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F13b

Prepared February 11, 2021 for February 12, 2021 Hearing

To: Commissioners and Interested Persons

From: Jeannine Manna, District Manager
Stephanie Rexing, District Supervisor

**Subject: STAFF REPORT ADDENDUM for F13b
CDP Number 2-20-0018 (Dillon Beach Resort)**

The purpose of this addendum is to respond to a number of issues raised by both the Applicant and members of the public in correspondence submitted for the above-referenced item after the staff report was distributed on January 22, 2021. Specifically, staff received comments on the staff recommendation raising issues regarding additional violations and habitat disturbances, necessary Marin County approvals, traffic, parking, low-cost and visitor-serving provisions, views, mitigation, and setbacks. Upon further review, some of these issues require slight modifications or clarifications to the staff recommendation. Thus, here, staff provides a response to comments and some minor staff report modifications. Please note that these staff report changes and these responses do not modify the base staff recommendation, which still remains approval with conditions. See all relevant submitted comments in the first and second correspondence packages for this item.

Accordingly, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strikethrough~~ format indicates text to be deleted). In all cases, and unless modified by the Commission, the revisions to the recommended findings set forth below will be incorporated into the Commission's adopted findings should the Commission adopt the staff recommendation. In addition, and also if the Commission adopts the staff recommendation, the responses to these comments provided by this addendum will be inserted into the Commission's adopted findings within the section addressing the relevant topic.

Traffic Management

Members of the public have continued to express concerns regarding the potential for traffic backups resulting from operation of both the Dillon Beach Resort and the beach parking lot. As such, commenters have expressed support for the Traffic Management Plan (TMP) special condition requirement while offering additional suggestions to address traffic moving forward and ensure adequate public participation during the TMP development process. Such suggestions include: adding a vehicle turnaround on Resort

property, putting up “no vehicle queuing in roadway” signage, enforcing vehicle queuing prohibitions with a fine, funding parking enforcement by the County Sheriff or other County parking enforcement personnel during peak periods, adding “lot full” signage to all main access points including Dillon Beach Road and Valley Ford/Franklin School Road, and having a Resort staff member manage traffic and turnarounds at certain intersections during peak times. Some commenters also asked that the public involvement requirements be expanded to specifically include the Dillon Beach Neighborhood Group and local residents of Dillon Beach Village, Portola Beach, and Oceana, and that these individuals receive notice via mail and email on the TMP development process. Lastly, concern has been expressed regarding how the requirement of a fair share contribution to the traffic sign will be determined.

Some of the above listed community suggestions would require actions on public roads, or property owned by other individuals, and coordination with other local agencies. Thus, staff finds that the specifics regarding additional traffic management measures are best worked out through the development to the TMP as informed by the required monitoring and community input required by **Special Condition 7** as written. Staff notes that **Special Condition 7** requires consultation with community stakeholders more broadly, as well as evidence of such consultation, so the outreach would not be limited to those parties specifically listed in the condition. With regard to the funding contribution for the electronic sign, the special condition specifies that it will be determined by the Executive Director in conjunction with the appropriate designated entities (e.g., Marin County and Lawsons Landing). Thus, staff believes that the concerns raised regarding traffic are adequately addressed through the existing staff recommendation.

Resort Parking

Several commenters have expressed concerns regarding the sufficiency of parking for the Resort property as a whole (i.e., the café, store, RVs, cottages, and associated staff), noting inconsistencies with the current striping in the café and store lots and the number of spaces noted in the staff report. After further research into this matter and communication with the Applicant, staff has confirmed that the lot is currently striped for 28 parking spaces. As noted in the staff report, the County approved CDP (CP 92-059) for the café and store required at least 24 parking spaces for these uses, leaving 4 striped spaces for employee use. The Applicant notes that they do creatively and proactively use and manage extra available space in their café and store east and west lots (including non-striped areas) to fit up to 6 employee vehicles, while the 6 employees servicing the beach and lot are accommodated in the beach parking lot.

