

May 8, 2017

5 Ahab Drive
Muir Beach, CA 94965

Board of Supervisors
Marin County
3501 Civic Center Drive, Room 329
San Rafael, CA 94903-4157

By U.S. Mail and email: marinLCP@Marincounty.org

Re: May 16, 2017 Board of Supervisors hearing on Marin County LCP amendments

Dear Supervisors,

This comment focuses on Section 22.40.140 of the Implementation Plan: "Emergency Coastal Permits." That section, in essence, authorizes the Director of the Community Development Agency to issue emergency coastal permits in his discretion under specified conditions set forth in subsections A through E. While the proposed regulation specifically cites Section 30604 of the Coastal Act as authority for this procedure, inexplicably it has failed to include the following language:

"(c) Any permit issued by a local official pursuant to the provisions of this section shall be scheduled on the agenda of the governing body of the local agency at its first scheduled meeting after that permit has been issued. If, at that meeting, one-third of the members of that governing body so request, the permit issued by the local official shall not go into effect and the application for a coastal development permit shall be processed by the local government pursuant to Section 30600.5."

The undersigned brought this deficiency to the attention of the Marin County Planning Commission by letter dated August 29, 2011, copies to Jack Liebster and Tom Lai. I raised the issue again in a letter addressed to Kevin Kahn at the California Coastal Commission dated April 7, 2015. These letters are part of the public record in this matter.

The LCP is not free to ignore the requirements of Section 30604. Because this issue is so clear as a matter of law, one must assume that the omission of this provision was an oversight that should be corrected now.

Respectfully submitted,

Richard S. Kohn

cc. Kristin Drumm, CDA
Shannon Fiala, California Coastal Commission