

CALIFORNIA COASTAL COMMISSION

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Prepared February 16, 2012 (for March 8, 2012 Hearing)

To: Coastal Commissioners and Interested Persons

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

Subject: Extension of Time Limit for Commission Action on Monterey County Local Coastal Program Amendment Number 1-11 (Housing Element)

The County of Monterey has submitted the above-referenced Local Coastal Program (LCP) amendment request intended to amend LCP housing standards, including those related to accessory dwelling units, homeless shelters, transitional and employee housing. The proposed amendment also makes changes to density bonuses and incentives throughout the Monterey County coastal zone.

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

Monterey County LCP amendment 1-11 was filed as complete on December 13, 2011. The proposed LCP amendment includes changes to both the LUP and IP and thus the 90-day requirement applies; the 90th day is March 12, 2012. Therefore the amendment would have to be scheduled for action by the Commission's March 2012 meeting if it were to be decided within 90 days of filing. However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the 90-day time limit for a period not to exceed one year. A one-year extension would result in a new deadline for Commission action of March 12, 2013.

In this case, the proposed amendment presents significant LCP resource issues and questions related to a series of different residential types and the way in which they can or should be allowed, including in relation to allowed densities and density bonuses, in the County's coastal zone, and there is insufficient time before the March 2012 hearing to analyze the changes proposed to ensure coastal resource protection consistent with the Coastal Act and the LCP. A later meeting date would allow for adequate review time, as well as allow for consultation with the County regarding any possible amendment modifications. Although staff believes that this matter will be brought to hearing before the 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 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 90-day time limit to act on Monterey County Local Coastal Program Amendment Number 1-11 to March 12, 2013.

Staff Recommendation. Staff recommends a **YES** vote. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

