STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
(415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400

WWW.COASTAL.CA.GOV

W8

NORTH CENTRAL COAST DISTRICT
DEPUTY DIRECTOR'S REPORT

For the

November 2016 Meeting of the California Coastal Commission

November 1, 2016

To: Commissioners and Interested Parties

From: Dan Carl, North Central Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the November 2016 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.

DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

Applicant	Project Description	Project Location
2-16-0905-W Preserve at Pacifica, LLC, Attn: Paul Heule	A proposal to eliminate non-native vegetation cover and restore native plant communities on two 40x40 foot plots within the Pacifica Quarry property	west of Highway 1 between Reina Del Mar Avenue and San Marlo Way in Pacifica, San Mateo County (APNs: 018-150-150 and 018-150-120).

IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

Applicant	Project Description	Project Location
1-98-057-A4 Caltrans District 4	The proposed CDP amendment would amend CDP 1-98-05-A3 to allow extension of rock revetment along an additional approximately 48 linear feet. This CDP amendment is the follow-up required by Condition No. 8 of Emergency CDP No. G-2-16-0051 issued on June 21, 2016, allowing for initial temporary placement of the rock revetment. This amendment will authorize the additional 48 feet of rock revetment for the same period of time and subject to the same standard and special conditions attached by the Commission to the original project embodied in CDP Amendment No. 1-98-057-A3. The Commission's reference number for this proposed amendment is 1-98-057-A4.	State Route 1 at Surfer's Beach, Half Moon Bay, San Mateo County

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 development is necessary to protect life and public property, or to maintain public services.

Applicant	Project Description	Project Location
G-2-16-0066 County of San Mateo Department of Public Works, Attn: Julie Casagrande	Emergency roadway shoulder/revetment repairs along Mirada Road, involving repair of 13 large voids in the existing revetment through the addition of large boulders and small rock, totaling approximately 355 cubic yards, followed by repaving of the roadway shoulder. The spot repairs to the revetment will range in width and depth (~5-10' wide x ~1' deep) over a total distance of approximately 432 feet, and will not result in an overall increase in the height or footprint of the existing boulder revetment.	Seaward area along Mirada Road, between Magellan Ave and Medio Ave in unincorporated San Mateo County

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

NOTICE OF PROPOSED PERMIT WAIVER

Date: October 21, 2016

To: All Interested Parties

From: Nancy Cave, North Central Coast District Manager
Patrick Foster, North Central Coast Coastal Planner

Subject: **Coastal Development Permit (CDP) Waiver 2-16-0905-W**
Applicant: Paul C. Heule, Preserve at Pacifica, LLC
(231 West Fulton, Grand Rapids, MI, 49053)

Proposed Development
A proposal to eliminate non-native vegetation cover and restore native plant communities on two 40x40 foot plots within the Pacifica Quarry property, west of Highway 1 between Reina Del Mar Avenue and San Marlo Way in Pacifica, San Mateo County (APNs: 018-150-150 and 018-150-120).

Executive Director's Waiver Determination
Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Acting Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The project proposes to eliminate non-native vegetation cover and restore native plant communities on two plots, each 40 ft x 40 ft (1,600 sq ft each), to test individual plant species viability and weed management techniques on site. Pampas grass, a non-native, will be removed and composted on site near the plots, while other non-native vegetation will be removed by hand if necessary. One plot will also be slightly excavated to create a depression approximately 12 inches deep to test potential wetland conditions. The proposed development is minimal in nature, will utilize procedures to protect native wildlife and existing native vegetation, will provide erosion control through appropriate seed mix, and will be followed by restoration monitoring reports. For these reasons, the proposed project is consistent with Chapter 3 of the Coastal Act.

Coastal Commission Review Procedure
This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on November 2, 2016 in Half Moon Bay. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application and considered at a subsequent Commission hearing.

If you have questions about the proposal or wish to register an objection, please contact Patrick Foster in the North Central Coast District office.

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

NOTICE OF PROPOSED PERMIT AMENDMENT

Date: October 19, 2016

To: All Interested Parties

From: Nancy Cave, North Central Coast District Manager
Renée Ananda, North Central Coastal Program Analyst

Subject: **Proposed Amendment to Coastal Development Permit (CDP) 3-93-037**
Applicants: Caltrans, District 4; Christopher Blunk, P.E., Project Manager

Original CDP Approval
CDP No. 3-93-37-A3 was approved by the Coastal Commission on October 13, 1993, and provided for the placement of imported fill material, filter fabric, rip-rap backing, and two-ton rock slope protection to repair an existing portion of the California Trail as well as to provide protection for Highway 1 within the Coastal Zone in San Mateo County at the seaward side of Highway 1, 1.3 miles south of Capistrano Road and approximately 4 miles north of the Highway 1 intersection with Route 92, just south of the landward end of the Pillar Point Harbor east breakwater at Surfer's Beach, Half Moon Bay.

Proposed CDP Amendment
The proposed CDP amendment would amend CDP 1-98-05-A3 to allow extension of rock revetment along an additional approximately 48 linear feet. This CDP amendment is the follow-up required by Condition No. 8 of Emergency CDP No. G-2-16-0051 issued on June 21, 2016, allowing for initial temporary placement of the rock revetment. This amendment will authorize the additional 48 feet of rock revetment for the same period of time and subject to the same standard and special conditions attached by the Commission to the original project embodied in CDP Amendment No. 1-98-057-A3. The Commission's reference number for this proposed amendment is **1-98-057-A4.**

Executive Director's Immateriality Determination
Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The proposed construction will protect the existing Highway 1 and the public access and recreational opportunities in the area, including the California Coastal Trail, consistent with the Commission's original coastal development permit approval. Construction best management practices and post construction erosion control measures were implemented to protect adjacent sensitive habitats and coastal water quality.

Coastal Commission Review Procedure
The CDP will be amended as proposed if no written objections are received in the North Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on, November 2, 2016, in Half Moon Bay. If three Commissioners object to the Executive Director's determination of

immateriality at that time, then the application shall be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Renée Ananda in the North Central Coast District office.

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
PH (415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV

EMERGENCY PERMIT

Issue Date: October 14, 2016
Emergency Permit No. G-2-16-0066

APPLICANT:

County of San Mateo Department of Public Works, Julie Casagrande
555 County Center, 5th Floor, Redwood City, CA 94063

LOCATION OF EMERGENCY:

Seaward area along Mirada Road, between Magellan Ave and Medio Ave in unincorporated San Mateo County

EMERGENCY WORK:

Emergency roadway shoulder/revetment repairs along Mirada Road, involving repair of 13 large voids in the existing revetment through the addition of large boulders and small rock, totaling approximately 355 cubic yards, followed by repaving of the roadway shoulder. The spot repairs to the revetment will range in width and depth (~5-10' wide x ~1' deep) over a total distance of approximately 432 feet, and will not result in an overall increase in the height or footprint of the existing boulder revetment.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of wave and tidal action, especially from large storm events, has scoured sand from beneath the boulder revetment leading to subsidence and large voids near the edge of pavement, posing a threat to the existing Mirada roadway, adjacent properties and infrastructure, and the coastal trail, and requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. 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 Emergency Permit; and

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

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

Sincerely,

John Ainsworth
Acting Executive Director

for Nancy L. Ave

By: Nancy Cave, North Central District Manager

cc: Local Planning Department

Enclosures: 1) Acceptance Form;
2) Regular Permit Application Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT and returned to our office within 15 days (by October 29, 2016).

2. 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.

3. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone number and email address that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.

4. Only that work specifically described in this permit and as more specifically described in the Commission's file for the Emergency CDP for the specific property listed above is authorized. The work permitted under this permit is the minimum necessary to address the emergency situation at hand and therefore, minimizing the extent of rock placed is strongly encouraged. Any additional work or maintenance to the structures installed pursuant to this permit requires separate authorization from the Executive Director. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Coastal Commission's North Central Coast District Office on October 7, 2016, except as revised in the following manner:

    a. All existing wood, concrete, steel, rebar and other debris shall be removed entirely from the site and disposed of at a suitable off-site location outside the coastal zone.
    b. Mitigation measures shall be implemented to ensure that all remaining wood, concrete, steel, rebar and other debris are appropriately contained landward of the beach and not allowed to be released into coastal waters.

5. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access. Construction materials, equipment or debris shall not be stored where it will or could potentially be subject to wave erosion and dispersion. Construction shall be conducted pursuant to typical best management practices such as:

    a. All construction areas shall be minimized and allow public recreational access along the beach 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.
    b. 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.
    c. Grading of intertidal areas is prohibited.
    d. 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.
    e. Any construction materials and equipment placed on the beach during daylight 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.
    f. 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.
    g. The construction site shall maintain good construction site housekeeping controls and procedure (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.).
    h. All accessways impacted by construction activities shall be restored to their preconstruction 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.
    i. 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.

6. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.

7. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act, would be conditioned accordingly, and may not allow for the mined rocks to remain at the site after repairs are completed and may not allow any further armoring or a different configuration of the revetment. These conditions may also include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.), camouflaging any walls installed, and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves. In addition, any follow-up permit would account for and analyze the impacts of long-term sea level rise.

8. In exercising this permit, the applicant 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.

9. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans 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), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by this ECDP is complete, shall be provided with the site plans and cross sections.

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

11. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.

12. Within 90 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the

Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 30 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

13. Failure to a) submit a complete follow-up CDP Application that complies with Condition 12 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit[1], or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP[2] will constitute a knowing and intentional violation of the Coastal Act[3] and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to $15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

As noted in Conditions 7 and 8 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, (415) 904-5260.

---

[1] In some instances, a permit may also be required for removal.

[2] As noted above, in some instances, a permit may also be required for removal.

[3] The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
PH (415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV

EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISISON
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RE: Emergency Permit No. G-2-16-0066

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Central Coast District Office Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit is necessary for any permanent installation. I agree to complete the regular Coastal Development Permit application within 90 days of the date of the emergency permit or I will remove the emergency work in its entirety within 90 days of the date of the emergency permit (i.e., by January 14, 2017). Finally, I understand that my failure either to:

a) submit a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations by the date specified in this Emergency Permit, which date may be extended by the Executive Director for good cause, or

b) Remove the emergency development and restore all affected areas to their prior condition after consultation with Coastal Commission staff as you identified consistent with the Coastal Act,

will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director.

In some instances, a permit may be required for removal (if required by this Emergency Permit) by the date specified in this Emergency Permit. This formal action could include a recordation of a Notice of Violation on my property; the issuance of a Cease and Desist Order and/or Restoration Order; imposition of administrative penalties for violations involving public access, and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to $15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

_____
Signature of Property Owner or
Authorized Representative

Address: _____

_____

_____

_____
Print Name

_____
Date of Signing

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885

Memorandum

November 1, 2016

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
North Central Coast District

Re: ***Additional Information for Commission Meeting Wednesday, November 2, 2016***

Agenda Item	Applicant	Description	Page
W8	2-16-0905-W Preserve at Pacifica, LLC	Email, William Leon 1-6 Email, Susan Schectman 7-8 Email, Peter Loeb 9 Email, Margaret Goodale 10 Email, Celeste Langille 11-12 Email, Karen Rosenstein 13-14 Email, Ariel Macias 15 Email, Erin Macias 16-17 Email, Chaya Gordon 18-19 Email, Victor Carmichael 20	
W10a	Marin County LCP A No. LCP-2-MAR-15-0029-1 (Marin LCP Update)	Staff Report Addendum	
W10a	Marin County LCP A No. LCP-2-MAR-15-0029-1 (Marin LCP Update)	Ex Parte Communication, Comm. Steve Kinsey 21 Ex Parte Communication, Comm. Steve Kinsey 22 Correspondence, Marin County Community Dev. Agency - Brian C. Crawford 23-121 Correspondence, 128 individuals submitted this letter as of 10/26-28/16 122 Email, 314 individuals submitted this letter as of 10/26-28/16 123-124 Email, 35 individuals submitted this letter as of 10/26-28/16 125-126 Email, 12 individuals submitted this letter as of 10/26-28/16 127-128 Email, 2 individuals submitted this letter as of 10/26-28/16 129-130 Email, Katie Beacock 131-132	

Email, Eric Pedley 133
Email, Margaret Gurley 134
Correspondence, Stephen Martin 135-136
Correspondence, Curtis and Christine Gardner & Family 137
Correspondence, Victoria Sebastiani 138
Correspondence, Kevin Murphy 139
Email, Ken Lombardi 140
Email, Gary Stolzoff 141
Email, Ronald and Amanda Mallory 142-143
Email, Geneva Gondak 144-145
Email, Roy and Patricia Shimek 146
Email, Kevin Shanahan 147
Email, John and Lori Butler 148
Correspondence, Stinson Beach Village Assoc. 149-154
Email, Heather Bowker and Dennis Dougherty 155
Email, Eli Botvinick 156
Email, Jason Freedman & Michelle Visser 157-158
Email, Mike Linvill 159
Email, Carroll Botvinick 160
Email, Stephen B Tracy 161-163
Email, Jeff Symonds 164
Email, Bobbi Simpson 165-166
Email, Stacy Carlsen/Brigitte Moran/
Jamison Watts/Nancy Scolari/David Lewis 167
Email, Molley and Richard Lowry 168
Email, Robert and Cailean Sherman 169-170
Email, Catherine Cicotte 171-172
Email, Molly H Reno 173-174
Email, Pamela Lichtenwalner 175
Email, Harriet Moss 176
Email, Lawrence Baskin 177-178
Email, Carrie Varoquiers 179
Email, Eric Wilcox 180
Email,Barney Quinn 181
Correspondence, Timothy M Hamilton 182
Correspondence, Kevin Murphy 183
Correspondence, Susan Nelsen 184-185
Correspondence, Linda Bucklin 186-187
Correspondence, Deborah Houlihan 188-189
Correspondence, Patricia Munter 190
Correspondence, Nancy Torrey/Kent Khtikian 191-192
Email, Timothy Hamilton 193-194
Email, Robert Johnston 195-196
Email, Lawrence Crutcher 197-198
Email, Gerald and Barbara Meral 199-200
Email, Cynthia Lloyd 201-202
Email, Alex and Diana Muhanoff 203-205
Email, Judy Stemen 206
Email, Jack Sylvan 207-208
Correspondence, Randall Fleming 209-211
Email, Jessica Reynolds 212-213
Email, Meg Simonds 214
Email, Dan & Teri Fruchtman 215
Email, Eliza Finkelstein 216-217
Email, Todd Steiner 218-219
Email, Geneva Gondak 220-221
Email, Virginia B Otis 222
Email, Barbara Ward 223
Email, Sherry Penzias 224

Email, Richard Cimino 225-227
Email, Richard Shupack 228-229
Email, Hannah B Crutcher 230-231
Email, Patrick Woodworth 232-233
Email, Bill & Maggie Krill 234
Email, Arianne Dar 235-236
Email, Annette Brands 237-241
Email, Douglas Schmidt 242-243
Email, Lokelani Devone 244-246
Email, George Clyde 247-248
Email, Richard James 249-251
Email, Larry Litvak 252-253
Email, Joanna Nasar 254-255
Email, Sarah Millus 256-257
Email, Peter Fugazzotto 258-259
Emily Persico 260-261
Email, Meg Simonds 262-263
Email, Christopher Lish 264-265
Email, Melvyn Wright 266
Email, Tim Corriero 267
Email, Daniel Dietrich 268-269
Email, David Bernstein 270-272
Email, Kenneth Frankel 273
Email, Susan Mariners 274-275
Correspondence, Janee D Parry 276
Correspondence, Amy Trainer 277-282
Correspondence, Lori Kyle 283-285
Correspondence, Victoria Sebastiani 286-287
Email, Robert Johnston 288-289
Email, Peter A. Barry 290
Email, Email, Barbara Boucke 291
Email, West Marin Sonoma Coastal Advocates 292-293
Email, Marius E. Nelsen 294-295
Email, David Bernstein 296-297
Email, Susan Nelsen 298-299
Email, Marius Nelsen 300-301
Email, Conlan Ranches CA by Ione Conlan 302-309
Email, Frederique Joly 310-311
Email, Roberta Hawthorne 312
Email, Catherine Caufield 313-316
Email, Jennifer Blackman 317-318
Email, Alice Polesky 319-320
Email, Anne Parzick 321-322
Correspondence, Carolyn K Longstreth 323-325
Email, Ann Gessert 326-327
Email, Joseph Niehaus 328
Email, Greg Tyler 329-330
Email, Kathryn Johnston 331
Email, Paula Reynolds 332-333
Email, Donald Munro 334
Email, Janet Pasha 335-336
Email, Mervin Mace 337
Email, Amanda Mallory 338-339
Email, Geraldine Sbragia 340-341
Email, Roberta Hawthorne 342
Email, Dan Lockwod 343
Email, Mary MacCready 344
Email, Patricia Wilkerson 345
Email, Ed and Marcia Nute 346-347

Email, Marius Nelsen 348-349
Email, Alexis Laurent 350-351
Email, Dean & Elizabeth Pedley 352-353
Email, Theresa Coleman 354
Email, Tony Grant 355
Email, Gail Graham 356
Email, Peter Weber 357
Email, Alan Johnston 358
Email, Marius E. Nelsen 359-361
Email, Vernon Smith 362-364
Email, Michelle MacKenzie 365-366
Email, Polly O'Malley 367-368
Email, R Zierikzee 369-370
Email, S Chapek 371-372
Email, Anushka Drescher 373-376
Email, Thom Philipel 377-378
Email, Tessa Wardle 379-380
Email, Ashley Eagle-Gibbs, EAC 381-402
Email, Sam Dolcini 403-405
Email, Jim Curland 406-407
Email, Katie Taggart 408
Email, Sterling Speirn 409
Email, Lisa Stanton 410
Email, James Kirkham 411
Email, Malcolm Ponder 412
Email, John Andrews 413
Email, Bobbi Loeb 414
Email, Ian MacColl 415
Email, Charwick Clark Ertola 416
Email, Andre Neumann-Loreck 417
Email, Pamela Lichtenwalner 418
Email, Peggy Steffens 419
Email, Suzan Goard 420
Email, Jay Rocket 421
Email, John T. Andrews 422
Email, Kathryn Hadley 423
Email, Julie Simon Munro 424-425
Email, John Gouldthorpe 426
Email, Mary Garrigues 427-428
Email, Michael Traynor 429-430
Email, Charles Egan 431
Email, Cyndie Fox432-433
Email, Anne McMullin 434
Email, Terry Houlihan 435-444
Correspondence, Jeremy Talcott/ Kirk Wilbur 445-459
Email, Jane Allen 460-461
Email, Stacie Charlebois 462-463
Email, Sarah Loughlin 464
Email, Kim Lyon 465-466
Email, Mary Ann Cobb 467
Email, Alan Proctor 468
Email, Dianne K Chasteen 469
Email, Richard Reasoner 470
Email, Peggy Steffens 471
Email, Alexandra Rome 472-473
Email, Patty Trenkwalder 474
Email, Mary Brown 475
Email, Thomas J Schnugg 476-477
Email, Nancy Schlatter 478

Email, Kristen Renton 479-480
Email, Linda Howie 481-482
Email, O Lewis 483-484
Email, Susan Taylor 485
Correspondence, Chris Scheuring 486-490
Email, Gail D Mace 491-
Email, Linda and George Tillotson 492-493
Email, Dennis Jauch 494
Email, William Pereira 495
Email, Dennis Jauch 496
Email, Allen Gregg 497
Email, Kristy Patterson 498
Email, Tito Sasaki 499-500

W11a 2-15-1458-A1 (Cartel Management, San Mateo Co.) Staff Report Addendum

W11a 2-15-1458-A1 (Cartel Management, San Mateo Co.)

Correspondence, Savannah Shaughnessy 501-504
Correspondence, Nikki Brooks 505-506
Correspondence, Scott Miller 507
Ex Parte Communication, Comm. Mark Vargas 508
Correspondence, Cori Schumacher 509-511
Correspondence, Beth O'Rourke 512-514
Email, Amanda, Levett 515-518
Email, Sabrina Brennan 519-523
Email, James Lee Han 524-525
Email, Kris Lannin & Michael Liang 526-527
Email, Bill Kehoe 528-529
Email, Karen Tynan 530-533
Email, Karen K. Anderson 534-535
Email, Marnie Bell-Ferguson 536
Email, Edmundo Larenas 537-538
Email, Dayia Soul 539-541
Email, Sabrina Brennan 542
Email, Committee for Equity in Women's Surfing 543-545
Email, Blair Blackwell 546-547
Email, Jennifer Savage 548-550
Email, Amanda Levett 551
Email, Aynsley Parker 552-553
Email, Beth Pielert 554-555
Email, Thomas Sheffield 556-557
Email, Mira Manickam 558
Email, Brown Gril Surf 559-560
Email, Mary Larenas 561-562
Email, Nadine Choe 563
Email, Sarah Gerhardt 564
Email, Nancy Revering 565-566

W8

From:	Leo Leon
To:	Foster, Patrick@Coastal
Cc:	Cave, Nancy@Coastal; Rexing, Stephanie@Coastal; Lennie Roberts; Mike ferreira; Brian Gaffney; celeste languille
Subject:	Objection to CDP waiver 2-16-0905-W
Date:	Tuesday, October 25, 2016 12:18:22 PM
Attachments:	Pac Tribune Zentner article 9 16 2015.pdf

From: William.Leo Leon_768 Edgemar Ave._Pacifica CA 94044

Date: 10-25-2016

To: Patrick.Foster@coastal.ca.gov (Via Email)

Re: Objection to CDP waiver 2-16-0905-W

Dear Mr. Foster, I am in receipt of a Notice of Proposed Permit Waiver for CDP Waiver 2-16-0905-W. I hereby register my objection to the waiver. The area proposed to be excavated is an Environmentally Sensitive Habitat Area (ESHA) and is habitat for federally-listed endangered and threatened species. According to the notice, one 40 foot x 40 foot plot (1600 square feet) will be excavated to a depth of 1 foot. Another 40 foot x 40 foot plot will be cleared of pampas grass and other non-native vegetation. The notice says that the proposed development will utilize procedures to protect native wildlife and existing native vegetation, but does not say what those procedures will be. Given the sensitive nature of the site and the presence of Listed Species and ESHA on Site. The CCC should require a thorough Environmental Assessment of the the Site prior to the issuance of a CDP Waiver.

Furthermore, I object to waiving the requirement for a CDP because the site is very environmentally sensitive. There should be an environmental impact report and an analysis of impacts on endangered and threatened species and habitat. Excavating down to a depth of 1 foot will most likely harm habitat and could result in a take of endangered or threatened species.

The area is an identified wetland. The US Fish and Wildlife Service should also be

consulted about the proposed project and the potential impacts on the federally-listed species and habitat.

In addition to those concerns the CCC should be aware that the applicant has previously applied for CDP Waivers. Please read the attached letter in reference to a request for Culvert repairs. Those repairs were reportedly to be done for drainage. As it turns out the location is now proposed for a new stop controlled entrance from Highway 1 in Pacifica onto and through the same property. s it turns out that property is now proposed for hundreds of residential units and commercial development and a Hotel with bungalows.

In my opinion this is more than a simple request to remove invasive species. I therefore request that the CDP Waiver 2-16-0905-W be Denied. In my opinion the request is in fact part of a larger Development that is planned and will require CDP Permits and be subject to Environmental Review.

Sincerely, William"Leo"Leon

Pacifica , CA 94044

From: leo-rollene@hotmail.com
To: nancy.cave@coastal.ca.gov; stephanie.rexing@coastal.ca.gov; ltinfow@ci.pacifica.ca.us
CC: lennie@darwin.ptvy.ca.us; michaeljferreira@gmail.com; hbohner@earthlink.net; cclangille1@gmail.com; briangaf@gmail.com; jazb@sbcglobal.net; peterloeb1@gmail.com
Subject: My Comments for denial of CDP Waiver 2-15-1200-W
Date: Tue, 6 Oct 2015 09:56:34 -0700

> Dear Madams, I am writing in objection to the CDP Waiver 2-15-1200-W, scheduled before the Coastal Commission at their meeting on Thursday October 8, 2015. Please share my comments, concerns and documentation with the Coastal Commission.
>
> I am deeply concerned that the CCC may be approving a waiver that is an improper segmentation/ piecemealing of the environmental review. I have read comments from Mr. Zentner that the access road is prerequisite to Quarry development. And mention of the culvert enabling and improving

roadway access to the quarry development. I have attached comments from the *Pacifica Tribune* for your review. I interpret the culvert repair as a nexus to the larger project.

I am equally concerned by reports of serious errors and a guilty plea of Mr. Zentner, Project Manager in previous project development involving Endangered Species.

I have reviewed facts and allegations that Mr. Zentner has a long history with wetlands and endangered species in San Francisco Bay Area. I have attached a file that contains a copy of a court related document. It says that Mr. Zentner has entered a guilty plea to Violations regarding Endangered Species.

Furthermore, I was forwarded other reports including an "accidental" dredging of an endangered clapper rail (Ridgway's rail now) inhabited and black rail-inhabited marsh at a proposed ferry terminal berth at Port Sonoma. Which was shut down with a cease-and-desist order from the Corps, and follow-up enforcement actions from BCDC.

And a large development of hundreds of acres, piecemealed through a mitigated negative declaration at Port Sonoma. It was stopped by CEQA litigation threat by Marin Audubon and Sierra Club, through Shute-Mihaley .

I request that Staff review these Facts and Allegations prior to acting on the CDP Waiver 2-15-1200-W and revisit and re-assess the situation.

Furthermore, I request that Staff proceed and error on the side of caution to protect Biological and Coastal Resources. The Coastal Act demands better protection and comprehensive environmental review for the invaluable coastal resources at the Pacifica Quarry site. I suggest including implementation of 6:1 mitigation on this project.

At this point I am very skeptical of any proposed waivers of regulations & procedures.

In closing, I request that the issue of a waiver, if it is pursued, be continued until the Coastal Commission's scheduled meeting in Half Moon Bay in November 2015, this will facilitate public input.

Sincerely, Leo
William Leo Leon
Pacifica, CA

650-355-5890

Quarry project manager engaged in pre-development site improvements

By Jane Northrop Pacifica Tribune Staff Writer
Updated: 09/16/2015 01:02:48 PM PDT

MercuryNews.com

Click photo to enlarge

It's been a number of years since Pacificans heard about any potential development in the Quarry. The last time, the town was divided about what should be built there. Pacificans have the right to vote on housing proposed in the Rockaway Quarry. In 2006, the majority voted down Don Peebles' proposal for homes and businesses. That proposal called for mixed use, homes above businesses, near the Rockaway Beach area, and also for a number of single family homes spread out in the area.

The new owner, Paul Heule, whose company is named Eenhoorn, based in Michigan, engaged a local project manager who is moving forward on a few site improvements before a development is proposed. John Zentner, a plant ecologist with experience in wetlands science and restoration, of Zentner and Zentner in Oakland,, a land planning and restoration company, met the Tribune at the Quarry and pointed out the areas where work will be done.

Once the development is proposed this fall, Zentner said he envisions it will be a sustainable one that will also bring revenue to the city and tie into the existing Rockaway businesses with new businesses.

"It's a nice mix and more environmentally sustainable than the other (the Peebles plan)," he said.

The development proposal calls for a 20 to 30 unit lodge and conference center with 30 to 40 small detached cottages. Residential units, 200 of them of varying one, two and three bedroom units will be tucked into the hill. On the top of the hill, four to five single family homes will be built.

"These are smaller lots that will be tucked into the environment. We want them to blend in," Zentner said.

Zentner and his team chose a culvert replacement as the first site improvement to complete, at an anticipated cost of $12,000. The culvert is located right off a path accessed by a parking area just south of the main Quarry trails parking area.

Right now, the culvert doesn't work. Flows back up from the north end and flood over the access road during wet weather. After the culvert is replaced, native plants will be planted 25 feet around it after the non-natives, such as pampas grass, have been removed. Santa Barbara sedge, creeping wild rye, field sedge and arroyo willow are among the natives to be planted. A team will monitor the site annually for three years to see how the plants are growing.

Zentner secured a permit for the culvert replacement with California Dept. of Fish and Wildlife and has permits pending with San Francisco Bay Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Coastal Commission.

He expects it will take a couple days to remove all the non-native plants. For the replanting, he hopes to gain enough interest in the community to have a community planting day.

That project will be followed by the restoration of a long and narrow wetlands area, which is now an unpaved walking path in the same general area at the southeast corner of the Quarry.

"The wetlands will be increased," he said.

And finally Zentner plans a reclamation of the quarry, pending approval from the city of Pacifica and the California Coastal Commission. That's a $1.2 million endeavor that requires moving about 700 yards of material from the Quarry face and from the cliff.

"I'm trying to figure out the aesthetics," he said, staring off into the distance with the Quarry rock face in view.

The project will require stabilizing an old landslide area that has been covered up, blending the quarry area in with the other parts of the property, reducing the slope steepness and bringing the ridge down. The hikers and dog walkers will still have safe access the existing trails, despite the major moving around of dirt and rocks. He expects to begin work on that in April and May of 2016.

"It will take at least 60 days to do the reclamation," he said. "This site needs a lot of restoration work, but the location is irresistible. I wanted to be able to restore wetlands like this. Land changes over time. I worked on this site 20 years ago, when a friend was the biologist on the project that built the wastewater treatment plant."

Jane Northrop can be reached at jnorthrop@bayareanewsgroup.com

W8

From:	Sue Schectman
To:	Foster, Patrick@Coastal
Cc:	Leonardini John; Loeb Peter
Subject:	Objection to CDP Waiver 2-16-0905-W
Date:	Tuesday, October 25, 2016 2:31:09 PM

Date: October 25, 2016

Re: Objection to CDP waiver 2-16-0905-W

Meeting of November 2, 2016

Dear Commissioners:

I respectfully request that Permit Waiver for CDP Waiver 2-16-0905-W be rejected and a CDP be required for work of this nature in ESHA habitat, wetlands, and threatened/endangered species habitat.

Issuance of this Waiver would be non- compliant with the Coastal Act and the Endangered Species Act for the reasons stated by Peter Loeb in his email to Patrick Foster sent today.

I am unaware of any information that required consultation with jurisdictional regulatory agencies including the US Fish and Wildlife Service or State Department of Fish and Game has occurred nor been completed. Nor am I aware of consultation with the Army Corps of Engineers which is in receipt of an application from the same applicant to develop a wetlands mitigation bank project including this area. The Corps is reviewing that application which has not yet been deemed complete nor issued.

The Commission is being asked to decide on this Waiver in isolation without the necessary information it needs to understand the nexus and impact of this Waiver with pending development applications for the same site. The applicant has submitted two development applications to the City of Pacific for significant development and alterations to this site. These include a massive mixed use multi-family housing, hotel, and commercial development directly on the coastside west of Highway One. No environmental review of these applications has yet occurred.

This Waiver would permit work directly related to these applications which, if approved, will require mitigation of impacts to this site. Appropriate mitigation can't be assessed without at a minimum regulatory consultation and environmental review of the whole project.

Please require the applicant to present the Commission with the information it needs to make a fully informed decision at minimum via a CDP after required consultation has occurred.

Please do not allow piecemeal alteration of this site in an information vacuum.

Respectfully,

Susan Schectman
306 Shamrock Ranch Road

Pacifica CA 94044
sueschectman@comcast.net
650-400-4879

W8

Date: October 25, 2016

Via email to Patrick.Foster@coastal.ca.gov

Re: Objection to CDP waiver 2-16-0905-W

I am in receipt of a Notice of Proposed Permit Waiver for CDP Waiver 2-16-0905-W. I wish to register my objection to the waiver. The area proposed to be excavated is an Environmentally Sensitive Habitat Area (ESHA) and is habitat for federally-listed endangered and threatened species. According to the notice, one 40 foot x 40 foot plot (1600 square feet) will be excavated to a depth of 1 foot. Another 40 foot x 40 foot plot will be cleared of pampas grass and other non-native vegetation. The notice says that the proposed development will utilize procedures to protect native wildlife and existing native vegetation, but does not say what those procedures will be.

I object to waiving the requirement for a CDP because the site is very environmentally sensitive. There should be an environmental impact report and an analysis of impacts on endangered and threatened species and habitat. Excavating down to a depth of 1 foot will destroy habitat and could result in a take of endangered or threatened species. The area is an identified wetland. Excavating a full 40 x 40 plot to a depth of 1 foot will most likely result in a take of the threatened California Red-Legged Frogs that are present throughout the site. At the very least, the US Fish and Wildlife Service should be consulted about the proposed project and the potential impacts on the federally-listed species and habitat.

The same applicant has submitted a permit application to the U.S. Army Corps of Engineers to create a mitigation bank on the same site. The USACE says in their Public Notice 2015-00286S, "USACE has made a preliminary determination that the following Federally-listed species are present at the project location or in its vicinity, and may be affected by project implementation. The project site contains suitable breeding and foraging habitat for the Federally-listed threatened California red-legged frog (CRLF: *Rana draytonii*). Surveys have confirmed the presence of adult, juvenile, and egg masses within the project boundary" and that "Suitable habitat for the San Francisco garter snake (SFGS) is located throughout the project site."

In a letter to USACE regarding the mitigation bank Public Notice, Dr. Peter Baye, coastal ecologist, says that the project site has "abundant mammal burrows that provide habitat for the federally listed San Francisco Garter Snake (SFGS). The SFGS has previously been determined by a qualified expert (authorized to conduct SFGS surveys by USFWS) to be present on the Quarry site: *Swaim Biological 2007. Status of The San Francisco Garter Snake (Thamnophis sirtalis tetrataenia) At Pacifica Quarry, San Mateo, California. Prepared for: PBS&J EIP Associates.* The report presented results of a regional analysis of the status of the SFGS, and concluded that SFGS, which are present on adjacent Mori Point, cannot be determined to be absent from the Quarry flats site. The report concluded that SFGS forage in the upland habitats in the vicinity of wetlands because of the adequate fog and moisture that allows the SFGS prey species to be present in the uplands. The report also confirmed presence of federally listed California red-legged frog (CRLF) at the proposed project site. The abundance of small mammal burrows at the proposed project site indicates a likelihood of impacts and incidental take of both CRLF and SFGS due to construction activities."

The site is part of a much larger site proposed for development, which is the subject of Measure W on the Nov. 8 ballot. If Measure W is defeated, the project may be abandoned. The Commission should not act on this waiver until the results of the election are known.

Respectfully submitted,

Peter Loeb
411 Maitland Road
Pacifica, CA 94044

W8

From:	Stan Zeavin
To:	Foster, Patrick@Coastal; Cave, Nancy@Coastal; Rexing, Stephanie@Coastal
Subject:	Permit Waiver application 2-16-0905-W
Date:	Wednesday, October 26, 2016 3:15:42 PM

Dear Mr. Foster, Ms. Rexing and Ms. Cave.

A convicted violator of the Endangered Species Act is again asking you for a permit waiver for work in the Quarry in Pacifica. Again he claims it is just a small waiver for just a small area planned to assess the big benefits of future work.

What is the Coastal Commission's policy about waiving permits to individuals who have civil or criminal records for ESA violations?

Unfortunately, we have learned in Pacifica that while Mr. Zentner has repeatedly claimed he learned his lesson and apologized for his "mistakes," his "accidents," and his ignorance of local law, this claim does not seem to be accurate. A few years after his federal conviction, the USACE, Marin Audubon and the Sierra Club were forced to intervene to protect Ridgeway's and Black Rail habitat at the Port of Sonoma. Last year in Pacifica, the CCC issued a cease and desist order when locals questioned the heavy equipment that appeared in the Quarry.

With this waiver request, Mr. Zentner appears to continue to pretend that running excavators and heavy equipment over the endangered species habitat that exists in the Quarry will be to the benefit of the California Red-Legged Frogs. Instead of removing the frogs as he did in Concord in 1999, it's certainly easier to simply eliminate any California Red-Legged Frogs that might inconveniently be hiding in some of the many gopher burrows by burying or chopping them into unrecognizable bits.

Please deny the permit waiver. To allow any further potential destruction of the small, hardy remainder of the Quarry CRLF frog population without thorough investigation of take would be a great sadness.

Respectfully submitted,

Margaret Goodale
Pacifica

W8

From:	Celeste Langille
To:	Foster, Patrick@Coastal
Cc:	Cave, Nancy@Coastal; Rexing, Stephanie@Coastal; Leo Leon; Brian Gaffney; PeterLoeb1; Peter Baye
Subject:	Re: Objection to CDP waiver 2-16-0905-W
Date:	Thursday, October 27, 2016 3:45:18 PM

California Coastal Commission

North Central Coast District Office

Patrick.Foster@coastal.ca.gov

re: Coastal Development Waiver 2-16-0905-W

I am writing to request that Coastal Development Waiver 2-16-0905-W be denied. This same applicant has numerous pending applications and a pending ballot measure for connected actions with numerous agencies, including the US Army Corps of Engineers and the City of Pacifica. The applicant's previous CDP waiver 2-16-0905-W was denied because the applicant failed to disclose the whole of the project as proposed. The connected action of opening a road access that had been closed for many years appeared to be the goal of that permit application which was submitted as a culvert repair.

Unfortunately, this same applicant used heavy equipment throughout the Quarry area to take soil samples/excavate trenches in 2015 without any permit(s) and without the permission from the City of Pacifica to use the City's access to the Quarry property. The applicant's unpermitted actions in operating heavy equipment both to excavate, trench and to drive across sensitive species habitat was illegal. The details of the applicant's unpermitted activities were communicated to Coastal Commission staff at the time.

In connection with the pending and connected large scale residential and commercial development proposed by the applicant, the applicant also failed to gain permission from the City prior to conducting traffic studies earlier in 2016.

The entire eastern parcel of the Quarry between San Marlo Way and Reina Del Mar is suitable habitat for numerous species, most importantly the California red legged frog and the San Francisco garter snake. The California Fish & Game Code identifies the San Francisco garter snake as a "fully protected reptile." Fish & G. Code § 5050, subd. (b)(1). Fish & G. Code § 5050, subd. (a) provides that a fully protected reptile "may not be taken or possessed at any time." The recent holding in Center for Biological Diversity v.

Department of Fish and Wildlife (2015) 62 Cal.4th 204 clarified the strong protections granted fully protected species, including that mitigation measures can constitute "take" of a fully protected species. Fish & Game Code § 5050 prohibits possession or take of the species listed thereunder, except in connection with scientific study. This differs from the California Endangered Species Act ("CESA"), which allows possession or take in connection with conservation measures, such as collection and relocation of protected species. This Coastal Development Waiver application does not qualify as a scientific study. The applicant does not qualify for a Coastal Development Permit application waiver, but must address the specific issue of potential take of San Francisco Garter Snake separately and also must address all related environmental impacts. This application appears to be another segmentation of connected actions involving the Quarry Development Project, the Quarry wetlands mitigation bank and the Quarry reclamation project as discussed in other comment letters.

This parcel also contains Environmentally Sensitive Habitat Area or "ESHA" as defined by the Coastal Act and numerous small wetland areas. It is unclear how the applicant will access the property in connection with this waiver, but it is possible the applicant may attempt to re-open the closed road referenced above.

Coastal Development Waiver 2-16-0905-W should be denied due to the circumstances described above and in other comment letters as well as the applicant's history of misleading the Coastal Commission and illegal prior use of heavy equipment on this site.

Thank you,

Celeste C. Langille
Attorney at Law
446 Old County Road, Ste. 100-341
Pacifica, CA 94044
LangilleLaw@gmail.com
510-290-8000

CONFIDENTIALITY NOTE: This and any accompanying pages contain information which may be confidential and/or legally privileged. The information is intended to be for the sole use of the individual or entity named above. Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. If you are not the intended recipient please contact the sender and destroy all copies of the communication.

W8

From:	Karen Rosenstein
To:	Foster, Patrick@Coastal; Cave, Nancy@Coastal; Rexing, Stephanie@Coastal
Cc:	Karen Rosenstein; quarry-talk@johnscellar.com
Subject:	RE: Objection to CDP waiver 2-16-0905-W
Date:	Thursday, October 27, 2016 3:42:58 PM

Dear Mr. Foster, Ms. Rexing and Ms Cave,

I am in receipt of a Notice of Proposed Permit Waiver for CDP Waiver 2-16-0905-W. I wish to register my objection to the waiver.

Please do not grant this waiver.

If this is an an area with multiple endangered species then why is an excavator and similar heavy equipment designated to be used in digging this test area?

This test area is located adjacent to a busy highway with unfortunately much trash. What is to prevent the highway trash from being blown into the test area contaminating the testing area during the test period?

What preventive measures is the applicant taking to prevent people, model airplanes/drones, and/or dogs from going into the test area?

This waiver is for a part of a much larger development proposal that Pacifica voters are voting on just a few days after your meeting on Nov. 8. Wouldn't it make more sense to wait to see if the voters approve Measure W proceeding? (Measure W would change the zoning to residential. Two previous attempts by different developers have failed.)

As stated above, the testing area is part of a much larger development proposal which includes a housing component across the way from the mitigation bank area. In the last few months, the developer has shown Pacificans THREE slightly different versions of his proposed project. Those differences include different roadway configurations which each impact the mitigation bank area in a different way. Additionally, a Quarry reclamation plan needs to be done and that in turn depends on other determinations by various agencies. The City of Pacifica has only an incomplete project application from the developer for this entire area. Wouldn't it be better to wait until there is more clarity regarding the project's design before doing this test?

In reading about this, I also wonder whether humankind really knows how to create a wetlands, especially a wetlands that does not have a year round reliable water source? Are there man-made wetlands that are still functioning after 20 years that are available to use as a guide to even make this wetlands creation possible? Or are we going to let the developer give this the old college try, thus changing forever the habitat for two endangered species in the extended Quarry area, with the hope, but not knowledge that it will be better? All, so that this can be used to offset yet another area being destroyed thus ending up with something built and two formerly natural areas eliminated?

Last but not least, this project is located west of Hwy. One in Pacifica and is in the Coastal Zone. I would greatly appreciate this error in the application being corrected. Additionally, this area is near a possible Tsunami zone. What's being proposed for

the area between the mitigation bank and the ocean? 206 four story high apartment buildings that a tsunami could sweep all of those building materials into this mitigation bank area irrevocably changing it.

I believe this needs to be looked at much closer than it has been. Please do not waive the requirement for a CDP. This site has too many unanswered questions the developer and his team are hoping the CCC will not be interested in answering.

Thank you!

Sincerely,

Karen Rosenstein
200 Troglia Terrace
Pacifica, CA 94044

W8

From:	Ariel Macias
To:	Foster, Patrick@Coastal; Cave, Nancy@Coastal; Rexing, Stephanie@Coastal
Subject:	Application 2-16-0905-W
Date:	Thursday, October 27, 2016 8:42:26 PM

Hi,
My name is Ariel Macias and I am a 16 year old local in Pacifica. I have recently been aware of the quarry excavation permit and I would like you to please decline that request. There is a wide variety of animals in the quarry. Some I love to catch and release are the many different types of frogs, lizards, and insects. These precious animals thrive in their environment and to have such a project occur is fatal to them. I have seen the destruction on the top of Fassler and where there once were an abundance of frogs, is now covered in solid concrete. The project may seem like a good idea but it is extremely damaging to the environment and the critters that live in it. Along with the potential death of these animals, the increasing traffic on Highway 1 would add to the air pollution and run off the animals and people around have to live in.

Thank you for listening,
Ariel Macias

Email disclaimer

This message (including attachment if any) is confidential and may be privileged. If you have received this message by mistake please notify the sender by return e-mail and delete this message from your system. Any unauthorized use or dissemination of this message in whole or in part is strictly prohibited.

W8

From:	Erin Macias
To:	Foster, Patrick@Coastal; Cave, Nancy@Coastal; Rexing, Stephanie@Coastal
Subject:	Permit Waiver application 2-16-0905-W
Date:	Thursday, October 27, 2016 1:33:26 AM

To Whom It May Concern,
I am a 20 year Pacifica resident and became aware of a Notice of Pending permit for the development of the property along highway 1 between Rockaway Beach and Vallemar for the removal of two 40X40 plots to test individual plant species. As a hobby organic gardner I understand the desire to test the viability of plants in a particular area, but we can also look at the soil and exposure to anticipate what will grow without excavating such a large area. I would question why such large parcels are necessary to test native species. A soil report from small core samples would yield more data than excavating two large plots and would be minimally invasive. You can't really amend soil. You just have to work with what you have. Knowing the type of soil is the information they are likely trying to gather. They know the drainage, it doesn't drain... it's a former quarry. The absence of natural drainage is yet another environmental concern.

Residents are also aware that this owner or his assigns have been caught with equipment there without permits in the past and have a history of blatant disregard for the environment. This parcel is in a sensitive coastal zone and deserves utmost scrutiny from the CCC. They conducted a traffic study without a permit from the city too. Their history lends itself to tight environmental oversight of this project.

I strongly object to the request to excavate on this parcel right now. We are finally getting the rain we need and the frogs are now up, foraging and breeding like they do every year in that parcel. This parcel is teeming with wildlife. My children have been observing frogs for a decade and we have seen gorgeous blue garter snakes too on the north end of the parcel. In addition to that there are resident coyotes, bobcats and many birds nesting along the back of the parcel. There used to be feral cats, but the coyotes have eliminated the entire population and now the bird populations are thriving. There are insects that humm and chirp, there are lizards too. You should take a walk in this parcel to observe for yourselves.

It is too sensitive an area to remove plots of land without regard to the animals that make the quarry their home. My teen loves frogs and she hunts all over Pacifica to find salamanders, newts, frogs, and snakes to name a few. She did not have a photo from that parcel on her phone, but she has photos with GPS tags from the parcel on top of Fassler where they poured concrete pads right on top of frogs :(Trust me, there are large populations in the quarry too.

The type of project they are proposing requires the use of mass excavators and large earth moving equipment not just for construction, but for ingress and egress. This project is too significant to let any work commence before the area is carefully surveyed by the CCC. Large earth moving equipment and a project spanning years to complete, regardless of the construction of a wetlands project, could permanently alter the habitat and eliminate native populations of animals.

I am asking that the CCC require a comprehensive Environmental Impact Report be conducted in this area before ANY work is allowed on that parcel. I fully understand it is private land and am sensitive to the desire to build, but that area has only quiet foot traffic so over the years it has become a diverse little community for local

wildlife.

There is an area on the south part of the parcel that fills up with water when it rains, it just rained. There are thousands on thousands of tadpoles each year. We cannot assume that the large frog population is isolated to one area. The next few weeks would be a good time for a site visit. Aside from erosion issues which are equally concerning, please also require an environmental impact report to evaluate the diverse mammals, birds, reptiles, amphibians and insects who make the quarry their home.

Respectfully,
Erin Macias

W8

California Coastal Commission Meeting November 2, 2016
Agenda item #8
Objection to CDP waiver 2-16-0905-W

TO: Patrick Foster, Nancy Cave and Stephanie Rexing
California Coastal Commission

via email to:
patrick.foster@coastal.ca.gov
nancy.cave@coastal.ca.gov
stephanie.rexing@coastal.ca.gov

COMMENTS SUBMITTED October 28, 2016 by Chaya Gordon, Pacifica CA

RE: Application of Mr. John Zentner, Zentner and Zentner, agent for Pacifica Quarry developer for CDP waiver

John Zentner, principal of Zentner & Zentner of Oakland, CA, has a long documented history of disregard for environmental regulations.

Zentner pled guilty in 2000 to criminal charges under the Endangered Species Act. Zentner lied about the presence of endangered California red-legged frogs at a Concord, CA development site, and relocated 64 of the frogs and 500 tadpoles to a pond area, where many of them died.

This was not an innocent mistake. According to the DOJ Environment & Natural Resources Division website, Zentner and his corporation, Zentner & Zentner, were prosecuted under the Endangered Species Act for unlawfully taking threatened California Red-legged frogs at the site of a new housing project in Concord, California: "Zentner and his company collected over 50 protected frogs and 500 tadpoles from the sole pond at the site, shrunk the pond by more than half in order to facilitate the development, and relocated the frogs into the remainder of the pond, which was no longer capable of sustaining them. The defendants failed to notify wildlife authorities of the existence of the frogs at the site despite the demonstrated concern of officials that the species were probably present. Zentner was sentenced to a $10,000 fine, to serve 200 hours in community service as an unpaid environmental consultant to the Napa-Sonoma Marshes State Wildlife area, and three years of probation; the company was sentenced to a $65,000 fine."

The Environment & Natural Resources Division website also states that despite the USFWS recommendation that a the developer use a plan to mitigate harmful impacts on the frogs that the agency believed might inhabit the site, Zentner & Zentner did not seek permission to capture or relocate the frogs, and therefore no permit authorizing a take of the frogs was issued. The website explains: "In May of 1999, John Zentner, with the assistance of Zentner & Zentner employees, relocated as many as six to eight California red-legged frogs from the watercourse running through the Holly Creek Estates site to the one pond on the site. Two months later, specifically at John Zentner's direction, more than 50 California red-legged frogs and more than 500 tadpoles were collected by Zentner & Zentner employees and relocated from one portion of the pond that was to be filled in to another portion that was to be preserved.

On July 29, 1999, most of the pond in which the frogs had been found was filled in at the direction of the developer. Because Zentner first collected and relocated the frogs and tadpoles to the now-smaller pond -- within 15 feet of the new homes -- the pond was incapable of sustaining them and many died."

Recently, at the Pacifica Quarry site, Zenter has been "caught" not following regulations. In August of 2015, Zentner had heavy equipment gouge out parts of hillsides and walking trails in the Quarry project area, claiming they were taking "soil samples." Zentner said they didn't need a permit and had not filed a detailed work plan with the Coastal Commission. After the work was reported by a third party to the Coastal Commission, Commission staff notified Zentner that he was required to submit a detailed work plan before continuing the work. Regardless, the backhoe continued digging until it finished.

In the spring of 2016, the Quarry developer hired Idax Data Solutions to gather data for a traffic study. Idax did not bother to get permits before setting up high poles near Linda Mar Shopping Center in Pacifica. Zentner said he was "surprised" that Idax started the work before getting permits. Isn't Zentner, the project manager, responsible for monitoring this?

The Pacifica Quarry area is an Environmentally Sensitive Habitat Area (ESHA) and is habitat for federally-listed endangered and threatened species, including the California red-legged frog and the San Francisco garter snake. It is also an identified wetland. An Environmental Impact Report is needed to analyze the effect of the proposed removal of Pampas grass on two 40'x40' plots, one of which will be excavated to 12" deep.

Zenter's history of willful violations of environmental and local regulation does not entitle him or the Quarry developer to any reduction in oversight. In fact, Zentner needs the maximum amount of oversight allowable.

The proposed work should be processed as a regular CDP application.

W8

From: victor carmichael
To: Foster, Patrick@Coastal
Subject: Objection to CDP waiver 2-16-0905-W
Date: Friday, October 28, 2016 4:03:29 PM

Objection to CDP waiver 2-16-0905-W

I understand a CDP waiver is being considered regarding allowing dredging in a wetland adjacent to the an area in Pacifica known as The Quarry. This is the very area that is involved in a controversial development project named disingenuously Preserve the Quarry. To this end a measure is on the ballot to allow residential development there that hitherto was not allowed. Therefore it seems absolutely premature to grant such a waiver prior to the upcoming election.

But more germane are the basic facts of the matter. The areas to be dredged (40' x 40' x 2') is in a coastal wetland. Furthermore, it will impact or in legal language result in a "take" of a federally listed threatened species, the California Red-Legged Frog. Dredging out such a sensitive tract would destroy any adult, juvenile and egg masses of the red-legged frogs that might exist there. It seems inconceivable that this would be allowed.

In conjunction with this waiver application is a permit application to the US Army Corp of Engineers to create a mitigation bank on the same site. USACE has verified in a preliminary determination that the site contains the federally listed species, red-legged frogs. Additionally qualified coastal ecologist Dr. Pete Baye in a letter to the USACE stated he believes conditions also exist of the site for the predator of the red-legged frog and also federally listed (and even closer to extinction), the rare San Francisco Garter Snake.

Not granting of CDP waiver 2-16-0905-W should be a "no brainer".

Sincerely,

Victor Carmichael

RECEIVED
OCT 27 2016

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

W10a

Date and time of communication: October 27, 2016; 11AM-12Noon

Location of communication: Marin County Civic Center
(If communication was sent by mail or facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication:
Jeff Loomans, Paula Reynolds, Kiren Niederberger, Chris Harrington

Identity of person(s) receiving communication: Steve Kinsey

Name or description of project: Marin County Local Coastal Program Amendment

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Representatives from West Marin coastal villages presented their concerns related to the CCC staff modifications to Marin County's Environmental Hazards submittal as part of a comprehensive LCP update. Speakers mentioned that each had participated IN Marin's C-Smart process to develop an Environmental Hazard amendment, and feel that the Coastal staff is ignoring all of the give and take that went into reaching consensus support for the County's submittal language.

Specific concerns raised had to do with the geographical area subject to the Environmental Hazards policies, the definition of what constitutes new development, the potential for being required to remove existing permitted coastal protection, and the requirement that all new development be considered as if a maximum sea level rise in a 100 year period will occur.

They encouraged Marin county to reject the CCC staff's proposed modifications, and offered to support the LCP language as submitted by the County.

_____ _____

Date Signature of Commissioner

W10a

RECEIVED
OCT 21 2016

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: _October 21, 2016_____

Location of communication: _Marin County Civic center- S. Kinsey email account

(If communication was sent by mail or
facsimile, indicate the means of transmission.) sent by email to official County site

Identity of person(s) initiating communication: _ multiple parties_____

Identity of person(s) receiving communication: _____Steve Kinsey_____
_____

Name or description of project Marin County LCP Amendment_____

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)
During the week beginning October17, 2016, a number of email communications requesting that the County oppose modifications to Marin County's Environmental Hazards Section as proposed by the CCC staff.

I have not replied or communicated other wise with any of the multiple parties submitting similar requests. I have forwarded all emails received to Executive Staff.

10/21/16
Date

SJ Kinsey
Signature of Commissioner

From: **Pat Gallagher** <pjgallaghersf@gmail.com>
Date: Fri, Oct 21, 2016 at 11:01 AM
Subject: Problem with changes imposed by CCC
To: bcrawford@marincounty.org, skinsey@maringcounty.org
Cc: Joan Gallagher <joang333@aol.com>
Brian and Steve, we are residents of West Marin in Stinson Beach and our home is in the Seadrift. area. We are very concerned with the situation that has appeared to have developed by the California Coastal Commission's refusal to accept the changes to the Environmental Hazards Amendment that were carefully drafted and approved by our Board of Supervisors. The CCC seems to have ignored the rights of homeowners in this situation.

We fear that the CCC intends to enforce their own regulations in place of those our Board of Supervisors has approved which will cause many Stinson Beach homeowners to lose our rights to maintain, repair and if necessary, rebuild our property as outlined in the Local Coastal Program our community has approved.

We therefore ask that you withdraw the Environmental Hazards Amendment that the CCC will advocate at the hearing which will take place on November 2, 2016.

Thank you for listening and acting on our behalf.

Pat and Joan Gallagher
31 Dipsea Road
Stinson Beach, CA 94970
(415) 672-1925 mobile

Dear Supervisor Kinsey,

I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

As a West Marin homeowner, I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.

I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. **The current Local Coastal Program would be better than the proposed changes. Please keep it in place.**

Thank you for your consideration.

Lisa Wilcox Corning
229-230 Seadrift Road
Stinson Beach, CA

Dear Mr. Crawford and Mr. Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you for your consideration,

Mason Willrich
345 Seadrift Road
e: willrichmason@gmail.com

Supervisors Crawford and Kinsey,

As a homeowner in Stinson Beach, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I am single and live alone, and the value of my home is of the utmost importance to me!

I understand that you have worked hard to compromise with the California Coastal Commission staff, but those efforts have failed, and they have steadfastly refused any modifications whatsoever - and instead intend to force their own draft regulations at the upcoming hearing on November 2nd in place of those approved by our Board of Supervisors. I am terribly disappointed that the many meetings, votes and letters from numerous West Marin residents have been ignored by the Coastal Commission.

Please do everything you can to protect my home and my property. If there is no chance for any concessions by the CCC, the current Local Coastal Program would be better than the proposed changes, therefore please do what you can to keep it in place.

Victoria (Vicki) Sebastiani
274 Seadrift Rd.
Stinson Beach

Dear Director Crawford,
As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Chadwick Clark Ertola

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Lynn Douglas

Dear Mr. Crawford and Mr. Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you for your consideration,

Mason Willrich
345 Seadrift Road
e: willrichmason@gmail.com
Email Disclaimer: http://www.marincounty.org/main/disclaimers
From: Vicki Sebastiani [mailto:vicki@vsebastiani.com]
Sent: Friday, October 21, 2016 3:33 PM
To: Crawford, Brian; Kinsey, Steven
Subject: Upcoming California Coastal Commission hearing

Supervisors Crawford and Kinsey,

As a homeowner in Stinson Beach, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.
I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I am single and live alone, and the value of my home is of the utmost importance to me!

I understand that you have worked hard to compromise with the California Coastal Commission staff, but those efforts have failed, and they have steadfastly refused any modifications whatsoever - and instead intend to force their own draft regulations at the upcoming hearing on November 2nd in place of those approved by our Board of Supervisors. I am terribly disappointed that the many meetings, votes and letters from numerous West Marin residents have been ignored by the Coastal Commission.

Please do everything you can to protect my home and my property. If there is no chance for any concessions by the CCC, the current Local Coastal Program would be better than the proposed changes, therefore please do what you can to keep it in place.

Victoria (Vicki) Sebastiani
274 Seadrift Rd.
Stinson Beach

From: Ann Walsh [mailto:acwalsh@sbcglobal.net]
Sent: Friday, October 21, 2016 2:16 PM
To: Kinsey, Steven; Crawford, Brian
Subject: Local Coastal Program amendments

Hon, Steve Kinsey, Supervisor
Brian Crawford, Dir, Comm. Dev
Marin County Civic Center
San Rafael 94903

Dear Supervisor Kinsey and Mr. Crawford:

I wish to thank the County for your efforts to forge a compromise with the California Coastal Commission on their proposed amendments to the Local Coastal Program. I understand that the Commission has not been receptive to the County suggestions despite the fact that they were compiled with input from a wide array of local residents who are vitally interested in resolving this issue. The fact that the Commission—an appointed body—is attempting to subterfuge the interests of residents of our County Board —an elected body --is indeed disheartening.

People need to know their voices are heard and their concerns weighed. For most of us, our home is our main financial asset and we need to be able to protect it as well as improve it where warranted. The Coastal Commission appears to want to take this right away from us which will result in harm to both the property owners themselves and the County.

These concerns need to be heard. Please let me know what further we might do to try to resolve these issues.

Thank you for your work on this issue.

Ann Walsh
35 Dipsea Rd.
Stiuson Beach, CA 94970

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey

3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. This is indeed frustrating as a contributing member of the community and tax payer.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Susan J. Nelsen
P.O. Box 601
Stinson Beach, Ca. 94970

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sev Schnugg

Supervisor Kinsey,

We own a home in Stinson Beach- West Marin. I have reviewed the Environmental Hazards Amendment to Marin's Local Coastal Program and urge you to withdraw these provisions.

The California Coastal Commission is attempting to impose on West Marin homeowners conditions that will make it difficult or impossible for me to safely maintain, protect and rebuild my home.

The California Coastal Commission has refused any compromise with their demands and insist that their own draft regulations replace those approved by our Board of Supervisors at the hearing on November 2nd.

We West Marin residents care deeply about the security of our coastal environment - have actively attended meetings, studied proposals and written letters.

Please do not allow our concerns to be ignored. The current Local Coastal Program would be better than the changes pushed by the California Coastal Commission.

Thank you, Carroll and Eli Botvinick.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you
Judy Aptekar

Dear Steve,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Jeff Symonds
145 Dipsea Rd
Stinson Beach, CA 94970
415.819.8159

Hi,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,

Ken Werner

415 229 4846

Dear Mr. Crawford,

I am a homeowner in Stinson Beach. I am writing in opposition of the Environmental Hazards Amendment to Marin's Local Coastal Program. Please withdraw this Amendment.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Kristin MacKnight

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Enviornmental Hazards Ammendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my right to maintain, protect and rebuild my home. It is clear that Commission's will as expressed in the Amendment is an arbitrary attempt to assert power which is directly contrary the position of both the Board of Supervisors and the will of the many citizens of West Marin as expressed in many meetings, votes and letters. I urge you to protect my home and property and abandon your contemplated Amendment.

Lawrence D. Ehrlich

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this

process. This is indeed frustrating as a contributing member of the community and tax payer. Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Susan J. Nelsen
P.O. Box 601
Stinson Beach, Ca. 94970

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Anthony Simpson
137 Dipsea Road
Stinson Beach, CA 94970

From: Denise Weinstein <denisew@cpshades.com<mailto:denisew@cpshades.com>>
Date: October 21, 2016 at 8:52:48 PM PDT
To: "skinsey@marincounty.org<mailto:skinsey@marincounty.org>"
<skinsey@marincounty.org<mailto:skinsey@marincounty.org>>
Cc: "bcrawford@marincounty.org<mailto:bcrawford@marincounty.org>"
<bcrawford@marincounty.org<mailto:bcrawford@marincounty.org>>

Subject: Local Coastal plan (LCP)

As West Marin homeowners, we are writing you both to ask you to withdraw the Environmental Hazards Amendment to Marin's Local Costal program.

We are very concerned that under regulations the California Costal Commission is attempting to impose on Marin County, we would lose our rights to maintain, protect and rebuild our home....We understand that repeated attempts to compromise with the California Costal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on 11/02/16. We are disappointed that many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

PLEASE protect our home and our property. The current Local Costal Program would be better than the proposed changes. Please keep it in place.
Sincerely,
Denise and David Weinstein
162 Seadrift Road
Stinson Beach, CA 94970

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Elida Doldan-Schujman
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in Stinson Beach. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Elida Doldan-Schujman
28 Calle del Pinos, Stinson Beach
415-786-4538
elarchst@sbcglobal.net

Mailing address:
316 Sycamore Ave.
Mill Valley, CA 94941

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Neil and Eugene Barth
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are property owners in West Marin. We are writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on our property and our town would be terrible....not to mention the

impact on property owners being able to take responsibility for acting to stem the tide against global warming implications. We would be unable to protect our home from rising seas and floods, we would be unable to maintain it over time, and our rights to develop or sell our property at a fair price would be taken from us. Our entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of our County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission and the responsibility we'd hope it would have to the concerns of individuals in the community.

Please act to stop this action.

Yours,

Neil and Eugene Barth
107 Dipsea Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Lawrence M Crutcher - OPPOSED

W10a

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a resident in Stinson Beach, a former head of the Stinson Beach Village Association, and a former member of the Marin County C-SMART committee. I am writing to ask that you please **vote YES on Marin County's LUPA and IPA as submitted**, and **vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.**

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015, and were rejected by Marin County because of the reckless damage they would do to coastal communities in West Marin.

We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. The process included a great deal of time explaining to young environmentalists, with an agenda, and with zero experience in West Marin, how we live with and prepare for such natural occurrences as King Tides, sea level rise, and "100 year storms." To some extent, the Marin planners gained an understanding and adjusted their thinking to be realistic.

That community-based effort has simply been ignored in the CCC staff submissions, once again. Common sense is largely absent in their submission. If the changes your staff proposes pass, the impact on property values in Stinson, assessed at about $800 million, would be destructive. We would be unable to protect our homes from rising seas and floods, nor to maintain them over time, nor to sell them at a fair price, which is equivalent to a governmental taking.

The Stinson Beach community is as environmentally sensitive as any, and has always been willing to work with appropriate authorities in planning for its future. However, "working with CCC staff" is an oxymoron. This isn't the way it should be.

Please vote to stop this action.

Sincerely,

Lawrence M Crutcher
Box 667
Stinson Beach, CA 97940

cc: Effie Turnbull Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mary K. Shallenberger

Mark Vargas
Martha McClure
Steve Kinsey
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Belinda Faustinos
Trent Orr
Steve Kram
Randy Pestor
Nidia Garcia-Erceg
Sarah Glade Gurney
Maricela Morales

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Jeff Loomans, 167 Dipsea Rd, Stinson Beach
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

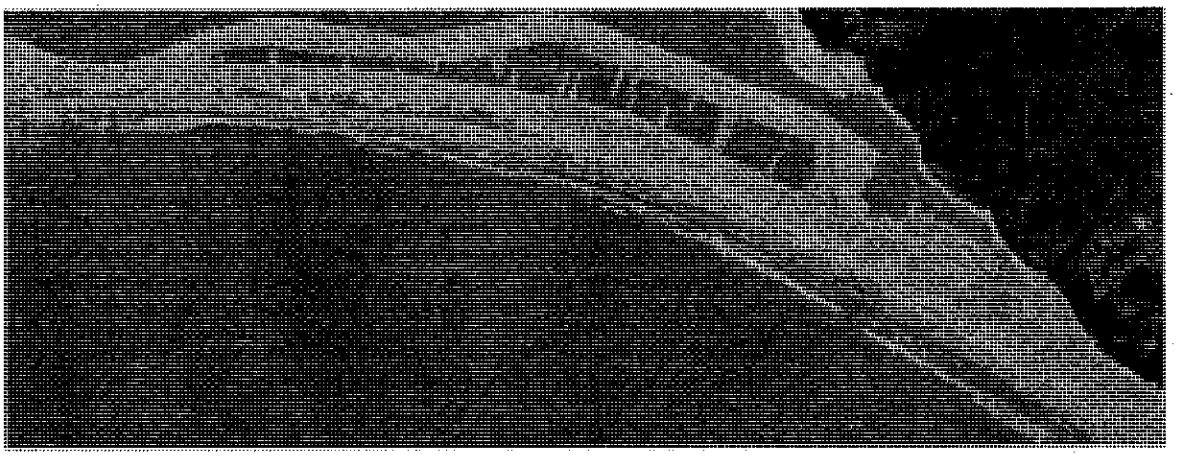
Please vote to approve all submitted Amendments to the Marin County LCP with your staff's recommend changes, except for Amendment EH and its corresponding IP sections in 22.64.060.

As a homeowner in Stinson Beach, an active member of a local homeowner's board and adjunct on sea level rise issues to the Stinson Beach Village Association, and finally as the Stinson area community representative to Marin's C-SMART program, I have spent the past three years intimately involved with the issue of sea level rise and the associated hazards it represents to my community, and to the entire coast. I have personally attended well over a dozen meetings with Marin County staff, and in many cases with your staff, including those of a technical nature and ones more focused on public outreach. I personally helped Marin County staff and the SBVA organize three large community meetings; these attracted the largest turnouts seen in recent memory at the local Community Center, with one exceeding 120 concerned residents. I have helped organize surveys of local residents, distributed fliers about sea level rise issues, attended meetings of architects and design engineers focused on flood safety solutions, and even appeared twice on the West Marin radio station, KWMR, to ask residents to inform themselves about sea level rise hazards and to get involved with the County in helping to craft our response to these threats in its Environmental Hazards amendment. I have read every line of the Coastal Act and every submission, staff report and proposed set of edits to our LCP, and helped many others to do the same. I can safely say, we in Stinson Beach have done about all that is humanly possible these past several years to get informed and involved in this very important amendment to the Marin County Local Coastal Program.

That is why I feel I can personally relate to you the stunned disappointment of local residents with the proposed changes to the Environmental Hazards Amendment your staff has once again put forward. The general reaction can be summed up as an incredulous: "but how can they do that – we worked so hard on this?" And we have. We helped the representatives of Marin County create a carefully thought out, delicately balanced set of hazards regulations that work for our area and meet the goals of the Coastal Act. This was no easy task, and to be frank, many if not most homeowners would argue that Marin County's proposed EH regulations are still more onerous and impose a greater burden on homeowners than we feel is truly fair in light of Coastal Act requirements. But in the end, every single community organization in the area agreed that we could live with the Amendment as approved by our Board of Supervisors, and we understood where County staff needed to carefully balance considerations beyond our personal health and safety, and our rights as homeowners, to make certain that they accommodated critical Coastal Act goals of ensuring public views, public access, erosion protection, environmental quality, and visitor-serving uses. To paraphrase a very wise man, we couldn't always get what we wanted, but we got what we needed.

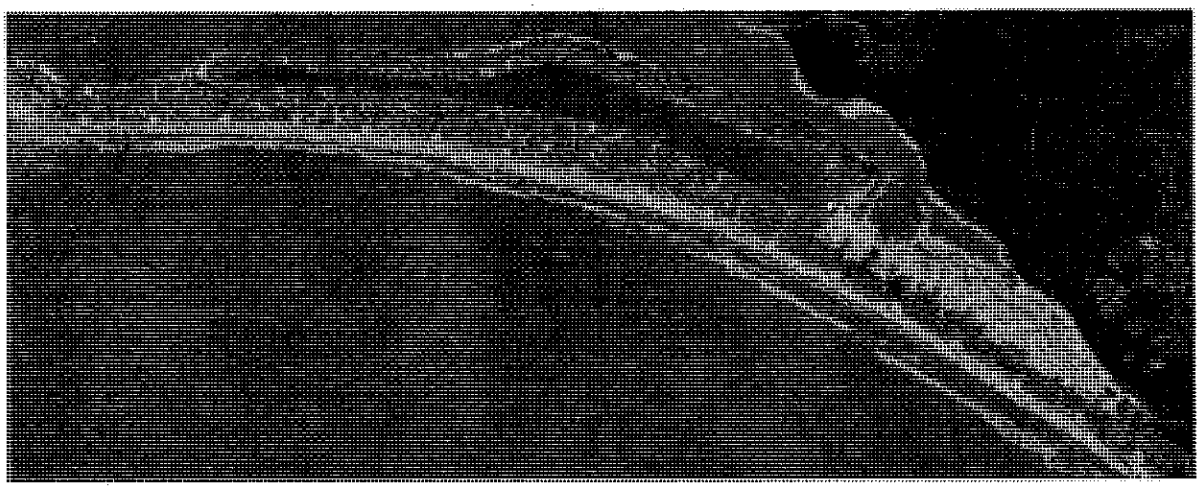
It would be easier to explain to disheartened neighbors why your staff simply erased years of our hard work with Marin County staff had they replaced it with thoughtful changes that took the County's submitted proposal as the basis for discussion and then carefully justified a few necessary modifications in terms of Act requirements, as they have for instance done in the AG amendment. Instead – and I think this is why so many I have talked to have lost all respect for this "process" – they clearly rehashed and pasted back in the same language and the same proposed regulations that had twice been rejected in the past two years by the Board of Supervisors for Marin County. Making this even more mystifying, I was at the last hearing in 2015 when clear marching orders to both staffs were to find a compromise, and to do so with substantial public input as mandated by the Coastal Act. Tt is not a "compromise" when one party gathers all the public input and then moves more than halfway to a solution, and then the other party simply moves the goalposts that much further away. After three years of this, a third submission where your staff simply refuses to do anything other than put forward their own preferred solutions and brooks no compromise, it is finally time to admit that no compromise will ever be found.

Marin County should not compromise on the Environmental Hazards amendment. They created an amendment that works in Stinson Beach and elsewhere along the coast, and your staff did not. I could go into many, many places in your staff's proposals to explain why, and indeed I am sure many of my neighbors will, but as the C-SMART representative let me clarify one particularly graphic example: if the Shoreline Development and 100 year maximum possible sea level rise standards your staff has repeatedly insisted on reinserting ever become law in Marin, no permits could ever again be issued in most of Stinson Beach. I have counted well over 300 homes just in our neighborhoods alone that would eventually become unmaintainable due to denied permitting. Here is a map that illustrates your staff's proposal for my village: by combining a requirement to floodsafe for a 1%-chance-occurrence 100 year storm at the maximum possible sea level projected by best available science 100 years from now, everything in Stinson Beach west of Highway One loses its permitting rights. The likelihood of this occurring, based on the equal-proability-distribution likeliness at 1" increments of the maximum possible sea level rise actually reaching 6'6", according to C-SMART's tools, is slightly more than one one hundredth of one percent - your staff would like us to give up our property rights and our ability to safeguard our homes based on a 0.00016 probability that our town will be inundated.



Instead, the following is a map of Marin County staff's proposal. It shows FEMA heights + 3 feet. The odds of this occurring 100 years from now with a hundred year storm are a little less than one in a hundred. That still seems an excessive level of protection to impose on us for the next 100 years, but as you can see, meeting these odds gives a reasonable chance my town can "survive", since only a few of the lowest lying homes, which could be safeguarded under Marin's EH, would have permitting issues.

And under Marin County's proposal, we would revisit this map every 10 years, adjusting it as science progresses and our understanding of what really will happen 100 years from now improves. In one proposal, we lose our property rights for an insanely longshot gamble by your staff. On the other, we sanely balance those rights with legitimate science, correctly evaluated probabilities, and a process that keeps us safe.



This is just one of many examples of how ill-conceived the proposed changes to Environmental Hazards really are. Please, respect the time, energy, and careful consideration we have put into crafting a workable amendment with Marin County, and vote to accept Marin County's submitted Environmental Hazards amendment on Wednesday the 2nd.

Thank you,

Jeff Loomans
C-SMART Community Representative for Stinson Beach
167 Dipsea Rd, Stinson Beach, CA
loomans@stanfordalumni.org

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My partner and I are property owners and residents in West Marin. I've invested a considerable amount of time reviewing Marin County's LCP and the many changes recently (again) proposed by Coastal Commission staff. I am writing to ask that when you vote on Marin County's LCP, you replace your staff's proposed changes to the Environmental Hazards section with Marin County's original version.

