

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 2-00-042-A1

APPLICANTS: Gerry and Kathryn Cirincione-Coles

PROJECT LOCATION: 12990 Sir Francis Drake Blvd., Inverness, Marin County,
APN 112-042-07 (formerly 112-042-03).

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a two-bedroom single-family residence, septic system, and drainage trench.

DESCRIPTION OF AMENDMENT: After-the-fact authorization for (1) remodeling of the storage space above an existing attached garage into two guest units; (2) the addition of 126 square feet for storage and a stairway; and (3) conversion from residential use to commercial, visitor-serving use of the residence. The proposed amendment would result in one guest unit and one bedroom for the owners' use in the residence, and two guest units in the area above the garage. The total number of proposed guest units at the Sandy Cove Inn, including the residence and the area above the garage, is three.

LOCAL APPROVALS RECEIVED: Marin County Septic Permit # 99/00-69 and Local Agency Review approval.

SUBSTANTIVE FILE DOCUMENTS: Marin County Local Coastal Program (LCP), Local Agency Review approval, Environmental Health Services septic permit No. 90/00-69, and Coastal Permit No. 84-54/Design Review No. 84-128/ Use Permit No. 85-10; CDP File 250-79; CDP No. 2-84-09 (Cirincione-Coles); Litigation Settlement Agreement from 1/31/90 between CCC, State Lands Commission, County of Marin, and Cirincione-Coles.

1.0 EXECUTIVE SUMMARY

The staff recommends that the Commission approve with conditions the requested coastal permit amendment. Gerry and Kathryn Cirincione-Coles seek an amendment to Coastal Development Permit No. 2-00-042 (previously permit 250-79), which authorized construction of a two-story, two-bedroom single-family residence on Sir Francis Drake Boulevard in Inverness in Marin County. The amendment request seeks after-the-fact authorization for (1) remodeling of the storage space above the existing attached garage into two guest units; (2) the addition of 126 square feet for storage and a stairway; and (3) conversion from residential use to commercial, visitor-serving use of the residence. The proposed amendment would result in one guest unit and one owner bedroom in the residence, and two guest units in the area above the garage. The total number of proposed guest units at the "Sandy Cove Inn," including the residence and the area above the garage, is three.

The certified Marin County LCP, as amended by Marin County LCP Amendment 2-85 to Units I and II Zoning Ordinance, provides a definition of "Bed and Breakfast," and allows the establishment of Bed and Breakfast operations that offer up to three guest rooms as a principal permitted use in C-RSP zoning districts. Therefore, the proposed conversion of the residence to a three-unit inn is an allowable use under the certified LCP.

The staff recommends attaching a special condition requiring the applicant to (1) begin installation of an expanded septic system to accommodate the additional septic use no later than April 15, 2001; (2) install the septic system consistent with Marin County Septic Permit #99/00-69; and (3) complete installation no later than May 15, 2001.

Since the subject parcel is located in an area subject to flooding, the staff also recommends attaching a special condition requiring the applicant to record an assumption of risk, waiver of liability, and indemnity agreement.

The staff thus recommends that the Commission find the proposed project, as conditioned, is consistent with the certified Marin County LCP and with the public access and public recreation policies of Chapter 3 of the Coastal Act.

2.0 STAFF NOTES

2.1 Commission Hearing

At the Commission meeting of January 11, 2001, the hearing for Coastal Permit No. 2-00-42-A1 was opened and continued until a subsequent hearing to allow time for staff to respond to the concerns of the many interested parties who wrote letters concerning the proposed project (see Exhibit No. 13). The primary concerns were (1) inadequate public notice; (2) potential impacts

to environmentally sensitive habitat; and (3) scheduling the item to be heard in Northern California.

2.1.1 Public Notice

Concerned citizens have indicated that the subject site was not posted with the Commission's Notice of Pending Permit, and thus that there was inadequate public notice. Consistent with Section 13054(d) of the Commission's regulations, at the time the application was initially submitted in September of 2000, the site was posted with a Notice that an application had been filed with the Commission. Sometime since the initial posting, the sign was removed or, due to rain or wind, was dislodged. To address that concern, the property owners posted a new Notice on their property. Staff confirmed during a recent site visit that the site is indeed again properly posted.

As noted above, the proposed amendment request was initially scheduled for a hearing at the January 2001 Commission meeting (Item Th 14b for 1/11/01). Prior to the January hearing, Public Hearing Notices and staff reports were sent to all known interested parties as well as residents whose property is within 100 feet of the subject site, consistent with Sections 13054(a) and 13063(a) of the Commission's Regulations. Additional names have since been added to the mailing list in response to letters and phone calls we received from interested parties who had not previously received Public Hearing Notices. The current, amended mailing list is attached as Exhibit No. 12.

2.1.2 Impacts to Environmentally Sensitive Habitat

Concerned citizens have raised the issue of impacts to environmentally sensitive habitat on and near the site. There are two creeks/drainages on the property, both of which drain into Tomales Bay, and there is some potential wetland habitat on the property, as well as on the adjacent State Lands property (formerly part of the subject parcel). In addition, Chicken Ranch Beach, a county-operated beach, is located very near the subject site. Public comment letters express concern that development on the subject site has been adversely affecting the beach and Tomales Bay, including polluting the beach and the bay.

Commission staff, including staff biologist Dr. John Dixon, visited the site recently and made a further investigation into the matter of potential adverse impacts to sensitive habitat. It is the opinion of staff, including Dr. Dixon, that while there is sensitive habitat on and adjacent to the subject property, the proposed conversion of use on the site from residential to commercial visitor-serving will not adversely affect the sensitive habitat. It appears that a major concern raised in letters is that there should be no development at all on the subject site. It should be noted that the existing house was authorized by the Commission in 1979, and that the proposed amendment is for a change in use, not for new construction. The footprint of the existing structure is not proposed to increase, and the change in the intensity of use resulting from

conversion of the residence to a three-unit Bed and Breakfast facility is minimal. This issue is discussed further in section **6.8, Environmentally Sensitive Habitat.**

In addition, Special Condition No. 1 of this permit requires installation of a new, larger septic system to serve the proposed new development. This issue is discussed further in section **6.3, Water and Septic Services.**

2.1.3 Scheduling Request

Many citizens expressed a desire to have the permit amendment request heard at a Northern California meeting, so interested parties could attend the hearing. Unfortunately, it is often not possible to accommodate such requests. The next meeting in Northern California is not until July 2001 (Santa Rosa), which does not fall within the 180-day period during which the coastal permit application must be heard pursuant to the Permit Streamlining Act. Unless the time requirement is waived by the applicant, the application must be heard within 180 days of its filing, which was October 22, 2000; the 180th day thus falls on April 20, 2001.

2.2 Subject Amendment and Standard of Review

On November 15, 1979, the Coastal Commission granted CDP 250-79 (now Permit 2-00-42) to the applicants, Gerry and Kathryn Cirincione-Coles, for a two-bedroom single-family residence, septic system, and drainage trench. In its action to approve the original permit, the Commission imposed six special conditions. These conditions included (1) a requirement that the applicants record a document offering to dedicate a public access easement over public trust lands on the subject property; (2) a requirement for submittal of landscape plans to mitigate visual impacts; (3) a requirement that the proposed septic system conform to the recommendations of the Regional Water Quality Control Board; (4) a requirement that all utility connections be underground; (5) a requirement that the applicant install water-saving devices; and (6) a requirement that construction begin within 12 months and be completed within 18 months of the date of Commission action, and that construction subsequent to such period shall require a new or extended coastal permit. In May 1981, the Commission approved a time extension for completion of the project. Subsequent to the Commission's action on the permit, a 1990 Litigation Settlement Agreement between the applicants, the State Lands Commission, the Coastal Commission, and Marin County resulted in about one acre of the subject site being granted to State Lands. As a result, the public access easement offered by the applicants pursuant to Special Condition No. 1 of this permit, and accepted for management in 1983 by the County of Marin, was rescinded, as the easement was located on the property granted to State Lands.

The proposed development is located between the first public road and the sea, in an area that is within Marin County's primary permit jurisdiction under its certified Local Coastal Program (LCP). Pursuant to the 1990 Litigation Settlement Agreement, which established that the

Cirincione-Coles property does not constitute tidelands or lands within the public trust, the subject site is not within the original jurisdiction of the Coastal Commission. Thus, any coastal permit for new development at this location would be considered by the County (and appealable to the Commission). However, the proposed project seeks to modify a development approved by the Coastal Commission prior to the certification of the LCP, and thus constitutes an amendment to the original coastal development permit, rather than a permit for new development. The project is before the Commission and not the County because only the Commission can amend a previously granted Commission permit.

The applicants have questioned the Commission's authority to administer a coastal permit amendment for development on their property, since the Litigation Settlement Agreement states that their property is not within the original jurisdiction of the Coastal Commission. However, the Litigation Settlement Agreement also provides that the Agreement shall not affect the authority of any agency having jurisdiction based on statute, administrative regulation, or law.

Section 3.3.9 of the 1990 Litigation Settlement Agreement specifically states that:

The findings by SLC are not intended to and do not affect the authority or jurisdiction or extent of regulation or control, if any, of any agency having authority or jurisdiction over the settlement area based on statute, administrative regulation, or law.

Section 11.1 of the Litigation Settlement Agreement also states in relevant part that:

It is also expressly understood and agreed that this Agreement shall not be construed and is not intended to affect the powers, authority or jurisdiction or extent of regulation or control of any other regulatory agency having power, authority or jurisdiction over the settlement area based on statute, administrative regulation or law.

Thus, the Settlement Agreement recognizes further permit amendment review authority by the Coastal Commission. In accordance with Coastal Act Section 30604(b) and (c), the standards of review for the proposed development with the proposed amendment are the LCP and the public access and public recreation policies of Chapter 3 of the Coastal Act.

2.3 Procedural Note

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

In this case, the amendment request before the Commission would not lessen or avoid the intent of the originally approved permit as the original permit authorized construction of a single-

family residence, and the amendment request seeks to authorize a change in use to a visitor-serving facility. There are no special conditions attached to the original permit that would prohibit such a change in use.

3.0 STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

3.1 Motion

I move that the Commission approve with conditions the proposed amendment to Coastal Development Permit No. 2-00-42 (previously 250-79) pursuant to the staff recommendation.

3.2 Staff Recommendation of Approval

Staff recommends a YES vote. To pass the motion, a majority of the Commissioners present is required. Approval of the motion will result in the adoption of the following resolution and findings.

3.3 Resolution to Approve Permit Amendment

The Commission hereby **approves** with conditions the coastal development permit amendment on the grounds that the development as amended and subject to conditions will be in conformity with the certified Marin County Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit 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 amended development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

4.0 STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be

pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

5.0 SPECIAL CONDITIONS

All previous permit conditions of CDP 2-00-042 remain effective and unchanged. The Commission adds two new special conditions, as described below.

The Commission grants this permit amendment subject to the following special conditions:

1. Installation of New Septic System.

The permittee shall begin installation of a new septic system no later than April 15, 2001. The permittee shall install the septic system pursuant to the terms and conditions of Septic Permit No. 99/00-69 (or subsequent renewal of this permit), issued by the Marin County Department of Environmental Health Services on March 30, 2000. The permittee shall complete installation of the septic system no later than May 15, 2001.

2. Assumption of Risk, Waiver of Liability, and Indemnity Agreement

- A. By acceptance of this permit, the applicants, on behalf of (1) themselves; (2) their successors and assigns; and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledge and agree (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agent, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any

subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (iv).

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms in subsection A of this condition. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6.0 FINDINGS AND DECLARATIONS

6.1 Project Description and Location

The site is an approximately 3.91-acre parcel located on the Bay side of Sir Francis Drake Boulevard and Camino Del Mar in Inverness, on the western side of Tomales Bay. The parcel is relatively flat with a steep uphill slope along the north side of the property. On the eastern boundary of the site is a parcel now owned by State Lands (originally owned by the applicants as part of the subject parcel but deeded to the State as part of a settlement agreement in 1990) that contains marshland. Just east of the State Lands parcel is a county park, Chicken Ranch Beach, which fronts on Tomales Bay. Third Valley Creek, which runs parallel to Sir Francis Drake Blvd., borders the property on the south, and supports riparian habitat that serves as a visual shield between the property and the road. Another creek runs through the northern portion of the site. Both creeks drain into Tomales Bay.

The site contains a single-family residence with an attached garage approved by the Commission in 1979 (CDP 250-79, now 2-00-42), and an accessory structure—a barn with storage space and a workshop—approved by the County in 1985.

The proposed amendment request seeks to authorize after-the-fact (1) remodeling of storage space above the existing garage into two guest units; (2) construction of an additional 126 square feet for storage and a stairway; and (3) conversion of the existing residence and garage to a three-unit visitor-serving facility containing one unit and an additional bedroom for the owners' use in the main residence, and two units in the area above the attached garage. The total number of proposed guest units at the site is three.

It should be noted that the proposal is not to change the zoning or land use designations of the property, merely to allow a new use, that of commercial visitor-serving. The residential zoning and land use designations will remain the same.

6.2 Background

In 1979 the Coastal Commission approved Coastal Permit #250-79 (now 2-00-42) for construction of a 2,140-square-foot, two-bedroom residence with an attached 600-square-foot garage with a 390-square-foot storage loft (see Exhibit No. 11). In 1981, the Commission approved a time-extension request to extend the period of time during which the project could be commenced.

In 1981 the Commission certified the Southern Marin County (Unit 1) LCP and the County assumed permit-issuing authority for that portion of its coastal zone. In 1982 the Commission certified the Northern Marin County (Unit 2) LCP and the County assumed coastal permit-issuing authority for that portion of its coastal zone; the subject property is located within Unit 2.

In July of 1984, the Commission approved CDP 2-84-09 for construction of a berm for flood control protection involving placement of 3,000 cubic yards of fill on the subject site. At that time, the portion of the site within which the berm was located was considered to be in the Coastal Commission's area of original permit jurisdiction.

In April of 1985, the Marin County Planning Commission approved with conditions Coastal Permit No. 84-54/Design Review No. 84-128 to allow the removal of an existing accessory structure and the construction of a new accessory structure to be used as a studio-workshop and storage building, as well as Use Permit No. 85-10 to allow the detached accessory structure to exceed the 15-foot (one story) height requirement of the Marin County Code, but not to exceed two stories or 24'6". The accessory structure is two stories, 24'6" in height, and comprises 2,034 square feet.

In 1990, a Litigation Settlement Agreement was reached between the applicants, the State Lands Commission, the Coastal Commission, and Marin County. As part of this agreement, the applicants agreed to grant approximately one acre of their property to State Lands. This is the portion of the site that contained the public access easement offered pursuant to Coastal Permit 250-79 (now 2-00-42) and accepted for management by the County; the offer has since been rescinded.

Sometime in 1993, without benefit of a coastal development permit, the applicants converted the storage space above the attached garage to two guest units, constructed an additional 126 square feet for storage and a stairway, and converted the existing residential use of the property to commercial, visitor-serving use. There are a total of three guest units on the site—two above the

garage, and one in the main residence—along with a bedroom for the owners' use. The site is known as the Sandy Cove Inn.

6.3 Water and Septic Services

Public Services LUP Policy 2 states that new development within the boundary of a community or mutual water system shall be required to utilize such water service.

Zoning Code Section 22.66.130(A) states in relevant part:

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...*

The proposed project is located within the Inverness Public Utility District, which currently provides water service to the site. No additional water meter or increase in service is required to accommodate the proposed change in use. The proposed development, as amended, is thus consistent with the relevant LCP policies concerning water supply.

