



March 28, 2016

Marin County Community Development Agency

Jack Liebster

Via email: [marinlcp@marincounty.org](mailto:marinlcp@marincounty.org)

Re: Local Coastal Program Update Draft Environmental Hazards Policies

Dear Mr. Liebster:

The Environmental Action Committee of West Marin (EAC) offers the following comments on the draft Environmental Hazards policies for the LCP update posted on the CDA website this month. Because in several respects the draft policies are fundamentally inconsistent with the Coastal Act, we are not providing comments on the accompanying draft Implementation Program.

As a general comment, the policies need to explicitly state that cumulative redevelopment resulting in replacement of 50% of a structure over time constitutes a replacement structure under Section 30610(d) of the Coastal Act. Removing references to redevelopment misleadingly suggests that these policies only apply to new structures.

Our specific comments on various policies are outlined below.

**C-EH-1**

The policy should not focus only on safety, but also on protection of public access, natural resources, and visual and scenic resources over the lifetime of the development.

The word “new” before “development” should be deleted.

The time-frame referenced should be the lifetime of the development, with a minimum of at least 75 years.

### **C-EH-2**

The policy should specify that the “document” being recorded is a deed restriction.

### **C-EH-3**

C-EH-3(1) refers to Chapter 23.09, which is not certified by the Coastal Commission. The language of 23.09 should be incorporated into the IP. (Note: 23.09.030(38) defines “substantial improvement” using the 50% of market value rule.)

In C-EH-3(3), insert “nor adversely impact coastal resources including public access, natural landforms, or scenic and visual resources” after “the stability of the area”.

The referenced “Potential Sea Level Rise Maps” are not publicly available.

The paragraph beginning with “To minimize risks to life and property...” should be deleted. It is inconsistent with Coastal Act Sections 30251, 30253, and 30610 and others because it relies on evading the permit process. It is also internally inconsistent with IP permit procedures.

### **C-EH-5**

This sections should be retitled as “Blufftop and Shoreline Hazards” (remove the word Erosion) so that it can encompass wave runup and wave impacts, etc.

C-EH-5(A) should be retitled as “Blufftop Development” to recognize that there are hazards other than erosion.

In the last sentence of the initial paragraph insert “based on best available science” after “potential sea level rise estimates...”

For consistency with the first sentence, reinsert the deleted reference to existing shoreline devices.

We are unsure why the (B) in C-EH-5(~~B~~) is crossed out. This section should be retitled “Shoreline Development.”

The policy needs to specify what constitutes “safe from shoreline erosion,” or instead reference the Coastal Act standard of “ensure stability and structural integrity.”

Delete “new” before “shoreline protective devices.”

In the sentence starting “A coastal hazards analysis shall evaluate...” the “other hazards” should be enumerated and should include changes in impacts due to expected sea level rise.

The last sentence is inconsistent with Chapter 3 policies regarding protection of coastal resources.

#### **C-EH-8**

Delete “new” before development in the first sentence.

#### **C-EH-9**

C-EH-9 is internally inconsistent. It allows a different height limits from different reference points for new structures and existing structures.

There is no **C-EH-10**.

#### **C-EH-11**

This policy contemplates buildings that may be more than 40 feet tall from ground level, but does not include protection of community character or visual resources.

#### **C-EH-13**

Delete “Discourage” and substitute “Except as provided below, prohibit...”

In the second paragraph: regardless of the intent, if deep piers or caissons function as shoreline protective devices, they should be considered shoreline protective devices.

In C-EH-13(8), the specified time period should be the maximum allowed, and the device should be removed when it is not longer required or allowed (because the structure is gone or a “replacement structure” has taken its place.)

“Maintenance” of the device should be defined.

#### **C-EH-15**

C-EH-15(2) Should say “...easily relocatable and/or removable in their entirety...”

#### **C-EH-22**

First sentence should start “The County shall use...”

**C-EH-24**

C-EH-24(3) A replacement structure larger than the destroyed structure should not be exempt from a coastal development permit.

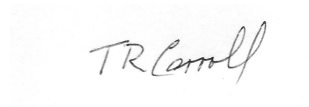
C-EH-24(4) At the end of the sentence, add "...unless the planning director determines that a relocation due to proximity to sensitive coastal resources is warranted."

**C-EH-25**

The policy should require at least a *de minimis* permit rather than a waiver.

Thank you for considering our comments.

Respectfully,

A handwritten signature in black ink that reads "TR Carroll". The signature is written in a cursive, flowing style.

Terence Carroll  
Board Member  
Environmental Action Committee of West Marin