The rest of Marin County's LCP seems balanced and reflects years of constructive engagement between your staff, Marin County, and the public. In the final submission, your staff has recommended relatively few edits, and I find them largely acceptable. The vast majority of your staff's recommendations should be accepted.

However, your staff has proposed fourteen pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2014 and again in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities here. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program with an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. This was a long process with substantial local input. But all of our hard work was simply (again) ignored in the final revisions your staff submitted. The Environmental Hazards section that we and many others helped Marin County produce has been entirely struck out, replaced wholesale by your staff's submissions.

If the changes your staff proposes pass, the impact on my property and my town would be substantial. I would be unable to protect my home from rising seas and floods. I would be unable to maintain it over time. My rights to develop or sell my property at a fair price would be taken away. My entire community could disappear over time due to your staff's actions. This has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program. This is unfair, and it is undemocratic.

Please, resolve this situation by restoring the originally submitted Environmental Hazards section.

Yours,

Gary Herman
211 Seadrift Rd.
Stinson Beach, CA 94970

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Deb Tullmann
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

Please vote YES on Marin County's LUPA and IPA as submitted.

Please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

If the changes your staff proposes pass, the impact on my property and my town will be terrible. I will be unable to protect my home from erosion of the bluff adjacent to the property, I will be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. The safety of hundreds of homes and homeowners' families could be jeopardized.

I urge you to support the public process the County has gone through and pass the changes incorporated in Marin County's LUPA and IPA as submitted.

Sincerely,

Deb Tullmann
16 Canyon Ave, Bolinas

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
DAVID J. MORITZ
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

W10a

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours, David J. Moritz

330 GROVE ROAD
BOLINAS, CA 94924

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
<PAULETTE BILGART
OPPOSED

W10a

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

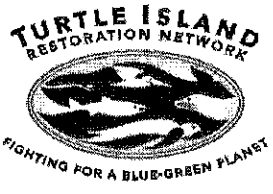
If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Pat Bilgart
330 GROVE ROAD
BOLINAS, CA 94924

W10a



October 27, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

Thank you for the opportunity to submit comments on the Marin County Local Coastal Program (LCP) Amendment. These comments are submitted on behalf of Turtle Island Restoration Network, which has over 200,000 supporters.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Cassie Burdyshaw

Cassie Burdyshaw
Advocacy & Policy Director
Turtle Island Restoration Network

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Roy and Patricia Shimek

OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Roy and Patricia Shimek

Frank Riley
171 Dipsea Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Lore Ledding
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Frank Riley

Lore Ledding
171 Dipsea Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Lore Ledding
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Lore Ledding

W10a

Jeff Symonds PO Box 723 Stinson Beach, CA 94970

415-819-8159 jeff@rollingthundergroup.com

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Jeff Symonds @ 145 Dipsea Rd Stinson Beach
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Jeff Symonds
145 Dipsea RD
Stinson Beach, CA 94970

W10a

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Dear Supervisor Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Gary Stolzoff
141 Seadrift Rd
Stinson Beach, Ca 94970

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Dear Mr Crawford,

As a long-time West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the CCC staff's proposed changes. Please keep it in place.

Barrett Francis Weber

cc
Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Steve,

As a long time West Marin resident and Stinson Beach homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home, my property, my town and my community. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you for your time and efforts in this matter.

Sincerely, Tauni Meade

Tauni Meade
PO Box 513
Stinson Beach, CA 94970
Email: taunimeade@gmail.com
Mobile: 415-717-1716

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Richard Strauss
85 Dipsea Road
Stinson Beach, Ca 94970

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Cecilia Herbert
180 Seadrift

Dear Mr. Crawford:

I own residential property in Stinson Beach. I have been following the drafting of the Marin Local Coastal Plan (LCP). I have reviewed the CCC proposed Environmental Hazards Amendment(s) to Marin's Local Coastal Program.

I request that you withdraw the Environmental Hazards Amendment because the current Local Coastal Program is better without it. Under the guise of an "amendment," the proposed Amendment basically rewrites the entire LCP, imposes unreasonable and unnecessary regulations on the County and private property owners, and usurps the authority of the Marin County Board of Supervisors.

Please keep the current Local Coastal Program in place. Thank you.

Sincerely, Rob Peterson

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Jim Herbert
182 Seadrift

Dear Mr. Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,

Andre Neumann-Loreck
256 Seadrift Road
Stinson Beach, CA 94070

--
Andre Neumann-Loreck
aloreck@gmail.com

m: 415-519-3954

Supervisor Steve Kinsey

3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Roberta and Jim Hawthorne

Seadrift

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Murry J Waldman

Dear Mr. Crawford:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,
Caitlin Pardo de Zela
213 Seadrift Road
Stinson Beach, CA 94970

October 21, 2016

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Dear Supervisor Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you in advance!!
Jill Ertola Shustoff
P.O. Box 452
Stinson Beach, CA 94970

STINSON BEACH COUNTY WATER DISTRICT

3785 Shoreline Highway • P.O. Box 245
Stinson Beach, CA 94970
Phone: (415) 868-1333 Facsimile: (415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: http//Stinson-Beach-cwd.dst.ca.us

BOARD OF DIRECTORS

President
Sandra Cross

Vice President
Morey Nelsen

Directors
Lawrence A. Baskin
Barbara Boucke
Jim Zell

Treasurer
Judy Stemen

General Manager
Ed Schmidt

District Counsel
Patrick Miyaki

October 11, 2016

John Ainsworth, Acting Executive Director
Commissioner Steve Kinsey
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: California Coastal Commission Staff Report for the upcoming Commission hearing on Amendments to the Marin County Local Coastal Program

Dear Mr. Ainsworth and Mr. Kinsey:

On behalf of the Stinson Beach County Water District, I am writing to request that we receive timely notification of any regulatory changes that the California Coastal Commission staff intends to propose at the upcoming hearing on Marin County's Local Coastal Program. I also ask that this request be attached to the public record for this hearing.

The Stinson Beach County Water District is governed by an elected body and serves nearly 2,000 residential and commercial users, as well as portions of Mt Tamalpais State Park and the Golden Gate National Recreation Area. It is charged directly by enabling legislation of the State of California to regulate water quality, septic and other pollutant discharge, and to be the State's designated issuer of permits for septic and other discharge in the district, where these might impact ground and surface waters. As such, we need to be made aware of and provide reasonable public notice of regulations related to ground and surface water quality in our district.

Amendments to Marin's Local Coastal Program, in particular to the Community Development and Environmental Hazards sections, as well as to administrative and permitting sections, could have a very significant impact on the exercise of our duties. We are aware that proposed changes to other sections of the Local Coastal Program have already been made available by your staff to a few select organizations in Marin County. However, we have not been provided as yet with any proposed changes to these critical sections of the LCP Amendments.

Mr. Ainsworth, Mr. Kinsey October 11, 2016

We have worked with your staff and with Marin County Planning over the past several years to ensure that we understand and are informed of changes to regulations. Please ask your staff to keep us informed of any proposed changes to the Amendments at the same time other local organizations are so informed. We also ask that your staff release any and all proposed changes to the upcoming Local Coastal Plan Amendments, particularly to sections impacting septic or water quality such as Community Development, Environmental Hazards, and related administrative and permitting sections, at least several weeks prior to the hearing. We need this time so that our staff and our Board can perform their reviews.

We have worked with the Marin County Planning staff, the Stinson Beach Village Association and members of the Stinson Beach community in developing and supporting the LCP Amendments as adopted and approved by the Marin County Board of Supervisors.

With thanks,

Sincerely,

Sandra Cross, President
Board of Directors
Stinson Beach County Water District

cc: Nancy Cave, District Manager, North Central Coast District

Shannon Fiala, Coastal Planner, North Central Coast District

W10a

John Ainsworth, Acting Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

October 11, 2016

Dear Mr. Ainsworth,

I was disturbed to learn that your staff sent advance drafts of select sections of Marin County's LCP, containing proposed modifications, to the Environmental Action Committee of West Marin and at least one other West Marin environmental organization. I did not receive a copy, nor, from discussing this with other concerned locals, did any other interested West Marin community organizations. Furthermore, we have been told that the sections of the LCP that would most impact our homes – the amendments to Environmental Hazards – are not yet ready to distribute. It appears there is a rather different standard that your staff applies to the LCP sections the EAC most cares about; in her email of September 23d, posted to the County LCP website, Shannon Fiala was evidently happy to prioritize for them an advance draft more than a month prior to the upcoming November hearings, and "looked forward to [her] continued discussion" with their Board President and Conservation Director.

I have personally attended all hearings on Marin's Local Coastal Program held before the Coastal Commission, the Board of Supervisors of Marin County, and Marin County's Planning Commission for the past two years. I have gone to seven community meetings on the topic with Marin County, including those attended by your staff. I even had two office visits with Nancy Cave and Shannon, at which I and those with me asked to be included on any distribution of staff reports or other publicly released materials pertinent to Marin's LCP. I have spent an enormous amount of my own personal time reviewing and commenting on the Environmental Hazard section of the Local Coastal Program, and working with local community organizations to help educate them. Quite frankly, I feel I have at least an equal right as a concerned homeowner to the same privileges your staff is affording to favored environmental organizations - who, probably not coincidentally, have consistently taken positions on the LCP in support of your staff's proposed changes, and in opposition to my own and to those of all our local Stinson Beach organizations. But unfortunately, it seems I have not been afforded a similar "continued discussion".

If other groups are being provided advance copies over a month prior to the hearing, then please also have your staff immediately distribute the changes they intend to make to the Environmental Hazards section of the LCP, so that I have an equal opportunity to review and prepare my comments. And please have them make my request part of the formal public record that goes to Coastal Commissioners as part of the upcoming hearing. I would note that the Coastal Act states that local coastal programs shall be determined by the local government, in full consultation with the commission and with full public participation. A local coastal program instead mandated to the local government by Coastal Commission staff, in full consultation only with those public organizations they favor, is simply unacceptable.

Jeff Loomans
167 Dipsea Road, Stinson Beach, CA

cc: Nancy Cave
Shannon Fiala

James Hepburn Sutton
Post Office Box 146
Stinson Beach, CA 94970
415-868-1960
jamie@v-dac.com

October 17, 2016

Supervisor Steve Kinsey,
3501 Civic Center Drive
Room 329
San Rafael, CA 94903

Dear Steve,

I, for one, am very sad to see you go. You have made a great contribution to the county and to its future. I am continually impressed with your vison and hard work. I wish you many afternoons with your feet up and enjpying the county you served so well.

And now for one last matter:
I join the many other West Marin homeowners in asking that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the CCC is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on Nov 2d. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Yours,

Jamie Sutton

207 Seadrift Road,
Stinson Beach,
CA 94970

Wednesday October 19th,

Dear Mr. Kinsey,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home.

I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.

I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Yours sincerely,

Nicholas Baker

October 19, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Messrs. Crawford and Kinsey:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home.. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Kathleen M. Moore

Kathleen M. Moore
201 Dipsea Rd.
Stinson Beach, CA 94970

W10a

Fiala, Shannon@Coastal

From: Lokelani Devone <lokedevone@icloud.com>
Sent: Wednesday, October 19, 2016 12:21 PM
To: Crawford, Brian
Subject: Local Coastal Plan (LCP)

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.

I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. Having attended several meetings and seen the results, I now feel that the outreach to the community was an inauthentic attempt to appease the community. We deserve better representation than this.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Lokelani Devone
55 Dipsea Road
Stinson Beach, CA 94970

October 19, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

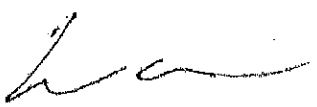
Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Messrs. Crawford and Kinsey:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,



Wesley D. Moore
201 Dipsea Rd.
Stinson Beach, CA 94970

October 20, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903

Supervisor Steve Kinsey
3051 Civic Center Drive 329
San Rafael, CA 94903

As a West Main homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under the regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect, and rebuild my home. We built our home 29 years ago, and have maintained it in excellent condition. We plan to live there for years to come. We want to preserve our dwelling and believe that the draft regulations the Coastal Commission is attempting to force through will endanger our ability to do so. I am deeply concerned that in spite of many meetings, votes and letters from West Marin's citizens supporting the Local Coastal Program, the California Coastal Commission insists upon pushing its own agenda to the detriment of West Marin homeowners and in violation of their property rights. Please sustain the Local Coastal Program.

Sincerely,

F. Eugene Metz

F. Eugene Metz 5 Dipsea Road, Stinson Beach

Marden Plant (Owner)
297 Seadrift
Stinson Beach, CA 94970

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Oct. 20, 2016

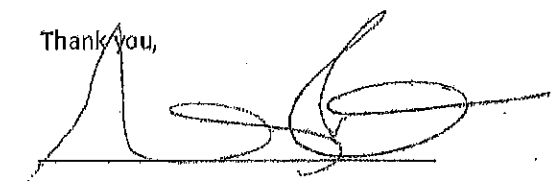
Dear Brian,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Thank you,



Marden Plant
Plant & Associates, Inc.
27 Reed Blvd.
Mill Valley, CA 94941

Cc: Supervisor Steve Kinsey

Home Mail Search News Sports Finance Celebrity Weather Answers Flickr Mobile More

All Search Search Mail Search Web Home Christopher

Please Withdraw the E

Compose

Inbox (1)
Drafts (2)
Sent
Archive
Spam (74)
Trash

Smart Views
Important
Unread
Starred
People
Social
Shopping
Travel
Finance

Folders
2016 Emerald Ball
224 House Expenses
224 Maintenance
224 Seadrift Guests
224 Seadrift Insurance
224 Seadrift Rental
224 Seadrift Sale + ...
224Seadrift Basis
2619 Construction In...
2619 Helpful Hints
2619 House Expenses
2619 House Proposals
2619 Rental Sale Info
2619 Sale + Loan Ex...
2619 Sell+Auctn+St...
2619 Structure,Surve...
Airline & Car Reserv...
Announcement YMCA
Back Exercises
Barcelona Trip Will
Bay Property Group
Baystate Recovery S...
Blue Cross Blue Shield
Car Stuff
Cate Reunion
Cedly Conservatorsh...
Cedly Taxes
Charles F Lowrey
CharlesWilson Docs.
Club Information
Computer Software
Cornerstone Capital
Crans Xmas Trip
CynSaleExpDiscuss

Klaus Leidorf on flickr

To bcrawford@marincounty.org

CC skinsey@marincounty.org ✓

BCC Christopher Nadal

Please Withdraw the Environmental Hazards Amendment

Dear Mr. Crawford:

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Christopher M Nadal

224 Seadrift Road
Stinson Beach CA 94970

Send Saved at 4:13 PM

W10a

Lawrence A. Baskin and Kathlynn Capdeville
PO BOX 377
Stinson Beach, CA 94970

October 20, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

We are Stinson Beach and West Marin homeowners of over 30 years. We are writing to express our grave concern with the staff of the California Coastal Commission response to the County of Marin submittal of the community supported Local Coastal Program amendments. The CCC staff has decimated the submission and rejected the hard work and well thought out proposal of the County which resulted from County staff working with West Marin Community organizations and residents. We feel we have no choice but to urge that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

We are very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, we would lose rights to maintain, protect and rebuild our home. We understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. We are disappointed and dismayed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our home and property rights. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Lawrence A. Baskin and Kathlynn Capdeville

October 20, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903

Supervisor Steve Kinsey
3051 Civic Center Drive 329
San Rafael, CA 94903

As a West Main homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under the regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect, and rebuild my home. We built our home 29 years ago, and have maintained it in excellent condition. We plan to live there for years to come. We want to preserve our dwelling and believe that the draft regulations the Coastal Commission is attempting to force through will endanger our ability to do so. I am deeply concerned that in spite of many meetings, votes and letters from West Marin's citizens supporting the Local Coastal Program, the California Coastal Commission insists upon pushing its own agenda to the detriment of West Marin homeowners and in violation of their property rights. Please sustain the Local Coastal Program.

Sincerely,

Mary S. Metz

Mary S. Metz 5 Dipsea Road, Stinson Beach

OCT 27 2016 AM 10:11 Planning

October 21, 2016

✓ Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Dear Sirs:

As a Stinson Beach homeowner for over 50 years, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to **maintain, protect and rebuild my home.** I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on

November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

10/22/16

Garrett VH Seligman
Stinson Beach, CA.

CoastalMarinLCP

From: Kate Moore <katemo200@gmail.com>
Sent: Monday, October 24, 2016 3:02 PM
To: CoastalMarinLCP
Cc: Kate Moore
Subject: OPPOSED - Item No: W10a - Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

KATHLEEN M. MOORE
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Kathleen M. Moore
201 Dipsea Rd.
Stinson Beach, CA 94970

W10a

Fiala, Shannon@Coastal

From: Fiala, Shannon@Coastal
Sent: Monday, October 24, 2016 11:27 AM
To: Fiala, Shannon@Coastal
Subject: FW: Problem with changes imposed by CCC

From: Pat Gallagher [mailto:pjgallaghersf@gmail.com]
Sent: Friday, October 21, 2016 11:04 AM
To: Mosher, Ana Hilda
Subject: Fwd: Problem with changes imposed by CCC

Forwarding message to Brian Crawford and Steve Kinsey re: November 2 hearing.
---------- Forwarded message ----------
From: **Pat Gallagher** <pjgallaghersf@gmail.com>
Date: Fri, Oct 21, 2016 at 11:01 AM
Subject: Problem with changes imposed by CCC
To: bcrawford@marincounty.org, skinsey@maringcounty.org
Cc: Joan Gallagher <joang333@aol.com>

Brian and Steve, we are residents of West Marin in Stinson Beach and our home is in the Seadrift. area. We are very concerned with the situation that has appeared to have developed by the California Coastal Commission's refusal to accept the changes to the Environmental Hazards Amendment that were carefully drafted and approved by our Board of Supervisors. The CCC seems to have ignored the rights of homeowners in this situation.

We fear that the CCC intends to enforce their own regulations in place of those our Board of Supervisors has approved which will cause many Stinson Beach homeowners to lose our rights to maintain, repair and if necessary, rebuild our property as outlined in the Local Coastal Program our community has approved.

We therefore ask that you withdraw the Environmental Hazards Amendment that the CCC will advocate at the hearing which will take place on November 2, 2016.

Thank you for listening and acting on our behalf.

Pat and Joan Gallagher
31 Dipsea Road
Stinson Beach, CA 94970
(415) 672-1925 mobile

Email Disclaimer: http://www.marincounty.org/main/disclaimers

W10a

Fiala, Shannon@Coastal

From: Lokelani Devone <lokedevone@icloud.com>
Sent: Wednesday, October 19, 2016 12:21 PM
To: Crawford, Brian
Subject: Local Coastal Plan (LCP)

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd.

I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process. Having attended several meetings and seen the results, I now feel that the outreach to the community was an inauthentic attempt to appease the community. We deserve better representation than this.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Lokelani Devone
55 Dipsea Road
Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: Clark French <clarkfrench@hotmail.com>
Sent: Monday, October 24, 2016 3:29 PM
To: CoastalMarinLCP
Subject: OPPOSED

Dear Shannon Fiala,

Please note my opposition and have this letter added to the file of opposition.

Thank you.

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Clark French

323 Seadrift Rd.

Stinson Beach, CA

W10a

CoastalMarinLCP

From:	Sebastien Lepinard <seb@nextworld.com>
Sent:	Monday, October 24, 2016 3:10 PM
To:	CoastalMarinLCP
Subject:	Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Sebastien LEPINARD OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Sebastien LEPINARD OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Sebastien Lepinard
318 Seadrift Rd, Stinson Beach, CA

W10a

RECEIVED
OCT 24 2016
CALIFORNIA
COASTAL COMMISSION

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

October 20, 2016

Commissioners
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Subject: Recommendations for sections of the County of Marin Local Coastal Program Amendment Land Use Policy and Implementation Program (approved by Marin County Board of Supervisors on April 19, 2016 and subsequently submitted to the California Coastal Commission) specifically pertaining to: **1) Agriculture Ongoing; 2) Retail Sales; 3) Processing; and 4) Inter-generational housing.**

Dear Commissioners:

The Marin Conservation League is one of Marin's leading conservation organizations, in existence since 1934. MCL participates actively in monitoring and reviewing existing and proposed land use policies for agreement with our organization's mission of conserving Marin's ecosystems and environment. In this capacity and role, MCL has made significant efforts to understand the concerns and needs of Marin's broad and diverse communities, striving to form working compromises that are supported by the local community. This includes participation in the long process to develop the County of Marin Local Coastal Program Amendment (LCPA) Land Use Policy (LUP) and Implementation Program (IP), approved by Marin County Board of Supervisors on April 19, 2016 and subsequently submitted to the California Coastal Commission.

On the eve of these elements coming before the California Coastal Commission for approval, MCL wishes to convey its recommendation for Commission approval of the LUP and IP as proposed by the County of Marin for: 1) Agriculture Ongoing; 2) Retail Sales; 3) Processing; and 4) Inter-generational housing. In all four cases, County of Marin staff has developed carefully crafted performance measures and restrictions that will allow for these components to support the significant contribution Marin's family ranches and farms make in protecting Coastal Marin from development. Combined, they provide the individual agricultural producer and relevant local County of Marin departments the ability to make critical and real-time farming decisions, exercise entry-level scale for agricultural diversification, and house multiple farm family generations, doing it in a way that simultaneously protects Environmental Significant Habitat Areas, safeguards against traffic and other operational impacts, and sets a limit of 27 additional housing units. In these four areas, MCL supports the County of Marin's proposed LUP and IP.

MCL has actively participated in many of the diverse opportunities to provide input and feedback to arrive at the submitted LUP and IP drafts before the Commission. MCL supports these four areas

PHONE: 415.485.6257
FAX: 415.485.6259
EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org
ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977

of the County of Marin LCPA. Thank you for your consideration of these recommendations and please know we are available to discuss these with Commission staff and Commissioners.

Respectively,

Kate Powers

Kate Powers
President

cc: Coastal Commission Staff

OCT 26 2016 PM 2:40 Planning

STINSON BEACH COUNTY WATER DISTRICT

3785 Shoreline Highway • P.O. Box 245
Stinson Beach, CA 94970
Phone: 1(415) 868-1333 Facsimile: 1(415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: http//Stinson-Beach-cwd.dst.ca.us

BOARD OF DIRECTORS

President
Sandra Cross

Vice President
Morey Nelsen

Directors
Lawrence A. Baskin
Barbara Boucke
Jim Zell

Treasurer
Judy Stemen

General Manager
Ed Schmidt

District Counsel
Patrick Miyaki

October 21, 2016

Community Development Agency Planning Division
Brian Crawford
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Supervisor Steve Kinsey,
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Re: Marin County LUP and I.P. EH Draft modifications

Dear Director Crawford and Supervisor Kinsey:

As the Stinson Beach County Water District, we are writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

We are very concerned that under regulations the CCC is attempting to impose on Marin County, we would lose our rights to maintain, protect and rebuild our homes and provide our necessary services. We understand that repeated attempts to compromise with the California Coastal Commission staff have failed and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our homes and property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Yours,

Sandra Cross,

President of the Board
Stinson Beach County Water District

OCT 26 2016 PM 2:40 Planning

STINSON BEACH COUNTY WATER DISTRICT

3785 Shoreline Highway • P.O. Box 245
Stinson Beach, CA 94970
Phone: 1(415) 868-1333 Facsimile: 1(415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: http//Stinson-Beach-cwd.dst.ca.us

BOARD OF DIRECTORS

President
Sandra Cross

Vice President
Morey Nelsen

Directors
Lawrence A. Baskin
Barbara Boucke
Jim Zell

Treasurer
Judy Stemen

General Manager
Ed Schmidt

District Counsel
Patrick Miyaki

October 24, 2016

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

Supervisor Steve Kinsey,
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

Dear Director Crawford and Supervisor Kinsey:

As concerned leaders of a variety of community organizations and businesses along the coast, we urge all West Marin residents to educate themselves about imminent changes to Marin County's Local Coastal Program, and to rally against changes being forced upon us by the staff of the Coastal Commission. If you own a home or property along the coast, your rights to rebuild, maintain and potentially ever sell it are very likely at risk. These changes will likely be imposed on Marin County at the upcoming CCC vote on Wednesday, November 2nd.

Marin County has twice in the past two years attempted to submit an update of its LCP to the Coastal Commission. The County created these drafts following more than a dozen meetings over several years with concerned community members, and following a coastal-wide survey of impacted residents which garnered hundreds of responses supporting the County's proposals. Both times, these Board-approved drafts were simply redlined out of existence by CCC staff, replaced wholesale with sections that would make it practically impossible to meet permitting standards anywhere in Stinson Beach west of Highway One, along most of Tomales Bay, and in many sections of Bolinas, Muir Beach and Dillon Beach. Hundreds of houses would become unmaintainable, with the long term result likely being the gradual disappearance of our communities as we know them.

When CCC staff attempted last year to rewrite the County's Local Coastal Program, inserting dozens of pages of new regulations created entirely outside of public view and submitted the day prior to the final vote, the County withdrew its submission, following an admonishment to both staffs that they work to find a compromise within the framework of the County's proposals and with further public discussion. Our County has done its part, crafting regulations in concert with our local community organizations and with input from hundreds of local residents. The California Coastal Commission staff has apparently ignored even their own Commissioners, refusing to negotiate with the County or to incorporate feedback from our community groups, and once again has simply replaced the County's regulations with the same previously rejected regulations, the results of which would be a disaster for those of us who live here. You can view their document, a veritable "sea of redlines" replacing Marin's submission, at http://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program

Sincerely,

Sandra Cross,

President of the Board
Stinson Beach County Water District

W10a

24 October 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Cynthia Nadai OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work **for all of us** in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be catastrophic. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened **without public input** and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Cynthia Nadai
224 Seadrift Road
Stinson Beach CA 94970

W10a

CoastalMarinLCP

From: Battat Jennifer <drjhymes@gmail.com>
Sent: Monday, October 24, 2016 8:28 PM
To: CoastalMarinLCP
Subject: ITEM NO: W10a MARIN COUNTY LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
JENNIFER BATTAT
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA. 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to the coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work For all of us in Marin. This hard work, and our concerns about your staff's revision were wimpy ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could dis appear over time due to your staff's actions. That this happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action,

Yours,

Jennifer Battat
304 Seadrift Road
Stinson Beach, California 94970

Jennifer Hymes Battat
415-297-1518
Please note: My new email address is
drjhymes@gmail.com

W10a

CoastalMarinLCP

From: Mosher, Ana Hilda <AMosher@marincounty.org>
Sent: Monday, October 31, 2016 5:13 PM
To: CoastalMarinLCP
Cc: Kinsey, Steven; Liebster, Jack; Lai, Thomas
Subject: Marin County LCP Amendments letter and attachments
Attachments: Marin County LCP Amendments No. LCP-2-MAR-15-0029-1 (Marin LCP Update).pdf; 1981_CCC_Exec Director memo re permits_for_ag.pdf; SLR Projections .pdf; Coastal Commission Staff Redlined Version of Board-adopted Environmental Hazards LUP .pdf; Implementation Program Changes Change).pdf; Implementation Program Changes S. Kauffman Letter.pdf

On behalf of CDA Director Brian C. Crawford, I am attaching the following documents:

Letter Marin County LCP Amendments No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

Attachments:

- (1) Coastal Commission Executive Director Memorandum, (3/27/81)
- (2) Sea Level Rise Projections
- (3) Coastal Commission Staff Redlined Version of Board-adopted Environmental Hazards LUP
- (4) Implementation Program Changes including Steven Kaufmann Letter

Best regards,

ANA HILDA MOSHER
SENIOR SECRETARY/PLANNING COMMISSION SECRETARY

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 6278T
415 473 7880 F
415 473 2255 TTY
CRS Dial 711
amosher@marincounty.org

STAY CONNECTED:

W10a

COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

October 31, 2016

Honorable Chair and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

Dear Coastal Commission,

The Local Coastal Program (LCP) Amendments submitted for your approval were developed through a vigorous public planning process dedicated to fully carrying out the Coastal Act's policies in manner that takes into account the conditions that are distinctive and unique to Marin. This is the essence of the state/local planning partnership established by the Act, and why the Act emphasizes the need to respect local land use authority for amending its LCP.[1]

Since Marin's LCP was adopted, the County has embraced both the spirit and the letter of the Coastal Act, consistent with the County's history of environmental planning leadership. Over the nearly eight years the County has been working on these Amendments, much of the effort has been dedicated to an open, thoughtful, and innovative process rooted not only in involving the full spectrum of the public, but also in educating and explaining the importance of carrying out the Act's policies.

The County staff has also been working closely with Commission staff as reflected by the hundreds of changes recommended by your staff that have been accepted and incorporated into the Amendments now before you for consideration (first to the LCP Amendments adopted by the Board in July 2013, then in a second round in response to your Commission's action on the Land Use Plan Amendments in May 2014, and in a third round based on your staff draft recommendation on the Implementation Plan (IP) prepared for, but not acted upon by your Commission in April 2015). As a result of ongoing discussions with your staff, County staff has indicated willingness to recommend a number of additional changes to the Board of Supervisors in the interest of moving toward a mutually agreeable outcome.

Despite the substantial progress that has been made, however, a lack of agreement remains between the Board of Supervisors proposed amendments and your staff recommendations, principally in the areas of Agriculture and Environmental Hazards.

[1] Public Resources Code Section 30512.2(a): ..."commission is not authorized ...to diminish or abridge the authority of a local government to adopt and establish by ordinance, the precise content of its land use plan."

3501 Civic Center Drive · Suite 308 · San Rafael, CA 94903-4157 · 415 473 6269 T · 415 473 7880 F · 415 473 2255 TTY · www.marincounty.org/plan

AGRICULTURE

Definition for "Agriculture On-going" (sic)(Exhibit 13, pg.168 0f 236)

The definition of ongoing agriculture has become a central issue in discussions regarding how best to support agriculture in Marin from a regulatory standpoint because it is being proposed by both County and Commission staff as an exemption from Coastal Permit requirements (IP Section 22.68.050.A.12).

Under the current certified LCP, agricultural production activities, such as growing silage for livestock, raising fowl, and crop production, would continue to be routinely allowed in the Coastal Agricultural Production Zone (C-APZ) without the requirement for a Coastal Permit. This approach is consistent with the intent of the C-APZ zoning as established by County's certified LCP, which states:

> Intent of the Agricultural Production Zone. The intent of the Agricultural Production Zone is to preserve lands within the zone for agricultural use. The principal use of the lands in the APZ shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses, and shall conform to the policies and standards in #4 and #5 below.

(The standards in #4 and #5, as referred to above, relate to land divisions and other development that is distinguished from agricultural use.)

Both the County's current LCP and the implementing coastal zoning standards define agriculture in terms of a number of different products, for example livestock and poultry, field, fruit, nut and vegetable crops, and silage and hay. All of these different types of products are included under the policy and zoning rubric that allows agricultural use in the C-APZ district. Given the inclusive nature of agriculture, as defined in the County's LCP, growing and producing a variety of crops and products on land historically used for agriculture has been allowed without the requirement for a Coastal Permit. Over a vast majority of C-APZ land in Marin, these agricultural activities have been taking place well before the Coastal Act was adopted. The Commission staff recommended modification to impose a new requirement for a Coastal Permit (or De Minimis waiver application) before a farmer or rancher changes agricultural production activities would be inconsistent with the intent of the C-APZ policies and zoning as reflected by the Board of Supervisors proposal below and the precedents and practices which have defined the implementation of the LCP since its adoption.

The Board-adopted policies are intended to protect and maintain agricultural viability by continuing to provide agricultural producers with the flexibility to respond to market conditions, which can change rapidly. They also recognized that a large number of regulations, such as those from the Regional Water Quality Control Board, together with successful habitat restoration initiatives farmers and ranchers undertake with organizations like the Resource Conservation District, the STRAW (Students and Teachers Restoring A Watershed) program of Point Blue Conservation Science (formerly Point Reyes Bird Observatory) and the innovative

Marin Carbon Project, which was among the first to demonstrate the potential for carbon sequestration through grazing practices, are steadily improving the resilience and ecosystem services, not to mention food and fiber, provided by Marin agriculture.

In response to concerns over the proposition of requiring Coastal Permits for changes in agricultural use, particularly switching from grazing to crop production, the Marin Conservation League stepped forward to organize an inclusive, structured discussion to identify the key concerns of interested parties and seek a solution that would address those concerns in a meaningful and thoughtful way.

This process involved representatives of the Environmental Action Committee of West Marin, the Marin County Farm Bureau, the Sierra Club, the Marin Agricultural Land Trust (MALT), U.C. Cooperative Extension, individual farmers and ranchers, and county and coastal staff. While the parties did not reach a consensus, the County's proposed approach to regulating changes in agricultural production was crafted to reflect the needs they expressed, and the resulting definition was adopted by the Board, and submitted to your Commission.

Adopted by Board of Supervisors

Agriculture, Ongoing (Coastal) means the following agricultural activities:

1. All routine agricultural cultivation practices (e.g. plowing, tilling, planting, harvesting, and seeding), which are not expanded into Environmentally Sensitive Habitat Areas (ESHAs) and ESHA buffers, Oak woodlands or areas never before used for agriculture, and
2. Conservation practices required by a governmental agency including, but not limited to, the State Water Resources Control Board or Regional Water Quality Control Board, in order to meet requirements to protect and enhance water quality and soil resources.

The following activities shall not be considered ongoing agriculture for the purposes of the definition of "Development" and constitute new development requiring a coastal permit consistent with Chapters 22.68 and 22.70, unless such development is categorically excluded by a Coastal Commission approved Categorical Exclusion Order.

1. Development of new water sources such as construction of a new or expanded well or surface impoundment.
2. Installation or extension of irrigation systems.
3. Terracing of land for agricultural production.
4. Preparation or planting of land for viticulture, including any initial vineyard planting work as defined in Chapter 22.130.
5. Preparation or planting of land for growing or cultivating the genus *cannabis.*
6. Routine agricultural cultivation practices on land with an average slope of more than 15%.

The above County proposal would allow ranchers and farmers to continue to make changes in their agricultural production activities, but under a series of express standards intended to comply with the Coastal Act as well as respond to concerns about perceived potential adverse effects. By way of example, under the County's proposal, changing from one type of agricultural production to another (e.g., growing silage for livestock grazing to growing vegetables) would require a Coastal Permit or at minimum a de minimis waiver if the activities were proposed in

areas that have never been used for agriculture, encroach into environmental sensitive habitats or their buffers, require new water sources or new extensive irrigation systems, require grading in the form of terracing, and planting grapes for viticulture or routine agricultural production activities on slopes over 15%. County staff views the Board of Supervisors definition of ongoing agriculture as being generally consistent with the Commission policy adopted in 1981, which clarifies that it is the ***expansion*** of agricultural use into area of ***native vegetation*** that constitutes a "change in intensity of use," and "***only that vegetation removal which changes the basic use of land from essentially natural to a cultivated agricultural use***" is a development under the Coastal Act. It goes on to prescribe that:

> *Changes from one agricultural use to another, such as crop rotation, removal of agricultural vegetation (e.g., old orchards or windbreaks), or modification of small areas of vegetation, the edge of cultivated areas are not within the scope of the Commissions assertion.*

The Commission staff modification now adopts parts of the County Amendment. For example, both definitions of ongoing agriculture would not allow an exemption in "areas never before used for agriculture." Both proposals also rely upon most of the same criteria that prescribe the conditions under which ongoing agriculture would not be exempt, such as new water sources and terracing of land.

However, in contrast to the County's proposed definition of ongoing agriculture, the Coastal Commission staff recommended modification to ongoing agriculture relies upon the term "existing legally established agricultural production activities" which have not occurred in areas where agricultural production has not been undertaken in the past.

CCC Staff Recommended Modification

Agriculture Ongoing (Coastal) means the following agricultural activities

Existing legally established agricultural production activities (including crop rotation, plowing, tilling, planting, harvesting, and seeding) which have not been expanded into never before used areas. Determinations of such ongoing activities may be supported by Marin County Department of Agriculture, Weights and Measures information on such past activities. Examples of activities that are NOT considered ongoing agricultural activities include but are not limited to:

Conversion of grazing area to crop production
Development of new water sources (such as construction of a new or expanded well or surface
Impoundment)
Installation or extension of irrigation systems
Terracing of land for agricultural production
Preparation or planting of land for viticulture
Preparation or planting of land for cannabis
Preparation or planting of land with an average slope exceeding 15%

A Coastal Development Permit will not be required if the County determines the activity qualifies for a de minimis waiver pursuant to the requirements Section 22.68.070.

The term "legally established" is undefined, and could be interpreted as meaning that changes in agricultural production activities initiated in Marin's coastal zone after the County's LCP was certified in the early 1980s would be unauthorized and therefore require a retroactive Coastal Permit. This concern is heightened by the statement in the Commission staff report that "since 1982, proposed changes in intensity of use of agriculturally zoned land, as well as agricultural grading into areas not previously farmed, required County-issued coastal permits." If ongoing agriculture were to be interpreted and applied in a retroactive manner, existing farms and ranches that have changed production activities since the County's LCP was adopted could become illegal under the new rules proposed in the modifications to the County proposal, particularly if such changes are viewed by some as "intensifying" activities. Farmers and ranchers in Marin have consistently expressed concern about the uncertain future created by the possibility that longstanding agricultural operations may be called into question.

Going forward, and for similar reasons as explained above, the Commission staff recommended modification is at odds with the manner in which agriculture has historically been undertaken in Marin as well as the County's LCP goals and past interpretation and application of policies for maintaining and enhancing agriculture in the coastal zone.

It is also difficult to square with Sections 30241 and 30242 of the Coastal Act, which call upon the Commission to "assure the protection of the areas' agricultural economy" and provide for "continued or renewed agricultural use." By limiting the definition of ongoing agriculture to *existing* activities, agricultural production activities that involve changing from one type of crop to another on land historically used for agricultural production, or where a farmer is reintroducing a crop that was produced in the past, would be subject to a Coastal Permit or at a minimum a de minimis waiver application. This objection also applies to "Conversion of grazing area to crop production" in the above list of activities that are not considered ongoing agriculture.

County staff believes it is critically important that our LCP reflect the past insofar as the land subject to these new regulations has been used to produce a variety of crops (livestock included), in many cases over generations of family farm operations. Of equal importance is to support the future of agriculture in Marin by allowing ranchers and farmers to make changes in their production activities without the cost, time and uncertainty of a discretionary application review process when those activities are required to meet a series of standards in the County's proposal that ensure consistency with the Coastal Act.

Creating new procedural hurdles that will likely increase startup costs for agricultural production in Marin would discourage new farmers and ranchers from entering the market undoing the generations of work the County and its agricultural community have invested in maintaining and expanding a vibrant agricultural economy that not only contributes to the local economy in the form of agricultural commodities, but also maintains the scenic working landscape that defines Marin's coastal area and draws millions of visitors annually. Eroding the agricultural economy

may contribute to the sale of some farms and ranches and result in the gradual conversion of productive agricultural land to a rural residential landscape. That trend would be contrary to Coastal Act Section 30242:

> *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible…*

The County's policy is obviously more restrictive than this, in part because of the County's effort to balance all concerns.

ENVIRONMENTAL HAZARDS

Regulations for New Development in Hazard Areas

The LUP policies and IP provisions related to Environmental Hazards (EH) adopted as part of Marin's LCP will have a critical impact on how low lying coastal communities adapt in the future to rising tides and other hazards. The Environmental Hazards policies approved by the Board of Supervisors are intended to enhance the safety of residents in potentially hazardous areas, while allowing carefully sited, designed and adapted development that would not exacerbate hazards. These policies also acknowledge the need to undertake further research, planning, monitoring and a long-term adaptation program to respond to evolving environmental hazards related to climate disruption and sea level rise.

Coastal Commission Modifications

In 2014, the Coastal Commission approved a number of significant modifications to the Board-approved hazard policies which propose to address sea level rise through new regulations that when compared to the County's existing and proposed amendments, could further restrict or deter property owners from constructing a range of improvements to their homes over time. While the modifications have been further revised through ongoing discussions between County and Commission staff, there are certain elements of the Commission staff recommendation that diverge considerably from the County's proposed amendments. Attachment 3 is a redline version of the Commission staff's recommended changes.

Of particular concern is the proposal to modify the County's amendments by adding "coastal redevelopment" as a trigger for applying a series of hazard procedures and standards. Coastal redevelopment is basically defined as the alteration of 50% or more of any single major structural component (e.g., foundation, floor, roof, walls) of a structure, or a 50 percent increase in existing floor area of a structure, or any alterations exceeding 50% of the structure's market value, all tracked cumulatively over time from the adoption of the Coastal Act in 1977 (Land Use Policy C-EH-4 and IP Section 22.64.060.B.2). This new definition of coastal redevelopment creates an extremely low threshold for placing a variety of minor projects into the same category as an entirely new development requiring a Coastal Permit. One example of the problematic nature of the coastal redevelopment definition is the requirement that alterations are retroactively accounted for going back to 1977. Attempting to measure the extent of minor remodel work that has taken place close to 40 years ago is extremely difficult, if not impossible, to ascertain with a sufficient degree of accuracy, especially considering the challenges property

owners will face in navigating time, cost and complexity of the regulatory process triggered by the proposed 50% alteration rule. In addition, many existing homes and other buildings in hazard areas have already undergone alterations dating back to the late 1970s that meet or exceed 50% of one or more major structural elements. Presumably, this could mean that any additional percentage alteration (even 1%) to these structures will automatically trigger the requirement for a Coastal Permit along with a myriad of requirements and standards that would apply to a new building or other more extensive development project in hazard areas.

Keep in mind that the coastal redevelopment definition would be applied not just in low lying coastal communities where rising tides and flood control is a major concern, but also other hazard areas listed in Land Use Policy C-EH-1, such as steep slopes, the Alquist-Priolo Special Studies Zone (i.e., San Andreas Fault zone that traverses residential communities, such as Bolinas and Inverness that are distant from areas potentially affected by sea level rise) and fire hazard areas.

Furthermore, the proposed modification defining "redevelopment" directly contradicts and would essentially rescind without due process Categorical Exclusion Order E-82-6 issued pursuant to Section 30610 of the Coastal Act. The existing exclusion order applies to additions to existing single-family dwellings which would result in an increase of no more than 50% of the floor area before the addition or 1,000 square feet, whichever is less, with excepting certain geographic areas (e.g. tidelands, beaches, etc.). The County's amendment recognizes the geographic limitations of the Order, and establishes a separate "shoreline development" category, based upon FEMA's "V-zone" which extends even further inland, and where much more stringent coastal permitting requirement would apply. The staff-proposed modification would also eliminate that distinction.

A principal reason the County crafted its policies as it did was to integrate FEMA's National Flood Insurance Program requirement. Those policies, as adopted by the County in its Flood Control Ordinance, establish standards for all flood hazard areas that are triggered for new structures, or when existing structures are substantially improved, defined as follows:

> "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
>
> (A) Before the improvement or repair is started; or
> (B) If the structure has been damaged and is being restored, before the damage occurred
>
> The term does not however include either:
>
> (A) Any project for improvement of a structure to comply with exiting state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
> (B) Any alteration of a historic structure as defined in 23.09.030 (22)

County staff is very concerned that the proposed "redevelopment" modification and the ensuing permit requirements could have the consequence of creating a disincentive to protecting life and property by elevating existing homes above the threat of coastal flooding. The County's Amendments would not only allow and encourage coastal residents to meet the safety standards FEMA has established, but to exceed those standards to take into account sea level rise in a way as yet unprecedented in California, and perhaps the nation.

Under the Commission staff's proposed "redevelopment" modification, a change of more than 50% in a foundation – which would obviously be required to elevate a home or other structure – would trigger a host of onerous requirements that would otherwise only apply to wholly new structures. The result is clearly contrary to the requirement of Coastal Act Section 30253 to *"Minimize risks to life and property in areas of high ... flood... hazard."*

Although both the County proposed amendments and Commission staff modifications include the preparation of a hazards evaluation for new development in shoreline areas, the latter requires a sea level rise assessment along with standards to avoid or minimize development-related impacts based on a 100-year sea level rise projection (LUP Policy C-EH-3). By adopting the County's proposed amendments, the Board of Supervisors determined given the uncertainties and ranges of sea level rise projections, using an assessment time frame of the actual level of sea level rise (3 feet), rather than 100 years, will lend itself to a greater degree of predictability in reviewing and making decisions on Coastal Permit requests. In this regard, it is important to keep two things in mind. First, the additional 3 feet that buildings would be required to elevate above the base flood elevation, or above grade in areas outside of flood zones, is equal to the extreme high projection in 2070 and the midpoint of the current 100-year sea level rise projection (Attachment 2). Second, the County's proposed amendments are just part of the beginning of our Sea Level Rise work. Marin County is widely recognized as among the leading edge of jurisdictions doing climate change Adaptation Planning. Our deliberate, transparent, inclusive, science-based process we continue to develop better information and additional alternatives as we, and our collaborators throughout the state and nation, move forward. Much of that will come back to your Commission in the update to the LCP we are committed to bring you in 2026, and likely before.

Another apparent inconsistency between the County's proposed amendments and the proposed modifications exists in the standards for shoreline development (LUP C-EH-5). The Board of Supervisors adopted building elevation standards that make a distinction between FEMA V flood zones, FEMA A flood zones, and areas outside those zones that are subject to potential sea level rise. In FEMA flood zones, development subject to a Coastal Permit would be elevated to meet the applicable FEMA base flood elevation plus up to 3 feet to account for future sea level rise. Within the more hazardous flood zone, the County's proposal may result in additional modifications based on a site-specific evaluation for potential for erosion and flood hazard impacts accounting for 3-feet of sea level rise. In areas outside of FEMA flood zones that are subject to potential future sea level rise, buildings would be elevated above the projected sea level rise according to maps maintained by the County. There is a deliberate intent in this approach to maintain consistency with FEMA standards and to differentiate between areas where the threat of future flooding is more severe (i.e., FEMA flood zones) than other areas

where the potential impacts of sea level rise also exists. The proposed Commission staff modifications appear to eliminate this distinction by grouping FEMA flood zone areas with areas outside of flood zones that may be affected by future sea level rise.

A distinct difference between the County proposed amendments and Commission modifications also exists in the approach to mitigating future impacts of new development (LUP Policy C-EH-11). Commission staff is proposing a series of standards for removal of homes and other buildings in shoreline areas if, for example, new or augmented shoreline protection is required or if development encroaches into areas subject to the public trust. These standards are at odds with the emphasis the Board of Supervisors has placed on taking advantage of adaptive management and planning before pursuing a retreat policy.

County Proposed Amendments

The Board of Supervisors approved a number of substantive changes to the Environmental Hazards policies and associated IP provisions to strike a better balance between clarity and ease of administration, fairness, enforcement feasibility, legal defensibility, support at the local level, and careful integration with other governmental requirements, especially those of the National Flood Insurance Program and FEMA. In summary, proposed revisions include the following:

- Utilize a more predictable hazard analysis timeframe using the best available science to account for 3 feet of future sea level rise, avoids the uncertainty of sea level rise projections at a certain point in the future (C-EH-1 and throughout) while allowing for possible adjustments going forward to reflect changes in data and environmental conditions
- Replace the complicated concept of "coastal redevelopment" with the existing standards and procedures required by and conforming to the County's current LCP, Coastal Act and its Administrative Regulations
- Create distinct policies to separately address flood, geologic, bluff top erosion, and shoreline erosion hazards (C-EH-3 , C-EH-4 and C-EH-5)
- Provide clear definitions for the following hazard areas:
    - Flood hazard - any property in a mapped FEMA Flood Zone or within a potential sea level rise area as mapped by the County (C-EH-3)
    - Bluff top development (within 150 feet of bluff edge or within slope stability zone 2, 3 or 4 in the Bolinas area) (22.64.060.A.2.a and definition of "bluff top")
    - Shoreline development - parcels within any FEMA V zone (C-EH-5.B and 22.64.060.A.2.b)
- Add a new requirement to raise homes above FEMA requirements by the amount necessary to accommodate sea level rise. ((C-EH-8)
- Adjust certain building height zoning requirements by the minimum amount necessary to allow homes to be raised to meet FEMA and sea level rise safety requirement. (C-EH-9)
- Clarify that "deep piers/caissons" are not considered to be a shoreline protective device when used as structural foundations (C-EH-13)
- Expand the scope and detail of programs related to research on sea level rise in Marin (Program C-EH-22.a)
- Clarify in the IP that "best available science" is currently the US Geological Survey (USGS) CoSMoS model in conjunction with the FEMA Open Pacific Coast Study, and

such data sources will be determined by County rather than by applicants on a case by case basis (C-EH-3)

OTHER

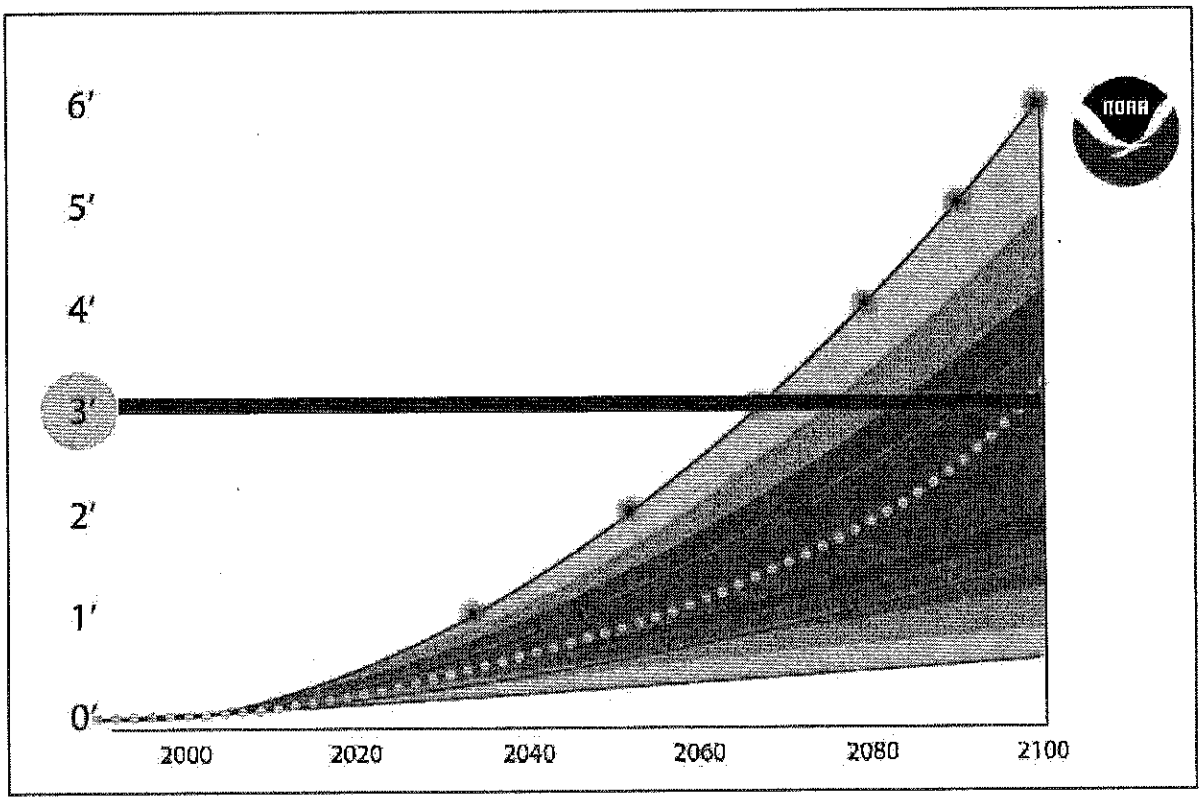
The Board adopted amendments to the Implementation Program strive for clarity, practicality, and consistency with the Coastal Act. The proposed Implementation Program reflects the Board's acceptance of a majority of suggested modifications previously recommended by Commission staff, and county staff has not objected to additional modifications that are included in the Commission staff's current recommendation, meaning we are prepared to recommend approval of these additional changes to the Board of Supervisors. However, we are unable to support three modifications contained in the Commission staff's recommendation (governing challengeability of Coastal Permit exemption determinations, restrictions on floor area and density factoring in all coastal hazard areas, and restrictions on Land Divisions). These are shown in Attachment 4, with county staff's response/analysis.

In closing, County staff appreciates the substantial time and effort that has been invested in developing the proposed LCP amendments. They are the product of a considerable amount of hard work and compromise. The good news is that the points of departure between the amendments approved by our Board of Supervisors and Commission staff modifications have been narrowed over the course of working together with our mutual constituencies. We respectfully request that you approve the amendments now before you, as proposed by the Board of Supervisors, thereby allowing Marin to benefit from all of the improvements reflected in the proposed policies and standards.

Sincerely,

Brian C. Crawford
Director

Attachments: (1) Coastal Commission Executive Director Memorandum, (3/27/81)
(2) Sea Level Rise Projections
(3) Coastal Commission Staff Redlined Version of Board-adopted Environmental Hazards LUP
(4) Implementation Program Changes including Steven Kaufmann Letter


6′
5′
4′
3′
2′
1′
0′
2000
2020
2040
2060
2080
2100
NOAA

IMPLEMENTATION PROGRAM

1. Coastal Permit Exemptions

The Commission staff's suggested modification to require the County to maintain a list of developments exempted from Coastal Permit requirements, to post the list on the County's website, and to notify interested parties of such determinations with the opportunity for challenge exceeds the requirements of the Coastal Act. (Please refer to Sections 22.68.050, Subsections B and C. As set forth in the attached letter from Steven Kaufmann, with the exception of "claims of exemption," development that is exempt does not require any determination by the local government or the Coastal Commission under the Coastal Act. The Commission staff's recommendation effectively subjects exemptions to a permit process, with County staff review, a challenge or appeal process, Coastal Commission Executive Director review, and potential hearing before the Commission. Staff recommends that you approve the Board-adopted language, including deletion of the Suggested Modifications for Subsections B and C.

2. Additional Density Restrictions

Section 22.64.030 establishes general site development standards (such as minimum lot area, maximum density, and setback requirements) for the various coastal zoning districts, which are shown in Tables 5-4-a and 5-4-b (Coastal Zoning Development Standards) and Table 5-5 (Coastal –B Combining District Development Standards). However, footnotes to each table specify that otherwise allowable densities and floor areas must be significantly reduced for residential land divisions and non-residential or non-agricultural development in cases where a property contains ESHA and ESHA buffers or lacks public water or sewer systems (see Footnotes 6 and 7 below). Specifically, the maximum residential density for land divisions (or the maximum floor area for non-residential/non-agricultural development) in these cases must be calculated at the lowest end of the allowable density or floor area range, unless it is determined that the project provides significant public benefits or affordable housing, and will be adequately served by on-site water and sewage disposal systems.

Suggested modifications proposed by the Commission staff (shown in track-changes below) would further restrict development by applying these "lowest allowable" density and floor area restrictions to properties containing any hazardous areas and setbacks, and by specifying that exceptions to these restrictions can only be considered where development "will avoid all hazardous areas and hazard setbacks." Given the wide range and broad extent of potential hazards identified in the Environmental Hazard Chapter of the LUP, staff is concerned that the proposal to include "all hazardous areas and hazard setbacks" as a criterion for applying "lowest allowable" density/floor area restrictions and that "all hazardous areas and hazard setbacks" must be avoided will

have the effect of significantly restricting opportunities for affordable housing development as well as commercial development (including visitor-serving uses) within the coastal zone. For example, most developed areas along Marin's coastline would be considered to be in potentially hazardous areas due to seismic, flooding, geologic, tsunami or other hazards. In addition, in the case of commercial development, the lowest allowable floor area ratio in common commercial land use categories such as General Commercial or Coastal Recreational Commercial is only five percent. Since many commercial properties, particularly in coastal villages, are already developed with floor area ratios well above 5 percent, the provision proposed by Coastal Commission staff to apply the lowest allowable density and avoid all hazardous areas would effectively prohibit ANY additional floor area, no matter how minor, and regardless of whether the particular hazard could be mitigated. There is nothing in the Coastal Act that provides the basis for further limiting the restrictions that the Board adopted and found to be appropriate locally. For these reasons, staff recommends that you approve the Board-adopted language for the relevant footnotes for Tables 5-4-a, 5-4-b, and 5-5 in IP Section 22.64.030 (i.e. the text shown below without the track-change insertions and deletions).

(Footnote 6) The maximum residential density for proposed divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and if it can be demonstrated that the development will ~~can~~ avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

(Footnote 7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, hazardous areas and setbacks, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Land Use Category, except for projects that provide significant public benefits, as determined by the Review Authority, ~~or~~ and where it can be demonstrated that the development will ~~can~~ avoid and protect all ESHA and ESHA buffers and will avoid all hazardous areas and hazard setbacks, and will be served by on-site water and sewage disposal systems.

3. Land Division Requirements (Section 22.70.190)

The Commission staff's suggested modification to Land Division standards in Section 22.70.190 expand the definition of Land Division to include lot line adjustments. The changes to the proposed Land Division criteria in subsection B create two conflicting criteria #1 and #3 below:

B. Criteria for Land Divisions ~~of Land~~

1) Land divisions shall be prohibited if located outside of designated village limit boundaries and within an area found to have limited public service capacities (as specified by Section 22.64.140).

3) Land divisions ~~Divisions of land~~ outside existing developed areas shall be permitted only in areas with adequate public services, and where they will not have a significant adverse effect, either individually or cumulatively, on coastal resources. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding legal parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited.

It is unclear whether Lot Line Adjustments are prohibited pursuant to Subsection B(1) or allowed under very strict requirements in Subsection B(3). Elimination of B(1) would be more reflective of the Board's action and intent.

State of California

Memorandum

To : Regional Executive Directors

Date : March 27, 1981

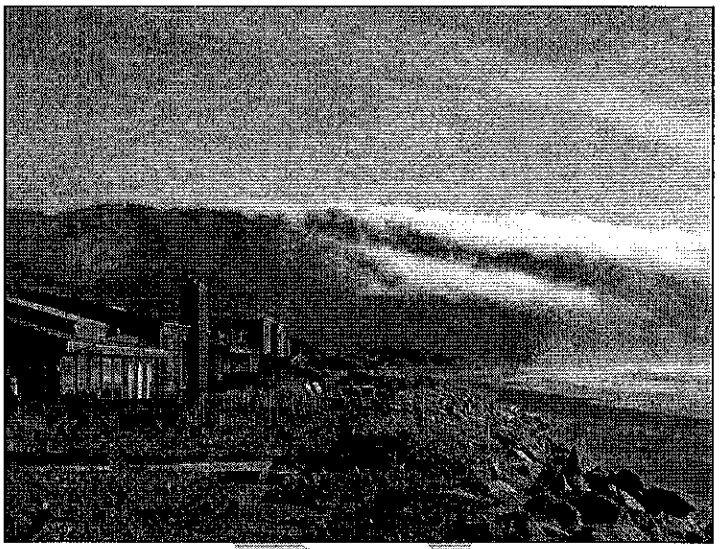
Subject: Agricultural Activities Involving Removal of Major Vegetation

From : California Coastal Commission -- Michael Fischer

On March 19, 1981, the Commission asserted jurisdiction over expansion of agricultural activities located in areas containing major vegetation. The Commission determined that expansion of agricultural uses into areas of native vegetation constitute a "change in the intensity of use of the land" and therefore are developments under the Coastal Act. Please note that this decision concerns only that vegetation removal which changes the basic use of land from essentially natural to a cultivated agricultural use. Changes from one agricultural use to another, such as crop rotation, removal of agricultural vegetation (e.g., old orchards or windbreaks), or modification of small areas of vegetation, the edge of cultivated areas are not within the scope of the Commission's assertion.

In light of the significance of this assertion given the 1978 Opinion of the Attorney General's office and the need to not disrupt, continuing agricultural operations, the Commission advised us all to proceed cautiously and to assert jurisdiction only in those situations where it is quite clear that significant coastal resources are threatened. The recommendation adopted by the Commission lists criteria which should be used in reaching that decision. Several copies have been mailed to each region.

In order to assure uniformity of application, please do so within these two guideposts. First, if a certified local LCP or LUP addresses this issue (such as Santa Barbara or San Mateo County), assert jurisdiction in a manner and to an extent consistent with the provisions in the LCP or LUP. Secondly, if possible, violations are discovered, consult with Linda Breeden or Roy Gorman of the state legal staff before sending a notification of a violation to the property owners. This consultation requirement will help to assure that the new policy is being applied properly throughout the state during this period prior to certification of LCP's.



Environmental Hazards (EH)

NOTE: Additional changes made by CCC staff in the 10/21/16 version are highlighted in yellow

Background

Marin County's shoreline, like all of California's coast, is a highly dynamic place. The coast is subject to forces that include shoreline and bluff erosion, storms and waves~~, long-term sea level rise~~, tsunamis, landslides and potential seismic events, all of which represent hazards for existing and new development (see also LCP Maps 9 – 15 and 18).

Rising ~~S~~sea levels ~~rise are is~~expected to ~~lead~~ exacerbate coastal hazards such as these, leading to increased erosion, permanent or periodic inundation of low-lying areas, loss of coastal wetlands, ~~permanent or periodic inundation of low-lying areas, increase in coastal flooding,~~ and salt water intrusion into stormwater systems and aquifers. Structures located along the shoreline and atop bluffs that are susceptible to erosion and in areas that already flood during higher tides will likely experience an increase in these hazards ~~from~~ due to accelerated sea level rise. Sea level rise also threatens the integrity of roads and other infrastructure (for example, see LCP Map 15 ~~– Sea Level Rise~~). The LCP acknowledges the threat of sea level rise and supports appropriate responses, while recognizing that sea level rise is a global rather than a purely local issue. The impacts of sea level rise will vary according to local factors, such as shoreline characteristics, land movement driven by plate tectonics, and local wind patterns. Strategies to reduce impacts are most appropriately designed and implemented at the local level.

Coastal zone development, whether located ~~at sea level~~along the shoreline, on a bluff, or farther inland, can be~~is~~ vulnerable to one or more of these hazards, including rising sea levels. As a response, s~~S~~ignificant portions of California's coastline have been armored with rock revetments, seawalls, or other shoreline protective devices. Marin County's shoreline includes relatively few areas where such devices are in place~~such devices~~, but shoreline armoring is not absent from the County's coastal zone. Although shoreline protective devices may offer protection to existing homes and other structures from ocean waves and storms, the devices can have negative impacts on recreational beach uses, scenic resources,

natural landforms, and the supply of sand to ~~other~~ shoreline areas, as well as the character of the County's coastal areas. Thus, the overall intent of the LCP policies addressing coastal hazards is to avoid the use of shoreline protective devices where possible, and, if avoidance is not possible, to address their potential coastal resource impacts over time through mitigation measures, including mitigation measures that serve to protect public beach areas for recreational use.

Coastal Act policies ~~provide~~ require that new development ~~shall~~ minimize risks to life and property in highly hazardous areas, and that it ~~. Furthermore, new development shall~~ assure stability and structural integrity ~~and~~ while not creating~~e~~ or contributing~~e~~ significantly to geologic instability or other hazards. Coastal Act policies also recognize that shoreline protective devices can be appropriate in certain instances, for example to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. Under the Coastal Act, such devices, when allowable, however, must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply and other coastal resources.

LCP hazards policies are designed with these policy considerations in mind, recognizing that coastal planning and permitting decisions must address both public and private costs and benefits of development in the dynamic coastal environment. The intent is to minimize risks to life and property by generally avoiding development in hazardous areas. At the same time it is acknowledged that these areas cannot always be avoided, and as such development in these areas needs to be even more carefully sited, designed and conditioned to avoid coastal resource consequences, especially over time. LCP hazards policies should serve to enhance the safety of residents and visitors in potentially hazardous areas. The LCP minimizes risks to life and property by generally avoiding development in hazardous areas, while allowing carefully designed and conditioned development to proceed where avoidance is not possible.

Note: introduction has been slightly reframed to help provide additional context on overall issues, and to identify some key objectives, including avoiding armoring and protecting public beach areas in light of sea level rise and its attendant impacts.

Policies

C-EH-1 Areas Potentially Subject to Hazards. Areas potentially subject to hazards include high geologic, flood, erosion and fire hazard areas, including but not limited to the areas subject to: Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness; episodic and long-term shoreline and bluff erosion and retreat, high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, and rising sea levels; and combinations of all of the above. Many of these areas are mapped in this LCP, including as shown on LCP Maps 9-15, and 18. Such maps can be used as a resource for identification of areas potentially subject to hazards; however, absence of mapping alone cannot be considered absence of hazard and local site conditions must be examined using the best available science.

Note: Adapted from County Board Adopted Policies EH-3, EH-4, and EH-5, and the 2014 Commission Approved Policy EH-2. The intent is to provide as much clarity as possible on where potential hazards may be encountered.

C-EH-2~~1~~ Avoid and Minimize Hazard Risks and Related Impacts. ~~Safety of New Development.~~ Development shall be avoided in areas potentially subject to hazards to the maximum feasible extent. When development in such areas cannot be feasibly sited in a manner that avoids such areas entirely, then such development shall be sited, designed, and conditioned to minimize risks to life and property while mitigating the development's impacts to coastal resoured. Mitigation shall include

Comment [I1]: This intent is not consistent with the Coastal Act, which in Section 30235 states:

Revetments, ... seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

However DOCUMENT IS DOCUMENTED defines piers needed to elevate structures in the NFIP "V" zone as a shoreline protective device, and the requirements and restrictions placed upon such "SPD"s throughout this document create a significant strong disincentive for elevating structures as encouraged by the County's Flood Control Ordinance and FEMA's NFIP program.

Comment [I2]: THIS IS THE FUNDAMENTAL PROBLEM – The focus of this document is as though the County was going to experience a great deal of new development, which it simply will not because there are so few undeveloped parcels. Instead, the County's challenge is to *"Minimize risks to life and property in areas of high geologic, flood, and fire hazard."* (PRC 30253) through ongoing adaptive management.
for the vast majority of existing homes and facilities that will through the fullness of time become progressively exposed and vulnerable to SLR flooding and erosion.
It is obvious that the policies listed form a hodge-podge attempt to avoid development and "new development" and to limit "protection" and ultimately remove it through such regulation.

Comment [I3]: Many of these policies are run-on sentences, awkward and simply poor writing, (see for example C-AH-5 #7). They need a strong editor. I would not want the County associated with such poor writing. This may be embarrassing to convey, but it is needed.

Comment [I4]: Note- the Policies have been so thoroughly modified and the tracked changes so incompletely presented, that they provide little useful comparison of modifications in contrast to Marin County Board-adopted text.

Comment [I5]: LOCAL CONDITIONS HAVE BEEN EXAMOINED THROUGH A COMPREHENSIVE PLANNING PROCESS rather than ad-hoc, essentially random (whoever applies) one-This, in combination with other sections below, fails to recognize the value and importance of a comprehensive, forward-looking planning approach to the problems. Some objectives, like a long range strategy, or community consensus on design and character are best achieved through inclusive, integrated planning, not a permit by permit ad hoc approach

Comment [I6]: resources Typo

measures to avoid such impacts if feasible, particularly impacts related to public recreational beach access. ~~Ensure that risks to life are minimized and that new development is safe from, and does not contribute to, geologic, sea level rise, or other hazards.~~

Note: Adapted from County Board Adopted Policies C-EH-1, EH-3 and EH-4, and 2014 Commission Approved PoliciesEH-1 and EH-2. Specifically frames overall issues in terms of trying to avoid development in hazardous areas if feasible, while recognizing it won't always be feasible, and identifying key provisions related to ensuring coastal resources are respected when development occurs in such areas. Safety is also important, and provisions to ensure stability and structural integrity are built into the policies that apply to specific areas below (e.g., shoreline and blufftop areas).

C-EH-3 Hazards Evaluation. All development in areas potentially subject to hazards shall be supported by reports that are prepared by qualified professionals to current professional standards that adequately address the requirements of this Chapter (which may include reports prepared by and/or for the County). These reports shall be evaluated based on the best available science; shall, if sea level rise is part of the hazards, consider the impacts from the high projection of sea level rise for 100 years (unless different standards are required in the policies of this chapter); shall demonstrate that the development will avoid, or if full avoidance is not possible to avoid as much as possible and minimize, impacts from coastal hazards; and shall evaluate and identify the effect of the development over time on coastal resources (including in terms of public access, shoreline dynamics, natural landforms, natural shoreline processes and public views as project impacts continue and/or change over time, including in response to sea level rise and fire hazards) and suggest appropriate mitigations to avoid and offset adverse effects identified.

Comment [i7]: The Board-adopted LUPA makes the distinction between the V zone which has active wave run-up and surge, and the A zone which is characterized by flowing water; we apply rigorous ad hoc evaluation to the V zone (aka "shoreline development in our LUPA).

Comment [i8]: If policy C-EH-5 #2 specifies the elevation height: "estimated 100-year storm flood plus 3 feet (to address sea level rise)" what does "consider…100 years" require?

Note: Adapted from County Board Adopted Policy EH-5 and 2014 Commission Approved Policy EH-5. Both the County and Commission efforts intended to help identify how to evaluate hazards, with as much clarity as possible, but the Commission's version moves some of the specific parameters (including the County's parameters) to the specific area analyses, thus this policy is more encompassing and broader, and the specificity of the County's version is moved to the policies below.

C-EH-4 Coastal Redevelopment. An existing structure located in an area potentially subject to hazards shall be considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies), when such development consists of: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.

Comment [i9]: Cat Ex: **no more than 50 percent of existing floor area or 1,000 square feet, whichever is less**
Making consistent with 50% of the structure like FEMA would be admirable showing coordination and consistency among government agencies.
Still looking at this in terms of C Act exemptions and CatEX
The three criteria are vastly different. Example of how change in roof can be 20% overall.

Comment [i10]: "Existing" should mean what is there when application is filed.

Note: Adapted from 2014 Commission Approved Policy EH-5; requires that the definition of redevelopment above apply in areas potentially subject to hazards, consistent with the Commission's approach to LCP planning on this point statewide. The intent is to identify when a project is no longer a repair or maintenance project but rather a new project requiring increased evaluation under the LCP. Also adds in FEMA valuation criterion, including as requested by the County. Application is limited to areas potentially subject to hazards, and is not applicable in other parts of the County.

CDA preliminary analysis of 10/~~2113~~/16 CCC staff ~~draft~~ MODIFICATIONS to LUPA Hazards Chapter
~~Preliminary~~ suggested modifications submitted for CCC hearing

C-EH-54– Standards for Shoreline Development~~Flood Hazards~~. ~~Flood hazard areas are~~ Shoreline development is defined as: (1) development located on parcels shown on adopted Federal Emergency Management Agency (FEMA) "Flood Insurance Rate Maps" (FIRM) and "Flood Boundary Water Maps" for Marin County ~~which have been determined to be~~ that are subject to coastal flooding from a flood which has a one percent chance of annual occurrence ~~in any one year (further designated as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE, or V); and 2) those areas potentially inundated by sea level rise as shown on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin.~~; (2) development in areas potentially subject to inundation by sea level rise based on best available science at the time of the application, but at a minimum including properties shown on LCP Map 15; and (3) development, whether shown in the areas identified on the maps in subsection (1) and (2) of this section or not, that is located in areas potentially subject to shoreline hazards, including those areas identified pursuant to the hazards evaluation in C-EH-3 (including but not limited to flooding, inundation, storm waves, high seas, tidal scour, tsunamis, and the interaction of same, including in relation to sea level rise).

1. Shoreline development shall be set back a sufficient distance, and/or sited on an existing elevated portion of the site, and/or designed to reduce the size of the structure or structure footprint (unless the project consists solely of raising an existing structure the minimum amount necessary to meet flood elevation requirements), in such a way to avoid flooding related to the current estimated 100-year storm event, as adjusted for sea level rise if applicable, to the maximum feasible extent without reliance on shoreline protective devices. Existing shoreline protective devices shall not be incorporated into analyses when establishing appropriate siting. The predicted shoreline position shall be evaluated considering not only historic shoreline erosion, but also expected acceleration of shoreline erosion due to continued and accelerated sea level rise.

2. If there is inadequate space to feasibly meet such siting and design requirements, development shall be sited on the portion of the site that best meets these requirements, and floodproofed and/or elevated via pier/caisson foundations (using the minimum number of piers/caissons feasible) so that the lowest finished floor (in the case of floodproofing) or lowest horizontal members (in the case of elevation) are located at an elevation equal to the [redacted] to address sea level rise) ~~as shown on LCP Map 15~~. If floodproofed, the maximum allowable height shall be consistent with applicable zoning district standards. If elevated via pier/caisson foundations, then the area below the lowest horizontal members of such foundation shall not be enclosed nor used for any development needs, with the exception [redacted]; and the maximum allowable height shall be consistent with applicable zoning district standards, or 15 feet above the finished floor elevation (which shall be no more than 2 feet above the elevation of the lowest horizontal members of such foundation) if necessary to provide a single standard story of living space, whichever is greater. Where development consists solely of raising an existing structure by the minimum amount necessary to meet these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect significant public views or community character and existing legal non-conforming buildings that are encroaching into a required yard setback may be approved without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.

3. Shoreline development shall be designed to ensure safety from anticipated hazard impacts caused by future sea level rise, including increased velocity of floodwaters, where applicable.

4. [redacted]

Comment [i11]: The Board-adopted policies place more stringent standards on "shoreline development" which is "defined as development located in a VO, V1-V30, V1 or V zone as mapped by the Federal Emergency Management Agency [FEMA]) in the Board's **C-EH-5.** These areas are identified by FEMA's best available science as more hazardous than "A" or "X" zones. Therefore the Board-adopted LCP places additional requirements on the shoreline areas as defined in its policies.
This modification wipes out this distinction. Contrary to the best available science, this modification treats areas in the low-velocity "A" zone the same as the V zone.

