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Prepared September 25, 2012 (for October 10, 2012 Hearing)

To: Coastal Commissioners and Interested Persons
From: Madeline Cavalieri, Central Coast District Manager
Kevin Kahn, Coastal Planner
Subject: **Extension of Time Limit for Commission Action on City of Pismo Beach Local Coastal Program Amendment Number PSB-1-12 Part 2 (Land Use & Parks and Recreation Elements)**

The City of Pismo Beach has submitted the above-referenced Local Coastal Program (LCP) amendment request to update/modify the LCP Land Use Plan's (LUP) Land Use and Parks and Recreation Elements. The primary purpose of the proposed amendment is to update the LCP's development standards, including bluff setback standards, as well as to update the Parks and Recreation Element, including to reflect various now completed projects.

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 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).

Proposed City of Pismo Beach LCP amendment PSB-1-12 Part 2 was filed as complete on July 30, 2012. The amendment proposes changes only to the LCP's LUP. Thus, the 90-day action requirement applies; the 90th day is October 28, 2012. Therefore, the amendment would have to be scheduled and decided upon by the Commission's October 2012 meeting if it were to meet the action deadline so established. 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 numerous proposed changes in the two LUP elements. Although many of these proposed changes are updates to statistics, figures, and text (e.g., to reflect completed projects), others are of a more substantive nature that appear to present important Coastal Act and LCP questions. Staff has not yet had sufficient time to analyze the proposed changes and to coordinate with the City to ensure that coastal resources are protected consistent with the Coastal Act and the LCP. In particular, the amendment includes new bluff setback prescriptions for development, but it is unclear as to how the setbacks would apply to

existing structures and redevelopment, which is the more common type of development in the City. Staff is continuing to work with City staff to develop potential modification language to address these and other issues. Based on staff's statewide experience with the issue of blufftop redevelopment standards, it is likely to take considerable time to come up with appropriate solutions that are agreeable to the City and consistent with the Commission's statewide approach to these issues. Additionally, the City has requested that several new changes be made to the proposed Parks and Recreation Element (i.e., beyond those currently before the Commission in the LCP amendment package) to address certain identified errors in tables and charts, and staff will need additional time to appropriately address these City requests.

Staff is preliminarily planning to bring the proposed amendment forward to a local hearing by the early part of next year (January/February). However, such a schedule is dependent upon the success of coordination with the City. Thus, although staff believes this matter will be brought to a hearing in the near-term, staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the City on potential modifications, establishing hearing schedules, and managing competing workload. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed LCP amendment by one year. A one-year extension would result in a new deadline for Commission action of October 28, 2013.

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 City of Pismo Beach Local Coastal Program Amendment Number PSB-1-12 Part 2 to October 28, 2013, and I recommend a yes vote.