

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400

W25c**MEMORANDUM****Prepared May 26, 2010 (for June 9, 2010 Hearing)****To:** Coastal Commissioners and Interested Persons**From:** Charles Lester, Senior Deputy Director
Ruby Pap, District Supervisor
Madeline Cavalieri, Coastal Planner**Subject: Request to extend the time limit to acknowledge and accept the modifications suggested by the Coastal Commission on the San Mateo County Wireless Facilities LCP Amendment (SMC-MAJ-1-09)**

At the December 10, 2009 Coastal Commission meeting in San Francisco, the Commission denied, and then approved if modified by the Commission's suggested modifications, San Mateo County Local Coastal Program (LCP) Major Amendment Number 1-09 (Wireless Facilities). This LCP amendment established regulations and permitting requirements for wireless telecommunication facilities.

Pursuant to Title 14 California Code of Regulations Section 13544(a), the certification of an LCPA shall not be deemed effective until the local government with jurisdiction over the area governed by the certified local coastal program, by action of its governing body, acknowledges receipt of the Commission's resolution of certification including any terms or modifications which may have been suggested for final certification; accepts and agrees to any such terms and modifications; and takes whatever formal action is required to satisfy the terms and modifications. The County has six months from the date of Commission action to accept and adopt the Commission's suggested modifications, in this case by June 10, 2010 (Title 14 CCR Section 13537(b) and 13542(b)). If the County has not accepted and adopted the suggested modifications by that time, then the Commission's approval with suggested modifications expires at that time, and only the Commission's denial stands.

Coastal Act Section 30517 and Title 14 CCR Section 13535(c) provide that the Commission may extend, for good cause, time limits related to LCPs for a period not to exceed one year. Therefore, the County must accept, agree to and adopt the Commission's certification of LCPA SMC-MAJ-1-09 with suggested modification within six months of the Commission's December 10, 2009 action unless the Coastal Commission extends the six-month deadline.

On May 20, 2010 Commission staff received a copy of the resolution and ordinance passed by the County Board of Supervisors amending the IP pursuant to the subject Commission-approved LCP amendment. Although the County intended to adopt the Commission's suggested modifications, there was an error in the language of the ordinance. Therefore, an extension is needed to allow the County time to correctly implement the LCP amendment, as required by Title 14 CCR Section 13544(a). A one-year extension would result in a new deadline of June 10, 2011 for the County to accept the Commission's suggested modifications and take the necessary action to effectively certify the LCPA. Although staff believes that this matter will be resolved well before the new deadline, it is appropriate in this case to extend the deadline for a full year as provided by the Coastal Act and the Commission's regulations.

Summary of the Staff Recommendation

Staff recommends that the Commission extend, for a period of one year (to 6/10/2011), the expiration date of its approval with suggested modifications, and the six month time limit that applies to the County's acceptance and adoption of the Commission's suggested modifications.

Motion. I move that the Commission extend, for a period of one year, the expiration date of its approval with suggested modifications of SMC-MAJ-1-09 and the six month time limit for San Mateo County to accept, agree to and adopt those suggested modifications.

Staff Recommendation. Staff recommends a **YES** vote. Passage of this motion will result in an extension of the time to June 10, 2011 in which the County must accept and agree to the suggested modifications and take action to effectively certify LCPA SMC-MAJ-1-09 as modified. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.