Comment [i12]: hazards evaluation in C-EH-3 should be placed in context of areas identified by best available science County ahs already applied.

Comment [i13]: Setting back a structure where the lots are so small as in most of the affected area has no benefit. Even on larger lots, unless there is topographic variation, the flood hazard would not be reduced.

Comment [i14]: Still makes no sense.

Comment [i15]: FEMA does not accept floodproofing for NFIP in V zones

Comment [i16]: This presumably is for new development, but it would also apply to existing homes that get caught up by "redevelopemt"- what do you do with house already 2 stories?

Comment [i17]: This should not be a discretionary decision, for up to 30 feet. What do you do with an existing home of 25 feet above finished floor? We provided specific limits standards for different classes, and had findings in the LCP that such heights in the central part of the Stinson area met these requirements

5. Shoreline development shall not include rope lines or fences that block public access.

Comment [118]: Should be in access section

6. Shoreline development shall be prohibited if it would already meet any of the removal criteria specified in C-EH-11.

Comment [119]: Needs further review

7. The required hazards evaluation of C-EH-3 shall address the requirements of that policy and this one, including in terms of evaluating the impacts associated with any development that includes floodproofing and/or elevation, and including in terms of evaluating the effects of related development, such as required ingress/egress to structures and the provision of services (e.g., water, wastewater, electricity, gas, etc.) over time, on coastal resources.

Comment [120]: unclear

~~1. The development will comply with construction standards contained in Chapter 23.09 (Floodplain Management);~~
~~2. The minimum floor elevation of development incorporates additional freeboard to accommodate potential sea level rise as provided for by Policy C-EH-8 (Minimum Floor Elevations in Flood Hazard Areas);~~
~~3. The development will not create a hazard or diminish the stability of the area; and~~
~~4. Shoreline development, conforms to Policy C-EH-5.B.~~

~~To minimize risks to life and property, and assure stability and structural integrity of existing structures, modifications of such structures consistent with this Policy shall be facilitated by application of Coastal Permit Exemptions, Categorical Exclusions, and Coastal Permits. Raising the structure as provided in Policies C-EH-5, 8, and 9 and limiting the height to that required to provide for BFE and/or sea level rise elevation shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP.~~

Note: Adapted from County Board Adopted Policies EH-3, EH-5 (B), EH-8, EH-9, and EH-11 and 2014 Commission Approved Policies EH-5(b), EH-11, and EH-12. The intent is to provide the criteria for shoreline development in one place as opposed to spread across a series of policies for greater clarity. This policy combines the Commission-approved shoreline development policy with recent County Board-adopted elevation policies, including using the County's elevation criteria. Requires setbacks as a first option for addressing hazards and does not allow existing shoreline protective devices to be incorporated into analyses when establishing appropriate siting as the Coastal Act does not allow such devices to support new development.

C-EH-~~6~~5 Standards for ~~New Shoreline and~~ Blufftop Development. ~~Ensure that new~~ Blufftop development~~,~~ is defined as development located on parcels within 300 feet of a blufftop edge. ~~safe from bluff retreat and other coastal hazards without a reliance on shoreline protective devices. Except as provided for by Policies C-EH-7, C-EH-15, and C-EH-16, new~~

1. Blufftop development shall be set back a sufficient distance from the blufftop edge ~~a sufficient distance~~ to avoid hazards to the maximum feasible extent while ensuring its stability and structural integrity in light of potential bluff erosion and other hazards for at least the next ~~minimum of~~ 100 years ~~and to eliminate the need for~~ without reliance on shoreline protective devices. Existing shoreline protective devices shall not be countenanced when establishing the setback.

Comment [121]: HUGE PROBLEM

2. If there is inadequate space to feasibly meet such setback requirements, including through modifications to the project design (e.g. proposing a smaller structure), blufftop development may be set back a lesser distance from the blufftop edge provided such setback is the maximum feasible and

ensures stability and structural integrity in light of potential hazards for no less than 25 years without reliance on shoreline protective devices.

~~3. The A coastal required hazards evaluation analysis shall address the requirements of that policy and this one, and shall also evaluate the effect of erosion, geologic and other hazards at the site to ensure structural integrity for a minimum of 100 years. The coastal hazards analysis shall~~ include a quantitative slope stability analysis by a geotechnical engineer demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, k=0.15 ~~or determined through analysis by the geotechnical engineer~~)~~whereby. S~~safety and stability must be demonstrated for the predicted position of the bluff and blufftop edge following bluff recession over the required timeframe (~~at least~~ i.e., 100 years, or possibly less pursuant to C-EH-6(2)). The predicted bluff and blufftop edge position shall be evaluated considering not only historical bluff retreat data and slope stability data, but also acceleration of bluff retreat due to continued and accelerated sea level rise, and other climate impacts. ~~according to potential sea level rise estimates prepared and adopted by the County of Marin for use in coastal hazards analyses.~~

Comment [i22]: unclear

4. Blufftop development shall be prohibited if it would already meet any of the removal criteria specified in C-EH-11.

Comment [i23]: Those criteria are fatally unclear

5. Blufftop development shall include identification of the minimum amount of setback necessary to maintain safety without a shoreline protective device ~~maintain the 1.5 and 1.2 factors of safety~~ as the bluff erodes over the required time frame.

6. Blufftop development shall include adequate drainage and erosion controls designed to avoid bluff erosion and to avoid drainage being directed over blufftop edges or through bluffs otherwise.

Note: Adapted from County Board Adopted Policies C-EH-5 (A) and EH-6, and Commission 2014 Approved Policies EH-5 (A) and EH-6. As with the shoreline policy above, the intent is to provide the criteria for blufftop development in one place as opposed to spread across a series of policies for greater clarity. This policy combines the Commission-approved blufftop development policy with the County's proposed standards, and is a reflection of both, which were already very similar. Requires setbacks as a first option for addressing hazards and does not allow existing shoreline protective devices to be incorporated into analyses when establishing appropriate siting as the Coastal Act does not allow such devices to support new development

Comment [i24]: Significant concern

~~**C-EH-6 Proper Drainage on Blufftop Parcels.** Ensure that surface and subsurface drainage associated with development of any kind shall not contribute to the erosion of the bluff face or the stability of the bluff itself.~~

Note: Moved to EH-5 to keep all related blufftop standards in one place for clarity and ease of implementation.

C-EH-7 ~~New Structures on~~Standards for Bluff Face Developments. ~~Prohibit structures~~ Development on bluff faces shall be prohibited, ~~except for~~ other than public recreational access ~~structures~~ facilities (e.g. stairways, paths, overlooks, ramps, etc.) where no feasible alternative means of public access exists, and where. s~~S~~uch ~~structures~~ development ~~shall be~~ is sited and designed ~~and constructed~~ to be visually compatible with the surrounding area to the maximum feasible extent ~~feasible~~ and to minimize effects on erosion of the bluff face.

Comment [i25]: Can a house on the bluff face be rebuilt if destroyed? Terrace Drive at Surfer's Overlook covered?

Note: Adapted from County Board Adopted Policy C-EH-7 and Commission 2014 Approved Policy: EH-7. These policies are similar, and when melded together provide appropriate standards.

C-EH-8 Standards for Development Subject to Geologic Hazards. In addition to other requirements that may apply (e.g., for development on a shoreline, blufftop, or bluff face) ~~Require applicants for~~ development in areas that are potentially subject to geologic hazards, (~~which~~ including Alquist-Priolo earthquake hazard zones and areas subject to landslides, liquefaction, steep slopes averaging greater than 35%, and unstable slopes regardless of steepness) ~~to evaluate the extent of those hazards and demonstrate that: The development~~ shall comply with the seismic safety standards of the Alquist-Priolo Act (California, Public Resources Code Section 2621, et seq.) and all applicable seismic provisions and criteria contained in the most recent version of State and County codes; ~~Development~~ shall incorporate ~~contruction and~~ siting and design techniques to mitigate ~~the~~ any such geologic hazards; and ~~identified above; The development~~ shall not create a hazard or diminish the stability of the area.; ~~and Blufftop development, confirms to Policy C-EH-5.A.~~

Note: Adapted from County Board Adopted Policy C-EH-4, and Commission 2014 Approved Policy EH-4. Provides edits to improve clarity, but is substantively very similar to each.

C-EH-9 Standards for Development Subject to Fire Hazards. In addition to other requirements that may apply (e.g., if it is also shoreline, blufftop, or bluff face development, and/or development subject to geologic hazards), the following standards apply to development subject to fire hazards:

~~C-EH-23~~ 1) **New Development and Fire Safety.** ~~Coastal Permit applications~~New development shall ~~demonstrate that the development~~ meets all applicable fire safety standards. and shall be ~~s~~Sited and designed ~~new development~~ to minimize required initial and future fuel modification, and brush clearance in general, to the maximum feasible extent, and to avoid such activities within ESHA and ESHA buffers on site and on neighboring property, including parkland, where all such requirements shall be applied as conditions of approval applicable for the life of the development.

~~C-EH-25~~ 2) **Existing Development and Fire Safety.** Removal of major vegetation ~~around~~ adjacent to existing development for fire safety purposes shall only be allowed ~~with a coastal permit waiver~~ upon a finding that fuel modification and brush clearance techniques are required in accordance with applicable fire safety regulations and are being carried out in a manner which reduces coastal resource impacts to the maximum feasible extent. In addition to the foregoing requirements, removal of ESHA, or ~~is~~ removal of materials in an ESHA buffer, shall only be allowed for fire safety purposes: if it is not already prohibited by coastal permit conditions; if there are no other feasible alternatives for achieving compliance with required fire safety regulations; and if all ESHA and related impacts are mitigated in a manner that leads to no net loss of ESHA resource value.
~~[New policy, 2016]~~

Note: Adapted from County Board Adopted Policies C-EH-23 and EH-25, and Commission 2014 Approved Policies C-EH-23 and EH-25. Edits to both provided for implementation clarity.

C-EH-~~2~~10 Waiver of Liability and ~~Applicant's~~ Assumption ~~and Disclosure~~ of Risk. ~~As a condition of e~~Coastal permit approvals for development in areas potentially subject to hazardous ~~areas~~, shall contain conditions requiring ~~the~~ applicants to record ~~a document~~ deed restrictions against properties governed by the permit in which the applicants: acknowledge~~ing~~ and agree, on behalf of themselves and successors and assigns: that the site is subject to ~~coastal~~ hazards, each of which shall be explicitly identified, including vulnerabilities to sea level rise if the property is located in an area potentially inundated by sea level rise as shown on LCP Map 15 and/or as identified pursuant to the hazards

evaluation in C-EH-3; ~~which may include coastal erosion, shoreline retreat, flooding, and other geologic hazards;~~ to assume all such hazard risks; to prohibit and to waive any rights that may exist for new and/or augmented ~~Acknowledging that future~~ shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5) ~~to protect authorized structures are prohibited~~; ~~Acknowledging~~ that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise and bluff erosion; ~~Acknowledging~~ that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; that any adverse effects to property caused by the development shall be fully the responsibility of the applicants and may require removal and restoration under certain criteria (see also C-EH-11 and C-EH-17 below). ~~and Assuming all risks and waiving any claim of damamge or liability against the County for personal or property damage resulting from such coastal hazards. The recorded document shall also disclose potential vulnerability of the development site to long term sea level rise by incorporating the County's 100 year time frame sea level rise hazard map for the subject property and surrounding area, where applicable.~~

Note: Adapted from County Board Adopted Policy C-EH-2, and Commission 2014 Approved Policy C-EH-3. Edits are suggested to address legal recordation issues, as well as to provide clarity, including in light of the current structure of associated policies and requirements.

C-EH-11 Mitigation Measures Required for Development Subject to Hazards. Development in shoreline, bluff face, and blufftop areas that are subject to hazards shall comply with all of the following, including through application of conditions of approval that provide for same:

1. Development Duration. Development shall be removed and the affected area restored to a natural condition if: (a) the County declares the development unsafe for occupancy and/or use; (b) the development requires new and/or augmented shoreline protective devices (including additional elevation for structures already elevated pursuant to C-EH-5); (c) the development encroaches onto public trust land (including as the public trust migrates); (d) access and utilities are no longer available to serve the development; (e) the blufftop edge erodes to the minimum setback line established via Policy C-EH-6; and/or (f) required by subsequent adaptation planning (see Policy C-EH-17). Bonding sufficient to cover such removal and restoration shall be provided.

2. Existing Armoring. If an existing shoreline protective device (other than a pier/caisson foundation system supporting the development, if such) is associated with new shoreline, bluff face, and/or blufftop development (including coastal redevelopment), then such development shall only be approved subject to a requirement that the existing shoreline protective device is required to be removed and the area affected by the device restored to natural conditions as part of project construction as a condition of development approval. Removal and restoration shall not be required where removal of the shoreline protective device would endanger existing principal structures on adjacent sites to the degree that these principal structures would qualify for armoring under this LCP unless such adjacent sites have already been required to remove such armoring and restore the area when feasible via prior conditions of approval (see following sentence). When immediate removal and restoration is not required for these reasons, such development shall only be approved subject to a requirement that the existing shoreline protective device be removed and the affected area restored as soon as such removal and restoration can be accomplished without endangering existing principal structures on adjacent sites (e.g., as adjacent sites redevelop, as adjacent sites are conditioned for future removal, etc.), and that bonding sufficient to cover such removal and restoration be provided.

Comment [i26]: Unclear. Does this mean the applicant must "waive any rights" to existing "shoreline protective devices"

Comment [i27]: Prohibits adaptive management and response to sea level rise over time- what is the Coastal Act basis for this?

Comment [i28]: Is this to supplement tort law? Would it also apply to "adverse effects" to life?

Comment [i29]: unclear

Comment [i30]: This seems to include existing development that has never had conditions placed upon it by a permit i.e. the quid (permitted development) pro quo (conditions agreed to)

Comment [i31]: Under what law- what checks and balances?

Comment [i32]: Prohibits adaptive management and response to sea level rise over time. Simply makes no sesnse. What is the Coastal Act basis for this?

Comment [i33]: State Lands, and more importantly, state law, allows private use with SLC authorization.

Comment [i34]: unclear

Comment [i35]: When is bonding supposed to be required? After the home is condemned? Once the public trust encroaches (through no fault of the landowner?

Comment [i36]: Unclear- If elevation on piers is defined as an SFD, does this mean that if someone elevates a house, then the elevating of the house is required to be removed ?

Comment [i37]: What if removal endangers the subject structure?

Comment [i38]: Very difficult to understand, both in how it is written and in the logic behind it. This goes far beyond the Coastal Act mandate.

3. Public Rights. Approval of coastal permits shall not constitute a waiver of any public rights that may exist on the affected property. A coastal permit permittee shall not use any permit approval as evidence of a waiver of any public rights that may exist on the affected property now or in the future.

Note: Adapted from County Board Adopted Policy C-EH-2 and Commission 2014 Approved Policy C-EH-13 standards. Intent is to identify the requirements for removal contingencies in one policy for clarity. Carries over some of the previously approved concepts, including with respect to removal of armoring that was already approved by the Commission in 2014, and the County's provisions related to public services, while refining others, including related to the public trust, blufftop setbacks, and applicability of future adaptation planning.

~~**C-EH-8 Minimum Floor Elevations in Flood Hazard Areas.** For new development within Flood Hazard Areas as defined by Policy C-EH-3, the minimum elevation of construction shall incorporate additional height to accommodate potential sea level rise as follows:~~

~~1. Within flood hazard areas mapped by the Federal Emergency Management Agency (FEMA), additional elevation up to a maximum of three feet to accommodate identified sea level rise as depicted on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, shall be added to the Base Flood Elevation (BFE) when establishing the minimum elevation required for proposed construction.~~

~~Within areas that are not within FEMA mapped flood zones but are shown as potentially inundated by sea level rise identified on "Potential Sea Level Rise Maps" prepared and adopted by the County of Marin, new development shall be constructed such that the lowest finished floor exceeds the highest natural elevation of the ground surface next to the proposed walls of the structure prior to construction (i.e., "highest adjacent grade") by an amount equal to or greater than the projected sea level rise as depicted on the above referenced maps.~~

Note: Moved to C-EH-5 to keep all related standards in one place for clarity and ease of implementation.

~~**C-EH-9 Maximum Building Heights in Flood Hazard Areas.** For new development within Flood Hazard Areas as defined by Policy C-EH-3, the maximum allowable building height shall be 25 feet above grade, or 15 feet above the minimum floor elevation as required by Policy C-EH-8, whichever is greater (see Policy C-EH-11 for Maximum Building Heights within the Seadrift Subdivision) except:~~

~~Where development consists solely of raising an existing structure by the minimum amount necessary to meet the Base Flood Elevation (BFE) established by FEMA plus any additional elevation require by Policy C-EH-8:~~

~~1. A resulting building height of up to 30 feet above grade shall be deemed sufficient to comply with coastal hazard, public view, community character and related provisions of the LCP. Such Coastal Permits shall be subject to conditions of approval prohibiting future increases in the height, mass, and bulk of the structure.~~

~~2. A resulting building height which would exceed 30 feet above grade may only be permitted after an individual evaluation of conformance with public view, community character and related provisions of the LCP.~~

Note: Moved to C-EH-5 to keep all related standards in one place for clarity and ease of implementation.

~~**C-EH-11 Maximum Building Heights in the Flood Velocity Zone at Seadrift.** For new development within the Seadrift Subdivision located in the special flood hazard (V zone) as mapped by~~

~~the Federal Emergency Management Agency, measure the maximum allowable building height of 15 feet from the minimum floor elevation required by Policy C-EH-8.~~

Note: Moved to C-EH-5 to keep all related standards in one place for clarity and ease of implementation.

~~**C-EH-12 Floor Elevations Requirements for Non-conforming Buildings in Flood Hazard Areas.** Within **Flood Hazard Areas as defined by Policy C-EH-3,** allow existing legal non-conforming buildings that are encroaching into a required yard setback to be raised consistent with Policy C-EH-8 without the need for a variance to setback requirements, as long as the extent of the encroachment is not expanded.~~

Note: Moved to C-EH-5 to keep all related standards in one place for clarity and ease of implementation.

C-EH-123 Standards for Shoreline Protective Devices. ~~Discourage~~ Sshoreline protective devices (i.e. ~~in the Coastal Zone, including encouraging their removal and site restoration where feasible, due to their coastal resource impacts (including visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality) Allow the construction, reconstruction, expansion, and/or replacement of a shoreline protective device,~~ including revetments, breakwaters, groins, seawalls, bluff ~~retention devices~~retaining walls and other like devices, ~~deep~~ piers/caisson foundation systems, ~~(deep piers/caissons are not considered to be a shoreline protective device when they are designed and used for architectural foundations and not for erosion protection or to prevent beach retreat)~~ or other ~~artificial~~ similar structures designed as protection against ~~for~~ coastal ~~erosion control and~~ hazards~~) protection, only if each of the following~~ shall be prohibited unless they meet all of the criteria ~~is met~~below:

1. Allowable armoring. The shoreline protective device is required to serve a coastal-dependent use or to protect a principal structure~~, residence, or second residential unit~~ in existence prior to the effective date of the Coastal Act (i.e. January 1, 1977) ~~the adoption of the Local Coastal Program (May 13, 1982)~~ that is in danger from erosion (i.e. would be unsafe to use or occupy within two storm seasons) or to protect a public beach that is in danger from erosion. Notwithstanding the above, a pier/caisson foundation system shoreline protective device may be allowable under certain circumstances pursuant to C-EH-5.

2. Least Damaging Alternative. The shoreline protective ~~No other non-structural alternative, such as sand replenishment, beach nourishment, or managed retreat is feasible, and the~~ device is the least environmentally damaging feasible alternative ~~,~~ to protect existing endangered principal structures, public beaches, or coastal-dependent uses. Hard armoring (such as seawalls and revetments, etc.) shall only be allowed if soft alternatives (such as beach nourishment, vegetative planting, and drainage control, etc.) cannot meet the above least environmentally damaging feasible alternative criteria, and if limited as much as possible to avoid coastal resource impacts. All shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum feasible extent, including that all allowable device shall be designed to blend visually with the natural shoreline and provide for public recreational access.

3~~9~~. Impacts Mitigated. The project includes proportional mitigation for all unavoidable coastal resource impacts, including with respect to impacts on shoreline sand supply, sandy beaches, public recreational access, public views, natural landforms, and water quality. At a minimum, the effects of the device with respect to retention of shoreline sand generating materials, the loss of beach/sand due to its footprint, and passive erosion shall be evaluated. Proportional in-lieu fees may be used as a vehicle for impact mitigation if in-kind options (such as developing new public access facilities) are

Comment [I39]: "i.e." and "including" are redundant and make the phasing sound awkward

Comment [I40]: RESTORE BOARD APPROVED TEXT – can substitute piers and caisson used to elevate structures above the coastal hazard elevation

Comment [I41]: Redefines "existing" in the Act; should be either at time an application is filed, or as of the effective date of the LCPA.

Comment [I42]: Erosion is not the only threat to safety; the modifications added to C-EH-1 for example include "episodic and long-term shoreline and bluff erosion and retreat, high velocity wave and tidal action from storms or high seas, ocean and stream inundation and flooding, tsunamis, and rising sea levels; and combinations of all of the above..."

Comment [I43]: How can this be predicted? Coastal storm damage is episodic. There can be many storms within a "storm season." How will staff staff be able to predict the severity of each storm within each of the two "storm seasons."

Comment [I44]: If it is to elevate above the storm hazard it is not a "shoreline protective device."

Comment [I45]: No criteria other than being the LBDA are specificed. There is only one "least" – thus a criterion.

Comment [I46]: Is "as much as possible" the same test as "to the maximum feasible extent" – if so why use different words? If not, what is the difference?

Comment [I47]: Still don't understand what this means.

not possible, and if such in-lieu fees are deposited in an interest bearing account managed by the County and used only for public recreational shoreline area access improvements. ~~Shoreline protective devices shall be required to mitigate impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts.~~ Impact mitigation shall be evaluated and required in 20-year increments, ~~starting with the building permit completion certification date~~ and permittees shall be required to apply for coastal permit amendments prior to expiration of each 20-year mitigation period that proposes~~ing~~ mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, ~~and~~ where such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources.

Comment [i48]: Check with CAO

Comment [i49]: Tracking system required

4~~10~~. Monitoring. The shoreline protective device shall be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the County and the Coastal Commission shall be required every five years from the date of coastal permit issuance ~~until coastal permit expiration~~ for as long as the shoreline protective device remains authorized (see subsection 6 below), ~~which shall evaluate whether or not the shoreline protective device is still required to protect the existing structure it was designed to protect~~ and such reports shall cover all aspects of the armoring reevaluation specified in subsection 5 below.

5~~7~~. Armoring Reevaluation. For existing shoreline protective devices that are being reconstructed, expanded, and/or replaced, the coastal permit application shall include a re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions, including whether such device, and the potential for removal based on changed conditions, including whether such device meets the criteria in Policy C-EH-12. The coastal permit application shall at a minimum include an evaluation of: the age and condition of the existing principal structure being protected (or evaluation of the coastal-dependent use being served or public beach being protected, if applicable); changed geologic site conditions including but not limited to changes relative to sea level rise; and impacts to coastal resources, including but not limited to public recreational access and recreational ways to reduce such impacts. If approved, such development associated with existing shoreline protective devices shall meet all of the pother requirements of this policy, including with respect to the impact mitigation requirements of subsection 3 above.

Comment [i50]: This was previous ccc mod text. Very open ended. Have any such re-assessments been completed yet?

6. Armoring Duration. The shoreline protective device shall only be authorized ~~for a specified time period depending on the nature of the project and other possible changing conditions. Maintenance beyond the specified time period, modification, or expansion of the approved device shall require approval of an amendment to the Coastal Permit.~~ until the time when the existing principal structure that is protected by such a device: 1) is no longer present; 2) no longer requires armoring; or 3) is redeveloped. Permittees shall be required to submit a coastal permit application to remove the authorized shoreline protective device within six months of a determination that the shoreline protective device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of coastal redevelopment, removal of the authorized shoreline protective device shall be required as part of construction of the redeveloped structure (see also C-EH-11 above).

Comment [i51]: See perplexing last line

Comment [i52]: Unclear. Is this intended to expose the redeveloped structure to unprotected hazard conditions?

~~3. It can be shown that a shoreline protective device will successfully eliminate or mitigate its effects on local shoreline sand supply and that the device will not adversely affect adjacent or other sections of the shoreline.~~

~~4. The shoreline protective device will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.~~

~~5. There will be no reduction in public access, use, or enjoyment of the natural shoreline environment, and construction of a shoreline protective device will preserve or provide access to related public recreational lands or facilities.~~

~~6. The shoreline protective device will not restrict navigation, mariculture, or other coastal use and will not create a hazard in the area in which it is built.~~

Note: Adapted from County Board Adopted Policies C-EH-13 and EH-14; and Commission 2014 Approved Policies EH-13 and EH-14. Basically transfers prior approved language to a single policy, and includes refinements to language throughout to provide clarity, and to best correspond to current policy structure and standards. Represents current Commission approach to when armoring is allowed under the Coastal Act.

C-EH-~~21~~ 13 Emergency~~-~~ Authorization ~~Shoreline Protective Devices in County Coastal Permit Jurisdiction.~~ Upon receipt of a request for an emergency shoreline protective device within the County's coastal permit jurisdiction, the County shall notify the Coastal Commission. In cases of emergency, an emergency shoreline protective device may be a~~A~~pproved ~~emergency shoreline protective devices~~ on a temporary basis only, and only if the device is required to be removed~~al of the structure~~ unless a regular coastal permit is approved for retention of the structure. In such cases, a~~A~~ complete coastal permit application ~~must~~ shall be required to be submitted within 60 days following construction of the shoreline protective device. Any such temporary emergency shoreline protective device shall be sited and designed to be the minimum necessary to abate the identified emergency, and to be as consistent as feasible with all LCP shoreline protective device standards, including avoiding coastal resource impacts to the maximum feasible extent and mitigating for any that are unavoidable. ~~If dunes are present on the project site, require that re-establishment of the former dune contour and appearance shall occur within 60 days following construction of a shoreline protective device.~~

Note: Adapted from County Board Adopted Policy C-EH-21; and Commission 2014 Approved Policy: EH-21. Minor changes throughout for clarity, but premise remains the same.

~~**C-EH-14 Design Standards for the Construction of Shoreline Protective Devices.** Ensure that the design and construction of any shoreline protective device shall:~~

1. ~~Be sited, designed, and treated to blend in visually with the natural shoreline;~~
2. ~~Respect and integrate into natural landforms to the greatest degree possible;~~
3. ~~Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;~~
4. ~~Minimize and mitigate for the impairment and interference with shoreline sand supply and the circulation of coastal waters;~~
5. ~~Address the geologic hazards presented by construction in or near Alquist Priolo earthquake hazard zones;~~
6. ~~Protect, and enhance where feasible, public recreational access as much as possible, including by minimizing the displacement of beach; and~~
7. ~~If necessary, be combined with efforts to control erosion from surface and groundwater flows.~~

Note: Moved to EH-13 to keep all related standards in one place for clarity and ease of implementation.

C-EH-14 Exceptions. Notwithstanding LCP policies that might direct otherwise, the following shoreline, bluff face and blufftop development is allowable provided it meets all other LCP policies as much as possible:

C-EH-16 1. Shoreline Public Recreational Access Facilities in Hazardous Areas. Shoreline and bluff area Ppublic recreational access facilities (e.g. stairways, paths, overlooks, ramps, etc.), including walkways, overlooks, stairways and/or ramps, may be allowed within the shoreline/blufftop setback established by C-EH-5 provided they meet all of the following criteria:

1. Such public access facilities shall only be allowed if consistent with all other applicable LCP policies.
2. Such public access facilities shall bethat are sited and designed to blend as well as possible with the surrounding environment and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas.
3. Such public access facilities shall only be allowed when they will not cause, expand, or accelerate instability of a bluff.

C-EH-15 2. Blufftop aAccessory Structures in Hazardous Areas. In areas subject to shoreline and/or blufftop erosion per Policy C-EH-5, accessory structures, including patios and gazebos, may be allowed provided they meet all of the following criteria: Such accessory structures shall only be allowed if consistent with all other applicable LCP policies.SuchBlufftop accessory structures shall be that are sited and designed to avoid coastal resource impacts and to be easily relocatable and/or removable without significant damage to shoreline and/or bluff areas;, and that are shall be sited no closer than 5 feet from the blufftop edge (or further if necessary to protect public views); No that are not allowed shoreline protective device if endangered will be allowed for the purpose of protecting such accessory structure(s).; and that are required via conditions to be Such accessory structures shall be relocated and/or removed and affected areas restored to natural conditions when threatened by erosion, geologic instability, or other coastal hazards, including as determined by Marin the County.

C-EH-19 3. Maintenance Needs for the Shoreline Protective Device at Seadrift. Development at Seadrift, including related to shoreline protective devices, that are consistent with the terms and conditions of Refer inquiries regarding permit requirements for maintenance of the rock revetment as permitted by California Coastal Commission Coastal Ppermit #A-1-MAR-87-235-A, as amended, issued August 31, 1994 to the Coastal Commission. (For more information, see and the Seadrift settlement agreement (see LCP in Appendix 59.) but that may conflict with these LCP hazard policies.

Note: Adapted from County Board Adopted Policies: C-EH-15, EH-16, and EH-19, and Commission 2014 Approved Policies C-EH-15, EH-16, and EH-19. Basically the same language refined for clarity, and put together all in one place for ease of implementation.

C-EH-157 Creation of New Parcels of Land that Would Require Protection Against Coastal Erosion and Other HazardsLand Divisions Prohibited. Prohibit the division of Lland divisions that affect property inear the shoreline, bluff face, and blufftop areas shall be prohibited including along the shoreline and bluffs, and including abutting the ocean, bays, lagoons, or other coastal water bodies, unless the new and/or reconfigured parcels each include buildable area that can be developed consistent with LCP hazards policies (or the shoreline, bluff face, and blufftop area land is restricted permanently as non-developable (other than possibly for public recreational access) open space) , and the land is restricted to prohibit safe from geologic and other hazards for a minimum of 100 years, and unless shoreline protective devices located are prohibited to protect development on such the resultant parcels and/or to protect development on such parcels.

Note: Adapted from County Board Adopted Policy C-EH-17 and Commission 2014 Approved Policy: C-EH-17. Language refined to address current structure of policies, but intent (and parameters) remain

Comment [i53]: That this essentially duplicates Policy EH-7 above does not lend a great deal of confidence that adequate time and care have been invested in these CCC staff-suggested modifications. This is especially true as Marin's comments about essential facilities that may be needed have been ignored.

C-EH-7 Standards for Bluff Face Development. Development on bluff faces shall be prohibited, other than public recreational access facilities (e.g. stairways, paths, overlooks, ramps, etc.) where no feasible alternative means of public access exists, and where such development is sited and designed to be visually compatible with the surrounding area to the maximum feasible extent and to minimize effects on erosion of the bluff face.

Comment [i54]: This is a change from the 10/4/16 ccc draft.

1.Seadrift. Development at Seadrift, including related to shoreline protective device repair, maintenance and/or replacement, shall be consistent with these LCP hazards policies and also consistent with the terms and conditions of California Coastal Commission Coastal Permit A-1-MAR-87-235 (see LCP appendix 5):

a.Seadrift Revetment. The Seadrift revetment may be repaired and maintained in its approved configuration subject to the terms and conditions of Coastal Permit A-1-MAR-87-235. However, any change to its approved configuration, including any expansion of the height or footprint of the revetment, shall require a new Coastal Permit application to which all of the policies of this LCP shall apply, including with respect to providing for improved public recreational beach access.

b.Residential Development. Residential development within Seadrift may continue to occur consistent with all policies of the LCP as well as the terms and conditions of Coastal Permit A-1-MAR-87-235.

Comment [i55]: Development, . . . that is

Comment [i56]: Poorly written- too distant from subject to follow.

Comment [i57]: Not required by Coastal Act

Comment [i58]: Not required by Coastal Act. Could also interfere with ag owners who might resort to subdividing off portions of their land (with deed restrictions) so they could qualify for Cat Ex. Since CCC staff consider ag "development" the phrase "land is restricted permanently as non-developable (other than possibly for public recreational access) open space" may prohibit ag use.

basically the same. Subdivision is to be avoided in these areas, including so as to avoid problems with future development on such subdivided properties.

C-EH-1620 ~~Advance Planning for Emergency Shoreline Protection Needs~~Private Property Hazard Response Planning. Encourage owners of property ~~owners~~ subject to ~~ocean front erosion~~ hazards to develop responses to such hazards prior to emergency conditions. Where contiguous properties are subject to generally similar erosion hazards, encourage joint ~~program development should occur~~responses to be developed.

Note: Adapted from County Board Adopted Policy C-EH-20 and Commission 2014 Approved Policy C-EH-20. Minor changes for clarity.

C-EH-1722 ~~Sea Level Rise and Marin's Coast~~Marin County Adaptation Planning. The County shall consider the best available and most recent scientific information with respect to the effects of long-range sea level rise when establishing sea level rise maps, scenarios, and assumptions for use in geologic, geotechnical, hydrologic and engineering investigations, including ~~the~~ all required coastal hazards analyses~~is identified in C-EH-5~~. The County shall also Ssupport scientific studies that increase and refine the body of knowledge regarding potential sea level rise in Marin, and possible responses to it. Finally, the County shall actively pursue adaptation planning designed to address the effects of hazards in light of sea level rise along the County's coastline, including via preparation of sub-regional adaptation plans for individual areas that further refine the County's vision for development and protection of coastal resources in these areas via all of the following:

1. **Update LCP Sea Level Rise Related Policies.** LCP Policies related to sea level rise ~~(including C-EH-2, 3, 5, 8, 9, 11, 12, 13, 15, 17, and 22)~~ shall be reevaluated and modified ~~and readopted~~, as necessary, through an LCP Amendment in 2026. If LCP policies related to sea level rise are not so modified by December 31, 2026, any site specific analysis for new development or redevelopment that are considered after December 31, 2026 shall consider sea level rise projections for 100 years based on the best available science.
~~(New policy, 2016)~~

~~***Program C-EH-22.a Research and Respond to the Impacts of Sea Level Rise on Marin County's Coastal Zone Shoreline.***~~

2. **Update Vulnerability Assessment.** Building upon the C-SMART Vulnerability Assessment, continue to gather information on the effects of sea level rise on Marin County's Coastal Zone shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as public access and recreation resources, including the California Coastal Trail, Highway 1, significant ESHA such as wetlands or wetland restoration areas, open space areas where future wetland migration would be possible, and existing and planned sites for critical infrastructure. Updates to the vulnerability assessment shall use best available science and multiple scenarios including best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council [e.g. 2013~~+~~ OPC Guidance on Sea Level Rise], Nation Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Association.

3. ~~**Program C-EH-22.b Periodically**~~ **Update Retreat Analysis.** Analysis of increased erosion potential and shoreline retreat due to sea level rise is included in the County's ~~Marin Ocean Coast~~ Vulnerability Assessment, where. ~~The~~ coastal erosion hazard maps present the results of models that predict the geomorphic evolution of cliffs, beaches, marshes, Easkoot Creek flooding and FEMA flood hazards. Update the shoreline retreat analysis every 5 years or as needed, or as

Comment [I59]: The Adaptation Plan is not part of the LCP. The Commission has authority over developments, including Public Works Plans that come out of it, but the Coastal Act provides no authority over the preparation of the Adaptation Plan itself.

Comment [I60]: "Shall" makes this an unfunded state mandate.

Comment [I61]: "Shall" makes this an unfunded state mandate.

Comment [I62]: OK, County offered 2026 date. Is the increase in the standard to 100 years (rather than 3 feet, which stretches out from 2060 to 2100) intended to force the County's compliance?

Comment [I63]: The Adaptation Report has not even been reviewed by the Public, much less adopted by the Board. These are good things to do, and the County likely will do them- but are they mandated/required by "shall"s in #1 above—along with the fiscal obligations?

necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

Comment [i64]: Under the "shall," who determines when the Update is necessary- CCC?

4. **Update ~~potential Sea Level Rise Maps (referenced in Policy C-EH-8)~~.** Update applicable LCP maps, including LCP Map 15 and LCP Maps 31a – 31n, to reflect current information and best available science, and to mModify the current and future hazard areas every five years or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions.

Comment [i65]: These maps, which will be more authoritative than individual consultant reports should be the basis for evaluation n the policies above.

~~**7. Research the potential for relocation of existing or planned development to safer locations.** Explore the feasibility of a managed retreat program, which may involve protecting vacant land through zoning or conservation easements and/or removing development from areas vulnerable to sea level rise and restoring those areas to a natural state for open space or recreation. Identify potential mechanisms and incentives for implementation, which may include:~~
~~Acquire vacant vulnerable properties.~~
~~a. Acquire developed vulnerable properties before damage occurs.~~
~~b. Acquire developed vulnerable properties only after significant damage by storms or high tides.~~
~~c. Explore the feasibility of a public parkland exchange programs that encourage landowners to move out of hazardous areas.~~
~~d. Identify and make available (eg. through rezoning) land outside the hazard areas to allow owners of vulnerable properties to relocate nearby.~~
~~e. Explore Transferable Development Credit programs.~~
~~f. Explore possibility of amortization of homes in coastal hazard areas.~~
~~Work with entities that plan or operate infrastructure, such as Caltrans and PG&E, to plan for potential realignment of public infrastructure impacted by sea level rise, with emphasis on critical accessways including affected segments of Shoreline Highway and Sir Francis Drake Boulevard.~~

5. ~~**Support efforts to monitor sea level rise impacts to**~~**Protect Nnatural Rresources, ~~and ESHA~~.** Support efforts to monitor sea level rise impacts to natural resources/ESHA, including ~~Bolinas Lagoon~~, Tomales Bay, Esteros San Antonio and Americano and other wetland areas, ~~and~~ Lagunitas, Walker, Estero Americano, Dillon, Stemple and other creeks; rocky intertidal areas, beaches and other habitat types vulnerable to sea level rise. Collaborate with Greater Farallones National Marine Sanctuary (GFNMS), Tomales Bay Watershed Council and other local, regional, state and federal entities to establish monitoring methods and track the effects of sea level rise on natural resources/ESHA. Update standards for ESHA buffers and setbacks to account for sea level rise based on the best available science and considering the effects of shoreline development on landward migration of wetlands.

6. ~~**Promote G**~~**green Infrastructure~~, pilot projects~~.** Promote green infrastructure pilot projects (e.g. horizontal levees, dune restoration, etc.) with environmental benefits that may help protect assets from sea level rise and increased storm surges. Study and monitor such projects over time and share lessons learned with other jurisdictions.

~~6. **Update standards for ESHA buffers and setbacks to account for sea level rise**, based on the best available science and considering the effects of shoreline development on landward migration of wetlands.~~

7. ~~**Design** **Alternatives to Elevating Structures**.~~ Support efforts to develop and implement innovative design alternatives that reduce or eliminate flood damage, especially those which

would qualify through FEMA as acceptable alternatives to elevation under the National Flood Insurance Program (NFIP). Encourage homeowners to implement voluntary floodproofing measures in conjunction with development that is not required to be elevated.

8. **Sandy Beach Management.** Building upon the County's Vulnerability Assessment, and no later than December 31, 2026, the County shall establish and add to the LCP comprehensive Sandy Beach Management Plans to ensure that the public recreational, habitat, and social values of all sandy beaches in the County (including Stinson Beach, Muir Beach, Bolinas Beach, Dillon Beach, etc.) are protected over time. For each sandy beach within Marin County, the County shall create a Sandy Beach Management Plan (Plan) that describes sandy beach values, and that establishes enforceable parameters for development that is located in the area where development might affect such values (e.g., shoreline, bluff face, and blufftop areas). The County shall consider developing a Sandy Beach Protection Zone overlay district to apply to properties in such area, but at a minimum shall consider the tools that can be used to protect such sandy beach values, including through conditions of approval for development within the identified area (and overlay district if applicable). The County may identify other mechanisms, but the Plans shall identify the parameters under which removal and restoration may be required to protect the sandy beach values, including in terms of triggers and potential conditions as well as deed restrictions and other measures that can be used to notify property owners of all such conditions and other Plan requirements. At a minimum, each Plan shall include the following:

   a. Minimum Sandy Beach Widths Established. An analysis of the minimum width of sandy beach necessary to maintain optimum public recreational access and habitat function, and a program designed to monitor beach width for the purpose of establishing appropriate triggers for sediment management activities and/or structure removal/relocation and restoration so that at least such minimum width is maintained as the beach naturally migrates over time in response to erosion, sea level rise, and other coastal hazards. The analysis shall include considerations of daily tidal range, seasonal erosion, and short term, storm driven erosion when determining optimum beach widths. Each plan shall identify explicit triggers for sediment management activities and/or removal/relocation and restoration that are designed to ensure that the identified minimum sandy beach width is maintained.

   b. Sandy Beach Values Monitored. Programs to monitor public recreational access, sandy beach use, and habitat values, including identifying and tracking locations, times, and durations throughout the year when the sandy beach is too narrow to be adequate for public recreation and/or lateral access.

   c. Funding Opportunities Identified. Identification of potential funding opportunities to support both short and long term adaptation options, including sediment management, green infrastructure, and the purchase of deed restrictions, easements or similar interests over existing development to provide for removal/relocation and restoration (including as required by coastal permits), whether over time or immediately. In addition, identification of potential funding opportunities to acquire and remove/relocated structures encroaching within the established minimum sandy beach area. Potential funding opportunities may include in-lieu fees, grants, or other state or federal funds, and opportunities to integrate adaptation strategies with other planning processes (e.g. Local Hazard Mitigation Plans, Capital Improvement Plans, Climate Action Plans) in order to leverage such funding options shall be explored.

Comment [I66]: Note "shall" again. There is nothing in the Coastal Act that mandates Sandy Beach Management Plans. Moreover, this re-writes County *Programs* to become mandates. Such mandated Plans have not been subject to any public involvement in the 8 years of the LCPA process, nor has the County Administrator or County Board had the opportunity to review the implications for the priorities, work program and fiscal expenditures of the County.

Comment [I67]: Note "shall."

Comment [I68]: "shall consider" would be better throughout.

Comment [I69]: Note "shall."

Comment [I70]: Note "shall."

Comment [I71]: "...so that width is maintained as the beach naturally migrates..." Can this standard be met?

Comment [I72]: Note "shall."

Comment [I73]: Note "shall."

d. Sandy Beach Utility Maintained. Identification of actions and programs that can be implemented to maintain sandy beach utility, including through beach nourishment or other sediment management activities. The Plan shall identify "maintenance" triggers for when beach nourishment or related strategies to protect sandy beach areas should occur as well as "adaptation" triggers for when new adaptation strategies will have to be implemented in order to preserve beach recreational access as sea levels rise and erosion worsens.

e. Highway 1 and Sandy Beaches. For beaches affected by development associated with Highway 1, an evaluation of adaptation opportunities for vulnerable areas of Highway 1 to ensure protection and continued functioning of vehicular, bicycle and pedestrian access while protecting the sandy beach and public access to it.

For each designated Plan area, the County shall work with all affected property owners and residents, the Coastal Commission, and other interested parties in developing the Plan's parameters, which shall be updated on a regular basis. In addition, Plan parameters shall be integrated into the County's Local Hazard Mitigation Plan and the County's C-SMART Vulnerability Assessment and Adaptation Report.

Comment [174]: Note "shall" that in this instance extends the requirement and expenditures in perpetuity.

Note: Adapted from County Board Adopted Policy C-EH-22; and Commission 2014 Approved Policy: C-EH-22.The vast majority of the language is the same but moved around, with refinements for clarity, with the exception of the Sandy Beach Management subsection which is new, but brings in some language from County approved policies (see, for example, County subsection 7 which has essentially been moved to new subsection 8). Staff is recommending specific adaption planning goals (providing additional detail to County proposed adaption planning that is ongoing) related to sandy beaches so as to ensure future planning captures this critical resource through the County proposed LCP amendment in ten years.

~~**C-EH-24 Permit Exemption for Replacement of Structures Destroyed by Disaster.**~~ ~~Exempt from the requirement for a coastal permit the replacement of any structure, other than a public works facility, destroyed by a disaster, if the replacement structure:~~

~~1. Conforms to applicable existing zoning requirements;~~
~~2. Is for the same use as the destroyed structure;~~
~~3. Does not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing height and bulk); and~~
~~4. Is sited in the same location on the affected property as the destroyed structure.~~

Note: Deleted as this is not a policy so much as it is a procedural question regarding when a permit is required, and it is duplicative as it is covered in the procedural sections of the LCP already.

RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION
355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

RICHARD RICHARDS (1916–1988)
GLENN R. WATSON (1917–2010)
HARRY L. GERSHON (1922–2007)

STEVEN L. DORSEY
WILLIAM L. STRAUSZ
GREGORY W. STEPANICICH
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMANN
KEVIN G. ENNIS
ROBIN D. HARRIS
MICHAEL ESTRADA
LAURENCE S. WIENER
B. TILDEN KIM
SASKIA T. ASAMURA
KAYSER O. SUME
PETER M. THORSON
JAMES L. MARKMAN
CRAIG A. STEELE
T. PETER PIERCE
TERENCE R. BOGA
LISA BOND
ROXANNE M. DIAZ
JIM G. GRAYSON
ROY A. CLARKE
MICHAEL F. YOSHIBA
REGINA N. DANNER
PAULA GUTIERREZ BAEZA
BRUCE W. GALLOWAY
DIANA K. CHUANG
PATRICK K. BOBKO
DAVID M. SNOW
LOLLY A. ENRIQUEZ
GINETTA L. GIOVINCO
TRISHA ORTIZ
CANDICE K. LEE
JENNIFER PETRUSIS
STEVEN L. FLOWER
TOUSSAINT S. BAILEY
AMY GREYSON
DEBORAH R. HAKMAN
D. CRAIG FOX
MARICELA E. MARROQUIN
SERITA R. YOUNG
INDER KHALSA
WHITNEY G. MCDONALD
SEAN B. GIBBONS
STEPHANIE CAO
PATRICK D. SKAHAN
STEPHEN D. LEE
YOUSTINA N. AZIZ
BRENDAN KEARNS
KYLE H. BROCHARD
NICHOLAS R. GHIRELLI
ISRA SHAH
ISAAC M. ROSEN
ROMTIN PARVARESH
ANDREW R. CONTREIRAS

OF COUNSEL
MITCHELL E. ABBOTT
ROCHELLE BROWNE
TERESA HO-URANO
DIANA H. VARAT

SAN FRANCISCO OFFICE
TELEPHONE 415.421.8484

ORANGE COUNTY OFFICE
TELEPHONE 714.990.0901

TEMECULA OFFICE
TELEPHONE 951.695.2373

CENTRAL COAST OFFICE
TELEPHONE 805.439.3515

October 31, 2016

Brian Crawford, Director
Community Development Agency
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: **Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 (Marin LCP Update)**

Dear Mr. Crawford:

The above LCP resubmittal is currently set for hearing before the Commission this coming Wednesday, on November 2, 2016. You have asked me to provide input on the Commission Staff's recommendations on two provisions which address "exempt" development, Sections 22.68.050, subsections B and C.

Section 22.68.050, Subsection B

Section 22.68.050, Subsection B, would require the County to maintain a list of developments exempted from coastal development permit requirements and to post them on the Community Development Agency's website. It goes further to require notice of the exemption to be transmitted to the applicant, Commission, and interested parties, and to provided the applicant's name, project description and location, reasons for supporting the exemption determination, the date of the Director's exemption determination, and the procedures for challenging the Director's determination.

Generally, under the Coastal Act (Pub. Resources Code, § 30000 *et seq.*)[1], a development that is exempt does not require any determination by the Coastal Commission or local government, and there is no process set forth in the Coastal Act for such review, with one exception – a claim of vested rights. Section 30610 of the Act provides that no coastal development permit is required for certain types of development and in certain areas. If development qualifies under the exemption and, where applicable, the regulations adopted by the Commission to implement the exemption, nothing more is required. A property owner is not required to file a claim

[1] Unless otherwise specified, all section references are to the Public Resources Code.

of exemption or otherwise request a Director determination that the development is exempt. Section 30610, for example, generally exempts improvements to an existing single-family residence; improvements to any structure other than a single-family residence; repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; certain developments in a categorical exclusion area; the installation, testing, and placement of in service or replacement of any necessary utility connection between an existing service facility and any development approved under the Coastal Act; and the replacement of a structure destroyed by natural disaster. (§ 30610(a)-(g).)

A claim of vested rights is treated differently under the Coastal Act. A property owner who wishes to be exempt from the permit requirements of the Act based on a vested right must pursue a "claim" of vested rights, as provided in Section 30608 of the Act, and comply with the specific procedures set forth in the Commission's Regulations (Tit. Cal. Code Regs., § Section 13200-13207). (*South Coast Regional Com. v. Gordon* (1977) 18 Cal.3d 832, 835-836; *LT-WR, Inc. v. California Coastal Com.* (2007) 152 Cal.App.4th 770, 785-786.) Such a claim ordinarily arises in matters involving the Commission, but it is at least theoretically possible that a property owner could make a Coastal Act vested claim at the local government level.

Subsection B begins: "The County shall maintain a list of developments exempted from Coastal Permit requirements, which shall be posted on the Community Development Agency's website." As written, this is too broad. If a development meets the exemption requirements of Section 30610 and the Commission's regulations, no County determination is required. As a practical matter, landowners may, from time to time, informally contact the County to inquire whether the scope of a proposed development is exempt. This ordinarily would not require a formal County determination which justifies posted notice. In fact, such a process might have the unanticipated consequence of discouraging property owners from first checking in with the County simply to ensure that an activity proposed is exempt.

If a posting requirement is included in an LCP, it should be limited to (1) where a property owner formally makes a request to the County for a Section 30610 exemption determination or a vested rights determination, or (2) the County formally initiates and makes either determination. In those two limited instances, the requirement of posting notice of an exemption on the County's website makes sense.

As discussed further below, it also makes sense in terms of the "claim of exemption" appeal provision in Section 30625 of the Coastal Act.

To the extent a notice requirement is provided, a better approach is the one set forth in the Malibu LCP, which by statute (§ 30166) was drafted by the Commission and its staff. Malibu LIP section 13.4.10, entitled "Record of Permit Exemption," states:

> "The Planning Manager shall maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement for a Coastal Development Permit pursuant to this Chapter. This record shall be available for review by members of the public and representatives of the California Coastal Commission. The Record of Exemption shall include the name of the applicant, the location of the project, and a brief description of the project. (Ord. 303 § 3, 2007)"

I recommend that this provision be used instead of Subsection B.

Section 22.68.050, Subsection C

Section 22.68.050, Subsection C, further states that the exemption determination can be "challenged" pursuant to another provision, Section 22.70.040, which provides an elaborate procedure for a "challenge" to the Director's determination and, in effect, an appeal to the Commission's Executive Director by the applicant, an interested person, the County, or the Executive Director, and potentially a dispute resolution hearing before the Commission.

This provision is inappropriate for three reasons. First, nothing in the Coastal Act authorizes the Commission to require a particular process in an LCP for addressing exemption determinations. Instead, the Act authorizes but one remedy – an appeal to the Commission. Section 30625 of the Act provides, in part:

> ". . . any appealable action on a coastal development permit or claim of exemption for any development by a local government . . . may be appealed to the commission by an applicant, any aggrieved person, or two members of the commission." (Emphasis added.)

Thus, where the County formally grants a property owner's claim of exemption, that determination is appealable to the Commission. The County has the discretion to be more restrictive that the Coastal Act and could, if it wished, adopt the

"challenge," or appeal process outlined by Commission staff. (§ 30005(a) [authorizing a city or county to adopt and impose provisions more restrictive than the Coastal Act]; *Yost v. Thomas* (1984) 36 Cal.3d 561, 572-573.) But the County is not obligated to do so.

The second reason why Subsection C is inappropriate is that it would transform at least the exemptions that the Legislature specified in Section 30610 into something more akin to a permit process, marked by County staff review, a challenge or appeal process, Executive Director review, and potential hearing before the Commission – all at significant cost and delay, thus undermining the exemption. For example, a neighbor dispute over an exempt fence could unnecessarily and improperly result in a protracted process, something the Legislature never intended in setting forth exemptions from the permit requirement.

Finally, there is a practical reason why Subsection C is inappropriate. If the fuller process for exemption review were set forth in every LCP statewide for consistency sake, and if Commission staff imposed the same requirements on itself in reviewing exemption issues (and I do not believe that it currently does so), the coastal process would grind to a halt. It is already overburdened with regulation, substantial caseloads, and delays. An extraordinary focus on "exemptions" could well detract from the more important review that is required at the Commission and local government level in terms of long-term coastal planning and actual permit matters.

Conclusion

A provision requiring posting of a formal Director exemption determination on the County's website, such as that drafted by the Commission and included in the Malibu LCP, would serve to put all on notice as to a County exemption determination. This may have relevance and benefit in terms of Section 30625 of the Act, which provides for an appeal in the case of a determination on a "claim of exemption." However, in my view, the broader recommendation by Commission staff with respect to "exemptions" is neither appropriate nor required under the Coastal Act.

Should you have any questions regarding the above, please do not hesitate to give me a call.

Very truly yours,

Steven H. Kaufmann

cc: Thomas Lai, Assistant Director, Community Development Agency
Jack Liebster, Principal Planner

12660-0003\2011424v1.doc

128 individuals had submitted this letter as of 10/26-28/16

W10a

RECEIVED
OCT 27 2016
CALIFORNIA
COASTAL COMMISSION

25 October 2016

Commissioners of the California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1: JACK MUNSON OPPOSED

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Jack Munson
173 Seadrift Road
Stinson Beach CA 94970

314 individuals had submitted this letter as of 10/28/16

W10a

From: Edith Ogella
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Friday, October 28, 2016 12:52:13 PM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Edith Ogella

4868 Rhoads Avenue
Santa Barbara, CA 93111

35 individuals had submitted this letter as of 10/29/16

W10a

From: marle vane
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Saturday, October 29, 2016 11:13:22 PM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

marle vane

havenside dr
Sacramento, CA 95831

12 individuals had submitted this letter as of 10/30/16

W10a

From: Mitch Cohen
To: CoastalMarin CP
Subject: Protect Marin"s Coast
Date: Sunday, October 30, 2016 10:59:17 PM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Mitch Cohen

2609 Le Conte Av
Berkeley, CA 94709

2 individuals had submitted this letter as of 10/31/16

W10a

From: Brian Weissbuch
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Monday, October 31, 2016 11:08:09 AM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Brian Weissbuch

165 Tunstead Ave
San Anselmo, CA 94960

W10a

Fiala, Shannon@Coastal

From: Katie Beacock <seadriftkatie@gmail.com> on behalf of Katie Beacock <katie@seadriftrealty.com>
Sent: Monday, October 24, 2016 4:00 PM
To: Fiala, Shannon@Coastal
Subject: Marin LCP item W10a

Dear Ms. Fiala,

I have read through the copy of Coastal Commission response to the Marin LCP and I am extremely disappointed with it. Marin has worked diligently over the last few years to develop

an appropriate, updated LCP. Many different constituencies have been actively involved in thorough and thoughtful work on this matter. Hours of meetings have taken place, thoroughly discussing the future regarding Sea Level Rise and preservation of the environment.

I am a lifelong Marin resident, third generation to enjoy Stinson Beach. I lived out here full time for twenty years, and have owned my business for over 40 years and care passionately about this area and its environment.

We share, willingly, with the million or so visitors each year that come through here. What the Coastal Commission is proposing is totally outrageous. Our community has been here for well over 150 years and this is a true insult. We are keepers of the environment and teachers to others about the value of preserving the coast and what nature has provided.

I find it insulting that for the Commission to think we should all just disappear. Where are our Private Property rights? This is an interpretation of the Coastal Act that certainly goes far beyond what many of us voted for in the 70's.

I urge the Commission to reject the Coastal staff's proposal and sit down with the County of Marin and negotiate an appropriate document that allows all property owners and business owners to continue to live, work and preserve our area of the Planet

Katie Beacock

Owner, Seadrift Realty, Inc.

Box 177

Stinson Beach, ca 94970

415-868-1791 Office

415-699-3558 Cell

Katie@seadrift.com

CALBRE#01197087

Become a Seadrift Fan on Facebook!

www.facebook.com/seadriftrealty

W10a

CoastalMarinLCP

From: Eric Pedley <pedleyeric@gmail.com>
Sent: Monday, October 24, 2016 9:59 PM
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1i

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Eric Pedley
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Eric Pedley
59 Dipsea Rd
Stinson Beach, CA

Sent from my iPhone

W10a

Fiala, Shannon@Coastal

From: Gurley, Margaret <MGurley@marincounty.org>
Sent: Monday, October 24, 2016 1:47 PM
To: Fiala, Shannon@Coastal
Subject: FW: Local Coastal plan (LCP)

FYI

From: Denise Weinstein [mailto:denisew@cpshades.com]
Sent: Friday, October 21, 2016 8:56 PM
To: Mosher, Ana Hilda
Subject: FW: Local Coastal plan (LCP)

Please make sure that Brian Crawford sees this before the hearing on 11/02/16!
Thanks so much....
Denise Weinstein

From: Denise Weinstein <denisew@cpshades.com>
Date: Friday, October 21, 2016 8:52 PM
To: "skinsey@marincounty.org" <skinsey@marincounty.org>
Cc: "bcrawford@marincounty.org" <bcrawford@marincounty.org>
Subject: Local Coastal plan (LCP)

As West Marin homeowners, we are writing you both to ask you to withdraw the Environmental Hazards Amendment to Marin's Local Costal program.
We are very concerned that under regulations the California Costal Commission is attempting to impose on Marin County, we would lose our rights to maintain, protect and rebuild our home....We understand that repeated attempts to compromise with the California Costal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on 11/02/16. We are disappointed that many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
PLEASE protect our home and our property. The current Local Costal Program would be better than the proposed changes. Please keep it in place.
Sincerely,
Denise and David Weinstein
162 Seadrift Road
Stinson Beach, CA 94970
Email Disclaimer: http://www.marincounty.org/main/disclaimers

W10a

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely yours,

Stephen Martin

P.O. Box 481
6500 Panoramic
Stinson Beach, CA

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely yours,

Stephen Martin

P.O. Box 1981
Inverness Park, CA
Stephen Martin

W10a

CURTIS AND CHRISTINE GARDNER & FAMILY

October 24, 2016

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

RE: MARIN'S LOCAL COASTAL PROGRAM

Dear Mr. Kinsey:

As a West Marin homeowner, we are writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

We are very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, we would lose my rights to maintain, protect and rebuild my home. we understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. We are disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect our home and our property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Curtis and Christine Gardner & Family

266 Seadrift Road, Stinson Beach, CA 94907

W10a

AGENDA ITEM: W10a
Marin County Local Coastal Program
Amendment Number
LCP-2-MAR-15-0029-1

Victoria Sebastiani
OPPOSED

Commissioner Steve Kinsey
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioner Kinsey,

I am a property owner in Stinson Beach and I am writing to ask that you please vote **YES on Marin County's LUPA and IPA as submitted**, and **vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.**

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin.

We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, plus our concerns about your staff's revision were simply ignored in what your staff submitted, and the document that members of the public helped to produce has simply been ignored and entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be catastrophic. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions.

To be clear, I worked very hard my entire life to be able to afford this property, and without this asset, my future financial security is in extreme jeopardy.

That this situation has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is not only unfair, it is a terrible reflection on your Commission.

Please act and vote to stop this action.

W10a

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903
skinsey@marincounty.org

26 October 2016

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Kevin Murphy

Home address:
40 Lancaster Avenue
Kentfield, CA 94904

and

Affected property address:
248 Seadrift Road
Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: Ken Lombardi <kenl@lombardisports.com>
Sent: Tuesday, October 25, 2016 10:39 AM
To: CoastalMarinLCP
Subject: Item No: W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Ken Lombardi OPPOSED

Attention Shannon Fiala:

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Ken Lombardi
295 Seadrift Road
Stinson Beach, CA.
94970

W10a

CoastalMarinLCP

From: gary stolzoff <garystolzoff@gmail.com>
Sent: Tuesday, October 25, 2016 4:03 PM
To: CoastalMarinLCP
Subject: Coastal Commission

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Gary Stolzoff
141 Seadrift Rd
Stinson Beach, Ca 94970

W10a

CoastalMarinLCP

From: Ron Mallory <malloryco@comcast.net>
Sent: Tuesday, October 25, 2016 7:07 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Ronald and Amanda Mallory
Larkspur

Sent from my iPad

W10a

CoastalMarinLCP

From: Geneva Gondak <ggondak@sas.upenn.edu>
Sent: Tuesday, October 25, 2016 6:50 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

• I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

• If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and

water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Geneva Gondak
FULL NAME
CITY OF RESIDENCE

W10a

CoastalMarinLCP

From:	Patricia Shimek <p2s@comcast.net>
Sent:	Tuesday, October 25, 2016 12:45 PM
To:	CoastalMarinLCP
Subject:	Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Attachments:	Item No.opposed..docx

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Roy and Patricia Shimek

OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,
Roy and Patricia Shimek

W10a

Fiala, Shannon@Coastal

From: Kevin Shanahan <kshanahan48@gmail.com>
Sent: Monday, October 24, 2016 3:50 PM
To: Fiala, Shannon@Coastal
Subject: Item No: W10a - Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

tem No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Kevin Shanahan
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Kevin Shanahan
99 Dipsea Road
Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: John Butler <jbutler@bssp.com>
Sent: Monday, October 24, 2016 9:10 PM
To: CoastalMarinLCP
Cc: Lori Kayko
Subject: County of Marin Local Coastal Plan (LCP)

Attn: Shannon Fiala- Please forward appropriately.

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
John Butler
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are property owners in West Marin, and live at 115 Dipsea in Seadrift. We are writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on our property and town would be terrible. We would be unable to protect our home from rising seas and floods, we would be unable to maintain it over time, and our rights to develop or sell our property at a fair price would be taken from us. Our entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of the County's submitted Local Coastal Program is unfair.

We ask you to please stop this action.

Kind Regards,

John and Lori Butler
115 Dipsea
Stinson Beach, Ca

THE DWARES GROUP
PROPERTY DEVELOPMENT

331 Filbert Street
San Francisco, CA 94133
(Between Telegraph Hill Blvd.
(Lombard) and Montgomery St.
near Coit Tower)

Phone: 415-986-5885
Facimile: 415-986-5893
E-mail: pldwares@aol.com
PETER L. DWARES, PRESIDENT

OCT 27 2016 AM10:12 Planning

October 24, 2016

W10a

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

RE: 22 Calle Del Pradero, Stinson Beach

Dear Mr. Crawford,

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Peter Dwares

W10a

P.O. Box 706 • Stinson Beach • California • 94970
www.stinsonbeachvillage.org

October 25, 2016

AGENDA ITEM: W10a
Marin County Local Coastal Program
Amendment Number LCP-2-MAR-15-0029-1
Terry M. Gordon, President
Stinson Beach Village Association
OPPOSED

Shannon Fiala and
John Ainsworth, Acting Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Alternate Commissioner Diaz,

Upon review of the California Coastal Commission staff's proposed changes to the Marin County Local Coastal Program's Land Use Plan and Implementing Program, adopted by the Board of Supervisors on August 25, 2015 and April 19, 2016, the Stinson Beach Village Association offers the following comments and recommendations for your consideration:

The modifications to the Community Development, Community Design, and Environmental Hazards sections of the Local Coastal Program proposed by CCC staff negates the efforts of our community and the Marin County CDA to preserve and protect our residents' homes while abiding by the regulations and intent of the Coastal Act. Staff's rejection of the Amendments approved by the Marin County Board of Supervisors prompts us to join other Stinson Beach community organizations in urging the CCC to approve the Amendments as submitted.

We find the staff's definition of "Redevelopment" to be inappropriately and dangerously restrictive (see Attachment #1). Allowed to stand, this language would prevent most property owners in the neighborhoods west of State Route 1 from preserving their homes in response to anticipated sea level rise. We urge the CCC to adopt instead the language of LCP Amendment 4 approved by the Marin County Board of Supervisors on April 19, 2016.

We also have concerns about the proposed regulations for Bed and Breakfasts (see Attachments #2 and #3). The words "householder" and "household" are ambiguous and not among the terms defined in CHAPTER 22.130-DEFINITIONS. We suggest substituting for both "householder" and "household" the term used in earlier iterations of this section: "homeowner." This would prevent a property owner from converting a residence to a small hotel by leasing it to an on-site manager. Since Bed and Breakfasts are being designated in the LCP as Permitted Use in residential zones, it's vital that they function as intended: providing visitors with affordable accommodations and homeowners with supplemental income while having minimum impact on the neighborhoods.

Regarding provisions concerning Easkoot Creek:

> **22.66.040 Stinson Beach Community Standards**
> D. Easkoot Creek. Easkoot Creek shall be restored, as feasible, to improve habitat and support natural processes (Land Use Plan Policy C-SB-4).
> *Exhibit 13 (IP suggested modifications in strikethrough and underline)*
> *LCP-2-MAR-15-0029-1, Page 132 of 236*

C-SB-4 Easkoot Creek. Restore Easkoot Creek to improve habitat and support natural processes. ~~[Adapted from Stinson Beach Community Plan, 1983, Environmental Land Use Policy D, p. 28]~~
Exhibit 12 (LUP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 91 of 144

The words "restored" and "restore" appear in the LUP and the IP, though the IP contains the undefined qualifier "as feasible." We urge that phrase be removed, as it negates the commandment "shall" in the IP, and its subjectivity invites controversy and may improperly allow interpretations limiting restoration, ex. restoring its original course, which ran into the ocean before Marin County diverted it to empty into the southern end of the Bolinas Lagoon, thereby creating the Easkoot Creek flood plane.

Regarding Stinson Beach Community Character, as stated below in:

22.66.040 Stinson Beach Community Standards
A. Community character. Maintain the existing character of residential, small-scale commercial and visitor-serving recreational development in Stinson Beach (Land Use Policy C-SB-1).
Exhibit 13 (IP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 132 of 236

And in the CCC Staff's report of October 21, 2016: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1 (Marin LCP Update), pp. 92-93:

> In terms of the Parks, Recreation and Visitor-Serving Uses chapter, Policy C-PK-1 required priority for visitor-serving commercial and recreational facilities over private residential or general commercial development. Policy C-PK-3: 1) designated commercial uses as the sole principal permitted use and residential uses as permitted or conditional uses; 2) directed new residential uses in the commercial core area to either the upper floor of a mixed-use building or the lower floor if not located on the road-facing side of the street; and 3) required a finding for any residential development on the ground floor of a new or existing structure on the road-facing side of the property that the development maintains and/or enhances the established character of village commercial areas. This zoning district is used in the coastal villages to facilitate the development of walkable, mixed-use commercial districts along primary streets, including Highway 1. In many ways, this zoning district implements a type of "Main Street" feel to the coastal villages because it allows a variety of local and visitor serving commercial uses and allows structures to be sited and designed (including through no building setback requirements, for example) so as to facilitate walkability within the village center.

The Commission and staff should be aware that there are no sidewalks in Stinson Beach. Pedestrians who patronize the commercial establishments in the commercial core of the Village located on State Route 1, Arenal, and Calle del Mar must dodge cars, bicycles, and motorcycles. Favoring commercial development over residential use in the "commercial core" of Stinson Beach (zoned C-NC, Coastal Neighborhood Commercial/Mixed Use) will only add to traffic congestion and safety issues. We therefore recommend that C-PK-3 be adopted as follows:

C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone. Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas.
Exhibit 12 (LUP suggested modifications in strikethrough and underline)
LCP-2-MAR-15-0029-1, Page 131 of 144

We agree with staff's recommendation:

> **c) Proposed LUPA Update**
> For the most part, the LUPA's proposed public coastal access and recreation policies have not been modified from the Commission's 2014 conditionally-certified LUP and are consistent with applicable Coastal Act policies. The proposed LUPA restores policy, C-CD-14, a policy that had been deleted by the Commission in 2014 because it discouraged the conversion of residential to commercial uses. p. 93

Finally, staff states on p. 99:

> In response to public comment regarding the need for community centers in residential zoning districts to be owned and operated by non-profits, the County-adopted proposed IP requires community centers to be designed to enhance public recreational access and visitor-serving opportunities. Thus, regardless of ownership, community centers will serve public recreational access purposes, consistent with Coastal Act Section 30222. (see attachment #4)

We do not agree that Coastal Act Section 30222 empowers the County to require that community centers be designed to enhance public recreational access and visitor-serving opportunities. Furthermore, as the name implies, we believe community centers should serve primarily the needs of the residents of the communities in which they are located, not visitors.

Thank you for your consideration,

Terry M. Gordon, President
Stinson Beach Village Association

cc: Effie Turnbull-Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mary K. Shallenberger
Martha McClure
Steve Kinsey
Carole Groom
Mark Vargas
Roberto Uranga
Gregory Cox
Erik Howell
Betty Yee, Anne Baker, Cindy Aronberg
John Laird, Janelle Beland, and Thomas Gibson
Brian P. Kelley and Bruce April
Belenda Faustinos
Trent Orr
Steve Kram
Randy Pestor
Sarah Glade Gurney
Maricela Morales
Nidia Garcia-Erceg
Olga Diaz
Nancy Cave

Attachments

#1 Redevelopment:
Development that meets the criteria (1), (2), or (3) below shall be considered redevelopment: (1) alteration (including interior and/or exterior remodeling and renovations, demolition or partial demolition, etc.) of 50% or more of major structural components (including exterior walls, floor and roof structure, and foundation) considered individually (i.e., percentages are calculated by the individual structural component being altered, and are not additive between different structural components); (2) additions and alterations to such development that lead to a 50% or more increase in floor area for the development; and/or (3) additions and alterations to such development that costs 50% or more of the market value of the existing structure before construction. Changes to floor area and individual major structural components and the costs of such changes are measured cumulatively over time starting from January 1, 1977.
For the purposes of this definition:
a. An exterior wall is considered to be altered 50% or more when any of the following occur either above or below grade:
(i) Exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall.
(ii) Reinforcement *is needed for any remaining* portions of the wall to provide structural support in excess of 50% of existing support elements (e.g. addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements).
(iii) A previously exterior wall becomes an interior wall as a result of the development.
(iv) On multi-story structures, the extent of alteration to the linear area of the exterior walls on each story shall be determined to determine whether 50% or more of the total exterior walls have been altered.
b. A floor or roof structure is considered to be altered 50% or more when any of the following occur:
(i) The roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g. trusses, joists, rafters) supporting 50% or more of the square footage of the roof or floor.
(ii) The roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g. addition of 50% or more of beams, joists, and/or rafters, etc., whether alone or alongside existing/retained system elements).
c. A foundation is considered to be altered 50% or more when any removal, replacement or reinforcement is done on any of the following:
(i) 50% or more of the horizontal surface area of a slab foundation.
(ii) 50% or more of the floor area of a structure supported by a pier/post and/or caisson/grade beam foundation.
(iii) 50% or more *of a perimeter foundation.*
(iv) 50% or more of other foundation types (e.g. piers), or the total alteration where a structure has multiple foundation types.

Major structural component alterations generally do not include changes to roof coverings; replacement of glass or doors in existing window or door openings; replacement of window or door framing when the size and location of the window/door remains unchanged; repair of roofs or foundations without any change to structural supporting elements; changes to exterior siding; repair, maintenance, and replacement of chimneys; and interior changes to non-structural interior walls and sheetrock, insulation, fixtures, and mechanical, electrical and plumbing elements, except when such interior changes meet the threshold for redevelopment as defined by the market valuation criteria.
Chapter 22.130 DEFINITIONS, pages 216-217 of Exhibit 13: LCP IP Amendments 2015-#3 and 2016 #5, #6, #7 Compiled

Attachment #2: C-PK-6 Bed and Breakfast Inns.
Support bed and breakfast facilities in the Coastal Zone as a means of providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of second units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns

shall be permitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A and if such activities are otherwise LCP consistent. Each bed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located. *Exhibit 12 (LUP suggested modifications in strikethrough and underline) LCP-2-MAR-15-0029-1, Page 131 of 144*

Attachment #3: 22.32.040 Bed and Breakfast Inns.

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

A. Permit requirement. B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zone Development and Resource Management Standards).

B. Site requirements. Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district...

F. Occupancy by permanent resident required. All B&Bs shall have one household in permanent residence. *Exhibit 13 (IP suggested modifications in strikethrough and underline) LCP-2-MAR-15-0029-1, Page 17 of 236*

Attachment #4: Coastal Act Section 30222:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

W10a

CoastalMarinLCP

From: Heather Bowker <heather.bowker7@gmail.com>
Sent: Tuesday, October 25, 2016 9:48 AM
To: CoastalMarinLCP
Subject: OPPOSED - Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 – Heather Bowker & Dennis Dougherty - **OPPOSED**

Commissioners of the California Coastal Commission, c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are property owners in West Marin. We are writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on our property and our town would be terrible. We would be unable to protect our home from rising seas and floods, we would be unable to maintain it over time, and our rights to develop or sell our property at a fair price would be taken from us. Our entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of our County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Heather Bowker and Dennis Dougherty
121 Seadrift
Stinson Beach
CA 94970

Tel: (415) 302 0515
Email: heather.bowker7@gmail.com

W10a

CoastalMarinLCP

From: eli Botvinick <ebotvinick@gmail.com>
Sent: Tuesday, October 25, 2016 8:13 AM
To: CoastalMarinLCP
Subject: Main LCP ammendment

October 25, 2016

Re: Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Elias Botvinick OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours, Eli Botvinick
415 Holly Dr. San Rafael 94903

W10a

CoastalMarinLCP

From: Freedman, Jason S. <Jason.Freedman@ropesgray.com>
Sent: Tuesday, October 25, 2016 7:02 AM
To: CoastalMarinLCP
Cc: Visser, Michelle
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 FREEDMAN / VISSER OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 FREEDMAN / VISSER **OPPOSED**

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be devastatingly bad. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is an unfortunate reflection on your Commission.

