

INTERPRETATION REQUEST

FINAL LOCAL ACTION NOTICES (FLANs) FOR PERMIT AMENDMENTS AND EXTENSIONS

Code Sections:

- 20.70 (Coastal Development Permits)
- 20.76 (Coastal Administrative Permits)
- 20.78 (Variances)
- 20.79 (Emergency Permits)
- 20.82 (Combined Development Permits)
- 20.84.040 (Public Notice)
- 20.86.080 (Development Appealable to the California Coastal Commission)
- Section 30603 of the Coastal Act

Date: July 15, 2008
Requested by: Laura Lawrence
Subject: Final Local Action Notices (FLANs) for Permit Amendments and Extensions

What are the Questions?

Do I need to file a FLAN for a Permit Extension?

Short Answer:

Yes, if the original project approval was appealable to the California Coastal Commission, a FLAN for the extension must be filed.

Discussion:

Section 30603 (d) of the Coastal Act states that when a local government takes an action on a coastal development permit, the local government shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action. Subsection (c) of the same section states that the decision shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. This language has been broadly interpreted by California Coastal Commission (CCC) staff to extend to amendments and extensions of permits as well.

Facts of the situation:

Amendments and extensions of Coastal Administrative Permits and Coastal Development Permits follow the same protocol. Once an amendment is prepared, a notice to approve the amendment is mailed and posted. The public is given 10 working days to object to the amendment. If no written objections are received within the 10 working days, the amendment approval shall become final and shall be signed by the Director of Planning.

Extensions of Variances, Emergency Permits, and Combined Development Permits follow a protocol similar to the amendment/extension protocol noted above. Pursuant to the public noticing requirements under Monterey County Code Section 20.84.040.A, once an extension is prepared, a notice to approve the extension is mailed and posted at least 10 days prior to the date the extension is intended to be approved. The public is given 10 calendar days to object to the extension. If no written objections are received within the 10 calendar days, the extension approval shall become final and shall be signed by the Director of Planning.

Once the permit amendment or extension is signed by the Director of Planning, a FLAN shall be prepared and sent to the CCC within seven calendar days of the date the amendment or extension is approved by the Director of Planning.

Upon receipt of the FLAN, the CCC has 10 working days to appeal the amendment or extension. This requirement adds a minimum 21 additional calendar days to the time when the amendment or extension will receive final approval.

Interpretation Prepared By: Laura Lawrence

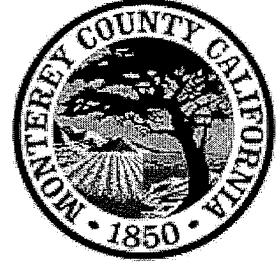
Interpretation/Opinion Confirmed by Managers: 
Mike Novo, Director

8/20/08
Date

Attachment: Final Local Action Notice Form

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY



PLANNING DEPARTMENT
168 W Alisal St 2nd Floor
Salinas, CA 93901

(831) 755-5025

FINAL LOCAL ACTION NOTICE

Date: [Insert Date]
To: California Coastal Commission, Central Coast District Office
Applicant/Representative: _____
Other Interested Parties: [Supervisor X, Mr. Y, Mr. Z]
From: Monterey County Resource Management Agency Planning Department
Subject: Final Local Action on Coastal Permit
Application XX-XXXX

Please note the following **Final Monterey County Action** for the following coastal development permit type:

- CDP/CAP CDP Amendment Extension Emergency CDP
- Exemption Exclusion Other: _____
- all local appeals processes have been exhausted for this matter
- The project includes an amendment to the LCP

Project Information

Application #: XX-XXXX
Project Applicant: [John and Jane Doe, Street Address, City, State, Zip Code]
Applicant's Rep: [Agent Name, Company, Street Address, City, State, Zip Code]
Project Location: [Address of proposed project, including Assessor's Parcel Number(s)]
Project Description: [Insert description from Permits Plus]

Final Action Information

Final Action Date: [Insert Date]
Final Action: Approved w/conditions Approved w/o conditions Denied
Final Action Body: Zoning Administrator Planning Commission Board of Supervisors Staff (ministerial)

For Coastal Commission Use Only

MCO

Reference #:
FLAN received:
Appeal period:

Final Local Action Notice Attachments Included

Required Materials Supporting the Final Action	Enclosed	Previously Sent (date)	Notes/Comments
Adopted Staff Report			
Adopted Findings			
Adopted Conditions			
Site Plans			
Elevations			
Location/Vicinity Map			
Additional Materials Supporting the Final Action	Enclosed	Previously Sent (date)	Notes/Comments
CEQA Document(s)			
Geotechnical Report(s)			
Biotic Report(s)			
Forest Management Plan(s)			
Other _____			
Other _____			

Coastal Commission Appeal Information

Monterey County has determined that this Final Local Action is:

- NOT APPEALABLE** to the California Coastal Commission. The Final Monterey County Action is now effective.
- APPEALABLE** to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Monterey County Action. The Final Monterey County Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast District Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

Submitted by

Signature:

Name: [Project Planner]

Title: [xxxxx]

Phone/Fax: 831-755-xxxx/831-757-9516

email: [xxx]@co.monterey.ca.us