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Prepared July 22, 2016 (for August 11, 2016 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Deputy Director
Nancy Cave, North Central Coast District Manager
Jeannine Manna, North Central Coast District Supervisor
Shannon Fiala, North Central Coast Coastal Planner

Subject: Extension of Time Limit for Commission Action on Marin County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1 (Marin LCP Update)

Marin County is proposing a new and revised comprehensive Local Coastal Program (LCP) Update in response to prior Coastal Commission action and hearings on their previously proposed LCP Update. Specifically, on May 15, 2014, the Commission conditionally certified the County's proposed Land Use Plan (LUP) Update following a well-attended public hearing in Inverness in Marin County. Subsequently, on April 16, 2015, the Commission conducted another well-attended public hearing in San Rafael in Marin County to consider the County's then proposed Implementation Plan (IP) Update. At that time, Commission staff recommended approval of the proposed IP Update, subject to suggested modifications that staff believe were needed in order for the IP Update to conform with and adequately carry out the Commission's conditionally certified LUP Update. However, citing the need for additional time to consider the IP modifications suggested by Commission staff, the County withdrew the proposed IP Update at the hearing prior to Commission action.

Ultimately, instead of submitting just the IP Update for Commission consideration (given the updated LUP had already been approved by the Commission), the County chose to submit a new overall revised LCP Update proposal (i.e., both a revised LUP, different from that conditionally certified by the Commission, and a revised IP, different from that previously proposed) for Commission consideration. On August 25, 2015 and April 19, 2016, the Marin County Board of Supervisors held two public hearings on the newly revised LCP Update. The County then transmitted a portion of their revised LCP Update to the Commission for its consideration on October 8, 2015. On April 22 and 25, 2016, the County transmitted a second package of Update materials, stating that the second package of materials was intended to complete the first package of Update materials, as well as to respond to requests for information made by Commission staff in their status letters. On June 3 and 8, 2016, the County transmitted additional information relating to both packages of Update materials intending to complete those packages in response to Commission staff requests for information and materials; they further indicated that they would be providing the omitted sea level rise maps shortly; and they requested that Commission staff file the County's revised LCP Update as complete. On June 17, 2016, Commission staff informed the County that they would be able to move forward with filing the County's proposed update once the County provided the sea level rise maps that their letter had committed to providing. On July 1, 2016, the

County transmitted the omitted sea level rise maps to the Commission, they were reviewed by staff, and the LCP Update was deemed submitted (i.e., “filed”) on the same day.

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied and an amendment request is deemed submitted (or “filed”), Sections 30511(a) through 30514 of the Coastal Act require the Commission to act on IP amendments within 60 days, LUP amendments within 90 days, and combined LUP/IP amendments within 90 days. This revised LCP Update proposes changes to both the LUP and the IP and thus the 90-day deadline for Commission action applies. The 90th day after the date this revised LCP Update was deemed filed is September 29, 2016. Therefore, unless the Commission extends the deadline for Commission action, the Commission will have to complete its action on the LCP Update at the Commission’s September 2016 Commission meeting scheduled for Newport Beach.

In this case, the revised LCP Update proposes revised policies and standards as compared to what the Commission previously considered, including significantly revised coastal hazards policies and IP procedural sections. These changes and the new submittal overall require thoughtful analysis and discussion, particularly in terms of discussions with County staff regarding potential suggested modifications, as well as with interested groups and parties who remain keenly interested in the Update. In particular, Commission staff would very much like to work together with County staff to try our best to resolve potential consistency issues as much as possible prior to a Commission hearing as a means to narrow the issues that might need to be resolved by the Commission at the hearing. This is a significant LCP update that raises important coastal resource issues and concerns for a jurisdiction that has not had an update in over 30 years, and it will be important to carefully and thoughtfully proceed in that respect.

Coastal Act Section 30517 allows the Commission to extend, for good cause, the time limit for Commission action for a period not to exceed one year. Although Commission staff is planning to bring the proposed LCP Update forward to hearing in the very short term, and ideally before the end of the year, staff recommends that the Commission extend the deadline for the full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the County and others regarding issues and potential suggested modifications. Therefore, staff recommends that the Commission extend the deadline for Commission action on the County’s proposed LCP Update by one year. A one-year extension would result in a new deadline for Commission action on the proposed LCP amendment of September 29, 2017.

Summary of the Staff Recommendation

Staff recommends that the Commission extend the deadline for Commission action on the proposed LCP Update by one year. Staff recommends a **YES** vote on the motion below. Passage of the motion will result in a new deadline for Commission action on the proposed LCP Update. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. I move that the Commission extend the time limit to act on Marin County LCP Amendment LCP-2-MAR-15-0029-1 to September 29, 2017, and I recommend a yes vote.