LUP Policy 3 in the Public Services section states that all septic systems in the coastal zone must meet the standards contained in either the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal System adopted by the Regional Water Quality Control Board on April 17, 1979 or the County's revised septic system code, when approved by the Regional Board, and that where a coastal development permit is necessary for an enlargement or change in the type or intensity of use of an existing structure, the existing or enlarged septic system must meet the Minimum Guidelines of the Regional Water Quality Control Board, or the County's revised septic system code as approved by the Regional Board, before a permit for such an enlargement or change can be granted.

Zoning Code Section 22.66.130(B) states:

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...*

- 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.*

Coastal Permit 250-79 (now 2-00-42) authorized installation of a special septic system designed for the subject parcel that included a mound and a French drain. The Department of Environmental Health Services has approved a new, larger septic system farther uphill in the northern portion of the parcel to serve the proposed additional development. Septic Permit No. 99/00-69 was issued by Environmental Health Services on March 30, 2000. The approved septic system is suitable to serve a three-bedroom house and two-bedroom accessory structure, and is consistent with the County Health Code standards, which incorporate the Regional Water Quality Control Board guidelines for septic systems.

It should be noted that while the septic system is large enough to serve a five-bedroom facility, the subject parcel contains only four bedrooms (three guest units and one bedroom for the owner's use). This coastal permit amendment authorizes only a total of four bedrooms for the site.

To ensure that there is adequate septic capacity to serve the proposed new development, the Commission attaches to this permit Special Condition No. 1. Special Condition No. 1 requires the permittee to (1) begin installation of the septic system no later than April 15, 2001 (after the end of the rainy season); (2) install the septic system pursuant to the terms and conditions of County Septic Permit No. 99/00-69; and (3) complete installation no later than May 15, 2001. Since the new septic system meets the standards in the Marin County Public Health Code, is consistent with the requirements of Zoning Code Section 22.66.130(B) and LUP Policy 3 of the Public Services section, and is adequate to meet the needs of the proposed project for septic disposal, the Commission finds that the proposed amendment, as conditioned, is consistent with the policies concerning sewage disposal in the County's certified LCP.

6.4 Public Access

The subject parcel is located between the first public road and the sea. In accordance with Coastal Act Section 30604(c), projects located between the first public road and the sea that are within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum public access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, the rights of private property owners, and natural resource areas from

overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

The Marin County LUP for Unit 2 includes policies regarding standards for providing and maintaining public access. Policy No. 3(a)(1) in the Public Access section specifically discusses public access in the area from Tomales Bay State Park to Chicken Ranch Beach, which encompasses the subject site. This policy states that "An offer of dedication of an easement was required as a condition of permit approval by the Regional Coastal Commission for AP #112-042-03 (the subject parcel, now 112-042-07), which abuts Chicken Ranch Beach," and recommends that agricultural use of the public trust portion of AP #112-042-03, included in the offered easement, should be permitted to continue until such time as the public access offer is accepted and opened for public use.

In addition, the Marin County Zoning Code Section 22.66.130(E) states that 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.

As noted above, CDP 250-79 (now 2-00-42) required an offer of dedication of a public access easement, which was accepted for management in 1983 by Marin County. Subsequent to the 1990 Litigation Settlement Agreement between the applicant, the State Lands Commission, the Coastal Commission, and the County, the applicant deeded approximately one acre of the subject parcel to State Lands; this portion of the parcel contained the access easement, which was thus rescinded.

In May, 2000, the Commission approved CDP 2-00-001, authorizing the Marin County Department of Parks, Open Space, and Cultural Services to construct a public access trail adjacent to Sir Francis Drake Blvd. to provide pedestrian access from the existing road shoulder parking along Sir Francis Drake Blvd. to Chicken Ranch Beach. This trail has been completed.

The subject site is located between the first public road and the sea and is separated from Tomales Bay by the adjacent State Lands parcel and Chicken Ranch Beach to the east. The proposed development consists of conversion of storage space to guest units and a change in use from residential to visitor-serving use. As discussed further below, visitor-serving uses are afforded priority under the Coastal Act and the County LCP. The adjacent access trail to Chicken Ranch Beach is adequate to serve the public access needs of the proposed visitor-serving use. Since the proposed development, as amended, would be located adjacent to an existing access trail, would not increase significantly the demand for public access to the

shoreline, and would have no other impacts on existing or potential public access, the Commission finds that the proposed development with the proposed amendment, which does not include provision of public access, is consistent with the public access policies of the Coastal Act and the County's LCP.

6.5 Parking

Marin County Code Section 24.04.340(d) requires one off-street parking space per guest room, plus one space for each employee, for hotels and motels. There is no specific reference to parking requirements for Bed and Breakfast facilities.

The Recreation and Visitor Serving section of the Marin County LUP for Unit 2 includes a section on Chicken Ranch Beach. It states:

Chicken Ranch Beach is a small county beach located north of the Golden Hinde Boatel on the west side of Tomales Bay. The four-acre beach has 700 feet of shoreline frontage and is unimproved. Shoulder parking is available for approximately 10 cars along Sir Francis Drake Boulevard.

The subject parcel is located two parcels to the west of a County park known as Chicken Ranch Beach, and just west of the parcel now owned by State Lands that was formerly part of the subject lot (see Exhibit No. 3). The shoulder parking used by visitors to Chicken Ranch Beach is located adjacent to the subject site. The proposed project includes authorization for remodeling of storage space above the existing garage into two guest units, and conversion from residential use to commercial, visitor-serving use of the residence, resulting in one guest unit and one bedroom for the owners' use in the residence, and two guest units in the area above the garage. The total number of proposed guest units at the site, including the residence and the area above the garage, is three. The proposed project has the potential to adversely affect public access, should visitors to the inn park on the shoulder near Chicken Ranch Beach, using some of the limited parking available for the County Park.

The subject property contains six designated parking spaces, two near the barn structure, and four near the main residence. In addition, the circle driveway provides room for at least five additional vehicles to park on-site. Since there is adequate on-site parking, the proposed development as amended will not displace the limited parking available for the County park. The Commission finds, therefore, that there is ample off-street parking to serve the proposed development as amended, and thus finds the proposed development with the proposed amendment to be consistent with the public access policies of the certified LCP.

6.6 Recreation and Visitor-Serving Facilities

The Marin County LUP for Unit 2 includes a number of policies regarding recreation and visitor-serving facilities. Policy 1 states that the County of Marin supports and encourages the enhancement of public recreational opportunities and the development of visitor-serving facilities in its coastal zone. Policy 1 further states that:

New visitor-serving commercial development shall be compatible in style, scale, and character with that of the community in which it is located and other uses in the area.

Policy 3(a) states:

In order to preserve the integrity and special qualities of coastal villages in Unit II, visitor-serving and commercial development shall be compatible in architectural style, scale, and function with the character of the community in which it is located. Such development shall also be evaluated for its conformance with LCP policies on natural resources and agriculture, visual quality, public access, and public services, among others.

Policy 3(h) states in relevant part:

Bed and Breakfast Program. The County encourages the continuation and expansion of bed and breakfast facilities in the Unit II coastal zone.

Marin County LCP Amendment No. 2-85 adds a definition of "Bed and Breakfast" to Marin County Zoning Code. "Bed and Breakfast" is now defined as:

"Bed and Breakfast" means the providing of not more than five (5) guest bedrooms and which may include providing limited meal service such as light breakfasts and late night snacks and other refreshments and which use is clearly subordinate, secondary and incidental to the use of the property as a single family residence. Prior to the establishment of any "Bed and Breakfast" operation, it shall be the responsibility of the operator to secure and/or satisfy all prevailing off-street parking, water supply, waste disposal and fire safety requirements as may be applicable.

LCP Amendment No. 2-85 also amended Zoning Code Section 22.57.092 and Section 22.57.082 to include "Bed and Breakfast" operations as principal permitted uses in C-RSP Districts. Section 22.22.020 was amended to state that a use permit is necessary for establishment of a Bed and Breakfast facility if more than three rooms are provided.

The subject site is zoned C-RSP (Coastal Residential Single Family Planned District). The proposed development includes a change in use from residential to visitor-serving use in the form of a three-unit Bed and Breakfast facility. Such a Bed and Breakfast facility is allowed as a principal permitted use in the C-RSP zoning district without a County use permit, and so is consistent with the applicable zoning.

Bed and Breakfast facilities are encouraged pursuant to the LUP, so long as they are compatible with the character of the community in which they are located. The proposed project does not propose any changes to the exterior of the existing residence (except for a minor addition of a stairway). When the Commission considered the coastal permit application for construction of the original residence in 1979, it assessed the visual impacts of the proposed structure and determined that the proposed two-story dwelling would be visible from adjacent Chicken Ranch Beach, from Tomales Bay, and from Highway One on the east side of Tomales Bay. The Commission determined that the views from Tomales Bay and from Highway One were not significant, but that the view from Chicken Ranch Beach was significant. As a result, the Commission previously required landscaping to screen the house from the park. The Commission thus concluded that the proposed project, as conditioned, would protect the scenic and visual qualities of the area.

Since no major changes to the exterior of the existing residence are proposed, the Commission finds that the proposed visitor-serving facility is compatible with the surrounding area, and, as discussed above, is consistent with the policies of the LCP concerning off-street parking, water supply, and waste disposal, pursuant to Zoning Code Section 22.02.103 (as amended). The Commission thus finds that the proposed development with the proposed amendment is consistent with the policies of the Marin County Zoning Code concerning visitor-serving facilities.

6.7 Visual Resources

LUP Policy 3 in the New Development and Land Use section, and Zoning Code Section 22.66.130(O) include a number of requirements that new development shall be designed and sited so as to protect public views. The County has a design review ordinance for the purposes of protecting visual quality and stimulating creative design that establishes design standards for new development in planned districts.

The proposed development as amended does not include any changes to the exterior of the existing house (except for the addition of a stairway), and, as such, there will be no adverse impacts to visual resources. County planning staff has indicated that after a review of the project, it has been determined that there would be no change in the visual mass and bulk of the existing structure in order to accommodate new uses, that the project is minor and incidental, and therefore is exempt from Design Review.

The Commission finds, therefore, that the proposed development with the proposed amendment is consistent with the policies of the Marin County LCP concerning visual resources.

6.8 Environmentally Sensitive Habitat Areas

Policy 3 in the Natural Resources section of the LUP contains requirements concerning protection of riparian habitat and wetlands. Zoning Code Section 22.56.130(G) includes standards for development located adjacent to streams and wetlands. Section 56.130(G)(3) states in part:

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 subject parcel contains two stream corridors. In addition, there are two brackish marsh areas located to the east of the subject site, on the parcel now owned by State Lands but previously part of the subject site. However, the proposed development as amended does not include the construction of new structures or any changes to the exterior of the existing structures (except for a new stairway).

The site was visited by Commission staff biologist Dr. Dixon. Dr. Dixon opines that the entire property is within a drainage area and is probably relatively wet during the winter months. Third Valley Creek adjacent to Sir Francis Drake Boulevard is fed through two culverts that pass under the road. The area to the east of the creek, which supports the road to the house and the broad trail to the beach, has been raised about two feet along the approach and in some places a constructed berm separating the creek bed from the rest of the property is evident (pursuant to CDP No. 2-84-09). The trail is roughly 10 feet from the edge of the stream. Prominent vegetation along the riparian corridor includes alders, willows, and blackberry. The house has been sited approximately 90 feet from the edge of the riparian corridor.

The drainage ditch in the northern portion of the property conducts water from uphill and offsite to Tomales Bay. The ditch passes as close as about seven feet to the house. The lower portion of this ditch, known as Channel B, runs across State Lands property and is tidal. A large depression bounded to the south by the raised trail and adjacent to the State Lands property is quite wet in the winter, and supports large blackberry hummocks. According to Dr. Dixon, it is

possible that this area might delineate as a wetland. The rest of the property contains pastures, lawns, and vegetable gardens. The guest quarters are on the west end of the main structure, and look out on the pasture and horse barn up the valley.

The proposed change in intensity in use associated with the proposed conversion of a single-family residence to a Bed and Breakfast facility will have no significant adverse impacts to natural resources on, or adjacent to, the property.

The Commission also notes that the existing house was authorized by the Commission in 1979, and that the proposed amendment is for a change in use, not for new construction. The footprint of the existing structure is not proposed to increase, and the change in the intensity of use resulting from conversion of the residence to a three-unit Bed and Breakfast facility is minimal.

According to the property owners, guests tend to stay in their rooms or on their patio, walk along the trail to the beach, or take day trips to local attractions. There are few natural areas on the property that would seem to attract foot traffic. Existing pathways provide access across the property, so guests may avoid walking through riparian or wetland habitat. The vegetation adjacent to the drainage ditch in the vicinity of the house appears to be predominantly non-native grasses.

Therefore, the proposed development will not have any adverse impacts on environmentally sensitive habitat. The Commission thus finds that the proposed development with the proposed amendment is consistent with the policies of the certified LCP concerning Environmentally Sensitive Habitat.

6.9 Hazards

LCP Policy 5(a) under Hazards in the New Development and Land Use section states that an applicant for development in an area potentially subject to flood hazard shall be required to demonstrate that the area of construction is stable for development and that the development will not cause a hazard.

In the past, the site has been subject to flooding. The proposed conversion from residential to visitor-serving commercial will not increase the footprint of the structures, but will increase the intensity of use of the site. Since the proposed development is located in a flood-prone area, there is some risk of extraordinary flooding that could result in destruction or partial destruction of the guest units or other development approved by the Commission. Given that the applicants have chosen to implement the project despite flooding risks, the applicants must assume these risks. Since the proposed development will result in an increase in the intensity of use on the site (from residential to visitor-serving commercial), and since the applicants have voluntarily chosen to implement the project despite any flooding risks, the Commission attaches Special Condition No. 2 concerning assumption of risk, waiver of liability, and indemnity agreement.

Special Condition No. 2 requires the landowner to assume the risks of extraordinary flooding hazards of the property and waive any claim of liability on the part of the Commission. In this way, the applicants are notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicants to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards. In addition, the condition ensures that future owners of the property will be informed of the risks, the Commission's immunity from liability, and the indemnity afforded the Commission. The Commission notes that the applicants have previously executed and recorded an assumption of risk against the property in conjunction with previously approved development. The newly required assumption of risk would be executed and recorded in conjunction with the currently proposed development.

The Commission thus finds that the proposed development, as conditioned, is consistent with the policies of the certified LCP regarding flooding hazards, as the proposed development will not result in the creation of any flooding hazards.

