Review Checklist."[7] The County evaluated the project in these ways, and determined that the project incorporates form, color, and materials that are compatible with existing development and with the architectural character of the Point Reyes Station community. Specifically, the proposed project would have a metal roof to match the existing building on the parcel, and the building height would be consistent with the average heights of the existing

[4] For example, there may be cases where following either the 15-foot limit or the height increase procedures could lead to adverse public view impacts and/or visual incompatibility, in which case the non-mandatory nature of their applicability would likely dictate that they not be followed in order to protect coastal resources. That is not the case here. See also coastal resource findings that follow on this point.

[5] Again, see applicable policies in Exhibit 7.

[6] See Exhibit 7 for Marin LCP Policies on New Development and Land Use, regarding Historic Resources (p. 206).

[7] See Exhibit 7 for Marin LCP "Design Guidelines for Construction in Historic Areas and for Pre-1930's Structures" (p. E-7) and "Historic Review Checklist" (p. E-15).

adjacent buildings.[8] Overall, the proposed structure is consistent in scale, design, materials, and texture with the surrounding community character.

In terms of visual resources more broadly, LCP policies on visual quality require the protection of scenic and visual resources of coastal areas as seen from public roads, beaches, trails, and vista points, but likewise requires that new development be compatible in height, scale, and design with the character of the surrounding natural or built environment.[9] The County-approved project constitutes infill development that would not block or impair public views from any public street or public viewing location, and that visually blends with the surrounding built environment.

Thus, the County-approved project is consistent with the LCP height and visual compatibility standards that apply to this site. The County-approved project represents infill development in a commercial area of a similar type, size, scale and design that blends with the established character of the area. Thus, the Appellant's contentions do not raise a substantial issue with respect to the certified LCP.

F. CONCLUSION

When considering a local permit that has been appealed to it, the Commission must first determine whether the permit action raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. At this stage, the Commission has the discretion to find that the permit action does not raise a substantial issue of LCP conformance, even if the locally approved project is not entirely consistent with the applicable certified LCP. As explained above, the Commission is guided in its decision of whether the issues raised in a given case are "substantial" by considering the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County's decision for future interpretations of its LCP; and whether the appeal raises only local issues as opposed to those of regional or statewide significance.

First, the County had legal and factual support for its decision. The standards of this district allow such buildings to reach a height of 25 feet and exceed even the district maximum for height (i.e., 25 feet) if a use permit is obtained, provided that the primary compatibility standards are achieved. The project is infill development that is compatible with the surrounding area, and the County processed a use permit to allow a height of 23 feet. Thus, the County approved project is consistent with the Marin LCP's requirements for the zone, and the County had adequate legal and factual support in making that determination.

Second, the extent and scope of the proposed project are extremely limited. The project constitutes infill development, is comparable to and blends in with the existing and surrounding

[8] Adjacent buildings include the Livery Stable and the Point Reyes Emporium, which are both at least 23 feet in height.

[9] See Exhibit 7 for Marin LCP Policies on New Development and Land Use, regarding Visual Resources (p. 207).

built environment, and is consistent with the LCP's applicable standards for the site.

Third, the project is a modest accessory structure and septic system upgrade, and it will not adversely impact coastal resources. The County evaluated the proposed project for consistency with the design guidelines for historic structures and the visual resources policies of the LCP and found that the project incorporates form, color, and materials that are compatible with existing development and with the architectural character of the Point Reyes Station community, and that the project would not block or impair public views from designated scenic roads or from any other visual resource areas.

Fourth, the locally approved project does not present an adverse precedent for future interpretations of the County's LCP. Because the project is consistent with the certified LCP, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP. Furthermore, issues related to the way in which the LCP addresses this type of accessory structure project will be addressed through the forthcoming update of the County's LCP, anticipated to be certified sometime later in 2015. Specifically, the updated LCP will address the inherent confusion that results in some cases from incorporation by reference of sections of the Marin County Development Code by directly including the language of those sections in the LCP, as applicable. First, the updated LCP is intended to clarify height limits in C-Districts by differentiating between primary and accessory structures in the design standards table. Second, the updated LCP is also intended to include procedures for granting use permits for height limit exceptions.

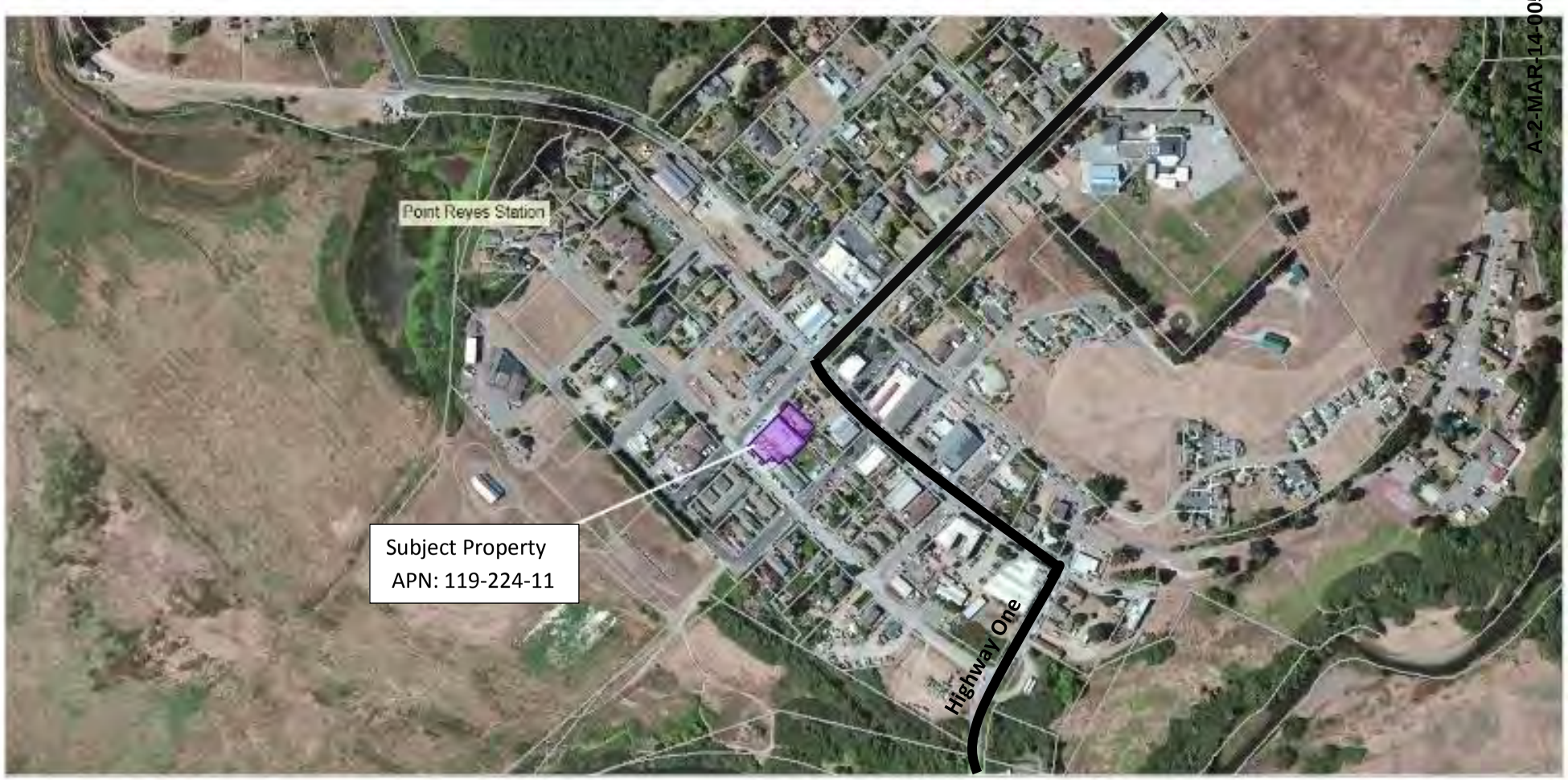
Finally, the project does not raise issues of regional or statewide significance as it does not lead to any significant coastal resource issues.

For the reasons stated above, the Commission finds that Appeal Number A-2-MAR-14-0059 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and that the proposed project is consistent with the certified LCP and the public access policies of the Coastal Act. Thus, the Commission declines to take jurisdiction over the CDP application for the project.

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

Marin County Zoning Ordinance 264 (1938)

Property Map



200 ft

© 2004-2014, Accela Inc. All Rights Reserved.

Exhibit No. 2
A-2-MAR-14-0059 (The Barn Project LLC)

THE BARN PROJECT
80 FOURTH STREET
POINT REYES STATION
CALIF. 94956

PROJECT INFORMATION

PROJECT ADDRESS	80 FOURTH ST., POINT REYES STATION, CA. 94956
ASSESSORS PARCEL NO.	119-224-11
ZONING	C-VCR
APPLICABLE CODES:	2010 CBC, CRC, CMC, CPC, CEC, CFC, CALIF ENERGY CODE
OCCUPANCY	
TYPE OF CONSTRUCTION	V
DESCRIPTION OF WORK	NEW 20'x20' OFFICE STRUCTURE, SEPTIC SYSTEM UPGRADE CLASS II
AREA CALCULATIONS: AREA OF LOT	22,202.80 SQ. FT.
AREA OF (E) BLDG	5,500.00 SQ. FT.
AREA OF NEW	400.00 SQ. FT.
TOTAL SQ. FT.	
PERMISSABLE FAR	
ACTUAL FAR	
MAX. ALLOWABLE BLDG HT. PRINCIPAL BLDG	25'-0"
ACCESSORY BLDG.	15'-0" OR GREATER WITH DESIGN REVIEW APPROVAL.
PROPOSED BLDG HEIGHT	23'-0"
BLDG. SETBACKS: FRONT YARD	73'-5"
SIDEYARDS	5'-0"
REARYARD	15'-0"

SHEET INDEX

A-1	SITE PLAN - LEGAL INFORMATION
A-2	FLOOR PLANS, BLDG. ELEVATIONS
A-3	BUILDING SECTIONS
SS-1	SEPTIC PLAN, NOTES

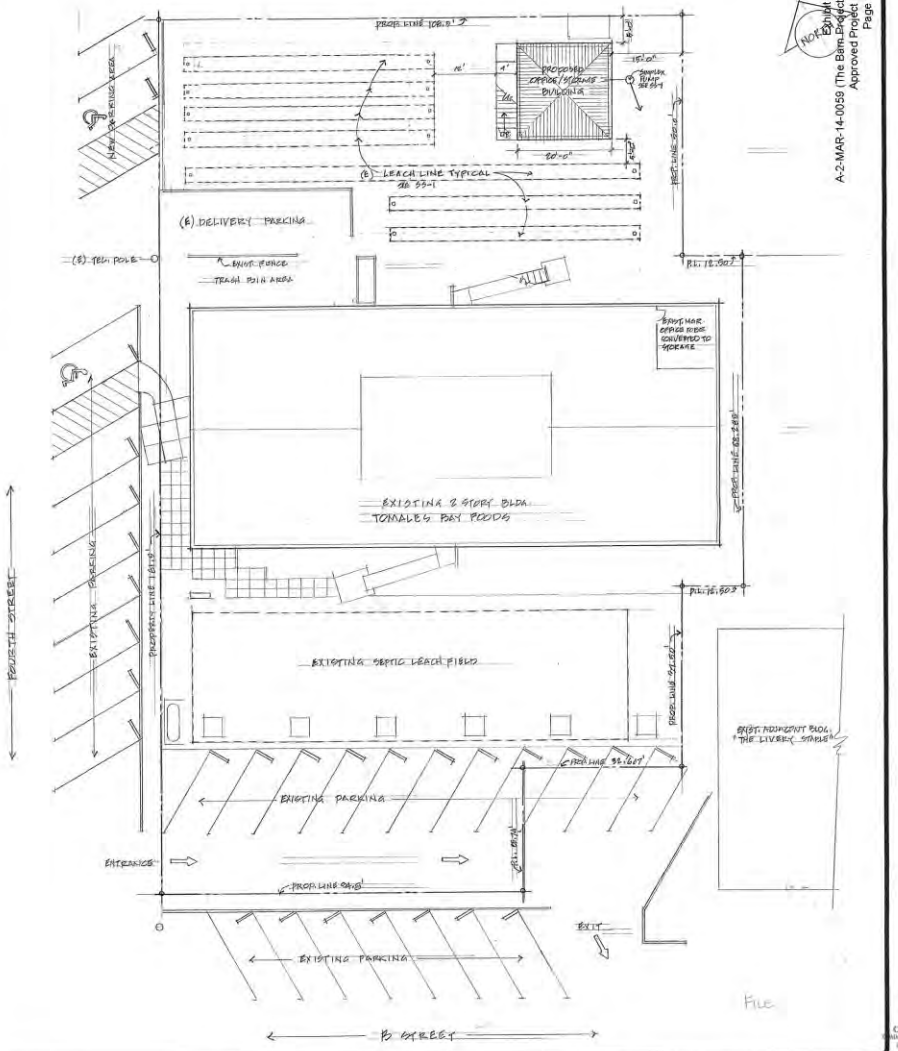


Exhibit No. 3
A-2-MAR-14-0059 (The Barn Project LLC)
Approved Project Plans
Page 1 of 4

REVISIONS	BY
6/30/14	

FERNANDEZ/2 PARTNERSHIP
ARCHITECTURE
P.O. BOX 640, POINT REYES STATION, CA 94956
TELEPHONE: (415) 663-9516

SITE PLAN - LEGAL INFO.

THE BARN PROJECT
80 FOURTH STREET
POINT REYES STATION
CALIF. 94956

DRAWN
CHECKED
DATE 3/10/14
SCALE 1" = 10'-0"
JOB NO.
SHEET 1
SHEETS

RECEIVED
COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

Exhibit No. 3
A-2-MAR-14-0059 (The Barn Project LLC)
Page 1 of 4

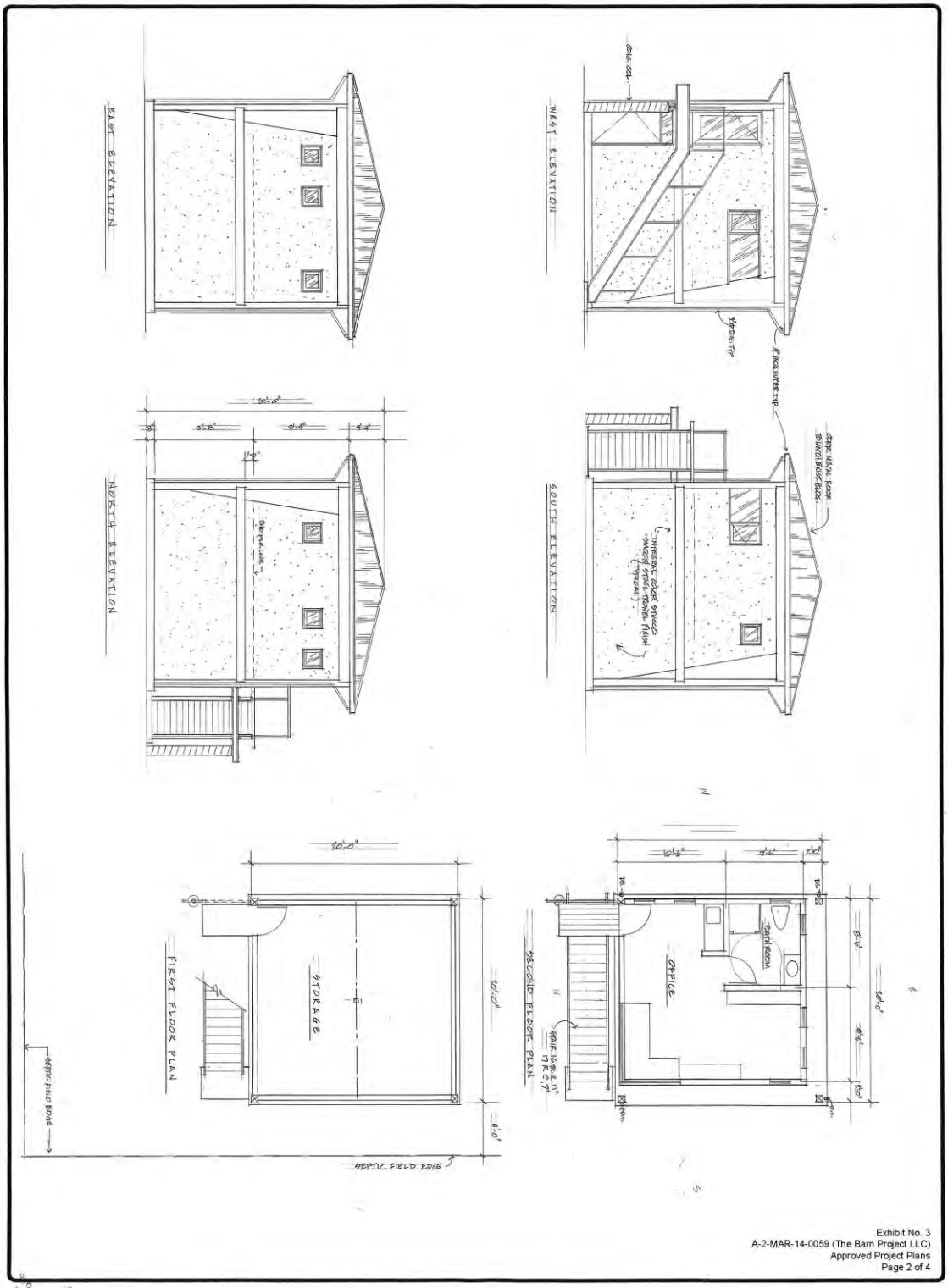


Exhibit No. 3
A-2-MAR-14-0059 (The Barn Project LLC)
Approved Project Plans
Page 2 of 4

THE BARN PROJECT
60 FOURTH STREET
POINT REYES STATION
CALIF. 94956

FLOOR PLAN- ELEVATIONS

FERNANDEZ/2 PARTNERSHIP
ARCHITECTURE
P.O. BOX 640, POINT REYES STATION, CA 94956
TELEPHONE: (415) 663-9516

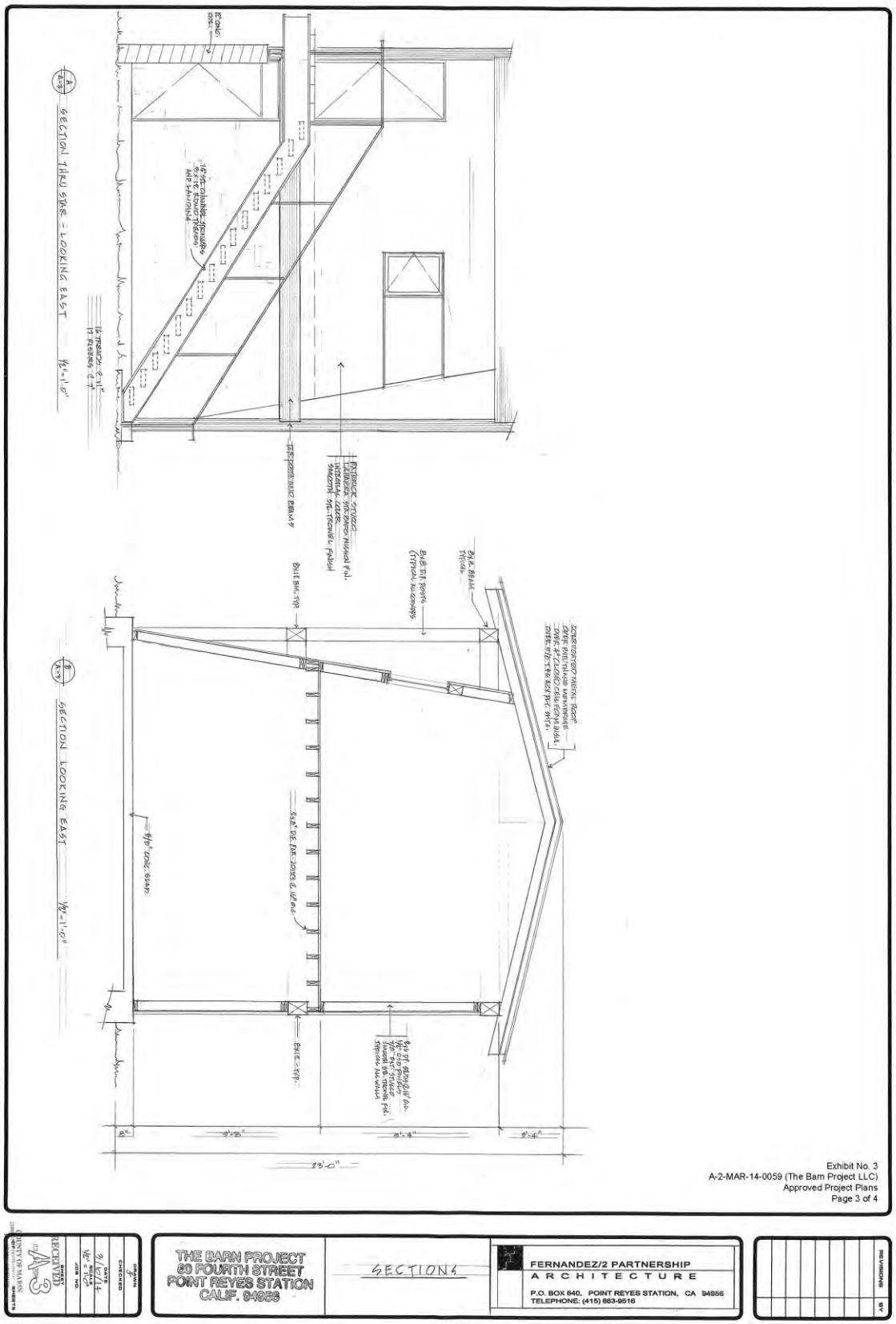
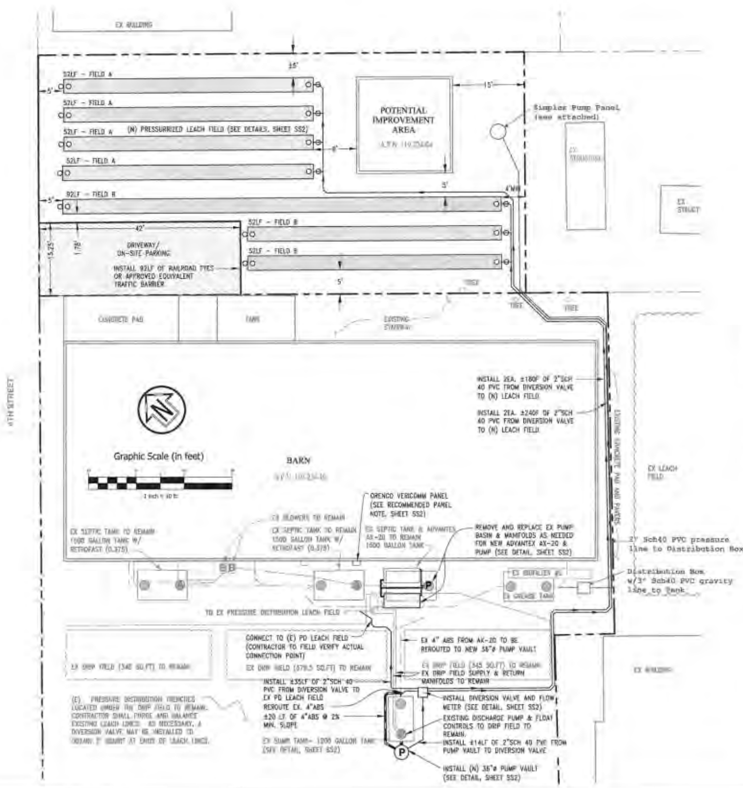


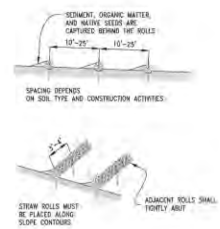
Exhibit No. 3
A-2-MAR-14-0059 (The Barn Project LLC)
Approved Project Plans
Page 3 of 4

SEPTIC SYSTEM IMPROVEMENT DESIGN

FOR

COWGIRL CREAMERY





FIBER ROLL DETAIL

GENERAL SEPTIC NOTES

1. Remove and salvage existing Vericomm panels, recirculation pump, and discharge pumps
2. Existing aerobic treatment units shall remain. A new Advantex AX-20 to be install adjacent to existing AX-20 per detail sheet SS2. Actual locatoin to be field determined.
3. The automatic diversion valve shall alternative between the existing pressure distribution field, drip dispersal field, and the new pressure distribution field. Additionaly, a bypass connection shall be installed should the drip dispersal field or existing pressure distribution should show signs of failure (see Detail, Sheet SS2).
4. The utilities shown hereon are based solely upon surface observations and are approximate only. This map makes no warranty whatsoever that other utilities, either surface or subsurface, do or do not exist. prior to site planting and/or construction activities, it is recommended that the services of a utility location professional be utilized to ascertain the precise location of any utility, whether shown or not shown hereon.
5. Topographic map based on Septic System Plan prepared by Eckman Environmental. Location of existing site and septic features are approximate only.
6. Future improvements to conform to Marin County Class II setback requirements
7. When excavating around the base of the tree, CSW/Stuber-Stroeh recommends using hand-held tools to save the tree. roots inside the trench shall be cut with a saw.
8. When cutting 2-inch diameter or greater roots, consult an Arborist regarding the possibility for saving the tree.
9. If applicable, the Contractor shall relocate existing irrigation/water lines in the improvement areas to meet county setback requirements (see Setback Schedule, this sheet).
10. Advantex Filter shall be connected to a roof vent and approved by the Engineer.
11. Contractor shall purge and balance the existing leach field with a 3 foot minimum squirt at the ends of each leach line. As necessary, the contractor shall install a Hydrotstic diversion valve to obtain the minimum squirt height. New chamber leach field shall have a 3 foot minimum squirt at the ends of each leach line.
12. Contractor shall remove and salvage existing discharge pump (for possible reuse in the 36"Ø pump vault).
13. Contractor shall existing sewer lateral(s) from the Advantex system to the new 36"Ø pump vault.

SITE FEATURE	SETBACK TO: SEPTIC TANK	SETBACK TO: DRAINFIELD
BUILDING	5'	10'
ADJOINING PROP. LINE	1-5'	1-5'
DOWNSLOPE PROP. LINE	5'	10'
EDGE OF DRAINFIELD PIPE	5'	—
CUT, EMBANKMENT, OR NATURAL BLUFF	10'	4 x CUT HEIGHT
IRRIGATION/WATER LINE	10'	10'
DRIVEWAY OR PAVED SURFACE	1-5'	1-5'
BUILDING FOUNDATION DRAIN	5'	50'

CLASS II SETBACK SCHEDULE

VICINITY MAP

N.T.S.

EROSION CONTROL NOTES

1. Perform erosion prevention and sediment control in accordance with the latest edition of Appendix Chapter 33 of the California Building Code, applicable Marin County standards, codes and ordinances, and section 20 of the Caltrans standard specifications
2. The approved plans shall conform with the erosion prevention and sediment control best management practices contained in the latest editions of the following publications or an equivalent best management practice:

   Erosion and Sediment Control Field Manual by the San Francisco Bay Regional Water Quality Control Board. Manual of Standards for Erosion & Sediment Control measures by the Association of Bay Area Governments. Construction site best management practices manual by Caltrans. Stormwater Best Management Practice handbook by the California Stormwater Quality Association.

3. If discrepancies occur between these notes, material referenced herein or manufacturer's recommendations, then the most protective shall apply.
4. The owner is responsible for obtaining and complying with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 waste discharge requirements for discharges of storm water runoff associated with construction activity disturbing land equal to or greater than once acre. Construction activities include but are not limited to clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement
5. Preservation of existing vegetation shall occur to the maximum extent practicable.
6. The owner is responsible for preventing storm water pollution generated from the construction site year round. The owner must implement an effective combination of erosion prevenetion and sediment control on all disturned areas during the rainy season (October 15 – April 15).
7. Erosion prevention and sediment control measures shall be inspected by the owner before and after storms producing at least 1 inch of precipitation in a 24 hour period to ensure measures are functioning properly. Erosion prevention and sediment control measures that have failed or are no longer effective shall be promptly replaced. Erosion prevention and sediment control measures shall be maintained until disturbed areas are stabilized.
8. Changes to the erosion prevention and sediment control plan may be made to respond to field conditions. Changes shall be noted on the plan when made.
9. Discharges of potential pollutants from construction sites shall be prevented using source controls to the maximum extent practicable. Potential pollutants include but are not limited to: sediment, trash, nutrients, pathogens, petroleum hydrocarbons, metals, concrete, cement, asphalt, lime, paint, stains, glues, wood products, pesticides, herbicides, chemicals, hazardous waste, sanitary waste, vehicle or equipment wash water and chlorinated water.
10. Entrance(s) to the construction site shall be maintained in a condition that will prevent tracking or flowing of potential pollutants offsite. Potential pollutants deposited on paved areas within the county right-of-way, such as roadways and sidewalks, shall be properly disposed of at the end of each working day or more frequently as necessary.
11. Exposed slopes shall be protected by using erosion prevention measures to the maximim extent practicable, such as establising 70% vegetation coverage, hydroseeding, straw mulch, geotextiles, plastic covers, blankets or mats.
12. Whenever it is not possible to utilize erosion prevention measures, exposed slopes shall employ sediment control devices, such as fiber rolls and silt fences, fiber rolls and silt fences shall be trenched and akeyed into the soil and installed on contour. Silt fences shall be installed approximately 2 to 5 feet from to of slope.
13. Hydroseeding shall be conducted in a three step process. First, evenly apply seed mix and fertilizer to the exposed slope. Second, evenly apply mulch over the seed and fertilizer. Third, stabilize the mulch in place. Applications shall be broadcasted mechanically or manually at the rates specified below. Seed mix and fertilizer shall be worked into the soil by rolling or tamping. If straw is used as mulch, straw shall be derived from wheat, rice or barley and be approximately 6 to 8 inches in length. Stabilization of mulch shall be done hydraulically by applying an emulsion or mechanically by crimping or punching the mulch into the soil. Equivalent methods and materials may be used only if they adequately promote vegetation growth and protect exposed slopes.

MATERIALS	APPLICATION RATE (POUNDS PER ACRE)
SEED MIX	
Bromus mollis (BROME)	40
FERTILIZER	
16-20-0 & 15% SULPHUR	120
MULCH	
STRAW	4000
HYDRAULIC STABILIZING*	
M-BINDER OR SENTINEL	75-120
EQUIVALENT MATERIAL	PER MANUFACTURER
*NON-ASPHALTIC, DERIVED FROM PLANTS	

14. The owner shall protect storm drain inlets from potential pollutants until drainage conveyance systems are functional and construction has been completed.
15. Energy dissipaters shall be installed at storm drain outlets which have discharge velocities that may contribute to soil erosion.
16. Soil and material stockpiles shall be properly protected to minimize sediment and pollutant transport from the construction site.
17. Solid waste, such as trash, discarded building materials and debris, shall be placed in designated collection areas or containers. The construction site shall be cleared of solid waste daily, or as necessary, and regular removal and proper disposal shall be arranged.
18. Proper application, cleaning and storage of potentially hazardous materials, such as paints and chemicals, shall be conducted to prevent the discharge of pollutants.

Rev	Date	Description	Designed	Drawn	Checked
C	2-4-14	Revised for Timed Dosing to Drip Field	RJS	RJS	RJS
B	1-22-14	Revised Sump Tank Location & Type	RJS	RJS	RJS
A	12-4-13	Revised per County Plan Check Comments	RJS	RJS	RJS

CSW | ST2
CSW/Stuber-Stroeh Engineering Group, Inc.
45 Leveroni Court, Novato, CA 94949 tel. 415.883.9850 fax 415.883.9835
Civil & Structural Engineers
Surveying & Mapping
Environmental Planning
Land Planning
Construction Management

THE BARN PROJECT: (670 GPD)

SEPTIC SYSTEM DESIGN

A.P.N. 119-224-04,10

80 4th Street

Town Of Point Reyes Station
County Of Marin
State Of California

Prepared Under the Direction of:

Sheet SS1

RECEIVED

Scale 1 inch = 10 ft
Date November 6, 2013
Project Number 3-1551.01
Plan File D-5152.01

COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

Exhibit No. 3
A-2-MAR-14-0059 (The Barn Project LLC)
Approved Project Plans
Page 4 of 4

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF FINAL LOCAL (DEPUTY ZONING ADMINISTRATOR) DECISION

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and LCP Policy and/or Implementation Plan.

