

## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT  
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# F13b

**2-20-0018 (Dillon Beach Resort)**  
**February 12, 2021**

**EX PARTE**

## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: Dillon Beach Resort, Dillon Beach, Marin County. (# 2-20-0018)
- 2) Date and time of receipt of communication: Feb. 1, 2021 at 3:30pm
- 3) Location of communication: Telephone  
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:  
Breeze Kinsey
- 5) Identity of person(s) on whose behalf communication was made:  
Dillon Beach Resort
- 6) Identity of persons(s) receiving communication:  
Roberto Uranga
- 7) Identity of all person(s) present during the communication:

Steve Kinsey, Celina Luna, Ben Smith, Mike Goebel, Commissioner Uranga

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a phone call with representatives of the Dillon Beach Resort and their consultant. They provided an overview of the project seeking a CDP from the Commission followed by an presentation illustrating the staff recommended Condition #2 related to free parking in the Sunset lot. The owner's representatives feel that the recommendation from staff would not be fair, equitable, and balanced. They highlighted an amendment that would bring the Commission staff and applicants into full agreement.

02/02/2021

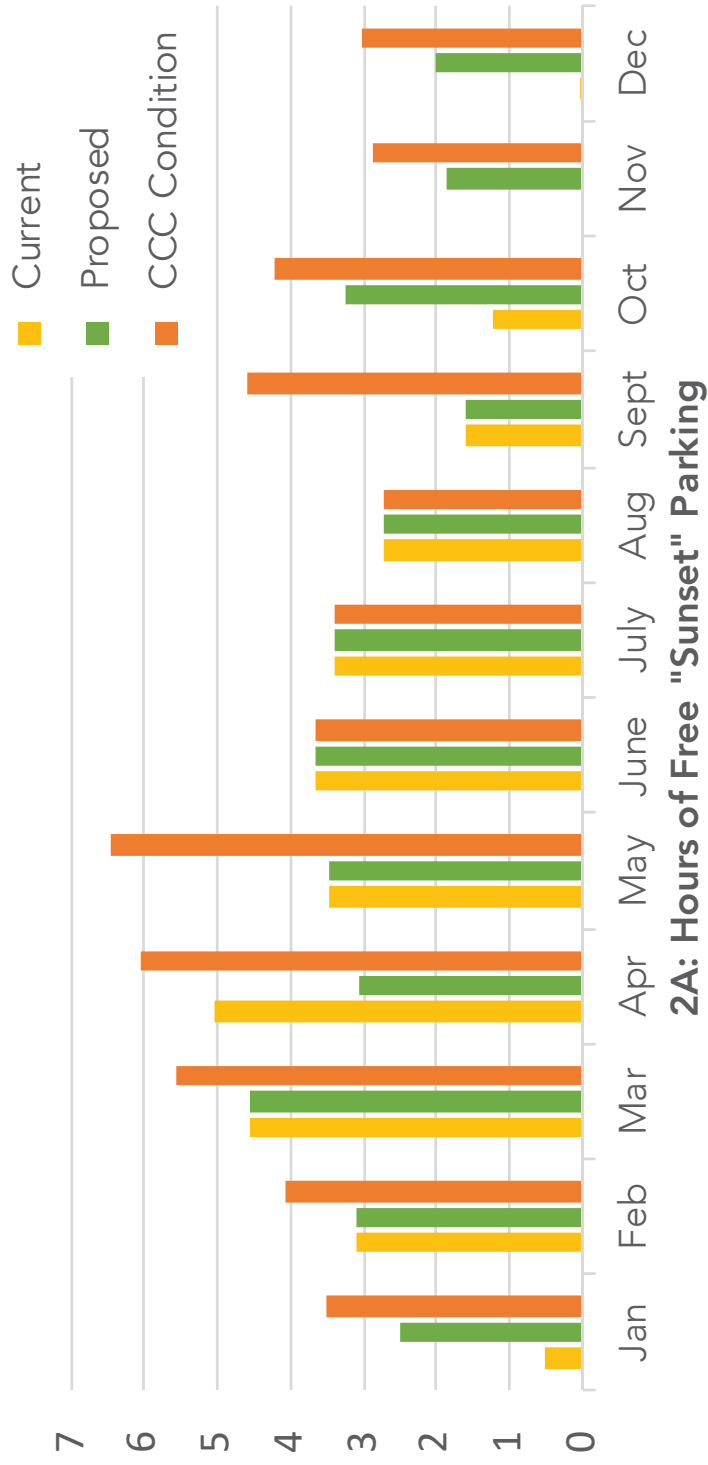


Date

Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.





