

**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



**Th19**

**NORTH CENTRAL COAST DISTRICT  
(SAN FRANCISCO)  
DEPUTY DIRECTOR'S REPORT**

For the  
**AUGUST Meeting of the California Coastal Commission**

**MEMORANDUM**

**August 9, 2016**

**TO: Commissioners and Interested Parties**  
**FROM: Dan Carl, North Central Coast District Deputy Director**  
**SUBJECT: Deputy Director's Report**

There were no waivers, emergency permits, immaterial amendments or extensions issued by the North Central Coast District Office for the **August 11, 2016** Coastal Commission hearing.

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

**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****August 9, 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  
 Thursday, August 11, 2016***

<u><b>Agenda Item</b></u>	<u><b>Applicant</b></u>	<u><b>Description</b></u>	<u><b>Page</b></u>
Th21a	Marin Co. LCP Amend. LCP-2-MAR-15-0029-1	Correspondence, Morgan Patton / Ashley Eagle-Gibbs Correspondence, Amy Trainer, Scotty Tye & John Sharp Email, Robert A. Johnston Correspondence, Kathleen Hartzell Email, Bridger Mitchell Email, Toby Symington Email, Cynthia Lloyd Email, Lawrence Litvak Correspondence, Conn Rusche Email, Sharon Barnett Correspondence, Kenneth Drexler Correspondence, Jessica Reynolds-Taylor Correspondence, Carolyn Longstreth Email, Victoria Hanson Email, Ann W. Baxter Email, Daniel Dietrich Email, W. Edward Nute Email, Mary Barone Email, Corey Barnes Email, Dawn Ward-Doma	1-3 4-5 6-8 9-10 11-12 13-14 15-16 17 18-19 20 21 22-23 24-25 26-28 29-31 32-33 34-35 36 37 38
<p>Note: 113 email comments substantially identical to this email comment were received. This email comment is provided as a representative sample of the 113 email comments. All of the 113 email comments substantially identical to this email comment are available for review at the Coastal Commission's North Central Coast Office in San Francisco.</p>			
		Correspondence, Bridger Mitchell	39-41
Th22a	Coastside Fire Protection District A-2-PAC-16-0058	Correspondence, Kevin J Lansing	42
Th22b	Steve Kalpakoff A-2-SMC-16-0066	Correspondence, R. Rexford Upp	43-47



**TH21a**

**LCP-2-MAR-15-0029-1**

**Environmental Action Committee of West Marin  
Support Time Extension**

July 28, 2016

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

Re: EAC Support of Extension of Time Limit for Commission Action on Marin  
County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1

Dear Mr. Ainsworth,

As you know, the Environmental Action Committee of West Marin ("EAC") has been involved in Marin County ("County")'s Local Coastal Program amendment process since the beginning. We have reviewed thousands of pages of draft development code and policy language, staff reports, and errata. We have participated in countless hours of public workshops, meetings, and hearings. EAC is heavily invested in this process and is committed to ensuring that 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 Local Coastal Program amendments ("LCPA") are consistent with the Coastal Act.

A. EAC Support of Extension of Time

For the following reasons, EAC supports the Commission staff's recommended extension of time for Commission action on the LCPA. It is important that both the Commission and the Commission staff have adequate time to review the County's request to comprehensively update the County's Certified Local Coastal Program ("Certified LCP"). A thorough and detailed analysis is an essential culmination of this lengthy process. The LCPA marks the first substantial update to the Certified LCP in 35 years. There is no public purpose served by rushing the process, after so much effort has been devoted to this important issue. Adequate time to review the LCPA is necessary for a thoughtful result and to ensure that all groups are afforded full public participation.

Environmental Action Committee of West Marin  
PO Box 609, Point Reyes Station, CA 94956  
415-663-9312 | [www.eacmarin.org](http://www.eacmarin.org)

Due to the volume of the documents submitted and re-submitted by the County (including multiple and conflicting versions, often in piecemeal form), EAC agrees that the Commission staff needs additional time to prepare a thorough report for a Commission hearing. The Commission staff's July 22, 2016 report also raises an important concern about needing adequate time to address consistency issues with the County prior to the Commission hearing, so that the hearing can be as efficient as possible.

Considering the lengthy history of this amendment process and the nature of the County's most recent submittals, it is essential that the Commission's time limit for action on the LCPA be extended. The Commission held two full hearings on previous County submissions in May 2014 and April 2015. The Commission staff reports for those hearings totaled approximately 1,302 pages. Additionally, the record of public comments was many hundreds of additional pages. And now all prior submissions have lapsed, and the County's current submission constitutes what is effectively a total revision of the Certified LCP. The submission totals approximately 1,116 pages of text, plus more than 1,600 pages of maps, appendices, and referenced provisions.<sup>1</sup> When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review the County's complete submission, consider the Commission staff recommendations, and prepare comments. Commissioners will be challenged to review the submission and Commission staff report(s) prior to the public hearing. They will need to deliberate on many aspects of the proposed comprehensive overhaul of the Certified LCP.

#### B. EAC Support of a Hearing Location in the County

Furthermore, EAC advocates for the Commission hearing to be held in the County, so that the public can be afforded substantial participation in this vital process. The Commission should strive to ensure the widest public participation in the review of the County submission, as required by section 30006 of the Coastal Act. Furthermore, the California Code of Regulations provides that "all dates for public hearing shall be set with a view...toward allowing full public participation and attendance at the meeting." § 13522. The opportunity for the widest public participation can be achieved by holding the hearing in the County, so that "interested members of the public...may comment on the proposed LCP" without traveling long distances. See California Code of Regulations § 13526.

The County's community members must have time to prepare and participate in this far-reaching and enduring community issue. Since the County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Commission, it is essential that the Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The LCPA includes major policy changes on environmental hazards, as well as changes to many implementation measures, that

---

<sup>1</sup> These figures include the County's submissions to the Commission in August 2015 and April 2016.

have never received a public hearing before the Marin Planning Commission.<sup>2</sup> Additionally, the public has not yet had the chance to review all of the documents which the County has submitted. Certain documents have not yet been made available for public review, such as the County's sea level rise maps.<sup>3</sup> Additionally, the County website states that the "Coastal Commission requests additional information prior to starting review." Therefore, there will be even more documents to be reviewed once the public has access to them.

In the alternative, if there is some reason that the hearing absolutely cannot be held in the County, then EAC supports holding the hearing elsewhere in the North Central Coast District, as close to the County as possible.

C. A Location with Adequate Capacity Should be Selected for the Hearing

When considering a hearing location, it is necessary to find a location with adequate capacity due to the large local interest in this issue. As you may recall, at the May 15, 2014 public hearing in Inverness on the then proposed Land Use Plan, there was an overflow of attendees and all could not participate. Then in April 16, 2015, the public hearing in San Rafael (on the then proposed Implementation Plan update) was again very heavily attended. Based on the high local interest in the LCPA, it is essential to find a hearing location with adequate capacity so that all of the interested persons can fully participate.

In sum, EAC supports the extension of time for a hearing to be held in the County at a location with adequate capacity in order to ensure thoughtful and thorough consideration of the LCPA with the widest opportunity for public participation. Thank you for your consideration of our concerns.

Respectfully,

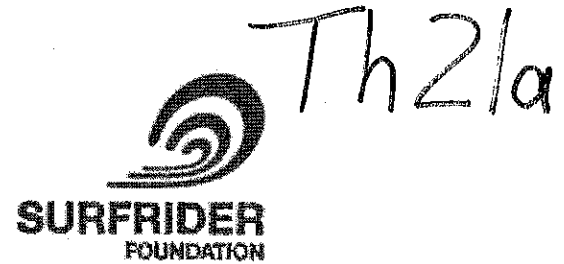
  
Morgan Patton  
Executive Director

  
Ashley Eagle-Gibbs  
Conservation Director

---

<sup>2</sup> The amendments are "material," but the public has not had adequate access to or time to review all of the County submitted documents. See California Code of Regulations § 13536.

