CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400

W17

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

December Meeting of the California Coastal Commission

MEMORANDUM Date: December 7, 2011

TO: Commissioners and Interested Parties

FROM: Charles Lester, North Central Coast District Deputy Director

SUBJECT: ***Deputy Director's Report***

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the December 7, 2011 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

EMERGENCY PERMITS

1. 2-11-042-G City & County Of San Francisco, Attn: Ed Harrington (San Francisco, San Francisco County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the devlopment is necessary to protect life and public property or to maintain public services.

Applicant	*Project Description*	*Project Location*
2-11-042-G City & County Of San Francisco, Attn: Ed Harrington	Sand bag placement fronting an approximately 100-foot segment of the Great Highway just south of Sloat Boulevard at Ocean Beach	Lake Merced Tunnel, Great Highway, San Francisco (San Francisco County)

California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 2-11-042-G (Ocean Beach Sand Bags)

Issue Date: December 1, 2011

This emergency coastal development permit (ECDP) authorizes emergency development consisting of sand bag placement fronting an approximately 100-foot segment of the Great Highway just south of Sloat Boulevard at Ocean Beach (all as more specifically described in the Commission's ECDP file). Based on the materials presented by the Permittee (San Francisco Public Utilities Commission), the bluff has retreated such that it threatens a portion of the Lake Merced Tunnel (i.e., a component of the City's sanitary and stormwater transport infrastructure) under the Great Highway, as well as portions of the Great Highway itself, just south of Sloat Boulevard in San Francisco. The proposed emergency development is necessary to prevent damage and potential failure of the Tunnel and the Great Highway. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

(a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and

(b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency development is hereby approved, subject to the conditions listed on the attached pages.

Dan Carl, North Central Coastal District Director for Charles Lester, Executive Director

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc: Bill Wycko, City of San Francisco Planning Department

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee and returned to the California Coastal Commission's North Central Coast District Office within 15 days of the date of this permit (i.e., by December 16, 2011). This ECDP is not valid unless and until the acceptance form has been received in the North Central Coast District Office.

2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development (for example, after the fact approval for existing unpermitted development at and/or near this site) requires separate authorization from the Executive Director and/or the Coastal Commission.

3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by December 31, 2011) unless extended for good cause by the Executive Director.

4. The emergency development authorized by this ECDP is only temporary, and shall be removed in its entirety by the Friday of Memorial Day weekend (i.e., by May 25, 2012) and all areas affected by it restored to their original pre-emergency development condition unless before that time the California Coastal Commission has issued a regular CDP for the development authorized by this ECDP. The deadlines in this condition may be extended for good cause by the Executive Director.

5. In exercising this ECDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.

6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., National Park Service, City of San Francisco, California State Lands Commission, etc., as applicable). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.

7. All emergency development shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on November 22, 2011) as modified by these conditions of approval.

8. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to abate the emergency.

9. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):

   a. All work shall take place during weekday daylight hours and lighting of the beach area is prohibited.

b. All construction areas shall be minimized, shall allow through public access, and shall protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas. Construction activities and materials/equipment storage shall take place on the blufftop area, and shall minimize such activities/storage on the beach area, as much as possible.

c. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.

d. Grading of intertidal area is prohibited.

e. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.

f. Any construction materials and equipment placed on the beach during construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions will be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the construction area) as necessary to contain materials and/or sediments in the construction area, where such controls are placed as close to the toe of the bluff as possible and are minimized in their extent; (2) storage of larger materials beyond the reach of tidal waters for which moving the materials each day would be extremely difficult. Any larger materials intended to be left on the beach overnight must be approved in advance by the Executive Director, and shall be subject to a contingency plan for moving said materials in the event of tidal/wave surge reaching them.

g. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

h. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).

i. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.

j. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.

k. All exposed slopes and/or soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.

l. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

m. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.

10. Trenching shall be limited to trenching in the sand. Trenching of the underlying bluff and sub-sand-surface materials, including bedrock, is prohibited.

11. All sand bags shall be of a color that is similar to the beach and bluff materials at the project site.

12. All sand used to fill the sand bags shall be beach quality sand of color, composition, and grain size similar to that found at Ocean Beach. The Permittee shall submit evidence that the sand to be used meets such criteria prior to filling any sand bags with it.

13. All fill sand shall be released to the beach and used for beach nourishment when the sand bags are removed. The applicant shall notify the Executive Director prior to release of the sand with evidence that the sand that is released shall be contoured as necessary to maximize public recreational access opportunities.

14. If sand bags deteriorate and/or portions of sand bags come loose from the approved sand bag location, all such sand bag material shall be retrieved and properly disposed of as soon as possible.

15. Any existing debris encountered in the immediate project area (i.e., rubble, remnants of pavement, etc.) shall be removed and property disposed of.

16. Upon removal (i.e., by May 25, 2012 unless otherwise authorized by a regular CDP or extended to a different date for good cause by the Executive Director), all bags and/or remnants of bags shall be removed in their entirety from the beach area. Bags shall be counted upon both placement and removal to verify compliance with this requirement.

17. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), along with a narrative and photographic (in both hard copy and electronic (jpg) color formats) description of all emergency development activities undertaken pursuant to this

emergency authorization.

18. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.

19. The Permittee shall designate a coordinator to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all complaints received regarding the emergency development activities authorized under this ECDP, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

20. This ECDP shall not constitute a waiver of any public rights that may exist on the property. The permittee shall not use this ECDP as evidence of a waiver of any public rights that may exist on the property.

21. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

22. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

23. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on and/or near the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Condition 4 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If the Permittee wishes to have the emergency development become permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's North

Central Coast District Office at 45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219, (415) 904-5260 or (415) 904-5200.

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VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885

Memorandum **December 6, 2011**

To: Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
North Central Coast District

Re: ***Additional Information for Commission Meeting Wednesday, December 7, 2011***

Agenda Item	Applicant	Description	Page
W19a	**A-2-SMC-11-023 Westerfield & Love**	**Staff Report Addendum**	
W19b	**A-2-MAR-09-10 (Crosby, Marin Co.)**	**Staff Report Addendum**	
W21a	**2-06-018 / A-2-MAR-08-028 Lawson's Landing Inc**	**Staff Report Addendum**	
W19a	**A-2-SMC-11-023 Westerfield & Love**	Correspondence, R.V. Winkler	1-7
		Correspondence, James Montalbano, Louise Montalbano, Marilyn A Winkler	8-26
W19b	**A-2-MAR-09-10 (Crosby, Marin Co.)**	Correspondence, Richard & Brenda Kohn Edward Hyman, Deborah McDonald	27-32
		Correspondence, Richard Kohn	33-34
		Correspondence, Hank Gehman	35-36
W21a	**2-06-018 / A-2-MAR-08-028 Lawson's Landing Inc**	Correspondence, Doyle L. Sligar	37
		Correspondence, Scott Miller	38
		Correspondence, Randy & Carol Evans	39
		Correspondence, Catherine Caufield	40-41
		Correspondence, Gary Pedroia	42
		Correspondence, Jennifer Rasmussen	43-44
		Correspondence, Rudy Ai	45
		Correspondence, Patricia Austin	46
		Correspondence, Joan and Charles Crawford	47
		Correspondence, Michael Lawson, Carl Vogler	48-49

W19a

MarilynWinkler
1662 Graff Court
San Leandro, CA 94577

December 1, 2011

RECEIVED
DEC 02 2011
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Attention: Nicholas B. Dreher, Coastal Program Analyst

Re: Appeal No. A-2-SMC-11-023
Hearing date, December 7, 2011
Item No. W19a
Submitted by Appellant Marilyn Winkler

Dear Sirs/Madams:

Due to surgery, I shall be unable to attend the December 7th hearing.

There is a "substantial issue" here in regard to the coastal resources affected by your decision. The County conditioned the Applicant's permit to address the blocked public access at the site, thereby recognizing substantial Coastal Commission concerns, but its decision was without precedential value of its LCP for future interpretation as Applicant's actions here were flagrant.

1. Applicant, with knowledge of the public's historic paths on his property, maintained an always closed 7 foot fence (see attached Exhibit 5, page 8 of 11).

2. Applicant frequently locked the 7 foot fence so emergency equipment couldn't accomplish a rescue there.

3. Applicant never posted signs regarding the public's path, only his own address number.

4. Applicant willfully and maliciously destroyed the public's vertical path with debris, including throwing cement bags over the path and by plantings.

5. Applicant turned the public's lateral path into a private area for his use.

Applicant's actions have been clearly illegal and in direct opposition to Coastal Commission principles. He asks for a favor in the form of his permit application, but clearly has come before the County and the Coastal Commission with "unclean hands". As it now stands, the public will have lost its vertical path and its lateral path and only left with a small viewing area.

If the Coastal Commission grants the Applicant his permit in spite of his actions, it should condition it upon:

1. Applicant should maintain benches for the public's use at the viewing site at the south end (Exhibit 5, page 11 of 11).

2. Applicant should remove his bushes and plants on the western side of the his property. When his bushes and plants are removed, the lateral path to the north end would be at least 15 to 20 feet wide. This walk belongs to the public historically and should be returned to the public (Exhibit 5, page 10 of 11) (Exhibit 3, page 1 of 1).

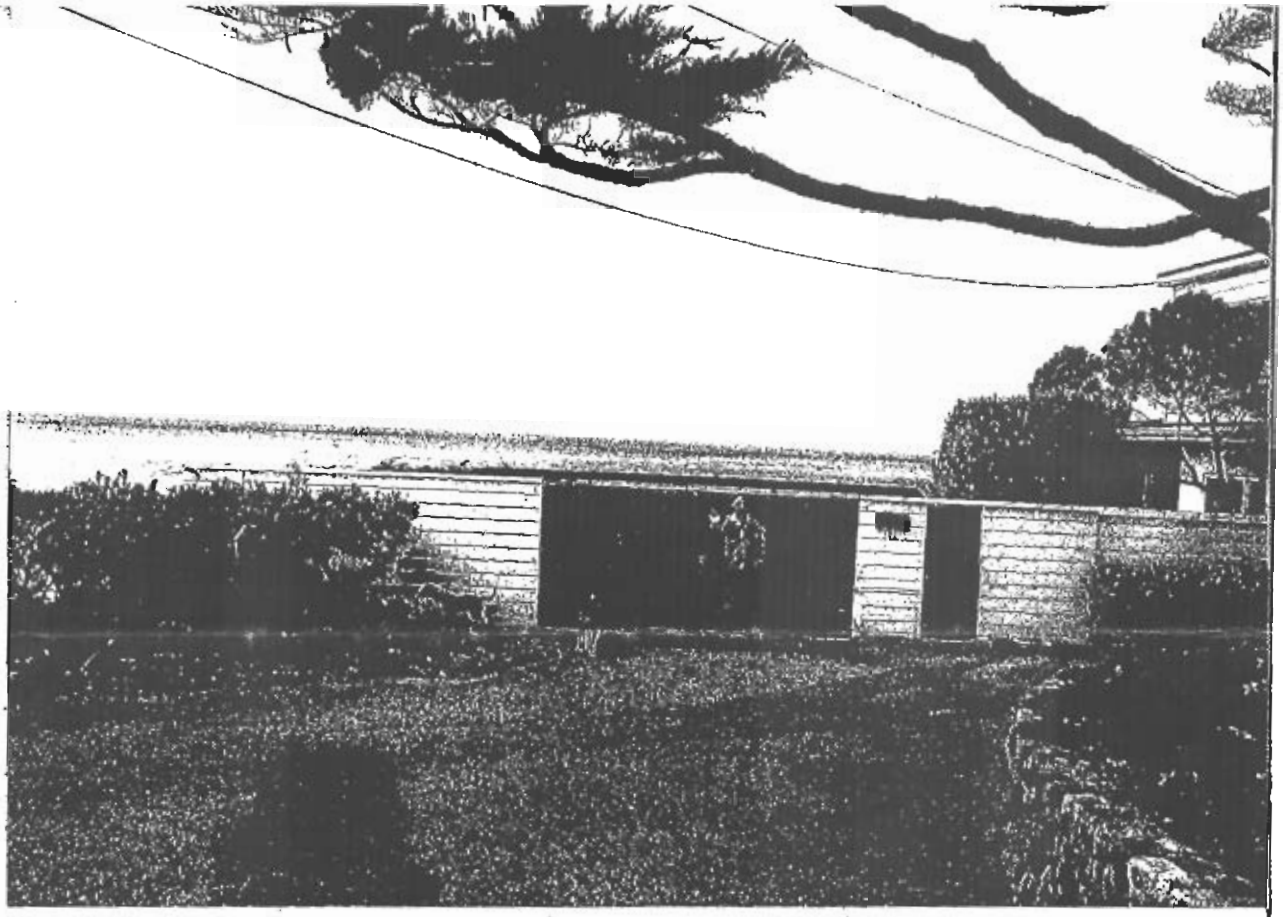
3. At the north end of the public's lateral path, there is a viewing area that Applicant converted for his personal use, while denying the public's use thereof, though clearly on the public's property (Exhibit 5, page 9 of 11). This area should also be restored to public use.