6.10 Alleged Violation

Development consisting of the remodeling of the storage area above the garage into two guest units; the addition of 126 square feet for storage and a stairway; and the change in use from residential to commercial visitor-serving of the property resulting in the establishment of a three-unit visitor-serving facility, has taken place without benefit of a coastal development permit. Although development has taken place prior to submission of this permit amendment application, consideration of the application by the Commission has been based solely upon the policies of the LCP and the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit amendment does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

6.11 California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on conformity of the permit amendment with the certified LCP and the Coastal Act at this point as if set forth in full. These findings address the

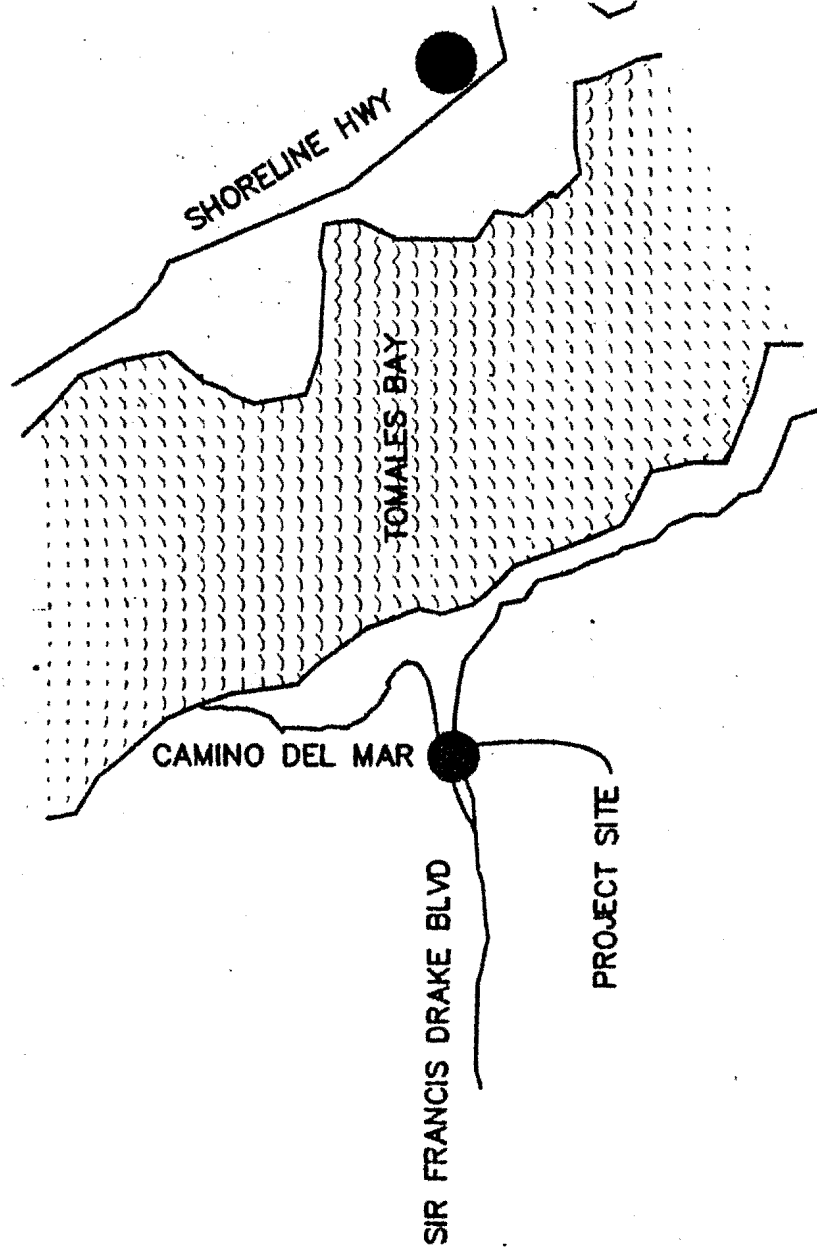
public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed development with the proposed amendment, as conditioned to mitigate the identified impacts, can be found consistent with Coastal Act requirements to conform to CEQA.

EXHIBITS

1. Location Map
2. Vicinity Map
3. Subject Parcel
4. Site Plan
5. Garage Structure
6. Lower Floor Plan Garage Structure
7. Upper Floor Plan (Two Guest Rooms)
8. Proposed Stair/Storage addition
9. Garage Elevations (East/West)
10. Garage Elevations (North/South)
11. Staff Report for CDP 250-79
12. Mailing List
13. Correspondence



EXHIBITS



VICINITY MAP

NTS

EXHIBIT NO. 2
APPLICATION NO. 2-00-42-A1
VICINITY MAP

EXHIBIT 1

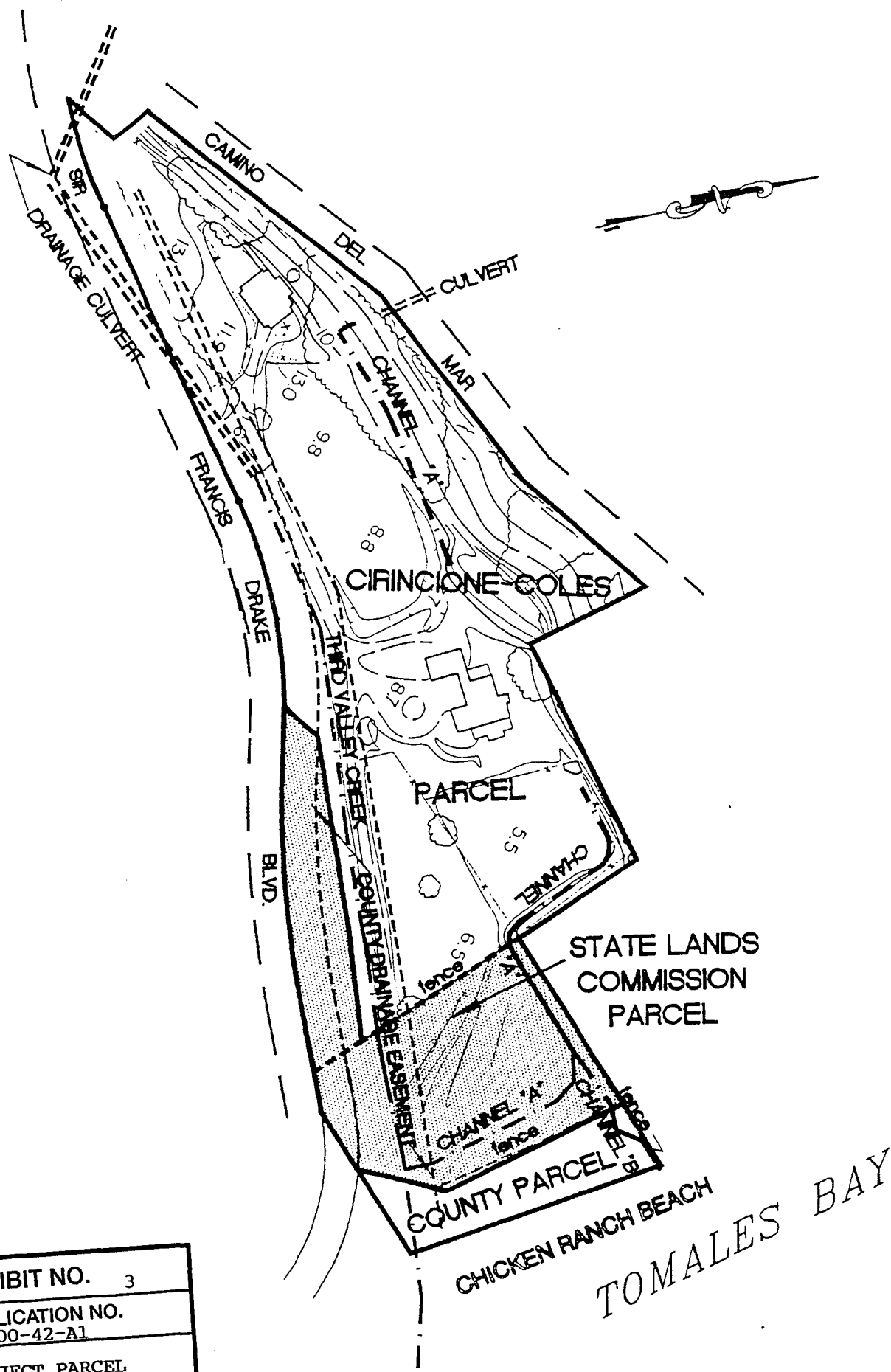
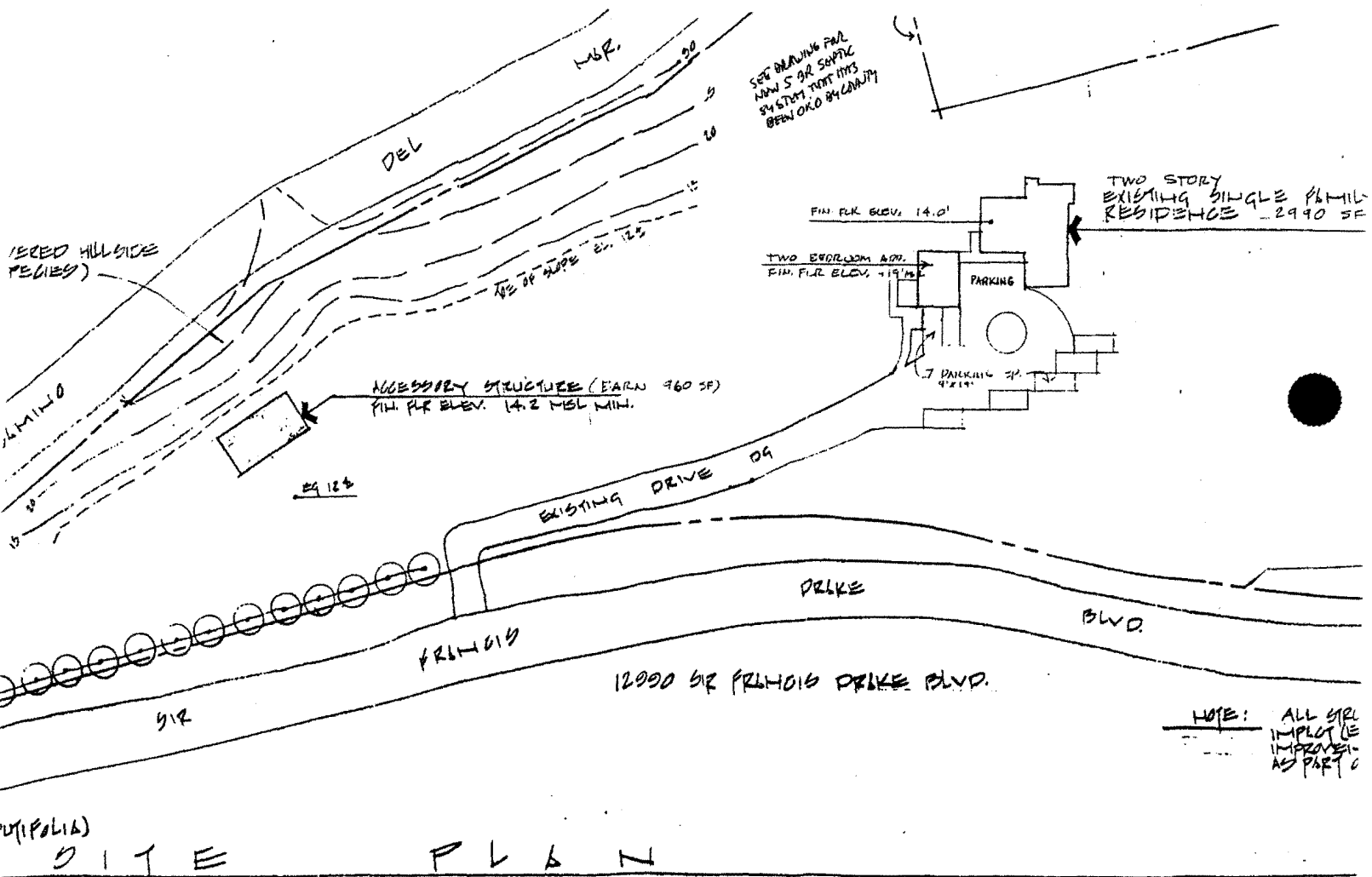


EXHIBIT NO. 3
 APPLICATION NO. 2-00-42-A1
 SUBJECT PARCEL

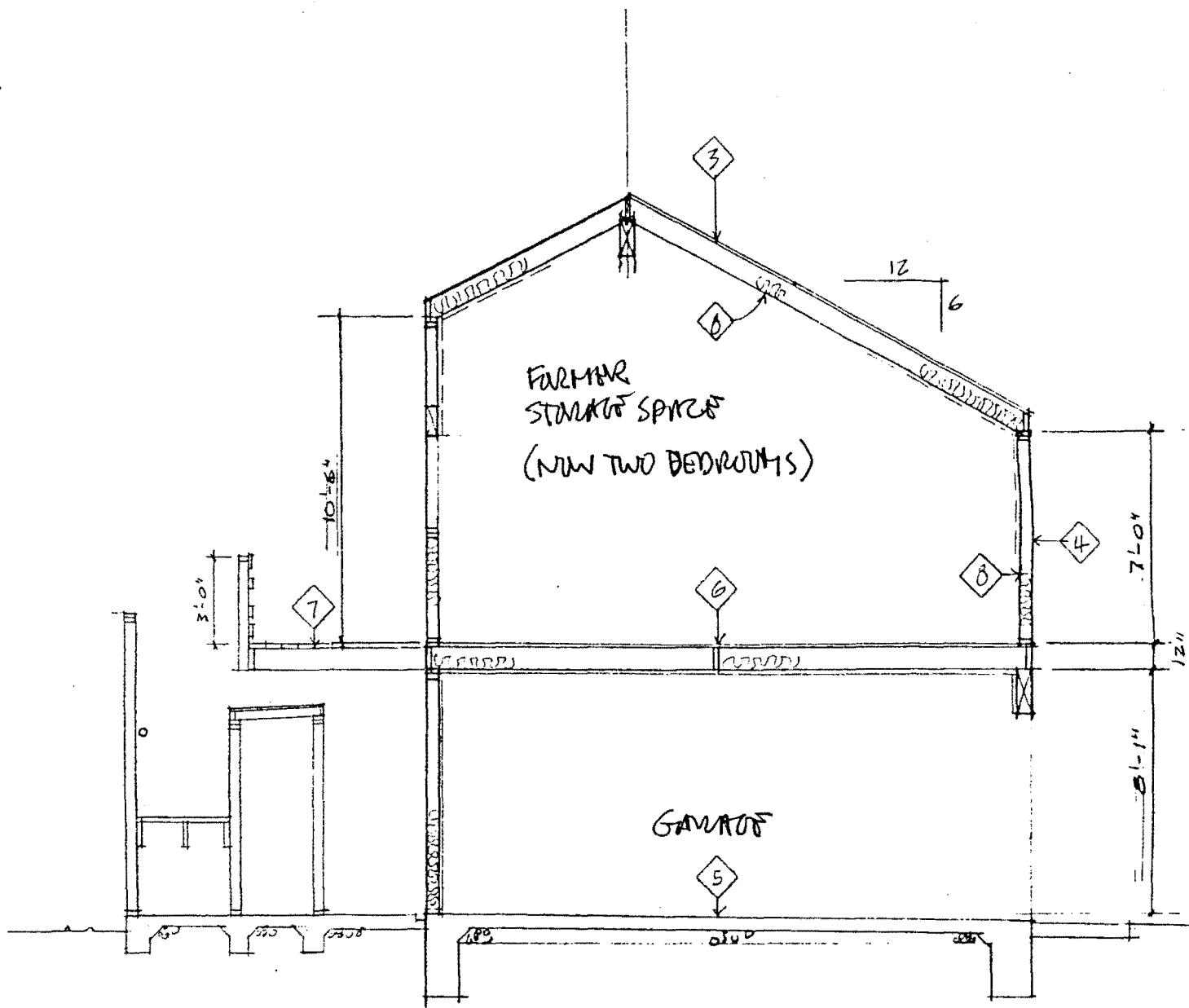


TOTAL FRONTAGE SR FRANKS DRIVE BLVD = 970 LIN. FT.