October 23, 2014

RECEIVED
OCT 24 2014
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Attention: Coastal Planner

Applicant's Name:	**Barn Project LLC Coastal Permit**
Coastal Permit Number:	Coastal Permit 2014-0090)
Assessor's Parcel Number:	119-224-11
Project Location:	80 Fourth Street, Point Reyes Station
Determination:	Approved With Conditions (Resolution of the October 16, 2014, Deputy Zoning Administrator hearing is attached specifying action.)
Decision Date:	October 16, 2014
County Appeal Period:	Five (5) Working Days

Local review is now complete.

This permit IS appealable to the California Coastal Commission.

Any correspondence concerning this matter should be directed to Curtis Havel, Senior Planner at 473-2755.

Sincerely,

Curtis Havel by JWE

Curtis Havel
Senior Planner

Attachment1

FINAL LOCAL ACTION NOTICE
REFERENCE # 2-MAR-14-0940
APPEAL PERIOD 10/27/14-11/7/14

22.56.080 APPEALS TO THE CALIFORNIA COASTAL COMMISSION

For those coastal project permits which are approved for developments defined as "appealable" under California Public Resources Code, Section 30603 (a), an appeal may be filed with the California Coastal Commission by: (1) an aggrieved party: (2) the applicant; or (3) two members of the coastal commission. Such appeals must be filed in the office of California Coastal Commission not later than 5:00 p.m. of the tenth working day following the date of action from which the appeal is taken. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the county appellate body (or bodies) as established in Section 22.56.074 of the Marin County Code to be considered an aggrieved party.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 14-119

A RESOLUTION APPROVING THE
BARN PROJECT LLC COASTAL PERMIT 14-19, USE PERMIT 14-12 AND
DESIGN REVIEW 14-69
80 FOURTH STREET, POINT REYES STATION

ASSESSOR'S PARCEL 119-224-11
****

SECTION I: FINDINGS

I. WHEREAS Jon Fernandez, on behalf of property owners The Barn Project LLC, is proposing to construct a new, 23-foot tall, 800 square foot detached accessory structure and a new septic system upgrade. The detached accessory structure is proposed to be located 5 feet from the northerly side property line and 15 feet from the easterly rear property line, and is proposed to be used for storage and office space. Proposed building materials include gray corrugated metal roofing with "Zactique" weathering finish and gray "La Habra Station" stucco siding. The property is currently developed with a two-story, 10,700 square foot commercial building and an existing septic system.

Use Permit approval is required to allow the proposed detached accessory structure to reach a height of 23 feet where a height of 15 feet would otherwise be allowed (Section 22.70.030 of the Interim Marin County Code). There are no changes proposed to the existing commercial uses allowed by the 1995 Use Permit. The property is located at 80 Fourth Street, Point Reyes Station and is further identified as Assessor's Parcel Number 119-224-11.

II. WHEREAS the Marin County Deputy Zoning Administrator held duly noticed public hearings on August 28, 2014 and October 16, 2014 to consider the merits of the project and hear testimony in favor of and in opposition to the project. A notice of the proposed project was also posted at the site. Notices of the public hearing were mailed to property owners within 300 feet of the subject property.

III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 3 of the CEQA Guidelines because it entails the construction of a detached accessory structure on a developed lot in an urbanized area that would not result in potentially significant impacts to the environment.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan (CWP) due to the following factors:

A. The project is consistent with the C-NC (Coastal, Neighborhood Commercial, 1-20 units per acre) land use designation.

B. The project is consistent with CWP natural systems policies requiring the enhancement, protection, and management of native habitats and the protection of woodlands, forest, and tree resources (CWP Policies BIO-1.1 and BIO-1.3)

because the project site is a developed site and the project would not entail the removal of significant vegetation.

C. The project would not result in impacts to special-status species (CWP Policies BIO-1.1, BIO-2.1, and BIO-2.2) because the project site is developed and does not provide substantial habitat for special status species.

D. The project would not significantly impact the ecotones on the project site (CWP Policies BIO-2.3 and BIO-2.4) because the subject property is located far enough from riparian, shoreline, and ridgeline areas to avoid being constrained by ecotones.

E. No wetlands or stream conservation areas would be affected by the project (CWP Policies BIO-3.1 and CWP BIO-4.1) because there are no wetlands or streams on or adjacent to the subject property.

F. The project would not result in significant storm water runoff to downstream creeks or soil erosion and discharge of sediments into surface runoff (CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4) because the project is relatively minor in scope and would comply with the standards and best management practices required by the Department of Public Works, as verified during review of the Building Permit application.

G. The project would be constructed in conformance to County earthquake standards, as verified during review of the Building Permit application (CWP Policies EH-2.1, EH-2.3, and CD-2.8.)

H. The project would be consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it will meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.

V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with policies contained in the Point Reyes Village Community Plan for the following reasons:

A. The proposed project involves the construction of a detached building that provides office and storage space in support of the principally permitted existing commercial uses on the property.

B. The proposed project maintains the architectural character of a designated historic preservation area.

C. The Marin County Department of Public Works has reviewed and verified that the proposed project maintains existing off-street parking, which will be verified during the Building Permit process.

D. The proposed project will continue to provide resident- and visitor-serving uses, while also supporting local agriculture and providing employment opportunities for Point Reyes Station residents.

VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the requirements and policies of the Local Coastal Program Unit II, and the mandatory findings to approve the Coastal Permit application (Section 22.56.130 of the Interim Marin County Code) as specified below.

A. Water Supply

The North Marin Water District is currently serving the property and has indicated that water can be provided to the project upon submittal of additional connection fees and installation of an above-ground, reduced pressure principal backflow prevention device.

B. Septic System Standards

The property is currently served by an existing septic system and the Environmental Health Services Division has issued Permit #14-25A for the construction of upgrades and expansions to the existing system.

C. Grading and Excavation

The project includes the construction of a detached structure with a building footprint of 400 square feet, and installation of a new septic leachfield. The amount of grading and excavation associated with construction of the detached building and septic leachfield expansion on a level site is minimal and will not significantly alter the project site.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the subject property is located in an area of high archaeological sensitivity. However, it is unlikely that the project would disturb cultural resources because grading would be limited to minor trenching for the installation of the leachfield and minor grading to prepare the building pad for the detached building. A standard condition of approval has been applied to the project requiring that in the event that cultural resources are uncovered during construction, all work shall be immediately stopped and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate measures to protect the resource.

E. Coastal Access

The subject property is not located between the sea and the first public road or adjacent to a coastal area identified by the Local Coastal Program, Unit II, where public access is desirable or feasible. During routine field inspection, staff found no evidence of historic public use of this site for coastal access, and found that the site is not located near any tidelands or submerged lands subject to the public trust doctrine.

F. Housing

The proposed project will have no impact upon the availability of affordable housing stock within the Point Reyes community.

G. Stream and Wetland Resource Protection

The proposed project is not located within the vicinity of any sensitive streams or creeks and therefore is not subject to riparian protection policies. Therefore, the project will not result in any additional impact upon stream or wetland resources and will comply with the LCP's riparian protection policies.

H. Dune Protection

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit II of the Local Coastal Program.

I. Wildlife Habitat

The project site is located in an urbanized area that has been consistently disturbed by various human activities including, but not limited to, agriculture and commerce. The project site is not identified by the natural resource maps adopted by the Local Coastal Program, there is no significant habitat present at the site, and there are no creeks or wetlands within 100 feet of the project site.

J. Protection of Native Plant Communities

The project site does not contain a significant number or type of nonindigenous, invasive plant species which would threaten the preservation or reestablishment of native plant species, either on or off the site.

K. Shoreline Protection

The project site is not located in a coastal bluff area and does not entail the repair or placement of shoreline protective works such as revetment, breakwaters, groins or other such construction that alters natural shoreline processes.

L. Geologic Hazards

The Geologic Hazards Map for Unit II of the Local Coastal Program indicated that the project site is located outside of the Alquist-Priolo Special Studies Zone. The construction of the detached building will require Building Permits from the Marin County Community Development Agency – Building and Safety Division and shall be inspected during the construction process to ensure compliance with the California Building Code.

M. Public Works Projects

The proposed project will not affect any existing or proposed public works project in the area.

N. Land Division Standards

No Land Division or Lot Line Adjustment is proposed as part of this project.

O. Visual Resources

The proposed project will not impair or obstruct coastal views from any public street or public viewing location. The location and height of the proposed structure is compatible with development patterns in the immediate vicinity and incorporates building forms and architectural themes that is in keeping with the historic preservation guidelines contained in the Point Reyes Village Community Plan.

P. Recreation/Visitor Facilities

The subject property is governed by C-VCR (Coastal, Village Commercial Residential District) zoning, which encourages a mixture of residential and commercial uses in order to maintain the established village/commercial character. The proposed detached accessory structure will be incidental and appurtenant to the existing commercial uses on the property. The additional storage and office space provided by the detached accessory structure will assist the existing commercial facilities to continue providing services to local residents and visitors alike, and to continue providing a facility to showcase Marin County's agricultural heritage.

Q. Historic Resource Preservation

The project site is located within the historic preservation boundaries for Point Reyes Station as identified in the Marin County Historic Study for the Local Coastal Program Unit II. The proposed project would result in the construction of a structure that incorporates building forms, colors and materials that are compatible with existing development on the site and with the prevailing architectural character of the Point Reyes Station community.

VII. WHEREAS the Marin County Deputy Zoning Administrator finds that the project is consistent with the mandatory findings for Use Permit approval (Section 22.88.020(3) of the Interim Marin County Code) as discussed below.

The construction of a detached accessory structure located in the side yard setback and taller than 15 feet in height is allowed through the granting of a Use Permit pursuant to Sections 22.88.010(9) and 22.70.030 of the Interim Marin County Code. The detached accessory structure is allowed within the governing C-VCR:B-2 (Coastal, Village, Commercial, Residential, 10,000 square foot minimum lot size) zoning district as it would be incidental to the primary commercial land use. The building forms, architectural vernacular and colors and materials as modified by conditions of approval incorporated into the project design is compatible with existing commercial development in the Point

Reyes Station Village. The project site is located in an urbanized area, and the location and height of the detached accessory structure is compatible and reminiscent of development patterns in the downtown Point Reyes Station area. The granting of the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located because the project exemplifies the type of development that reinforces the urbanized village yet rural, agricultural character of the Point Reyes area and ultimately supports the diversification of agriculture in Marin County. The project will not intensify or otherwise alter the existing commercial uses at the site, and does not modify the previously approved Use Permit for the existing commercial uses. Finally, the project is served by adequate septic and water service, and will not result in significant noise or traffic impacts on the community. Based on these factors, the grant of this Use Permit would not be detrimental to the health, safety, morals, comfort, or welfare of persons residing in the surrounding community.

VIII. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Design Review approval (Section 22.82.040 of the Interim Marin County Code) as described below.

The project is consistent with the required findings cited above because the proposed detached accessory structure would result in a structure with a height, mass, and bulk proportionately appropriate to the site and with other buildings on the subject and surrounding properties. Construction of the proposed detached accessory structure would conform to a permitted use in the C-VCR:B-2 zoning district which governs the subject property and would be situated solely on the subject property. The proposed detached accessory structure will minimize drainage alterations, grading and excavation, tree removal, and other adverse physical effects on the natural environment because the proposed project is not located in an area with significant vegetation. As discussed above in Finding VI.O and Q, the location and height of the proposed structure is compatible with development patterns in the immediate vicinity and incorporates building forms and architectural themes that is in keeping with the historic preservation guidelines contained in the Point Reyes Village Community Plan. Finally, the design of the detached accessory structure is compatible with that of other structures in the vicinity, would respect the surrounding natural environment, would utilize colors and materials consistent with the prevailing community character, and would not diminish views from surrounding properties.

SECTION II: DECISION

WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Barn Project LLC Coastal Permit, Use Permit and Design Review subject to the conditions of approval listed below. This approval authorizes the construction of a new, 23-foot tall, 800 square foot detached accessory structure and a new septic system upgrade. The detached accessory structure is approved to be located 5 feet from the northerly side property line and 15 feet from the easterly rear property line, and is approved to be used for storage and office space.

The subject property is located at **80 Fourth Street, Point Reyes Station** and is further identified as **Assessor's Parcel Number 119-224-11**.

This decision pertains only to the proposed development and grants no approval for existing unauthorized or non-conforming structures located on or adjacent to the subject property.

This decision certifies the proposed project's conformance with the requirements of the Marin County Interim Zoning Ordinance and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. A Building Permit and additional permits and/or approval may be required from the Department of Public Works, the appropriate Fire Protection Agency, and the North Marin Water District.

SECTION III: CONDITIONS OF APPROVAL

Marin County Community Development Agency - Planning Division

1. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "The Barn Project," consisting of 3 sheets prepared by Fernandez/2 Partnership and one sheet prepared by CSW/Stuber-Stroeh Engineering Group, Inc. all received July 1, 2014, revised June 30, 2014 and on file with the Marin County Community Development Agency.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the Building Permit plans and submit a revised color board that includes horizontal wood siding or other surface cladding applied to one story of the structure that is distinct from the other story. The cladding shall be compatible with development styles in downtown Point Reyes Station and consistent with the historic design guidelines contained within the Point Reyes Station Community Plan.

   All flashing, metal work (including downspouts), and trim shall be treated or painted an appropriately subdued, non-reflective color.

3. Exterior lighting shall be located and/or shielded so as not to cast glare on nearby properties

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the site plan or other first sheet of the office and job site copies of the Building Permit plans to list these conditions of approval as notes.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a waiver of public liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions. The waiver of public liability shall be prepared by the Community Development Agency.

6. BEFORE FOUNDATION INSPECTION, the applicant shall have a licensed land surveyor verify building setbacks consistent with the process established in the document entitled "Building Inspection Procedures" available at the Marin County Planning Department and on-line at: www.marincounty.org/~/media/Files/Departments/CD/Planning/CurrentPlanning/Publications/FactSheets/Building_Inspection_Procedure_dwa_VCP.pdf.

7. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.

8. If archaeological, historic, or prehistoric resources are discovered during construction, construction activities shall cease, and the Community Development Agency staff shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law. A registered archeologist, chosen by the County and paid for by the applicant, shall assess the site and shall submit a written report to the Community Development Agency staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the Community Development Agency staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the Community Development Agency staff. If the report identifies significant resources, amendment of the permit may be required to implement mitigations to protect resources. Additionally, the identification and subsequent disturbance of an Indian midden requires the issuance of an excavation permit by the Department of Public Works in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

9. All construction activities shall comply with the following standards:

   a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday.** No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

   b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

10. BEFORE FINAL INSPECTION, the applicant shall submit photographs verifying the approved color and materials.

11. The applicant/owner hereby agrees to defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations.

12. This approval does not supersede or otherwise invalidate the previously approved Hay Barn Use Permit (Marin County Deputy Zoning Administrator Resolution 95-190).

13. Any changes or additions to the project shall be submitted to the Community Development Agency in writing for review and approval before the contemplated modifications may be initiated. Construction involving modifications that do not substantially comply with the approval, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications are obtained by the applicant.

Marin County Public Works Department, Land Development Division

14. If construction activity, equipment, vehicles and/or material delivery and storage cause damage to existing facilities beyond normal wear, repairs of the facilities shall be made at the property owner's expense [MCC§24.04.016].

15. All improvements shall conform to Title 24 of the Marin County Code or as approved by DPW and the Fire Department.

16. Improvement plans shall be prepared in accordance with Marin County Code (MCC) Title 20, Subdivisions, and must conform to MCC, Title 24, Development Standards or as approved by the Department of Public Works.

17. The Road Commissioner/Director of Public Works retains the right to issue or deny an encroachment permit or impose conditions upon issuance of an encroachment permit. In addition, the vesting and permit duration of the Use Permit and Design Review Approval shall not be deemed to restrict the rights of the Road Commissioner/Director of Public Works to require, at the applicant's expense, the protection, support, temporary disconnection, relocation or removal of any facility owned, operated or maintained by the applicant approved pursuant to the Department of Public Works authority.

18. All facilities shall be located, constructed, operated, and maintained in the time, place and manner that causes the least interference with the public's use of the public right-of-way as determined by and approved by the Road Commissioner/Director of Public Works.

19. Note that a more detailed plan review will be conducted at the building permit phase whereby additional comments and/or plan revisions may be required.

Prior to Building Permit Approval

20. All site improvement shown on the plans shall comply with all State and Federal accessibility regulations and standards.

21. A separate site plan shall show exterior path of travel from accessible parking spaces to all accessible building entrances, between on-site buildings, and to the public right-of-way, and all path of travel accessibility improvements.

22. Plans shall reflect that accessible path of travel surface shall be slip resistant, stable and firm. It also shall be smooth and vibration free (cobble stones, rough pavers, wood boards, etc. shall not be used). It is unlikely that crushed rock pathways will comply with accessibility standards. Clarify if the proposed concrete pavers are at grade with accessible parking spaces. If not, show the location and details of accessible curb ramps.

23. Plans shall include signage to designate accessible parking.

24. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15.

25. Provide a note on the plans that the Design Engineer/Architect shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer.

26. An encroachment permit shall be required for work within the road right-of-way.

27. Applicant shall obtain all necessary permits from other agencies.

Marin County Environmental Health Services Division

28. Obtain final for the installation of septic upgrade (Permit #14-25A).

North Marin Water District

29. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the North Marin Water District that all requirements have been met for water service. This includes, but is not limited to, the following items:

    a. Application and payment for additional connection fees;

    b. Verification that the project complies with Mandatory Water Conservation Measures; and,

    c. Installation of an above-ground, reduced pressure principle backflow prevention device.

Marin County Fire Department

30. BEFORE FINAL INSPECTION, the applicant shall provide written confirmation from the Stinson Beach Fire Protection District that all requirements have been met including, but not limited to, installation of fire sprinklers and fire alarms.

SECTION IV: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest this Coastal Permit, Use Permit and Design Review approval by complying with all conditions of approval, obtaining Building Permits for the approved work, and substantially completing approved work before **October 16, 2016**, or all rights granted in this approval shall lapse unless the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it. An extension of up to four years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code.

The Building Permit approval expires if the building or work authorized is not commenced within one year from the issuance of such permit. A Building Permit is valid for two years during which construction is required to be completed. All permits shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within two years from the date of such permit. Please be advised that if your Building Permit lapses after the vesting date stipulated in the Planning permit (and no extensions have been granted), the Building Permit and planning approvals may become null and void. Should you have difficulty meeting the deadline for completing the work pursuant to a Building Permit, the applicant may apply for an extension at least 10 days before the expiration of the Planning permit.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a $600.00 filing fee must be submitted in the Community Development Agency – Planning Division, Room 308, Civic Center, San Rafael, before **4:00 p.m.** on **October 23, 2014.**

SECTION V: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 16th day of October, 2014.

Ben Berto TKL

BENJAMIN BERTO
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans

Joyce Evans
DZA Secretary

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Bridger Mitchell

Mailing Address: PO Box 31

City: Inverness Zip Code: 94937 Phone: 415-669-9641

Eligibility: Appellant submitted email messages 8/21/14 and 10/14/14 to the Agency and testified at public hearing 10/16/14.

SECTION II. Decision Being Appealed

RECEIVED

OCT 27 2014

CALIFORNIA COASTAL COMMISSION

1. Name of local/port government:

Marin County, Community Development Agency

2. Brief description of development being appealed:

"a new, 23-foot tall, 800 square foot detached accessory structure ..."

3. Development's location (street address, assessor's parcel no., cross street, etc.):

80 Fourth Street, Point Reyes Station; APN 119-224-11

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions: exterior siding

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-MAR-14-0059

DATE FILED: 10/27/14

DISTRICT: North Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☒ Planning Director/Zoning Administrator

☐ City Council/Board of Supervisors

☐ Planning Commission

☐ Other

6. Date of local government's decision: October 16, 2014

7. Local government's file number (if any): Project ID 2014-0090

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jon Fernandez, jsfcompany@yahoo.com on behalf of Barn Project LLC

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Marshall Livingston, marshall@dream-farm.com

(2) Celine Underwood, brickmaidenbreads@gmail.com

(3) Pamela Bridges, p.bridges@mac.com

(4) Mara Nelson, covergirlsupholstery@gmail.com
also: Laura Arndt, laura.l.arndt@att.net
also: Suri Oru, suri94937@gmail.com
also: Michael Mery, mmery3a@gmail.com, Box 729, Pt. Reyes Station 94956
also: Sue Conley, SCOnley@cowgirlcreamery.com, 80 Fourth St., Pt.Reyes Station
also: Ken Otter, kenoca@mac.com

also: Eden Clearbrook, clearbrook@ymail.com, 65 3rd Street, Pt. Reyes Station
also: Joannie Qwit, Pine Cone Diner, Pt. Reyes Station

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The appeal raises the issue of a local government approving coastal developments based on uncertified zoning provisions applicable outside of the Coastal Zone. The Marin County Deputy Zoning Administrator approved an over-height accessory structure relying on a zoning code provision that has not been certified by the Coastal Commission.

In approving the coastal development permit the hearing officer stated:

- the County has asserted its right to adjust its independent regulations independent of local Coastal Commission review.
- As a matter of practice the County has and continues to asserts its right to enact and apply different regulations that are, in fact, I think very applicable to a situation such as Pt. Reyes Station

Coastal Development Permit approved a 23-foot high accessory structure in violation of certified LCP Implementation Plan Interim Zoning Code section 22.70.060I which provides that:

> A detached accessory building may not be over one story in height and may not exceed fifteen (15) feet in height unless said accessory building is located at least forty feet from any property line, …

The Deputy Zoning Administrator adopted Resolution No. XXX which states that:

> VII. The Marin County Deputy Zoning Administrator finds that the project is consistent with the mandatory findings for Use Permit Approval (Section 22.80.020(3) of the Interim Marin County Code as discussed below. The construction of a detached accessory structure … taller that 15 feet in height is allowed through the granting of a Use Permit pursuant to Sections … 22.70.030 of the Interim Marin County Code. …

Section 22.70.030 was added to the Development Code by Ordinance 3108, adopted by the Board of Supervisors, September 22, 1992. It has not been submitted to the Commission and not certified as an amendment to the Marin County LCP.

Summary of the significant question: Can the local governmental authority authorize coastal development not permitted by the certified LCP implementation plan by relying on subsequent uncertified amendments to its zoning code?

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

_____
Signature of Appellant(s) or Authorized Agent

Date: _____

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

Partial Transcript, 10/16/14 DZA Hearing
(Marin County Community Development Agency)
Barn Project LLC Coastal Permit, Use Permit and Design Review
APN 119-244-11, 80 Fourth Street, Point Reyes Station

Public hearing.

Bridger Mitchell: 2:22
Good morning, Mr. Berto and staff and members of the audience. My name is Bridger Mitchell; I am appearing as an individual.

You have extensive comments from the community on a number of merits issues.

My remarks concern the County's authority to issue a coastal permit and approve land use development based on standards that apparently are not authorized by the Coastal Commission. This is a matter of general concern to many throughout West Marin, not just with respect to this particular project. So therefore I've brought this forward this morning.
…

Staff in its report cites a provision of the Title 22, the Development Code, to justify approving a detached accessory structure higher than 15 feet. In the official records on August 21 and also October 14 I have twice asked the Agency to provide evidence that the Coastal Commission has approved use of this standard in the Coastal Zone. As of this morning I have no reply to this request.

The Interim Zoning Code, which is the code that has been certified by the Coastal Commission, at 22.70.060I establishes two standards for a detached accessory building. And I quote:

> A detached accessory building may not be over one story in height and may not exceed fifteen (15) feet in height unless said accessory building is located at least forty feet from any property line, …

That's the certified standard in the Local Coastal Plan.

The staff cites Title 22.70.030 standard, which was enacted by ordinance in September 1992 by the Board of Supervisors, to amend the Development Code which applies outside the Coastal Zone, and this provides for a Use Permit that allows a height up to the height of a main building in the zoning district. That would be up to 25 feet in this zoning district if that standard applies.

However, as far as I have been able to determine, and staff has not replied to this, nor has the rest of the Agency, there is no established certification for use of this standard in the Coastal Zone. The standard, of course, is enacted for the rest of the county because the Board of Supervisors has that final authority. But in the Coastal

Zone the Local Coastal Program is the applicable standard for all coastal development permits.

So I conclude that you have authority today with respect to this particular coastal development permit to take one of two actions: Either:

- to condition the coastal development permit to limit the structure to one story and a maximum of 15 feet in height;

or,

- to disallow the permit.

As I have said, this is of general concern, because is it an example, apparently, of the County using standards which are not applicable in the Coastal Zone because they been not certified by the Coastal Commission. We need to adhere strictly to certified standards for West Marin development.

***Hearing Officer*:** quick question: In your emails you were hinging on these adoption questions. I didn't see any argument with respect to the coastal permit and any standard involved with the coastal permit specifically.

Bridger Mitchell: Well, the Local Coastal Program as part of its Implementation Plan had certified in 1981 when the Coastal Commission certified the Local Coastal Plan for Marin County it certified the then extent Interim Zoning Code which had the number "Title 22" -- but came to be called "Interim" because subsequently the county amended the zoning code but did not apply for certification of those amendments .

So we have two tracks, one outside the Coastal Zone for the Board of Supervisors -- makes new ordinances, amends its existing zoning code that's now called the "Development Code". But <u>within</u> the Coastal Zone the "Interim Code" continues to apply, as it was certified, until <u>it</u> is amended.

So the issue is the authority to issue a coastal <u>development</u> permit -- not a Use Permit, that's the county's business -- but the Use Permit must be consistent with the overriding requirements of the coastal development permit as permitted in the Local Coastal Plan. That's my reading of it.

…

Hearing Officer's Decision

Hearing Officer: 22:30

I agree that the question of local jurisdiction and local regulation independent of coastal permits has been discussed in the past and is currently being discussed with the Local Coastal Plan update. And I think that is the valid context for taking up this issue.

As a matter of practice over an extended period of time the County has asserted its right to adjust its independent regulations independent of local Coastal Commission review. And I think that issue can, and by Mr. Mitchell likely will, continue to be discussed as go through Local Coastal Plan update.

One of the questions you have is that authority needs to be given where authority is due. And typically the Coastal Commission is very interested in items which directly affect coastal resources or one of the findings that must be made for a coastal permit. And that was the genesis of my question.

I realize there may be disagreements about procedural steps. But, in terms of: **are there really any Coastal Permit issues at question here? – And I don't believe so.**

So on those two issues I would agree with staff's position that **this issue, if it is to be additionally taken up, should be taken up with the Local Coastal Plan update.** And perhaps the Coastal Commission will provide the County with additional direction with what they want to do.

As a matter of practice the County has and continues to asserts its right to enact and apply different regulations that are, in fact, I think very applicable to a situation such as Pt. Reyes Station where you do have a community that is built out with a variety of structures including accessory structures of varying heights and that what we do is apply independent analysis to each project that comes before us to determine the suitability of those projects.

25:00

.

Interim Zoning Code, Marin County Local Coastal Plan Coastal Zone

Chapter 22.70I HEIGHT REGULATIONS

22.70.060I Height limitations for detached accessory buildings.
A detached accessory building may not be over one story in height and may not exceed fifteen (15) feet in height unless said accessory building is located at least forty feet from any property line, in which case the accessory building may be erected to a height specified in this chapter for a main building in the respective district. In the case where a garage or carport is located to within three feet (3) of the front or side lines of the lot pursuant to Section 22.72.080, the height for such garage or carport shall be measured from the finish grade of the parking area.
(Ord. 2560 § 5, 1980: Ord. 1283, 1963: Ord. 264 § 14(b)(6), 1938)

UNCERTIFIED Section
22.70.030I Effect of variance or use permit on height limitations.
Upon the securing of a variance, a main building may be erected to a height exceeding that specified in the zoning ordinance for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts. **Upon the securing of a use permit**, a **detached accessory building** may be erected to a height exceeding that specified in the zoning ordinance for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts.
(**Ord. 3108** § 2 (part), **1992**: Ord. 264 § 14(b)(3), 1938)
Sept 22, 1992

From:	Mitchell, Bridger
To:	Kahn, Kevin@Coastal
Cc:	Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Fiala, Shannon@Coastal
Subject:	Re: how to appeal?
Date:	Friday, October 17, 2014 2:06:17 PM
Attachments:	CDP-AppealForm-Barn Project.doc barn proj transcript.docx

Kevin,
I'm attaching the transcript of the relevant portion of yesterday's DZA hearing and a draft appeal form. Please add a tickler to you calendar to let me know when the signed copy of the county's approval of the CDP reaches the Commission.
--
Bridger Mitchell – PO Box 31, Inverness, CA 94937
—

From: <Kahn>, "Kevin@Coastal Kahn" <Kevin.Kahn@coastal.ca.gov>
Date: Friday, October 17, 2014 at 13:42
To: Bridger Mitchell <bmitchell@crai.com>
Cc: "Cave, Nancy@Coastal" <Nancy.Cave@coastal.ca.gov>, "Manna, Jeannine@Coastal" <Jeannine.Manna@coastal.ca.gov>, "Fiala, Shannon@Coastal" <Shannon.Fiala@coastal.ca.gov>
Subject: RE: how to appeal?

Hi Bridger, I'm cc'ing my colleagues who review Marin County CDPs. From what you say it definitely sounds like the County approved something inconsistent with the LCP, since CDPs can only be reviewed against Commission-certified LCP ordinances, and not other County code provisions. Chapters 22.56 and 22.57 are the only certified sections of the Marin County Code that constitute the Implementation Plan, and off the top of my head no structure in the coastal zone is allowed to exceed 25', with the exception I believe of certain structures in the C-ARP zone (or something like that).

Can you let us know what the County cited in its approval? This would be helpful to know for this permit but also for the IP update.

Thanks!
Kevin

Kevin Kahn
District Supervisor, LCP Planning
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
(831) 427-4863

From: Mitchell, Bridger [mailto:Bmitchell@CRAI.com]
Sent: Friday, October 17, 2014 1:17 PM
To: Kahn, Kevin@Coastal
Subject: how to appeal?

Hi, Kevin,
Yesterday Marin County approved a CDP that violates the height limit for an accessory structure established in the Marin LCP.

The zoning administrator relied on a subsequent ordinance, not certified by the Commission, that amends the county zoning code to allow higher heights by Use Permit. The hearing officer asserted the County's right to "adjust its independent regulations independent of local Coastal Commission review."

I believe this present a substantial issue to enforcement of LCP provisions generally.

The project is landward of the first public road and the sea, not in a wetland, etc.
Can this matter be appealed to the Commission? If not, is there another way to put it before the ED and the Commission?
--
Bridger Mitchell – PO Box 31, Inverness, CA 94937
—

This electronic message and its attachments contain information from the consulting firm of Charles River Associates that may be confidential or privileged. If you are not the intended recipient we ask that you notify us immediately via reply e-mail and delete or destroy this message and any copies of it. Thank you for your cooperation.

From: Mitchell, Bridger
To: Fiala, Shannon@Coastal
Cc: Kahn, Kevin@Coastal
Subject: FW: Appeal of Barn Project, Pt. Reyes Station
Date: Thursday, November 06, 2014 12:34:15 PM

Hi, Shannon,
Thanks for your call and discussion of this appeal this morning. I believe you need to reexamine your preliminary determination regarding the Commission's lack of jurisdiction of the appeal.

- The county decision includes a Use Permit. As stated in the appeal, this makes the use not a Principal Permitted Use in the zoning district, and therefore appealable (regardless of geographic location).
- The project is in the C-VCR:B2 zoning district. The section you cited to me -- 22.57.024I.B Building Height -- is a subsection of 22.57.020I C-ARP. This subsection — with waiver authority — is not applicable to a building in C-VCR.

I am encouraged by your preliminary determination that the county cannot cite an uncertified ordinance (codified as 22.57.030I) to issue a coastal permit.
--
Bridger Mitchell – PO Box 31, Inverness, CA 94937
—

From: <Kahn>, "Kevin@Coastal Kahn" <Kevin.Kahn@coastal.ca.gov>
Date: Friday, October 24, 2014 at 11:03
To: Bridger Mitchell <bmitchell@crai.com>
Cc: Shannon Fiala <Shannon.Fiala@coastal.ca.gov>, "Manna, Jeannine@Coastal" <Jeannine.Manna@coastal.ca.gov>, "Cave, Nancy@Coastal" <Nancy.Cave@coastal.ca.gov>, "Carl, Dan@Coastal" <Dan.Carl@coastal.ca.gov>
Subject: RE: Appeal of Barn Project, Pt. Reyes Station

Hi Bridger, I'm forwarding your email to Shannon Fiala, who is the North Central Coast planner assigned to this appeal.

