

From: [Terry Houlihan](#)
To: [MarinLCP](#); [Liebster, Jack](#); [Drumm, Kristin](#)
Cc: [Paula Reynolds](#); [Jeff Loomans](#); [Peter and Pauline Sandmann](#)
Subject: Marin County Local Coastal Program Amendment Public Hearing, April 19, 2016
Date: Monday, April 18, 2016 12:34:16 PM

From:
Terry J Houlihan
175 Francisco St., Apt 18,
San Francisco, CA 94133

To:
Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Dear Members of the Board of Supervisors:

I own a house in Stinson Beach subject to the Marin Coastal Plan. I am writing to oppose amendments to the Land Use Plan advocated by staff of the California Coastal Commission.

The County, not the Coastal Commission, is the only entity with legislative power to amend the existing Coastal Plan. See, e.g., Public Resources Code [hereafter PRC] 30500(c) ("The precise content of each local coastal program shall be determined by the local government"). If the County declines Coastal Commission recommendations, it need only report its reasons to the Commission, PRC 30519.5(b), which may then recommend legislation to the state, should it choose to do so.

This means that the County, not the Commission, is ultimately responsible for formulating fair and workable amendments. It also means that the County is a necessary party to a lawsuit challenging new provisions it adopts on the ground that they violate state or federal law. A case challenging some of the Coastal Commission policies relevant here is currently in the California Supreme Court, *Lynch v. California Coastal Commission*, Case No. S221980.

The Coastal Commission staff is using the threat of sea level rise as a guise for advocating new, radical county plans that are contrary to express statutory policies and express statutory rights. The Coastal Act's fundamental aim is to "protect, maintain, and, where feasible, enhance and restore the . . . [coastal zone] natural **and artificial** resources [and]

assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state." PRC 30001.5 (a) and (b). The statute explicitly finds that "existing developed uses, **and future developments that are carefully planned and developed consistent with the policies of this division**, are essential to the economic and social well-being of the people of this state. . . ." PRC 30001(d).

Contrary to these policies, the Coastal Commission staff is recommending various provisions that would prevent improvement of, rather than "enhance and restore," buildings that have been developed consistent with the Coastal Act. Included in the wrong-headed approach of the Commission staff are provisions that create a new category—"redevelopment"—requiring burdensome and unnecessary permitting, essentially precluding maintenance or improvement of existing buildings.

Also included in Commission proposals are provisions designed to undercut PRC section 30235. That law gives owners of "existing structures" the right to permits for shoreline construction needed to protect such structures. Provisions proposed seek to authorize "waivers" of those rights as a condition of permits for development and "redevelopment." The Coastal Commission staff also advocates policies that would limit this express statutory right to structures existing as of 1976, contrary to the language of the provision, to the policies listed above, and common sense.

The Board should either adopt plan language proposed by County staff, not the Coastal Commission staff, or simply take no action on these provisions. The latter course would leave the existing Marin Coastal plan language in effect to the extent it covers the same subject matter.

Please include these comments in the public record.

Respectfully,

Terry J Houlihan