

**CCC Meeting November 2, 2016
Comments Re: Agenda Item 10a
Marin County LCP Amendment
No. LCP-2-MAR-15-0029-1
(Marin LCP Update)**

**East Shore Planning Group
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October 27, 2016

California Coastal Commission
45 Fremont Street Suite 2000
San Francisco CA 94105-2219

By email to MarinLCP@coastal.ca.gov

Dear Chairman Kinsey and members of the California Coastal Commission:

I write on behalf of the East Shore Planning Group. The East Shore Planning Group ("ESPG") is a California not-for-profit corporation formed in 1984 that has a membership of about 90 owners and tenants of residential, commercial and agricultural properties in the unincorporated area of Marin County along the east shore of Tomales Bay, including Marshall. ESPG is the primary local organization involved with issues of development in the area. We have been active in the formulation of the amendments to the Marin County Local Coastal Plan ("LCP") since the process began.

We wish to object to the Staff's proposed changes to the Marin County approved LCP Amendment in three areas: Coastal Hazards, Agriculture (regarding changes in use, changes in intensity of use and grading for agricultural activities), and the provisions regarding existing residential uses in commercial C-VCR areas.

Coastal Hazards

The changes recommended by the Staff of the California Coastal Commission ("CCC") would ensure the loss to sea-level rise of many homes and businesses in our community and the early demise of Highway One along the East Shore of Tomales Bay.



The County has spent countless hours studying the best process for addressing the protection of coastal homes like ours, where there is no possibility of retreat. Reinforcing existing bulkheads and pilings, along with raising the level of the buildings, is the only way in which they can be saved. Indeed, many of the bulkheads and foundations of our homes protect Highway One, which runs immediately behind the homes.

The requirements for repairing, reinforcing and replacing foundations, piers and bulkheads submitted by the County in its approved LCP amendments, while onerous, at least provide an opportunity economically to save the buildings. The modifications that CCC Staff proposes do not. They would require prohibitively expensive permitting for many gradual, partial repairs that pose no threat to the environment, and people seeking a permit would need to anticipate sea-level rise for 100 years into the future.

The County's Community Development Agency has very actively solicited input and information from community members, which has informed the LCP amendment that the Marin County Board of Supervisors approved. The CCC Staff has spent virtually no time inspecting the situation and meeting with the affected communities, and their proposals reflect that.¹ The Staff's proposals are naive and impractical. The Staff's proposed changes should be rejected in favor of the County's amended LCP.

Agriculture: Changes in Use and Changes in Intensity of Agricultural Activities

ESPG and the East Shore Community Plan strongly support agricultural activities in our area, and ranchers and farmers comprise a substantial portion of our membership. Accordingly, we are very much aware of the need for our ranchers and farmers to have flexibility with respect to their typical agricultural practices.

We believe the provisions in the amended LCP approved by the County strike a good balance between protecting the environment by requiring permits for certain activities, and also giving farmers and ranchers reasonable latitude in their response to changing conditions. Technological innovation, climate change and shifts in market dynamics necessitate timely experimentation and adaptation unencumbered by the delays, costs and uncertainties inherent in the coastal permitting process.

The County's approved amendment to the LCP addresses these critical issues in their recommendations regarding Agriculture. We strongly urge the Commission to adopt them without the additional permitting requirements proposed by the CCC Staff.

¹ Section 30006 of the Coastal Act: "The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation." The CCC has not offered ESGP any opportunity to engage with CCC Staff on these matters, except by letters like this.

Threat to Residences in Commercial C-VCR Zones

In Tables 5-3-c through 5-3-e of the Implementation Plan², there is an unreasonable preference for commercial uses over existing residential uses in the Commercial C-VCR zone, especially in the proposed “commercial core area.” In Marshall, in these zones there are a handful of businesses (e.g., Hog Island Oyster Co., the Post Office and The Marshall Store), but also twelve existing private homes, most of which are modest (i.e., affordable) and permanently occupied by local residents. Eight of these are in the proposed “commercial core area,” where the regulations seek to require ground-floor, road-facing areas of existing and new residential units to become commercial.

Favoring commercial uses for buildings in the C-VCR zone could have an extremely damaging effect on our community, which is already suffering because of the loss of full-time residents to second homes, vacation rentals and the high cost of properties in the area. These twelve buildings house a substantial portion of the full-time Marshall community that we are trying to preserve.

With this in mind, we object to the Staff recommendations in these tables that would change residential uses from being “Principally Permitted” (as they would be under the Marin County approved amended LCP) to “Permitted”. And we object to the Staff proposal that would limit the ability of an existing residence to be “replaced” – which may be required as they are affected by sea-level rise or a need to retreat.

Thank you for considering these comments.

Sincerely,

Lori Kyle

Lori Kyle, President

² Exhibit 13 to the Staff Report at Pages 58-63 (pdf pages 2164-2169)