Thanks!
Kevin

Kevin Kahn
District Supervisor, LCP Planning
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
(831) 427-4863

From: Mitchell, Bridger [mailto:Bmitchell@CRAI.com]
Sent: Thursday, October 23, 2014 10:19 PM
To: Kahn, Kevin@Coastal

Cc: marshall@dream-farm.com; laura.l.arndt@att.net; suri94937@gmail.com; SConley@cowgirlcreamery.com; kenoca@mac.com; clearbrook@ymail.com; MMERY3a@GMAIL.COM; covergirlsupholstery@gmail.com; brickmaidenbreads@gmail.com; p.bridges@mac.com
Subject: Appeal of Barn Project, Pt. Reyes Station

Mr. Kevin Kahn, California Coastal Commission North Central Coast District:

My appeal of the Marin County decision to issue a coastal project permit (Barn Project LLC) for an accessory structure in Point Reyes Station is attached. Written copies are going into the USPS mail Friday 10/24/14 to your San Francisco address, to the Marin County Community Development Agency, and to the applicant. By this message I am sending copies to the email addresses supplied by the commenters on this application (postal addresses could not be supplied by the CDA).

The substantive, global question raised by the appeal is:

> **Can a local governmental authority, relying on uncertified amendments to the local government's zoning code, issue a coastal project permit that violates the certified LCP Implementation Plan?**

Kindly acknowledge receipt of the appeal. Thank you very much.

--

Bridger Mitchell – PO Box 31, Inverness, CA 94937

—

This electronic message and its attachments contain information from the consulting firm of Charles River Associates that may be confidential or privileged. If you are not the intended recipient we ask that you notify us immediately via reply e-mail and delete or destroy this message and any copies of it. Thank you for your cooperation.

Date: Sunday, November 9, 2014 at 14:24
To: Shannon Fiala <Shannon.Fiala@coastal.ca.gov>
Subject: Barn Project Appeal A-2-MAR-14-0059

Shannon,
I received your voice message and a copy of your 11/7/14 memo to Curtis Havel advising that the county coastal permit decision "was not appealable" to the Commission pursuant to PRC sections 30603 and 30625. I respectfully disagree and would like to discuss the matter further with you Monday afternoon. To better focus our call, I direct your attention to the following:

Included with your memo is a map of the portion of Point Reyes Station where the applicant's property is situated. A red line traces the "First Public Rd." and shows clearly that the site is landward of that road and thus outside the geographical appeals area of section 30603 (a) (1). I infer from the inclusion of the map with your memo that your statement that the coastal permit "was not appealable" pursuant to section 30603 is based on the location of the property.

However, the Appeal (p.2) clearly states that the permit is appealable to the Commission by citing subparagraph (a) (4) of section 30603.

Coastal Act Section 30603 (a) (4) states:
(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

> …
> (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

As noted in the Appeal, Marin Country required a Use Permit for this development of a new accessory structure to allow it to exceed the 15-foot maximum height limit for an accessory building established in the certified LCP code 22.70.060I. A Use Permit is a permit for a conditional use, and thus not a Principal Permitted Use. It is therefore appealable under section 30603(a)(4).

The Commission staff's recent interpretation of Marin County's submitted LCP Amendment Implementation Plan makes clear that any coastal permit decision for a conditional use is appealable:

Marin IP_Coastal Commission edits sent to County_10-17-2014.pdf

22.62.040 – Allowable Land Uses and Coastal Permit Requirements
B. Coastal zone permit requirements.

…

4. **Conditional uses, subject to compliance with all applicable provisions of this Development Code LCP, Coastal Permit approval where required**, and subject to first obtaining any Building Permit and other non-coastal permits required by the County Code, **including approval of a Use Permit** (Chapters 22.48 and 22.50). The Use Permit is not part of the Coastal Permit and is not subject to appeal to the Coastal Commission; however, **any Coastal Permit decision for a conditional use is appealable to the Coastal Commission**. Conditional uses are shown as "U " uses in the tables. [See Section 22.70.080 for Appeal of Coastal Permit Decisions]

The grounds for the appeal pursuant to subdivision 30603 (a) are the allegation that the development does not conform to the standards set forth in the certified local coastal program. [30603 (b)(1)]. The Appeal's allegation is that the development of an accessory structure at a height greater than 15 feet that is located closer to 40 feet from any property line does not conform to the certified LCP, specifically section 22.70.060I. While a 15-foot tall accessory structure at this location would not be appealable, a 23-foot tall structure most certainly is.

--

Bridger Mitchell – PO Box 31, Inverness, CA 94937

—

--

Bridger Mitchell – PO Box 31, Inverness, CA 94937

—

This electronic message and its attachments contain information from the consulting firm of Charles River Associates that may be confidential or privileged. If you are not the intended recipient we ask that you notify us immediately via reply e-mail and delete or destroy this message and any copies of it. Thank you for your cooperation.

From: Mitchell, Bridger
To: Cave, Nancy@Coastal
Cc: Kahn, Kevin@Coastal; Fiala, Shannon@Coastal
Subject: Re: Barn Project Appeal A-2-MAR-14-0059
Date: Monday, November 10, 2014 3:41:16 PM

Nancy, thank you for your reply. I will attempt to speak with Shannon, Wednesday if it work out.
--
Bridger Mitchell – PO Box 31, Inverness, CA 94937
—

From: <Cave>, "Nancy@Coastal" <Nancy.Cave@coastal.ca.gov>
Date: Monday, November 10, 2014 at 12:14
To: Bridger Mitchell <bmitchell@crai.com>
Cc: "Kevin@Coastal Kahn" <Kevin.Kahn@coastal.ca.gov>, Shannon Fiala <Shannon.Fiala@coastal.ca.gov>
Subject: RE: Barn Project Appeal A-2-MAR-14-0059

Bridger: Shannon is out the next two days, and then she is attending the Commission's November meeting taking place in Half Moon Bay as is the rest of the North Central planning staff. The meeting takes place Wed-Friday. Shannon will be back in the office on Friday. Based upon our review of your appeal, we have determined that this matter is not appealable. Shannon can discuss this decision with you on Friday. She may be available on Wednesday or Thursday as well to take a call. Nancy

---

From: Mitchell, Bridger [mailto:Bmitchell@CRAI.com]
Sent: Sunday, November 09, 2014 2:31 PM
To: Cave, Nancy@Coastal
Cc: Kahn, Kevin@Coastal; Fiala, Shannon@Coastal
Subject: FW: Barn Project Appeal A-2-MAR-14-0059
Importance: High

Shannon's email notified me she is out of the office until 11/14. Can this matter be assigned to someone immediately?

The county has already been notified by her 11/7 memo that the "local decision shall be upheld." Unquestionably there is a fundamental issue regarding appeal of a coastal permit that is dependent on a use permit that needs to be sorted out by Commission staff.

Thank you for giving this prompt attention.
--
Bridger Mitchell – PO Box 31, Inverness, CA 94937
—

From: <Mitchell>, Bridger Mitchell <bmitchell@crai.com>

From: Mitchell, Bridger
To: Fiala, Shannon@Coastal
Subject: Re: call to discuss Barn Project appeal
Date: Thursday, November 13, 2014 10:59:31 AM

OK, I¹ll be available at 11
--
Bridger Mitchell PO Box 31, Inverness, CA 94937
‹

On 11/13/14, 10:27, "Fiala, Shannon@Coastal"
<Shannon.Fiala@coastal.ca.gov> wrote:

>Hi Bridger,
>
>Today I am still at the Coastal Commission hearing, but I will be back in
>the office tomorrow. Would you be available to talk at 11am on Friday?
>
>Best,
>Shannon
>_____
>From: Mitchell, Bridger [Bmitchell@CRAI.com]
>Sent: Thursday, November 13, 2014 8:06 AM
>To: Fiala, Shannon@Coastal
>Subject: FW: call to discuss Barn Project appeal
>
>HI,
>Would it be possible to talk sometime today?
>--
>Bridger Mitchell PO Box 31, Inverness, CA 94937
>‹
>
>
>From: <Mitchell>, Bridger Mitchell
><bmitchell@crai.com<mailto:bmitchell@crai.com>>
>Date: Wednesday, November 12, 2014 at 09:36
>To: Shannon Fiala
><Shannon.Fiala@coastal.ca.gov<mailto:Shannon.Fiala@coastal.ca.gov>>
>Subject: call to discuss Barn Project appeal
>
>Hi, Shannon,
>Nancy Cave informed me that you may be available today for a telephone
>call to discuss the appeal. If you can let me know time windows that
>would work, I¹ll plan to be available at 415.669.9641. Thanks.
>--
>Bridger Mitchell PO Box 31, Inverness, CA 94937
>‹
>
>
>This electronic message and its attachments contain information from the
>consulting firm of Charles River Associates that may be confidential or
>privileged. If you are not the intended recipient we ask that you notify
>us immediately via reply e-mail and delete or destroy this message and

>any copies of it. Thank you for your cooperation.
>

This electronic message and its attachments contain information from the consulting firm of Charles River Associates that may be confidential or privileged. If you are not the intended recipient we ask that you notify us immediately via reply e-mail and delete or destroy this message and any copies of it. Thank you for your cooperation.

From:	Mitchell, Bridger
To:	Fiala, Shannon@Coastal
Subject:	FW: guide to appeal of Barn Project
Date:	Wednesday, November 19, 2014 4:00:10 PM
Attachments:	Guide to Appeal of Barn Project.pdf
Importance:	High

Shannon,

If possible for your schedule, could you call me at my mobile, 650.302.2628, this afternoon? Tomorrow I will be traveling until mid-afternoon.

Many thanis.

--

Bridger Mitchell – PO Box 31, Inverness, CA 94937

—

From: <Mitchell>, Bridger Mitchell <bmitchell@crai.com>

Date: Monday, November 17, 2014 at 08:23

To: Shannon Fiala <Shannon.Fiala@coastal.ca.gov>, Ryan Moroney <Ryan.Moroney@coastal.ca.gov>

Cc: Dan Carl <dcarl@coastal.ca.gov>

Subject: guide to appeal of Barn Project

Hi, Shannon and Ryan,

Attached is a summary of the essential points of the appeal as I see them. I hope it will inform your reconsideration of your preliminary decision. Thank you.

--

Bridger Mitchell – PO Box 31, Inverness, CA 94937

—

This electronic message and its attachments contain information from the consulting firm of Charles River Associates that may be confidential or privileged. If you are not the intended recipient we ask that you notify us immediately via reply e-mail and delete or destroy this message and any copies of it. Thank you for your cooperation.

Appealability of Coastal Permit Decision of Local Government

- The detached accessory structure approved by the County-issued coastal development permit (CP 14-19) is in the C-VCR:B-2 zoning district. The certified LCP requires that a detached accessory building not be over one story in height and not exceed fifteen feet in height unless the building is located at least forty feet from any property line (22.70.060I). Per section 22.56.020I of the certified LCP, Chapter 22.70 is a component of the certified LCP.
- The County issued a Use Permit (UP 14-12) for a two-story, 23-foot high building; the County cited Section 22.70.030I for authority to issue a coastal permit for a structure of this height at this location.
- A Use Permit is a conditional use in all zoning districts. The coastal permit authorizing a two-story, 23-foot high accessory building is therefore not a Principal Permitted Use and the decision to issue a coastal permit is appealable under Coastal Act 30603(a)(4).
- The County charges a fee for local processing of an appeal of a coastal permit. The County decision is therefore appealable to the Commission without exhausting local appeals (14 CCR 13573(a)(4)).

Grounds for appeal

- The development does not conform to the standards set forth in the certified local coastal program.
- The height standard for a detached accessory building is a maximum of one story and 15 feet (22.70.030I).
- The local government issued a Use Permit for a two-story, 23-foot high structure.
- The local government then issued a coastal permit for the structure, citing an uncertified County ordinance (codified as 22.70.060I).

Substantial Issue

1. The local government is in error in citing legal support for its decision that the development is consistent with the certified LCP:

- Section 22.56.020I of the certified LCP incorporates Chapter 22.70I (Height Regulations) in all C-districts, including C-VCR.
- Section 22.70.060I (Height limitations for detached accessory buildings) requires that a detached accessory building be not more than one story and not exceed fifteen (15) feet in height unless it is located at least forty feet from any property line. Ordinance No. 2560 (codified as Section 22.70.060I) was adopted in 1980 and is a component of the certified LCP.
- The County erroneously cites Section 22.70.030I (Effect of variance or use permit on height limitations) for its approval of a detached accessory structure having a height exceeding one story and 15 feet upon securing of a use permit. Section 22.70.030I (codifying Ordinance No. 3108) was adopted in 1992, 10 years after certification of the LCP; it has not been submitted to the Commission and not certified by the Commission. The decision to issue a coastal permit is therefore

not consistent with the certified LCP.

2. The local government's decision establishes an adverse precedent for future interpretation of its LCP:

- The local government's Deputy Zoning Administrator asserted that the County has the right to adopt local regulations for land use in the Coastal Zone without first obtaining certification of ordinances from the Commission (partial transcript 10/16/14).
- If the Commission does not require the County to adhere to certified ordinances it would establish an adverse precedent for the County to approve developments inconsistent with the certified LCP.

3. The appeal raises issues of statewide significance:

- The authority of the Commission is undermined when a local government can authorize coastal development that does not conform to its certified LCP by invoking an uncertified ordinance.
- Failure to require the County to adhere to its certified LCP is of statewide significance in all jurisdictions with certified LCPs. It will signal to local governments throughout the state that they are free to use uncertified ordinances to override their certified LCPs.
- The Coastal Act's protection of coastal resources and public access, provided for in certified LCPs, cannot be maintained if local governments can diminish those protections with uncertified ordinances.

From:	Mitchell, Bridger
To:	Fiala, Shannon@Coastal
Subject:	Ordinances
Date:	Tuesday, December 02, 2014 12:51:16 PM
Attachments:	Ord 2686.pdf Ord 2703.pdf Ord 2707.pdf Ord 2794.pdf Ord 3108.pdf Ord 3252.pdf ORD-2560.pdf ORD-2637.pdf ORD-2703.pdf

---

Shannon, thanks for the chat re appeal of Barn Project this morning. Here are e-copies of the ordinances I obtained from Main County.

I'd appreciate copies of any notifications to county & application regarding your final determination that the appeal is appealable.

--

Bridger Mitchell – PO Box 31, Inverness, CA 94937

—

This electronic message and its attachments contain information from the consulting firm of Charles River Associates that may be confidential or privileged. If you are not the intended recipient we ask that you notify us immediately via reply e-mail and delete or destroy this message and any copies of it. Thank you for your cooperation.

BOARD [redacted] SUPERVISORS OF THE COUNTY OF [redacted]N

ORDINANCE NO. 2560

AN ORDINANCE OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, AMENDING MARIN COUNTY CODE, TITLE 22 (ZONING), SECTIONS 22.02.360; 22.02.500; 22.70.060; AND ADDING SECTIONS 22.02.515 AND 22.47.105.

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I: Section 22.02.360 of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.02.360 Height of Building. "Height of building" means the vertical distance from the natural or finished grade to the highest point of the structure. Maximum height is measured from natural or finished grade to an imaginary plane located the allowed number of feet above and parallel to the natural or finished grade. Any structure built prior to the effective date of this amendment shall be exempt from becoming nonconforming, with respect to height, by the application of this amendment.

SECTION II: Section 22.02.500 of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.02.500 Lot Area. "Lot area" means the total horizontal area included within lot lines. Areas that are below mean high tide lines of the ocean or any bay, river or stream subject to tidal action, shall not be included in the area of the lot for purposes of meeting minimum area requirements of any zone district requiring a minimum lot area. Lands excluded from tidal action by artificial structures, built prior to the effective date of this ordinance, shall be included in the lot area. Any structure built prior to the effective date of this amendment shall be exempt from becoming non-conforming with respect to yard, floor area ratio and similar property development standards by the application of this amendment.

SECTION III: Chapter 22.02 of Title 22 (Zoning) of the Marin County Code is hereby amended by adding Section 22.02.515 to read as follows:

22.02.515 Lot Width, Average. Average lot width shall be the area of the lot in square feet divided by the length, in feet, of the longest dimension of the lot generally paralleling the longest lot lines. Any parcel of land within which an area can be inscribed which meets the square footage requirements of the zone district within which said parcel is located may use said area to determine the average lot width. The same area used to meet the square footage and average width requirements of any zone district shall also be used to determine yard areas, floor area ratio, lot coverage, open spaces and other site development requirements.

SECTION IV: Chapter 22.47 of Title 22 (Zoning) of the Marin County Code is hereby amended by adding Section 22.47.105 to read as follows:

22.47.105 Design Requirements. The following requirements for project design, site preparation, and use shall be imposed through the Master Plan, Development Plan and/or Design Review process, as necessary, to implement the goals and policies of the Marin Countywide Plan and any applicable community plan:

1. Project Design:

(a) Clustering. Buildings shall be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. Clustering or siting buildings in the least visually prominent portion or portions of the site is especially important on open grassy hillsides. In these areas, the prominence of

(Continued)

construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In areas with wooded hillsides, a greater scattering of buildings may be preferable to save trees and minimize visual impacts. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

(b) Ridgelines. No construction shall be permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of ridgelines, whichever is more restrictive. If structures must be placed within this restricted area because of parcel size or other constraints including possible conflicts with existing and proposed agricultural uses, they shall be on locations that minimize the visual impact from adjacent lands and view corridors.

(c) Geologic Hazards. Development shall not be permitted on identified seismic or geologic hazard areas, such as slides, natural springs, identified fault zones, or bay mud, without approval from the Department of Public Works, based on acceptable soils and geologic reports.

(d) Roads, Driveways and Utilities. The development of roads, driveways and utilities shall conform to the applicable standards contained in Title 24 of Marin County Code, including but not limited to Sections 24.04.020 through 24.04.320 (Roads and Driveways), and Sections 24.04.840 through 24.04.860 (Utilities). In areas with undeveloped agricultural land, efforts shall be made to keep road and driveway construction, grading and utility extensions to a minimum. This shall be accomplished through clustering and siting development so as to minimize roadway length and maximize the amount of undivided agricultural land.

(e) Fire Protection. In rural areas (areas without water systems), on-site water storage capacity may be required for each single family residence, subject to the requirements of the Marin County Fire Department. In planned or cluster developments provisions should be made, where feasible, for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan approved by the Marin County Fire Department.

(f) Landscaping. Landscaping shall minimally disturb natural areas. Fire protection, solar access, the use of indigenous species and minimal water use shall be considered in landscaping plans.

(g) Building Location/Design. In addition to the above requirements, buildings to be located on existing or proposed subdivision lots, shall be sited and designed according to the following principles:

1) Energy Conservation. Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

2) Building Height. No part of a residential building shall exceed thirty feet in height above natural grade, and no accessory structure, including water tanks, shall exceed fifteen feet in height above natural grade. In residential structures, the lowest floor level shall not exceed ten feet above natural grade at any point. Where a ridge lot is too flat to allow placement of the house down from the ridge as required in 1(b), a height limit of one story or a maximum of eighteen feet, as measured from natural grade to the top of the roof, shall be imposed. These requirements may be waived by the Planning Director upon presentation of evidence that a deviation from these standards will not violate the intent of Section 22.47.101 and the Environmental Quality Policies of the Countywide Plan. Farm and agricultural buildings located down from ridgetops may exceed these height limits upon Design Review approval.

(Continued)

3) Access. Driveways shall be developed in accordance with the applicable standards contained in Title 24 of Marin County Code, including but not limited to Sections 24.04.240 through 24.04.320. Consistent with the clustering policies in 1(a) above, efforts shall be made to keep driveway length to a minimum.

4) Materials and Colors. Fire protection, energy conservation and the use of traditional agricultural building materials and colors shall be considered in all construction.

(h) Facilities. Where possible, facilities and design features called for in the Countywide Plan shall be provided through the Master Plan/Development Plan process. These include use of reclaimed waste water; use of materials, siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; appropriate recreation facilities; bus shelters; design features to accommodate the handicapped; bicycle paths and equestrian trails linked to city-county system; and facilities for composting and recycling.

(i) Agricultural and Open Space Uses. Agricultural uses shall be encouraged in ARP zones. As part of the development review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land, not presently in use, may be preserved as undeveloped private open space to be made available on a lease basis in the future for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses which will interfere or be in conflict with agricultural operations. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowner's association or other organization for their maintenance. The nature and intensity of large scale agricultural uses should be described in the form of an Agricultural Management Plan. Management plans should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses. In some cases, the County may require reasonable public access across those lands remaining in private ownership. Such pedestrian and/or equestrian access shall be provided where consistent with adopted County and Coastal Plans and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall only be required as a condition of plan approval.

(j) Open Space Dedication and Maintenance. Non-agricultural land to be preserved as open space may be dedicated by fee title to the County of Marin. The County of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title.

2. Site Preparation: Where appropriate, site preparation plans shall be referred to the North Marin Water District and/or Marin Municipal Water District for review and approval.

(a) Grading. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land; skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. All grading shall conform to the applicable standards contained in Title 24 of Marin County Code.

(b) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the Department of Public Works to avoid failure during construction.

(c) Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. To reduce runoff, impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized whenever possible, in place of culverts.

(Continued)

(d) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of trees or rare plant communities and wildlife habitats.

SECTION V: Section 22.70.060 of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.70.060 Height Limitations for Detached Accessory Buildings. A detached accessory building may not be over one story in height and may not exceed fifteen (15) feet in height unless said accessory building is located at least forty feet from any property line, in which case the accessory building may be erected to a height specified in this chapter for a main building in the respective district. In the case where garage or carport is located to within three (3) feet of the front or side lines of the lot pursuant to Section 22.72.080 of this Title, the height for such garage or carport shall be measured from the finish grade of the parking area.

SECTION VI: This ordinance shall take effect and be in full force and effect thirty (30) days from and after its passage and approval, and a summary thereof shall be published in the Independent Journal, a newspaper of general circulation published in the County of Marin, once before the expiration of fifteen (15) days after its passage and a certified copy thereof with the names of the Supervisors voting for and against the same shall, within fifteen (15) days after its passage be posted in the offices of the County Clerk and the Clerk of the Board of Supervisors.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, held this 18th day of March, 1980, by the following vote, to-wit:

AYES: SUPERVISORS Bob Roumiguiere, Gary Giacomini, Gail Wilhelm, Barbara Boxer

NOES: None

ABSENT: SUPERVISOR Denis T. Rice

Barbara Boxer

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

Attest:

Vam Gillespie

Clerk of the Board

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

ORDINANCE NO. 2637

AN ORDINANCE OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, AMENDING COUNTY CODE, TITLES 7, 11, 18, 20, 22, 23 AND 24 BY ADDING SECTIONS 7.28.012, 11.04.015, 11.08.05, 18.06.025, 20.08.021, 22.77.015, 23.06.025, 23.08.012 and 24.04.015; CHAPTERS 22.56 AND 22.57; AND BY AMENDING SECTION 22.86.010.

SECTION 1: Section 7.28.012 of Title 7 (Health and Sanitation) of the Marin County Code is hereby added to read as follows:

7.28.012 Coastal Zone. Construction of a domestic water supply within the Coastal Zone, as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Marin County Code Chapters 22.56 and 22.57. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts.

SECTION II: Section 11.04.015 of Title 11 (Harbors and Waterways) of the Marin County Code is hereby added to read as follows:

11.04.015 Coastal Zone. Construction or repair of any dam located within the coastal zone, as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Marin County Code Chapters 22.56 and 22.57. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts.

SECTION III: Chapter 11.08.05 of Title 11 (Harbors and Waterways) of the Marin County Code is hereby added to read as follows:

11.08.05 Coastal Zone. Any interference with a natural watercourse on public or private property located within the coastal zone, as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Marin County Code Chapters 22.56 and 22.57. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts.

SECTION IV: Section 18.06.025 of Title 18 (Sewers) of Marin County Code is hereby added to read as follows:

18.06.025 Coastal Zone. Any sewage disposal systems proposed within the coastal zone, as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Marin County Code Chapters 22.56 and 22.57. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts.

SECTION V: Section 20.08.021 of Title 20 (Subdivisions) of the Marin County Code is hereby added to read as follows:

20.08.021 Coastal Zone. Projects subject to provisions of this Title located within the coastal zone, as defined by the Coastal Act of 1976, may be subject to a coastal development permit purusuant to Marin County Code Chapters 22.56 and 22.57. Different standards, as set forth in Chapter 22.56 and 22.57, are applicable to projects located in coastal districts.

SECTION VI: Chapters 22.56 and 22.57 of Title 22 (Zoning) of the Marin County Code are hereby added to read as follows:

CHAPTER 22.56

C DISTRICTS

SECTIONS:

22.56.010 Purpose

22.56.020 Application

22.56.023 Consistency with California Coastal Act of 1976

22.56.025 Application of Specific Regulations

22.56.027 Plan area for C-Planned Districts

22.56.030 Definitions

22.56.040 Projects Allowed by Permit

22.56.050 Projects Exempt from Coastal Project Permit Requirements

22.56.055 Projects Requiring a Coastal Permit

22.56.060 Application for Coastal Project Permit

22.56.062 Determination of Permit Category

22.56.065 Notice Required

22.56.070 Action on Coastal Project Permit

22.56.075 County Appeals of Project Permit Action

22.56.080 Appeals to the California Coastal Commission

22.56.090 Projects Requiring a Permit from the California Coastal Commission

22.56.095 Findings

22.56.100 Notice of Final Action

22.56.105 Failure to Act Notice

22.56.110 Effective Date of Final Action

22.56.115 Amendments to Coastal Project Permits

22.56.120 Expiration Date and Time Extensions

22.56.130 Development Requirements, Standards and Conditions

22.56.140 Violations and Enforcement

22.56.010: PURPOSE

The purpose of this chapter is to provide the mechanisms to implement coastal policies for Marin County. This chapter implements policies which: identify the location and density of development, provide for access to and along the coast, protect significant natural resources, protect archeological and historical resources and provide standards for public and private activities.

22.56.020: APPLICATIONS

The C District shall conform to the Coastal Zone as established by the Coastal Act of 1976. The following general regulations shall apply in all C zoning districts as noted below and should be subject to the provisions of Chapters 22.62 through 22.74 of this title. The provisions of Section 22.88.010 (3), (5), (6), (7a) through (7e) and (8) shall not apply in C districts.

C-ARP	Coastal Agricultural Residential Planned District
C-R-A	Coastal Residential Agricultural District
C-R-1	Coastal One Family Residence District
C-R-2	Coastal Two Family Residence District
C-RSP	Coastal Residential One Family Planned District
C-RSPS	Coastal Residential One Family Planned District Seadrift Subdivision
C-H-1	Coastal Limited Roadside Business District
C-VCR	Coastal Village Commercial Residential District
C-OA	Coastal Open Area District

22.56.023: CONSISTENCY WITH CALIFORNIA COASTAL ACT OF 1976

Development of all projects in the Coastal Zone of Marin County shall be generally consistent with the Coastal Act of 1976 and specifically with the Public Access and Recreational Policies (Chapter 6, Sections 30200, 30210, 30211, 30212, 30212.5, 30213, 30220, 30221, 30222, and 30223). In addition, the process of review and approval of any project shall be consistent with the Appeals section of the Coastal Act (Chapter 6, Section 30603, paragraph A and B).

22.56.025: APPLICATION OF SPECIFIC REGULATIONS

Specific regulations in addition to the general regulations applicable to all C Districts are contained in the provisions for each type of district (Chapter 22.57).

22.56.027: PLAN AREA FOR C-PLANNED DISTRICTS

The area of the master plan and development plan shall include at least all contiguous properties under the same ownership. The area may also include multiple ownerships.

22.56.030: DEFINITIONS

A. Stream Bank is the immediate watershed and relatively permanent elevation at the water line of the stream channel which separates the bed from the adjacent upland and confines and preserves the course of the stream. In areas where the bank is not readily discernable the bank boundary shall be determined by the first line of permanently established riparian vegetation closest to the stream.

B. "Discretionary action" shall mean approval or denial by a County Officer, Board, or Commission, of a project based on findings of fact.

C. "Project" shall mean, on land, in or under water:

1. The placement or creation of any solid material or structure, including but not limited to, any building, road pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line;

2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, and the mining or extraction of any material;

3. Grading, removing, dredging, mining, or extraction of any materials;

4. Change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is for the purchase of such land by a public agency for public recreational use.

5. Change in the intensity or use of water, or of access thereto;

6. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and

7. The removal or harvesting of major trees, rare or endangered species and permanently established riparian vegetation other than for agricultural purpose

D. "Structure" shall mean any building, road, pipe, flume, conduit, siphon, well, telephone line, and electrical power transmission and distribution lines.

E. "Coastal dependent use" shall mean any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

F. "Visitor-serving facility" shall mean stores, shops, businesses, bed and breakfast houses, recreational facilities (both public and private), which provide accommodations, food and services; including hotels, motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are used by the traveling public.

22.56.040 PROJECTS ALLOWED BY PERMIT

All projects including those of State and local public agencies not exempted by Section 22.56.050 or not otherwise requring a coastal project permit shall require a coastal project permit. Not withstanding other requrements of this title, the following projects shall be permitted by approval of a Coastal Project Permit:

A. Uses and structures permitted in the respective coastal districts, including but not limited to:

1. Variances
2. Use Permits
3. Master Plans and Development Plans
4. Design Review
5. Sign Permits

B. Tidelands permits processed under Chapter 22.77

C. Permits for projects processed under other chapters and titles of the Marin County Code, including but not limited to:

1. Grading and excavation permits issued under Title 23
2. Creek permits issued under Title 11
3. Dam permits issued under Title 11
4. Quarry and mining permits issued under Title 23
5. Domestic water supply permits issued under Title 7
6. Individual sewage disposal system permits issued under Title 18

D. Tentative subdivision maps processed under Title 20, and other subdivision activities as defined by the State Subdivision Map Act.

E. The issuance of building permits not exempted under Section 22.56.050.

F. Demolition of existing residential, commercial and other principle structures.

G. Those repair and maintenance activities which involve seawalls and similar shoreline structures as identified in Section 22.56.050(A).

H. Those improvements and additions to existing buildings and structures which are identified in Section 22.56.055 (A-G) as requiring a coastal project permit.

I. Projects conducted by public agencies and private individuals which would normally require a coastal project permit but which are undertaken as emergency measures for the protection of public safety during natural disasters. Such a project shall be reported to the Deputy Zoning Administrator within three working days following its commencement and a coastal project permit applied for.

J. All project including those of State and local public agencies not exempted by Section 22.56.050 or not otherwise requiring a coastal project permit.

22.56.050 PROJECTS EXEMPT FROM COASTAL PROJECT PERMIT REQUIREMENTS

The following projects in the C Districts shall be exempt from the requirements of a Coastal Project Permit:

A. Repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of such repair or maintenance except that such repair and maintenance of seawalls, breakwater groins, bluff retaining wall or similar shoreline work shall require a coastal project permit.

B. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

C. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall: 1) conform to applicable existing zoning requirements; 2) be for the same use as the destroyed strucutre; 3) not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and 4) shall be sited in the same location on the affected property as the destroyed structure, unless the Planning Director determines that a relocation due to proximity to sensitive coastal resources is warranted.

As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

As used in this subdivision, "Bulk" means total interior cubic volume as measure from the exterior surface of the structure.

D. Except as provided in 22.56.055, Improvements and additions to existing structures and buildings including:

1. All fixtures and other structures, including decks, directly attached to the structure;

2. For residential uses, structures on the property normally associated with residences, such as garages, swimming pools, fences, and storage sheds; but not inlcuding guest houses or self-contained residential units;

3. Landscaping on the lot.

4. Additions resulting in an increase of less than 10% of the internal floor area of an existing structure.

E. Tentative subdivision maps brought about in connection with the purchase of land by a public agency for recreational purposes which are consistent with Section 30106 of the Coastal Act of 1976.

F. All historic designations processed under Chapter 22.81.

G. Those projects which, pursuant to California Public Resources Code Section 30610 (d) and (f) and implementing regulations, as significantly designated as categorically excluded from the requirements of a coastal permit.

22.56.055 PROJECTS REQUIRING A COASTAL PROJECT PERMIT

The following types and classes of improvements and additions, in addition to those listed in Section 22.56.040, shall require a coastal project permit:

A. Improvements to any structure on a beach, wetland, stream or seaward of the mean high water line as established by the U.S. Coast and Geodetic Survey.

B. Any significant alteration of land forms including removal or placement of vegetation on a beach wetland or sand dune, or within 100 feet of the edge of a coastal bluff, or stream or in areas of natural vegetation designated by the Local Coastal Program as significant natural habitat;

C. The expansion or construction of water wells or septic system;

D. On property located within the "appeal jurisdiction" of the California Coastal Commission pursuant to Public Resources Code Sections 30519 (b) and 30603 (a)(1) and (a)(2), an improvement that would result in an increase of 10% or more of internal floor area of the existing structure, or constitute an additional improvement of 10% or less where an improvement to the structure has previously been undertaken pursuant to this section, and/or the construction of an additional story (including lofts) in an existing structure.

E. Any improvement to a structure where the development permit issued for the original structure by the County or Coastal Commission indicated that any future improvements would require a development permit.

