

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
PHONE: (415) 904-5200
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



F9a

A-2-MAR-08-028-A3 (Lawson's Landing Improvements)

August 14, 2020

CORRESPONDENCE

BRISCOE IVESTER & BAZEL LLP

155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
(415) 398-5630 FAX

Peter S. Prows
pprows@briscoelaw.net
(415) 402-2708

11 February 2020

By Email

Stephanie Rexing
North Central District Supervisor
California Coastal Commission
45 Fremont Street, Suite 1900
San Francisco, CA 94105

Subject: Lawson's Landing Permit No. A-2-MAR-08-028-A2

Dear Ms. Rexing:

Lawson's Landing is in the process of submitting a permit amendment request to build necessary emergency services in allowable development areas of Area 6, and to remove all existing development, including the Truck Shed, in areas of Area 6 deemed "unallowable" by Commission staff. Although Lawson's does not agree with staff's analysis that the Truck Shed is in an unallowable development area, and has submitted extensive and uncontradicted evidence that the Truck Shed area was legally developed, Lawson's is nevertheless prepared to remove the Truck Shed.

However, the Marin County Fire Marshall is requiring Lawson's to construct an emergency vehicle lane, meeting California Fire Code requirements (including specified width, grade, and load requirements), through a portion of the Truck Shed Area. See the attached letter. There is no way to build the emergency vehicle lane the Marin County Fire Marshall is requiring without traversing through the "unallowable" development area. Lawson's will be including this required emergency vehicle lane in its permit amendment request.

The Coastal Act cannot be used to limit the power of any county to prohibit nuisances. (Coastal Act section 30005(b).) The "Fire" chapter of the Marin County Code requires that fire roads "shall" be provided "in a manner approved by the Fire Code Official." (Marin County Code, ch. 16.16.040.) Any violation of the Fire chapter is deemed a "public nuisance", punishable as a crime. (Marin County Code, ch. 16.16.060(g).) Lawson's must build this required emergency vehicle lane, and the

BRISCOE IVESTER & BAZEL LLP

Stephanie Rexing

11 February 2020

Page 2

Coastal Commission does not have discretion to deny Lawson's permit-amendment request for that lane.

Thank you for your attention to this important matter.

Sincerely,

BRISCOE IVESTER & BAZEL LLP

/s/ Peter Prows

Peter S. Prows

Attachment



MARIN COUNTY FIRE DEPARTMENT

Committed to the preservation of life, property and environment.



Jason Weber
FIRE CHIEF

33 Castle Rock Avenue
PO Box 518
Woodacre, CA 94973
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CRS Dial 711
www.marincounty.org/depts/fr

Woodacre
Throckmorton Ridge
Marin City
Point Reyes
Hicks Valley
Tomales
Ross Valley: Medic 18
Tamalpais Fire Crew

November 8, 2019

Robert W. Hayes, Architect
620 Butte Street
Sausalito, CA 94965

RE: Lawson's Landing Campground
137 Marin View, Dillon Beach, CA 94929
Area 6: Campground Emergency Service Area
Fire Department Access and other Requirements

Dear Mr. Hayes,

It is our understanding that The Lawsons' Landing Campground Project is currently being reviewed by the staff at the Coastal Commission. Per our recent discussion, as part of that review process the owners of Lawson's Landing would like to obtain input regarding Marin County Fire Department's requirements so that these critical requirements can be incorporated into the Coastal Commission permit submission and approval.

The location on the site for which this input is requested is specifically "Area 6" in the Lawson's Landing Campground. "Area 6" is shown on the attached aerial photos (existing conditions yellow shaded aerial photo), and the proposed design plan. See attachments 1 through 4 at the end of this document for reference.

The design team has met on-site with Tomales Fire Station Senior Captain Tom Nunes. Based on Captain Nunes's input, prior experience and knowledge of Fire Department requirements, we are providing the following requirements for emergency access and Lawson's Landing occupants emergency egress.

Emergency Service Design Components:

1. UPPER PARKING LOT AREA 6:

The upper parking lot of "Area 6" is the highest area in the campground that has road access. The upper parking lot of "Area 6" most importantly is above and outside the limits of a Tsunami surge event. This area will be the emergency staging area in the event of a seismic, tsunami, fire, or other emergency event.

The "Area 6" upper parking lot is currently accessed by one road: Sand Haul Road (*see attached figures for ref.*). NFPA 1194 - Recreational Vehicle Parks and Campgrounds in Section 5.1.1.4.1 states that *"more than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climactic conditions or other factors that could limit access"*. Fire Captain Nunes has noted that inside Lawsons Landing's entrance gate the road out of the campground is likely to be a choke point, that would be prone to congestion in an emergency. Also, in the event of a Tsunami, it is likely that the intersection of San Haul Rd. and the main road would be wiped out. To comply with NFPA 1194, and in concurrence with

Fire Captain Nunes's recommendations, we have proposed an Emergency Vehicle Access (EVA) road that originates outside of the entry gate to the campground that is above the Tsunami runup line (see attachment 4 plan for ref.). This EVA access will provide a second road from the outside entrance gate area to the eastern parking lot of "Area 6". This eastern parking lot is recommended by Fire Captain Nunes as the most appropriate location for staging emergency operations. The EVA access would help to insure west-east access to the emergency staging area and east-west access to the emergency command center (located on the west side of Area 6), and back outside the entrance gate to Cliff Street and on to the rest of Dillon Beach.

2. EVA ROAD DESIGN:

The EVA road shall be designed to provide the following minimum conditions:

- 2.1 The EVA road shall be not less than 20-ft. wide, per California Fire Code requirements for fire apparatus access roads.
- 2.2 The road shall support not less than 30 tons in wet or dry conditions.
- 2.3 The average grade of the road shall be not more than 12.5% with a maximum grade of 14%.
- 2.4 The EVA shall be above the Tsunami runup line (minimum of 30 ft elevation).

Please let me know if you have any questions or comments.

Sincerely,



Scott D. Alber, P.E, CFO, FM, EFO, MIFireE
Battalion Chief/Fire Marshal





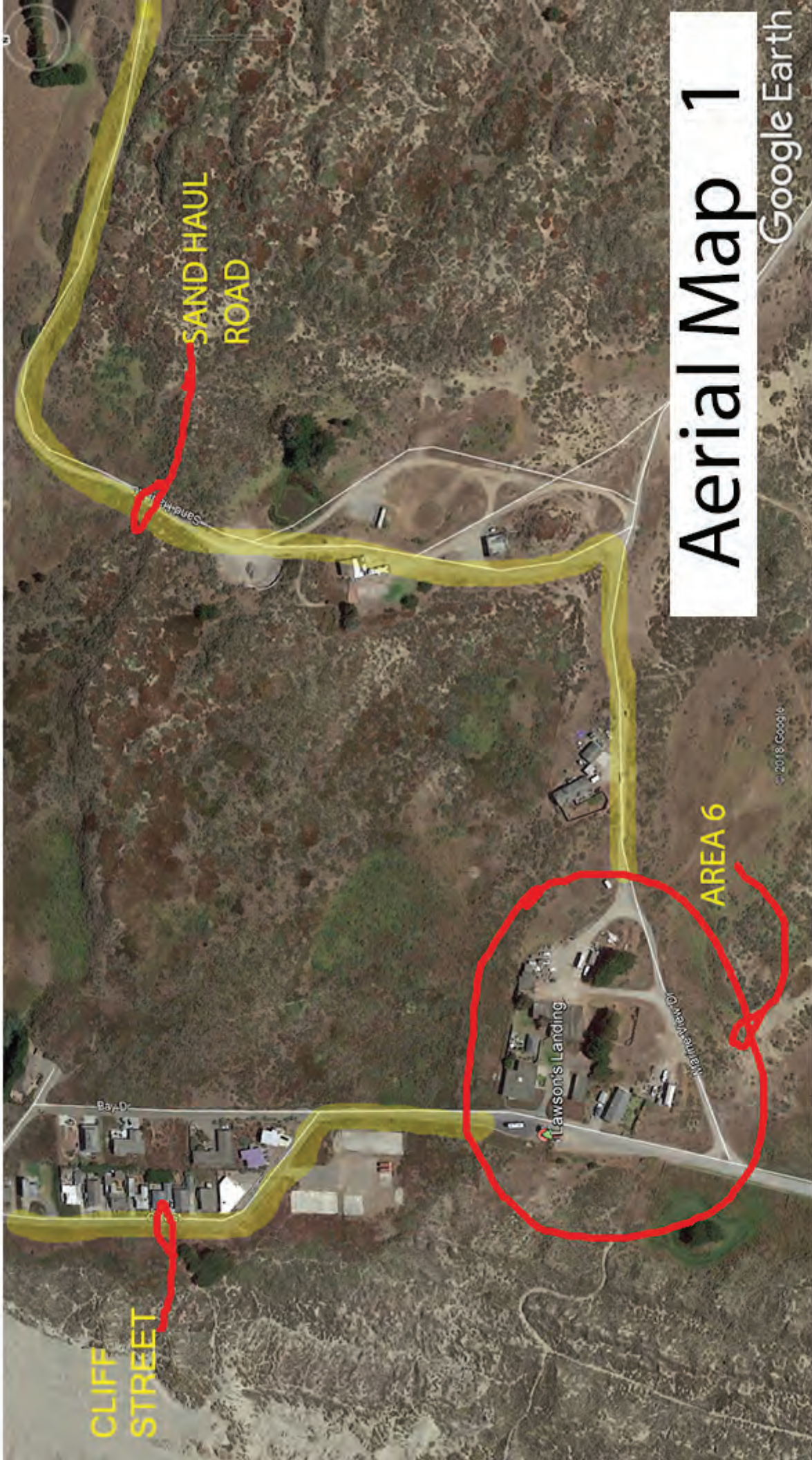
CLIFF STREET

SAND HAUL ROAD

"AREA 6"

LAWSON'S LANDING CAMPGROUND

Aerial Map 2



CLIFF STREET

SAND HAUL ROAD

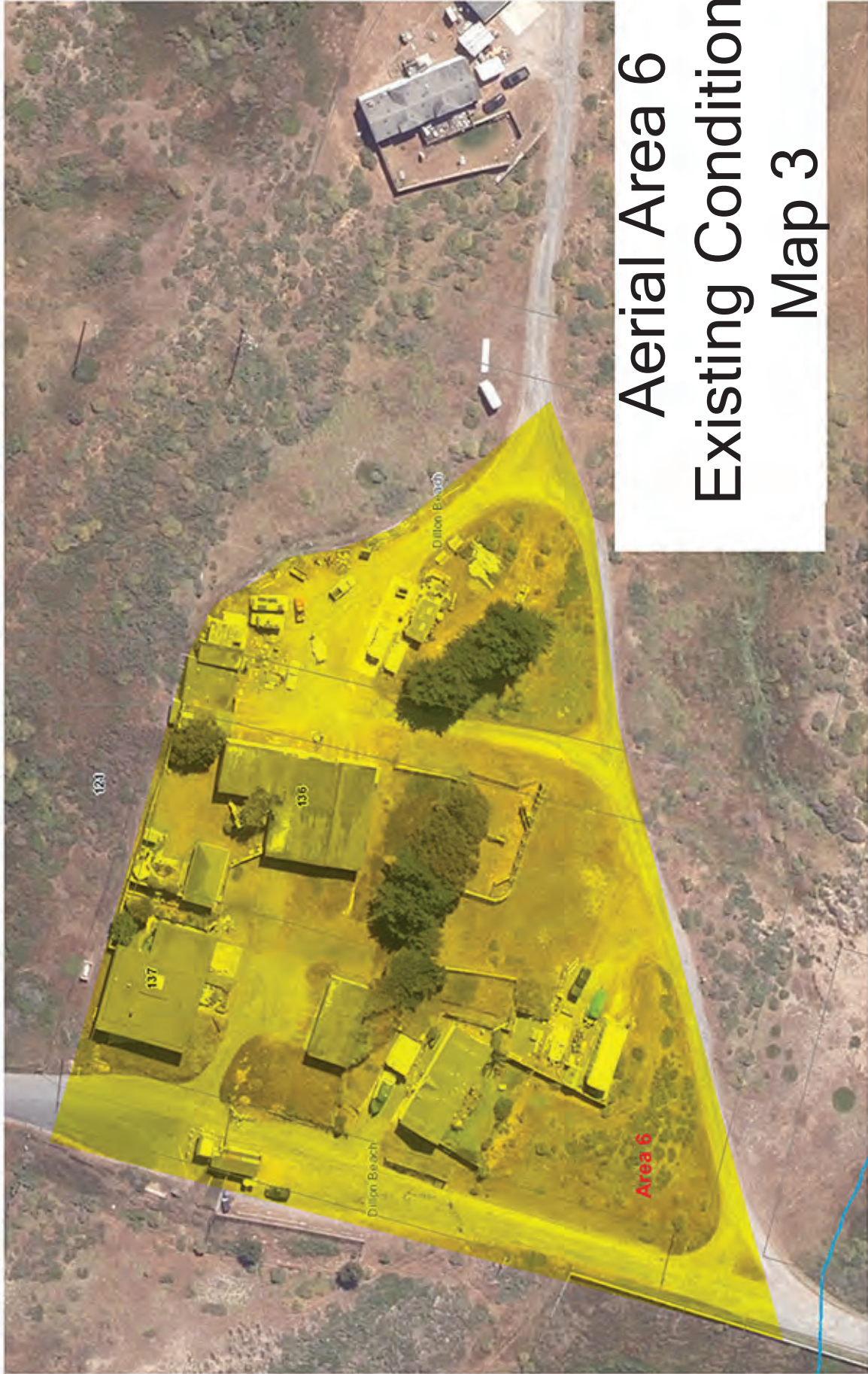
Aerial Map 1

Google Earth

AREA 6

Lawson's Landing

© 2018 Google



Aerial Area 6 Existing Conditions Map 3



- Legend**
- Parcel Note
 - assessment
 - contingent
 - Address
 - Parcel
 - Condominium Common Area
 - Mobile Home Pad
 - City
 - Marin County Legal Boundary
 - Other Bay Area County
 - Stream - Perennial (NHD)

1:720

Notes
 This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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 © Latitude Geographics Group Ltd