Please act to stop this action.

Yours,

Jason Freedman & Michelle Visser
101 Seadrift, Stinson Beach CA

Jason S. Freedman
ROPES & GRAY LLP
T +1 415 315 2319 | M +1 617 519 9074
Three Embarcadero Center
San Francisco, CA 94111-4006
jason.freedman@ropesgray.com
www.ropesgray.com

This message (including attachments) is privileged and confidential. If you are not the intended recipient, please delete it without further distribution and reply to the sender that you have received the message in error.

W10a

CoastalMarinLCP

From: michael linvill <mlinvill@yahoo.com>
Sent: Tuesday, October 25, 2016 9:18 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Commissioners :

Since growing up in Marin in the 1970s, myself and family have highly valued Marin's natural heritage. It's what makes Marin unique, and we believe that all necessary steps should be taken to protect the local wildlife, aquatic life, wetlands, wildlife habitat, and rural zones to pass on to our children.

Today I am writing about Marin's Local Coastal Program. Everyone is looking to see what Marin will do, as a leading environmentally-conscious community in the State, and I urge you to adopt strong measures to address environmental hazards, particularly increasing sea levels brought on by global climate change. The proposed LCP Amendment must also spell out detailed environmental standards that can be enforced. This is critical to maintain and enhance our wetlands and Environmentally Sensitive Habitat Areas.

In addition, I urge you to adopt the non-administrative modifications to satisfy CEQA requirements that were set forth by the Staff of the Coastal Commission on October 21, 2016 (these should be free from further amendment by the Commissioners).

Agriculture has a rightful place in Marin, especially the western parts. But agricultural zones must co-exist with Marin's nature, and not infringe on it. Accordingly, the definition of ongoing agriculture, as set forth by the Staff of the Commission, should be adopted.

West Marin is unique because of the small towns that dot the area. The character of the area must be preserved at all costs. Therefore, the Commission should not adopt the new Coastal Visitor Commercial Zoning provision, which over-emphasizes the commercial use of the area.

In your deliberations of the LCP, please take these comments into consideration, and make it a priority to preserve Marin's natural wealth for future generations.

Thank you.
Mike Linvill
San Rafael

W10a

CoastalMarinLCP

From: Carroll Botvinick <carrollbotvinick@yahoo.com>
Sent: Tuesday, October 25, 2016 8:09 AM
To: CoastalMarinLCP
Subject: Item #W10a Marin LCP

October 25, 2016

Re: Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Carroll Botvinick OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,
Carroll Botvinick
255 Seadrift Rd. Stinson Beach. 94903

W10a

CoastalMarinLCP

From: Stephen Tracy <stephen.tracy@comcast.net>
Sent: Tuesday, October 25, 2016 12:03 PM
To: CoastalMarinLCP
Cc: rachel tracy
Subject: Letter re: Marin County Local Coastal Program addresssed to Shannon Fiala
Attachments: Letter to CCC- 10-25-16.pdf

Stephen B. Tracy
Rachel L. Tracy
155 Seadrift Road
Stinson Beach, CA 94970

W10a

Stephen B. Tracy
Rachel L. Tracy
155 Seadrift Road
Stinson Beach, CA 94970

October 25, 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Stephen B. Tracy / Rachel L. Tracy - OPPOSED

Commissioners of the California Coastal Commission (CCC)
c/o Shannon Fiala, Planner (via e-mail)
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are owners of a property in West Marin. We are writing to respectfully ask that you please vote YES on Marin County's Land Use Plan Amendments (LUPA) and Implementation Program Amendments (IPA) as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of concerns with regard to the significant impact these changes would have on the property rights of people in the coastal communities in West Marin. We worked very hard with the Countyof Marin in numerous public meetings for the past several years to produce a Local Coastal Program that would work for all of us in West Marin. This hard work, and the significant public input reflecting our concerns about your staff's revisions have simply been ignored as reflected in what your staff has submitted. Further, the document that members of the public thoughtfully helped to produce has simply been ignored, entirely struck out and replaced by your staff's submissions once again.

If the changes proposed by your staff pass the CCC, the adverse impact on our property rights and the property rights of others in Stinson Beach and throughout West Marin would be significant. The language as currently drafted by your staff would likely preclude us from protecting our home from rising seas and floodwaters. Moreover, our property rights with respect to the ongoing maintenance and ability to sell our property at fair market value would be seriously impacted and potentially stripped from us. Ultimately, our entire community and it's fabric would be significantly and adversely impacted due to your staff's actions.

The fact the CCC may approve the LUPA and IPA with your staff's modifications without having properly assessed the public's input would appear to be irresponsible and a dereliction of duty. Further, staff's action to ignore and strike the the County's submitted Local Coastal Program without proper explanation and justification does not seem right. All of the above would be a terrible reflection on the CCC if it approves its staff's proposal.

Accordingly, we respectfully request the CCC please act to stop this action.

Sincerely,

Stephen B. Tracy
Rachel L. Tracy

W10a

CoastalMarinLCP

From: Jeff Symonds <rollingthundergroup@icloud.com>
Sent: Tuesday, October 25, 2016 12:40 PM
To: CoastalMarinLCP
Subject: Item W10a Letter Attached
Attachments: CCP Letter.pdf

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Jeff Symonds @ 145 Dipsea Rd Stinson Beach
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in maoy public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Progmm is unfair, and is a torrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Jeff Symonds
145 Dipsea RD
Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: Bobbi Simpson <greatestgood4all@gmail.com>
Sent: Tuesday, October 25, 2016 7:47 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Bobbi Simpson
Fairfax, California

RECEIVED
OCT 26 2016

October 25, 2016

Commissioners
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Subject: Recommendation for Agriculture Ongoing in the County of Marin Local Coastal Program Amendment Land Use Plan and Implementation Program (approved by Marin County Board of Supervisors on April 19, 2016 and subsequently submitted to the California Coastal Commission).

Dear Commissioners:

Marin's family farms and ranches, including those in the Coastal Zone, have for decades and generations been partners in developing solutions for protecting the open and connected qualities of Marin's landscapes. The County of Marin's A-60 zoning, the formation of the Point Reyes National Seashore, and the creation of the Marin Agriculture Land Trust are each precedents for how significant local community input and participation, coupled with local trusted leadership, developed options to protect the land from development with agricultural land use as part of the solution.

These successes in land use planning and conservation have been complemented by equally precedent setting initiatives for on-farm environmental conservation and local family farm and ranch viability. Marin Organic Certified Agriculture is one of three locally based organic certification programs in California. The Marin Carbon Project is currently developing 12 carbon farm plans that provide significant greenhouse gas offsets. Farmers markets, including the Thursday and Sunday Marin Civic Center market, are institutions where local farmers and customers have been meeting for over 30 years.

The policies and programs referenced are but a few of the endeavors, purposefully and successfully taken, to protect land in Marin with agricultural landowners through support of local family farm operations. The purpose and language of the California Coastal Act parallels these endeavors and the County of Marin Local Coastal Program Amendment (LCPA), before you for approval, is poised to leverage and contribute to these successes going forward.

This opportunity will be realized with your approval of the language for Agriculture Ongoing in both the Land Use Plan (LUP) and Implementation Program (IP) as proposed by the County of Marin. County of Marin staff has developed performance measures and restrictions that protect Environmental Sensitive Habitat Areas and limit farming and agricultural activities to the lands in operation, thus restricting expansion. Simultaneously, the County of Marin's proposed language provides needed clarity and flexibility for the farmer and rancher to make agricultural decisions, including selection and timing of crops planted and grown. The combined protections and flexibility provide the right balance for the local Marin agricultural community to continue to be the partner in land conservation and stewardship that it has been for more than 50 years.

We recommend full approval of the County of Marin's proposed LCPA LUP and IP in regards to Agriculture Ongoing and welcome discussing this with you and Commission staff.

Respectfully,

Stacy Carlsen
Commissioner
Agriculture, Weights, and Measures – Marin County

Brigitte Moran
Executive Director
Agricultural Institute of Marin

Jamison Watts
Executive Director
Marin Agricultural Land Trust

Nancy Scolari
Executive Director
Marin Resource Conservation District

David Lewis
Director
UC Cooperative Extension, Marin County

W10a

CoastalMarinLCP

From: M. & R. Lowry <rslarch@aol.com>
Sent: Wednesday, October 26, 2016 5:02 PM
To: CoastalMarinLCP
Subject: Item No W10a, Marin County LCP

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Richard S. Lowry, Molley W. Lowry

OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Molley and Richard Lowry
110 Seadrift
Stinson Beach

W10a

CoastalMarinLCP

From:	Yahoo <rssherman3rd@yahoo.com>
Sent:	Wednesday, October 26, 2016 10:44 PM
To:	CoastalMarinLCP
Cc:	Cailean Sherman
Subject:	Item No. W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Robert and Cailean Sherman
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am concerned about the safety of my family. The proposed changes would make it difficult or impossible to maintain my home. I also worry about liability if I am not allowed to maintain my home due to your proposed changes.

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,
Robert and Cailean Sherman
129 Dipsea
Stinson Beach Ca. 94970

PS I am currently traveling abroad and do not have access to US mail. I will submit a hard copy of this email upon request when I return.

Bob Sherman

W10a

CoastalMarinLCP

From: Catherine Cicotte <cccicotte@yahoo.com>
Sent: Wednesday, October 26, 2016 9:43 PM
To: CoastalMarinLCP
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Ms. Shannon Fiala:

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

From: Catherine Cicotte

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Commissioners:

I own a home in Stinson Beach and I am writing to ask that you please vote YES on Marin County's LUPA and IPA, as submitted by the County, and/or vote **NO** on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment, and our property rights. Shockingly, less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations. This is not proper procedure and you know that!!

No one in Stinson Beach was allowed any input into those changes. Most of them would unfairly remove property rights, such as denying the right to rebuild and maintain homes if there is a "possible hazard" from flooding years from now. The County maps show that entire neighborhoods in Stinson Beach could "possibly" be flooded if the most extreme, unlikely, sea level projections are used -- how can you possibly take away homes now, on the small chance flooding might occur decades from now? This is "supposedly" a democracy and last minute proposals, without being vetted by the people who they are affecting,**must** to be voted down until a compromise can be hammered out...

Regards,
Catherine Cicotte
65 Buena Vista Ave. #3
PO Box 462
Stinson Beach 94970

Catherine Cicotte, RN, LMFT
www.catherinemft.com
1728 Union St., Ste. 210, San Francisco 94123
415.456.4565

CANCELLATIONS: There is a 24-hour cancellation policy. If you need to cancel or reschedule an appointment, please notify me as soon as possible. If you provide 24-hour notice or more, you will not be charged. For less than 24 hours, you will be charged full fee, not the co-pay. Thank you for respecting this policy as my professional time for your session has been set aside specifically for you.
I do not check my emails frequently. Please text me +1 415-309-5506 if you have an urgent matter. If you have a psychiatric emergency, go to the nearest hospital or call 911.

Confidentiality notice: This e-mail message, including any attachments, is for the sole use for the intended recipient(s) and may contain confidential and privileged information. Any use, dissemination, forwarding, disclosure, printing or copying of this email is strictly prohibited by law. If you are not the intended recipient, please contact the sender by reply e-mail and destroy/delete all copies of the original message from your computer.

W10a

CoastalMarinLCP

From: mollyhreno@aol.com
Sent: Wednesday, October 26, 2016 11:04 AM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

October 26, 2016

Jack Ainsworth
Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Via Electronic Mail Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth:

I both love and rely upon the Marin and Sonoma County coast lines for rejuvenation and sustenance. My family travels weekly from Oakland to the beautiful coast line.

I am writing to provide comments on the **Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.**

Environmental Hazards: I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications. The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency. If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources: • I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability. For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture: I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation: I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review. The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character: I am concerned by the new community core zoning requirements. Specifically West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns. Thank you for your consideration of these comments.

Thank you for considering my concerns,

Molly H Reno
Oakland, CA

W10a

CoastalMarinLCP

From: PAMELA LICHTENWALNER <pslichtenwalner@icloud.com>
Sent: Wednesday, October 26, 2016 7:52 PM
To: CoastalMarinLCP
Subject: Letter to CCC

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Pamela Lichtenwalner

MarinLCP@coastal.ca.gov
Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105Commissioners of the California Coastal Commission

Dear Commissioners,

I bought my home, up on the hill, in Stinson Beach in 2000. I have lived here, off and on, since 1969. I am committed to this community.

I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations, many of which were poorly researched, poorly reasoned and poorly written. They were not in the best interests of Stinson Beach.

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that an entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away anyone's home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

Yours,

Pamela Lichtenwalner
Home Owner
Stinson Beach

W10a

CoastalMarinLCP

From: Harriet Moss <harriet@moss.net>
Sent: Wednesday, October 26, 2016 1:56 PM
To: CoastalMarinLCP
Subject: Item # W10a OPPOSED

Item # W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Harriet Moss

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home on the hill in Stinson Beach. Even though my home is not directly affected by your staff's high-handed disregard of local community concerns, I am writing to ask that you please vote **NO** on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote **YES** on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and property rights. Then, less than two weeks prior to the vote, your staff deleted what the County had developed and replaced it with their own regulations! This is not acceptable to the Stinson Beach community and it should not be acceptable to you as Commissioners.

No Stinson Beach residents were allowed any input into those changes. Most of them would unfairly remove property rights, such as denying homeowners the right to rebuild and maintain homes if there is a "possible hazard" from flooding 100 years from now. Who in the world knows what's going to be happening 10 years hence? This is just bad public policy.

Please vote YES on Marin County's carefully thought-out LUPA and IPA as submitted. They were developed as good public policies should be -- with input from stakeholders informing the final product.

Sincerely,

Harriet Moss

5 Laurel Avenue
Stinson Beach, CA 94970
415-868-2730 (h)
415-254-3492 (c)

W10a

CoastalMarinLCP

From:	larry baskin <larry@baskinlaw.com>
Sent:	Wednesday, October 26, 2016 2:32 PM
To:	CoastalMarinLCP
Cc:	bcrawford@marincounty.org; Kinsey, Steven (SKinsey@marincounty.org)
Subject:	Item No: W10a/Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAMES: LAWRENCE A. BASKIN & KATHLYNN CAPDEVILLE

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My wife and I have owned a home in Stinson Beach for over 30 years. We are urging you vote NO on the motions submitted by your staff to approve the LUPA and IPA with the staff's modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. The process was quite impressive. Marin County staff worked with a number of Stinson Beach and West Marin residents and community based groups to produce a set of amendments that were truly representative of the West Marin coastal community. Your staff has adopted an adversarial approach, refused to listen to the community's clearly expressed preferences, and consistently rejected the proposals without a rational basis. They appear to have staked out a position early in the process and refuse to make modifications despite widespread community supported proposals. Now, less than two weeks prior to the vote, your staff deleted all of the proposed amendments and replaced them with their own ill conceived regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. **Using a hypothetical and highly speculative 100 year standard makes no sense. Even trying to guess future effects based on a 50 year run-out is a guess, but more rationaly based and can be revised every ten years based on actual data rather than purely speculative creations of worst case scenarios.** **While climate change is undeniable, the resulting seal level rise and rate of such is clearly an unknown.** The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the outside, highly speculative chance such flooding might occur in 100 years?

Please honor well the thought out and carefully developed plan amendments submitted by Marin County created and supported by the commmunity you were appointed to serve.

Thank you for your consideration.

Lawrence A. Baskin, Esq. & Kathlynn Capdeville

larry@baskinlaw.com

CONFIDENTIALITY NOTICE: This message is covered by the Electronic Communications Act, 19 U.S.C. §§2510-2521 and is confidential and legally privileged. The information contained in this message is intended only for the use of the above named recipient. If you are not the intended recipient, or an agent or employee thereof responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, disclosure or copying of this communication, including all attachments, is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at (415) 456-2500 and destroy the original message.

COPYRIGHT NOTICE: This email and any attachments are also subject to Federal Copyright Law and no part of them may be reproduced, adapted or transmitted without the written permission of the copyright owner.

W10a

CoastalMarinLCP

From: Carrie <carriev@gmail.com>
Sent: Wednesday, October 26, 2016 3:27 PM
To: CoastalMarinLCP
Subject: Regarding Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Carrie Varoquiers

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used. In fact, 200+ homes in Stinson Beach, including mine, are currently under a "building moratorium" that includes repairs and minor improvements thanks to Coastal Commission staff threats to the County Planning Department. How can you possibly remove my rights to improve my home (including making it more flood-resistant!), because it MIGHT flood within 100 years .... when none of us will even be here?

Last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped. This is serious over-reach on the part of Coastal Commission staff.

Sincerely,

Carrie Varoquiers

Residents for Reasonable Land Use

W10a

CoastalMarinLCP

From: ERIC WILCOX <ewilcox1@me.com>
Sent: Wednesday, October 26, 2016 3:31 PM
To: CoastalMarinLCP
Subject: Item No. W10a - IMPORTANT

Shannon Fiala
MarinLCP@coastal.ca.gov

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Eric Wilcox

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My name is Eric Wilcox and I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you **instead vote YES on Marin County's LUPA and IPA as submitted by the County.**

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

Yours,

Eric Wilcox
1 Rafael Patio
Stinson Beach, CA 94970

Cell: 415-517-0266

Sent from my iPad

W10a

CoastalMarinLCP

From: Barney Quinn <barneyquinn@comcast.net>
Sent: Wednesday, October 26, 2016 4:03 PM
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No: W10a
Marin County LCP Amendment No. LCP-2-15-0029-1

Barney Quinn OPPOSED

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Barney Quinn
6 Dipsea Road
Stinson Beach, CA

W10a

WHK

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105 ***Via Electronic Mail: MarinLCP@coastal.ca.gov***

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am a resident and home owner in Muir Beach, California. I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

I urge the Commission to ***NOT*** adopt the CCC staff's October 21, 2016 Environmental Hazards suggested modifications.

I strongly urge the Coastal Commission to accept Marin County's Local Coastal Plan (LCP) along with the Land Use Plan (LUP) and the Implementation Plan (IP). Marin County has spent years hammering out these plans. This work has always had the protection of our coast as its highest priority, but also respects the rights of home owners and land owners in our County.

In my opinion the worst outcome for our environment and our community is for the Commission to accept the commission's staff recommendation thereby rejecting Marin County's long, hard work on these plans. This would likely send the issues back to the drawing board and/or incite litigation which will only delay the implementation of reasonable steps to address sea-level rise. Please do not reject Marin County's plans.

Very Truly Yours,

Timothy M. Hamilton
Muir Beach, Ca.

WALKER, HAMILTON & KOENIG LLP
50 FRANCISCO STREET, SUITE 460, SAN FRANCISCO, CA 94133-2100 TEL 415 986-3339 FAX 415 986-1618
www.whk-law.com

OCT 28 2016 pm 3:44 Planning

Brian Crawford
Director Community Development
3501 Civic Center Drive
San Rafael, CA 94903
bcrawford@marincounty.org

26 October 2016

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Kevin Murphy
Home address:
40 Lancaster Avenue
Kentfield, CA 94904

and

Affected property address:
248 Seadrift Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Susan J. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future over wash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. These are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, bafflingly exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has for a third time in three years attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, Environmental Hazards, subsection B.3 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "Existing shoreline protective devices *(e.g. the Seadrift Seawall)* shall not be incorporated into analyses". Our entire community is protected by the seawall. We have a court-mandated right to it. They are clearly attempting to end-run a binding agreement entered into by your own Commission by trying to sneak this language into the Environmental Hazards section; without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has blatantly attempted to *directly* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and ***waive any rights that may exist*** for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Your Commission already agreed under the Court order not to seek to remove homeowner rights to the protection of the seawall in Seadrift. Even worse, your staff again recently lost a court decision, this time

in *Capistrano vs CCC*, where the judge ruled that your staff had severely overreached in attempting to force homeowners to waive their rights to seawall protection; he was very specific that a potential "future threat" of needing to build or augment a seawall cannot be used to justify forcing a homeowner to waive their rights to protection. How can you permit your staff, when you have signed a binding court order, and then lost this argument once again in a court of law, to turn around and attempt to sneak the same language into LCP for the entire county of Marin?

My understanding was that the Coastal Act is supposed to protect the health and safety of residents along the coast. Why your staff seems so ideologically opposed to seawalls that they would seek to remove my protections, diminish my health and safety, and force me to waive my rights is beyond my comprehension. But they are clearly, as the judge noted, "overreaching" and out of control. Please reject their changes to the Marin LCP, and restore the balanced and thoughtful version submitted by the County.

Yours,

Susan J. Nelsen

Susan J. Nelsen
16 Dipsea Road
PO Box 601
Stinson Beach, CA 94970

Item No: W10a

From the Desk of Marin County LCP Amendment No. LCP-2-Mar-15-0029-1

LINDA H. BUCKLIN
349 SEADRIFT RD

OPPOSED

W10a

Dear Commissioners,

As a property owner in West Marin, I ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions to approve the LUPA and IPA with your staff's modifications.

Your staff submitted these changes in 2015 - and they were rejected by Marin County because of damage they would do to Coastal communities in West Marin.

If the changes your staff proposed pass, I would not be

65 Del Casa Drive
Mill Valley, CA 94941
415-384-8359

(2)

From the Desk of

LINDA H. BUCKLIN

able to protect my home from rising seas and floods; my rights to sell my property at a fair price would disappear. The impact on my property + my town would be disastrous.

This happened without public input, and I feel it is very unfair and destructive.

Please, please act to stop this action.

With respect,
Linda H. Bucklin

65 Del Casa Drive
Mill Valley, CA 94941
415-384-8359

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that when you vote on Marin County's LCP, you replace your staff's proposed changes to the Environmental Hazards section with Marin County's original version.

The rest of Marin County's LCP is balanced and reflects years of constructive engagement between your staff, Marin County, and the public. In the final submission, your staff has recommended relatively few edits, and I find them largely acceptable. The vast majority of your staff's recommendations should be accepted.

However, your staff has proposed fourteen pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2014 and again in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities here. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program with an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. This was a long process with substantial local input. But all of our hard work was simply ignored in the final revisions your staff submitted. The Environmental Hazards section that we and many others helped Marin

County produce has been entirely struck out, replaced wholesale by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be substantial. I would be unable to protect my home from rising seas and floods. I would be unable to maintain it over time. My rights to develop or sell my property at a fair price would be taken away. My entire community could disappear over time due to your staff's actions. This has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program. This is unfair, and it is undemocratic.

Please, resolve this situation by restoring the originally submitted Environmental Hazards section.

Yours,

Deborah Houlihan

Deborah Houlihan
123 Dipsea Rd, Stinson Beach

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Patricia Munter, Stinson Beach
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

When you vote on Marin County's LCP, I ask that you vote to replace your staff's changes to the Environmental Hazards section with Marin County's version, as originally approved by the Marin County Board of Supervisors and submitted to your Commission.

Marin County's LCP has been carefully crafted; this happened because of eight years of good work by your staff, by Marin County, and by hundreds of members of the public. If you simply skim the LCP in its entirely, you can see this process worked for most of the document, because in almost all of its sections very few final edits needed to be recommended by your staff.

However, in one section, Environmental Hazards, there are 14 pages of nothing but redlines. I have seen prior versions, and by and large all your staff has done is to replace everything in our draft with the same old language that has been already been rejected twice by Marin County. If these proposals stand, they will almost certainly be rejected a third and final time. This would be a terrible shame, and a terrible reflection on a process which was supposed to be executed with "full public participation". The leaders of my community organizations here in Stinson have worked for years now with the County on Environmental Hazards. We have had seven local meetings, some attended by over 100 residents. 200+ of us filled out a County survey on this section. We arrived with the County at a consensus that satisfied all of my neighbors and every local Stinson Beach organization. This consensus is reflected in a Board-approved version of the Environmental Hazards section that balances my safety and that of my family with public access, view rights, and environmental protections. It is frankly a major affront to democractic sensibilities here in Stinson Beach that your staff would simply throw out everything we worked on all these years, and replace it with the same old boilerplate that has failed Marin over and over again.

My town will disappear if, as your staff's version of Environmental Hazards requires, we can no longer receive permits for development and maintenance of our homes and local businesses. How do they think we can preserve public access, offer visitor services downtown, or maintain health and safety if all the homes west of Highway One fall apart because they refuse us permits?

The actions of your staff are very dispiriting to all of us here in Stinson Beach. Please fix this situation as soon as possible, and bring this eight year long process to a close by accepting the LCP with Marin County's Environmental Hazards section.

Respectfully,
Patricia Munter

W10a

Nancy Torrey
P.O. Box 948
Bolinas, CA 94924
415-868-9506
nantorrey@yahoo.com

Kent Khtikian
P.O. Box 1011
Bolinas, CA 94924
415-868-9893
khtikian@kkcounsel.com

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth:

We are hereby submitting our joint comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

We are both residents of Bolinas and have each lived in Bolinas for over 30 years. There are a number of issues which arise under the LCP about which we are concerned.

Public Participation

There should be no fee for public participation in commenting on or participating in any person's application for a Principally Permitted Use (PPU). We are very concerned by the proposal for increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review. The Coastal Act requires the widest opportunity for public participation. However, the proposed LCP Amendment radically limits public participation, including the public's ability to review and appeal PPUs without paying a burdensome fee.

The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250. This is essentially a poll tax. It limits the access of people with limited means to be heard on matters that effect their communities. This "pay to play" proposal is one more turn of the screw squeezing the plural out of pluralism.

Community Core Zoning Requirements - Maintaining Community Character

West Marin is unique not only because of its rural character but also because of the web of community that exists between residents. West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. Commercial use should be a permitted use only in those very limited, existing "downtown" areas in which commercial space is currently located. We need to expand residential opportunities, not the commercial use of our hometowns. By transforming the character of the area from residential to commercial, you are destroying the very constituency which acts in support of the Coastal Commission and its charge to protect the coast of California.

Environmental Hazards

The Coastal Commission staff's suggested modifications dated October 21, 2016 regarding Environmental Hazards should be adopted by the Commission. The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions. Please do not adopt Marin County's version of the Environmental Hazards chapter. The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

Biological and Water Resources

We ask the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability. For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture

We support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges. The staff's recommendation provides a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Thank you for your consideration.

Respectfully,

Nancy Torrey

Kent Khtikian

CoastalMarinLCP

From: Tim Hamilton <tim@whk-law.com>
Sent: Wednesday, October 26, 2016 11:33 AM
To: CoastalMarinLCP
Subject: Marin County Local Costal Program - Resident Comment
Attachments: 2016-10-26 Ltr to Ainsworth re Marin Co. LCP-IP fm Hamilton.pdf

Attached please find my letter and comments regarding the Marin Co. LCP and the CCC meeting on November 2, 2016.

Timothy M. Hamilton | Attorney
WALKER, HAMILTON & KOENIG LLP

50 Francisco Street, Suite 460 | San Francisco, CA 94133
Tel. (415) 986-3339 | Fax: (415) 986-1618

Email: tim@whk-law.com / Website: www.whk-law.com

PRIVILEGED COMMUNICATION AND CONFIDENTIALITY NOTICE: This communication with its contents, materials, and attachments contains confidential information . The content is solely for the use of the intended recipient(s). All recipients are prohibited from sharing or forwarding any such information without written consent from Walker, Hamilton & Koenig, LLP. Unauthorized interception, review, use or disclosure of this email and/or its contents is strictly prohibited and violates applicable laws including the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. Furthermore, if the intended recipient is a Client or Consultant, this communication is protected by the ATTORNEY-CLIENT PRIVILEGE and/or the ATTORNEY WORK-PRODUCT PRIVILEGE. If you are not an intended recipient or have received this message in error, please contact Walker, Hamilton & Koenig, LLP and Timothy M. Hamilton at tim@whk-law.com and also destroy all paper and/or digital originals and/or copies of the communication including all attachments. Thank you.

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105 ***Via Electronic Mail: MarinLCP@coastal.ca.gov***

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am a resident and home owner in Muir Beach, California. I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

I urge the Commission to ***NOT*** adopt the CCC staff's October 21, 2016 Environmental Hazards suggested modifications.

I strongly urge the Coastal Commission to accept Marin County's Local Coastal Plan (LCP) along with the Land Use Plan (LUP) and the Implementation Plan (IP). Marin County has spent years hammering out these plans. This work has always had the protection of our coast as its highest priority, but also respects the rights of home owners and land owners in our County.

In my opinion the worst outcome for our environment and our community is for the Commission to accept the commission's staff recommendation thereby rejecting Marin County's long, hard work on these plans. This would likely send the issues back to the drawing board and/or incite litigation which will only delay the implementation of reasonable steps to address sea-level rise. Please do not reject Marin County's plans.

Very Truly Yours,

Timothy M. Hamilton
Muir Beach, Ca.

W10a

Fiala, Shannon@Coastal

From: Johnston, Bob <rajohnston@ucdavis.edu>
Sent: Wednesday, October 26, 2016 9:36 PM
To: Fiala, Shannon@Coastal
Cc: Johnston, Bob
Subject: Comment Letter on the Marin LCP Amendments

Jack Ainsworth, Acting Exec. Dir.
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Email

CEQA Comment Letter on How Increased Agricultural Development Will Lead to Greater Groundwater Drawdown, Which May Lead to Reduced Surface Flows and Damage to Riparian Corridors and Wetlands and These Impacts Must Be Discussed in the Marin County Local Coastal Program Amendment No. LCP-1-MAR-15-0029-1, Set for a November 2, 2016 Hearing

Commissioners:

Topic:
I wish to comment briefly on the LUP and IP provisions that make a farmhouse, one intergenerational unit, ag retail sales building, and ag processing plant PPUs and so not appealable to the Commission. The higher rate of development resulting from the simplified permit process will increase the number of wells, which will cause groundwater drawdown and lower surface water flows, resulting in damage to riparian corridors and wetlands. My brief analysis follows. Because of these unmitigated impacts, these permits should require a higher level of review by the public.

Qualifications:
I am a Professor of Land Use and Transportation Policy at the University of California at Davis. I have published over 100 papers on land use and transportation planning. I have been an expert in NEPA and CEQA lawsuits for over 40 years.

Comments:
Making several agricultural development types PPUs will make it easier to develop these land use activities in the C-APZ zone of Marin County. Based on parcel maps, historical buildout data, and ag production trends, I estimate that there will be an additional 10-30 agricultural residences, 3-8 small ag retail sales buildings, and 2-5 small ag processing plants built over the next 20 years, in excess of what would have occured. These activities will require new wells or greater pumping from existing ones.

Coastal West Marin ranches, where the revised LCP development policies will take effect, are dryland grazing prairies characterized by low, highly seasonal rainfall and limited groundwater availability. The USGS defines this area as "marginal to adequate for [grazing] stock or single-family homes" (USGS, Misc. Field Studies: Maximum Well Yields in the SF Bay Region. Webster, 1972).

The Marin Countywide Plan states that "The bulk of unserved areas [no piped water] are underlain by poorly permeable rock with limited storage capacity..." (Marin Countywide Plan, Hydrology and Water Quality Technical Background Report, Nov. 2005, p. 20).

The N. Marin Water District has a large service area along the Eastshore of Tomales Bay, but does not have the water supply for it. Their main wells in Pt. Reyes Station, which are in the Lagunitas Creek aquifer, have become salinized during past years of low rainfall and so the District had to build a connector pipeline to get supplemental water from Nicasio Reservoir. The District is currently considering detaching most of this service area, due to water supply limitations. The Marin LAFCO agrees with this proposal. So, the area of concern for this comment letter, the C-APZ area, will very likely not have additional water supplies from the District.

A leading dairyman in the area said recently that "All of West Marin is water deficient. That's been a kind of blessing in disguise. It has meant that this area has remained open and undeveloped, though the lack of a water table means that families on Tomales Bay have to pay to have it hauled to their homes" (Pt. Reyes Light, 8/27/15).

The current LCP and the one proposed by the County, as modified by the Commission staff, all require that new development within the boundaries of a water district use their piped water, rather than drill a new well (C-PFS-14). This is to conserve groundwater (LCP Water Well Study, Marin County, LSA, 1983). Coastal Act (Cal. Pub. Res. Code) sec. 30231 states that the Commission shall prevent the depletion of groundwater supplies.

Recommendation:
The Marin IP sec. 22.65.040 requires that water use will not impact streams or wetlands. Sec. 22.64.140 requires that new wells will not impact other wells within 300 feet, or streams, riparian areas, or wetlands. However, most of the PPUs on ag lands do not require a public hearing at the County. Please require that the findings regarding these PPU's water supply systems are discussed in a public hearing, so that outside experts may give advice and the public can become better informed about this serious issue.

We are probably facing future multi-year droughts, as never experienced during the last 150 years. Our water development policies must become more conservative with regards to impacts on groundwater, to avoid adverse impacts on our coastal natural resources.

Thank you,

Robert A. Johnston
USPS: P.O. Box 579
Point Reyes Station,
CA 94956
UPS/FedEx:
20 Drakes Summit Rd.
Inverness, CA 94937
Home: 415 663-8305

W10a

Fiala, Shannon@Coastal

From: Larry Crutcher <crutcherlm@gmail.com>
Sent: Wednesday, October 26, 2016 3:20 PM
To: Fiala, Shannon@Coastal
Subject: Thanks for distributing
Attachments: ~$ASTAL COMMISSION LETTER (2).docx

For Wed., Nov. 2nd hearing. Thank you.

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Lawrence M Crutcher - OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a resident in Stinson Beach, a former head of the Stinson Beach Village Association, and a former member of the Marin County C-SMART committee. I am writing to ask that you please **vote YES on Marin County's LUPA and IPA as submitted**, and **vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.**

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015, and were rejected by Marin County because of the reckless damage they would do to coastal communities in West Marin.

We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. The process included a great deal of time explaining to young environmentalists, with an agenda, and with zero experience in West Marin, how we live with and prepare for such natural occurrences as King Tides, sea level rise, and "100 year storms." To some extent, the Marin planners gained an understanding and adjusted their thinking to be realistic.

That community-based effort has simply been ignored in the CCC staff submissions, once again. Common sense is largely absent in their submission. If the changes your staff proposes pass, the impact on property values in Stinson, assessed at about $800 million, would be destructive. We would be unable to protect our homes from rising seas and floods, nor to maintain them over time, nor to sell them at a fair price, which is equivalent to a governmental taking.

The Stinson Beach community is as environmentally sensitive as any, and has always been willing to work with appropriate authorities in planning for its future. However, "working with CCC staff" is an oxymoron. This isn't the way it should be.

Please vote to stop this action.

Sincerely,

Lawrence M Crutcher
Box 667
Stinson Beach, CA 97940

cc: Effie Turnbull Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mary K. Shallenberger
Mark Vargas
Martha McClure
Steve Kinsey
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Belinda Faustinos
Trent Orr
Steve Kram
Randy Pestor
Nidia Garcia-Erceg
Sarah Glade Gurney
Maricela Morales

W10a

CoastalMarinLCP

From: Gerald Meral <jerrymeral@gmail.com>
Sent: Wednesday, October 26, 2016 6:57 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

• I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

• If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and

water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Gerald and Barbara Meral

Inverness, California

W10a

CoastalMarinLCP

From: Cynthia Lloyd <cynthiablloyd@gmail.com>
Sent: Wednesday, October 26, 2016 7:35 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications to meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Cynthia B. LLoyd
Point Reyes Station
CITY OF RESIDENCE

W10a

CoastalMarinLCP

From: Alex @ SFIC Corporation <alex@sficcorp.com>
Sent: Wednesday, October 26, 2016 10:02 AM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 25, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

We are writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

• I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

• If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat

viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• we are especially concerned by the new community core zoning requirements, especially when it threatens to alter the historic victorian flavor of villages such as our dear Tomales. We believe such villages should evolve their own way, as they have since early settling, and not through external artificial restructuring into something akin to another strip mall. After all, we are quite certain that such manipulations would be most unwelcome in most charming and prized hometowns, such as perhaps your very own.

• West Marin's coastal village character is most definitely threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.There are plenty of shops in existence already in the coastal villages and light industry of any kind is not appropriate for areas where people live. Recent conversations about converting lower floors of existing residences into shops to expand commerce at the cost of housing only illustrate how insensitive such efforts are to the needs of local people.

Thank you for your consideration of these comments.

Respectfully,

Alex and Diana Muhanoff
Tomales

W10a

CoastalMarinLCP

From: Judy Stemen <jls94970@gmail.com>
Sent: Wednesday, October 26, 2016 5:12 PM
To: CoastalMarinLCP
Subject: Item No. W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED Judith Stemen Christopher Fitting Stinson Beach Homeowners

Sent from my iPad

W10a

CoastalMarinLCP

From:	Jack Sylvan <jacksylvan@yahoo.com>
Sent:	Wednesday, October 26, 2016 9:04 PM
To:	CoastalMarinLCP
Subject:	OPPOSE LETTER regarding Item No: W10a
Attachments:	CCC ltr.docx

Hello Shannon, I'm attaching a letter to the Commissioners of the California Coastal Commission and requesting that this be submitted into the record. Thank you.

Jack

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Jack Sylvan
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from erosion of the bluff adjacent to the property, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. The safety of hundreds of homes and homeowners' families could be jeapoardized. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

I urge you to support the public process the County has gone through and pass the changes incorporated in Marin County's LUPA and IPA as submitted.

Sincerely,

Jack Sylvan
16 Canyon Ave, Bolinas

W10a

Item 10.a
Randall Fleming
Point Reyes Station Village Association
Design Review Committee

October 27, 2016

Commissioners, California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Proposed Amendments to Marin County Local Coastal Program□Agenda Item LCP-2-MAR-15-0029-1: Commission meeting Nov. 2, 2016

The proposed Marin County Local Coastal Program (LCP) should not be approved. It needs to be revised to be in conformance with the California Coastal Act; or let the currently approved LCP continue as is. We believe that:

1. The LCP does not sufficiently reflect Section 30001, in terms of ecological balance or Legislative goals.

2. The Coastal Commission staff has overridden its authority by ignoring the precise content provided by local government as per Section 30500 (A).

3. The full impacts of the proposed LCP and its changes to the adopted Point Reyes Station Community Plan have not been subject to any public participation as required in Section 30500 (C).

1. ECOLOGICAL BALANCE AND LEGISLATIVE GOALS

Section 30001 Legislative findings and declarations; ecological balance
(a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
Section 30001.5 Legislative findings and declarations; goals
The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:
(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

As per Coast Act section 30001 Point Reyes Station and other small coastal villages in West Marin are a key part of the coastal ecosystem, where locals are part of the biological community of interacting organisms in the physical environment. While this may be difficult for outsiders to understand, residents know this and each of us integrates our actions in consideration of our relationship to local biological well being. Ideally to protect this eco-system, these local values need to be protected and part of the visitor experience in order to promote legislative goals.

2. PRECISE CONTENT BY LOCAL GOVERNMENT

ARTICLE 1 LOCAL COASTAL PROGRAM Section 30500 Preparation

(a) The commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan.

Point Reyes Station is a cultural and commercial center for West Marin. Currently the town has approximately 170,000 square feet of commercial floor area, as well as more developable land available within the commercial core. There is no evidence that additional space is needed for local or visitor services. In addition, our local businesses have been very responsive in serving visitor and local markets. For example, our hardware and building materials store has reorganized its sales floor adding 15% more sales area that has expanded items that serve tourists as well as locals. Toby's Feed Barn and Gallery still provides hay and animal feed supplies as it has for years, while ramping up foods and goods that appeal to local and visitor markets. Market forces are doing a fine task of keeping the town a visitor serving and working local community; preserving the town's ecosystem role that it has provided for over a hundred years.

By prioritizing commercial development in the mixed-use commercial/residential zones that are outside of the mapped commercial core area there will be more pressure on commercial growth irrespective to its relationship to the local ecosystem. In addition, it reduces our capacity to maintain and increase needed residential development in the village. Our delicate and fragile coastal villages may then become attractive to uses that do not support visitor and local needs and are not linked to the surrounding natural coastal resources. Removing this zone from a market-based development could erode and ultimately alter the nature of our communities. We feel that the County's Land Use proposal 22.64.170 (A)(3) is much more suited to our community than the Coastal Commission's language; and is a product of the County's direct interaction with us.

3. IMPACTS TO THE POINT REYES STATION COMMUNITY PLAN

(c) The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and with full public participation.

We are aware that there are other LCP impacts that have had insufficient or no public participation. Our adopted Community Plan has five principal goals that are the foundations of the village plan. The LCP has in effect eroded or erased four of these goals, completely damaging the Community Plan without any public process to address these actions and their impacts to Point Reyes Station.

The impacted Community Plan goals are:

1. Preserve the viability of Point Reyes Station as a small, rural, working town.
2. Carefully manage the impacts of tourism on the visual character of the historic downtown district.

3. Minimize the impacts of tourism on the everyday activities of the local population.
4. Create additional affordable housing for people employed locally.

In conclusion, nowhere in the Coastal Act is the Commission given the authority to alter or degrade the culture and quality of life of coastal communities. Rather, the Act seeks to *"Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources."* We seek your support of these Legislative goals by not approving the LCP.

Sincerely,

Randall Fleming, Chair PRSVA Design Review Committee

Local community members have reviewed and endorsed this letter:
Laura Arndt, Point Reyes Station Village Association (PRSVA) Secretary
Mark Switzer, PRSVA member
Jenefer Merrill, Point Reyes Station
Elizabeth Zarlengo, Point Reyes Station
Chris Reding, PRSVA member
Jon Fernandez, PRSVA Design Review Committee
Melanie Stone, PRSVA Design Review Committee
Pamela Bridges, PRSVA Leadership Circle
Ken Levin, PRSVA Leadership Circle
Mike Mcclaskey, PRSVA Design Review Committee
Ron Wagner, Inverness Park
Anna Frances, Point Reyes Station
Alice Eckart, PRSVA Treasurer
Chuck Eckart, PRSVA member
Art Levit, Point Reyes Station
Judy Levit, Point Reyes Station
Steve Hadland, Point Reyes Station
Anneke van der Veen, Point Reyes Station
Doris Ober, Point Reyes Station
Richard Kirschman, Point Reyes Station
Gary Ireland, Point Reyes Station
Bonnie Ruder, Inverness Park
Nancy Stein, Inverness Park
Madeleine Ballard, Point Reyes Station
Jim Chapman, Point Reyes Station
Frank Borodic, Olema
Jon Harada, PRSVA member

Randall Fleming
PO Box 252, Point Reyes Station, CA 9495

W10a

CoastalMarinLCP

From: Jess Taylor <jessica.reynolds.taylor@gmail.com>
Sent: Thursday, October 27, 2016 4:22 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Jessica Reynolds
Point Reyes Station, CA

W10a

Fiala, Shannon@Coastal

From: meg simonds <simonds.meg@gmail.com>
Sent: Thursday, October 27, 2016 5:48 PM
To: Fiala, Shannon@Coastal
Subject: Fwd: agenda item W10a

To the Coastal Commissioners,

I oppose the imminent changes in Marin County's Local Coastal Program (LCP) for the following reasons.

The staff of the California Coastal Commission (CCC) has proposed to replace our current regulations with harsh new permitting policies. If you own a home or property along the coast, your rights to maintain, rebuild and potentially ever sell it are at risk.

West Marin's coastal village character is threatened hy the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district.
Each time that Marin County has submitted its LCP, Coastal Commission staff has attempted a wholesale rewrite of the County's Local Coastal Program outside of publics view. In 2014 and again in 2015, it simply deleted the text our communities helped the County create, replaced it with dozens of pages of new regulations, and then released these changes within 24 hours of the Coastal Commission vote. When this reoccurred last year, Commissioners admonished both staffs to find a compromise within the framework of the County's submission and with further public discussion.

Yet for the third time in a row, apparently ignoring the directives of its own Commissioners, Coastal Commission staff is attempting to rewrite Marin's regulations. Once again, they have refused to negotiate with the County or to incorporate feedback from coastal community groups. Once again, they have simply redlined out the County's regulations and replaced them with their own twice-rejected regulations.

This is excessive micromanaging of local communities' planning process, an overstepping of authority granted by the Coastal Act, an unwillingness to take into account sincere, thoughtful, and important input from local stakeholders, a failure to consider adverse effect of their policies on viability and sustainability of local communities, an unreasonable burden of permitting process and expense for minor changes to land use, an unconscionably long and tortuous process imposed on the County to accomplish the LCP, a completely inadequate public notice and input periods, especially this last one, and it is unacceptable not to have the final approval hearing within the county whose plan is being voted upon.

It seems like the Coastal Commission would like there be no villages in West Marin. Already many folks have bad to move, and leave West Marin. When they go we loose our fire fighters, our nurses, our teachers etc etc. Who will be here to serve the public, who will help the visitors when they need medical help.

Please do not adopt these changes. Help us stop a disaster for Marin coastal communities.

Thank you for your time.

Sincerely,

Meg Simonds
PO Box 249
Bolinas, CA

W10a

CoastalMarinLCP

From: dmf332 <dmf332@yahoo.com>
Sent: Thursday, October 27, 2016 12:15 PM
To: CoastalMarinLCP
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

MarinLCP@coastal.ca.gov

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Dan & Teri Fruchtman

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

W10a

CoastalMarinLCP

From: Eliza Finkelstein <lizabean123@yahoo.com>
Sent: Thursday, October 27, 2016 12:51 PM
To: CoastalMarinLCP
Subject: Item No: W10a OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Eliza Finkelstein and Alexis Laurent
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Eliza Finkelstein and Alexis Laurent

210 Seadrift Road, Stinson Beach, CA

W10a

CoastalMarinLCP

From: Todd Steiner <tsteiner@tirn.net>
Sent: Thursday, October 27, 2016 12:58 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Todd Steiner
PO Box 400, 40 Monteza Rd
FOREST KNOLLS, CA 94933

W10a

CoastalMarinLCP

From: Geneva Gondak <ggondak@me.com>
Sent: Thursday, October 27, 2016 2:52 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable

and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Geneva Gondak
Corte Madera, California

W10a

CoastalMarinLCP

From: Virginia Otis <Ginny@GWOtis.com>
Sent: Thursday, October 27, 2016 12:29 PM
To: CoastalMarinLCP
Subject: OPPOSED Item No: W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

NAME: Virginia B. Otis

TO: The Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

Yours,

Virginia B. Otis
50 laurel Avenue
Stinson Beach,CA 94970

W10a

CoastalMarinLCP

From: barbara ward <elderowl@aol.com>
Sent: Thursday, October 27, 2016 2:26 PM
To: CoastalMarinLCP
Subject: marin county LPC ammendment

item No. W10a
Marin County LPC amendment no. LPC-2-MAR-15-0029-1
OPPOSED
BARBARA WARD

EMAIL (feel free to customize)
Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

W10a

CoastalMarinLCP

From: SHERRY PENZIAS <spenzias@me.com>
Sent: Thursday, October 27, 2016 11:51 AM
To: CoastalMarinLCP
Subject: Marin LCP YES on Marin County's submitted plan- NO on new motions

Commissioners-

I urge you to vote YES on the LUPA and IPA as submitted to you by Marin County. I urge you to vote no on the motions proposed by your staff to approve the same with their modifications.

I am a homeowner in West Marin. I have served in public office and have dealt with the Coastal Commission in the past. I always suggested that staff visit the areas that will be affected by legislation or regulation. I always did and found it to be informative and helpful.

Another thing I did was to listen most carefully to the people most effected by such plans, laws, or regulations. I found that staff, so overwhelmed with work, rarely did so. But I did as much as often as possible, and that impacted how I voted.

However neither is the case here. Clearly the staff proposals on the LUPA and IPA ignore all the work done by the County of Marin and the public that best reflect what is in the best interest of West Marin. Also the uniqueness of our community has been ignored as well. They have omitted Marin county's plan and replaced it entirely with their own. The impact on West Marin would be dire. Their proposals don't reflect an understanding of either the impact on the future of our homes and/ or the realities of west Marin.

Please overrule your staff recommendation.

Thank you,

Sherry Penzias

W10a

CoastalMarinLCP

From: richard cimino <yellowbilledtours@gmail.com>
Sent: Thursday, October 27, 2016 3:29 PM
To: CoastalMarinLCP
Subject: Letter submission for Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a,,

October 27, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a. The second reason I am writing is due to perception that the California Coastal Commission is falling into the hands of developers.
My preference is to not want to believe that this will happen. I am ask you as a person who walked the precincts asking voter to pass Proposition 20 (Coastal Initiative, 1972). You must stand tall and be a good servant, a representative to keep the commission out of conflict of interest, you can archive this goal by supporting the conservationist request and plan as I have outlined below.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Richard S. Cimino
60 Elizabeth Circle
Larkspur, Ca. 94904

W10a

CoastalMarinLCP

From: Richard Shupack <rshupack@att.net>
Sent: Thursday, October 27, 2016 3:47 PM
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Item No:W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Richard A Shupack 102 Seadrift Road Stinson Beach CA 94970
OPPOSED

Commissioners of The California Coastal Commission
c/o Shannon Fiala
Planner
45 Fremont Street, Suite 2000
San Francisco CA 94105

Dear Commissioners:

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours Truly

Richard A Shupack, Esq.
102 Seadrift Road

Stinson Beach CA 94970

W10a

Fiala, Shannon@Coastal

From: Hannah Crutcher <hannah_crutcher13@yahoo.com>
Sent: Thursday, October 27, 2016 4:57 PM
To: Fiala, Shannon@Coastal
Subject: 11/2 CCC Meeting - ITEM W10a OPPOSED

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 Hannah B Crutcher - OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I have been both a long-time renter and resident in Stinson Beach. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with your staff's modifications.

One portion of the CCC staff recommendations says, in effect, that Seadrift may no longer maintain its "hard armored" seawall. This matter was litigated extensively in the 1990's, with a judicial outcome (a binding court order) that unequivocally approved the rip-rap wall. It amazes me that your staff can simply ignore a ruling of law on this matter. Without the wall, we would be unable to protect our homes from seasonal storms, King tides, and unusual wave action. This also jeopardizes our ability to maintain our properties over time as well as sell them at a fair price, both results of unacceptable administrative action taken by unelected staff.

Please vote to stop this action.

Sincerely,

Hannah B Crutcher
103 Seadrift Rd
Stinson Beach, CA 94970

cc: Effie Turnbull Sanders
Dayna Bochco
Mary Luévano
Wendy Mitchell
Mary K. Shallenberger
Mark Vargas
Martha McClure
Steve Kinsey
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Belinda Faustinos
Trent Orr
Steve Kram
Randy Pestor

Nidia Garcia-Erceg
Sarah Glade Gurney
Maricela Morales

W10a

CoastalMarinLCP

From: Patrick Woodworth <patrick.woodworth@gmail.com>
Sent: Thursday, October 27, 2016 3:19 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Patrick Woodworth

CITY OF RESIDENCE
: Sebastopol, CA

W10a

CoastalMarinLCP

From:	Bill Krill <bkrill@swinerton.com>
Sent:	Thursday, October 27, 2016 9:09 AM
To:	CoastalMarinLCP
Cc:	williamkrill@yahoo.com; 'MaggieM Krill (maggiekrill@sbcglobal.net)'
Subject:	Marin County Amendment LCP-2-MAR-15-0029-1 OPPOSED item W10a

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are strongly opposed to Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

We own a home in Stinson Beach and we have lived there for over 20 years. We are writing to ask that you please vote **NO** on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Please consider that:

- The Marin County staff submitted a collaborative, balanced proposal based on **COMMUNITY CONCENSUS**
- The CCC staff subversively developed their own Amendment **WITHOUT Community input** only two weeks prior to the vote
- The CCC Amend. **Violates our Property rights and inflicts financial damage** upon us as home owners
- The Science upon which the CCC is relying, is not exact and subject to **Legal Challenge**.

Respectfully,

Bill & Maggie Krill
Stinson Beach, CA.

Bill Krill
Project Executive | Swinerton Builders
260 Townsend Street | San Francisco, CA 94107
C.415.286.6333 | Main.415-421-2980
bkrill@swinerton.com | www.swinerton.com

W10a

CoastalMarinLCP

From: arianne Dar <ariannezd@gmail.com>
Sent: Thursday, October 27, 2016 10:19 AM
To: CoastalMarinLCP
Subject: Nov. 2 Agenda item W10a
Attachments: Dear Coastal Commissioners.docx

Dear Shannon Fiala
Attached is a letter from the Bolinas Community Land Trust asking the Coastal Commissioners NOT to adopt the changes they have made to the proposed LCP put forth by the county of Marin, but rather to reconsider accepting the amendments as they were initially put forth, amendments that have the backing of all of the communities being effected by these changes.
Thank you.
arianne dar

Dear Coastal Commissioners:

It has come to the attention of the Bolinas Community Land Trust that you are planning to vote on proposed amendments to our LCP on Wednesday November 2nd. While we are pleased that some action is about to be taken we are dismayed to learn that many of the suggestions being put forth by the County of Marin after and extensive research and planning period are being rejected, ignored or stricken. The county has done an excellent job of reaching out to local communities to educate, inform and include us in their process. They have thought carefully about how to uphold the intent of the coastal act and plan while at the same time trying to preserve the needs of our local residents and communities, and the resources we provide to all the visitors who wish to visit our coastal areas. The California coast is long and varied and rules that apply to one community may not be appropriate for another. Proximity to urban areas, access to water and roadways, and local infrastructures all play important roles in what is necessary to insure that there are sustainable communities at our coast. Without these communities there is no true safe coastal access for the public. We believe that proceeding in approving the amendments to LCP as you have put out to do on November 2nd would find you guilty of the following:

- excessive micromanaging of local communities' planning process
- overstepping of authority granted by the Coastal Act
- unwillingness to take into account sincere, thoughtful, and important input from local stakeholders
- failure to consider adverse effect of their policies on viability and sustainability of local communities
- unreasonable burden of permitting process and expense for minor changes to land use
- unconscionably long and tortuous process imposed on the County to accomplish the LCP
- completely inadequate public notice and input periods, especially this last one
- unacceptable not to have the final approval hearing within the county whose plan is being voted upon

We therefore urge you to delay your vote and reinstate the proposed changes suggested by county planners, business people and local residents. Refusing to do so will be detrimental to continuing to make the coast accessible to generations to come.

Sincerely,
Arianne Dar
Board President for the Bolinas Community Land Trust

W10a

CoastalMarinLCP

From:	Annette Brands <abrands@me.com>
Sent:	Thursday, October 27, 2016 8:58 AM
To:	CoastalMarinLCP
Subject:	Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Attachments:	CCCltr ABrands.pdf; CCCLtr DSchmidt.pdf; CCCltr LDevone.pdf; CCCltr SMartin.pdf

Attached, please find 4 letters for the Commissioners of the California Coastal Commission. Please include these as part of the formal hearing record which takes place next week, November 2, 2016. Thank you.

Annette Brands
abrands@me.com
415-640-4698

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Annette Brands

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which dovetailed LCP mandates with FEMA mandates – these had in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These weren't merely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never deigned to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an ***equal-probability*** chance of 100 year sea level rise: Anywhere from 18" to 6'6" along our coast. In other words, it is ***not*** the case that scientists are saying 'sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'6" so let's prepare for that' – according to the science, it is ***as likely*** to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probably between 18" and 6'6" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds, 100 years from now?

Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Alquist Priolo earthquake zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (were any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk; doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshhold, ***40 times the accepted state and national hazard risk threshold.*** And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years - whereas FEMA flood and earthquake risks could happen any given year within the near or medium term. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that won't in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Topographically, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots with no "upland" area on which to build, and backed by miles of unbuildable state and national parkland. They would probably have known this had they asked us. And yet they insist on repeatedly pasting back in their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint... in such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along Wharf Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly why asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear why this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities fails; it's because it clearly was cut-and-pasted from a section on Blufftop Development, which is for a completely topology where setbacks actually are a sensible approach. We know this because we have copies of your staff's last-minute, midnight edits to the 2014 document where it is clear where one section was pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this end-run, trying to extend a Blufftop regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along blufftops and cliffs; nowhere in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, researched and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "retreat" in Stinson Beach. Your staff's egregious actions need to be reined in; Marin County's regulations need to be adopted instead.

Yours,

Annette Brands
55 Dipsea Road
Stinson Beach, CA 94970

Item No. W 10c
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSE
NAME: Annette Brands

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which participates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which reconciled LCP mandates with FEMA mandates – those had in the past frequently been in conflict, leaving either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old unconvincing language they've attempted to force on Marin County based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These were (morely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never designed to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an exceedingly unlikely chance of 100 years sea level rise. Any where from 1" to 6" along our coast. In other words, it is not the case that scientists are saying sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'0" so let's prepare for that" – according to the science, it is as likely to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probable, between an 18" and a 6'0" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds. Two years from now?

Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Adopted Private contiguous zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (more any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk: doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshold. 40 times the accepted safe and rational hazard risk threshold. And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years – whereas FEMA flood and earthquake risks could happen any given year within the near or medium term. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that won't in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Inappropriately, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots with no "upland" area on which to build, and backed by miles of unbuildable state and national parkland. They would probably have known this had they asked us. And yet they insist on repeatedly pasting back in their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint." In such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along "Marf" Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly why asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear why this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities this. It's because it clearly was cut-and-pasted from a section on Bluffton Development, which is for a completely topology where setbacks actually are a sensible approach. We know this because we have copies of your staff's last-minute midnight edits to the 2014 document where it is clear where one section was pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this and- run, trying to extend a Bluffton regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along bluff/top and cliffs, nowhere in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, reasoned and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "rational" in Stinson Beach. Your staff's egregious actions need to be reined in, Marin County's regulations need to be adopted instead.

Yours,

Annette Brands
64 Dipsea Road
Stinson Beach CA 94970

W10a

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely yours,

Douglas Schmidt

P.O. Box 481, 6500 Panoramic, Stinson Beach, CA

October 24, 2015

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County s LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely yours,

Douglas Schmidt

P.O. Box #81, 6250 Panoramic, Bolinas, CA

W10a

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Lokelani Devone

October 27, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future overwash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. These are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, bafflingly exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has - for a third time in three years - attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, Environmental Hazards, subsection B.3 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "Existing shoreline protective devices *(e.g. the Seadrift Seawall)* shall not be incorporated into analyses". This language is entirely inconsistent with the binding agreement entered into by your own Commission, yet this is appears to be an attempt by staff to sneak this language into the Environmental Hazards section. Without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this proposed policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has blatantly attempted to *directly* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and ***waive any rights that may exist*** for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Lakshmi Devorie

October 27, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seasonal storm surges by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future overwash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. Those are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, baffling, exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has - for a third time in three years - attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, *Environmental Hazards, subsection B.3,* "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "existing shoreline protective devices (e.g. the Seadrift seawall) shall not be incorporated into analysis". This language is entirely inconsistent with the binding agreement entered into by your own Commission, yet this is appears to be an attempt by staff to sneak this language into the Environmental Hazards section. Without the protection of the seawall there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this proposed policy to remain, I would effectively lose my ability to redevelop or rebuild my property, or to safeguard my home.

Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has blatantly attempted to ask me to strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and waive any rights that may exist for now and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

1

Your Commission already agreed under the Court order not to seek to remove homeowner rights to the protection of the seawall in Seadrift. Even worse, your staff again recently lost a court decision, this time in *Capistrano vs CCC*, where the judge ruled that your staff had severely overreached in attempting to force homeowners to waive their rights to seawall protection; he was very specific that a potential "future threat" of needing to build or augment a seawall cannot be used to justify forcing a homeowner to waive their rights to protection. It is clear that you are under a binding court order with respect to Seadrift homeowners.

My understanding was that the Coastal Act is supposed to protect the health and safety of residents along the coast. Why your staff seems so ideologically opposed to seawalls that they would seek to remove my protections, diminish my health and safety, and force me to waive my rights is beyond my comprehension. But they are clearly, as the judge noted, "overreaching" and out of control. Please reject their changes to the Marin LCP, and restore the balanced and thoughtful version submitted by the County.

Sincerely yours,

Lokelani Devone
55 Dipsea Road
Stinson Beach, CA 94970

W10a

Fiala, Shannon@Coastal

From: George Clyde <gclyde11@gmail.com>
Sent: Thursday, October 27, 2016 6:59 AM
To: CoastalMarinLCP
Cc: 'Lori Kyle'; Fiala, Shannon@Coastal
Subject: CCC Meeting November 2, 2016 - Agenda Item 10a, Marin County LCP Amendment, No. LCP-2-MAR-15-0029-1
Attachments: ESPG letter to CCC for 11-2-16 meeting.pdf

To the members of the California Coastal Commission:

RE: CCC Meeting November 2, 2016
Comments Re: Agenda Item 10a, Marin County LCP Amendment, No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

ATTN: Shannon Fiala, North Central Coast District Planner

Ladies/Gentlemen:

Attached is a comment letter on the above referenced matter from the East Shore Planning Group. Please distribute it to the Commissioners and include it as part of the record for the November 2, 2016, meeting of the Commission.

Kindly acknowledge receipt.

Thank you,

George Clyde, Secretary, ESPG

CC: Lori Kyle, President, ESPG

W10a

Fiala, Shannon@Coastal

From: George Clyde <gclyde11@gmail.com>
Sent: Thursday, October 27, 2016 6:59 AM
To: CoastalMarinLCP
Cc: 'Lori Kyle'; Fiala, Shannon@Coastal
Subject: CCC Meeting November 2, 2016 - Agenda Item 10a, Marin County LCP Amendment, No. LCP-2-MAR-15-0029-1
Attachments: ESPG letter to CCC for 11-2-16 meeting.pdf

To the members of the California Coastal Commission:

RE: CCC Meeting November 2, 2016
Comments Re: Agenda Item 10a, Marin County LCP Amendment, No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

ATTN: Shannon Fiala, North Central Coast District Planner

Ladies/Gentlemen:

Attached is a comment letter on the above referenced matter from the East Shore Planning Group. Please distribute it to the Commissioners and include it as part of the record for the November 2, 2016, meeting of the Commission.

Kindly acknowledge receipt.

Thank you,

George Clyde, Secretary, ESPG

CC: Lori Kyle, President, ESPG

W10a
LCP-2-MAR-15-0029-1
Richard James

October 27, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.

- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Richard James
Inverness, CA

W10a

CoastalMarinLCP

From: Larry Litvak <llitvak@aol.com>
Sent: Thursday, October 27, 2016 3:00 PM
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

W10a LCP-2-MAR-15-0029-1 October 25, 2016

Jack Ainsworth, Acting Executive Director California Coastal Commission
45 Fremont Street, Suite 2000 San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards: • I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications. • The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions. • The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements: • I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency. • If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources: • I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability. • For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture: • I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges. • It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation: • I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review. • The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee. • The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character: • I am concerned by the new community core zoning requirements. • West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Lawrence Litvak
14 Midhill Drive
Mill Valley, California 94941
llitvak@aol.com
415-595-0030 (c)
www.linkedin.com/in/larrylitvak

W10a

CoastalMarinLCP

From: Joanna Nasar <joannaTIRN@gmail.com>
Sent: Thursday, October 27, 2016 12:51 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Joanna Nasar
470 Liberty St
San Francisco, CA 94115

W10a

CoastalMarinLCP

From: Sarah Millus <sarah@tirn.net>
Sent: Thursday, October 27, 2016 2:07 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Sarah Millus
po box 370
forest knolls, CA 94933

W10a

CoastalMarinLCP

From: Peter Fugazzotto <peter@tirn.net>
Sent: Thursday, October 27, 2016 2:07 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Peter Fugazzotto
18 Azalea Avenue
Fairfax, CA 94930

W10a

CoastalMarinLCP

From: Emily Persico <emily@tirn.net>
Sent: Thursday, October 27, 2016 2:20 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Emily Persico
7410 Sir Francis Drake Blvd
Lagunitas, CA 94938

W10a

From: meg simonds
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Thursday, October 27, 2016 5:37:32 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Meg Simonds
POB 249
Bolinas, CA

From: Chris Lish
To: CoastalMarinLCP
Subject: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Thursday, October 27, 2016 8:01:50 PM

Thursday, October 27, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Subject: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions. I therefore urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications. The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency. Please keep in mind that if any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2, the LCP still needs to meet CEQA requirements.

For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands. I therefore urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

It is important to have a streamlined and balanced approach to the definition of "ongoing agriculture" that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change. I support the Coastal Commission staff's definition of "ongoing agriculture", included in

the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review. The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

I am also concerned by the new community core zoning requirements. West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Sincerely,
Christopher Lish
San Rafael, CA

W10a

From: melvyn wright
To: CoastalMarinLCP; Mel Wright
Subject: agenda item W10a
Date: Thursday, October 27, 2016 7:46:47 PM

Dear Planner Shannon Fiala,

I urge the California Coastal Commission not to adopt these changes to the Marin coastal plan.
As residents on Tomales Bay, these changes would make it impossible for us to maintain our
homes, and lead to the destruction of our wonderful community. It is deplorable that the
Coastal Commission staff have rejected the feedback from community groups and are more of
a threat to our community than global warming .

Sincerely,

Melvyn Wright

W10a

From: Tim Corriero
To: CoastalMarinLCP
Subject: Agenda item w10a
Date: Thursday, October 27, 2016 7:36:39 PM

I own a home in Stinson beach which I want to raise and have a new foundation done to abate risks of flooding.

The California coastal commission would have this reasonable and necessary act be treated as a new development. This makes NO SENSE at all!

Please do NOT accept the proposed changes to the LCP!

This is government overreach and NOT in our interest!!

Tim Corriero
6 Calle del Pradero, Stinson Beach
415 990 1133

Sent from my iPad

From: Daniel Dietrich
To: CoastalMarinLCP
Subject: LCP
Date: Thursday, October 27, 2016 9:53:14 PM

W10a
LCP-2-MAR-15-0029-1

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture", included in the

October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Daniel Dietrich
Inverness, CA

W10a

From: David Bernstein
To: CoastalMarinLCP
Subject: Marin County LCP
Date: Thursday, October 27, 2016 9:32:59 PM

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

OPPOSED

Commissioners of the California Coastal Commission

c/o Shannon Fiala, Planner

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Commissioners,

My wife and I recently built an environmentally friendly home with a high green-point rating in West Marin. We are full-time residents in Stinson Beach. As a committed environmentalist, who served as a committee chair on the Sierra Club's National Outings Committee, I certainly appreciate the California Coastal Commission's commitment to protecting California's magnificent coast and ocean.

We have followed the development of Marin County's Local Coastal Plan (LCP) with great interest from both a community and a personal perspective and are writing to you to request that when you vote on Marin County's LCP, that you replace the CCC staff's proposed changes to the Environmental Hazards section with Marin County's original version.

As you know, the Marin County LCP was developed over more than eight years in a collaborative process involving the county, CCC staff, and community participation in various

forms including at least a dozen public meetings. The result is largely a balanced LCP based on constructive engagement between your staff, Marin County, and the public.

The CCC staff's final submission, for the most part, recommended relatively few edits. Unfortunately, this was not the case with the Environmental Hazards section. They have included many pages of changes to this section previously submitted in 2014 and again in 2015, and rejected by Marin County because of the enormous damage they would do to coastal communities. The collaborative process that produced the Marin County version of the LCP contained an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. All of our hard work was simply ignored in the final revisions your staff submitted. The Environmental Hazards section that Marin County citizens and their government representatives produced has been entirely struck out and replaced wholesale by the CCC staff's submissions once again.

The arbitrary and capricious handling of the changes to the Environmental Hazards section by the CCC staff resembles the sort of unfair treatment both my wife and I experienced on a personal level during the permitting and planning stages for our present home. During the course of the CCC review process, the issue of possible impact of sea-level rise on our proposed home became more and more prominent. Initially the CCC staff requested information regarding "how the project will address potential sea-level rise impacts to the [our] lagoon deck" despite the fact that the CCC staff had surely been aware that the small man-made lagoon near our home has inlet and outlet flap gates that control the water level. Later the CCC staff requested that we provide a Wave Run-Up study for this lagoon to which Ron Noble, a coastal engineer with a distinguished record and experience in our area, responded as follows:

> I didn't really need the example [of] wave run-up studies since we've specialized in the coastal engineering field for the past 45 plus years and have done thousands of coastal engineering studies of all types including many for the California Coastal Commission. My question was why are we doing a sea level rise, storm surge study, etc. for this small controlled lagoon, which is only connected to Bolinas Lagoon and subsequently the ocean through controlled inlet and outlet pipes with gates. Presently, there is no tidal impact or exposure to the ocean for this lagoon.

Looking back on this and other correspondence it is obvious that the CCC staff was struggling to find a way to address sea-level rise in our area, as it should, but that we were unfairly its "guinea pigs." The Wave Run-up Study cost us $11,361 (not to mention the thousands of dollars we had to spend on rent because of the extra time it took us complete the CCC application process).

Now the sakes are much higher. If the changes to the Environmental Hazards section of the LCP the CCC staff proposes pass, the impact on my property and my town would be substantial. Please, resolve this situation by restoring the originally submitted, thoroughly vetted Environmental Hazards section.

Sincerely.

David Bernstein

257 Seadrift Road

Stinson Beach, CA 94970

W10a

Kenneth Frankel, Ph. D.
1537-C Fourth Street
San Rafael, CA 94901
Telephone: (415) 453-3161

RECEIVED
OCT 27 2016
CALIFORNIA
COASTAL COMMISSION

October 24, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in the Seadrift subdivision of Stinson Beach. I am writing to ask that you vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

My understanding is that your staff has made a huge number of changes to the Environmental Hazards section of the Marin County coastal plan that had been worked out over many months by the County, and done this without the County's approval. I was told that these changes were submitted to the County, who rejected them in favor of the language the County had worked out in conjunction with the residents of the County.

I have tried to read through all the changes proposed by your staff. They are extremely complex, but the gist seems to be that there is an attempt to make all future repairs and new construction in Stinson Beach eventually cease. I think this would be a terrible shame. Stinson Beach is a lovely community that is shared by all different kinds of people, and if a benefit to California. The beach in front of Seadrift is a treasure for everyone. Because there is limited parking for it, it is much less populated than the public section, and people from all over the Marin County come there regularly to enjoy the peace and quiet and walk their dogs. It is a benefit to California to have different types of areas that people can enjoy. If your staff has its way, this lovely area would eventually turn into one giant crowded public beach, which would be a shame for everyone.

I hope you will stop this attempted change by the staff, and accept the coastal plan proposed by Marin County.

Yours Truly,

October 25, 2016

RECEIVED
OCT 27 2016
CALIFORNIA
COASTAL COMMISSION

W10a

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. It worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This last round, and our concerns about your staff's revisions were simply ignored in what your staff submitted, and the document members of the public helped to produce was simply heavily stricken out and replaced by your staff's submissions once again.

Marineau
p 2
October 25, 2016

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission. Please act to stop this action.

Yours,

Susan Marineau Paul C. Marineau

OPPOSED

272 Seadrift Road
Stinson Beach, CA

W10a

RECEIVED
OCT 27 2016
CALIFORNIA
COASTAL COMMISSION

P O Box 369
Ross CA 94957
Oct. 25, 2016

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont St. Suite 2000
San Francisco CA 94105

re: Item # W10A
Marin County LCP Amendment LCP-2-Mar-15-0039-1
Janice D. Barry, MD
OPPOSED

Dear Commissioners,

Please vote YES on Marin County's LUPA + IPA as admitted, and vote NO on the motions submitted by your staff to approve the LUPA + IPA with their modifications.

Those changes made to Marin's LUPA + IPA would destroy our coastal communities. We and the county have together produced a Local coastal program for Marin, over several years. That work was simply ignored and the same radical, illegal, destructive submissions by your staff were once again inserted.

You are the stewards of the California coast. Your obligation is to treat coastal communities fairly and to continue to perform your duties honorably.

Sincerely,
Janice D Barry M.D.

W10a

October 27, 2016

Jack Ainsworth, Acting Exec. Dir.
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Email: Shannon.Fiala@coastal.ca.gov

Dear Coastal Commission staff and Commissioners:

Thank you for the opportunity to provide comments on the staff report for Marin County's LCP Amendment. The California Coastal Protection Network (CCPN) is the only statewide strategic advocacy organization in California dedicated to upholding and strengthening the Coastal Act. We greatly appreciate the substantial effort of the Commission staff toward bringing Marin County's LCP submittal into compliance with the Coastal Act.

However, even as modified, the Marin LCP Amendment does not comply with the Coastal Act as explained below. Therefore, we respectfully request that Commission staff further modify the Marin LCP Amendment to address these important issues that otherwise would render a certified LCP non-compliant with the Coastal Act.

PROTECT AGRICULTURAL PRODUCTION

According to the staff report, "nearly two-thirds of the County's coastal zone is zoned for agricultural production."[1] We understand and appreciate the desire for flexibility and diversification by agricultural operators in the coastal zone, and know that "value added" products will help operators. We also want to see the continued significant growth in Marin's agricultural economy – 20% growth in 2014 with sales totally $100 million at the height of the drought, and 10% growth in 2015 with sales totally $110 million.[2] However, development must still be required to make a showing that it is "necessary for" agricultural production.

1. Uphold original Commission determination that new development on C-APZ lands must demonstrate it is "necessary for" agricultural production.