Further, commenters raise concerns that there was never a formal parking assessment for the new park model RV use, and that the 31 space area north of Beach Avenue designated as a parking area for the RVs and cottages is insufficient to accommodate guests, likely leading to spillover in the neighborhoods. As noted in the staff report, staff looked to the requirements of Marin County LCP Section 24.04.340 for hotels and motels (which requires one parking space per guest room, plus one per shift employee) to help provide guidance on the minimum parking requirements for guests (here 31 spaces), and Section 24.04.380 to determine the required parking space size (8.5 feet

wide by eighteen feet long). The length of the parking area north of Beach Avenue (approximately 268 feet long by 18 feet deep) does appear to have enough space to provide for the County required 31 guest spaces. In addition, the Applicant notes that there are few times when the Resort actually reaches full capacity and as such, the rented units are able to use the spaces for unoccupied units. However, it is reasonable to assume that visitors to the Resort may bring more than one car, especially those staying in units that can accommodate up to 6 people. For example, assuming two cars are required for each 6-person unit (instead of one) would raise the parking requirements from 31 spaces to 37. The Applicant has noted that they can accommodate some overflow on their property in the extra space in their adjacent café and store lots (similar to the employee parking discussed above) or ultimately, in the beach parking lot. However, since there is not as much formal available parking in the café and store lots as originally assessed by staff, there appears to be a greater potential for spillover in the event that guests bring more than the one car than allowed per unit, when the Resort is at maximum capacity.

Thus, to ensure that the Applicant is actively managing the Resort parking in a manner that does not result in overflow to the adjacent neighborhoods, Commission staff makes the following changes to the staff recommendation to correct the information regarding existing parking spaces, and require more proactive management of Resort parking which shall include a requirement that all guest vehicles be accommodated on Resort property as indicated on revised final plans with more detail on exact size and spacing; and installation of signage to the parking area north of Beach Avenue to designate spaces for groups of the RV units and cottages.

Thus, the staff report shall include the findings above and modify the first paragraph on page 48 of the staff recommendation as follows:

Coastal Act Section 30252 requires that new development maintain access to the coast including by providing adequate parking facilities. Similarly, LCP Policy CD-10.7 requires that new development provide sufficient parking onsite so that it will not spill over into residential areas. There are no specific parking requirements identified in the LCP for this zoning district and use, however, the certified pending Marin LCP¹ requires that all projects comply with Marin County Code parking requirements specified in Sections 24.04.330 through 24.04.400. The use most closely related to the proposed use identified in Marin County Code Section 24.04.340 for nonresidential developments is hotels and motels which require one parking space per guest room, plus one per shift employee. In this case, the 28 units include a total of 31 guest rooms, requiring at least 31 off-street parking spaces, and the Applicant notes each shift has a maximum of 12 shift employees, requiring an additional 12 off-street parking spaces, or a total off-street parking requirement of 43 spaces. The Applicant proposes to

¹ The Marin County LCP Update was certified by the Commission in February of 2019, other than the Environmental Hazards section. Pursuant to the way in which the County adopted the updated LCP locally, the updated LCP will not be used for CDP purposes unless and until the Environmental Hazards portion is certified by the Commission.

accommodate these required spaces in an unimproved parking area across the street (31 spaces), in a portion of the formal striped parking spaces (and other informal paved areas) in the café and store east and west lots, and in the beach parking lot. and in 12 spaces in the restaurant parking lot². Since it is reasonable to assume that visitors may bring more than one car, especially those staying in units that can accommodate up to 6 people, the Commission recommends special conditions to ensure that the Applicant is actively managing the Resort parking in a manner that does not result in overflow to the adjacent neighborhoods. Thus, **Special Condition 1** requires resort parking management measures including that all guest vehicles must be accommodated on Resort property as indicated on revised final plans with more detail on exact size and spacing; and that installation of signage to the parking area north of Beach Avenue shall be required to designate spaces for groups of the RV rental units. Thus, as conditioned, the Applicant can meet their off-street parking requirements on their property and better manage potential overflow issues consistent with LCP requirements.

