

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



Th8a

Prepared June 22, 2018 for July 12, 2018 Hearing

To: Commissioners and Interested Persons

From: Jeannine Manna, District Manager *JRM*
Sara Pfeifer, Coastal Planner

Subject: **Marin County Local Coastal Program (LCP) Amendment Number 2-MAR-18-0027-1 (Moonrise Kingdom Redesignation)**

SUMMARY OF STAFF RECOMMENDATION

Marin County proposes to designate a portion of the Moonrise Kingdom property, located at 1055 Vision Road in the unincorporated Inverness Ridge area of Marin County, as residential in the LCP, including to help facilitate a coastal development permit (CDP) application regarding proposed activities to be conducted across the entire property. The subject parcel comprises roughly half of the 6.04 acre split-zoned Moonrise Kingdom property that is currently developed with a single-family residence and accessory structures, some of which would be demolished and others restored and rebuilt under the associated CDP. Half of the property is currently designated limited agricultural, and the other half residential, and the existing residential structures sprawl over both parts of the property. The amendment request would designate the limited agricultural portion of the property to residential, and would zone it residential to match the other half of the property. In sum, the proposed amendment would result in a uniform residential designation for the entire property consistent with the existing and proposed land uses.

It appears that the current LCP 'limited agricultural' zoning designation of the subject parcel was in error when the LCP was certified, including as the LCP does not (and did not) include limited agricultural zoning, which is actually a remnant from pre-LCP zoning categories for quasi-residential rural areas. As a result, the half of the Moonrise Kingdom property at issue here is mis-designated in the LCP. The proposed changes would designate this portion of the property to residential use to match existing use patterns, which should have limited effect on future development possibilities, but would provide uniform land use and zoning designations across

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the entire Moonrise Kingdom property, and would ensure that the property is appropriately covered by LCP-recognized zoning.

Staff recommends that the Commission **approve** the proposed amendment as submitted. The required motions and resolutions are found on page 4.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on April 29, 2018. The proposed amendment affects both the LCP Implementation and Land Use Plans, and the 90-day action deadline is July 28, 2018. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until July 28, 2018 to take a final action on this LCP amendment.

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Exhibit 1: Proposed LCP Amendment

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Exhibit 3: Proposed Zoning and Land Use Maps

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make two motions, one on the IP amendment and a second on the LUP amendment, in order to act on this recommendation.

A. Certify the LUP Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in the certification of the LUP amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion: *I move that the Commission **certify** Land Use Plan Amendment Number 2-MAR-18-0027-1 as submitted by Marin County, and I recommend a yes vote.*

Resolution: *The Commission hereby certifies Land Use Plan Amendment Number 2-MAR-18-0027-1 as submitted by the Marin County and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan amendment may have on the environment.*

B. Certify the IP Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the IP amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission **reject** Implementation Plan Amendment Number 2-MAR-18-0027-1 as submitted by Marin County, and I recommend a no vote.*

Resolution: *The Commission hereby certifies Implementation Plan Amendment Number 2-MAR-18-0027-1 as submitted by Marin County and adopts the findings set forth below that the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan amendment may have on the environment.*

II. FINDINGS AND DECLARATIONS

A. PROJECT BACKGROUND

Discrepancies between LCP zoning and land use designations on the Moonrise Kingdom property came to light when the current owner applied for a coastal development permit (CDP) from Marin County to demolish some residential structures and to restore and rebuild other residential structures on their split-zoned, roughly 6-acre property. Specifically, it was determined that about half of the property lacked a land use designation, and that the zoning covering that half the site didn't exist in the LCP. In fact, it appears that the current LCP 'limited agricultural' zoning on that half of the site was in error when the LCP was certified, including as the LCP does not (and did not) include limited agricultural zoning, which is actually a remnant from pre-LCP zoning categories for quasi-residential rural areas. As a result, the half of the Moonrise Kingdom property at issue here is mis-designated in the LCP.

In June, 2017, Marin County Planning approved a CDP for the redevelopment of the Moonrise Kingdom property, including both the subject parcel (APN 109-330-05) and the adjacent parcel (APN 109-330-06). The local approval of the CDP was ultimately appealed to the Board of Supervisors, who on August 8, 2018, approved both the LCP amendment and the project with conditions. One condition of the CDP requires that development on the property, including both parcels, be limited to a maximum total floor area of 5,500 square feet, while a second condition requires the current owner to convert one of the existing accessory structures on the subject parcel to a full time residence to provide additional local housing stock, as there is not currently a residential unit on the subject parcel.

B. DESCRIPTION OF PROPOSED LCP AMENDMENT

The proposed amendment would designate a portion of the Moonrise Kingdom property (located at 1055 Vision Road in the unincorporated Inverness Ridge area of Marin County) as residential in the LCP. Specifically, the proposed action would amend the LCP Land Use Plan (LUP) by adding a land use designation to the parcel, and amend the LCP Implementation Plan (IP) by changing the zoning for the same parcel. The parcel to be redesignated is located west of Highway 1, near Tomales Bay on the Point Reyes Peninsula. It is approximately one half of the 6.04-acre Moonrise Kingdom residential property that is split-zoned and under single ownership (which it has been since at least the 1960s).

When Marin County's LCP was certified in 1982, certain parcels were specifically rezoned, and others retained their pre-LCP zoning. All coastal zone parcels were also zoned to include a "C" (or coastal district) designation. The subject parcel retained its pre-LCP "Limited Agriculture" zoning, but the LCP did not carry forward that zoning district. In other words, the parcel is currently covered by zoning that does not exist in the certified LCP.