The LCP Amendment programmatically deems all new farmhouses, first intergenerational houses, retail sales facilities, commercial processing facilities, and farmworker housing as "necessary for" agricultural viability without findings to support that conclusion. Neither the

[1] Marin County Local Coastal Program Amendment, LCP-2-MAR-15-0029-1, pg. 6.
[2] *See* http://www.marincounty.org/depts/ag/crop-reports

County nor the Commission staff propose that as substantial amounts of new development go forward on agricultural production zoned (C-APZ) lands findings are required to show the development is "necessary for" continued ag production and meets Coastal Act standards in sections 30241, 30242, and 30250(a), which support the preservation of land for agricultural production by strictly limiting conversion of agricultural lands to other uses.

In its August 2015 letter to Marin County, the Coastal Commission staff objected to the County's proposed removal of language in LCP agricultural policies and code language that stated all development and structures proposed for the C-APZ district must be "necessary for" agricultural production because this language is a core Coastal Act tenet:

> The principal permitted use of the C-APZ is agriculture, defined to include agricultural production, and the structures necessary for agricultural production (agricultural accessory structures, agricultural dwelling units, agricultural sales and processing facilities). *In order to classify development other than agricultural production itself as a principally permitted use of agricultural land, development must in fact be necessary to agricultural production.* ... the **notion that all structural development within an agricultural production zoning district must be necessary for agricultural production is a core Coastal Act and land use planning tenet and must be stated as such in the County's agricultural protection policies**. In fact, both the County and MALT have adopted agricultural easement templates that utilize such language, limiting structures to those "reasonably necessary" to the agricultural operation. Therefore, Commission staff suggests that the Commission's previously adopted addition of "and necessary for agricultural production" be retained throughout the LCP's LUP and IP. (Emphasis added).[3]

Yet, with no real explanation of why it completely reversed its position, the Commission's staff report has now deemed necessary for agricultural production on every farm tract a farmhouse, one intergenerational house, commercial processing facility, commercial retail sales facility, and other accessory activities.

The current staff report declares:

> The primary intent of the Commission-certified LUP's agriculture policies is, as stated in Policy C-AG-1: to protect agricultural land, continued agricultural uses, family farming, and the agricultural economy. It seeks to do so by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, providing for diversity in agricultural development, facilitating multi-generational operation and succession, and prohibiting uses that are incompatible with long-term agricultural production or the rural character of the coastal zone. The protection of both agricultural production and the agricultural economy, including in relation to allowing uses that are incidental to and supportive of agricultural production, are clear objectives for the Commission-certified agriculture policies.

We don't deny the Commission staff's opinion on this, but it doesn't address the fundamental issue that the Commission has reversed its prior determination and now condones authorizing a substantial amount of new development on 2/3 of Marin's coastal zone as patently "necessary for" agricultural production. The fact is, when the LCP Amendment states that all the new Principal Permitted Uses on C-APZ lands are deemed "accessory and incidental to, compatible

[3] California Coastal Commission letter to Marin County, August 21, 2015, pages 3-4.

with, in support of" agricultural production, ***this is not the same thing as ensuring that new development is "necessary for" the continuation of agricultural production.***

We are not suggesting that some, or even much, of this potential development may in fact not be necessary for individual agricultural operators, or that it shouldn't be allowed. The point is, rather, that the Commission's allowance of such a huge amount of potential new development on a programmatic level without any case-by-case determination of its necessity is troubling, if not in violation of the Coastal Act.

At a minimum, there should be a requirement that even Principally Permitted Uses on C-APZ lands show on a case-by-case basis that new, permanent development of structures [accessory or otherwise] on agricultural lands are "necessary for" agricultural production. This doesn't have to be an arduous showing, just a simple nexus between the proposed development and the agricultural operation, but at least require that the findings be made.

2. Delete LUP Policy C-AG-2.b as initially recommended by Commission staff.

In its August 21, 2015 letter to Marin County, the Coastal Commission staff urged deletion of Land Use Plan policy C-AG-2.b. Commission staff recommended that, "all references to a potential subsequent LCP amendment and future policy changes allowing residential uses in addition to farmhouses be removed from any Board-approved LCP." (Emphasis added). The policy proposes to "Evaluate the efficacy of permitting limited non-agricultural residential development within the C-APZ zone as a means of securing permanent affirmative agricultural easements over" the remaining farm tract.

The Coastal Commission's position was based on the recommendations of the Marin County Agricultural Economic Analysis undertaken by Strong Associates in November 2003. The County's report made clear the necessity of keeping land values in balance with agricultural income in order to maintain long-term agricultural viability. Adding a residence or farmhouse often causes land costs to be driven up beyond a current or subsequent farmer's ability to pay for the taxes, insurance and maintenance costs associated with the land. This discourages maintenance and continuation of the agricultural operation. As a result, policy C-AG-2.b conflicts with the County's own 2003 study and all other agricultural production continuation policies in the LCP. And, the policy received hardly any public vetting or input.

C-AG-2.b is a new policy that was sprung on the public at the last minute in August 2015. The County dropped this new policy proposal into the staff report a few weeks before its August 2015 Board of Supervisors hearing to approved the revised Land Use Plan. There was significant public outcry over the policy, overwhelming calling for the policy to be deleted entirely in agreement with the Commission staff's position. ***Including this policy fundamentally undermines and conflicts with all of the agricultural preservation policies that the County and Commission purport to advance.***

Further, the reality is that if this policy is included in a certified LCP, proponents will take that as the Commission's sanctioning of the policy ***regardless*** of the fact that a fully-formed policy would need to be approved as an LCP amendment by the Commission. The County's process on this policy to-date flies in the face of good government and the basic tenets of public participation guaranteed in the Coastal Act. Policy C-AG-2.b is a bad policy for the protection of agricultural production lands as the Commission staff agreed last year, and this policy absolutely should not be included in Marin County's LCP Amendment.

ENSURE ADEQUATE PUBLIC PARTICIPATION

The staff report incorrectly concludes that the procedural structure for public hearings in the LCP Amendment "maximizes" public participation. To the contrary, the public is shut out of nearly all initial permit decisions for coastal development on 2/3 of Marin's coastal zone – all of the C-APZ zoned lands. This is a major, fundamental change to public participation in Marin's coastal zone and appears to be a patent violation of Coastal Act section 30006.

3. Revise IP section 22.70.030.B.4 to require public hearings for all coastal development permits in order to comply with Coastal Act section 30006.

Coastal Act section 30006 states:

> **The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development**; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that **the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation**. (Emphasis added).

In Marin County's current Certified LCP, much of the allowable development on C-APZ lands under the definition of "agriculture" is classified as a permitted use, a conditional use, or isn't currently allowed. Also under the existing LCP, a farm is entitled to one (1) residential farmhouse but a permit on that receives a public hearing and is appealable to the Coastal Commission. As such, retail sales facilities, commercial processing facilities, a residential farmhouse, and farmworker housing all currently require a public hearing and are appealable to the Coastal Commission.

The proposed LCP Amendment would substantially amend the definition of "agriculture" to reclassify as Principal Permitted Uses on C-APZ lands 1) a farmhouse, 2) the new development right for an intergenerational house, 3) a retail sales facility, 4) a commercial processing facility, and 5) farmworker housing. With these changes, these types of development would almost always be exempt from public appeal to the Coastal Commission, and would rarely have a public hearing as part of the initial coastal permit.

The Commission asserts that public participation is "maximized" because, even though there will be no initial public hearing on 2/3 of CDPs, a member of the public can appeal the Zoning Administrator's decision to the Planning Commission which then will trigger a public hearing. This is hardly comfort. When the same staff that approve a CDP are then charged with writing a staff report to defend their decision after an appeal is filed in preparation for a public hearing, it will feel like the system is rigged against the public.

Roughly four years ago when I was engaged in the Marin County LCP process as the Executive Director of the West Marin Environmental Action Committee, we repeatedly asked the County not to make us have to file an appeal in order to get a public hearing. We wanted to have open, proactive dialogue up front, and not be put in an adversarial position in order to have a public hearing. I still agree with this position, and thus request that the Commission staff make appropriate modifications to the Implementation Plan procedures so that all CDPs, even for PPUs, have an automatic public hearing.

Further, while the newly classified PPUs on agricultural lands require a coastal development permit, they are not appealable to the Coastal Commission. Under 22.70.030.B.4 a public hearing "shall not be required when an application is not appealable to the Coastal Commission." As a result, in practice a public hearing will usually not be required for all of this development – unless someone files an appeal.

To meet the clear mandates of Coastal Act section 30006 guaranteeing the widest opportunity for public participation, the Commission staff should revise IP section 22.70.030.B.4 to require a public hearing on all coastal development permits. Given the significant lack of groundwater resources in the coastal zone, and the substantial amount of new development classified as PPU on agricultural production zone lands, it is particularly important that the public be afforded the opportunity to participate at the earliest possible time in the process.

PROTECT SCENIC RESOURCES

Marin's coastal zone includes Point Reyes National Seashore, innumerable state and federal protected resource areas, and the waters of the Greater Farallones National Marine Sanctuary, collectively described in the Marin County's certified LCP: "Tomales Bay and adjacent lands in the Unit II coastal zone form a scenic panorama of unusal beauty and contrast. The magnificent visual character of the Unit II lands is a major attraction to the many tourists who visit the area, as well as to the people who live there. New development in senstive visual areas, such as along the shoreline of Tomales Bay and on the open rolling grasslands east of the Bay, has the potential for signifcant adverse visual impacts unless very carefully sited and designed." While this poetic description is not included in the LCP Amendment, the importance of protecting the Marin coastal zone's "magnificent visual character" and "scenic panorama of unusual beauty and contrast" remains vital.

4. Delete "significant" in reference to protection of public views and scenic resources throughout IP and LUP to adhere to Coastal Act section 30251.

The introduction to the Community Design chapter of the Land Use Plan Amendment accurately states:

> The Coastal Act mandates that scenic and visual qualities of the coast shall be considered and protected as a resource of public importance. In particular, views to and along the coast shall be protected.

Unfortunately, Land Use Plan Policy C-DES-2 does not carry forward that simple, clear mandate and violates the plain language of the Coastal Act by qualifying the views that are to be protected as "significant" ones.

Coastal Act Section 30251 states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of

its setting. (Emphasis added).

Policy C-DES-2 states:

> Development shall be sited and designed to protect significant views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes. The intent of this policy is the protection of significant public views rather than coastal views from private residential areas. (Emphasis added).

We understand that section 30251 protects public views, and not views from private property, and have never asserted otherwise. However, the inclusion of "significant" in policy DES-2 is a clear limitation on the Coastal Act protections afforded the scenic and visual resources of the Marin coastal zone, which are magnificent and worthy of all the safeguards afforded them under the Coastal Act

The staff report does not adequately address the issue, but rather concludes that, "Policy C-DES-2, as modified, requires development to be sited and designed to protect significant views, and defines significant views to include views both to and along the coast as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and water used for recreational purposes." This interpretation is inaccurate – there is no "definition" in policy DES-2, the staff report does not include a plain language interpretation of the policy, and nowhere does the staff report address the clear limitation that "significant" places on the public views to be protected.

Policy DES-2 should be amended to remove "significant," and the list of LCP Amendment provisions where the word "significant" should also be removed in this context includes:

22.65.040.C.4.2	**Agricultural Dwelling Unit Impacts and Agriculture Use**
22.32.165.C.7	**Telecommunications Facilities**
22.60.010	**Purpose and Applicability of Coastal Regulations**
22.64.045.4.A	**Property Development and Use Standards**
22.64.060.B.3.b	**Environmental Hazards**
22.64.140.A.19	**Public Facilities and Services – Telecommunications Facilities**

These are our initial four points that we hope you will please take under advisement and then make necessary modifications to the LCP Amendment. We will provide further comments on additional items very soon.

Thank you for your consideration.

Respectfully yours,

Amy Trainer

W10a

CCC Meeting November 2, 2016
Comments Re: Agenda Item 10a
Marin County LCP Amendment
No. LCP-2-MAR-15-0029-1
(Marin LCP Update)

East Shore Planning Group
P. O. Box 827
Marshall, CA 94940
ESPG@eastshoreplanninggroup.org

October 27, 2016

California Coastal Commission
45 Fremont Street Suite 2000
San Francisco CA 94105-2219

By email to MarinLCP@coastal.ca.gov

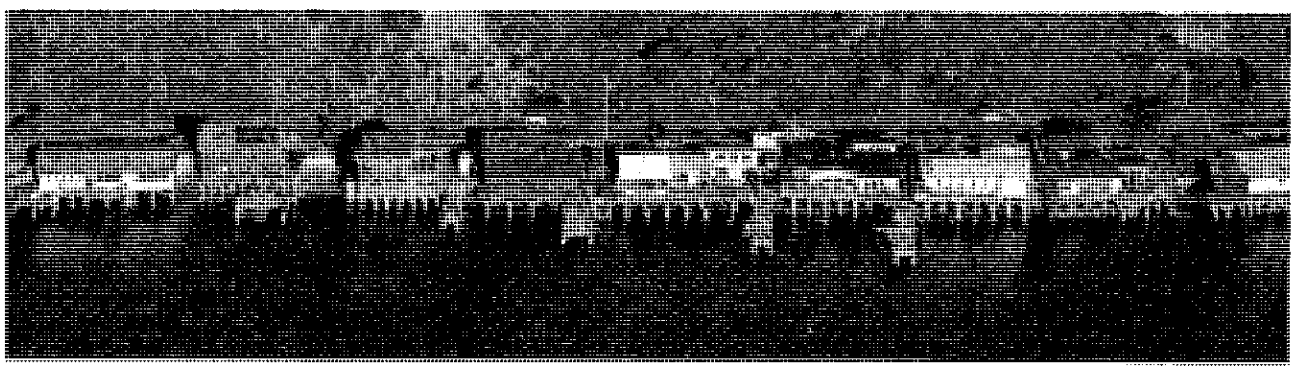
Dear Chairman Kinsey and members of the California Coastal Commission:

I write on behalf of the East Shore Planning Group. The East Shore Planning Group ("ESPG") is a California not-for-profit corporation formed in 1984 that has a membership of about 90 owners and tenants of residential, commercial and agricultural properties in the unincorporated area of Marin County along the east shore of Tomales Bay, including Marshall. ESPG is the primary local organization involved with issues of development in the area. We have been active in the formulation of the amendments to the Marin County Local Coastal Plan ("LCP") since the process began.

We wish to object to the Staff's proposed changes to the Marin County approved LCP Amendment in three areas: Coastal Hazards, Agriculture (regarding changes in use, changes in intensity of use and grading for agricultural activities), and the provisions regarding existing residential uses in commercial C-VCR areas.

Coastal Hazards

The changes recommended by the Staff of the California Coastal Commission ("CCC") would ensure the loss to sea-level rise of many homes and businesses in our community and the early demise of Highway One along the East Shore of Tomales Bay.



The County has spent countless hours studying the best process for addressing the protection of coastal homes like ours, where there is no possibility of retreat. Reinforcing existing bulkheads and pilings, along with raising the level of the buildings, is the only way in which they can be saved. Indeed, many of the bulkheads and foundations of our homes protect Highway One, which runs immediately behind the homes.

The requirements for repairing, reinforcing and replacing foundations, piers and bulkheads submitted by the County in its approved LCP amendments, while onerous, at least provide an opportunity economically to save the buildings. The modifications that CCC Staff proposes do not. They would require prohibitively expensive permitting for many gradual, partial repairs that pose no threat to the environment, and people seeking a permit would need to anticipate sea-level rise for 100 years into the future.

The County's Community Development Agency has very actively solicited input and information from community members, which has informed the LCP amendment that the Marin County Board of Supervisors approved. The CCC Staff has spent virtually no time inspecting the situation and meeting with the affected communities, and their proposals reflect that.[1] The Staff's proposals are naive and impractical. The Staff's proposed changes should be rejected in favor of the County's amended LCP.

Agriculture: Changes in Use and Changes in Intensity of Agricultural Activities

ESPG and the East Shore Community Plan strongly support agricultural activities in our area, and ranchers and farmers comprise a substantial portion of our membership. Accordingly, we are very much aware of the need for our ranchers and farmers to have flexibility with respect to their typical agricultural practices.

We believe the provisions in the amended LCP approved by the County strike a good balance between protecting the environment by requiring permits for certain activities, and also giving farmers and ranchers reasonable latitude in their response to changing conditions. Technological innovation, climate change and shifts in market dynamics necessitate timely experimentation and adaptation unencumbered by the delays, costs and uncertainties inherent in the coastal permitting process.

The County's approved amendment to the LCP addresses these critical issues in their recommendations regarding Agriculture. We strongly urge the Commission to adopt them without the additional permitting requirements proposed by the CCC Staff.

[1] Section 30006 of the Coastal Act: "The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." The CCC has not offered ESPG any opportunity to engage with CCC Staff on these matters, except by letters like this.

Threat to Residences in Commercial C-VCR Zones

In Tables 5-3-c through 5-3-e of the Implementation Plan[2], there is an unreasonable preference for commercial uses over existing residential uses in the Commercial C-VCR zone, especially in the proposed "commercial core area." In Marshall, in these zones there are a handful of businesses (e.g., Hog Island Oyster Co., the Post Office and The Marshall Store), but also twelve existing private homes, most of which are modest (i.e., affordable) and permanently occupied by local residents. Eight of these are in the proposed "commercial core area," where the regulations seek to require ground-floor, road-facing areas of existing and new residential units to become commercial.

Favoring commercial uses for buildings in the C-VCR zone could have an extremely damaging effect on our community, which is already suffering because of the loss of full-time residents to second homes, vacation rentals and the high cost of properties in the area. These twelve buildings house a substantial portion of the full-time Marshall community that we are trying to preserve.

With this in mind, we object to the Staff recommendations in these tables that would change residential uses from being "Principally Permitted" (as they would be under the Marin County approved amended LCP) to "Permitted". And we object to the Staff proposal that would limit the ability of an existing residence to be "replaced" – which may be required as they are affected by sea-level rise or a need to retreat.

Thank you for considering these comments.

Sincerely,

Lori Kyle

Lori Kyle, President

[2] Exhibit 13 to the Staff Report at Pages 58-63 (pdf pages 2164-2169)

RECEIVED
OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

AGENDA ITEM: W10a
Marin County Local Coastal Program
Amendment Number
LCP-2-MAR-15-0029-1

Ms. Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Victoria Sebastiani
OPPOSED

Dear Ms. Fiala,

I am a property owner in Stinson Beach and I am writing to ask that you please **vote YES on Marin County's LUPA and IPA as submitted**, and **vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.**

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin.

We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, plus our concerns about your staff's revision were simply ignored in what your staff submitted, and the document that members of the public helped to produce has simply been ignored and entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be catastrophic. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions.

To be clear, I worked very hard my entire life to be able to afford this property, and without this asset, my future financial security is in extreme jeopardy.

That this situation has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is not only unfair, it is a terrible reflection on your Commission.

Please act and vote to stop this action.

Regards,

Victoria Sebastiani

Victoria Sebastiani
274 Seadrift Rd.
Stinson Beach, CA 94970

cc: Shannon Fiala
Effie Turnbull-Sanders
Mary Luévano
Dayna Bochco
Wendy Mitchell
Mary K. Shallenberger
Mark Vargas
Martha McClure
Steve Kinsey
Carole Groom
Erik Howell
Roberto Uranga
Gregory Cox
Belinda Faustinos
Trent Orr
Olga Diaz
Steve Kram
Randy Pestor
Nidia Garcia-Erceg
Sarah Glade Gurney
Maricela Morales

W10a

Fiala, Shannon@Coastal

From: Johnston, Bob <rajohnston@ucdavis.edu>
Sent: Wednesday, October 26, 2016 9:52 PM
To: Fiala, Shannon@Coastal
Cc: Johnston, Bob
Subject: Comments on Marin LCP Amendments

Jack Ainsworth, Acting Exec. Dir.
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Email

CEQA Comment Letter on Traffic Safety
for Marin County Local Coastal Program Amendment
No. LCP-1-MAR-15-0029-1, for November 2, 2016 Hearing

Commissioners:

Topic:
I wish to comment briefly on the LUP and IP provisions that make a farmhouse, one intergenerational unit, ag retail sales building, and ag processing plant PPUs and so not appealable to the Commission. The higher rate of development resulting from the simplified permit process will produce more traffic, which will cause a higher number of accidents on Highway 1. My brief analysis follows. Because of these unmitigated impacts, these permits require a higher level of review by the public.

Qualifications:
I am a Professor of Land Use and Transportation Policy at the University of California at Davis. I have published over 100 papers on land use and transportation planning and have been appointed to a National Academy of Sciences panel reviewing metropolitan transporation modeling in the U.S., as well as California advisory groups, and local ones. I have been an expert in NEPA and CEQA lawsuits for over 40 years.

Comments:
Making several agricultural development types PPUs will make it easier to develop these land use activities in the C-APZ zone of Marin County. Based on parcel maps, historical buildout data, and ag production trends, I estimate that there will be an additional 20-40 agricultural residences, up to 30 small ag retail sales buildings, and up to 20 small ag processing plants built over the next 30 years, in excess of what would have occured. This is a large increase in economic activity and the users of these buildings will all access these structures from Highway 1, which in Marin County is already highly congested on weekends and is very winding and has poor sightlines along most of this segment.

These additional land uses will generate an added 2,000-3,000 auto trips per day, on weekends. The access driveways onto Highway 1 will in most or all cases have no right-side acceleration lane or left-turn pocket lane, as this highway is mandated to remain in two lanes and even minor widenings must not affect visual resources. More importantly, safe sight distance for driveways on highways with traffic going about 50 mph (the Southern half of the segment of concern) is 555 feet and for traffic at 40 mph (the Northern half of the segment of Highway 1) is 445 feet (FHWA, Safe Roads for a Safer Future, Briefing Sheet, FHWA-SA-14-080, 2014). About two-thirds of this 8-mile highway segment has smaller sightlines than either of these requirements. Many of the driveways will be unsafe, even if existing farm driveways are used for access to the new land uses.

Adding driveways to a two-lane uncontrolled rural highway increases accidents, for any given traffic volume, roughly in proportion to the percent increase in driveway density (per mile) (FHWA, Prediction of the Expected Safety Performance of Rural Two-Lane Highways, FHWA-RD-99-207, 1999; FHWA, Highway Safety Manual Knowledge Base, Nov. 2009).

Adding trips to a roadway increases the number of accidents roughly in proportion to the traffic volume increase.

Widening the Highway 1 shoulders may not mitigate the increase in accidents, as wider shoulders on two-lane highways have an ambiguous affect on accident rates, as sightlines are improved but speeds increase (FHWA, Roadway Widths for Low-Traffic Volume Roads, FHWA-RD-94-023, 1994).

So, because of the statutory limits to making improvements on Highway 1, this policy will very likely increase total accidents by increasing traffic on it, increasing the density of driveways accessing the Highway, and resulting in a great many unsafe driveways with inadequate sightlines and no slow-down lanes and left-turn pockets.

Recommendations:
Your staff should have evaluated these traffic safety impacts. Mitigating such substantial adverse impacts will require lower limits on the number of permits to be granted, especially for ag retail activities, which are high trip generators. Also, applicants for these land use activities should be required to perform traffic safety analyses that are subject to public hearings, so that the findings can be reviewed by the public and by outside experts.

Thank you,

Robert A. Johnston
USPS: P.O. Box 579
Point Reyes Station,
CA 94956
UPS/FedEx:
20 Drakes Summit Rd.
Inverness, CA 94937
Home: 415 663-8305

PETER A. BARRY, M.D.
P. O. BOX 369
ROSS, CA 94957

RECEIVED
OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

October 25, 2016

W10a

Commissioners California Coastal Commission
C/o Shannon Fiala Planner
45 Fremont Street Suite 2000
San Francisco California 94105

Dear Commissioners:

I own a house in Stinson Beach and am asking you to vote yes on Marin County's L.U.P.A. + I.P.A. and no on your staff's recommendations.

Basically staff recommendation would prevent me from protecting and maintaining my property. It would adversely affect my property value and my rights as a property owner and in effect be a takings.

I urge you to respect my rights as a property owner in Stinson Beach and adopt the carefully crafted Marin L.U.P.A. + I.P.A.

Thank you

Peter Barry MD.

W10a

RECEIVED
OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

Barbara Boucke

P.O. Box 296 273 Seadrift Road Stinson Beach, CA 94970

Oct 26, 2016
Item # W10a
OPPOSED

To the Commissioners of the California Coastal Commission

Please vote NO on the Commission Staff's MOTION's to modify and change Marin COUNTY's LUPA and IPA submittals.

I have been a full-time resident of STINSON Beach for 30+ years. I am active in our town's "community" and have served on the STINSON Beach County Water District Board for over 10 years. I know 1st hand how difficult it is to plan for repairs and replacement of septic systems as well as to plan for an adequate/safe water supply. Maybe we can plan for a 50 year WINDOW with 10 year updates but there is NO way anyone can plan for the NEXT 100 years, let alone plan for a "managed retreat" when we are surrounded by water and or/federal, state and water DISTRICT lands.

Our community has worked closely with Marin County staff to produce safe, sensible and fair regulations. Please respect our care & concern for our future and adopt Marin County's proposals.

Thank You,
Barbara Boucke

W10a

RECEIVED
OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

Agenda LCP-2-Mar-15-0029-1
Item W10a

Members of the California Coastal Commission,

Thank you for this opportunity to comment on the current changes to the Marin County Local Coastal Program Amendments.

We have discovered language and modifications to the LCPA which we find contradictory and unacceptable.

Under the heading Built Environment, we have the following comments:

Marin County Coastal Plan maintains its previously certified prohibition on major energy and industrial development in the coastal zone.These regulations Prohibit(CFR,Title 15,922) prohibit harmful activities..."within Sanctuaries to protect the sensitive resources found therein."The sanctuaries are The Gulf of the Farallones,and Monterey Bay National Marine Sanctuaries which border Marin County Coastal Zone. Given the prohibition of such offshore activities at least to the seaward extent of the Sanctuaries there is less likely there would be any proposals for related on-shore facilities in the coastal zone in the foreseeable future.

1. *Energy,Pg.89.Paragraph 4,line 7 beginning with "However,it is recognized that certain small scale renewable energy facilities (example:small scale solar and and wind energy conversion) may be necessary for the greater public benefit and thus maybe allowed where appropriate." We have no objection to small scale solar however we agree with Section 22.32.180 LCP Amendment ,WECS, 2015 #3 2016 #5,6,7 that clearly states "WECS are not allowed in the Coastal Zone.*

2. *We support the renewable energy policies stated in C-EN- 1 through 3, Standards,Public Information and Education and Incentives for Energy Efficiency.*

3. *Under C-EN-4, Renewable Energy Resource Priority we question the reference in line 6 to "streamlined planning and processing".There are specific regulations relating to "streamlining".This statement needs clarification. We request a definition of "scale" for these solar projects and that the reference to "wind conversion "be deleted.*

4. C-EN-4.a , 4.b We have previously submitted to the Planning Commission and the Board of Supervisors the maps of Marin showing the areas of various wind speeds prepared for the California Energy Commission by the wind energy companies. These maps clearly show that economically harvestable wind is not viable in Marin County. All references to wind projects should be deleted.

5. C-EN-5 Line 2 Add "solar" before energy production facilities. Delete the words"to avoid where possible,and minimize where avoidance is not possible"; under CEQA there are no exemptions or exceptions.

6. C-EN-6 Energy and Industrial Development are not exempt from CEQA as put forth in 22.32.180 WECS.

In the August 25,2015, Resubmittal of Local Coastal Program-Land Use Plan Amendments (LUPA) and Implementing Programs (IPA),22.32.180-WIND ENERGY CONVERSION SYSTEMS (WECS) (non-coastal)...concluded with the statement that"Wind Energy Conversion Systems (WECS) are not allowed in the Coastal Zone.

We applaud the exclusion of WECS from Marin's magnificent Coastal Zone,an international destination that hosts over 17 million visitors a year.West Marin Sonoma Coastal Advocates thanks you for your foresight.

Respectfully,
West Marin Sonoma Coastal Advocates
October 25, 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Marius E. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future over wash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. These are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, bafflingly exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has for a third time in three years attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, Environmental Hazards, subsection B.3 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "Existing shoreline protective devices *(e.g. the Seadrift Seawall)* shall not be incorporated into analyses". Our entire community is protected by the seawall. We have a court-mandated right to it. They are clearly attempting to end-run a binding agreement entered into by your own Commission by trying to sneak this language into the Environmental Hazards section; without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has blatantly attempted to *directly* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and ***waive any rights that may exist*** for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Your Commission already agreed under the Court order not to seek to remove homeowner rights to the protection of the seawall in Seadrift. Even worse, your staff again recently lost a court decision, this time

in *Capistrano vs CCC*, where the judge ruled that your staff had severely overreached in attempting to force homeowners to waive their rights to seawall protection; he was very specific that a potential "future threat" of needing to build or augment a seawall cannot be used to justify forcing a homeowner to waive their rights to protection. How can you permit your staff, when you have signed a binding court order, and then lost this argument once again in a court of law, to turn around and attempt to sneak the same language into LCP for the entire county of Marin?

My understanding was that the Coastal Act is supposed to protect the health and safety of residents along the coast. Why your staff seems so ideologically opposed to seawalls that they would seek to remove my protections, diminish my health and safety, and force me to waive my rights is beyond my comprehension. But they are clearly, as the judge noted, "overreaching" and out of control. Please reject their changes to the Marin LCP, and restore the balanced and thoughtful version submitted by the County.

Yours,

Marius E. Nelsen

Marius E. Nelsen
16 Dipsea Road
PO Box 1113
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My wife and I recently built an environmentally friendly home with a high green-point rating in West Marin. We are full-time residents in Stinson Beach. As a committed environmentalist, who served as a committee chair on the Sierra Club's National Outings Committee, I certainly appreciate the California Coastal Commission's commitment to protecting California's magnificent coast and ocean.

We have followed the development of Marin County's Local Coastal Plan (LCP) with great interest from both a community and a personal perspective and are writing to you to request that when you vote on Marin County's LCP, that you replace the CCC staff's proposed changes to the Environmental Hazards section with Marin County's original version.

As you know, the Marin County LCP was developed over more than eight years in a collaborative process involving the county, CCC staff, and community participation in various forms including at least a dozen public meetings. The result is largely a balanced LCP based on constructive engagement between your staff, Marin County, and the public.

The CCC staff's final submission, for the most part, recommended relatively few edits. Unfortunately, this was not the case with the Environmental Hazards section. They have included many pages of changes to this section previously submitted in 2014 and again in 2015, and rejected by Marin County because of the enormous damage they would do to coastal communities. The collaborative process that produced the Marin County version of the LCP contained an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. All of our hard work was simply ignored in the final revisions your staff submitted. The Environmental Hazards section that Marin County citizens and their government representatives produced has been entirely struck out and replaced wholesale by the CCC staff's submissions once again.

The arbitrary and capricious handling of the changes to the Environmental Hazards section by the CCC staff resembles the sort of unfair treatment both my wife and I experienced on a personal level during the permitting and planning stages for our present home. During the course of the CCC review process, the issue of possible impact of sea-level rise on our proposed home became more and more prominent. Initially the CCC staff requested information regarding "how the project will address potential sea-level rise impacts to the [our] lagoon deck" despite the fact that the CCC staff had surely been aware that the small man-made lagoon near our home has inlet and outlet flap gates that control the water level. Later the CCC staff

requested that we provide a Wave Run-Up study for this lagoon to which Ron Noble, a coastal engineer with a distinguished record and experience in our area, responded as follows:

> I didn't really need the example [of] wave run-up studies since we've specialized in the coastal engineering field for the past 45 plus years and have done thousands of coastal engineering studies of all types including many for the California Coastal Commission. My question was why are we doing a sea level rise, storm surge study, etc. for this small controlled lagoon, which is only connected to Bolinas Lagoon and subsequently the ocean through controlled inlet and outlet pipes with gates. Presently, there is no tidal impact or exposure to the ocean for this lagoon.

Looking back on this and other correspondence it is obvious that the CCC staff was struggling to find a way to address sea-level rise in our area, as it should, but that we were unfairly its "guinea pigs." The Wave Run-up Study cost us $11,361 (not to mention the thousands of dollars we had to spend on rent because of the extra time it took us complete the CCC application process).

Now the sakes are much higher. If the changes to the Environmental Hazards section of the LCP the CCC staff proposes pass, the impact on my property and my town would be substantial. Please, resolve this situation by restoring the originally submitted, thoroughly vetted Environmental Hazards section.

Sincerely,

David Bernstein

David Bernstein
257 Seadrift Road
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME:_Susan J. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which dovetailed LCP mandates with FEMA mandates – these had in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These weren't merely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never deigned to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an ***equal-probability*** chance of 100 year sea level rise: Anywhere from 18" to 6'6" along our coast. In other words, it is ***not*** the case that scientists are saying 'sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'6" so let's prepare for that' – according to the science, it is ***as likely*** to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probably between 18" and 6'6" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds, 100 years from now?

Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Alquist Priolo earthquake zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (were any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk; doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshhold, ***40 times the accepted state and national hazard risk threshold***. And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years - whereas FEMA flood and earthquake risks could happen any given year within the near or medium term. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that won't in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Topographically, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots with no "upland" area on which to build, and backed by miles of unbuildable state and national parkland. They would probably have known this had they asked us. And yet they insist on repeatedly pasting back in their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint... in such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along Wharf Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly why asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear why this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities fails; it's because it clearly was cut-and-pasted from a section on Blufftop Development, which is for a completely topology where setbacks actually are a sensible approach. We know this because we have copies of your staff's last-minute, midnight edits to the 2014 document where it is clear where one section was pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this end-run, trying to extend a Blufftop regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along blufftops and cliffs; nowhere in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, researched and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "retreat" in Stinson Beach. Your staff's egregious actions need to be reined in; Marin County's regulations need to be adopted instead.

Yours,

Susan J. Nelsen

Susan J. Nelsen
16 Dipsea Road
PO Box 601
Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Marius E. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which dovetailed LCP mandates with FEMA mandates – these had in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These weren't merely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never deigned to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an ***equal-probability*** chance of 100 year sea level rise: Anywhere from 18" to 6'6" along our coast. In other words, it is ***not*** the case that scientists are saying 'sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'6" so let's prepare for that' – according to the science, it is ***as likely*** to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math – assuming any given inch-level of rise is equally probably between 18" and 6'6" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds, 100 years from now?

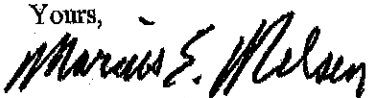
Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Alquist Priolo earthquake zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (were any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk; doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshhold, ***40 times the accepted state and national hazard risk threshold.*** And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years - whereas FEMA flood and earthquake risks could happen any given year within the near or medium term. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that won't in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Topographically, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots with no "upland" area on which to build, and backed by miles of unbuildable state and national parkland. They would probably have known this had they asked us. And yet they insist on repeatedly pasting back in their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint... in such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along Wharf Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly why asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear why this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities fails; it's because it clearly was cut-and-pasted from a section on Blufftop Development, which is for a completely topology where setbacks actually are a sensible approach. We know this because we have copies of your staff's last-minute, midnight edits to the 2014 document where it is clear where one section was pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this end-run, trying to extend a Blufftop regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along blufftops and cliffs; nowhere in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, researched and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "retreat" in Stinson Beach. Your staff's egregious actions need to be reined in; Marin County's regulations need to be adopted instead.

Yours,



Marius E. Nelsen
16 Dipsea Road
PO Box1113
Stinson Beach, CA 94970

W10a

RECEIVED
OCT 28 2016
CALIFORNIA
COASTAL COMMISSION

FAX: TO CALIFORNIA COASTAL COMMISSION (415) 904-5400

TO: ALL CALIFORNIA COASTAL COMMISSIONERS

FROM: CONLAN RANCHES CALIFORNIA

DATE: OCTOBER 27, 2016

COMMENTS FOR HALF MOON BAY AGENDA MEETING RE MARIN LCP

FROM MARIN COUNTY STAKEHOLDER

PAGES INCLUDING THIS PAGE: 8 (EIGHT) PAGES

PLEASE ACKNOWLEDGE RECEIPT TO IConlan@aol.com

THANK YOU FOR YOUR ATTENTION

Ione Conlan
Conlan Ranches California
Marin T (707) 876-1992
PO Box 412 Valley Ford, CA 94972

The information contained in this communication is confidential, may be privileged pursuant to the attorney-client privilege and/or the work product doctrine, may constitute inside information, and is intended only for the use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, be advised that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender IConlan@aol.com and delete this communication and all copies, including all attachments.

MARIN COUNTY LOCAL COASTAL PLAN - STAKEHOLDERS COMMENTS **W10a**

CONLAN RANCHES CALIFORNIA,

By Trustee Ione Conlan Descendant of 1866 Marin County Settlors

PO Box 412 Valley Ford, CA 94972

October 27, 2016 VIA FAX to (415) 904-5400 California Coastal Commissioners.

Honorable Appointed California Coastal Commissioners:

Thank you for the invitation for stakeholder and public comment.

RECOGNITION OF PRESENT STATUS OF CALFORNIA COASTAL COMMISSIONERS AND STAFF

It is a recognized honor to be *appointed* to a government position.

I have enjoyed the pleasure of such an honor in the past myself, as an Art Commissioner for five years for the City of Capitola- by- the- Sea; as an Organic Producer Advisor (COPAC) to the California Secretary of Agriculture Karen Ross for a like number of years as an organic cattle rancher in northwest Marin.

Recognition came as a descendent on the same farmland that dates back to 1866 continuously in agriculture in the same family receiving this year, the prestigious 150 year Award from the oldest agricultural association in California, the Heritage Club at the California State Fair EXPO 2016.

In 2014, I had the honor of appointment to the Marin County Measure A Oversight Committee which office I was unable to complete as I was one of the 350 thousand USA women diagnosed with breast cancer, or as we call ourselves *"tentative breast cancer survivors"*

A government appointment can be a heavy burden, with its own rules and regulations, oftentimes decisions and actions misunderstood, disagreed upon, causing grief and stress to both sides of the issue.

We all appreciate the hours of preparation work, time away from your own loved ones, the responsibility and sometimes thankless job, with currently apparently, unique personal liability.

MARIN COUNTY LOCAL COASTAL PLAN - STAKEHOLDERS COMMENTS

We are all aware of the recent commencement of litigation by a southern California Non-Profit, against members of this California Coastal Commission (hereafter CCC) for malfeasance in office, a serious charge which has received wide spread notice and publication.

The Plaintiffs are remarkably seeking to hold individual Commissioner's personally financially liable which entails enormous personal time, inconvenience and distress involving interrogatories, depositions, and as Shakespeare noted *"the laws and the laws delay"* not to mention Commissioner's personal expenses notwithstanding the publically announced defense provided by the CA Attorney General's office and taxpayer's dollars.

As Trustee of Conlan Ranches California (hereafter CRC) the CRC steps forward today, as a large, significant land- footprint stakeholder unduly alarmed by this draconian Marin County LCP which has not considered the "unintended consequences" for current landowners in the CCC zone, and future generations producing good clean organic local food.

CRC is Certified Organic lands, Animal Welfare Approved Certified Full Blood Wagyu (Kobe) beef production, in the Marin County Local Coastal Plan area, over one thousand acres, two miles bordering the precious NOAA recognized fragile ecosystem of the Estero Americano.

CRC has been recipient of many National and Regional Environmental Awards from the USDA NRCS, US Fish and Wildlife, National and State Cattlemen's Association, Eco-Farm, Farm Aid, et. al. as well as news publication recognitions from many agricultural organizations, such as Slow Food, Cattlemen's Association, Farm Bureau, et.al., CRC operates within the jurisdiction of the California Coastal Commission (hereafter CCC)

Ab initio, CCC has been accused of a Gerrymandering jurisdictional plan, pointing to the area of Oceana Marin directly on the cliffs overlooking the Pacific Ocean bay which has been exempted, carved out from CCC jurisdiction among several other areas, yet within sling shot distance of CRC lands.

The issue before this Commission for which CRC requests notice, involves the Marin Local Coastal Plan, as CRC Trustee, Ione Conlan, may be unable to attend the Half Moon Bay Hearing personally, because of health issues.

MARIN COUNTY LOCAL COASTAL PLAN - STAKEHOLDERS COMMENTS

However, CRC requests assurance to be heard for the record, and or for future litigation, acknowledging that all letters @ April 2016 to Marin Board of Supervisors have been forwarded to this Commission by the Community Development Department of Marin County.

YOUR CCC STAFF IS IN NEED OF PROFESSIONAL RETRAINING

CRC and others in northwest Marin have been neglected and confined to what is commonly termed, *"the West Marin Farm Ghetto"* without cell service, Internet, unsafe county roads, and other health and welfare accommodations enjoyed by the other cities, communities, and unincorporated areas of Marin County.

CRC along with many other stakeholders with their own grievances, objects to the ongoing and (unfettered by reasonable supervision), the costly decisions arrived at for too many years of unilateral decisions, by CCC Staff without regard for stakeholders and what affect these decisions will impact on current and future generations.

Many of these CCC decisions are frequently judicially overturned costing taxpayers too many dollars, and a backlog of CCC cases, usually caused by overzealous CCC staff which has brought this widow Trustee writer to tears by arrogant rude and unprofessional personal invasive questions, and he will remember well the incident, and management which failed repeatedly to return calls, treating inquires with disdain and dismissal.

Whereas, a workshop negotiation of stakeholders and staff in a cooperative congenial face to face workshop, around a table may have avoided wasting all those taxpayer dollars and the backlog of CCC litigation.

Uninformed, perhaps well- meaning but *misinformed* CCC staff have diminished and disposed of property rights, with a flick of a pen. A reading of the American Constitution and training by a competent attorney, should be a requirement for CCC staff Interpreting the Coastal Act, which they presently perform, cavalierly and unilaterally, without stakeholder input, without meaningful agricultural knowledge and understanding of how the American Marin farm/ ranch operates, thus composing rules and regulations that are laughable if not tragic.

MARIN COUNTY LOCAL COASTAL PLAN - STAKEHOLDERS COMMENTS

UNFAIR ADMINISTRATION OF COASTAL COMMISSION LEGISLATION

We therefore request this Commission require your Staff to listen to the voice of the Marin County Community which has been largely ignored in this seven year saga process by arrogant CCC staff demeaning taxpayer callers who support their salaries.

CCC Staff should be required to conduct meaningful small area workshops within the West Marin Community so that CCC Staff, County Planners, and all stakeholders may educate each other and negotiate a win-win for this LCP to be a model for the entire California Coastline.....

Rather than the one sided bullying of these CCC Staff "Lords" who have never cleaned out a chicken coop, sat up all night with a sick calf, experience drought where humans sacrifice water for their animals and suffer days and days without power, never any cell and unreliable Internet service, and if land lines are down, there is no method to call for emergency health care to save lives.

These "Lords" sitting in their comfortable office receiving their regular paychecks are designing a third world protocol for Northwest Marin, while across the County tennis courts, swimming pools, vet clinics for their small animals are allowed, along with "McMansions" private boat docks, Chapels for religious services and all the other perks of Marin County life.

However in northwest Marin County, commonly referred to as the *"farm ghetto of West Marin"* where recorded in the Marin County Community archives, you will hear an appointed Commissioners proclaim, *"a double wide trailer is good enough for those farmers up there in west marin"* and another (while living in a four million dollar neighborhood) *"a farmer doesn't have to live on the farm to be a farmer....I know some who don't"* ...yes Trustee knows one too, who collects USDA mailbox subsidy income for sorghum, peanuts, rice, wheat and other commodities, a socialite in New York City with a summer home on the 17 mile drive in Monterey County. *That is not the rancher/farmer in West Marin...*

."And" this Commissioner continued, "we want to be sure if a generational house is allowed they must be actively farming" therefore the restrictive covenant in perpetuity required. (poor spinster disabled Aunt Sue will be jettisoned off the

ranch along with Grandma and Grandpa who worked a lifetime on the lands because they are not "actively engaged" (hands on) in the day to day farm work

Let us repeat once again:

Up in northwest area farm ghetto of northwest Marin, we have no cell service and only intermittent Internet access. Emergency health and welfare remains at risk. No cell towers are not allowed in the "farm ghetto", with dangerous slippery roads during storms with ocean dew and rain, telephone and electrical wires down in vehicle hits or storms sometimes taking several days to re- establish with loss of power which farm generators cannot sustain, ranchers lose product and profit, and heaven help anyone in an accident, with land lines down, no cell service, emergency service is non- existent.

GERRYMANDERING COASTAL JURISDICTION

The explanation for Oceana Marin exclusive largely unknown exemption from CCC jurisdiction and exclusion for 250 lots with beautiful homes, which are perched on the sea cliffs (while CRC is over three miles inland) , is that the 250 fancy enclave reports they *"existed before or contemporaneously with the enactment of the California Coastal Commission Legislation, so are exempt."*

This explanation is not acceptable. CRC farm and ranchlands pre-existed this development over one hundred years before the CA Coastal Commission and long before Oceania Marin's 250 subdivision came into being. This kind of favoritism and discrimination is not acceptable and disquieting.

Yet this Marin Local Coastal Plan (LCP) denies our farmlands the simplest use of agricultural production, merging separate legal parcels, restricting viable uses and is facially unconstitutional as proposed

Here is a brief overview of what has been presented and your staff will provide you with the citations:

The overall concept spoken and promoted is the snobbery of *"no McMansions in northwest Marin coastal zones which are to be kept as simple farm ghettos, and disregard the 12- 16 thousand sq. ft. homes in Tiburon, Ross or Belvedere"* on one or two acres or less, even though *these McMansions did not exist in 1866, however, our grandfather had such a building which unfortunately was*

destroyed by fire which this descendant Trustee can produce a photo of such and can be found in local libraries.

Nor can Oceana Marin point to lands continuously in agriculture in the same family and now being penalized for being one of the last standing, and the only over one thousand acre ranch which is not in MALT and achieved so many Awards.

CRC preserved these lands through *"blood, sweat, tears and toil"* buying CRC lands over and over again with inheritance taxes, suffering ten years of bankruptcy 1984-1994 paying every creditor in full with interest, surviving floods, fires, storms, drought, predators human and animal.

Now comes this Local Coastal Plan (LCP) which diminishes the value of CRC lands in a taking without compensation, usurping that which the Marin Agricultural Trust (MALT) has paid landowners for these restrictions which are now proposed to be legislated by this LCP.

Following is a micro view including *some of the most offensive provisions* but not limited to the following:

1. Economic diversity of crops, farmer Jones must apply for a costly CCC permit for usual and customary agriculture uses---changing crops

2. Veterinary Clinics are absolutely forbidden (farmer Jones must travel 60 miles roundtrip for Vet Services)

3. Religious chapels and ceremonies are absolutely forbidden (ours in our sanctuary grove has existed since the 1800's)

4. Jettison off the ranch Grandma and Grandpa and sister Sue because they are not able to be actively engaged in the day to day work on the ranch

5. Restrictions and Limitation of covered buildings to 8,040 sq. ft. including the existing buildings already on the farm/ranch in the event a home would be built for farmer Jones's son or daughter and family and only if landowner

can capture one of the only 27 generational houses that may be available in the entire county, and special permits required.

The 8,040 includes the existing farm house, hay barn, farm shop, chicken coop, farm equipment barn, covered corral chute area, animal shelters, all which are to be clustered within 100 ft. of each other, and out of sight of the county roads (which CRC's grandfather granted to the County

And further, there shall be no homes on the ridgeline (such as is allowed in Oceana Marin's 250 lot area with its two open sewer pits which are migrant bird habitat, flying over our lands subjecting our precious Wagyu cattle, a closed herd, to outside disease with their droppings in our water troughs and natural clear water spring ponds.

REQUEST AND CONCLUSION

Let this Coastal Commissioner's group do the right thing. Send this LCP back to the County, plan several small workshops in various areas of Marin, include CCC staff and the local Marin County Planning Staff who are hardworking intelligent courteous and professional members, who will introduce CCC staff to the stakeholders in this plan, and perfect a grand decent plan which will be negotiated with all stakeholders in Marin, so that every interest gives a little to make the whole an acceptable plan that shall be a winner for all, and model for the entire California Coastline.

Sincerely,

Conlan Ranches Calif by Ione Conlan, Trustee

Conlan Ranches California by Ione Conlan, Trustee

Manna, Jeannine@Coastal W10a

From: frederique joly <frederique.joly@gmail.com>
Sent: Friday, October 28, 2016 1:22 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

frederique joly
940 milwood ave
venice, CA 90291

W10a

CoastalMarinLCP

From: Roberta Hawthorne <robertahawthorne@gmail.com>
Sent: Friday, October 28, 2016 2:33 PM
To: CoastalMarinLCP
Subject: W10A

Please join us in contacting the California Coastal Commission. Email Planner Shannon Fiala before Monday, Oct. 31 at MarinLCP@coastal.ca.gov(link sends e-mail), referencing agenda item W10a, expressing your opposition and asking the commission not to adopt these changes at its hearing on Nov. 2.

resident stinson beach

W10a

Fiala, Shannon@Coastal

From: Catherine Caufield <caufield@visionroad.us>
Sent: Friday, October 28, 2016 10:43 AM
To: Cave, Nancy@Coastal
Cc: Fiala, Shannon@Coastal
Subject: Community Centers
Attachments: Community centers Caufield 10.28.16.pdf

Dear Nancy,

Shannon may have spoken to you about this, but I wanted to share my concerns about the definition of Community Centers and express how important I think it is that Staff make this amendment before next week's hearing. Although this is important, it is so small and obscure that, no matter how convincing the argument for the change I advocate, it is unlikely that the Commission will have time or energy to focus on this with the many large and contentious issues before it.

Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public.

Please make this small change before the final hearing!

Many thanks,

Catherine Caufield

October 28, 2016

Re: Marin County LCPA Implementing Program, Community Centers

Dear Nancy,

I know you are busy with the LCP hearing coming up soon, and I apologize for adding to your load.

To be brief, I hope that Commission staff will amend the definition of "community centers" that is presently in the LCP before the hearing. This is a small but important issue and I am afraid that, with the many large contentious issues it must consider, the Commission will not get to something at this level of detail. Therefore it is important that the staff present the Commission with something that they will not need to change.

My concern is that in the revised LCP Community Centers are now a conditional use in C-RSP zones, yet there is nothing to distinguish Community Centers from any other commercial activity. I pointed this out to Kevin Kahn in late 2015 and the definition was revised to require community centers to be non-profits. However, the definition was ultimately revised again to allow community centers to be commercial enterprises, only requiring them to be visitor-serving. Here is the revised definition (the language added is underlined):

> *This land use consists of multi-purpose meeting and recreational facilities <u>that are designed to enhance public recreational access and visitor-serving opportunities, and</u> typically consist of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.*

Despite the implication of the name "community center," there is nothing in the definition that requires that this use be operated by a public entity, or in the public interest. It is simply a place where parties and other events can take place on a commercial basis. This is completely inappropriate for a coastal residential zoned area. It opens up nearly every property in coastal West Marin, especially those along Tomales Bay, to being rented out for weddings, parties or "retreats." This was not the intention of the original zoning, nor, I believe, of the amendment. Most people who are aware of the amendment have assumed that community centers would be operated for the public good and by a public entity.

This change is also inconsistent with the LCP's vision for Tomales Bay. The original LCP for Marin (policy 8(d), p.215) set zoning requirements for properties on the West side of Tomales Bay. The Yacht Club, Golden Hinde Boatel and Inverness Motel were identified as the only three commercial venues, to be rezoned to RCR. All other properties, apart from parklands, nature preserves and private beaches, were to be zoned residential. This rezoning has been accomplished. Changing the zoning now to allow more commercial uses on Tomales Bay would be inconsistent with the original and continuing vision for this centerpiece of West Marin.

This amendment was not the result of debate and deliberation. Rather it was done simply to create consistency between the non-coastal and the coastal parts of the Marin County Development Code. This is a worthy bureaucratic endeavor, but a bad way to address land use in the sensitive coastal zone.

There are, in addition to commercially zoned properties, numerous properties on both sides of Tomales Bay that put on events without a permit. These operations are currently the source of many complaints from neighbors regarding noise and traffic issues. With this zoning change, their owners and many others may soon be able to operate private commercial event spaces legally. Although one would hope that the Planning Commission, Board of Supervisors and Coastal Commission would not grant use permits for commercial event spaces in a residentially zoned area, especially along the Bay shoreline, it would be better to alter the definition so that the intention to allow only true non-commercial low-intensity community centers is clear to all. **Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public.**

Thank you for your attention to this obscure, but important matter.

Sincerely,
Catherine Caufield
PO Box 884
Inverness, CA 94937

W10a

Fiala, Shannon@Coastal

From:	Catherine Caufield <caufield@visionroad.us>
Sent:	Friday, October 28, 2016 10:43 AM
To:	Cave, Nancy@Coastal
Cc:	Fiala, Shannon@Coastal
Subject:	Community Centers
Attachments:	Community centers Caufield 10.28.16.pdf

Dear Nancy,

Shannon may have spoken to you about this, but I wanted to share my concerns about the definition of Community Centers and express how important I think it is that Staff make this amendment before next week's hearing. Although this is important, it is so small and obscure that, no matter how convincing the argument for the change I advocate, it is unlikely that the Commission will have time or energy to focus on this with the many large and contentious issues before it.

Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public.

Please make this small change before the final hearing!

Many thanks,

Catherine Caufield

October 28, 2016

Re: Marin County LCPA Implementing Program, Community Centers

Dear Nancy,

I know you are busy with the LCP hearing coming up soon, and I apologize for adding to your load.

To be brief, I hope that Commission staff will amend the definition of "community centers" that is presently in the LCP before the hearing. This is a small but important issue and I am afraid that, with the many large contentious issues it must consider, the Commission will not get to something at this level of detail. Therefore it is important that the staff present the Commission with something that they will not need to change.

My concern is that in the revised LCP Community Centers are now a conditional use in C-RSP zones, yet there is nothing to distinguish Community Centers from any other commercial activity. I pointed this out to Kevin Kahn in late 2015 and the definition was revised to require community centers to be non-profits. However, the definition was ultimately revised again to allow community centers to be commercial enterprises, only requiring them to be visitor-serving. Here is the revised definition (the language added is underlined):

> *This land use consists of multi-purpose meeting and recreational facilities <u>that are designed to enhance public recreational access and visitor-serving opportunities, and</u> typically consist of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.*

Despite the implication of the name "community center," there is nothing in the definition that requires that this use be operated by a public entity, or in the public interest. It is simply a place where parties and other events can take place on a commercial basis. This is completely inappropriate for a coastal residential zoned area. It opens up nearly every property in coastal West Marin, especially those along Tomales Bay, to being rented out for weddings, parties or "retreats." This was not the intention of the original zoning, nor, I believe, of the amendment. Most people who are aware of the amendment have assumed that community centers would be operated for the public good and by a public entity.

This change is also inconsistent with the LCP's vision for Tomales Bay. The original LCP for Marin (policy 8(d), p.215) set zoning requirements for properties on the West side of Tomales Bay. The Yacht Club, Golden Hinde Boatel and Inverness Motel were identified as the only three commercial venues, to be rezoned to RCR. All other properties, apart from parklands, nature preserves and private beaches, were to be zoned residential. This rezoning has been accomplished. Changing the zoning now to allow more commercial uses on Tomales Bay would be inconsistent with the original and continuing vision for this centerpiece of West Marin.

This amendment was not the result of debate and deliberation. Rather it was done simply to create consistency between the non-coastal and the coastal parts of the Marin County Development Code. This is a worthy bureaucratic endeavor, but a bad way to address land use in the sensitive coastal zone.

There are, in addition to commercially zoned properties, numerous properties on both sides of Tomales Bay that put on events without a permit. These operations are currently the source of many complaints from neighbors regarding noise and traffic issues. With this zoning change, their owners and many others may soon be able to operate private commercial event spaces legally. Although one would hope that the Planning Commission, Board of Supervisors and Coastal Commission would not grant use permits for commercial event spaces in a residentially zoned area, especially along the Bay shoreline, it would be better to alter the definition so that the intention to allow only true non-commercial low-intensity community centers is clear to all. **Community centers in the Coastal Zone should be defined as being operated by not-for-profit community-based organizations and that they should be required to have the majority of events open to the public.**

Thank you for your attention to this obscure, but important matter.

Sincerely,
Catherine Caufield
PO Box 884
Inverness, CA 94937

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924 415 868 1224

October 28, 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED

VIA E-MAIL: MarinLCP@ coastal.ca.gov

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street
Suite 2000
San Francisco, CA 94105

Re: Marin County Local Coastal Program ("LCP") – Land Use Plan Amendments and Implementation Plan Amendments (November 2, 2016 Public Hearing).

Honorable Commissioners:

The Bolinas Community Public Utility District ("BCPUD") is a special district on the West Marin coast providing water, sewer, solid waste disposal and related utility services to the community of Bolinas and it is governed by a five-member Board of Directors elected by the registered voters of Bolinas. *The BCPUD strongly opposes the Coastal Commission staff's extensive and highly significant revisions to the Environmental Hazards sections of Marin County's Local Coastal Plan's Land Use Plan Amendments ("LUPA") and Implementation Plan Amendments ("IPA"), because those revisions fundamentally alter the substance and intent of the plan amendments presented to this Commission by Marin County after eight years of hard work and numerous public hearings and collaboration with affected coastal residents, service providers and numerous advocacy organizations.* While the other revisions proposed by your staff are relatively minor and largely acceptable, we urge the Commission to approve the Marin County LCP's LUPA and IPA only if the Environmental Hazards sections are restored *as submitted* to the Commission by Marin County.

There is much that could be said about the substance of the Commission staff's proposed revisions to the Environmental Hazards sections of Marin County's LUPA and IPA and why these revisions are objectionable, overreaching and/or beyond the scope and intent of the Coastal Act. At this juncture, however, we believe it is important to underscore the *failure of public process* presented by the proposed revisions. As previously noted, Marin County devoted eight years of staff time, effort and exceptional public outreach and involvement to develop the LUPA and IPA submitted to the Commission for approval last April. Marin County's updated LCP (including the LUPA and IPA as presented to the Commission) is compliant with the Coastal Act and implementing regulations and specifically tailored to the unique characteristics of the affected coastline, ecosystems, residents and visitors. Developing such a comprehensive update to Marin County's existing LCP required difficult compromises of competing viewpoints and commendable transparency – the very definition of a democratic process. Now, your staff essentially is asking this Commission to materially disregard that democratic process and accept versions of the LUPA and IPA with fundamental components (i.e., the Environmental Hazards sections) that were not written by Marin County or approved by its residents or other members of the public. This would be terrible public policy. On those grounds we urge you to *reject* the

Commission staff's proposed revisions to the Environmental Hazards sections and *accept* the LUPA and IPA as otherwise revised, but with the Environmental Hazards sections restored as presented to you by Marin County.

Thank you for your consideration of our comments.

Very truly yours,

Jennifer Blackman
General Manager

cc: Supervisor Steve Kinsey (via email skinsey@marincounty.org)
Shannon Fiala (via email shannon.fiala@coastal.ca.gov)

Manna, Jeannine@Coastal

W10a

From: Alice Polesky <askalice@pacbell.net>
Sent: Friday, October 28, 2016 1:18 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Alice Polesky
890 Kansas Street
San Francisco, CA 94107

Manna, Jeannine@Coastal W10a

From: Anne Parzick <alw4@sbcglobal.net>
Sent: Friday, October 28, 2016 1:13 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Anne Parzick
2612 Wavecrest Dr
City
Corona Del Mar, CA 92625

Carolyn K. Longstreth

P.O. Box 657, Inverness CA 94937
(415) 669-7514; (415) 233-2777 [cell]
ckLongstreth@gmail.com

W10a
LCP-2-MAR-15-0029-1

October 28, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to comment on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I agree with staff's recommendations and urge the Commission to adopt its October 21, 2016 Environmental Hazards suggested modifications. The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

Biological and Water Resources:

- I understand the need for flexibility in the width of ESHA buffers but am concerned that the conditions for approval of narrower buffers or activity within buffers will not be strictly enforced by the County. Please review these standards again keeping in mind the enforcement issue.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support staff's overall approach to the definition of "ongoing agriculture." However, the examples given of existing uses—"crop rotation, plowing, tilling, planting, harvesting, seeding, etc."— are inaccurate since most agricultural lands in the County are used for cattle, sheep and dairy pasture. The listed uses would increase the intensity of use in most cases and should be subject to a CDP permit. This section needs to be modified to reflect the above anomaly.

Public Participation:

- I object to the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee. Indeed, the new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,

Carolyn K. Longstreth
Inverness CA

W10a

From:	Ann Gessert
To:	CoastalMarinLCP
Subject:	Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date:	Friday, October 28, 2016 8:56:07 PM

October 28, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I have lived in West Marin for 44 years, and am concerned about the continued protection of the unique and vital aspects that make up our community. The Coastal Commission is one of the major agencies whose job is to protect and maintain the coast for all of us. While I am not a rancher, I support the ranching community as long as there is balance in how the area is managed, and the public has an opportunity to participate in commenting on the issues that arise. I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Community Character:

- I am particularly concerned by the new community core zoning requirements. In the decades I have lived here, I've seen the needs for housing rise as the availability has seemed to fall.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns. It's great to have all the restaurants, shops and services that are presently available. But to expand that without regard to the housing needs is short-sighted and will cause changes here that are not in keeping with the character of the area as it has been for such a long time.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested I understand that the Marin County Amendment is one of the first to deal with sea-level rise. A policy of this kind must recognize the far-reaching impacts on the entire region of the coastal area. What happens in Marin will affect our neighbors north and south of us. The only way this kind of policy will have any beneficial effect at all is if each individual permit applied for is measured to standards that recognize and account for the effects on the entire area.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Agriculture:

- I support the October 21, 2016 Coastal Commission staff's suggested modifications to the definition of ongoing agriculture: the ranchers who work the land in Marin must have flexibility in how they operate their ranches while at the same time our coastal areas and its resources need to be safe guarded. It's essential to maintain a balance between the two. I support keeping the definition in accordance with the staff's suggestions. They are the 'boots on the ground' regarding the delicate and important balance between agriculture and protection of the coast environment.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- We should be doing all we can to preserve and protect our wetlands. For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP.

Public Participation:

- Lastly, I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,
ANN GESSERT
Inverness, California

From: Joseph Niehaus
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Friday, October 28, 2016 7:25:06 PM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 JOSEPH NIEHAUS OPPOSED

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Joseph Niehaus
136 Seadrift Road
Stinson Beach, CA 94970

From: Greg Tyler
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 6:31:14 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

• I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

• The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

• The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

• I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

• For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

• I support the Coastal Commission staff's definition of "ongoing agriculture",

included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

• It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

• I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

• The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

• The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

• I am concerned by the new community core zoning requirements.

• West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
GREG L TYLER
PETALUMA, CA

Greg Tyler - 707-337-6038

W10a

From: Kathryn Johnston
To: CoastalMarinLCP
Subject: Agenda item W10a
Date: Friday, October 28, 2016 3:34:05 PM

Dear Shannon Fiala,
I write to express my opposition to the proposal; please do not adopt these changes. The community has spoken but the comments are being ignored--- not democracy in action.

Thank you
Kathryn Johnston
Marin property owner on Dipsea Road

Please join us in contacting the California Coastal Commission. Email Planner Shannon Fiala before Monday, Oct. 31 at MarinLCP@coastal.ca.gov(link sends e-mail), referencing agenda item W10a, expressing your opposition and asking the commission not to adopt these changes at its hearing on Nov. 2. Help us stop a disaster for Marin coastal communitie

W10a

From:	Paula Reynolds
To:	CoastalMarinLCP
Cc:	Paula Reynolds
Subject:	Opposition to Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date:	Friday, October 28, 2016 4:13:09 PM

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

OPPOSED

Commissioners of the California Coastal Commission

c/o Shannon Fiala, Planner

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin, volunteer President of the Seadrift Association and a member of the Stinson Beach Village Association. I am writing to ask that when you vote on Marin County's LCP, you replace your staff's proposed changes to the Environmental Hazards section with Marin County's original version. It is the only fair, respectful and right thing to do at this critical juncture.

I support the rest of Marin County's LCP. It is balanced and reflects years of constructive engagement and compromise between your staff, Marin County, and the public. In the final submission, your staff has recommended relatively few edits to most of the LCP, and I find them largely acceptable. The vast majority of your staff's recommendations should be accepted.

However, your staff has essentially "red-lined" our Board of Supervisors-approved language in one critical area, the Environmental Hazards sections of Marin County's LUPA and IPA, essentially proposing wholesale changes. Virtually identical changes were already rejected by Marin County in 2014 and 2015 because of the enormous damage they would do to coastal communities here. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program with an Environmental Hazards section that was balanced, and considered public access, view rights, and the health and safety of our neighborhoods. This was a long process with substantial local input. But all of our hard work was simply ignored in the final revisions your staff submitted. The Environmental Hazards section that we and many others helped Marin County produce has been entirely struck out, replaced wholesale by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and those of so many local neighbors would be substantial. My husband and I would be unable to protect our 1967 home from rising seas and floods or maintain it over time. Our

rights to develop or sell our property at a fair price would be taken away. Our entire community could disappear over time due to your staff's actions. This has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program. This is unfair, and it is undemocratic.

Please, resolve this situation by restoring the originally submitted Environmental Hazards section.

Sincerely,

Paula Reynolds

9 Dipsea Road, Stinson Beach, CA 94970

W10a

From: Donald Munro
To: CoastalMarinLCP
Subject: Opposition to Agenda item W10A
Date: Friday, October 28, 2016 4:06:25 PM

Dear Sir or Madam,

I am writing to express my opposition to agenda item W10A.
My home at 238 Seadrift Road in Stinson Beach is my only asset of value.
I am asking the commission to not to adopt changes at the November 2 hearing that will devastate the value of my home.

Best regards,

Donald Munro
238 Seadrift Road
Stinson Beach
CA 94970
415-717-8510

W10a

From: Janet Pasha
To: CoastalMarinLCP
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Friday, October 28, 2016 4:35:27 PM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 <JANET M. PASHA> OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Very truly yours,

Janet M. Pasha
206 Seadrift Drive

Stinson Beach, CA

W10a

From: Merwin Mace
To: CoastalMarinLCP
Subject: Marin County LCP
Date: Friday, October 28, 2016 4:43:08 PM

Attn: Shannon Fiala

Dear Ms. Fiala,
With reference to Agenda Item W10a, please ask the Commission NOT to adopt this item. It's adoption would be seriously detrimental to the interests of local property owners, and directly contrary to positions recommended by Marin County over the past three years.
Thank you for your support.
Sincerely, Merwin A. and Gail D. Mace
115 Evergreen Road
Bolinas, 94924

Sent from my iPad

From:	Ron Mallory
To:	CoastalMarinLCP
Subject:	Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date:	Friday, October 28, 2016 4:52:16 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Amanda Mallory
Larkspur, CA.

Sent from my iPad

W10a

From: Geraldine Sbragia
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 2:32:51 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing

agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
Geraldine Sbragia
Petaluma, California

W10a

From: Roberta Hawthorne
To: CoastalMarinLCP
Subject: W10A
Date: Friday, October 28, 2016 2:33:28 PM

Please join us in contacting the California Coastal Commission. Email Planner Shannon Fiala before Monday, Oct. 31 at MarinLCP@coastal.ca.gov(link sends e-mail), referencing agenda item W10a, expressing your opposition and asking the commission not to adopt these changes at its hearing on Nov. 2.

resident stinson beach

From:	Dan Lockwood
To:	CoastalMarinLCP
Cc:	Caitlin Pardo de Zela
Subject:	Opposition to agenda item W10A
Date:	Friday, October 28, 2016 12:49:00 PM

W10a

Dear Shannon Fiala,

As a home owner in Stinson Beach, I am very, very concerned about the potentially imminent changes to the Marin County Local Coastal Program that the Coastal Commission is trying to impose. I am requesting that the Coastal Commission **not** adopt the changes proposed on agenda item W10A on Wednesday Nov 2.

Sincerely,

Dan Lockwood & Caitlin Pardo de Zela
213 Seadrift Rd
Stinson Beach CA

W10a

From: Mary E. MACCREADY
To: CoastalMarinLCP
Cc: Mary E. MACCREADY
Subject: Agenda Item W10a
Date: Friday, October 28, 2016 11:18:47 AM

Dear Coastal Planner Shannon Fiala,

I am writing to urge you to oppose the changes proposed in Agenda item W10a.

To forbid people to maintain their houses, to protect them against rising sea levels, to do what they can to keep up their property on the Coast is absolutely unconscionable. Those of us who have property love our places, have kept them up for years, and, those who visit the area as well depend on the businesses that serve them along the shore. The measures proposed our tantamount to stealing our homes and our land, even before the rising water does, and, is wrong, wrong, wrong. There are communities, individuals, and, visitors who love this area, and, the Coastal Commission should be helping, not hurting, us.

Yours sincerely,

Mary MacCready

W10a

From: Patty Wilkerson
To: CoastalMarinLCP
Subject: Marin County LCP Amendment No. LCP-2-MAR-1S-0029-1
Date: Friday, October 28, 2016 11:08:35 AM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
PATRICIA WILKERSON

EMAIL (feel free to customize)
Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. Then less than two weeks prior to the vote, your staff deleted all of it and replaced it with their own regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the tiny chance flooding might occur in 100 years, when none of us will even be here? Crazy last minute proposals like this, written without sensible input from the people who actually live here, have to be stopped.

Yours,
Patricia Wilkerson
16 calle del resaca
Stinson Beach Ca.

From: Ed Nute
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 10:49:01 AM

October 28, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail: *MarinLCP@coastal.ca.gov*

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

The following are our comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a:

1. The new Coastal Visitor Commercial Residential Zoning (C-VCR) would make commercial use the principally permitted use in the entire district. Right now we get so many visitors to West Marin that sometimes on summer weekends it takes an hour to go a couple of miles on Sir Francis Drake Blvd from Inverness Park to Highway 1. We do not need to have more commercial uses that would attract more visitors. Also there is not much housing for the workers since long term rentals are difficult to find. There are at least 120 AirBNBs in the Point Reyes Station and Inverness area which have greatly reduced the available long term rentals. If commercial use increases there will be more and more visitors and commuting workers so the traffic will get worse leading to increased development pressures and demands for four lane highways into West Marin. Needless to say such highways would ruin the rural character people come here to enjoy.

2. The new agricultural entitlements allowing construction of retail spaces up to 500 square feet could exacerbate the traffic along Highway 1 and elsewhere. It does not take much retail space to attract visitors and their cars, which need to park somewhere. The retail oyster farms near Marshall create parking nightmares along the two lanes of Highway 1. Pretty soon large parking lots and wider roads will be needed.

3. The proposed LCP will limit public participation and require the public to pay high fees to review and appeal these types of permitted uses. It is our understanding that the Coastal Act requires the widest public participation and should not require a "Pay to Play" penalty for the public.

4. It is important that the Marin County LCP Amendment address sea-level rise and it is critical that the Amendment set a strong precedent for other regions. We urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

5. We do not agree that the creation of wetland buffer exceptions should be included in the proposed LCP. All wetlands are important and we should be doing all we can to preserve and protect them. We urge the Commission to include in the LCP specific, enforceable environmental standards to protect biological and water resources in the Coastal Zone and not establish exceptions.

6. Agricultural operators should have the flexibility to manage their land and optimize their crops to meet markets and climate changes, while also protecting the coastal resources. We support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification.

Ed and Marcia Nute
P.O. Box 314
Inverness, CA 94937
415-669-7710
e.nute@nute-engr.com

W10a

From:	MARIUS NELSEN
To:	CoastalMarinLCP
Cc:	Jeff Loomans
Subject:	Amendments to the LMC
Date:	Friday, October 28, 2016 10:03:00 AM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Marius E. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Seadrift at Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

In Seadrift, my home is protected from seaborne storm impacts by the Seadrift seawall, which has been in place for more than twenty years. Our right to it as homeowners is guaranteed by a court order that the County and your Commission entered into years ago. Our seawall protects us from high tide and storm surge flooding, as well as from any future over wash of the entire Seadrift neighborhood that could be a potential hazard as sea levels rise. These are the same hazards that your staff has said that they want to protect us from. Yet they insist on repeatedly removing language Marin County has developed in consultation with my community to ensure resident safety, bafflingly exposing my house to more risk from flooding and other hazards.

It is a right granted to me by the Coastal Act to have my house protected by a seawall, and one also guaranteed by the court order. Yet your staff has for a third time in three years attempted to insert language that removes this protection from my home. In their proposed Section 22.64.060, Environmental Hazards, subsection B.3 "Shoreline Development", they would require any development on my home or property to be done "without reliance on shoreline protective devices." Furthermore they would require me to site any work on my home or property such that "Existing shoreline protective devices *(e.g. the Seadrift Seawall)* shall not be incorporated into analyses". Our entire community is protected by the seawall. We have a court-mandated right to it. They are clearly attempting to end-run a binding agreement entered into by your own Commission by trying to sneak this language into the Environmental Hazards section; without the protection of the seawall, there would be no way to show in any analysis that over the next 100 years I would not be subject to wave impact, flooding, or storm hazards. My lot is flat, and there is no place to site it that would make it safe without a seawall from "any potential hazards". Were this policy to remain, I would effectively lose my ability to redevelop or resell my property, or to safeguard my home.