F. Any improvement to a structure which increases or decreases the intensity of use of the structure, except as exempted in Section 22.56.050 D(4).

G. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or longterm leasehold including but not limited to a condominium conversion stock cooperative conversion or motel/hotel time-sharing conversion.

22.56.060 APPLICATION FOR COASTAL PERMIT

Where required by this Chapter, a coastal project permit shall be applied for prior to or concurrent with other necessary county project permit(s). Where possible, concurrent county processing shall take place. Such application shall be submitted to the Planning Director and shall be accompanied by such filing fee as established by resolution of the Board of Supervisors. The Planning Director shall provide application form (s) for project applications. Such forms shall provide for submission of a completed coastal project application. The Planning Director shall take the following actions.

A. Determine if the proposed project is subject to the requirement of a coastal project permit and if so, determine the category of permit for the project in accordance with Section 22.56.062.

B. File the application and provide notice of action on the application per Section 22.56.065.

C. For those projects requiring a public hearing, transmit an application summary and recommendation thereon to the appropriate body specified in Section 22.56.070.

22.56.062 DETERMINATION OF PERMIT CATEGORY

The Planning Director's determination of a project's permit status shall be made with reference to the certified Local Coastal Program, including maps, categorical exclusions, land use designations and implementation programs adopted as a part of the Local Coastal Program. Where the applicant or interested person disputes the Planning Director's determination, the following procedure for resolution shall be utilized.

A. Where the Planning Director determines that a coastal project is categorically excluded under the provisions of Section 22.56.050(G), such determination shall not become final until the appeal period established herein has expired. The Planning Director shall maintain a listing of those projects determined to be categorically excluded from the requirements of a coastal project permit. This listing shall be available for public inspection and shall include the applicant's name, project description and location and the date of the Planning Director's determination. If the Planning Director's determination is disputed, an appeal letter, setting forth the grounds of the appeal must be filed with the Planning Commission. Such an appeal must be filed within five (5) working days of the date of the Planning Director's original determination. The Planning Director shall notify the applicant and others who have requested such notice of the filing of such an appeal at least ten (10) working days prior to the appeal's consideration by the Planning Commission.

The Planning Director's report to the Planning Commission shall include the opinion of the Coastal Commission's Executive Director on the determination under question. The Planning Commission shall consider the written and verbal testimony it finds necessary to make its determination. The Planning Commission's decision shall be final unless appealed per the provisions of Section 22.56.062(D).

B. *Where the Planning Director determines that a permit does not require a public hearing or is otherwise "not apealable" per the definitions of Section 22.56.070, and such dtermination is disputed by an interested party, an appeal to the Planning Commission may be filed per the requirements and procedures set forth in Section 22.56.062(A). Upon the filing of such an appeal, the Planning Director shall prepare a report to the Planning Commission, including the determination of the Executive Director of the Coastal Commission on the disputed issue. Should the Planning Commission determine the project is subject to the requirements of a public hearing, it shall return the application to the Planning Director for processing under the requirements so determined.*

C. *If the Planning Director's determination that a coastal project is subject to the public hearing requirements of this Chapter is disputed by the applicant or any interested person, such dispute shall be decided by the initial hearing body prior to action on the coastal project. In the case of such dispute, an appeal letter, setting forth the grounds of the disagreement with the Planning Director's determination, must be filed with the Planning Department at least five (5) working days prior to the initial public hearing scheduled for the project. In the case of such dispute, the Planning Director shall prepare a report of the disputed issue. The report shall include the opinion of the Executive Director of the Coastal Commission on the dispute. Upon the determination of the hearing body that a public hearing is required, the hearing and action on the project shall be set for the next available meeting. Should the project be determined not subject to public hearing, the application shall be returned to the Planning Director for processing under the requirements so determined. Where the initial hearing body is not the Planning Commission, the determination of the project's hearing status may be appealed to the Planning Commission. Such appeals shall be filed per the requirements of Section 22.56.062(A).*

D. *The Planning Commission's determination of Permit Category may be appealed to the Board of Supervisors within five (5) working days of the Planning Commission's decision. The Board of Supervisors may reject such an appeal where it determines the appeal raises no substantial issue or it may, following public notice, as established in Section 22.56.062(a) determine the dispute under question. The Board of Supervisor's determination of Permit Category may be appealed to the Coastal Commission. Such an appeal must be filed with that commission within ten (10) working days of the Board of Supervisor's decision.*

E. *Where, after final determination by the Planning Commission or the Board of Supervisors, the determination of the Executive Director of the Coastal Commission differs from the determination of the Planning Commission/Board of Supervisors, action on the proposed project shall be suspended pending a Coastal Commission decision of the permit category.*

22.56.065 <u>NOTICE REQUIRED</u>

Notice of a pending action on a coastal permit shall be given as follows:

A. *Coastal project applications requiring a public hearing under Section 22.56.070 shall be noticed by mailing notices 10 working days prior to the date of the hearing to all property owners and residents within 300 feet of the project boundary, to all interested groups and individuals which have requested such notice of coastal projects and to the California Coastal Commission.*

B. Coastal project applications not requiring a public hearing under Section 22.56.070 shall be noticed by the mailing of notice at least 10 working days prior to decision of the project. Such notice shall be sent to property owners and residents within 300 feet of the project, to interested groups and individuals which have requested such notice and to the California Coastal Commission.

C. The required notice may be combined with other required project permit notice(s) but shall be mailed by first class and shall include the following information:

1. A statement that the project is within the coastal zone, and that the project decision will include a determination on a coastal project permit.

2. The date of the filing of the application, an identification number and name of the applicant.

3. A description of the proposed project and its location.

4. A determination of whether the project is appealable to the California Coastal Commission under Section 30603(a) of the California Public Resources Code.

5. The date, time and place of the hearing and/or decision on the application; and

6. A brief description of the procedures for public comment and decision on the application including the system of appeal if applicable.

D. If, in the opinion of the Planning Director, alternative and/or additional notice procedures are desirable or warranted, notice of a coastal project application shall be published in a newspaper of general circulation within the coastal zone at least seven (7) working days prior to the hearing or intended decision on the application. The Planning Director may also require additional means of notice which is reasonably determined necessary to provide adequate public notice of the proposed project decision.

E. If a decision on a development permit is continued to a date or time not specific, the item shall be renoticed in the same manner and within the same time limits as established within this section.

22.56.070 <u>ACTION ON COASTAL PROJECT PERMIT</u>

For the purposes of notice and processing procedures, coastal development permits are divided into two categories.

A. <u>Public hearing coastal project applications</u> are defined as those projects where either (1) the C zone or title of the county code requires a public hearing or other discretionary action by a county officer, board or commission including, but not limited to: Land Divisions, Subdivisions, Variances, Use Permits, Design Reviews, Master Plans, Development Plans, Sign Reviews, Tideland Permits, Excavation Permits, and Quarrying Permits or, (2) the project is defined as an appealable project per California Public Resources Code Section 30603(a).

Where the action required for the project by its C zone or other title of County Code is to be made by the Deputy Zoning Administrator, Environmental Protection Committee, Planning Commission, or Board of Supervisors, that officer, Board or Commission shall concurrently conduct a public hearing and approve or deny the application for a Coastal Project Permit.

Where the action required for the project by its C zone or other title of County Code is to be made by the Planning Director, or any other county officer, and a public hearing is required pursuant to this section, the Deputy Zoning Administrator shall hold a public hearing and approve or deny the coastal project application.

For projects requiring multiple approvals under the various titles of County Code, and where at least one approval is required by the Deputy Zoning Administrator or Planning Commission, the Deputy Zoning Administrator or Planning Commission may hold the public hearing and approve or deny the coastal project application.

For appealable projects or other public hearing coastal projects for which the county permit requirements do not identify a decision or hearing body, the coastal project application shall be heard and approved or denied by the Deputy Zoning Administrator.

OR

B. Non-Hearing Coastal Project Permits are identified as those projects for which the C zone or title does not require a public hearing or other discretionary action by a County officer, board or commission or is not appealable as defined by California Public Resources Code Section 30603(a). Where a coastal project permit application is determined a non-hearing application, the Planning Director shall approve or deny the application for the coastal project permit.

22.56.075 COUNTY APPEALS OF COASTAL PROJECT PERMIT ACTION

County action on a coastal project permit shall not be final until the appeal period(s) established in Chapter 22.89 (appeals) and this section expires, or if appealed, until all levels of appeal brought by an appellant in conformance with this section have been exhausted. Upon receipt of an appeal, the appellate body shall provide notice as required in Section 22.56.065. Appeals shall be filed with the appropriate County appellate body setting forth the grounds of appeal. The action on the coastal development permit, including any conditions may be appealed to County-Appellate bodies by any person as established in Chapter 22.89. Such appeals must be filed in the office of the appellate body not later than 5:00 P.M. of the fifth working day following the date of the action from which the appeal is taken.

22.56.080 APPEALS TO THE CALIFORNIA COASTAL COMMISSION

For those coastal project permits which are approved for developments defined as "appealable" under California Public Resources Code, Section 30603(a) an appeal may be filed with the California Coastal Commission by (1) an aggrieved party, (2) the applicant, or (3) two members of the Coastal Commission. Such appeals must be filed in the office of the California Coastal Commission not later than 5:00 P.M. of the tenth working day following the date of action from which the appeal is taken. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the County appellate body (or bodies) as established in Section 22.56.075 of this Chapter to be considered an aggrieved party.

Where two coastal commissioners bring an appeal against a project which was approved by a person or body other than the Board of Supervisors, the Board may, at its option, elect to consider the appeal prior to any action by the Coastal Commission. The Board of Supervisors shall notify the Coastal Commission of its decision to consider such an appeal within 12 working days of the County's receipt of notice of an appeal by two coastal commissioners. County action on an appealable project shall not be deemed final if the Board of Supervisors elects to consider such appeals. The notice requirements of Section 22.56.065 shall apply to those projects the Board of Supervisors may elect to hear.

22.56.090 PROJECTS REQUIRING A COASTAL DEVELOPMENT PERMIT FROM THE CALIFORNIA COASTAL COMMISSION

Notwithstanding other permit and appeal provisions of this chapter, development proposals which are located on lands identified as tidelands, submerged lands or public trust lands shall, pursuant to the requirements of California Public Resources Code Section 30519(b), require a coastal permit from the California Coastal Commission. Upon submittal to the County of an application for a coastal project permit, the Planning Director shall determine if the project may be located on land identified as tidelands, submerged lands and/or public trust lands.

Such determination shall be based upon maps and other descriptive information identifying such lands which the California Coastal Commission and/or State Lands Commission may supply. Upon a determination that the proposed coastal project involves such lands, the Planning Director shall notify the applicant and the California Coastal Commission of the determination that a State coastal permit is required for the project. In conjunction with the County's review and decision on the project per the requirements of the C zoning District and other County codes, the County shall also include a recommendation on the project's conformance with the certified local coastal program including this chapter. The County's determination of project conformance with the objectives and requirements of the local coastal program shall be advisory only and not a final action under Section 22.56.110. Following County approval of the project, the application, supporting file documents and the County recommendation shall be forwarded to the California Coastal Commission for its action on the project permit request. Development shall not proceed until the California Coastal Commission grants a coastal permit for such a project.

22.56.095 FINDINGS

A Coastal Project Permit shall be approved only upon findings of fact establishing that the project conforms to the requirements and objectives of the Local Coastal Program. Said findings shall reference applicable policies of the Local Coastal Program where necessary or appropriate. Where the project is located between the nearest public road and the sea or the shoreline of Bolinas Lagoon, the findings shall include a determination of the project's conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). For projects involving demolitions, the findings shall explicitly establish the project's conformance with the LCP policies and the requirements established by Section 22.56.130.

22.56.100 NOTICE OF FINAL ACTION

Within seven (7) calendar days of a final County decision on an application for a coastal project permit, the Planning Director shall provide notice of the action by first class mail to the California Coastal Commission and to any persons who specifically requested such notice and provided a self-addressed, stamped envelope or other designated fee covering mailing costs. Such notice shall include conditions of approval, written findings and the procedures for appeal of the County decision to the California Coastal Commission.

22.56.105 FAILURE TO ACT - NOTICE

A. Notification by Applicant: If the County has failed to act on an application within the time limits set forth in Article 5, ("Approval of Development Permits") of Title 7, Division I, Chapter 4.5 of the Government Code, commencing with 65950, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Section 65950 et seq shall notify, in writing, the County and the Coastal Commission of the claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

B. Notification by Local Government: Upon determination that the time limits established pursuant to government Code Section 56950 et seq have expired, the Planning Director shall, within five (5) working days of such determination, notify those persons entitled to receive notice pursuant to Section 22.56.065 that it has taken final action by operation of law pursuant to Government Code Section 65956. The appeal period for projects approved by operation of law shall begin only upon receipt of the County's notice in the office of the California Coastal Commission.

22.56.110 EFFECTIVE DATE OF FINAL ACTION ON COASTAL PROJECT

A final decision of a local government on an application for an appealable development shall become effective after the ten (10) working day appeal period to the California Coastal Commission has expired or after the twenty-first (21st) calendar day following the final local action unless any of the following occur:

A. An appeal is filed in accordance with Section 22.56.080

B. The notice of final coastal project permit does not meet the requirements of Section 22.56.100

C. The notice of final action is not received in the California Coastal Commission office and/or distributed to interested parties in time to allow for the ten (10) working day appeal period within the 21 days after the County decision.

Where any of the above circumstances in (A) - (C) occur, the Coastal Commission shall, within five (5) working days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.

22.56.115 AMENDMENTS TO COASTAL PROJECT PERMITS

A coastal project permit may be amended by the original approving officer or body in the same manner specified for initial approval. Amendment requests shall be subject to the appeal provisions established in Sections 22.56.075 and 22.56.080 as applicable.

22.56.120 EXPIRATION DATE AND EXTENSIONS

A coastal project permit shall expire one year from date of issuance unless otherwise explicitly modified by approval conditions of the project, or unless construction or use on the project is complete or is diligently being pursued. A coastal project may be extended prior to its expiration for up to 18 months from its original date of expiration. Notice of a permit extension request shall be provided as established in Section 22.56.065. For permits originally issued following a public hearing, pursuant to Section 22.56.070(A), the Deputy Zoning Administrator shall hear and decide the extension request. Extensions for Coastal Project Permits originally issued pursuant to Section 22.56.070(B) shall be issued by the Planning Director.

Coastal Project Permit extensions may be granted upon findings that the project continues to be in conformance with the requirements and objectives of the certified local coastal program. Permit extensions may be appealed as established in Section 22.56.080.

22.56.130 DEVELOPMENT REQUIREMENTS, STANDARDS AND CONDITIONS

A. Water Supply: Coastal project permits shall be granted only upon a determination that water service to the proposed project is of an adequate quantity and quality to serve the proposed use.

1) Except as provided in (a) or (b) below, new development (including division of land) within the boundaries of a community or mutual water system shall be required to utilize such water service. System water shortages shall not constitute grounds for the use of individual water wells. Approval of individual water wells within mutual/community water systems shall occur only upon specific findings that:

a) The water well will be used exclusively for agricultural and/or horticultural uses; or

b) The physical distribution system improvements are economically or physically infeasible to construct to the proposed project site.

2) Prior to the authorization of subdivision or construction of projects utilizing individual water wells, the applicant shall demonstrate a sustained water-well yield of at least 1 gallon per minute per residential unit. Additional requirements for fire protection, including increased yield rates, water storage facilities and fire hydrants shall be installed as recommended by the applicable fire protection agency.

3) New community and mutual water wells serving 5 or more parcels shall demonstrate by professional engineering studies, that such groundwater withdrawal will not adversely affect aquifer systems. Such engineering studies shall provide the basis of establishing safe sustained yields from these wells.

4) New development shall be required to incorporate low-flow water fixtures and other water saving devices.

B. Septic System Standards: The following standards apply for projects which utilize septic systems for sewage disposal.

1) All septic systems within the coastal zone shall conform with the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Control Board of April 17, 1979 or, Marin County Code whichever is more stringent. No waivers shall be permitted except where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board, or where such waivers have otherwise been reviewed and approved under standards established by the Regional Water Quality Control Board.

2) Alternate waste disposal systems shall be approved only where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board.

3) Where a coastal project permit is necessary for the enlargement or change in the type of intensity of use of an existing structure, the project's septic system must be determined consistent with the current Guidelines of the Regional Water Quality Control Board or such other program standards as adopted by the County of Marin.

C. Grading and Excavation: The following standards shall apply to coastal projects which involve the grading and excavation of 150 cubic yards or more of material.

1) Development shall be designed to fit a site's topography and existing soil, geological, and hydrological conditions so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum and natural landforms are preserved. Development shall not be allowed on sites, or areas of a site, which are not suited to development because of known soil, geology, flood, erosion or other hazards that exist to such a degree that corrective work, consistent with these policies (including but not limited to the protection of natural landforms) is unable to eliminate hazards to the property endangered thereby.

2) For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be discouraged during the winter rainy season and stabilizing slopes shall be in place before the beginning of the rainy season.

3) In addition to such standards as may be imposed under MCC Chapter 23.08.090, the following standards shall be required:

a) Sediment basins (including debris basins, desilting basins, ponding areas or silt traps), shall be installed at the beginning of grading operations and maintained throughout the development process to remove sediment from runoff waters. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during grading or development. Cut and fill slopes shall be permanently stabilized as soon as possible with native plants or other suitable landscaping techniques.

b) The extent of impervious surfaces shall be minimized to the greatest degree possible. Water runoff beyond natural levels shall be retained on-site whenever possible to facilitate maximum groundwater recharge. In order to prevent gullying on-site and down-stream erosion of existing stream channels, the velocity of runoff on and off the site shall be dissipated through the application of appropriate drainage controls so that the runoff rate does not exceed the storm water runoff from the area in its natural or undeveloped state. Grassed or natural waterways are preferred to concrete storm drains for runoff conveyance.

c) Pollutants such as chemicals, fuels, and other harmful materials shall be collected and disposed of in an approved manner.

d) Where topsoil is removed by grading operations, it shall be stockpiled for subsequent re-use, where appropriate.

e) All debris shall be removed from the site upon the completion of the project.

f) Permit applications for grading which involve cut slopes in excess of 8 feet or fill in excess of 5 feet shall include a report from a registered soils or civil engineer.

D. Archaeological Resources:

1) Prior to the approval of any proposed development within an area of known or probable archaeological significance, a limited field survey by a qualified professional at the applicant's expense shall be required to determine the extent of the archaeological resources on the site. Where the results of such survey indicate the potential to adversely impact probable archaeological resources, the report shall be transmitted to the appropriate clearinghouse for comment. The County Planning Department shall maintain a confidential map file of known or probable archaeological sites so as to assist in site identification.

2) Where development would adversely impact archaeological resources or paleontological resources which have been identified, reasonable mitigation measures shall be required as may be recommended by the field surveyor or by the State Historic Preservation Officer. Such mitigation shall include as necessary:

a) The resiting or redesign of development to avoide the site;

b) That, for a specified period of time prior to the commencement of development, the site be opened to qualified, approved professional/educational parties for the purpose of exploration/excavation;

c) The utilization of special construction techniques to maintain the resources intact and reasonably accessible;

d) Where specific or long-term protection is necessary, sites shall be protected by the imposition of recorded open space easements; and

e) For significant sites of unique archaeological resource value, where other mitigation techniques do not provide a necessary level of protection, the project shall not be approved until the determination is made that there are no reasonably available sources of funds to purchase the property.

E. Coastal Access:

1) All coastal project permits shall be evaluated to determine the project's relationship to the maintenance and provision of public access and use of coastal beaches, waters and tide lands.

a) Except as provided in b) below, for projects located between the sea and first public road (as established by the mapped appeal area), a coastal project permit shall include provisions to assure public access to coastal beaches and tidelands. Such access shall include, either singularly or in combination:

1) The offer of dedication of public pedestrian access easements from the public road to the ocean;

2) The offer of dedication of public access easements along the dry sand beach areas adjacent public tidelands; and

3) Bluff top trail easements where necessary to provide and maintain public views and access to coastal areas.

Such offers of easement shall be for a minimum period of 20 years and shall provide for the easement acceptance by an appropriate public agency and/or private organization. Liability issues pertaining to the access easement shall be resolved prior to acceptance of any offer of dedication.

b) Upon specific findings that public access would be inconsistent with the protection of 1) public safety, 2) fragile coastal resources or 3) agricultural production or, upon specific findings that public use of an accessway would seriously interfere with the privacy of existing homes, provision for coastal access need not be required. In determining whether access is inconsistent with the above, the findings shall specifically consider whether mitigation measures such as setbacks from sensitive habitats, trail or stairway development, or regulation of time, seasons, or types of use could be developed which would adequately mitigate any potential adverse impacts of public access. A finding that an access way can be located 10 feet or more from an existing single family residence or be separated by a landscape buffer or fencing if necessary should be considered to provide adequately for the privacy of existing homes.

c) Where evidence of prescriptive rights (historic public use) on a project site is determined to exist as a result of permit application review, public easements to protect the types, intensity and areas of historic use shall be established as a condition of project approval. Development may be allowed in

an area which has been historically used by the public for vertical access to the beach only when equivalent access has been assured in the same vicinity which will accommodate the same types and intensity of use as have existed on the subject site.

d) Where development involves land which may be subject to the doctrine of public trust easements, a project description shall be forwarded to the office of the State Lands Commission for its determination of the status of the land in question. The State Lands Commission shall be requested to indicate if the project is located on tidelands or submerged lands and whether a State Lands Commission permit or lease is required for the proposed development. Such a determination shall be made prior to any authorization of construction for a coastal project. County action on proposed coastal projects identified as located upon tidelands, submerged lands or public trust lands, per the provision of Public Resources Code Section 30519(b), shall be advisory only. Such project applications including those advisory recommendations as the County deems appropriate, shall be forwarded to the California Coastal Commission for its action on the coastal project.

2) Specific Geographic Requirements - Coastal Access

a) Mt. Tamalpais State Park and Lands

The development of additional recreational and visitor services on those portions of the Mount Tamalpais State Park within the coastal zone, including hiking trails, equestrian trails, a "primitive" hostel at the Steep Ravine cabins and improved parking and support facilities at Red Rock are consistent with the LCP policies. Such facilities shall be similar in design, size and/or location as those proposed by the Mount Tamalpais State Park Plan. Consistent with the protection of significant resources, additional trail development to improve access to public tidelands is encouraged.

b). Maintenance of Existing Coastal Access: Development which may interfere with existing coastal access shall not be permitted or shall be conditioned to assure substantially the same level and location of public access is maintained. The following specific access areas shall be retained through coastal permit regulation program:

1) Stinson Beach: The County Park lands at Calle del Sierra:(Upton Beac established pedestrian access ways at Walla Vista and the Calles; and the maintenance of on-street parking along the northerly side of Calle del Arroyo;

2) Bolinas: Historic public use of the two access trails across Bolinas Mesa to the RCA beach and of the beach area itself shall be protected in accordance with the access program approved by the North Central Coast Regional Commission in its action on Permit No. 31-78 (Commonweal). As provided by the conditions of the Commonweal permit approval, use of the access trails and beach areas shall be limited to the level and character of the historic use of the property (including but not limited to use for beach access, hiking, swimming, and horseback riding) in order to protect the natural resources of Duxbury Reef. The public access to Duxbury Reef shall continue under present management programs.

F. Housing: Existing residential buildings which provide housing opportunities for persons of low and moderate income (as defined by the most recent Federal Housing and Urban Development Guidelines) shall be removed or demolished only upon specific findings that:

1) The structure poses an immediate and established health or safety hazard;

2) Based upon established procedures, that the rehabilitation of the existing structure is not feasible. (Feasible shall be defined per Section 30108 of the Coastal Act); and

3) Such demolition coupled with subsequent reconstruction would provide replacement housing of comparable rental value either on site or within the immediate coastal zone area.

G. Stream and Wetland Resource Protection

The following standards shall apply to all development within or adjacent streams identified as blue-line streams on the most recent edition of the USGS 7 1/2 minute quadrangle map(s) for the project area.

1) Stream impoundments and diversions shall be limited to necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or developments where the primary function is the improvement of fish and wildlife habitat. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and existing water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, estuarine habitats, spawning areas) and other downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments or diversions which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.

2) The alteration of stream channels and banks shall be allowed only for the developments identified in G-1 above in order to protect streamwater quality and the volume and rate of streamflow. All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures and revegetation of disturbed areas with native species.

3) For proposed projects located adjacent to streams, application submittals shall include the identification of existing riparian vegetation as a riparian protection area. No construction, alteration of land forms or vegetation removal shall be permitted within such riparian protection area. Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of the stream. Where feasible, development shall not be located within this stream buffer area. When a parcel is located entirely within a stream buffer area, design review shall be required to consider the mitigation programs necessary to protect water quality, riparian vegetation, and the rate and volume of stream flows, address the impacts of erosion and run-off, and to provide for the restoration of disturbed areas by replacement landscaping with plant species naturally found on the site.

4) Development applications on lands surrounding Bolinas Lagoon and other wetlands as identified on the appeals area map(s) shall include the designation of a wetland buffer area. The buffer area shall include those identified or apparent wetland

related resources but in no case shall be less than a minimum of 100 feet in width from the subject wetland. To the maximum extent feasible, the buffer area shall be retained in a natural condition and development located outside the buffer area. Only those uses dependent upon the resources of the wetland shall be permitted within the wetland buffer area.

5) The diking, filling, dredging and other alterations of wetlands shall occur only for minor, public works projects and shall be in conformance with the Coastal Act Section 30233. No physical improvements along the County Parklands surrounding Bolinas Lagoon shall occur.

6). In order to protect the significant wetland and upland habitat value of that 11-acre property known as the Henry Wilkins property (AP #195-290-13 & 24 and any change in the present density and type of use shall be preceded by a detailed environmental investigation and assessment of the resources of the site. No development or change in use which adversely impacts these resource values shall be permitted.

H. Dune Protection - Stinson Beach

1) No development, including grading, erection of fences, signs or other primary or accessory structures shall be permitted seaward of that undeveloped right-of-way known as Mira Vista Street in Stinson Beach.

2) Except for those shoreline protective works otherwise permitted by this chapter, development, including signs, fences and grading activities shall not be permitted seaward of the established building set-back lines established by zoning districts for shoreline parcels.

3). Development of shorefront lots within the Stinson Beach and Seadrift area shall assure preservation of the existing sand dune formations in order to protect environmentally sensitive dune habitat, vegetation and to maintain the natural protection from wave runup which such natural dunes provide. Where no dunes are evident, new development shall, to the maximum extent feasible, be set back behind the first line of terrestrial vegetation. Development approvals for new projects located along such shorefront parcels shall be accompanied by findings, including mitigation conditions, establishing the project's design and location, minimizing the need for shoreline protective works, protecting sandy beach habitat, providing a buffer area between public and private use areas, protecting the scenic and recreational character of the beach and maintaining the public rights of access to and use of beach dry sand areas. Permits authorizing repair and maintenance to existing shoreline structures shall to the extent feasible, provide for the above standards and objectives.

4) Project proposals for the subdivision of beach front lots shall be permitted only upon explicit findings that the increased development density and/or location is consistent with the standards and objectives established in H-3 above.

I. Wildlife Habitat Protection

1) Proposals to remove significant vegetation on sites identified on the adopted natural resource map(s) and generally described in Section 2 of the LCP shall require a coastal permit. Significant alteration or removal of such vegetation shall not be permitted except where it poses a threat to life or property.

2) Siting of New Development. Coastal project permit applications shall be accompanied by detailed site plans indicating existing and proposed construction, major vegetation, water courses, natural features and other probable wildlife habitat areas. Development shall be sited to avoid such wildlife habitat areas and to provide buffers for such habitat areas. Construction activities shall be phased to reduce impacts during breeding and nesting periods. Development that significantly interferes with wildlife movement; particularly access to water, shall not be permitted.

J. Protection of Native Plant Communities

Where the officer or body reviewing a coastal project application determines that a project site contains a significant number or type of nonindigenous, invasive plant species which would threaten the preservation or re-establishment of native plant species, either on or off site, the project's approval shall be conditioned upon the removal of such non-indigenous plant material

K. Shoreline Protection

1. Bluff top set-backs

New structures shall be set back from the Bolinas and Muir Beach bluffs a sufficient distance to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life expectancies Adequate setback distances will be determined from information contained in required geologic reports and the setback formula established below. These setbacks will be of sufficient distance to eliminate the need for shoreline protective works. The following formula will be used to determine setbacks from the bluff for new structures:

Setback (meters) = structure life (years (normally at least 40 years) X retreat rate (meters/year). In areas where vigorous sliding is taking place, an additional 15 meters should be added as a safety factor.

The retreat rate shall be determined by a geotechnical investigation conducted by a professional engineer or registered geologist which explicity examines the sites geotechnical capability to adequately support the proposed development. The report shall include the historic and projected rate(s) of bluff retreat attributable to wave and/or surface runoff erosion. The geotechnical report shall be required in either of the following:

(1) The building or proposed development site is within 150 feet of the blufftop, or the site is located in stability zones 2, 3 or 4 or the slope stability map of the Bolinas area accompanying the report "Geology for Planning, Western Marin County".

(2) The building site is located within stability zones 2, 3, or 4 as indicated on the Slope Stability of the Bolinas Peninsula Study Area map which accompanies Wagner's 1977 report, "Geology for Planning, Western Marin County". This report and accompanying maps is incorporated by reference as part of this ordinance.

2. Standards and requirements for shoreline protective works.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted when required to serve coastal-dependent uses or to protect existing structures (constructed before adoption of the LCP), or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

A permit granted to construct erosion control structures shall require the re-establishment of the former dune contour and appearance. In the case of emergency permits, the property owner of record shall agree, in writing, prior to the issuance of the permit, that such restoration work will be accomplished within 60 days after the permit was issued.

In the absence of an overvall wave hazard/shoreline erosion study, any permit application for seawalls, riprap or other protective structures on beaches, shall be accompanied by engineering reports stating the nature and extent of wave erosion hazard along the beach area and an explanation of how the proposed protective works will mitigate the hazard, both on and off the project site. This requirement shall not apply toemergency permit applications applied for prior to January 1, 1983. Emergency permit applications after that date shall be subject to report requirement or shall specifically establish why the need for such protective devices was not foreseen and previously addressed through non-emergency permit applications.

Applications for placement of protective structures on beaches shall be accompanied by an engineers report unless an overall wave hazard-shoreline erosion report exists. Said engineers report shall include:

a. A statement of the nature and extent of wave erosion hazard
b. An analysis of how the proposed protective works will mitigate the hazard both on and off the site
c. An assessment of any adverse impacts to adjacent properties or resources that might reasonably be expected to result from construction of the protective structure.

12. <u>Geologic Hazardous Areas</u>

1) Prior to the issuance of a coastal development permit for projects located in areas depicted by the Unit I LCP geologic hazards maps, the owner (applicant) shall:

a) Execute and record a waiver of public liability holding the County, other governmental agencies and the public harmless because of loss experienced by geologic activities. The wiaver of liability shall be in a form approved by County Counsel and run with the property; and

b) Submit along with the permit application, a report from a registered civil or structural engineer briefly describing the extent of potential geologic hazards and those construction, siting and other recommended techniques to mitigate those possible geologic hazards.

The Planning Commission, following consultation with the Director of Public Works, may modify said requirement in 2 above for selected areas or types of projects where the Commission finds that:

1) The project area is of the same general geologic nature and sufficient data has been developed (such as by a "Master Engineering Report") to adequately judge the risk and resulting standards necessary for such areas; or

2) The type of project is a minor structure, not for human habitation, which presents little risk on or off site, by possible geologic hazards.

2. Flood Plain Development

Coastal project permit applications adjacent to streams which periodically flood shall include a site plan that identifies the 100 year flood plain (as described by the Army Corps of Engineers). Development of permanent structures and other significant improvements shall not be permitted within the limits of the 100 year flood plain.

M. Public Works Projects

1) Transportation

Highway 1 shall remain a scenic two-lane roadway. Roadway improvements to Highway 1 and other public roadways shall not, either individually or cumulatively, distract from rural, scenic characteristics of the existing roadway.

Improvements (beyond repair and maintenance) shall be limited to minor roadway improvements as identified below:

a - Slope stabilization, drainage control and minor safety improvements such as guard-rail placement, signings:

b - Expansion of roadway shoulder paving to accommodate bicycle/pedestrian traffic along the highway shoulder;

c - Creation of slow traffic and vista turn-outs as a safety and convenience improvement;

d Other minor selected roadway improvements necessary to adequately accommodate public transit consistent with the goals of this policy, providing, however, that no filling of streams or wetlands shall be permitted. Specifically, the development of new public transit service routes and associated off-loading and turn facilities is consistent with the LCP policy to utilize public transit to meet increased use of coastal recreational areas.