In addition, subsection (h) shall be added to **Special Condition 1** as follows:

(h) Resort Parking Management Measures. The Plans shall indicate the formal and informal parking areas for the café, store, RV and cottage guests, and Resort staff. Signs shall be installed in front of the Resort parking spaces north of Beach Avenue designated groups of RV and cottage unit parking spaces. All signage details shall be provided, and shall be sited and designed to protect public views as much as possible (e.g., materials that are made of natural materials and colors that blend with the environment), and final sign designs shall be subject to Executive Director approval.

One submitted comment also notes that the designated parking areas, especially the area north of Beach Avenue, does not meet other Marin County parking standards in terms of required striping with wheel stops, number and size of spaces, safe circulation, landscaping requirements, accessible parking provisions, loading space, and lighting improvements. Staff will note that for CDP purposes, the Marin County LCP, which references these Marin County Code requirements, is not ultimately the standard of review and serves as guidance. In addition, this area appears to have been adequate to accommodate Resort parking in the past, and would appear able to accommodate such parking without significant changes to the parking area itself, including changes that could significantly change the streetscape character (e.g., paving, curbing, etc.). Thus, staff believes that the parking provided is adequate to accommodate the proposed modifications to the RV park as modified through the changes to the staff recommendation above.

Habitat Disturbances

A number of commenters assert that new intensified volunteer trails were created

² The County approved CDP (CP 92-059) for the restaurant and store require at least 24 parking spaces, and 36 spaces are provided, leaving an excess of 12 spaces.

through a cypress grove north of the dune restoration area by people accessing the beach from an adjacent public road, in order to avoid the Resort's parking fees, resulting in erosion around the root column and damage to the habitat area. The Applicant claims such impacts are from a combination of sand naturally moving in and out of the area, volunteer trails created by all visitors (including short-term renters in the neighborhoods surrounding the Resort) and residents, and improperly managed roadway runoff.

Staff ecologist Dr. Garske-Garcia notes that the root erosion shown in the photos submitted by the public is not likely to result in impacts to the cypress trees themselves as cypress trees are uniquely adapted to these kinds of craggy and harsh conditions. Further, the trees are unlikely to qualify as sensitive habitat in this instance, and any attempts to hold sand in place around them are unlikely to be effective in this environment. That being said, this area would benefit from more active management of pedestrian trails and roadway drainage that would be best worked out through a larger public engagement and planning process, including with Marin County, including because only a small portion of this area is actually located on the Applicant's property. Thus, staff recommends that the Applicant work with the community and the County outside of this CDP process to address the effects of 'volunteer' accessways in this area, but does not specifically make changes to the staff recommendation with respect to this issue.

Several commenters have also noted that there has been additional unpermitted development over the years not covered by the staff report, and that such development may have resulted in potential resource impacts (including a drain pipe installed in the beach parking lot leading to Dillon Creek, alterations to the Dillon Creek channel east of Cliff Street, placement of beach fire pits too close to Dillon Creek, plastic pipes installed near the unpermitted well site, installation of a cypress tree hedgerow windbreak on either side of Cliff Street, tree removal and non-native landscaping in the parking island adjacent to the café and store, and allowance of dogs off-leash on the beach and dune areas). Staff has further researched these issues and identified a few slight modifications to the staff report to address additional resource impacts past the current restoration requirements recommended as part of the existing staff recommendation.

Thus, in addition to the findings set forth above, the following findings will be inserted after the second full paragraph of the staff recommendation on page 56:

*Other noted unpermitted development with the potential for impacts to habitat resources include the installed cypress tree windbreaks along Cliff Street, beach fire pits located near Dillon Creek, and allowance of off-leash dogs on the beach. Two rows of cypress trees have also been planted over the years on the east and west sides of Cliff Street without CDPs, impacting the wind flows and potential movement of sand to the inland dune area. Thus, staff recommends that potential removal of these trees be examined through the development of the Habitat Restoration Plan in **Special Condition 4**. Any tree removal activities shall include an examination of potential benefits and impacts to the inland dune area and to access along Cliff Street, as well as the relationship to the sand*

management plan and dune stabilization west of the beach parking lot. The beach fire pits shall be relocated outside of the 100-foot Dillon Creek buffer to minimize the potential for impacts (such as char blowing into the creek), reduce pedestrian traffic in the buffer area, and provide for additional space for the creek to naturally migrate to the north as required by **Special Condition 1**. Further, the Applicant shall take any necessary measures to ensure that off-leash dogs do not enter into the beach dune restoration areas as the habitat is being established as required through **Special Condition 4**.