Coastal resources, as here, are priceless to the public. Founded on hope and trust by the public, the Coastal Commission is doing a fine job, and is the champion of the public's dreams that "right" will prevail for them.

Sincerely,

Signature on file

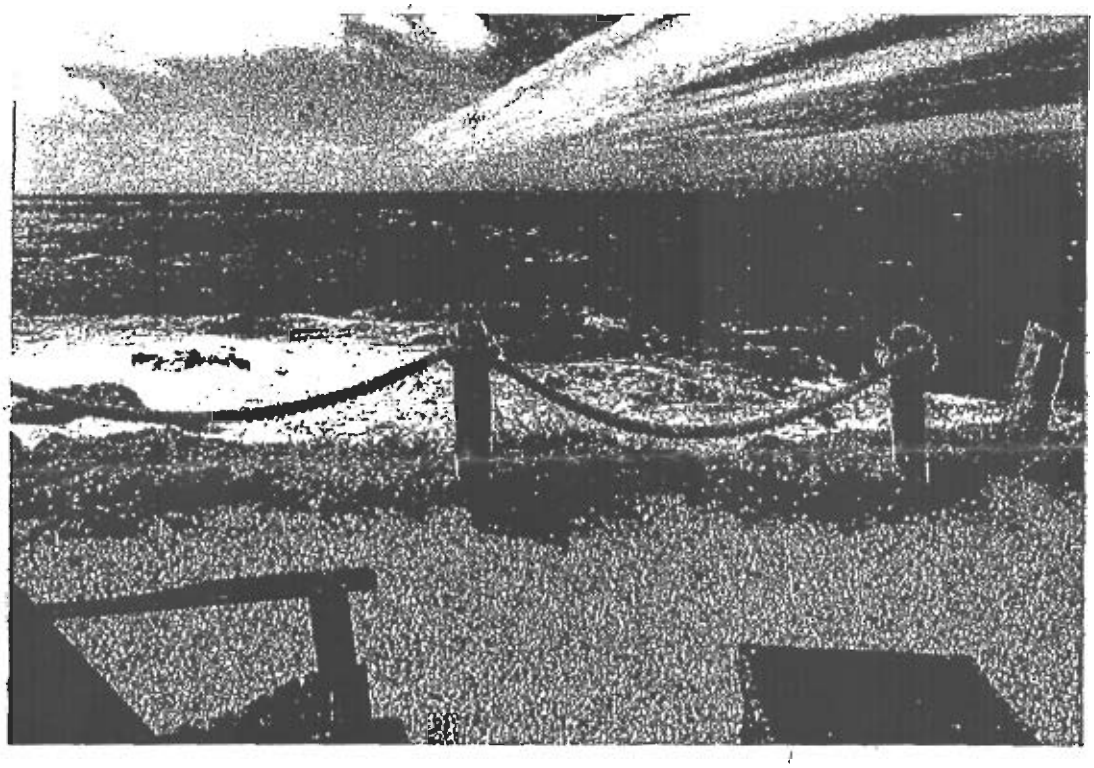
Mrs. R.V. Winkler



This is the public's view on 7th street of their entrance to their public access. Gate and small entrance are always closed (or locked)

Thick hedges to left of gate surrounding owner's property are impenetrable for public access

Mesh in front of gate is six feet tall. Board on top of gate makes gate height seven feet.



Sitting area for owners pictured - This should be for public to enjoy view. Owner should install C.C. approved benches for public use

Property owner has glass wall - probably on property line. Lateral path thus could be widened to glass. Trees in foreground should be removed.

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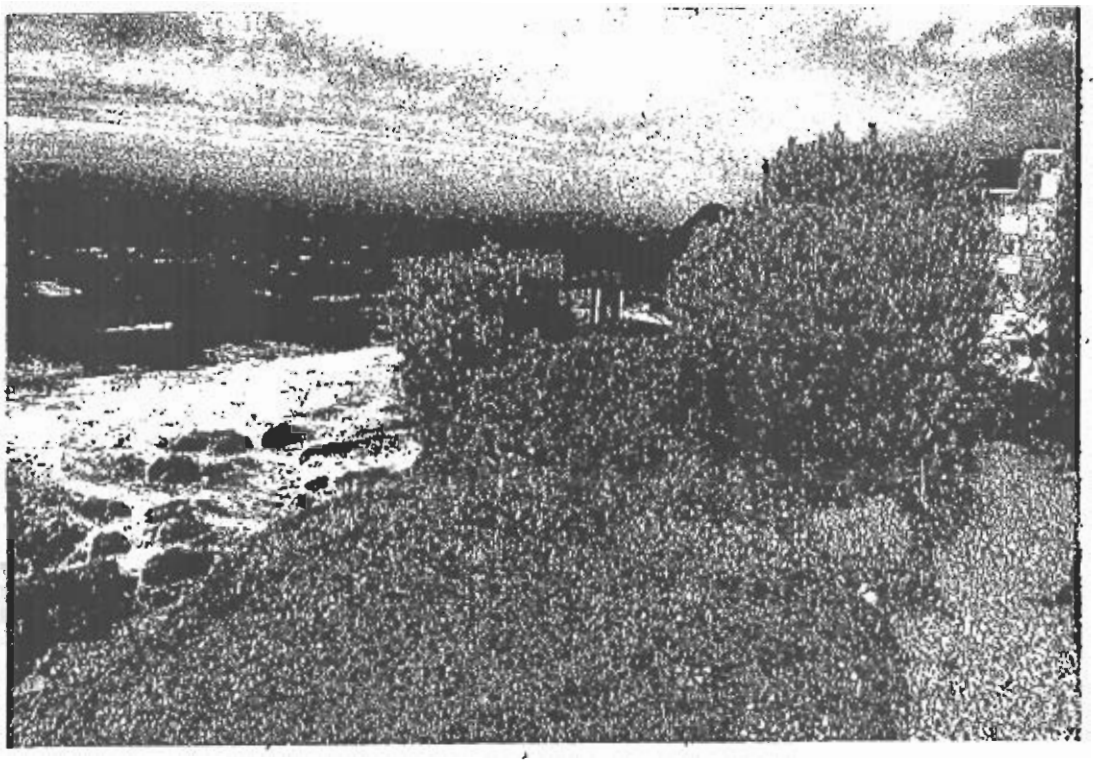
Exhibit No. 3
A-2-SMC-11-023 (Westerfield)
Oblique photograph



Pictured is extreme
north of public path.
Viewing point at
end - (boards showing)
maintained by owner
with hedges and his
plantings.
(Denied to public's
viewing by owner's
frontal gates)

W19a

RECEIVED
DEC 02 2011
CALIFORNIA
COASTAL COMMISSION
NORTH CENTRAL COAST

December 2, 2011

To: California Coastal Commission
From: James Montalbano, Louise Montalbano, Marilyn A. Winkler

After reviewing the Staff Recommendations for **Appeal A-2-SMC-11-023 Westerfield/Montara,** it comes to our attention that the context of our appeal was not expansive enough. After reviewing the limitation of the Staff Report and recommendations of staff, the appeal form states, **Item # 3 at the top of the appeal form "This need not be a complete or exhaustive statement for reasons for this appeal".**

We would like to expand on our original appeal (as allowed Item 3 of the appeal form) to further outline the direct effect the addition of this home will have on Public Access, Public Safety, Views, and the Shoreline Access Component (LCP 10.1) including Table 10.6 Shoreline Destination Sea Cliff Ct./Marine Walk

We are asking the proposed addition be denied as this addition will have a direct effect on pubic access due to the following issues that will encumber Public Access, Safety, and Views etc.

If any portion of the 60' long fence at the end of 7th St. is to remain the 380 sq/ft addition will impact the Public Access in the following ways, specifically, the "nexus" between the addition and the relationship to Public Access.

PARKING & PUBLIC ACCESS

We the appellants believe the decision by the zoning hearing officer does not address the issues concerning public access to the bluff area that will become further encumbered if the house is allowed to increase in size we believe the nexus between the addition to the house will directly effect the public access.

- The new structure will give the ability to increase the amount of residents of the house, which in turn will increase the number of cars and visitors. Minimizing the standard parking requirement in San Mateo County for this addition will create parking in front of the Public Access to the Bluff, preventing views of the signage and the open gates.

- Increasing off street parking will block the signage proposed by the County of San Mateo as a solution to the fence that already exceeds all rules & regulations of San Mateo County and the LCP.

- The only access to this house at this time is through a Public Access gate in the fence blocking 7th street allowing this fence to remain will permanently prohibit access to 101 7th St. through any other location other than the 6'10" gate to the Marine Walk.

- Driveways traditionally provide a 20' x 20', 400 sq/ft of off-street parking, due to the 20' setback requirement. This property does not even provide a Driveway for over flow traffic further burdening the county streets, with excess traffic.

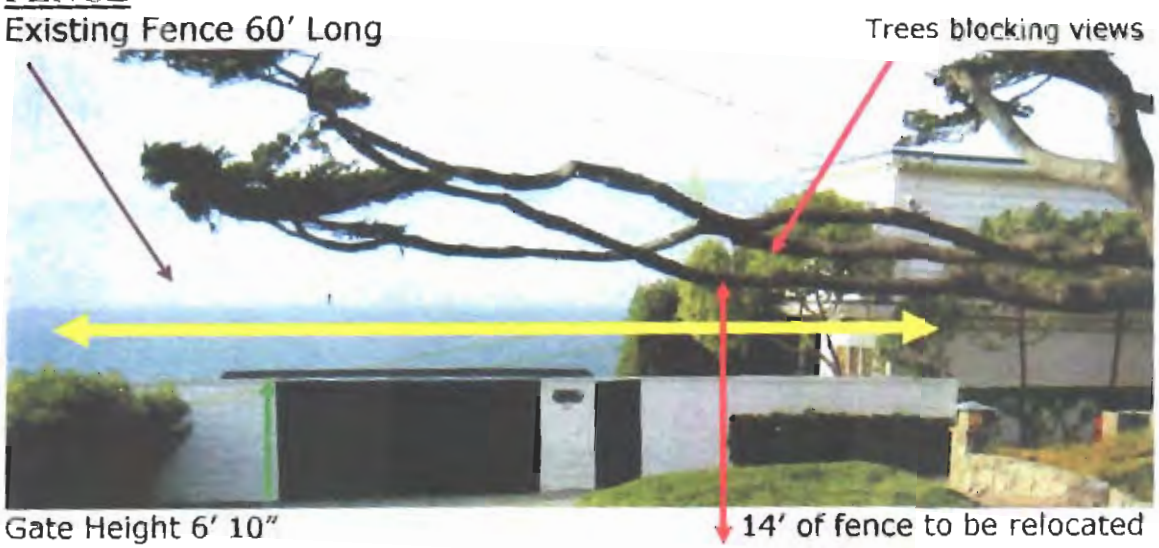
- This leaves only one way to enter the property at 101 7th street, **THROUGH THE GATES ON THE COUNTY RIGHT OF WAY.**

The nexus is that this house is related to the fence and gates because it is the only access to the house by that use, it implies to the general public both parcels are one parcel and private property.

The applicants are required by the County of San Mateo, to add tandem parking for 2 vehicles, when tandem parking is not allowed in the LCP nor does the LCP allow uncovered parking, which would be granted by this permit. This block of 7th St. is already over burdened by the following additional conditions:

- Exhibit 2 of the staff report shows 7th street is 60' wide: on 11-30-11 the County of San Mateo reduced the width of the 7th St. to 22 feet after installing a landscape project to minimize hazardous run-off into the ocean. (**attachment 1**)
- This section of 7th street does not have standard width streets with curbs, gutters or sidewalks and does not allow for off street parking due to the drainage ditches on both sides of the street, leaving parking for the enlarged proposed residence to encumber the public street, hence blocking public access (**see attachment 1**)
- San Mateo County does not improve roads or Fire Access
- Most of the Streets in Montara have road widths below the minimum standards, this is common practice on the MidCoast
- If the residential use of this house exceeds the use of the proposed tandem parking, there will be no space for Fire Trucks or Rescue Vehicles to turnaround endangering lives and public safety
- The tandem parking is very narrow and difficult to access, even with 14' of the fence moved to the East. Additional residents or visitor parking will be forced to park on the public street that is already maximum capacity by nature of its location

FENCE



To create tandem parking for the addition, 14' of the fence needs to be removed and rebuilt to the west toward the house, as one of the County of San Mateo's requirements.
The 14' of the fence is attached to the Public Access fence which clearly gives the public the impression this is private property. The 60' of fence is directly connected to the fence crossing 7th street clearly giving the impression that the Westerfield property continues across 7th street blocking the Shoreline Access and the Marine Walk **(Attachment 2 Deed) (Attachment 3 Map)**

Mr. Westerfield by his own actions of private use have created the nexus between these two entities by his private use: decorating with patio furniture, maintaining, barricading, hindering public safety, planting trees without permits, signage for his house on the public access, the address of his residence on the public fence, name of the house on the public fence, locking the gates, and specifically the gates on the fence in the Public Right of Way using the gates for his sole access to 101 7th Street.