2. Water and Sewer Improvements

In the consideration of a coastal project permit for expansion of water and/or sewer treatment facilities for the Bolinas Public Utility District, the County shall determine that adequate water and/or sewer treatment capacity is guaranteed from the expanded facilities to serve VCR zoned property in the community.

3. Other Public Works Project Standards and Requirements:

Roads, floods control projects and utility service expansions shall be limited to the minimum necessary to serve development as identified by LCP land use policies. All such public works projects shall conform to the resource and visual policies of the LCP and the requirements of this chapter.

N. Land Division Standards

Land divisions of small agricultural holdings designated under ARP zoning shall conform to the following standards:

New land divisions shall demonstrate to the Planning Director that the design of the created parcels provides the maximum feasible concentration of clustering. Clustering shall be located both to provide for the retention of the maximum amount of land in agricultural use and to protect important upland feeding areas. Clustered development shall also be located in the area of least environmental sensitivity on the parcel. Open space easements or other restrictions shall be required to designate intended use and restrictions on the property being subdivided.

O. Visual Resources and Community Character

1) All new construction in Bolinas, Stinson Beach, and Muir Beach shall be restricted to a maximum height of twenty-five (25) feet; except that the Stinson Beach Highlands will have a maximum height of seventeen (17) feet, and the Seadrift Subdivision will have a maximum of fifteen (15) feet.

2) To the maximum extent feasible, new development shall be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway.

P. Recreation/Commercial/Visitor Facilities:

In order to maintain the established character of the village commercial areas in Stinson Beach and Bolinas, a mixture of residential and commercial uses shall be permitted within the VCR zone. The principal permitted use of the VCR zone in the two village centers shall include commercial and residential uses, provided, however, that new residential uses shall be permitted only if they are incidental to the commercial use. Exclusive residential uses shall also be permitted as a conditional use; however, in no case shall such use be permitted on more than 25% of the lots which are vacant at the time of adoption of this ordinance in each community. Replacement of any existing residential use destroyed by natural disaster shall be exempt from this provision and will be permitted.

Q. Historic Resource Preservation

In the issuance of any coastal permit, the Planning Director or appropriate hearing body shall make findings that the proposed project is consistent with the Historic Structure Preservation policies of the LCP Unit I. When considering any permit which pertains to any area or structure specifically cited in the adopted LCP Unit I, the following criteria shall apply:

(1) The proposed work shall not detrimentally alter, destroy or adversely affect any exterior architectural features, or

(2) In the case of construction of a new improvement, building or structure upon specifically designated historic sites, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site.

22.56.140: VIOLATIONS AND ENFORCEMENT

Any person, firm or corporation, whether as principle agent, employee or otherwise, violating any of the provisions of this chapter, shall be subject to the provisions of California Public Resources Code 30800 et.seq. and these regulations adopted pursuant to those provisions. The provisions of Public Resources Code 30800 et. seq. and implementing regulations shall apply over other provisions of the Marin County Codes in the implementation of this chapter within the coastal zone of Marin County so covered.

CHAPTER 22.57

Specific regulations for various coastal districts.

22.57.010 Application

22.57.020 C-ARP Districts. Coastal Agricultural, Residential, Planned Districts

22.57.040 C-R-A Districts. Coastal Residential, Agricultural Districts

22.57.050 C-R-1 Districts. Coastal One Family Residence District

22.57.060 C-R-2 Districts. Coastal Two Family Residence Districts

22.57.080 C-RSP Districts. Coastal Residential Single Family Planned Districts

22.57.090 C-RSPS Districts. Coastal Residential, Single Family Planned, Seadrift Subdivision Districts

22.57.110 C-H-1 Districts. Coastal Limited Roadside Business Districts

22.57.120 C-V-C-R Districts. Coastal Village Commercial Residential Districts

22.57.130 C-O-A Districts. Coastal Open Area Districts

22.57.200 Design Standards Table

22.57.201 Regulations for B Districts.

22.57.010: Application of specific regulations.

The following specific regulations in addition to the general regulations cited in Chapter 22.56 shall apply to all coastal districts except as specifically exempted herein.

22.57.020: C-ARP Districts, Coastal Agricultural, Residential, Planned Districts

22.57.021: Purpose.

This zone provides flexibility in lot size and building locations and thereby promotes the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use and to maintain the visual, natural resource and wildlife habitat values of the property and surrounding areas.

22.57.022: Principal Permitted Uses.

The following uses are permitted in all C-ARP Districts subject to an approved Master Plan:

(1) Dairying:
(2) Grazing or breeding of cattle or sheep:
(3) Raising or keeping of poultry, fowl (including game birds), rabbits or goats or similar animals:
(4) Fish hatcheries and rearing ponds; oyster farming; mariculture
(5) Crop, vine or tree farm, truck garden, greenhouse, horticulture:
(6) Farm and ranch buildings including dwelling, stables, barns, pens, corrals, or coops; structures for killing, dressing, packing or handling products raised on the premises, but not including an abattoir for cattle, sheep or hogs; dwellings shall be incidental to the agricultural use of the land for the residence of the owner or lessee of the land and the family of the owner or lessee, or for their employees engaged in the agricultural use of the land; agricultural use of the land means agriculture as the primary or principal use of the land as demonstrated by the applicant to the satisfaction of the planning director. The total number of dwellings shall not exceed the density permitted in the district.
(7) Single family dwellings:
(8) Grazing, breeding or training of horses; horse stables, including riding academies and boarding facilities incidental to these uses.
(9) The maintenance of land in its natural state for the purpose of preserving land for recreation, or for plant, animal or mineral preserves:
(10) Horseback riding or hiking trails.
(11) Public or private hunting of wildlife or fishing;
(12) Erection, construction, alteration or maintenance of gas, electric, water, communication or flood control facilities as approved by the appropriate governmental agencies.

22.57.023: Conditional Uses

The following uses are permitted in all Coastal Agricultural Districts, subject to the securing of a use permit in each case:

(1) Hog ranch:
*(2) Aircraft landing strip;
(3) Facilities for processing or retail sale of agricultural products:
(4) Commercial storage and sale of garden supply products:
(5) Animal hospitals and dog kennels:

*(6) Mining and quarrying; and production operations and facilities related thereto:
(7) Timber harvesting in accordance with the regulations of Title 23 of the Marin County Code:
(8) Rifle or pistol practice range, trap or skeet field, archery range or other similar use:
*(9) Rodeo arena and related facilities:
*(10) Institutional uses and the facilities necessary therefor, related to educational, scientific, recreational or religious purposes:
(11) Mobile homes not on permanent foundations, so long as they are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land:
*(12) Storage and sale of building materials:
*(13) Dump:
*(14) Junkyard:
*(15) Public and private hunting and fishing club facilities:

22.57.024: Design Standards.

The following requirements for project design, site preparation, and use shall be imposed through the Master Plan, Development Plan and/or Design Review process, as necessary, to implement the goals and policies of the LCP, the Marin Countywide Plan and any applicable community plan;

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

1. PROJECT DESIGN

(a) Clustering. Buildings shall be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. Clustering or siting buildings in the least visually prominent portion or portions of the site is especially important on open grassy hillsides. In these areas, the prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In areas with wooded hillsides, a greater scattering of buildings may be preferable to save trees and minimize visual impacts. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

(b) Ridgelines. There shall be no construction permitted on top of within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

(c) Geologic Hazards. Development shall not be permitted on identified seismic or geologic hazard areas, such as slides, natural springs, identified fault zones, or bay mud, without approval from the Department of Public Works, based on acceptable soils and geologic reports.

(d) Roads, Driveways and Utilities. The development of roads, driveways and utilities shall conform to the applicable standards contained in Title 24 of Marin County Code, including but not limited to Sections 24.04.020 through 24.04.320 (Roads and Driveways), and Sections 24.04.840 through 24.04.860 (Utilities). In areas with undeveloped agricultural land, efforts shall be made to keep road and driveway construction, grading and utility extensions to a minimum. This shall be accomplished through clustering and siting development so as to minimize roadway length and maximize the amount of undivided agricultural land.

(e) Fire Protection. In rural areas (areas without water systems), on-site water storage capacity may be required for each single family residence, subject to the requirements of the Marin County Fire Department, In planned or cluster developments provisions should be made, where feasible, for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan approved by the Marin County Fire Department.

(f) Landscaping. Landscaping shall minimally disturb natural areas. Fire protection, solar access, of indigenous species and minimal water use shall be considered in landscaping plans.

(g) Building Location/Design. In addition to the above requirements, buildings to be located on existing or proposed subdivision lots, shall be sited and designed according to the following principles:

1) Energy Conservation. Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

2) Building Height. No part of a residential building shall exceed twenty-five (25) feet in height above natural grade, and no accessory structure, including water tanks, shall exceed fifteen feet in height above natural grade. In residential structures, the lowest floor level shall not exceed ten feet above natural grade at any point. Where a ridge lot is too flat to allow placement of the house down from the ridge as required in 1(b), a height limit of one story or a maximum of eighteen feet, as measured from natural grade to the top of the roof, shall be imposed. These requirements may be waived by the Planning Director upon presentation of evidence that a deviation from these standards will not violate the intent of Section 22.47.101 and Environmental Quality Policies of the Countywide Plan. Farm and agricultural buildings located down from ridgetops may exceed these height limits upon Design Review approval.

3) Access. Driveways shall be developed in accordance with the applicable standards contained in Title 24 of Marin County Code, including but not limited to Sections 24.04.240 through 24.04.320. Consistent with the clustering policies in 1(a) above, efforts shall be made to keep driveway length to a minimum.

4) Materials and Colors. Fire protection, energy conservation and the use of traditional agricultural building materials and colors shall be considered in all construction.

(h) Facilities. Where possible, facilities and design features required by the Countywide Plan shall be provided through the Master Plan/Development Plan process. These include use of reclaimed waste water; use of materials, siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; appropriate recreation facilities; bus shelters; design features to accommodate the handicapped; bicycle paths and equestrian trails linked to city-county system; and facilities for composting and recycling.

(i) Agricultural and Open Spaces Uses. Agricultural uses shall be encouraged in ARP zones. As part of the development review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land, not presently in use, may be preserved as undeveloped private open space to be made available, on a lease basis, in the future, for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses which will interfere or be in conflict with agricultural operations. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowner's association or other organization for their maintenance. The nature and itensity of large scale agricultural uses should be described in the form of an Agricultural Management Plan.

Management plans should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses. In some cases, the County may require reasonable public access across those lands remaining in private ownership. Such pedestrian and/or equestrian access shall be provided where consistent with adopted County and Coastal Plans and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall only be required as a condition of plan approval.

(j) Open Space Dedication and Maintenance. Non-agricultural land to be preserved as open space may be dedicated by fee title to the County of Marin. The County of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title.

2. Site Preparation: Where appropriate, site preparation plans shall be referred to the North Marin Water District and/or Marin Municipal Water District for review and comment.

(a) Grading. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land, skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. All grading shall conform to the applicable standards contained in Chapter 22.56 and Title 24 of the Marin County Code.

(b) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the Department of Public Works to avoid failure during construction.

(c) Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. To reduce runoff, impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized whenever possible, in place of culverts.

(c) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of trees or rare plant communities and wildlife habitats.

22.57.025: Density.

The ordinance adopting any A-RP district shall specify the number of acres per dwelling unit, which will be allowed within the A-RP district.

22.57.026: Submission Requirements. Applicant shall submit:

(1) Requirements contained in Chapter 22.45 and 22.56 except that, all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived, by the Planning Director. If these requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

22.57.040: C-R-A Districts. Coastal Residential, Agricultural Districts

22.57.041: Purpose

The purpose of this district is to provide for residential use, combined with small scale agricultural activities, subject to specific development standards.

22.57.042: Principal Permitted Uses.

The following uses are permitted in all C-R-A Districts:

1. Single-family residence;
2. Small livestock farming; provided, that not to exceed one horse, or one cow, or one hog, or three sheep, or three goats, or other similar livestock may be kept for each twenty-thousand square feet of area of the lot, to a maximum of three horses, or three cows, or three hogs, or six sheep, or six goats or other similar livestock maintained on any one lot.
3. Crops, horticulture, nurseries and greenhouses; and
4. Accessory buildings.
5. Home occupations.

22.57.043: Conditional Uses.

The following uses are permitted in all C-R-A districts, subject to securing a use permit in each case.

1. Public and private stables and riding academies;
2. Sale of agricultural products produced on the premises;
3. Public parks and playgrounds;
4. Buildings for the sale of agricultural and nursery products;
5. Schools, libraries, museums, churches, retreats, non-commercial tennis courts, and day child-care centers for seven or more children.
6. Dog kennels
7. Livestock farming exceeding three cows, or three horses, or three hogs or six shee

22.57.044: Design Standards

Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, Design Standards Table.

22.57.045: Exceptions

Any parcel of land with an area of less than seven thousand five hundred square feet, and /or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner therof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any C-R-A district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot.

22.57.050: C-R-1 Districts - Coastal One Family Residence District

22.57.051: Purpose.

The purpose of this district is to allow development of single family detached units subject to specific development requirements.

22.57.052: Principal Permitted Uses.

The following uses are permitted in all C-R-1 districts:

1. One family dewelling;
2. Crops, tree and truck farming, nurseries, and greenhouses.
3. Home occupations;
4. Accessory buildings.

22.57.053: Conditional Uses.

The following uses are permitted in all C-R-1 districts, subject to securing a use permit in each case:

1. Public parks and public playgrounds;
2. Salesrooms or other buildings for the sale of nursery or agricultural products;
3. Schools, libraries, museums, churches, retreats, non-commercial tennis courts and day child-care centers for seven or more children.

22.57.054: Design Standards.

Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 27.57.200 Design Standards Table.

22.57.055: Exceptions.

Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any C-R-1 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot.

22.57.060: C-R-2 Districts. Coastal Two Family Residence Districts.

22.57.061: Purpose.

The purpose of this district is to allow development of two family dwellings subject to specific development requirements.

22.57.062: Principal Permitted Uses.

The following uses are permitted in all C-R-2 districts:

1. One family dwelling;
2. Two family dwelling;
3. Crops, tree and truck farming, nurseries and greenhouses;
4. Home occupations;
5. Accessory buildings.

22.57.063: Conditional Uses.

The following uses are permitted in all C-R-2 districts, subject to securing a use permit in each case.

1. Public parks and public playgrounds;
2. Salesrooms or other buildings for the sale of nursery or agricultural products;
3. Schools, libraries, museums, churches, retreats, non-commercial tennis courts, and day child-care centers for seven or more children.

22.57.64: Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, Design Standards Table.

22.57.65: Exceptions.

A one family dwelling may be built on any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any C-R-2 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall a two family dwelling be built on any parcel of land with an area of less than 7,500 square feet, and/or with an average width of less than 60 feet.

22.57.080: C-RSP Districts. Coastal Residential Single Family Planned Districts

22.57.081. Purpose

The purpose of this district is to allow development of single-family detached units to be designed according to the policies set forth in the Local Coastal Plan and without the confines of specific yard requirements, in order to allow the greatest possible compatibility with the characteristics of the site.

22.57.082: Principal Permitted Uses.

The following uses are permitted in all C-RSP districts, subject to master plan approval.

1. One family dwelling;
2. Crops, tree and truck farming, nurseries, and greenhouses;
3. Home occupations;
4. Accessory buildings;
5. Nature reserves.

22.57.083: Conditional Uses.

The following uses are permitted in all C-RSP districts, subject to securing a use permit in each case.

1. Public parks and public playgrounds;
2. Salesrooms or other buildings for the sale of nursery and agricultural products;
3. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children.
4. Horses, donkeys, mules, and ponies shall be permitted subject to provisions of Section 22.68.040. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution.

22.57.084: Density.

The ordinance adopting a CRSP District shall specify the maximum number of dwelling units per gross acre which will be allowed within the CRSP District.

22.57.085: Submission Requirements. Applicant shall submit:

(1) Requirements contained in Chapter 22.45 and 22.56 except that all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived, by the Planning Director. If these requirements are waived a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

22.57.086: The following requirements for site preparation, design and use of the project shall be imposed through the Master Plan, Development Plan and/or Design Review process, as necessary, to implement the goals and policies of the LCP, the Marin Countywide Plan and any applicable community plan:

(1) Site Preparation.

(a) Grading. All grading shall be reviewed by the environmental protection committee or by staff members designated by the committee. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

(b) Roads. No new roads shall be developed where the required grade is more than fifteen percent unless convincing evidence is presented that such roads can be built without environmental damage and used without public inconvenience.

(c) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction. No grading shall be done during the rainy season, from November through March.

(d) Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.

(e) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of the trees or rare plant communities and wildlife habitats.

(f) Fire Hazards. Development shall be permitted in areas of extreme wildfire hazard only where there are good access roads, adequate water supply, a reliable fire warning system, and fire protection service. Setbacks to allow for firebreaks shall be provided if necessary.

(g) Geologic Hazards. Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on identified fault zones, or on bay mud without approval from the Department of public works, based on acceptable soils and geologic reports.

(h) Watershed Areas. All projects within water district watershed areas shall be referred to that district for review and comment.

(2) Project Design.

(a) Clustering. Generally, buildings should be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site, consistent with the need for privacy to minimize visual and aural intrusion into each unit's indoor and outdoor living area from other living areas. Clustering is especially important on open grassy hillsides. A greater scattering of buildings may be preferable on wooded hillsides to save trees. The prominence of construction can be minimized by such devices as placing buildings so that they will be screened by wooded areas, rock outcroppings and depressions in the topography.

(b) Ridgelines. There shall be no construction permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

(c) Landscaping. Landscaping shall minimally disturb natural areas, including open areas, and additional landscaping in a natural or semi-natural area shall be compatible with the native plant setting. Fire protection and minimal water use shall be considered in landscaping plans. Planting shall not block views from adjacent properties or disturb wildlife trails.

(d) Utilities. In the ridge land areas designated by the countywide plan, roads shall be designed to rural standards. (Generally, not more than eighteen feet pavement width, depending on safety requirements. A minimum of sixteen feet may be permitted in certain very low use areas, as provided in the improvement standards established pursuant to Marin County Code, Section 24.04.) In ridge land areas, street lights shall be of low level intensity, and low in profile. In all areas, power and telephone lines shall be underground where feasible.

(e) Building Height. No part of a building shall exceed twenty-five (25) in height above natural grade, and no accessory building shall exceed fifteen feet in height above natural grade. The lowest floor level shall not exceed ten feet above natural grade at the lowest corner. Where a ridge lot is too flat to allow placement of the house down from the ridge, a height limit of one story or a maximum of eighteen feet to the top of the roof shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Sections 22.47.020 and 22.47.030.

(f) Materials and colors shall blend into the natural environment unobtrusively, to the greatest extent possible.

(g) Noise impacts on residents and persons in nearby areas shall be minimized through placement of buildings, recreation areas, roads, and landscaping.

(h) Facilities. Where possible, facilities and design features called for in the countywide plan shall be provided on the site. These include units with three or more bedrooms, available to households with children; child-care facilities; use of reclaimed waste water; use of materials; siting; and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; recreation facilities geared to age groups anticipated in the project; bus shelters; design features to accommodate the handicapped; bicycle paths linked to city-county system; and facilities for composting and recycling.

(i) Open Space Dedication. Land to be preserved as open space may be dedicated by fee title to the County of Marin prior to issuance of any construction permit, or may remain in private ownership with appropriate scenic and/or open space easements in perpetuity, and the county may require reasonable public access across those lands remaining in private ownership.

(j) Open Space Maintenance. The County of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in accordance with the adopted policies of the Marin County open space district and may require the creation of a homeowners' association or other organization for the maintenance of these private open space lands where appropriate.

(k) Open Space Uses. Uses in open space areas shall be in accordance with policies of the Marin County open space district. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable, and where liability issues have been resolved. The intent is to serve the people in adjacent communities without attracting large numbers of visitors from other areas.

22.57.090: C-RSPS Districts. Coastal Residential, Single Family Planned, Seadrift Subdivision Districts.

22.57.091: Application.

The following specific regulations shall apply in all C-RSPS districts in addition to the general regulations required under Sections 22.57.080 through 22.57.086 (CRSP Districts). Principal permitted uses in all C-RSPS Districts shall be as allowed in 22.57.092.

22.57.092: Principal Permited Uses.

The following uses are permitted in all C-RSPS Districts, subject to master plan approval;

1. One family dwellings;
2. Natural reserves;
3. Home occupations without external evidence of same;
4. Accessory buildings to the above uses.

22.57.093: Ocean Setbacks.

On those lots fronting the Pacific Ocean and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk 6, Pg 92 and Seadrift Subdivision Number Two, RM, Bk 9, Pg 62, and as described in the subdivision's Covenants, Conditions and Restrictions in effect as of the date of this ordinance.

22.57.094: Height Limit.

Development on all lots in the Seadrift Subdivision shall be limited to a maximum height of 15 feet as measured from average finished grade.

22.57.095: Lot Consolidation.

Contiguous lots under the same ownership as of June 1, 1979, shall be consolidated to achieve the minimum parcel size of this zone district. Development proposals shall be accompanied by a title report identifying adjoining ownerships as of that date. Lot consolidation shall be accomplished via recordation of a parcel map or other technique acceptable to the Planning Director. Development shall not proceed until such lot consolidation is accomplished. In computing the lot consolidation requirements for a single owner of three or more contiguous lots, an additional parcel will be permitted if, following the lot consolidation process, the remaining square footage of available land is more than 1/2 the required lot size of the zone district. Lots which are permitted under the above formula may be less than the lot size otherwise required by the zone district requirements, but the area of such permitted lots shall not vary more than 20 percent from each other.

22.57.096: Specific Master Plan Areas.

The following regulations shall apply only in Area 4 and Area 5 as depicted on Map #1. Area 4 is further defined as lots 101 through 203 of the Map of Seadrift Lagoon Subdivision No. 2, RM BK 11, Page 51. Area 5 consists of Assessor's Parcels #195-070-35,36, 195-080-29, 195-090-27, 195-320-62, 71 and 195-340-71 and 72 and 73.

1. Property owners which own more than one group of contiguous lots in Area 4 are encouraged to submit a master plan proposal for all lots under their ownership. Such master plans may be eligible for an additional development density, subject to the following requirements:

   a. That development covered by the master plan shall include all of an owner's property located within Area 4.

   b. That the master plan shall propose the relocation of the zonings allowed lot density from the westerly section (4A) of Area 4 to the easterly section (4B) of Area 4. (The westerly lot line of lot number 151 of the map of Seadrift Lagoon Subdivision No. 2, R.M. Bk 11, pg. 51 shall be the boundary between Section 4A and 4B.

   c. The increased density of development in Area 4B (that easterly) shall be computed upon the following:

Number of Building Sites Transferring from Area 4A	Additional Building Sites Sites included with transfer
Range 3-5 sites	2 additional lots
6-10 sites	4 additional lots

   d. That the master plan utilizing the increased development formula permitted by this section must be submitted for County review within one year of the adoption of this ordinance.

   e. That parcel size configuration, and other development standards established via the master plan approval shall consider the visual impacts of the development, the impacts upon wildlife movement and habitat and the need to provide the adequate on-site disposal areas for sewerage. The building densities established by the LCP and this formula of lot consolidation may not, however be modified through the master plan review and approval process.

2. Proposals for all development within this area shall be controlled by an approved master plan covering all properties in Area 5 and providing for the following:

a. Additional development in Area 5 shall be limited to no more than 7 additional single-family, detached dwellings and shall be limited to that 6-acre portion of Area 5 located nearest Calle del Arroyo and generally identified as Assessor Parcel # 195-080-29.

b. All improvements shall be located a minimum of 100 feet from the waters of Bolinas Lagoon.

c. Development shall be limited to one story in height, not to exceed 15 feet from average finished grade.

d. Development shall be designed to provide for future vehicle and pedestrian access over the site as follows:

1. An open space and limited pedestrian access easement over the strip of Lagoon-front land (20 acres) shall be offered to the County of Marin or other approved agency/organization. This easement shall provide for open space, educational and scientific access and use of these lands as subsequently approved by the County of Marin or its designee, and

2. A recorded irrevocable offer of a roadway dedication over the general area of the old causeway. Said roadway offer shall have a common boundary with a public street. Said offer shall provide for financial participation in subsequent construction of the causeway, should it be built.

22.57.096: Public access requirements.

For those ocean front parcels within the Seadrift Subdivision, coastal development project approval shall be conditioned upon an offer of an access easement per the standards listed below:

1. An offer to the County of Marin or other public agency on behalf of the public or a non-exclusive easement for access to and use of the beach. This easement shall include the beach area between the ocean and a line 25 feet seaward of the toe of the Seadrift sand dunes, provided, however, that the easement shall not extend any closer than 100 feet to the rear of building setback line on each ocean front lot. In addition to the above easement, the grant shall also include provision for a floating 5-foot wide lateral access easement to be located landward of any wave run-up where such run-up extends further inland than the above easement. In no case, however, shall the 5-foot floating easement extend inland beyond the rear building setback line or the toe of the dunes, whichever point is the furtherest seaward.

2. Use of the easement area shall be limited to low-intensity recreational activities, such as strolling, sunbathing, birding, picnicking, fishing, and general viewing. Use of easements shall only occur where liability issues have been resolved. Structures, camping, group sports, fires, private recreational vehicles, and horses shall be prohibited in the easement areas. Use of the 5-foot lateral access easement as described above shall be limited to strolling and viewing purposes only.

22.57.110: C-H-1 Districts - Coastal Limited Roadside Business Districts

22.57.111: Purpose.

The purpose of this district is to allow the establishment of businesses oriented to serving the motoring public in both public and private transporation.

22.57.112: Principal Permitted Uses.

The following uses are permitted in all C-H-1 districts:

1. Non-profit museums;
2. Meeting halls; and
3. Restaurants and refreshment stands with seating for 30 patrons or less.
4. Transit waiting shelters.

22.57.113: Conditional Uses.

The following uses are permitted in all C-H-1 districts, subject to the securing of a use permit in each case:

1. One family, two family and multiple dwellings;
2. Service stations;
3. Public parks and public playgrounds;
4. Nurseries and greenhouses, including salesrooms or other buildings for the sale of any products;
5. Home occupations, provided that there shall be no external evidence of any home occupation except a sign as permitted by Chapter 22.69;
6. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children.
7. Lodges, fraternities and sorority houses;
8. Hospitals, rest homes, sanitariums, clinics;
9. Philanthropic and charitable institutions;
10. Hotels, motels;
11. Offices;
12. Restaurants with seating for more than 30 patrons;
13. Retail stores.

22.57.114: Design Standards

Building site area and widths and maximum building height shall comply with the standards listed in Section 22.57.200, Design Standards Table. Building setbacks and floor area ratio shall be set through the Design Review/Use Permit process.

22.57.115: Exceptions

Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further that in lieu of the foregoing building site area regulations in any C-H-1 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district.

22.57.120: C-V-C-R Districts. Coastal Village Commercial Residential Districts.

22.57.121: Purpose

The purposes of the district created in this chapter are as follows:

1. Maintain the established character of village commercial areas;
2. Promote village commercial self-sufficiency;
3. Foster opportunities for village commercial growth, including those land uses that serve coastal visitors.
4. Maintain a balance between resident and non-resident commercial uses.

5. Protect, without undue controls, established residential, commercial, light industrial uses;
6. Maintain community scale.

22.57.122: Principal Permitted Uses.

The following uses are permitted in all C-VCR districts:

1. Stores, shops, businesses, for the following purposes: Barbershops, beauty shops, hardwares, laundries, dry cleaning, groceries, liquor, men's, women's and children's clothing and furnishings, shoe stores, professional offices, banks, off-street parking facilities, coffee shops, and restuarants that do not accommodate more than 40 patrons;

2. Transit waiting shelters;
3. Home occupations; and
4. Accessory uses and buildings including parking facilities.

22.57.123: Conditional Uses.

The following uses are permitted in all C-VCR districts, subject to the securing of a use permit in each case:

1. Single family dwellings;
* 2. Two family and multiple dwellings;
3. Crop and tree farming, truck gardening, nurseries and greenhouses;
4. Public parks and playgrounds;
5. Automobile service stations;
6. Bars and taverns;
7. Building material sales and storage, cabinet and furniture manufacture and repair, boat manufacturing, draying or truck terminals and storage facilities, warehousing;
8. Commerical off-street parking facilities;
9. Drive-in restaurants and take-out food establishments;
10. Hotels and motels;
11. Meeting halls, theaters, and similar places of public assembly;
*12. Public utility uses, including electric substations, major transmission lines, telephone exchanges, transit terminals;
13. Restaurants accommodating more than 40 patrons and/or which serve alcoholic beverages and/or provide live entertainment;
14. Sales, service, and repair of new and used vehicles, excluding junkyards and vehicle dismantlers;

15. Schools, libraries, churches, child and day care senters for seven or more children, musuems;
16. Stores and shops for the conduct of the following uses; gift and curio shops, art galleries, handcrafts, antique sales;
17. Veteniary hospitals and pet clinics.

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

22.57.124: Design Standards.

Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, Design Standards Table.

22.57.125: Performance standards.

All uses, whether permitted or authorized by use permit, shall conform to the following performance standards:

(1) All uses, except outdoor dining areas, agricultural uses, parks and playgrounds, new and used car sales, shall be conducted entirely within buildings or be enclosed by solid screen fences.

(2) No use shall produce or create any external evidence of interior operations such as dust, odor, noise, or vibration except for signs and advertising displays authorized by Section 22. 69.030.

(3) All new uses and structures shall be subject to design review, as provided by Chapter 22.82.

22.57.126: Bulk and open space requirements.

Bulk and open space requirements shall be individually determined through design review procedures for any proposed new developments or improvements, alterations or additions to existing improvements; provided, however, that the minimum parcel area for any new residential parcel to be created within any VCR district shall not be less than seven thousand five hundred square feet, and the minimum density for any proposed new residential development within any VCR district shall not be less than one dwelling unit per each two thousand square feet of parcel area.

22.57.127: Off-street parking required.

All new structures shall provide off-street parking pursuant to the provisions of Chapter 22.74. Required off-street parking may be screened and/or landscaped. The amount of area devoted to landscaping may include the open space required by Section 22.31.070. If practical difficulties are encountered in providing off-street parking on the same site upon which the use is located, or where design factors would be improved by elimination of on-site parking, alternate off-site parking facilities may be allowed by a use permit. Joint use of common parking facilities, which serve uses which do not have overlapping hours of operation, may be authorized by a use permit if the minimum amount of such off-street parking is equal to the amount required for the largest use.

22.57.128: Signs and advertising. The provisions set forth in Chapter 22.69 shall govern all uses within VCR districts.

22.57.129: Non-conforming uses.

All uses which were lawfully established prior to the application of this district shall be conforming uses to the extent they existed at the time of application of these regulations; provided, however, that the expansion or enlargement of such pre-existing uses and/or the establishment and/or construction of any new structures and uses subsequent to the application of these regulations shall conform to this chapter.

22.57.130: C-O-A Districts, Coastal Open Area Districts.

22.57.131: Purpose.

It is the purpose of the C-OA District to provide for open space, outdoor recreation, and other undeveloped lands, including but not limited to areas particularly suited for park and recreational purposes, including access to beaches, natural drainage channels, and areas which serve as links between major recreation and open space reservations.

22.57.132: Principal Permitted Uses.

The following uses are permitted in all C-O-A districts:

1. Public parks, playgrounds and recreational areas;
2. Truck farming, gardening and animal grazing;
3. Forest preserves, wildlife reserves, equestrian and hiking areas; and
4. On 50 acres or more, the conducting of a dairy operation.

22.57.133: Conditional Uses.

The following uses are permitted in all C-O-A districts, subject to the securing of a use permit in each case:

*1. Golf courses and country clubs;
*2. The following uses, upon securing of a use permit in each case, which use permit application shall include a site plan showing all proposed buildings, uses and improvements and which use permit if granted shall prescribe conditions as are necessary to assure the prevention of hazards to life and property, to preserve and promote agriculture enterprise, to preserve scenic beauty, to preserve historic interest, to maintain such land in a permanent open state will be satisfied:

Public or private schools, public or civic buildings, private recreational uses, necessary residential accommodations for teachers or custodial staff, residences clearly accessory to the primary use of property for agricultural purposes, stables and riding academies, commercial or non-commercial marinas and appurtenant waterfront uses, public utility or public service uses, and such uses as are within the purposes and powers authorized the local agency by the enabling legislation establishing the agency; provided, however, that no use permit shall be required for gas, water, electrical and communications transmission and distribution facilities located below ground level.

22.57.134: Uses prohibited.

All uses of land unless set forth in section 22.57.132 and 22.57.133 are specifically prohibited, as are also the following uses: Commercial wood cutting or logging, removal of top soil or excavation or filling to any extent whatsoever except as such excavation or filling is approved by the County upon the finding that same is necessary in the pursuit of a permitted use within the district.