<sup>3</sup> The Commission staff's July 22, 2016 report references additional documents that the County has submitted which make the filing complete (sea level rise maps), but as of the date of this letter, these documents have not yet been posted to the County or the Commission staff's websites for public review. EAC is thankful that the Commission staff has provided us with a copy of the sea level rise maps, but the public needs access to these maps as well.



July 28, 2016

Jack Ainsworth, Acting Director  
California Coastal Commission  
45 Fremont Street  
San Francisco, CA  
94105-2219

**RE: Item TH21a - Request for Local Hearing on Marin County LCP Amendment**

Dear Acting Director Ainsworth,

Our organizations are writing to support your staff's proposed time extension for consideration of the Marin County Local Coastal Program Amendment [Marin LCPA], and to request that any future Coastal Commission hearings on the Marin LCPA be held locally in Marin County so that the public who will be most impacted by these significantly new coastal resource policies, development regulations and procedures will be able to attend and testify.

As you know, Marin County first submitted its Local Coastal Plan Amendment to the Coastal Commission in the spring of 2014 after extensive local public hearings before the Marin County Planning Commission. The Coastal Commission approved the Land Use Plan (LUP) component of the LCP at a hearing held in Inverness in May 2014. The County submitted its Implementation Plan (IP) in the winter of 2015, and at a Coastal Commission hearing in May 2015, the County chose to withdraw the IP during the public hearing.

Marin County then submitted a new LUP for the Board of Supervisors review and approval in August 2015. This new LUP was approved without any public hearings at the Planning Commission. Additionally, the Marin County Board of Supervisors approved the LUP despite a 16-page letter from the Coastal Commission staff explaining the numerous ways the LUP did not meet the Chapter 3 policies and standards of the Coastal Act.

Marin County submitted a new IP for the Board of Supervisors review and approval in April, 2016. Again, this new IP was approved without any public hearings at the Planning Commission. Additionally, the Marin County Board of Supervisors approved the IP despite another 16-page letter from the Coastal Commission staff elaborating on the additional significant and numerous ways that the IP failed to meet the standards of the Coastal Act.

Marin County then submitted its LCP Amendment to the Coastal Commission in May 2016 and your staff deemed the submission "complete" in mid-July. However, because Marin County's LCP Amendment submission contained numerous policies and development code provisions that do not comply with the Chapter 3 policies of the Coastal Act, a Commission hearing on Marin County's LCP Amendment submission has been postponed until later this year.

On July 22<sup>nd</sup>, the Commission issued a notice to extend the deadline for the Commission's consideration of the Marin LCP. Our organizations are writing to support that time extension and to request that any future hearings be held locally in Marin County.

During this process, the public was not given the benefit of workshops or hearings at the Planning Commission prior to the Board of Supervisors hearings that approved each component of the LCPA. The public has endured reviewing well over 5,000 pages of Marin County's draft policy and development code language over the past five years and still has numerous outstanding questions that have been raised and which have either not been addressed or have not been sufficiently answered at the local level.

The next Coastal Commission hearing in the North Central District is scheduled for November 2016. We respectfully, but strongly, urge you to hold the Commission's hearing on the Marin LCPA at a local hearing in Marin County.

Thank you very much for your consideration of our request.

Respectfully yours,

Amy Trainer, California Coastal Protection Network

Scotty Tye, Marin Chapter, Surfrider Foundation

John Sharp, Esq., Attorney for Sierra Club California

**Fiala, Shannon@Coastal**

Th21a

**From:** Johnston, Bob <rajohnston@ucdavis.edu>  
**Sent:** Thursday, July 28, 2016 7:35 PM  
**To:** Ainsworth, John@Coastal  
**Cc:** Cave, Nancy@Coastal; Fiala, Shannon@Coastal; Johnston, Bob  
**Subject:** Support of Extension of Time Limit for Commission Action on Marin Co. LCP Amendment Number LCP-2-MAR-15-0029-1, TH21a

Jack Ainsworth, Acting Exec. Dir.  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
Via Email

**Please put this letter into the Packet for the August 11, 2016 Commission Hearing (S. Cruz), at Agenda Item TH21a**

Re: Please Adopt the Staff's Proposed One-Year Extension of the Time Limit  
for Commission Action on Marin Co. LCP Amendment No. LCP-2-MAR-15-0029-1, TH21a

Dear Coastal Commissioners:

My Qualifications:

I am a retired UC Davis professor of land use planning. I have been a local planning commissioner for two California cities in the past. I taught the CEQA class for 30 years at UCD and was an expert in several NEPA and CEQA lawsuits in the 1970s, 80s, and 90s regarding land use and transportation impacts. I have published over 50 technical articles on these topics. I was on the Marin Co. coastal sea level rise citizens committee in 2014-16. I am currently on the board of a State conservancy that is not in the coastal zone.

I have participated in this amendment proceeding for several years. I wrote a comment letter to the Commission for the May 15, 2014 hearing on the first part of this LCP Amendment package and commented at that hearing in Inverness, CA. That LUP was approved by the Commission, but withdrawn by the County later. I have written several letters by email to your staff since then, commenting on various provisions in the County's proposed amendments, especially on the Agricultural LUP and IP parts. I also commented in person at the County Supervisors' two hearings on the submitted package, in 2015 and 2016. I have read all of the documents and all of the organizational comments in the file on the County web site, back to 2008.

Comments:

I agree with all of the reasons for granting this extension offered by the Environmental Action Committee of West Marin, most of them procedural issues. In addition, I would like to outline the serious deficiencies in the file, to date, with regard to fulfilling the Commission's duties under CEQA. The CCC is required by CEQA, the CEQA Guidelines, the Coastal Act, and the Commission's administrative rules to complete an impact assessment of the proposed amendments using your own procedure, called a Certified Regulatory Program (or a Functional Equivalent process).

Many State court holdings have established the requirements for such assessments. To summarize, an agency's impact assessment process must include all of the substantive requirements of CEQA, but is relieved of many procedural



mandates. A brief list of cases includes: NRDC v. Arcata (1976), EPIC v. Johnson (1985), Laupheimer v. Calif. F&G (1988), Mt. Lion Fdn. v. F&G Comm. (1989), and Conway v. Imperial Beach (1997). These cases held that agency Functional Equivalent procedures must be in "strict compliance" with all CEQA requirements and written responses must be made to all public comments regarding impacts. Other cases require "full disclosure" of impacts, long the rule for CEQA reports.

I do not see in the County's submitted documents information pertinent to most of the various parts of an impact assessment that are required: Environmental Baseline, Project Description (perhaps contained in the proposed policy and code changes, but not readily accessible to the public), Impacts, Alternatives and Mitigation Measures, and Monitoring of Mitigation Measures. In this case, cumulative impacts and growth-inducing impacts are especially important, due to the extensive number of policy changes proposed, many of which increase allowable development. Your staff's proposed changes in policies and code provisions, forthcoming in their report, might be considered mitigation measures, but they will make no sense without a detailed identification and discussion of the impacts of all of these policy changes. Also, your staff must also describe how the mitigation measures will very likely reduce each impact at issue to insignificant levels. Typically, State agencies request sufficient information from the regulatee on the existing environment, impacts, mitigation measures, and monitoring methods so that the State agency can perform the detailed analysis, as required by law. I do not see such information in the County's submissions.

The objective of all this, of course, is to protect the environment. Your regulations require that LCP amendments "... will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which substantially lessen any significant impact..." (14CCR13542(a), 13540(f), 13555(b)). State agencies are required by many court holdings to identify and evaluate mitigation measures that are proposed to be adopted, and others that are not, in order to show that all feasible ones have been proposed for adoption. Furthermore, Cal Pub Res Code sec. 30007.5 states that, where there are conflicts among the policies of the CCC, the conflict must be resolved in a way that is most protective of significant coastal resources and then goes on to give as an example the prevention of sprawl by concentrating development in existing employment centers. Since many of the County's proposed policies will enable development of more residential, and new retail and light industrial uses on ag lands, far from the existing villages, these policies are relevant. The County's proposed policies and code changes potentially will create adverse impacts on ESHAs by reducing development setbacks (buffers), life and property near to sea level, traffic safety, GHG emissions from vehicles, and scenic resources. Given the nature of land markets in coastal California, the growth-inducing impacts of pro-growth policy changes on rural parcels are very important. In this case, it may be impossible to limit the secondary effects of allowing additional housing units, new retail sales buildings, and new ag processing plants on dairies and ranches.

