

**CALIFORNIA COASTAL COMMISSION**

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# W16a

**Prepared April 24, 2020 for May 13, 2020 Hearing**

**To:** Commissioners and Interested Persons

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

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**Subject: De Minimis Amendment Determination for Marin County LCP  
Amendment Number LCP-2-MAR-20-0013-1-Part A (Residential  
Redesignation and Zoning Change)**

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## **Marin County's Proposed Amendment**

Marin County is proposing to modify the Local Coastal Program (LCP) Land Use Plan (LUP) designation of four parcels in the northern part of Dillon Beach from Multiple-Family to Planned Residential and to modify the Implementation Plan (IP) designation of the same four parcels by reducing the allowable densities in their Residential Multiple Planned (RMP) zoning designation. The four adjacent Floyd parcels range in size from 1.35 to 2.19 acres for a sum of 6.65 acres total and are within the partially developed Oceana Marin subdivision in Dillon Beach, in unincorporated Marin County. The Floyd Master Plan, approved by the County in 2006, allowed for the subdivision of the 6.65-acre property and included a condition requiring the land use and zoning of the parcels be updated to reflect a residential density of 4 units total on the subdivided property (or changing from C-RMP-1.23, which would have allowed 1 unit per .81 acres, or 8 total units, to C-RMP-0.60, or 1 unit per 1.66 acres, or 4 total units). Therefore, the proposed action updates the land use and zoning designations to be consistent with the density approved under the Floyd Master Plan. The proposed land use and zoning designations alter allowable densities but do not change the base zoning or allowable land uses. In addition, while allowable development density is decreasing, the proposed land use and zoning changes will allow for residential development that is consistent with the surrounding area, and all future development will still require coastal development permits that will assure adequate resource protections, consistent with the LCP and Coastal Act. See **Exhibit A** for the text of the Marin County Resolution.

### **De Minimis LCP Amendment Determination**

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is “de minimis.” In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on May 13, 2020).

**The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is de minimis.** Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The Marin County Local Coastal Program, including the proposed amendment, is intended to be carried out in full conformity with the California Coastal Act. The proposed amendment will change the land use designation and zoning designation for the four parcels, reducing allowable residential density consistent with the Master Plan adopted by the County for the subject property. The proposed land use and zoning designations alter allowable densities but do not change the base zoning or allowable land uses for the four parcels- residential use was allowed before and will continue to be allowed after these proposed amendments take effect. The proposed Planned Residential land use designation corresponds to rural residential development, including single-family residential development where public services are limited and where physical hazards and/or natural resources may restrict development. This land use designation accurately reflects the conditions on the site

and is in conformance with the requirements of Chapter 3 of the Coastal Act. The proposed IP density allowance changes, which would reduce the allowable density from 8 to 4 units, thereby reducing development intensity, is adequate to carry out the LUP, as amended. In addition, the proposed land use and zoning changes will allow for residential development at a density that is consistent with the surrounding area, and all future development will still require coastal development permits that will assure adequate resource protections, consistent with the LCP and Coastal Act.

Thus, the proposed land use and zoning redesignations will not adversely affect coastal resources and are consistent with the Marin LCP and Chapter 3 of the Coastal Act.

2. **Provision of public notice:** The County provided public notice in advance of the Planning Commission hearing (held on October 10, 2019) and the Board of Supervisors hearing (held on November 19, 2019), where the proposed amendment was considered. A postcard notice was to sent to residences within 600 feet of the subject property for both the Planning Commission and the Board of Supervisors hearings. For the Planning Commission hearing, a newspaper advertisement notice was printed on September 20, 2019. For the Board of Supervisors hearing, a newspaper advertisement notice was printed on November 8, 2019. In addition, the proposed text was made available on the County's website for public inspection, all in advance of the County's hearings. No comments were received and no public testimony was provided at either County hearing. The amendment submittal was subsequently received by the Commission on February 14, 2020 (and filed as complete on April 10, 2020), and therefore, the 21-day noticing requirement has been satisfied.
3. **No change in use of land or allowable use of property:** No change in use is proposed by this amendment.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are *not* required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the Marin County, acting as lead CEQA agency, determined that the proposed LCP amendment was exempt from the requirements of CEQA per CEQA Guidelines Sections 15061(b)(3) (common sense exemption) and 15268(a) (ministerial projects).

The Coastal Commission is *not* exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (14 CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Thus, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects due to approval of the proposed amendment that would necessitate such changes. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

#### **Coastal Commission Concurrence**

The Executive Director will report this de minimis LCP amendment determination, and any comments received about it, to the Coastal Commission at its virtual meeting on May 13, 2020. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Sara Pfeifer at the North Central Coast District Office in San Francisco. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by May 8, 2020.

#### **Procedural Note - LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on April 10, 2020. It amends the LUP and IP, therefore the 90-day action deadline is July 9, 2020. However, on April 16, 2020, through Executive Order N-52-20 the Governor suspended this deadline for 60 days; therefore, the deadline for the Commission to take final action is September 7, 2020. Additionally, the Commission may extend the deadline by up to one year.

#### **Exhibits**

Exhibit A: Marin County Resolution