

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



W17b

Prepared August 18, 2023 (for September 6, 2023 Hearing)

To: Coastal Commissioners and Interested Persons

From: Kevin Kahn, Central Coast District Manager
Mariana Filip, Coastal Planner

Subject: Extension of Time Limit for Commission Action on City of Carmel-by-the-Sea Local Coastal Program (LCP) Amendment Number LCP-3-CML-23-0022-1-Part B (Timeshare Provisions)

The City of Carmel-by-the-Sea has submitted the above-referenced LCP amendment request intended to update the LCP's timeshare provisions, including modifying its current definition of timeshares and adding enforcement means for potential violations.

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 20, 2023. Because it includes proposed changes to only the LCP's IP, the 60-working-day deadline for action applies, and such deadline is currently September 14, 2023. Therefore, this amendment would have to be scheduled for action (and final action taken) by the Commission's September 2023 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, the proposed amendment raises questions as to how timeshares and similar residential ownership constructs should be understood and regulated under the Coastal Act and LCP. Staff believes that taking a little more time to delve into these issues would be prudent. A one-year extension would result in a new deadline for Commission action of September 14, 2024.

Although staff believes that this matter 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 Carmel-by-the-Sea Local Coastal Program Amendment Number LCP-3-CML-23-0022-1-Part B to September 14, 2024, and I recommend a yes vote.*