

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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F12a



Prepared May 24, 2012 (for June 15, 2012 Hearing)

To: Coastal Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Mike Watson, Coastal Planner

Subject: Extension of Time Limit for Commission Action on City of Seaside Local Coastal Program Amendment Number 1-11 (LUP Update and IP Submittal)

The City of Seaside has submitted the above-referenced Local Coastal Program (LCP) amendment request intended to update the certified Land Use Plan and certify the City's Implementation Plan.

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 1-11 was filed as complete on March 19, 2012. This proposed LCP amendment includes both LUP and IP changes and thus the 90-day requirement applies; the 90th day is June 17, 2012. Therefore, the amendment would have to be scheduled for action by the Commission's June 2012 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 proposed amendment includes numerous proposed LUP changes and a whole new IP submittal. In essence, the proposed amendment constitutes an entirely new LCP for the City of Seaside. The submittal addresses the City's entire coastal zone in a comprehensive way, and staff has not yet had sufficient time to analyze the changes proposed to ensure that coastal resources are protected consistent with the Coastal Act. 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 June 17, 2013.

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.



California Coastal Commission

SEA-1-11 (LUP Update and IP Submittal) time extension stfrpt 6.15.2012 hrg.doc

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 the City of Seaside Local Coastal Program Amendment Number 1-11 to June 17, 2013.





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CITY MANAGER

440 Harcourt Avenue
Seaside, CA 93955

Telephone (831) 899-6700
FAX (831) 899-6227

May 31, 2012

Madeline Cavalieri, District Manager
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Extension of Time Limit - Notice of June 15, 2012 Public Hearing on City of Seaside Local Coastal Program Amendment (SEA-1-11)

Dear Ms. Cavalieri:

The City of Seaside is in receipt of the June 15, 2012 public hearing notice and related action item F12a requesting that the Commission grant staff a full year extension for the review of the City's Local Coastal Program (LCP). We are disappointed that this item is scheduled for action. The possibility of a year's delay seems excessive, and could jeopardize the application process of one or more pending projects in the City's commercial core located in the Coastal Zone.

We understand that the Coastal Act provides for such an extension, and we appreciate staff's indication that the review will likely be completed before the one year timeline. However, with no assurances of a speedier process, the City has no choice but to plan for more delays in what has already been a multi-year process.

To better understand the City's position and sense of urgency on this matter, please consider the following:

- **Scope of LCP Revisions.** The LCP, consisting of a combined Land Use Plan (LUP) and Implementation Plan (IP), was built from the "policy bones" of the previous LCP. Many of the changes involve graphics and formatting to reflect an updated, modern planning document. It is a "new" document addressing the City's entire coastal zone, but much of its content is familiar and consistent with the previous version.
- **Land Use Consistency.** The LUP and IP follow the land use and zoning designations of the adopted General Plan and Municipal Code, respectively. There is no radical land use change proposed in the Coastal Zone.
- **Prior Staff Review.** City staff has been working very effectively with Coastal staff on this LCP for several years. Coastal staff provided informal comments on the initial draft as early as 2008, and the City has diligently met the application submittal requirements and worked through several

Madeline Cavalieri, District Manager

May 31, 2012

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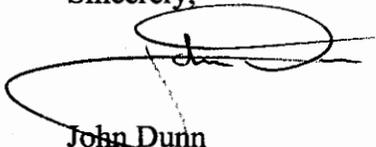
issues. In short, the content and framework of the documents should be familiar to staff, and the current draft responds to staff's prior reviews.

- **Pending Applications.** The City has been in discussions with local businesses and landowners in the Coastal Zone regarding expansion plans and economic development opportunities within the City's existing commercial centers. Local permitting authority is critical to the City's ability to efficiently process applications for projects that are consistent with the General Plan and LCP. If Seaside does not have a certified LCP by the end of the year, one or more commercial applications may be in jeopardy.

In summary, we implore you and the Commission to commit to an accelerated review schedule for the City of Seaside LCP. To that end, the City would support separating the review and processing of the LUP and IP if separate review and action would expedite the process. A hearing schedule of August 2012 for the LUP and December 2012 for the IP would be a reasonable solution and meet our mutual goals.

Thank you for your consideration of this matter. City staff is prepared to continue working with Coastal staff and provide any information necessary to help with the review process. The Seaside City Council will formally receive the Commission's Public Hearing Notice at its June 7, 2012 meeting and will consider authorizing the Mayor to send a letter expressing these same concerns to the Commission for consideration on June 15, 2012.