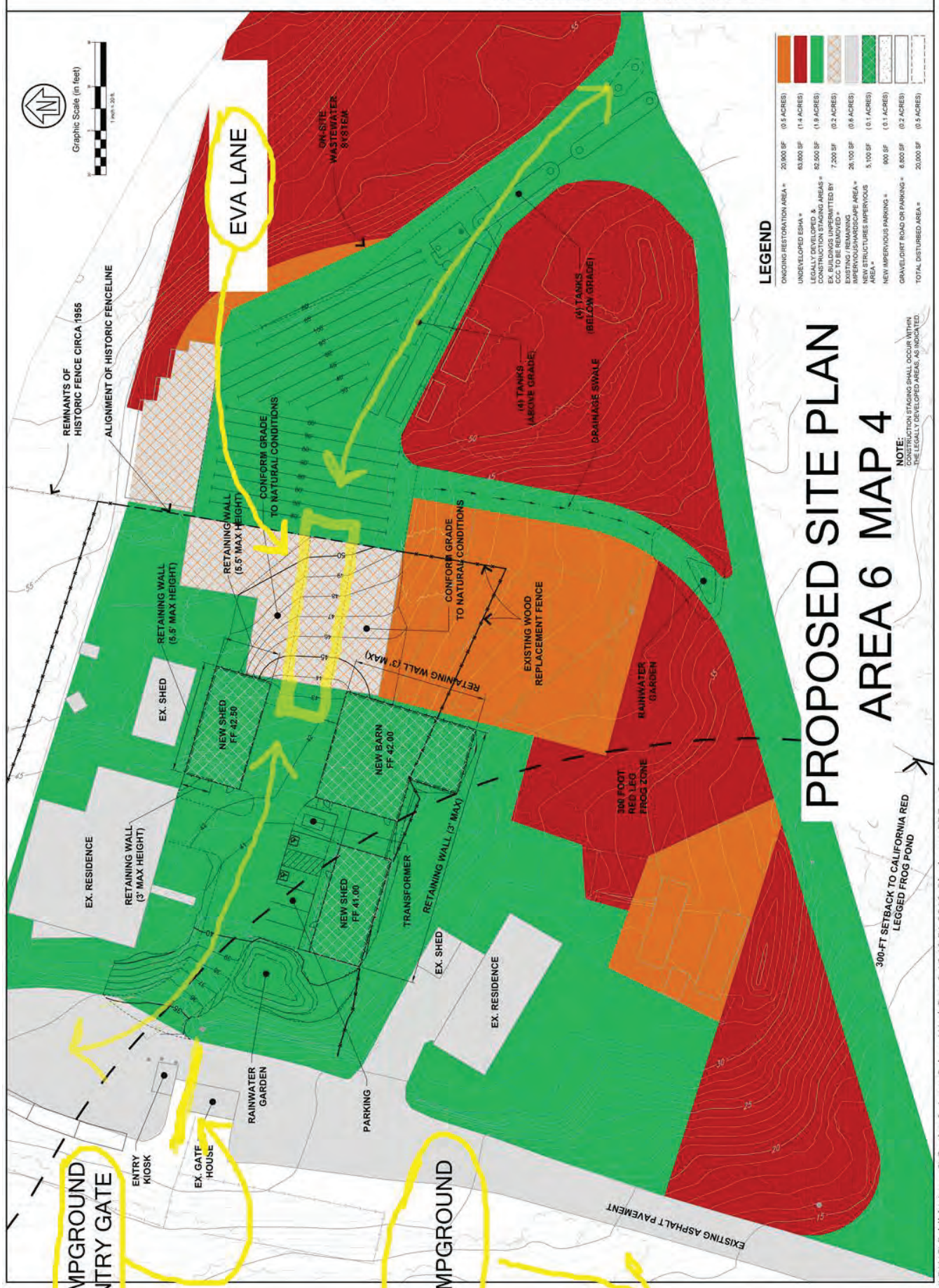
This map was automatically generated using Geographic Elements.

LEGEND

ON-GOING RESTORATION AREA *	20,000 SF	(0.5 ACRES)
UNDEVELOPED EBHA *	63,800 SF	(1.4 ACRES)
LEGALLY DEVELOPED & CONSTRUCTION STAGING AREAS *	62,500 SF	(1.4 ACRES)
EXISTING / REMAINING IMPERVIOUS HARDSCAPE AREA *	7,200 SF	(0.2 ACRES)
NEW STRUCTURES IMPERVIOUS	26,100 SF	(0.6 ACRES)
NEW IMPERVIOUS PARKING *	5,100 SF	(0.1 ACRES)
GRAVEL/DIRT ROAD OR PARKING *	600 SF	(0.01 ACRES)
TOTAL DISTURBED AREA *	20,000 SF	(0.5 ACRES)

PROPOSED SITE PLAN AREA 6 MAP 4

NOTE:
 AREAS IN RED ARE LEGALLY DEVELOPED AREAS AS INDICATED.



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(415) 402-2708

1 July 2020

By Email

Stephanie Rexing
North Central District Supervisor
California Coastal Commission
45 Fremont Street, Suite 1900
San Francisco, CA 94105

Subject: Lawsons Landing Permit No. A-2-MAR-08-028-A2

Dear Ms. Rexing:

I understand that Coastal Commission staff may be recommending against approval of the emergency vehicle access (EVA) lane at Lawsons Landing as required for public safety by the Marin County Fire Marshall. The County Fire Marshall requires the EVA lane to be wide, strong, and flat enough to support fire trucks and other emergency vehicles—especially if a fire or wave run-up blocks other access routes. The Fire Marshall has made this point repeatedly to Coastal Commission staff, becoming increasingly emphatic about the point. (See **Exhibit 1** and **Exhibit 2**, the Fire Marshall’s correspondence with staff.) The Coastal Commission should not endanger the public by blocking the EVA lane required by the County Fire Marshall.

The County Fire Marshall has important responsibilities to identify and mitigate emergency risks in Marin. The Coastal Commission has no special expertise in EVA lanes or fire control. The County Fire Marshall’s findings about the required EVA lane at Lawsons are reasonable and made in good faith. The County Fire Marshall should be deferred to in such matters of public safety.

The law requires the Lawsons to build the EVA lane required by the County Fire Marshall, and the Coastal Commission does not have authority to review, condition, or prohibit that lane. The “Fire” chapter of the Marin County Code requires that fire roads “shall” be provided “in a manner approved by the [Fire Marshall].” (Marin County Code, ch. 16.16.040.) Any violation of the Fire chapter is deemed a “public nuisance”,

punishable as a crime. (Marin County Code, ch. 16.16.060(g).) The Coastal Commission does not have jurisdiction to interfere with Marin County's regulation of public nuisances. (Public Resources Code § 30005(b) ("No provision of [the Coastal Act] is a limitation on ... the power of any ... county ... to declare, prohibit, and abate nuisances.")) Lawsons must build the EVA lane required by the County Fire Marshall, and the Coastal Commission cannot interfere.

Coastal Commission staff have expressed concern that the required EVA lane would be built where a large covered truck shed has stood since at least 1974.¹ Staff consider the truck shed to be an environmentally sensitive habitat area ("ESHA") under the Coastal Act. It is not.

ESHA was not codified into the Coastal Act until 1977. (Stats. 1976 ch. 1331 § 3, codifying Public Resources Code § 30107.5.) No comparable provision for ESHA existed under the Coastal Act's 1972 predecessor, Proposition 20 (former Public Resources Code §§ 27000 et seq.). When it became effective in 1977, the Coastal Act did not—and could not—have transmogrified the existing truck shed into ESHA under the new law. The truck shed is and has always been just a truck shed, not ESHA.

Coastal Commission staff also question whether the area where the truck shed was built was lawfully developed. It was.

In 1971, Marin County issued the Lawsons a quarry permit (Q-71-01, attached as **Exhibit 3**) to mine sand from the dunes to the east. The key condition of that permit was to prohibit the sand-mining trucks from driving through Dillon Beach. To keep the trucks away from Dillon Beach, the Lawsons naturally had the trucks drive through, and park on, the Lawsons' property near their residence. By 1974, the Lawsons built a shed there to cover the trucks overnight. The truck shed had large doors on the east and west sides to allow the trucks to drive through and turn around, much as the EVA lane will allow for emergency vehicles to drive through that same area.

¹ See pages 37-38 of <https://documents.coastal.ca.gov/reports/2018/11/Th21b/th21b-11-2018-report.pdf>, noting the truck shed's construction date.

BRISCOE IVESTER & BAZEL LLP

Stephanie Rexing

1 July 2020

Page 3

In 1990, the County issued the Lawsons another permit for their sand mining operations, finding that, “[s]ince 1971, the [Lawsons] have obtained the necessary Use Permits and Surface Mining and Quarrying Permits from the County of Marin for the sand quarrying operation” – which included the truck shed. In 2012, the County sent Lawsons a letter (attached as **Exhibit 4**) confirming that the “quarry truck equipment storage sheds” were “duly authorized by the County.”

Coastal Commission staff’s assertions that “there is still a question as to the legality” of the truck shed area cannot suffice to collaterally attack nearly 50 years of permits and findings by Marin County that the pre-Coastal-Act truck shed area is legal.

//

The Coastal Commission should not stand in the way of an EVA lane required for public safety by the County Fire Marshall. The EVA lane would merely replace access through an old legal truck shed that has been used for access across the property for nearly 50 years, and which has never been ESHA.

Thank you for your attention to this important matter.

Sincerely,

BRISCOE IVESTER & BAZEL LLP

/s/ Peter Prows

Peter S. Prows

Attachments

cc: Commissioner Catherine Rice
Brian Case, Office of Marin County Counsel
Scott Alber, Marin County Battalion Chief/Fire Marshall



MARIN COUNTY FIRE DEPARTMENT

Committed to the preservation of life, property and environment.



Jason Weber
FIRE CHIEF

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Woodacre
Throckmorton Ridge
Marin City
Point Reyes
Hicks Valley
Tomales
Ross Valley: Medic 18
Tamalpais Fire Crew

November 8, 2019

Robert W. Hayes, Architect
620 Butte Street
Sausalito, CA 94965

RE: Lawson's Landing Campground
137 Marin View, Dillon Beach, CA 94929
Area 6: Campground Emergency Service Area
Fire Department Access and other Requirements

Dear Mr. Hayes,

It is our understanding that The Lawsons' Landing Campground Project is currently being reviewed by the staff at the Coastal Commission. Per our recent discussion, as part of that review process the owners of Lawson's Landing would like to obtain input regarding Marin County Fire Department's requirements so that these critical requirements can be incorporated into the Coastal Commission permit submission and approval.

The location on the site for which this input is requested is specifically "Area 6" in the Lawson's Landing Campground. "Area 6" is shown on the attached aerial photos (existing conditions yellow shaded aerial photo), and the proposed design plan. See attachments 1 through 4 at the end of this document for reference.

The design team has met on-site with Tomales Fire Station Senior Captain Tom Nunes. Based on Captain Nunes's input, prior experience and knowledge of Fire Department requirements, we are providing the following requirements for emergency access and Lawson's Landing occupants emergency egress.

Emergency Service Design Components:

1. UPPER PARKING LOT AREA 6:

The upper parking lot of "Area 6" is the highest area in the campground that has road access. The upper parking lot of "Area 6" most importantly is above and outside the limits of a Tsunami surge event. This area will be the emergency staging area in the event of a seismic, tsunami, fire, or other emergency event.

The "Area 6" upper parking lot is currently accessed by one road: Sand Haul Road (*see attached figures for ref.*). NFPA 1194 - Recreational Vehicle Parks and Campgrounds in Section 5.1.1.4.1 states that *"more than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climactic conditions or other factors that could limit access"*. Fire Captain Nunes has noted that inside Lawsons Landing's entrance gate the road out of the campground is likely to be a choke point, that would be prone to congestion in an emergency. Also, in the event of a Tsunami, it is likely that the intersection of San Haul Rd. and the main road would be wiped out. To comply with NFPA 1194, and in concurrence with

Fire Captain Nunes's recommendations, we have proposed an Emergency Vehicle Access (EVA) road that originates outside of the entry gate to the campground that is above the Tsunami runup line (see attachment 4 plan for ref.). This EVA access will provide a second road from the outside entrance gate area to the eastern parking lot of "Area 6". This eastern parking lot is recommended by Fire Captain Nunes as the most appropriate location for staging emergency operations. The EVA access would help to insure west-east access to the emergency staging area and east-west access to the emergency command center (located on the west side of Area 6), and back outside the entrance gate to Cliff Street and on to the rest of Dillon Beach.

2. EVA ROAD DESIGN:

The EVA road shall be designed to provide the following minimum conditions:

- 2.1 The EVA road shall be not less than 20-ft. wide, per California Fire Code requirements for fire apparatus access roads.
- 2.2 The road shall support not less than 30 tons in wet or dry conditions.
- 2.3 The average grade of the road shall be not more than 12.5% with a maximum grade of 14%.
- 2.4 The EVA shall be above the Tsunami runup line (minimum of 30 ft elevation).

Please let me know if you have any questions or comments.

Sincerely,



Scott D. Alber, P.E, CFO, FM, EFO, MIFireE
Battalion Chief/Fire Marshal





ROBERT W. HAYES, ARCHITECT

620 BUTTE STREET
SAUSALITO CA 94965

Memorandum:

Date: October 17, 2019

To: Marin Community Fire Department
33 Castle Rock Ave. Woodacre, CA 94973
Attn: Mr. Scott Alper Fire Marshal
599 Dillon Beach Rd, Tomales, CA 94971
Attn: Mr. Tom Nunes Senior Fire Captain

From: Robert Hayes

Regarding: **Lawson's Landing Campground**
137 Marin View, Dillon Beach, CA 94929
Area 6: Campground Emergency Service Area
Fire Department Access and other Requirements

Background:

The Lawsons' Landing Campground Project is currently being reviewed by the staff at the Coastal Commission. As part of that review process the Owners of Lawson's Landing would like to obtain input regarding County of Marin Fire Department requirements so that these critical requirements can be incorporated into the Coastal Commission permit submission and approval. If these requirements are not defined and incorporated into the project now, Coastal Commission approvals will likely result in omissions of essential County of Marin Fire Department provisions and or requirements.

The location on the site for which we are requesting this input is specifically Area 6 in the Lawson's Landing Campground. "Area 6" is shown on the attached aerial photos, existing conditions yellow shaded aerial photo, and the proposed design plan, see attachments 1 through 4 at the end of this document for reference.

The design team has met on-site with Tomales Fire Captain Tom Nunes. Based on Captain Nunes's input, prior experience and knowledge of the Fire Department requirements, we are providing the following draft ideas. We respectfully request a review of these items and ask that the County of Marin Fire Department provide revisions, corrections, and or additions to these items as we may not know all the pertinent statutes and requirements for fire protection and operations.

Emergency Service Design Components:

- 1. UPPER PARKING LOT AREA 6:**
The upper parking lot of "Area 6" is the highest area in the campground that has road access. The upper parking lot of "Area 6" most importantly is above and outside the limits of a Tsunami surge event. This area will be the emergency staging area in the event of a seismic, tsunami, fire, or other emergency event. The "Area 6" upper parking lot is currently accessed by one road: Sand Haul Road (see attached figures for ref.). NFPA 1194 - Recreational Vehicle Parks and Campgrounds in Section 5.1.1.4.1 states that *"more than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climactic conditions or other factors that could limit access"*. Fire Captain Nunes

has noted that inside Lawsons Landing's entrance gate the road out of the campground is likely to be a choke point, that would be prone to congestion in an emergency. Also in the event of a Tsunami, it is likely that the intersection of San Haul Rd. and the main road would be wiped out. To comply with NFPA 1194, and in concurrence with Fire Captain Nunes's recommendations, we have proposed an Emergency Vehicle Access (EVA) road that originates outside of the entry gate to the campground that is above the Tsunami runup line (see attachment 4 plan for ref.). This EVA access will provide a second road from the outside entrance gate area to the eastern parking lot of "Area 6". This eastern parking lot is recommended by Fire Captain Nunes as the most appropriate location for staging emergency operations. The EVA access would help to insure west-east access to the emergency staging area and east-west access to the emergency command center (located on the west side of Area 6), and back outside the entrance gate to Cliff Street and on to the rest of Dillon Beach.

2. EVA ROAD DESIGN:

The EVA road shall be designed to provide the following minimum conditions:

- 2.1 The EVA road shall be not less than 20 foot wide.
- 2.2 The road shall support not less than 25 tons in wet or dry conditions.
- 2.3 The average grade of the road shall be not more than 12.5% with a maximum grade of 14%.
- 2.4 The EVA shall be above the Tsunami runup line (minimum of 30 ft elevation).

