



COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

April 7, 2015

Brian C. Crawford  
DIRECTOR

Thomas Lai  
ASSISTANT DIRECTOR

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

**SUBJECT:** Authorizing CDA Director Regarding Procedural Action in Coastal Commission LCP Amendment Hearing

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Dear Members of the Board,

**RECOMMENDATION:**

Authorize the Director of the Community Development Agency or his designee to withdraw all or parts of the Local Coastal Program Amendments ("LCPA") currently pending before the California Coastal Commission prior to the Commission's final vote on the LCPA, and on behalf of the Board, to request the Commission to schedule the Marin County LCPA for the earliest possible action date after conclusion of further discussions to resolve policy differences.

**SUMMARY:**

Your Board approved a set of Amendments to the County's Local Coastal Program (the "LCPA") on July 30, 2013. After providing additional information and analysis requested by the Coastal Commission staff, the Amendments were officially submitted to the Commission for review and certification on November 7, 2013. After extensive additional information requested by Commission staff was provided, and following a great deal of staff-to-staff discussion, Commission staff separated the Land Use Plan ("LUP") Amendments (incorporating the basic policy changes) from the Implementation Plan ("IP"-the Development Code changes), and presented a series of Staff Recommendations to the Commission itself. On May 15, 2014, The Commission held a public hearing and adopted an extensive set of "Suggested Modifications" specifying changes to the LUP approved by your Board. Having extended the Coastal Act's time limitations (Public Resources Code (PRC) section 30512) on its action by invoking PRC section 30517, the Commission then provided for the hearing on the IP, now scheduled for April 16, 2015.

Although County and Commission staff have made considerable progress in working through issues in the IP, some of the Suggested Modifications adopted by the Commission on the LUP Amendments, along with expected Modifications on the IP appear to run counter to the intent and effect of the LCPA policies adopted by your Board in July 2013. To maintain the maximum flexibility for the Board to seek a resolution of these potential policy conflicts, it may be necessary to withdraw elements of the LCPA before a final action by the Commission to allow further discussion and negotiation of questions at issue, with the aim of further bridging the gap between the Commission and your Board.

The Coastal Act makes specific provision for the County to take such action in its Administrative Regulations Title 14, Division 5.5:

**ARTICLE 11.**

**§ 13535. Withdrawal or Postponement of Action.**

(a) The local government or governing authority may withdraw its submission of the land use plan or LRDP at any time up to the commencement of the calling of the roll for a vote on any portion of the land use plan or LRDP. Upon such a request, the submission shall be considered withdrawn and removed from Commission consideration. The local government or governing authority may resubmit the land use plan or LRDP. The Commission shall reschedule the resubmittal at a time when it can be reviewed without adversely affecting previously scheduled LCPs or LRDPs. (*emphasis added*)

**§ 13542. Commission Review and Action.**

(a) Commission review of LCP implementing actions shall take place in accordance with the provisions of Articles 9-11, except for Sections 13528, 13529, 13530, and 13537.

Deferring action on portions of the submitted LCP Amendments would allow additional time to seek resolution on outstanding issues with the Commission. Upon final action by the Commission, your Board will have the opportunity to accept or reject the Suggested Modifications adopted by the Commission. If the Board chooses to reject the Modifications it can resubmit a revised LCPA to the Commission.

**FISCAL/STAFFING IMPACT:**

No fiscal impact. This action is consistent with the ongoing budgeted work on the Local Coastal Program Amendment that is part of the Agency's performance plan,

**REVIEWED BY: (These boxes must be checked)**

- |  |                              |
|--|------------------------------|
| <input type="checkbox"/> Department of Finance     | <input type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources           | <input type="checkbox"/> N/A |

**SIGNATURE:**



Brian C. Crawford  
Director

Attachment:  
Board of Supervisor's Resolution \_\_\_\_\_