

CALIFORNIA COASTAL COMMISSION

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Th26a

DATE: February 17, 2012

TO: Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Robert S. Merrill, District Manager – North Coast District
James R. Baskin AICP, Coastal Planner – North Coast District

SUBJECT: **CITY OF ARCATA LCP AMENDMENT NO. ARC-MAJ-1-09 (LCP UPDATE)** Extension of time for City of Arcata to acknowledge and accept the modifications suggested by the Coastal Commission on City of Arcata LCP Amendment No. ARC-MAJ-1-09 with suggested modifications.
(For the Commission meeting of March 8, 2012, Item Th26a)

On September 8, 2011, the Coastal Commission denied LCP Amendment No. ARC-MAJ-1-09 (LCP Update) as submitted by the City of Arcata, and then certified the amendment if modified as suggested to incorporate various revisions. The amendment as modified would extensively revise the City's Land Use Plan originally certified in 1981.

Pursuant to Title 14 California Code of Regulations Section 13544(a), the certification of an LCP amendment shall not be deemed effective until the local government with jurisdiction over the area governed by the certified local coastal program, by action of its governing body, acknowledges receipt of the Commission's resolution of certification including any terms or modifications which may have been suggested for final certification; accepts and agrees to any such terms and modifications; and takes whatever formal action is required to satisfy the terms and modifications. The City has six months from the date of Commission action to accept the Commission's suggested modifications, in this case by March 8, 2012 (Title 14 CCR Section 13537(b) and 13542(b)). If the City has not accepted the suggested modifications by that time, then the Commission's approval with suggested modifications expires at that time, and only the Commission's denial stands.

Therefore, the City must accept and agree to the Commission's certification of LCP Amendment No. ARC-MAJ-01-09 with suggested modifications within six months of the Commission's September 8, 2011 action unless the Coastal Commission extends the six-month deadline.

Reasons for Proposed Extension

Coastal Act Section 30517 and Title 14 CCR Section 13535(c) provide that the Commission may extend, for good cause, time limits related to LCPs for a period not to exceed one year. Such good cause exists. After publication of the staff report and prior to the September 8, 2011 hearing, the City withdrew the Implementation Plan amendment portion of the LCP Amendment from consideration and the Commission revised the suggested modifications and corresponding findings orally at the hearing to accommodate this major change to the LCP Amendment. Other changes were also made orally to the suggested modifications. Accordingly, after the September 8, 2011 hearing, it was necessary for staff to prepare adopted findings incorporating the numerous changes made orally at the meeting to transmit to the City for the City's consideration of acceptance and satisfaction of the modifications.

After the City received the formal resolution of certification and adopted findings, there was not sufficient time to schedule the necessary local hearings to take the required actions within the six-month time frame required by Section 13544 of the Commission's regulations.

In addition, the City needs an extended time for review as the City has indicated it is considering whether to resubmit the subject amendment pursuant to Section 30511(b) of the Coastal Act and Section 13541 of the Commission's administrative regulations with alternatives to the Commission's suggested modifications. Therefore, the City also needs more time to conduct local workshops and hearings to consider whether to accept the suggested modifications as adopted by the Commission or pursue resubmittal of the LCP amendment with alternatives to the suggested modifications.

Staff Recommendation

For all of the above reasons, Staff recommends that the Commission vote to extend the deadline for effective certification for up to a year.

MOTION:

I move that the Commission extend, for a period of one year, the expiration date of its approval with suggested modifications of City of Arcata LCP Amendment No. ARC-MAJ-01-09 and the six month time limit for the City of Arcata to accept and adopt those suggested modifications.

STAFF RECOMMENDATION TO GRANT EXTENSION:

Staff recommends a YES vote. Passage of this motion will result in the an extension of the period in which the City must accept and agree to the suggested modifications and take further action to effectively certify LCP Amendment No. ARC-MAJ-1-09 as modified to March 8, 2013. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.