Conclusion:

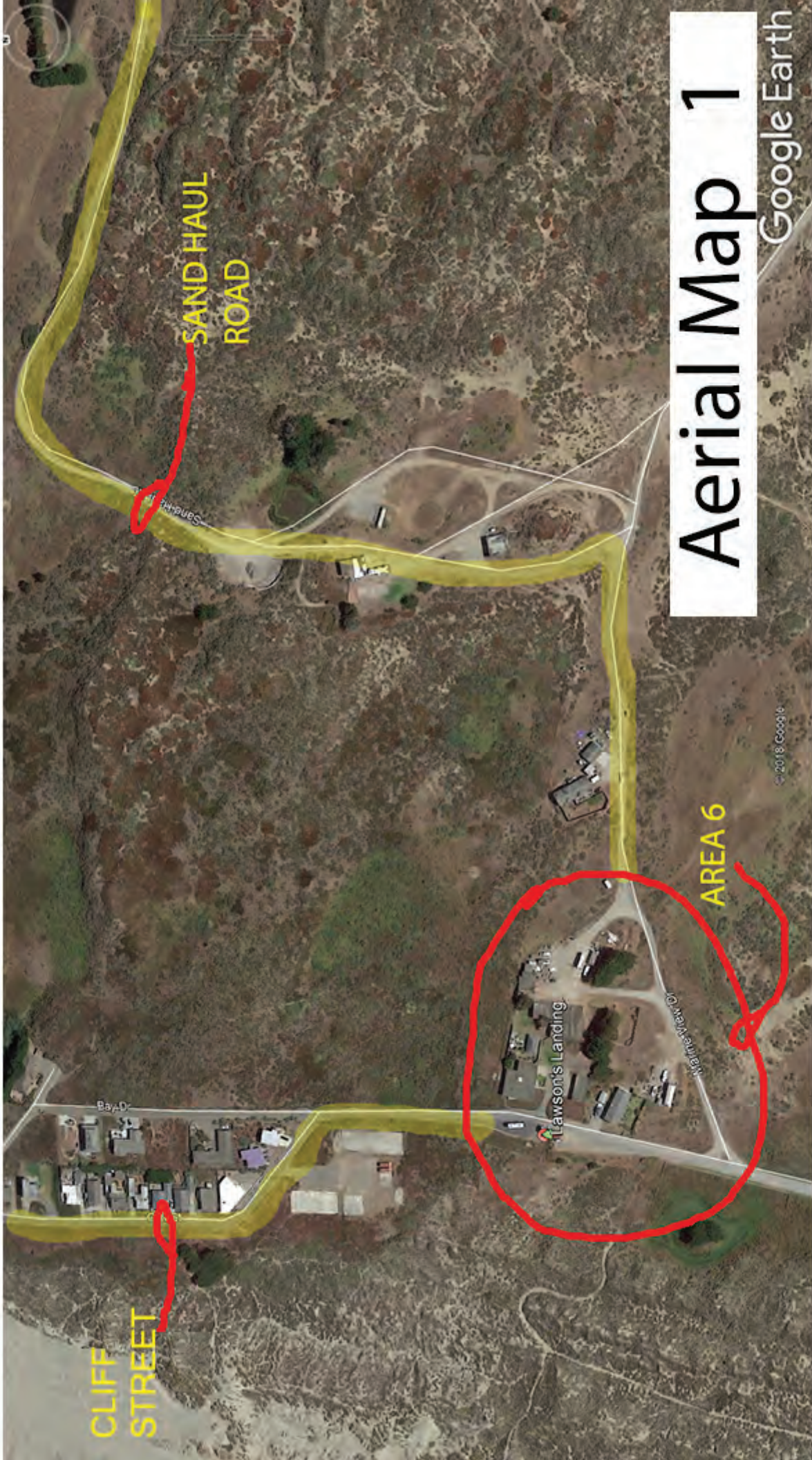
We understand that review and recommendations by the County of Marin Fire Department, at this juncture in the entitlement process is not standard practice. However, we also understand that without this input we will likely have a Coastal Permit Approval that will not comply with the County of Marin Fire Department requirements. The recommendations you provide now could avoid an incomplete process now and avoid future delays. Your recommendations could focus on site-plan items like access, road configuration, and road requirements for Area 6. Once we receive approval for the Coastal Permit, the project will go through the County of Marin Precise Development Plan process, at which time you will have an additional opportunity to review the project in detail and provide further requirements.

Your assistance is greatly appreciated in this matter. Please let us know if you have any issues or comments with providing this information to us. We are in a very time sensitive situation with this, so as soon as you can provide recommendations the better.

Attachments:

1. Aerial Map 1; Ingress & Egress
2. Aerial Map 2: Ingress & Egress
3. Area 6 Existing Conditions
4. Area 6 Proposed Conditions

End Memorandum



CLIFF STREET

SAND HAUL ROAD

Aerial Map 1

Google Earth

AREA 6

Lawson's Landing

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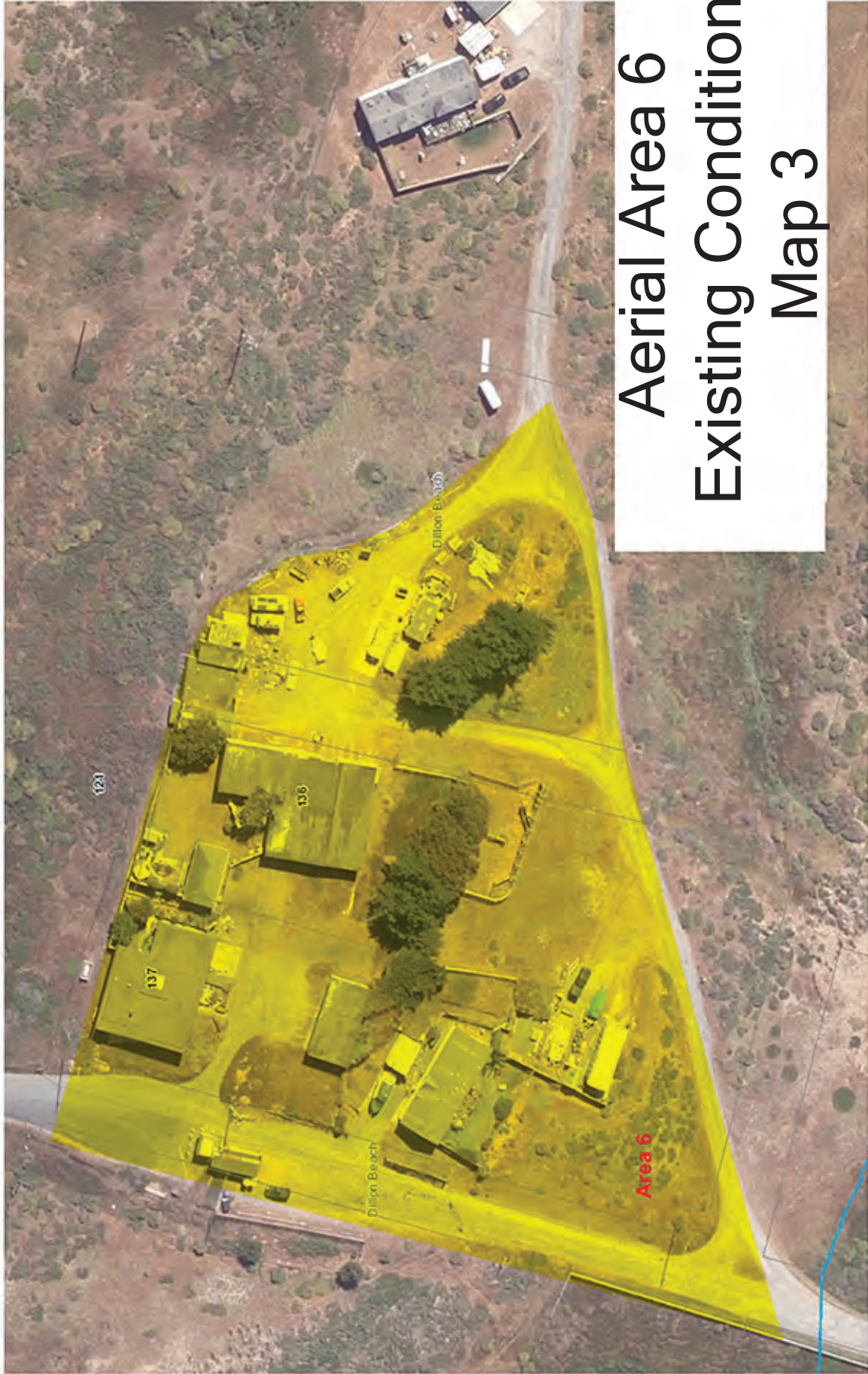
CLIFF STREET

SAND HAUL ROAD

"AREA 6"

LAWSON'S LANDING CAMPGROUND

Aerial Map 2



Aerial Area 6 Existing Conditions Map 3



- Legend**
- Parcel Note
 - assessment
 - contents
 - Address
 - Parcel
 - Condominium Common Area
 - Mobile Home Pad
 - City
 - Community
 - Marin County Legal Boundary
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120.0 0 60.00 120.0 Feet

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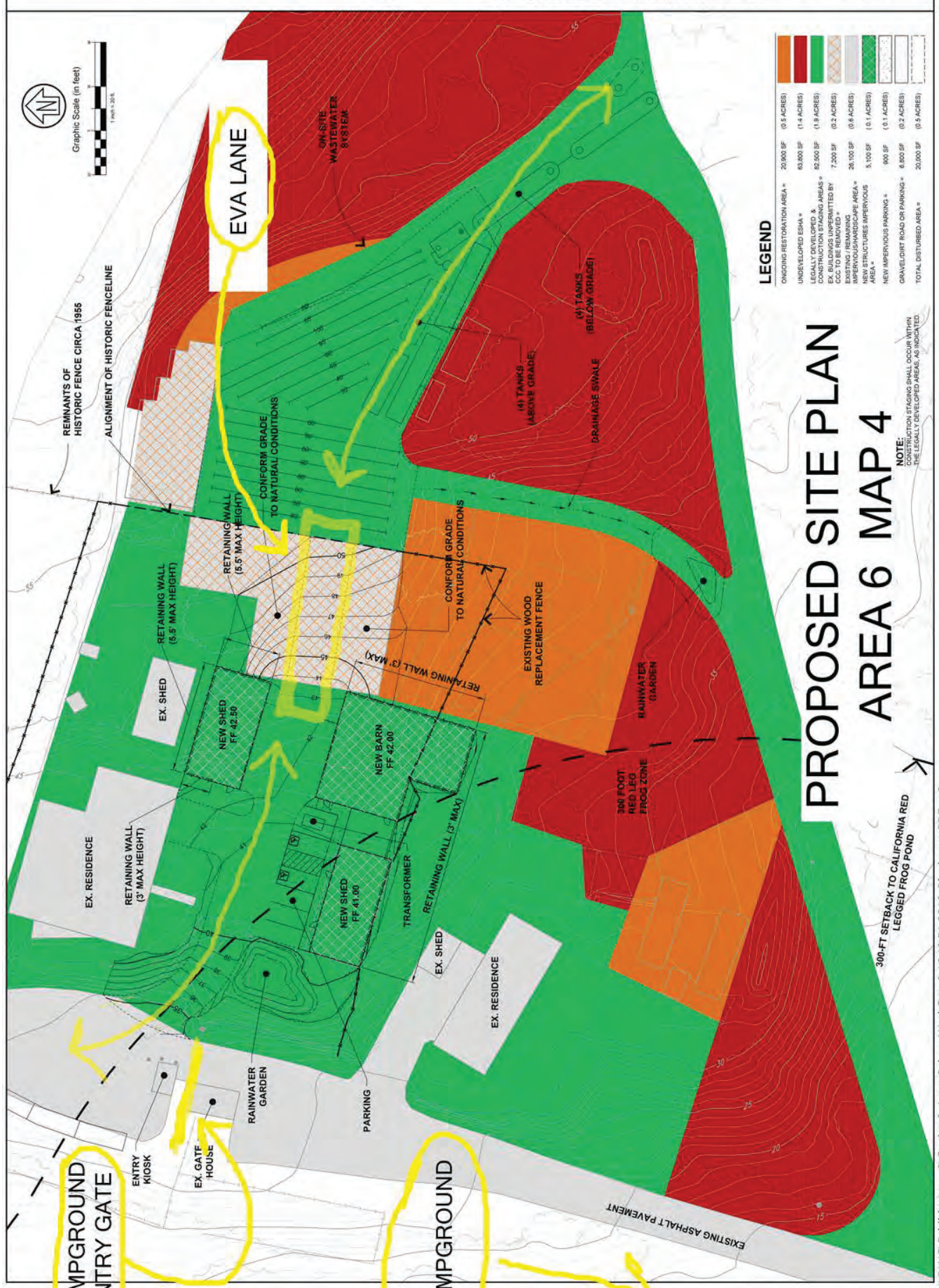
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LEGEND

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UNDEVELOPED EBHA *	63,800 SF	(1.4 ACRES)
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TOTAL DISTURBED AREA *	20,000 SF	(0.5 ACRES)

PROPOSED SITE PLAN AREA 6 MAP 4

NOTE:
 AREAS IN RED ARE LEGALLY DEVELOPED AREAS AS INDICATED.



From: Tom Flynn tomflynn@sonic.net 
Subject: Fwd: Lawson's Landing Question
Date: 26 June 2020 at 11:05
To: Peter Prows pprows@briscoelaw.net

Peter,

See below.

Begin forwarded message:

From: "Alber, Scott" <SAlber@marincounty.org>
Subject: RE: Lawson's Landing Question
Date: June 26, 2020 at 10:42:16 AM PDT
To: "Rexing, Stephanie@Coastal" <Stephanie.Rexing@coastal.ca.gov>, "Nunes, Tom" <TNunes@marincounty.org>, "Weber, Jason" <JWeber@marincounty.org>
Cc: "Manna, Jeannine@Coastal" <Jeannine.Manna@coastal.ca.gov>, "Robert W. Hayes" <RHayes@RWHAssociates.com>, Tom Flynn <tomflynn@sonic.net>, Justin Lawson-Battenfeld <justin.lawsonbattenfeld@gmail.com>

Dear Stephanie,

The Fire Code section is Section 503.1.2-Additional Access. Summarizing, this section allows the Fire Code Official to require more than one access road based on potential for impairment of a single road. Also, CCR Title 14 (Div. 5, Chapter 7,, Sub Chapter 2, Article 2, Section 1273.08) has the following provisions:

14 CCR § 1273.08

§ 1273.08. Dead-end Roads.

(a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

- parcels zoned for less than one acre - 800 feet
- parcels zoned for 1 acre to 4.99 acres - 1,320 feet
- parcels zoned for 5 acres to 19.99 acres - 2,640 feet
- parcels zoned for 20 acres or larger - 5,280 feet

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

The preceding are part of the SRA Fire Safe Regulations.

Let me know if you have any questions.

Regards,

Scott D. Alber, PE, EFO, CFO, FM, MIFireE
BATTALION CHIEF/FIRE MARSHAL

Marin County Fire Department

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415.473.4246 F
415.717.1520 M
CRS Dial 711
salber@marincounty.org

Follow us on Facebook and Twitter



From: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>
Sent: Friday, June 12, 2020 11:49 AM
To: Alber, Scott <SAlber@marincounty.org>; Nunes, Tom <TNunes@marincounty.org>; Weber, Jason <JWeber@marincounty.org>
Cc: Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>; Robert W. Hayes <RHayes@RWHAssociates.com>; Tom Flynn <tomflynn@sonic.net>; Justin Lawson-Battenfeld <justin.lawsonbattenfeld@gmail.com>
Subject: RE: Lawson's Landing Question

Hi Scott,

Thanks for this. Can you please send us the relevant Fire Code you mention below that require secondary means of egress/EVA? As communicated to the Lawsons, we can recommend that the area proposed for the EVA lane be restored as required, and that it be roped off and allowed for emergency access use only during emergencies. We are unable to recommend the lane in this area with the buried hardscape of any kind as it is considered development in an environmentally sensitive habitat area. Our findings would present the Lawson's EVA lane proposal (buried roadway cells covered over with native soils and revegetated) as an alternative that staff considered and can also include the input from your office.

