



Marin County Planning Commissioners

Regular meeting April 11, 2016

Agenda item #3 (Open Time)

Re: Planning Commission Hearing on LCP Amendment

Chair Theran and Commissioners:

I speak this afternoon on a matter not on today's agenda -- but one that should be.

At its regular meeting next week the Board of Supervisors will hold a public hearing. The Board intends at that time to adopt a comprehensive Amendment to the Local Coastal Plan.

A brief history: Your Commission last held a public hearing on the LCP Amendments in February 2012 – some fifty months ago. The Board subsequently revised and adopted your recommended Amendments. It submitted them to the Coastal Commission for approval in September 2013. The Coastal Commission approved the Land Use Plan portion of the LCP in May 2014. Then, in April 2015 the county withdrew the LCP in order to develop substantial revisions.

It is time for your Commission to re-engage in LCP Amendment planning, for four reasons:

1. In the last two years, county staff has carried out C-SMART, a project funded by a Coastal Commission grant, and has substantially modified the LCP Amendment to address environmental hazards of sea level rise. The work program for that project includes a public hearing at the Planning Commission before environmental hazard Amendments are taken up by the Board.
2. According to Chapter 116 of the Development Code, before the Board takes action on any substantial modification to a code Amendment, it must first be reviewed by your Commission in public hearing and sent to the Board with a recommendation.¹

¹ "If the Board proposes to adopt any substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation" 22.116.040

3. In addition, the proposed Amendment would change the boundaries of the C- VCR zoning district (the Coastal Village Commercial Residential district). The Amendment would create a new overlay district that would define those parcels constituting the “commercial core area”. Again, such a change requires that your Commission hold a public hearing on the Amendment and forward a recommendation to the Board.

4. In addition to introducing zoning code policies to adapt development to sea level rise and the rezoning of C-VCR districts, the agency staff is proposing a large number of changes to the implementation portions of the LCP. These, also, are substantial modifications that require review by this Commission before the Board takes adoptive action.

Can your Commission take action?

Under the Interim Zoning Code, your Commission may initiate an amendment to the zoning code or the zoning map -- by passing a “Resolution of Intention” and then setting a public hearing not later than the Commission’s third meeting.²

I don’t know whether, under the Commission’s rules of order, you are able to formally take up such a resolution at today’s meeting. If that is not possible, I recommend it be placed on the agenda for your next regular meeting.

Please provide Marin residents with a full opportunity for a public hearing before your Commission, and follow up with your formal recommendation to the Board. A Commission hearing and recommendation is necessary to ensure both transparency and validity of the final version of the LCP Amendment that will be submitted to the Coastal Commission.

Thank you for this opportunity to comment.



Bridger Mitchell, President

² 22.90.010I(c).