

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



W17a

Prepared May 21, 2018 (for June 6, 2018 Hearing)

To: Coastal Commissioners and Interested Persons

From: Jack Ainsworth, Executive Director
Dan Carl, North Central Coast District Director
Jeannine Manna, North Central Coast District Manager

Subject: Concurrence with the Executive Director's determination that the action of Marin County accepting the Commission's certification of that portion of Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1 (Marin County LCP Update) made up of County-identified amendments 1, 2, and 6 is legally adequate.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the County's action is legally adequate.

BACKGROUND

On November 2, 2016 the Coastal Commission approved, in part, Marin County's Local Coastal Program (LCP) Amendment Number LCP-2-MAR-15-0029-1. Specifically, except for the amendments related to environmental hazards that the Commission continued at that time (County-identified amendments 4 and 5) and that the County subsequently withdrew from consideration, the Commission approved the remaining proposed amendments to the Land Use Plan (LUP) (County-identified amendments 1 and 2) and the Implementation Program (IP) (County-identified amendments 3, 6, and 7), if modified as suggested. All of the amendments together submitted by Marin County (i.e., County-identified amendments 1 through 7), considered by the Commission through LCP-2-MAR-15-0029-1, constituted a request by the County to comprehensively update the LCP's LUP and IP in their entireties, and thus a full LCP update.

By action taken on April 24, 2018, Marin County adopted the amending LCP text for County-identified amendments 1, 2, and 6 as modified by the Commission (see **Exhibit 1**), but rejected Coastal Commission modifications associated with County-identified amendments 3 and 7. On May 2, 2018, Marin County transmitted its acceptance of Commission modifications for County-identified amendments 1, 2, and 6 to the Executive Director. The Executive Director has determined that the action taken by the County on the adopted subset of County-identified amendments is legally adequate and confirms that the LCP text within these amendments should be deemed certified.

As provided in Section 13544 of Title 14 of the California Code of Regulations, for the amendments to become effective, the Executive Director must determine that Marin County's

LCP-2-MAR-15-0029-1 (Marin County LCP Update)

actions are legally adequate and report that determination to the Commission. Unless the Commission objects to that determination, the certification of County-identified amendments 1, 2, and 6 of LCP Amendment Number LCP-2-MAR-15-0029-1 shall be complete upon the filing of a Notice of Decision for the LCPA with the Secretary of the Natural Resources Agency, as provided in Public Resources Code Section 21080.5(d)(2)(E).

However, based on the way the LCP Update was originally approved locally and submitted by the County, such newly certified parts of the LCP will not become effective for land use planning and coastal permitting purposes unless and until the remaining chapters and sections of the LCP are also certified (i.e., County-identified amendments 3, 4, 5, and 7). The County intends to resubmit these remaining portions of their proposed Update to the Commission sometime later this year and/or early next year, at which time such resubmittal will be reviewed and addressed as a new submittal (i.e., the Commission's modifications to those County-identified amendments have expired, and the Commission will need to adopt new modifications, if any are necessary, following review of the resubmitted County-identified amendments 3, 4, 5, and 7) at that time. Until then, the existing Marin County LCP will continue to serve as the standard of review for development in the Marin County coastal zone.

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the actions of Marin County to accept the Commission's certification of those portions of LCP Amendment Number LCP-2-MAR-15-0029-1 made up of County-identified amendments 1, 2, and 6 are legally adequate.

Exhibits

[Exhibit 1: County's Acceptance of the Coastal Commission's Approval of County-identified Amendments 1, 2 and 6](#)