It is only because of this permit Mr. Westerfield will unlock and open gates. By taking down the fence, this would create public awareness that the Bluff and Shoreline Access area are not part of 101 7th street, as it has historically appeared. Removal of the fence would permanently prevent future possible problems of closure or locking the gates by any owners, misleading the public this is private property.

Mike McCracken states on behalf of Mr. Westerfields (Exhibit 7, the staff report) "there is no proper nexus for a requirement to remove the fence".

However, January 14, 2003 Mike McCracken was and still is James Montalbano's attorney stating "the fence must be removed for public health and safety issues due to a water rescue that required breaking down the locked gates". **(Attachment 4 letter) (Attachment 5)**

Another example of why the fence should come down is that a visitor at the Westerfield home on 11-26-**11 (Attachment 6)** parked in front of the public gates and could have possibly blocked the future signage for public access as well as the entrance to the bluff..

Another example of why the fence should come down is due to the age of the Fence. The fence contains lead paint that is considered a health and safety hazard and should be removed from all public locations according to the EPA website. (**Lead test photo Attachment 7**)

- Any changes or alteration to the 60' of fence, necessary for the addition and its parking, will create dust and fumes, releasing Lead into the Shoreline Access, which leads to the Marine Walk access point leading into the ocean, specifically, the Fitzgerald Marine Reserve
- When 14' of the fence are relocated there will be a direct health and safety risk to the general public

When the fence on the property line of the Westerfields property at 101 7th Street is demolished, there is nothing left to support the remaining 46'long x 6'10" tall fence blocking the public access point:

- The County fence ordinance does not allow for any fence in the first 20' of the property line to exceed 4 feet (San Mateo County Fence Ordinance)
- The portion of the fence to remain in the county right of way is failing, the far south side is held up with a brace, the center two gates don't open and are nailed together to keep the gates from falling to the ground. (**Attachment 8**)
- If the gates in their current state were allowed to open, the weight of the gates opening would collapse the gates to the ground. The gates would no longer function
- The County of San Mateo Requires that the gates are unlocked for the issuance of this permit during daylight hours, however, the residents do not live in this home full time to manage and fulfill this requirement

For the Gates to open into the Shoreline Access point to the Marine Walk, the gates will need extensive repair at minimum. The gates and painted support posts will need to be replaced. Because the gates and fence as they are now, there is concern that when the 14' of the fence is removed, the remaining 46' standing alone will not be safe, creating an additional health and safety issue, not only due to the failure of the gates and fence, but the Lead Paint.

VIOLATIONS & NON-PERMITTED WORK HISTORY

This property and the new structure have a long history of violations of county codes, and alterations that have been overlooked for years creating a home that does not conform to the standards for development today. These violations include:

- The Westerfield home had two garages, one attached, one detached garage
- Currently the Westerfield home has NO GARAGE(S)
- The main garage within the structure was turned into a bedroom without a permit

- A lot line adjustment was done and approved without a survey, leaving the Westerfield property substandard under 5000 sq/ft with NO GARAGE, DRIVEWAY OR DESIGNATED PARKING
- In 2003 Mr. Westerfield kept **the public access gate padlocked for nearly a year,** despite letters to the county written by James Montalbano and his attorney Mike McCracken
- A Letter dated April 17, 2002 from Mr. Brian C. Lee, Division Manager of Programs and Engineering Services of the County of San Mateo states that " **Mrs. Westerfield has refused the Department's request to, unlock the gate**"
- November 23, 2002, a water rescue attempt was made but the Public Access gate and fence at 101 7th was padlocked and rescue personnel were forced to break down the door for access to the bluff (see attached)
- The owner planted Cypress trees and shrubbery on the County Public bluff and along the cliff without permits for years, with the possibility of hindering views. We requested him to take them out many times. Mr. Westerfield refused to do so, until it became a condition of this permit
- The owner of 101 7th street has not respected the LCP, planting hedges and trees higher than the 4ft requirement for public views on his lot at 101 7th St. as seen on page 3 of this document
- Mr. Westerfield has placed blue tarps along the cliffs
- Mr. Westerfield has placed a ladder on the south side of the cliff for his private use
- Mr. Westerfield has used barb-wire behind the shrubbery at the end of 7th St.
- Mr. Westerfield has thrown clippings and yard debris over the sides of the bluff even after notification by the County of San Mateo to discontinue doing so

The Westerfield home at 101 7th street continues to grow in living space and continues to be granted forgiveness for all infractions.

IN CONCLUSION:

We feel we have shown the relationship 'NEXUS" between the addition to the Westerfield home and how keeping the fence in the Public right of way, will directly affect public access.

This permit for the addition should not be granted for the following reasons:

Additional living space will create a higher use of the home increasing traffic, due to the tandem parking requirement any additional parking has the potential to physically or visually block public access. Removing, rebuilding and relocating 14' of the 60' fence is a health and safety issue.

As we know, the coastal area is very fragile and we very concerned that there has not been a survey of the actual property lines to determine the true impacts of the proposed addition.

Nov/Dec 2011County drainage improvements on 100 block of 7th Street

Attachment 1

California Beachs and Parks Tax Records of the Marine Walk
Map of Marine walk & Original Grant Deed

Attachment 2

Marine Walk location map Adjacent to 101 7th Street

Attachment 3

Letter on behalf of James Montalbano by Mike McCracken

Attachment 4

Water Rescue Report 11-23-2002

Attachment 5

Visitor to Westerfield home

Attachment 6

Home Lead Test Taken in July 2011 and again November 2011 both test conclusive for lead

Attachment 7

Photo - back of gates and fence

Attachment 8

Nov/Dec 2011County drainage improvements on 100 block of 7th Street

Attachment 1

CURRENT INFORMATION

Summary of Property Details

APN:	036321010
Owner 1:	State Of Calif
Owner 2:	Beaches & Parks
Care Of:	
Owner Address:	Po Box 38 Half Moon Bay CA 94019--0038
Situs Address:	no situs city
Legal Description:	16.60 AC MOL BND ELY BY COAST HWY SWLY BY KANOFF AVE WLY BY PACIFIC OCEAN CABRILLO UNIFIED SCH DIST
District:	5
Neighborhood:	088

Property Use Details

HIGHWAYS & STREETS (88)

Secured Assessment Roll: 2010-1

Assessee Details

Owner 1:	STATE OF CALIF
Owner 2:	BEACHES & PARKS
Care Of:	
Owner Address:	PO BOX 38 HALF MOON BAY, CA 94019-0038
Document Number:	AJ084219

Assessment Values

Land:	
Temp Land:	
Root:	
Min/Mineral:	
Improvements (Structure):	
Temp Improvements (Structure):	
Fixtures:	
Total Gross:	
Total Temp:	
Exemption - Home Owner:	
Exemption - Other:	
Net Assessed:	

Assessment Details

Assessment Type:	Annual
Temp Code:	
Notice Date:	
Change #:	
TRA:	087076
PUC:	88
PUC Description:	Highways & Streets

Current Jurisdictions

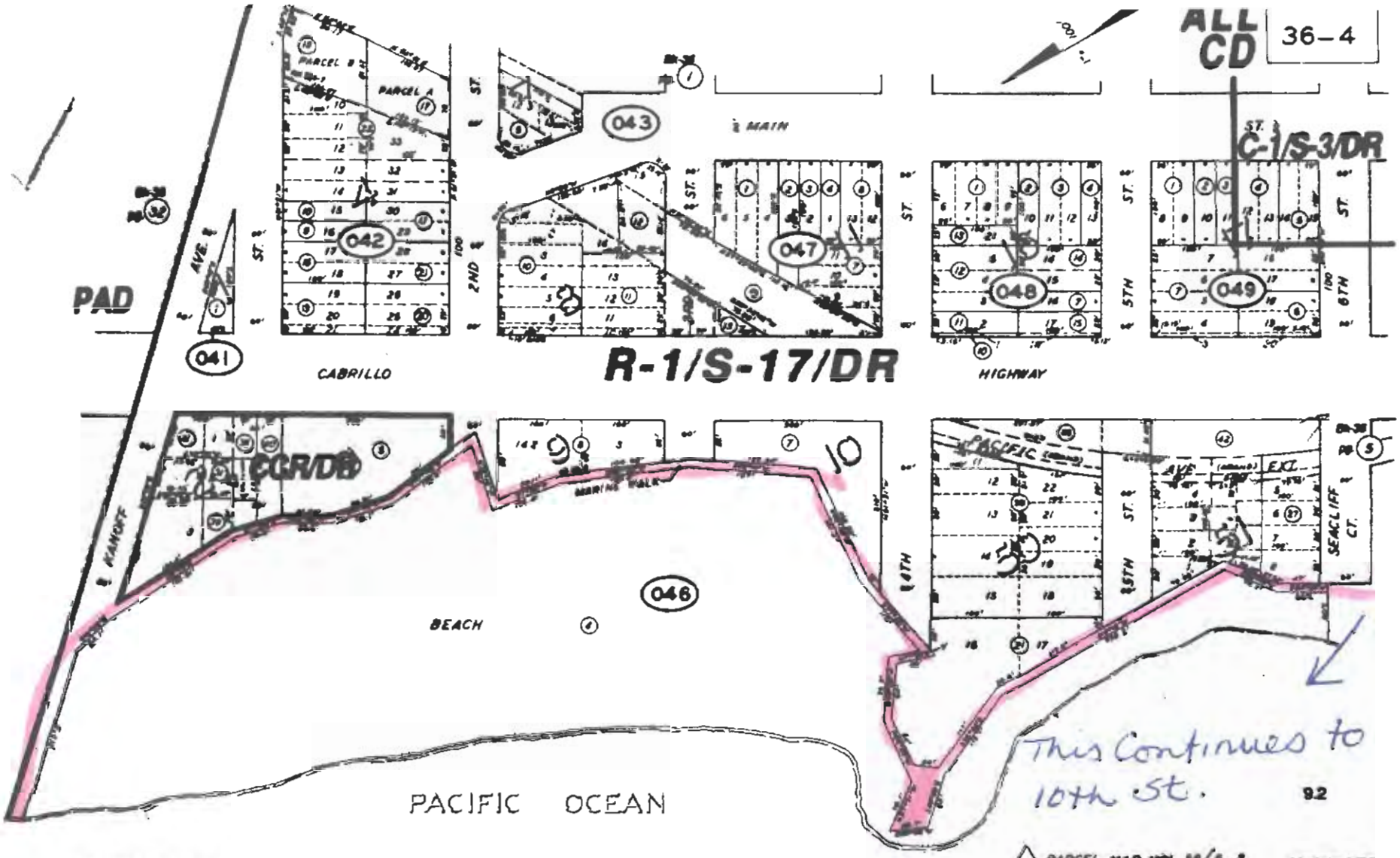
Supervisorial:	3
Congressional:	12
Assembly:	19
Senatorial:	8
Election Precinct:	3306
City Name:	UNINCORPORATED
Zip Code:	94038
Mitigation Fee Area:	**RURAL AREA NORTH**

Current Tax Rate Area #087076

GENERAL TAX RATE	GENERAL COUNTY TAX	COUNTY DEBT SERVICES
FREE LIBRARY	CABRILLO UNIFIED GEN PUR	CABRILLO UNIFIED BOND
SM JR COLLEGE GEN PUR	SM JR COLLEGE BD 2002	SM JR COLL BOND SER 2005 B
SM JR COLL BOND 2001 SER C	SM JR COLL BOND 2006 SER A	SAN MATEO COMM COLL 2005 SER B
COUNTY SERVICE AREA NO 12	COUNTY SERVICE AREA NO 10	COASTSIDE FIRE PROTECTION DIST
MONTARA SANITARY DISTRICT	MONTARA SANI BOND SER 2003	MONTARA LIGHTING
BAY AREA AIR QUALITY MANAGEMEN	COUNTY HARBOR DISTRICT	COUNTY EDUCATION TAX

8

California Beachs and Parks Tax Records of the Marine Walk
Map of Marine walk & Original Grant Deed


ALL CD
36-4
C-1/S-3/DR
R-1/S-17/DR
CCR/DR
PAD
CABRILLO
HIGHWAY
MAIN
BEACH
PACIFIC OCEAN
MARINE WALK
KANOFF
SEACLIFF CT.
PARCEL A
PARCEL B
041
042
043
046
047
048
049
This Continues to 10th St.
9.2
ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF
PARCEL MAP VOL 38/6-7
FARALLONE CITY LOTS 45,46,47,48,49,50,51 RSM 6/2
Update 2/95

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California on March 18, 1930 in Liber 20 of Maps at pages 73 and 74.