#### Conclusions:

Because of these deficiencies in the Marin Co. submitted documents, I ask the Commission to adopt an extension of the time limit, so that the additional data can be gathered from the County and the required impact assessment be performed by your staff.

Thank you,

Robert A. Johnston  
Emeritus Professor  
Univ. of Calif., Davis

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

# INVERNESS ASSOCIATION

*Incorporated 1930*

Post Office Box 382  
Inverness, California 94937

**TH21a**

**LCP-2-MAR-15-0029-1**

**Inverness Association  
Support Time Extension**

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

Re: Support of Extension of Time Limit for Commission Action on Marin County  
Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1

Dear Mr. Ainsworth,

The Inverness Association supports the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. **The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.**
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be lengthy and will likely include numerous recommendations for substantive modifications. **The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.**
- As the village association for Inverness in Marin County, the Inverness Association believes it is critical for this Coastal Commission hearing to be held in Marin County. As residents who will be directly impacted by the changes to the Local Coastal Plan, we want to be able to participate in this public process. **The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.**

BOARD OF DIRECTORS: • KATHY HARTZELL, PRESIDENT • SEANA QUINN • FRANCINE ALLEN, SECRETARY  
JOYCE ARNDT, TREASURER • TOM BRANAN • CATHERINE CAUFIELD • BOB JOHNSTON • MARSHALL LIVINGSTON  
SARAH MYERS • ALEX PORRATA • ELIZABETH WHITNEY

- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. **The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.**

Thank you for your consideration of our comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Kathleen Hartzell", with a long horizontal line extending from the end of the signature.

Kathleen Hartzell  
President  
Inverness Association

Th21a

**From:** Bridger Mitchell [bmitchellecon@gmail.com]

**Sent:** Friday, July 29, 2016 12:30 PM

**To:** Ainsworth, John@Coastal

**Subject:** Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

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

Re: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.

- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.

- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.

- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The amendments include major policy changes on environmental hazards,

as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.

Thank you for your consideration of my comments.

Respectfully,

Bridger Mitchell – PO Box 31, Inverness, CA 94937

---

TH21a

From: Toby Symington [tsymo7@comcast.net]

Sent: Friday, July 29, 2016 2:26 PM

To: Ainsworth, John@Coastal

Subject: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

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

Re: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.
- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.
- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.

Thank you for your consideration of my comments.

Respectfully,  
Toby Symington  
33 Knoll Road  
San Anselmo, CA



TH21a

From: Cynthia Lloyd [cynthiabllloyd@gmail.com]  
Sent: Friday, July 29, 2016 8:35 PM  
To: Ainsworth, John@Coastal  
Subject: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

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

Re: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.
- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.
- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.

Thank you for your consideration of my comments.

Respectfully,

Cynthia Lloyd  
85 Mesa Rd,  
Pt. Reyes Station, Ca 94956

Th21a

**From:** Larry Litvak [<mailto:llitvak@aol.com>]

**Sent:** Friday, July 29, 2016 2:23 PM

**To:** Ainsworth, John@Coastal

**Subject:** Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.
- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.
- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission. Thank you for your consideration of my comments.

Respectfully,

Lawrence Litvak

Lawrence Litvak  
14 Midhill Drive, Mill Valley, CA 94941  
[llitvak@aol.com](mailto:llitvak@aol.com)  
415-595-0030 (c)  
[www.linkedin.com/in/larrylitvak](http://www.linkedin.com/in/larrylitvak)

TH21a

From: Conn Rusche [conn@rusche.com]  
Sent: Sunday, July 31, 2016 1:06 PM  
To: Ainsworth, John@Coastal  
Subject: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

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

Re: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.
- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.
- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.

Thank you for your consideration of my comments.

Respectfully,

Conn Rusche  
40 Tomahawk Dr  
San Anselmo, CA 94960

TH21a

**From:** Sharon Barnett [<mailto:sharon@marinnature.com>]

**Sent:** Monday, August 01, 2016 11:46 AM

**To:** Ainsworth, John@Coastal

**Subject:** Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1, TH21a

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation. • It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.

- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.

- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.

- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.

Thank you for your consideration of my comments.

Respectfully,  
Sharon Barnett

KENNETH DREXLER

ATTORNEY AT LAW

August 3, 2016

Th21a

VIA Mail and Email

California Coastal Commission  
Mr. Jack Ainsworth, Acting Executive Director  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: Local Coastal Program Amendment No. LCP-2-MAR-15-0029-1  
Item: TH21a

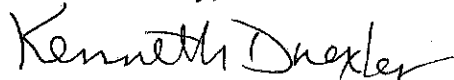
Dear Mr. Ainsworth:

I live in Fairfax in Marin County resident and own a house in Inverness Park. I am writing to support the recommendation of the Coastal Commission staff that the time for the Commission to act on the Marin County's Local Coastal Program amendments now before the Commission be extended for one year.

The final documents needed to complete Marin County's submission to the Commission of the revised LCP amendments were not provided the Commission staff until July 1. The documents are lengthy and include significantly revised policies which have not been previously considered by the Commission. The amendment would update and replace a decades old Plan. There is insufficient time within the 90 days allowed by the Coastal Act for the revised LCP amendments to be carefully considered and evaluated, as they should be, by the Commission staff and the Commission itself. Also, the public needs time to review Marin's proposal and the Commission staff's recommendation on it.

I urge the Commission to approve the extension recommended by its staff. Such an extension would also allow the matter to be placed on the Commission's agenda at a meeting which is held in or near Marin County so at time that the many persons interested in the issues raised by the LCP amendments can attend as they have when portions of Marin's proposals have been considered.

Sincerely,



Kenneth Drexler

TH21a  
**LCP-2-MAR-15-0029-1**

Jessica Reynolds-Taylor  
Support Time Extension

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

Re: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. **The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.**
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. **The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.**
- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. **The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act.<sup>1</sup> The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.<sup>2</sup>**

<sup>1</sup> See also California Code of Regulations § 13522.

<sup>2</sup> See California Code of Regulations § 13526.



TH21a  
LCP-2-MAR-15-0029-1  
Support of Extension of Time

- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. **The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.**

Thank you for your consideration of my comments.

Respectfully,

Jessica Reynolds-Taylor  
PO Box 22  
Olema, CA 94950

TH21a

*Carolyn K Longstreth*

P.O. Box 657, Inverness CA 94937  
(415) 669-7514; (415) 233-2777 [cell]  
cklongstreth@gmail.com

**TH21a**  
**LCP-2- MAR-15- 0029-1**  
*Support of Extension of Time*

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

Via US Mail & Electronic Mail

*Re: Support of Extension of Time Limit for Commission Action on Marin  
County Local Coastal Program Amendment Number LCP-2- MAR-15-0029-1*

Dear Mr. Ainsworth:

I am writing to convey my strong support for the Commission staff's recommended extension of time recommended by Commission staff for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2- MAR-15- 0029-1). This extension of time is necessary to ensure thorough consideration of the amendments by all concerned and with the widest opportunity for public participation.

☐ It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program and particularly the new provisions added only this past April.

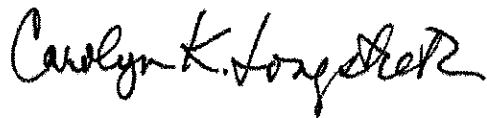
☐ Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. The Commission staff report will be undoubtedly also be lengthy and detailed and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.