Subsection (i) shall be added to **Special Condition 1** as follows:

(i) **Fire Pit Relocation:** The fire pits shall be relocated out of the 100-foot Dillon Creek buffer.

Subsection (e) of **Special Condition 4** shall be modified as follows:

(e) **Fencing and Signage.** Fencing and informational signs shall be installed around the restoration areas to identify the restoration areas and protect them from activities that could harm the restoration. All signage and fencing details shall be provided, which shall be sited and designed to protect the restoration and to protect public views as much as possible (e.g., materials that are made of natural materials and colors that blend with the environment, such as rope and post). The Permittee shall take necessary measures to ensure that off-leash dogs do not enter into the beach dune restoration areas as the habitat is being established (e.g. limiting off-leash dogs near the restoration area, educational signage, etc.).

Mitigation Requirements

Many commenters have asserted that the public recreational access (which include sand supply impacts due to unpermitted sand removal) and low-cost visitor serving accommodation mitigation requirements, imposed by the staff recommendation, are not sufficient to address the ongoing violations which occurred on the property over the years and could set an adverse precedent for future Commission actions. Commenters have proposed additional options to supplement the mitigation package including the following: imposition of an in-lieu mitigation fee to address lower cost impacts due to the new high cost units (noted in the staff report as a fee that could be up to \$700,000), imposition of an in-lieu mitigation fee to offset impacts to shoreline sand supply (including as it relates to beaches and public access thereto) from off-site sand movement (estimated in the staff report as a fee that could be up to \$750,000), a reduction in maximum allowed parking fees (including taking the fees back to historic rates), an increase in the amount of free parking hours per day, bathroom improvements (including ADA upgrades and improved maintenance), an ADA compliant parking space at the foot of the restroom, and improved pedestrian access from the beach lot to the Resort including a crosswalk across Cliff Street. Lastly, public commenters request a phased approval of the additional RV units to ensure compliance with all required conditions and allow for more information to be developed regarding traffic, water and septic for the new proposed park model RV use.

The Applicant is also contesting the sunrise and sunset free parking hours recommended by staff, claiming that the designated hours will provide an excessive amount of free parking hours, making it more difficult to regulate and manage the parking lot and potentially leading to additional traffic issues down the line. They also assert that the Commission staff estimate of sand hauling is much higher than the actual amount of sand removed (they estimate 2,168 cubic yards were removed between March and September of 2020, rather than the 10,000 cubic yards estimated by staff in the staff report). Further, the Applicant states that Commission staff directed them to move sand off-site to avoid resource impacts in 2020, and Commission's enforcement staff did not object to the sand placement practice when a complaint was filed in 2011, and, therefore, they take issue with being subjected to such mitigation assessments regarding the impacts to sand supply (and, by extension public beach resource impacts) from off-site sand movement, as identified in the staff report. The Applicant also notes that there are 100 available parking spaces at nearby Lawson's Landing and more than 50 public street parking spaces along Oceana Drive in Dillon Beach, and thus they assert that there are other options for the public visiting the coast, therefore alleviating the impacts of their proposed parking fees. Lastly, they contest the allegations made by members of the public that sand was sold and state that they never received any payments for moving sand off-site.