SUBJECT HOWEVER TO THE EASEMENTS AS SHOWN ON THE MAP ABOVE referred to.

SUBJECT TO conditions and restrictions contained in the deed from Aragon Company, a corporation to Donald W. Leadley dated March 20th, 1936, and recorded March 23, 1936 in Book 683 of official records at page #11, San Mateo County records disclosing a general plan of the improvements of said tract.

IN WITNESS WHEREOF, the said first party has executed this conveyance this 6th day of November, 1936 (CORP. SEAL) ARAGON COMPANY, a corporation

William S Leadley. Pres.

Frederick F. Colleson ~~Sec.~~ Treas.

STATE OF CALIFORNIA,)
County of San Mateo)ss. On this 6th day of November in the year one thousand nine hundred and thirty-six, before me, James A. Lee, a Notary Public in and for the County of San Mateo, State of California, residing therein, duly commissioned and sworn, personally appeared William S. Leadley and R. C. Lane known to me to be the President and Secretary of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the County of San Mateo, the day and year in this certificate first above written.

(SEAL NOTARY PUBLIC SAN MATEO CO. CAL.) James A Lee Notary Public in and for the County of San Mateo State of California.

Recorded at Request of CALIFORNIA PACIFIC TITLE & TRUST COMPANY NOV 23 1936 AT 54 Min. Past 9 A.M. San Mateo County Records R. C. RICE, Recorder, By Edith E Letts, Deputy Recorder. Ruth Kirste, Copyist. Compared & Corrections OK

Copyist's note: --933750-- 5

— ruling in above same as in original.

KKKKKKKKKKKKKKKKKKKKKK

GRANT DEED (CORPORATION)	DISTRICT	COUNTY	ROUTE	SECTION
	IV	S.M.	56	D

KNOW ALL MEN BY THESE PRESENTS:- McNEE COMPANY a corporation organized and existing under and by virtue of the laws of the State of California, in consideration of Ten and no/100 Dollars ($10.00) to it in hand paid, receipt of which is hereby acknowledged, does hereby GRANT to the STATE OF CALIFORNIA all that real property in the City of _, County of San Mateo, State of California, described as:

A portion of the Rancho Corral de Tierra (Palomares) known as Lot 4_ on the Partition Map of said Rancho, filed in the office of the Recorder of San Mateo County in Liber "A" of Maps at page 22 and a copy entered in Liber 2 of Maps at page 31; a portion of fractional Section 27 in Township 4 South, Range 6 West, Mount Diablo Base and Meridian and a portion of Lot 13_ as designated on the map entitled, "Map of part of the San Pedro Rancho forming the Mahoney Interest", which map was filed in the office of the Recorder of the County of San Mateo, State of California on June 25, 1879 in Liber "A" of Maps, at page 56 and a copy entered in Liber 1 of Maps, at page 25; more particularly described as follows, to-wit:

COMMENCING at a point in the center line of Kanoff Ave. designated as Engineer's Station 288+60.43 of the Department of Public Works' survey for the State highway between Paralione City and Rockaway Beach, Road IV-S.M.-56-D, distant N. 45° 26' W., 10.41 feet and N. 28° 25' E., 31.13 feet from the northwesterly corner of Block 1 as designated on the map entitled, "Map of a Re-subdivision of all of Paralione City except Blocks 6, 13, 14, 19, 20, 23, 24, 27 and 28", which map was filed in the office of the Recorder of the County of San Mateo, State of California on March 10, 1908 in Liber 6 of Maps, at page 2; thence along the center line of Kanoff Ave. S. 45° 26' E., 52.05 feet to a point in a line parallel to and 50 feet southeasterly, measured at right angles, from the center line of said survey; thence along said parallel line N. 28° 25' E, 427.46 feet; thence tangent to the last mentioned course along a curve to the left, having a radius of 2050 feet, through an angle of 36° 31', a distance of 1306.54 feet; thence N. 8° 06' W., 551.86 feet; thence N. 5° 56' 10" W., 206.16 feet; thence N. 22° 08' 10" W., 206.16 feet; thence N. 8° 06' W., 500 feet; thence N. 0° 58' 30" W., 403.11 feet; thence N. 8° 00' W., 80 feet; thence tangent to the last mentioned course along a curve to the left, having a radius of 800 feet, through an angle of 13° 15' 36", a distance of 185.14 feet; thence S. 68° 38' 24" W., 20 feet; thence from a tangent that bears N. 21° 21' 36" W., along a curve to the left, having a radius of 780 feet, through an angle of 26° 47' 54", a distance of 351.21 feet; thence N. 47° 02' 30" W., 209.44 feet; thence tangent to the last mentioned course along a curve to the right, having a radius of 320 feet, through an angle of 100° 11' 30", a distance of 559.59 feet; thence N. 53° 02' E., 152.86 feet; thence N. 32° 40' 02" E., 167.03 feet; thence tangent to the last mentioned course along a curve to the left, having a radius of 450 feet, through an angle of 53° 36' 39", a distance of 421.06 feet; thence N. 69° 03' 30" E., 30 feet; thence N. 20° 56' 30" W., 296.58 feet to a point distant N. 69° 03' 30" E., 20 feet from Engineer's Station 348+23.15 of said survey; thence from a a tangent that bears N. 20° 56' 30" W., along a curve to the right, having a radius of 320 feet, through an angle of 25° 19' 55", a distance of 141.48 feet; thence N. 85° 36' 35" W., 30 feet; thence from a tangent that bears N. 4° 23' 25" E., along a curve to the right, having a radius of 350 feet, through an angle of 28° 23' 35", a distance of 173.44 feet; thence N. 32° 47' E., 249.24 feet; thence tangent to the last mentioned course along a curve to the left, having a radius of 750 feet, through an angle of 14° 27' 51", a distance of 189.34 feet; thence N. 18° 19' 00" E., 249.19 feet; thence N. 8° 33' 55" W., 593.49 feet; thence N. 24° 00' 50" W., 202.18 feet to a fence line marking the line common to the lands of McNee Company and Hibernia Savings and Loan Society; thence along said fence line, S. 59° 30' W., 133.56 feet to Engineer's Station 355+73.80 of said survey; thence continuing along said fence line, S. 59° 36' W., 81.75 feet; thence S. 18° 32' E., 100.99 feet; thence S. 8° 01' 55" W., 223.61 feet; thence S. 45° 57' 15" E., 195.43 feet; thence S. 9° 15' 45" E., 196.55 feet;

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thence S. 22° 23' 15" W., 335.12 feet; thence S. 18° 08' 08" W., 374.20 feet; thence tangent to the last mentioned course, along a curve to the left, having a radius of 450 feet, through an angle of 39° 04' 38", a distance of 306.91 feet; thence S. 20° 56' 30" E., 296.59 feet to a point distant S. 69° 03' 30" W., 50 feet from Engineer's Station 345+50.40 of said survey; thence from a tangent that bears S. 20° 56' 30" E., along a curve to the right, having a radius of 350 feet, through an angle of 73° 58' 30", a distance of 451.89 feet; thence S. 53° 02' W., 159.86 feet; thence tangent to the last mentioned course along a curve to the left, having a radius of 450 feet, through an angle of 100° 11' 30", a distance of 786.90 feet; thence S. 47° 09' 30" E., 209.44 feet; thence tangent to the last mentioned course, along a curve to the right, having a radius of 650 feet, through an angle of 39° 03' 30", a distance of 443.10 feet; thence S. 8° 06' E., 989 feet; thence S. 5° 56' 10" W., 206.16 feet to a point distant S. 81° 54' W., 100 feet from Engineer's Station 313+00 of said survey; thence S. 22° 08' 10" E., 206.16 feet to a point in a line parallel to and 50 feet southwesterly measured at right angles to the center line of said survey; thence along said parallel line S. 8° 06' E., 551.86 feet; thence tangent to the last mentioned course along a curve to the right, having a radius of 1950 feet, through an angle of 7° 06' 31", a distance of 241.93 feet; thence S. 25° 01' 25" W., 95.61 feet; thence S. 32° 11' 25" E., 70.37 feet; thence from a tangent that bears S. 3° 18' 21" W., along a curve to the right, having a radius of 1950 feet, through an angle of 25° 06' 39", a distance of 854.62 feet; thence S. 28° 25' W., 398.50 feet to the center line of Kanoff Ave.; thence along said center line, S. 45° 26' E., 52.05 feet to the point of commencement.

CONTAINING 23.14 acres, more or less, including 0.05 of an acre lying within the limits of Kanoff Ave.

Excepting therefrom the following described property; a strip of land the roadbed and right of way of the Ocean Shore Railroad through and across the Kelleo Company property bounded on the south by Farallone City, as recorded in Book 6 of Maps, page 2, and on the north by Lot 5 of "the Southerly Regan Tract in San Pedro Rancho" subdivided in 1872 and described in Book 17 of Deeds at page 389, San Mateo County records, said strip of land being 125 feet in width, lying 50 feet on the westerly side and 75 feet on the easterly side of a line herein described and extending lengthwise from said northerly boundary 6016.4 feet, more or less, southerly to the south bank of Martinis Creek, thence 60 feet in width, being 30 feet on each side of said described line, southerly for a distance of 2000 feet; thence 85 feet in width being 42.5 feet on each side of said described line, 589.5 feet to the southerly boundary of grantor's property, said line being described in detail as follows:

COMMENCING at a point on said northerly boundary bearing S. 57° 45' W., a distance of 5761 feet more or less from corner #10, being the most easterly corner of said Lot 5, said point also bearing S. 57° 45' W. 81.1 feet from a one inch pipe in concrete, thence on a circular curve to the right, having a radius of 350 feet, the tangent of which at the point of beginning bears S. 17° 17' 23" W., through an angle of 9° 47', a distance of 59.8 feet; thence S. 27° 04' 30" W., a distance of 1361.7 feet; thence along a curve to the right, of radius 1600 feet through an angle of 11° 17' 24", 315.3 feet; thence S. 38° 21' 54" West, a distance of 157.5 feet; thence along a curve, left, of radius 366.63 feet, through an angle of 75° 53' 04", a distance of 478.5 feet; thence along a curve, right, of radius 471.72 feet, through an angle of 54° 15', a distance of 446.6 feet; thence along a curve, right, of radius 358.1 feet, through an angle of 36° 31', a distance of 228.2 feet; thence S. 52° 14' West, a distance of 283.4 feet; thence along a curve, left, of radius 310 feet, through an angle of 58° 30' 30", a distance of 316.6 feet; thence along a curve, left, of radius 559.5 feet, through an angle of 43° 58', a distance of 429.6 feet; thence S. 50° 14' 30" East, a distance of 191.5 feet; thence along a curve, right, of radius 200 feet, through an angle of 31° 19' 30", a distance of 109.3 feet; thence S. 18° 55' East, a distance of 323.6 feet; thence along a curve, right, of radius 300 feet, through an angle of 10° 56', a distance of 57.3 feet; thence S. 7° 59' East, a distance of 2887.4 feet; thence along a curve, right, of radius 1093.5 feet, through an angle of 50° 19' 54", a distance of 960.8 feet to a point on said southerly boundary of the intersection with the center line of Kanoff Ave. in Farallone City, which bears N. 45° 12' West 231.1 feet from the center of Farallone Ave., containing 21.16 acres. Said point of intersection also lies 42.5 feet westerly and 42.5 feet easterly along the said center line of Kanoff Ave. from two one-inch pipes set in concrete, being the most southerly corners of the right of way.

