

CALIFORNIA COASTAL COMMISSION

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Prepared June 16, 2010 (for July 7, 2010 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager
Mike Watson, Coastal Planner

Subject: Extension of Time Limit for Commission Action on Carmel-by-the-Sea Local Coastal Program Amendment Number 1-10 (Medical Marijuana Dispensaries)

The City of Carmel-by-the-Sea has submitted the above-referenced Local Coastal Program (LCP) amendment request to modify the LCP to ban medical marijuana dispensaries in Carmel village. The proposed amendment includes changes to the LCP's use regulations and definitions.

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 and 30513)

LCP amendment 1-10 was filed as complete on June 2, 2010. This proposed LCP amendment includes IP changes only and thus the 60-day requirement applies; the 60th day is August 1, 2010. Therefore, the amendment would have to be scheduled for action by the Commission's July 2010 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 includes proposed changes that may present 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 LCP's LUP. A later meeting date would allow for adequate review, as well as consultation with the City regarding any possible amendment modifications. A one-year extension would result in a new deadline for Commission action of August 1, 2011.

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 on the proposed LCP amendment by one year. The motion to do so can be found on page 2.



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 Carmel-by-the-Sea Local Coastal Program Amendment Number 1-10 to August 1, 2011. I recommend a yes vote.