□ As a resident of Marin County, I strongly urge you to hold the hearing on Marin's LCPA in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. See California Code of Regulations § 13526. The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. See also California Code of Regulations § 13522.

□ Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, reading "Carolyn K. Longstreth". The signature is written in a cursive, flowing style.

Carolyn Longstreth, Inverness, CA

**From:** Victoria Hanson [<mailto:info.flipside2012@gmail.com>]

**Sent:** Thursday, August 04, 2016 4:33 PM

**To:** Ainsworth, John@Coastal

**Subject:** Support Extension of Time Limit for Commission Action on LCP-2-MAR-15-0029-1 (Marin LCP Update)

TH21a

LCP-2-MAR-15-0029-1

Victoria Hanson

Support Time Extension

Jack Ainsworth, Acting Executive Director

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Via US Mail & Electronic Mail

Re: Support of Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure

thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.
- It is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act.[1] The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.[2]
- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The amendments

---

[1] See also California Code of Regulations § 13522.

[2] See California Code of Regulations § 13526.

include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.

Thank you for considering my comments.

Respectfully,

San Francisco, CA

---

Th2/a

**From:** Anne W. Baxter [mailto:awb94956@gmail.com]  
**Sent:** Thursday, August 04, 2016 1:24 PM  
**To:** Ainsworth, John@Coastal  
**Cc:** Fiala, Shannon@Coastal; Cave, Nancy@Coastal  
**Subject:** supporting the staff's request for an extension of Commission action on the Marin LCP

Jack Ainsworth, Acting Executive Director

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105

*Via US Mail & Electronic Mail*

Re: Support of Extension of Time Limit for Commission Action on Marin County  
Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. **The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.**
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive

modifications. **The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.**

- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. **The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal Act. The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.**
- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. **The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.**

Thank you for your consideration of my comments.

Respectfully,

Anne W. Baxter

Inverness, California

*See also* California Code of Regulations § 13522.

*See* California Code of Regulations § 13526.



Anne W. Baxter  
PO Box 1345  
Point Reyes, CA 94956  
415-663-1222  
415-606-2235 (cell)

**TH21a**

**LCP-2-MAR-15-0029-1**

**Daniel Dietrich**

**Support Time Extension**

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

Re: Support of Extension of Time Limit for Commission Action on Marin  
County Local Coastal Program Amendment Number LCP-2-MAR-15-  
0029-1

Dear Mr. Ainsworth,

For the following reasons, I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1) in order to ensure thoughtful and thorough consideration of the amendments with the widest opportunity for public participation.

- It is important that both the Coastal Commission and the Commission staff have adequate time to review Marin County's request to comprehensively update the County's Certified Local Coastal Program. **The Local Coastal Program amendments mark the first substantial update to the Certified Local Coastal Program in 35 years. A thorough and detailed analysis is an essential culmination of this lengthy process.**
- Considering the lengthy history of this amendment process and the nature of Marin County's most recent voluminous submittals, it is essential that the Coastal Commission's time limit for action on the amendments be extended. When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. **The public needs adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments.**
- As a resident of Marin County, it is critical for this Coastal Commission hearing to be held in Marin County. Residents who will be directly impacted by the changes to the Local Coastal Plan must be able to participate in this public process. **The Coastal Commission should strive to ensure the widest public participation in the review of Marin County's submission, as is required by section 30006 of the Coastal**

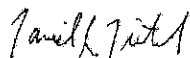
TH21a  
LCP-2-MAR-15-0029-1  
Support of Extension of Time

**Act.<sup>1</sup> The opportunity for the widest public participation can be achieved by holding the hearing in Marin County, so that members of the public may comment on the Local Coastal Program amendments without traveling long distances.<sup>2</sup>**

- Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. **The amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.**

Thank you for your consideration of my comments.

Respectfully,



Daniel Dietrich  
Inverness, CA

SENT VIA EMAIL ONLY

---

<sup>1</sup> See also California Code of Regulations § 13522.

<sup>2</sup> See California Code of Regulations § 13526.

**From:** Ed Nute [mailto:[e.nute@nute-engr.com](mailto:e.nute@nute-engr.com)]  
**Sent:** Thursday, August 04, 2016 8:13 AM  
**To:** Ainsworth, John@Coastal  
**Cc:** Fiala, Shannon@Coastal; Cave, Nancy@Coastal  
**Subject:** TH21a LCP-2-MAR-15-0029-1 Support Time Extension

**TH21a**  
**LCP-2-MAR-15-0029-1**  
**Support Time Extension**

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

Re: Support of Extension of Time Limit for Commission Action on Marin County  
Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1

Dear Mr. Ainsworth,

I am writing in support of the Commission staff's recommended extension of time for Commission action on the Marin County Local Coastal Program Amendment (Number LCP-2-MAR-15-0029-1).

This is the first substantial update of the Certified LCP in 35 years and it is essential that there be a thoughtful and thorough analysis and consideration of the amendments by the Coastal Commission and the Commission staff. There also needs to be the widest opportunity for public participation of Marin County residents and stakeholders.

Marin County has requested a comprehensive update the County's Certified Local Coastal Program and has recently submitted voluminous support materials. A thorough and detailed analysis is a necessary culmination of this lengthy process. The Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. For this reason it is imperative that the Coastal Commission's time limit for action on the amendments be extended.

The public will need adequate time to review Marin County's complete submission, consider the Commission staff recommendations, and prepare comments. As a resident of West Marin, it is critical for this Coastal Commission hearing to be held in Marin County so residents who will be directly impacted by the changes to the Local Coastal Plan can participate in this public process without travelling long distances. It takes me almost an hour to drive from Inverness to Highway 101 so any trip out of the county becomes a major journey.

Marin County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Coastal Commission. It is essential that the Coastal Commission's public hearing be held locally so that the public can effectively participate at this point in the process. This is particularly important since the amendments include major policy changes on environmental hazards, as well as changes to many implementation measures, that have never received a public hearing before the Marin Planning Commission.

I would appreciate it if you could add us to your list to receive notifications and review materials. Thank you for your consideration.

Very truly yours

W. Edward Nute  
P.O. Box 314  
Inverness, CA  
[e.nute@nute-engr.com](mailto:e.nute@nute-engr.com)

Th2/a

From: Mary Barone [mailto:tbarone514@gmail.com]  
Sent: Friday, August 05, 2016 3:34 PM  
To: Ainsworth, John@Coastal  
Subject: Extend the Deadline to Amend Marin County's Local Coastal Program

I am writing to encourage you to extend Marin County's Local Coastal Program amendment deadline for one year, in order to allow careful consideration and public involvement in this important process.

The LCP amendments will be the first substantial update to the Certified Local Coastal Program in 35 years. Because the program governs decisions that determine the short and long term conservation and use of coastal land, water, and other resources, these are extremely important decisions that should be made carefully and with attention to detail. I agree with Commission staff that more time is needed.

It is also important that the Marin County LCP be heard in Marin County, but this will not be the case unless the deadline for action is extended. Community members have a history of attending the LCP Update Hearings before the Coastal Commission, and we desire the opportunity to continue to participate.

Thank You,

Mary Barone  
759 Bay Rd  
Mill Valley, CA 94941

Th2/a

From: Corey Barnes [<mailto:cjkbarnes@gmail.com>]  
Sent: Friday, August 05, 2016 4:09 AM  
To: Ainsworth, John@Coastal  
Subject: As a MARIN COUNTY RESIDENT, Please Extend the Deadline to Amend Marin County's Local Coastal Program

First, let me say that I am a Marin County Resident.

Thank you for the opportunity to submit comments on the proposed deadline extension for the California Coastal Commission to take action on Marin County's proposed Local Coastal Program amendment. I am writing to encourage you to extend Marin County's LCP deadline for one year, in order to allow careful consideration and public involvement in this important process.

