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April 19, 2021

Via U.S. Mail
Via Email

Steve Padilla
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105
Stephen.Padilla@coastal.ca.gov

Re: Notice of Intent to File Suit
LCP Amendment Number LCP-2-SMC-20-0054-1

Dear Commissioner Padilla,

This letter provides written notice pursuant to Public Resources Code section 21167.5 that Midcoast ECO (Petitioner) will file suit on or before April 21, 2021 challenging the California Coastal Commission's (Commission) certification of an environmental review document for San Mateo County LCP Amendment LCP-2-SMC-20-0054-1 and approval of San Mateo County LCP Amendment LCP-2-SMC-20-0054-1 (LCP Amendment or Project) in reliance thereon.

The grounds for this lawsuit will include, *inter alia*, that Commission has violated the California Environmental Quality Act (CEQA) by failing to (1) analyze the reasonably foreseeable impacts of the LCP Amendment, (2) analyze the impacts of the LCP Amendment as compared to the existing environmental baseline, (3) evaluate the cumulative impacts of the LCP Amendment, (4) adequately evaluate and respond to public comments, (5) analyze mitigations and alternatives to the LCP Amendment, and because its conclusion of no significant environmental impacts is not supported by substantial evidence.

This litigation will also challenge the Commission's violations of the California Coastal Act of 1976 as the LCP Amendment will not protect, maintain and enhance the overall quality of the coastal zone environment and its resources, assure orderly balanced utilization and conservation of coastal zone resources, maximize public access to and along the coast, and will violate the coastal resources planning and management policies of Chapter 3 of the Coastal Act.

Petitioner is willing to immediately begin discussing terms to settle this dispute that could either obviate the need to file this lawsuit or provide for dismissal of the lawsuit once filed. Petitioner presents the following settlement demand, in the form of principles that would have to be embodied in a formal written settlement agreement:

1. Commission rescinds its certification of the environmental review document for San Mateo County LCP Amendment LCP-2-SMC-20-0054-1 and sets aside the LCP Amendment in reliance thereon;
2. Commission prepares an environmental review document for San Mateo County LCP Amendment LCP-2-SMC-20-0054-1 in compliance with CEQA prior to Project approval,
3. Commission prepares an LCP Amendment that complies with the Coastal Act;
4. Commission agrees to stay Project implementation until and unless it certifies an adequate environmental review document for LCP-2-SMC-20-0054-1, and an LCP Amendment that complies with the Coastal Act, or alternatively that the Commission agrees to issuance of a writ of mandate commanding that it comply with CEQA and the Coastal Act in regards to LCP Amendment LCP-2-SMC-20-0054-1.

This letter and Petitioner's prior participation in Commission's administrative process satisfy Petitioner's obligations under Code of Civil Procedure section 1021.5, as interpreted by the California Supreme Court in *Graham v. DaimlerChrysler* (2004) 34 Cal.4th 553, 577.

Thank you for your attention to this matter.

Very Truly Yours,



Brian Gaffney

cc: Midcoast ECO
Erik Martinez, Coastal Planner