With respect to lower cost accommodations, staff recognizes that it is difficult to find a comparable metric with which to determine a lower, medium and higher cost rate structure when dealing with the type of unique accommodation and user experience the Resort's park model RVs offer. Similarly, there are very few, if any, private beach parking lots of this scale directly adjacent to a sandy beach like this one that offer essentially the only parking option for visitors to the beach in question, throughout the state. That being said, the methodologies laid out in the staff report are consistent with past Commission practice for similar projects, and staff finds the rental rate and parking fee comparisons, and resultant conclusions, appropriate given this particular set of facts and circumstances. The overall mitigation package has been incorporated to holistically address public access and lower cost accommodation impacts from both unpermitted development and proposed new development. This package includes such public benefits as the 6 lower cost visitor serving accommodations, the modified day and annual pass parking fee structure with significantly more free and lower cost parking options than proposed by the Applicant (including free ADA parking), and various other public access amenities (e.g., bike racks, dog mitt stations, and improved pedestrian access west of Cliff Street). Staff concedes that there are a series of relative judgments inherent in the package as developed, including as the impacts and the potential offsetting types of mitigations are multifaceted (including potential mitigation fees that could be imposed for a variety of impacts), but believes the current staff report recommendation represents an appropriate series of mitigations for impacts observed (both historic and moving forward), and overall an appropriate balance related to the public's interest in Dillon Beach public access as it relates to the Applicant's proposed project and needs.

All that being said, given the concerns raised regarding the beach restroom, including in terms of ADA accessibility for the restroom, it is clear that public access would benefit

from updating the restroom in a variety of ways, including making it more accessible to all users via ADA updates to facilities and parking, and in enhanced maintenance protocols. That said, as indicated above, staff has reached an agreement with the Applicant in large measure on the overall mitigation package, and believes it to be an appropriate package and balance. Yes, the beach restroom could benefit from an upgrade, but such an upgrade would likely require a complete redevelopment or replacement, all of which would need to be based adequacy of water and wastewater facilities that would have to be determined for it (and that haven't been explored to date), and that is a project onto itself that could easily cost in the six-figure range. Thus, while staff supports such improvements, and encourages the Applicant to pursue same through subsequent coastal permitting, staff here is not altering the staff recommendation on this point.

With respect to other issues, while the Applicant does plan to make improvements to the pedestrian access entry point west of Cliff Street adjacent to the vehicle entrance to the beach parking lot, and also plans to keep the pedestrian walkway on the east side of Cliff Street clear of vegetation to improve pedestrian access as part of this CDP (and the staff recommendation), the concerns raised by the public appear to suggest that refinements to the staff recommendation would be appropriate on these points. Specifically, there does appear to be a need to provide for a more formal pedestrian crosswalk across Cliff Street and potentially a second pedestrian access point farther from the beach parking lot vehicle entrance to assist in pedestrian safety and traffic management. That said, staff believes that existing Special Condition 1(e) can account for some of these details and expects that the Applicant's revised final plans will be submitted with such details.

With respect to the Applicant's claims, staff did initially indicate to the Applicant in early 2020 that some sort of *temporary* movement of *excess* sand off-site to avoid resource impacts associated with it if it weren't moved would be permissible in the short-term while the final details of the sand management plan were being worked out. However, once staff became aware of the extent of the amount and frequency of the sand movement, they directed the Applicant to stop such sand movement activities, and to pursue some sort of interim CDP authorization for the temporary sand movement so that the impacts could be properly evaluated and addressed through that process, while the larger CDP was being completed. Ultimately, the Applicant never did pursue any such CDP authorization, and apparently continued to move sand off-site through November (at least based on evidence in the record submitted from members of the public). In addition, in 2011, the County was handling the violations on the property related to sand placement, and at that time Commission enforcement staff *did* object to the County qualifying these activities as exempt maintenance and told the County that such activities required a CDP, including through a letter to the County dated October 7, 2011. Thus, and to the Applicant's claim that it staff authorized them to move the sand they ultimately moved, that is simply not accurate.