Even worse, in 22.64.060.B.8, "Applicant's Assumption of Risk", your staff has

blatantly attempted to *directly* strip away my rights to protection under the Coastal Act and the court settlement. A section that the County wrote simply to ensure that any property owner understand and record an agreement with the County that they are assuming risks of construction in a hazard zone has been hijacked by your staff. The County's language has been completely rewritten to instead read that I have to agree to "prohibit and ***waive any rights that may exist*** for new and/or augmented shoreline protective devices". I wouldn't even be able to add a deck to my property, or fix its foundation, without giving up my existing rights to protection. And if the seawall ever had to be fixed after storm damage, I end up with my home and my own safety endangered.

Your Commission already agreed under the Court order not to seek to remove homeowner rights to the protection of the seawall in Seadrift. Even worse, your staff again recently lost a court decision, this time in *Capistrano vs CCC*, where the judge ruled that your staff had severely overreached in attempting to force homeowners to waive their rights to seawall protection; he was very specific that a potential "future threat" of needing to build or augment a seawall cannot be used to justify forcing a homeowner to waive their rights to protection. How can you permit your staff, when you have signed a binding court order, and then lost this argument once again in a court of law, to turn around and attempt to sneak the same language into LCP for the entire county of Marin?

My understanding was that the Coastal Act is supposed to protect the health and safety of residents along the coast. Why your staff seems so ideologically opposed to seawalls that they would seek to remove my protections, diminish my health and safety, and force me to waive my rights is beyond my comprehension. But they are clearly, as the judge noted, "overreaching" and out of control. Please reject their changes to the Marin LCP, and restore the balanced and thoughtful version submitted by the County.

Yours,

Marius E. Nelsen
16 Dipsea Road
PO Box 1113
Stinson Beach, CA 94970

W10a

From: Alexis Laurent
To: CoastalMarinLCP
Subject: W10a opposed
Date: Friday, October 28, 2016 9:28:33 AM

forward this TODAY to this email address marinlcp@coastal.ca.gov

subject: W10a, OPPOSED

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Alexis Laurent

OPPOSED

Commissioners of the California Coastal Commission

c/o Shannon Fiala, Planner

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in

what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Alexis Laurent

210 Seadrift Road, Stinson, CA 94970

Alexis Laurent
415-306-2115
www.alexislaurent.com
www.thepearlsf.com

From: Elizabeth Pedley
To: CoastalMarinLCP
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Friday, October 28, 2016 3:12:47 AM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Dean & Elizabeth Pedley
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

We are property owners in West Marin. We are writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on our property and town would be terrible and costly to us as property owners. We would be unable to protect our home from rising seas and floods. We would be unable to maintain it over time, and our rights to develop or sell our property at a fair price would be taken from us. Our entire community of Stinson Beach could disappear over time due to your staff's actions.

That this has happened without public input and through wholesale replacement of our County's submitted Local Coastal Program is unfair and is a terrible reflection on your Commission.

Please act to stop this action.

Respectfully,

Dean & Elizabeth Pedley
59 Dipsea Road
Stinson Beach, CA 94970

W10a

From: Theresa
To: CoastalMarinLCP
Subject: Marin LCP
Date: Friday, October 28, 2016 2:02:05 PM

In reference to agenda item W10a, and as a Stinson Beach property owner, I want to register my outrage over the California Coastal Commission's redlining of the Marin L.C.P.

I am OPPOSED to Item No W10a.

Theresa Coleman
Owner
129 Seadrift Rd.
Stinson Beach, CA
(415) 609-4532 c

W10a

From: Tony Grant
To: CoastalMarinLCP
Subject: Opposition to Proposed Changes by Commission Staff to Local Coastal Plan
Date: Friday, October 28, 2016 3:12:29 PM

Dear Commissioners,

I am a home owner in Stinson Beach, California, a town I've been connected to for 40 years, and one in which my parents built a house 30 years ago and retired. I've since been fortunate to purchase my own home in this incredible coastal community, and I'm stunned to learn that so much planning with local residents and county officials is being discarded in favor of new language inserted at the last minute with little opportunity for comment or discussion.

I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please don't let these last minute changes go through and respect the careful planning of the local communities involved.

Respectfully,

Tony Grant
177 Dipsea Road
Stinson Beach, CA 94970

W10a

From: Gail Graham
To: CoastalMarinLCP
Subject: California Coastal Commission agenda item W10a
Date: Friday, October 28, 2016 3:19:40 PM

In the strongest words possible - PLEASE DO NOT MAKE THESE CHANGES to our current local regulations!!!!

They will destroy our West Marin communities.

Thank you,

Gail Graham

W10a

From: Peter B Weber
To: CoastalMarinLCP
Subject: Agenda item W10a
Date: Friday, October 28, 2016 2:46:57 PM

Dear sir or madam.

I have enjoyed a 56 year coexistence with the beach and the ocean at Stinson Beach. I feel that relationship and my property is endangered by your upcoming vote on November 2.

Regarding agenda item W10a, I wish to express my opposition to this item and I am asking the commission not to adopt these changes at its hearing on Nov. 2.

We look forward to working with the commission in the future to ensure a safe and sustainable plan that allows us to continue to enjoy these natural spaces and sustain our properties as a homeowner would normally be allowed.

Peter Weber, MD

W10a

From:	Johnston, A.C.
To:	CoastalMarinLCP
Cc:	"bcrawford@marincounty.org"; "skinsey@marincounty.org"
Subject:	OPPOSITION to Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date:	Friday, October 28, 2016 3:02:35 PM
Importance:	High

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: OPPOSITION to Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

Dear Commissioners,

We have had a home in Stinson Beach for over 25 years. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes were previously submitted by your staff in 2015 and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. The Seadrift Association and other citizen organizations have worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's proposals, were ignored in what your staff has once again submitted, and the document that members of the public helped to produce has been struck out and virtually entirely replaced by your staff's submissions.

If the changes that your staff proposes were to be approved, the impact on our property and our town would be devastating. We would be unable to protect our home from rising seas and floods, We would be unable to maintain it over time, and our rights to sell our property at a fair price would be taken from us. Our entire community could disappear over time due to your staff's actions. That this would happen without public input and through a wholesale replacement of the Local Coastal Program submitted by Marin County would be extremely unfair, reflect very badly on the processes and procedures followed by your Commission, and raise serious legal issues.

Please act to stop this action.

Respectfully yours,

Alan C. Johnston
47 Dipsea Road,
Stinson Beach, CA 94970

==========

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

W10a

From: MARIUS NELSEN
To: CoastalMarinLCP
Subject: LCP Amendments
Date: Friday, October 28, 2016 1:59:28 PM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME:_Marius E. Nelsen

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I own a home in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County staff worked hard with us to understand the community character of Stinson Beach, as well as its topography. In consultation with local stakeholders they developed a very workable set of regulations for development in flood zones which anticipates future sea level rise, keeps us safe, keeps us in our homes, and preserves neighborhoods that already do and would continue to fully respect public beach access and public view corridors. Marin County's approach was a sensible one which dovetailed LCP mandates with FEMA mandates – these had in the past frequently been in conflict, forcing either expensive variance processes or dangerous off-permit work – and added sufficient extra consideration of rising future sea levels such that our homes would be flood-protected under the most probable forecasts provided by current best available science for the next 50 to 100 years. And to balance current homeowner rights with unknown future changes to hazard forecasts, they provided for regularly scheduled updates to the LCP to account for the best available new science. This was a sensible, balanced plan to address sea level rise hazards in my community, and it was applauded by the Village Association, Seadrift Association, the Water District and other local community organizations.

Your staff then took this carefully crafted language, threw it out the window, and replaced it with the same old twice-rejected language they've attempted to force on Marin County, based on a "100 year maximum sea level rise" standard and an ideologically-driven policy of preferring "managed retreat" – having us move or remove our homes. These weren't merely minor edits. Three entire sections of the regulations, including the entire FEMA Flood Zones section, the Sea Level Rise section, and the Best Available Science section, were struck out. Not a word of Marin County's language was left. Not surprisingly, since they never deigned to consult with the public to learn how to create practicable regulations for the locale, what your staff replaced these sections with were the same old policies that have repeatedly been shown in the past two years to be scientifically and topographically inappropriate for our coastal community.

Scientifically, they have insisted on picking an arbitrary point in what best available science, based on the same studies repeatedly cited by your own staff, forecasts as an ***equal-probability*** chance of 100 year sea level rise: Anywhere from 18" to 6'6" along our coast. In other words, it is ***not*** the case that scientists are saying 'sea levels may rise only 18" over the next 100 years, but it is much more likely that they will rise 6'6" so let's prepare for that' - according to the science, it is ***as likely*** to be 18" as it is to be 78". And yet your staff decided, with no justification given, to force on Marin the most extreme end of that range. Let's do the math - assuming any given inch-level of rise is equally probably between 18" and 6'6" 100 years from now, then there is a 1/61 likelihood your staff is correct. It's not arbitrary and capricious to forestall a property owner from developing or maintaining their home on 1/61 odds, 100 years from now?

Having done the math, let's compare that to widely accepted standards already in force statewide and nationwide for acceptable risk management. FEMA establishes a 1% per year likelihood of flooding as a reasonable point at which to require extra burdens or denial of permitting to homeowners. Similarly, Alquist Priolo earthquake zones are evaluated on a 1% per year likelihood of risk. Such standards, evaluated over a 100 year home lifespan (were any such home actually built to last that long without remodeling), equate to a 1-(0.99)^100 risk; doing this last bit of math, the risk level to a home expected to last 100 years for which they require special construction standards, permits and hazard mitigation is a little over 63%. Your staff is instead asking to impose a 1.6% threshhold, ***40 times the accepted state and national hazard risk threshold***. And this for a risk that is effectively 0% likely for the next 10, 20, 30 or even 50 years - whereas FEMA flood and earthquake risks could happen any given year within the near or medium term. So your staff is also asking homeowners to incur these burdens, or even give up their homes, on a longshot more than 40x as unlikely as an earthquake and that won't in fact occur in the lifetime of the homeowner.

Wouldn't it be much more sensible to adopt a non-arbitrary risk policy, then revisit it every 10 years?

Topographically, your staff insists on policies completely inappropriate to a shoreline community such as Stinson Beach, one that is characterized by essentially flat lots with no "upland" area on which to build, and backed by miles of unbuildable state and national parkland. They would probably have known this had they asked us. And yet they insist on repeatedly pasting back in their rejected concept that "shoreline development shall be set back a sufficient distance, and/or sited on an elevated portion of the site, and/or designed to reduce the size of the structure or footprint... in such a way as to avoid flooding." The further my home is set back from the shoreline, the lower it would be. There is no substantially elevated portion of any lot west of Highway One in Stinson Beach (or along Wharf Road in Bolinas, or along the Tomales Bay coastline in Marshall and Inverness, etc). And exactly why asking me to shrink my house would make me safer from flooding logically escapes me. But it is fairly clear why this boilerplate your staff keeps attempting to reintroduce to "fix" our shoreline communities fails; it's because it clearly was cut-and-pasted from a section on Blufftop Development, which is for a completely topology where setbacks actually are a sensible approach. We

know this because we have copies of your staff's last-minute, midnight edits to the 2014 document where it is clear where one section was pasted and renamed to create this new "Shoreline Development" section. We assume they attempted this end-run, trying to extend a Blufftop regulation to Shorelines, because the Coastal Act only grants the power to regulate erosion along blufftops and cliffs; nowhere in the Coastal Act does Shoreline Development appear as a regulatory concept. Practices like this, sloppily creating regulations not even researched for the communities in question in the hope that no one notices, are simply bad government.

Your staff has taken carefully considered, researched and publicly discussed regulations and replaced them with cut-n-paste boilerplate that shows no respect for the science, character, or frankly for the citizens of my community. We are not willing to be "managed" into "retreat" in Stinson Beach. Your staff's egregious actions need to be reined in; Marin County's regulations need to be adopted instead.

Yours,

Marius E. Nelsen
16 Dipsea Road
PO Box1113
Stinson Beach, CA 94970

W10a

From: Vernon Smith
To: CoastalMarinLCP
Subject: Comments: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a
Date: Friday, October 28, 2016 6:17:21 PM

W10a
LCP-2-MAR-15-0029-1

October 26, 2016

Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via Electronic Mail

Re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.

- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that comprehensive sea-level rise policies are included in the LCP as there are cumulative impacts on entire coastal regions that should not be addressed by individual permitting processes.

- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, community character and balancing the rights and needs of property owners.

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability.

- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Agriculture:

- I support the Coastal Commission staff's definition of "ongoing agriculture", included in the October 21, 2016 modification and originally presented to the Coastal Commission in 2015. This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

- It is important to have a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.

- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.

- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Community Character:

- I am concerned by the new community core zoning requirements.

- West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the principally permitted use in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns.

Thank you for your consideration of these comments.

Respectfully,
FULL NAME
CITY OF RESIDENCE

W10a

Manna, Jeannine@Coastal

From: Michelle MacKenzie <michellehmackenzie@gmail.com>
Sent: Friday, October 28, 2016 1:12 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Michelle MacKenzie
2607 Graceland Ave
City
San Carlos, CA 94070

W10a

Manna, Jeannine@Coastal

From: Polly O'Malley <loislow@earthlink.net>
Sent: Friday, October 28, 2016 1:27 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Polly O'Malley
1311 Federal Ave
Los Angeles, CA 90025

W10a

Manna, Jeannine@Coastal

From: R. Zierikzee <inor@earthlink.net>
Sent: Friday, October 28, 2016 1:18 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

R. Zierikzee
845 Euclid Ave Apt 4
San Francisco, CA 94118

W10a

Manna, Jeannine@Coastal

From: S. Chapek <scc317@earthlink.net>
Sent: Friday, October 28, 2016 1:17 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

S. Chapek
845 Euclid Ave Apt 4
San Francisco, CA 94118

From:	Anushka Drescher
To:	CoastalMarinLCP
Subject:	Protect Marin"s Coast
Date:	Friday, October 28, 2016 1:38:03 PM

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Anushka Drescher

1431 WARD STREET
Sacramento
Berkeley, CA 94702

W10a

CoastalMarinLCP

From: Anushka Drescher <adrescher@sbcglobal.net>
Sent: Friday, October 28, 2016 1:38 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Anushka Drescher
1431 WARD STREET
Sacramento
Berkeley, CA 94702

W10a

Manna, Jeannine@Coastal

From: Thom Philipel <seaturtles@thornzone.com>
Sent: Friday, October 28, 2016 1:27 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Thom Philipel
977 kingwood st.
Santa Rosa, CA 95405

W10a

Manna, Jeannine@Coastal

From: Tessa Wardle <wardle@oxy.edu>
Sent: Friday, October 28, 2016 12:53 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Tessa Wardle
7 Hill Ave
Woodacre, CA 90041

Board of Directors

Bridger Mitchell, Ph.D.
President

Ken Drexler, Esq.
Vice-President

Terence Carroll
Treasurer

David Weinsoff, Esq.
Secretary

David Wimpfheimer
Director

Jerry Meral, Ph.D.
Director

Daniel Dietrich
Director

Cynthia Lloyd, Ph.D.
Director

Staff and Consultants

Morgan Patton
Executive Director

Ashley Eagle-Gibbs, Esq.
Conservation Director

Jessica Reynolds Taylor
Membership Director

Catherine Caufield
Tomales Dunes Consultant

west marin environmental action committee

W10a

LCP-2-MAR-15-0029-1
Environmental Action Committee of West Marin
Comments on Agenda Item W10a

October 28, 2016

California Coastal Commissioners
Jack Ainsworth, Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
Via US Mail & Electronic Mail

Re: Comments re: Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, W10a

Dear Mr. Ainsworth and Commissioners:

The Environmental Action Committee of West Marin ("EAC") respectfully submits the following comments on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, Agenda Item W10a, for the public hearing and action on request by Marin County to comprehensively update the Land Use Plan ("LUP") and Implementation Plan ("IP"). We will refer to both the LUP and the IP as the Local Coastal Program ("LCP") proposed amendment ("amendment" or "update").

As you know, EAC has been involved in Marin County ("County")'s LCP amendment process since the beginning in 2008. EAC is heavily invested in this process and is committed to ensuring the County maintains strong coastal policies that protect our priority coastal resources. Like the Coastal Commission ("Commission") and its staff ("Commission staff"), EAC wants to ensure that the County's LCP amendment is consistent with the Coastal Act ("Act"). In particular, the LUP must be consistent with Chapter 3 policies of the Act, and the IP must conform to the LUP.

EAC agrees with Commission staff that the LCP as County-submitted was inconsistent with the Act. Although the Commission staff's October 21, 2016 suggested modifications ("Suggested Modifications") contained in the October 21, 2016 Commission staff report ("2016 Staff Report") advance resource protections in many instances, in some key policy and implementation sections the amendment remains inconsistent with the Act and/or diminishes the coastal resource protections contained in the 1981 certified LCP ("Certified LCP"). EAC supports the 2016 Staff Report in several areas including the Environmental Hazards ("Hazards") chapter and the Commission staff's definition of ongoing agriculture. Our comments focus on the remaining critical deficiencies, and where possible include further specific modifications to the amendment that must be made prior to any certification by the Commission to ensure continued protection of coastal resources and consistency with the Act. EAC also raises a particular concern regarding a partial withdrawal of the amendments by the County.

For ease of reference, we have organized this comment letter by six areas of the amendment and/or issues, which are of particular concern to EAC: (I) withdrawal, (II) environmental hazards, (III) biological and water resources, (IV) agriculture, (V) community character, and (VI) visual resources, followed by a brief summary. In addition, please see Attachment 1 for additional specific substantive comments, procedural inconsistencies, and editorial concerns. Many of these comments are included in an effort to ensure that the IP is consistent with the LUP[1].

I. Withdrawal

A. A partial withdrawal of one or more amendments (but not all seven) would be highly problematic.

As an initial point, EAC's analysis presumes that the full update (as a package) is being considered by the Commission. Further analysis would be required by the public and the Commission should one section be withdrawn, since all seven amendments are meant as an integral piece. The below paragraph addresses some of EAC's concerns should a partial withdrawal be proposed at the November 2nd hearing.

It is not possible to adopt and/or certify only some of the seven County-submitted amendments (which make up the update), because the submitted LCP update serves as a complete replacement and total reorganization of the two prior County Certified LUPs (Units I and II) and the Certified IP. To use an analogy, the seven amendments are inextricably linked and they work in harmony together, like strands which weave together to make a single rope. It is impossible to rip out one strand of a rope and have the other strands properly function. If a single amendment is withdrawn, it will be very difficult to proceed and have consistency with Units I and II of Certified LUP and the Certified IP. The County-submitted individual amendments numbers one to seven do not either replace entire chapters or selectively modify

[1] *See* Coastal Act Section 30513

language in the Certified LUP (made up of Units I and II). To adopt and/or certify only some amendments, but not all seven, would be complete chaos for the public and the County planners. It would be very difficult from the public and the planners to know which potentially conflicting and duplicate sections of policies and implementation measures apply and which policies and measures do not apply. For example, if the update is adopted without the Hazards chapter then planners will have to refer back to Units I and II of the Certified LUP and the Certified IP to address hazards policies and standards. The result would be three LUPs and two coastal zoning codes that planners would have to use when conducting analysis for any development application. With multiple and perhaps conflicting versions, it would be difficult for planners to conduct a complete analysis and thorough analysis.

B. Postponement/Full Withdrawal

As discussed, a partial withdrawal is illogical. Postponement or full withdrawal are the only options that give the public sufficient opportunity for public participation to understand and analyze the implications of this comprehensive and complex LCP amendment. If the Commission decides to move forward in considering the LCP amendment at this time, we provide the following substantive comments.

II. Environmental Hazards

A. Land Use Plan

1. EAC urges the Commission to adopt the Commission staff's Suggested Modifications to the Environmental Hazards chapter.

The County LCP amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the amendment set a strong precedent for other regions. There is a serious need to address the effects of sea-level rise sooner rather than later, and to adopt policies which address the present, as well as foreseeable and inevitable effects of sea-level rise. Due to its institutional knowledge and statutory authority, the Coastal Commission is uniquely capable of guiding local government's response to sea-level rise in a coherent and consistent manner that protects coastal resources and the public trust without unlawfully circumscribing private property rights. The Commission has been vigilant on Environmental Hazards in the past in its issuance of Coastal Development Permits ("CDPs"), and can best apply this knowledge to the County's LCP. We believe the Suggested Modifications admirably achieve that purpose.

In contrast, the proposed Hazards policies submitted by County only address the narrow mandate of Section 30253(a) to "[m]inimize risks to life and property..." The County-submitted proposed Hazards policies do not adequately address the coastal resource protection mandates of Sections 30231, 30251, 30253(b), and others. Furthermore, the County-proposed policies put off into the future any meaningful action to adapt to sea-level rise, committing the County only to further study when the problem will be further aggravated. The net result of the County's proposals would be piecemeal adaptations by individual homeowners, exempted from permit

review and "deemed sufficient to comply with…the LCP," without regard to individual or cumulative impacts on coastal resources or the public trust.

Moreover, the County-submitted proposed LCP update is inconsistent with the Coastal Act and is not protective of public trust resources, marine resources, public access, community character, visual resources or other coastal resources. The County's proposed Hazards policies fail to follow the Commission's 2015 Sea Level Rise Policy Guidance[2] or to effectively use the Commission-provided C-SMART grant funds when drafting the Hazards Chapter, and so failed to include adaptation to sea-level rise measures.

In addition, the County-submitted proposed LCP update refers to "Potential Sea Level Rise Maps" which are an intrinsic part of the County-proposed LUP amendment. However, the "Potential Sea Level Rise Maps" were neither considered nor adopted by the County Board of Supervisors in April 2016, as is required by the Act and California Code of Regulations ("Regulations"). The references have been removed from the Commission's Suggested Modifications. Therefore, the County-submitted proposed LCP is not eligible for adoption by the Commission.

EAC urges the Commission to adopt the Commission staff's Suggested Modifications to the Hazards chapter. The Suggested Modifications succeed in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners. Furthermore, Staff Modifications in the Hazards chapter are consistent with Chapter 3 Act policies, the Regulations, and past Commission determinations[3], because they will protect the public trust, visual resources, and other coastal resources while allowing homeowners a reasonable way to cope with the impending challenges of sea-level rise. For example, in Commission staff suggested policy C-EH-17(8), the Sandy Beach Management Plan addresses the Act's requirement for continued public access to the beaches[4]. In addition, the Suggested Modifications have maintained many of the concepts that were previously certified by the Commission in 2014.[5]

---

[2] California Coastal Commission Sea Level Rise Policy Guidance, adopted August 12, 2015, *available at*:
https://documents.coastal.ca.gov/assets/slr/guidance/August2015/0_Full_Adopted_Sea_Level_Rise_Policy_Guidance.pdf

[3] California Code of Regulations Section 13540(c) states that for certification the LUP should be consistent with applicable past Commission decisions. *See* references to the Lundberg and Winget staff reports in the 2016 Staff Report for language that supports the Commission staff's language regarding redevelopment and removal triggers.

[4] *See* Coastal Act Sections 30210, 30211; *see also* Sections 30200 & 30001.5(c) "maximize public access to and along the coast…"

[5] *See* 2014 Final Commission Approved LUP, *available at*
http://www.marincounty.org/~/media/files/departments/cd/planning/local-coastal/2014-final-ccc-approved-lup.pdf?la=en

Specifically, EAC supports the Commission staff's definition of redevelopment in the Suggested Modifications, because it is consistent with past decisions, the Regulations, the Act and is nearly the same language that was previously certified by the Commission in 2014.[6] During last month's Commission meeting on October 6, 2016, Commissioner Kinsey stated:

> regarding the definition of redevelopment, it is important to "...address our legitimate interest in having redevelopment projects that exceed 50% of the structural changes to be bought up to contemporary standards.[7]

The Commission has a long history of distinguishing between limited repair and maintenance of a structure and redevelopment.[8]

2. The state has a continuing duty to reevaluate the public trust as the circumstances change, as is inevitable with sea-level rise.

Pursuant to the public trust doctrine, the state has a continuing duty to evaluate the public trust as the circumstances change[9], as is inevitable with sea-level rise. The trust duty can even prevent uses on non-public lands and the trust lands must be protected in their natural state. The trust duty can even prevent uses on non-public lands if those uses impact the public trust[10] and trust lands must be protected for trust uses, which includes protecting them in their natural state[11]. As the mean high tide line moves inland due to sea-level rise, the public trust lands will move inland as well. If it is blocked by shoreline protective devices that will pose further problems, as the boundary is meant to be measured as if these protective devices do not exist. Both existing as well as new development must be evaluated in light of the moving public trust boundary.

As the agency responsible for public access to California's beaches, the Commission has already adopted sea-level rise guidance which anticipates the inland move of the shoreline. The Commission's adopted 2015 *Sea Level Rise Policy Guidance* includes the following language as one of its principles: "Recognize that sea level rise will cause the public trust boundary to move inland. Protect public trust lands and resources, including as sea level rises. New shoreline protective devices should not result in the loss of public trust lands."[12] The Guidance further

---

[6] *See* page 30 of 2016 Staff Report.
[7] *See* October 6, 2016 Video regarding Item 15a, regarding City of San Diego LCP Amendment LCP-6-SAN-16-0043-3, ~32:38 on the video.
[8] *See* California Code of Regulations Section 13252(b)
[9] *See National Audubon Society v. Superior Court of Alpine County*, 658 P.2d 709 (Cal. 1983); *see also Marks v. Whitney*, 491 P.2d 374, 380 (Cal. 1971)
[10] *See National Audubon Society* at 658 P.2d at 711-12.
[11] *See Whitney*, 491 P.2d at 380.
[12] California Coastal Commission Sea Level Rise Policy Guidance, adopted August 12, 2015, at page 16 *available at* https://documents.coastal.ca.gov/assets/slr/guidance/August2015/0_Full_Adopted_Sea_Level_Rise_Policy_Guidance.pdf

states that:

> The State holds and manages all tidelands, submerged lands, and beds of navigable waterways for the benefit of all people of the State for statewide purposes consistent with the common law Public Trust Doctrine ("public trust"). In coastal areas, the landward location and extent of the State's trust lands are generally defined by reference to the ordinary high water mark, as measured by the mean high tide line. Public trust uses include such uses as maritime commerce, navigation, fishing, boating, water-oriented recreation, and environmental preservation and restoration.[13]

Pursuant to the Commission's Guidance and the public trust doctrine, the Suggested Modifications to the Hazards chapter successfully provide adaptation policies for when the public trust boundary moves inland. This is critical, because the Commission is best suited to handle this state issue at the present time. The time for bold decisions is now. The Commission has no choice but to adopt staff's Suggested Modifications to the Hazards chapter in order to fulfill its constitutional duty to protect the public trust.

3. EAC's Specific Concerns with Suggested Modification Policies

Policy C-EH-2 should be revised to include the bolded language so that the policy is fully protective and fulfills the Act's intent.

C-EH-2 Avoid and Minimize Hazard Risks and Related Impacts.

> Development shall be avoided in areas potentially subject to hazards to the maximum feasible extent. When development in such areas cannot be feasibly sited in a manner that avoids such areas entirely, then such development shall be sited, designed, and conditioned to minimize risks to life and property while mitigating the development's impacts to coastal resources**, public access, and visual and scenic resources for at least 100 years.** Mitigation shall include measures to avoid such impacts if feasible, particularly impacts related to public recreational beach access.

While 100 years sounds like a long time, there are opportunities for amendment built in the LCP process.

C-EH-5.2 Standards for Shoreline Development.

As further discussed below under (VI) Visual Resources, please delete the word "significant" before public views for consistency with Act Section 30251:

[13] Id. at page 40, n. 13.

"...a resulting building height that would exceed the zoning district height maximum may be allowed if the additional height does not adversely affect **significant** public views or community character;..."

III. Biological and Water Resources

A. Land Use Plan

1. The LUP should be further modified to remove any wetland buffer exceptions.

For 35 years, the Certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LUP. C-BIO-19 is problematic, because it clearly allows for buffer exceptions for any wetland, not just legally constructed wetlands. Commission staff's statement that "However, the proposed LUP clarifies that such a reduction can only be applied to legally constructed wetlands (meaning they were authorized by coastal permit or pre-dated coastal permit requirements)" is incorrect.[14] Perhaps, Commission staff is referring to Policy C-BIO-19(1)(d), but this is only one of the qualifying exceptions. Policies C-BIO-19(1)(a-d) are separated by "OR" not by "AND" so the wetland exceptions *do not* only apply to legally constructed wetlands, but they appear to apply to all wetlands.

Instead of adding in exceptions, we should be doing all we can to preserve and protect our wetlands, especially in light of the anticipated adverse impacts of sea-level rise on wetlands. At a minimum, the LCP update should offer protections at least as strong as the protections in the Certified LCP, rather than weakening existing policy.

2. The LUP should be further modified so that stream buffer adjustments are not too broad.

EAC continues to advocate that in order to ensure that exceptions to stream buffer requirements do not become commonplace, language should be added to policies for *Stream Buffer Adjustments and Exceptions* (C-BIO-25) so that the proposed exceptions to the 100-foot buffer requirement are limited.[15]

Proposed exceptions for stream buffer adjustments should be evaluated taking into account all contiguous lots under common ownership. Buffer adjustments should only be considered when the proposed development is a Principally Permitted Use ("PPU"), and a public hearing should be required for any proposed buffer adjustment.

[14] *See* 2016 Staff Report at page 68.
[15] *See* pages 12-13 EAC's 7/7/16 letter to the Commission for specific recommended language.

3. The LUP and/or the IP should include language that is consistent with Section 30240 of the Act and states that residential development is prohibited in ESHAs and wetlands because residential development is not a "resource dependent use."

The update is missing a clear statement that the LCP provisions are designed to ensure consistency with Section 30240 of the Act or that residential development is prohibited in Environmentally Sensitive Habitat Areas ("ESHAs") and wetlands, because residential development is not a "resource dependent use."[16] This reference is found in the Certified LCP[17] and in the 2016 Staff Report[18], but it should be addressed in the LCP itself. This is important because after the LCP is certified, it is the LCP and not the Act that governs implementation of the protections for ESHAs and wetlands.[19]

B. Implementation Plan

1. The IP should be further modified to include specific enforceable standards for biological and water resources and buffer reductions should be further narrowed.

EAC continues to urge the Commission to include specific, enforceable environmental standards to protect biological and water resources.[20] Enforceable standards are necessary to ensure long-term ESHA protections and habitat viability and to implement LUP policies.

In regard to IP Section 22.64.050.A.1.c.(10), the reviewing authority should evaluate eligibility for a buffer reduction only when all contiguous parcels under common ownership are considered when making an assessment of unavoidability.

2. Regarding wells, EAC supports changes to certain IP sections, which are necessary for the protection of groundwater resources.

Regarding wells, EAC supports Commission staff's Suggested Modifications to the following IP sections, which are necessary for the protection of groundwater resources: 22.64.080(A)(1), 22.64.140(A)(1.b), 22.64.140(A)(1)(b.3).

[16] *See* Coastal Act Section 30240(a).
[17] *See* Unit I of the Certified LCP at page 31.
[18] *See* 2016 Staff Report at page 68.
[19] *See McAllister v. California Coastal Commission* (2008), 169 Cal.App.4th 912, 926-930, 931-932
[20] Please revise IP Section 22.64.050(B) to include specific enforceable standards.

IV. Agriculture

A. Land Use Plan

1. EAC supports the Commission staff's definition of ongoing agriculture, included in the Suggested Modifications and originally presented to the Commission in 2015.

EAC supports the Commission staff's definition of ongoing agriculture, included in the Suggested Modifications and originally presented to the Commission in 2015.[21] This definition is a reasonable and balanced way of protecting our farmers and agricultural lands in the face of growing economic and climate challenges.

EAC supports the Commission staff's definition of ongoing agriculture, because it provides protection for coastal resources, such as land and water. The definition provides flexibility for farmers in several areas, while requiring coastal development permits ("CDPs") for agricultural use changes that may have greater coastal resource impacts, which do not qualify for a de minimis waiver. For example, the conversion of grazing crops to crop production still requires a CDP. This makes sense since this type of change involves ripping the land, certain coastal areas are best suited to grazing, and growing crops is much more water-intensive than grazing. Viticulture, which has huge water impacts and involves the potential development of both new water sources and terracing, also requires a CDP. However, the Categorical Exclusion Orders E-81-2 and E-81-6 expressly exclude some of the agricultural activities that under the proposed definition would require a CDP, such as viticulture and water impoundment.

In comparing the update to the Certified LCP, it is important to note that the update provides new flexibility and procedural streamlining for agriculture. Unless categorically excluded, the Certified LCP *currently* requires a CDP for agricultural activities that constitute a change in the intensity of use of land or water, and many routine agricultural activities are

[21] The Commission's April 2015 staff report states (on page 88) that:
"What requires a coastal permit is development that constitutes either a change in use or intensity of use or new grading into an area that has not previously been farmed. In response to public comments that have been received on this topic, the Commission's suggested modifications expressly acknowledge that existing legally established ongoing agricultural production activities that have been part of a regular pattern of agricultural practices that has not been discontinued (such as ongoing rotational grazing and crop farming) does not constitute a change in intensity of use but is a recognized agricultural practice that helps to further productive use of the land. Therefore, to the extent the rotational crop farming or grazing has been part of a regular pattern of agricultural practices, it is not a change in intensity of use of the land despite the fact that the grazing and crop growing are rotationally occurring on different plots of land. Therefore, ongoing agricultural activities are defined to include an established pattern of agricultural production activities such as ongoing rotational grazing and crop farming."

already covered by the County's existing Exclusion Orders[22]. An example of where the update provides increased flexibility, under the Certified LCP, grading currently requires a CDP and under Commission staff's proposed definition of ongoing agriculture, grading would qualify for a de minimis waiver.

The Suggested Modifications succeed in providing a streamlined and balanced approach to the definition of ongoing agriculture that protects coastal resources and allows agricultural operators the continued flexibility to manage their land as markets and other factors change.

2. Some further modifications are needed to the LUP Agriculture chapter.

Some further modifications are needed to ensure that the LUP and IP related to agriculture are consistent with the Act. Recommended revisions are detailed below.

For clarity, a definition of common ownership should be added related to policies C-AG-2.A and C-AG-5.A. (*also see* Attachment 1).

In policy C-AG-9.A, the word "primarily" should be deleted.

a) The LCP update deems new commercial (retail sales) and industrial (agricultural processing) uses on C-APZ lands without the requirement and/or finding that development be "necessary for" agricultural production.

The LCP update deems all new farmhouses, first intergenerational houses, retail sales facilities, commercial processing facilities, and farmworker housing as "necessary for" agricultural viability without findings to support that result. Language should be added to the LUP and IP update that makes it clear that the "necessary for" requirement should be part of the County's mandatory findings to issue a CDP. The County should be required to make an affirmative statement that the proposed project is "necessary for" continued agricultural production as part of their CDP analysis. A case-by-case determination is logical to ensure, for example that there is a nexus between what is sold and what is produced on a farm and that these findings are consistent with the Act.

b) LUP Program C-AG-2.b. should be deleted, because it is inconsistent with the Act.

Program C-AG-2.b. should be deleted, because it is inconsistent with the Act. Furthermore, the County Planning Commission saw this policy for the first time at the September 26, 2016 Planning Commission hearing. Planning Commissioner, Wade B. Holland made the following statement at the Planning Commission hearing to consider the County's LCP amendments and provide recommendations to the County Board of Supervisors:

[22] *See* Exclusion Orders E-81-2 and E-81-6

> New program appeared…2-AG-2-b LUP Page 13. That clearly is something we never discussed…I find that program quite alarming…This is the option to Secure Affirmative Easements…It's just a program but it's really the camel's nose under the tent's flap. We are going to let people build non-agriculturally, study the possibility of people building non-agricultural residences on agricultural lands. This is something that never came to the [Planning] Commission, [it] is brand new.[23]

Mr. Holland's statement is concerning as it is an example of the lack of public participation, where new programs and policies have been added without adequate public review or involvement over the last four years.

B. Implementation Plan

1. The proposed LCP update includes many new entitlements for agriculture, as well as streamlining measures. However, these new entitlements must be balanced by public hearings and/or no fee appeals in order to assure the widest opportunity for public participation.

The LCP update provides new streamlining for agricultural development, in addition to the existing Categorical Exclusion Order provisions, reducing the overall burden on agriculture while providing new entitlements for housing, processing, sales. EAC is concerned by the increased agricultural entitlements in the LCP amendment without adequate opportunities for public participation or review.

The Coastal Act requires the widest opportunity for public participation[24], but the proposed LCP amendment drastically limits public participation, including the public's ability to review and appeal PPUs without paying a burdensome fee. The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

The addition of new entitlements and streamlining procedures must be balanced with public hearings or no fee appeals. While local appeals are permitted in certain cases, the appeal fees are very high. In other words, the proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250. Furthermore, the Community Development Agency's staff report for an appeal hearing

[23] Marin County Planning Commission hearing, September 26, 2016, Video Record at 01:08:23, *available at*: http://www.marincounty.org/depts/cd/divisions/planning/boards-commissions-and-public-hearings/planning-commission-hearings-page
[24] Coastal Act Section 30006

would necessarily support an administrative decision and would likely handicap any public appeal.

Furthermore, public hearing waivers are already available for permitted uses, which is a new streamlining procedure. Hearings should be required for farmhouses, intergenerational homes, and farmworker housing. All other large residential development outside of the C-APZ district requires hearings. Why would the C-APZ be any different?

Public hearings, challenge procedures, and no fee appeals are critical to uphold the Act's public participation mandate and cannot be diluted. Development proposals must be visible and the public must have the opportunity to challenge development when necessary. If a decision is appealed, then there will likely be an environmental reason behind the appeal.

a) Design Review should be included for Agricultural Dwelling Units and Retail Sales Facilities/Farm Stands.

The Suggested Modifications include language that requires Design Review for agricultural processing. However, for consistency, similar language should be added to the IP sections for both agricultural dwelling units and retail sales facilities/farm stands. Agricultural dwelling units include intergenerational houses, farmhouses, and agricultural worker housing. The increased agricultural housing entitlements should be balanced by Design Review provisions. An IP section such as 22.32.026.C. (*Agricultural Processing Uses*) should be added to IP Sections 22.32.025 (*Farmhouse*), 22.32.027 (*Agricultural Retail Sales Facilities/Farm Stands*), 22.32.028 (*Agricultural Worker Housing*), and 22.32.02x (*Intergenerational Homes*).

b) A clear distinction should be made between "agricultural use" and agricultural production."

Coastal Act Section 30241 requires that prime agricultural land be maintained in agricultural production and other development be concentrated on non-prime land. To be consistent with Section 30241 a clear distinction should be made between "agricultural use" and "agricultural production," because agricultural use is broader than production. Two examples are provided below to illustrate this point.

22.65.040 – C-APZ Zoning District Standards

A. Purpose. This Section provides additional development standards for the C-APZ zoning district designed to preserve productive lands for agricultural **use**, and ensure that development is accessory and incidental to, in support of, and compatible with agricultural production. "Appurtenant and necessary for agricultural production" means that the proposed development is needed to sustain an efficient and productive agricultural operation and to ensure continued agricultural viability. (emphasis added).

In the above IP Section, the bolded word "use" should instead say "production."

22.65.050 – C-ARP Zoning District Standards

A. Purpose. This Section provides development standards for the C-ARP zoning district designed to preserve productive lands for agricultural **use** through the clustering of allowed development. (emphasis added).

The above IP Section is another example where the word use should be changed to production.

c) The IP should be modified so that a farm tract can only have one retail sales facility PPU and one processing facility PPU

As an additional point, the IP needs to be revised so that a farm tract can only have one retail sales facility PPU and one processing facility PPU, so there would be only one retail sales facility PPU and one processing facility PPU per tract even with multiple operators.

V. Community Character

A. Land Use Plan and Implementation Plan

EAC is concerned by the new community core zoning requirements. West Marin's coastal village character is threatened by the new Coastal Visitor Commercial Residential Zoning (C-VCR), which would make commercial use the PPU in the entire district. We need to expand residential opportunities, not the commercial use of our hometowns. EAC supports the County's approach of having commercial as the PPU in the core with the residential PPU outside the core, to be addressed in a later amendment to the LUP and the IP.

In addition, regarding community centers, EAC recommends that a revision to the IP be made so that it is clear that in a residential district, community centers be operated by a non-profit and have open-access standards.

VI. Visual Resources

A. Land Use Plan & Implementation Plan

The protection of visual resources is fundamental to the Act[25], and the update should uphold these protections. As discussed below, EAC recommends that the IP includes a definition of "significant public view" as certified by the Commission in the 2014 LUP. However, this will not address the lack of visual resource protection related to Categorical Exclusion Orders.

[25] Coastal Act Section 30251

1. The LUP satisfactorily defines significant views as including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes.

C-DES-2 Protection of Visual Resources.
Development shall be sited and designed to **protect significant views, including views both to and along the ocean and scenic coastal areas as seen from public viewing areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, and coastal streams and waters used for recreational purposes.** The intent of this policy is the protection of **significant** public views rather than coastal views from private residential areas (emphasis added).

The intent of the last sentence in C-DES-2 was to distinguish public views, which are protected by Section 30251, and private views, which are not. The word "significant" in that final sentence is redundant and confusing and should be removed, consistent with Section 30251.

2. The IP, however, uses, but does not define, "significant public views." **We recommend that Chapter 22.130 expressly include the definition of "significant public view" as certified by the Commission in the 2014 LUP.**

22.65.040.C.4.2 Agricultural Dwelling Unit Impacts and Agriculture Use
"Any proposed agricultural dwelling unit and related development … shall be clustered with existing structures and development on the farm, pursuant to Section 22.65.040(C)(1)(d), and shall be sited and designed to protect **significant public views**"

22.32.165.C.7 Telecommunications Facilities
"New telecommunications facilities shall protect **significant public views** as required by Policy C-DES-2."

22.60.010 Purpose and Applicability of Coastal Regulations
This Article implements applicable provisions of the Coastal Act and the Marin County Local Coastal Program (LCP) … This Article implements applicable provisions of the Coastal Act and the Marin County Local Coastal Program (LCP) … **protect significant public views** …

2.64.045.4.A Property Development and Use Standards
In all cases, such fences, walls, trellises, or other similar structures shall only be allowed so long as such structures adequately protect **significant public views**

22.64.060.B.3.b Environmental Hazards
Where development consists solely of raising an existing structure by the minimum amount necessary to meet these flood elevation standards, a resulting building height that would exceed the zoning district height maximum may be

> allowed if the additional height does not adversely affect **significant public views** or community character
>
> 22.64.140.A.19 Public Facilities and Services – Telecommunications Facilities
> **Telecommunications facilities.** Ensure through siting, co-location, "stealth" design, and other measures that telecommunications facilities are designed and constructed to protect coastal resources, including **significant public views, …**
>
> 3. However, Categorical Exclusion Orders that exclude agricultural development (barns, … other necessary buildings, etc.) fail to include conditions that require that they not adversely affect public views.

The below examples from Categorical Exclusion Orders require an update:

"This Commission further finds that agricultural activities are a major contributor to the scenic resources of the coastal zone, and that the excluded developments will serve to enhance that resource. " (E-81-6, p. 4; E-81-6, Page Ten;)

"Development pursuant this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this this order is adopted by the Commission or zoning adopted by the County pursuant to the LCP certified by the Commission." (E-81-06, Page Four)

"Development under this exclusion shall conform with the County of Marin Local Coastal Program in effect on the date this exclusion is adopted by the Commission …" (E-82-6, p. 7)

The 2016 Staff Report supports this finding on page 61:

> excludable development must still be found consistent with the zoning in effect at the time of the orders' adoption (meaning the 1982 certified LCP). As such in order for development to be excluded, it would need to meet the 1982 certified LCP's requirements that development be clustered on no more than five percent of the gross acreage, to the extent feasible; be outside of wetlands, streams and their 100-foot buffers; and have adequate water supply, among other requirements.

VII. Summary

In sum, EAC urges you to adopt the Suggested Modifications while making additional changes as specified in this letter so that the LCP update is a comprehensive forward-thinking document that will fulfill the Act's intent of coastal resource protection, the widest opportunity for public participation and maximum public coastal access.

W10a
LCP-2-MAR-15-0029-1
EAC Comments on Agenda Item W10a
October 28, 2016

Thank you for your consideration of our continued concerns.

Respectfully,

Morgan Patton
Executive Director

Ashley Eagle-Gibbs
Conservation Director

cc *(via electronic mail)*:

Shannon Fiala, California Coastal Commission
Jeannine Manna, California Coastal Commission
Nancy Cave, California Coastal Commission
Dan Carl, California Coastal Commission

west marin environmental action committee

Attachment 1 to Coastal Commission Comment Letter

A. Additional substantive comments

IP – Initial paragraph, second sentence

In addition, this Chapter specifies permitting requirements that may be applicable for particular land uses, including Design Review, Sign Permits, and Second Unit Permits.

> *Add boldface*: "… including Design Review, Sign Permits, **Use Permits** and Second Unit Permits should be included."

22.32.026 – Agricultural Processing Uses

22.32.026.B(2). The restriction that agricultural facilities should not be located on prime agricultural land should be applied to processing facilities, as well as to retail sales facilities (as is required in 22.32.027B(2))

> *Add boldface:* "**2. The processing facility is not placed on land designated as prime agricultural land.**"

22.62.040 – Allowable Land Uses and Coastal Permit Requirements

The Commission staff's 2015 recommended language was deleted in the County's resubmission. The Commission staff recommended in its 2015 staff report (at 22.62.040.B.2) that:

> *"Any development that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use."*

22.62.040.B.1 Principally permitted uses, …

> *Add:* "**Any development that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use.**"

22.64.110 – Community Development

Note: *section number 22.64.110 is also used for Community Design*

New development needs to be located to protect visual resources.

22.64.110. 1. Location of new development

> *ADD boldface:* "New development shall be located within, next to, or in close proximity to developed areas with adequate public services and where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, **scenic and visual resources**, including coastal resources (Land Use Policy C-CD-1)."

22.70.080 – Appeal

The Commission staff's 2015 recommended language was deleted in the County's resubmission. The Commission staff recommended in its 2015 staff report (at 22.070.080.B.1.c) that:

> *"any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use."*

22.70.080.B.1.c

> *ADD boldface*: **"(any use that also requires the granting of a Coastal Zone Variance shall not be considered a principal permitted use)"**

22.70.120 – Expiration Date and Time Extensions

The certified IP requires that if the coastal permit was issued at public hearing, an extension of time shall be decided at a public hearing (22.56.120I).

22.70.120.A.(2,3,4)

Revise paragraphs A.2, A.3, A.4 so that:

> **"When a coastal permit is originally issued at a public hearing, an extension shall be decided by public hearing."**

22.70.120.A.2 of the IP needs additional language so that permit extensions cannot continue indefinitely. A coastal permit should expire after three years if not vested or extended. There should be a single, 3-year extension opportunity with the same hearing requirement as the initial permit.

22.70.150 – Coastal Zone Variances

The certified IP provides for appeal of variances (22.86.040I).

The Commission staff's 2015 recommended language (22.70.150.C) was deleted in the County's resubmission:

> *2.70.150.C. Appeal of Coastal Permit For Development Requiring a Coastal Zone Variance. Any development that also requires granting of a Variance shall not be considered a Principally Permitted Use per 22.70.080(B)(1)(c) and approval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080.*

Add new section:

> **"22.70.150.C. Appeal of Coastal Permit For Development Requiring a Coastal Zone Variance. Any development that also requires granting of a Variance shall not be considered a Principally Permitted Use and approval of any coastal permits for development that also requires a coastal zone variance shall be appealable in compliance with Section 22.70.080."**

22.70.080 – Appeal of Coastal Permit Decision

The right to appeal a CDP decision is unclear. Clarify the ambiguity of who may appeal.

Compare sections:

> 22.70.080.A.2. An appeal may be filed by any person.
>
> 22.70.030.B.(6) … failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission.

The IP should: either include language that there is no fee for filing an appeal (Add deleted language back in to **22.70.080**), or include language in 22.70.030.B.3 and B.4 to require a public hearing for a project that is a PPU.

22.70.090 – Notice of Final Action

"… The cover sheet / memo shall be sent to all recipients of the notice, and the cover sheet/memo shall be mailed to the Coastal Commission, with supporting documents sent either via hard copy or electronically (see below).

> **B. Supporting Materials:**
> 4. All other substantive documents cited and/or relied upon in the decision including any environmental review documents prepared in accordance with the California Environmental Quality Act, technical reports (geologic reports, biological reports, etc.), correspondence, etc."

COMMENT: Clarify that the County shall make all supporting materials available electronically (e.g. bio reports…) to requesting persons.

22.32.140 – Residential Second Units

Some districts are not in coastal zone:

22.32.140.B. **Applicability.** The provisions of this Section shall apply to single-family and multifamily residential zoning districts, including the R1, R-2, RA, RR, RE, RSP, C-R1, C-R2, C-RA, CRSP, C-RSPS, A, A2, ARP, C-ARP, RMP, and C-RMP districts

Delete boldface: ***"A, A2, ARP"***

The sales limitation should also apply to a *multi*-family unit in multi-family zones:

22.32.140.D. **Limitation on sale.** A second unit may be rented but shall not be sold separately from the single-family unit.

Revise boldface: "from the single- **or multi**-family unit."

B. Procedural inconsistencies

22.70.040 – Challenges to Processing Category Determination

COMMENT: Revise 22.70.040.B(2) to insert notification by "**telephone**" pursuant to California Code of Regulations (CCR) Section 13569(b).

COMMENT: Revise 22.70.040.B(3) to say **2 working days** instead of 10 working days pursuant to CCR Section 13569(c).

C. Editorial notes

C-EH-6.
TYPO in the annotation box: Moved to EH-5 to keep all related blufftop standards in one place
COMMENT: Should be "Moved to **EH-6(6)** …"

22.32.180 – Wind Energy Conversion Systems (WECS)
COMMENT: this section has no substantive text.

22.70.040 – Challenges to Processing Category Determination
TYPO: Section "C. Coastal Commission Challenge Procedures." should be "**B.** Coastal Commission Challenge Procedures."

22.70.040 .B.(4)
(4) The challenge period shall be deemed concluded if no challenge is received within the time periods specified in 22.70.040(B) …
TYPO: Should be: 22.70.040(**A**)

22.70.050 Public Notice

A. Form of notice. Permit applications shall be **noticed at least 10 days prior** (15 working days for public hearing waiver applications) to a hearing or action

SHOULD be: "at least 10 **working** days prior …"

D. State Lands Commission notification
Would this subsection instead be better included in Section A?

22.70.080 - Appeal of Coastal Permit Decision

B.3. Appeal by Coastal Commissioners.
… The Board of Supervisors shall notify the Coastal Commission of its decision to consider such an appeal **within 12 days** of the County's receipt of notice of an appeal by two Coastal Commissioners

SHOULD be: "within 12 **working** days …"?

22.70.110 – Effective Date of Final Action

Where any of the above circumstances occur, the Coastal Commission shall, **within five days** of receiving notice of that circumstance, notify the County and the applicant that the effective date of the County action has been suspended.

SHOULD be: "within five **working** days"?

22.130 – Definitions ***(and definition related)***

To follow form for the definition of "Zoning Administrator":

Add boldface:

Director. The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director", **with duties and authority as described in Section 22.110.030 (Community Development Director).**

- The EH LUP chapter refers to "deep pier/caisson." It is unclear what the meaning of "deep" is.
- Please add definitions for:
  - common ownership – ownership two or more parcels by one person. This relates to policies C-AG-2.A and C-AG-5.A.

- commercial core (of C-VCR zone)
- Written request – should include request by email message
- Administrative Coastal Zone Variance (22.70.150.B)
- Public Hearing Coastal Zone Variance (22.70.150.B)

MARIN COUNTY FARM BUREAU

P.O. Box 219, Pt. Reyes Station, CA 94956 · 415-663-1231 ·Marincfb@svn.net

Via Facsimile (415) 904 – 5400
and E-mail (shannon.fiala@coastal.ca.gov)

October 28, 2016

W10a

Chairman Steve Kinsey and Commissioners
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: **November 2, 2016 Meeting – Agenda Item No. W10a – Marin County LCP Update (Marin County LCP Amendment No. LCP-2-MAR-15-0029-1)**

Dear Chairman Kinsey and Commissioners:

The Marin County Farm Bureau ("Farm Bureau") appreciates the opportunity to provide you with these comments in relation to the Marin County LCP Update, which you are considering at your November 2, 2016 meeting in Half Moon Bay.

Marin County Farm Bureau is a membership organization with over 440 members. We are dedicated to supporting our farmers and ranchers while protecting and promoting agricultural members' interests on a county, state and national level.

As the Commission is aware, the coastal zone of Marin County is an agricultural landscape and the home to many Farm Bureau members and their families, and agriculture is their livelihood. As such, Farm Bureau has long been involved in coastal planning processes in Marin County, and has closely followed the evolution of the LCP Update that is now before you. We provide the following comments and requests to you in relation to that LCP Update and Commission staff-recommended changes from its text as the County of Marin has forwarded it to you:

1. Definition of "Ongoing Agriculture" and Permit Requirements

Farm Bureau urges the Commission to reject staff-authored changes to the County's LCP submittal which would substitute a wholly new definition of "ongoing agriculture" that unnecessarily narrows the field of agricultural production activities which may be undertaken by farmers and ranchers without a permit for coastal development to those which are "existing legally established" activities at the present time. We believe this language is not consistent with the Coastal Act for those agricultural production activities which may not currently be "existing" and "legally established" but do not otherwise adversely affect coastal resources, and a permitting requirement for these prospective activities is an unnecessary intrusion on the

operational flexibility of Marin County farmers and ranchers to plant and change crops according to market conditions and other factors. More simply, Farm Bureau does not support a permitting requirement for changes in crop cultivation, and does not believe the Coastal Act warrants it as a general matter.

Furthermore, the Commission should be aware that the original language in Marin County's LCP Update submittal here was itself the product of considerable compromise at the county level, and is consistent the Coastal Act and protection of coastal resources. Farm Bureau asks the Commission to certify the original, County-submitted language as to the definition of "ongoing agriculture".

2. Development Rights and the "Farm Tract" Analysis

Farm Bureau also urges the Commission to reject the "farm tract" approach to development rights embedded in Marin's LCP Update and staff-recommended changes. As a legal matter, development rights can only be based upon individual legal parcels, and not upon difficult-to-enforce and potentially discriminatory notions that differentiate between landowners who may own one parcel alone, and landowners who may own two or more parcels. We believe that caselaw in relation to "takings", from the U.S. Supreme Court downward, has emphasized development rights at the parcel level, and does not allow for "groupings" of parcels in the manner contemplated by the "farm tract" approach, which would effectively erase development rights as to some parcels. At a more practical level, as well, the "farm tract" approach is dubious, insofar as it will encourage strategic title-vesting by separate but related entities in order to retain development rights at the parcel level.

We urge the Commission to ensure that development rights remain with individual parcels, and in that regard support the suggestion of Marin County development staff that single-family dwellings be restored as a permitted use in the C-APZ Agricultural Production Zone.

Farm Bureau thanks you for your consideration of the foregoing, and looks forward to appearing before the Commission on November 2.

Very Truly Yours,

Sam Dolcini
President
Marin County Farm Bureau

cc: Dayna Bochco (dayna.bochco@coastal.ca.gov)
Effie Turnbull-Sanders (effie.turnbull-sanders@coastal.ca.gov)
Mary Luevano (mary.luevano@coastal.ca.gov)
Wendy Mitchell (wendy.mitchell@coastal.ca.gov)
Mary K. Shallenberger (mary.shallenberger@coastal.ca.gov)
Mark Vargas (mark.vargas@coastal.ca.gov)
Martha McClure (martha.mcclure@coastal.ca.gov)
Carole Groom (carole.groom@coastal.ca.gov)
Erik Howell (erik.howell@coastal.ca.gov)
Roberto Uranga (roberto.uranga@coastal.ca.gov)
Gregory Cox (greg.cox@coastal.ca.gov)

W10a

Manna, Jeannine@Coastal

From: Jim Curland <curland@earthlink.net>
Sent: Friday, October 28, 2016 12:57 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum

public participation by requiring individuals and organizations to "pay to be heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Jim Curland
P.O. Box 806
Moss Landing, CA 95039

W10a

From: Katie Taggart
To: CoastalMarinLCP
Subject: nov. 2 meeting
Date: Saturday, October 29, 2016 6:56:17 AM

Shannon Fiala-I am contacting you to express my concern regarding the commission measures that would greatly affect Marin coastal communities and coastal property. I am a senior citizen, and cannot afford measures that would impend improvement on my property, and even affect the possibility of future sale. Suggestive compromise measures have been repeatedly ignored and rejected. Please listen to us.

W10a

From: Sterling Speirn
To: CoastalMarinLCP
Subject: Opposition to Coastal Commission proposals
Date: Saturday, October 29, 2016 5:56:26 AM

Ladies and Genglemen,

As a long-time resident of Stinson Beach, I am writing regarding agenda item W10a, to express my opposition to ask the commission not to adopt these changes at its hearing on November 2nd. Our community has worked diligently in cooperation with the Marin County staff to examine the challenges facing our communities and to draft regulations and policies that endeavor to provide reasonable guidance for maintaining our homes and our communities. We ask that the Coastal Commission follow our democratically developed proposals.

Sincerely,
Sterling Speirn

W10a

From: Lisa Stanton
To: CoastalMarinLCP
Subject: Opposed - Agenda Item W10a
Date: Saturday, October 29, 2016 8:29:23 AM

Dear Ms. Fiala,

I am a homeowner in Stinson Beach and have deep concerns over the proposed amendments in Marin County's Local Coastal Program. As such, I am asking that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and to vote YES on the Program as originally submitted.

I have sent a letter to you with the same concerns, but am worried it may not reach you in time. I am available to discuss this with you or your staff at anytime and can be reached at the contact details below.

Kind regards,

Lisa Stanton
415.370.6688
lbstanton@me.com

W10a

From: Kirk Kirkham
To: CoastalMarinLCP
Cc: m.mace@att.net
Subject: Agenda item W10a
Date: Saturday, October 29, 2016 9:18:51 AM

My wife, Katherine Dibblee Kirkham and I are long-time owners and residents of Bolinas. We respectfully urge the Commission not to adopt the changes to the rules proposed by the staff, which clearly substitute ideology for common-sense rules arising from the democratic process as proposed by Marin County. Sincerely James F. Kirkham

James F. Kirkham
(415) 922-4969 - home
((415) 517-4809 - mobile

Sent from my iPhone

W10a

From: malcolm ponder
To: CoastalMarinLCP
Subject: ATTN: Ms Shannon Fiala for Agenda Item W10a
Date: Saturday, October 29, 2016 10:32:46 AM

Malcolm Ponder's
WEST MARIN TAX SERVICE

INCOME TAX
Consulting & Preparation
Solving problems others cannot

Malcolm Ponder, MBA, ATP, ABA
Kathryn Hadley, MA

October 29. 2016

California Coastal Commission
c/o Shannon Fiala, Planner
MarinLCP@coastal.ca.gov

Reference: Agenda Item W10a

Dear Ms Fiala:

I would like to express my strong opposition to the third attempted rewrite of Marin County's submission of its L.C.P. This is an outrageous disregard for Marin County's process of soliciting serious input from coastal residents and replacing it with CCC staff wording.

As a 45 year resident of Coastal Marin, I am asking the CCC to NOT adopt these changes at its hearing on Nov. 2nd.

Sincerely,

Malcolm Ponder

W10a

From: stbch@att.net
To: CoastalMarinLCP
Cc: Congressman Jared Huffman
Subject: Coastal Commission Proposals in relation to Marin County"s Local Coastal Program
Date: Saturday, October 29, 2016 11:09:53 AM

Dear Shannon Fiala, and all members of the commission making decisions on Marin County's Local Coastal Program;

A recent article in the Pt Reyes Light, and a letter from the Stinson Beach Village Association, both shocked and alarmed me, both as a lifetime resident of California, and a frequent user and current resident of Stinson Beach.

As a 30 plus year veteran of the US Coast Guard, I am well aware of the value of staff work before deciders make their final decision, but the information I have about the upcoming meeting and its possible decisions regarding Marin County's Local Coastal Program is on its face, outrageous. It is reported that despite conscientious, inclusive efforts on the part of Marin County agencies to find workable solutions for our communities, the staff of the California Coastal Commission has proposed to replace our current regulations with harsh new permitting policies.

It seems further that Marin County has tried to submit an update to its coastal program twice in the past two years. This update was developed in a process that has spanned more than eight years and over a dozen public meetings. County staff met with concerned community members in each village; they created and distributed a coastal wide survey to gather meaningful opinions, comments and feedback from impacted communities. The survey and meetings garnered hundreds of responses that helped shape the county's proposed regulations.

Each time that Marin has submitted its L.C.P., coastal commission staff has attempted a wholesale rewrite outside of public view. In 2014, and again in 2015, staff simply deleted the text our communities helped the county create, replaced it with dozens of pages of new regulations and then released these changes within 24 hours of a coastal commission vote. When this reoccurred last year, commissioners admonished both the county and commission staffs and encouraged them to find a compromise within the framework of the county's submission and with further public discussion.

Now, apparently ignoring the directives of its own commissioners, commission staff are attempting to rewrite Marin's regulations. Once again, they have refused to negotiate with the county or incorporate feedback from community groups. Once again, they have simply redlined the county's regulations and replaced them with their own twice-rejected regulations.

If this is all true, it is a case of staff assuming the authority of its principals, and is not only counterproductive, but wrong.

Please look into this matter, and give it your best and honest consideration when you meet. I do request an answer to this email, one that reflects that "best and honest consideration"

very respectfully

JohnT Andrews,
CAPT, USCG (ret)
Stinson Beach CA 94970
415 868 2810

W10a

From: bobbi loeb
To: CoastalMarinLCP
Subject: agenda item W10a Planer Shannon Fiala
Date: Saturday, October 29, 2016 11:17:26 AM

I have lived in Point Reyes Station for over forty years and I am extremely upset about the latest coastal plan .

I urge you to not to adopt these changes at your hearing on Nov. 2nd.

Thank you .

Bobbi Loeb

p.o. box 673

Pt. Reyes Sta.

Ca 94956

--
Bobbi Loeb

W10a

From:	Ian MacColl
To:	CoastalMarinLCP
Cc:	Stephanie MacColl; Lauren MacColl Maass; William MacColl
Subject:	Agenda Item W10a
Date:	Saturday, October 29, 2016 12:22:31 PM

As a homeowner in Stinson Beach I strongly reject the proposed language on the above agenda item. It seems as if a public process has taken place and yet the needs and wants of the communities this is meant to represent our being ignored. Please vote against this agenda item and direct your staff to submit more reasonable language that works for both the environment in the communities that inhabit are beautiful coastline. My family has been at the spot for generations and I am hoping that for the generations of my family will be able to do the same. We are stewards of the land and respect to the growth needs to be regulated, but not at the expense of all of the existing communities along the west Marin coast. Many thanks and please contact me if I can provide additional information.

Ian MacColl
226 Seadrift Road
Stinson Beach
415 819 1300

W10a

From: Chad Ertola
To: CoastalMarinLCP
Subject: Attn.Planner Shannon Fiala re: November 2 Coastal Commission meeting in Half Moon Bay, agenda item W10a
Date: Saturday, October 29, 2016 2:24:37 PM

Dear Planner Fiala,

As a homeowner family in Seadrift in Stinson Beach for over 45 years I and my family oppose the proposed changes by Coastal Commission staff and planners to the rules and regulations of the Marin County Local Coastal Program for coastal properties and businesses in West Marin County.

I join the long list of West Marin County coastal community and business leaders and property owners of Stinson Beach, Tamales, Point Reyes Station, Bolinas and all communities within the jurisdiction of the proposed changes who oppose the changes and ask that the Commission vote to NOT adopt the changes.

It is great concern that the proposed changes do not reflect the input of the affected citizens, and public and government over the course of the past several years of attempted negotiations on the plan changes.

Sincerely,

Chadwick Clark Ertola, 153 Seadrift Road, Stinson Beach, CA 94970

W10a

From: Andre Neumann-Loreck
To: CoastalMarinLCP
Subject: Marin County's Local Coastal Program: Agenda Item W10a at the Nov 02 Hearing
Date: Saturday, October 29, 2016 2:07:23 PM

Dear Ms. Fiala,

My wife, neighbors, and I are adamantly opposed to the proposed Coastal Commission regulations for Marin County's Local Coastal Program. Please do not adopt the proposed changes. This proposal would be a disaster for us and the Marin coastal communities.

Thank you,

Andre

--
Andre Neumann-Loreck
256 Seadrift
Stinson Beach, CA 94970
aloreck@gmail.com
m: 415-519-3954

W10a

From: PAMELA LICHTENWALNER
To: CoastalMarinLCP
Subject: Ltr against Marin LCP as modified by the CCC
Date: Saturday, October 29, 2016 10:12:51 PM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAME: Pamela Lichtenwalner
Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a home owner in Stinson Beach. I am writing to ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document that we and many others helped to produce has simply been entirely struck out and replaced by your staff's submissions once again. If the changes your staff proposes pass, the impact on the ocean-side property and my village would be terrible. People would be unable to protect their homes from rising seas and floods, they would be unable to maintain it over time, and their rights to develop or sell their property at a fair price would be taken from me. Even those of us on the hill would face problems. My entire community could disappear over time due to your staff's actions.

That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Thank you,

Pamela Lichtenwalner, PhD
Homeown

W10a

From: peggy steffens
To: CoastalMarinLCP
Subject: Agenda item W10a
Date: Saturday, October 29, 2016 7:53:47 PM

Please accept our opposition to recent changes to Marin regulations, we respectfully requestion the commission not to adopt these changes at its hearing on Nov. 2.

Thank you,

Peggy Steffens
Home Owner, Stinson Beach
Peggys@steffenscorp.com
925 786 8077

W10a

From: Goard Suzan
To: CoastalMarinLCP
Subject: Opposition to Agenda Item W10a of the Coastal Commission at Hearing on November 2, 2016
Date: Saturday, October 29, 2016 4:25:58 PM

Shannon Fiala, Planner
California Coastal Commission Hearing
November 2, 2016
Re: Agenda Item W10a

Dear Ms. Fiala,

As a homeowner in Bolinas, I implore you not to adopt the changes in Item W10a at your hearing on November 2, 2016. These policy changes will place the home owners of Bolinas and the nearby Marin communities into untenable situations as it will likely be impossible to meet these new permitting requirements to maintain our homes. This seems to be an underhanded way to eventually seize the existing homes that will not be able to be maintained as a result of these new regulations. I hope I am wrong and this is not the ultimate intent of this plan.

Please support my opposition to this plan and help us maintain the beauty of our land and property in these unique and historic coastal communities.

Regards,

Suzan Goard

W10a

From: jayrocket4peace@tutanota.com
To: CoastalMarinLCP
Subject: Protect Marin"s Coast
Date: Saturday, October 29, 2016 4:22:06 PM

Mr. Ainsworth

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources as you set policy. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Essentially, as in as simply language as I can put it:

Your obligation to care for, protect, and maintain the environment and habitats pertaining to California coasts and affected lands and waters is paramount. Please work to ensure the care and protection of California's beaches and lands, as well as where you can regarding offshore waters.

CA 94111

W10a

Fiala, Shannon@Coastal

From:	stbch@att.net
Sent:	Saturday, October 29, 2016 1:46 PM
To:	Cox, Greg@Coastal
Cc:	Cave, Nancy@Coastal; Fiala, Shannon@Coastal
Subject:	Coastal Commission Proposals affecting Marin County's Local Coastal Program

Dear Mr Cox;

A recent article in the Pt Reyes Light, and a letter from the Stinson Beach Village Association, both shocked and alarmed me. I am a lifetime resident of California, and a frequent user and current resident of Stinson Beach.

As a 30 plus year veteran of the US Coast Guard, I am well aware of the value of staff work before deciders make their final decision, but the information I have about the upcoming meeting and its possible decisions regarding Marin County's Local Coastal Program is on its face, outrageous. It is reported that despite conscientious, inclusive efforts on the part of Marin County agencies to find workable solutions for our communities, the staff of the California Coastal Commission has proposed to replace our current regulations with harsh new permitting policies.

It seems further that Marin County has tried to submit an update to its coastal program twice in the past two years. This update was developed in a process that has spanned more than eight years and over a dozen public meetings. County staff met with concerned community members in each village; they created and distributed a coastal wide survey to gather meaningful opinions, comments and feedback from impacted communities. The survey and meetings garnered hundreds of responses that helped shape the county's proposed regulations.

Each time that Marin has submitted its L.C.P., coastal commission staff has attempted a wholesale rewrite outside of public view. In 2014, and again in 2015, staff simply deleted the text our communities helped the county create, replaced it with dozens of pages of new regulations and then released these changes within 24 hours of a coastal commission vote. When this reoccurred last year, commissioners admonished both the county and commission staffs and encouraged them to find a compromise within the framework of the county's submission and with further public discussion.

Now, apparently ignoring the directives of its own commissioners, commission staff are attempting to rewrite Marin's regulations. Once again, they have refused to negotiate with the county or incorporate feedback from community groups. Once again, they have simply redlined the county's regulations and replaced them with their own twice-rejected regulations.

If this is all true, it is a case of staff assuming the authority of its principals, and as such, is not only counterproductive, it is wrong.

Please look into this matter, and give it your best and honest consideration when you meet. I do request an answer to this email, one that reflects that "best and honest consideration"

very respectfully

JohnT Andrews,
CAPT, USCG (ret)
Stinson Beach CA 94970
415 868 2810

From:	KATHRYN HADLEY
To:	CoastalMarinLCP
Subject:	Fw: ATTN: Ms Shannon Fiala for Agenda Item W10a
Date:	Sunday, October 30, 2016 9:41:02 AM

W10a

Malcolm Ponder's
WEST MARIN TAX SERVICE

INCOME TAX
Consulting & Preparation

Solving problems others cannot

Malcolm Ponder, MBA, ATP, ABA
Kathryn Hadley, MA

October 29. 2016

California Coastal Commission
c/o Shannon Fiala, Planner
MarinLCP@coastal.ca.gov

Reference: Agenda Item W10a

Dear Ms Fiala:

I would like to express my strong opposition to the third attempted rewrite of Marin County's submission of its L.C.P. This is an outrageous disregard for Marin County's process of soliciting serious input from coastal residents and replacing it with CCC staff wording.

As a 45 year resident of Coastal Marin, I am asking the CCC to NOT adopt these changes at its hearing on Nov. 2nd.

Sincerely,

Kathryn Hadley

From: julie munro
To: CoastalMarinLCP
Subject: agenda item W10a-Opposed!
Date: Sunday, October 30, 2016 11:38:37 AM

W10a

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

October 26, 2016

OPPOSED

Commissioners of California Coastal Commission

c/o Shannon Fiala Planner

45 Fremont Street, Suite 2000

San Francisco, Ca 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA AND IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Sincerely,

Julie Simon Munro

161 and 236 Seadrift Rd

Stinson Beach, CA 94970

W10a

From: john gouldthorpe
To: CoastalMarinLCP
Subject: Objecting to the details of agenda item W10a
Date: Sunday, October 30, 2016 3:33:16 PM

Hello Ms. Fiala,

As a 20 plus year resident of Point Reyes Station I've been around long enough to see the increasing negative impact that an economy structured to primarily encourage tourists and their interests is having on our local community. It is eviscerating us.

Due to this personal experience I'm asking that the commission not adopt the changes asked for in agenda item W10a. Until the real needs of local communities are taken into account the actions of the LCP will only encourage the Disneyification of our coastal communities.

Most Sincerely,
John Gouldthorpe

W10a

From: Maria Garriques
To: CoastalMarinLCP
Subject: Meeting in Half Moon Bay Nov 1, 2016
Date: Sunday, October 30, 2016 3:48:17 PM

Item No: W10a

Marin County LCP Amendment No. LCP-2-MAR-15-0029-1

<YOUR NAME>

OPPOSED

Commissioners of the California Coastal Commission

c/o Shannon Fiala, Planner

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and

floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Mary Garrigues

155 Horseshoe Hill Rd.

Bolinas, CA 94924

From:	mtraynor@traynorgroup.com
To:	CoastalMarinLCP
Cc:	Shirley Traynor; mtraynor@traynorgroup.com
Subject:	Marin County LCP Amendment No. LCP-2-Mar-15-0029-1
Date:	Sunday, October 30, 2016 4:12:20 PM

W10a

Item No. W10a
Marin County LCP Amendment No. LCP-2-Mar-15-0029-1
October 26, 2016
OPPOSED

October 30, 2016

Dear Commissioners,

We own a small home at Stinson Beach. We urge you to please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

We understand that Marin County has already rejected the many changes to the Environmental Hazards sections of Marin County's LUPA and IPA submitted by your staff because of the enormous damage they would do to coastal communities in West Marin. Such changes are way out of balance, and would seriously and unreasonably impact ours and our neighbors' homes and the town and preclude us from protecting our home from rising seas and floods.

Please act to stop this action, and unconstitutional taking.

Sincerely,

Shirley W. Traynor
Michael Traynor
191 Dipsea
Stinson Beach, CA 94970

(The above email is also in our letter mailed today to:

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Our return mail/contact information is:

Michael Traynor and Shirley W. Traynor
3131 Eton Avenue
Berkeley, California 94705-2713
Tel: 510-658-8839 (home: 510-654-1991)
Fax: 510-658-5162
Email: mtraynor@traynorgroup.com
shirleywtraynor@gmail.com

W10a

From:	Charles H Egan
To:	CoastalMarinLCP
Cc:	gclyde11@gmail.com; lori@lorikyle.com
Subject:	Agenda Item #W10a
Date:	Sunday, October 30, 2016 4:21:14 PM

To: Shannon Fiala, Planner

Dear Ms. Fiala,

As a resident of Marshall 94940, I write to join the many West Marin community leaders who published an article in the October 27th issue of the Point Reyes Light, "Coastal Commission Proposals Would Destroy Homes and Businesses," strongly objecting to the proposed LCP text (Agenda Item #W10a) to be voted at this week's CCC commisioners' meeting. County departments and community associations have worked for years to draft LCP text that is both workable for local residents and businesses and also in strict accordance with regulations concerning development and the environment. It is not CCC staff members proper role to reject all that work, and to rewrite the LCP themselves. Due process is required. I urge the commissioners NOT to vote on this LCP at the coming meeting, but to send it back for renegotiation by ALL parties.