Also excepting the right of way formerly sought to be condemned by Joint Highway District No. 9, in 1930, more particularly described as follows:

A strip of ground 100 feet wide, except as herein modified, by the next succeeding paragraph hereof, lying 50 feet on either side of a center line described as follows:

COMMENCING at a point on the southerly line of the McNee Company, Inc., 196.75 acre tract, the same being a portion of Lot No. 4, Rancho Corral De Tierra, Palomares, as described in Book 12 of Deeds at page 340, San Mateo County Records; said point bearing North 45° 12' West 241.11 feet from the intersection of Farallone Avenue and Kannof Avenue, as shown on that certain map entitled, "Map of Resubdivision of Blocks 1 to 33 of Farallone City" filed for record May 20, 1907, in Book 5 of Maps, at page 5, San Mateo County Records; running thence along the arc of a curve to the left whose tangent at its point of beginning bears North 42° 30' East and whose radius is 1093.50 feet, a distance of 960.59 feet; thence North 7° 59' West 2887.32 feet; thence along the arc of a curve to the left, whose radius is 300 feet and whose central angle is 10° 55', a distance of 57.25 feet; thence North 18° 55' West 323.61 feet; thence along the arc of a curve to the left whose radius is 200 feet and whose central angle is 31° 19' 30", a distance of 109.34 feet; thence North 50° 14' 30" West, a distance of 191.53 feet; thence along the arc of a curve to the right whose radius is 559.48 feet and whose central angle is 43° 58', a distance of 429.60 feet; thence along the arc of a curve to the right, whose radius is 310 feet and whose central angle is 58° 30' 30", a distance of 316.56 feet; thence North 52° 14' East, 283.44 feet; thence along the arc of a curve to the left, whose radius is 358.10 feet and whose central angle is 36° 31', a distance of 228.23 feet; thence along the arc of a curve

2-4045
2-4046

to the left, whose radius is 471.72 feet and whose central angle is 54° 15', a distance of 446.64 feet; thence along the arc of a curve to the right, whose radius is 356.53 feet and whose central angle is 76° 53' 54", a distance of 478.51 feet; thence North 38° 21' 54" East, 167.53 feet; thence along the arc of a curve to the left, whose radius is 1500 feet and whose central angle is 11° 17' 24", a distance of 315.28 feet; thence North 27° 04' 30" East, 1361.73 feet; thence along the arc of a curve to the left, whose radius is 350 feet and whose central angle is 9° 47' 07", a distance of 58.77 feet to a point on the northerly line of the McNee Company 115.74 acre tract, as the same is described in Volume 252 of Deeds, at page 311, San Mateo County Records, said point bearing South 67° 45' West, 5730.91 feet from corner No. 10, as the same is described in the above conveyance, being a nail in a sunken post.

CONTAINING 20.06 acres, more or less.

In lieu of the said 100 foot strip of ground, it is hereby agreed and understood that of the above described property only a parcel 60 feet in width is herein excepted, extending from the south bank of Martinis Creek to a point 2000 feet south; thence a parcel 35 feet in width south to Farallone City, more particularly described in that certain deed from the McNee Company, a corporation, to the Ocean Shore Railroad Company, dated November 27, 1934 and recorded December 7, 1934 in Liber 642 of Official Records, page 96, of San Mateo County.

IN WITNESS WHEREOF, said Corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its President and Secretary thereunto duly authorized, this 18th day of September, 1936.

(CORP. SEAL) McNee Company,
By Julia J. Morrison, President
By Netta C. McIntosh, Secretary

STATE OF CALIFORNIA) (CORPORATE SEAL)
City and COUNTY OF SAN FRANCISCO)SS. On this 18th day of September, 1936, before me, Eleanor J. Smith, a Notary Public in and for said City and County, personally appeared Julia J. Morrison, known to me to be the President, and Netta C. McIntosh, known to me to be the Secretary of McNee Company, the corporation that executed the within and foregoing instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal. Eleanor J. Smith
(SEAL ELEANOR J. SMITH, NOTARY PUBLIC) Notary Public in and for the City and County of SAN
(IN AND FOR THE CITY & COUNTY OF) FRANCISCO, State of California.
(SAN FRANCISCO, STATE OF CALIF.) MY COMMISSION EXPIRES DECEMBER 29, 1938

(CERTIFICATE OF ACCEPTANCE, CIVIL CODE, SECTION 1153)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Public Works, Division of Highways, hereby consents to execution and recordation of the within deed, and accepts for public purposes the real property therein described.

IN WITNESS WHEREOF, I have hereunto set my hand, this 21st day of September, A. D., 1936

EARL LEE KELLY Director of Public Works
By Jno H Skeggs Attorney in fact and District Engineer,
Division of Highways

RESOLVED: That the President and Secretary of this corporation be, and they are, hereby authorized and empowered for, on behalf of, in the name, under the seal, and as the act and deed of this corporation, to make, execute and deliver to the STATE OF CALIFORNIA, a good and sufficient deed of right-of-way over land belonging to the McNee Company situate in the County of San Mateo, State of California, which land is particularly described in said deed, executed September 18, 1936.

. . . . . .

I, NETTA C. McINTOSH, Secretary of the McNee Company, a corporation, hereby certify, that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Board of Directors of the McNee Company, a corporation, at a special meeting of said Board of Directors, held at the office of said corporation, Room 616, 114 Sansome Street, San Francisco, California, on Friday, the 18th day of September, 1936, at 10:30 o'clock A.M., which said resolution is duly entered in the Minutes of said Board of Directors' Meeting, and that said resolution has never been cancelled, annulled or revoked, and the same is in full force and effect. DATED: San Francisco, California, September 18, 1936.

(CORP. SEAL) Netta C. McIntosh
Secretary of the McNee Company.

Recorded at Request of CALIFORNIA PACIFIC TITLE & TRUST COMPANY NOV 23 1936 AT 56 Min. Past 9 A.M. San Mateo County Records T. C. RIGE, Recorder, By Edith E Lotts, Deputy Recorder. Ruth Kirsto, Copyist. Compared & Corrections OK Copyist's note: Red ink numerals in above same as pencil in original. --93377C-- 37

RRRRRRRRRRRRRRRRRRRRRRRRRR

$3.50 U.S.I.R. Doc. Stamps Cancelled DEED
CEK N.P. BAYWOOD PROPERTIES, INC.

~~XXXXXXXXXXXXXXXXXXXX~~ a corporation organized and existing under the laws of the State of California and having its principal place of business in the City and County of San Francisco, in said State, grantor, does hereby grant to G. W. WILLIAMS CO., a corporation, grantee (the singular herein including the plural) the real property situate, lying and being in Baywood, San Mateo County, California, particularly described as follows, to wit:

Lot No. 16 in Block No. 21

as laid down and designated on a certain map entitled "Baywood," surveyed and subdivided by Geo. A. Kneese, Civil Engineer, Redwood City, California, filed for record in the office of the County Recorder of San Mateo County, California, May 16, 1927, and recorded in Map Book 16, at pages 3, 4 and 5;

Reserving and excepting therefrom all riparian and water rights, also easements and rights of way for the placing, construction, maintenance, operation and repair of poles, lines, wires, con-

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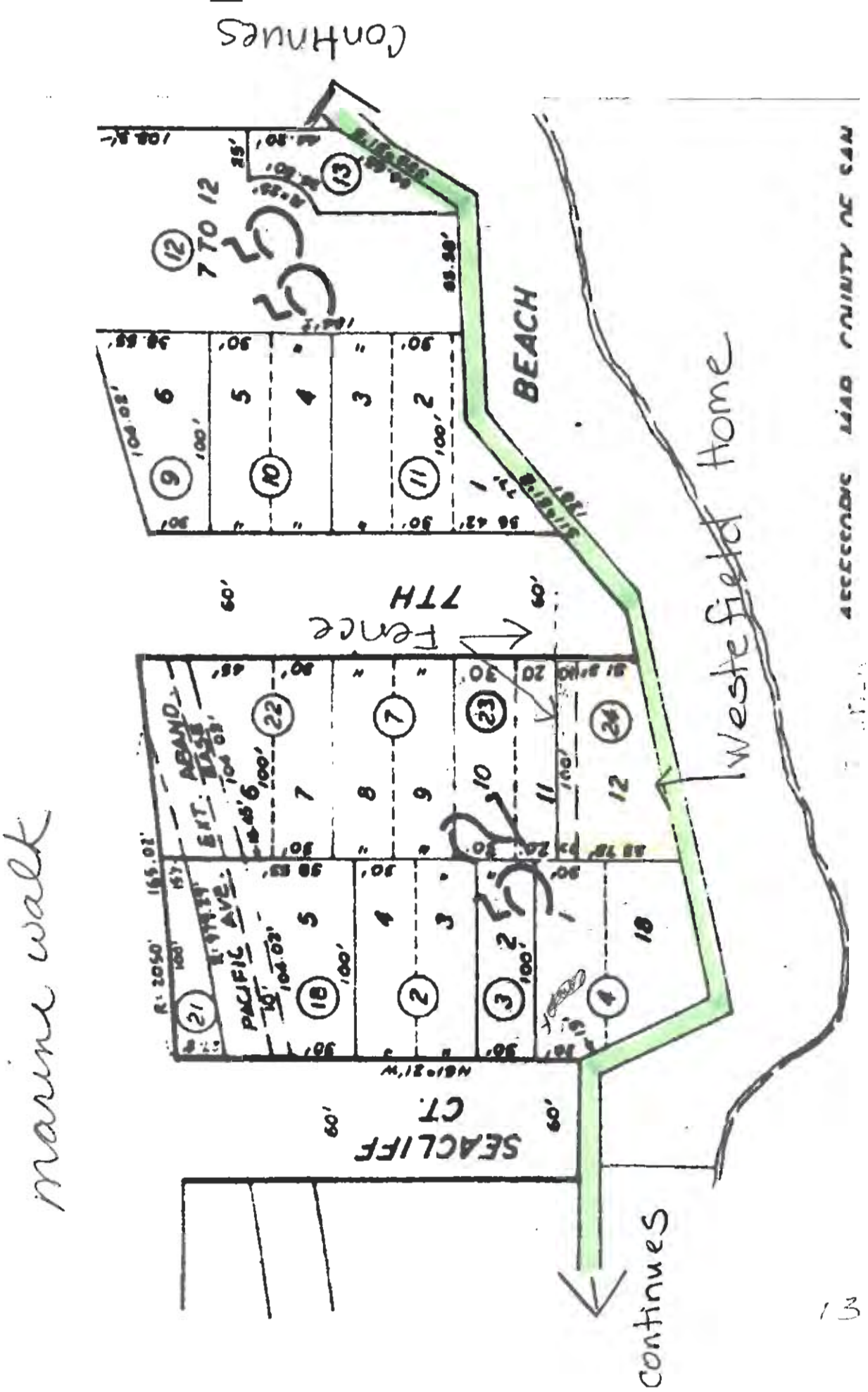
2-5 4/5



Marine Walk location map Adjacent to 101 7th Street

Attachment 3

McCracken, Byers & Haesloop LLP
Attorneys at Law
1528 So. El Camino Real, Suite 306
San Mateo, California 94402
Telephone: (650) 377-4890
Facsimile (650) 377-4895

FACSIMILE TRANSMISSION COVER SHEET

Date: January 14, 2003

Number of Pages (including cover sheet): 2

Original to be Mailed: Yes_____ No _____

Re: Fence and Gate at the End of 7th St., Montara

To: Jim Montalbano

Fax No. (650) 728-7309

From: Michael D. McCracken
McCRACKEN, BYERS & HAESLOOP LLP
Fax No. (650) 377-4897/95

Notes:

If there is any problem with the transmission of this Document(s), please call Nory at (650) 377-4890, ext. 14.

This FAX is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the applicable laws. If you are not the intended recipient, any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original FAX to us at the above address.

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Neil Cullen
Director of Public Works

Re. Fence and Gate at the End of 7th St., Montara

Dear Neil:

This goes back to a matter last which was the subject of back and forth correspondence between you and our client, Jim Montalbano, last August through November – namely, an illegal fence and gate at the end of 7th Street in Montara.

In your September 26, 2002 letter to Mr. Montalbano, you stated that, based on the information before you, you did not believe it "is in the best interest of the County to have the gate and fence removed." Based on the information you had at that time, your position may very well have been well founded. However, I do not believe you had all of the relevant information at your disposal – indeed, some of it may have been inaccurate – in which to take this stance.

As Mr. Montalbano correctly informed you, this fence and gate were installed without a CDP. It does not matter whether or not this action "predated the approval of the County's LCP" The property on which it was installed is a publicly owned and maintained road easement. Accordingly, the County not has the right, but also the duty, to keep it safe and free of obstructions and unauthorized encroachments. This fence and gate are obvious encroachments for which an encroachment permit was never issued. It is, therefore, an illegal use which cannot ripen into a legal non-conforming use under the Coastal Act. It is not only subject to the County's CDP requirements, but the Public Works Departments' encroachment permit requirements as well. If the County determines that it poses any kind of detriment or hazard to the public's safety, the County is fully within its rights to order it removed. The undeniable fact, as demonstrated by the attached Incident Report of the San Mateo Sheriff's Department, is that this fence and locked gate *is* a hazard to the public's health and safety. When responding to a potential water rescue situation on November 23, 2002, the rescue unit encountered a locked gate and was forced to break the gate open in order to perform its duties.

