

## Drumm, Kristin

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**From:** John Sharp <john@johnsharplaw.com>  
**Sent:** Monday, December 03, 2018 12:27 PM  
**To:** MarinLCP; BOS  
**Subject:** PUBLIC HEARING - BOARD of SUPERVISORS: Date: 12/4/18 Subject: LCP Amendments  
**Attachments:** Letter Sierra Club to Marin BOS re Marin LCP 4.24.2018.pdf

Dear President Connolly and Members of the Board:

This office represents Sierra Club, with reference to ongoing proceedings at the County and Coastal Commission, regarding proposed Local Coastal Plan amendments and implementation. I attach our prior correspondence, from earlier this year, for consideration as part of tomorrow's proceedings. Sierra Club's concerns have not been addressed.

We note that Environmental Action Committee of West Marin ("EAC"), wrote to the Planning Commission on October 10, 2018. Sierra Club shares many of EAC's concerns., and generally supports its proposed revisions. Rather than repeat said concerns and revisions. Sierra Club identifies them, in EAC's letter, as set forth at pages 4 through 7, in their Second, Third and Fourth concerns.

The references to expanded/amended definitions of Principal Permitted uses are shared by Sierra Club. As has been stated by Sierra Club since at least 2014, the relaxation of the requirements for application for, and public input regarding, expanded density, associated with agricultural use, portends land-use impacts which must be part of a public review process, given the sensitivity and limited nature of resources to be protected in the Coastal Zone.

Furthermore, as we have maintained from the outset of these proceedings, no meaningful functional equivalent for environmental review purpose, has ever been incorporated in the County's application, or in the November, 2017 approval by the coastal Commission.

Sierra Club will be represented at the hearing, to elaborate. Please include this correspondence in the administrative record.

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April 24, 2018

VIA EMAIL ONLY

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Marin County Board of Supervisors  
Marin County Civic Center  
3501 Civic Center Drive  
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Re: *Local Coastal Plan Amendments*  
*Hearing Date: April 18, 2018; Agenda Item: 20*

Dear Chair Connolly and Members of the Board:

This office represents Sierra Club with reference to the above-referenced hearing, which pertains to Local Coastal Plan Amendments, which are to be considered by the Board at its meeting today. Please provide the undersigned with copies of any and all agendas, staff reports, Resolutions, and other documents generated in conjunction with this item. Sierra Club reserves the right to submit such further comments, up to and including at the hearing, as may be appropriate. Please include this letter and any other documents submitted on behalf of Sierra Club in the administrative record of proceedings. Our prior correspondence is incorporated by reference.

1. The proposed 4/24/18 Resolution and attachments (“the Resolution”) gives lip service to the Functional Equivalent requirement for environmental review purposes (Draft Resolution, pg. 5 of 9), but the impacts of the County’s proposal are not consistent with meaningful environmental review under either CEQA or CCC standards. Thus, environmental protections have been ignored, as embodied in the comments below.

2. At page 7 of 9, the Resolution states that “all individuals, groups, etc. desiring to comment....were given adequate opportunity to submit oral and written comments on the LCP Amendments.” The proposed Resolution goes on to say that the County has met or exceeded noticing requirements. Whether or not this is technically true, the spirit of the referenced statutes has not been met in the sense that, in many instances, minimum notice was given, prior to

hearings, and the overwhelming public interest in the LCPA/IP/LUPA should have compelled more complete outreach and more notice to the interested parties. No one sought out Sierra Club, notwithstanding our consistent presence, in person and in writing.

3. Regarding Attachment 4 (Comparison between proposed LCPA and existing LCP, pg. 4, housing): the provisions of the Agricultural Worker Housing proposal, allowing for further subdivision for worker housing, and allowing said housing as a principal permitted use, creates potential for high levels of density, without identified mitigation, infrastructure, environmental review, public review (on a case-by-case basis), or County controls, via conditions of approval, over density-related impacts.

4. Similarly, the Agricultural Chapter of the LUPA, etc. (Attachment 4, pg. 6) with reference to LCPA, expands the potential for un-reviewed, increased density, by adding housing units on Agricultural land, providing for 7,000 sq. ft., plus 500 office sq. ft. and 540 garage sq. ft., of residential use on farms lands, and legalizing previously unbuildable land, under the rubric of “farm tracts”. Use permit approval is eliminated, thus, no meaningful public, planning or environmental review would be required on a structure-by-structure basis.

5. Attachment 4, pg. 7, adds Permit Streamlining in the LCPA. The proposed streamlining of permits in the Coastal Zone represents a complete departure from protections heretofore created, to avoid excessive development in the Coastal Zone. From top to bottom, beginning with reference to “minor development” the proposed Permit Streamlining waives review by both the County and the public, eliminates needed protections associated with current Height, Floor Area Ratio and Setback standards, and otherwise eliminates or abdicates responsibilities for assuring orderly development in this sensitive zone.

The County proposes important LCP/LCPA/LUPA changes. It has done so in such a chaotic way, due to a combination of last-minute noticing, exclusion of important environmental entities and constituencies, relaxation of Coastal Zone building requirements and elimination of police powers/local control provided under Article XI of the California Constitution, that the public trust is not served by the County’s proposed Amendments. The County has routinely ignored or insisted on important conditions, proposed by the Coastal Commission. Accordingly, the Amendments fail not only their face, but in the context of so-called “functional equivalency”.

Marin County Board of Supervisors  
April 24, 2018  
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For the above-stated reasons, Sierra Club requests that the proposed Amendments reflected in the April 24, 2018 Agenda materials be denied.

Very truly yours,  
LAW OFFICES OF JOHN E. SHARP

John E. Sharp

JES/aea