Sincerely yours,

Charles Egan
Professor of Chinese
San Francisco State University

From:	Cyndie Fox
To:	CoastalMarinLCP
Subject:	Amendments to the local coastal plan
Date:	Sunday, October 30, 2016 4:51:12 PM

W10a

I oppose the changes to the local coastal plan . It seems like a harsh plan to acquire coastal areas that now have houses on them. They are Hiding behind rising ocean water worries. We who live along these delicate areas are the caretakers of the beaches . I feel the coastal commission is bulling their plan to action so they may have absolute control To these areas . Not allowing email and public option is further controlling tactic to achieve their ultimate goal which is to have only their option heard and ultimately their plan approved. Sincerely your Cyndie fox Seadrift home owner .
Sent from my iPhone

W10a

From: Cyndie Fox
To: CoastalMarinLCP
Subject: Local coastal plan W10A
Date: Sunday, October 30, 2016 4:55:26 PM

Please don't adopt these changes at its hearing on Nov. 2
Cyndie fox Seadrift home owner

Sent from my iPhone

W10a

From: Anne McMullin
To: CoastalMarinLCP
Subject: California Coastal Commission upcoming vote on Agenda item W10a on Nov. 2
Date: Sunday, October 30, 2016 11:19:30 PM

To Shannon Fiala,

I am writing in regards to the upcoming California Coastal Commission's vote on agenda item W10a on November 2.

I currently own a home a half block from the ocean in Stinson Beach village. The proposed policies could render the repair, maintenance,
and replacement of my house, and those of my neighbors, next to impossible. This would be disastrous as we live in a flood zone and could suffer significant property damage in any given winter storm. Since owning my property I have already experienced two floods. The ability to protect my home, and ultimately my investment, is extremely important. If we are denied this ability through the drastic proposed new coastal permitting policies, our homes could literally become uninhabitable and our property worthless. I am a senior citizen and a widow and my house is a critical part of my retirement assets. Please, please, please do not enact these policies!

Sincerely,

Anne McMullin

W10a

From:	Terry Houlihan
To:	CoastalMarinLCP
Cc:	Steven Kinsey; bcrawford@marincounty.org; Jack Liebster; Paula Reynolds; Jeff Loomans; Kiren Niederberger; Peter Sandmann
Subject:	Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED
Date:	Sunday, October 30, 2016 3:49:30 PM

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I write to OPPOSE the amendments to the Marin County LCP and LIP proposed by the California Coastal Commission staff (CCC Staff) for the Environmental Hazards section, including the never before seen language in C-EH-17(8) requiring the addition of Sandy Beach Management plans satisfying CCC Staff theories.

I own property at 123 Dipsea Road in Stinson Beach that would be directly affected by the Marin LCP ultimately adopted.

Political extremism in any form is suspect. Amendments to the Environmental Hazards sections proposed by the CCC staff reflect unlawful bureaucratic extremism. The CCC staff seeks to use the threat of rising sea levels to rewrite the Coastal Act, discourage the maintenance or improvement of any existing homes or businesses in the coastal zone, and force the abandonment of such properties if ocean rise narrows or limits public beach access. The Commission should call a halt to this effort to bypass the state legislature — the entity with the power to amend the statute.

The Coastal Zone Act as written strikes a balance between public in access to and preservation of coastal zone resources and the rights of private owners to build, maintain and protect their property in the Coastal zone. An essential part of that balance was the grant to owners of "existing structures" the right to build "shoreline protective devices" at their own expense if required to protect such a structure. Public Resources Code (hereafter PRC) 30235.

The Act doesn't explicitly define "existing structures." Past Coastal Commission decisions, however, have been based on the interpretation that once a structure is approved and built it is then an "existing structure" entitled to necessary shoreline protective devices.

This long held Commission interpretation of "existing structure" is consistent with both the plain language of the statute and the recognition in PRC 30001(d) that coastal homes and other property are "essential to the economic and social well-being of the people of this state . . . ." The economic and social value of homes and businesses built or improved in the last 40 years far outweighs the value of older structures unimproved since 1977.

The CCC staff amendments seek in various ways to reverse the pain statutory meaning -- and established Commission reading -- that "existing structures" entitled to PRC 30235 rights include all homes built to date with CCC permits.

C-EH-12(1), for example, would limit "allowable armoring" to that required to protect a principal structure "in existence prior to the effective date of the Coastal Act (i.e. January 1, 1977)".

C-EH-4 "Coastal Redevelopment" is a mind-boggling proposal. In substance, any structure that has had a renovation of 50% of a "major structural component" including roofs, exterior walls and floors "measured cumulatively over time starting from January 1, 1977" is no longer an "existing structure" entitled to protection under PRC 30235. Magically, with a stroke of the CCC pen, well maintained existing structures are "considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies) . . . ."

The "applicable LCP policies" imposed on remodeled homes and businesses include provisions of C-EH-11(1) requiring that "development", which now includes "redeveloped" properties, "shall be removed and the affected area restored to a natural condition if . . . the development requires new and/or augmented shoreline protective devices" . . . or "the development encroaches onto public trust land (including as the public trust migrates). . . ." In other words, in the brave new CCC world, nothing can be done to prevent shoreward movement of the ocean's mean high tideline and if it advances inland, you have to remove your building. C-EH-10 would require waiver of rights to shoreline protective devices, a condition condemned by the court in Capistrano v. California Coastal Commission.

The impact of the "redevelopment" provisions is pernicious on existing structures. If a remodel crosses the line to "redevelopment", then any new permit can only be issued on terms that require the owner to give up his or her existing rights under PRC 30235 to protect the structure and accept the various draconian provisions imposed on entirely new development. Nothing in the statute implies that an existing structure loses statutory rights if it is remodeled or fixed up.

Does this proposed new interpretation of "existing structures" limiting it to unimproved pre-1977 buildings make sense? No. Why would the legislature or anyone else think structures built "after 1976" are less deserving of protection, less "essential to the economic and social well-being of the people" than structures built before 1976? If anything, structures built under the supervision of the Commission should be more structurally and environmentally sound than earlier structures and at least equally deserving of protection.

Is the new interpretation based on newly discovered evidence of legislative intent in the form of Committee reports or other legislative material? No.

To the contrary, the CCC itself has in the recent past recognized that revising PRC 30235 requires state legislative action, not a county ordinance such as now under consideration. The ReCAP Pilot Project Findings & Recommendations: Monterey Bay Region (September, 1995), Ch. 3 Coastal Hazards, Hazards Problem Five (CCC website) discusses the issue of the scope of both PRC 30235 and PRC 30253. It concludes with recommendations that the CCC "pursue amendments" to PRC 30235 limiting its provisions to "development which had occurred and for which there were an issued building permit *as of the effective date of the amendment.* (emphasis added) No permanent shoreline protective device would be permitted for development receiving a building permit after the effective amendment date." The recommendations further suggested that the CCC pursue "modifications" of PRC section 30253 so that "all new development be sited and designed to avoid . . . construction of any type of shoreline armoring . . . ." Beachapedia (online) notes that legislation was introduced in 2002 that would have changed the word "shall" in section 30235 to "may" to make it permissive rather than mandatory, but goes on "The legislation was withdrawn and is being reworked for possible later introduction and consideration."

What the CCC itself thought required legislative amendments in 1995, the CCC staff now proposes to force on Marin county.

Some might argue that an administrative agency should take action to fill in gaps in laws were there is a legislative "deadlock" preventing useful amendments or clarifications of existing law. There is no such deadlock in the California legislature, however. There is no legitimate rationale for the modification or denial of statutory rights of existing homeowners that CCC staff seeks to accomplish by administrative fiat.

For the first time in the recent amendments to the Marin LUP the CCC staff in C-EH-17(8) proposes Sandy Beach Management plans. Whatever the value of such planning, the Commission should not predetermine the outcome of the plans by

specifically requiring that plans "shall identify the parameters under which removal and restoration may be required to protect sandy beach values" and for steps, including removal of structures, so that "minimum sandy beach width is maintained." Condemnation of private property via "beach planning" is not a viable path for Marin county.

In contrast to PRC 30235, PRC 30253 imposes a number of requirements for "new development" as opposed to "existing development." New development must **not** "in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs." While the statute by its terms says nothing about protective devices that would alter anything other than "natural land forms along bluffs and cliffs", the CCC staff amendments would extend this requirement to any new development or "coastal redevelopment" that would require any protective devices anywhere. Again, amendment of PRC 30253 is a matter for the legislature not the Commission or the County.

CCC staff argues that it seeks to harmonize "conflicting" directions in PRC 30235, which requires CCC to permit shoreline protective devices to protect existing structures, and PRC 30253, which they read broadly to discourage protective devices that would alter "natural landforms," ignoring the limiting language "new development" and "along bluffs and cliffs."

The two sections of the law do not conflict, they address different things.

PRC 30253 only addresses "new development" and only addresses shoreline protective devices that would "substantially alter landforms along bluffs and cliffs." As the statute recognizes, bluff and cliff issues posed by "new development" can be addressed by adequate setback requirements. Given that, it is reasonable to prohibit new development requiring shoreline protective devices "along bluffs and cliffs." PRC 30235 addresses construction altering natural shoreline **not** limited to bluffs and cliffs, **not** primarily addressing bluff and cliff issues as the list of such construction shows, and, in pertinent part, addressing existing structures, **not** new development. PRC 30235 is broader in scope than 30253, not the other way around as CCC staff's logic would have it.

CCC staff's amendments do conflict with PRC 30235 and are not based on a fair reading of PRC 30253.

Whatever the future may hold for sea level rise, fears of potential requirements for shoreline protective devices justify neither cumbersome new permits for fixing up existing homes nor a forced abandonment of statutory rights afforded the existing structure. I request that the Commission adopt the Marin LCP as submitted by the county and reject all CCC staff amendments.

Sincerely,

Terry J Houlihan
175 Francisco St. #18
San Francisco, CA 94133

From: Terry Houlihan [mailto:terryjhoulihan@gmail.com]
Sent: Sunday, October 30, 2016 3:49 PM
To: CoastalMarinLCP
Cc: Kinsey, Steven; Crawford, Brian; Liebster, Jack; Paula Reynolds; Jeff Loomans; Kiren Niederberger; Peter Sandmann
Subject: Item No: W10a Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I write to OPPOSE the amendments to the Marin County LCP and LIP proposed by the California Coastal Commission staff (CCC Staff) for the Environmental Hazards section, including the never before seen language in C-EH-17(8) requiring the addition of Sandy Beach Management plans satisfying CCC Staff theories.

I own property at 123 Dipsea Road in Stinson Beach that would be directly affected by the Marin LCP ultimately adopted.

Political extremism in any form is suspect. Amendments to the Environmental Hazards sections proposed by the CCC staff reflect unlawful bureaucratic extremism. The CCC staff seeks to use the threat of rising sea levels to rewrite the Coastal Act, discourage the maintenance or improvement of any existing homes or businesses in the coastal zone, and force the abandonment of such properties if ocean rise narrows or limits public beach access. The Commission should call a halt to this effort to bypass the state legislature — the entity with the power to amend the statute.

The Coastal Zone Act as written strikes a balance between public in access to and preservation of coastal zone resources and the rights of private owners to build, maintain and protect their property in the Coastal zone. An essential part of that balance was the grant to owners of "existing structures" the right to

build "shoreline protective devices" at their own expense if required to protect such a structure. Public Resources Code (hereafter PRC) 30235.

The Act doesn't explicitly define "existing structures." Past Coastal Commission decisions, however, have been based on the interpretation that once a structure is approved and built it is then an "existing structure" entitled to necessary shoreline protective devices.

This long held Commission interpretation of "existing structure" is consistent with both the plain language of the statute and the recognition in PRC 30001(d) that coastal homes and other property are "essential to the economic and social well-being of the people of this state . . . ." The economic and social value of homes and businesses built or improved in the last 40 years far outweighs the value of older structures unimproved since 1977.

The CCC staff amendments seek in various ways to reverse the pain statutory meaning -- and established Commission reading -- that "existing structures" entitled to PRC 30235 rights include all homes built to date with CCC permits.

C-EH-12(1), for example, would limit "allowable armoring" to that required to protect a principal structure "in existence prior to the effective date of the Coastal Act (i.e. January 1, 1977)".

C-EH-4 "Coastal Redevelopment" is a mind-boggling proposal. In substance, any structure that has had a renovation of 50% of a "major structural component" including roofs, exterior walls and floors "measured cumulatively over time starting from January 1, 1977" is no longer an "existing structure" entitled to protection under PRC 30235. Magically, with a stroke of the CCC pen, well maintained existing structures are "considered redeveloped (and deemed new development under this LCP that must be made to conform with all applicable LCP policies) . . . ."

The "applicable LCP policies" imposed on remodeled homes and businesses include provisions of C-EH-11(1) requiring that "development", which now includes "redeveloped" properties, "shall be removed and the affected area restored to a natural condition if . . . the development requires new and/or augmented shoreline protective devices" . . . or "the development encroaches onto public trust land (including as the public trust migrates). . . ." In other words, in the brave new CCC world, nothing can be done to prevent shoreward movement of the ocean's mean high tideline and if it advances inland, you have to remove your building. C-EH-10 would require waiver of rights to shoreline protective devices, a condition condemned by the court in Capistrano v. California Coastal Commission.

The impact of the "redevelopment" provisions is pernicious on existing structures. If a remodel crosses the line to "redevelopment", then any new permit can only be issued on terms that require the owner to give up his or her existing rights under PRC 30235 to protect the structure and accept the various draconian provisions imposed on entirely new development. Nothing in the statute implies that an existing structure loses statutory rights if it is remodeled or fixed up.

Does this proposed new interpretation of "existing structures" limiting it to unimproved pre-1977 buildings make sense? No. Why would the legislature or anyone else think structures built "after 1976" are less deserving of protection, less "essential to the economic and social well-being of the people" than structures built before 1976? If anything, structures built under the supervision of the Commission should be more structurally and environmentally sound than earlier structures and at least equally deserving of protection.

Is the new interpretation based on newly discovered evidence of legislative intent in the form of Committee reports or other legislative material? No.

To the contrary, the CCC itself has in the recent past recognized that revising PRC 30235 requires state legislative action, not a county ordinance such as now under consideration. The ReCAP Pilot Project Findings & Recommendations: Monterey Bay Region (September, 1995), Ch. 3 Coastal Hazards, Hazards Problem Five (CCC website) discusses the issue of the scope of both PRC 30235 and PRC 30253. It concludes with recommendations that the CCC "pursue amendments" to PRC 30235 limiting its provisions to "development which had occurred and for which there were an issued building permit *as of the effective date of the amendment.* (emphasis added) No permanent shoreline protective device would be permitted for development receiving a building permit after the effective amendment date." The recommendations further suggested that the CCC pursue "modifications" of PRC section 30253 so that "all new development be sited and designed to avoid . . . construction of any type of shoreline armoring . . . ." Beachapedia (online) notes that legislation was introduced in 2002 that would have changed the word "shall" in section 30235 to "may" to make it permissive rather than mandatory, but goes on "The legislation was withdrawn and is being reworked for possible later introduction and consideration."

What the CCC itself thought required legislative amendments in 1995, the CCC staff now proposes to force on Marin county.

Some might argue that an administrative agency should take action to fill in gaps in laws were there is a legislative "deadlock" preventing useful amendments or clarifications of existing law. There is no such deadlock in the California legislature, however. There is no legitimate rationale for the modification or denial of statutory rights of existing homeowners that CCC staff seeks to

accomplish by administrative fiat.

For the first time in the recent amendments to the Marin LUP the CCC staff in C-EH-17(8) proposes Sandy Beach Management plans. Whatever the value of such planning, the Commission should not predetermine the outcome of the plans by specifically requiring that plans "shall identify the parameters under which removal and restoration may be required to protect sandy beach values" and for steps, including removal of structures, so that "minimum sandy beach width is maintained." Condemnation of private property via "beach planning" is not a viable path for Marin county.

In contrast to PRC 30235, PRC 30253 imposes a number of requirements for "new development" as opposed to "existing development." New development must **not** "in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs." While the statute by its terms says nothing about protective devices that would alter anything other than "natural land forms along bluffs and cliffs", the CCC staff amendments would extend this requirement to any new development or "coastal redevelopment" that would require any protective devices anywhere. Again, amendment of PRC 30253 is a matter for the legislature not the Commission or the County.

CCC staff argues that it seeks to harmonize "conflicting" directions in PRC 30235, which requires CCC to permit shoreline protective devices to protect existing structures, and PRC 30253, which they read broadly to discourage protective devices that would alter "natural landforms," ignoring the limiting language "new development" and "along bluffs and cliffs."

The two sections of the law do not conflict, they address different things.

PRC 30253 only addresses "new development" and only addresses shoreline protective devices that would "substantially alter landforms along bluffs and cliffs." As the statute recognizes, bluff and cliff issues posed by "new development" can be addressed by adequate setback requirements. Given that, it is reasonable to prohibit new development requiring shoreline protective devices "along bluffs and cliffs." PRC 30235 addresses construction altering natural shoreline **not** limited to bluffs and cliffs, **not** primarily addressing bluff and cliff issues as the list of such construction shows, and, in pertinent part, addressing existing structures, **not** new development. PRC 30235 is broader in scope than 30253, not the other way around as CCC staff's logic would have it.

CCC staff's amendments do conflict with PRC 30235 and are not based on a fair reading of PRC 30253.

Whatever the future may hold for sea level rise, fears of potential requirements for

shoreline protective devices justify neither cumbersome new permits for fixing up existing homes nor a forced abandonment of statutory rights afforded the existing structure. I request that the Commission adopt the Marin LCP as submitted by the county and reject all CCC staff amendments.

Sincerely,

Terry J Houlihan
175 Francisco St. #18
San Francisco, CA 94133

PACIFIC LEGAL FOUNDATION

W10a

October 31, 2016

Mr. John Ainsworth
Acting Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

VIA E-MAIL marinlcp@coastal.ca.gov
AND FIRST-CLASS MAIL

Re: Marin County Local Coastal Program Amendments

Dear Executive Director Ainsworth:

Pacific Legal Foundation and the California Cattlemen's Association submit these comments on the proposed Marin County Local Coastal Program Amendments.

Pacific Legal Foundation is the nation's oldest public interest property rights foundation. Over the last several years, PLF has closely followed Marin County's Local Coastal Program Amendment process. PLF attorneys have submitted comment letters and appeared in person at Marin County and California Coastal Commission hearings to highlight constitutional and other legal infirmities in provisions of the Local Coastal Program Land Use Policy Amendments and the Implementing Program.

The California Cattlemen's Association (CCA) is the predominant organization of cattle grazers in California, with more than 1,700 producer members throughout the state. CCA members own or lease property and graze cattle on land subject to the jurisdiction of the California Coastal Commission throughout many of California's coastal counties. The Association has established a Coastal Subcommittee with the express purpose of "help[ing] members located in this state's coastal zone with land use issues." CCA has closely followed Marin County's Local Coastal Amendment and Implementing Program at the behest of affected Marin County members, submitting detailed comments at every phase of the process, and appearing on numerous occasions before both this Commission and the Marin County Board of Supervisors.

Several provisions remain within the final Implementing Program that are especially concerning to PLF and CCA. These provisions could have substantial negative consequences for ranchers and farmers in Marin County. First, the Program's mandatory merger of legal lots into larger "farm

HEADQUARTERS: 930 G Street | Sacramento, CA 95814 | (916) 419-7111 | Fax: (916) 419-7747
ATLANTIC: 8645 N. Military Trail, Suite 511 | Palm Beach Gardens, FL 33410 | (561) 691-5000 | Fax: (561) 691-5006
DC: 3033 Wilson Boulevard, Suite 700 | Arlington, VA 22201 | (202) 888-6881 | FAX (202) 888-6855
HAWAII: P.O. Box 3619 | Honolulu, HI 96811 | (808) 733-3373 | Fax: (808) 733-3374
NORTHWEST: 10940 NE 33rd Place, Suite 210 | Bellevue, WA 98004 | (425) 576-0484 | Fax: (425) 576-9565
LIBERTY CLINIC: Chapman University, Fowler School of Law | 1 University Drive | Orange, CA 95866 | (714) 591-0490
ALASKA: (907) 278-1731 | **OREGON**: (503) 241-8179

E-MAIL: plf@pacificlegal.org
WEB SITE: http://www.pacificlegal.org

tracts" would significantly limit—and potentially eliminate—landowners' development rights on agricultural land without providing just compensation as required by the Takings Clauses of the United States and California Constitutions. Second, the Program requirements imposing affirmative agricultural easements and restrictive covenants on the division of land as conditions to development permits would likely constitute unconstitutional exactions.

Limitation of Development Rights

As we have previously pointed out to the Coastal Commission, the final Implementing Program contains provisions that significantly reduce landowners' development rights. The existing certified Local Coastal Program allows landowners to seek approval through a Conditional Use Permit or Master Plan process in order to build additional residential units beyond a primary dwelling unit. The currently established C-APZ-60 zoning allows for the development of one additional residential house per 60 acres. Under the new Land Use Plan, no single-family residential use will be allowed within the C-APZ zone, only agricultural dwelling units. Section 22.32.024(B) of the proposed Implementing Program limits the number of total structures to three agricultural dwelling units per "farm tract." Section 22.130.030 in turn defines "farm tract" as "all contiguous legal lots under common ownership."

This merger of legal lots will result in a substantial reduction in the development rights for landowners in the coastal agricultural zone of Marin County. For example, within a single large farm tract, an owner could be left with one or more legal lots deprived of all economically viable use. Regulations that deprive property owners of all economically viable use are a per se taking under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

Worse, Section C-AG-5(A) of the Local Coastal Program Land Use Plan caps additional permissible intergenerational homes at 27 for the entire Coastal Agricultural Zone. Once those 27 homes have been permitted, remaining farm tracts and legal lots will necessarily be deprived of all development rights. This increases the risk that Marin County will be subject to future claims of *Lucas*-type takings.

Even for lots that retain some economically viable use, the destruction of previously held development rights may require compensation under *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978). The California Court of Appeal has recognized that such a significant downzoning of property rights may effect a compensable taking. *See Avenida San Juan Partnership v. City of San Clemente*, 201 Cal. App. 4th 1256 (2011) (finding a regulatory taking where a change in zoning definition reduced development rights of a 2.85-acre parcel from four dwellings per acre to one dwelling per twenty acres).

The act of merging legal lots into farm tracts for the purposes of determining development rights is itself constitutionally suspect. The issue of what constitutes the "parcel as a whole" within a takings

analysis is docketed for review before the United States Supreme Court in the case of *Murr v. Wisconsin*, 859 N.W.2d 628, *review denied*, 862 N.W.2d 899, *cert. granted*, 136 S. Ct. 890 (2016) (determining whether two legally distinct but commonly owned and contiguous parcels must be taken as a whole for the purposes of takings analysis). The outcome of *Murr* could potentially render this provision of the Program unconstitutional before it is even enacted.

This county-wide diminution of development rights is not only constitutionally questionable, it is unnecessary. Many ranchers and farmers in Marin County have voluntarily transferred conservation easements that protect agriculture and restrict development while preserving the value of their development rights. However, the Program's definition of farm tract, combined with its unit cap on development, will extinguish these rights for other landowners without providing compensation. We urge the Commission to reconsider this wholesale unsettling of the property rights expectations of ranchers and farmers in Marin County.

Affirmative Agricultural Easements and Restrictive Covenants on Division of Land

Section 22.32.024(A) of the final Implementing Program also contains a requirement that each "agricultural dwelling unit" be "owned by a farmer or operator" that is "directly engaged in agriculture on the property." This will require property owners to remain in a commercial agricultural market forever, even if continued commercial agricultural use becomes impracticable.

The Program defines "actively and directly engaged" as "making day-to-day management decisions and being directly engaged in production . . . for commercial purposes," or "maintaining a lease to a bona fide commercial agricultural producer." Section 22.130.030(A). This provision affirmatively requires landowners to participate in commercial agricultural markets in perpetuity—either personally or by forced association with a commercial agricultural producer. The requirement prevents the landowners, as well as their successors, from ever exiting the commercial agricultural market, even if temporarily fallowing the land were necessary to prevent significant economic hardship.

PLF has already successfully challenged a less onerous affirmative easement permit condition. *See Sterling v. California Coastal Commission*, No. CIV 482448 (Cal. Sup. Ct. June 18, 2010). In *Sterling*, Judge George A. Miram of the San Mateo County Superior Court held that an affirmative agricultural easement on 142 acres, imposed as a permit condition for the development of a single acre, violated *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994). The proposed Marin County affirmative easement requirement goes even further than that in *Sterling*, requiring perpetual *commercial* agricultural use.

Nollan and *Dolan* require an essential nexus and rough proportionality between the permitting condition and the public impact of a proposed development. Conditioning a permit for a single dwelling on the perpetual use of the property for commercial agricultural purposes fails the essential

nexus test, because a requirement for perpetual commercial agricultural use is not closely related to the impact of building a single dwelling. This is especially true where potential dwellings might be desired on sites that are not currently in agricultural use, or that may not even be suitable for such use. Similarly, the affirmative easement condition demands far more concessions than those needed to relieve the public impact emanating from the construction of a single dwelling, falling afoul of *Dolan*'s rough proportionality test. The proposed agricultural easement requirement will not survive the heightened scrutiny of permitting conditions applied under *Nollan* and *Dolan*.

Restrictive covenants against further division of legal lots also will be required as a condition of development. *See* Sections 22.32.024(J)(4) & 22.32.025(B)(4). A permanent restrictive covenant against subdivision of land placed on a large legal lot as a condition for construction of a single dwelling will run afoul of the same nexus and proportionality requirements of *Nollan* and *Dolan*. Much like the affirmative agricultural easement—and especially in conjunction with it—this requirement likely constitutes an unconstitutional exaction.

If the City of Marin County wants to encourage agricultural use, other means are available, such as the use of tax incentives. *See, e.g., Williamson v. Commissioner*, 974 F.2d 1525, 1531-33 (9th Cir. 1992) (discussing provisions of estate tax law providing special benefits to property used as a family farm). Placing unconstitutional conditions on the ranchers and farmers of Marin County only serves to open the City of Marin County and the California Coastal Commission to potential litigation for takings claims.

Conclusion

PLF has fought for the property rights of all Americans for over four decades, and CCA has faithfully represented rancher interests in California for almost 100 years. Both organizations request this Commission to give close consideration to the objections raised in this comment letter. The proposed Coastal Program amendment and Implementing Program place severe—and potentially unconstitutional—burdens on the property rights of Marin County landowners, with many of these burdens acutely directed toward the agricultural community. PLF and the CCA urge

the Commission to consider these burdens when voting on certification of the proposed LCP amendments.

Sincerely,

JEREMY TALCOTT
Fellow, College of Public Interest Law
Pacific Legal Foundation

KIRK WILBUR
Director of Government Affairs
California Cattlemen's Association

cc: Marin County Board of Supervisors: BOS@marincounty.org
Marin County Planning Commission: planningcommission@marincounty.org
Marin County Farm Bureau: marincfb@svn.net
Sam Dolcini: slcdiverse@yahoo.com
Dominic Grossi: dgrossi73@att.net
Christian Scheuring, California Farm Bureau Federation: cscheuring@CFBF.com
Tito Sasaki, Sonoma County Farm Bureau: tito@att.net
John Azevedo, Sonoma County Farm Bureau: john.azevedo@kjmail.com
Stacy Carlsen, Marin County Agriculture Commissioner: Scarlsen@co.marin.ca.us
kirk@calcattlemen.org

PLF COPY

J. DAVID BREEMER, No. 215039
E-mail: jdb@pacificlegal.org
Pacific Legal Foundation
3900 Lennane Drive, Suite 200
Sacramento, California 95834
Telephone: (916) 419-7111
Facsimile: (916) 419-7747

DAVID J. BYERS, No. 83388
E-mail: dbyers@landuselaw.com
McCracken, Byers & Richardson, LLP
870 Mitten Road
Burlingame, California 94010
Telephone: (650) 697-4890
Facsimile: (650) 697-4895

Attorneys for Plaintiffs and Petitioners

ENDORSED FILED
SAN MATEO COUNTY
JUN 18 2010
Clerk of the Superior Court
By DANIEL SHIMA
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN MATEO

DAN STERLING and DENISE STERLING, Plaintiffs and Petitioners, v. CALIFORNIA COASTAL COMMISSION, Defendant and Respondent.	No. CIV 482448 Dept. 28 **[SECOND REVISED PROPOSED] STATEMENT OF DECISION**

INTRODUCTION

This case involves the California Coastal Commission's (CCC) attempt to require applicants (Sterlings) for a coastal development permit for one home to dedicate the remainder of their land—about 140 acres—to active agricultural use, forever. This condition demands that the Sterlings deed an easement to this effect to the People of the State of California. The Sterlings seek judgment on a motion for writ of mandate, invalidating the condition under Code of Civil Procedure § 1094.5.

Oral argument was held on February 25, 2010. Mr. J. David Breemer, of Pacific Legal Foundation, appeared on behalf of Petitioners Dan and Denise Sterling. Deputy Attorney General

Hayley Peterson appeared on behalf of Respondent California Coastal Commission. The Court has considered the pleadings and arguments, and now issues the following decision:

I

BACKGROUND

A. Facts and Local Administrative Process

Dan and Denise Sterling live in San Mateo County (County) with their four children. In 1997, the Sterlings purchased a largely unimproved 143-acre parcel of land (the Property) in El Granada, California, in the unincorporated area of the County.

The Property is comprised of sloping, dry, and sparsely vegetated land. Only small pockets of flat land near a creek, amounting to 10 acres in total, are considered prime agricultural soil. Neither this area nor any other part of the Property was used for crops at the time the Sterlings acquired it. There is evidence in the record that the Property cannot be viably farmed.

Recent owners, including the Sterlings, have leased upland areas of the Property to nearby ranchers for grazing 10 head of cattle. This arrangement is not for profit, but merely a mutually beneficial agreement by which the cattle owners get pasture, while the owner receives grazing that reduces fire hazards on the property.

The Sterlings bought the Property with the intent to build a permanent family home. Soon after acquiring the land, the family moved into a small, preexisting mobile home. The mobile had been placed on the lower, flatter portions of the Property by some unknown person who owned the land prior to the Sterlings. The Sterlings planned on using the mobile home as temporary quarters as they built a larger house.

Under the County's land use code, the Property is zoned for Planned Agricultural Development (PAD). This zoning classification conditionally permits residential homes, the allowable number depending on amount of acreage. Due to its size, the Sterlings' Property is entitled to two density credits; *i.e.*, two homes.

In 2000, the Sterlings applied to the County to subdivide their land into two parcels, one large and one small, and to build a 6,456-square-foot home on the larger proposed parcel. Five

///

years later, the Planning Commission denied the project, based primarily on objections to subdivision of the Property.

The Sterlings then abandoned their planned subdivision and simply sought approval of one home. They proposed the home on a flat area south of, and set back from, the creek. This area was and is not used for agriculture. As part of their application, the Sterlings submitted an agricultural management plan. Their plan stated that they desired to continue voluntarily grazing 10 head of cattle on about 1/3 of the Property, through a lease arrangement with a nearby rancher. The County unanimously approved this revised plan, finding it was consistent with the Local Coastal Program. Although approval was conditional, the County did not require the Sterlings to dedicate any kind of agricultural easement.

B. Coastal Commission Proceedings

Soon after the County approved the Sterlings' home plans, the CCC appealed the County decision to itself. No hearing was set on the issue for two years. During this time, the Sterlings continued to live in the small, preexisting mobile home. While discussing the project with the CCC staff, the Sterlings offered two potential 9,515-square-foot sites, rather than one, for their proposed home. The Sterlings specifically proposed an alternative to the County- approved "South Site." This new "North Site" was located on the mobile home pad north of the creek, in an area characterized by prime soil.

When the CCC refused to hold a hearing after two years, the Sterlings threatened to file a suit to compel one. The CCC staff subsequently set a final hearing on February 5, 2009. In so doing, the staff recommended that the CCC not consider the new North Site. The CCC staff report and hearing thus focused solely on the County-approved "South Site."

The staff recommended that the CCC approve the Sterlings' proposed home on the South Site, subject to approximately 11 new conditions, and 32 conditions previously required by the County. One of the new conditions recommended by CCC staff was that the Sterlings dedicate to the public an "affirmative" agricultural use easement on all of the Property lying outside a 10,000-square-foot home building area. This condition specifically provided, in part:

///

"All areas of the Property [except for the 10,000 square foot development area and driveway] shall at all times be maintained in active agricultural use;"

the Sterlings must, as permittees, "either personally conduct agriculture on all their land or enter into a lease with a third party willing to engage in agricultural use on the land;"

"[Prior to issuance of the coastal development permit], the applicants [the Sterlings] shall dedicate an agricultural conservation easement to a public agency or private association approved by the [Commission] Executive Director:"

the "easement deed shall run with the land in favor of the People of the State of California . . . and shall be irrevocable."

After hearing and considering the staff recommendation, the CCC unanimously voted to approve the Sterlings' permit according to staff recommendation and conditions, including the foregoing affirmative agricultural condition. The CCC found that the condition was justified under the County LCP as an alternative to denying the Sterlings' permit. It also made legal conclusions that the agricultural easement condition was consistent with the constitutional standards of *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

On March 25, 2009, the Sterlings filed a verified Petition for Writ of Administrative Mandate under Code of Civil Procedure § 1094.5 and Complaint for Declaratory Relief. The petition for mandate alleges that CCC lacks jurisdiction and authority to impose the affirmative agricultural easement condition under the LCP and that the condition is unconstitutional as a taking of private property. The parties subsequently stipulated to hearing the mandate cause of action first.

II

STANDARD OF REVIEW

This Court interprets regulations and ordinances on a *de novo* basis. *Schneider v. Calif. Coastal Comm'n*, 140 Cal. App. 4th 1339, 1343-44 (2006) ("Where jurisdiction involves the interpretation of a statute, regulation, or ordinance, the issue of whether the agency proceeded in excess of its jurisdiction is a question of law."); *Burke v. Cal. Coastal Comm'n*, 168 Cal. App. 4th 1098, 1105-06 (2008).

///

A claim that an administrative decision amounts to an unconstitutional taking of property is typically a mixed question of law and fact. *Ali v. City of Los Angeles*, 77 Cal. App. 4th 246 (1999). When a constitutional issue hinges on undisputed findings, the questions are legal and reviewed de novo. *Aries Dev. Co. v. Calif. Coastal Zone Conservation Comm'n*, 48 Cal. App. 3d 534, 546 (1975); *Liberty v. Cal. Coastal Comm'n*, 113 Cal. App. 3d 491, 502 (1980).

III

THE AFFIRMATIVE AGRICULTURAL EASEMENT IS AN UNCONSTITUTIONAL TAKING OF PRIVATE PROPERTY

The parties disagree as to whether the CCC has authority and jurisdiction under the County LCP—whose rules the CCC must apply here—to impose the agricultural easement condition on the Sterlings. The Court believes the CCC may have jurisdiction. However, the Court need not conclusively decide this issue, because even if the active agriculture easement is authorized by the LCP, the condition is invalid as an unconstitutional taking of private property.

A. The *Nollan* and *Dolan* Takings Tests

In the land use permitting arena, the controlling constitutional "takings" decisions are *Nollan* and *Dolan*. Together, this Supreme Court jurisprudence requires "proof by the local permitting authority of both [1] an "*essential nexus*" or relationship between the permit condition and the public impact of the proposed development, and of [2] a "*rough proportionality*" between the magnitude of the [] exaction and the effects of the proposed development.'" *Ehrlich v. City of Culver City*, 12 Cal. 4th 854, 860 (1996) (emphasis added). The affirmative agricultural easement condition fails both prongs.

1. The *Nollan* "Nexus" Test

In *Nollan*, the Supreme Court held that land use agencies may not use their permitting powers as an opportunity to exploit property owners by demanding concessions from them in exchange for development permits. *See Nollan*, 483 U.S. at 836-37; *Surfside Colony, Ltd. v. Cal. Coastal Comm'n*, 226 Cal. App. 3d 1260, 1269 (1991). *Nollan* held that a permitting authority can require a property owner to dedicate real property to public use in exchange for a permit only when the condition serves the same purpose, and remedies the same harm, as outright denial of the

permit. *Ehrlich*, 12 Cal. 4th at 860. This standard requires the government to show a direct "relationship between the permit condition and the public impact of the proposed development." *Id.* at 860.

Nollan emphasized that conditioning a permit on property owner concessions unrelated to the proposed project is problematic and unconstitutional because it suggests "'an out-and-out plan of extortion.'" *Id.* (citation omitted).

In *Ehrlich*, 12 Cal. 4th 854, the California Supreme Court accepted *Nollan*'s rationale and adopted the "nexus" test as a limit on permitting authorities in California. *Ehrlich*, 12 Cal. 4th at 860 (requiring a "relationship between the permit condition and the public impact of the proposed development"). *Ehrlich* emphasized that the *Nollan* "nexus" test imposes a heightened level of constitutional scrutiny. *Id.* at 866, 868, 871 n.7; *Surfside Colony*, 226 Cal. App. 3d at 378.

Here, the CCC imposed the affirmative agricultural easement condition on the Sterlings as an alternative to permit denial. It is not clear, however, that the easement condition substantially serves the same purpose as denial.

The Sterling home site is not in active agricultural use. Therefore, if a permit were denied, the homesite would remain in a raw state that would *potentially* allow future agricultural use. Permit denial would not cause any actual agricultural use to occur. On the other hand, the CCC's affirmative agricultural easement condition does. It imposes *actual* agricultural activity, rather than simply ensuring agricultural potential. The condition therefore serves a different public purpose from permit denial; while denial might advance preservation of agriculturally suitable land, the condition institutes actual agricultural use. The disconnect between the public interests served by permit denial and those served by the affirmative agricultural easement suggests the condition unconstitutional. *Nollan*, 483 U.S. at 837, 841-42.

Put differently, the affirmative agricultural easement condition fails the Nollan test because it is not related to the impact of the Sterling home. Because the Sterlings' home is to be built on a small area of their land that is not in active agricultural use, it will not take away any active agriculture. The affirmative easement does not mitigate the actual impact of the home, which is simply that the one acre of land would be taken out of potential, not actual, agricultural use. There

is no "relationship between the permit condition [requiring active agricultural activity] and the public impact of the proposed development [no loss of agricultural activity]." *Id.* at 860. Since there is insufficient evidence of a "close connection between the burden [caused by the development] and the condition," as required by *Nollan*, the condition is therefore unconstitutional. *Surfside Colony*, 226 Cal. App. 3d at 378; *Nollan*, 583 U.S. at 838; *Rohn v. City of Visalia*, 214 Cal. App. 3d 1463, 1475-76 (1989).

2. The *Dolan* "Rough Proportionality" Test

Even if the affirmative agricultural easement condition could satisfy *Nollan*, it fails the *Dolan* test. Under *Dolan*, the government must show its condition bears "rough proportionality" in both "*nature and extent* to the impact of the proposed development." *Dolan*, 512 U.S. at, 391 (emphasis added); *Ehrlich*, 12 Cal. 4th at 879-80.

A permit condition fails *Dolan*'s "roughly proportionality" standard if it demands more concessions (in nature or extent) from a property owner than needed to alleviate the public impact emanating from a project. *Dolan*, 512 U.S. at 393; *Liberty*, 113 Cal. App. 3d at 502. Here, the easement runs afoul of *Dolan* because it imposes demands that go beyond addressing the only arguable impact of the Sterlings' home—taking away a small area of idle land that could be potentially used for agriculture. The CCC demanded permanent institution of actual agricultural uses to mitigate a purported loss of potential agricultural land. The easement is not proportional in nature. *Dolan*, 512 U.S. at 393; *Liberty*, 113 Cal. App. 3d at 502.

The affirmative agricultural easement also fails *Dolan*'s rough proportionality test in scope and extent. The Sterlings' home takes up less than an acre. The CCC's easement condition takes 142 acres, requiring agricultural activity forever on behalf of the public, and transferring all the Sterlings' development rights to the public. It is flat out unconstitutional to require 142 acres to mitigate a perceived loss of one acre.

The CCC nevertheless argues that the agricultural easement condition is constitutionally justified because the Sterlings already engage in voluntary and limited cattle grazing. This contention is off point.

///

The Sterlings' current grazing plan—allowing 10 head of cattle on 1/3 their land—is entirely voluntary and could be terminated at any time by either the Sterlings or the rancher to whom they lease the grazing rights. The CCC cites no authority holding that a property owner's decision to *voluntarily* engage in an activity allows the government to impose a permit condition making the use mandatory, especially when the mandatory use is unrelated to the proposed development. There is a major difference between a voluntary use of land and one that is made mandatory by the government for a public purpose, forever. The added burden on the Sterlings is irreconcilable with *Nollan* and *Dolan*.

Further, CCC affirmative agricultural easement condition is much more burdensome in substantive scope than the Sterlings' voluntary grazing plan. The CCC condition grants an interest in the Sterlings' real property[1] to the People of the State of California; one that wipes out the Sterlings' development right. Conversely, the Sterlings' voluntary grazing plan leaves their development rights—including the possibility of another home for the Sterlings' children—in the Sterlings' hands. And because the CCC easement grants an interest in the Sterlings' real property to another—a public or quasi-public entity—that outside entity acquires the right to "monitor" the Sterlings and their property. Under the voluntary plan, they keep their privacy. The CCC's permanent affirmative agricultural easement condition is not a proxy for, or related to the Sterlings' voluntary grazing of 10 head of cattle.

The CCC repeatedly suggests that the easement condition is justifiable as a means to protect agriculture. This misses the point of *Nollan* and *Dolan*. When a condition is not properly tailored to the development, the general interest it purportedly advances cannot preserve it. *Dolan*, 512 U.S. at 387; *Ehrlich*, 12 Cal. 4th at 868; *Surfside Colony, Ltd. v. California Coastal Comm'n*, 226 Cal. App. 3d 1260 ("While general studies may be sufficient to establish a mere rational relationship between [a legitimate interest and condition], Nollan requires a 'close connection' between the burden and the condition.").

[1] An easement is a real property interest. 12 Witkin, Summary 10th Real Property, § 382, at 446 (2005).

Protecting agriculture is a valid governmental goal. But the means chosen here by the CCC to achieve that goal—imposing the affirmative agricultural easement on the Sterlings—cannot pass constitutional muster because they are neither (1) clearly nor (2) proportionately connected to the impact of the Sterlings' home. The easement condition is irreconcilable with *Nollan, Dolan* and the Constitution, and must be set aside. The petition for writ of mandate is granted.

DATED: 6/17/10.

GEORGE A. MIRAM

HONORABLE GEORGE A. MIRAM

DECLARATION OF SERVICE BY MAIL

I, Laurie E. White, declare as follows:

I am a resident of the State of California, residing or employed in Sacramento, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 3900 Lennane Drive, Suite 200, Sacramento, California 95834.

On June 11, 2010, a true copy of [SECOND REVISED PROPOSED] STATEMENT OF DECISION was placed in an envelope addressed to:

Hayley Peterson
Deputy Attorney General
Office of the Attorney General
110 West A Street, Suite 1100
San Diego, CA 92101

which envelope, with postage thereon fully prepaid, was then sealed and deposited in a mailbox regularly maintained by the United States Postal Service in Sacramento, California.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 11th day of June, 2010, at Sacramento, California.

LAURIE E. WHITE

CoastalMarinLCP

From: Jane Allen <calallen6@gmail.com>
Sent: Monday, October 31, 2016 3:58 PM
To: CoastalMarinLCP
Cc: Jeffrey W. Allen
Subject: Re: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

I am a property owner in the Seadrift development at Stinson Beach. **I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."** The implementation of this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Thank you for your consideration.

Sincerely,

Jane S Allen
216 Seadrift
Stinson Beach

CoastalMarinLCP

From: STACIE CHARLEBOIS <armostacie@hotmail.com>
Sent: Monday, October 31, 2016 3:42 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

W10a

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

STACIE CHARLEBOIS
701 GRANDVIEW RD
City
SEBASTOPOL, CA 95472

CoastalMarinLCP

From: slough1956@aol.com
Sent: Monday, October 31, 2016 3:36 PM
To: CoastalMarinLCP
Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** The implementation of the this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.
Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.
Sincerely,

Sarah Loughlin
216 Seadrift
Stinson Beach

CoastalMarinLCP

From: Kim Lyon <kimster74@sbcglobal.net>
Sent: Monday, October 31, 2016 3:34 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and communities, all while balancing property owners' rights and needs.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the CEQA requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies severely limit public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for considering these comments.

Respectfully,

Kim Lyon
17926 Villamoura Drive
Poway, CA 92064

W10a

CoastalMarinLCP

From: Mary Ann Cobb <fivewobbs@gmail.com>
Sent: Monday, October 31, 2016 3:33 PM
To: CoastalMarinLCP
Subject: NO to LUPA & IPA with modifications

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1 OPPOSED Mary Ann Cobb & Peter Wilson

Commissioners of the California Coastal Commission c/o Shannon Fiala, Planner
45 Fremont St Suite 2000
San Francisco, CA 94105

Dear Commissioners,

As homeowners in Stinson Beach, we ask that you please vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin's County's staff produced a Local Coastal Plan that was based on input from public meetings. We felt it was a balanced plan that protected the environment and property rights. However, two weeks before the final vote, your staff deleted all of it and replaced it with their own regulations, which ignores the process and the concerns of residents.

We feel we had no say in those changes, which would undercut our property rights, such as denying us the right to rebuild and maintain our homes of there is a "possible hazard" from flooding 100 years from now. The country maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme sea level projections are used. But what about our rights right now?

Please stop this unfair imposition on homeowners.

Sincerely,
Mary Ann Cobb and Peter Wilson
100 Seadrift Road
Stinson Beach, CA 94970

W10a

CoastalMarinLCP

From: Alan Proctor <aproctor@horizoncable.com>
Sent: Monday, October 31, 2016 3:25 PM
To: CoastalMarinLCP
Subject: Item W10a

Please do not adopt these changes on Nov2nd I oppose such draconian measures. Alan Proctor .Inverness

CoastalMarinLCP

From:	Dianne Chasteen <dchasteen@CFBF.com>
Sent:	Monday, October 31, 2016 2:49 PM
To:	Fiala, Shannon@Coastal; CoastalMarinLCP; bos@marincounty.org; slcdiverse@yahoo.com; Marin County Farm Bureau; CountyAgCommissioner, Marin@CDFA
Cc:	Scheuring, Chris; Dianne Chasteen
Subject:	November 2, 2016 Meeting – Agenda Item No. W10a – Marin County LCP Update (Marin County LCP Amendment No. LCP-2-MAR-15-0029-1)
Attachments:	CC Letter with Enclosure.pdf

Dear Chairman Kinsey and Commissioners,

The attached letter is being sent by Christian C. Scheuring, Managing Counsel, on behalf of California Farm Bureau Federation. If you have any questions or comments, Mr. Scheuring can be reached at (916) 561-5600 or cscheuring@cfbf.com.

Regards,
Dianne Chasteen

Dianne K. Chasteen
Legal Secretary to Christian C. Scheuring
Legal Services Division
California Farm Bureau Federation
2300 River Plaza Dr.
Sacramento, CA 95833
(916) 561-5653
dchasteen@cfbf.com

W10a

CoastalMarinLCP

From: Richard Reasoner <richard@dendronlmc.com>
Sent: Monday, October 31, 2016 2:34 PM
To: CoastalMarinLCP
Subject: W10a

Planner Shannon Fiala,

As a life-long resident of Stinson Beach, well out of the flood zone, but committed to the preservation of our community, I must protest the coastal commission's disregard for the local meetings and planning efforts that have taken place over the last two years. The commission's staff proposal would literally cut the heart out of Stinson Beach and I am therefore adamantly opposed to it.

Richard Reasoner
P. O. Box 855
Stinson Beach, CA 94970
Phone: 415-868-0479

W10a

CoastalMarinLCP

From: Peggy Steffens <peggys@steffenscorp.com>
Sent: Monday, October 31, 2016 1:51 PM
To: CoastalMarinLCP
Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** The implementation of this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely,

Peggy Schnugg Steffens
216 Seadrift Road
Stinson Beach, CA

CoastalMarinLCP

From: Alexandra Rome <lrome@igc.org>
Sent: Monday, October 31, 2016 1:47 PM
To: CoastalMarinLCP
Subject: Comments submitted for Nov. 2, 2016 hearing

October 31, 2016

Dear Commissioners:

I own a home in Point Reyes Station, CA.

I am very concerned about the affect of your staff's recommendations (re: Environmental Hazards) on my property and others in my own and nearby communities. The recommendations would negatively impact how we can protect, maintain and use our properties and homes. Also, the Coastal Visitor Commercial Residential Zoning (C-VCR) - making commercial use the principally permitted use in the entire district - would deal a significant blow to the fabric and health of our communities. These proposed changes and your staff recommendations are unreasonable and way out of balance.

I understand that Marin County has already rejected the many changes to sections of Marin County's LUPA and IPA submitted by your staff because of the enormous damage they would do to coastal communities in West Marin. I respectfully ask that you listen to the county and it's citizens in your deliberations and support our efforts to ensure property rights and the viability of our communities. I urge you to please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Sincerely,

Alexandra Rome
PO Box 445 (220 Mesa Road)
Point Reyes Station CA 94956

> We own a small home at Stinson Beach. We urge you to please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.
>
> We understand that Marin County has already rejected the many changes to the Environmental Hazards sections of Marin County's LUPA and IPA submitted by your staff because of the enormous damage they would do to coastal communities in West Marin. Such changes are way out of balance, and would seriously and unreasonably impact ours and our neighbors' homes and the town

and preclude us from protecting our home from rising seas and floods.

Please act to stop this action, and unconstitutional taking.

W10a

CoastalMarinLCP

From: Patty Trenkwalder <pattyt@astound.net>
Sent: Monday, October 31, 2016 1:13 PM
To: CoastalMarinLCP
Subject: Nov 2 Agenda Item W10A Opposition

Importance: High

Hello Shannon Fiala,

I received notification this weekend of the vote that will take place this week regarding changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment". I hope I am not too late in exclaiming my strong opposition to this as a property owner in the Seadrift development at Stinson Beach. The implementation of the this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements. These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely and respectfully,

Patty Schnugg Trenkwalder

W10a

CoastalMarinLCP

From: Mary Brown <mlbrown50@gmail.com>
Sent: Monday, October 31, 2016 1:07 PM
To: CoastalMarinLCP
Subject: agenda item W10a on the Nov. 2, 2015 CCC Hearing Agenda: Opposition

Dear Ms. Fiala,

This email expresses my opposition to Agenda Item W10a.

I and my family have been long-time property owners in the Seadrift development at Stinson Beach. As such, ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** I am an environmental advocate and I support the goals of the CCC. However, the "Coastal Redevelopment" strategy proposed by the CCC staff is too draconian and, if implemented, will prevent residents and property owners in low-lying coastal areas from constructing improvements to their homes over time. Specifically, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other onerous requirements to gain compliance with the Local Coastal Plan for projects such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These burdensome new rules would eliminate long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without requiring a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have unintended consequences, including a disincentive to make improvements to existing homes in order to comply with public safety requirements of other agencies, and an incentive to build or remodel illegally.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious flaws, ***I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan.*** Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance environmental protection with the rights of residential property owners to maintain and improve their homes.

Sincerely,

Mary L Brown
216 Seadrift
Stinson Beach

CoastalMarinLCP

From: Tom Schnugg <tschnugg@gmail.com>
Sent: Monday, October 31, 2016 12:39 PM
To: CoastalMarinLCP
Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** The implementation of the this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time.

For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin

County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely,

Thomas J. Schnugg

216 Seadrift

Stinson Beach

W10a

CoastalMarinLCP

From: Nancy Schlatter <nschlatt4@gmail.com>
Sent: Monday, October 31, 2016 12:33 PM
To: CoastalMarinLCP
Subject: Agenda Item W10a

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that ***I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment."*** The implementation of the this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely,

Nancy Schnugg Schlatter

Homeowner, Seadrift, Stinson Beach

CoastalMarinLCP

From: Kristen Renton <roxygirl2@msn.com>
Sent: Monday, October 31, 2016 12:25 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Kristen Renton
26503 Bighorn Way
#206
Valencia, CA 91354

W10a

CoastalMarinLCP

From: Linda Howie <lhowie890@Gmail.com>
Sent: Monday, October 31, 2016 11:56 AM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

Linda Howie
455 E Nees Avenue
#168
Fresno, CA 93720

W10a

CoastalMarinLCP

From: o Lewis <ovl@att.net>
Sent: Monday, October 31, 2016 4:51 PM
To: CoastalMarinLCP
Subject: Protect Marin's Coast

Dear Mr. Ainsworth,

I am writing to provide comments on the Marin County Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1, W10a.

Environmental Hazards:

- I urge the Commission to adopt the staff's October 21, 2016 Environmental Hazards suggested modifications.
- The Marin County LCP Amendment is a matter of statewide importance, as it is one of the first LCPs to address sea-level rise. It is critical that the Amendment set a strong precedent for other regions.
- The Environmental Hazards chapter succeeds in providing a framework for the community and planners to address climate change and sea-level rise to protect our beaches, shorelines, and community character, while balancing the rights and needs of property owners.

CEQA Requirements:

- I understand that the Coastal Commission staff's October 21, 2016 suggested modifications meet the California Environmental Quality Act (CEQA) requirement by a California state agency.
- If any non-administrative policy modifications by Coastal Commission staff are not adopted, or are amended, by the Coastal Commissioners on November 2nd, will the LCP meet CEQA requirements?

Biological and Water Resources:

- I urge the Commission to include specific, enforceable environmental standards to protect biological and water resources. Enforceable standards are necessary to ensure long-term Environmentally Sensitive Habitat Areas (ESHA) protections and habitat viability.
- For 35 years, the 1981 certified LCP has worked well to protect important wetland habitats in the local coastal zone. There have not been any studies or evidence to support the creation of wetland buffer exceptions in the proposed LCP. We should be doing all we can to preserve and protect our wetlands.

Public Participation:

- I am concerned by the increased agricultural entitlements in the LCP Amendment without adequate opportunities for public participation or review.
- The Coastal Act requires the widest opportunity for public participation, but the proposed LCP Amendment drastically limits public participation, including the public's ability to review and appeal Principally Permitted Uses (PPUs) without paying a burdensome fee.
- The new agricultural entitlements defined as PPUs allow for agricultural operations to construct retail spaces up to 500 square feet, processing facilities up to 5,000 square feet, and farmhouses up to 8,000 square feet. Many of these new developments will not be subject to public hearings or appeal without a high fee. The proposed policies limit maximum public participation by requiring individuals and organizations to "pay to be

heard" at a cost of between $630 and $1,250! This significantly limits the public's opportunity to voice concerns or question development activities in our communities.

Thank you for your consideration of these comments.

Respectfully,

o Lewis
PO Box 881075
Los Angeles, CA 90009

W10a

CoastalMarinLCP

From: Raymond Taylor <Taylorsinwlv@msn.com>
Sent: Monday, October 31, 2016 5:00 PM
To: CoastalMarinLCP
Subject: Hearing addressing the Marin County Local Coastal Program

October 31, 2016

Subject: Item W10a on the November 2, 2016 California Coastal Commission (CCC) Hearing Agenda

Dear Ms. Fiala,

As a property owner in the Seadrift development at Stinson Beach, please be informed that I strongly object to the proposed changes to the Marin County Local Coastal Plan regulations dealing with "Coastal Redevelopment." The implementation of this new "Coastal Redevelopment" concept proposed by the CCC staff will have a debilitating impact in preventing residents and property owners from constructing a range of improvements to their homes over time. For property located in bluff or low lying coastal areas, the new definition of "Coastal Redevelopment" could require a Coastal Permit, a new environmental hazards analysis and other difficult-to-meet requirements to achieve full Local Coastal Plan compliance for projects, such as simple house upgrades and remodels, that otherwise have been exempt from Coastal Permit requirements.

These onerous new rules would remove long-standing rights explicitly granted under the Coastal Act to maintain and improve single family residences without the requirement of a Coastal Permit. They constitute an unnecessary and unfair burden on property owners, and this could have the unintended consequence of discouraging improvements to existing homes to comply with public safety requirements of other agencies. Additionally, the added time, cost and difficulty to comply with these new rules will likely result in incentivizing some property owners to build illegally which is yet another unintended consequence.

The "Coastal Redevelopment" concept is not a policy found in Marin County's current approved Local Coastal Program, and it is not a concept that appears either in the Coastal Act or in Administrative Regulations governing its application. The proposed rules are vague and confusing, and they create internal inconsistencies between Environmental Hazards provisions and Coastal Permit requirements.

Given these serious concerns and issues, I urge the California Coastal Commission to reject any language, reference or rules relating to "Coastal Redevelopment" in an amendment to the Marin County Local Coastal Plan. Please focus on policies that more suitably implement the California Coastal Act and more appropriately balance the rights of residential property owners to maintain and develop their homes.

Sincerely,

Susan S. Taylor
216 Seadrift
Stinson Beach

CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

Via Facsimile (415) 904 – 5400
and E-mail (shannon.fiala@coastal.ca.gov)

October 31, 2016

Chairman Steve Kinsey and Commissioners
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: **November 2, 2016 Meeting – Agenda Item No. W10a – Marin County LCP Update (Marin County LCP Amendment No. LCP-2-MAR-15-0029-1)**

Dear Chairman Kinsey and Commissioners:

The California Farm Bureau Federation ("Farm Bureau") appreciates the opportunity to provide you with these comments in relation to the Marin County LCP Update, which you are considering at your November 2, 2016 meeting in Half Moon Bay.

Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 53,000 agricultural, associate and collegiate members in 56 counties. This membership includes farmers and ranchers up and down California's coastal zone, through some 14 county Farm Bureaus. As part of its mission, Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. Within the coastal zone, Farm Bureau has long been involved in coastal planning processes, and has a direct interest in the administration of the Coastal Act.

With regard to the LCP Update for Marin County that is now before you, Farm Bureau joins and underscores the comments of the Marin County Farm Bureau in relation to the wholesale overwrite Commission staff has proposed to replace language worked up by the County of Marin on the subject of "ongoing agriculture" and potential permitting requirements.

NANCY N. MCDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN · KAREN NORENE MILLS · CHRISTIAN C. SCHEURING · KARI E. FISHER · JACK L. RICE

We urge the Commission to reject those staff-authored changes, which would provide that only those "existing legally established" agricultural activities can continue without a permit in the coastal zone. Farm Bureau believes this would be flatly inconsistent with the Coastal Act, which recognizes the primary importance of coastal agriculture, and should allow for operational flexibility for farming and ranching to continue and undertake cultivation activities and crop changes where significant coastal resources are not otherwise affected.

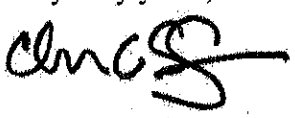
I have attached a March 27, 1981 memorandum from the Commission's executive director to his regional executive directors on that subject. With emphasis, he points out that the Commission's direction on agricultural operations was to proceed "cautiously", and:

> "to assert jurisdiction only in those situations where it is quite clear that significant coastal resources are threatened."

We believe this direction comports directly with the definition of "development" in the Coastal Act, and we believe that the Commission should remain faithful to its original course on this subject and reject the Commission staff-proposed changes to Marin County's LCP Update on the subject of "ongoing agriculture".

Farm Bureau thanks you for your consideration of the foregoing, and looks forward to appearing before the Commission on November 2.

Very truly yours,



Chris Scheuring
Managing Counsel

CCS/dkc

Enclosure

cc: marinlcp@coastal.ca.gov
Marin County Board of Supervisors: bos@marincounty.org
Sam Dolcini: slcdiverse@yahoo.com
Marin County Farm Bureau: marincfb@svn.net
Stacy Carlsen, Marin County Agriculture Commissioner: scarlsen@co.marin.ca.us

State of California

Memorandum

To : Regional Executive Directors

Date : March 27, 1981

Subject: Agricultural Activities Involving Removal of Major Vegetation

From : California Coastal Commission - Michael Fischer

On March 19, 1981, the Commission asserted jurisdiction over expansion of agricultural activities located in areas containing major vegetation. The Commission determined that expansion of agricultural uses into areas of native vegetation constitute a "change in the intensity of use of the land" and therefore are developments under the Coastal Act. Please note that this decision concerns only that vegetation removal which changes the basic use of land from essentially natural to a cultivated agricultural use. Changes from one agricultural use to another, such as crop rotation, removal of agricultural vegetation (e.g., old orchards or windbreaks), or modification of small areas of vegetation, the edge of cultivated areas are not within the scope of the Commission's assertion.

In light of the significance of this assertion given the 1978 Opinion of the Attorney General's office and the need to not disrupt, continuing agricultural operations, the Commission advised us all to proceed cautiously and to assert jurisdiction only in those situations where it is quite clear that significant coastal resources are threatened. The recommendation adopted by the Commission lists criteria which should be used in reaching that decision. Several copies have been mailed to each region.

In order to assure uniformity of application, please do so within these two guideposts. First, if a certified local LCP or LUP addresses this issue (such as Santa Barbara or San Mateo County), assert jurisdiction in a manner and to an extent consistent with the provisions in the LCP or LUP. Secondly, if possible, violations are discovered, consult with Linda Breeden or Roy Gorman of the state legal staff before sending a notification of a violation to the property owners. This consultation requirement will help to assure that the new policy is being applied properly throughout the state during this period prior to certification of LCP's.

G-2

RECEIVED
OCT 31 2016

W10a

Supervisor Steve Kinsey
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

26 October 2016

As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.

Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Kevin Murphy

Home address:	and	Affected property address:
40 Lancaster Avenue		248 Seadrift Road
Kentfield, CA 94904		Stinson Beach, CA 94970

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
OPPOSED
NAMES: LAWRENCE A. BASKIN & KATHLYNN CAPDEVILLE

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My wife and I have owned a home in Stinson Beach for over 30 years. We are urging you vote NO on the motions submitted by your staff to approve the LUPA and IPA with the staff's modifications, and that you instead vote YES on Marin County's LUPA and IPA as submitted by the County.

Marin County's staff worked very hard and held many public meetings with Stinson Beach residents to produce a Local Coastal Program that balanced public access, the environment and our property rights. The process was quite impressive. Marin County staff worked with a number of Stinson Beach and West

Marin residents and community based groups to produce a set of amendments that were truly representative of the West Marin coastal community. Your staff has adopted an adversarial approach, refused to listen to the community's clearly expressed preferences, and consistently rejected the proposals without a rational basis. They appear to have staked out a position early in the process and refuse to make modifications despite widespread community supported proposals. Now, less than two weeks prior to the vote, your staff deleted all of the proposed amendments and replaced them with their own ill conceived regulations!

None of us in Stinson Beach were allowed any input into those changes. Most of them would unfairly remove our property rights, such as denying us the right to rebuild and maintain our homes if there is a "possible hazard" from flooding 100 years from now. **Using a hypothetical and highly speculative 100 year standard makes no sense. Even trying to guess future effects based on a 50 year run-out is a guess, but more rationaly based and can be revised every ten years based on actual data rather than purely speculative creations of worst case scenarios.** **While climate change is undeniable, the resulting seal level rise and rate of such is clearly an unknown.** The County maps show that my entire neighborhood in Stinson Beach could "possibly" be flooded if the most extreme, unlikely sea level projections are used – how can you possibly take away my home now, on the outside, highly speculative chance such flooding might occur in 100 years?

Please honor well the thought out and carefully developed plan amendments submitted by Marin County created and supported by the commmunity you were appointed to serve.

Thank you for your consideration.

Lawrence A. Baskin, Esq. & Kathlynn Capdeville

Dear Supervisor Kinsey,

As a Stinson Beach homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.

I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.

Sincerely,

Anne McMullin

Steve Kinsey
>>> Supervisor
>>> 3501 Civic Center Drive
>>> San Rafael, CA 94903
>>>
>>> Dear Steve,
>>
>>> As a West Marin homeowner, I am writing to ask that you withdraw the Environmental Hazards Amendment to Marin's Local Coastal Program.
>>>
>>> I am very concerned that under regulations the California Coastal Commission is attempting to impose on Marin County, I would lose my rights to maintain, protect and rebuild my home. I understand that repeated attempts to compromise with the California Coastal Commission staff have failed, and that they intend to instead force their own draft regulations in place of those approved by our Board of Supervisors at the upcoming hearing on November 2nd. I am disappointed that the many meetings, votes and letters from West Marin residents that contributed to Marin County's submission have been ignored in this process.
>>> Please protect my home and my property. The current Local Coastal Program would be better than the proposed changes. Please keep it in place.
>
>> Thank you, Gail D. Mace
>> 115 Evergreen Road
>> Bolinas, 94924

From: Linda Tillotson
To: CoastalMarinLCP
Cc: linda tillotson; George Tillotson
Subject: Item No: W10a, Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Date: Monday, October 31, 2016 8:12:43 AM

Date: October 31, 2016

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
Linda and George Tillotson
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a property owner in West Marin. I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on my property and my town would be terrible. I would be unable to protect my home from rising seas and floods, I would be unable to maintain it over time, and my rights to develop or sell my property at a fair price would be taken from me. My entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission.

Please act to stop this action.

Yours,

Linda and George Tillotson

2 Rafael Patio

Stinson Beach, CA

W10a

From:	Dennis Jauch
To:	ShannonEialaMarinLCP@coastal.ca.gov
Cc:	CoastalMarinLCP
Subject:	Coastal Commission Agenda Item W10a
Date:	Monday, October 31, 2016 8:30:25 AM

Dear Coastal Commission: When I bought my property at 27 Calle De Ribera, Stinson Beach I was fully aware of the risks that I was getting into. There were several potential hazards that I took into consideration such as the close proximity to San Andreas Fault Line and the potential flooding that could take place from the creek and ocean. Over these years I have paid a very high cost for both flood and earthquake insurance to help reduce some of the risk. I took this gamble because I loved the area and I thought it would be a good investment.

Now I am finding out that I didn't take into consideration the biggest hazard of all, a political body trying to devaluate my property by setting rules and policies that will directly effect the value of my property. Their action, California Coastal Commission, could cause more damage to my property than the physical damage I may have faced with floods and earthquakes. Our community has worked with our local County government trying to find ways to mitigate and reduce future property risks without doing financial harm to the owners. Now the Coastal Commission is coming in, disregarding past County discussions and are proposing regulations that will do great financial harm to all residents. Why?

I urge the Commission to repeal their proposal, or at the very least, not make a decision on this matter until they can meet with the community and come up with a more viable alternative.

Thank You for your consideration regarding this matter.

Sincerely,

Dennis Jauch
Owner, 35 Calle Del Ribera, Stinson Beach

W10a

From: William Pereira
To: CoastalMarinLCP
Subject: CCC Nov. 2, 2016
Date: Monday, October 31, 2016 8:50:00 AM

Item No: W10a
Marin County LCP Amendment No. LCP-2-MAR-15-0029-1
William R Pereira
OPPOSED

Commissioners of the California Coastal Commission
c/o Shannon Fiala, Planner
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commissioners,

I am a 4th generation and actually there have been 6 generations of my family living in west Marin. As a property owner in West Marin I am writing to ask that you please vote YES on Marin County's LUPA and IPA as submitted, and vote NO on the motions submitted by your staff to approve the LUPA and IPA with their modifications.

Your staff has made dozens of pages of changes to the Environmental Hazards sections of Marin County's LUPA and IPA. These changes have already been submitted before by your staff in 2015, and were rejected by Marin County because of the enormous damage they would do to coastal communities in West Marin. We worked very hard with the County in many public meetings for the past several years to produce a Local Coastal Program that would work for all of us in Marin. This hard work, and our concerns about your staff's revision were simply ignored in what your staff submitted, and the document members of the public helped to produce has simply been entirely struck out and replaced by your staff's submissions once again.

If the changes your staff proposes pass, the impact on others property and my town would be terrible. Home owners would be unable to protect their home from rising seas and floods, they would be unable to maintain it over time, and their rights to develop or sell their property at a fair price or maybe not at all with said restrictions, thus eliminating all investments they have in their property. Our entire community could disappear over time due to your staff's actions. That this has happened without public input and through wholesale replacement of my County's submitted Local Coastal Program is unfair, and is a terrible reflection on your Commission. Please reconsider your possible action and Please try to work with us in a matter we can all live with.

Yours,
William R Pereira
12 Avenida Las Baulinas
Stinson Beach, Ca. 94970

W10a

From: Dennis Jauch
To: CoastalMarinLCP
Subject: Agenda Item W10a, Attention Planner Shannon Fiala
Date: Monday, October 31, 2016 8:35:09 AM

Dear Coastal Commission: When I bought my property at 27 Calle De Ribera, Stinson Beach I was fully aware of the risks that I was getting into. There were several potential hazards that I took into consideration such as the close proximity to San Andreas Fault Line and the potential flooding that could take place from the creek and ocean. Over these years I have paid a very high cost for both flood and earthquake insurance to help reduce some of the risk. I took this gamble because I loved the area and I thought it would be a good investment.

Now I am finding out that I didn't take into consideration the biggest hazard of all, a political body trying to devaluate my property by setting rules and policies that will directly effect the value of my property. Their action, California Coastal Commission, could cause more damage to my property than the physical damage I may have faced with floods and earthquakes. Our community has worked with our local County government trying to find ways to mitigate and reduce future property risks without doing financial harm to the owners. Now the Coastal Commission is coming in, disregarding past County discussions and are proposing regulations that will do great financial harm to all residents. Why?

I urge the Commission to repeal their proposal, or at the very least, not make a decision on this matter until they can meet with the community and come up with a more viable alternative.

Thank You for your consideration regarding this matter.

Sincerely,

Dennis Jauch
Owner, 35 Calle Del Ribera, Stinson Beach

W10a

From: agregg@svn.net
To: CoastalMarinLCP
Subject: W10a
Date: Monday, October 31, 2016 9:46:05 AM

Shannon Fiala, As a member for the East Shore Planning Group in Marshall I am against the proposed changes the Coastal Commission staff have submitted.
I urge the commissioners to vote them down. There needs to be some democratic input. Are we being dictated to by non elected bureaucrats?

Allen Gregg Voter - taxpayer - property owner

W10a

From: Kristy Patterson
To: CoastalMarinLCP
Subject: Agenda Item W10a
Date: Monday, October 31, 2016 9:10:18 AM

Attention: Shannon Fiala

Dear Mrs. Fiala,

I am writing in hopes to express my grave concern for the new changes being proposed. I request you not adopt the changes in item W10a at your hearing on November 2, 2016. My family has had property in Bolinas for several decades, and this piece of property is part of our family history and legacy. The changes will make it impossible to keep up with and unmaintainable to pass song to my own children. Please consider what is at risk, and the history our homes hold dear to our hearts and families. Thank you.

Respectfully,

Kristy Patterson
Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

Sent from my iPhone

W10a

From:	Tito Sasaki
To:	Barbara A. Siebert; CoastalMarinLCP
Cc:	"kirk@calcattlemen.org"
Subject:	Re: Marin County Local Coastal Program Amendments
Date:	Monday, October 31, 2016 10:19:37 AM

BARBARA:
Thank you for copying me your strong arguments.
I hope Jeremy and Kirk are thinking of following it through.
TITO

From: Barbara A. Siebert <bas@pacificlegal.org>
To: '"marinlcp@coastal.ca.gov"' <marinlcp@coastal.ca.gov>
Cc: '"BOS@marincounty.org"' <BOS@marincounty.org>; '"planningcommission@marincounty.org"' <planningcommission@marincounty.org>; '"marincfb@svn.net"' <marincfb@svn.net>; '"slcdiverse@yahoo.com"' <slcdiverse@yahoo.com>; '"dgrossi73@att.net"' <dgrossi73@att.net>; '"cscheuring@CFBF.com"' <cscheuring@CFBF.com>; '"tito@att.net"' <tito@att.net>; '"john.azevedo@kjmail.com"' <john.azevedo@kjmail.com>; '"SCarlsen@co.marin.ca.us"' <SCarlsen@co.marin.ca.us>; '"kirk@calcattlemen.org"' <kirk@calcattlemen.org>
Sent: Monday, October 31, 2016 9:48 AM
Subject: Marin County Local Coastal Program Amendments

Dear Mr. Ainsworth,

Attached please find a letter in PDF-format from Pacific Legal Foundation and the California Cattlemen's Association submitting comments on the proposed Marin County Local Coastal Program Amendments. A hard copy has also been sent today via USPS. Thank you.

Sincerely,
Barbara A. Siebert
Legal Secretary

Pacific Legal Foundation
930 G Street
Sacramento, CA 95814
(916) 419-7111 Telephone
(916) 419-7747 Facsimile

****
CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such

inadvertent disclosure shall not compromise or be a waiver of any applicable privilege as to this communication or otherwise. If you have received this communication in error, please contact the sender at its Internet address above, or by telephone at (916) 419-7111. Thank you.

