

**Staff Report Supplement #1  
Local Coastal Program Amendments (LCPA)**

**ERRATA**

**Exhibit 1 – Staff Recommendation**

**Uses in ESHA and Site Assessments (p.11):** Add the word “significant” to C-BIO-2.1 (mirror Coastal Act Section 30240(a) “significant disruption”) and correct minor typo in C-BIO-2.3. A corresponding change should be incorporated into the changes shown on Exhibit 2 p.9.

**C-BIO-2 ESHA Protection**

1. Protect ESHAs against **significant** disruption of habitat values, and only allow uses within those areas that are dependent on those resources or otherwise provided in C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging) or C-BIO-24 (Coastal Streams and Riparian Vegetation). Disruption of habitat values occurs when the physical habitat is significantly altered or when species diversity or the abundance or viability of species populations is reduced. The type of proposed development, the particulars of its design, and its location in relation to the habitat area, will affect the determination of disruption.
2. Control public access to ESHAs, including the timing, intensity, and location of such access, to protect against significant disruption of habitat values. Public access trails are considered resource dependent uses
3. Avoid fences, types, roads, and structures that significantly inhibit wildlife movement, especially access to water.
4. Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures or precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.

**Prescriptive Rights (p.20):** The memorandum for November 13, 2012 recommends that “potential prescriptive rights” be stricken from Policy C-BIO-9. Staff inadvertently neglected to strike through a reference in Policy C-BIO-9, which should be corrected as shown below. A corresponding change should be incorporated into the changes shown on Exhibit 2, p.12.

**C-BIO-9 Stinson Beach Dune and Beach Areas**

Prohibit development that would adversely impact the natural sand dune formation, sandy beach habitat **and potential prescriptive rights** in the areas west of the paper street Mira Vista and the dry sand areas west of the Patios. Prohibit development west of Mira Vista, including erection of fences, signs, or other structures, to preserve the natural dune habitat values, vegetation and contours, as well as the natural sandy beach habitat, ~~and to protect potential public prescriptive rights over the area.~~ Continue to pursue a land trade between the lots seaward of Mira Vista and the street right-of-way to more clearly establish and define the boundaries between public and private beach areas.

## Exhibit 2 – Compilation of Revisions

**Wetland Buffer Adjustments (p.15):** Correct typo.

**C-BIO-19 Wetland Buffers.** Consistent with Policy C-BIO-3.1 (ESHA Buffers), maintain a buffer area, a minimum of 100 feet in width, in a natural condition along the periphery of all wetlands. A wider wider An additional buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary, and the site assessment concludes that a buffer greater than 100 feet in width is necessary to protect wetland resources from the impacts of the proposed development, including construction and post-construction impacts. ~~Coastal Permits shall not authorize~~ No development shall be permitted within the wetland within these buffer areas unless such development the project is otherwise determined to be consistent with policy authorized by C-BIO-2 (ESHA Protection), C-BIO-14 (Wetlands), C-BIO-15 (Diking, Filling, Draining and Dredging, or Policy C-BIO-20 (Wetland Buffer Adjustments) and Exceptions.

**Policies for Interpretation of the Land Use Plan (INT) (p.22):** Further clarify the role of community plans.

**C-INT-3 Community Plans.** Community Plans are part of the Marin Countywide Plan (CWP), and are implemented through measures such as Design Review and Use Permits. The existing Dillon Beach and Bolinas Gridded Mesa community plans have been certified by the Coastal Commission and made part of the LCP; all other community plans have not. However, the public LCP process identified many community plan policies that have been directly incorporated into, and will be implemented through, the LCP. Although separate from the LCP, community plans remain as important and relevant policy guides for development in their respective communities.