

Letter Concerning Marin Catholic Lights Proposal

I believe the proposal is unprincipled for the following reasons:

1. I assume that the zoning of Marin Catholic's property does not allow such night use and, therefore, they are required to obtain a special use permit before installing the lighting. In other words, they have no vested right to such use nor any reasonable expectation that as owners of that land they would ever have such a right.
2. If, as I assume, they seek PERMISSION for such use, I have no objection to their seeking such permission. A democracy requires that we listen to such requests and give them a full and fair hearing.
3. A democracy also requires that we listen, and give a full and fair hearing, to all those who oppose such a request.
4. In my humble opinion, the only logical approach to adjudicating this request is to determine whether the opposition is legitimate and reasonable. If it is, then the request should be denied. In other words, because Marin Catholic is the one seeking to change the status quo, Marin Catholic must prove that the change will not adversely affect other, existing owners' rights.
5. In other words, there should be no "balancing" of rights. A "balancing" of rights is appropriate only when two parties have equal rights which conflict. As the party with no existing right to lights vs. homeowners who have an existing right to peaceful enjoyment of their decks and yards at night, Marin Catholic is NOT entitled to have its non-rights "balanced" against your actual rights.
6. Moreover, even if one were to engage in some sort of "balancing", the benefits and burdens are entirely asymmetric. Marin Catholic gets all of the benefits and the neighbors get all of the burdens. This is not a proposed public use that will provide any "benefits" to the public at all. The benefits accrue solely to the Marin Catholic, private institution.
7. The NIMBY epithet is appropriately used when private landowners oppose a public benefit, i.e., a few landowners complain that the burden on their property outweighs the public benefit of a new road, a garbage dump or a low income housing development. It is not appropriately used when a private landowner is seeking approval of a private improvement that has no social benefits such as when a private landowner seeks a zoning variance. So those who claim you and others are "Nimbys" must first explain how 213 night games and practices a year provide any public benefit at all.
8. Marin Catholic will claim there is a "public benefit" from conducting athletic activities. But isn't that what they have been doing for 40 years without limitation?

I haven't seen any argument that the lights will provide an opportunity for a new sports activity or will prevent an existing sports activity from being lost. Instead, it seems that the only purpose of the lights is to increase or time-shift existing sports activities.

Those are just my thoughts and you've probably already heard better. But just in case it was of any help, I'd thought I'd pass them along.

Jeff Goodrich
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