Let me know if you want to discuss. Thanks!

~Stephanie

From: Alber, Scott <SAlber@marincounty.org>
Sent: Thursday, June 11, 2020 4:52 PM
To: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; Nunes, Tom <TNunes@marincounty.org>; Weber, Jason <JWeber@marincounty.org>
Cc: Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>; Robert W. Hayes <RHayes@RWHAssociates.com>; Tom Flynn <tomflynn@sonic.net>; Justin Lawson-Battenfeld <justin.lawsonbattenfeld@gmail.com>

Subject: RE: Lawson's Landing Question

Dear Stephanie,

Subsequent to my last email, I spoke with the Lawsons. It appears that my last email was poorly written. I want to emphasize that a secondary means of egress/EVA area is required per the Fire Code. I was hoping that my last email would prompt you to offer alternatives for keeping the EVA lane, since it meets our requirements for means of egress. One possible solution that has been mentioned is to use "turf block" like material to allow vegetation to cover the EVA lane, while still providing adequate load bearing capacity for the fire apparatus.

Normally, we don't allow turf block, but as I said in my previous email, we try to arrive at a compromise solution we can all live with. Summarizing, the EVA lane/secondary means of egress from the area is a fire requirement. We are of the opinion that the proposed location is best for a number of reasons, not the least of which it will be above the tsunami zone. We are also open to a configuration of the lane such that vegetation will be able to take root in that location, provided that the lane is properly delineated/identified.

Please contact me if you have any questions.

Regards,

Scott D. Alber, PE, EFO, CFO, FM, MIFireE
BATTALION CHIEF/FIRE MARSHAL

Marin County Fire Department
PO Box 518/33 Castle Rock Avenue
Woodacre, CA 94973
415.473.6566 T
415.473.4246 F
415.717.1520 M
CRS Dial 711
salber@marincounty.org

Follow us on Facebook and Twitter



From: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>

Sent: Tuesday, June 9, 2020 7:56 AM

To: Alber, Scott <SAlber@marincounty.org>; Nunes, Tom <TNunes@marincounty.org>; Weber, Jason <JWeber@marincounty.org>

Cc: Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>

Subject: RE: Lawson's Landing Question

Thanks for getting back to us! We will let you know if we have further questions.

From: Alber, Scott <SAlber@marincounty.org>

Sent: Wednesday, June 3, 2020 4:35 PM

To: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; Nunes, Tom <TNunes@marincounty.org>; Weber, Jason <JWeber@marincounty.org>

Cc: Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>

Subject: RE: Lawson's Landing Question

Dear Stephanie,

There are very few issues that will compel us to categorically “deny” a permit being issued. Also, there are very few projects that meet all code requirements, so we are constantly seeking compromise and alternative solutions to achieve the intent of the code.

Having said that, the issue of the EVA lane and it’s proposed location will not only serve Lawson’s Landing, but also the Dillon Beach community as a whole. I realize that the amount of “development” and potential habitat affected by the EVA lane needs to be balanced with environmental concerns. However, I hope your organization will keep in mind the bigger picture during your discussions and deliberations on this matter.

Summarizing, we think that the proposed EVA lane best meets the safety requirements of the community and Lawson’s Landing. However, we are certainly open to other proposals/compromises that will satisfy all.

Let me know if you have any questions.

Regards,

Scott D. Alber, PE, EFO, CFO, FM, MIFireE
BATTALION CHIEF/FIRE MARSHAL

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Woodacre, CA 94973
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CRS Dial 711
salber@marincounty.org

Follow us on Facebook and Twitter



From: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>
Sent: Monday, June 1, 2020 4:55 PM
To: Alber, Scott <Salber@marincounty.org>; Nunes, Tom <TNunes@marincounty.org>
Cc: Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>
Subject: RE: Lawson's Landing Question

Hi Scott and Tom,

Just resending this, hoping to get some resolution from Marin Fire of our questions below. I will try you both via phone tomorrow.

Thanks in advance!

From: Rexing, Stephanie@Coastal
Sent: Friday, May 1, 2020 4:13 PM
To: salber@marincounty.org; tnunes@marincounty.org
Cc: Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>
Subject: Lawson's Landing Question

Hi Scott and Tom,

Here's hoping you are both well and safe during our continued shelter in place. After the site visit out at Lawson's Landing in early March, Commission staff has been mulling the proposal to put an EVA lane through a part of Area 6 that is not, strictly speaking, allowed to be developed. At the site visit, Tom walked us through some of the considerations Marin Fire had when deciding where to cite emergency access and staging, and we fully understand the utility of siting the lane in this area. On the other hand, as you are aware, when the Commission last considered this permit amendment, they were very clear that all development shall avoid environmentally sensitive habitat areas which includes the area where the EVA lane is being proposed.

As previously conveyed, staff could recommend that this area be restored to native vegetation, roped off, and used in the event of an emergency. However, this scenario would not result in an EVA lane that would meet the minimum load requirements outlined in the letter from Marin County Fire Department to Mr. Hayes on November 8, 2019 (attached here for reference). So what Commission Staff is now trying to understand is, what would the result be if the Commission did not approve an EVA lane that met the minimum conditions in the proposed area? Would an approval of all the proposed development in Area 6, except the EVA lane or an EVA lane that did not meet the minimum load requirements, mean that when the project was going through County plan check processes, Marin Fire would not sign off on the building permits? As a reminder, there are currently two ways to access Lawson's Landing, although one may be compromised in an extreme tsunami hazard event. If you could help us get clarity on this point, that would be helpful.

Your perspective is much appreciated and let us know if you'd like to discuss or have any questions. Thanks!

Stephanie R. Rexing
District Supervisor
North Central Coast District
California Coastal Commission
(415)-904-5260



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COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS
COUNTY SURVEYOR - ROAD COMMISSIONER

ADMINISTRATION BUILDING
P. O. BOX 100 CIVIC CENTER
3700 MARIN, CALIFORNIA
TELEPHONE 424-1100

Oct 14 4 26 PM '71

QUARRYING PERMIT # Q-71-01

October 14, 1971

Mr. Merle E. Lawson
P. O. Box 67
Dillon Beach, California 94929

Dear Mr. Lawson:

This letter is to confirm that on September 27, 1971, the Marin County Planning Commission granted to you and Robert King, a quarrying permit for sand excavation out of an open sand dune area of Dillon Beach, between the town and Lawson's Trailer Camp, identified as Assessor's Parcel #100-100-12, 48. The permit was issued conditioned upon eight items transmitted in my letter of October 6, 1971.

Very truly yours,

Roy W. Foreaker, Jr., Director

Irving L. Schwartz
Land Development Engineer

ILS:ms
Enclosure: Receipt #231705
cc: Planning Department ✓

Q-71-01

Q-71-01

Enc 1 & 71-426

October 6, 1971

Mr. Earle E. Lawson
P. O. Box 67
Dillon Beach, California 94929

Dear Mr. Lawson:

On September 27th Marin County Planning Commission approved your application to quarry sand from Assessor's Parcel 100-100-12, 48 in Dillon Beach. The permit was granted subject to the following conditions:

1. The Surface Mining and/or Quarrying Permit is valid for a period of 5 years subject to inspection by the Department of Public Works.
2. Excavation and trucking shall be prohibited on Saturday and Sunday, and confined to daylight hours.
3. The access road shall be improved as required by the Department of Public Works.
4. Excavation of sand shall be limited to the open dune area. No vegetation shall be removed.
5. If upon inspection by the Department of Public Works it is found that the extent or rate of excavation is causing deterioration of the surrounding dunes that contain vegetation the excavation shall be limited or reduced as approved by the Department of Public Works to allow for natural replacement of sand and vegetation.
6. No hauling shall be done through the town of Dillon Beach.
7. The approach of the existing haul road to Dillon Beach Road shall be widened as required by the Department of Public Works and be asphalt paved from the edge of the existing Dillon Beach Road to the cattle guard within two weeks of the issuance of this permit. An Easement Permit is required.
8. This paved approach shall be maintained as approved by the Department of Public Works throughout the life of the permit.

Q-71-01

Mr. Moris E. Sausen
October 6, 1971
Page Two

Regarding Condition 7, enclosed is your encroachment permit.

Regarding Condition 3, the access road shall be graded and rocked to sufficient width and depth to eliminate rutting and erosion.

It should also be noted that the Marin County Code, Section 23.03, requires that you submit to the Department of Public Works an inspection fee of \$50.00 for each 10 acres or fraction thereof for the area of land affected. Due to the fact that sand hauling has already commenced, this \$50.00 fee is due and payable immediately.

Very truly yours,

Roy W. Forecker, Jr.
Director

Irving L. Schwartz
Land Development Engineer

ILS:ms

Enclosure: As stated

cc: Robert King

11. SURFACE MINING AND/OR QUARRYING PERMIT: MERLE LAWSON

The Marin County Planning Commission held a public hearing to consider the application of Merle Lawson for a Surface Mining and/or Quarrying Permit for sand excavation out of an open dune area. Said property is located in the sand dune area of Dillon's Beach between the town and Lawson's Trailer Camp and is further identified as Assessor's Parcel #100-100-12, 48.

Speakers:

Mr. Merle Lawson, Applicant
Mr. Harold Jegg, Marin Conservation League
Mr. Lawrence Vancot, resident in the area
Mr. Irv Schwartz, Department of Public Works Engineer

Correspondence:

Memorandum from the Department of Public Works, dated September 22, 1971

Discussion:

Following presentations by Staff and interested persons in the audience, discussion centered around this meeting's Staff Report and the conditions contained in the memorandum mentioned above. Thereafter, the Commission took the following action.

Action #1:

M/s Azevedo-Leonard: To approve the Surface Mining and/or Quarrying Permit subject to the following conditions:

1. The Surface Mining and/or Quarrying Permit is valid for a period of 5 years subject to inspection by the Department of Public Works.
2. Excavation and trucking shall be prohibited on Saturday and Sunday, and confined to daylight hours.
3. The access road shall be improved as required by the Department of Public Works.
4. Excavation of sand shall be limited to the open dune area. No vegetation shall be removed.
5. If upon inspection by the Department of Public Works it is found that the extent or rate of excavation is causing deterioration of the surrounding dunes that contain vegetation the excavation shall be limited or reduced as approved by the Department of Public Works to allow for natural replacement of sand and vegetation.
6. No hauling shall be done through the town of Dillon Beach.
7. The approach of the existing haul road to Dillon Beach Road shall be widened as required by the Department of Public Works and be asphalt paved from the edge of the existing Dillon Beach Road to the cattle guard within two weeks of the issuance of this permit. An Encroachment Permit is required.
8. This paved approach shall be maintained as approved by the Department of Public Works throughout the life of the permit.

No vote was taken at this time.

An amendment was offered by Commissioner West which would insert the words "or terminated" in Condition #5. Said amendment died for lack of a second.

(Continued)

MINUTES
September 27, 1971
Item 11 Page 1

071-01

Action #1 then carried by the following vote:

AYES: Azuvedo, Hageman, Leonard, Lynch, Watkin, Nixon
NOES: West
ABSENT: none

In voting against the motion, Commissioner West stated that he did not object to the use per se but because the matter was being handled with undue haste and without adequate consideration of conditions imposed in the granting of the permit.

MINUTES
September 27, 1971
Item 11 Page 2

II. SURFACE MINING AND/OR QUARRYING PERMIT: MERLE LAWSON

(Continued from September 13, 1971)

Continued hearing to consider the application of Merle Lawson for a Surface Mining and/or Quarrying Permit for sand excavation out of an open dune area. Said property is located in the sand dune area of Dillon's Bes. between the town and Lawson's Trailer Camp and is further identified as Assessor's Parcel 107-100-12.

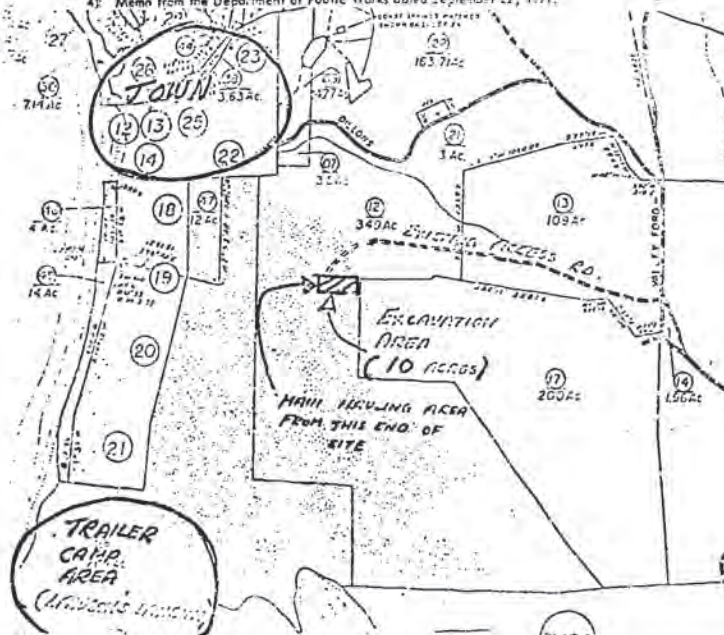
LAST DATE FOR COMMISSION ACTION: September 27, 1971

APPEAL PERIOD: If denied, 5 working days

ATTACHMENTS:

DO WE NEED A CUT?
NOT AVAILABLE

- 1) Staff Report of September 13, 1971.
- 2) Letter from L. R. Vionni dated September 15, 1971.
- 3) Letter from Merle E. Lawson dated September 17, 1971.
- 4) Memo from the Department of Public Works dated September 22, 1971.



RECOMMENDATION:

Move that the Surface Mining and/or Quarrying Permit be approved subject to the following finding and conditions:

September 27, 1971
Item 11 -- Page 1

STAFF REPORT

Q-71-01

Finding:

- 1) It is hereby found that the conducting of this Use (sand excavation) at this location will not be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Conditions:

- 1) The Surface Mining and/or Quarrying Permit is valid for a period of 5 years subject to annual inspection by the Department of Public Works.
- 2) Excavation and trucking shall be prohibited on Saturday and Sunday.
- 3) The access road shall be improved as required by the Department of Public Works.

DISCUSSION:

This item was continued to allow processing under the Surface Mining and/or Quarrying Ordinance. The attached letter from Mr. Lawson is his response to application requirements under Section 27 C. 40 of Ordinance #1844. The Staff is satisfied with this information because of open sand-dune nature of the terrain.

The proposed use is appropriate under Contract Land. The following quotation is from Resolution #71-38 adopted by the Board of Supervisors on February 16, 1971 as related to the administration of Agricultural Preserves and allowable compatible uses.

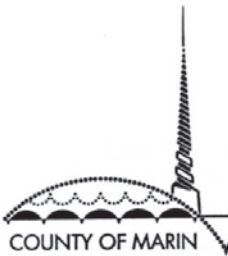
Section III(b) Restricted Uses

The following additional uses shall be deemed to be compatible uses and/or uses permitted under contract provided a Use Permit therefore is issued by the Planning Commission.

7. Mining and quarrying and production operations and facilities related thereto;

Condition #3 is written generally because the Department of Public Works had not forwarded their recommendations for road improvements at the time of writing.