EXHIBIT NO. 4

APPLICATION NO.
2-00-42-A-1

SITE PLAN



A SECTION
1/4" = 1'-0"

EXHIBIT NO. 5

APPLICATION NO.
2-00-42-A1

GARAGE STRUCTURE

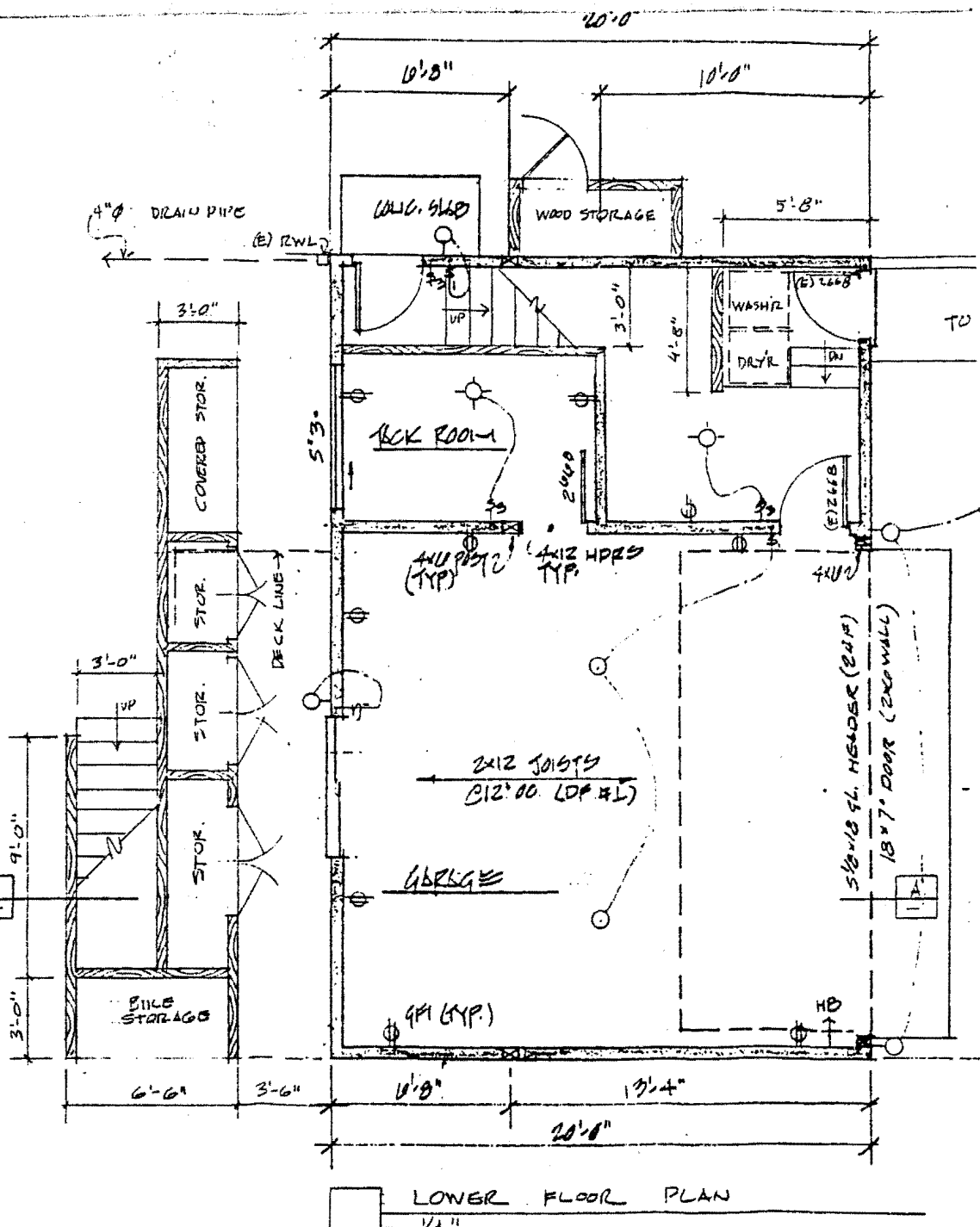


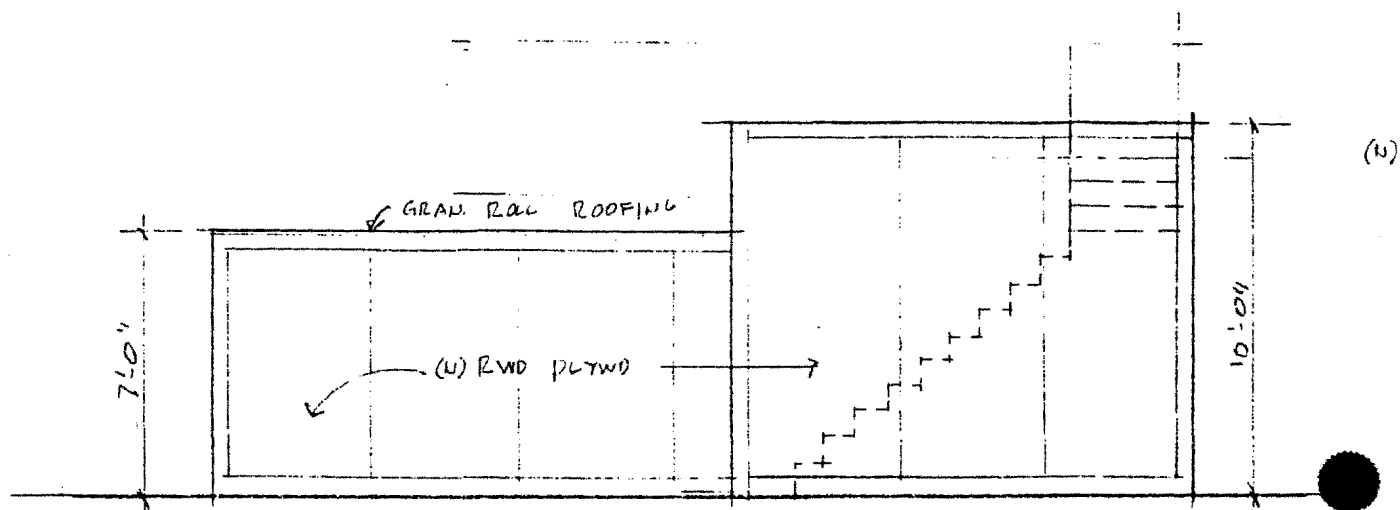
EXHIBIT NO.

