

CALIFORNIA COASTAL COMMISSION

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Prepared August 19, 2022 (for September 9, 2022 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director
Katie Butler, Coastal Planner

Subject: Extension of Time Limit for Commission Action on City of Pismo Beach Local Coastal Program (LCP) Amendment Number LCP-3-PSB-22-0012-1 (SB 9)

The City of Pismo Beach has submitted the above-referenced LCP amendment request intended to add new regulations in response to State Senate Bill (SB) 9, which allows for ministerial approval (i.e., without discretionary review or hearing) of two residential units on one parcel and/or urban lot splits on certain qualifying parcels located in single-family residential zones in urban areas.

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 working days, and on Land Use Plan (LUP) amendments and combined LUP/IP amendments within 90 working days. If Commission action is not taken within the applicable timeframe, then the amendment is deemed approved and certified by the Commission.

This proposed LCP amendment application was filed as complete on June 30, 2022. Because it includes proposed changes to the LCP's IP, the 60-working-day deadline for action applies, and such deadline is currently September 26, 2022. Therefore, this amendment would have to be scheduled for action (and final action taken) by the Commission's September 2022 meeting if it were to be decided within the applicable timeframe. 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, Senate Bill (SB) 9 is one of several housing-related bills passed in recent years at the state level that aim to facilitate increased housing production in California. SB 9, in particular, has the potential to represent a fairly significant shift in traditional single-family residential development in California in that it intends to provide for additional residential density in otherwise single-family zones. Such a potential increase in density in the coastal zone must be carefully evaluated against Coastal Act and LUP

requirements related to protection of coastal resources, including as related to public recreational access, coastal hazards, and sea level rise. An extended deadline would allow for time to work through some of the particular aspects of SB 9 as it applies in the Pismo Beach coastal zone context, including to ensure that coastal resources are protected consistent with the Coastal Act, and it would also allow time for continued important consultation with the City regarding issues raised and possible amendment modifications. Furthermore, Commission staff believes this to be the first SB 9-related LCP amendment request to come before the Commission for action, and thus is likely to be an example for other coastal jurisdictions for how to best harmonize SB 9 and the Coastal Act. In that sense, staff believes it is even more important to allocate enough time for a thorough review, and an extension facilitates that as well. A one-year extension would result in a new deadline for Commission action of September 26, 2023.

Although staff believes that these matters will be brought to hearing before the 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.

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 the 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 Pismo Beach Local Coastal Program Amendment Number LCP-3-PSB-22-0012-1 to September 26, 2023, and I recommend a yes vote.*