

CALIFORNIA COASTAL COMMISSION

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Prepared August 21, 2008 (for September 11, 2008 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner

Subject: Extension of Time Limit for Commission Action on San Luis Obispo County Local Coastal Program Major Amendment Number 2-07 Parts 1-4 (second units, parks and recreation element, affordable housing standards, and condominium conversion).

San Luis Obispo County has submitted the above-referenced Local Coastal Program (LCP) amendment request intended to modify certified Local Coastal Program (LCP) standards in relation to second units (Part 1), the parks and recreation element (Part 2), affordable housing (Part 3), and condominium conversions (Part 4).

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied and an amendment request is deemed submitted (or "filed"), the Coastal Act requires the Commission to act on Implementation Plan (IP) amendments within 60 days, and on Land Use Plan (LUP) amendments and combined LUP/IP amendments within 90 days. If Commission action is not taken within the applicable time frame, then the amendment is deemed approved and certified by the Commission. (Coastal Act Sections 30512, 30513, and 30514.)

Parts 1 through 4 of proposed LCP amendment 2-07 were each filed as complete on July 16, 2008. Part 1 includes both LUP and IP changes, Part 2 involves LUP changes only, and Parts 3 and 4 are IP only. As a result, the 90-day requirement applies to Parts 1 and 2, and the 60-day requirement applies to Parts 3 and 4. The 60th day is September 14, 2008 and the 90th day is October 14, 2008. Therefore, each of the parts of the amendment would have to be scheduled for action at the Commission's September 2008 meeting if they were to be decided within the applicable time frame; the Commission's October meeting begins on October 15, 2008). However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the time limit for Commission action for a period not to exceed one year.

In this case, the amendment files are extensive and present significant Coastal Act and LCP conformance issues, and staff has not yet had sufficient time to analyze the changes proposed to ensure that coastal resources are protected consistent with the Act and the LCP. A later meeting date would allow for adequate review, as well as consultation with the County regarding any possible amendment modifications. A one-year extension would result in a new deadline for Commission action of October 14, 2008 for Parts 1 and 2, and September 14, 2008 for Parts 3 and 4.

Although staff believes that this matter will be brought to hearing before such a new deadline, it has generally been the Commission's practice to extend such deadlines for a full year as provided by the



Coastal Act to allow for flexibility in hearing scheduling (including to accommodate any requested or otherwise necessary postponements, continuances, etc.) and in terms of allotting scarce staff resources. Therefore, staff recommends that the Commission extend the deadline for Commission action for each of the parts of this proposed LCP amendment by one year.

Summary of the Staff Recommendation

Staff recommends that the Commission extend the deadline for Commission action on each of the proposed amendments by one year. Staff recommends a **YES** vote on the motion below. Passage of the motion will result in new deadlines for Commission action on this proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. I move that the Commission extend the time limit to act on San Luis Obispo County Local Coastal Program Amendment Number 2-07 Parts 1 and 2 to October 14, 2008, and 2-07 Parts 3 and 4 to September 14, 2008.

