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**W17b****Prepared August 23, 2012 (for September 12, 2012 Hearing)****To:** Coastal Commissioners and Interested Persons**From:** Dan Carl, Deputy Director
Susan Craig, Supervising Coastal Planner**Subject: Extension of Time Limit for Commission Action on Santa Cruz County Local Coastal Program Amendment Number SCO-1-12 Part 1 (Nonconforming Structures and Uses)**

Santa Cruz County has submitted the above-referenced Local Coastal Program (LCP) amendment request to amend its Land Use Plan (LUP) and Implementation Plan (IP) with respect to policies and regulations regarding nonconforming uses and structures. The purpose of the amendment is to allow existing nonconforming uses and structures in all zoning districts to continue, to be maintained and improved, while requiring discretionary review for more extensive modifications to nonconforming uses and structures as appropriate to address potential impacts to public health, safety, and welfare. The LCP's existing nonconforming regulations would be completely replaced by the proposed new standards.

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"), the Coastal Act requires the Commission to act on IP amendments within 60 days, and on LUP amendments and combined LUP/IP amendments within 90 days. If Commission action is not taken within the applicable time frame, then the amendment is deemed approved and certified by the Commission (Coastal Act Sections 30512 and 30513).

LCP Amendment SCO-1-12 Part 1 was filed as complete on July 9, 2012. This proposed LCP amendment includes changes to the LUP and IP and thus the 90-day requirement applies; the 90th day is October 7, 2012. Therefore, the amendment would have to be scheduled for action by the Commission's September 2012 meeting if it were to be decided within the applicable time frame. However, 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.

In this case, the amendment is large and complex, and it includes numerous proposed changes (affecting many different LCP sections) that present significant Coastal Act and LCP conformance issues, and staff has not yet had sufficient time to analyze the changes proposed to ensure that coastal resources are protected consistent with the Coastal Act and the LCP's LUP. The way in which nonconforming uses and structures are addressed can have significant ramifications in terms of coastal resource impacts, and the amendment raises questions about the way in which it would apply in certain critical circumstances. Perhaps most importantly, the amendment does not appear to address nonconformities related to hazards and certain resource setbacks. In terms of hazards, the proposed amendment is silent with respect to blufftop and shoreline redevelopment, and does not define at what point development must conform to

LCP requirements, including in terms of blufftop setbacks. Similarly, other sorts of habitat-related setback nonconformities (e.g., wetlands, ESHA, etc.), appear to be unaccounted for, and it is not clear how the LCP would address such issues. Staff is working with County staff to develop potential modification language to address these and other issues. Given Staff's experience with the issue of blufftop redevelopment and nonconformities, including in relation to the recent Solana Beach LUP certification where these issues were central, it may take significant time to come up with appropriate solutions that are agreeable to the County. Given that, although staff hopes to be able to bring the amendment forward before the end of the year, such a schedule is dependent upon the success of coordination with the County. Thus, although staff believes this matter will be brought to a hearing in the near-term, staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for flexibility in hearing scheduling (including to accommodate any requested or otherwise necessary postponements, continuances, etc.) and in terms of allotting scarce staff resources, consistent with the Commission's general practice in this regard. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed LCP amendment by one year. A one-year extension would result in a new deadline for Commission action of October 7, 2013.

Summary of the Staff Recommendation

Staff recommends that the Commission extend the deadline for Commission action on the proposed amendment 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 this proposed 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 to act on Santa Cruz County Local Coastal Program Amendment Number SCO-1-12 (Nonconforming Structures and Uses) to October 7, 2013.