

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
427-4863



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W10C

March 24, 1999

TO: Commissioners and Other Interested Parties

FROM: Tami Grove, Central Coast Deputy Director
Charles Lester, District Manager
Steven Guiney, Coastal Program Analyst

SUBJECT: Time Extension Request, City of Morro Bay LCP Amendment 1-97 (Water Allocation)

Findings and Staff Recommendation

Coastal Act Section 30514.1 provides that the Commission shall adopt findings or provide written explanation or notice to support its action on an LCP amendment no later than 60 days after the date on which the action was taken.

On November 5, 1998, the Commission voted 8 - 0 to deny the land use plan amendments and the implementation plan amendments contained in Amendment 1-97 as submitted and to certify them if modified as recommended in the staff report and as modified by the Commission at the meeting. Pursuant to California Code of Regulations Section 13537, the Commission's certification with modifications expires six months from the date of the Commission's action. If the City does not act on the modifications by May 4, 1999, the City would have to begin the amendment process at the local level again in order to bring the proposed amendment back to the Commission.

Revised suggested modifications were sent to the City on December 23, 1998, 48 days after the Commission's action. Revised findings to support the Commission's revised suggested modifications were sent to the City on or about January 15, 1999, approximately 71 days after Commission action on the amendment. Those revised findings were adopted by the Commission at its February 3, 1999 meeting, 90 days after the Commission's action and on March 5, 1999 were formally transmitted to the City, 120 days after the Commission's action.

On March 14, 1999 the City's Planning Department offices sustained extensive smoke damage due to a fire, rendering access to the City's files on this amendment unavailable for several weeks.

Because of the delay in receiving the revised findings and because of the fire rendering necessary files inaccessible, the City believes that good cause exists to extend the six month limit on the modifications to the amendment and requests that the Commission extend the

expiration date of the modifications by six months, until October 31, 1999, pursuant to Coastal Act Section 30517 (see the attached Exhibit).

Staff recommends that the Commission find that good cause exists, adopt the following resolution and extend the time limit by six months.

Granting of 6 Month Extension

The Commission hereby grants, under Coastal Act Section 30517, a six month extension of the May 4, 1999 expiration date of its certification with modifications of the City of Morro Bay LCP Amendment 1-97, on the grounds that good cause exists for an extension of time.

City of Morro Bay



PLANNING & BUILDING DEPARTMENT • 595 HARBOR STREET, MORRO BAY, CALIFORNIA 93442 • 805-772-6210

March 23, 1999

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Sent by FAX (831) 427-4877

MAR 23 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ms. Sara Wan, Chairman
Via: Steve Guiney, Coastal Analyst
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

**SUBJECT: TIME EXTENSION REQUEST FOR CITY OF MORRO BAY COASTAL COMMISSION
SUGGESTED MODIFICATIONS TO MB-LCP AMENDMENT #1-97: WATER ALLOCATION**

Dear Mr. Guiney:

On November 5, 1998, your Commission voted to deny Morro Bay's request for amendments to our Local Coastal Program related to allocation of water resources to new development, but to certify the requested amendments if the City will accept the modifications suggested by the Commission, as contained in the resolutions approved on February 3, 1999. The amendment package will be void on May 4, 1999.

Please forward the attached Resolution No. 21-99 passed unanimously by the City Council of the City of Morro Bay on March 22, 1999 as the City's request for a time extension as allowed by California Coastal Act Section 30517. We believe that 'good cause' exists because of the three month period that elapsed between final action and the adoption of the findings and resolution of certification and the one month delay in officially notifying the City of the Commission's approval (received on March 5, 1999). Additionally, the City experienced a fire on the morning of March 14, 1999 in our Planning & Building and Public Works department offices that resulted in extensive smoke damage that has rendered key files, necessary to staff to develop a recommendation on the suggested modifications to the City Council, inaccessible for up to several weeks. Key staff are currently directing their efforts in finding temporary housing for the employees of the two departments who have been misplaced by the fire, and in re-establishing the service operations. This combination of events leaves the City inadequate time to carefully consider this important amendment package.

The requested extension would provide additional time for review while the City focuses on the disruption to services in the Planning & Building and Public Works departments over the next several weeks. We hope the Commission will be sympathetic to our needs and grant the City the requested six month time extension.

Sincerely,

SHAUNA NAUMAN
Interim Director

cc: Peter Douglas, Executive Director
Charles Lester, District Manager
David J. Cole, City Manager
David Hunt, City Attorney

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RESOLUTION NO. 21-99**RESOLUTION REQUESTING AN EXTENSION OF TIME FOR
ACCEPTANCE OF THE CALIFORNIA COASTAL COMMISSION'S
MODIFIED LANGUAGE PERTAINING TO
LOCAL COASTAL PROGRAM AMENDMENT NO. 1-97,
WATER ALLOCATION****THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the City of Morro Bay City Council conducted a public hearing on May 12, 1997 and approved amendments to the City's General Plan and Local Coastal Program, as follows:

City of Morro Bay, Local Coastal Program, Major Amendment Number 1-97; and

WHEREAS, the City submitted Local Coastal Program, Major Amendment Number 1-97 to the California Coastal Commission for certification on June 2, 1997; and

WHEREAS, on November 5, 1998 the California Coastal Commission denied the City's amendments to the Local Coastal Program Major Amendment Number 1-97 as submitted; and

WHEREAS, on November 5, 1998 the California Coastal Commission conditionally certified Amendment Number 1-97 if modified as recommended by Coastal staff and as modified by the Coastal Commission; and

WHEREAS, February 3, 1999 the California Coastal Commission approved revised findings in support of its November 5, 1998 action; and

WHEREAS, on March 5, 1999 City of Morro Bay staff received formal notice of the Coastal Commission's findings and resolutions of approval for Amendment Number 1-97, said notice indicating that in accordance with California Code of Regulations, Title 14, section 13537(b), the six month period to accept the modifications would expire on May 4, 1999 or the amendment will be void; and

WHEREAS, Public Resources Code Section 30517 allows the California Coastal Commission to extend the modifications up to one year for good cause; and

WHEREAS, good cause exists because of the three month delay in scheduling the revised finding for approval by the Coastal Commission (from November 5, 1998 to February 3, 1999) and the additional one month delay in preparing the formal notification, dated March 5, 1999, which has limited the time for staff analysis and recommendation to the City Council to only 2 months rather than the normal six month period; and

City of Morro Bay
Resolution No. 21-99
Time Extension Request of CCC
for LCP Amendment No. 1-97
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WHEREAS, further good cause exists because the City's Planning & Building and Public Works Department offices, where all of the files related to Amendment Number 1-97 are stored, sustained extensive smoke damage due to a fire that occurred the morning of March 14, 1999 and access to the files needed for review in order to develop a recommendation to the City Council on this matter will be unavailable for several weeks, thereby further limiting the time the City has to fully consider acceptance of the modifications contained in the California Coastal Commission resolution of certification;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the City Council requests the time limit to accept the modified language, as suggested by the California Coastal Commission, be extended for six (6) months, as provided for in Public Resources Code Section 30517.

PASSED AND ADOPTED by the City Council of the City of Morro Bay, California, at a regular meeting held on the 22nd day of March, 1999, by the following vote:

AYES: Crotzer, Elliott, Peirce, Peters

NOES: None

ABSENT: Anderson

ABSTAIN: None


DAVID ELLIOTT, Vice Mayor

ATTEST:


BRIDGETT BAUER, City Clerk