|                    |     |     |      |     |
|--------------------|-----|-----|------|-----|
|                    | Apr | May | Sept | Oct |
| CCC Condition      | 53% | 55% | 51%  | 48% |
| Proposed Amendment | 29% | 32% | 27%  | 22% |

**2B: Daily Percentage of Free Operating Hours in Shoulder Months**

This document identifies the applicant's single requested amendment to the staff's Special Conditions recommendation

## 2. Beach Parking Lot Fee Schedule.

Vehicle parking fees may be charged at the beach parking lot provided they are no more than as follows:

- **Sunrise/Sunset Arrival:** Vehicles arriving during sunrise hours (from gate opening to 9am year-round) and sunset hours (after 3pm 4PM during winter from October 16 through April 15 and after 6pm during summer the remainder of the year (i.e., the Saturday of Memorial Day to the Sunday of Labor Day weekend, inclusive), shall park for free.
- **Regular Day Fee:** For vehicles arriving at any time other than the sunrise/sunset arrival times (see above), the fee shall be \$10 per vehicle per day other than during that time on summer weekends (i.e., the Saturday of Memorial Day to the Sunday of Labor Day weekend, inclusive) when it would be \$15. For motorcycles, the fee during such times is always \$5.
- **Vehicle-type Fee:** Notwithstanding the above early/late arrival free options and regular day fees, fees are \$20 per RV per day and \$30 per bus per day at all times.
- **Annual Fee:** Annual fees shall be no more than \$160 per vehicle per year.
- **Free Parking:** Parking shall be provided for free for anyone with a valid California State Parks Golden Bear Pass, Marin County Parks Library Pass, or Sonoma County Parks Vehicle Entry Pass.
- **ADA Parking:** 10 ADA parking spaces shall be provided, and free parking shall be provided to those with an ADA placard/ADA plates.
- **Other:** Visitors arriving on foot or by bike shall be allowed to access and use the beach parking lot and all related facilities for free.

The Permittee shall advertise the above beach parking lot fee schedule, including the free parking options, online (i.e., on all Dillon Beach Resort related websites) and on-site at the Dillon Beach Store and Café, Dillon Beach Resort, and at the beach parking lot, and shall provide a description of all such measures for Executive Director review and approval.

### Clean version of the Owners' requested condition language

**Sunrise/Sunset Arrival:** Vehicles arriving during sunrise hours (from gate opening to 9am year-round) and sunset hours after 4PM from October 15 through April 15 and after 6pm during the remainder of the year shall park for free.

Coastal Commission Agenda Item 13b, February 12, 2021

CDP #

Ex Parte with Commissioner Roberto Uranga

Date/Time: 3:30-4PM on February 1, 2021

Participants: Ben Smith, owner representative  
Mike Goebel, owner representative  
Steve Kinsey, CivicKnit, planning consultant

Subject: The Owners and their consultant provided an overview of the Project (Figure 1) seeking a CDP from the Commission, followed by a presentation illustrating the staff's recommended Condition # 2 related to free "Sunset" parking would not be fair, equitable, and balanced (Figure 2). They described a limited amendment for Commission consideration that would bring the Commission staff and the applicants into full agreement (Figure 3).

All information sent to Commissioner Uranga was simultaneously provided to Commission staff.

## Rexing, Stephanie@Coastal

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**From:** Steve Kinsey <steve@civicknit.com>  
**Sent:** Monday, February 8, 2021 5:17 PM  
**To:** Rexing, Stephanie@Coastal; Manna, Jeannine@Coastal  
**Subject:** Ex Parte info sent to Commissioner Rice  
**Attachments:** Sunset Parking 3.pdf; Site Overview & Sunset Parking.pdf; Pfeifer 7-16 email supporting off-haulSand management .pdf

Jeannine and Stephanie,

I am providing you with three attachments that were distributed to Commissioner Rice in advance of our 4PM meeting with her today. You have already received one of the attachments. The second one is a chart that illustrates that the applicant's proposed amendment to the posted staff report would move free sunset access from none today to over 1000 hours a year. Free morning access and free access for ADA visitors and low income users would be in addition to that.

The third attachment is a copy of one of two emails that Sara Pfeifer sent the applicants directing them to haul sand away from the beach until a permit was granted. I have checked my emails and found no subsequent one directing the owners not to remove any more sand, but once the calls started coming in to you and I spoke with Jo Ginsberg about them, I emphasized the importance of stopping the off-haul, and the owners complied, except for a single day when sand was moved back onto the beach.

The owners would like an opportunity to review the sand hauling characterization with you if you are available to speak at any time on Wednesday. I will send you their documentation of the amount of sand hauled away later tomorrow after receiving an invoice from the transport company.