Thus, the County proposes to designate APN 109-330-05 as residential in the LUP, and to rezone it from Coastal Limited Agriculture to Coastal Residential Single-Family Planned District (1 unit per 10 acres).

C. CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects both the LUP and IP components of the Marin County LCP. The standard of review for an LUP amendment is that it must be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The standard of review for an IP amendment is that it must be consistent with and adequate to carry out the policies of the certified LUP.

LUP Amendment Consistency Analysis

Coastal Act Section 30250(a) provides for new development in already developed areas, and states in part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Coastal Act Section 30240(b) ensures that development located next to parks and recreation areas, such as this parcel adjacent to the Point Reyes National Seashore, is sited and designed to prevent impacts and be consistent with continued use of such areas, as follows:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Appendix G of the LCP provides additional clarity for land use designations:

Coastal, Single-family Residential Land Use Category and Density.

Single-family residential development shall be provided at a range of lower densities, recognizing physical hazards and development constraints, the necessity to protect natural resources, and the availability of public services and facilities. Other consistent uses may include parks, playgrounds, crop and tree farming, nurseries and greenhouses, home occupations, schools, libraries, museums, community centers, churches, hospitals, retreats, educational, philanthropic and charitable institutions, cemeteries, golf courses, country clubs, stables and riding academies, and daycare centers for six or more children.

Public and Quasi-public Land Use Category and Intensity.

Land shall be designated for both public and quasi-public institutional purposes, including open space, schools, hospitals, cemeteries, government facilities, correctional facilities, power distribution facilities, sanitary landfills, and water facilities. Only publicly owned lands may be designated for open space unless subject to deed restrictions or other agreements. Lands designated as public or quasi-public facilities may be combined with another land use designation and zoned for consistency with use as a public facility and for another use.

The proposed amendment would add a residential LUP land use designation for the parcel where none currently exists. Of the land use designation options available, the two most appropriate upon initial review appear to be either open space or residential.¹ With respect to open space, however, this designation under the LCP is only applied to publicly owned lands, and the parcel has been in private ownership since at least the 1960s. In this case, the property as a whole is already developed with residential uses including a single-family home and a series of related accessory structures. The proposed residential land use designation would be consistent with existing uses as well as the adjacent (and under common ownership) parcel's residential LCP designations.

Further, the LUP's Single-Family Residential land use designation requires that development on such parcels only be allowed at lower densities, recognizing physical hazards, development constraints, and the need to protect coastal resources. This land use designation is compatible with the existing use of the approximately 3 acre parcel, which includes very low density development, clustered to avoid hazards and impacts. Any future development of the site would be limited by these and other LCP policies and shouldn't result in significant additional development or intensity of use, including as demonstrated by the project tentatively approved by the County for the site.

Overall, the proposed LUP amendment clarifies the land use designation for this parcel consistent with its existing use and intensity, and shouldn't lead to development inconsistent with the LCP in the future. For these reasons, the proposed LUP amendment can be found consistent with Coastal Act Chapter 3.

IP Amendment Consistency Analysis

In addition to LCP Appendix G, cited above, the LCP identifies the purpose of coastal residential zoning and standards for such development, including:

IP Policy 22.57.081I - Coastal residential single-family planned districts: 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.

IP Policy 22.57.086I(2)(a) – C-RSP district Project Design: 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

¹ Open space designation could be considered because the non-LCP Countywide land use map identifies this property as part of a larger open space area (i.e., it is a one of the private inholdings within the Point Reyes National Seashore property), and residential because the site has been for decades and continues to be used for limited intensity and density residential use.

so that they will be screened by wooded areas, rock outcroppings and depressions in the topography.

The proposed amendment would change the parcel from Coastal Limited Agriculture to Coastal Single-Family Residential Planned District zoning. The New Development and Land Use section of Marin County's LUP describes how the Coastal Single-Family Residential Planned District zoning permits flexibility in siting and design, so that maximum protection of coastal resources and sensitive sites can be achieved. Existing development on the parcel, comprised of one single-family dwelling and a few small accessory buildings, is consistent with the purpose, allowed uses, and project design requirements for the Coastal Residential Single-Family Planned District zoning designation described in the LCP Implementation Plan. Specifically, existing structures on the subject parcel have been designed to be compatible with the characteristics of the site, and are clustered by consolidating development into the least visually prominent, hazardous, and sensitive locations on the northeastern segment of the property, and the portion of the site nearest to Vision Road consistent with LCP Section 22.57.086I(2)(a). Any future development of the site would be limited by this existing development pattern and intensity, and other LCP policies, and shouldn't result in significant additional development or intensity of use, including as demonstrated by the project tentatively approved by the County for the site.

Accordingly, the proposed zoning is consistent with and implements the Coastal Single-Family Residential land use designation described in Appendix G of the LUP. Thus, the proposed amendment can be found consistent with and adequate to carry out the Land Use Plan.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. Marin County, acting as the lead agency under CEQA, determined that the proposed LCP amendment was categorically exempt from the requirements of CEQA.

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA. This report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- County File for Moonrise Kingdom CDP and LCP amendment actions
- Commission staff comment letter to Marin County Planning on CDP, dated March 6, 2017
- 1982 Coastal Commission Certified LCP zoning maps

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- Marin County Community Development Agency
- Inverness Association