QUOTE FROM AG PRESERVE CONTRACT
Q: WAS THERE A CONCURRENT USE PERMIT DUNG?
YES, SEE FINDING #3



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

Lawson's Landing
c/o Tom Flynn
P.O. Box 67
Dillon Beach, CA

July 11, 2012

Subject: Authorized development in Areas 6 & 8, Lawson's Landing

Dear Tom:

I have had an opportunity to review the materials you provided to Planning concerning Areas 6 & 8 at Lawson's Landing. Your information is intended to shed light on whether and the extent to which existing development in Areas 6 & 8 has previously been authorized by the County. Prior County authorizations relate to the California Coastal Commission's Coastal Development Permit (CDP) No. 2-06-018/A-2-MAR-08-028 for the Lawson's Landing campground. CDP Special Conditions numbered 2.C.6.a. & b. and 2.C.8.a. & b. stipulate as follows

2. **AUTHORIZED DEVELOPMENT AND FINAL REVISED PLANS**

...

C. The following development and areas are authorized by this permit:

...

6. Area 6

- a. No development is authorized, including but not limited to relocation of boat and trailer storage, boat repairs and sales, fuel bunker, and fuel service, unless: (1) development is proposed in legally developed areas; (2) the Applicants provide evidence that such previous development was authorized; and (3) an Amendment to this coastal development permit is approved.
- b. No future development shall occur unless authorized consistent with the limitations on development identified in Special Condition 21.

...

8. Area 8

- a. No development is authorized, including but not limited to staging and storage unless: (1) development is proposed in already legally developed areas; (2) the Applicants present evidence that such previous development was authorized; and (3) an Amendment to this coastal development permit is approved.
- b. No future development shall occur unless authorized consistent with the limitations on development identified in Special Condition 21.

CDP Special Condition 21. also pertains to these areas, as follows:

21. FUTURE DEVELOPMENT RESTRICTION

A. This permit is only for the development described in coastal development permit No. 2-06-018/A-2-MAR-08-028. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use of land such as a proposal to convert camping spaces to higher cost visitor serving facilities shall require an amendment to Permit No. 2-06-018/A-2-MAR-08-028 from the California Coastal Commission.

B. No development, as defined in section 30106 of the Coastal Act shall occur in Areas 5-8 as shown in Exhibit 3 except for:

1. The development authorized by this permit as identified in Special Conditions 1 and 2; AND
2. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit:

a. Agriculturally-related development permitted consistent with the certified LCP, including the limitations on uses allowed within agriculturally zoned property; and

b. Improvements to Sand Haul Road, consistent with the requirements of Special Condition 12.

C. WITHIN 6 MONTHS OF COMMISSION APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT, OR WITHIN SUCH ADDITIONAL TIME AS THE EXECUTIVE DIRECTOR MAY GRANT FOR GOOD CAUSE, BUT PRIOR TO EXECUTING THE RECORDATION REQUIREMENTS OF SPECIAL CONDITION 19, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an exhibit to the permit, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit No. 3, attached to this report.

In your letter, you present information to support the assertion that development in Areas 6 & 8 has been authorized by the County, and developed and used for prior quarry operations. You specifically assert:

1. The sand quarry operation and pertinent facilities were approved in 1971, prior to the Coastal Act.
2. The sand quarry operation and pertinent facilities were permitted uses under the zoning in effect.
3. Recreational use including camping is a permitted use in an agricultural preserve.
4. The quarry use has been repeatedly reauthorized by the County.

I will respond to each of your assertions in turn.

- 1) The sand quarry and "facilities related thereto" were authorized by the County of Marin commencing in 1971. The excerpt you enclosed (Exhibit E) is from the Marin County Planning Commission's original approval of the Surface Mining/Quarrying Permit. The quarry continued to operate with valid permits until it reached its sand extraction limit and shut down in 1996.

Appurtenant facilities to the quarry operation were also duly authorized by the County. For example, quarry truck equipment storage sheds were included in the County's 1990 quarry Coastal and Use Permit extension approvals, and a worker mobile home permit approval is referenced in Exhibit G.

- 2) Quarry operations and facilities were allowed under the zoning in effect during the quarry operation. The A-2 ((Limited Agricultural District, 7,500 square foot minimum lot size) zoning and Land Conservation Contract governing areas 6 and 8 at the time of the quarry's inception stipulated compatible and conditionally permitted uses requiring Use Permit approval by the Planning Commission and included mining, quarrying, and related production operations.
- 3) Recreational uses including camping is a permitted use in an Agricultural Preserve. The property's Land Conservation Contract stipulates: "Compatible and unrestricted uses, or permitted uses, which are applicable to the subject property include ... public recreational uses such as hiking, camping, swimming, boating, and fishing".
- 4) Extensions of the Quarry Use Permit for the property was reauthorized by the County on several occasions, including most recently in 1996, which took the quarry operation through to its cessation in 2006.

In conclusion, the Community Development Agency agrees that there is ample evidence in the record documenting that the County of Marin over the years authorized the sand quarry operation and associated facilities in Areas 6 and 8.

It appears from CDP Special Conditions numbered 2.C.6.a. & b., 2.C.8.a. & b., and 21. that Lawson's Landing will have to receive Coastal Development Permit amendment approval in order to proceed with development of recreationally-related facilities in Areas 6 and 8. County Staff looks forward to discussions with you and Coastal Commission staff to determine the most efficacious means of proceeding in that regards, and also pertaining to Community Development Agency processing of a Precise Development Plan in furtherance of the Coastal Commission's CDP approval and the County's approval of the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit. I look forward to continuing this process.

Sincerely,



Ben Berto
Principal Planner

CC: Marin County CDA - Brian Crawford, Tom Lai, Rachel Warner
Marin County DPW
4th District Supervisor Steve Kinsey
Mike Lawson and Willy Vogler
Scott Hochstrasser, IPA
Tom Flynn,
California Coastal Commission
EAC of West Marin
Marin Audubon Society
Marin Conservation League
Sierra Club – Marin Group



November 28, 2017

Dear Jeannine,

I want to follow up on the November 8 hearing. There were a couple of statements made by staff that were inaccurate and I would like to correct them for the record.

First, I believe that you stated in answer to a question from the Commission that the EIR covered the Lawson's Landing Center. In fact, there is no reference to a Lawson's Landing Center or any of its components in the EIR, as this table from the Final EIR's Project Description shows. I have also attached the entire Project Description to the email in which I am sending this letter.

Table 3-1 Proposed Recreation Facilities

Facility	Location	Time of Implementation
Six Concrete Block Restrooms	Main Meadow & Sand Point	1-7 years
Water Faucets	Main Meadow	1-7 years
Restroom and Shower Facility	Main Meadow	1-7 years
Relocation and Expansion of Existing Boat House	Sand Point	5-10 years
Centralized Boat Storage	Sand Point	5-10 years
Sewage Treatment System and Lines, and Access Road	Sand Point and Dunes	1-5 years
Fire Hydrants	Main Meadow	1-5 years
Water Storage Tanks (2)	Main Meadow	1-5 years
Reopening of Sewage Disposal Stations	Main Meadow	1-5 years
Entrance Gate House	Main Meadow	1-5 years
Site Access Improvements	Main Meadow	1-5 years
Lighting	South Ranch	1-5 years
Signage	Main Meadow and Sand Point	
Road "pullouts"	Dillon Beach Road	
Pedestrian Trail System	Main Meadow	1-2 years
Educational Program	Main Meadow	1 year


Second, in responding to another question from the Commission, Dan Carl said that Staff was unaware of any plan for 470 campsites. I am also attaching EAC's Exhibit 1, which we thought had been given to Staff, and which consists of communications between the Applicant and Staff in which the Applicant states his intention of having 473 campsites in Phase 2 and agreed to staff's suggestion that this Phase 2 be left out of the Amendment.

Lastly, I want to let you know that while EAC agrees with Staff about which buildings in Area 6 were legally developed and which were not, we do not accept that any undeveloped areas adjacent to legally developed building are also legally developed. We will present arguments on this point at a later date.

We look forward to a new Amendment for a wastewater system that does not encroach on ESHA.

Thank you for your work on this important project. I hope your Christmas and maternity leave are peaceful and happy.

All the best,

A handwritten signature in cursive script that reads "Catherine Caufield".

Catherine Caufield



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

December 11, 2017

Dear Jeannine,

I am writing to request that staff correct its description of which parts of Area 6 are legally developed and which are ESHA. We believe that the October 27, 2017 Lawson's Landing Staff Report wrongly identifies some undeveloped parts of Area 6 as not being ESHA when they are, in fact, ESHA. We also take issue with the idea that the central open area once used for vehicle ingress and egress in Area 6 is legal development, rather than ESHA.

Special Condition 2 of the Revised Findings states that in Area 6 "No development is authorized...unless: (1) development is proposed in legally developed areas; (2) the Applicants provide evidence that such previous development was authorized; and (3) an Amendment to this coastal development permit is approved." This point is reiterated on p. 98: "although there is some existing development already in Areas 6 and 8, *absent specific evidence that this development was properly authorized, the area must be considered ESHA.*"

The parts of Area 6 for which there is evidence that development is legal are:¹

1. The entrance kiosk.
2. Mike Lawson's home.
3. The shed (S-1) located behind Mike Lawson's house.
4. The maintenance shed (S-5) to the south of Mike Lawson's house.
5. A mobile home.
6. The part of Sand Haul Road that runs through Area 6.

The parts of Area 6 that are, by definition, ESHA are:

1. The truck shed (B-1), equipment shed (B-2) and other existing buildings for which the Applicants have been unable to "provide evidence that such previous development was authorized."

¹ The existing buildings in Area 6 have been given many different names. The names I use are those Commission Staff has used in letters and Staff Reports. For clarity, I also use the numbers used on page 2 of Exhibit 3 of the 2017 Staff Report, "Existing Facilities: Partial Site Plan Area 6," to identify each building.

2. The parts that have not been developed at all and for which, therefore, no evidence of authorized development can exist.
3. The central vehicle ingress and egress area which serviced only unauthorized development that will soon be removed—the truck shed (B-1), equipment shed (B-2) and oil sheds (S-3)—and which itself must be restored now that it is no longer in use for ranching or quarrying purposes.

Page 2 of Exhibit 10 of the Staff Report purports to lay out what is legally developed in Area 6 and what is ESHA. We think there are several errors in this exhibit. It identifies an undeveloped part of Area 6 in the corner between the illegal truck shed (B-1) and the illegal equipment shed (B-2) as being legally developed. For simplicity's sake, we will call this Area X. It also identifies a narrow strip of land between the road/parking area and the illegal truck shed as being legally developed. We will call this Area Y. Both Areas X and Y are ESHA.

The only explanation we can imagine for identifying Area X as legally developed, is if it were part of an adjacent legal development, but this is not the case. We understand that if a house is considered legally developed due to its pre-Coastal Act status, the legally developed area could be considered to go beyond the building's footprint. Some adjacent undeveloped land could be considered appurtenant to the main home for septic, parking or garden. But Area X is in no way a necessary accessory to the legal shed (S-1) that is to its west. The shed, which itself is an accessory to the main house—it is identified in the Amendment application as "Utility Shed at Lawson Residence," does not require a septic, a parking space or a garden. In fact, Area X is closer to the two illegal utility buildings that contain it to the south and east, the truck shed (B-1) and the equipment shed (B-2), than it is to the closest legal development.

We believe that the extension of the "home" appurtenant area into Area X was an inadvertent error and hope that you will correct it as soon as possible. Clearly Area X is simply an undeveloped part of Area 6 and, as such, it is by definition, ESHA.

Area Y is a slightly different situation. As page 1 of Exhibit 10 clearly shows, it is not part of the vehicle ingress/ egress area. It is an undeveloped area that is adjacent to, and perhaps was considered appurtenant to, an illegal building, the truck shed (B-1). In this case, Area Y, like the truck shed itself, is ESHA. If it is not considered appurtenant to the truck shed, it is simply an undeveloped area and, as such, is ESHA by definition. In either case, the error must be corrected.

There is a third problem with Staff's characterization of ESHA in Area 6. The "vehicle ingress/egress area" that serviced the illegal truck, equipment, and oil sheds (B-1, B-2, & S-3) should be identified as ESHA. We will call this area, Area Z. Area Z provides vehicle access to ESHA, which is currently occupied by three unauthorized buildings that will soon be removed. As Shannon Fiala's May 11, 2015 letter points out, these buildings "were not pre-coastal and were not permitted as permanent structures under CP 90-015." They "should have been removed when quarry operations ceased in 2005."

The Quarry Reclamation Plan referenced under CDP 90-15 states that roads used during the quarry operation would not be reclaimed until ranching operations cease and road use is discontinued. There are now no ranching or quarrying operations in Area 6 and the Applicant has not provided evidence that Area Z will be used as a road for ranching operations once the buildings it provided access to are gone. Absent such evidence, Area Z must be recognized as ESHA and restored, although the through road (Sand Haul Road), which is still in use in connection with ranching, can remain. Moreover, there is an inherent conflict between Area Z as a traffic area and as the location for a leach field, since Marin County wastewater regulations do not permit a leach field underneath traffic areas.

An accurate map of Area 6 ESHA would include Areas X, Z, and Y within the ESHA boundary. This would reflect the wishes and intention of the Commission as expressed in the 2011 Revised Findings and, in doing so, would also create a more coherent and sustainable area of ESHA.


Attached to this letter is a revised version of Exhibit 10, page 2, showing Areas X, Y and Z and the correct extent of ESHA in Area 6. The green section outlined in thick black on the left of the picture is legally developed and is not ESHA. The rest of Area 6, colored in red, orange and green, includes Areas X, Y, and Z, and is all ESHA. Sand Haul Road runs along the lower boundary of Area 6. I apologize for the crudeness of my drawing, but I hope it gets the idea across—which is that all three of these Areas, which are wrongly identified in Exhibit 10 as legally developed areas, are in fact ESHA and should be identified as such.

This matter is urgent, because the Applicants have recently submitted a revised wastewater arrangement that relies, in part, on development in ESHA in Areas X, Y and Z. This is in direct contradiction of the Commission's 2011 approved Revised Findings, which intended to declare as ESHA and protect all undeveloped portions of Area 6, and of the clear instructions given by the Commission during the November 8, 2017 hearing. The Applicants deserve to know the true extent of ESHA as soon as possible.

We urge you to revise the map of ESHA in Area 6 to reflect the facts we have presented here and to be consistent with the 2011 Revised Findings. If you have any questions about the attached drawing, or my meaning in this letter, please let me know.