Thanks,

Steve



Steve Kinsey  
415.307.1370  
P.O. Box 81  
Forest Knolls, CA 94933

Begin forwarded message:

**From:** Steve Kinsey <[steve@civicknit.com](mailto:steve@civicknit.com)>  
**Subject:** Fwd: Ex Parte info

| Sunset Parking Hours                 |             |  |   |   |
|--------------------------------------|-------------|--|---|---|
| Month                                | Sunset Time | Current  | Staff Recommendation  | Proposed Amendment  |
|                                      |             | <ul style="list-style-type: none"> <li>• 4 PM – Feb - Apr</li> <li>• 6 PM – May - Jan</li> </ul> \$5 | <ul style="list-style-type: none"> <li>• 3 PM – Sept - May</li> <li>• 6 PM – June - Aug</li> </ul> Free | <ul style="list-style-type: none"> <li>• 4 PM – Oct 16 - Apr 15</li> <li>• 6 PM – Apr 16 - Oct 15</li> </ul> Free |
| January 30                           | 5:31 PM     | 0:31   | 3:31  | 2:31  |
| February 28                          | 6:05 PM     | 3:05   | 4:05  | 3:05  |
| March 30                             | 7:34 PM     | 4:34   | 5:34  | 4:34  |
| April 30                             | 8:03 PM     | 5:03   | 6:03  | 3:03  |
| May 30                               | 8:28 PM     | 3:28   | 6:28  | 3:28  |
| June 30                              | 8:39 PM     | 3:39   | 3:39  | 3:39  |
| July 30                              | 8:23 PM     | 3:23   | 3:23  | 3:23  |
| August 30                            | 7:44 PM     | 2:44   | 2:44  | 2:44  |
| September 30                         | 6:36 PM     | 1:36   | 4:36  | 1:36  |
| October 30                           | 6:14 PM     | 1:14   | 4:14  | 3:14  |
| November 30                          | 4:52 PM     | 0:00   | 2:52  | 1:52  |
| December 30                          | 5:01 PM     | 0:01   | 3:01  | 2:01  |
| Approximate Annual Free Sunset Hours |             | 0  | 1525  | 1070  |

**From:** CivicKnit [steve@civicknit.com](mailto:steve@civicknit.com)  
**Subject:** Re: Sand management  
**Date:** July 23, 2020 at 4:43 PM  
**To:** Pfeifer, Sara@Coastal [Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)

SK

Sara,  
9AM would be fine. I look forward to talking in the morning.

Steve

Sent from my iPhone

On Jul 23, 2020, at 4:33 PM, Pfeifer, Sara@Coastal <[Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)> wrote:

Hello Steve,

Attached you will find our response to the proposed sand management plan, as well as to the July 17 email providing an update on the sand transport conditions at the Dillon Beach parking area. In my email last week, I suggested that any change to the currently agreed upon sand management activities may be resolved through an emergency permit, however, it has become clear that we can't use this approach because the requirements (for emergency permits) limit these instances to unforeseeable circumstances. As such, we suggest that DBR apply for a permit to authorize an interim sand management program. I propose that we could work together to get this item on the next hearing agenda (August) as a waiver. This waiver would function similarly to DBR's waste management waiver (CDP 2-19-0973-W), where the measures allowed would be temporarily authorized, with a longer-term solution incorporated into the comprehensive DBR permit (CDP 2-20-0018), and with this temporary authorization extending until CDP 2-20-0018 is issued, or through May of 2021 (whichever occurs first).

Can you please confirm that 9 am would be early enough for a conversation about our recommendation? As soon as I hear back, I'll follow up this email with a meeting invitation.

Thanks,  
Sara

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**From:** Steve Kinsey <[steve@civicknit.com](mailto:steve@civicknit.com)>  
**Sent:** Thursday, July 23, 2020 3:52 PM  
**To:** Pfeifer, Sara@Coastal <[Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)>  
**Subject:** Re: Sand management

Sara,

I am available early tomorrow. If you are, please send an invite and we are all go. The DBR revised application is at the printer now and will be sent in tomorrow.

Thanks,

Steve

<logo with name small.png>

Steve Kinsey  
415.307.1370  
P.O. Box 81  
Forest Knolls, CA 94933

On Jul 23, 2020, at 3:18 PM, Pfeifer, Sara@Coastal <[Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)> wrote:

Hi Steve,

Just wanted to let you know that I'm drafting up our response now and should have it to you

within an hour. Maybe we can also set up a time to discuss tomorrow, if you are available?

