

CALIFORNIA COASTAL COMMISSION

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Th9c

DATE: February 17, 2017

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Cristin Kenyon, Coastal Program Analyst

SUBJECT: Extension of Time Limit for Commission Action on City of Eureka
Local Coastal Program Amendment LCP-1-EUR-16-0047-3
(Permit Processing Procedures)

For the Commission meeting of March 9, 2017

LCP AMENDMENT DESCRIPTION

On September 27, 2016, the City of Eureka (City) transmitted to the Commission LCP Amendment Application No. LCP-1-EUR-16-0047-3. The proposed LCP Amendment would amend the Implementation Plan (IP) portion of the certified City of Eureka LCP to modify design review and coastal development permit application review procedures, allow use permits to lapse after two years rather than one, and consolidate and revise public hearing noticing requirements.

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 is deemed submitted (or "filed"), the Coastal Act requires the Commission to act on an IP amendment within 60 days (Coastal Act Sections 30510, 30513, and 30514). On February 1, 2017, the Commission staff deemed the proposed LCP Update Amendment submitted. The 60th day after the date this proposed LCP Update Amendment was deemed submitted is April 2, 2017. Therefore, unless the Commission extends the deadline, the Commission will need to complete its action on the proposed LCP Update Amendment at the Commission's March 8-10, 2017 hearing. Staff has not yet had sufficient time to complete its analysis of the proposed LCP Amendment and to fully coordinate with the City to ensure consistency of the proposed LCP Amendment with the certified Land Use Plan (LUP) and the Coastal Act. The City transmitted the LCP Amendment before consulting with Commission staff on specific language changes proposed by the amendment. Commission staff has not had the opportunity to discuss with City staff possible language modifications to the proposed IP Amendment to ensure consistency with the certified LUP and the Coastal Act. Commission staff would like to resolve with City staff the issues of

LUP and Coastal Act consistency as much as possible prior to the Commission hearing to narrow the issues that would need to be resolved by the Commission at the hearing.

Coastal Act Section 30517 states that the Commission may extend for good cause the 60-day time limit for Commission action on an IP amendment for a period not to exceed one year. Although staff is planning to bring the proposed amendment forward for Commission action at the June Commission meeting in the North Coast District, 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. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed IP amendment by one year. A one-year extension would result in a new deadline for Commission action of April 2, 2018.

STAFF RECOMMENDATION

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

Motion:

I move that the Commission extend the time limit to act on City of Eureka Local Coastal Program Amendment No. LCP-1-EUR-16-0047-3 for a period of one year.

Staff recommends a **YES** vote. Passage of this motion will result in a one year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from April 2, 2017 to April 2, 2018. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.