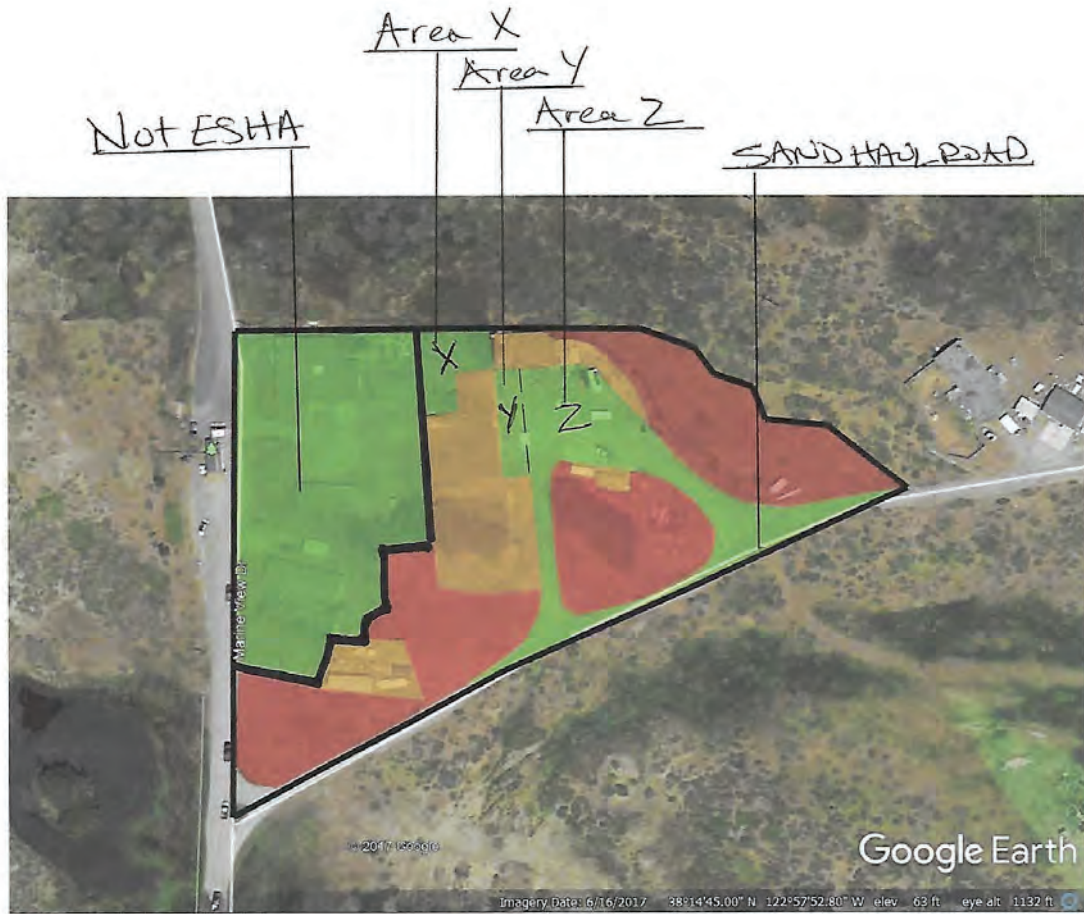
Thank you .

Sincerely,







Catherine Caufield

Attachment: revised Exhibit 10, page 2



Key:

-  Area 6 Boundary
-  Unpermitted Development
-  Undeveloped ESHA
-  Legally Developed Areas



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

December 18, 2017

Re: Lawson's Landing

Dear Jeannine,

I am writing on behalf on the Environmental Action Committee of West Marin, which has long been working, as have the Lawsons themselves, to bring Lawson's Landing into compliance with state and local regulations. We believe that this will soon be accomplished, but want to bring one major concern to your attention.

Lawson's Landing has recently submitted a modified wastewater system plan which proposes locating a leach field in the part of Area 6 now occupied by an extension to Sand Haul Road.¹ This plan must be reviewed by the Coastal Commission, the Regional Water Quality Control Board, and Marin County Environmental Health Services.

We are writing to all three organizations because we believe that there is an inherent contradiction in this proposal. Either Area Z is a ranching road or it is not. If it is not, then under the 2011 Coastal Development Permit, it is an environmentally sensitive habitat area (ESHA). In either case, a leach field cannot be approved for this location. The Coastal Act prohibits leach fields in ESHA. Marin County wastewater disposal regulations require leach fields to be five feet from traffic areas.

Special Condition 2 of the Revised Findings of the 2011 CDP states that Area 6 is to be considered ESHA unless the Applicant provides evidence that part of it is legally developed: "No development is authorized...unless: (1) development is proposed in legally developed areas; (2) the Applicants provide evidence that such previous development was authorized; and (3) an Amendment to this coastal development permit is approved." This point is reiterated on p. 98 of the Revised Findings: "although there is some existing development already in Areas 6 and 8, absent specific evidence that this development was properly authorized, the area must be considered ESHA."

¹ For simplicity's sake we call this Area Z, as shown in the attached map, which is modified from Exhibit 10 of the Staff Report for the Nov. 2017 Coastal Commission hearing.

Area Z originally provided vehicle access to the illegal truck, equipment, and oil sheds (B-1, B-2, & S-3). As Shannon Fiala's May 11, 2015 letter to the Applicant points out, these three buildings "were not pre-coastal and were not permitted as permanent structures under CP 90-015." These buildings "should have been removed when quarry operations ceased in 2005."

The Quarry Reclamation Plan referenced under CDP 90-15 states that roads used during the quarry operation must be reclaimed when ranching operations cease and road use is discontinued. There are now no ranching operations in Area 6 and the Applicant has not provided evidence that Area Z will be used as a road for ranching operations once the buildings it provided access to are gone. Unless such evidence is provided, Area Z must be recognized as ESHA and restored, although the through road (Sand Haul Road), which is still in use in connection with ranching, can remain.

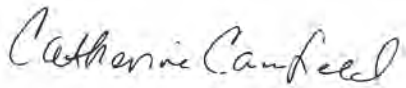
On the other hand, if the Applicant does provide evidence that Area Z is still a road used for ranching purposes (although since it is entirely surrounded by undeveloped ESHA, it is hard to see how that is possible), then Marin County's prohibition on leach fields under or near traffic areas would come into play.

We are writing now because we understand that the Applicant is eager to move forward, but in the interests of saving time and money, it is important that the question be settled as to whether Area Z is ESHA, or is—and will continue to be—used as a ranching road. The Applicants alone can provide the evidence needed to demonstrate that it is and will continue to be a ranching road. If they do not, it must be considered ESHA.

We urge your three agencies to determine and agree upon the nature of Area Z and therefore which regulations will govern its use.

Thank you.

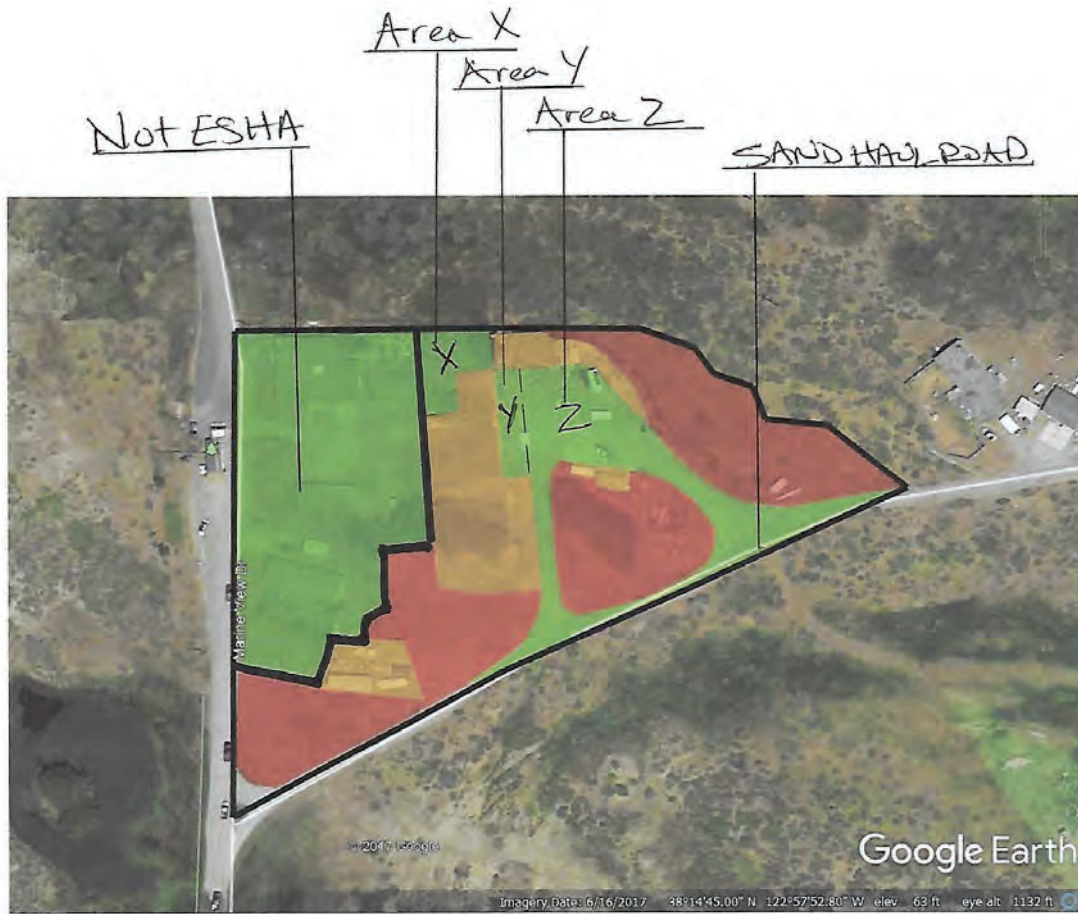
Sincerely,





Catherine Caufield

Attachment: map showing Area Z

cc: Gwen Baert, Marin County Environmental Health Services; Blair Allen, Regional Water Quality Control Board; Lawson's Landing



Key:

-  Area 6 Boundary
-  Unpermitted Development
-  Undeveloped ESHA
-  Legally Developed Areas



Stephanie Rexing
Coastal Commission
Suite 2000
SF CA 94105-2219

September 15, 2018

Re: Lawson's Landing 3rd Amendment application

Dear Stephanie,

This letter is to follow up on my 9/27/18 memo to you and Jeannine on unpermitted relocation of the fuel bunker. As my memo makes clear, the fuel bunker was relocated to Area 6 ESHA in violation of an explicit prohibition in Special Condition 2 of the July 2011 CDP. Documents submitted to you by Lawson's Landing show that this relocation was accomplished after the CDP was approved. The relocation to ESHA also occurred without required County, State or Coastal Commission permits.

The fuel bunker must be removed from ESHA and mitigation must be required for the damage done in moving it there.

As you know, the Commissioners were very clear that no future application for an amendment to the Lawson's Landing CDP should contain proposals to develop ESHA, in particular the Commission focused on ESHA in Area 6. It is inconceivable that the Commission, or the public, would accept approval of an unpermitted development in Area 6 ESHA that took place in violation of the CDP approved by the Commission. Removal and mitigation of the fuel bunker's impact should be a key part of any new amendment application.

Thank you for all your work on this important coastal site.

Regards,

A handwritten signature in black ink that reads "Catherine Caufield".

Catherine Caufield
cc: Jeannine Manna

Email: 9.21.18

Dear Jeannine and Stephanie,

Before we meet at Lawson's Landing this weekend, I wanted to address the issue of the Lawson's Landing Center. There is no indication at present whether they still intend to build such a center, or where. The key issue for the Environmental Action Committee of West Marin is that Area 6 be protected as ESHA, except for those parts of Area 6 that are proved to have been legally developed. The wastewater system has been pulled back so that it is restricted to the section of Area 6 that in my letter of Dec. 11, 2017, I identified as Area Z, which staff has described as being part of the sand quarry and therefore considered legally permitted.

As you have also noted, though, the Quarry Reclamation Plan referenced under CDP 90-15 states that roads used during the quarry operation must be reclaimed when ranching operations cease and road use is discontinued. EAC has argued that there are now no ranching or quarrying operations in Area 6, and that therefore Area Z (as opposed to Sand Haul Road itself) can no longer be considered to be a farm road. Rather it must be recognized as ESHA and restored.

However, if Area Z is still (somehow) considered a farm road, then it could be used to house the underground septic facilities. Obviously, it could not be used for aboveground facilities since they would hamper its use as a road. If at some future date, Area Z is no longer considered to be a farm road, it would have to be restored, but that would not necessarily conflict with existing underground septic facilities.

Thus, we could understand the logic of placing septic facilities underground in Area Z, but certainly not any aboveground development such as a Lawson's Landing Center.

We also reiterate our arguments in the Dec. 11, 2017 that Area Y & X are also ESHA and cannot be developed.

I'm attaching our Dec. 11, 2017 letter, which contains a drawing showing Areas X, Y & Z.

I'm looking forward to seeing you both tomorrow and to meeting Dante.

Regards,
Catherine

FROM: CATHEIRNE CAUFIELD,, EAC
TO: JEANNINE MANNA, STEPHANIE REXING, CALIFORNIA COASTAL COMMISSION
DATE: SEPT. 27, 2018

FUEL BUNKER TIMELINE

Nov. 20, 2008, p. 2 BOS Final Resolution for Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

p.28 Consistency Findings

2. The store/shop will be substantially reduced in area, with **fuel pumping relocated to the Lawson's Landing Center upland location away from the waterfront.**

6. ***The existing quarry operations area and buildings*** are proposed to be converted into a new, approximately 4.7-acre Area 6 - Lawson's Center, containing the main store, administrative offices, employee housing, a recreation center, boat sales and repair, and fuel service and storage.

p. 39 The Revised MPA conceptually authorizes the Reconfigured and Reduced Use Master Plan Alternative, as modified herein and referred to as the Revised Reconfigured and Reduced Use Master Plan Alternative (Revised MPA), to include the following:

G. Interim plan, detailing schedules for activities and structures, including existing septic system inspections and if necessary upgrades, fuel bunker upgrades, removal of excess ancillary structures, improved reservation system, closure of "new" wetland road, elimination of current camping in wetlands;

p. 41 Interim and Phased Uses:

C. Within 6 months from Master Plan approval, the applicant shall complete the following:

3) Improve the existing fuel bunker or develop an alternative that meets federal standards;

p. 42 Camping Areas

The following restrictions shall apply to the individual camping areas noted:

17. Area 6 Lawson's Center allows new buildings with a potential maximum area of 15,000 square feet for recreation support services, including store, boat repairs, retail sales, storage, fueling, administrative offices, recreation and meeting rooms, and a laundry.

All demolition and replacement structures are subject to Precise Development Plan review.

March 28, 2011 Memo from LL to Ruby Pap, RE: Lawsons Landing coastal Development permit – PROJECT DESCRIPTION - Addendum #1:

"Finally this letter presents the addendum to the various sections of the project description submitted in October 2010 along with the CDP application. The sections noted below are proposed for change and each revised section is intended to amend the CDP as follows.

3.4 Relocation of Existing Recreational Visitor-serving Support Services (Amended March 2011)

The visitor-serving recreational use support facilities, (including a visitor-oriented store, administration offices, storage, an employee laundry, boat sales, boat repair, boat storage, **fuel service, and storage containers**), **are currently located near the Cliff Road entry and the beach (Area #2)** at Lawson's Landing. As indicated in Table I Area 6 is currently developed with a Truck Storage Shed, Equipment Shed, Maintenance Shed and Oil Storage Shed ***which were in part used for a historic sand quarry operation*** which no longer exists. Area 6 would be redeveloped for use in two planning phases, as follows:

Phase I—The existing buildings, Truck Shed and Oil Storage Shed will remain and continue to be used for storage of boats and equipment related to maintenance equipment and recreational use. Additionally, during the first phase of the master plan, the boat repair shop now located on the beach in Area 2 will be relocated to Area 6. **The fuel bunker previously located in Area 2 has already been removed from the CCC jurisdiction area at the beach (Area 2) to Area 6.**

June 6, 2011 LL to Ruby Pap, Revised Project Description: Filing determination for CDP Application Nos. 2-06-018 and A-2-MAR-08-028:

"Below are examples of ongoing efforts Lawson's Landing has made to protect the natural resources and enhance environmental conditions at Lawson's Landing.

- The old Gas Tank/Fuel Bunker has been removed from beach front, boat launch area.**
- Interim Measure #2 **The shore side fuel bunker was removed in September 2009."**
- Gas Tank/Fuel Bunker: 460 sq ft was removed and will be relocated to the Landing Center when it is developed."