Cheers,  
Sara

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**From:** Steve Kinsey <[steve@civicknit.com](mailto:steve@civicknit.com)>  
**Sent:** Friday, July 17, 2020 4:16 PM  
**To:** Pfeifer, Sara@Coastal <[Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)>  
**Subject:** Re: Sand management

Sara,

Thanks for your recent note. We are all being tested by the working conditions imposed by the pandemic, so I fully understand how review of the sand management plan requires a bit more time at your end. Until you are able to provide your review comments on it, the owners have voluntarily agreed to refrain from returning sand to the beach.

As the owners have asserted from the beginning of our collective efforts to address the Resort's permitting issues, they consider sand management to be a pre-coastal maintenance practice that is not subject to additional permitting. At the same time, they sincerely want clearing of the parking lot to be done in the most scientifically beneficial manner. That's why they have retained a biological consultant, and are inviting Coastal commission staff input before resuming placing sand back on the beach.

As of today, we have completed our re-submittal package and are sending it to the owners for their final review. I am confident that we will be submitting the entire revised application to you by the end of next week.

Stay safe in these confusing and uncertain times, and let's each dream of the time when a day at the beach returns to being a joyful proposition rather than a constrained one.

Steve

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Steve Kinsey  
415.307.1370  
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On Jul 16, 2020, at 1:37 PM, Pfeifer, Sara@Coastal <[Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)> wrote:

Good afternoon Steve,

Thank you for providing us the update on the sand management issues at the Dillon Beach parking lot. As you likely are aware, our staff has a heavy workload and thus the typical turn-around for review of materials is 30-days. It is not uncommon for us to need all of this time for review. It was also our understanding that our feedback would inform the long-term sand management plan, not any short-term activities, as we had already agreed that DBR would temporarily move excess sand off site in order to avoid any resource impacts. That plan has generated concerns from the public, and your email below provides an additional rationale for why this approach is no longer viable. Based on this email, we now believe the most appropriate interim approach would be for DBR to apply for an [emergency permit](#) for the removal of sand from the parking lot, and later incorporate the follow up to this permit into the broader permit.

Our team is currently synthesizing recommendations on your sand management proposal, however, I've asked our team to speed up this review so that this guidance could inform the emergency activities, and will be in touch with you about it asap. We recommend that DBR hold off on any other sand management activities aside from either transporting offsite (as previously agreed upon) or moving excess sand into existing parking spaces, until we can get back to you about the least environmentally damaging temporary approach.

Please let me know if you have questions.

Thank you,  
Sara

Also, I received the summary of your conversation with Stephanie Rexing, in regard to the water well.

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**From:** Steve Kinsey <[steve@civicknit.com](mailto:steve@civicknit.com)>  
**Sent:** Monday, July 13, 2020 2:15 PM  
**To:** Pfeifer, Sara@Coastal <[Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)>  
**Cc:** Mike Goebel <[mike@dillonbeachresort.com](mailto:mike@dillonbeachresort.com)>  
**Subject:** Sand management

Sara,

You may be aware that the past few weeks have been exceptionally windy along the Marin coast. That has made sand management in the parking area of the Dillon Beach Resort (DBR) especially challenging. Twice within the past two weeks, visitors' cars have gotten stuck, requiring heavy equipment towing to free them.

It seems like everyone agrees that the preferred location for the sand is back where it came from. WRA, the Resort's biological consultant has done its own assessment and identified locations that would not encroach on the sensitive areas around Dillon Creek or any other biologically significant flora or fauna.

DBR voluntarily suspended its historic placement of sand on the beach at the Commission's request, even though the activity is pre-coastal, was not contested by CCC staff in 2011 communications with the prior owners. It has now been scientifically evaluated and deemed to be the preferred practice. Out of respect for your role, DBR provided you with their sand management plan on June 22nd and asked for suggestions you'd like them to consider before resuming placement of sand back on both side of the dune immediately west of their parking area. If you wish to comment on their plan, this week would be the time to do so.

Without a definitive response from your agency, they will resume their historic sand management practice of returning sand to the beach area weekly in the near future. In the meantime, they are struggling to keep the parking lot safe by having the material transported off site. They have also reached out to Lawsons Landing, who have expressed some potential interest, but only for a portion of the sand that enters the parking lot, and not on a regular basis. We have also reached out to Marin county regarding their studies that are considering nature-based sea level responses in Stinson beach and on Tomales Bay. The County's studies are preliminary in nature, and any ideas worth implementing will be years away from starting.

Please let me know your thoughts on this matter at your earliest opportunity.

Thanks,  
Steve

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Steve Kinsey  
415.307.1370  
P.O. Box 81  
Forest Knolls, CA 94933

<DBR Sand Management Response\_7.23.20.pdf>