Further, the staff report estimates the amount of sand moved off-site based on the reports of same that staff has received to date, and concludes that some 10,000 cubic yards appears to have been taken off-site by the Applicant. To that point, estimates

provided by some members of the public are significantly higher than that of the Applicant,³ and staff has done the best it can to quantify this figure in light of the uncertainties on this point. While staff concedes that the Commission could separately impose a mitigation fee for sand removal, staff also again notes that it took all such impacts into consideration as it negotiated and arrived at what staff feels is an appropriate mitigation package, and one that the Applicant is mostly in agreement with. To this point, these are the types of reasons that suggest that the free parking times required under the staff recommendation, as now requested by the Applicant to be reduced through modifications to **Special Condition 2**, are important components of the mitigation package, and staff does not support changes that would increase beach parking lot fees and/or create more pay parking times. In fact, regardless of other potential parking in the area, the Applicant's beach parking lot still provides the overwhelming majority of the most convenient, accessible access to Dillon Beach. Therefore, it is still staff's position that the mitigation package identified above appropriately mitigates for impacts to public access and recreation overall from historic violations and the proposed uses.

Setbacks

Members of the public note that the current and proposed park model RVs are situated about a foot from the edge of the sidewalk, creating a visually and physically intrusive barrier, in contrast to the previous RVs which appeared to be set back some 5 feet from the sidewalk edge. As such, these commenters request the RV setbacks be adjusted back from the sidewalk by an additional 5 feet. The Applicant notes that their proposed (and current) setback is consistent with the setback of the previous units and meets the setbacks of the original County use permit for the RV Park, but that it may appear to be less given that with the old units, the setback was measured from the protruding hitch tongue, rather than from the flat, vertical surface it is measured from in the newer units. In addition, the Applicant indicates that there is not enough room in the designated RV spaces to shift the units back and that the sidewalk is not in an area of County public right-of-way but is actually on private property and privately maintained.

Staff has confirmed that there are no designated setbacks in the Marin County LCP for the RCR zone or in the existing County use permit. Staff also notes that while the larger massing of the units fronting the public walkway is not ideal, there does not appear to be enough space within the actual designated RV spaces to feasibly add a 5-foot setback to the front row of units. In addition, there do not appear to be inconsistencies with applicable setback provisions. Lastly, since the sidewalk is on private property, the setback from the public right-of-way is actually closer to 5 feet. Thus, although staff is sympathetic to the commenters' issues regarding impacts on sidewalk users, it doesn't believe that these impacts are Coastal Act public access issues of a level that require additional mitigation here in this context.

Well CDP

³ With some commenters' estimates suggesting that some 18,000 cubic yards of sand may have been removed from the system to offsite locations, whereas the Applicant suggests that approximately 2,500 cubic yards were moved.

Some commenters have suggested that the unpermitted well on the Applicant's property (currently being used by CalWater to provide water to the Dillon Beach community) should be addressed through the current CDP application in front of the Commission, and not through a separate CDP process in the future. As stated in the staff report, the water produced by the unpermitted well is not being directly used by the Applicant. Instead, the water is being used by CalWater to supply water to the larger Dillon Beach Community. Since the permitting of the well is being pursued in conjunction with a separate entity and it ultimately affects the community water supply for Dillon Beach as a whole, staff thought it best that the County address this aspect of the project. Thus, staff does not find it necessary to address the unpermitted well as part of this CDP application.

Views

Commenters assert that the new park model units would result in significant losses of both public and private views to the ocean along Beach Avenue. However, these impacts need to be understood in terms of the previous level of view degradation from the prior RVs that were onsite and related currently proposed development at the Resort. While some of the units would be about a foot higher than prior units, they also include a more uniform design (with natural colors, pitched roofs and articulation features), which, when coupled with removal of other miscellaneous structures, including the 575-square-foot bathhouse structure, would create a slightly less visually intrusive and cluttered appearance in staff's opinion. In addition, some public commenters have noted that the park models are reminiscent of the rental cabins that were part of the Dillon Beach community in the first half of the last century. In addition, potential view blockage due to new fencing running between the rows of RVs will be modified to better provide for public views per the staff recommendation. Thus, staff does not find that any additional view mitigation is necessary past what is already required as part of the existing staff recommendation.

