

CALIFORNIA COASTAL COMMISSION

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W13a

Prepared August 23, 2019 (for September 11, 2019 Hearing)

To: Coastal Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Planner

Subject: Extension of Time Limit for Commission Action on City of Pacific Grove Local Coastal Program (LCP) Certification Number LCP-3-PGR-18-0093-1.

The City of Pacific Grove submitted the above-referenced LCP amendment/certification request intended to completely update the certified Land Use Plan and to certify a new Implementation Plan for the first time which would, if certified, vest primary coastal permitting authority with the City for the first time.

Coastal Act Section 30510 requires that a proposed LCP submittal contain materials sufficient for a thorough and complete review. Title 14 of the California Coastal Commission Regulations section 13552 includes a similar requirement for LCP (including LUP) amendments. Once these requirements are satisfied and a LCP certification and/or an LCP amendment request is deemed submitted (or "filed"), the Commission must act on Implementation Plan (IP) submittals within 60 working days (Coastal Act section 30513), and on Land Use Plan (LUP) submittals and combined LUP/IP submittals within 90 working days (*cf.* Coastal Act sections 30511(a)). If Commission action is not taken within the applicable timeframe, then the LCP certification and/or LCP amendment is deemed approved and certified by the Commission. (Coastal Act Sections 30512 and 30513.)

The present LUP amendment/IP certification submittal was filed as complete on May 9, 2019. The submittal includes both LUP and IP components and thus the 90-working-day requirement applies; the 90th working day is September 17, 2019. Therefore, the LUP amendment/IP certification would have to be scheduled for action by the Commission's September 2019 meeting in order to avoid the LUP amendment and IP certification being deemed approved by operation of law. However, Coastal Act Section 30517 allows the Commission to extend, for good cause, the time limit for Commission action on the LUP amendment/IP certification submittal for a period not to exceed one year.

In this case, staff recommended approval of the LCP with suggested modifications at the July Commission meeting. Due to a small number of remaining issues between City staff and Commission staff regarding the suggested modifications, the Commission postponed action on staff's recommendation to allow for additional discussion between City staff and Commission

staff. Although staff Commission staff is prepared to bring the LCP forward for Commission action at the September 2019 hearing, the City has stated that key City staff members have a scheduling conflict and requested a later meeting date (anticipated to be the November Commission meeting). A one-year extension would result in a new deadline for Commission action of September 17, 2020.

Although Commission staff believes that these matters will be brought to hearing before a full year, the Commission has in the past extended the action deadline 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 LUP amendments and IP certification by one year to September 17, 2020.

Summary of the Staff Recommendation

Staff recommends that the Commission extend the deadline for Commission action on the proposed LUP amendment and IP certification 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 the proposed LUP amendment and IP certification. 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 Pacific Grove Local Coastal Program Certification Number LCP-3-PGR-18-0093-1 to September 17, 2020. I recommend a yes vote.*