6

APPLICATION NO.
2-00-42-A1

LOWER FLOOR PLAN

GARAGE STRUCTURE



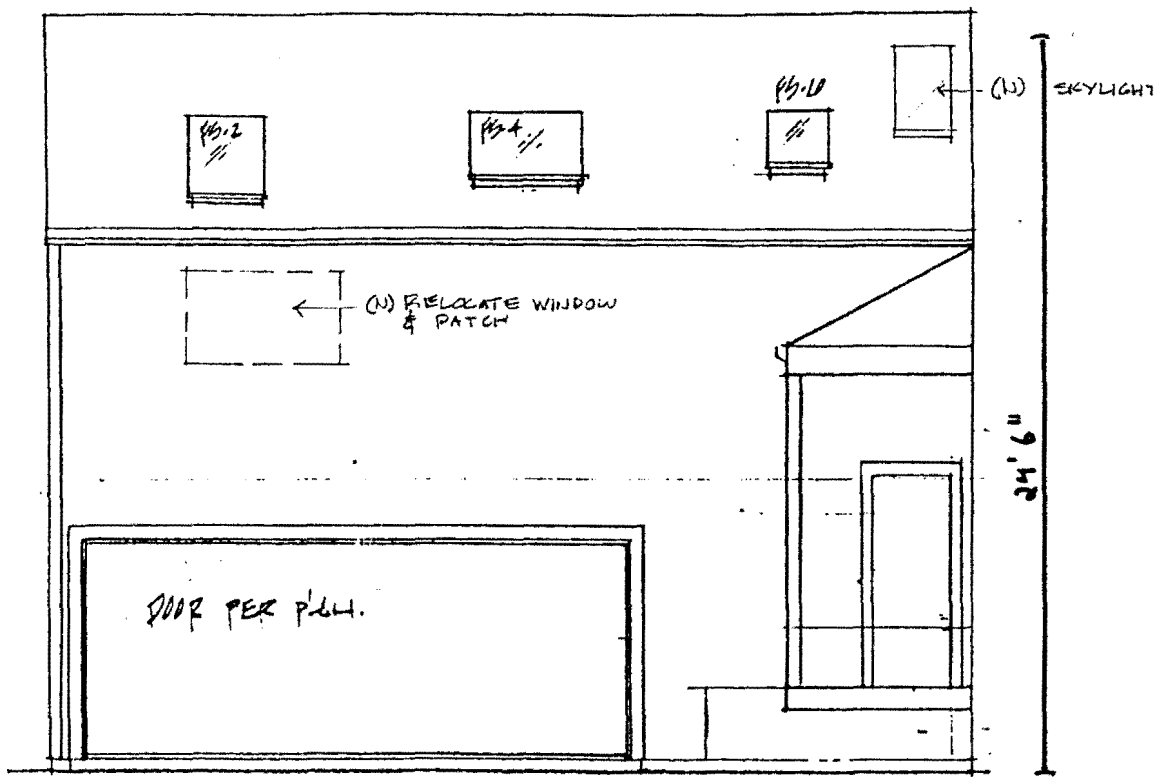
STAIR & STORAGE WALLS

EXHIBIT NO. 8

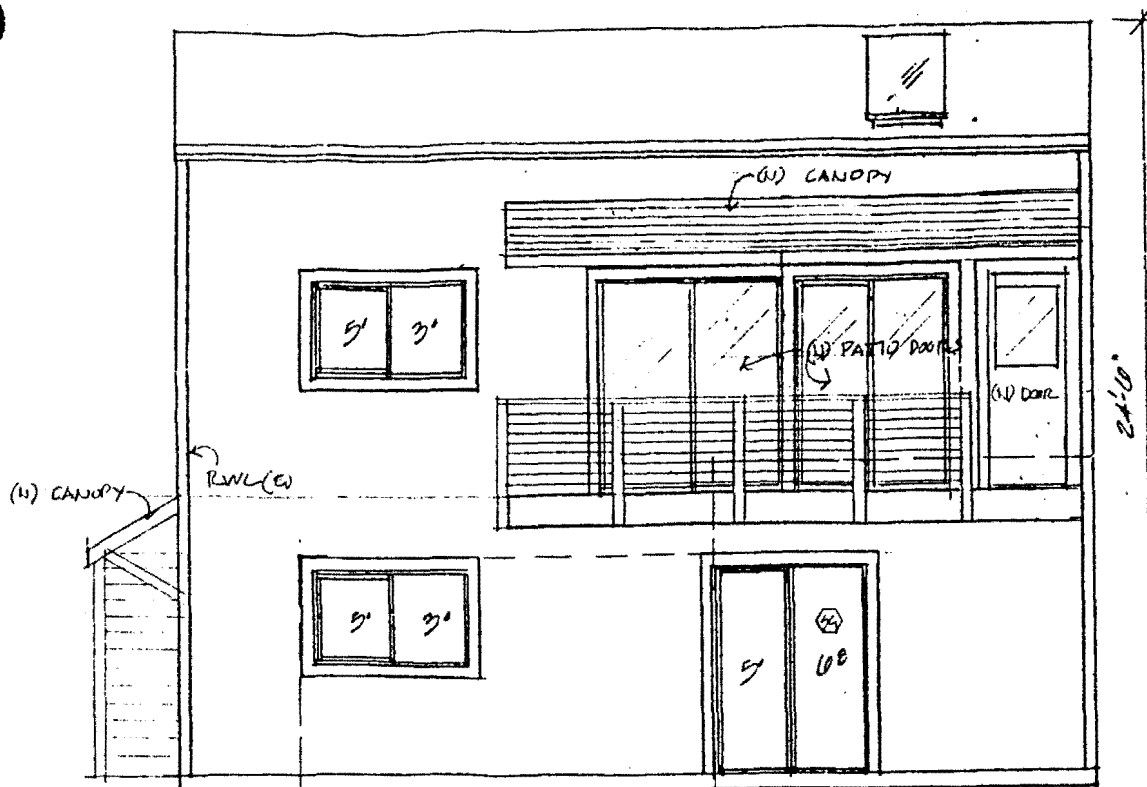
APPLICATION NO.
2-00-42-A1

PROPOSED STAIR/

STORAGE ADDITION



GARAGE - EAST ELEVATION



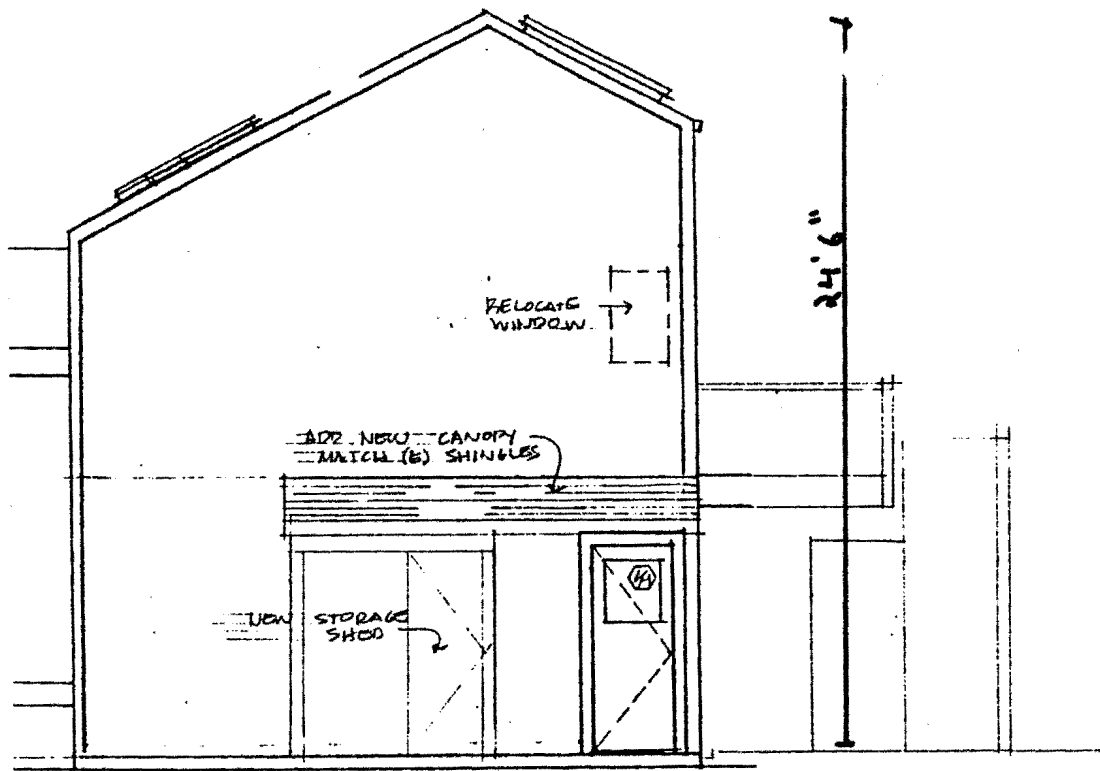
GARAGE - WEST ELEVATION

EXHIBIT NO. 9

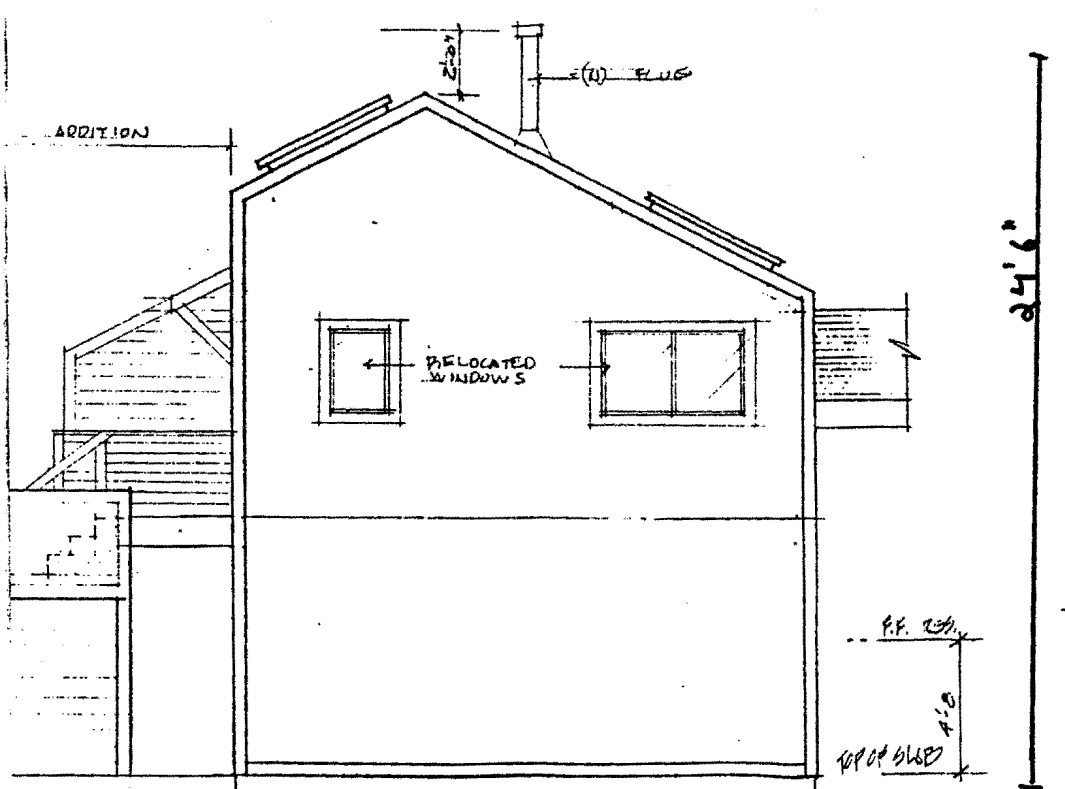
APPLICATION NO.
2-00-42-A1

GARAGE ELEVATIONS

(EAST/WEST)



GARAGE - NORTH ELEVATION



GARAGE - SOUTH ELEVATION

EXHIBIT NO.	10
APPLICATION NO.	2-00-42-A1
GARAGE ELEVATIONS	
(NORTH/SOUTH)	

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST REGIONAL COMMISSION
1050 NORTHGATE DRIVE, SUITE 130
SAN RAFAEL, CALIFORNIA 94903
(415) 472-4321

EXHIBIT B (1 of 2)

EXHIBIT NO. 11

APPLICATION NO.
2-00-42-A1STAFF REPORT FOR
CDP 250-79

PAGE ONE OF TEN

PERMIT # 250-79

APPLICANT: Kathy & Gerry Cirincione-Coles

A permit is hereby issued for the following project: Construct a single-family dwelling,
12990 Sir Francis Drake Boulevard (AP#112-042-03), Inverness, Marin County.

This permit is subject to the following terms and conditions:

(PLEASE REFER TO ATTACHED LIST OF CONDITIONS)

This permit may not be assigned to another person except pursuant to the provisions of the California Administrative Code (Division 5.5, Section 13170).

This permit is not effective until a copy of the permit is signed by all permittees in the space provided below, and returned to the Commission.

A time extension of this permit requires Commission action and must be applied for prior to expiration of this permit.

11/15/79

Date

Robert Brown
Robert Brown
Executive Director

I/We acknowledge that I/We have received a copy of this permit, have read it, and understand its contents, and agree to the conditions.

Kathy & Gerry Cirincione-Coles
Kathy & Gerry Cirincione-Coles

Permit granted pursuant to Public Resources Code Section 30600 and following, and provisions of the Administrative Code enacted pursuant thereto. Failure to conform to the provisions

Conditions:

Exhibit B (2 of 2)

1. Prior to the issuance of a permit, the applicants shall execute and record a document irrevocably offering to dedicate to an agency approved by the Executive Director, an easement for public access over public trust lands on the subject property.

This easement shall be for limited public use as defined below. The offer shall run with the land free and clear of any prior liens or encumbrances except for tax liens. Upon acceptance of the offer, the subject public trust land shall be opened to public access and passive recreational use. Furthermore, the fence that currently separates Chicken Ranch Beach from the contiguous public trust land shall be dismantled, and no further development shall occur upon this public trust land. The types of use shall be limited to passive recreational types such as exploring, hiking and sunbathing. Recreational support facilities such as picnic tables and bathrooms shall be prohibited. If the State Lands Commission changes the public trust boundary line, the easement boundary shall also be changed to conform to this alteration.

Should the certified Local Coastal Plan adopt any other use of this public trust property, and/or the State Lands Commission issue a waiver allowing agricultural use, the applicant may request an amendment of this condition from the Commission or successor agency.

2. Prior to the commencement of construction, the applicant shall submit for the Executive Director's approval landscape plans to mitigate the visual impact of the development from the county beach.

3. The applicant shall conform to the following recommendations of the California Regional Water Quality Control Board for the proposed septic system:

1. The design should be modified to provide an impermeable barrier to possible horizontal flow of wastewater to the proposed subdrain. The barrier should extend to a depth at least two feet below the bottom of the subdrain.
2. The downhill slope shall be modified to extend the toe of the fill to a point an additional ten feet further out, with the top of mound to be left unchanged.
3. The design should extend the french drain to pass by the replacement leach field on the uphill side of the mound.

4. All utility connections shall be underground.
5. The applicant shall install water saving devices meeting the following requirements: All faucets and showerheads shall be fitted with flow control devices that restrict flow to a maximum of approximately 3 gallons per minute.
6. Construction pursuant to this permit must be commenced within 12 months and completed within 18 months of the date of Commission action. A copy of the Notice of Completion shall be submitted within 18 months from the date of Commission action. Construction subsequent to such period shall require a new or extended coastal permit.

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APPLICATION NO.	2-00-42-A1
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NORTH CENTRAL COAST REGIONAL COMMISSION

1050 NORTHGATE DRIVE, SUITE 130
SAN RAFAEL, CALIFORNIA 94903 - (415) 472-4321

EXHIBIT NO. 11

APPLICATION NO.
2-00-42-A1

STAFF REPORT FOR
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INITIAL SUMMARY REPORT AND STAFF RECOMMENDATIONS

November 8, 1979

Permit Number: 250-79
Applicant: Kathy and Gerry Cirincione-Coles
Project Location: 12990 Sir Francis Drake Blvd. (AP#112-042-03),
Inverness, Marin County.
Proposed Development: Construction of a single-family residence, septic
system and drainage trench.

Staff Note: This permit application involves a possible violation of the Coastal Act. In review of this permit request there are three determinations which the Commission must make:

1. Has a violation occurred?
2. If a finding of violation is made, should the Commission pursue legal action for fines or penalties.
3. Should the permit application be approved?

Permit Violation- Background

In April of 1979 the applicant constructed a drainage trench across the subject parcel without a coastal permit. The trench is approximately 110 feet long and drains standing water created by flow from a culvert which crosses under Camino Del Mar. This trench drains into an existing creek at the south side of the property. The applicant was notified of the possible violation and was asked to submit an application for the trench at the same time he submitted an application for his septic system and house.

Staff Recommendation of the Violation: The Commission should find a violation of the 1976 California Coastal Act has occurred.

Site Description

The site of this project is a 3.13 acre parcel located on the Bay side of Sir Francis Drake Blvd. and Camino Del Mar in Inverness. Its eastern boundary is separated from Tomales Bay by a county park, Chicken Ranch Beach. The southern boundary is bordered by a creek which runs parallel to Sir Francis Drake Blvd. The creek vegetation, mainly mature alders, serves as a visual shield between the property and the road. Another creek, which was man-made 10 years ago, runs along the northern section of the property. It was fed by the Camino del Mar culvert prior to the construction of the drainage trench discussed in the violation section. Since the creation of the drainage trench drainage from the culvert has been diverted across the parcel to the natural creek on the southern property boundary. (See Map) The man-made creek is now fed with fresh water from the high groundwater table and the immediate watershed. Fresh water flow in this creek is very limited. However, much of this creek is subject to tidal fluctuation which extends inland on the property approximately 150 feet. This tidal action has created a healthy brackish marsh habitat.

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Permit #250-79
Kathy and Gerry Cirincione-Coles

The State Lands Commission has a public trust easement on approximately 1/3 of the applicants parcel. The easement limits private development rights on this land unless a waiver is obtained from the State Lands Commission. No such waiver has been obtained and no development is proposed on the public trust land. However, there is a horse riding rink within the easement area. This rink contains no structures and has been used in the past by private parties. A fence along the eastern boundary of the public trust lands has prohibited public entry or use of the property.

Project Description

The applicant proposes a two-story two bedroom single-family dwelling with 2,140 square feet of floor space. The land coverage of this home would be 1.8 percent of the total parcel. Its maximum height would be approximately 26 feet and would be located along the border of the State Lands jurisdiction.

The proposed septic system is unique and specially designed for this parcel. Because of the high water table the leachfield would be placed on a mound built up against the toe of a hill at the northern portion of the property. This would raise the leachlines the required 3 feet above the groundwater table. A french drain (trench filled with gravel) will be placed on the uphill side of the leachfield to intercept hillside drainage from entering the leachfield. An impermeable barrier will be placed between the french drain and the leachfield to prevent horizontal wastewater flow into the drain. This system has approval from Marin County Department of Public Works and the Regional Water Quality Control Board.

The project is located in the service area of the Inverness Water Company. This proposal will utilize the 10th of the 11 existing water meters.

Another consideration of this application is approval for the drainage trench which was dug in April of 1979 (details discussed in violation section). If the trench did not exist, water would drain onto the property from the Camino Del Mar culvert, collect in low elevations and create small ponds. Some of the water would flow into the man-made creek and down into the brackish marsh located at the north east corner of the parcel. The applicant intends to fill this currently open trench with gravel or lay a culvert as a safety measure against people falling into it. Without this drainage trench the proposed septic system would not drain as effectively.

Coastal Issues

1. Will the proposed development infringe upon the scenic and visual qualities of coastal areas, considered as a resource of public importance? Will the development be sited and designed in a manner to protect views along the ocean and scenic coastal areas (Coastal Act Section 30251)
2. Will the proposed development impact the quality of environmentally sensitive habitat areas on or near the subject parcel? (Coastal Act Section 30240)

3. Will the proposed development interfere with the ability of the Commission to maximize public access and recreational opportunities consistent with sound resource conservation principles (Coastal Act Section 30601, 30603, 30001.5 and 30221)

1. Section 30251 states that "the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas..."

The primary concern of this section is the protection of public views from highways, roads, beaches, parks, trails, vista points and streams and waters used for recreational purposes.

The proposed two-story dwelling would be visible from adjacent Chicken Ranch Beach, from the Bay itself and from Highway One on the east side of Tomales Bay. The latter two viewpoints are considered to be of negligible impact. The view from the beach, however, is significant due to the proximity of the proposed dwelling and the relatively flat topography. This visibility could be screened by planting shrubs midway between the house and the county park boundary. This would adequately shield the house from beach users but still supply the applicants view of the Bay.

2. Section 30240 states that "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas..."

Two brackish marsh areas are located on the parcel. These areas are characterized by salt tolerant vegetation typical of salt and brackish marshes. Both of these areas are within the boundaries of the public trust land.

These areas should be adequately protected with the implementation of the suggestions of the State Regional Water Quality Control Board for the septic system and the suggested relocation of the system's french drain.

3. Sections 30610 and 30603 of the 1976 Coastal Act provide for the Commission's jurisdiction over tidelands, submerged lands, and public trust land. These provisions clearly emphasize the statewide importance of these areas. Section 30001.5 and 30221 states that among the basic goals of the state are to "maximize public access opportunities in the coastal zone consistent with sound resources conservation principles..." and "oceanfront land suitable for recreational use shall be protected for recreational use and development..."

Approximately 1/3 of 3.13 acre site is under public trust jurisdiction (see attached map). This jurisdiction is adjacent to the county park, Chicken Ranch Creek. The land is characterized by grasses and lupines with a narrow brackish marsh along the northern boundary and a natural creek along the southern boundary.

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Kathy and Gerry Cirincione-Coles

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Past recreational use on the public trust land has been limited because of a fence that runs along the eastern public trust boundary and separates the park from the subject parcel.

Because of the proximity of the public trust lands on this property to the county park and its suitability for recreational use - the dedication of an easement over these trust lands and removal of the existing fence which now obstructs the public's exercise of the trust, will facilitate public use of the land consistent with both public trust doctrine and Section 30221 of the Coastal Act.

Recreational use should be limited to passive types of recreation (exploring, hiking, and sunbathing). Intensive recreational use may impose harmful effects on the ecology of the riparian and marsh habitats. Therefore no recreational support facilities (bathroom, picnic tables, etc.) should be located in this area and all intensive types of recreation should be prohibited.

Continued use of the existing horse rink should not be allowed. Trampling of vegetation and nitrogen pollution from horse feces could impact the ecological vitality of the area.

NOTE: The applicant is currently trying to obtain a waiver for agricultural use of the public trust lands from the State Lands Commission. This waiver would allow the applicant to leave the existing fence which separates the public trust lands and the county beach intact. The Commission should allow the applicant six months to try and acquire this waiver, as agricultural use of the property would be an alternative to public use which would be consistent with Coastal Act policies. If he does not succeed he should be required to offer a dedication of an easement on the public trust lands.

Findings:

- a. The proposed development is a single-family dwelling, septic system and drainage trench on a parcel located between the first public road (Sir Francis Drake Blvd.) and the sea (Tomales Bay). There are adequate public services to serve the development. The location of the proposed development has required a permit review. The result of the review revealed that the proposal is consistent with Section 30250.a. and other Coastal Act policies pertaining to location of development.
- b. The development will be visible from public viewing points. The visual impact is only a minor concern, however, and can be mitigated by an appropriately designed landscaping plan. With said mitigation, the project is consistent with Section 30251.
- c. The project will not significantly impact the brackish marsh areas located on adjacent public trust lands. It is therefore consistent with Section 30240 and other Coastal Act policies concerning environmentally sensitive habitats.