July 2011 Staff Report:

"3. Revised Project Description for Commission's De Novo Review: Relocation of Recreational Support Services

Currently, recreational support facilities (including the store, administration offices, storage, employee laundry, boat sales, boat repair, boat storage, **fuel storage, and storage containers**) are located near the beach at Lawson's Landing (Area 2). As proposed, boat and boat trailer storage, boat repairs and sales, fuel bunker, and fuel service would be relocated to Area 6, to the existing Truck Shed or Oil Shed."

July 2011, CDP approved:

Condition 2:

6. Area 6

a. No development is authorized, including but not limited to relocation of boat and trailer storage, boat repairs and sales, fuel bunker, and fuel service, unless: (1) development is proposed in legally developed areas; (2) the Applicants provide evidence that such previous development was authorized; and (3) an Amendment to this coastal development permit is approved.

Oct. 2011, Tom Flynn to Ruby Pap:

1. "Condition 2 indicates **we can proceed with "relocation of boat and boat trailer storage, boat repairs and sales, fuel bunker**, and fuel service to existing buildings and developed areas" in Area 6. Certain repairs will be needed on those existing buildings for safety purposes. Since these repairs can be done inside of those buildings with no environmental impact, it appears that these repairs will be consistent with Coastal Act Section 30610d: "Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities"

Dec 23, 2015 Section II Application (#1) for CDP Amendment Addendum, p 4

"The fuel bunker has already been moved from the more environmentally vulnerable shoreline area of Area 2 to it's new location in Area 6 in accordance with a permit by Marin County. A copy of the the Marin County Unified Program Agency, Hazardous Materials and Hazardous Wastes Regulatory Program Permit is attached."

NOTE: The Marin County Unified Program Agency, Hazardous Materials and Hazardous Wastes Regulatory Program Permit attached is not a permit for relocating a fuel bunker to Area 6, but an annual operation permit.

April 5, 2016 EAC letter to Coastal Commissioners:

The Application itself indicates that a key condition of the CDP relating to Area 6 has already been violated.

*Under Special Condition 2.C.6.a No development is authorized, including but not limited to relocation of boat and trailer storage, boat repairs and sales, **fuel bunker**, and fuel service, unless: (1) development is proposed in legally developed areas; (2) the Applicants provide evidence that such previous development was authorized; and (3) an Amendment to this coastal development permit is approved.*

However, the Application states (on p. 4 of the Addendum), "The fuel bunker has already been moved from the more environmentally vulnerable shoreline area of Area 2 to it's [sic] new location in Area 6." Although the Applicants claim that this was done with a permit from Marin County, that permit is merely an annual Hazardous Materials operating permit. No Coastal permit for the move was sought or obtained.

SUMMARY & CONCLUSIONS

2008 Master Plan approved moving the fuel bunker but this was appealed and never took effect. The Master Plan required an Interim Plan for moving and upgrading the fuel bunker.

March 28, 2011, Lawson's Landing states that

- the fuel bunker is currently located in Area 2
- the shore side fuel bunker was removed in Sept 2009

June 6, 2011, Lawson's Landing states that “the old Gas Tank/Fuel Bunker has been removed from beach front, boat launch area and will be relocated to the Landing Center when it is developed.”

July 2011, CDP bans placing of fuel bunker in Area 6 without a CDP amendment

Oct. 2011, Tom Flynn states that “we can proceed” with relocation of fuel bunker.

Dec 23, 2015, Lawson's Landing claims that the fuel bunker was moved “in accordance with a permit by Marin County.” This permit is only an annual operating permit.

April 5, 2016 EAC pointed out to Coastal Commissioners that the fuel bunker was moved without a permit and in violation of the CDP.

Thus, the fuel bunker was moved without the required permits, in direct contradiction of the CDP (and also failed to meet the requirements of the irrelevant Master Plan, which called for an Interim Plan to be approved before any interim actions were taken).

Bonus Quarry quotes (in bold italics above:

- The 2008 BOS Master Plan states: “6. ***The existing quarry operations area and buildings*** are proposed to be converted into a new, approximately 4.7-acre Area 6 - Lawson’s Center”

- The Lawsons themselves state in their March 28, 2011 Revised Project Description: “Area 6 is currently developed with a Truck Storage Shed, Equipment Shed, Maintenance Shed and Oil Storage Shed ***which were in part used for a historic sand quarry operation*** which no longer exists.”



November 3, 2018

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

Re: Lawson's Landing Truck Shed Area 6

Dear Stephanie,

In his letter dated Sept. 20, 2018, Peter Prows claims that a 1972 photograph from the California Coastal Records website provides evidence that the truck shed "area" had been graded in 1972. In fact, the area that he has highlighted in that photo is the location of the current employee rest area. If you compare the 1972 and 1979 photos, you can see that the truck shed area is quite a bit further back (to the east) and was not developed in 1972.

In addition, as you are aware §27400 of Prop 20 states that "On or after February 1, 1973 any person wishing to perform any development within the permit area shall obtain a permit authorizing such development from the regional commission."

In short, the argument that the Truck Shed area was legally developed does not stand up.

Sincerely,

A handwritten signature in black ink that reads "Catherine Caufield".

Catherine Caufield
cc: Jeannine Manna
att: Truck Shed Comparison

TRUCK SHED COMPARISON

In the 1972 image on the left, the scalloped outline created by Peter Prows purports to be the location of the Truck Shed. The outlined area is just behind Mike Lawson's house and overlaps the shed to the south. A more accurate representation of the eventual location of the Truck Shed is the box containing the words "Truck Shed Area."

The middle photo (also the 1972 image) shows a bigger area, including where Sand Haul Road and the Truck Shed were later developed.

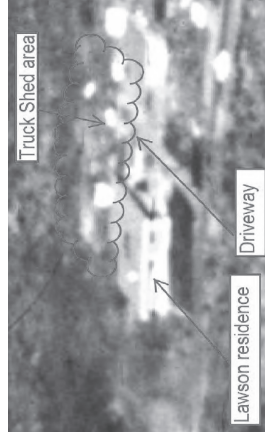
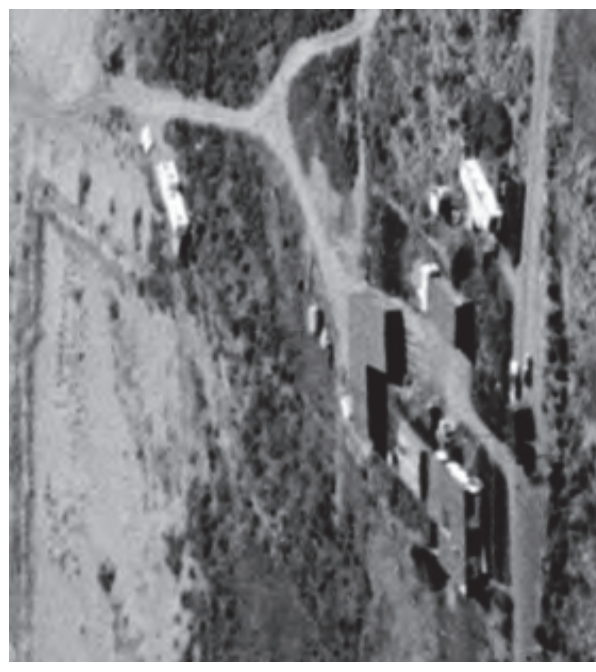
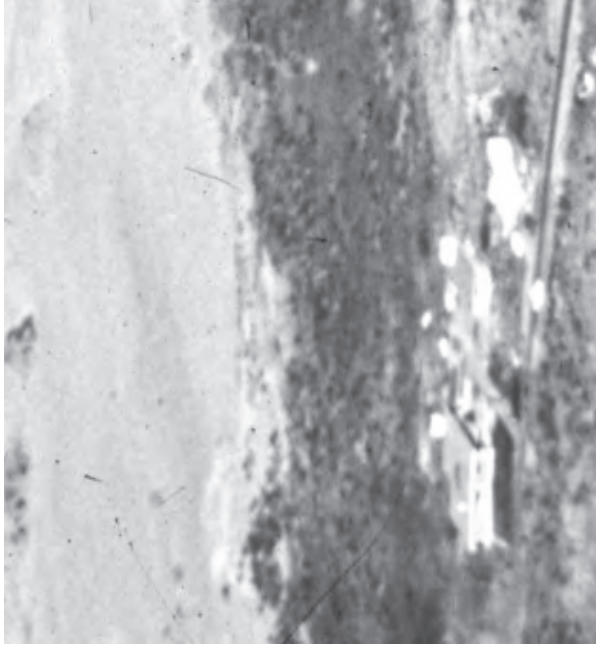
The right hand image, from 1979 makes clear that the scalloped area is further to the west than the eventual location of the Truck Shed, which is behind both the employee rest area and the shed between the two residences.

In the 1972 image, the future Truck Shed area is undeveloped.

CCR 1972 7212049

CCR 1972 7212049

CCR 1979 7920093



Based on the 6.6.74 USGS photo and overlay LL submitted in 2015, it is clear the truck shed/ barn did not exist in 1973, as they have argued. SH Road goes off to the east from main road and goes to an apex with a track that forms a triangle around the corral. There is a small bare patch at the northwest point of that triangle. Just to the north of that bare area, a large parking lot area eventually developed. This is visible in the overlay. The truck shed is now just to the west of that parking lot. But in the June 6, 1974 picture, there is clearly no large parking lot to the north of that bare patch and no truck shed adjacent to the non-existent parking lot.



USGS June 6, 1974



USGS June 6, 1974



March 15, 2019

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

Re: Lawson's Landing 3rd application

Dear Stephanie,

This letter is to convey some of EAC's reaction to the third application for an amendment to the Lawson's Landing CDP. This amendment is comprised of many submissions, dated 9.20.18 (with references to 12.20.16), 2.21.19, and 3.6.19. It proposes at least 5 development options.

This application also contains arguments so weak and so transparently invoked with the aim of justifying development in ESHA and CRLF habitat that we question whether it is necessary to respond to them. In the (hopefully) unlikely case that staff decides to take these frivolous arguments seriously, we would appreciate an opportunity to address them before a filling letter is sent to the applicants. Among these arguments are those that claim:

- That the truck shed is legally permitted despite its having been built without the required permits;
- That there is a long-standing, never-before mentioned "throughway" between the east and west sides of Area 6;
- That Lawson's Landing's California Red-legged Frogs do not need the habitats and corridors identified by the Commission's ecologist and are not entitled to the protections mandated in Special Condition 4. We have studies conducted in nearby Point Reyes dunes by highly-respected CRLF experts, Gary Fellers and Patrick Kleeman, that contradict these assertions which we would be happy to submit if the applicant's arguments are to be taken seriously.

We do appreciate that the application now appears to address full build-out of the campground. This is necessary in order to meet Special Condition's 7 requirement that the wastewater system "shall be of adequate capacity to process and dispose of all wastewater generated by the development."

Below are our chief serious concerns about this application for an amendment.

Environmental Action Committee of West Marin
PO Box 609, Point Reyes Station, CA 94956
415-663-9312 | admin@eacmarin.org | www.eacmarin.org

The application in its present form should be rejected.

All five Options proposed in this application include a road through ESHA between the east and west sides of Area 6 and propose buildings within ESHA. Therefore the amendment conflicts with the intended effect of the CDP and should be rejected per CCR §13166 (a), which requires the Commission's Executive Director to reject any application for an amendment that "would lessen or avoid the intended effect of an approved or conditionally approved permit." This is why the ED rejected the first application for an amendment in 2015. Proposed intrusion into ESHA is also why the Commission rejected the second application for an amendment in 2017. It is time for this applicant to take the legal ban on development in ESHA seriously.

The application is incomplete.

The application is incomplete because it does not, as required by Special Condition 7 of the July 2011 CDP, "include the final plans for the wastewater treatment and disposal system as approved by the Regional Water Quality Control Board and the Marin County Environmental Health Services."

The "throughway" in Area 6 is not needed or justified.

All five Options proposed by applicants include a road through ESHA between the east and west sides of Area 6. However, in the 14 years (1997-2011) it took for the 2011 CDP to be approved and for more than 7 years thereafter, there was no mention of a long-existing "throughway" between the east and west sides of Area 6. Nor was a need for one identified for agricultural, recreational or emergency reasons. There was no throughway in Area 6 in the first application, the second application, or the first version of the third application (dated 9.20.2018). Also, none of these applications had truck shed doors that would allow traffic between the east and west sides of Area 6. In addition, the landscaping plans for all these applications show that "plants native to the local area" are to be planted on the west side of the proposed shed, making access impossible, even if there were doors. The throughway argument is merely a ploy to justify development in ESHA and the Commission will see it as such.

The Truck Shed cannot be deemed to have been authorized, as required by Special Condition 2, on the basis of unsupported family reminiscences.

We have already provided convincing evidence (our letter dated 11.3.18) debunking claims that the truck shed was in existence in 1972 before Prop. 20 established that all development proposed within the coastal zone required a permit from the regional coastal commissions, as well as from local government. Recent submissions appear to argue that because parts of Area 6 were used to support camping operations, the area was legally developed. On the contrary, the owners were aware by 1962 that those operations lacked the required permits from State and County authorities. Arguments have also been made, for reasons that are unclear to us, that Sand Haul Road did not exist until 1974, but County documents, including the 1971 Quarry permit, make it clear that it was in use by 1971.

The application does not adequately provide for required restoration of ESHA and CRLF habitat.

The Commission's staff ecologist identified much of Area 6 as CRLF habitat, including corridors between frog ponds. Special Condition 4 requires the PREP to remove "any [illegal] development located within the two CRLF corridors between Areas 6, 8, and the pond inland of Area 4" and to restore the previously developed areas to functioning habitat. Indeed, the CDP threatens that failure to "remove all development specified in Special Condition 4(a)(3). . . may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act."

The goal should be to maximize restoration of ESHA and CRLF habitat and minimize fragmentation. All development in the turnaround and roads in Area 6 must be underground so that when those roads are no longer used for agriculture, they can, per the quarry permit, be restored. In addition, a gravel driveway/ parking lot is proposed for the legally developed western side of Area 6, an area that is partly within the CRLF setback. Consideration should be given to maintaining a more natural driveway surface in this area.

The application should include a deadline for institution of a permanent snowy plover docent program.

Such a program would help to replace the now-defunct Partners for Fish & Wildlife Cooperative Agreement between Lawson's Landing and the USF&WS, which supported the implementation of a western snowy plover habitat protection and species recovery program that was "accomplished primarily through education and management of beach visitors to reduce human-related disturbances to western snowy plovers on Dillon Beach." (USFWS 1/5/2010).

There are internal inconsistencies and inaccuracies in the submissions that should be resolved or corrected.

The Analysis Highlights says that about 4100 sf is needed in Area 6 for office, emergency equipment and supplies, but the application includes as much as 4500 sf. The 3.6.19 "legal-historical reasoning" states (para. 6) that the Truck Shed was approved in the 1971 Quarry permit as "facilities related thereto." No such phase occurs in the 1971 permit, or any of the other permits.

The big picture here is that the Commission made it very clear in 2017 that they did not want to be presented with another amendment that proposes development in ESHA. The applicant's chief response to this directive seems to be to offer innovative reasons why areas previously identified as ESHA aren't really ESHA. Another argument they are relying on is that, Area 6 is the best location for certain functions and facilities. That is not justification for locating those functions and facilities in ESHA.

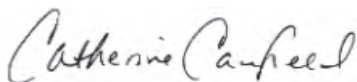
Staff's determination of ESHA did not wholly please the applicant or members of the public and environmental organizations, including EAC. We believe that some ESHA areas were wrongly identified as legally developed (see our letter dated 12.11.17 about Areas X and Y),

and the applicants believe that some areas identified as ESHA should be recognized as legally developed. We are prepared to accept staff's interpretation, but if that is to change based on the spurious arguments being put forward by the applicant, then we are prepared to open the whole question before the Commission. However, I believe it would be better to go before the Commission with a project we can all support. A clear message to the applicant that they have to respect ESHA as identified by Commission staff is necessary if this is ever to happen.

