

CALIFORNIA COASTAL COMMISSION

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DATE: January 26, 2006

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, District Manager – North Coast District

SUBJECT: **CITY OF POINT ARENA LCP AMENDMENT NO. PTA-MAJ-2-04 (WASSERMAN)** Extension of time for City of Point Arena to accept and agree to the Commission's certification of City of Point Arena LCP Amendment No. PTA-MAJ-2-04 with suggested modifications.
(For the Commission meeting of February 9, 2006, Item 6b)

On August 12, 2005, the Coastal Commission denied City of Point Arena LCP Amendment No. PTA-MAJ-2-04 (Wasserman) as submitted by the City, and then certified the amendment if modified as suggested to incorporate various revisions. Staff is recommending that the Commission extend the time for the City to accept and agree to the Commission's certification of the amendment with suggested modifications.

Proposed LCP Amendment

The amendment would redesignate and rezone a 7.4-acre parcel located west of Highway One, at 240 Port Road in Point Arena along the southern Mendocino Coast from Agriculture Exclusive (20-acre minimum) to Residential Agriculture (2-acre minimum). The two suggested modifications imposed by the Commission would add policy language to the LUP and add a three-acre minimum parcel size combining zone to a) ensure that site development constraints are addressed in a manner that would limit the future division of the 7.4-acre parcel into a maximum of two parcels instead of three, and b) limit future development to suitable building sites consistent with the protection of the scenic corridor in which the entire parcel is located.

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

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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 13535(c) of the Commission's Regulations provide that the Commission may extend for good cause any time limit within the subchapter of regulations on LCPs for a period not to exceed one year.

Reasons For Proposed Time Extension

The City Council has not yet held the necessary local hearing to consider the Commission's suggested modifications to the LCP amendment due to a misunderstanding about the steps involved in the effective certification process. As a result, the City needs more time to take the required actions to accept the Commission's suggested modifications and take final action to implement the amendment as modified. If the Commission extends the deadline for City action, the staff will work closely with the City to clarify procedures and facilitate the effective certification process.

Staff Recommendation

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 the City of Point Arena to accept and agree to the Commission's certification of City of Point Arena LCP Amendment No. PTA-MAJ-2-04 (Wasserman) 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. Passage of this motion will result in the an extension of the period in which the City must accept and agree to the suggested modifications and take further action to implement the amendment as modified to February 12, 2007.