

## CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY



# W8a

DATE: March 1, 2000

TO: COASTAL COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter M. Douglas, Executive Director  
Steven F. Scholl, Deputy Director  
Robert Merrill, District Manager

SUBJECT: **Mendocino Co. LCP Amendment No. 2-98 (Major: Gualala Town Plan and Zoning) Certification Review:** Extension of time for Mendocino County to accept and agree to the Commission's certification of Mendocino County LCP Amendment No. 2-98 with suggested modifications.  
(For the Commission meeting of March 15, 2000, Item W8a)

On September 16, 1999, the Coastal Commission denied Mendocino Co. LCP Amendment No. 2-98 (Major: Gualala Town Plan and Zoning) as submitted by Mendocino County, and then certified the amendment if modified as suggested to incorporate various revisions. Staff is recommending that the Commission extend the time for Mendocino County to accept and agree to the Commission's certification of the amendment with suggested modifications.

### Proposed LCP Amendment

The proposed amendment would establish a Gualala Town Plan (GTP) consisting of: (1) proposed revisions to the text and land use maps of the Coastal Element of the County's General Plan (LUP) providing specific goals and policies guiding development in Gualala and the southernmost portion of the Mendocino County coastal zone; (2) an associated change to the zoning maps; and (3) an ordinance amendment providing revisions as necessary to maintain consistency with the proposed general plan and zone changes, incorporate four newly-created zoning districts, and provide for development of a limited number of second residential units in the GTP planning area.

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Effective Certification Process.

Pursuant to Section 13544 of the Commission's regulations, the certification of an LCP amendment shall not be deemed final and effective until: (a) the local government acknowledges receipt of the Commission's resolution, accepts and agrees to the modifications, takes whatever formal action is required to satisfy the modifications, and agrees to issue coastal development permits for the total area included in the certified local coastal program; (b) the Executive Director determines in writing that the local government's actions take to satisfy the above requirements are legally adequate, (c) the Executive Director reports the determination to the Commission and the Commission does not object to the determination, and (d) notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency. Pursuant to Section 13542(b), the Commission's certification of an LCP amendment with suggested modifications shall expire six months from the date of the Commission's action. Therefore, the local government must accept and agree to the Commission's certification of an LCP amendment with suggested modifications within six months unless the Commission extends the six-month deadline. Section 30517 of the Coastal Act and Section 13535(c) of the Commission's Regulations provide that the Commission may extend for good cause the deadline for a period not to exceed one year.

Reasons for Proposed Extension

In the case of Mendocino LCP Amendment No.2-98, the Commission's certification with suggested modifications is only valid through March 16, 2000. It was not possible for the County to take the required actions under Section 13544 of the Commission's regulations within the six month time frame because the County did not receive the formal resolution of certification in sufficient time to schedule the necessary local hearings to take the required actions. In addition, the Commission's action on September 16, 1999 to certify the LCP amendment with suggested modifications differed substantially from the written staff recommendation that had been mailed prior to the hearing. The Commission made numerous changes to the suggested modifications that had been recommended by staff. As a result, it is necessary for the Commission to adopt a set of revised findings as the needed findings to support its actions to certify the amendment with the suggested modifications. Given the number of changes the Commission made, having an adopted set of revised findings would greatly assist the County in taking the required actions under Section 13544 of the Commission's regulations for effective certification of the LCP amendment. Commission Staff is preparing a set of revised findings and plans to schedule a hearing on the revised findings for a forthcoming Commission meeting, possibly the April meeting in Long Beach.

Staff Recommendation

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Staff recommends that the Commission vote to extend the deadline for effective certification for up to a year.

**MOTION:**

I move that the Commission extend the six month time limit for Mendocino County to accept and agree to the Commission's certification of Mendocino County LCP Amendment No. 2-98 (Major: Gualala Town Plan and Zoning) with suggested modifications for a period not to exceed one year.

Staff recommends a YES vote. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

