

August 25, 2015

5 Ahab Drive
Muir Beach, CA 94965

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

Re: Proposed deletion of LUP section C-CD-15

Dear Supervisors,

The decision whether to delete LUP Section C-CD-15 should be deferred until the rest of the LUP is presented to the Board. It should be considered in relation to Section C-CD-14 and other provisions and not eliminated piecemeal.

Section C-CD-15 addresses "Residential Character in Villages" and provides: "Discourage the conversion of residential to commercial uses in coastal villages. If conversion of a residence to commercial uses is allowed under applicable zoning code provisions, the architectural style of the house should be preserved."

The CDA proposes that the Board "Delete Policy C-CD-15 (discouraging conversion of residential to commercial uses in coastal villages) since it may conflict with Coastal act provisions prioritizing visitor-serving commercial over residential uses." This is a superficial analysis of a complex question.

While the CDA's statement does not cite any authority, it is most likely based on Section 30222 of the California Coastal Act which provides: "The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry." Whatever this provision means, it is clearly limited to prioritizing commercial *recreational* facilities.

Short-term vacation rentals pose what is perhaps the greatest threat to the character of the small villages that dot the Marin Coast. By one estimate, there are now 1000 vacation rentals in the Inverness, Marshall, Point Reyes Station area. See letter from Catherine Caufield to Kristin Dunn dated August 10, 2015. Many communities, including Tiburon, Sausalito, the City of Santa Cruz, and San Luis Obispo, have enacted ordinances restricting the availability of vacation rentals which create problems regarding parking, noise, congestion, water consumption and septic load. Vacation rentals are neither "recreation facilities" nor do they provide a low cost alternative for low or moderate income individuals to visit the coast. See California Coastal Act section 30213 ("Lower cost visitor and Recreational Facilities; encouragement and provision;

overnight room rentals"). While perhaps inartfully stated, Section C-CD-15 represents an effort to address this problem and protect the character of coastal villages.

As Section 30213 shows, there is a distinction between *visitor-serving facilities* and *recreational facilities*. Section 30222 does not require the prioritization of all commercial development over residential development—only those that provide recreational facilities. Instead of throwing the baby out with the bathwater, minor changes to Section C-CD could clarify that it does not target recreational facilities that are the subject of Section 30222.

The staff of the Coastal Commission has opined that Section C-CD-15 may conflict with Section 30250 of the Coastal Act which directs development to already developed areas. Staff Submittal Th12a prepared May 2, 2014 for May 15, 2014 hearing p. 47. However, Section 30250, only applies to new development, not conversions which are addressed in Section C-CD-15. It states, in part: "30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*" (Ital supplied) There is no conflict between Section C-CD-15 and this provision.

The recommendation to delete Section C-CD-15 is premature and a rush to judgment. There is no reason not to defer this question until the entire LUP is presented to the Board of Supervisors when it can be considered in relation to other policy statements relating to vacation rentals. Actions taken piecemeal based on superficial analysis disserve the public interest and should be rejected.

Respectfully submitted,



Richard S. Kohn



Brenda F. Kohn



Christian Riehl