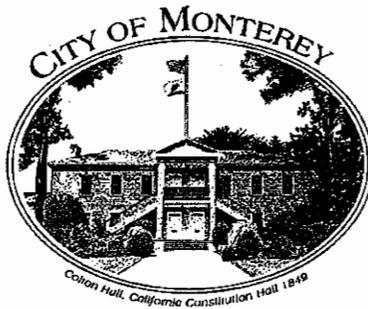
Sincerely,



John Durn
Interim City Manager

Cc: Charles Lester, Executive Director
Mike Watson, Coastal Planner
Diana Ingersoll, Deputy City Manager – Resource Management Services
Lisa Brinton, Redevelopment Project Manager
Rick Medina, Senior Planner

F12a



June 14, 2012

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JUN 14 2012

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mayor:
CHUCK DELLA SALA

Councilmembers:
LIBBY DOWNEY
JEFF HAFERMAN
NANCY SELFRIDGE
FRANK SOLLECITO

Mary K. Shallenberger, Chair
California Coastal Commission
P.O. Box 354
Clements, CA 95227-0354

City Manager:
FRED MEURER

Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Extension of Time Limit - Notice of June 15, 2012 Public Hearing on City of Seaside Local Coastal Program Amendment (SEA-1-11)

Dear Chair Shallenberger and Director Lester,

This letter of support is written on behalf of the City of Seaside and its request to expedite the processing of its Local Coastal Program (LCP) and to deny Coastal Commission staff's request for a one-year time extension for the review of Seaside's LCP (Item F12a). While the Coastal Act does provide for an extension of time for Commission review of the LCP, this extension is to be granted based on good cause. Coastal Commission staff's justification for a time extension does not meet this criteria.

The preparation of Seaside's LCP has been a multi-year review process that has been done in close concert with Coastal Commission staff. From the initiation of the plan preparation process in 2008, Seaside staff has consulted with Coastal Commission staff and incorporated their comments into the LCP document. Seaside has diligently met the application submittal requests and requirements and worked through several issues with Coastal Commission staff. The content and framework of the documents should be familiar to Coastal Commission staff as the current draft responds to their prior reviews. Additionally, the proposed LCP is based on the Land Use Program which the Commission certified in 1984. It is a "new" document addressing the entire coastal zone, but much of its content is familiar and consistent with the previous version. The new combined Land Use Plan (LUP) and Implementation Plan (IP) do not propose any changes to land use and are consistent with the City's land use documents.

For these reasons a one-year extension is not warranted. Seaside has diligently complied with Coastal staff's requests in a timely manner. It is now up to Coastal Commission staff and the Commission to do their part by processing Seaside's LCP expeditiously. The City of Monterey supports Seaside's request that its LCP

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be considered by the Commission no later than December of 2012, preferably at the meeting in August of 2012.

Thank you for your consideration of this matter.

Sincerely,

Chuck Della Sala

Chuck Della Sala
Mayor

c: Felix Bachofner, Mayor, City of Seaside
Diana Ingersoll, Deputy City Manager – Resource Management Services
Lisa Brinton, Redevelopment Project Manager
Rick Medina, Senior Planner

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JUN 14 2012

June 13, 2012

Mary K. Shallenberger, Chair
California Coastal Commission
P.O. Box 354
Clements, CA 95227-0354

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Extension of Time Limit - Notice of June 15, 2012 Public Hearing on City of Seaside Local Coastal Program Amendment (SEA-1-11)

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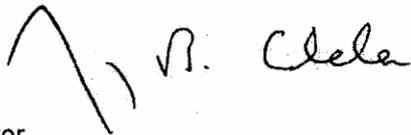
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The preparation of Seaside's LCP has been a multi-year review process that has been done in close concert with Coastal Commission staff. From the initiation of the plan preparation process in 2008, Seaside staff has consulted with Coastal Commission staff and incorporated their comments into the LCP document. Seaside has diligently met the application submittal requests and requirements and worked through several issues with Coastal Commission staff. The content and framework of the documents should be familiar to Coastal Commission staff as the current draft responds to their prior reviews. Additionally, the proposed LCP is based on the Land Use Program which the Commission certified in 1984. It is a "new" document addressing the entire coastal zone, but much of its content is familiar and consistent with the previous version. The new combined Land Use Plan (LUP) and Implementation Plan (IP) do not propose any changes to land use and are consistent with the City's land use documents.

For these reasons a one-year extension is not warranted. Seaside has diligently complied with Coastal staff's requests in a timely manner. It is now up to Coastal Commission staff and the Commission do their part by processing Seaside's LCP expeditiously. The City of Del Rey Oaks supports Seaside's request that its LCP be considered by the Commission no later than December of 2012, preferably at the meeting in August of 2012.

Thank you for your consideration of this matter.

Sincerely,



Mayor

CC: Felix Bachofner, Mayor, City of Seaside
Diana Ingersoll, Deputy City Manager – Resource Management Services
Lisa Brinton, Redevelopment Project Manager
Rick Medina, Senior Planner

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