

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
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Tu19b



June 24, 1998

TO: Commissioners and Interested Parties

FROM: Charles Damm, Senior Deputy Director
Gary Timm, District Manager
Barbara Carey, Coastal Program Analyst

SUBJECT: County of Los Angeles (Malibu/Santa Monica Mountains Segment)
Local Coastal Program Amendment 1-97: Time Extension (For
Consideration at the Commission Meeting of July 7, 1998)

SUMMARY

The County of Los Angeles has requested that the Commission extend the expiration of the Commission's certification of Amendment 1-97 with suggested modifications on February 5, 1998. The Los Angeles County Board of Supervisors has not yet considered the adoption of the suggested modifications. The Commission's certification with suggested modifications expires six months from the date of Commission action (14 C.C.R. §13537[b]). If the County has not accepted the Commission's suggested modifications by August 5, 1998, the Commission's action will expire, unless an extension is granted by the Commission. Under Commission Regulations (14 C.C.R. §13535[c]), the Commission may, by a majority vote of the Commissioners present, extend the effective period for the Commission's certification for a period not to exceed one year, if, after consultation with the local government, they determine that there is good cause to do so.

As discussed below, staff is recommending the Commission **deny** the extension request as the County has presented no good cause reason to do so.

I. STAFF RECOMMENDATION.

Staff recommends that the Commission adopt the following resolution:

The Commission hereby denies, under 14 C.C.R §13535(c), an extension of the effective period of the Commission's certification, with suggested modifications, of Amendment 1-97 to the Malibu/Santa Monica Mountains Land Use Plan. The Commission has found, after consultation with the local government, that good cause does not exist for such a time extension.

II. FINDINGS.

A. Background.

On February 5, 1998, the Commission unanimously denied as submitted Amendment 1-97 to the Malibu/Santa Monica Mountains Land Use Plan. The Commission then unanimously approved Amendment 1-97 with six suggested modifications that would bring the amendment into compliance with the Coastal Act. This amendment revised land use designations and added policies to provide for the expansion of Soka University on a 588-acre site at the corner of Mulholland Highway and Las Virgenes Road in the Santa Monica Mountains.

Under the Commission's regulations, Amendment 1-97 can not be effectively certified until the County acknowledges receipt of the Commission's February 5, 1998 action, agrees to the modifications, and takes whatever formal action is necessary to effect the suggested modifications (14 C.C.R. §13544). If this is the County's preferred course of action, this must occur within six months of the Commission's decision (August 4, 1998) or the Commission's certification with suggested modifications expires pursuant to 14 C.C.R. §13537(b).

The County of Los Angeles has requested a one-year time extension of the effective period of the Commission's certification with suggested modifications of Amendment 1-97. The June 1, 1998 letter from Director of Planning James E. Hartl requesting the time extension is attached as Exhibit 1. This letter states that: "Because the Coastal Commission has not approved the findings related to their action of February 5, 1998 and considering the complexity of this amendment and the nature of the actions that may have to be taken, the County of Los Angeles formally requests a one year time extension to consider the Coastal Commission's suggested modifications".

B. Analysis.

Under Section 13535(c) of the Commission's regulations, the Commission may extend any time limit contained within Subchapter 2 of Chapter 8, Title 14 of the Commission's regulations for a period of not more than one year for good cause. As mentioned above, the County has requested a one-year time extension of the effective period of the Commission's certification with suggested modifications of Amendment 1-97. The County has stated that good cause exists for three reasons which are:

- The Commission has not yet adopted revised findings in support of its February 5, 1998 action;
- The amendment and suggested modifications are complex in nature; and

- The nature of actions which must be taken by the County to accept the modifications are time-consuming.

Each ground stated as a basis for the requested time extension is analyzed in turn below.

Revised Findings.

The County cites the fact that the Commission has not yet adopted revised findings as a basis for the time extension. It is true that revised findings have not yet been adopted. However, suggested modifications recommended by staff were set forth in the January 22, 1998 staff report and the February 3, 1998 staff report addendum. Changes to these modifications were made during the February 5, 1998 public hearing which was attended by County representatives. The full text of the suggested modifications was made available to the Commission and interested parties in a memo dated February 26, 1998. Finally, notice of the Commission's action was officially transmitted to the County on April 6, 1998.

As such, while the Commission has not yet adopted revised findings in support of its February 5, 1998 action, the full text of the suggested modifications reflecting this action has been transmitted to the County. It is not necessary for the County to have the adopted revised findings prior to taking action on the suggested modifications.

Amendment Complexity.

The County contends that the amendment is complex in nature. However, besides this general statement, no specific analysis is provided that indicates what difficulty is presented by the complexity of the subject amendment or the suggested modifications. Furthermore, no analysis is provided which indicates why the complexity of the amendment would preclude adoption of the suggested modifications within the six-month time frame.

Actions Required.

Finally, the County cites the nature of the actions required to be taken at the local level in order to adopt the suggested modifications as a basis for extension of time. However, there is no description of the specific actions that would be necessary in order to adopt the suggested modifications. Additionally, the County has given no indication of the timing required to carry out such actions or why they may not be performed within the six-month time frame.

Conclusion.

In conclusion, the County has requested an extension of the effective period of the Commission's certification of Amendment 1-97. However, the County has not demonstrated that there is good cause to grant such a time extension. As discussed above, the full text of the suggested modifications reflecting this action has been transmitted to the County. It is not necessary for the County to have the adopted revised findings prior to taking action on the suggested modifications. Further, the County has not provided specific information as to why the complexity of the amendment or the nature of the actions necessary to adopt the suggest modifications precludes the adoption of the suggested modifications during the effective period. The Commission finds therefore, that the County has presented no good cause reason to extend the effective period of the certification with suggested modifications of Amendment 1-97 to the Malibu/Santa Monica Mountains Land Use Plan.



*Los Angeles County
Department of Regional Planning*

Director of Planning, James E. Hartl, AICP



June 1, 1998

California Coastal Commission
South Central Coast
Steve Scholl, Deputy Director
89 S. California St., Suite 200
Ventura, CA 93001

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Mr. Scholl:

On February 5, 1998, the Coastal Commission approved Los Angeles County's Amendment 1-97 to the Certified Malibu Land Use Plan with suggested modifications. It is our understanding that the revised findings reflecting the Commission's February 5 action, including the suggested modifications, will be subject to the review and approval of the Commission at some future hearing. In order for the Commission's action to be final, the County must acknowledge receipt of the modifications, accept and agree to them, and take appropriate formal action.

Because the Coastal Commission has not approved the findings related to their action of February 5 and considering the complexity of this amendment and the nature of the actions that may have to be taken, the County of Los Angeles formally requests a one year time extension to consider the Coastal Commission's suggested modifications. This request would extend the time period that the County has to act on the suggested modifications to August 5, 1999. Please provide a written response to this time extension request at your earliest convenience.

Please call Ron Hoffman at (213) 974-6443 if you have any questions. Our office is open from 7:00 a.m. to 6:00 p.m. Monday through Thursday; the office is closed on Friday.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING

James E. Hartl, AICP
Director of Planning

JEH:RDH:rh

c: Ginny Kruger, Third Supervisorial District
Judith Fries, County Counsel
Peter Gutierrez, County Counsel
Rick Weiss, County Counsel

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EXHIBIT NO. 1
APPLICATION NO. TIME EXTENSION
Malibu LUP
Amend 1-97