

CALIFORNIA COASTAL COMMISSION

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DATE: June 27, 2008

TO: Commissioners and Interested Parties

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

SUBJECT: **CITY OF FORT BRAGG LCP AMENDMENT NO. FTB-MAJ-1-06 (LCP Update)** Extension of time for City of Fort Bragg to accept and agree to the Commission's certification of City of Fort Bragg LCP Amendment No. FTB-MAJ-1-06 with suggested modifications.
(For the Commission meeting of July 11, 2008, Item 8a)

The Commission acted on LCP Amendment No. FTB-MAJ-1-06 (LCP Update) at its January 11, 2007 public hearing. By unanimous votes, the Commission (1) denied the proposed Land Use Plan amendment as submitted, (2) certified the Land Use Plan amendment with suggested modifications, (3) denied the proposed Implementation Plan amendment as submitted, and (4) certified the Implementation Plan amendment with suggested modifications.

Proposed LCP Amendment

The proposed LCP amendment consists of a comprehensive update of the City's currently certified Land Use Plan (LUP) and Implementation Program (IP), originally certified in 1983. The City adopted a new General Plan in December 2002 (with amendments through November 2004) to replace the currently certified LUP. The City also adopted a new zoning ordinance in June 2004, entitled the Land Use and Development Code, to replace the currently certified zoning ordinance (Title 18 of the City's Municipal Code). Both the General Plan (LUP) and the Land Use and Development Code (IP) have been submitted to the Commission for certification. Both documents constitute a complete update of all of the City's programs and policies and are in an entirely different organizational format than the currently certified LUP and IP.

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 taken 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 Fort Bragg City Council held the necessary local hearing to consider and accept the Commission's suggested modifications to the LCP amendment. Following the local hearing, the City transmitted the Land Use Plan and Implementation Plan documents for review by the Executive Director to determine whether the City's actions are legally adequate to satisfy the requirements of Section 13544 of the Commission's regulations. Upon reviewing the documents, staff noted several omissions and discrepancies between Suggested Modifications adopted by the Commission and the language reflected in the LCP documents transmitted by the City. As a result, the City and Commission staff need more time to complete the process. The staff will work closely with City staff to determine the nature of the inconsistencies and determine the necessary resolution. If the Commission extends the deadline for City action on the suggested modifications, the staff will work closely with the City to resolve the inconsistencies as expeditiously as possible and further 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.

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CERTIFICATION REVIEW

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MOTION:

I move that the Commission extend the six-month time limit for the City of Fort Bragg to accept and agree to the Commission's certification of City of Fort Bragg LCP Amendment No. FTB-MAJ-1-06 (LCP Update) 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 an extension of the period in which the City must accept and agree to the suggested modifications and take all actions necessary to implement the amendment as modified.