The LCP amendments will be the first substantial update to the Certified Local Coastal Program in 35 years. Because the program governs decisions that determine the short and long term conservation and use of coastal land, water, and other resources, these are extremely important decisions that should be made carefully and with attention to detail. I agree with Commission staff that more time is needed.

It is also important that the Marin County LCP be heard in Marin County, but this will not be the case unless the deadline for action is extended. Community members have a history of attending the LCP Update Hearings before the Coastal Commission, and we desire the opportunity to continue to participate.

Thank You,

Corey Barnes  
10 Woodoaks Dr.  
San Rafael, CA 94903

Th21a

From: Dawn Ward-Doma [<mailto:Dawnie12@optusnet.com.au>]  
Sent: Sunday, August 07, 2016 11:34 AM  
To: Ainsworth, John@Coastal  
Subject: Please Extend the Deadline to Amend Marin County's Local Coastal Program

Thank you for the opportunity to submit comments on the proposed deadline extension for the California Coastal Commission to take action on Marin County's proposed Local Coastal Program amendment. I am writing to encourage you to extend Marin County's LCP deadline for one year, in order to allow careful consideration and public involvement in this important process.

The LCP amendments will be the first substantial update to the Certified Local Coastal Program in 35 years. Because the program governs decisions that determine the short and long term conservation and use of coastal land, water, and other resources, these are extremely important decisions that should be made carefully and with attention to detail. I agree with Commission staff that more time is needed.

It is also important that the Marin County LCP be heard in Marin County, but this will not be the case unless the deadline for action is extended. Community members have a history of attending the LCP Update Hearings before the Coastal Commission, and we desire the opportunity to continue to participate.

Thank You,

Dawn Ward-Doma  
8. Cobain Street  
Melbourne, VIC 3001





**TH21a**

**LCP-2-MAR-15-0029-1**

**Environmental Action Committee of West Marin**

**Support Time Extension**

**Additional Comment**

August 8, 2016

Jack Ainsworth, Acting Executive Director  
California Coastal Commission  
*Via Electronic Mail*

Re: EAC Additional Comment in Support of Extension of Time Limit for Commission Action on  
Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1

Dear Mr. Ainsworth,

Throughout the more than seven-year process of updating the Marin County Local Coastal Program, the Environmental Action Committee of West Marin has consistently advocated for “the widest opportunity for public participation” in accordance with the letter and spirit of Coastal Act Section 30006. Recently, Marin County announced that on September 26, 2016 it will hold a Planning Commission hearing on the proposed amendments to Marin’s LCP. Those proposed amendments have already been approved by the Board of Supervisors, submitted to the Coastal Commission, and deemed complete. As such, there is no further role for a County-level process until after the Commission acts on the proposed amendments.

The county Planning Commission last considered the amendments to the certified LCP in 2012. Since that time, the Board of Supervisors has revised them numerous times, submitted them to the Coastal Commission, withdrawn them from Coastal Commission consideration, revised them again, and resubmitted them. At no time in the last four years did the County hold a Planning Commission hearing on the substantial modifications as required by its Interim and Development Codes. Now it is too late.

Nevertheless, the County’s announcement informs the public that the Planning Commission will focus on the amendments approved by the Board of Supervisors, and any modifications suggested by Coastal Commission staff. The County cannot now change the amendments approved by the Board of Supervisors. Moreover, to our knowledge, the Coastal Commission staff’s suggested modifications have not been completed, nor are they likely to be available to the public with adequate time prior to the Planning Commission hearing for the public to make meaningful comment on them. In any event, public comment at the Planning Commission will have no effect whatsoever.

Environmental Action Committee of West Marin  
PO Box 609 Point Reyes, California 94956  
[www.eacmarin.org](http://www.eacmarin.org) 415.663.9312

1

We view the County's announcement of a Planning Commission hearing that would take place after submission of the LCP to the Commission as a hollow gesture at best; at worst, it is a cynical ploy to confuse the public and redirect their interest and energy into participating in a meaningless forum that will have no relevance to the Coastal Commission's consideration of the County's proposed LCP Amendments. There is no legitimate substitute for allowing the public to have their concerns heard directly by the Coastal Commission.

We therefore reiterate our request that the Coastal Commission approve the requested extension of time for action on Marin County's Local Coastal Program amendments. We also strongly urge that the Coastal Commission's future hearing on the amendments be held in Marin County so that county residents can express their views directly to the Commission.

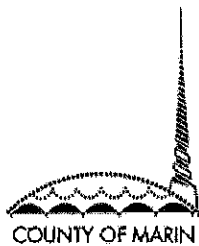
Respectfully,



Bridger Mitchell  
President  
Environmental Action Committee of West Marin

Attachment: Save the Date announcement

Cc: MarinLCP  
Marin County Planning Commission



COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

## SAVE THE DATE

Monday, September 26, 2016\*

(\*It is expected the hearing will begin in the morning, but an official notice will be issued with details)

### Public Hearing Amendments to the Marin County Local Coastal Program

#### Marin County Planning Commission

Marin County Civic Center, Planning Commission Chambers,  
Room 328 (Administration Building), 3501 Civic Center Drive, San Rafael, California.

To provide continued opportunities for public input regarding the adoption of proposed Local Coastal Amendments (LCPAs) for potential certification by the California Coastal Commission, the Marin County Planning Commission will hold a public hearing in Marin County on September 26, 2016.

The Coastal Commission and its staff have previously concurred on a majority of provisions contained in the LCPAs. County staff anticipates the Coastal Commission may consider Marin County's LCPAs at a public hearing at a location yet to be determined in October, 2016. The Marin County Planning Commission hearing will focus on recent revisions to the LCPAs approved the Board of Supervisors on April 19, 2016, and any modifications suggested by Coastal Commission staff.

The pending LCPAs, and the record of how they were developed by the County, can be reviewed at [www.MarinLCP.org](http://www.MarinLCP.org), in particular by visiting the "[Plans and Documents](#)" page and clicking on the "Marin County 6/3/2016 Response to CCC Staff Filing Status Letter" tab.

NOTE: New maps of potential building elevations to avoid sea level rise hazards are being prepared for the [website](#) and will be posted shortly.

**PLEASE FORWARD THIS NOTICE to your neighbors and other interested parties and urge them to subscribe the website for future communications.**

*The Planning Commission Chambers is accessible to persons with disabilities. If you require American Sign Language interpreters, assistive listening devices, or other accommodations to participate in this meeting, you may request them by calling (415) 473-4381 (voice/TTY) or 711 for the California Relay Service or e-mailing [disabilityaccess@co.marin.ca.us](mailto:disabilityaccess@co.marin.ca.us) at least **four working days** in advance of the event. Copies of documents are available in accessible formats upon written request.*

Th22a

August 8, 2016

Agenda Item Th22a (Lansing)

Steve Kinsey, Chair & Members of the California Coastal Commission  
c/o North Central Coast District Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Subject: Appeal A-2-HMB-16-0058

Dear Chair Kinsey and Members of the Commission:

As a representative of the appellant group (Citizen for Preserving Rural Half Moon Bay), I appreciate the opportunity to comment on the staff's recommendation regarding our appeal. Work commitments prevent me from attending the hearing in person.

The following key excerpts from the staff report show that *the local decision by the City of Half Moon Bay was not consistent with the City's certified Local Coastal Program (LCP)* because the City based its approval on the incorrect claim that the visual resource protection policies in LCP Policy 7-10 and IP Sections 18.01.010(G) and 18.37.035(C) do not apply to this project. The staff report contradicts the City's interpretation of the certified LCP.

The issues raised in this appeal extend beyond the current project. If the City's interpretation of the LCP goes unchallenged, it will set a bad precedent for future projects that have potential to permanently degrade scenic views of the City's eastern hills as seen from Highway 1. **Therefore, I urge the Commission to support a finding of Substantial Issue on our appeal.**

Key excerpts from Commission staff report that support a finding of Substantial Issue:

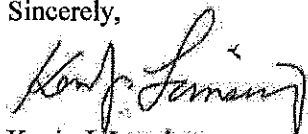
"Although the City-approved project is not located on an upland slope, that does not mean that the ridgeline protection policies don't apply. Indeed, the LCP intent is to protect the views of the eastern hillsides, including avoiding development that projects above the ridgeline (see, for example, LUP Policy 7-10 and IP Section 18.01.010(G) cited above)."