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

22.57.135: Building approval.

No building shall be constructed, moved or reconstructed unless and until the location, architectural appearance and character, height and bulk of same has been approved by the county as provided in Chapter 22.82.

22.57.200 Design Standards Table. The following design standards shall apply in the respective coastal districts.

ZONE DISTRICT	BUILDING SITE REQUIREMENTS LOT AREA	AVERAGE WIDTH	SETBACKS FRONT	SIDE	REAR	HEIGHT	FLOOR AREA RATIO
C-R-A	7,500 sq ft	60'	25'	6'	20% lot depth[1]	25' *	30%
C-H-1	7,500 sq ft	60'	--	--	--	25' *	--
C-R-1	7,500 sq ft	60'	25'	6'	20% lot depth[1]	25' *	30%
C-R-2	7,500 sq ft	60'	25'	6'	20% lot depth[1]	25' *	30%
C-VCR	7,500 sq ft	60'	0'	5'[2]	15'[2]	25' *	--

[1] Maximum rear yard setback of 25 feet.

* Height limit in Stinson Beach Highlands shall be 17'.

[2] Commerial uses in C-VCR zones have no side and rear setbacks required.

22.57.201 Regulations for B Districts. In any C district which is combined with any B district, the following design standard regulations, as specified for the respective B district, shall apply.

ZONE DISTRICT	BUILDING SITE REQUIREMENTS LOT AREA	AVERAGE WIDTH	SETBACKS FRONT	SIDE
B-1	6,000 sq. ft	50'	25'	5'
B-2	10,000 sq. ft.	75'	25'	10'
B-3	20,000 sq. ft.	100'	30'	15'
B-4	1 acre	150'	30'	20'
B-5	2 acres	150'	30'	20'
B-6	3 acres	175'	30'	20'

SECTION VII: Section 22.77.015 of Title 22 (Zoning) of the Marin County Code is hereby added to read as follows:

22.77.015 Coastal Zone. Any filling, excavation, and construction in tideland areas of the Coastal Zone as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Chapters 22.56 and 22.57 of the Marin County Code. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts.

SECTION VIII: Section 22.86.010 of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.86.010 Limitations on Power to Grant. The Zoning Administrator, subject to appeal in each case, as hereinafter provided, shall have power to grant adjustments and variances in any of the provisions of this title to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this title in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of the ordinance codified in this title.

3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly or implicitly authorized by the zone regulation governing the parcel of property.

4. The provisions of Chapters 22.56 and 22.57 may not be amended or modified except as provided by procedures for such amendments as approved by the California Coastal Commission. A variance or adjustment to the requirements of any C district shall be granted only when, in addition to the other requirements of this chapter, the variance or adjustment is found consistent with requirements of Chapter 22.56 and the goals and objectives of the Local Coastal Plan. Variances to density requirements may be granted, up to an increase of 10 percent within C districts only when such variance is found consistent with the requirements of Chapter 22.56 and the policies, objectives and goals of the Local Coastal Program.

SECTION IX: Section 23.06.025 of Title 23 (Natural Resources) of the Marin County Code is hereby added to read as follows:

23.06.025 Coastal Zone. Any commercial surface mining or quarrying operation or exploration for such operation within the coastal zone, as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Marin County Code Chapters 22.56 and 22.57. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts.

SECTION X: Section 23.08.012 of Title 23 (Natural Resources) of the Marin County Code is hereby added to read as follows:

23.08.012 Coastal Zone. Any excavating, grading or filling in the coastal zone, as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Marin County Code Chapters 22.56 and 22.57. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts.

SECTION XI: Section 24.04.015 of Title 24 (Development Standards) of the Marin County Code is hereby added to read as follows:

22.04.015 Coastal Zone. Projects located within the coastal zone, as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Marin County Code Chapters 22.56 and 22.57. Different standards, as set forth in Chapter 22.56 and 22.57, are applicable to projects located in coastal districts.

This Ordinance shall take effect and be in full force and effect thirty (30) days after the date of passage and approval and a summary thereof shall be published in the INDEPENDENT JOURNAL, a newspaper of general circulation published in the County of Marin, once before the expiration of fifteen (15) days after its passage and a certified copy thereof with the names of the Supervisors voting for and against the same shall, within fifteen (15) days after its passage, be posted in the office of the County Clerk and the Clerk of the Board of Supervisors.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 19th day of May, 1981 by the following vote, to wit:

AYES: SUPERVISORS Boxer, Aramburu, Wilhelm, Giacomini

NOES: -

ABSENT: SUPERVISOR Roumiguiere

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:

Ivan Gillespie
CLERK

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

ORDINANCE NO. 2686

AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN AMENDING TITLE 22 (ZONING) PERTAINING TO REQUIREMENTS FOR REPAIRS OR RECONSTRUCTION IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER.

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN does hereby ordain as follows:

SECTION I. Chapter 22.78, Nonconforming Uses, is hereby amended as follows:

22.78.040 Rebuilding nonconforming buildings which are destroyed.

If at any time any building in existence or maintained at the time of the adoption of the ordinance codified in this title, which does not conform to the regulations for the district in which it is located shall be destroyed by any means to the extent of more than seventy-five percent of the ~~appraised~~ fair market value thereof according to the appraisal thereof by the assessor of the County for the fiscal year during which such destruction occurs, or if such building is moved for any reason whatever for any distance whatever from the exact location occupied by such building at the time of the adoption of the ordinance codified in this title, then, in any case, without further action by the Board of Supervisors, the building and the land on which the building was located or maintained shall from and after the date of said destruction or moving be subject to all the regulations specified by this title for the district in which such land and building are located, except that in the event of an emergency or natural disaster reconstruction of a non-conforming building can be allowed by the Planning Director, upon making the findings that the degree of non-conformity is not increased; that there is adequate information available regarding the pre-existing placement, height, floor area, and bulk of the structure to be reconstructed; and that the reconstruction will not adversely affect the public health, safety, and welfare. Reconstruction of a structure containing a non-conforming use under the provisions of the Zoning Ordinance, when a non-conforming use is to be continued, cannot be allowed under this provision.

SECTION II. Chapter 22.82, Design Review is hereby amended as follows:

22.82.030 Matters exempt from review.

The following developments and physical improvements are exempt from design review procedures and requirements:

(1) Single-family dwellings, except as required pursuant to any section of this title.
(2) Agricultural buildings, structures, improvements, and developments which are three hundred feet or more distant from a property line of abutting property, in separate ownerships, and which, in addition, are three hundred feet or more distant from a street;
(3) Signs other than those included in plans for a matter subject to design review;
(4) Other work determined by the Planning Director to be minor or incidental and within the intent and objectives of this chapter;
(5) Repairs or reconstruction work needed because of an emergency or natural disaster.

SECTION III. Effective Date. This ordinance shall be and is hereby declared to be in full force and effect immediately upon the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Independent Journal, a newspaper of general circulation, published in the County of Marin. This ordinance shall be of no further force and effect four (4) months from the adoption hereof.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, held this 26th day of January, 1982, by the following vote:

AYES: SUPERVISORS Bob Roumiguiere, Barbara Boxer, Al Aramburu, Gary Giacomini, Gail Wilhelm

NOES: -

ABSENT: -

Gail Wilhelm
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

Van Gillespie
Clerk of the Board

BOARD OF SUPERVISORS OF THE COUNTY
OF MARIN ORDINANCE NO. 2703

AN ORDINANCE OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, AMENDING COUNTY CODE TITLE 22 (ZONING), CHAPTERS 22.56 and 22.57

SECTION I: *Section 22.56.020 of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:*

22.56.020: APPLICATIONS

The C District shall conform to the Coastal Zone as established by the Coastal Act of 1976. The following general regulations shall apply in all C zoning districts as noted below and should be subject to the provisions of Chapters 22.62 through 22.74 of this title. The provisions of Section 22.88.010 (3), (5), (6), (7a) through (7e) and (8) shall not apply in C districts.

C-ARP	Coastal, Agricultural Residential Planned District
C-APZ	Coastal, Agricultural Production Zone District
C-R-A	Coastal, Residential Agricultural District
C-R-1	Coastal, One Family Residence District
C-R-2	Coastal, Two Family Residence District
C-RMP	Coastal, Residential Multiple Planned District
C-RSP	Coastal, Residential One Family Planned District
C-RSPS	Coastal, Residential One Family Planned District Seadrift Subdivision
C-CP	Coastal, Planned Commercial District
C-H-1	Coastal, Limited Roadside Business District
C-VCR	Coastal, Village Commercial Residential District
C-OA	Coastal, Open Area District
C-RMPC	Coastal, Residential Multiple Planned Commercial District
C-RCR	Coastal, Resort Commercial Recreation District

SECTION II: *Section 22.56.026 of Title 22 (Zoning) of the Marin County Code is hereby added to read as follows:*

22.56.026: COASTAL MASTER PLAN DISTRICTS

The following C districts shall be subject to the requirements of Chapter 22.45 in addition to the requirements of this chapter:

C-ARP C-RSP C-RMP C-CP C-APZ C-RSPS C-RMPC C-RCR

All coastal project permits in coastal master plan districts, including approval of a master plan, are appealable under Section 30603(a) of The Coastal Act. The conceptual land uses approved in any master plan shall not be considered subject to appeal to the California Coastal Commission upon issuance of any subsequent coastal project permit within the master plan district.

The requirements of Chapter 22.45 may be waived by the Planning Director when:

A. One single family dwelling unit is proposed for construction on a legal building site:
B. A tentative map requiring a parcel map for four parcels or less is proposed, except in C-APZ districts.
C. The Planning Director determines that a proposed development is minor or incidental in nature and within the intent and objectives of the Local Coastal Plan.

In granting a waiver from the requirements of Chapter 22.45, the Planning Director may designate such conditions therewith as will, in the opinion of the Planning Director, secure substantially the objectives of the regulation or provision for which such waiver is granted.

If Master Plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

SECTION III: *Section 22.56.050 (D) of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:*

22.56.050(D) Except as provided in 22.56.055, improvements and additions to existing structures and buildings including:

1. All fixtures and other structures, including decks, directly attached to the structure.
2. For residential uses, structures on the property normally associated with residences, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units. As used in this section "guest house" shall mean any accessory structure having a floor area of more than 400 square feet or any accessory structure which contains plumbing.
3. Landscaping on the lot.
4. Additions resulting in an increase of less than 10% of the internal floor area of an existing structure.

SECTION IV: Section 22.56.065(A) and 22.56.065(B) of Title 22 (Zoning) of the Marin County Code are hereby amended to read as follows:

22.56.065: NOTICE REQUIRED

A. Coastal project applications requiring a public hearing under Section 22.56.070 shall be noticed by mailing notices 10 working days prior to the date of the hearing to all property owners within 300 feet of the project boundary, to all interested groups and individuals which have requested such notice of coastal projects and to theCalifornia Coastal Commission. Additionally, the site of the proposed project shall be posted with a copy of the notice at least 10 working days prior to the date of hearing.

B. Coastal project applications not requiring a public hearing under Section 22.56.070 shall be noticed by the mailing of notice at least 10 working days prior to the decision on the project. Such notice shall be sent to property owners within 300 feet ofthe project, to interested groups and individuals which have requested such notice and to the California Coastal Commission. Additionally, the site of the proposed project shall be posted with a copy of the notice at least 10 working days prior to the date of hearing.

SECTION V: Section 22.56.090 of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.56.090: PROJECTS REQUIRING A COASTAL DEVELOPMENT PERMIT FROM THE CALIFORNIA COASTAL COMMISSION

Notwithstanding other permit and appeal provisions of this Chapter, development proposals which are located on lands identified as tidelands, submerged lands or public trust lands shall, pursuant to the requirements of California Public Resources Code Section 30519(b), require a coastal permit from the California Coastal Commission. Determination of jurisdiction shall be based upon maps and other descriptive information identifying such lands, which the County, the California Coastal Commission and/or State Lands Commission may supply. Applicants whose land is seaward of the line of Coastal Commission original jurisdiction shall apply to the Coastal Commission for coastal development permits. Before issuing a coastal permit, the Commission will refer the application to the State Lands Commission for a determination whether a State Lands Commission permit or lease is required for the proposed development and whether the State Lands Commission finds it appropriate to exercise the easement over that property. The Coastal Commission shall also refer the application to the County of Marin for review and comment. County designation of land use on public trust lands shall be advisory only. Applicants whose land is landward of the line of Coastal Commission jurisdiction shall apply to the County of Marin for a coastal project permit in accordance with this Chapter.

SECTION VI: Section 22.56.130(E)(1)(C) of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

Prescriptive Rights. Where evidence of prescriptive rights (historic public use) is found in reviewing a coastal permit application, equivalent access easements to protect the types, intensity, and areas subject to prescriptive rights shall be required as a condition of permit approval. Development may be sited in an area of historic public use if equivalent type, intensity and area of replacement public access is provided on or reasonably adjacent to the project site (parcel).

If requirement of access easements to protect areas of historic use would preclude all reasonable private use of the project site, the County, in consultation with the Coastal Commission and the California Attorney General's Office, shall review the existence of prescriptive rights. If the County concludes that convincing evidence of implied dedication or prescriptive rights in favor of the public exists, the County or the Coastal Commission and the Attorney General at the request of the County shall, consistent with the availability of staff and funds, seek a court determination and confirmation of such public rights. If, after 60 days, the County concludes that such evidence is incon-

clusive, the County may approve development on such areas (except those used for lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the Local Coastal Program's Public Access policies. Such mitigation may include securing an accessway on other property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the County and Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within 1,000 feet or less of the project site (parcel).

SECTION VII: Section 22.56.130(G)(3) and (G)(5) of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.56.130(G): STREAM AND WETLAND RESOURCE PROTECTION

3) For proposed projects located adjacent to streams, application submittals shall include the identification of existing riparian vegetation as a riparian protection area. No construction, alteration of land forms or vegetation removal shall be permitted within such riparian protection area. Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of 50 feet from the outer edge of riparian vegetation, but in no case less than 100 feet from the banks of a stream. Development shall not be located within this stream buffer area. When a parcel is located entirely within a stream buffer area, design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. The design process shall also address the impacts of erosion and run-off, and provide for the restoration of disturbed areas by replacement landscaping with plant species naturally found on the site. Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, development of principal permitted uses may occur within such area subject to design review and appropriate mitigation measures.

5) The diking, filling, dredging and other alterations of wetlands shall occur only for minor, public works projects and shall be in conformance with the Coastal Act Section 30233. No physical improvements along the County Parklands surrounding Bolinas Lagoon shall occur. Land uses in and adjacent to wetlands shall be evaluated as follows:

a. Filling of wetlands for the purposes of single-family residential development shall not be permitted.
b. Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, nature study, bird-watching and boating.
c. No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.
d. A buffer strip 100 feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands. Development activities and uses in the wetland buffer shall be limited to those allowed pursuant to Section 30233 of the Coastal Act of 1976.
e. As part of the development on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands pursuant to the Coastal Commission's adopted guidelines, the applicant shall be required to submit supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of existing wetlands based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.
f. All conditions and standards of the LCP, relating to diking, filling and dredging shall be met.

SECTION VIII: Section 22.56.130(H) of Title 22 (Zoning) of the Marin County Code is hereby amended by deleting the word Stinson Beach from the title of subsection H and adding sub-section (5):

22.56.130(H): DUNE PROTECTION

5) No development shall be permitted in sensitive coastal dune habitats in order to preserve dune formations, vegetation, and wildlife habitats. Overuse in dune areas shall be prevented by such mechanisms as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. No motor vehicles shall be permitted in beach or dune areas except for emergency purposes.

SECTION IX: Section 22.56.130(K) of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.56.130(K): SHORELINE PROTECTION

1) Bluff top set-backs. New structures shall be set back from coastal bluff areas a sufficient distance to ensure with reasonable certainty that

they are not threatened from cliff retreat within their economic life expectancies. Adequate setback distances will be determined from information contained in required geologic reports and the setback formula established below. These setbacks will be of sufficient distance to eliminate the need for shoreline protective works. The following formula will be used to determine setbacks from the bluff for new structures:

Setback (meters) = structure life (years (normally at least 40 years) X retreat rate (meters/year). In areas where vigorous sliding is taking place, an additional 15 meters should be added as a safety factor.

The retreat rate shall be determined by a geotechnical investigation conducted by a professional engineer or registered geologist which explicitly examines the sites geotechnical capability to adequately support the proposed development. The report shall include the historic and projected rate(s) of bluff retreat attributable to wave and/or surface runoff erosion. The geotechnical report shall be required in either of the following:

a. The building or proposed development site is within 150 feet of a blufftop.

b. The building site is located within stability zones 3 or 4 as indicated on the Slope Stability maps for the Bolinas and Tomales areas, which maps accompany Wagner's 1977 report, "Geology for Planning, Western Marin County". This report and accompanying maps are incorporated by reference as part of this ordinance.

2. Standards and requirements for shoreline protective works.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted only when:

a. Required to serve coastal-dependent uses or to protect existing structures (constructed before adoption of the LCP).

b. No other non-structural alternative is practical or preferable.

c. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.

d. The structure will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.

e. There will be no reduction in public access, use, and enjoyment of the natural shoreline environment, and construction of a structure will preserve or provide access to related public recreational lands or facilities.

f. The structure will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.

In the absence of an overall wave hazard/shoreline erosion study, any permit application for seawalls, riprap or other protective structures on beaches, shall be accompanied by engineering reports stating the nature and extent of wave erosion hazard along the beach area and an explanation of how the proposed protective works will mitigate the hazard, both on and off the project site. This requirement shall not apply to emergency permit applications applied for prior to January 1, 1983. Emergency permit applications after that date shall be subject to report requirement or shall specifically establish why the need for such protective devices was not forseen and previously addressed through non-emergency permit applications.

Applications for placement of protective structures on beaches shall be accompanied by an engineers report unless an overall wave hazard/ shoreline erosion report exists. Said engineers report shall include:

a. A statement of the nature and extent of wave erosion hazard.

b. An analysis of how the proposed protective works will mitigate the hazard both on and off the site.

c. An assessment of any adverse impacts to adjacent properties or resources that might reasonably be expected to result from construction of the protective structure.

Design standards for all shoreline structures. The design and construction of any shoreline structure shall:

a. Make it as visually unobtrusive as possible;

b. Respect natural landforms to the greatest degree possible;

c. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;

d. Minimize the impairment and movement of sand supply and the circulation of coastal waters;

e. Address the geologic hazards presented by construction in or near Alquist-Priola earthquake hazard zones; and

f. Provide for the reestablishment of the former dune contour and appearance.

SECTION X: Section 22.56.130 (O) of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.56.130 (O): Visual Resources and Community Character

1. All new construction in Bolinas, Stinson Beach, and Muir Beach shall be restricted to a maximum height of twenty-five (25) feet, except that the Stinson Beach Highlands will have a maximum height of seventeen (17) feet, and the Seadrift Subdivision will have a maximum of fifteen (15) feet above finished floor elevation.

2. To the maximum extent feasible, new development shall be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway.

3. The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.

4. Development shall be screened with appropriate landscaping; however such landscaping shall not, when mature, interfere with public views to and along the coast. The use of native plant material is encouraged.

5. Signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points and shall conform to the County's sign ordinance.

6. Distribution utility lines shall be placed underground in new developments to protect scenic resources except where the cost of undergrounding would be so high as to deny service.

7. Standards for development in RSP districts on the shoreline of Tomales Bay:

a. Existing dwellings shall be permitted to be rebuilt if damaged or destroyed by natural disaster, provided that the floor area height and bulk of the new structure shall not exceed that of

the destroyed structure by more than 10%. Any proposed improvement to an existing house which results in an increase of internal floor area of more than 10% shall require a coastal permit in order to ensure that such improvement is sited and designed to minimize impacts on Tomales Bay.

b. New residential construction shall be limited in height to 15 feet, as measured from natural grade on the highest side of the improvement to the highest point of the roof or any projection therefrom. Exceptions to this height limit may be permitted where the topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the water.

c. New development shall meet all other LCP policies, including those on Public Access, Natural Resources and Wetland Protection, Shoreline Structures, Diking/Filling/Dredging, Public Services, Hazards, Visual Resources, and New Development.

SECTION XI: Section 22.56.130 (Q) of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.56.130 (Q): Historic Resource Preservation (Interim Provisions - Historic Preservation Ordinance Study Underway)

In the issuance of any coastal permit, the Planning Director or appropriate hearing body shall make findings that the proposed project is consistent with the Historic Structure Preservation policies of the Local Coastal Plan. When considering any permit which pertains to any area or structure specifically cited in the adopted Local Coastal Plan, the following criteria shall apply:

1. The proposed work shall not detrimentally alter, destroy, or adversely affect any exterior architectural features, or

2. In the case of construction of a new improvement, building or structure upon specifically designated historic sites, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site.

SECTION XII: Section 22.57.030 through 22.57.036 of Title 22 (Zoning) of the Marin County Code are hereby added to read as follows:

22.57.030 C-APZ Districts, Coastal, Agricultural Production Zone Districts

22.57.031 Purpose: The purpose of the Agricultural Production Zone is to preserve lands within the zone for agricultural use. The principal use of lands in the C-APZ Districts shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses, and shall conform to the policies and standards as set forth herein.

22.57.032 Principal Permitted Uses

The following uses are permitted in all C-APZ Districts subject to an approved Master Plan:

1. Agricultural Uses. For the purposes of the Coastal Agricultural Production Zone, agricultural uses shall be defined as uses of land to grow and/or produce agricultural commodities for commercial purposes, including:

   a. Livestock and poultry: cattle, sheep, poultry, goats, rabbits, horses unless they are the primary animals raised.

   b. Livestock and poultry products: milk, wool, eggs.

c. Field, fruit, nut, and vegetable crops: hay, grain, silage, pasture, fruits, nuts, and vegetables.

d. Nursery products: nursery crops, cut plants.

2. One single-family dwelling per parcel. Parcel is defined as all contiguous assessor's parcels under common ownership (unless legally divided as per Title 20, Marin County Code).

3. Accessory structures or uses appurtenant and necessary to the operation of agricultural uses, other than dwelling units of any kind; but, including barns, fences, stables, corrals, coops and pens, and utility facilities.

22.57.033 Conditional Uses.

The following uses are permitted in all Coastal Agricultural Production Zone Districts, subject to the securing of a Use Permit in each case. When it is determined by the Planning Director that any of the following uses constitute a major land use change, a Master Plan submitted in accordance with 22.45 may be required.

1. Farmworker housing.
2. Mobile homes which are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land.
3. Hog ranch.
4. Veterinary facilities.
5. Fish hatcheries and rearing ponds.
6. Stabling of more than five horses on ranches where horses are the primary or only animals raised.
7. Raising of other food and fiber producing animals not listed under 22.57.032 (1) above.
8. Planting, raising, or harvesting of trees for timber, fuel or Christmas tree production.
9. Facilities for processing or retail sale of agricultural products.
10. Greenhouses.
11. Commercial storage and sale of garden supply products.
12. Water conservation dams and ponds.
13. Mineral resource production.
14. Game or nature preserve or refuge.
15. Public or private recreational activities, such as hunting, fishing, and camping.
16. Bed and breakfast operations in existing structures up to a maximum of 5 rooms.
17. Construction or alteration of gas, electric, water, communication, or flood control facilities, unrelated to an agricultural use, as approved by the appropriate governmental agencies.
18. Dump.

22.57.034 Density

The ordinance adopting a C-APZ District shall specify the minimum number of acres per dwelling unit, which will be required within the C-APZ District. The C-APZ District shall have a maximum density of one unit per 60 acres; actual density shall be determined through the master plan process.

22.57.035 Development Standards and Requirements

All development permits in the C-APZ shall be subject to the following standards and requirements:

1. All development shall be clustered to retain the maximum amount of land in agricultural production or available for agricultural use. Development, including all land converted from agricultural use such as roads and residential support facilities, shall be clustered on no more than five percent of the gross acerage, to the extent feasible, with the remaining acreage to be left in agricultural production and/or open space. Development shall be located close to existing roads and shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.

2. *Permanent conservation easements over that portion of the property not used for physical development or services shall be required to promote the long-term preservation of these lands. Only agricultural uses shall be allowed under the easements. In addition, the County shall require the execution of a covenant not to divide the parcels created under this division so that they are retained as a single unit and are not further subdivided.*

3. *The creation of a homeowner's or other organization and/or the submission of agricultural management plans may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of community roads or mutual water systems.*

4. *Design standards as set forth in 22.57.024.*

22.57.036 Required Findings

Review and approval of development permits, including a determination of density shall be subject to the following findings:

1. *The development will protect and enhance continued agricultural use and contribute to agricultural viability.*

2. *The development is necessary because agricultural use of the property is no longer feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.*

3. *The land division of development will not conflict with the continuation or initiation or agriculture, on that portion of the property which is not proposed for development, on adjacent parcels, or those within one mile of the perimeter of the proposed development.*

4. *Adequate water supply, sewage disposal, road access and capacity and other public services are available to service the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream habitats or significantly reduce freshwater inflows to Tomales Bay, either individually or cumulatively.*

5. *Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.*

6. *The proposed land division and/or development will have no significant adverse impacts on environmental quality or natural habitats, including stream or riparian habitats and scenic resources. In all cases, LCP policies on streams and natural resources shall be met.*

22.57.037 Transfer of Development Rights (TDR) in C-APZ Districts

Notwithstanding provisions of this and other sections regarding density, the number of units permitted on one property (the donor property) may be transferred and built on another (receiving) property (either contiguous or non contiguous), resulting in a higher density than that which the (receiving) property is zoned for, under certain circumstances, as described in this section. This process, which allows development rights from one property to be determined and transferred to a second property, is called Transfer of Development Rights (TDR).

1. *Purpose: The purpose of TDR is to relocate potential development from areas where environmental or land use impacts could be severe to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.*

2. *Application: The participation of a property owner in TDR shall be on a voluntary basis and shall be subject to approval by the County through the Master Plan Process. The property for which TDR is proposed must be located within a Community Plan, Countywide Plan or Local Coastal Plan area and the adopted Community Plan, Countywide Plan*

or Local Coastal Plan policy must recommend TDR as an appropriate plan implementation. Through the Master Plan approval process, the applicant(s) must demonstrate that it is necessary to conserve the property from which density is being transferred, and that the property which receives this additional density can accommodate it. This demonstration shall be consistent with the criteria for evaluation of TDR proposals described in applicable Community Plans or Countywide Plan policies.

3. Submission requirements: In addition to the information required for a Master Plan submission under Chapter 22.45 (Marin County Code), the following additional information shall be provided where TDR is being considered:

   a. Affidavits of consent from all registered property owners of all property subject to the Master Plan. This shall include the property being conserved and the property being developed and receiving the transferred density rights.

   b. A description of the property proposed for conservation outlining how the subject property fulfills the TDR conservation criteria as set out in the appropriate Community Plan or Countywide Plan policies.

   c. A calculation of the number of units available to be transferred. The calculation shall be made as follows: The area of the parcel to be conserved divided by the number of acres per dwelling unit required by the zoning minus the existing number of dwellings. Any fraction of a unit, resulting from such a determination, of 0.90 or greater will be counted as a whole unit.

   d. A description of the property proposed to receive the transferred density outlining the availability of support services and infrastructure necessary for development and how the subject property fulfills the TDR development criteria as set out in the appropriate Community Plan.

   e. A description of the proposed conservation easement or restriction, as described and required in Sub-section 22.57.037(5).

4. Approval Process: The approval process for a Master Plan involving TDR shall require the same approval process as set forth in Subsection 22.45.05.

5. Conservation easements or restrictions: A condition of TDR between properties is that the property proposed for restricted development or conservation shall have conservation easements or restrictions recorded against it which reflect the conditions of approval of the Master Plan and which restrict the future development or division of the donor property in accordance with those conditions. Such conservation easements or restrictions must be recorded against the donor property prior to the recording of a parcel map or final map for the receiver property.

SECTION XIII: Sections 22.57.070 through 22.57.076 of Title 22 (Zoning) of the Marin County Code are hereby added to read as follows:

<u>22.57.070</u> C-RMP Coastal, Residential, Multiple Planned District

<u>22.57.071</u> Purpose

The purpose of this district is to allow varied types of residential development, designed according to the policies set forth in the local Coastal Plan, but without the confines of specific yard requirements.

<u>22.57.072</u> Principal Permitted Uses

The following uses are permitted in all C-RMP districts, subject to Master Plan approval:

1. One family, two family and multiple dwellings;

2. Crops, tree and truck farming, nurseries and greenhouses; but, not including any salesrooms or other buildings for the sale of any product;

3. Home occupations;

4. Public parks and public playgrounds;

5. Accessory buildings and accessory uses.

22.57.073 Conditional Uses

The following uses are permitted in all C-RMP districts, subject to securing a Use Permit in each case. When it is determined by the Planning Director that any of the following uses constitute a major land use change, a Master Plan, submitted in accordance with Chapter 22.45 may be required.

1. Schools, libraries, churches, museums, tennis courts and similar noncommerical recreational uses;

2. Day child care centers for seven or more children;

3. Salesrooms or other buildings for the sale of nursery or agricultural products;

4. Horses, donkeys, mules, ponies shall be permitted subject to provisions of Chapter 22.68

22.47.074 Density

The ordinance adopting any C-RMP district shall specify the maximum number of dwelling units per gross acre which will be allowed within the C-RMP district.

In determining the number of dwelling units allowed on a parcel, any fraction of a unit, resulting from such determination, of 0.90 or greater will be counted as a whole unit.

The density thus computed shall in fact be the upper limit. The applicant must demonstrate how many units can be developed on the site consistent with the findings from the environmental reconnaissance or environmental impact report and/or the design requirements contained herein.

22.57.075 Design Standards

Requirements for design, site preparation and use of the project shall be imposed as necessary to implement the goals and policies of the Local Coastal Plan, the Marin Countywide Plan and any applicable Community Plan, in accordance with Section 22.57.086 of this Chapter.

22.57.076 Submission Requirements

Applications shall contain all the elements or requirements of Chapters 22.45 and 22.56. All or a portion of the general submission requirements for Master Plan and/or Development Plan review and approval (Chapter 22.45) may be waived by the Planning Director. If Master Plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

SECTION XIV: Section 22.57.094 of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.57.094 Height Limit

Development on all lots in Seadrift shall be limited to a maximum height as follows:

1. In Lagoon Subdivisions 1 and 2, and Seadrift Subdivisions 3, finished floor elevation shall not exceed 13 feet above mean lower low water. Total height of a structure shall not exceed 28 feet above mean lower low water.

2. In Seadrift Subdivision 1 and 2 finished floor elevation shall not exceed 18 feet above mean lower low water. Total height of structure shall not exceed 33 feet above mean lower low water.

SECTION XV: The second section labeled 22.57.096 Public Access Requirements in Ordinance #2637, adopted by the Board of Supervisors May 19, 1981, is hereby re-numbered to be Section 22.57.097 of Title 22 (Zoning) of Marin County Code.

SECTION XVI: Sections 22.57.100 through 22.57.104 of Title 22 (Zoning) of the Marin County Code are hereby added to read as follows:

22.57.100 C-CP Coastal, Planned Commercial District

22.57.101 Purpose

The purpose of this district is to create and protect areas within the coastal zone for commercial and institutional uses andto control the density and development of such uses thereby assuring compatibility with the goals andpolicies of the Local Coastal Plan.

22.57.102 Principal Permitted Uses

The following uses are permitted in all C-CP districts, subject to Master Plan approval:

1. All commercial and institutional uses as approved by an adopted Master Plan. In accordance with LCP policies, residential uses existing as of the date of adoption of this ordinance shall be allowed to be rebuilt if destroyed by natural disaster.

22.57.103 Design Standards

Requirements for design, site preparation and use of theproject shall be imposed as necessary to implement the goals and policies of the Local Coastal Plan, the Marin Countywide Plan and any applicable Community Plan.

22.57.104 Submission Requirements

Applications shall contain all the elements or requirements of Chapters 22.45 and 22.56. All or a portion of the general submission requirements for Master Plan and/or Development Plan review and approval (Chapter 22.45) may be waived by the Planning Director. If Master Plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

SECTION XVII: Section 22.57.140 through 22.57.145 of Title 22 (Zoning) of the Marin County Code, are hereby added to read as follows:

22.57.140 C-RMPC Coastal, Residential, Multiple, Planned Commercial District

22.57.141 Purpose

The purpose of this district is to create and protect areas within the coastal zone suitable for a mixture of residential and commercial uses and to control the density and development of such uses thereby assuring compatibility with the goals and policies of the Local Coastal Plan.

22.57.142 Principal Permitted Uses

All uses permitted in the C-RMP and C-CP districts when approved by Master Plan.

