

CALIFORNIA COASTAL COMMISSION

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December 15, 2017

Brian Crawford, Director
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Subject: Marin County Local Coastal Program Update Status

Dear Mr. Crawford:

Thank you for a productive meeting on Thursday, December 7, 2017 regarding the development of a new LCP amendment submittal for the hazards section of the Marin LCP update. We look forward to continued progress as you develop an amendment for Board consideration (and ultimately Coastal Commission consideration) and appreciate the collaborative efforts by you and your staff.

As we also discussed (and have conveyed to your staff previously), the deadline for the Marin County Board of Supervisors to accept the Coastal Commission's suggested modifications pursuant to the Commission's conditional approval in November of 2016 of the majority of the LCP update is May 2, 2018, and that deadline cannot be further extended.¹ If the County has not accepted the Commission's suggested modifications by that date, then the conditional approval expires and the County would need to start over with any proposed LCP update or amendments thereto. To avoid expiration of the conditional approval, the Board would need to take final action to accept the Commission's suggested modifications prior to the May 2, 2018 deadline. That would enable the Commission's Executive Director to review and present the Board's action, assuming it is legally adequate (see also below on this point), to the Commission for final certification. Barring objection by a majority of Commissioners that the Board's action does not conform to the Commission's conditional approval action, those parts of the LCP update would be then fully certified. However, based on the way the LCP update was originally submitted and acted upon by the Commission in 2016, such newly certified parts of the LCP would not become effective for the purposes of issuing coastal development permits unless and until the hazards portions of the LCP are certified.² Until that time, the existing LCP will continue to serve as the standard of review for development in the Marin County coastal zone.

¹ The original deadline was May 2, 2017, but, per Marin County's request, the Coastal Commission extended that deadline by one-year to May 2, 2018 as allowed for by the Coastal Act (per Section 30517). The Act and the Commission's regulations do not allow any further extensions of that deadline.

² The County's proposed LCP Update was submitted and heard by the Commission with this requirement.

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With respect to legal adequacy, and as we have previously informed you, the Board's action on May 16, 2017 to accept the Commission's suggested modifications on the LCP was not legally adequate because it was itself based on a series of specific interpretive findings that were not consistent with the Commission's action.³ The Board needs to accept the Commission's modifications as is, without express caveats, to be considered legally adequate. Our suggestion continues to be that the Board rescind or supersede its May 16, 2017 action on the Commission's modifications on the LCP, and accept all the conditionally-approved LCP prior to the May 2, 2018 deadline. To the extent that the County at that point would like to pursue further LCP changes, you are welcome to pursue other amendments that address the Board's specific concerns.⁴ As discussed at last week's meeting, we encourage you to submit any such additional proposed amendments to the LCP update at the same time as you submit the hazards components of the LCP for Commission consideration so that the entirety of the proposed updated LCP would be in front of the Commission at one time in that scenario.

In closing, please be cognizant of the upcoming May 2, 2018 deadline. It would be a shame to see the Commission's conditional approval expire, particularly considering the significant resources that both our agencies have committed to getting to that point over these many years. In addition, and as you are well aware, the North Central Coast District office has severe staffing constraints and is involved with a series of other LCP updates from other local governments, and thus our ability to work with you on a whole new LCP update submittal (should the County miss the deadline) is fairly limited, and you need to be aware of that fact as you consider options.

In conclusion, thank you again for the diligent work by you, your staff, and the County on the LCP update. We hope to move forward and preserve what has been accomplished so far. If you have any questions or would like to discuss these matters further, please contact me at (415) 904-5290 or by email at Nancy.Cave@coastal.ca.gov.

Sincerely,



Nancy Cave
District Manager, North Central Coast District
California Coastal Commission

cc: Judy Arnold, President
Marin County Board of Supervisors
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³ Including as we informed the Board prior to its action via letter dated May 9, 2016.

⁴ Again, as we previously advised in our May 9, 2016 letter to the Board, including wherein we identify our take on the County's then potential proposals to that effect.