"[T]he LCP intent is clear in that it means to protect the scenic quality of the hillsides along the City's eastern boundary, and it would be inappropriate (and not protective of this resource) to try to imply only certain such views are protected, and others not, because of mapping inadequacies."

"Therefore, the approved project is inconsistent with the standards set forth in LCP Policy 7-10 and IP Section 18.37.035(C), both of which require structures to be sited so as not to intrude into, or project above the eastern ridgeline as seen from Highway 1."

"In essence then, the City-approved project is technically inconsistent with the ridgeline view protection policies and some of the Highway 1 corridor protection policies."

Sincerely,



Kevin J. Lansing  
President, Citizens for Preserving Rural Half Moon Bay  
359 Filbert Street  
Half Moon Bay CA 94019

**RECEIVED**

AUG 01 2016

Th22b

**CALIFORNIA  
COASTAL COMMISSION  
NORTH CENTRAL COAST**

R. REXFORD UPP, PhD  
Geotechnical Consultant  
P.O. Box 725, Campbell, CA 95009-0725  
408-590-5587  
rex@RexpertWitness.com

July 30, 2016  
Project No. GE 316.1L1  
Serial No. 337

Mr. Steve Kalpakoff  
Director of Building & Construction  
Archdiocese of San Francisco  
1301 Post Street - Suite 102  
San Francisco, CA 94109

SUBJECT: GEOLOGIC REVIEW OF  
SIGMA PRIME GEOSCIENCES GEOTECHNICAL STUDY REPORT  
KALPAKOFF PROPERTY  
CYPRESS AVENUE  
MOSS BEACH, CALIFORNIA

Dear Mr. Kalpakoff,

#### INTRODUCTION

As you requested, I have reviewed the report you provided entitled "Geotechnical Study, Kalpakoff Property, Cypress Avenue, Moss Beach, California, APN-037-010" prepared by Sigma Prime Geosciences, Inc. and dated June 3, 2015. The report is signed by Mr. Charles M. Kissick, California Certified Engineering Geologist No. 1587. The study was done and the report prepared for the development of a single-family home on a vacant residential parcel.

The parcel lies near the coast in Moss Beach, California and this location is within the jurisdiction of the California Coastal Commission. The local Commission approved the proposed development, but that decision was appealed on July 11, 2016 by Ms. Lennie Roberts of the Committee for Green Foothills. I also reviewed portions of California Coastal Commission Notification of Appeal, dated July 12, 2016, that you provided me.

The purpose of my review was to evaluate the methods and procedures used by Mr. Kissick in the engineering geologic study and preparation of the subject

report and to offer my professional opinion on whether or not Mr. Kessick met the standard of practice for such studies and reports. Please note that although I am a licensed engineering geologist and a licensed geotechnical engineer my review and opinions are limited to the engineering geologic portions of the subject report.

### THE ENGINEERING GEOLOGIC INVESTIGATION

Following the San Fernando earthquake of 1971, the State passed the Alquist-Priolo (AP) Fault Zoning Act. The intent of the act was to avoid placing new structures across traces of active faults. Geologic studies to identify locations of active faults have been required by most jurisdictions since the mid-1970s. Guidelines for performing these studies have been published by both the California Geological Survey - CGS (formerly called the California Division of Mines and Geology - CDMG) and the State Mining and Geology Board - SMGB. These guidelines have been periodically reviewed and updated.

The most recent publication is CGS Note 49, *Guidelines For Evaluating The Hazard of Surface Fault Rupture*, published in 2002. From 2008 to 2016, I served on the CGS Technical Advisory Committee (TAC) for the AP Special Studies Act. No changes have been approved to the guidelines since the publication of CGS Note 49 in 2002.

Based upon my review, and without reiterating the scope of the study, it is my professional opinion that the engineering geologic study performed by Sigma Prime Geosciences, clearly meets the guidelines for evaluating the location and hazard of active faults as established by the State of California and as published in CGS Note 49. The study accurately located an active fault trace on the subject parcel and established an appropriate building setback from it.

### THE APPEAL

The appeal was filed by Ms. Lennie Roberts, the Legislative Advocate for the Committee for Green Foothills. Ms. Roberts is not a licensed geologist in the state of California. In the "**Reasons Supporting This Appeal**," Ms. Roberts wrote several points to support her appeal. In my professional opinion, none of these points is valid. I address them below:

1. She states "*There is insufficient information to support the County's approval . . . of the Seal Cove Fault trace as it crosses the property.*" Ms. Roberts is not qualified nor licensed to make this geologic

conclusion. Furthermore, the Seal Cove fault does not cross the property. What Sigma Prime located in the fault exploration trench was a discontinuous secondary trace. Several of these discontinuous secondary traces have been identified in the area.

2. She questions “. . . *the exact angle of the [fault]. . .*” It is unclear what she means by the “*exact angle*” and to what degree of precision it must be determined to evaluate the geologic hazard. Sigma Prime identified and verified the geographic orientation of the trace.
3. She complains that “. . . *two data points . . . less than 3 feet apart are too close together to accurately project the line of the fault trace . . .*” This assumption depends on the nature of the fault and how it appears in the trench and is dependent on the skill and knowledge of the investigating engineering geologist. Ms. Roberts is not a geologist and she did not observe the fault as it was exposed in the trench. She is not qualified nor licensed to make this statement.
4. She further writes “. . . *a single pot hole . . . is not the proper way to establish a second data point.*” Again, Ms. Roberts displays her lack of knowledge of engineering geologic investigations. A “pot hole” is simply a short trench and is the standard method of **verifying** the projected orientation (angle) of the fault trace **when the investigating geologist knows where to look** and dig the pot hole.
5. She writes “*Trenching, not pot holing, is the proper way to establish the second data point.*” Again, Ms. Roberts is not licensed nor qualified to evaluate the “*proper*” engineering geologic investigative techniques. There are multiple ways to evaluate the location of a fault trace, and the method selected must be done by a qualified geologist, as they were in this case.
6. She notes that “*LCP Hazards Component Policy 9.3 . . . Requires geologic reports . . . consistent with . . . CDMG Notes #37 . . .*” CDMG Note 37 was superseded long ago and no longer is valid. If the LCP refers to this note, the LCP probably should be updated.
7. She notes the subject site lies within Geotechnical Hazard Zone 3 of the *Geotechnical Hazards Map of Seal Cove Study Area* report prepared in 1980 by William Cotton, and quotes that “*Zone 3 . . . The major geologic hazard in the zone is the possibility of surface faulting along the main trace and **subsidiary cross faults** of the Seal Cove Fault*

system.” Actually the Risk Assessment section of the Cotton report states “*The major geologic hazard in this zone is the threat of surface faulting along the master fault trace and several branching fault traces of the Seal Cove fault.*” I have highlighted some of the differences between Ms. Robert’s inaccurate quote and the actual text of Cotton’s report. There are no “**cross faults**” in the Seal Cove system.

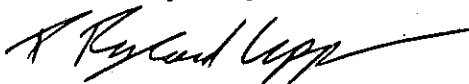
8. Ms. Roberts refers to **Table 1 Requirement for Geotechnical Investigations** of Zoning Regulations Section 6296.3 and quotes the requirements for an engineering geologic investigation. She concludes the quote with “. . . *unless clear evidence is established to show that no active fault crosses the parcel in question.*” The Sigma Prime investigation was done in accordance with the State’s recommended guidelines and standard of practice for fault location studies. They identified clear evidence for the location of a minor secondary trace crossing the subject parcel and they recommended an appropriate building setback.

