

From: Marc Chytilo [mailto:airlaw5@cox.net]
Sent: Monday, July 26, 2010 5:02 PM
To: Allen, Michael (COB)
Cc: SupervisorCarbajal; Wolf, Janet; Farr, Doreen; Gray, Joni; Centeno, Joseph
Subject: LUDC

Dear Chair Wolf and Honorable Members of the Board,

This office represents the Naples Coalition and the Gaviota Coast Conservancy. We previously submitted two detailed letters, one on behalf of each group, articulating the specific issues of concern. We appreciate the Board's sensitivity to the effects of these proposed amendments on the coastal agricultural community, and we are pleased with the progress County and Coastal Commission Staff has made in achieving some middle ground regarding intensification of agriculture, restoration, and the non-profit prohibition on agriculturally zoned lands. There are three specific issues however on which we feel the County should support the Coastal Commission's original proposed modifications.

First and foremost, Coastal Commission Staff recommends limiting the size of a principal permitted dwelling on an agriculturally zoned lot to 3,000 square feet, with a development envelope of 10,000 square feet. The current proposal would increase the size of the PP dwelling to 5,000 square feet, and would also increase the size of the development envelope. We feel that the Coastal Commission's recommended size limitations are appropriate and necessary to safeguard the viability of coastal agriculture in the County against the pressures of luxury residential development, and do not place any unreasonable burdens on agricultural landowners. Notably, the Commission's proposal would allow landowners to pursue larger homes, but would ensure that CDPs for larger homes are appealable to the Coastal Commission.

Second, Coastal Commission Staff recommends requiring appealable CDPs for mergers, and County Staff proposes narrowing that CDP requirement to only those mergers that increase development potential. While we understand the motivation behind County Staff's suggestion, our concern is that determining which merger applications potentially increase development potential and which do not will be a cumbersome process for the County yielding potentially arbitrary results. For example, a proposed merger of two lots could reduce the number of principally permitted dwellings from two to one, but could also enable the development of one 3,000 square foot home where each lot individually could only accommodate a 1,000 square foot dwelling due to size, biological, or other constraints. In this scenario the County would have the discretion to determine whether an appealable CDP is required or not without any meaningful guidance.

Finally, with respect to codifying potential sea level rise scenarios, the Coastal Commission's recommendation would apply specified sea level rise scenarios to all near-shore projects. The County proposes allowing the use of a different rate when supported by the best scientific information available at the time of project review. Our concern is that the County's approach would allow a prospective developer to pick and choose the method that best accommodates the proposed development, not the method that is most protective of coastal resources.

On these three issues we urge the Board to support the Coastal Commission's recommended changes, and accordingly strike paragraphs #4, #5 and #9 from the County's draft letter to the Coastal Commission. It is worth noting that County Staff's position on these amendments would weaken protections potentially applicable to any development of the "grid lots" at Naples.

Notwithstanding our position on these three issues, we feel that it is critically important that the Board forward its recommendations to the Coastal Commission at this time. We feel that as a whole, the LUDC amendments, as modified by the Coastal Commission, are beneficial changes that will help safeguard against inappropriate development that harms our coastal ecosystems.

Accordingly, we support moving forward with this process now and strongly urge the Board not to request any continuance or withdrawal of the amendments. We do feel that it is appropriate for the Board to request that the Coastal Commission provide input on the County's suggested modifications to the County and Coastal Commission Staff (Staff Report Option 3), however eliminating changes discussed in paragraphs #4, #5 and #9 of the Staff Report for reasons discussed above.

Thank you very much for the time and attention you have all given to this important process.

Sincerely,

Marc

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