W11a

October 31, 2016

Dear California Costal Commission & Titans of Mavericks contest organizers,

First off, I want to say a huge thank you to the Titans of Mavericks event, the surfing community, and all of the amazing female athletes who have pushed the level of our sport to achieve what we have today; a women's division in the Maverick's event and World Surfing League (WSL) tour. It has taken hard work, dedication, enthusiasm, teamwork, and many years of adventure, fun, and true grit to arrive at this point. Progress can be slow in big-wave surfing, as it must be to promote safety, fun, and success because it is a dangerous, extreme sport. A lot of patience and training are involved, and the sport will continue to slowly grow to new heights.

My name is Savannah Shaughnessy, I am 27 years old, from Santa Cruz County. Since watching the film "Year of the Drag-in" when I was in middle school I have loved Maverick's. When I was 12 years old I decided I wanted to surf Maverick's the same way as the men I watched in the film. It truly was a male-dominated sport at that time. I sought out experienced mentors and began preparations for safety and success. I took a three-day personal watercraft (PWC) course with Shawn Alladio at K38 in Morro Bay when I was 14 years old, and that winter I watched the Maverick's contest on the Jet Ski. It was my first close-up view of Maverick's. By the end of the day I wanted to be in the contest too. I remember being inspired when Sarah Gerhardt was selected as an alternate for the Maverick's event, then called, Men Who Ride Mountains in 2001. I first came to attempt to surf Maverick's in 2005 with Sarah Gerhardt when I was 16 years old. I have been coming back ever since. It has never been a career for me. My career is in health care as a registered nurse. However, I have dedicated a substantial amount of my life training for and surfing big-waves, with Maverick's being my focus and obsession. I have watched many of the Maverick's contests from the water, and I have surfed after many of the events as the sun was setting.

I remember during the 2012/2013 big-wave surfing season the event organizers attempted to create a women's division. They were unable to due to a lack of female athletes willing to surf Maverick's, with some having unreasonable demands to acquire their participation.

I have seen, and had to privilege to be a part of the growth of big-wave surfing. In 2010, the Maverick's event was held in 50-60 foot tall perfect surf, and the athletes took the sport to a new level. Female big-wave surfing has seen a very steep progression since 2010 as well. Most recently, a handful of female athletes traveled to Maverick's, supported by WickrX Super Sessions in December 2014. We all became closer, and surfed very small, stormy Maverick's together. A few of the women extended their trip for the opportunity to surf Maverick's on a larger, cleaner day. I remember Emily Erickson catching a really nice wave that day. It showed an increased female interest in Maverick's. I have judged the Mavericks event, and I have been considered for the event as an alternate in the men's division.

October 31, 2016

My brother is surfing in this event for the first time this year. I suffered a life changing injury last winter at Maverick's that has kept me out of the ocean for almost a year now. I know this wave, and this community, and I am absolutely in love with both. This is why I want to ensure that the women's division in the Titans of Mavericks event is planned to promote safety, fun, and success.

It is important that the plans for the women's division come from collaboration between surfers in the big-wave community and the organizers of the event, not from politicians outside of the community who do not understand Maverick's, the athletes, and the competition.

For the first time in the history of big-wave surfing, there are enough skilled, competent female surfers who have the necessary experience surfing large waves to create a women's division in the already established big-wave surfing events. This year, both the WSL and Titans of Mavericks events will include a women's division comprised of one, one-hour heat. This is a very small, specialized group of women, and this is the perfect format at the perfect time.

Big-wave surfing is different from other sports because the competition arena is not a "static playground." It is an uncontrolled, changing environment that can become dangerous very quickly to the most calculated, and physically and mentally trained athletes. Also, while the best swell and weather forecasters counsel the event organizers to select the biggest, cleanest swell of the year to run the contest; the conditions can still be somewhat unpredictable. The fog, changing tides, changing winds, and swells that are building leading to larger waves throughout the day, or swells that are dropping quickly resulting in smaller waves throughout the day must all be navigated. Surfing Maverick's is to experience the true wilderness; it is raw and wild. Each contest has faced one, possibly all of these challenges; it is the ocean we are talking about after all. Each year, the event is run on a very tight schedule. Some years the event had to begin two hours late due to thick fog, and the competitors had to forego any planned breaks between heats due to a late start or increasing dangerous winds. There is enough time to include a one-hour women's division, but there truly is not enough time in the day to add more than one additional heat, nor are there enough female athletes.

The time of one hour per heat has been selected because during a large swell there are typically one to two sets of big-waves per hour. The competitors need a full hour in order to catch 1-3 waves. If heats were any shorter, there would be many competitors unable to catch a single wave in their heat, male or female. I suggest that the women's heat should be held before the men's final. This timing is ideal so that both final heats are held consecutively, and so that the men have a break after their semi-final heats to rest before their final heat.

The women's heat is planned to be on the same day as the main event, which is fantastic for progressing the sport and pushing the women to new levels. However,

many women surfing big-waves are not surfing waves that are as large as those that their male counterparts are riding. The day of the event is selected to showcase the athlete's abilities and push their limits. Thus the day of the event should be held with waves standing 50 feet tall, and while clean conditions are sought-after, athletes must have the ability to adapt to less than ideal conditions requiring additional skill, experience, and confidence. There are a select few big-wave female surfers surfing waves of this caliber, and at this ability level. For some women this is easily double the size of the waves they are surfing at big-wave surfing locations. Maverick's is a very technical big-wave, it has been argued to be the 'Mount Everest' of big-wave surfing, and is often compared to Jaws on Maui. Asking for athletes to go that far outside of their comfort zone and ability level is unsafe. There are 5-6 women who have surfed Maverick's and have the skill and experience to surf big-waves at this caliber safely and successfully. I am beyond excited to see them perform in the event; I know it will be impressive. However, besides this small group, there are hardly enough dedicated, skilled athletes to form an alternate list. The women's event needs to be one heat for safety, fun, and success. I hope the sport will continue to grow, and I believe it will. At this time, and I predict for the next five years (based on the amount of growth in the last five years), a *six-woman one-hour heat with four alternates will be the best format for the women's division.*

The prize money has been calculated fairly between the men and women's divisions. It is calculated based on the number of athletes in each division; $5,000.00 has been contributed toward the prize purse for each division per number of athletes that comprises each division. There are six female athletes competing, so there will be an equitable $30,000.00 in the prize purse.

There will be two female members added to the Committee 5. It will become the Committee 7. This committee will collaborate to determine the six female athletes to compete in the women's event this year, and the 4 female alternates. The Committee 7 will select both male and female athletes each year for the competition from this year forward. For the season of 2016/2017 the male competitors have already been selected by the Committee 5. The event organizers are adding myself and Nikki Brooks to the Committee 5. Nikki Brooks has been documenting women's surfing, and big-wave surfing for at least 15 years. She is present at Maverick's each swell that provides enough energy for waves to break at Maverick's, and every contest. She is watching the athletes, and documenting their accomplishments. She also knows Maverick's, and the big-wave surfing community very well. Nikki Brooks is also a skilled sailor, teaches marine biology, a long-distance ocean swimmer, and a surfer.

Lastly, a multi-year permit is needed for the event to allocate and acquire substantial, loyal, and fruitful sponsors. The process of being required to apply for a new permit every year would literally kill this event, which has been so special and valuable to many surfers, spectators, and local businesses. Big-wave surfing has never been a profitable sport. Men and women who obtain their salaries solely

surfing big-waves are rare, and typically live month-to-month swell-to-swell. It is a lifestyle, and they risk everything to travel, progress, and achieve their goals. This event has been run on a very tight budget, and on occasion, even a competitor will contribute money towards the prize purse. For example, one year there was not enough money to run the Todos Santos event, so Greg Long, (one of the most impressive and widely celebrated big-wave surfers), put up the money required for "the show to go on." A multi-year permit will allow for better sponsorship of the event, which will lead to better compensation and prize monies for the male and female athletes. This will help progress the sport because more men and women will be able to afford to participate. Limiting this event would oppose growing the sport and women's division.

The event organizers have collaborated with women in the big-wave community who have the desire to communicate and effectively work towards an amazing event. So far, these women include Emily Erickson, Sarah Gerhardt, Nikki Brooks, and myself. I really enjoy seeing the progress made, and the women's division is being planned to, and will be carried out to best fit the female athletes. I think we all can agree that everyone is excited to see women officially joining the main event. The contest will be as safe as possible, fun, equitable, and a big success. This is a fair, safe, and fun beginning.

Sincerely,

Savannah Shaughnessy

W11a

Nikki Brooks

3736 Hilltop Court
Soquel, CA 95073
831-566-1900
seanikkibrooks@hotmail.com

October 30, 2016

Dear California Coastal Commission, Mavericks Governing Entities, Cartel Management, and Interested Parties,

I am writing in support of the women's heat to be held at the Titans of Mavericks event for the 2016/2017 season. I am a surf photographer from Santa Cruz, CA and I have been documenting big wave surfing at Mavericks every season since 2006. Over the years I have focused on women's big wave surfing and have been following the women who surf at Mavericks as well as at other big wave locales around the world. I have photographed notable swells and big wave contests at Mavericks, Waimea Bay (Oahu), Jaws (Maui), Nelscott Reef (Oregon), Puerto Escondido (Mexico), and Pico Alto (Peru). I have documented waves ridden by men and women that have been nominated for big wave awards and world records. My photographs and features focusing on women big wave surfers such as Savannah Shaughnessy, Sarah Gerhardt, Jamilah Star, Paige Alms and Maya Gabeira have been published internationally.

As a photographer, I have witnessed many swells and have photographic record of the women that have been surfing Mavericks over the past ten years. There have only been a few women that have been committed to surfing Mavericks for more than five years. I am very pleased to see more women surfing Mavericks the last few years, and I am impressed with their performance at Mavericks and at other big wave venues.

I am very excited that the Titans of Mavericks is providing an opportunity for women to surf in a competition at Mavericks. This is a significant event in the progression of women's big wave surfing! Women big wave surfers, especially ones that are committed to surfing Mavericks, have earned this opportunity.

Mavericks is a very dangerous wave, and like all big waves, it demands respect. Years of surfing experience at Mavericks must be a requirement when considering potential competitors. Big wave surfing is not a feat tackled with pure brawn. Having the right frame of mind, mental and physical strength, knowledge of the swell directions, weather, tides, a connection to the other surfers in the lineup, training to handle extreme wipeouts and dangerous situations, as well as knowledge of the idiosyncrasies that occur within an ever changing environment, can only be achieved after dedicating oneself to Mavericks over the years. I feel that the criteria that the Titans of Mavericks list on their website in

order to be considered as a potential competitor should be applied to all potential women competitors as well. When considering this criteria, along with my years of documenting surfing at Mavericks, I believe that one heat with six women competitors and four alternates is an appropriate way to honor women's big wave surfing. I am confident that in time, as more women venture to Mavericks to surf its giant waves, there will be more women candidates that have earned their place to compete there.

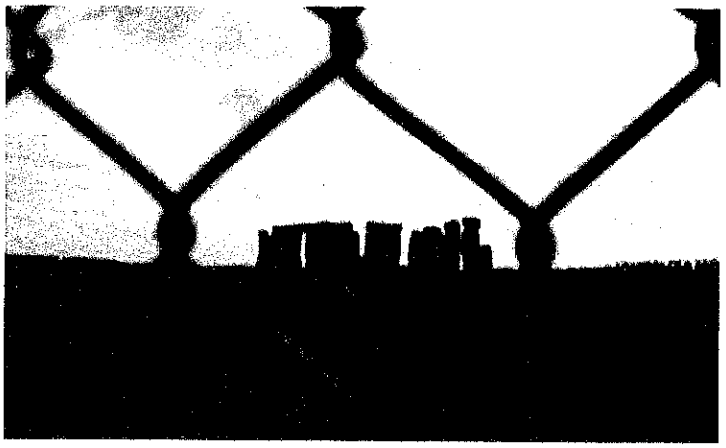
The logistics of putting on a big wave surf contest are challenging. Aside from there only being so many daylight hours during the winter season, many factors have to come together in order to have enough time to run the heats in contestable surf. Environmental factors such as wind, tide, visibility, and swell duration can all effect the contest conditions. A big wave surf contest should be viewed as a speciality event, and includes a limited number of competitors in order to ensure completion of the contest in one day. Permitting an additional heat for the women to compete is possible under ideal circumstances, but trying to squeeze any heats beyond this would be very difficult. Unfortunately swells rarely produce significant size the following day, thus prolonging the Titans of Mavericks event into a two day contest is not an option.

I believe that the Titans of Mavericks has the best interests of the women in mind and they have done a commendable job providing an event that showcases the world's best big wave surfers that are dedicated to surfing Mavericks. I am in support of a multi year contract to be granted to the Titans of Mavericks by the California Coastal Commission.

Thank you for your time and consideration.

Yours Truly,

Nikki Brooks



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

October 28, 2016

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

Re: **Permit #2-15-1458-A1 (Cartel Management)**

Dear Commissioners and Staff,

This permit should not be extended for four years.
After all of the discussion last year, the Cartel applied this year for another Manfest. Congratulations to CCC Staff for forcing them into the era of equal rights. The Commission should maintain control *annually* until the Cartel can show an honest effort to follow through on their promises.

Cartel Management has demonstrated that they do not want to include women, past champions, or anyone they do not like. They still are not including the most qualified participants. They are only including their friends.

This is not a competition of the best surfers in the world. **This is corporate-sponsored, state sanctioned localism. "Our wave, Our beach, Go home!"**

This is a permit to close the most revered location on the best day of the year. It is a permit to close Stonehenge on the solstice, so that a small group of self-selected Druids may have their exclusive party.

The decision of who gets to enjoy this incredibly rare resource in the best possible conditions without crowds of commoners is secretive, biased, and sexist. This is not a surf contest. It is a popularity contest. Popularity contests are not a coastal-dependent activity. Members of the public who want to surf Mavericks should not be locked out during prime conditions just because friends of the Cartel want to showcase themselves.

Do not extend this permit until the Cartel has proven that they are capable of including more than just their close circle of friends.

Lunada Bay for Just One Day. One day is one too many.

Sincerely,

Scott Miller

W11a

EX PARTE COMMUNICATION DISCLOSURE FORM

RECEIVED
OCT 21 2016

Filed by Commissioner:	Mark Vargas

1) Name or description of project:

Permit No. 2-15-1458-A1 (Cartel Management, San Mateo Co.)

2) Date and time of receipt of communication:

October 21, 2016 at 6:26PM

3) Location of communication:
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

Electronic Communication

4) Identity of person(s) initiating communication:

Sabrina Brennan

5) Identity of persons(s) receiving communication:

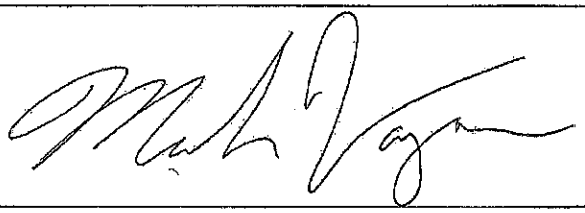
Mark Vargas

6) Identity of all person(s) present during the communication:

Sabrina Brennan, Mark Vargas

7) Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

While coordinating the date and time of an in-person ex parte communication for the following week, Sabrina Brennan sent a message saying: "I just read the staff report. It's disappointing. No multiyear permit please."

October, 24, 2016	**Signature** 

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

W11a

Cori Schumacher
Executive Director
The Inspire Initiative
PO Box 2147
Carlsbad, CA 92018

the **Inspire Initiative**

History of Women's Surfing

October 19, 2016

California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RECEIVED
OCT 21 2016
CALIFORNIA
COASTAL COMMISSION

cc:
Renee Ananda: Renee.Ananda@coastal.ca.gov
Nancy Cave: Nancy.Cave@coastal.ca.gov
Jeannine Manna: Jeannine.Manna@coastal.ca.gov
Stephanie Rexing: Stephanie.Rexing@coastal.ca.gov

Re: Permit No. 2-15-1458-A1 (Cartel Management, San Mateo Co.).

Dear Chair Kinsey, Honorable Commissioners and Commission Staff,

I am writing you today to respectfully request your assistance in requiring more specific and legally accountable plans for the inclusion of women surfers in the "Titans of Mavericks" annual surfing event.

As a 3-time women's world surfing champion, 2-time North American women's surfing champion, women's rights advocate, and co-founder and executive director of The Inspire Initiative, an education-based non-profit organization purposed with increasing the diversity and inclusivity of surfing, I have over 3 decades of experience working to make surfing more equitable and accessible for every woman, regardless of her ethnicity, sexual orientation, or socio-economic status.

Despite the many, hard-fought strides women have taken over the years in surfing, there continues to be elements within the surfing world that strongly oppose equity for women surfers. Given surfing is rarely associated with public education or government institutions, competitive women surfers do not benefit directly from such important legislation as Title IX (1972).

Despite this, and at great risk to our careers and our finances, many of us have tenaciously pursued equity and inclusion for ourselves, for each other, and for future generations. We have and continue to support each other through coalition building, awareness raising, and reaching out to folks, like you, who can help influence where too often we are silenced, ignored, and often shunned.

Time and time again, in my advocacy work for women surfers related to the surf industry, the surf media, and institutionalized competitive surf organizations, I have experienced the same behavior and rhetoric being exhibited by Cartel Management related to their "Titans" event: assurances of steps toward inclusion with no actual steps taken and no accountability, until external pressure is applied.

Cartel's extant parameters for deciding who is allowed to compete in the actual event, are specifically geared toward rationalizing the exclusion of women, and do not provide a clear path to include women in the "Titans" event.

It is not enough that women are being included with men in the initial draws for the event or as alternates. These are empty gestures meant to quiet the growing number of voices from within and outside of surfing calling on equity for women in this event. The fact that women are consistently not chosen to advance to the actual surf event highlights the need to change the formatting (creating a women's *division* distinct from the men's division) and the need for a women's representative on the decision-making body for the event, the so-called "Committee 5" group.

I cannot stress enough how important it is for there to be a women's representative, of the women competitors' own choosing, on Committee 5. A recent and powerful example of just how important the inclusion of a female representative advocating on behalf of women competitive surfers is, can be found in the World Surf League (WSL), the recognized governing body of international, professional surfers.

The current women's representative, Jessi Miley-Dyer, joined the WSL a few years back as an accomplished, retired female professional surfer. Through her guidance and leadership, the WSL has increased the number of events for women on the WSL professional surfing tour and increased the prize money of each event. Also, the way professional female surfers on this tour are represented in WSL marketing, is markedly more dignified and focused on their athleticism than ever before. I strongly believe that the same is needed on Committee 5.

Cartel Management needs to be held accountable for not meeting the expectations of this year's permit. They have not fulfilled their commitment to actually include women in the event this year and so should not be given a multi-year permit for the "Titans" event.

I strongly encourage the Coastal Commission to deny Cartel's request for a multi-year permit and instead, issue a single-year permit with the following conditions:

1. Cartel Management shall include a women's *division* for each year that the "Titans" event is held. This means, at minimum, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.

2. The prize money for the women's division shall be equal to the men's division.

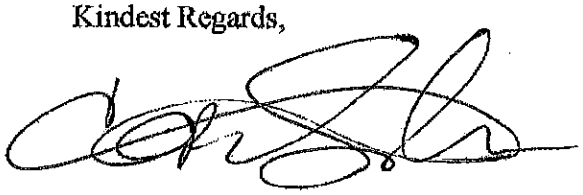
3. Cartel Management shall include at least one woman on Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors themselves. In the interest of transparency and in order that there be no conflict of interest, this woman should not be one of the competitors.

It should be made clear to Cartel Management that if they fail to meet the conditions set forth by the Coastal Commission to ensure equal access, equal inclusion, and equal pay for women, their permit will be pulled. The benefit of a single-year permit for this event is to ensure these conditions are being met in a way that the women surfers themselves find equitable and fair.

In closing, I want to stress to the Commission and Commission staff that the four women surfers collectively known as the "Committee for Equity in Women's Surfing", who have bravely brought this issue before you, continue to be active in competition and in the broader surf industry realm (sponsorships, media, etc). It is a well-known and documented fact that women surfers who take such risks publicly, especially while still in the midst of their careers, open themselves to widespread retribution and backlash.

I proudly stand with these women and all those who are advocating for them. I hope we can count on you, Chair Kinsey and Honorable Commissioners, to help us continue our pursuit of equity and justice on behalf of our surfing grandmothers, mothers, this generation of female surfers, and most importantly, the next generation of our surfing daughters *and* sons.

Kindest Regards,



Cori Schumacher

W11a

SeaLevelTV
1273 Hanover Lane
Ventura, CA 93001

October 21, 2016

Steve Kinsey and All Commissioners
California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Steve.Kinsey@coastal.ca.gov
Re: Women's Division at Maverick's Event—Permit No. 2-15-1458-A1

Dear Chair Kinsey and All Commissioners:

The hard-won news broke this Wednesday to the equivalent of a social media standing ovation: Cartel Management, the producers of *The Titans of Mavericks* big wave surfing event announced that a women's heat will be included in the 2016/2017 contest. This would appear to be an unambiguous victory, right? Guess again. To the general public, of course it would appear this way. However this announcement leaves out many important details and appears to lack familiarity with the proposal submitted by the Committee for Equity in Women's Surfing (CEWS).

"6 Women. 1 Hour. $30,000 on the Line" — Breaking it Down

I am a lifelong competitive athlete. For the past fifteen years I have been involved in all aspects surf competition: competitor, event organizer, judge, coach. Currently I'm the team captain and an appointed board member of the Malibu Surfing Association. Prior to surfing I competed as a distance runner, bike racer and skier.

The CEWS proposal specifically asked for a women's division rather than a single women's heat, which is what was announced this week (see image "A" below). This may seem like hair splitting, but it's actually critical to ensuring that women are granted equal access to this event, held in a public waterway. The wording of the announcement suggests that there will be one women's heat with six competitors

vying for $30,000. Sounds exciting and we all can't wait to watch these top-tier athletes make history! However a surf contest division typically consists of a large number of athletes competing to win, even in the case of an invitational like *Titans*. For example, a "women's division" in the World Surf League women's championship contest includes 18 professional women surfers. Heats begin with preliminaries and athletes advance to a final heat based on their performance. This is the same format that will be employed for all twenty two invited male "Titans", in addition to eight wildcards and eight alternates, equalling a total of thirty eight potential male competitors. Roughly speaking, this means the men's division will include several preliminary heats lasting an hour, followed by semi-finals and a final.

There are a few long running, disparaging jokes in our surf contest culture that are established patterns and relevant to gaining a deeper understanding of the current Mavericks situation. One is the fact that women's heats tend to be scheduled during times of the least favorable wind and tides while the men predominantly enjoy the finest conditions the day has to offer. The other makes light of heat sheets that don't offer enough heats for women, resulting in the comment, "I went straight to the finals", often delivered with a wry smile and the distinct feeling that you've been ripped off. I have lived these moments over and over again. The disadvantage to women athletes is not only an affront to the training and preparation involved in competing, it's economically unfair when you look at the fact that both men and women athletes have invested the same amount of time and money into travel, lodging, meals, and other expenses yet the women spend just fraction of the time competing that that the men do.

On Wednesday, October 19, 2016 *The Titans of Mavericks* announced via Facebook that they would include a single heat for six women athletes in the 2016/17 event. In surf contest parlance, this is referred to as a "final". This is out of step with the CEWS proposal that specified a women's division with multiple heats as a condition of the permit.

I urge the CCC to require the following conditions as originally proposed by the Committee for Equity in Women's Surfing:

1. Cartel Management shall include a women's division for each year that the "Titans" event is held. This means, at minimum, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.

2. The prize money for the women's division shall be equal to the men's division.

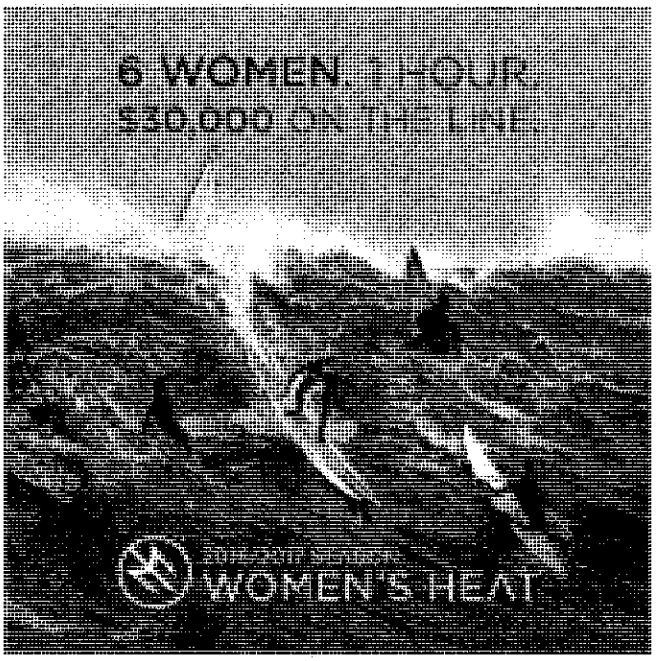
3. Cartel Management shall include at least one woman on Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors themselves. In the interest of transparency and in order that there be no conflict of interest, this woman should not be one of the competitors.

Including women in key decision-making roles is critical. I strongly recommend that women athletes are invited to the table to provide direction on everything from the selection process of invited athletes to scheduling women's heats to maximize the opportunity for peak performance.

Chair Kinsey and kind Commissioners, thanks for your time and your careful attention to the technical aspects and minutiae of competitive surfing. Supporting a women's division with multiple heats as specified in the CEWS proposal will send a positive message that clearly communicates that the coast is for everyone.

Best Regards,

Beth O'Rourke
Documentary Filmmaker and Writer, SeaLevelTV
Team Captain and Board Member, Malibu Surfing Association



A. The Tit of Mavericks announcement for a "women's heat", published October 19, 2016

W11a

From:	Amanda Levett
To:	Kinsey, Steve@Coastal
Cc:	Ananda, Renee@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal
Subject:	LETTER in support of Permit #2-15-1458-A1
Date:	Wednesday, October 26, 2016 10:30:29 AM
Attachments:	2-15-1458-A1_SEEKINGPEAKS.pdf

Good morning, Mr. Kinsey,

Attached is a letter I wrote in support of the CEWS' proposal for a Women's Division in the Titan's of Mavericks surf competition. Thank you very much for your time and consideration.

Amanda Levett

Founder, Seeking Peaks. *"Water Women Worldwide"*
President, The Vagabond's House, Boutique Inn & Spa

amanda@seekingpeaks.com
831-521-0037

WINTERBANKS LLC

amanda@seekingpeaks.com
831-521-0037

Winterbanks LLC
PO Box 2747
Carmel CA 93921

October 23, 2016

California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE. Permit #: 2-15-1458-A1
Women's Division. Mavericks Competition

Dear Chair Kinsey, Honorable Commissioners, and Commission Staff,

Before I begin a letter of request and urgency, I would like to share my gratitude. In the last year, the California Coastal Commission has been a face of conservation and has taken a significant stance for public access to the coast—an issue that is also quite valuable to us surfers. So I thank you.

Now, as the prestigious contest, Titan's of Mavericks, has announced it's season, the California Coastal Commission has another chance to be on the right side of historical change. If not for change and improvement, why do we take the often thankless jobs in public service?

My name is Amanda Levett. I am the owner of The Vagabond's House, Boutique Inn & Spa in Carmel-by-the-Sea. I am the founder of Seeking Peaks, a water woman's global network. I am also proud to work as a coach for Surf Las Olas, Surf Safaris . for Women, and as the head coach and developer of their newest intermediate camp, Surf Mas Olas. As a surfer, an instructor, and a business owner, I have a unique view on women in surfing that is not so tightly connected to the core surf industry. The members of Seeking Peaks and the guests of Surf Las Olas are not the typical "surf" market and do not respond positively to the objectification and sexualization of women that is so apparent in the surf industry's marketing. They are women matured beyond the dreams of beach bodies and backpacking. They are often beginners or intermediates and they are vocal about how male dominated this sport is.

Cartel Management recently boasted on Facebook that the Titans of Mavericks will be holding its first female heat this year. While some might see this as a boon for equality, I am not satisfied, as this does not scream parity as much as it says

window dressing or consolation prize. It falls short and reads closer to an attempt at placating us. Please don't misunderstand me. I am grateful and excited to watch tremendous female athletes compete. However, this does not reflect the requests of the Committee for Equity in Women's Surfing's proposal. The CEWS proposal is clear and is a much better reflection of equality. Therefore, I encourage the CCC to take each condition with reverence. The conditions are as follows:

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
    - Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats shall be identical for both the men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5, as the women need female representation.
    - This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

Women have been asking for equal recognition in and out of the water for years. A single heat proposal acts as a gesture, at best, and nefariously echo the excuses that thinly veil discrimination and devaluation, at worst. This said, I ask again that the CCC consider the potential that this proposal has for the future of equity for women in this sport. And I do thank you for your time. This was after all, a two page letter.

With Kind Regards,

Amanda Levett

Winterbanks LLC

Founder, Seeking Peaks

President, The Vagabond's House

W11a

From:	Sabrina Brennan
To:	Ananda, Renee@Coastal
Cc:	Cave, Nancy@Coastal; Rexing, Stephanie@Coastal; Manna, Jeannine@Coastal
Subject:	Cartel Managment Permit No. 2-15-1458-A1
Date:	Wednesday, October 26, 2016 4:59:47 PM
Attachments:	Hey Guys by Sabrina Brennan 2-3-16.pdf

Hello Renee,

Please include the attached editorial in the board packet.

Thank you,
Sabrina

RECEIVED
OCT 26 2016
CALIFORNIA
COASTAL COMMISSION

W11a

Hey guys, Mavericks needs women

February 3, 2016
by Sabrina Brennan

When it was my turn to speak during public comment at the November 2015 California Coastal Commission hearing, I explained that the San Mateo County Harbor District has a five-year exclusive permit with Cartel Management, the Titans event promoter. It specifies that only one surf contest can be held at Mavericks from Nov. 1 to March 31. I noted that the Mavericks contest does not include a women's heat and no women have ever surfed in the final competition. I asked the Coastal Commission to add a condition to the Coastal Development Permit that would require a women's heat.

My expectations were low. To my surprise my public comment was not lost on Commissioner Mark Vargas. He was concerned about the lack of equity.

Contest organizers defended their all-male selection process. Contest founder Jeff Clark said, "The way we choose those invitees to surf in the Mavericks event is through a polling of the peers, the guys that surf out at Mavericks and the guys that are pushing it to the level of performance, that is the absolute highest level of performance. Now, there are women that surf Mavericks, I've surfed with many of these women at Mavericks and there's the bowl at Mavericks, the most extreme and intense place to take off, and there's, (pause) well we call it the west bowl, the much easier place to catch the waves, and the guys that get invited in this event, men or women take off in the bowl. And at this point we haven't seen that kind of performance that would, you know, when the Committee 5 is watching a group surf Mavericks it's like there's always one guy that stands out. It's that kind of, okay, can that person beat the guy who won it last year or the year before. Who has the ability to win this event. And the guys on the Committee 5 were with me when I first talked someone into going out there with me. They're the guys in the early 90's that actually surf Mavericks and still surf Mavericks, and they

know, they have a very good eye of the performance level that we're looking at, not only to surf Mavericks at the highest level, but to surf it safely and be in the condition that if you go down out there it's not going to become a problem for the lifeguards, we want to avoid the rescue situations."

Note that that the "Committee 5," which selects competitors is not necessarily fair in its process. Case in point: Three days before the Coastal Commission hearing *Sports Illustrated* reported that the 2014 Mavericks defending champion, as well as 2006 Mavericks champion and 2014 Big Wave World Tour Champion Grant "Twiggy" Baker had fallen out of the Committee 5's favor. Baker was banned from the 2015-2016 Mavericks contest for distributing a petition to support former 2013 Mavericks champion Peter Mel's reinstatement in the contest. Mel was banned from the Mavericks contest because of a "conflict of interest." The reasons given for banning Baker were convoluted. Jeff Clark told *Stab Magazine* that Baker had, "put other athletes' at risk by being associated with a petition that was (circulated) on behalf of Mel to challenge the Committee 5's decision on matters pertaining to the framework of their event protocol for the selection process."

During the discussion at the Coastal Commission hearing, Mark Vargas said, "I'm still a little concerned about the fact that there is no clear plan for highlighting, involving, or encouraging the growth of women in this event or in this sport. I'll float it out there. I'd like to see if I can make an amending motion to add a specific condition that we ask the applicant to provide a plan for encouraging equal opportunity for women surfers in future events."

In 1994, bodyboarder Sarah Lucas broke the Mavericks gender barrier and four-years later Sarah Gerhardt became the first woman to ride the enormous wave standing on a surfboard. On *The Inertia* website Gerhardt is quoted saying, "I live as though I don't have any limitations, when I have many. Physically, mentally, I've got many limitations. But surfing, surfing at Mavericks, makes me forget about them. And I try not to think about those limitations. I just go."

In November 2015 a clear mandate was issued by a 7-4 vote to approve Vargas' amended motion. Moving forward, oversight by the Coastal Commission will be necessary to insure that equity for women athletes includes a Women's Division with multiple heats, appointment of a woman to the Committee 5, and a condition that corrects the gender pay gap in prize money. The Coastal Act provides coastal access for all.

Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act.

The Eddie at Waimea in Oahu and Mavericks in Half Moon Bay are examples of off tour big-wave events that showcase an athlete's talent and help them gain valuable sponsorships. A total of 9 contests have been held at Mavericks. The first event was in 1999, the same year I moved to Seal Cove, a bluff-top neighborhood in Moss Beach. My wife Aimee and I enjoy walking out our front door to watch awe-inspiring surfing at Mavericks. For years we've been hoping that women would be invited to compete and we're thankful for the 2015 Coastal Commission decision.

Last month, it was announced that Savannah Shaughnessy would be included as an alternate in the event. It's a well-deserved honor and a nice gesture however few alternates actually surf in the event. The decision came after alternate Garrett McNamara had emergency surgery resulting from a Mavericks wipeout earlier in the month. A total of six new alternates were added in January, including Savannah and her brother Patrick. The first woman selected as an alternate was Sarah Gerhardt. She was the last alternate in the first two events held in 1999 and 2000; she was not selected to compete.

In the world of elite surf competition women compete against women, as is the case with most sports. In 2015 the World Surf League championed equal pay for men and women. For the first time, women surfers earned the same prize money as their male counterparts on the

WSL's Samsung Galaxy Championship Tour. However prize money doesn't solve the problem of inequality in the number of women selected to compete at the elite level. In 2015 WSL Women's Championship Tour included 17 professional surfers competing in 10 events and the men's tour includes 34 professional surfers competing in 11 events. Increasing the number of events and the number of awards for women, as well as offering equal prize money, is the only way to achieve equity in competitive surfing.

The WSL Big Wave Awards first launched in 2000, to recognize the surfer who rode the year's biggest wave. Now into its 16th season, the Big Wave Awards has grown to include seven categories. The 2014/15 Big Wave Awards event included six categories for men to compete and win prize money and only one category for women. The 2014/15 purse for Performance of the Year was $15K for men plus a $4,500 watch and $10K for women. Paige Alms performance at Jaws helped her land the $10k women's award.

The 2014/15 WSL Big-Wave Ride of the Year award exemplifies the gender pay-gap. One could argue that women aren't excluded from this event, presumably if a woman got the best ride of the year she could win, however, because women are not included in many year round competitions there are limited opportunities for them to win. Fewer events and less prize money makes it challenging for women athletes to surf big-waves as frequently as required to win Rider of the Year. Currently the WSL Big Wave Tour holds seven international events with 24 contestants in each event, and none of these events include women. This results in Rider of the Year prize money going to men, first place $60k, second $15k, third $10k, fourth $5k and fifth $3k. The same is true of Maverick, with a $120k purse for the 2015/16 event.

Pioneers like Gerhardt and Shaughnessy deserve recognition for their inspiring contribution to big-wave surfing. Requiring women athletes to compete against men blocks women from equal pay, marginalizes professional athletes, and discourages women and girls from participating in sports. It's time all athletes had an equal opportunity to compete at Mavericks.

W11a

From:	James Lee
To:	Ananda, Renee@Coastal
Cc:	SurfEquity@gmail.com
Subject:	Cartel Managment Permit Application No. 2-15-1458-A1
Date:	Thursday, October 27, 2016 4:42:35 PM

Hi Renee,

My name is James Lee Han and I am a San Mateo County resident who has been following the news about the Mavericks surf contest closely. I am writing to you in support of the proposal submitted to you by the Committee for Equity in Women's Surfing, which calls for six women competing in a total of three heats in a women's division: two semifinals and a final.

As a lifelong San Mateo County resident whose family regularly visited the ocean, Pillar Point Harbor and the San Mateo County coastline has been a place I consider my backyard. As an aspiring marine scientist, responsible stewardship of our beautiful, rugged coastline is incredibly important to me. Also, as the former secretary of a 501(c)(3) non-profit called Save Pete's Harbor, I have lobbied the State Lands Commission in order to promote the preservation of a historic marina on state-owned submerged lands, in a way that would have brought the old marina into better compliance with the public trust doctrine.

For all of these reasons, equitable access is a top concern for me as a San Mateo County resident who is passionate about the coast. I believe that oversight by the Coastal Commission is necessary to ensure equity for women athletes at all Mavericks events. I support a women's division with multiple heats, appointment of a woman to the athlete selection committee, and a condition that requires equal prize money.

It is well within the Coastal Commission's purview to require that Cartel honor these conditions, as part of the Coastal Commission's purpose is to assure equitable access to the coastline. Also, as someone who is a regular attendee of meetings of the San Mateo County Harbor District and has therefore seen the way Cartel Management and their representatives have behaved within the local community, I believe it is also **imperative** that the Coastal Commission make Cartel Management's permit conditional on the requirements proposed by the Committee for Equity in Women's Surfing, because **Cartel Management has not proven themselves to be a reliable steward of the coast or a responsible community partner.**

Early last year, a local elected official who resides near the site of the Mavericks contest, Sabrina Brennan of the San Mateo County Harbor District, started raising concerns about the permitting process that her Harbor District staff and Cartel Management were involved in. Because Ms. Brennan had done her due diligence as an elected official and raised salient concerns about the permit Cartel was asking for, Jeff Clark, his wife Cassandra, and Brian Waters, all representatives of Cartel Management, all repeatedly attended Harbor District meetings and used the public comment period as well as the local media to try to discredit and intimidate her. Because the majority of the Harbor District's staff and board were openly hostile to Ms. Brennan at the time (there has been almost a complete turnover in district staff since then), the Clarks and Brian Waters saw an opportunity to bully Ms. Brennan with impunity, and they exerted an inappropriate amount of influence on the workings of the Harbor District by playing a significant role in pressuring Ms.

Brennan to resign as the board's president in May of last year. This kind of self-serving political opportunism that directly influences and damages the workings of a local special district whose mission includes stewardship of a portion of our coast is inappropriate behavior for a business entity claiming to want to put on an athletic contest that benefits the local community and the wider public.

Cartel's bullying does not begin and end with Ms. Brennan. Recently, Cartel has been in the news for allegedly stealing the identity of a resident of the San Mateo County coast, John Ullom, who also raised concerns about Cartel Management to the public agencies that had the authority to issue permits to Cartel. One news report called Cartel "scandal-plagued."[1][2] Also, back in 2011, Jeff Clark clashed with his ex-wife over the right to put on a contest at Mavericks.[3] Unfortunately, I am disappointed to report that clashing with women and throwing them under the bus for their own financial benefit has been Cartel's *modus operandi* for a long time.

Even without all these concerns in mind, it would be well within the Coastal Commission's purview to demand that Cartel ensure women's equity in any event that involves them profiting off their use of the California coast. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act Furthermore, when considering the approval of a permit for a company like Cartel and the people who run it, I would argue that it is absolutely imperative that the Coastal Commission make requirements of Cartel that ensure equity for women and assure that all those who care about our coast feel respected, and are able to feel that the coast is as much for them as it is for anyone else.

Thank you so much for your time and your work on behalf of California residents.

Sincerely,

James Lee Han
Redwood City, CA
650.207.7251

References:

[1] "Scandal-Plagued Organizers of Titans of Mavericks Sued for Defamation by Community Activist" (http://www.theinertia.com/surf/scandal-plagued-organizers-of-titans-of-mavericks-sued-for-defamation-by-community-activist/)
[2] "Peninsula Activist Sues Titans of Mavericks Operators For Discrediting Him With Fake Blog" (http://www.nbcbayarea.com/news/local/Peninsula-Activist-Sues-Titans-of-Mavericks-Operators-For-Discrediting-Him-With-Fake-Blog-397177051.html)
[3] "MAVERICKS: Battle Emerges Between Clark, Ex-Wife" (http://patch.com/california/halfmoonbay/mavericks-battle-emerges-between-jeff-clark-ex-wife-oee775b50ce)

W11a

From: Kris Lannin Liang
To: Ananda, Renee@Coastal
Cc: surfequity@gmail.com; Michael Liang
Subject: Cartel Managment Permit Application No. 2-15-1458-A1
Date: Thursday, October 27, 2016 10:02:13 PM

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered

annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

Kris Lannin & Michael Liang
200 California Avenue
Moss Beach, CA 94038

W11a

From: bill kehoe
To: Ananda, Renee@Coastal
Cc: SurfEquity@gmail.com
Subject: Cartel Management Permit Application No. 2-15-1458-A1
Date: Thursday, October 27, 2016 4:21:31 PM

Renee Ananda, Coastal Program Analyst, California Coastal Commission – North Central Coast District

I support a Women's Division with multiple heats, appointment of multiple woman to the Maverick's athlete selection committee (C5), and a condition that requires equal prize money. as required by the Equal Pay Act, which states men and women must be given equal pay for equal work in the same establishment.

It is imperative that oversight by the Coastal Commission will be necessary to ensure that fairness and equity for women athletes, which includes a Women's Division at all Mavericks events is established as a permanent part of the management structure by Cartel Management. It is also important that Cartel Management conducts its meetings, selection of athletes, and all other business in an open and transparent manner to ensure fair treatment for all, especially when public resources are being used.

For these reasons I think the CCC should not grant a multiyear CDP until Cartel has proven themselves over multiple seasonal events.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.

- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act.

--

Thank you,

Bill Kehoe

From: Karen Tynan
To: Ananda, Renee@Coastal
Subject: Please include this update re: the CCC Permit for Titans of Mavericks
Date: Thursday, October 27, 2016 2:35:08 PM

Re: Titans of Mavericks Permit Application

Renee,
Please add this last communication regarding the above referenced issue to the commissioners' packets prior to the November 2nd meeting. I am writing to provide an update regarding my efforts on behalf of CEWS (Committee for Equity in Women's Surfing) and the women athletes.

We are pleased at the inclusion of women. However, because the permit applicants only included the women at such a late stage, we have not been able to get details or work out logistics. In fact, I e-mailed the below letters on October 25, 2016 and again today, but have not received a response from Brian Waters. I am not sure how to interpret the lack of response other than to conclude that it is more obfuscation and obstruction of the inclusion of women.

Respectfully,
Karen Tynan
Attorney for CEWS

From: Karen Tynan [mailto:karen@karentynanattorney.com]
Sent: Thursday, October 27, 2016 12:15 PM
To: brian@cartel-management.com
Cc: griffin@cartel-management.com; cassandra@titansofmavericks.com; Jeff@titansofmavericks.com; brianoverfelt@hotmail.com
Subject: RE: Letter from Karen Tynan re: CEWS, Mavericks

October 27, 2016

Via e-mail
Brian Waters
brian@cartel-management.com

Re: 2nd Communications - Committee for Equity in Women's Surfing

Greetings:

Our office represents the above referenced group, the Committee for Equity in Women's Surfing, with regard to the "Mavericks" events held annually by your group. We previously e-mailed you on October 25, 2016, but **we have not received a response**. Therefore, we are resending the below communications in its entirety with one additional request, that we receive your proposed participation agreement for the women athletes prior to November 2, 2016.

Prior Communications in Full:

First, we need to have communications regarding the Women's Division should be made to the CEWS and Sabrina Brennan and Attorney Karen Tynan. Communications made directly to the women athletes are distracting and don't lend to transparency. The women athletes will be the ultimate decision makers, but we need a conduit for those communications.

Second, we'd like to have negotiations and communications in writing. We realize that phone calls are helpful, but with regard to the terms of the contest and other aspects of the Women's Division, we need to memorialize our plans. If you have any proposals or offers, we need to be able to accurately share and evaluate them.

Lastly, we need to immediately schedule a roundtable discussion for the Women's Division and logistics as well as formalizing the plan for moving forward. We would have liked to have the meeting before November 2nd, but it doesn't look like that would be possible. Please provide three proposed meeting times on November 3rd, 4th, or 15th. Thank you.

Respectfully,

Karen Tynan

KT/nbf

cc: See below
Griffin Guess
griffin@cartel-management.com
Cassandra Clark
cassandra@titansofmavericks.com
Jeff Clark
Jeff@titansofmavericks.com
Brian Overfelt
brianoverfelt@hotmail.com

From: Karen Tynan [mailto:dktynan@comcast.net]
Sent: Tuesday, October 25, 2016 12:56 PM
To: 'brian@cartel-management.com' <brian@cartel-management.com>
Cc: 'griffin@cartel-management.com' <griffin@cartel-management.com>; 'cassandra@titansofmavericks.com' <cassandra@titansofmavericks.com>; 'Jeff@titansofmavericks.com' <Jeff@titansofmavericks.com>; 'brianoverfelt@hotmail.com' <brianoverfelt@hotmail.com>
Subject: Letter from Karen Tynan re: CEWS, Mavericks

October 25, 2016

Via e-mail
Brian Waters
brian@cartel-management.com

Re: Committee for Equity in Women's Surfing

Greetings:

Our office represents the above referenced group, the Committee for Equity in Women's Surfing, with regard to the "Mavericks" events held annually by your group. We'd like to memorialize our position and how we can move forward with the inclusion of the women athletes in both the event and the selection of participants as well as other logistical decisions.

First, we need to have communications regarding the Women's Division should be made to the CEWS and Sabrina Brennan and Attorney Karen Tynan. Communications made directly to the women athletes are distracting and don't lend to transparency. The women athletes will be the ultimate decision makers, but we need a conduit for those communications.

Second, we'd like to have negotiations and communications in writing. We realize that phone calls are helpful, but with regard to the terms of the contest and other aspects of the Women's Division, we need to memorialize our plans. If you have any proposals or offers, we need to be able to accurately share and evaluate them.

Lastly, we need to immediately schedule a roundtable discussion for the Women's Division and logistics as well as formalizing the plan for moving forward. We would have liked to have the meeting before November 2nd, but it doesn't look like that would be possible. Please provide three proposed meeting times on November 3rd, 4th, or 15th. Thank you.

Respectfully,

Karen Tynan

KT/nbf

cc: See below
Griffin Guess
griffin@cartel-management.com
Cassandra Clark
cassandra@titansofmavericks.com
Jeff Clark
Jeff@titansofmavericks.com
Brian Overfelt
brianoverfelt@hotmail.com

karentynanattorney.com
http://www.linkedin.com/pub/karen-tynan/11/a53/977

MAILING address:
1083 Vine Street, #201
Healdsburg, CA 95448

707.395.0062 (OFFICE)
707.508.8476 (MOBILE)
707.921.7352 (FAX)
CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use of disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

W11a

From: Karen K. Anderson
To: Ananda, Renee@Coastal
Cc: SurfEquity@gmail.com
Subject: Cartel Managment Permit Application No. 2-15-1458-A1
Date: Thursday, October 27, 2016 3:38:45 PM

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

Regards,
Karen K Anderson
Half Moon Bay, CA 94019

W11a

From:	Marnie Bell-Ferguson
To:	Ananda, Renee@Coastal
Cc:	SurfEquity@gmail.com
Subject:	Support for Committee for Equity in Women"s Surfing for Inclusion of women athletes in the Titans of Mavericks event
Date:	Thursday, October 27, 2016 2:13:20 PM

Dear Renee Ananda -

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act.

Please include the following conditions to insure equity for women athletes:

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on theCommittee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

--

Marnie Bell-Ferguson
404-915-5485

W11a

From:	Edmundo Larenas
To:	Kinsey, Steve@Coastal
Cc:	Ananda, Renee@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal
Subject:	Support for inclusion of Women in Mavericks contest
Date:	Friday, October 28, 2016 11:11:17 AM
Attachments:	Support letter for Women at Mav contest.docx

Dear Chair Kinsey and Commissioner,

I have attached a letter in support of Women in the Mavericks contest.

Respectfully

Edmundo Larenas
Chair
Surfider Foundation
San Mateo Chapter

San Mateo County Chapter

October 27, 2016

Chair Steve Kinsey
California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Steve.Kinsey@coastal.ca.gov

CC:
Renee Ananda: Renee.Ananda@coastal.ca.gov
Nancy Cave: Nancy.Cave@coastal.ca.gov
Jeannine Manna: Jeannine.Manna@coastal.ca.gov
Stephanie Rexing: Stephanie.Rexing@coastal.ca.gov

Subject: Support for women's heat in Mavericks surf contests

Dear Chair Kinsey and Commissioners,

I am writing to you to express our chapters' full support for the proposal submitted by the Committee for Equity in Women's Surfing. Please do not be swayed by the contention that there are not enough Women big wave surfers to hold a contest. This statement is self-serving and contrary to the facts. The World Surfing League has included Women in their big wave contests in waves of equal grandeur as those at Mavericks.

We commend the Commission and staff for helping Women athletes continue to make progress towards fair and equal treatment in professional sports. We urge the Commission to only give the contest organizers, whomever they are in this year and those that follow, a one year permit. This will maximize the Commissions ability to ensure that the permit requirements and any conditions for future contest are met. It is particularly important this year because the eleventh-hour inclusion of a Women's heat in the contest was offered by the organizers only after Coastal Commission staff made it clear in their preliminary report on the contest plan that no permit would be forthcoming if women were not included.

Respectfully,

Edmundo Larenas

Edmundo Larenas

Chair

San Mateo Chapter of the Surfrider Foundation

W11a

From:	Dayla Soul
To:	Ananda, Renee@Coastal; Dayla Soul
Subject:	Cartel Management—Permit Application No. 2-15-1458-A1
Date:	Friday, October 28, 2016 7:33:49 AM
Attachments:	Dayla_Soul_CCC_Letter.pdf

Renee,

Hello. I am including a letter in support of multiple heats for women at Titan of Mavericks,
Please see attached.

Thank you,

Dayla Soul
IAP Director
415-368-3702

IAPfilms LLC

Dayla Soul
702 Canyon Dr.
Pacifica, CA 94044
phone 415 368 3702
email itaintprettyfilm@gmail.com
website http://itaintprettyfilm.com

Thursday, October 27, 2016

Steve Kinsey and all Commissioners
California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Steve.Kinsey@coastal.ca.gov

Re: Cartel Management—Permit Application No. 2-15-1458-A1

Dear Chair Kinsey, Honorable Commissioners and Commission Staff,

I am a local filmmaker here in the Bay Area. I have a full length Documentary on women's big wave surfing called "It Aint Pretty." We are currently screening the film internationally and have won numerous awards. I believe the success of the film is due in large measure to overwhelming public support for women in sports.

For two years, I followed Bianca Valenti while filming my documentary and I enjoyed telling her life story. Valenti and other elite women big wave athletes deserve an opportunity to compete at Mavericks. As a stakeholder and a supporter of the women's big wave movement I would love to see women compete in multiple heats at the Titans of Mavericks event. The athletes, community, and the media are ready for equity in women's big wave surfing.

For the past 17 years, Mavericks event organizers have been resistant to change. Cartel did not develop a plan to include women in the event after your board approved the 2015 CDP. For this reason I request that you not approve a multiyear permit. A 1-hour heat with 1/3 of the prize money is a token gesture and does not represent meaningful equity. Why take such a small step? Women athletes are ready to perform today. Please hold off on a multiyear permit until the event organizers have a proven track record of inclusion and a detailed plan in place that provides equity for women athletes. In November, we will elect Hillary Clinton as the first US woman president. The time is now. Please take this opportunity to advance women's big wave surfing and provide equal access to the Mavericks wave.

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with multiple heats, appointment of a woman to the athlete selection committee (C5), and a condition that requires equal prize money. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

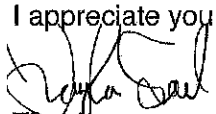
The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the Women's Division shall be equal to the Men's Division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, Women's Division sequencing should be considered annually as the sport develops. Multiyear permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

I appreciate your time.



Thank you,
Dayla Soul

W11a

From:	Sabrina Brennan
To:	Kinsey, Steve@Coastal
Cc:	Ananda, Renee@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal; karen95403@gmail.com
Subject:	Cartel Management Permit Application No. 2-15-1458-A1
Date:	Friday, October 28, 2016 3:37:01 PM
Attachments:	CEWS Letter PA # 2-15-1458-A1.pdf

Dear Chair Kinsey,

Please read the attached letter from the Committee for Equity in Women's Surfing.

Thank you,
CEWS

SurfEquity.org
650-535-2644

COMMITTEE FOR EQUITY IN WOMEN'S SURFING
1083 Vine Street, #201
Healdsburg, CA 95448
Phone 707-508-8476
Facebook: www.facebook.com/SurfEquity
Twitter: https://twitter.com/SurfEquity
Website: www.SurfEquity.org

Wednesday, October 26, 2016

Steve Kinsey and all Commissioners
California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Steve.Kinsey@coastal.ca.gov

Re: Cartel Management Permit Application No. 2-15-1458-A1

Dear Chair Kinsey and all Commissioners,

We are following up on our proposal for a multi-heat Women's Division in the Titans of Mavericks 2016/17 event.

We are pleased that Cartel appears to be listening to the advice of Coastal Commission staff. Moving forward, we hope that Cartel and the Titans board will work collaboratively with the Committee for Equity in Women's Surfing.

On Sept. 20, 2016, we submitted our proposal to your North Coast District office and that same day the Titans of Mavericks announced their first cut of 56 athletes for this year's contest. The list included four women, but eight days later the second cut of 38 included none. On Sept. 28, Cartel submitted an incomplete CDP application to your office. The application did not include a plan for the inclusion of women in the Mavericks competition. On Oct. 14, we sent a letter to express our concern about the absence of a multi-heat women's division and the fact that women athletes were not invited to participate in the 2016/17 event.
Also on Oct. 14, Cartel sent an amendment requesting a four-season permit that would terminate in 2021 and in exchange they offered a one-hour heat for 6 women competitors starting in 2017/18. Five days later, on Oct. 19, Cartel sent a second amendment and posted a social media announcement. This time they proposed a one-hour heat for 6 women competitors this season.

Their plan for a women's heat lacks specifics and does not addressed key points included in our proposal. In an effort to resolve these concerns Karen Tynan, counsel for the CEWS, initiated a meeting with Cartel and the Titans board. Karen sent emails on Oct. 25 and 27, to Cartel's Chief Operating Officer Brian Waters, and copied the Titans board; she has not received a response. A prompt reply was expected because the event season officially opens on Nov. 1 and the Coastal Commission hearing is only a few days away.

A multiyear permit would put women athletes at a disadvantage. Oversight and accountability are needed to ensure equity. Please don't approve a multiyear permit.

The Committee for Equity in Women's Surfing urges the Coastal Commission to require the following:

- Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champion of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both male and female divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the Women's Division shall be equal to the Men's Division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Fair terms of participation and liability waivers shall be crafted by CEWS or other athlete representation with input from Cartel to develop terms best for athletes, the event, and the sport.
- Furthermore, Women's Division sequencing should be considered annually as the sport develops. A multiyear permit does not allow for growth and does not hold the competition accountable for those changes.

We believe that it's time for women athletes to be given an opportunity to compete in a multi-heat women's division at Mavericks. It will be good for women, for the Maverick's legacy, and it ensures fair and equal access to coastal waters.

Thank you for considering our views.

Paige Alms
Keala Kennelly
Andrea Moller
Bianca Valenti

Oct. 19, 2016, Titans of Mavericks Facebook post

Copy

Renee Ananda: Renee.Ananda@coastal.ca.gov
Nancy Cave: Nancy.Cave@coastal.ca.gov
Jeannine Manna: Jeannine.Manna@coastal.ca.gov
Stephanie Rexing: Stephanie.Rexing@coastal.ca.gov

W11a

From: Blair Blackwell
To: Ananda, Renee@Coastal
Cc: SurfEquity@gmail.com
Subject: Cartel Managment Permit Application No. 2-15-1458-A1
Date: Friday, October 28, 2016 1:15:34 PM

Dear Ms. Renee Ananda, Coastal Program Analyst, California Coastal Commission – North Central Coast District.

I am writing re the Cartel Management Permit Application No. 2-15-1458-A1 to express my view that oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events.

I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the Women's Division shall be equal to the Men's Division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, Women's Division sequencing should be considered annually as the sport develops. Multiyear permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

many thanks for your time.

Blair Blackwell
Oakland, CA

W11a

From:	Jennifer Savage
To:	Kinsey, Steve@Coastal
Cc:	Cave, Nancy@Coastal; Ananda, Renee@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal
Subject:	Re: Cartel Management CDP application 2-15-1458-A1_Support for CEWS
Date:	Friday, October 28, 2016 8:15:00 PM
Attachments:	Surfrider-Foundation_Mavericks.pdf

Apologies – I neglected to attach the letter –
Best,
Jennifer

On Fri, Oct 28, 2016 at 4:17 PM, Jennifer Savage <jsavage@surfrider.org> wrote:

> Dear Chair Kinsey,
> Please accept this letter on behalf of the Surfrider Foundation in support of the inclusion of a women's division as a requirement for Cartel Management's CDP amendment regarding the Titans of Mavericks contest.
> Thank you,
> Jennifer Savage
>
> --
> Jennifer Savage | California Policy Manager | Surfrider Foundation
> (707) 267-8458 | jsavage@surfrider.org

--
Jennifer Savage | California Policy Manager | Surfrider Foundation
(707) 267-8458 | jsavage@surfrider.org

SURFRIDER FOUNDATION

W11a

Chair Steve Kinsey
California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Steve.Kinsey@coastal.ca.gov

CC:
Renee Ananda: Renee.Ananda@coastal.ca.gov
Nancy Cave: Nancy.Cave@coastal.ca.gov
Jeannine Manna: Jeannine.Manna@coastal.ca.gov
Stephanie Rexing: Stephanie.Rexing@coastal.ca.gov

RE: Cartel Management CDP application 2-15-1458-A1

Dear Chair Kinsey and Commissioners,

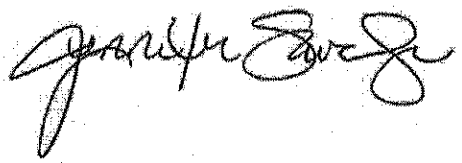
Though our global network of nearly 100 chapters, Surfrider Foundation has long been committed to ensuring beach access throughout the world. Here in California, we and our supporters look toward the Coastal Act as the benchmark by which public access is measured – and guaranteed. Although the concept of "access" is most often considered in the terms of physical barriers such as illegal gates or signage, prohibitive parking policies, coastal erosion caused by sea walls, poor water quality or other clearly quantifiable deterrents, **the Commission has also acknowledged that access can be defined – and denied – by less tangible measures.**

The lack of inclusion of a women's division in the Titans of Mavericks contest has constituted the latter interpretation for several years by, as noted in the current staff report, "[reducing] access opportunities for a specific subset of people." We applaud last year's decision by the Commission to insist contest organizers comply with Coastal Act Section 30210, which states that "maximum access... and recreational opportunities shall be provided for all of the people." We were disappointed this year to see that, when applying for the contest permit this year, Cartel suggested an "outreach program" instead of the full women's division expected, failing to be consistent with the action taken and direction provided by the Commission in their approval of the 2015 permit.

We further agree with the point made by Brown Girl Surf's Executive Team in that organization's letter to the Commission on this issue, specifically: This application and the conditions attached to it **"raise the question of how access to the coast and surfing is controlled and by whom, and has great implications for all groups who have sought access."** The answer to that question should always be based on Coastal Act compliance, which, in this case, includes adhering to the Coastal Commission's directives as specified.

Therefore, we stand behind the Committee for Equity in Women's Surfing and support their proposal for a multi-heat Women's Division in the Mavericks competition this year and in the future. We see this as the appropriate continuance of the Commission's strong stand on access equity – and the best way to fulfill the access rights guaranteed to all citizens by California's Coastal Act.

Sincerely,



Jennifer Savage
Surfrider Foundation
California Policy Manager

W11a

From:	Amanda Levett
To:	Ananda, Renee@Coastal
Cc:	Kinsey, Steve@Coastal
Subject:	Fwd: My letter for Titans
Date:	Friday, October 28, 2016 12:22:22 PM
Attachments:	Untitled document.pdf

Good afternoon,

This is a forwarded letter from Aynsley Parker, in support of the proposal for the women's division at Maverick's. Permit # 2-15-1458-A1

Thank you for all of your time in considering this matter,

Amanda Levett
amanda@seekingpeaks.com

Begin forwarded message:

From: "aynsley parker (via Google Docs)" <aynsparker@gmail.com>
Subject: My letter for Titans
Date: October 27, 2016 at 12:58:03 PM PDT
To: equity@seekingpeaks.com
Reply-To: aynsley parker <aynsparker@gmail.com>

October 27, 2016

California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE. Permit #: 2-15-1458-A1
Women's Division. Mavericks Competition

Dear Chair Kinsey, Honorable Commissioners, and Commission Staff,

Before I begin a letter of request and urgency, I would like to share my gratitude. In the last year, the California Coastal Commission has been a face of conservation and has taken a significant stance for public access to the coast—an issue that is also quite valuable to us surfers. So I thank you.

Recently, Cartel Management submitted an application and amendment application for a Coastal Development Permit needed to stage the Titans of Mavericks contest. As the hearing to consider these applications approaches, I would like to express my concern regarding Cartel's plan to include female big wave surfers in the Titans of Mavericks competition.

I urge you to consider the requests put forth in the proposal from the Committee for Equity in Women's Surfing. The CEWS proposal is clear and represents true equality for women in the Titans of Mavericks competition. The requests are as follows:

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats shall be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5, as the women need female representation.

- This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

Thank you for your consideration of this matter. I look forward to the November 2 hearing during which you will discuss Cartel Management's application and amendment application.

Sincerely,

Aynsley Parker

W11a

From: Beth Pielert
To: Ananda, Renee@Coastal
Cc: SurfEquity@gmail.com
Subject: Cartel Managment Permit Application No. 2-15-1458-A1
Date: Friday, October 28, 2016 9:52:40 AM

Dear Renee,

Oversight by the Coastal Commission is necessary to ensure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with multiple heats, an appointment of a woman to the athlete selection committee (C5), and a condition that requires equal prize money. According to the Equal Pay Act—men and women must be given equal pay for equal work in the same establishment.

The CCC should not grant a multiyear CDP until **Cartel** has **proven** themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

1.) Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at the very least; 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.

2.) Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.

3.) Judging criteria and heat formats would be identical for both men and women's divisions.

4.) The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.

5.) The prize money for the Women's Division shall be equal to the Men's Division.

6.) Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female will not be a competitor.

7.) Furthermore, Women's Division sequencing should be considered annually as the sport develops. Multiyear permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to ensure equity for women athletes.

Thank you.

Beth Pielert

Writer/Director

goodfilmworks.com

W11a

From:	Thomas Sheffield
To:	Ananda, Renee@Coastal; SurfEquity@gmail.com; Zoe Lee
Subject:	Fwd: Support Women Surfers RIGHT NOW! TONIGHT! - Cartel Managment Permit Application No. 2-15-1458-A1!
Date:	Friday, October 28, 2016 7:47:33 AM

I do not agree.

Thomas Sheffield
tsurfs@icloud.com
650-619-4091

Begin forwarded message:

From: Kris Lannin Liang <krislannin@gmail.com>
Date: October 27, 2016 at 9:59:31 PM PDT
To: Kris Lannin Liang <grlbordr@yahoo.com>
Cc: SurfEquity@gmail.com, Ann Forrister <ann@annforrister.com>, Casey Schaufler <casey@schaufler-ca.com>, Melanie Hohnbaum <kodiakbleu@yahoo.com>, Tom Sheffield <tsurfs@icloud.com>, Edmundo <surfdoggie@gmail.com>, Mary Larenas <mnlarenas@gmail.com>, Mary DeLong <delong.mary@gmail.com>, Robert Cala <rob.cala@yahoo.com>, Michael Liang <mliang11@gmail.com>, Ashley Gray <agrayssfhs@yahoo.com>, Sue Pemberton <spemberton@calacademy.org>, Barbara Kossy <bkossy@coastside.net>, Julie Walters <juliebw2@gmail.com>, Juliette Applewhite <jbapplewhite@gmail.com>, Dave Olson <dave.olson@gmail.com>, Dawn Beavis <dabeavis@gmail.com>, Darrick Emil <demil@smcgov.org>, Michelle King <theequeenking@gmail.com>, Michelle Dragony <michelledragony@gmail.com>, Aaron Campbell <aaron@campbell-studio.com>, Carol Wong <cwongrws@gmail.com>, eatwalnuts@yahoo.com, Heather Willis <urbancrunchy@gmail.com>, Eric Csizmar <eric.csizmar@sen.ca.gov>, Elizabeth Knier <enknier@comcast.net>, Lisa <office@hmbyc.org>, Nancy Sefton <nancysefton@gsmgmt.net>, Dawn Soler <dawn.soler@abc.com>, Kelly Griffin <kellygriffin@cox.net>
Subject: Support Women Surfers RIGHT NOW! TONIGHT! - Cartel Managment Permit Application No. 2-15-1458-A1!

[redacted]

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee

(C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

W11a

From:	Mira Manickam
To:	Ananda, Renee@Coastal
Cc:	melissa morazan; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal; SurfEquity@gmail.com
Subject:	Cartel Management Permit Application No. 2--15--1458--A1
Date:	Friday, October 28, 2016 9:33:31 AM
Attachments:	BrownGirlSurf.CCC.Oct28.2016.pdf

Dear Ms. Ananda,

Please find attached our letter voicing our concerns about Cartel Management's Permit Application No. 2--15--1458-A1, currently under consideration by the California Coastal Commission.

With Best Regards,

Mira Manickam-Shirley, Executive Director, Brown Girl Surf

Melissa Morazan, Director of Operations, Brown Girl Surf

--
Donate to our First Annual Fundraising Drive
www.browngirlsurf.causevox.com

Mira Manickam-Shirley
Executive Director, Brown Girl Surf
(510) 239 7565
brown girl surf ™
www.browngirlsurf.com

brown girl surf.

2323 Broadway, Oakland, CA 94612 | www.browngirlsurf.com | (510) 239-7565 | info@browngirlsurf.com

Renee Ananda
California Coastal Commission
North Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Phone (415) 904-5292
Renee.Ananda@coastal.ca.gov

Friday, October 28, 2016

Re: Cartel Management Permit Application No. 2-15-1458-A1

Dear Ms. Ananda:

I am writing again, on behalf of the executive team of Brown Girl Surf, to share our concerns about Cartel Management's application for a multi-year permit for the Maverick's surf contest. As advocates for equity, inclusion, and access to the ocean for all people, this matter is of great concern to us. What happens to the women of Maverick's has implications for all people who seek equitable access to activities conducted along the California Coast. We are thrilled that this year, Maverick's will include a 60 minute women's heat with equal prize money, and view this as a huge step towards equity in the contest. However, we strongly oppose the granting of a multi-year permit based on the fulfillment of this condition alone.

While the inclusion of a women's heat is a great step towards equity, mechanisms for gatekeeping and exclusion in the contest are still in place. Ultimately, a five-person all male committee makes decisions about the inclusion of women, based on a highly subjective criteria, which can be used to justify any selection decision.

Furthermore, a women's heat is a far cry from a women's division, with qualifying heats and a final heat. As outlined in the proposal put forth by the Committee for Equity in Women's Surfing, a women's division is a necessary condition of equitable inclusion. The argument that there are not enough qualified female competitors to create a women's division is simply not true. With a deep field of women capable of competing at Maverick's, a 6 person women's heat will quickly appear a token gesture in the coming years, in a competition which features a robust men's division, including qualifying rounds, semi-finals, and final heats.

We strongly endorse the proposal put forth by the Committee for Equity in Women's Surfing (CEWS), and suggest that any permit renewal be contingent upon fulfillment of the demands set forth in the CEWS proposal. Key among these demands are the inclusion of a multi-round Women's Division in the future, as opposed to a single heat, equal prize money, and the inclusion of a woman on the selection committee for the contest. We understand that change takes time. However, we need a mechanism in place to ensure that we continue to move forward and the change does not stop here. A multi-year permit simply does not ensure such forward progress.

brown girl surf.

Despite intense media scrutiny and public outcry against their exclusionary practices, the organizers of the Titans of Maverick's showed no signs of shifting their contest structure in their proposals to the Coastal Commission as late as September 28th of this year. Only when faced with the threat of not gaining a permit renewal, did the organizers shift their course to include a women's heat this year. If granted a multi-year permit, there will be no incentive for the contests organizers to take the continued steps needed to create real equity in this contest, and no real mechanisms for ensuring they do so.

Thank you for your consideration.

With Best Regards,
Mira Manickam, Executive Director of Brown Girl Surf
Melissa Morazan, Director of Operations of Brown Girl Surf

Copied:
Nancy Cave: Nancy.Cave@coastal.ca.gov
Jeannine Manna: Jeannine.Manna@coastal.ca.gov
Stephanie Rexing: Stephanie.Rexing@coastal.ca.gov
Committee for Equity in Women's Surfing: SurfEquity@gmail.com

W11a

From: Mary Larenas
To: Ananda, Renee@Coastal
Subject: Please Support Equity in Women"s Surfing
Date: Friday, October 28, 2016 12:01:56 PM

Good morning Renee,

I 100% support the content of this email. When other world renown big wave surfing contests include women and treat women fairly it is embarrassing for me as a resident of San Mateo County to have our local big wave contest not do the same. The last minute inclusion of women in the Titan's of Mavericks contest appears to be a reluctant, superficial attempt to include women. Equality for all needs to come to this contest.

Sincerely,

Dr. Mary Larenas

Moss Beach

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

W11a

From:	Nadine Choe
To:	Ananda, Renee@Coastal
Cc:	surfequity@gmail.com
Subject:	Cartel Managment Permit Application No. 2-15-1458-A1
Date:	Friday, October 28, 2016 7:00:35 AM

Hi Renee,
I'm writing to support womens' professional big-wave surfing.
Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.
The CCC should not grant a multiyear CDP until Cartel has proven themselves.
Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the Women's Division shall be equal to the Men's Division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, Women's Division sequencing should be considered annually as the sport develops. Multiyear permits do not allow for growth and do not hold the competition accountable for those changes.

Thank you,

Nadine Choe | Acquisitions & Development
TF Cornerstone | 387 Park Avenue South | New York, NY 10016
t 212.901.8055 | f 212.901.8186 | nadine.choe@tfcornerstone.com
TFC.com | @tfcornerstone | YouTube | Facebook

W11a

Sarah Gerhardt, Ph.D.
230 Dufour Street
Santa Cruz, CA 95060
sgerhardt41@gmail.com
(831) 566-0555

October 29, 2016

Dear Mavericks Governing Entities, Titans Contest Organizers, and Interested Persons,

I am writing in support of the Women's heat to be held during the Titans Mavericks Invitational Contest. Although I first surfed Mavericks in the 1998/99 season, and have ridden waves there every year since then (except one season during a pregnancy), I have not spoken up about a women's inclusion in the Mavericks contest until now. However, I believe that this is the right time to speak about a Mavericks contest that includes women.

First, let me begin by saying that Mavericks is a unique wave, which requires a very high level of athletic skill and many years of experience. Any wave there can maim and kill, and experience may be the key difference between death and survival. Only the most dedicated big wave surfers with knowledge and experience at Mavericks should be invited to surf in a contest held there for safety reasons alone.

Second, running a contest at Mavericks is a difficult, logistical feat. A good surfing day at Mavericks has several factors that must align, including tide levels and tidal swings, wind speed and wind direction, swell height, period and direction, and no fog (the best swells are often plagued by fog for up to half of the day). Very few days will actually have all of the factors aligning for an 8 hour period. Adding the requirement of having all the agencies involved on the best possible contest day, makes running a successful event an extreme challenge. Even the Eddie Aikau (Waimea, Hawaii) contest, which was created 30 years ago, has only run 8 times due to the factors outlined above.

Third, and finally, with respect to a female presence surfing Mavericks, less than a handful of women have consistently been surfing there for the past 5 years. Recently, more women have shown interest in surfing Mavericks and specifically in surfing in the Mavericks contest. Wickr Super Sessions invited (and paid) all of the women who surf big waves around the world to participate in a project that culminated in a fun expression session together at Mavericks and there were less than 10 who surfed Mavericks on that "small" Super Sessions day. Even though there are fewer than 5 female surfers who have consistently surfed Mavericks, there is a definite interest amongst some of the outstanding women big wave surfers from other locations around the world who want to compete in the Titans contest. And it should be done! I believe that one heat with 6-8 women and a short alternate list should accommodate all of the most qualified female surfers.

Best Regards,

Sarah Gerhardt, Ph.D.

W11a

From:	Nancy Revering
To:	Ananda, Renee@Coastal
Cc:	SurfEquity@gmail.com
Subject:	Cartel Managment Permit Application No. 2-15-1458-A1
Date:	Saturday, October 29, 2016 9:29:50 AM

Dear California Coastal Commission Staff,

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the Women's Division shall be equal to the Men's Division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, Women's Division sequencing should be considered annually as the sport develops. Multiyear permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

Sincerely,
Nancy Reyering
Martin Walker