### CONCLUSION

Based upon my review, my over 40 years of experience with fault location studies (including my Doctoral Dissertation from Stanford University), and my experience with the AP TAC, it is my professional opinion that the subject Sigma Prime Geosciences study and report are consistent with the standard of care for such studies. Furthermore, it also is my professional opinion that the **Reasons Supporting the Appeal** written by the Committee for Green Foothills contains numerous false statements and the appeal has no merit!

For the reader’s review, I have attached my resume.

Yours very truly,



R. REXFORD UPP, PH.D

Professional Geologist: PG 3641

Certified Engineering Geologist: EG 1083

Certified Hydrogeologist: HG 62

Copies: Addressee (via e-mail to [kalpakoffs@adsfrpsc.org](mailto:kalpakoffs@adsfrpsc.org))



## R. REXFORD UPP, PhD

P.O. Box 725  
Campbell, CA 95009-0725  
408-590-5587  
rex@rexpertwitness.com

### RESUME

**Education:** Ph.D. ENGINEERING GEOLOGY, Stanford University  
M.S. CIVIL ENGINEERING (Soil Mechanics and Foundations), Stanford University  
M.S. WATERSHED MANAGEMENT, Humboldt State University  
B.A. GEOLOGY, Humboldt State University  
B.S. ENVIRONMENTAL ENGINEERING, Humboldt State University  
B.S. MECHANICAL ENGINEERING, University of California at Berkeley

**Professional California Licenses:** Professional Geologist: PG 1361 (1981)  
Certified Engineering Geologist: EG 1083 (1981) I obtained all licenses by examination  
Professional Civil Engineer: PE C37340 (1983)  
Registered Soil Engineer: GE 2046 (1987) \* \*Year license became available  
Certified Hydrogeologist: HG 62 (1995) \*

**Experience:** Independent Consultant - Expert Witness: (2012 to Present). I provide consultation and litigation support for issues relating to geotechnical engineering and engineering geology.

Technical Expert Consultant: CALIFORNIA STATE BOARD OF REGISTRATION FOR ENGINEERS, LAND SURVEYORS, & GEOLOGISTS (2010 - Present). I evaluate technical merits of negligence claims filed against licensed Geotechnical Engineers and Geologists.

Geotechnical Advisor: CALIFORNIA STATE GEOLOGICAL SURVEY - TECHNICAL ADVISORY COMMITTEE on the Alquist-Priolo Special Studies Act (2008 - 2016). I assisted in the re-evaluation of the Act.

Founder and Principal of Firm: UPP GEOTECHNOLOGY, INC. (1983 to 2011). I conducted all phases of engineering geology and geotechnical (soil) engineering studies including site development evaluations for residential, commercial, and industrial properties; forensic and insurance investigations of distressed properties; landslide evaluations and repairs; erosion and surface drainage problems; subsurface drainage, water intrusion, and groundwater studies; reservoir/pond development; leachfield evaluations; fault hazard evaluations; swimming pool and basement design; roadway and bridge abutment design; rock quarry development and reclamations; and environmental impact studies.

Senior Engineering Geologist/Geotechnical Engineer: CLEARY CONSULTANTS (1977-1979 & 1980-1983). I supervised engineering geology and geotechnical engineering investigations for a variety of commercial, industrial, and residential projects.

GS 11 Geologist: U.S. GEOLOGICAL SURVEY (1979 to 1980). I conducted research on the location and activity of the Maacama Fault System in Mendocino County, California. (My study served as the basis for zoning portions of the Maacama Fault as active under the jurisdiction of the State of California Alquist-Priolo Special Studies Act).

Instructor: SAN JOSE STATE UNIVERSITY (1983 to 1986), I taught Soil Engineering and Rock Mechanics. HUMBOLDT STATE UNIVERSITY (1974 to 1975), I taught various geology courses.

Consultant: CITY OF EUREKA, CALIFORNIA (1975), I investigated the seismic and flood hazards to the City of Eureka; I also wrote the Seismic Safety Element and other portions of the Eureka General Plan.

**Memberships:** CalGeo: The California Geotechnical Engineering Association - (President 2011-2012)  
AEG: Association of Environmental and Engineering Geologists - (President 2000-2001)  
FEWA: Forensic Expert Witness Association - (Past Director - Northern California Chapter)  
ASCE: American Society of Civil Engineers (Life Member 2010)  
GSA: Geological Society of America (Senior Member)



## CITY OF HALF MOON BAY

Office of the City Attorney

PO BOX 481, Santa Cruz, CA 95061-0481

Telephone: (831) 423-8383

Fax: (831) 576-2269

# Th22a

August 10, 2016

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

**RE: Appeal No. A-2-HMB-16-0058 (August 11, 2016—North Central Coast)**

Dear Commissioners:

I am writing today on behalf of the City of Half Moon Bay, in support of the above-listed project, a prefabricated fire training tower proposed by the Coastside Fire Protection District (CFPD), which was approved on appeal by the Half Moon Bay City Council. This project is critical to the CFPD's mission *and* to Half Moon Bay's residents, its visitors, and the local businesses that depend on a well-trained fire staff, who risk their own personal safety to protect lives and property each day. For that reason, it is the City's sincere hope that the Commission will make a determination of "No Substantial Issue" to allow this project to proceed.

Nevertheless, and although the City supports the project and urges the Commission to find "No Substantial Issue," **the City must note for the record that the Coastal Commission staff report incorrectly concludes that several Visual Resources Protection Standards of the Half Moon Bay Local Coastal Plan (LCP) apply to the project at issue, and that the project is inconsistent with those standards.** In particular, the report identifies two standards which, in the opinion of Coastal Commission staff, apply to the project. Those are:

1. Upland Slopes - Half Moon Bay Municipal Code (HMBMC) section 18.37.035, and
2. Scenic Corridor - HMBMC Section 18.37.030

Applying those standards to the project, Coastal Commission staff found the City-approved project was inconsistent with City's LCP, yet recommended a "No Substantial Issue" determination. As explained below, Coastal Commission staffs' conclusions as to the application of those standards are misplaced and unsupported – neither of the identified standards applies to the project, and the project is wholly consistent with the City's LCP. In order to correct the record, provide a complete analysis of the relevant policies and ordinance provisions,

and to establish a legally defensible foundation for the applicability – or lack thereof – of such standards to future projects, the City is submitting the following comments.

**A. THE UPLAND SLOPES STANDARD (HMBMC § 18.37.035) DOES NOT APPLY TO THE PROJECT.**

As a preliminary matter, the question of whether any Visual Resource Standard applies to any project is governed by the applicability section of the ordinance, which requires all new development projects within or adjacent to visual resource areas to meet the visual resource standards in Chapter 18.37.<sup>1</sup> As it relates the CFPD fire training tower project, the staff report concluded that the City’s “Upland Slopes” standard applied to the project, and therefore extrapolated that any of the project’s proposed structures could not intrude or project “over the ridge line skyline as seen from Highways One and 92.”

However, Coastal staff’s conclusion as to the applicability of the standard was supported by an incomplete analysis of relevant LUP policy language and IP/ordinance language, both of which are addressed in turn below. As the City will show, the project is not located within or adjacent to an Upland Slope, and so that standard simply does not apply.

**1. LUP Policies Do Not Support Application of the “Upland Slopes Standard” to the Project.**

To support the application of the Upland Slopes standard, Coastal Commission staff cited the City’s Land Use Plan (LUP), page 90<sup>2</sup> “Upland Slopes,” which, in the staff report, reads as follows:

“The hillside along the City’s eastern boundary is a major attribute of the City’s setting. Coordinated County and City measures to protect the scenic quality of these hillsides are necessary... Any new development should be sited and designed to maintain the natural character of the landscape and to avoid substantial cuts and fills.”

Notably, in its recommendation to the Commission, Coastal Commission staff omitted a material part of the actual LUP policy language (in the form of an ellipses, using “...” to replace language undercutting the foundation of the argument.) In its entirety, the policy provides:

“The hillside along the City’s eastern boundary is a major attribute of the City’s setting. Coordinated County and City measures to protect the scenic quality of these hillsides are

---

<sup>1</sup> HMBMC § 18.37.015 “Applicability.”