This fact, and this fact alone, apart from all of the other reasons Mr. Montalbano has cites in his letter to you, warrants an *immediate* removal of the gate. [I will not, at this time, go into these other reasons. Suffice it to say for now that I fully agree with them.]

Neil, I am sure you will want to discuss this with the County Counsel before taking any action. All I ask at this time is that you give this your attention and keep me posted at to the status of your findings and proposed action.

Thanks in advance Neil for your consideration of this.

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attachment 1 page 2 of 2

PAGE 1 OF

INSTRUCTIONS: THIS FORM SHALL NOT BE USED WHEN AN ARREST IS MADE, WHEN PROPERTY IS LOST, FOUND OR TAKEN INTO CUSTODY, WHERE SUPPLEMENTAL REPORTS ARE NECESSARY, OR WHEN CRIMINAL ACTS ARE INVOLVED AND FOLLOW-UP INVESTIGATION IS REQUIRED. THIS IS A FINAL REPORT

1. S.O. I.R. CASE NO. 02-327-16

2. DATE(S) AND TIME(S) OCCURRED	3. LOCATION OF OCCURRENCE	4. BEAT CODE
11/23/2002 1312	115 Sea Cliff Court Montara, CA 94037	70

5. VICTIM/ REPORTING PARTY: LAST, FIRST/MIDDLE	6. DOB/CDL	7. RESIDENCE ADDRESS INCLUDE CITY, STATE	8. RES. PHONE	9. BUS. PHONE
Anderson, Anne D.	11-16-41 A4913195	115 Sea Cliff Court Montara, CA 94037	728-1102	N/a

10. VICTIM/ WITNESS: LAST, FIRST/ MIDDLE	11. DOB/ CDL	12. RESIDENCE ADDRESS INCLUDE CITY, STATE	13. RES. PHONE	14. BUS. PHONE
Spencer, David Dolberg	11-28-45	37 Terrace Ave. Richmond, CA 94801	510-215-7847	510-215-0597

15. SUSPECT #1 LAST, FIRST/ MIDDLE	16. DOB	17. RESIDENCE ADDRESS INCLUDE CITY, STATE	18. RES. PHONE	19. BUS. PHONE

20. SUSPECT #2 LAST, FIRST/ MIDDLE	21. DOB	22. RESIDENCE ADDRESS	23. RES. PHONE	24. BUS. PHONE

25. TYPE OF INCIDENT AND HOW HANDLED

☐ AMBULANCE FOLLOW-UP ☐ INDUSTRIAL INJURY ☐ MEDICAL AID ☐ EMS ##_____ ☐ TREATED AT SCENE ☐ TRANSPORTED BY_____ ☐ REFUSED AID

☐ SUSPICIOUS CIRCUMSTANCES ☐ PROWLER ☐ PERSON ☐ AUTO ☐ BUSINESS ☐ RESIDENCE ☐ OTHER ☐ UNFOUNDED ☐ GOA ☐ UTL ☐ AREA SECURE

☒ BEAT INFORMATION ☐ TRAFFIC ☐ PARKING ☐ CIVIL MATTER ☐ PARTY ☒ OTHER ☐ PATROL CHECK ☐ INFORMATION ONLY

☐ DISTURBANCE: ☐ FAMILY ☐ NEIGHBORS ☐ PARTY ☐ OTHER ☐ UNFOUNDED ☐ GOA ☐ UTL ☐ AREA SECURE ☐ HANDLED AT SCENE

26. DETAILS: (RECONSTRUCT THE INCIDENT)

On 11-23-02 at approximately 1312 hours, I was dispatched to 115 Sea Cliff Court, Montara, regarding a possible water rescue. R/P-Anderson called 911 and stated there was a boat adrift approximately 100 yards off shore and there appeared to be no one in the boat.

I responded with Half Moon Bay Fire Department, Half Moon Bay Water Rescue units, Half Moon Bay Fire Ambulance, and State Parks Lifeguard to the west end of 7th street. The Harbor Master, and the US Coast Guard Helicopter were dispatched to the area.

Upon our arrival at 7th St. in Montara, there was a secured gate at the end of the street. The gate was secured with a large padlock, preventing entrance to the bluffs, and a clear view of the ocean. Fire personnel forced the gate open by kicking it and breaking a piece of wood giving Emergency personnel access to the bluffs.

W-Spencer, who arrived shortly after our arrival, stated that he owned the boat and was trying to launch the boat at Montara State Beach when it got away from him. He said the boat was taken south by the current and his friend was in a canoe in the water trying to retrieve his boat. The Harbor Master Patrol/Rescue boat arrived at the location of the boat, and towed the boat to Pillar Point Harbor.

It was determined by the information given by the boat owner, W-Spencer, that there were no people in the water and I cleared the scene.

16

☐ Continuation (use Cr-1/3 Form)

17

Visitor to Westerfield home

18

Home Lead Test Taken in July 2011 and again November 2011 both test conclusive for lead

San Mateo County Zoning Hearing Officers Meeting

Owner/Applicant:	**WESTERFIELD/LOVE**	**Attachment:**	**D**
File Numbers:	**PLN2010-00112**		

CDR8\pln10-00112 10-20-10 ba

Photo - back of gates and fence

Attachment 8

W19b

November 11, 2011

5 Ahab Drive
Muir Beach, CA 94965

Mary K. Shallenberger
Chair
California Coastal Commission
P.O. Box 354
Clements, CA 95227-0354

Re: Timothy Crosby Application for Coastal Development Permit A-2-MAR-09-010, on remand to California Coastal Commission pursuant to Writ of Mandate in *Hyman, et al v. California Coastal Commission* CIV 094682.

Dear Commissioner Shallenberger,

I am writing to you to request that Commissioner Steve Kinsey be disqualified from participating in the above case on remand on account of bias. Every litigant is entitled to a hearing before a fair and impartial decision maker. We are convinced that we cannot receive a fair hearing from Commissioner Kinsey. We have requested Commissioner Kinsey to disqualify himself voluntarily and he has refused to do so. This request is supported by the declaration of Richard S. Kohn as required by Government Code Section 11512(C).

Statement of the Case

The application for a Coastal Development Permit filed by Timothy Crosby for 9 Ahab Drive in Muir Beach was the subject of a hearing before the Board of Supervisors, including Supervisor Steve Kinsey, on March 31, 2009. The Board of Supervisors voted to grant the permit with conditions. Following that determination, the California Coastal Commission held that our appeal of the approval of the permit application did not raise a substantial question. Subsequently, the Marin County Superior Court issued a Writ of Administrative Mandate requiring the Coastal Commission to vacate its decision and remanding the case to the Coastal Commission to reconsider the matter in light of the Court's written decision dated February 3, 2011.By agreement of the parties, the remand is to be considered at the Commission's December meeting in San Francisco. In the meantime, Supervisor Kinsey has been appointed to the Coastal Commission.

Legal Framework

Public Resources Code Section 30318 provides that "*Nothing in this division* precludes a county supervisor from participating as a coastal commissioner in the same case that he took part in as a member of the Board of Supervisors after it is appealed to the

Coastal Commission. The California Coastal Act is Division 20 of the Public Resources Code. Thus, section 30318 does not address issues of bias. These are governed by Government Code Section 11512(C) and Government Code Section 11425.40. While the instant proceeding is not under the APA, these provisions are obviously relevant by analogy. See California Administrative Hearing Practice (2d ed.) Section 6.27 at p. 284. Because bias goes to the issue of fairness and due process, Public Resources Code Section 30318 is not dispositive of the matter.

The courts have held that the word bias refers to the mental attitude or disposition of the officer towards a party to the litigation. *Andrews v. Agricultural Labor Relations Board* (1981) 28 Cal.3d 781, 790; *Evans v. Superior Court* (1930) 107 Cal. App. 372,380.

As explained by the court in *Evans v. Superior Court*, *supra,*

> "Funk & Wagnall's Standard Dictionary defines 'bias' as 'a mental predilection or prejudice.' Webster's New International Dictionary gives this definition: 'A leaning of the mind; propensity of prepossession toward an object or view, not leaving the mind indifferent; bent; tendency; inclination; prejudice.' 'Bias' is a particular influential power which sways the judgment—the inclination of mind toward a particular object—and is not synonymous with 'prejudice.' A man cannot be prejudiced against another without being biased against him, but he may be biased without being prejudiced.'" Id. 380.

Supervisor Kinsey's Statements Reveal Bias

To put this in context, at the Board of Supervisor's hearing, Timothy Crosby testified that he had begun the process of obtaining a permit in July 2008 and had spent over $150,000 on architectural fees, surveys and permits up to that time. Kohn Decl. Par. 6. In summarizing his position, Supervisor Kinsey acknowledged that the view in question was "absolutely a spectacular jewel of a view." Nevertheless, he believed that Mr. Crosby should not be held accountable even though his architect, Richard Beckman, had "missed an opportunity to protect this jewel of a view" and that a "sensitive architect should have done that;" and because the approval of other projects in Muir Beach "suggested otherwise." He was also influenced by the fact that the Planning Commissioners had approved the project by a 7-0 vote. See Kohn Declaration Par. 8. This statement shows a bias in favor of the developer based upon his investment of time and money in the project that has nothing to do with the relevant law and facts of the case. Thus, there is concrete evidence, and not just supposition, of his bias in favor of the developer and against the appellants.

When Supervisor Kinsey's statement is examined, his bias is apparent.

First, Supervisor Kinsey's job was to enforce the provisions of the LCP designed to protect visual resources, not protect Mr. Crosby from his architect's mistakes.

Second, the fundamental issue in the case was whether the project violated the visual resources provisions of the LCP. Supervisor Kinsey had served as an alternate on the coastal commission and should be presumed to have been aware of the visual resource provisions of the LCP for Unit 1. In fact, he read the LCP policy into the record at the hearing. Live Video Broadcast 00.57.07 through 00.57.58. Having acknowledged that the view was "absolutely a spectacular jewel of a view" and that the applicant's architect had "missed an opportunity to protect that jewel of a view", that should have ended the matter unless the applicant could show, "to the maximum extent feasible," that there was no way to change the design to preserve the view. Instead, Supervisor Kinsey embraced the applicant's contention that the county had allowed other projects to proceed that also blocked views. Obviously, by this logic, no permit could ever be denied until all of the coastal views in Muir Beach were destroyed. Anyone who has ever tried to talk a traffic cop out of a speeding ticket knows that the defense of "but everyone else was speeding" never works.

Third, Supervisor Kinsey obfuscated the issue of visual resource protection by conflating issues of size, character and scale into his discussion. He also stated that the project was "consistent with our ordinances" as though technical compliance with local zoning requirements could justify the destruction of a "jewel" of a coastal view.

Finally, the fact that the Planning Commission had voted 7-0 in favor of the applicant was completely irrelevant. The hearing before the Board of Supervisors was supposed to be *de novo* —In other words, the supervisors were supposed to conduct an independent review of the record and reach their own conclusions.

In the final analysis, Supervisor Kinsey bent over backwards to excuse the applicant from any accountability so that he could avoid "sending the project all the way back through the process." The issue was not—as Supervisor Kinsey said-- whether the destruction of the view of Muir Beach cove was "enough of a violation of the community to justify holding Mr. Crosby accountable." The issue was whether the proposed addition to 9 Ahab Drive violated the visual resources provisions of the LCP. As evidenced by his statements at the supervisors' hearing, his 'leaning of the mind' is to protect the investment made by the developer in his project and not make him go all the way through the process again.

There is no requirement that a coastal commissioner must explain his vote. When it comes time to cast his vote, Commissioner Kinsey may vote out of his previously expressed sympathy for Mr. Crosby's perceived plight. And, of course, Mr. Crosby has a greater investment of time and money in the project now than he did in March 2009.

Disqualification Procedure

In the absence of specific procedures to raise issues of bias, APA procedures in Government Code Section 11512(C) provide a useful model. California Administrative Hearing Practice Section 627. Pursuant to Section 11512(C), the issue of disqualification should be decided by the other members of the Commission.

This is not a case in which Commissioner Kinsey's participation is indispensable. See, *Aluisi v. County of Fresno* (1960) 178 C.A.2d 443, 452. In *Aluisi,* the court rejected a disqualification motion because the commission was the only body with authority to pass on the matter and there were no substitutes. The "rule of necessity" under which commission members' participation in the first hearing did not disqualify them in a second hearing ordered by the court is inapplicable because, unlike the situation in *Aluisi* , Commissioner Kinsey has an alternate.