22.57.143 Density

The ordinance adopting a C-RMPC district may specify the maximum number of dwelling units per gross acre which will be allowed within the C-RMPC district.

22.57.144 Design Standards

Requirements for design, site preparation and use of the project shall be in accordance with the Design Standards for the C-RMP and the C-CP district.

22.57.145 Submission Requirements

Applications shall contain all the elements or requirements of Chapters 22.45 and 22.56. All or a portion of the general submission requirements for Master Plan and/or Development Plan review and approval (Chapter 22.45) may be waived by the Planning Director. If Master Plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

SECTION XVIII: Sections 22.57.150 through 22.57.154 of Title 22 (Zoning) of the Marin County Code are hereby added to read as follows:

22.57.150 C-RCR Coastal, Resort and Commercial Recreation District

22.57.151 Purpose

The purpose of this district is to create and protect areas within the coastal zone for resort and visitor serving facilities. Emphasis is placed on public access to recreational areas within and adjacent to proposed development.

22.57.152 Principal Permitted Uses

The following uses are permitted in all C-RCR districts, subject to Master Plan approval:

1. All uses and normal accessory uses, which the Planning Commission finds are appropriate for a resort area or which are desirable or necessary for public service, utility service or for the servicing of the recreation industry. Residential, industrial, institutional, general commercial uses, mobile home parks, and floating home marinas are not permitted. In accordance with LCP policies, residential uses existing as of the date of adoption of this ordinance shall be allowed to be rebuilt if destroyed by natural disaster.

22.57.153 Design Standards

Requirements for design, site preparation and use of the project shall be imposed as necessary to implement the goals and policies of the Local Coastal Plan, the Marin Countywide Plan and any applicable Community Plan.

22.57.154 Submission Requirements

Applications shall contain all the elements or requirements of Chapters 22.45 and 22.56. All or a portion of the general submission requirements for Master Plan and/or Development Plan review and approval may be waived by the Planning Director. If Master Plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

SECTION XIX: Section 22.57.201 of Title 22 (Zoning) of the Marin County Code is hereby amended to read as follows:

22.47.201 Regulations for B Districts

In any C district which is combined with any B district, the following design standard regulations, as specified for the respective B district shall apply.

ZONE DISTRICT	BUILDING SITE REQUIREMENTS LOT AREA	AVERAGE WIDTH	FRONT	SETBACKS SIDE	REAR	HEIGHT
B-D	1,750 sq.ft.	35'	10'	5'*	10'	20'
B-1	6,000 sq.ft.	50'	25'	5'*		
B-2	10,000 sq.ft.	75'	25'	10'		
B-3	20,000 sq.ft.	100'	30'	15'		
B-4	1 acre	150'	30'	20'		
B-5	2 acres	150'	30'	20'		
B-6	3 acres	175'	30'	20'		

*Side setback on corner lots - minimum of 10 feet

SECTION XX: This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Pt. Reyes Light, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 13th day of April, 1982, by the following vote, to-wit:

AYES: SUPERVISORS: Bob Roumiguiere, Al Aramburu, Gary Giacomini, Gail Wilhelm

NOES: SUPERVISORS: -

Absent: SUPERVISORS: Barbara Boxer

Gail Wilhelm
CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

Attest:

Van Gillespie
VAN GILLESPIE
Clerk of the Board

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

ORDINANCE NO. 2707

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN AMENDING TITLE 22 (ZONING) PERTAINING TO REQUIREMENTS FOR REPAIRS OR RE-CONSTRUCTION IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER.

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN does hereby ordain as follows:

SECTION I. Chapter 22.78, Nonconforming Uses, is hereby amended as follows:

22.78.040 Rebuilding nonconforming buildings which are destroyed.

If at any time any building in existence or maintained at the time of the adoption of the ordinance codified in this title, which does not conform to the regulations for the district in which it is located shall be destroyed by any means to the extent of more than seventy-five percent of the fair market value thereof according to the appraisal thereof by the assessor of the County for the fiscal year during which such destruction occurs, or if such building is moved for any reason whatever for any distance whatever from the exact location occupied by such building at the time of the adoption of the ordinance codified in this title, then, in any case, without further action by the Board of Supervisors, the building and the land on which the building was located or maintained shall from and after the date of said destruction or moving be subject to all the regulations specified by this title for the district in which such land and building are located, except that in the event of an emergency or natural disaster reconstruction of a non-conforming building can be allowed by the Planning Director, upon making the findings that the degree of non-conformity is not increased; that there is adequate information available regarding the pre-existing placement, height, floor area, and bulk of the structure to be reconstructed; and that the reconstruction will not adversely affect the public health, safety, and welfare. Reconstruction of a structure containing a non-conforming use under the provisions of the Zoning Ordinance, when a non-conforming use is proposed to be continued, cannot be allowed under this provision.

SECTION II. Chapter 22.82, Design Review is hereby amended as follows:

22.82.030 Matters exempt from review.

The following developments and physical improvements are exempt from design review procedures and requirements:

(1) Single-family dwellings, except as required pursuant to any section of this title.
(2) Agricultural buildings, structures, improvements, and developments which are three hundred feet or more distant from a property line of abutting property, in separate ownerships, and which, in addition, are three hundred feet or more distant from a street;
(3) Signs other than those included in plans for a matter subject to design review;
(4) Other work determined by the Planning Director to be minor or incidental and within the intent and objectives of this chapter;
(5) Repairs or reconstruction work needed because of an emergency or natural disaster.

SECTION III. Effective Date. This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Independent Journal, a newspaper of general circulation, published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, held this 27th day of April, 1982, by the following vote:

AYES: SUPERVISORS: Bob Roumiguiere, Al Aramburu, Gary Giacomini, Gail Wilhelm, President

NOES: SUPERVISORS: -

ABSENT: SUPERVISOR Barbara Boxer

Gail Wilhelm

CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

Van Gillespie

Clerk of the Board

Attachment #3

As modified by members of the
County Board of Supervisors

ORDINANCE NO. 2794

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ADDING CHAPTER 22.71 TO TITLE 22 OF THE MARIN COUNTY CODE ESTABLISHING STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS AND AMENDING CHAPTERS 22.02 (DEFINITIONS), 22.70 (HEIGHT REGULATIONS) AND 22.88 (USE PERMITS)

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN does hereby ordain as follows:

SECTION 1 - Findings

SECTION 2 - Intent

SECTION 3 - Definitions

SECTION 4 - Height Regulations for (WECS)

SECTION 5 - Use Permits

SECTION 6 - Wind Energy Conversion Systems

SECTION 7 - Severability

SECTION 8 - Effective Date

SECTION 1 - Findings:

The County of Marin finds and declares that wind energy is an abundant, renewable, and nonpolluting energy resource in certain areas of the County and that its conversion to electricity will reduce our dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.

The County of Marin further finds and declares that:

a. Wind energy conversion systems that convert wind energy to electricity are currently available on a commercial basis from many manufacturers;

b. The generation of electricity from properly sited wind energy conversion sytems can be cost effective, and in many cases existing power distribution systems can be used to transmit electricity from wind generating stations to utilities or other users;

c. Regulation of the siting and installation of wind turbines is necessary for the purpose of protecting the health and safety of neighboring property owners and the general welfare of the public.

SECTION 2 - Intent:

This ordinance is intended to promote the effective and efficient use of Wind Energy Conversion Systems (WECS), and to regulate the placement of WECS so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized and to protect the natural resources of Marin for the benefit of the public at large.

SECTION 3 - Definitions:

Chapter 22.02 is hereby amended as follows adding Section 22.02.820 including the following definitions:

Section 22.02.820: Wind Energy Conversion System (WECS). A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The WECS includes all parts of the system including the wind turbine tower and the transmission equipment. The following additional definitions are:

a. Non-Commercial WECS: A WECS with a total height of 100' feet or less which is an accessory use to the principal use of the site in that the power production is no more than twice the annual site need.

b. Commercial WECS: Any WECS with a total height exceeding 100' feet or with a rotor diameter over 35' feet or any arrangement of more than one WECS.

c. Rotor: The blades and the hub to which they are attached and is used to capture wind for the purpose of energy conversion.

d. Total Height: The height of the tower and the furthest vertical extention of the WECS.

e. Tower: The primary structural support of the WECS.

f. Site: The plot of land where the WECS is to be placed. The site could be owned by an individual or a group of individuals controlling single or adjacent properties.

SECTION 4 - Height Regulations for WECS:

Chapter 22.70 is hereby amended as follows adding Section 22.70.045:

Section 20.70.045: Wind Energy Conversion Systems. Wind energy conversion systems may constructed to a greater height than the limit established for the district in which the structure is located provided that they conform to the requirements of section 22.71 and 22.88 of this code.

SECTION 5 - Use Permits:

Chapter 22.88 is hereby amended as follows adding Section 22.88.010 (11):

Section 22.88.010 (1): To permit the construction of wind energy conversions systems (WECS), subject to the provisions of this Chapter and the standards and requirements of section 22.71.

SECTION 6 - Wind Energy Conversion Systems:

Title 22 is hereby amended as follows adding:

Chapter 22.71 - WIND ENERGY CONVERSION SYSTEMS

Sections:

22.71.010 Definitions
22.71.020 Permit Required
22.71.030 Public Notification
22.71.040 Height
22.71.050 Setbacks
22.71.060 Design Standards
22.71.070 Noise Standards
22.71.080 Wind Measurement

22.71.010 Definitions. The definitions for Wind Energy Conversion Systems (WECS), Non-Commercial WECS, Commercial WECS, Rotor, Total Height, Tower and Site are established in section 22.02.820 of this Title.

22.71.020 Permit Required. All Wind Energy Conversion Systems shall require a use permit which shall be considered in accordance with the provisions of Section 22.88 of this Chapter subject to the standards and provisions further described in this section.

1. Non-Commercial WECS shall be permitted in all zones subject to the conditions of a use permit and the requirements of this Chapter.

2. Commercial WECS shall be permitted only in A, ARP, C-ARP and C-APZ zones. Commercial WECS shall be subject to the conditions of a use permit and the requirements of this Chapter.

22.71.030 Public Notification. Notice of the use permit application shall be given by causing a notice thereof to be mailed to all persons whose names and addresses are shown on the last equalized assessment roll of the county as owners of real property within a distance of 1,000 feet of the property which is the subject of the proposed use permit.

Notice of a use permit application for any WECS within one mile of Federal Parks property shall be provided to the superintendent of the appropriate park. The same notice to park officials shall be provided for any WECS exceeding 150 feet in total height and within five miles of any Federal Parkland.

22.71.040 Height. The minimum height of the lowest position of a WECS blade shall be 30 feet above the ground at the base of the tower.

22.71.050 Setbacks. In all zones, WECS must be set back the total height of the WECS from the residence and any other on-site habitable structure.

1. Non-Commercial WECS

   a) Agricultural Zones. Non-Commercial WECS shall be permitted on agricultural lands with a minimum parcel size of 5 acres. The minimum

setback for WECS shall be 1.25 times the total height of the WECS from any public highway, road or lot line when all of the following conditions exist:

1) the nearest adjacent parcel to the WECS is a minimum size of five acres and,
2) there is no residential dwelling on the adjacent parcels within a distance of five times the total height of the WECS.

Non-Commercial WECS may be permitted at a distance of less than 1.25 times the total height from the property line when consistent with conditions 1) and 2) above and when the location of the WECS would enhance aesthetic, noise or safety considerations. In addition, the WECS owner must have written permission from the immediately adjacent property owner.

b) All other zones. WECS shall be set back three times the total height of the WECS from any public highway, road or lot line. The applicant may be exempted from this setback requirement if it can be clearly demonstrated that the WECS will not be detrimental to the health, safety and general welfare of persons in the immediate area nor be detrimental to property or improvements in the neighborhood.

2. Commercial WECS. Commercial WECS shall be permitted only on agriculturally zoned lands with a minimum size of 20 acres. The minimum setback for Commercial WECS shall be 1.25 times the total height of the WECS from any public highway, road or lot line when all of the following conditions exist:

a) the nearest adjacent parcel to the WECS is a minimum size of 20 acres and,
b) there is no residential dwelling on the nearest adjacent parcel within a distance of five times the total height of the WECS.

Commercial WECS may be permitted at a distance of less than 1.25 times the total height from the property line when consistent with conditions a) and b) above and when the location of the WECS would enhance aesthetic, noise or safety considerations. In addition, the WECS owner must have written permission from the immediately adjacent property owner.

22.71.060 Design Standards. In addition to any conditions which may be required as part of the use permit approval, all WECS must comply with the following design standards:

1. a. Where wind characteristics permit, WECS shall be set back from the tops of visually prominent ridgelines to minimize the visual contrast from any public access.

   b. A specific finding shall be made for Commercial WECS that the operation does not significantly impair a scenic vista or scenic corridor.

2. WECS shall be designed and placed in such a manner to minimize adverse visual impacts from neighboring residential areas to the greatest extent feasible.

3. Brand names or advertising associated with any WECS installation shall not be visible from any public access.

4. Colors and surface treatment of the WECS and supporting structures shall minimize visual disruption.
5. WECS shall be equiped with air traffic warning lights and shall have prominent markings on the rotor blade tips of an international orange color where:
   a) the total height of the WECS exceeds 175 feet or where,
   b) any WECS exceeding 125 feet in total height is placed at an elevation over 200 feet.

6. Where feasible, Commercial WECS shall be located in a manner which minimizes their visibility from any existing Federal wilderness area.

22.71.070 Noise. The noise level of the WECS shall not exceed 55bda at the property line in residential zones or 60 bda at the property line of all other zones.

22.71.080 Wind Measurement. A wind study using an anemometer shall have been performed for the five month prime wind period of May to September at the proposed site prior to the installation of a WECS.
Any certified study within a 1/2 mile distance of the proposed WECS installation shall meet the requirements of this chapter.

SECTION 7 - Severability:

If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 8 - Effective Date:

This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and a summary of this ordinance shall be published once before the expiration of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Independent Journal, a newspaper of general circulation, published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 11th day of October, 1983, by the following vote, to-wit:

AYES: SUPERVISORS Bob Stockwell, Gary Giacomini, Harold Brown, Al Aramburu

NOES: SUPERVISORS -

ABSENT: SUPERVISORS Bob Roumiguiere

Bob Roumiguiere
CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:
Van Gillespie

Van Gillespi
Clerk of the Board

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3108

AN ORDINANCE OF THE BOARD OF SUPERVISORS ADOPTING AMENDMENTS TO TITLE 22 OF THE MARIN COUNTY CODE (THE ZONING ORDINANCE) PERTAINING TO: TIME LIMITS ON APPEALS, EXPIRATIONS AND EXTENSIONS TO DESIGN REVIEWS, VARIANCE/USE PERMIT HEIGHT PROVISIONS, TIDELANDS PROVISIONS, AND USE PERMIT PROVISIONS

* *

SECTION I: FINDINGS.

I. **WHEREAS** the Marin County Board of Supervisors held a public hearing on September 22, 1992 to consider amendments to *Title 22 of the Marin County Code* (the Zoning Ordinance);

II. **WHEREAS** the Marin County Board of Supervisors finds that public necessity, convenience and general welfare do require these amendments to *Title 22 of the Marin County Code*; and

III. **WHEREAS** the Marin County Board of Supervisors finds that the proposed amendments are consistent with code provisions of *Title 22 of the Marin County Code* and the goals, objectives and policies of *The Marin Countywide Plan*; and

IV. **WHEREAS** the Marin County Board of Superviosrs finds that the proposed amendments are categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15308 of the State Guidelines because these amendments constitute an action by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECTION II: AMENDMENTS TO TITLE 22.

NOW, THEREFORE, LET IT BE ORDAINED that the Board of Supervisors of the County of Marin hereby adopts the following amendments to *Title 22 of the Marin County Code*:

Amend Marin County Code Section 22.89.120, Planning commission decision – Time limit – Vote, to read as follows:

22.89.120 Planning commission decision – Time limit – Vote. The planning commission shall determine an appeal no later than its fourth regular meeting following the date on which the appeal was filed. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the commission.

Amend Marin County Code Section 22.89.130, Board of supervisors' decision – Time limit – Vote, to read as follows:

22.89.130 Board of supervisors' decision – Time limit – Vote. The board of supervisors shall determine an appeal no later than its sixth regular meeting following the date on which the appeal was filed. The action, or appellate determination, from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the board.

Amend Marin County Code Section 22.82.130, Expiration, extension of approval (Design Review), to read as follows:

22.82.130 Expiration, extensions of approval. Approval of a design review application shall expire two years from the effective date of approval. Prior to the expiration of a design review approval, the applicant may apply to the planning director for an extension up to a maximum period of four years from the original date of expiration. The planning director may make minor modifications of the approved design review at the time of extension if it is found that there has been a substantial change in the factual circumstances surrounding the original approval. If a building permit or other permit is issued during the effective life of a design review, the expiration date of the design review shall be automatically extended to concur with the expiration date of the other permit.

Amend Marin County Code Section 22.70.030, Effect of use permit on height limitations, to read as follows:

22.70.030 Effect of variance or use permit on height limitations. Upon the securing of a variance, a main building may be erected to a height exceeding that specified in the zoning ordinance for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts. Upon the securing of a use permit, a detached accessory building may be erected to a height exceeding that specified in the zoning ordinance for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts.

Amend Marin County Code Section 22.77.010, Applicablity and Exceptions (Tidelands), to read as follows:

22.77.010 Applicability and exceptions. This chapter shall apply to all land and water areas within the unincorporated area of Marin County which are below, or were, at any time within a preceding twelve-month period, below an elevation of seven and one-half feet mean lower low-water datum and to contiguous land between that elevation line, and either a point 100 feet inland or the nearest publicly maintained road, whichever is closer. For the purposes of this chapter, all the land and water area described in this chapter shall be referred to in this chapter as tidelands. The following items shall not be subject to this chapter:

1. Any emergency work necessary to prevent or to minimize imminent damage to land or improvements from floodwaters. Such emergency work shall be reported on the next normal working day and confimed in writing within ten days after the start of such work to the planning department;

2. Any maintenance work to buildings or structures which existed prior to the effective date of the ordinance codified in this chapter or were approved under the provisions of this chapter;

3. Any structure, fill or excavation which the planning director finds to be minor or incidental;

4. Any structure, fill or excavation which has been approved as part of any application, action or permit by the planning commission, public works director, the planning director or zoning administrator, except that such structure, fill or excavation shall not be deemed to have been approved by a building permit. Where a development is subject to other provisions of Titles 20 and 22, approval of any fill, excavation, or structure within the scope of this chapter which is contained in the development, shall be subject to the findings of Section 22.77.040(4);

5. Any structure, fill or excavation which is behind secure dikes, which existed prior to the effective date of the ordinance codified in this chapter and which is normally not subject to tidal action by virtue of the dike, or which is only temporarily under tidal action due to defective tide gates;

6. Applicability of this chapter shall be limited in creeks, estuaries and rivers to areas downstream from certain defined points, as follows:

   a. Coyote Creek: State Highway No. 1 Bridge, and

   b. Corte Madera Creek: downstream end of concrete channel.

Amend Marin County Code Section 22.77.040, Procedure (Tidelands), to read as follows:

22.77.040 Procedure. All tidelands permit applications shall be processed as follows:

1. Filing and Content of Application for a Tidelands Permit. Application for fill, excavation or structures within tidelands as defined in Section 22.77.010 shall be made to the planning department in the form of a tidelands permit. The application shall include information showing existing and proposed grades, extent and amount of proposed fill or excavation, location of all existing and proposed structures, a tentative plan for the future development of the area, and sufficient detail to allow a determination of the impact of the proposal on the navigability, appearance and safety of the waterways.

2. Action by Planning Director. If the application includes only repair to a structure or is for a single-family dwelling and/or if the planning director determines the work to be minor and incidental and without significant environmental impact, the planning director shall approve, conditionally approve or deny the application.

3. Action by Planning Commission. If the application involves new construction and cannot be considered to be minor and incidental and/or is expected to have significant environmental impact, the application shall be referred to the planning commission for consideration. The planning commission shall approve, conditionally approve or deny the application. The planning commission shall consider, in arriving at its decision, applicable regional and state plans for tidal waterways and the criteria, standards and policies developed by agencies administering such regional and state plans.

4. Findings. The planning director or the planning commission shall approve or conditionally approve applications where it is found that:

   a. The encroachment of the tidelands is the minimum necessary to achieve the purpose of the proposed work;

   b. The proposed fill, excavation or construction will not unduly or unnecessarily:

      (i) Inhibit navigation,

      (ii) Inhibit access to publicly owned tidelands,

      (iii) Cause or increase the likelihood of water pollution,

(iv) Cause or increase the likelihood of flooding of adjoining lands,

(v) Destroy or accelerate the destruction of habitats essential to species of fish, shellfish and other wildlife of substantial public benefit,

(vi) Interfere with or detract from the line of sight of the public toward the water, particularly on natural features of visual prominence,

(vii) Conflict with the scenic beauty of the shoreline due to height, bulk, form, color, materials, illumination or the extent and design,

(viii) Create a safety hazard in connection with settlement of fill or earthquakes, or

(ix) Diminish natural waterways by siltation, sedimentation or bank erosion.

c. The proposal is in substantial harmony with any adopted county general plan or specific plan, including the Local Coastal Program, Units 1 and 2, and is consistent with public trust policies for tidelands areas;

d. Public benefits will be created to offset some of the detriments which may be caused by the nature of the proposal; however, this finding is not required:

(i) Where the application covers lands wholly above elevation 7.5 feet mean lower low-water datum, or

(ii) Where the size or potential uses of the parcel are so limited that creation of a public benefit would be infeasible and where the amount and effect of fill, excavating or structures are minimal.

Public benefits may be realized through: development of new recreational opportunities; or provision of new public access to the water; or enhancement of shoreline appearance; or establishment of water transportation; or facilities for land or air transportation where all other alternatives have been exhausted; or construction of water-oriented industry or development of marine food supplies; or other benefits considered by the planning director and/or the planning commission to be of comparable importance; and

e. The proposed fill, excavation or construction will not adversely affect the existing public rights on the property.

5. Filing Date. The filing date of an application for tidelands permit shall be the date on which the planning department deems the application submittal to be complete. The planning director or commission shall make a decision on an application for tidelands permit within 60 days after the filing date of an application or, within a longer period as may be agreed upon between the applicant and the planning director.

6. Notice of Action and/or Hearing Date. At least 10 days prior to an administrative action by the planning director or a public hearing before the planning commission, a public notice of the tidelands permit application shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of 300 feet of the property which is the subject of the proposed tidelands permit. The notice must include a general

location and description of the tidelands permit and the date of administrative action or the date, time, and place of the public hearing. In addition, a public hearing notice shall either be:

a. Published in at least one local newspaper of general circulation at least 10 days prior to the hearing, or

b. Posted in at least three local public places in the area directly affected by the proposed tidelands permit.

7. Expiration and Extension of Tidelands Permits. A tidelands permit shall expire two years from the effective date of the approval, unless a different expiration date is stipulated at the time of approval. Prior to the expiration of a tidelands permit, the applicant may apply to the planning director for an extension up to a maximum period of four years from the original date of expiration. The planning director may make minor modifications of the permit at the time of extension if it is found that there has been a substantial change in the circumstances surrounding the original approval. If a building permit or other permit is issued during the effective life of a tidelands permit, the expiration date of the tidelands permit shall be automatically extended to concur with the expiration date of the other permit.

Amend Marin County Code Section 22.77.045, Fees (Tidelands), to read as follows:

22.77.045 Fees. The planning director shall collect fees for processing applications and inspecting work performed pursuant to this chapter. Such fees shall be established in the current Marin County Planning Department Fee Schedule.

Amend Marin County Code Section 22.88.020, Action on Application (Use Permit), to read as follows:

22.88.020 Action on application. All use permit applications shall be processed as follows:

1. All use permits, permissible under the provisions of the zoning ordinance, shall require a public hearing by the zoning administrator. However, where the zoning administrator finds that significant policy questions are at issue, the zoning administrator may refer the application to the planning commission for action. In the event that the application is referred to the planning commission for action, the planning commission shall take action no later than its fourth regular meeting following a determination of completeness of submittal. The board of supervisors shall act as the appeal body in all use permit applications referred to the planning commission for initial action. The board of supervisors shall act on any such appeal within six regularly scheduled meetings from the date of appeal.

2. Notice of Hearing Date. At least 10 days prior to the hearing, a public notice of the hearing on the use permit application shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of 300 feet of the property which is the subject of the proposed use permit. The notice must include the date, time, and place of the hearing, the identity of the hearing body or officer, and a general location and description of the use permit to be considered. In addition, the notice shall either be:

   a. Published in at least one local newspaper of general circulation at least 10 days prior to the hearing, or

b. Posted in at least three local public places in the area directly affected by the proposed use permit.

3. For the zoning administrator, planning commission, or board of supervisors to grant a use permit, it shall be necessary that the following findings and determinations be made:

   The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

4. The zoning administrator shall make a decision on all applications for use permit within 60 days after a determination of completeness of submittal or, within a longer period as may be agreed upon between the applicant and the zoning administrator.

SECTION III: EFFECTIVE DATE.

This Ordinance shall be, and is hereby declared to be, in full force and effect on **October 23, 1992** and shall be published once before October 7, 1992, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

SECTION IV: VOTE.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 22nd day of September, 1992, by the following vote to-wit:

AYES: Supervisors: Al Aramburu, Gary Giacomini, Harold Brown

NOES: Supervisors: None

ABSENT: Supervisors: Brady Bevis, Bob Roumiguiere

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:

THOMAS F. CAMPANELLA
Clerk of the Board

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3252

AN ORDINANCE OF THE BOARD OF SUPERVISORS ADOPTING AMENDMENTS TO SECTIONS 22.02.285, 22.70.020, 22.82.030, AND 22.82.040 OF TITLE 22 OF THE MARIN COUNTY CODE (THE ZONING CODE)

* *

SECTION 1: FINDINGS

I. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on July 7, 1997 to consider amendments to Sections 22.02.285, 22.70.020, 22.82.030, and 22.82.040 of *Title 22 of the Marin County Code* ("the Zoning Code") and, by a vote of 4-1, the Planning Commission recommended by Resolution No. PC-97-121 that the Marin County Board of Supervisors approve the proposed amendments.

II. WHEREAS the Board of Supervisors held a duly noticed public hearing on July 29, 1997 to consider the proposed amendments to Sections 22.02.285, 22.70.020, 22.82.030, and 22.82.040 of the Zoning Code.

III. WHEREAS the Board of Supervisors finds that public necessity, convenience, and general welfare do require the proposed amendments to the Zoning Code.

IV. WHEREAS the Board of Supervisors finds that the proposed amendments to the Zoning Code are Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15308 of the CEQA Guidelines because these amendments constitute an action by a regulatory agency to assure the maintenance, restoration, enhancement, and protection of the environment where the regulatory process involves procedures for protection of the environment.

V. WHEREAS the Board of Supervisors finds that the proposed amendments to the Zoning Code are consistent with provisions and regulations of said code and the goals, objectives, and policies of *The Marin Countywide Plan*.

SECTION 2: ADOPTION OF ORDINANCE

NOW, THEREFORE, LET IT BE ORDAINED that the Board of Supervisors hereby adopts an ordinance which approves the following amendments to the Zoning Code:

Amend Marin County Code Section 22.02.285 (Floor area ratio, Definitions) to read as follows:

22.02.285 Floor area ratio. "Floor area ratio" or "F.A.R." means the floor area of the building or buildings on a lot, divided by the area of that lot. Unless a community plan has established a different standard, "floor area" is the sum of the gross horizontal areas of the

several floors of the building or buildings measured from the exterior faces of the exterior walls and shall exclude the following: all unenclosed horizontal surfaces such as balconies, courts, decks, porches, terraces; any detached structures not designed for and/or used for sleeping purposes as further defined herein; and spaces primarily allocated for permanent automobile parking as further defined herein. For the purpose of determining the excludable floor area of "detached accessory structures not designed for and/or used for sleeping purposes," the total floor area of such structures in excess of 250 square feet shall be considered as part of the allowable floor area where floor area ratio regulations are applicable. For the purpose of determining the excludable floor area of "spaces primarily allocated for permanent automobile parking," the total floor area of any garage in excess of 540 square feet shall be considered as part of the allowable floor area of a lot where floor area ratio regulations are applicable.

Amend Marin County Code Section 22.70.020 (Height exception for one-family dwellings in R-1 districts. Height Regulations) to read as follows:

22.70.020 Height exception for single-family dwellings in R-1 districts. The height standard for single-family dwellings in R-1 districts may be increased without Variance approval from a maximum of 35 feet to a maximum of 45 feet from grade when side yard setbacks of 15 feet or greater are provided and Design Review approval is obtained pursuant to Chapter 22.82 of Marin County Code.

Amend Marin County Code Section 22.82.030 (Matters exempt from review. Design Review) to read as follows:

22.82.030 Matters exempt from Design Review. The following developments and physical improvements are exempt from Design Review procedures and requirements:

1. Single-family dwellings in A, A-2, R-A, R-R, R-E, R-1, R-2, and R-3 zoning districts that contain 4,000 square feet of floor area or less and are 30 feet in height or less, except as required pursuant to any section of this Title;

2. Agricultural buildings, structures, improvements, and developments which are 300 feet or more distant from a property line of abutting property, in separate ownerships, and which, in addition, are 300 feet or more distant from a street;

3. Signs other than those included in plans for a matter subject to design review;

4. Other work determined by the planning director to be minor or incidental and within the intent and objectives of this chapter;

5. Repairs or reconstruction work needed because of an emergency or natural disaster.

Amend Marin County Code Section 22.82.040 (Standards -- Criteria, Design Review) to read as follows:

22.82.040 Design Review Findings. For the Planning Director, Zoning Administrator, Planning Commission, or Board of Supervisors to approve a Design Review, it shall be necessary that the following findings be made:

1. It is consistent with the Countywide Plan and any applicable community plan and Local Coastal Program;

2. It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

3. It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

4. It will not directly, or in a cumulative fashion, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

5. It will be properly and adequately landscaped with maximum retention of trees and other natural material;

6. It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

    a. the scale, mass, height, area, and materials of buildings and structures,
    b. drainage systems and appurtenant structures,
    c. cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,
    d. areas, paths, and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances, and watercraft,
    e. other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas, and privacy;

7. It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood.

SECTION 3: EFFECTIVE DATE AND PUBLICATION

The Board of Supervisors does hereby further ordain that this ordinance shall be, and is hereby declared to be, in full force and effect on August 29, 1997 and shall be published once before August 13, 1997, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

SECTION 4: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 29th day of July, 1997, by the following vote to-wit:

AYES: SUPERVISORS John B. Kress, Steve Kinsey, Annette Rose, Harry J. Moore

NOES: None

ABSENT: SUPERVISOR Harold C. Brown, Jr.

Harry J. Moore

HARRY J. MOORE, CHAIR
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

M Nichols

Martin J. Nichols
Clerk of the Board

From: Mitchell, Bridger
To: Fiala, Shannon@Coastal
Subject: Re: Appeal No. A-2-MAR-14-0059
Date: Friday, December 05, 2014 9:51:03 AM

Shannon — what is the effect of the "49-day rule" on this appeal (received Oct. 27)?
--
Bridger Mitchell – PO Box 31, Inverness, CA 94937
—

From: <Mitchell>, Bridger Mitchell <bmitchell@crai.com>
Date: Thursday, December 4, 2014 at 14:59
To: Shannon Fiala <Shannon.Fiala@coastal.ca.gov>
Cc: Dan Carl <dcarl@coastal.ca.gov>
Subject: Appeal No. A-2-MAR-14-0059

Hi, Shannon,

In our telephone call December 2 you informed me that on further review the Marin County decision to issue a coastal development permit has indeed been deemed to be appealable. You explained that the county has amended the C-VCR district zoning to include both residential as well as the original commercial uses as principal permitted uses. And, pursuant to an internal procedural memo, if there are multiple PPUs in a zoning district, then all of those PPUs are appealable. (There is an exception, when all PPUs are deemed to be in the same category of use.)

I'm writing to urge you, in your staff report, to directly address the claim included in the appeal that a use that requires a Use Permit is a conditional use, and therefore that use cannot be a PPU, and thus making appealable a county decision to issue a coastal permit for that use. It is essential to establish the validity of this interpretation; otherwise, the county could enact uncertified ordinances requiring Use Permits that override certified LCP development standards and the Commission would be powerless to review such developments on appeal.

Assume the county enacts an uncertified ordinance that, in effect, allows, upon issuance of a Use Permit, a variance from an LCP standard for issuance of a coastal permit. In this appeal, the development being appealed is the height and second story of an accessory building that exceeds the LCP height standard. Another example might be obstruction of a coastal view from a public viewing area by a single-family residence in a C-RSP district – prohibited by the LCP, but allowed by Use Permit. The residence is a PPU in this district, but its location blocking a coastal view requires a Use Permit. But if the residence in that location is deemed to be a PPU, the development is unappealable.