<sup>2</sup> This citation is inaccurate; the correct citation is LUP Page 87.

necessary. *The City has jurisdiction over hillsides on the Dykstra Ranch, Carter Hill, the Hester-Miguel lands, the Gravance Property, and the land above the Nurserymen's Exchange.* Any new development should be sited and designed to maintain the natural character of the landscape and to avoid substantial cuts and fills.” (omitted language shown in italics.)

This omitted language provides context for the LUP's discussion and intended application of the City's Upland Slopes standards – *namely, to new/proposed development located on or adjacent to upland slopes within the City's jurisdiction.*<sup>3</sup> And, under the ordinance's applicability provision, the project is *not* located on, or adjacent to, any upland slopes – meaning the standard would not apply. This omission eliminated necessary context for the Commission's considerations of the policies and presented an incomplete and inaccurate analysis of the issues.

## **2. The Implementation Plan Does Not Support Application of the “Upland Slopes Standards” to the Project.**

Moreover, and setting LUP policies aside, the reasonable reading of the letter of the law (i.e. the language of the City's implementation plan, HMBMC Title 18, the “Zoning Ordinance,” and the Coastal Commission-approved LCP embodied therein) establishes that the Upland Slopes standard *does not apply* to the project. While the staff report cites to HMBMC's broad “purpose and intent” provisions, the same staff report ignores clear statutory language which points to the contrary. Ultimately, the conclusion that the project is subject to and inconsistent with the Upland Slopes standard is incorrect.

### **i. The Definition of “Upland Slopes” Excludes the Project.**

As a threshold matter, HMBMC § 18.37.020, *defining* Visual Resource Areas, provides the following in regards to Upland Slopes, at 18.37.020(B):

“Upland Slopes. Scenic hillsides which are visible from Highway One and Highway 92, as indicated on the visual resources overlay map. These areas occur in hillside areas above the one hundred sixty foot elevation contour lines which are located:

1. East of the proposed Foothill Boulevard, comprising portions of Carter Hill and Dykstra Ranch Properties.
2. Southeast of Pilarcitos Creek and east of Arroyo Leon, comprising a portion of land designated as open space reserve in the land use plan.

---

<sup>3</sup> See LUP Policy 7-10.

3. East of the Sea Haven Subdivision, being a portion of the Gravance Property designated urban reserve in the land use plan.
4. East of the Nurseryman's Exchange properties and lower Hester-Miguel lands, comprising all of the upper Hester-Miguel lands designated as open space reserve in the land use plan."

Thus, as defined by the LCP under the law – and consistent with the LUP policies – “upland slopes” are areas *above 160 feet in elevation located around Carter Hill, the Dykstra Ranch, the Gravance Property, the Hester-Miguel lands, and above the Nurseryman's Exchange*, as indicated on the visual resources overlay map. The CFPD fire training tower is *not* located in or adjacent to any of the aforementioned areas; thus, the upland slopes standard does not apply.

ii. Express Provisions of 18.37.035 “Upland Slopes” Counsel Against Application of the Standard to the Project.

Nevertheless, and while acknowledging the project is not located on an Upland Slope,<sup>4</sup> the staff report isolates HMBMC § 18.37.035(C) [an upland slope standard] and argues that it *still* applies to the project, requiring the fire tower be built so as not to intrude/project above the ridge line when viewed from either Highway 1 or 92. However, when considered in its entirety, the reasonable interpretation of HMBMC § 18.37.035 is that it was *not* intended to apply to projects like the fire tower, which are located on flat land, neither on or adjacent to upland slopes. For example, consider the additional, omitted provisions of HMBMC § 18.37.035:

- “Subsection A prohibits grading or creation of a building site which results in significant alteration of the natural terrain (not found in projects on flat land), and mandates structures be subordinate to the natural land form and follow existing natural contours (contours exist on rolling hillsides, not flat land).
- Subsection D provides that, if trees are removed for building, reforestation ‘shall be provided as part of new development order to maintain forested appearance of the hillside’ – here, the ordinances speaks of *hillsides*, not flat land on Main Street.
- Subsection F provides that ‘padding or terracing of building sites shall be prohibited,’ a construction feature only necessary for projects on slopes and hillside areas.
- Subsection G directly notes that ‘within Dykstra Ranch, Carter Hill, and Nurserymen's Exchange planned unit development areas, no development shall occur above the one hundred sixty-foot contour line, nor on slopes of twenty five percent or greater.’”

---

4 Coastal Commission Staff Report, pg. 10, ¶4 [“Although the City-approved project is not located on an upland slope...”]

Ultimately, upon a full and measured examination of the LUP policies and the IP/HMBMC, the correct conclusion is that the Upland Slopes standard simply does not apply to the project. Thus, there is No Substantial Issue that can be found.

**B. THE SCENIC CORRIDORS STANDARD (HMBMC § 18.37.030) DOES NOT APPLY TO THE PROJECT.**

The Coastal Commission staff report further incorrectly asserts that, because the project is within 200 yards of Highway 1, it automatically falls within a HMBMC Visual Resource Area - the "Highway One Corridor" subsection of "Scenic Corridors" - and is therefore subject to the standard and a concurrent 28-foot building height limitation. This conclusion is also incorrect.

**1. As Defined, the Project is not within the "Highway One Corridor" Visual Resource Area.**

Under HMBMC § 18.37.020(A)(1), the "Highway One Corridor" is defined as those spaces:

*"located on both sides of Highway one, for a distance of two hundred yards in those areas where Highway one is designated as a scenic highway by the state of California and in those areas shown on the visual resources overlay map in the city's local coastal program land use plan."* (emphasis added to omitted language.)

To conclude the project is within the "Highway One Corridor" because it is within 200 yards of Highway 1, the Coastal Commission staff report ignored the second half of the one sentence definition. However, this second half is material to the definition, and provides a qualifier, to wit: "...in those areas where Highway One is designated as a scenic highway by the state of California and in those areas designated on the visual resources overlay map..."

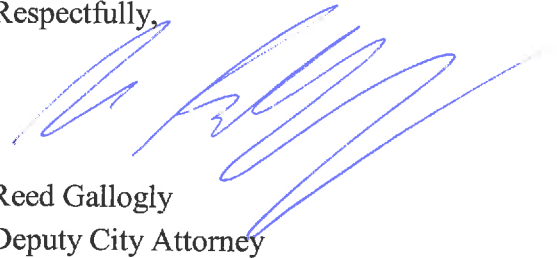
Highway 1 is not designated a scenic highway within the City of Half Moon Bay by the state of California. Additionally, this portion of Highway 1 is not designated a visual resource area on the City's adopted visual resource overlay map. Accordingly, the project is not within the "Highway One Corridor."

Moreover, *even if it were*, Coastal Commission staff is further incorrect in asserting that a 28-foot height restriction would apply to the project. That height restriction is found under HMBMC § 18.37.030(A) - development standards applicable to the "Broad Ocean View" Visual Resource Areas subcategory, not under HMBMC § 18.37.030(B) - development standards for the "Highway One Corridor" Visual Resource Area subcategory.

**C. CONCLUSION**

As noted at the outset, the City urges the Commission to find “No Substantial Issue” in this matter. It is in the best interests of the CFPD and the citizens of the Coastside. The purpose of this comment letter is simply to correct the record and ensure that future public and private projects are held to LCP Policies adopted by the Half Moon Bay City Council, certified by the Coastal Commission, codified under HMBMC Title 18, and actually applicable under the law. Prospectively, leaving these facts unstated could result in further confusion by the public as well as appeals to the City Council and Coastal Commission based upon inaccurate interpretation of City LCP policies.

Respectfully,



Reed Gallogly  
Deputy City Attorney

cc: City Council  
Planning Commission  
Coastside Fire Protection District  
City Manager