Therefore, we request that you notify the other members of the Commission that this request for recusal has been made and place the matter on the Commission's agenda to be considered in December.

Thank you for your consideration.

Very truly yours,

Richard S. Kohn Edward J. Hyman

Brenda F. Kohn Deborah A. McDonald

cc. Joseph C. Rusconi
David Zaltsman
Reuben J. Becker, Esq.
Charles Lester, Executive Director
Chris Pederson, Esq.
Supervisor Steve Kinsey

CALIFORNIA COASTAL COMMISSION

Re: Timothy Crosby Application for Coastal Development Permit A-2-MAR-09-010, on remand to California Coastal Commission Pursuant to Writ of Administrative Mandate in *Hyman, et al v. California Coastal Commission, Marin County Superior Court,* CIV 094682

Declaration of Richard S. Kohn

I, Richard S. Kohn, declare:

1. I am one of the appellants in this matter.

2. On March 31, 2009, the Board of Supervisors voted to grant Applicant Timothy Crosby's application for a Coastal Development Permit with conditions. The appellants appealed that decision to the Coastal Commission, which held that the Appellant's appeal did not raise a substantial issue. Appellants filed a Petition for Writ of Administrative Mandamus in the Marin County Superior Court. The court found in favor of the Appellants. It issued a writ of mandamus directing the Coastal Commission to vacate its decision and to hold a new hearing on the question of whether the appeal raised a substantial question.

3. In the meantime, Supervisor Steve Kinsey was appointed to the Coastal Commission. Appellants have filed a request, contemporaneous with this declaration, that Commissioner Kinsey be disqualified from participating in the remand of the Crosby matter due to bias.

4. The hearing before the Board of Supervisors was transcribed by audio video recording and may be viewed in its entirety at www.co.marin.ca.us/bos Live Video Broadcast meeting archives for 2009,video March 31, 2009, Item No. 13. There is no written transcript of the hearing.

5. What follows is my transcription of testimony from the Live Video Broadcast of the Board of Supervisors' hearing that I regard as relevant to our request to disqualify Supervisor Kinsey from participating in his role as a Coastal Commissioner on the remand of these proceedings from the Superior Court.

6. Applicant Tim Crosby testified as follows: "As stated in the staff report, the original plans I submitted in July of 2008 were completely in compliance with all zoning and planning requirements. As a property owner, I think I'm within my rights to expect such conforming plans to be approved, or at least substantially approved. I have spent over

$150,000 on architectural fees, surveys and permits up to this point. So, I have a lot invested in this project." Live Video Broadcast 00.23.25.

7. Supervisor Steve Kinsey's statement begins at 00.50.05 of the Live Video Broadcast. It is not feasible for me to transcribe his entire discursive monologue. However, the Appellants' assertion that Supervisor Kinsey should be disqualified because he is biased in favor of Mr. Crosby and against the appellants is based upon this verbatim transcription of his own summation of his position as follows, beginning at 01.00.42 on Live Video Broadcast:

8. "So, in the end, where we stand here is this: I think that this is absolutely a spectacular jewel of a view. But it is one of many jewels in this remarkable community, a community that was designed, I think, as a point of reference for all of us to include a public pathway throughout the community—and what an asset that is—what a treasure to be able to walk around Muir Beach by foot and not by car—so many communities have lost that opportunity and Muir Beach retains it in fact and celebrates it in so many ways including the trail across Mr. Crosby's property that leads to the beach.

I believe that Mr. Beckman missed an opportunity to protect that jewel, as a sensitive architect-someone in the community, he should have done. It really comes down to the issue of is it enough of a violation of the community to justify holding Mr. Crosby accountable for that when so many other projects that we've seen, that he has provided us examples of, suggest otherwise. Also, a project that 7 out of 7 planning commissioners found a way to get comfortable with. So, where I stand right now is my sense is that this needs to be a wakeup call but it can't be the clarion call for change. That we need to alert the community that this is the direction your community is headed. This is in many respects consistent with our ordinances with the unique decision about whether that one location to observe that one remarkable view is worthy of sending the project all the way back through the process. And I just am struggling and I'm unable to overcome the recommendation of the Community Development Agency, the 7-0 Planning Commission in this regard. And in fact the other projects that have been approved in recent years that do in fact have impacts both in terms of community character and scale for the project. And so-- I did speak with Mr. Crosby--I would dearly love for him and his architect to revisit this and see what they can do to be good neighbors but in all fairness, and I think that this is what it comes down to, the fairness in how decisions have been made in recent years by the county I am going to be moving that we deny the appeal and sustain the Planning Commission's action."

Subscribed and sworn to under the penalty of perjury this 11th day of November 2011 at Muir Beach, California.

Richard S. Kohn

November 30, 2011

5 Ahab Drive
Muir Beach, CA 94965

W19b

Charles Lester
Executive Director
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Re: Appeal A-2-MAR-09-010 (Crosby, CP 09-3), 9 Ahab Drive, Muir Beach, Marin County. December 7, 2011 hearing, Agenda Item W19b.

Dear Mr. Lester,

I would appreciate it if you would consider the following procedural comments regarding the hearing scheduled for December 7, 2011.

(a)*Disqualification Request*

Please confirm that the Commission has received the appellants' request that Supervisor Kinsey be disqualified from participating in any aspect of the case on remand from the Superior Court. We would also appreciate it if you would respond to my November 14 letter regarding how the Commission plans to proceed with the recusal request. Please advise by e-mail to brendkohn@aolcom.

(b)The motion should be stated in the affirmative

Since the staff is recommending that the appeal raises a substantial issue, a yes vote should signify agreement with the staff's recommendation. Instead, the staff has proposed a motion where a "no" vote means that a substantial issue has been raised and a "yes" vote means the opposite.

Apparently, the staff has adopted the same motion that it asked the commissioners to adopt at the August 12, 2009 hearing when the staff was recommending finding of "no substantial issue." This makes no sense and is an invitation to confusion and an invalid vote. The language of the motion should be redrafted in favor of language that is simple, understandable and consistent with the staff's recommendation.

(c) Lack of a Deadline

The staff report is completely open-ended as to when the applicant would have to submit alternative plans. Meanwhile, no final decision on whether to grant or deny the permit can be made. Essentially, the Commission is ceding control of the time schedule for resolving this matter to the applicant. The Commission should establish a deadline by which the applicant must submit any new material.

Thank you for your consideration.

Very truly yours,

Signature on file

Richard S. Konn

cc. Mary K. Shallenberger, Chair
Chris Pederson, Esq.
Joseph C. Rusconi
David Zaltsman
Reuben J. Becker, Esq.
Supervisor Steve Kinsey

W19b

Agenda #: W19b
Application #: A-2-MAR-09-010
Hank Gehman
OPPOSE PROJECT
December 1, 2011

REVISED LETTER

Hank Gehman
5 Canyon Rd.
Berkeley, CA 94704

RECEIVED
DEC 02 2011
CALIFORNIA
COASTAL COMMISSION

Dear California Coastal Commissioners,

I love the oceans and the landscapes that are created where the land and the sea come together. I have visited many of these landscapes-the beaches, mountains, cliffs and their oceans-and I have been moved by many. But of all, I think that Muir Beach is the most sublime, uniquely beautiful and uniquely balanced with the natural and man-made blending together.

I don't live at Muir Beach but for many, many years I have been coming to the beach from San Francisco and Berkeley, alone and with friends from near and far. I could more easily park in the parking lot below but ever since I discovered the trail built from Ahab Drive down to Muir Little Beach, I have stopped on Ahab just so I could savor again the experience of the unique beauty of the trail. And the most beautiful and moving view is right at the top of the trail, on Ahab Drive where there is a wide viewing platform.

This is the most beautiful view I known of at Muir Beach. From the platform you look through a frame of trees, down the hillside of rocks and grass, out across the ocean, to the waves breaking on the beach and then on to a backdrop of craggy hills behind. My eyes never know where to stop.

I wish that the commissioners could come and experience this. I also hope that in the future, others will also be able to come and share this experience.

But when I visited there when the storey poles were up, I saw that, if this house was expanded as proposed, that view would be extinguished. And I was determined to be heard on this.

This view from the platform, I feel, is exactly what the Coastal Act was intended to preserve. It is a view that was intentionally selected for public viewing. The Coastal Act limits development where it denies the public an already existing opportunity to enjoy and participate in the beauty of the California coast.

There's a lot of money in Muir Beach now. And people with a lot of money don't like to be told what they can and can't do with their money. As I understand this project, the proposed expansion could be accomplished by building on the downslope, preserving the view. But the owner has fought hard to assert his prerogative to build what he wants where he wants. Clearly the owner agrees that the view is spectacular. The problem is that he wants it to be his view.

I'm very afraid of the impact on future development if this project is found to not be in conflict with the letter and goals of the Coastal Act. Not only will the public lose this view, but development will rocket forward at Muir Beach and up and down the coast. The wrong-headed reasoning of the Marin County Commission will be seized on and expanded by every lawyer and what was once public will quickly become private. The Coastal Act will be end up being twisted into a legal weapon to enable California's coast to be turned into a gated community--"Blackhawk-by-the-Sea".

I ask this Commission to sustain the current staff report establishing that the Crosby project raises a substantial issue and subsequently, to deny approval for this project and to reject in no uncertain terms the specious reasoning that has allowed this project to get this far.

Thank you for your consideration,

Signature on file

Hank Gehman

W21a

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COASTAL COMMISSION

11/21/11

California Coastal Commission

Re: Coastal Permit Application
Number 2-06-018 / A-2-Mar-08-028

Applicants: Lawson's Landing Inc

This letter is an effort and plea by my family to encourage your commission to approve the permit the continued recreational use of Lawson's Landing area

Our family has enjoyed this area for more than fifty (50) years and wish to continue its use

Thank You
Doyle L. Sligar
3540 Clubhouse Dr
Sacramento, Ca
95823
916-428-7504

cc: Lawsons Landing

W21a

Meeting December 7, 2011 **Agenda Item W21a**
Lawson's Landing (#2-06-18/ A MAR-08-028)

Scott Miller
P.O. Box 145
Dillon Beach, CA. 94929
(707) 878-2167

November 29, 2011

California Coastal Commission
45 Fremont St., suite 2000
San Francisco, Ca. 94105-2219

Re: Application # 2-06-18 / A-2-MAR-08-028 (Lawson's Landing), Lawson's Landing Coastal Development Permit, Master Plan, etc.

Dear Staff and Commissioners,

Please approve the Proposed Revised Findings. I think Ms. Pap and staff have done an excellent job of incorporating the changes made during the July 13, 2011 hearing. While this is not the end of the planning process for this project, it is a monumental step forward that has taken longer to achieve than I've been alive.

Assuming this does pass, **I want to thank:**
Commissioner Steve Kinsey for his dedication to this project and finding a way to keep the Lawsons in business by balancing their needs with those of the environment, coastal visitors, and residents of Dillon Beach.
Mike Lawson and Willy Vogler for sticking with it and being willing to change.
Ruby Pap for a comprehensive report on a very complex, somewhat undefined project as it was presented to her.
You, the Commission, for your work to protect the California Coast, including Lawson's Landing and the resources that they share with all of us.

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DEC 01 2011
CALIFORNIA
COASTAL COMMISSION

Sincerely,

Signature on file

Scott Miller

W21a

RECEIVED
DEC 01 2011
CALIFORNIA
COASTAL COMMISSION

November 29, 2011

California Coastal Commission

Permit number: 2-06-018/ A-2 MAR-08-028

After over fifty years of providing to the public what has, since 1957, become one of a few remaining areas of access to the California coast, offering a truely wholesome, family- oriented outdoor recreation. Lawson's Landing now faces the possibility of extinction.

The Lawson family is up against strong opposition by various environmental groups with extensive budgets. After spending large amounts of funds to no avail, the Lawson family may have to end, not only a family business, but a way of life going back for several generations that would also eliminate a source of tax revenue for the state and county.

We travel from Nevada to partake in the recreational opportunities afforded by this family. We ask that this magnificent resource be allowed to exist and the Commission PERSERVE AND PROTECT affordable enjoyment of this unique destination.

Please continue negotiations to allow them to operate to their fullest capabilities to allow affordable access to this area of the California coast.

Signature on file

Sincerely,

Randy & Carol Evans
2233 Marian Ave.
Carson City, Nv 89706

eac W2|a

Environmental Action Committee—keeping West Marin wild since 1971

Nov. 30, 2011

Ruby Pap
Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

Re: Lawson's Landing Revised Findings

Dear Ruby,

Thank you for all your work bringing the Lawson's Landing CDP into final form. However, there are a instances in which EAC believes the Revised Findings do not accurately reflect the direction or intention of the Coastal Commission and we have noted these below. Where we have quoted the revised conditions from the staff report, we have underlined new language and struck through deletions.