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STAFF REPORT FOR CDP 250-79
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- d. The septic system of the proposed development, being of somewhat unorthodox design, has gained approval of both the Marin County Department of Public Works and the Regional Water Quality Control Board. It is therefore considered adequate to avoid significant impact to the environment. As conditioned the proposed development will not significantly impact the environment with the meaning of the California Environmental Quality Act.
- e. The development will obtain its domestic water supply from the Inverness Water Company. This project will utilize the 10th of the 11 water meters found by the Commission to be available for residential use.
- f. As detailed in the body of the staff report, the project is located on a parcel contiguous to a county beach. Approximately 1/3 of the said parcel is public trust lands. No development is proposed for this land but the applicant is trying to obtain a waiver for agricultural use.
- g. The development, as conditioned, will not hinder continued recreational use and will provide access to adjacent public lands. Therefore it is consistent with public access and recreational policies in Section 30211 and Section 30221 of the Coastal Act.
- h. Approval of a permit for the development will in no way prejudice the ability of the local government to prepare a certifiable Local Coastal Program.
- i. Therefore, the Commission finds that the proposed project, as conditioned, is in substantial conformance with the applicable provisions of Chapter 3 of the Coastal Act of 1976, and is consistent with the policies, declarations, and objectives of that Act.

Conditions:

1. The applicant shall be allowed 180 days to obtain a waiver for agricultural use of the public trust lands from the State Lands Commission. If the applicant is unsuccessful then within 180 days from the date of Commission approval, the applicant shall record an irrevocable offer of an easement for limited public recreational use, as defined below, of the public trust lands held by the applicant. The offer shall run with the land free and clear of any prior liens or encumbrances except for tax liens. Public trust land within the boundar of the applicant's parcel shall be opened to public access and passive recreational use. To accomplish this end, the fence that currently separates Chicken Ranch Beach from the contiguous public trust land shall be dismantled. Further, the riding area, which is considered an inappropriate use in this location, shall be obliterated to allow passive recreational use of the land. In addition, no

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Permit #250-79

Kathy and Gerry Cirincione-Coles

further development shall occur upon this public trust land. The type of recreational use shall be limited to very passive types of use such as exploring, hiking and sunbathing. Recreational support facilities such as picnic tables, and bathrooms shall be prohibited.

2. Prior to the commencement of construction, the applicant shall submit for the Executive Director's approval landscape plans to mitigate the visual impact of the development from the county beach.
3. The applicant shall conform to the following recommendations of the California Regional Water Quality Control Board for the proposed septic system:
 1. The design should be modified to provide an impermeable barrier to possible horizontal flow of wastewater to the proposed subdrain. The barrier should extend to a depth at least two feet below the bottom of the subdrain.
 2. The downhill slope shall be modified to extend the toe of the fill to a point an additional ten feet further out, with the top of mound to be left unchanged.
 3. The design should extend the french drain to pass by the replacement leach field on the uphill side of the mound.
4. All utility connections shall be underground.
5. The applicant shall install water saving devices meeting the following requirements: All faucets and showerheads shall be fitted with flow control devices that restrict flow to a maximum of approximately 3 gallons per minute.
6. Construction pursuant to this permit must be commenced within 12 months and completed within 18 months of the date of Commission action. A copy of the Notice of Completion shall be submitted within 18 months from the date of Commission action. Construction subsequent to such period shall require a new or extended coastal permit.

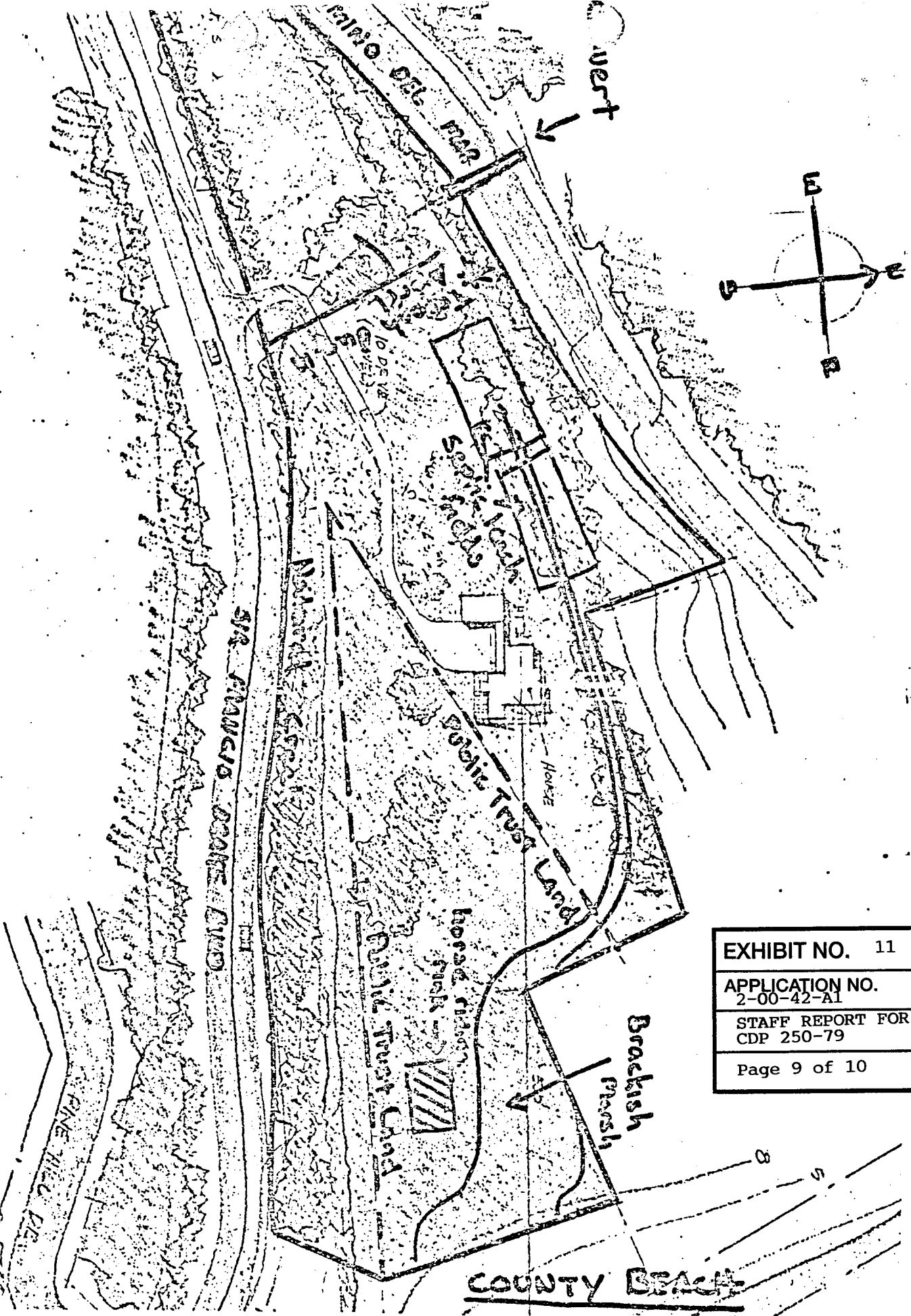
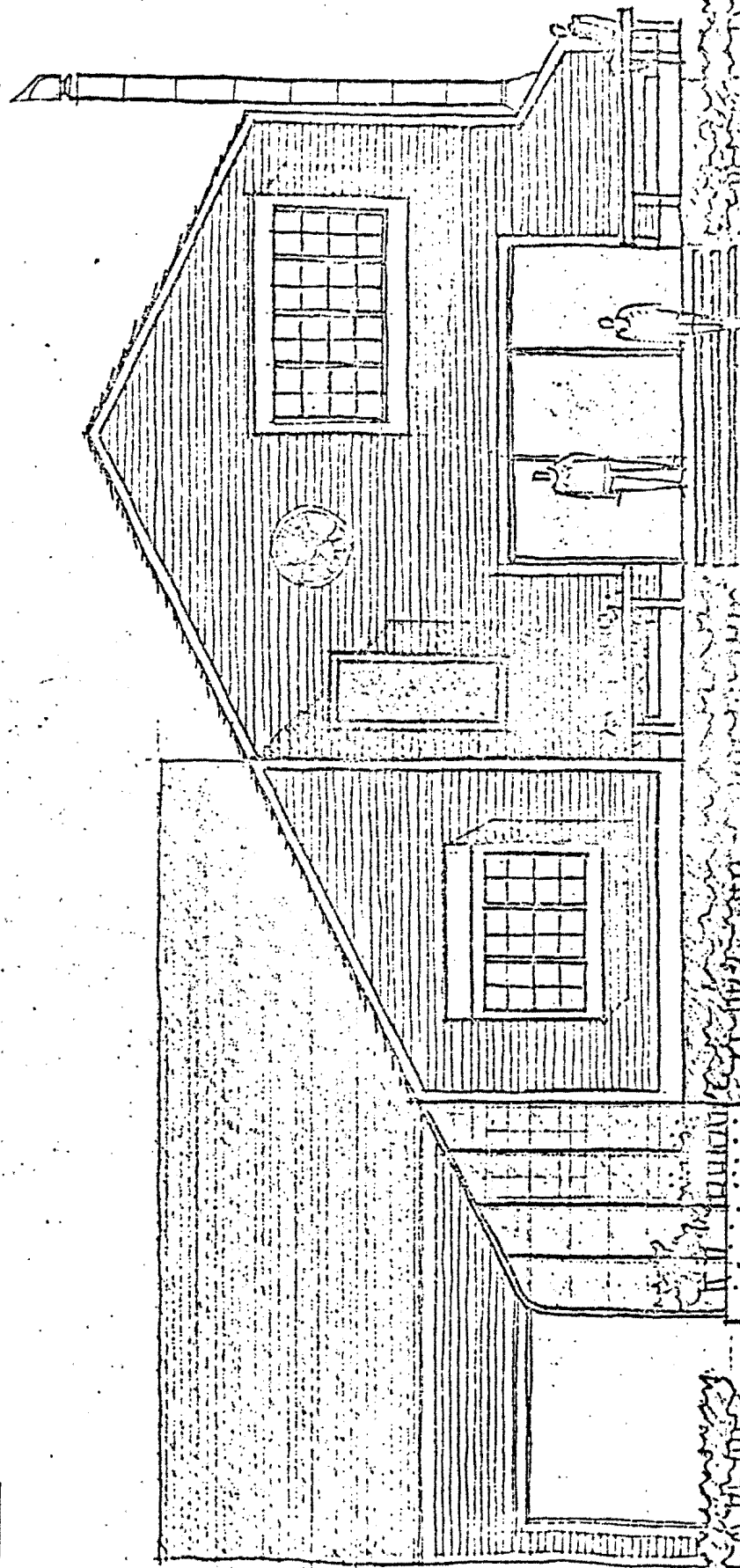


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This elevation will be
exposed to the County
beach, Bay and Hwy 1
across the Bay

EAST ELEVATION

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14778 NCC 2-00-042-A
SALLIE & EDWARD ARENS
1924 YOSEMITE ROAD
BERKELEY, CA 94707-1632

14668 NCC 2-00-042-A
JOHN & ELISABETH CALLAGY
117 VIA COPLA
ALAMO, CA 94507-2137

11136 NCC 2-00-042-A
GERRY & KATHRYN CIRINCIONE-COLES
#4 PUUKANI PLACE
KAILUA, HI 96734

14655 NCC 2-00-042-A
BARBARA DEWEY (ADDED 1/9/01)
P.O. BOX 634
INVERNESS, CA 94937

11159 NCC 2-00-042-A
GAYANNE G. ENQUIST
P.O. BOX 577
INVERNESS, CA 94937-0577

9299 NCC 2-00-042-A
TOM & BARBARA GAMAN (ADDED
1/9/01)
P.O. BOX 276
INVERNESS, CA 94937

14647 NCC 2-00-042-A
BRUCE & MARSHA HART
P.O. BOX 156
OLEMA, CA 94950-0156

14782 NCC 2-00-042-A
TERRY KUPERS TR/EA
ARLENE SHMAEEE TR/EA
8 WILDWOOD AVENUE
OAKLAND, CA 94610-1044

14808 NCC 2-00-042-A
STEVE BARRETT (ADDED 1/9/01)
POINT REYES LIGHT
P.O. BOX 210
POINT REYES STATION, CA 94956

14783 NCC 2-00-042-A
TOD CARR
MARIN CO. COMMUNITY DEV
3501 CIVIC CENTER, ROOM 308
SAN RAFAEL, CA 94903-4157

11116 NCC 2-00-042-A
GERRY & KATHRYN CIRINCIONE-COLES
P.O. BOX 869
12990 SIR FRANCIS DRAKE BLVD
INVERNESS, CA 94937

6942 NCC 2-00-042-A
JOHN A. DILLON
#7 HOLLYHOCK COURT
MILL VALLEY, CA 94941-1416

9281 NCC 2-00-042-A
JAMES G. FOCHT (ADDED 1/9/01)
P.O. BOX 782
INVERNESS, CA 94937

469 NCC 2-00-042-A
PHILIP W. & CAROLYN K. GOETZ (ADDED
1/9/01)
P.O. BOX 1194
INVERNESS, CA 94937

14314 NCC 2-00-042-A
ALEXANDER HINDS
P.O. BOX 827
INVERNESS, CA 94937-0827

5330 NCC 2-00-042-A
SARAH CAMERON LERER (ADDED 1/9/01)
P.O. BOX 121
INVERNESS, CA 94937

11160 NCC 2-00-042-A
THOMAS G. BATY
P.O. BOX 534
INVERNESS, CA 94937

14390 NCC 2-00-042-A
CATHERINE CAUFIELD (ADDED 1/9/01)
ENVIR ACTION COMM
P.O. BOX 609
POINT REYES STATION, CA 94956

14775 NCC 2-00-042-A
JOHN & DIANA CRUMMEY
1999 HARRISON ST., #1300
OAKLAND, CA 94612-3582

14776 NCC 2-00-042-A
MARJORIE DRATH
P.O. BOX 147
INVERNESS, CA 94937-0147

14391 NCC 2-00-042-A
KEN FOX (ADDED 1/9/01)
TOMALES BAY ASSOCIATION
P.O. BOX 369
POINT REYES STATION, CA 94956

14774 NCC 2-00-042-A
WILLIAM W. HALPRIN
& MARY J. FOX
152 LOMBARD STREET, #405
SAN FRANCISCO, CA 94111-1134

14807 NCC 2-00-042-A
K. HOLBROOK (ADDED 1/9/01)
INVERNESS ASSOCIATION
P.O. BOX 382
INVERNESS, CA 94937

9207 NCC 2-00-042-A
LOWELL LEVINGER (ADDED 1/9/01)
37 LAUREL VIEW
INVERNESS, CA 94937-0445

EXHIBIT NO. 12

APPLICATION NO.
2-00-42-A1

MAILING LIST

Page 1 of 2

14531 NCC 2-00-042-A

KATE MUNGER (ADDED 1/9/01)
P.O. BOX 173
INVERNESS, CA 94937-0173

14777 NCC 2-00-042-A

KATHLEEN WALSH, C/EA
PAUL BENSON, E/EA
P.O. BOX 505
INVERNESS, CA 94937-0505

14781 NCC 2-00-042-A

LOUIS & KATHLEEN WILLIAMS
1016 GRAND STREET
ALAMEDA, CA 94501-4025

11377 NCC 2-00-042-A

CYNTHIA OHAMA (ADDED 1/9/01)
BOX 24
12844 SIR FRANCIS DRAKE BLVD
INVERNESS, CA 94937

14780 NCC 2-00-042-A

JAMES & ELIZABETH B. WHITNEY
51 ELM STREET
NEW HAVEN, CT 65102

14779 NCC 2-00-042-A

STEVEN ZAMLICH
P.O. BOX 338
STINSON BEACH, CA 94970-0338

447 NCC 2-00-042-A

BOBBY STUMPF
14 PINE HILL, P.O. BOX 31
INVERNESS, CA 94937

11376 NCC 2-00-042-A

NICK WHITNEY (ADDED 1/9/01)
P.O. BOX 276
INVERNESS, CA 94937

EXHIBIT NO. 12

APPLICATION NO.
2-00-42-A1

MAILING LIST

Page 2 of 2

CORRESPONDENCE

EXHIBIT NO. 13
APPLICATION NO. 00-42-A1
CORRESPONDENCE
Page 1 of 2

Cirincione-Coles
P.O. Box 869
Inverness, CA 94937-0869

Email: Kathy & Gerry @sandycove.com

RECEIVED
JAN 24 2001

CALIFORNIA
COASTAL COMMISSION

Jo Ginsberg, Enforcement Analyst
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, California 94105-5200

Fax to: 415.904.5400
Tel: 415.904.5269
RE: Permit #2-00-042-A1
Number of Pages: Two

Dear Jo:

To follow-up our January 16, 2001 meeting and your January 22, 2001 site visit, we are summarizing our response to the letters sent to the CCC about our application.

