

CALIFORNIA COASTAL COMMISSION

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Prepared March 22, 2012 (for April xxx, 2012 Hearing)

To: Coastal Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager

Subject: Request to Extend the Time Limit to Acknowledge and Accept the Modifications Suggested by the Coastal Commission on City of Pismo Beach Local Coastal Program Amendment Number 1-10 Part 1 (Open Space Landscaping)

At the April 14, 2011 Coastal Commission meeting in Santa Barbara, the Commission denied, and then approved if modified by the Commission's suggested modifications, City of Pismo Beach Local Coastal Program (LCP) Amendment Number 1-10 Part 1 (Open Space Landscaping). This LCP amendment is intended to allow additional landscaping on certain open space parcels.

Pursuant to the Commission's regulations, the City originally had six months from the date of Commission action to accept the Commission's suggested modifications, in this case by October 14, 2011 (California Code of Regulations (CCR) Section 13537). Coastal Act Section 30517 and 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. On September 23, 2011, the City requested a six-month extension of time to accept the modifications suggested by the Commission to allow further City consideration of the Commission's suggested modifications. The Commission granted the City's request, resulting in a new deadline for the City to accept the Commission's suggested modifications on the proposed amendment of April 14, 2012.

On March 7, 2012, the City requested an additional six-month extension of time to accept the modifications suggested by the Commission, because the City is continuing to work on other LCP amendments that affect the same planning area and would like to consider all of these amendments at one time. An additional six-month extension would result in a new deadline for the City to accept the Commission's suggested modifications on the proposed amendment of October 14, 2012.

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 an additional six months as allowed by the Coastal Act and the Commission's regulations for suggested modifications. The extended deadline means that the original deadline would be extended the full year as is allowed (i.e., the original deadline was October 14, 2011, and the new deadline would be October 14, 2012) per Coastal Act Section 30517 and CCR Section 13535(c).

Therefore, staff recommends a six-month extension of the deadline. If the City has not accepted the suggested modifications by the extended deadline (by October 14, 2012), then the Commission's approval with suggested modifications expires at that time, and only the Commission's denial would stand. The motion is found on page 2.



Summary of the Staff Recommendation

Staff recommends that the Commission extend the expiration date of its approval with suggested modifications, and thus extend the limit that applies to the City's acceptance of the Commission's suggested modifications for an additional six-month period. Staff recommends a **YES** vote on the motion below. Passage of the motion will result in a new deadline for City acceptance of the Commission's suggested modifications on this LCP amendment. 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 for the City of Pismo Beach to accept the Commission's suggested modifications that apply to LCP Amendment 1-10 Part 1 to October 14, 2012.

