

**CALIFORNIA COASTAL COMMISSION**

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# F5b

DATE: March 30, 2006

TO: Commissioners and Interested Parties

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

SUBJECT: **HUMBOLDT COUNTY LCP AMENDMENT NO. HUM-MAJ-1-98-C (SHELTER COVE VACATION RENTALS)** Extension of time for Humboldt County to accept and agree to the Commission's certification of Humboldt County LCP Amendment No. HUM-MAJ-1-98-C with suggested modifications.  
(For the Commission meeting of April 14, 2006, Item 5b)

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On September 14, 2005, the Coastal Commission denied Humboldt County LCP Amendment No. HUM-MAJ-1-98-C (Shelter Cove Vacation Rentals) as submitted by the County, and then certified the amendment if modified as suggested to incorporate various revisions. Staff is recommending that the Commission extend the time for the County to accept and agree to the Commission's certification of the amendment with suggested modifications.

## **Proposed LCP Amendment**

The amendment would effectuate changes to both the South Coast Area Land Use Plan (SCAP) and the Coastal Zoning Regulations to allow for a type of transient habitation (Vacation Home Rentals) in areas of Residential Single Family (RS) and Mixed Residential Use (R2) zoning within the community of Shelter Cove in southern Humboldt County. The amendments would affect approximately 2,300 lots within the Shelter Cove subdivision.

The two suggested modifications imposed by the Commission would address the increased intensity of use and accompanying impacts of vacation rentals on coastal resources and infrastructure capacity. Suggested Modification A would modify the proposal to add Vacation Home Rental Use type to the list of principally permitted uses within Residential Medium and Low-Density designations to indicate that Vacation

## **HUMBOLDT COUNTY LCP AMENDMENT NO. HUM-MAJ-1-98-C**

### **CERTIFICATION REVIEW**

#### **Page 2**

Home Rental use would be principally permitted only upon issuance of a Special Permit and subject to compliance with certain performance standards proposed to regulate the VHR use, which are to be set forth in full in the Implementation Plan. Suggested Modification B would modify the proposed performance standards for Vacation Home Rentals to also require the owners/operators of Vacation Home Rentals to provide evidence that water and sewer service providers have confirmed that there is adequate service capacity to accommodate the proposed use.

#### **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 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 County has not yet scheduled the necessary local hearing to consider the Commission's suggested modifications to the LCP amendment due to a misunderstanding about the deadline for County acceptance of the Commission's certification of the amendment. 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 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.

**HUMBOLDT COUNTY LCP AMENDMENT NO. HUM-MAJ-1-98-C**

**CERTIFICATION REVIEW**

**Page 3**

**MOTION:**

I move that the Commission extend the six-month time limit for the County of Humboldt to accept and agree to the Commission's certification of Humboldt County LCP Amendment No. HUM-MAJ-1-98-C (Shelter Cove Vacation Rentals) 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 April 14, 2007.