

CALIFORNIA COASTAL COMMISSION

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Prepared December 18, 2008 (for January 7, 2009 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 1-05 Part 2 (DeVincenzo).

San Luis Obispo County has submitted the above-referenced Local Coastal Program (LCP) amendment request to change the land use category on portions of two parcels in the Avila Valley from Rural Lands (RL) to Recreation (REC) and Rural Lands (RL) to Open Space (OS), and to revise the LCP's San Luis Bay Area Plan by adding new standards to the REC land use category for the Avila Beach Urban Area. The amendment is project-driven, and it would eventually provide for consideration of a visitor-serving project which includes a 125-room resort lodge (61 guest rooms in the main building and 64 hotel village rooms split among eight structures in two clusters, a restaurant, bar, gift shop, small conference center, health club/spa, gardens and nature trails, and two residential units).

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).

Proposed LCP amendment 1-05 Part 2 was filed as complete on October 29, 2008. The amendment submittal includes LUP changes. As a result, the 90-day requirement applies and the 90th day is January 27, 2009. Therefore, the amendment would have to be scheduled for action by the Commission's January 2009 meeting if it were to be decided within the applicable time frame. 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 is complicated, including by virtue of its project-driven nature, and presents potential Coastal Act conformance issues. Staff has not yet had sufficient time to analyze the changes proposed to ensure that coastal resources are protected consistent with the Act. 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 January 27, 2010.

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 the proposed LCP amendment by one year.

Summary of the Staff Recommendation

Staff recommends that the Commission extend the deadline for Commission action on the proposed amendment by one year. Staff recommends a **YES** vote on the motion below. Passage of the motion will result in a new deadline 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 1-05 Part 2 to January 27, 2010.

