

Please note that Commission staff is aware that you have been operating a recreational facility for many years at Lawson's Landing, and that you provide valuable public recreational opportunities. However, it also appears that much of the physical development at the subject site has been constructed or placed without a coastal development permit ("CDP"). As we discussed at our meeting, aerial photographs also indicate that additional development (particularly road construction) has occurred at the site over the years since the 1970s.

We are aware that you have been working for some time with Marin County to obtain a Use Permit, Master Plan, Coastal Permit, and Tidelands Permit to legalize development at Lawson's Landing. In addition, however, there is a significant amount of unpermitted development located within the retained coastal permit jurisdiction of the Coastal Commission. For your convenience and reference, I have enclosed a Coastal Zone Boundary Determination that delineates the portion of the property that constitutes filled tidelands and therefore is within the Coastal Commission's retained coastal permit jurisdiction under Public Resources Code section 30519. As reiterated at our recent meeting, under the Coastal Act, for development in the Coastal Commission's retained jurisdiction, you must apply to the Coastal Commission for a CDP, and for development in areas covered by the Marin County certified Local Coastal Program ("LCP"), you must apply for a CDP from the County. A CDP approved by the County is subject to appeal to the Coastal Commission.

Please also note that we are aware that in 1992 the State Department of Housing and Community Development ("HCD") issued a Permit to Operate a trailer park with a maximum of 233 spaces and 1,000 campsites at Lawson's Landing. However, in addition to a permit from HCD, under the Coastal Act, coastal development permits are also required for all development located in the coastal zone. As explained above, the Coastal Commission is responsible for issuing coastal development permits for development that is located in the Commission's retained coastal permit jurisdiction and the County is responsible for issuing coastal development permits in the rest of the coastal zone of the County.

1. **Unpermitted Development.**

Pursuant to Coastal Act Section 30106:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act...change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting... (Emphasis added)

As such, the operation of a trailer park and campground; the construction of roads, a parking lot, boatyard, sewage disposal system, water supply system, sheds, garages, and other structures; grading; and the placement of items such as travel trailers, mobile homes, and restrooms constitutes development under the Coastal Act.

Development that predates the Coastal Act and its precursor, Proposition 20 (California Coastal Conservation Act of 1972), would be exempt if it can be demonstrated that any such development was legally authorized in accordance with all applicable regulations in effect at the time the Commission's permitting requirements went into effect (February 1, 1973), and if no substantial change has been made to the development.

Section 30600(a) of the Act requires that any person wishing to perform or undertake development in the coastal zone must obtain a coastal development permit, in addition to any other permit required by law. Any development activity conducted in the coastal zone without a required coastal development permit constitutes a violation of the Coastal Act. Thus, the development described above that does not have a required CDP constitutes a Coastal Act violation.

2. Enforcement Remedies. The Coastal Act contains many potential enforcement remedies to address Coastal Act violations. Coastal Act section 30809 states that if the Executive Director determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission or the County without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Coastal Act section 30810 states that the Coastal Commission may also issue a cease and desist order for such violations. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act and/or LCP. Moreover, Section 30811 authorizes the Commission to order restoration of a site where development occurred without a coastal development permit, is inconsistent with the Coastal Act, and is causing continuing resource damage. Further, Section 30803 of the Coastal Act gives the Commission the ability to maintain an action for declaratory and equitable relief to restrain any Coastal Act violation. Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation (NOVA) against your property. As noted above, the Coastal Commission is authorized to enforce the permit requirements of the Coastal Act both for unpermitted development in areas where coastal development permits must be obtained from the Commission, as well as in areas where coastal permits must be obtained from the County.

In addition, Section 30820(a) provides for civil liability to be imposed on any person who performs or undertakes development without a coastal development permit in an amount that shall not exceed \$30,000 and shall not be less than \$500 for each instance of development. Section 30820(b) provides that additional civil liability may be imposed on any person who performs or undertakes development without a coastal development permit when the person intentionally and knowingly performs or undertakes such development, in an amount not less

than \$1,000 and not more than \$15,000 per day for each day in which the violation persists. Section 30821.6 provides that a violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in which the violation persists. Section 30822 provides for exemplary damages in cases of knowing and intentional violations of the Coastal Act.

3. **Resolution of Alleged Coastal Act Violation.** To begin the resolution process regarding the alleged Coastal Act violations on your property, you should submit to the Coastal Commission an application to seek after-the-fact authorization for the existing, unpermitted development within the Commission's coastal permit jurisdiction. For your convenience, I am enclosing a CDP application. Your application should include the following:

- a. A request for after-the-fact authorization for all existing, unpermitted development that is located within the Coastal Commission's retained jurisdiction, including but not limited to roads, grading, sewage disposal system, water supply system, restrooms, sheds, garages, boatyard, parking lot, and
- b. A request to operate on your property a trailer park, mobile home park, campground, and associated uses.

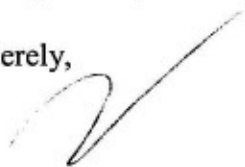
Your application should include a complete description of all existing development, including numbers and physical dimensions (height, width, length, when applicable), as well as documenting when all development was constructed or placed on the property. If you have permits for any of the above-mentioned development from the County or any other agency, please so indicate, and provide us with copies of permits or other authorization.

Please submit by May 1, 2006 a CDP application for all unpermitted development within the Coastal Commission's retained coastal permit jurisdiction (blank CDP application form attached). We hope that we can resolve administratively the outstanding Coastal Act violations on your property, and are happy to work with you to this end. Finally, we recognize that your property is being used to provide a valuable recreational benefit and opportunity to the public. It is our hope that the specific planning process at the County level can serve to address overall use and conservation issues on the property and would certainly be taken into consideration by us as we deal with the coastal permitting requirements under the Coastal Act. The resolution of violations could also be advanced by a timely conclusion to the specific planning process. We obviously wish to see a continuation of public recreational opportunities at Lawson's Landing, provided they address coastal resource protection policies of the Coastal Act and the County's LCP (e.g., the kind and intensity of what uses in what locations and under what conditions).

If you have any questions about the alleged Coastal Act violations, you may contact me at (415) 904-5269. Questions concerning requirements for completing the CDP application should be addressed to Al Wanger, Deputy Director, at (415) 5265, or Chris Kern, District Manager, at (415) 904-5266.

Thank you for your cooperation.

Sincerely,



JO GINSBERG
Enforcement Analyst

Enclosure: CDP application
Coastal Zone Boundary Determination

cc: Edward Grutzmacher
Gary Giacomini
Chris Kern, CCC, N. Central Coast District Manager
Al Wanger, CCC, Deputy Director
Peter Douglas, CCC, Executive Director
Brian Crawford, Marin County, Deputy Director
Debbi Poiani, Marin County Code Enforcement