Please let me know as soon as possible if you accept any of the arguments regarding the legality of the truck shed, the legality of the throughway, or the lack of importance of CRLF habitat, so that I can address these issues before you send your filing letter.

Thank you both for all your work on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Caufield".

Catherine Caufield
cc: Jeannine Manna
cc: Ralph Faust

Rexing, Stephanie@Coastal

From: Future of DB <bonnie@futureofdb.com>
Sent: Friday, October 4, 2019 11:34 AM
To: Rexing, Stephanie@Coastal; Pfeifer, Sara@Coastal
Cc: Manna, Jeannine@Coastal
Subject: Re: Lawson's Landing, parking proposal
Attachments: gatehouse.jpg

Dear Stephanie,

I do have an additional comment about this. Willy reached out to me and showed me a clearer version of the proposed parking area. We still have concerns and I've marked up photograph to illustrate.

In the photograph attached, please note the size of a typical vehicle relative to the entrance area. These RVs are sometimes pulling additional recreational vehicles (Jeeps, boats, etc) and they queue up outside the gate to enter. To mitigate back-ups, a multi-lane system has been proposed that utilizes the existing, but not used western gate. RVs, campers, etc need adequate space to maneuver in this area.

Thank you. I know everyone is trying to get this project done!

Bonnie Smetts

On 9/30/19 3:40 PM, Rexing, Stephanie@Coastal wrote:

Hi Bonnie,

Thanks for the input. That is a draft proposal that we put together in trying to understand all the competing needs, wants, and requirements for that area, public access parking being one of them. Nothing is set in stone as to where any one thing is going to be located, that arrangement was just one possibility being considering in trying to get to resolution on this complicated project. We really appreciate your perspective on the Traffic Management issues, and are exploring options with the Lawsons to assure that traffic does not get backed up.

I will add your comments to the correspondence file. Please also don't hesitate to reach out if you have further concerns or want to discuss. Thanks!

~Stephanie

From: Future of DB <bonnie@futureofdb.com>
Sent: Monday, September 30, 2019 1:44 PM
To: Pfeifer, Sara@Coastal <Sara.Pfeifer@coastal.ca.gov>
Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>
Subject: Lawson's Landing, parking proposal

Dear Sara,

Catherine Caufield just emailed me a copy of the Lawson's Landing Draft Proposal

Alternative 1 that details the move of five free parking spaces from the original position to outside the gatehouse. I am usually very professional and measured in my communications with the Coastal Commission, but I've gotta say here...are you kidding?

The proposed area is and has been used as a waiting area where visitors briefly park and walk to the gatehouse to check in. This area is key to the improvements that have been made on traffic flow. By having this area available, it keeps the single lane entering the campground flowing for visitors already checked in. While this space helps mitigate the back-ups, there are still times when traffic makes it impossible for residents to leave their driveways. This is the case even with the improvements with the reservation system.

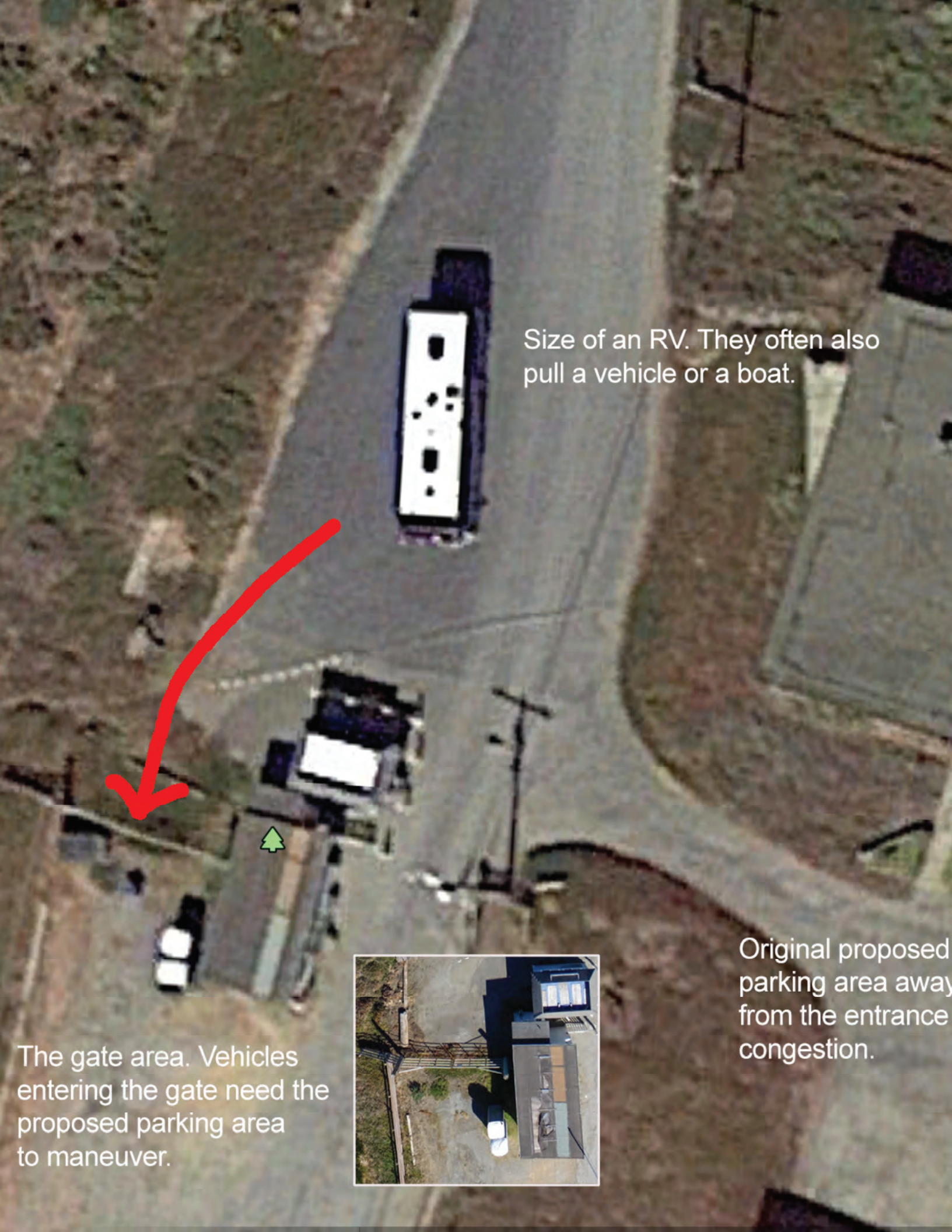
An important aspect of mitigating the traffic issues is having all parking located within the gate inside the campground. If parking needs to be moved to a nearby roadside location, why not at the base of Sand Haul Road?

If this area outside the gate is used for day parking, it would reverse the success of the Traffic Management Plan.

As always, thank you for you work.

Bonnie Smetts

Concerned Citizens of Dillon Beach
bonnie@futureofdb.com



Size of an RV. They often also pull a vehicle or a boat.



Original proposed parking area away from the entrance congestion.

The gate area. Vehicles entering the gate need the proposed parking area to maneuver.



Rexing, Stephanie@Coastal

From: Scott Miller <handmadeinmarin@gmail.com>
Sent: Friday, February 14, 2020 9:31 AM
To: Rexing, Stephanie@Coastal; Manna, Jeannine@Coastal
Subject: Lawson's Landing Entry Gate Improvement

Hi Stephanie and Jeannine,

After all of these years of talks and drawings and plans of expensive upgrades to the entry gate I am *still* left wondering, "Why not just open the other gate?"

The logistics are incredibly simple. Open it. Try it. If it doesn't work, Close it.

Cost analysis:

If the lock works: \$0

If the lock is stuck: 30" bolt cutters (\$32.27) + replacement lock (\$6.55) = \$38.82 + free shipping from Amazon.

For *less than \$50*, traffic capacity at the gate could be doubled. Worst case scenario (total failure, somehow makes things worse): Close it again.

Project Plans:



Thank you for your continuing work on what seems to be a never-ending project.
-Scott

Rexing, Stephanie@Coastal

From: Bonnie Smetts <futureofdb@yahoo.com>
Sent: Wednesday, March 4, 2020 2:12 PM
To: Manna, Jeannine@Coastal
Cc: Rexing, Stephanie@Coastal
Subject: Thank You. LL Site Visit

Dear Jeannine,

Thank you for including us in the Lawson's Landing site visit yesterday. We wanted to let you know that we agree that the proposed placement of the five free parking places is the viable solution. Lawson's Landing is actively and successfully managing their check-ins and congestion at the gate and we are satisfied that there will not be additional problems created by the parking places. According to Justin Lawson, having designated hours for the spots will help, especially on the difficult early morning low tides days. We believe it's important that the parking spots be far enough away from the West side gate so that it can still be used in the future to improve traffic flow. From our understanding there is no reason that it can't be used.

Your input on the TMP and LL's efforts have really made a difference in traffic flow. Traffic flow is still sometimes an issue but it's very acceptable. We just hope that the Dillon Beach Resort will develop a traffic plan as well.

Thanks again for your work.

Bonnie Smetts

Concerned Citizens of Dillon Beach
P.O. Box 26
Dillon Beach, CA 94929
futureofdb@yahoo.com

Rexing, Stephanie@Coastal

From: Scott Miller <handmadeinmarin@gmail.com>
Sent: Thursday, July 23, 2020 10:58 AM
To: Rexing, Stephanie@Coastal
Cc: Manna, Jeannine@Coastal
Subject: Re: Lawson's Landing

Yes, staff report, or anything they have submitted, especially pertaining to traffic The early morning (5am 'til after 7am) traffic jams are getting a bit too common. This week was Saturday through Wednesday, with only minor back-up today. I'm hoping there will be some kind of enhanced management as part of this amendment.

During the last walk-through there was talk about the free parking spaces opening at 8am, as opposed to sunrise. It would be worth trying the same thing for paid day-use.

The greatest traffic improvement, from a neighbor standpoint, was when vehicles were no longer allowed to arrive and depart at all hours of the night.

When the Landing first re-opened in late June the gate opened at 8am instead of 6 for about a week. There was still back-up, but listening to car doors slamming and electric boat pumps was more entertaining and less annoying 7-9am than it is now 5-7am. The same goes for seeing people pee and flick their cigarettes on the ground.

It seems counter-intuitive, but opening the gate later may actually help things. Quiet mornings would benefit visitors staying in the campground as well, especially those along the road.

I'll work on a "real" letter for the hearing, but please consider the concept in the meantime.

Thanks for all of your work on this project. Does it hold the record for longest-running?

-Scott

> On Jul 22, 2020, at 8:22 AM, Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov> wrote:

>

> Hi Scott,

> By "stuff" do you mean the staff report? If so, that is not going to be ready for posting until this Friday.

>

> Let me know if you have further questions. Thanks!

>

> -----Original Message-----

> From: Scott Miller <handmadeinmarin@gmail.com>

> Sent: Tuesday, July 21, 2020 8:46 PM

> To: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>;

> Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>

> Subject: Lawson's Landing

>

> Hi Stephanie and Jeanine,

> Would it be possible to send me the "stuff" for the Landing?

> Thank you,

> Scott M.

Rexing, Stephanie@Coastal

From: Tom Flynn <tomflynn@sonic.net>
Sent: Wednesday, July 22, 2020 10:51 AM
To: Rexing, Stephanie@Coastal; Manna, Jeannine@Coastal
Subject: Letter from neighbor on Cliff St.
Attachments: Bill Bettinelli Emergency Lane 7.14.20.pdf

Hi Stephanie and Jeannine,

The letter attached is from a retired judge, mediator, arbitrator, and environmentalist who with his wife has a home on Cliff Street north of the entrance gate at Lawsons Landing. The Marin County Fire Marshall has indicated that Cliff St. needs to be fully accessible by a second means of access when traffic congestion occurs at the choke point between the red-legged frog pond fence and the higher elevation on the east side of the main entrance road. This congestion could occur in the event of emergencies such as an earthquake, fire, tsunami or some violent occurrence where access on Dillon Beach Rd. would be cut off.

In addition to the risks of matts failing and sliding out as described in the email from Lawson's architect Bob Hayes yesterday, we hope you are also aware that securely and properly placing those matts will take time. There can often be a scarcity of time in the event of a sudden emergency. For these reasons, we do not expect that the matts you suggest will meet the Fire Marshall's requirement for all-weather 30 ton capacity. As you probably recall, the Fire Marshall indicated that normally he prefers a standard road for emergency lanes, but in this case he would be willing to compromise with a geogrid or turf block. This geogrid or turf block would be planted with native vegetation and would function much the same as the habitat immediately adjacent to it.

I would also appreciate speaking with you further about the Coastal Commission removing buildings from Lawsons Amendment as a way to remedy the need for an Emergency Lane.

Thanks!
Tom

Hon. William L. Bettinelli (Ret.)
23 Cliff St.
P.O. Box 293
Dillon Beach CA 94929
707-322-2540
judgeret@aol.com

July 16, 2020

California Coastal Commissioners
C/O Jeannine Manna
Coastal Program Manager
North Central Coast District
45 Fremont St., Suite 2000
San Francisco, CA 94105

Dear Commissioners,

My wife and I live at 23 Cliff St., Dillon Beach. We walk regularly on the beach down to Lawsons Landing and like most of our neighbors, are interested in Lawsons Landing's future.

I am a retired Superior Court Judge and have particular interest and experience in bringing legal matters to reasonable resolution, having for the past 30 years worked professionally as a full time mediator and arbitrator. In the past I have served as a member of the Board of Directors of the Sonoma Land Trust, the Sonoma County Agricultural Preservation and Open Space District, and the Laguna de Santa Rosa Foundation. I therefore appreciate and respect the environmental protection work of the California Coastal Commission and other state and federal agencies. Having grown up in the North Bay, I also strongly support preservation of our local natural habitat.

Through contacts with friends and neighbors I've become aware of the Emergency Lane matter needing resolution in Area 6 near my home. I've reviewed the Marin County Fire Marshall's letter and correspondence on this matter as well as considerable information about related environmental and habitat protection.

The Marin County Fire Marshall is emphatic about the public safety concerns of this matter. As a resident of the neighborhood that this Emergency Lane may need to serve, and directly affected by it, and as a citizen supporting public safety for the surrounding community, I find the Fire Marshall's position to be sound. It also appears to me that Lawsons Landing and Environmental Action Committee of West Marin (EAC) have been considering a means of resolution, which will provide the most protective environmental alternative, while also meeting the public safety needs identified by the Fire Marshall.

As an expert dedicated for decades to law and legal resolution, I try to encourage parties to not expend unnecessary time and expense in conflict when an appropriate balance is achievable. This Emergency Lane can provide necessary public safety while a permitted road in the immediate vicinity could be traded to restore and enhance Environmentally Sensitive Habitat Area (ESHA). This trade and restoration would improve habitat continuity for the California red-legged frog corridor. This solution is win-win-win-win: (i) it meets the public safety needs of the community, (ii) it accepts the proposal of the Environmental Action Committee of West Marin (EAC) to enhance ESHA, (iii) it is supported by Lawsons, and (iv) it resolves longstanding Coastal Commission permitting issues at Lawsons.

I strongly encourage you bring this matter to reasonable resolution as soon as possible and choose the solution that is consistent with both the Fire Marshall's directive and EAC's proposed trade to protect public safety as well our environment.

Sincerely,

Hon. William L. Bettinelli (Ret.)