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**LCP-2-MAR-15-0029-1**

**Environmental Action Committee of West Marin  
Support Time Extension**

July 28, 2016

Jack Ainsworth, Acting Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
*Via US Mail & Electronic Mail*

Re: EAC Support of Extension of Time Limit for Commission Action on Marin  
County Local Coastal Program Amendment Number LCP-2-MAR-15-0029-1

Dear Mr. Ainsworth,

As you know, the Environmental Action Committee of West Marin (“EAC”) has been involved in Marin County (“County”)’s Local Coastal Program amendment process since the beginning. We have reviewed thousands of pages of draft development code and policy language, staff reports, and errata. We have participated in countless hours of public workshops, meetings, and hearings. EAC is heavily invested in this process and is committed to ensuring that the County maintains strong coastal policies that protect our priority coastal resources. Like the Coastal Commission (“Commission”) and its staff (“Commission staff”), EAC wants to ensure that the County’s Local Coastal Program amendments (“LCPA”) are consistent with the Coastal Act.

A. EAC Support of Extension of Time

For the following reasons, EAC supports the Commission staff’s recommended extension of time for Commission action on the LCPA. It is important that both the Commission and the Commission staff have adequate time to review the County’s request to comprehensively update the County’s Certified Local Coastal Program (“Certified LCP”). A thorough and detailed analysis is an essential culmination of this lengthy process. The LCPA marks the first substantial update to the Certified LCP in 35 years. There is no public purpose served by rushing the process, after so much effort has been devoted to this important issue. Adequate time to review the LCPA is necessary for a thoughtful result and to ensure that all groups are afforded full public participation.

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Due to the volume of the documents submitted and re-submitted by the County (including multiple and conflicting versions, often in piecemeal form), EAC agrees that the Commission staff needs additional time to prepare a thorough report for a Commission hearing. The Commission staff's July 22, 2016 report also raises an important concern about needing adequate time to address consistency issues with the County prior to the Commission hearing, so that the hearing can be as efficient as possible.

Considering the lengthy history of this amendment process and the nature of the County's most recent submittals, it is essential that the Commission's time limit for action on the LCPA be extended. The Commission held two full hearings on previous County submissions in May 2014 and April 2015. The Commission staff reports for those hearings totaled approximately 1,302 pages. Additionally, the record of public comments was many hundreds of additional pages. And now all prior submissions have lapsed, and the County's current submission constitutes what is effectively a total revision of the Certified LCP. The submission totals approximately 1,116 pages of text, plus more than 1,600 pages of maps, appendices, and referenced provisions.<sup>1</sup> When prepared, the Commission staff report will be voluminous and will likely include numerous recommendations for substantive modifications. The public needs adequate time to review the County's complete submission, consider the Commission staff recommendations, and prepare comments. Commissioners will be challenged to review the submission and Commission staff report(s) prior to the public hearing. They will need to deliberate on many aspects of the proposed comprehensive overhaul of the Certified LCP.

#### B. EAC Support of a Hearing Location in the County

Furthermore, EAC advocates for the Commission hearing to be held in the County, so that the public can be afforded substantial participation in this vital process. The Commission should strive to ensure the widest public participation in the review of the County submission, as required by section 30006 of the Coastal Act. Furthermore, the California Code of Regulations provides that "all dates for public hearing shall be set with a view...toward allowing full public participation and attendance at the meeting." § 13522. The opportunity for the widest public participation can be achieved by holding the hearing in the County, so that "interested members of the public...may comment on the proposed LCP" without traveling long distances. *See* California Code of Regulations § 13526.

The County's community members must have time to prepare and participate in this far-reaching and enduring community issue. Since the County did not hold any Planning Commission hearings on either the Land Use Plan or the Implementation Plan now before the Commission, it is essential that the Commission's public hearing be held locally so that the public can effectively participate at this point in the process. The LCPA includes major policy changes on environmental hazards, as well as changes to many implementation measures, that

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<sup>1</sup> These figures include the County's submissions to the Commission in August 2015 and April 2016.

have never received a public hearing before the Marin Planning Commission.<sup>2</sup> Additionally, the public has not yet had the chance to review all of the documents which the County has submitted. Certain documents have not yet been made available for public review, such as the County's sea level rise maps.<sup>3</sup> Additionally, the County website states that the "Coastal Commission requests additional information prior to starting review." Therefore, there will be even more documents to be reviewed once the public has access to them.

In the alternative, if there is some reason that the hearing absolutely cannot be held in the County, then EAC supports holding the hearing elsewhere in the North Central Coast District, as close to the County as possible.

### C. A Location with Adequate Capacity Should be Selected for the Hearing

When considering a hearing location, it is necessary to find a location with adequate capacity due to the large local interest in this issue. As you may recall, at the May 15, 2014 public hearing in Inverness on the then proposed Land Use Plan, there was an overflow of attendees and all could not participate. Then in April 16, 2015, the public hearing in San Rafael (on the then proposed Implementation Plan update) was again very heavily attended. Based on the high local interest in the LCPA, it is essential to find a hearing location with adequate capacity so that all of the interested persons can fully participate.

In sum, EAC supports the extension of time for a hearing to be held in the County at a location with adequate capacity in order to ensure thoughtful and thorough consideration of the LCPA with the widest opportunity for public participation. Thank you for your consideration of our concerns.

Respectfully,

  
Morgan Patton  
Executive Director

  
Ashley Eagle-Gibbs  
Conservation Director

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<sup>2</sup> The amendments are "material," but the public has not had adequate access to or time to review all of the County submitted documents. *See* California Code of Regulations § 13536.

<sup>3</sup> The Commission staff's July 22, 2016 report references additional documents that the County has submitted which make the filing complete (sea level rise maps), but as of the date of this letter, these documents have not yet been posted to the County or the Commission staff's websites for public review. EAC is thankful that the Commission staff has provided us with a copy of the sea level rise maps, but the public needs access to these maps as well.