

CALIFORNIA COASTAL COMMISSION

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Th12b

August 21, 2014

TO: Commissioners and Interested Persons

FROM: SHERILYN SARB, South Coast Deputy Director
KARL SCHWING, South Coast District Manager
CHARLES POSNER, Supervisor of Planning
MEG VAUGHN, Coastal Program Analyst

SUBJECT: **Request to extend the sixty-day time limit for Commission action on City of Laguna Beach LCP Amendment Request No. LCP-5-LGB-14-0823-4 (Revisions to Chapter 25.17 *Second Residential Units*) for Commission Action at the September 11, 2014 meeting in Smith River.**

On July 17, 2014, the City of Laguna Beach submitted Local Coastal Program Amendment Request No. LCP-5-LGB-14-0823-4 to amend its certified Local Coastal Program (LCP) Implementation Plan (IP). The amendment proposes to change the certified LCP IP by revising Chapter 25.17 (*Second Residential Units*) regarding noticing requirements and appeals for second residential units. Changes proposed to Chapter 25.17 (*Second Residential Units*) are reflected in City Council Ordinance No. 1590, and were submitted pursuant to City Council Resolution No. 14-036. No changes are proposed to the Land Use Plan (LUP) portion of the certified LCP.

Changes proposed to Chapter 25.17 (*Second Residential Units* - Ordinance No. 1590) include the addition of new subsection 25.17.040 (*Noticing Requirements*) intended to clarify that although, pursuant to Assembly Bill 1866, no public hearing is required for actions on second residential units, written comments may be submitted for consideration prior to action. The amendment also proposes changes intended to clarify the standard of review and the appeal procedure for second residential units.

The Executive Director determined that LCP Amendment Request No. LCP-5-LGB-14-0823-4 was in proper order and legally adequate to comply with the submittal requirements of the Coastal Act and the California Code of Regulations pursuant to Section 30510 upon submittal, August 6, 2014. Pursuant to Sections 30512, 30513 and 30514 of the Coastal Act, an LCP amendment that includes changes to the IP portion only of a certified LCP must be scheduled for a public hearing and the Commission must take action within sixty days of a complete submittal. The sixtieth day after the City's filing of the complete submittal is October 5, 2014, three days before the Commission's October 8-10, 2014 meeting. In order to be heard within this time frame, the LCP amendment request would need to be scheduled for the Commission's September 10-11, 2014 meeting in Smith River.

Coastal Act Section 30517 and Section 13535(c) of the Coastal Commission Regulations state that the Commission may extend for good cause the sixty-day time limit for a period not to exceed one year. In this case, a time extension is necessary to allow staff to conduct further analysis of the conformance of the proposed LCP amendment with the provisions of the certified LUP and to prepare an appropriate staff recommendation, including preparation of suggested modifications if necessary, for the Commission. Therefore, staff is recommending that the Commission extend the time limit for the review of the LCP amendment request.

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Staff intends to schedule the proposed LCP amendment for the Commission's October 2014 meeting in Southern California. However, such a schedule is dependent upon several workload factors. 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 of Laguna Beach on potential modifications, establishing hearing schedules, and managing competing priorities.

STAFF RECOMMENDATION

Staff recommends that the Commission extend the deadline for Commission action for one year.

MOTION: I move that the Commission extend the time limit to act on the City of Laguna Beach Local Coastal Program Implementation Plan Amendment No. LCP-5-LGB-14-0823-4 for a period of one year.

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