This is unquestionably a substantial issue for the Commission. By enacting an ordinance to override a standard in its certified LCP the county can thumb its nose at the certification requirement and emasculate the authority of the Commission to uphold the LCP standards it has certified.

--

Bridger Mitchell – PO Box 31, Inverness, CA 94937

—

This electronic message and its attachments contain information from the consulting firm of Charles River Associates that may be confidential or privileged. If you are not the intended recipient we ask that you notify us immediately via reply e-mail and delete or destroy this message and any copies of it. Thank you for your cooperation.

MARIN COUNTY LCP – IMPLEMENTATION PLAN

Chapter 22.56I C DISTRICTS

22.56.020I Applications.
The C district shall conform to the coastal zone as established by the Coastal Act of 1976. The following general regulations shall apply in all C zoning districts as noted below and should be subject to the provisions of Chapters 22.62 through 22.74I of this title. The provisions of Section 22.88.010I (3), (5), (6), (7a) through (7e) and (8) shall not apply in C districts.

22.56.130I Development requirements, standards and conditions.

O. Visual Resources and Community Character.

2. To the maximum extent feasible, new development shall be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway.

3. The height, scale and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.

Q. Historic Research Preservation. In the issuance of any coastal permit, the planning director or appropriate hearing body shall make findings that the proposed project is consistent with the historic resource policies of the local coastal plan and the historic study. Additionally, when considering any permit which pertains to any identified historic area or pre-1930 structure, the following criteria shall apply:

1. New Construction. New construction located within an identified historic area shall be consistent in scale, design, materials and texture with the surrounding community character.

Chapter 22.57I SPECIFIC REGULATIONS FOR VARIOUS COASTAL DISTRICTS

22.57.120I C-VCR--Coastal village commercial residential districts.

22.57.121 Purpose. The purposes of the district created in this chapter are as follows:

1. Maintain the established character of village commercial areas;
2. Promote village commercial self-sufficiency;
3. Foster opportunities for village commercial growth, including those land uses that serve coastal visitors;
4. Maintain a balance between resident and nonresident commercial uses;
5. Protect, without undue controls, established residential, commercial, light industrial use;
6. Maintain community scale.

22.57.122I Principal Permitted Uses. The following are permitted in all C-VCR districts:
5. Accessory uses and buildings including parking facilities

22.57.124I Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200I, "Design standards table".

22.57.200I Design standards table.

The following design standards shall apply in the respective coastal districts:

22.57.200I Design standards table.

The following design standards shall apply in the respective coastal districts:

Zone	Building Site Requirements	Setbacks	Floor area				
District	Lot Area	Average Width	Front	Side	Rear	Height	Ratio
C-R-A	7,500 sq. ft.	60 ft.	25 ft. lot depth[1]	6 ft.	20%	25 ft.*	30%
C-H-1	7,500 sq. ft.	60 ft.	-	-	-	25 ft.*	-
C-R-I	7,500 sq. ft.	60 ft.	25 ft. lot depth[1]	6 ft.	20%	25 ft.*	30%
C-R-2	7,500 sq. ft.	60 ft.	25 ft. lot depth[1]	6 ft.	20%	25 ft.*	30%
C-VCR	7,500 sq. ft.	60 ft.	0 ft.	5 ft.	15 ft.[1]	25 ft.*	-

[1] Maximum rear yard setback of 25 feet.

* Height limit in Stinson Beach Highlands shall be seventeen feet.

[2] Commercial uses in C-VCR districts have no side and rear setbacks required.
(Ord. 2637 § 6 (part), 1981)

22.57.201I Regulations for B districts.

In any C district which is combined with any B district, the following design standard regulations, as specified for the respective B district, shall apply.

Zone	Building Site Requirements		Setbacks			
District	Lot Area	Average Width	Front	Side	Rear	Height
B-D	1,750 sq. ft.	35 ft.	10 ft.	5 ft.*	10 ft.	20 ft.
B-1	6,000 sq. ft.	50 ft.	25 ft.	5 ft.*		
B-2	10,000 sq. ft.	75 ft.	25 ft.	10 ft.		
B-3	20,000 sq. ft.	100 ft.	30 ft.	15 ft.		
B-4	1 acre	150 ft.	30 ft.	20 ft.		
B-5	2 acres	150 ft.	30 ft.	20 ft.		
B-6	3 acres	175 ft.	30 ft.	20 ft.		

* Side setback on corner lots--Minimum of ten feet.
(Ord. 2703 § 19, 1982: Ord. 2637 § 6 (part), 1981)

INCORPORATED BY REFERENCE (VIA SECTION 22.56.020I) INTO MARIN COUNTY LCP - IMPLEMENTATION PLAN

Chapter 22.70I HEIGHT REGULATIONS

22.70.030I Effect of variance or use permit on height limitations.
Upon the securing of a use permit, any building may be erected to a height exceeding that hereinbefore specified for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit hereinbefore specified for such district.
(Ord. 264 § 14(b)(3), 1938)

22.70.060I Height limitations for detached accessory buildings.
A detached accessory building may not be over one story in height and may not exceed fifteen (15) feet in height unless said accessory building is located at least forty feet from any property line, in which case the accessory building may be erected to a height specified in this chapter for a main building in the respective district. In the case where a garage or carport is located to within three feet (3) of the front or side lines of the lot pursuant to Section 22.72.080, the height for such garage or carport shall be measured from the finish grade of the parking area. (Ord. 2560 § 5, 1980: Ord. 1283, 1963: Ord. 264 § 14(b)(6), 1938)

MARIN COUNTY LCP UNIT II – LAND USE PLAN

LCP Policies on New Development and Land Use

1. Historic resources.

a. In order to protect the unique qualities and character of coastal communities in the Unit II coastal zone, historic structures shall be preserved and restored.
The following means shall be used to protect and preserve historic structures:

(1) "Historic areas" shall be established in Tomales, Marshall, Point Reyes Station, Olema and Inverness. The boundaries of these areas are described and mapped in Appendix E of the Unit II LCP. Within these historic area boundaries, all new construction shall conform in scale, design, materials and texture with the surrounding community character.

b. All coastal project permits for projects located within the boundaries of a historic area, and for projects involving pre-1930 buildings, shall be reviewed in accordance with:

(1) The "Design Guidelines for Construction in Historic Areas and for pre-1930 Structures" and,

(2) The "Historic Review Checklist", both located in Appendix E of the Unit II LCP.

c. All coastal project permits for historic structures shall be reviewed by established local planning or design review groups.

3. Visual resources.

a. The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.

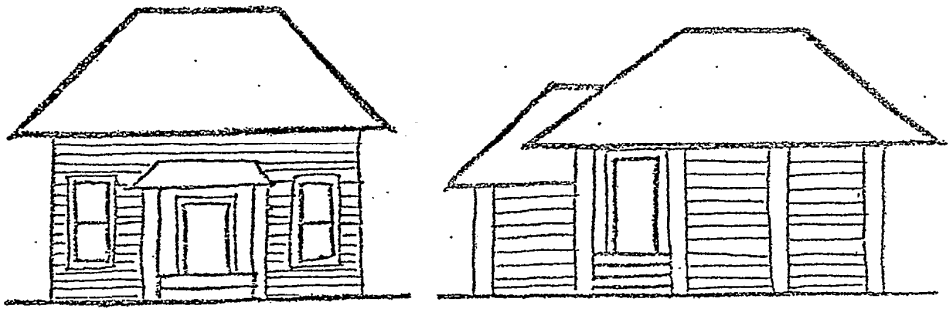
b. Development shall be screened with appropriate landscaping; however such landscaping shall not, when mature, interfere with public views to and along the coast. The use of native plant material is encouraged.

DESIGN GUIDELINES FOR CONSTRUCTION IN HISTORIC AREAS AND FOR PRE-1930"S STRUCTURES

Technology has quickened the pace of change and introduced a great variety of building materials and construction methods. Since personal tastes and social attitudes often govern today's choice of materials and methods, design review has been introduced to guarantee carefully executed design solutions.

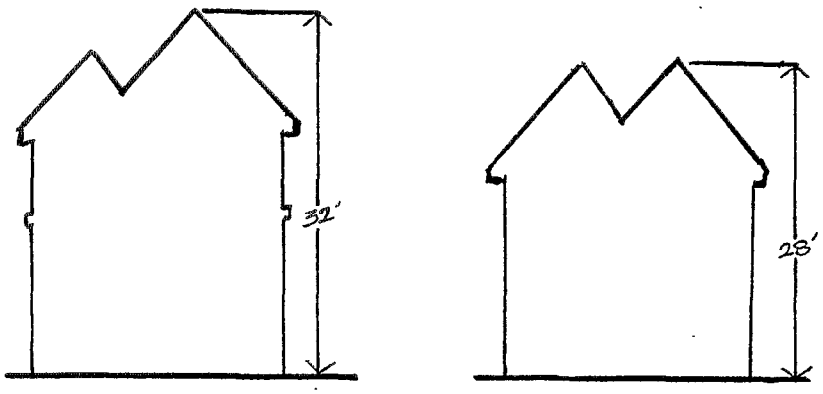
The landscape and buildings of a healthy community exhibit continuity of a community's past and present. In recognition of this concept, a properly instituted design review program aims to insure guided freedom for future growth in historic areas. Design review will vary according to conditions in particular communities, but should insure that new buildings conform in scale, proportions and texture to existing community form.

The design principles and standards below are intended to insure maximum compatibility of remodeling and new construction with older buildings in historic districts.



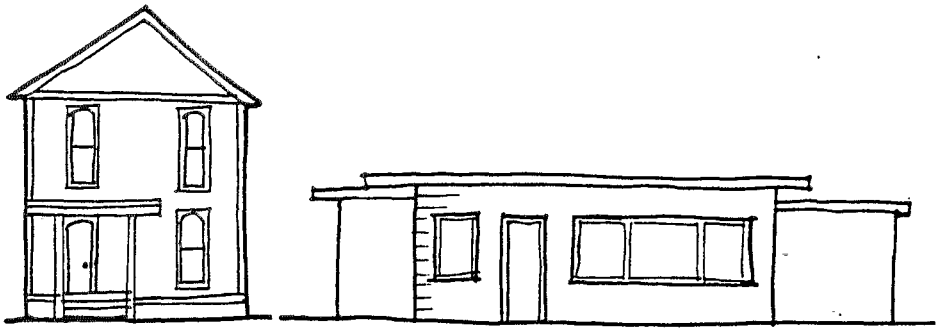
REPETITION OF ROOF SHAPE

Similarity of roof shapes is often the most important means for achieving continuity in design between new and old buildings in historic areas. Roofs are an important factor in the overall design of a building to help relate items such as height and scale to those adjacent structures:



CONSISTENT BUILDING HEIGHT

New buildings should be constructed to a height within a reasonable average height of existing adjacent buildings.



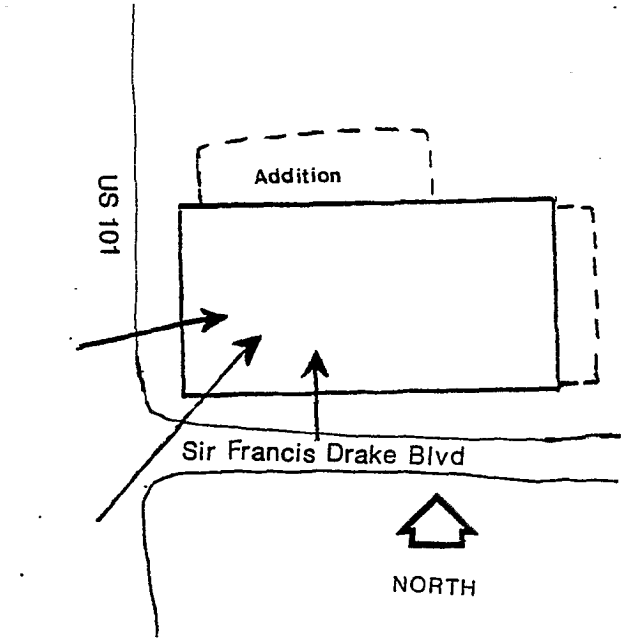
DIRECTIONAL EXPRESSION OF FRONT ELEVATIONS

Structural shape, placement of openings, and architectural details may give a predominantly vertical, horizontal, or a non-directional character to a building's facade. If buildings in a historic district are predominantly vertical expressions, then new buildings should be vertical expressions also.

19th century buildings tend to be vertical while 20th century buildings often have a horizontal emphasis.

PLACEMENT OF NEW ADDITIONS TO HISTORIC BUILDINGS

The most important facade of any building is generally the frontal facade; this is particularly true when viewing a streetscape. The front elevation, and side elevation on a corner building, should not have additions added that destroy a building's historic character.

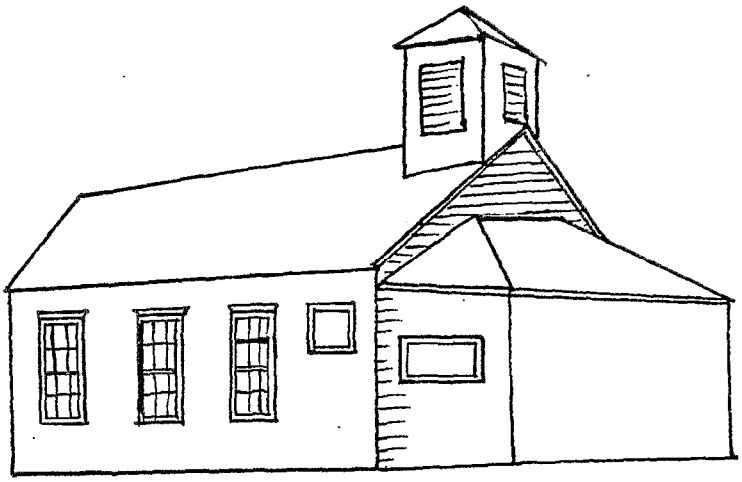


GOOD EXAMPLE
Focal Points of Olema Inn.

Additions were made to the Olema Inn, but these additions left the focal point facades intact.

BAD EXAMPLE

Greek Revival school house with addition on front facade, destroys the focal point view.



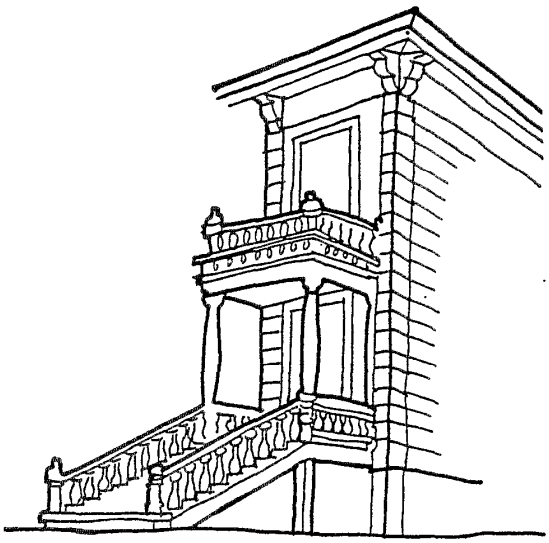
BAD EXAMPLE

Italianate commercial structure with front facade addition.

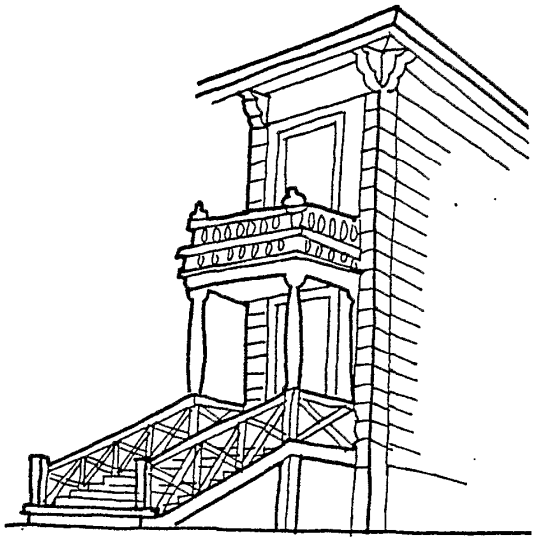
BUILDING SETBACK

Setback is an important consideration in harmonizing new with old in rural historic areas.

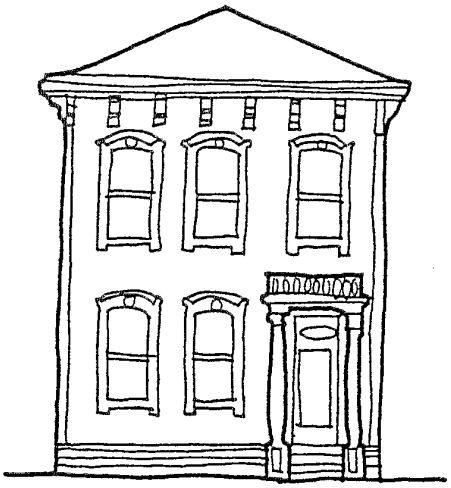
PRESERVE OR REPLICATE HISTORIC DETAILS



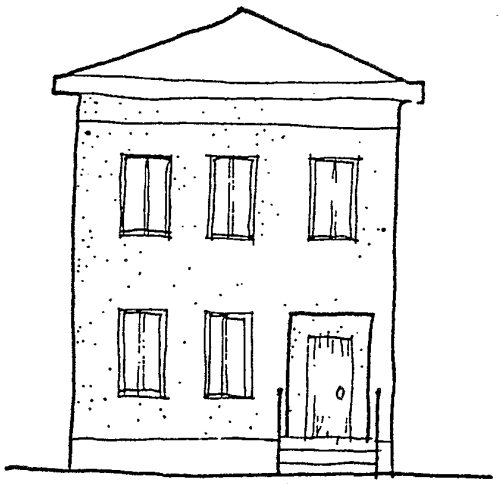
Original: Sympathetic treatment of stairway railing.



Remodeled: Unsympathetic treatment of stairway railing



Original: Precise wooden details around windows, doors, cornice line, at building edges, horizontal lap siding.



Remodeled: Stucco facade destroys integrity of historic structure.

The front facade of the Greek Revival commercial building (in foreground to left) has been "modernized" with the addition of wood shingles and brick. These exterior coverings are not appropriate for Greek Revival. Its next-door neighbor (smaller building to left) retains the Greek Revival feeling.

RELATIONSHIP OF TEXTURES

The texture of a building is an important factor in the overall appearance of a neighborhood. The predominant texture may be smooth (stucco), or rough (brick with tooled joints), or horizontal wood siding, or other textures. Whatever texture is used, its appearance must be considered in relation to the neighborhood to insure a compatible blending with other styles.

The front facade on the Greek Revival commercial building (in foreground to left) has been "marinated" with the addition of wood shingles and brick. These exterior coverings are not, appropriate for Greek Revival. Its next-door neighbor (smaller building to right) retains the Greek Revival feeling, with the original horizontal siding.

REPETITION OF DETAILS

Repetition of details, such as choice of exterior building materials, proportions of windows and doors, gingerbread porch posts and trim, window and door moldings, cornices, lintels, and arches, is extremely important in insuring compatible appearance in new construction in historic areas.

There has been a general misunderstanding about 19th century styles because of the weather-beaten appearance of many vintage buildings. Greek Revival, Queen Anne, Italianate, and Stick architectural styles are precise in their detailing and consistency of proportions. There is a great difference between these precise, albeit weathered, architectural statements, and contemporary efforts to create vintage-style buildings by constructing badly proportioned, indistinctive, rough-shod buildings of rough-sawn plywood or board and batten.

---

[1] "Marinated" - the fad in Marin County currently is to add wood shingles whether appropriate or not.

RELATIONSHIP OF COLORS

The proper application of a color scheme to a building or a series of buildings can highlight important features and increase their overall appearance. Accent or blending colors on building details is also desirable in creating compatibility of neighboring structures.

Use of exterior color is of particular importance in the case of a wood frame house where the combination of wall and trim colors usually decides its basic character.

A good color scheme should be neighborly as well as effective in itself, so that both the house and the environment benefit.

RELATIONSHIP OF LANDSCAPING AND PHYSICAL FEATURES

Landscaping should be placed to emphasize design and should enhance a structure rather than detracting from it or obscuring it. Physical features such as picket fences, building facades, beaches, lamp posts, and signs or combinations of these features provide continuity and cohesiveness to a neighborhood.

Efforts to achieve continuity should not be so restrictive that they force mere imitation. However, the design of new buildings in and adjacent to historic areas, and new additions to old buildings must be carefully executed to achieve harmony between old and new. The challenge, particularly in special design districts, is to create contemporary buildings whose flavor and scale compliments, rather than imitates, the predetermined images of the historic setting.

SIGNS AND STREET FURNITURE

Commercial signs are an effective tool for enhancing the historic quality and can be designed to harmonize with the structure. All too often, oversized or modernistic signs are used and detract from the overall charm. For this reason, strict design review for signs is recommended.

Similarly, street furniture (benches, light fixtures and litter containers) should be designed to embellish the historic grace and conform to existing architectural styles. Ingenuity may be required, but these details can provide cohesion and grace.

HISTORIC REVIEW CHECKLIST

The attached Historic Review Checklist has been established to provide an initial determination of compatibility of new construction, alterations and additions in historic areas or for individual pre-1930 structures outside the boundaries of historic districts. Additional background information is available in the Historic Study and in Planning Department files.

This checklist should apply to all types of structures, including outbuildings. Signs and street furniture should be compatible with the historic character of the community.

HISTORIC REVIEW CHECKLIST

Please check the appropriate box in applicable categories.

YES	NO	
		A. NEW CONSTRUCTION, ALTERATIONS AND ADDITIONS
		Does the Project:
_____	_____	1. Preserve distinguishing original qualities or character of the structure or site and its environment?
_____	_____	2. Retain or preserve any previous modifications that evidence the history and development of the structure or site?
_____	_____	3. Has every reasonable effort been made to provide a compatible use for the property in this community?
_____	_____	4. Give consideration to harmonizing street furniture and signs?
		B. NEW CONSTRUCTION
_____	_____	1. Is the roof shape similar to adjacent structures?
_____	_____	2. Is the building height consistent with surrounding structures?
_____	_____	3. Do the front facades give similar directional expressions (vertical or horizontal)?
_____	_____	4. Are building setbacks similar to adjacent structures?
_____	_____	5. Will new landscape features (including parks, gardens, fencing, benches, walk ways and signs), be compatible with the character of the neighborhood?
_____	_____	6. Is the design compatible in scale, design, materials and texture with surrounding structures?

YES	NO	
_____	_____	7. Will a contemporary design that is compatible with the mood and character of the surrounding neighborhood be used?
_____	_____	8. Will mechanical equipment such as air conditioners and television antennae be placed in inconspicuous locations?

C. <u>ALTERATIONS, RESTORATION</u>

_____	_____	1. Has the applicant applied for designation of a historic structure?
_____	_____	2. Does the State Historic Building Code apply?

Will the proposed project:

_____	_____	3. Retain the front of the building to preserve the architectural and historic character of the building?
_____	_____	4. Retain distinctive features such as the size, scale, mass and building materials, including roofs, porches and stairways that give the community its character?
_____	_____	5. Retain landscape features (including parks, gardens, fencing, benches, signs, walkways), that reflect the structure's development and history?
_____	_____	6. Place new additions without destroying focal point views?
_____	_____	7. Preserve or duplicate original details (such as cornices, brackets, windows, doors, shutters, siding, railing) of architectural significance?
_____	_____	8. Repair or stabilize weakened structural members and systems?
_____	_____	9. Retain original materials where possible?
_____	_____	10. Preserve the original roof shape and material?

YES	NO	
_____	_____	11. Retain or replace, where necessary, architectural features in the roof such as dormer windows, chimneys, cornices and brackets?
_____	_____	12. Improve the thermal performance of the building through weather-stripping without damaging window and door frames?
_____	_____	13. Improve or repair drainage to prevent damage to the structure or foundation where necessary?
_____	_____	14. Retain any previous modifications that evidence the history and development of the structure?
_____	_____	15. Make alterations and new additions in such a manner that they can be removed in the future without impairing the essential form and integrity of the structure?

D. RESTORATION

_____	_____	1. Are any deteriorated architectural features being repaired rather than replaced, where possible?
_____	_____	2. Where replacement of deteriorated architectural features is necessary, do new materials match the material being replaced in color, texture, composition and design?
_____	_____	3. Will cleaning methods undertaken damage the historic building materials?

E. DEMOLITION

_____	_____	1. Is the building or structure of such architectural or historic interest that its removal would be to the detriment of public interests?
_____	_____	2. Is the building or structure of such interest or significance that it could be designated as a National, State or local historic landmark?

YES	NO	
_____	_____	3. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense?
_____	_____	4. Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the County?
_____	_____	5. Would retention of the building or structure promote the general welfare of the community by encouraging study of local history, architecture and design or by developing an understanding of the importance and value of the local culture and heritage?
_____	_____	6. Can the structure be converted to another use?
_____	_____	7. Is the structure in a state of major disrepair?
_____	_____	8. Has the local historical group or society been contacted?
_____	_____	9. Has the State Historic Preservation Office been contacted?
_____	_____	10. Has an attempt been made to locate a purchaser for the property?
_____	_____	11. Has an alternative site for the structure been researched?

ORDINANCE NO. 264

AN ORDINANCE OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, ADOPTING A ZONING PLAN FOR THE UNINCORPORATED TERRITORY OF SAID COUNTY, SAID PLAN BEING A DETAILED PLAN BASED ON THE MASTER PLAN OF SAID COUNTY; SPECIFYING THE PURPOSES AND THE EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID COUNTY; SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN HEIGHT LIMITS IN SAID DISTRICTS; REQUIRING CERTAIN YARD AND OTHER OPEN SPACES IN SAID DISTRICTS; PROVIDING REGULATIONS FOR THE ERECTION, CONSTRUCTION, ALTERATION AND MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS IN SAID DISTRICTS, INCLUDING THE REQUIREMENT THAT CERTAIN PERMITS SHALL BE SECURED FOR CERTAIN OF SUCH BUILDINGS, STRUCTURES AND IMPROVEMENTS AND FOR THE USE THEREOF AND OF LAND; REQUIRING CERTAIN FEES; DEFINING THE TERMS USED HEREIN; SPECIFYING THE PROCEDURE FOR THE AMENDMENT HEREOF; AND PROVIDING PENALTIES FOR VIOLATION OF ANY OF THE PROVISIONS HEREOF.

any such street or highway by the provisions of any applicable ordinance, then such measurement shall be taken from such future right of way line or such future width line.

SECTION 14. GENERAL PROVISIONS AND EXCEPTIONS

The regulations specified in this ordinance shall be subject to the following interpretations and exceptions:

(a) Use:

1. The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any "R" district, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts:

(A) The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this ordinance, unless permitted in the district.

(B) News and refreshment stands and restaurants in connection with passenger stations.

(C) Recreation, refreshment and service buildings in public parks and playgrounds.

2. On any lot in any "R" district, in addition to any livestock permitted in such district by the terms of this ordinance, there may be kept not to exceed twelve fowl other than roosters, quacking ducks, geese, guinea fowl or peafowl and there may be kept not to exceed twelve rabbits or guinea pigs; provided that no such livestock shall be maintained closer than forty feet to any dwelling now existing or hereafter erected; and provided, further, that any such livestock shall be kept in buildings or structures subject to the approval of the County Health Officer.

Exhibit No. 8
A-2-MAR-14-0059 (The Barn Project LLC)
Page 2 of 7

3. Outdoor advertising signs and outdoor advertising structures (referred to in this section as "signs") in addition to those otherwise permitted in this ordinance shall be permitted in the following cases and under the following conditions:

(a) Signs not exceeding six square feet in area pertaining only to the prospective sale or lease of the premises upon which displayed.

(b) The following signs upon the securing of a use permit for each such sign, which permit shall prescribe conditions as to the size, construction, location and color of such sign and such other conditions as the Planning Commission may deem to be necessary:

I. Signs displaying the name only of the property or premises upon which displayed or of the owner or lessee thereof.

II. Signs advertising the sale of a subdivision and located therein or adjacent thereto.

III. Directional or informational signs of a public or quasi-public nature, erected and maintained by any official body or civic body.

IV. Signs appurtenant to any use permitted in the district and situated on the building in which such use is conducted or on the immediate site of such building, or if such use is not conducted in a building, then located on the actual area of land occupied by such use.

V. Signs serving as directional signs to resorts or to institutions of an educational, religious, charitable or civic nature, to which the principal access is had from any road or highway which is improved with cement concrete, asphaltic concrete or oil-bound macadam pavement but which are not situated directly adjacent to such road or highway.

4. Horses other than those otherwise permitted by the provisions of this ordinance may be kept in any "R" or "C" district on the securing of a use permit for each case of any such use.

5. Nothing in this ordinance shall be deemed to prohibit the excavating of natural materials for the construction of a building permitted in the district in which the same is to be located, which building is to be constructed on the same lot from which such material is excavated, and no use permit shall be required for such excavating.

(b) Height:

1. In any district with a height limit of less than seventy-five feet, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five feet, provided that the front, rear and side yards shall be increased one foot for each one foot by which such building exceeds the height limit hereinbefore established for such district.

2. One-family dwellings in "R-1" districts may be increased in height not to exceed ten feet and to a total of not exceeding three stories when two side yards of widths of not less than fifteen feet each are provided.

3. Upon the securing of a use permit, any building may be erected to a height exceeding that hereinbefore specified for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit hereinbefore specified for such district.

4. Subject to any other provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided that no such exception shall cover at any level more than fifteen per cent in area of the lot nor have an area at the base greater than sixteen hundred square feet, provided, further, that no tower, gable, spire, or similar structure shall be used for sleeping

Exhibit No. 8
A-2-MAR-14-0059 (The Barn Project LLC)
Page 4 of 7

SECTION 26. REFERENCE

This ordinance shall be known and cited as the Zoning Ordinance of the County of Marin.

SECTION 27. ENACTMENT

This ordinance shall take effect and be in force thirty (30) days after the date of its passage and approval.

The foregoing ordinance was passed and adopted at a regular adjourned meeting of the BOARD OF SUPERVISORS of the COUNTY OF MARIN, STATE OF CALIFORNIA on the 18th day of July, 1938, by the following vote:

AYES: Supervisors: Wm. Barr, R. A. Thompson, R. Pettersen, A. Martinelli

NOES: Supervisors: None

ABSENT: SUPERVISOR: Gail Apperson

ACTING - CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

ATTEST:

CLERK

REGULAR ADJOURNED MEETING OF THE BOARD OF SUPERVISORS HELD ON WEDNESDAY, AUG. 3, 1938 AT 10 A.M.

RE: ADOPTION PLANNING ORDINANCE NO.264:

On motion of R. A. Thompson, seconded by Wm. Barr, County Planning Ordinance No. 264 heretofore read and passed by this Board on July 18, 1938 and which Ordinance was not published within the period as required by law was ordered re-adopted and re-enacted.

AYES: Wm. Barr, R. A. Thompson, A. Martinelli, Gail Apperson, R. Pettersen

NOES: None

ABSENT: None

Gail Apperson
CHAIRMAN OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MARIN

ATTEST:

CLERK

BOARD OF SUPERVISORS OF THE COUNTY OF MARIN

RESOLUTION OF THE BOARD OF SUPERVISORS DECLARING ITS INTENTION TO CONSIDER AMENDINGT ORDINANCE NO. 264 BY CLASSIFYING LANDS OF THE MARIN MUNICIPAL WATER DISTRICT AS AN O-A, OPEN AREA DISTRICT.

WHEREAS, It has been reported to this Board that the Marin County Planning Commission has heretofore considered under its own resolution of intention the proposal to establish the lands of the Marin Municipal Water District as an O-A, Open Area District, and has failed to act in that a motion to approve such a classification resulted in a 3 to 3 tie, and

WHEREAS, it is the desire of this Board of Supervisors to reach a final decision in this matter, it is necessary for the Board of Supervisors to initiate the same action.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Marin County Board of Supervisors does hereby set forth its intention to consider amending Ordinance No. 264 by classifying the lands of the Marin Municipal Water District as described in Marin County Planning Commission Resolution No. 1793 as an O-A, Open Area District.

2. That this said proposed amendment to Ordinance No. 264 is hereby referred to the Marin County Planning Commission for report thereon in the manner prescribed by law.

3. That the Clerk of this Board is authorized and directed to forward to the Marin County Planning Commission a copy of said resolution.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on the 14th day of July, 1964, by the following vote:

AYES: SUPERVISORS: Peter H. Behr, George H. Ludy, William H. Gnoss, Byron W. Leydecker, William D. Fusselman

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

William H. Gnoss

CHAIRMAN OF THE BOARD OF SUPERVISORS