

## **INVERNESS ASSOCIATION**

***Incorporated 1930***

Post Office Box 382  
Inverness, California 94937

**To: Marin County Board of Supervisors**

**From: Inverness Association**

**Date: 2/22/2013**

**RE: LCP hearing 2/26/13: appeal areas**

The Board of Directors of the Inverness Association respectfully submits these comments regarding the proposed revisions to Coastal Commission appeal jurisdiction areas (Staff Report Attachment #3 p. 13; Appeal jurisdiction areas, Maps 28a, 28b.)

Under the current LCP all non-federally owned land west of Highway One is in the geographic area that allows appeals of a coastal permit to the Coastal Commission. This area includes the entirety of the village of Inverness.

In contrast, the preliminary LCP Amendments (Map 28a) show that nearly all of the community of Inverness has been removed from the appeal jurisdiction area, leaving as appealable to the Commission only those parcels located with 100 feet of a stream and the parcels in the Inverness Seahaven subdivision between Sir Francis Drake Boulevard and the northern Inverness community boundary. No explanation for these revisions affecting the Inverness area have been provided.

In fact, the new Map 28a is not consistent with the requirement that the appeals area includes property between the sea and “the first public road paralleling the sea ... connected with other public roads providing a continuous access system” [14 CCR § 13577 (i)(1)]. Beginning at the southern Inverness community boundary there is no public road that provides continuous access to the north and to the south along the California coast. The Inverness public road system consists of Sir Frances Drake Boulevard and many side roads, almost all of which are “dead ends” and do not have a return loop or connection. The current LCP therefore designates all of Inverness and the segments of Tomales Bay State Park west of Highway One as part of the appeals area.

The regulation governing the establishment of an appeals area (14 CCR § 13577) has two types of exceptions to this “first public road paralleling the sea” standard:

1. Areas where the grounds for appeal do not concern whether development conforms to the certified LCP [§ 13577 i(3); PRC 30603, (b) (1) and (b) (2) ]

This exception is not applicable. Development on parcels in Inverness is regulated by the current, certified LCP and is intended to conform to LCP policies.

2. All parcels between the sea and a public road, plus parcels immediately adjacent of the sea inland of that public road [§ 13577 i(2)].

To be applicable this exception must include parcels adjacent to the road inland of the sea (Tomales Bay).

**The Inverness Association requests that prior to adopting the LCPA the Board obtain an explanation for the revised appeals area. Lacking a compelling explanation, a development in any portion of Inverness should conform to the certified LCP and should be appealable to the Coastal Commission if it is believed not to meet that requirement.**