Other

In correspondence submitted by the Applicant, an error was identified in the staff report regarding the remaining owner-occupied spaces. Staff notes that it was always under the impression in its dealings with the Applicant that all of the owner-occupied units had been vacated, and indeed this was part of the foundation for the staff recommendation. However, it turns out that there remain two owner occupied units, for which the Applicant indicates pay month to month for their spaces and have indicated that they will be ready to go when the Applicant is ready to bring the new units into their spaces. Although an error, the change does not require further changes to the staff recommendation because the owner-occupied spaces will become available for the new units when the remainder are being installed. In order to correct the error, the second sentence at the top of page 22 of the staff recommendation is modified to correct the record regarding current site conditions:

purchase, the current owners raised the rent until it was \$1,700 per month to rent one space. All but two of the owner-occupied RVs have since vacated Dillon Beach Resort, and the other two will be vacated once the new units are ready to be installed. In January of 2019, Commission staff was informed that the

Applicant had brought in 12 park model units and constructed associated development, including fencing and pavers, within a subset of the vacated RV parking spaces and started to rent them out, all without CDP authorization,⁴ and the Commission opened violation number V-2-19-0016 at that time (see also violation finding).

Some commenters claim that the septic plan upgrade for the cottages is omitted and notes inconsistency with Marin County septic requirements for setbacks from paved areas and from bluff features with particular reference to the eastern leach field. Staff notes that the septic for the cottages is addressed in the staff recommendation, including the required removal of leach fields and piping currently located in environmentally sensitive habitat areas. Public commenters also claim that the project will need County approval of a new use permit and Master Plan Permit. Staff has spoken with the Marin County Development Agency Assistant Director, Tom Lai, who asserts that the proposed development is not a change in use and is in substantial conformance with the existing use permit. Thus, from Marin County's perspective this proposal does not trigger a Master Plan or new use permit County process. Further, **Special Condition 11** requires documentation of authorizations from all entities from which such approvals are necessary, including Marin County who would be the most appropriate entity to determine consistency with County septic code requirements. Thus, the staff recommendation accounts for any necessary local approvals required outside this process.

Commenters also note potential impacts to archeological resources that have not been addressed by a site survey. As noted in the staff report, through Commission staff consultation with the Federated Indians of Graton Rancheria, it was agreed that in order to adequately protect Tribal, archeological, cultural and historic resources, the presence of a Tribal Cultural Monitor during ground-disturbing activities would be required, and that if any articles of significance are discovered during construction, all activity that could compromise such resources must cease. In addition, the Applicant is required to work with the Tribe to reach an agreement on disposition that adequately protects all Tribal Cultural Resources. All of these are requirements of the CDP through **Special Condition 12**.

A member of the public claimed via correspondence that the interior remodel to the café, store and cottages was unpermitted. However, the Applicant has provided evidence of building permit approvals from Marin County for such interior remodel, repair, and maintenance work (building permit numbers B159506, B14747, B14825, B17348 from 2018 and 2019).

A member of the public also notes that the storage units located at the Pacific Marine Station parcel owned by the Applicants (and located on the seaward side of the road leading to Lawson's Landing from Dillon Beach) is another unpermitted activity without

⁴ The Applicant asserts that it did so after consulting with HCD, including based on the premise that only HCD approval was necessary, and not CDP approval. However, as indicated above, CDPs are still required for development at this location.

adequate authorization. Review of historical aerial imagery shows that the pre-coastal buildings associated with the Pacific Marine Station were demolished sometime between 1979 and 1986, and the two storage units were placed in 2009. Staff has not to date identified any CDPs associated with such development. Upon recent notification of this issue, the Applicant requested inclusion of these storage units as part of this CDP approval. However, staff has not had time to fully research the history here, including importantly the CDP history, and is not now in a position to be able to evaluate such development (including ATF development if that is what has occurred here). As such, these storage units and the Pacific Marine Station parcel would need to be the subject of further sperate CDP analysis.