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Prepared March 22, 2013 (for April 11, 2013 Hearing)

To: Coastal Commissioners and Interested Persons
From: Madeline Cavalieri, Central Coast District Manager
Karen Geisler, Coastal Planner
Subject: **Extension of Time Limit for Commission Action on City of Capitola Local Coastal Program Amendment Number CAP-1-13 (Parking Meter Rates and Zones)**

The City of Capitola has submitted the above-referenced Local Coastal Program (LCP) amendment request to update/modify the LCP Implementation Plan (IP). The purpose of the proposed amendment is to remove parking meter rates and zone standards and requirements from the LCP, and to instead have rates and zones established and modified through the coastal development permit (CDP) process.

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 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).

The proposed LCP amendment was filed as complete on February 26, 2013. The amendment proposes changes to the LCP’s IP. Thus, the 60-day action requirement applies; the 60th day is April 27, 2013. Therefore, the amendment would have to be scheduled and decided upon by the Commission’s April 2013 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 proposed amendment would change the way in which parking rates and zones are established in the City of Capitola, and 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, parking in Capitola is a significant LCP issue, particularly the manner in which it affects coastal access along the City’s shoreline and in the Capitola Village area. The Commission has historically very carefully considered parking provisions in Capitola, including in relation to parking rates and the effect of such rates on coastal visitors, particularly coastal visitors for which parking fees can severely limit their

ability to access and enjoy the coast. Currently, rates and zones are explicitly identified in the LCP, and any changes to rates and zones and related standards require an LCP amendment. The Commission specifically adopted this LCP framework for parking rates and zones in July 2009 (LCP amendment number 1-09). The City's proposed amendment would remove these parking rate and zone standards and requirements from the LCP, and instead would have rates and zones and related implementation established and modified through the CDP process. Provided adequate LCP standards against which to consider such CDP's were provided, such a change might be able to assure similar outcomes as is currently the case (i.e., through the LCP amendment process that is currently required), but the City has not included any such standards with the submittal. As submitted, the amendment appears problematic in this respect in terms of the way in which the proposed changes would affect existing and future parking zones and rates, parking availability, and visitor serving uses including recreation and low-cost public access to the coast. Staff is continuing to work with City staff to develop potential modification language to address these and other issues. Based on staff's experience with these types of parking issues, it is likely to take some time to come up with appropriate solutions that are agreeable to the City and adequately protective of parking access as required by the Coastal Act.

Staff is preliminarily planning to bring the proposed amendment forward at the next local (i.e., Central Coast) hearing in August. 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 April 27, 2014.

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 Capitola Local Coastal Program Amendment Number CAP-1-13 to April 27, 2014, and I recommend a yes vote.