Almost all the comments fall into five general areas of concern: a) Use; b) Environment; c) Septic; d) Adequate notice; e) Meeting location

a) Use permits are not required in Marin County to operate a three-room bed and breakfast inn. Providing hospitality on property that is primarily a residence in Marin County is neither considered a "change in use" nor is it thought to be "commercial" for five or fewer guest rooms. By allowing residences to provide small scale hospitality to visitors to the Point Reyes National Seashore, large chain motels become unnecessary. The major discrepancy between the County of Marin's definition of a B&B (Marin County Code 22.02.103) and the CCC requirements for a residential B&B has caused the confusion among local residents.

We believe that visitors to a B&B who arrive together in their vehicles; have minimal laundry requirements, eat all lunches and dinners out, and who occupy the premises intermittently are a less intense use than a residence for an extended family, occupying bedrooms full-time, with each of the adults having their own vehicle(s); preparing and eating all meals, and using laundry and other facilities.

b) Environmental issues were all well considered when the building was permitted by the CCC in 1979, and again in 1984 when the CCC approved a grading and fill permit; as well as in 1989 when the CCC entered into a lot line adjustment agreement with us, the State Lands Commission and the County of Marin.

The converted storage space cannot be seen from the beach and is very difficult to see from the road. The total of all buildings is a footprint density of less than .02 on our property.

Third Valley and part of the Seahaven subdivision drainage runs through the lands upstream from us; through our property; the State Lands Commission holdings and the County beach. It flows from a 400+ acre watershed through engineered and permitted drainage systems to the Bay.

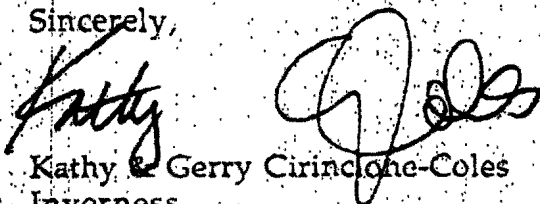
We operate as a "green" inn. No pesticides have ever been used on this land; smoking is not permitted anywhere in the buildings or even outside. Guest pets are not allowed in order to protect the wildlife that share the grounds. We are committed to using natural food, fibers and products, including cleaning products. We do our best to conserve energy, natural resources and to reduce waste. We educate and ask for our guests cooperation in respecting the environment.

c) Septic system is already permitted by Marin County. It replaces a 15-year-old valid, functioning mound system.

d) Adequate notice has been given. We posted the CCC yellow notice to the right of our entrance gate before leaving on a month-long trip. A front page article was published in the local newspaper on January 4, 2001 advising residents of our application. When we returned on January 10, 2001 the notice apparently had been removed. We requested and re-posted the CCC yellow notice and a second front page article appeared about our application in the local newspaper on January 18, 2001. In addition, Kathy is a member of the newly formed Chicken Ranch Beach Advisory Committee which will meet this afternoon. Our application will no doubt be mentioned. Finally, Gerry offered to be on the agenda of the Inverness Association which will be meeting tomorrow evening to discuss our application.

e) Hearing location for the CCC is not scheduled for the San Francisco Bay Area for many months. Delaying our application until the CCC meets in the Bay Area would be a hardship for us not only because we're required by our Marin County septic permit to complete installation during the dry season; but we also are under a time constraint to finish the new septic system and related plantings before our inn's high season begins in early June.

Sincerely,



Kathy & Gerry Cirincione-Coles
Inverness
1/24/01

EXHIBIT NO. 13

APPLICATION NO.
2-00-42-A1

CORRESPONDENCE

Page 2 of 2

eac

Environmental Action Committee of West Marin Box 609, Point Reyes Station, CA 94956 (415) 663-9312

January 9, 2001

Members of the Coastal Commission

Fax: 415 904 5400

RECEIVED
JAN 09 2001CALIFORNIA
COASTAL COMMISSION

RE: Application No. 2-00-041-A1

I am writing on behalf of the Environmental Action Committee of West Marin regarding the Ciricione-Coles' application for a Coastal Permit for their Bed and Breakfast.

We request that The California Coastal Commission defer consideration of this application. We had no knowledge of it and we would like more time to consider it and comment upon it. The public notice process in this instance, whether or not it met Coastal Commission standards, was inadequate to allow for public comment by interested and concerned individuals and community groups.

As you may be aware, Chicken Ranch Beach, which neighbors the Coles' property, is prized by the local community, as a recreational and natural resource. It has also played a key role in the development of California coastal law. The health and future, indeed the survival, of Chicken Ranch Beach and its marshes, have been in question since the Coles' acquired the neighboring wetland, which for their purposes must be kept drained. Any new permits for this property have a potential impact on Chicken Ranch Beach, its wetlands, and on Tomales Bay. We believe we should have the opportunity to present our concerns before you act on this matter.

If you decide to ignore our request for a postponement, we ask that you at least impose some sort of penalty for the Coles' failure to obtain the required "change of use permit" before converting their buildings to commercial use. One of our biggest problems as a grass-roots group trying to preserve West Marin's environment, is the widely accepted idea among landowners and developers that the easiest, least expensive way to develop their property is to do so without the required permits, knowing that it is easier by far to get approval after the fact than to ask for permission ahead of time. Too often, when the violation is discovered, the required permit is simply granted, with no penalty for having flouted the law. For The California Coastal Commission, to encourage this "development by stealth" makes our task all the harder.

Thank you for this opportunity to comment,

Catherine Caufield
Executive Director

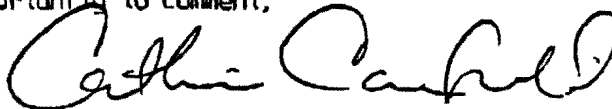


EXHIBIT NO. 13

APPLICATION NO.
2-00-42-A1

CORRESPONDENCE

Mr. Philip W. Goetz
PO Box 1194
105 Via Del La Vista
Inverness, CA 94937

RECEIVED
JAN 09 2001

CALIFORNIA
COASTAL COMMISSION

FAX 415.904.5400

California Coastal Commission
attention Jo Ginsberg.

Please POSTPONE the Cirincione-Coles
hearing scheduled for January 11, 2001.
We, in the community of Inverness
would like time to respond
to the Coles non-permitted
improvements made in 1993.

We ^{have} had many instances of abiding
by the rules and paying for
coastal permits and building permits.
We don't think exceptions for the
Coles should be made.

Sincerely,

Carolyn K Goetz

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

EXHIBIT NO. 13
APPLICATION NO. 2-00-42-A1
CORRESPONDENCE

1156691272

CAMERON LERER

PAGE 01

SARAH CAMERON LERER

P.O. BOX 121
INVERNESS, CA 94937
(415) 663-1099 VOICE & FAX

FAX TRANSMITTAL**DATE: JANUARY 9, 2001**

RECEIVED
JAN 9 2001
CALIFORNIA
COASTAL COMMISSION

TO: California Coastal Commission, Attn: Jo Ginsberg**FAX PHONE:** (415) 904-5400**FROM:** Sarah Cameron Lerer **TOTAL NUMBER OF PAGES:** 1

DESCRIPTION: Request to postpone Commission's decision on Coles's application to legalize commercial use of their property adjacent to Chicken Ranch Beach, Inverness

Dear Coastal Commission,

I read in the *Point Reyes Light* that you are planning to consider on Thursday, January 11, 2001, an application by the Coles Family of Inverness to change the use of their property from residential to commercial.

As you may know, the Coles' use of their property and its impact on the adjacent public Chicken Ranch Beach have been hotly disputed issues in Inverness for quite some time, even involving litigation by the Coles against both the State of California and the County of Marin.

In 1998, Mr. Coles was alleged to be the person who dug a trench through the public beach to redirect water from its natural course through a wetlands directly into Tomales Bay, causing serious degradation both of the wetlands and the beach. Although the beach and wetland both predate Mr. Coles ownership of the property, he has nonetheless acted in ways that put his use of his private property about the public's interest in maintaining the Chicken Ranch wetlands and its historic use of the public beach there. It is also interesting to note that in advertisements for their heretofore non-permitted commercial use of the property, the Coles have implied that Chicken Ranch is their private beach.

The County of Marin has recently formed an Advisory Committee on Chicken Ranch Beach, to which I have been most honored to be appointed. The *first* meeting of this Advisory Committee is scheduled for January 24. By taking action on the Coles' application before the Advisory Committee is scheduled to meet for even the first time, the Coastal Commission would foreclose comment on this application by the one public body most specifically concerned with impacts of the Coles' use of their property. The consideration of this matter at a Los Angeles meeting also forecloses participation by local public-interest organizations and individuals.

I therefore respectfully request that the Coastal Commission postpone its decision on this application to give the County of Marin Chicken Ranch Beach Advisory Committee time to consider the impact this changed use in the property could have on the public beach and wetlands adjacent to the property, and I also respectfully request that when you do consider this application, you do so at a meeting in Northern California.

To: The California Coastal Commissioners

From:
Lowell Levinger
37 Laurel View
Inverness, CA 94937-0445

1/9/01
Re: Cirincione-Coles commercial application

Dear Commisioners,

I would like to request that a postponement be issued in this case so that it can be reviewed more carefully.

I have been an Inverness resident since 1969 and have been a frequent user of Chicken Ranch beach since I was a boy in the late forties and early fifties. It is obvious to me the damage that has been done to the beach as a result of the Cirincione-Coles destruction of the natural wetlands in back of the beach.

The former wetlands that has now been illegally developed by the Cirincione-Coles as a bed and breakfast and horse stables was a crucial part of the ecology of Tomales Bay and Third Valley Creek that runs into it at Chicken Ranch Beach. Now the Cirincione-Coles property is a source of polution and destruction to Tomales Bay.

The Cirincione-Coles have initiated litigation over the past years against the State Lands Commission, the Coastal Commission, the County of Marin and others. All during this litigation, it seems, nobody noticed that their development of the wetlands was illegal and not permitted.

To grant a permit retroactively now seems the height of irresponsibility to both the environment and the law. It sets a poor example. Please postpone this decision so that more input can be gathered and so that perhaps, a precious resource of the West Marin community, Chicken Ranch Beach, can be saved.

Thank you for your consideration.

Sincerely,

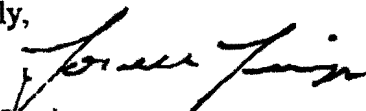

Lowell Levinger
37 Laurel View
Inverness, CA 94937-0445

EXHIBIT NO. 13
APPLICATION NO. 2-00-42-A1
CORRESPONDENCE

EXHIBIT NO. 13
APPLICATION NO. 2-00-42-A1
CORRESPONDENCE

PO Box 276
Inverness, Ca 94937

Fax: 415 669 7267

ProtectTomaesBay@forestdata.com

RECEIVED
JAN 09 2001

January 8, 2001

Members of the Coastal Commission
Via Jo Ginzberg
Fax: 415 904 5400

CALIFORNIA
COASTAL COMMISSION

RE: Application No. 2-00-041-A1

We are writing regarding the Cirincione-Coles application for a Coastal Permit for their Bed and Breakfast. We are nearby property owners and regular users of the public lands adjoining the Coles property, which, as you know, is located in a former wetland and creek delta within our watershed.

With due respect we ask the Coastal Commission to defer approval of this project. The first notice that anybody in this area is known to have received about this project was via an article in our local paper on Thursday, January 4, 2001. The property is not and, to our knowledge, has not been posted at all with regards to this matter. Local citizens and organizations have not had opportunity to review the staff report, engineering, legal and other documents. At least one local concerned group cannot comment because it does not have a board meeting that falls within the 4 days during which we have known about this application. Many people who would attend the public hearing do not have the time or the means to travel to Los Angeles to appear, and so we urge you to consider the permit at a Northern California location. We need time to educate ourselves and to comment regarding this important matter.

We are also unclear as to whether the proposed septic, even if approved, would be sufficient for the number of rooms on the premises. You are probably also aware that conditional permit may be insufficient to assure that the septic system is actually upgraded by the property owner in a timely manner. Any permit should be issued after the property is in compliance.

Tomaes Bay, immediately downstream from this property, is a pristine but increasingly fragile body of water. We have had recent problems with fecal contamination of oyster beds. Regardless of the timing of your decision, we do recommend stongly that a condition be added requiring a regular water quality monitoring program to assure that pollution does not travel, via the 2 creeks directly affected, from the proposed septic system into Tomaes Bay, and that the property owner's continuing dredging practices do not compromise the water quality in our Bay.

Thank you for your consideration.

Tom Gaman

Barbara Gaman

Thomas Gaman

Barbara Gaman

RECEIVED

JAN 09 2001

CALIFORNIA
COASTAL COMMISSION

January 8, 2001

Members of the Coastal Commission
Via Jo Ginzberg Fax: 415 904 5400

RE: Application No. 2-00-041-A1

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Tomales Bay, immediately downstream from this property, is a pristine but increasingly fragile body of water. We have had recent problems with fecal contamination of oyster beds. Regardless of the timing of your decision, we do recommend strongly that a condition be added requiring a regular water quality monitoring program to assure that pollution does not travel, via the 2 creeks directly affected, from the proposed septic system into Tomales Bay, and that the property owner's continuing dredging practices do not compromise the water quality in our Bay.

Thank you for your consideration.

James G. Foote
PO Box 782
Inverness, CA 94937

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

APPLICATION NO.
2-00-42-A1

CORRESPONDENCE

THOMAS G. BATY

P.O. BOX 534, INVERNESS, CA 94937
415/669-1682

January 8, 2001

RECEIVED
JAN 09 2001CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
45 Fremont Suite 2000
San Francisco CA 94105-2219
ATTN: Jo Ginsberg

RE: APPLICATION # 2-00-042-A1 Gerry and Kathryn Cirincione-Coles
12900 Sir Francis Drake Blvd Inverness
APN: 112-042-07

Dear Commissioners,

The proposed permit amendment is deficient by a number of measures and decision should be postponed until a more complete study and public hearing have been conducted.

Apparently notification of the proposed permit amendment was somewhere between minimal and non-existent. This is a very small town with a very active and engaged citizenry. The article in last week's newspaper was the first notice seen by most if not all of the people and various organizations that have been actively concerned about this particular piece of land for years.

There are a couple of concerns arising from the proposed expansion of the septic system. There is a discrepancy between the Staff Report's assertion that the proposed development has a total of four bedrooms and the Marin County Septic Permit (#99/00-69) which calls for a total of five bedrooms. Coastal Commission staff has explained that this difference is the result of a bureaucratic format of septic permits by the County. The difference needs to be spelled out concisely in the staff report and perhaps a condition added to the permit if is approved.

