

## COMMUNITY DEVELOPMENT AGENCY

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Marin County Board of Supervisors  
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**SUBJECT:** Moonrise Kingdom property Countywide Plan Amendment, Local Coastal Program Amendment, and Rezoning  
1025 and 1055 Vision Road, Inverness  
APN Numbers 109-330-05 and -06

Building and Safety  
Environmental Health Services  
Planning  
Environmental Review  
Housing  
Sustainability  
Code Enforcement  
GIS  
Federal Grants

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Dear Board Members,

**RECOMMENDATION:**

On June 12, 2017, the Planning Commission voted unanimously to recommend your Board take the following actions:

1. Rezone the property from C-A-2 (Coastal, Agricultural, Limited, 2 acre minimum lot size) to C-RSP-0.1 (Coastal, Residential, Single-family, Planned, 1 unit per 10 acres).
2. Change the Countywide Plan's land use designation from C-OS (Coastal, Open Space) to C-SF-2 (Coastal, Single-family Residential).
3. Amend Local Coastal Program Unit II (LCP) to include the parcel in the LCP's zoning map.

The Moonrise Kingdom property is currently split zoned with the western half of the property zoned C-A-2 and the eastern half zoned C-RSP-0.1. The rezoning would result in the entire property being governed by a single consistent residential district. The Countywide Plan and LCP amendments would correct the effects of a previous mapping error that mislabeled the subject parcel with an Open Area zoning district.

**SUMMARY:**

About 35 or 40 years ago, Planning Division staff mislabeled the western half of the lot currently owned by Moonrise Kingdom LLC on the County's zoning maps as Open Area. When LCP Unit II was approved in 1982, the LCP zoning map omitted the western half of the lot altogether. Rezoning a property to Open Area is reserved for publically owned land, unless the property owner consents or proposes the rezoning, in accordance with Ordinance 1227, which created the Open Area zone. According to this Ordinance, Open Area districts shall be limited to "only include lands of an agency of the State of California". The subject property was created prior to adoption of Ordinance 1227 and was under private ownership at the time the Open Area zoning district was created, and there is no information in County records indicating that the owner consented to an Open Area rezoning.

The Board of Supervisors originally zoned the subject parcel A-2 on January 25, 1966 with Ordinance 1492. Board of Supervisors Ordinance 2704, adopted on April 13, 1982 to bring County Code into conformance with the recently adopted LCP states: "All parcels which are located within the boundaries of the Unit II Coastal Zone (See Exhibit "A" Map) which parcel numbers are not specifically listed by number in this ordinance are hereby rezoned by having the "C" District Zoning designation attached to their present zoning classification." Ordinance 2704 zoned the subject Assessor's parcel C-A-2, which remains the governing zoning district for the parcel. Maps may depict but do not define zoning boundaries in the absence of implementing ordinances.

One complicating factor in evaluating the project for conformance with the Interim Zoning Code is the fact that there is no "Coastal" A-2 zoning district specifically listed. However, the zoning code in existence in 1982 at the time Ordinance 2704 was adopted allowed residential uses and followed the development standards for C-R-1 zoning districts (attachment 5). Therefore, it is appropriate to use the A-2 standards and apply the coastal permit requirements to the project. Another complicating factor is that the lot is split zoned, with the eastern half being zoned C-RSP-0.1 (Coastal, Residential, Single-family, Planned, 1 unit per 10 acres). As a means to resolving both of these issues, the Planning Commission recommended rezoning the western half of the Moonrise Kingdom lot to C-RSP-0.1 to match the eastern half.

The first Countywide Plan to establish land use designations was adopted in 1994, and it mapped the land use designation for the western half of the lot as Open Space, which reflected the mapping error made earlier when staff mislabeled the zoning. The Open Space Countywide Plan land use designation presently applied to the western half of the lot is inconsistent with the governing C-A-2 zoning district. Vertical consistency between the land use designation for a property in a general plan and the governing zoning district is required by State law. To achieve vertical consistency between the Countywide Plan land use designation and the zoning for the western half of the lot, it is necessary to amend the land use designation to align it with the zoning.

Finally, although not strictly necessary to achieve vertical consistency, Planning Division staff recommends taking the extra step of amending the LCP to show the C-RSP-0.1 zoning on the zoning map. This extra step would result in a comprehensive zoning map being contained in the LCP, ensuring that any future amendments to the LCP accurately reflect the zoning for the whole property.


**REVIEWED BY:**

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|--|---|
| <input type="checkbox"/> Department of Finance     | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A            |
| <input type="checkbox"/> Human Resources           | <input checked="" type="checkbox"/> N/A |

**SIGNATURE:**

  
Jeremy Tejirian  
Planning Manager

**REVIEWED BY:**

  
Brian C. Crawford  
Director

**ATTACHMENTS:**

1. Ordinance rezoning the parcel
2. Resolution amending the Countywide Plan
3. Resolution amending the LCP
4. Board of Supervisors Ordinance 2704
5. Chapter 22.12 of the 1981 version of the Marin County Zoning Code