1. Revised Special Condition 5.B: "Use of the 20 newly proposed 100% visitor serving ~~travel-trailers~~ RVs with drains is only authorized through April 30, 2017"
It was not the intent of the Commission to authorize the 20 new RVs only until April 30, 2017, but to allow them in perpetuity. When the Commission required the removal of the existing travel trailers by July 13, 2016, there was confusion about the continued relevance of this date. In stating that the 20 new RVs with drains that will be owned by Lawson's Landing are authorized only until April 30, 2017, staff has, we believe, misinterpreted the Commission's intentions.

2. Revised Special Condition 5.B: "The 20 newly proposed 100% visitor-serving ~~travel-trailers~~ RVs with drains shall be located in Areas 1 or 2 as generally depicted on Exhibit 3 and shall be made available for short-term rental by the public 365 days a year, consistent with the requirements of this condition, prior to occupancy and no later than January 1, 2012."
It was not the Commission's intent to authorize the 20 new RVs in Area 1. Special Condition 2.C.2 specifically authorizes the 20 new RVs in Area 2 and not in Area 1. In addition, though this is not a revision, it makes no sense to require the new RVs to be operating by January 1, 2012, especially since that would merely add to the already overloaded "septic system." The Lawsons are allowed, not required, to put in these 20 units; they should not be required to meet this deadline.

3. Revised Special Condition 5.C: "The approved use of the 20 newly proposed 100% visitor serving ~~travel trailers~~ RVs with drains that will be located in Areas 1 and 2 and made available

Box 609, Point Reyes Station, CA 94956 tel:415-669-1570 caufield@visionroad.us eacmarin.org

for short-term rental 365 days a year, consistent with Special Condition 6, is subject to the following conditions/restrictions:"
It was not the intent of the Commission to impose on the proposed 20 new visitor-serving RVs to be owned by Applicants the complex and expensive auditing, analysis, and monitoring requirements (particularly those in SC 5.C.16) that were drawn up for the existing travel trailers. It appears that, in re-orienting Special Condition 5 from the travel trailers to the 20 new RVs, conditions meant for the travel trailers have been transferred to the 20 new RVs, imposing an onerous, expensive and unnecessary burden on Lawson's Landing. Elsewhere in Special Conditions 5 and 6 reasonable and necessary restrictions are imposed on the 20 newly proposed RVs, and all other camping sites, including basic reporting requirements and a maximum stay of 14 consecutive nights and of 30 days per calendar year.

4. Special Condition 5.C.17: "No later than January 1, 2017, the owners of Lawson's Landing shall submit an amendment to this coastal development permit to govern the use of all recreational vehicles with drains after April 30, 2017."
It was not the Commission's intent to require Lawson's Landing to apply for an amendment to this CDP now that the existing travel trailers are to be removed. As argued above, the Commission did not intend for authorization of the 20 new RVs to expire. If the Applicants want changes to this CDP they must apply for an amendment to this CDP, but the Commission did not intend to require them to make such an application.

We hope this observations are helpful.

Sincerely,

Signature on file

Catherine Caufield
cc: Charles Lester, Ralph Faust, Mike Lawson, William Vogler

W21a

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CALIFORNIA
COASTAL COMMISSION

Agenda # - W21a
App. # - 2-06-018/A-2-1[illegible]
-08-028

Gary Pedroia
17435 CRD 85B
Esparto, Ca. 95627
In Favor of This project

California Coastal Commission
c/o Ruby Pap
District Supervisor
North Central Coast District Office

I Think The Lawson's are doing an excellent job of Management For This area. Where else can The common person (worker) go To The coast at an resonable rate. I only wish They could expand Their Facillaties To acomeadate more people (Like any other bussiness). I really Like going To Lawson's For The Fishing, crabbing, Salt Air, and Socializing.

Thank You
Signature on file

Agenda # - W21a
Application # - 2-06-018/
A-2-MAR-08-028

W21a

To Whom It May Concern,

We (the undersigned) would like to have Lawson's Landing, Inc. receive their Coastal Permit: # 2-06-018/A-2-MAR-08-028
We are voting for them.

Sincerely,
Jennifer Rasmussen

Please sign your name and write your address:

1. Jennifer Rasmussen
674 Cleland Ct.
Galt, CA. 95632.

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DEC 02 2011
CALIFORNIA COASTAL COMMISSION

2. Wayne Rasmussen
674 Cleland Crt.
Galt, Ca. 95632

3. Linda Hausauer
11444 Conley Rd
Galt, CA 95632

4. Eugene Hausauer
11444 Conley Rd. Galt Ca. 95632

5. [illegible]
334 4th Ave.
San Francisco, CA 94118

6. DORIS L DOWDELL
11444 Conley RD GALT CA 95632

7. Rita Nettoli 725 Myrtle Ave. Galt CA. 95632

8. Natalie Cox 3947 43rd Ave Sac CA. 95824

9. Cordell Herrera 559 F St. Galt CA 95632

10. Elsie Mounce 976 Colson Way Galt, 95632

11. Roland L Mounce 976 Colson Way, Galt, 95632

W21a

Rudy & Etta Ai
74-607 NUole place
Kailua-Kona, Hawaii 96740

RECEIVED
DEC 05 2011
CALIFORNIA
COASTAL COMMISSION

November 25, 2011

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office
45 Fremont St. Suite 2000
San Francisco, CA 94105-2219

Dear Sir,

Reference to Item No. W21a and Applicaiton No. 2-06-018 / A-2-MAR-08-028, a Hearing Notice for a "Costal Permit Application". Hearing date is on Wednesday, December 7, 2011.

My wife and families have been active utilizing Lawson's Landing Facilities for over fifty years and since moving to Hawaii ten years ago we spend 90 or more days at Lawson's per year.

We see many positive things will come out of this changes. Lots of support for the enviroment, employments, revenues and most of all taxes. This will be good for everyone including the State.

We are in favor of the Application for the new Lawson's Landing and we urge your support of this great improvement.

Sincerely,
Signature on file

Rudy Ai

W21a

12/2/11

California Coastal Commission

45 Fremont St, Ste 2000

San Francisco, Ca 94105-2219

RECEIVED

DEC 05 2011

CALIFORNIA
COASTAL COMMISSION

RE: Permit number 2-06-018 / A-2- Mar-08-028

I would like to make my feelings known regarding the decision to shut down Lawson's Landing Places such as this provide so much enjoyment to the resident's and vacationers, and they are being driven out of business by the environmentalist. It is so sad that we continue to lose our places of rest and relaxation, for reasons that I will never understand. So many people enjoy this facility.

Please reconsider closing it down.

Sincerely
Signature on file

Patricia Austin

10894 Township Rd.

Browns Valley, CA 95918

W21a

RECEIVED

DEC 05 2011

CALIFORNIA
COASTAL COMMISSION

December 3, 2011

California Coastal Commission
45 Fremont St Suite 2000
San Francisco CA 94105

Re: Lawson's Landing, Dillon Beach, California

Dear Sirs:

We are writing in support of Lawson's plan to continue offering camping while they implement new underground sewers and electricity for their camp ground. This is important so that they can continue to operate their business. They have been operating this business very well for many years, and have provided one of the few areas on the coast where families of limited means are able to access and enjoy the ocean. We ask that you do everything in your power to keep this a viable business.

Very truly yours,

Signature on file

Joan and Charles Crawford
2799 Sierra Blvd
Sacramento CA 95864

W21a

LAWSON'S LANDING

137 Marine View Drive • P.O. Box 67 • Dillon Beach, CA 94929 • 707-878-2443 • Fax: 707-878-2942

Dec. 6, 2011

Ms. Ruby Pap
North Central Coastal District Supervisor
California Coastal Commission
44 Fremont St. Suite 2000
San Francisco, CA 94105-2219

Dear Ruby,

We would like to clarify some wording in our letter sent to you earlier today.

First, with our email introduction we indicated "We hope we accurately captured the conclusions we arrived at in our discussion". This was intended to offer you the ability to correct any inaccuracies or wrong impression that the letter may convey. We did not intend to say that the content of the letter represented your conclusions. Perhaps we could have worded this better. It seemed to us instead that as we presented our reasoning, it led to certain conclusions. We want to clarify that these were our conclusions. But we wanted to be sure that we accurately presented our conclusions and for that matter also the way in which those conclusions were arrived at. We also assumed that it was appropriate to provide a record of our discussion, and sought reasonable review of this letter from appropriate parties. We attached to the letter a suggested revised timeline that we proposed in the meeting, which we thought was workable given the reasoning we presented.

We also wish to focus at this time on the matters most relevant to the hearing tomorrow:

1. Please remove Condition 1.F. **No new travel trailers or mobile homes or RVs with drains, other than the 20 newly proposed 100% visitor serving RVs authorized by Special Condition 5 until April 30, 2017, are authorized by this CDP.** This condition is unworkable because it prevents planning for wastewater and other utilities and is in conflict with Condition 8 which requires construction of wastewater system in three years. The July 13, 2011 hearing did not produce language to create this new condition. We understood the intent of the Commission was to allow up to 5 years of long-term trailer use, which requires drains. We understood the intent was to, within 5 years, replace the existing travel trailers, which were not well suited for short term visitor use with RV units, which are well suited for short term visitor use—i.e., RVs with drains. The Coastal Commission did not attempt to eliminate the Special Occupancy Park permit for 233 lots with drains at Lawsons Landing, which was granted by California HCD. HCD has been collecting fees on these lots with drains for decades.

The intent was to replace the existing trailer units and improve the wastewater system, which serves the drains. The proposed wastewater disposal system provides a drain to each lot as shown on Questa Sheet 1 "Sand Point Proposed STEP Sewer Schematic Plan", exhibit 23 of the Staff Report.

2. Given that the RVs with drains/cottages will need to be served by the wastewater system, a change is needed in Condition 5 **Page 21, 5.B.2: The 20 newly proposed** 100% visitor-serving ~~travel trailers~~ **RVs with drains** shall be **located in Areas 1 or 2 as generally depicted on**

Exhibit 3 and shall be made ~~available for short-term rental by~~ the public 365 days a year, consistent with the requirements of this condition, prior to occupancy ~~and no later than January 1, 2012~~. **(Note the strike through: and no later than January 1, 2012.)** It is infeasible to have the cottages installed along with wastewater system and all utilities prior to January 1, 2012.

3.Planning and implementation of maximum feasible environmental protection and maximum lower cost public access is not logistically and economically feasible without drains for RV's in Areas 1 and 2. RVs without drains will only serve the roughly 6% of Californians who own some kind of RV. RV's or cottage type RV units with drains provide access to 100% of Californians. Planning for RVs with drains allows implementation of a plan for cottages that have less environmental impact than RVs without drains because they A) are more suited to vacationers and groups coming in vans, shuttles, or cars emitting less green house gas and other pollutants, B) because they are less prone to spills of wastewater, and C) because they do not have the coming and going of RVs without drains.
Requested Change: By changing a few words, we can make planning and implementation logistically and economically feasible and better meet the Coastal Acts mandates. E.g. Condition 1.C. –add "*with or:* before "without drains". Considerable CCC staff time could be avoided if this simple change of the few words above could be made in an addendum to the Conditions.

4. Similarly from a planning, construction and economic feasibility standpoint, changes will be needed in Condition 5, which would cause conflict with the ability to plan and install RVs with drains/cottages in Areas 1 and 2.
Accordingly also see changes to Page 20. Condition 5.A. below: **PRIOR TO ~~JANUARY~~ JUNE 1, 2012**, the Permittee shall submit, for the review and approval by the Executive Director, a Visitor-serving ~~**Travel Trailer**~~ **RV** Management Plan ~~**(VTTMP)**~~ for ~~**all travel trailers**~~ **the 20 newly proposed 100% visitor serving RVs with drains that will be made available for short term rental 365 days a year** in Areas 1 and 2 that provides for the following requirements and governs the use of the ~~**travel trailers**~~ ***these and additional*** **RVs with drains** ~~through April 30, 2017).~~ **Note our strike through April 30, 2017.** ~~The plan shall require the permittee, prior to January 1, 2017, to submit an amendment to this permit to govern the use of the travel trailers RVs with drains after April30, 2017.~~ **Note our strike through April 30, 2017**
B. ~~Use of the 20 newly proposed 100% visitor serving travel trailers RVs with drains is only authorized through April 30, 2017.~~ **Note our strikethrough this sentence also.**

Again, we sincerely appreciate your and the Coastal Commission's good efforts to preserve the California coast and needed lower cost public access to the coast.

Sincerely,

Signature on file

Signature on file

Michael Lawson

Carl W. Vogler