Of even greater concern is the Coastal Commission's apparent assumption that a full soil survey and an associated wetlands delineation has been completed or deemed unnecessary by the County of Marin in their septic permit process. The Environmental Health Services Department has been in serious disarray for a number of years now and such an assumption is sketchy and probably incorrect.

Not too long ago this "parcel" of land was mostly baylands and wetlands. Neither the Coastal Commission nor the County of Marin has been very effective in containing unpermitted and egregious development on this little piece of coastline. A higher standard of regulatory attention is in order.

Respectfully,

TGB

Thomas G. Baty

Tomas Bay Association

P.O. Box 369

Pt. Reyes Station, California 94956

08 January 2001

California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219
fax 904-5400
ATTN: Jo Ginzberg

RECEIVED
JAN 09 2001

CALIFORNIA
COASTAL COMMISSION

RE: Application 2-00-042-A1, Cirincioni-Coles

Dear Commissioners:

The Tomas Bay Association is entirely voluntary non-profit organization dedicated to preserving and protecting the natural environment of Tomas Bay and its watershed through research, education, and active review of conservation and planning issues.

We are concerned that the above referenced application to legalize an non-approved conversion from residential to commercial use have sufficient period for public review. We respectfully request a delay for hearing with regard to this application so as to afford sufficient time for us to consider this matter as to its potential effects on the Tomas Bay environment and any planning precedents it may present. We also believe it appropriate to delay such hearing until the commission meets in the San Francisco Bay area.

Thank you for your consideration of our request.

Kenneth J. Fox

Kenneth J. Fox, President

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

EXHIBIT NO. 13
APPLICATION NO. 2-00-42-A1
CORRESPONDENCE

WEST MARIN NETWORK**Bobbi Stumpf - Proprietor****415 663 9543**

January 8, 2001 To: Members of the Coastal Commission
Application No. 200041A1

I am writing to you in regards to the Coles application for a Coastal Permit for a bed and breakfast located on Tomales Bay. I am an homeowner quite nearby their property and an user of the beach on the Bay.

I am asking the Coastal Commission to defer approval of this project.

There was never any posting on the property as to the request for the permit, and I was not advised of the action. The first that anyone knew about it was when the information came out in the January 4th issue of the local newspaper, The Point Reyes Light newspaper, thus giving us no time to know about it or to educate ourselves about it.

We urge you to postpone this permit process until such time that it could be heard in a Northern California location and also after the property in question is in compliance with all necessary regulations. Including the septic. There is also some question as to just how many rooms the Coles' plan to have at their Bed and Breakfast.

The Coles have been observed dumping green manure and used hay within direct reach of the Bay water, this action being backed up by photographs of the action. If the Coles cared about the health of Tomales Bay, they would find a more appropriate dumping spot for their green horse manure.

Thank you for your consideration.

Bobbi Stumpf

Bobbi Stumpf
14 Pine Hill Box 31
Inverness California 94937

Old Creamery Building
P O Box 834 Pt Reyes Station CA 94956
Fax: 415 663 8275 ■ E-Mail: www.westmnet@sun.net

"Success is a journey not a destination"

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

PO Box 276
Inverness, Ca 94937
Fax: 415 669 7267
ProtectTomaesBay@forestdata.com

January 8, 2001

Members of the Coastal Commission
Via Jo Ginzberg Fax: 415 904 5400

RE: Application No. 2-00-041-A1

RECEIVED
JAN 08 2001
CALIFORNIA
COASTAL COMMISSION

We are writing regarding the Cirincione-Coles application for a Coastal Permit for their Bed and Breakfast. We are nearby property owners and regular users of the public lands adjoining the Coles property, which, as you know, is located in a former wetland and creek delta within our watershed.

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Tomaes Bay, immediately downstream from this property, is a pristine but increasingly fragile body of water. We have had recent problems with fecal contamination of oyster beds. Regardless of the timing of your decision, we do recommend strongly that a condition be added requiring a regular water quality monitoring program to assure that pollution does not travel, via the 2 creeks directly affected, from the proposed septic system into Tomaes Bay, and that the property owner's continuing dredging practices do not compromise the water quality in our Bay.

Thank you for your consideration.

Dick Wintner
Property owner 98 Camino Del Mar
And, member Chicken Ranch Beach
Advisory Committee

Elisabeth Callagy
117 Via Copla
Alamo, CA 94507

California Coastal Commission
North Central Coast District Office
45 Fremont, Ste. 2000
San Francisco, CA 94105
Attn: Jo Ginsberg

January 8, 2001

RE: Permit Number 2-00-042-A1
Applicant: Gerry Cirincione-Coles
Project Location: 12990 Sir Francis Drake Blvd., Inverness, CA APN 112-042-03

To Whom It May Concern:

As an adjacent property owner to the Cirincione-Coles property in Inverness, CA, when I received the public hearing notice for permit amendment, I felt compelled to write to register several concerns I have regarding the application.

My first concern regards the septic system on the property. Before the Cirincione-Coles acquired the property it was a marsh. As children we would squish through the property, catching frogs and snakes. When the Cirincione-Coles developed the property they brought in truckloads of fill, which was not matched to the existing soil. Then, one Sunday morning, a truck appeared to dump cement. My concern is that the leach field is not installed with properly percolating soils, and that the cement used to raise the level of the land also interferes with the percolation.

My next concern regards public safety. Automobiles entering the Cirincione-Cole's property stop at a gate on Sir Francis Drake Blvd. They then input numbers into a number pad on the gate, which then opens to allow entry. While entering the numbers and waiting for the gate to open, the cars are partially blocking the public highway, creating a traffic hazard for the pedestrian path that runs across the driveway and along the highway. Pedestrians, bicycle traffic, and automobile traffic is impeded, and put in jeopardy.

My last concern regards the Cirincione-Coles disregard for environmental husbandry. The Cirincione-Coles have evidenced this disregard by just now applying for this permit, acquisition of which is not a secret, particularly to a local realtor, as is Mr. Cirincione-Coles. More evidence of this disregard is the aforementioned dumping and filling, and the unwilling attitude of Mr. Coles to address the issue raised by the local environmental groups (the Inverness Association) to redress the erosion of Chicken Ranch Beach. Chicken Ranch Beach is contiguous to the Cirincione-Cole's property and has shown severe erosion since the Cirincione-Cole's construction.

I wish to end this letter by expressing my gratitude to the members of this commission for their consideration of, and notice to, adjacent property owners.

Yours truly,


Elisabeth Callagy

EXHIBIT NO. 13

APPLICATION NO.
2-00-42-A1

CORRESPONDENCE

Attention: Ms Jo Ginsberg

January 8, 2001

Dear Commissioners,

The Cirincione-Coles are not known for their concerns about the sensitive ecosystems surrounding and a part of Tomales Bay. This is one of those cases where I am very glad that we have the Coastal Commission in place, to step in and protect the coastal environment where private citizens have failed to do so. I'm asking that you come forward and do so now.

I don't think the Cirincione-Coles should be able to charge ahead and do whatever they please on this fragile property adjacent to Tomales Bay, and then be allowed to legalize their transgressions after the fact. Their Chicken Ranch Beach property is not land that should ever have been built on. It is absurd to think that they may now be allowed to install a septic system that would allow them to keep the 3 guestrooms that they put in illegally, in addition to their own living quarters.

I fail to see how this development could possible be construed as being consistent with the Local Coastal Program and hope the property will be returned to what was originally permitted.

Yours truly,

Julia Bartlett

Julia Bartlett

Enclosed: Copy of letter written to County Counsel three years ago when the Cirincione-Coles were suing the county because their land had flooded.

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

RECEIVED

JAN 08 2001

CALIFORNIA
COASTAL COMMISSION

February 18, 1998

Dear Mr. Zaltsman,

Concerning the Cirincione-Coles suit against the county to keep the water out of his Chicken Ranch Beach property:

I wanted to tell you (what you must already know) that that property was always a seasonal wetland and not considered to be a buildable lot. Mr. Coles and his wife knew this when they bought it.

Peter Worsley and I kept our horses in the Chicken Ranch Beach pasture for several years, roughly from about 1973-1978. We were told when we rented it from Larry Marks that we would have to move our horses during the winter when most of it was inundated, making it not a pasture, but a marsh up to and sometimes including where the horse shed was at the corner of Vista Del Mar and Sir Frances Drake Blvd.

Peter Worsley and I were negotiating to purchase the 3 1/2 acres from Mr. Marks when the Cirincione-Coles came on the scene. Marks was asking \$20,000 for it, clearly even 20 years' ago, a price for unbuildable acreage, not a prospective home site. Our plan for the land was to keep our horses there during the times it wasn't a flood plain and to grow raspberries and have a vegetable garden in the summer.

The Cirincione-Coles bought the land out from under us, taking a gamble that they would be able to talk the county into letting them build a house there.

It is no surprise that this wetland continues to want to fill with water during the rainy season. What I don't understand is how on earth can this be construed as being the county's problem, rather than the Cirincione-Coles'?

Yours truly,

Julia Barlett

Julia S. Barlett

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JAN 23 2001

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 13

APPLICATION NO.
2-00-42-A1

CORRESPONDENCE

CYNTHIA OHAMA
SMALL BUSINESS CONSULTING & TAX PREPARATION SERVICES
Box 24 - 12844 SIR FRANCIS DRAKE BLVD. - INVERNESS, CA 94937
415 669-1612/1836 FAX

January 8, 2001

Members of the Coastal Commission
Via Jo Ginzberg
Fax: 415 904-5400

Re: Application No. 2-00-041-A1

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JAN 08 2001

CALIFORNIA
COASTAL COMMISSION

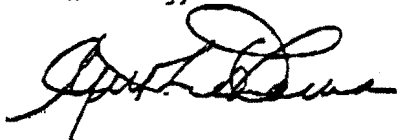
I am a director of the Inverness Association but am writing this letter as a private citizen because the Inverness Association's next meeting is at the end of this month, not in time to consider or comment on the Cirincione-Coles application for a Coastal Permit for their bed and breakfast establishment. For this reason, I request that the Commission defer approval of this application until local citizens and organizations have the opportunity to review the particulars of the project.

I live on the shores of Tomales Bay near the Coles property and regularly use the beach in front of their B & B. I have owned my home here since 1977, and have witnessed first-hand the compromise of wetlands at the Cirincione-Coles site over the years of the construction of the Cirincione-Coles enterprise, which initially I thought was to be a private residence. I carefully complied with Coastal Commission rules when I voluntarily upgraded my septic system in 1991, and have been interested in the permit process for such upgrades since my experience.

Currently the state of the Bay is fragile, and any application for action that has a potential negative effect needs to be very carefully considered. I believe, as do many others in the region of Tomales Bay, that a regular program of water quality monitoring should be a condition of a permit issued for any such project.

Thank you for considering my request.

Sincerely,



Cynthia Ohama

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

kmunger@svn.net*att: Jo Ginsberg*

From: <kmunger@svn.net>
To: Kate A Munger <kmunger@svn.net>
Sent: Monday, January 08, 2001 12:53 PM
Subject: GERRY AND KATHY CIRINCIONE-COLES' APPLICATION TO THE CALIFORNIA COASTAL COMMISSION

Dear Commissioners,

I am hoping to be able to convey to you from the perspective of a neighbor and community member, the extent to which the Cirincione-Coles have impressed me as devious, greedy, malevolent, underhanded and grasping in their business dealings that are open to the public. Beginning twenty years ago, when they callously disregarded fragile tidal wetlands and built their house at Chicken Ranch Beach, right up to now, as they attempt to slither underneath their responsibility to County and State agencies, this couple have been almost legend in our community for their disregard for environmental concerns and greed. I hope you will consider carefully their intent to bypass the laws and sleaze around yet another community standard. I would welcome any questions or further discussion.

Most sincerely,

Kate Munger
Box 173
Inverness CA 94937-0173
415-668-1413
kmunger@svn.net

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JAN 08 2001
CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

1/8/01

Barbara Dewey

Box 634, Inverness, CA 94937 • (415) 669-1664

January 7, 2001

California Coastal Commission
45 Fremont,
San Francisco, CA 94105

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JAN 08 2001
CALIFORNIA
COASTAL COMMISSION

To the California Coastal Commission:

I have just read in the *Point Reyes Light* that you intend to change the use of the Cirincone's Coles property from residential to commercial as a "routine matter" at the January 11th meeting in Los Angeles, where no one can appear at the hearing.

As a near-by property owner myself, it is impossible to believe that you would take such a neighborhood altering position without notification, without the timely opportunity to respond, and to hold such a "routine matter" in Los Angeles instead of San Francisco.

This village and other interested organizations need to know the exact particulars of such a change in land use. Where is the documentation for such a request that is available to the public? Why do you deem it appropriate for the CCC to override the County's zoning laws? Are you aware that the County was actively involved in negotiating with the Cirincone Coles to buy that property because their use of the property so badly compromises a County beach to its immediate East when, presumably, such a request was made by the Coles?

Are you also aware that law suit after law suit has been brought by the Coles over the last twenty years as they seek to increase the value and use of this property? Do you see nothing in the un-permitted building that has already taken place that would lead you to be suspicious of what could happen next? **This is not a visitor-serving operation. This is a Bed and Breakfast in a residential zone.**

Please give the public a change to respond adequately. Put this matter over so that this may happen.

Sincerely,

Barbara Dewey

Barbara Dewey

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

INVERNESS ASSOCIATION

BOX 382

INVERNESS, MARIN COUNTY

CALIFORNIA 94937

INCORPORATED 1930

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JAN 9 8 2001

CALIFORNIA
COASTAL COMMISSION

Jan. 5, 2001

Attention: Jo Grunberg

California Coastal Commission
45 Fremont
San Francisco, CA 94105

Re: Application 2-00-042-A1 by Gerry and Cathryn Coles for
after-the-fact approval of conversion from residential
to commercial visitor-serving use, etc.

Dear Members of the Coastal Commission:

We urge most strongly that this hearing be postponed and that
when it is re-scheduled it will be set for the San Francisco,
area so that interested citizens and organizational
representatives can be heard.

Our primary reason for this request is because there was been
no public noticing of this until a short news article ap-
peared in our local weekly newspaper, The Pt. Reyes Light, issued
on Jan. 4, 2001. Neither this organization nor neighbors were
notified and we in particular only heard about it when the
above-mentioned newspaper called for information on Wed.,
Jan. 3. We have of course not yet seen a copy of the staff
report.

We are particularly puzzled about (3) in your 1.0 Executive
Summary on the copy of the paper we received -- TH-14b: "3.
conversion from residential use to commercial visitor-serving
use of the residence and garage,....." Our understanding
is that only the county can make adjustments in zoning
designations, if that is what this item means. This organization
would very seriously question any changes in zoning in this
case.

Additionally, the recommendation that a proper septic system
be approved before installation concerns us very greatly. In
view of the problems with septic systems that the county is
having now, particularly in relation to hitherto pristine Tomales
Bay, this seems most unwise. We would like to have the oppor-
tunity to review the staff report on this.

As you know, there have been many problems over the years with
this particular property. For that reason alone, we urge that
you give this organization and the community itself proper time
to study and respond to this proposed amendment.

Yours truly

K. Holbrook
Secretary
Inverness Association

EXHIBIT NO.	13
APPLICATION NO.	2-00-42-A1
CORRESPONDENCE	

From: MICHAEL M