

ATTACHMENT NO. 6
LOCAL COASTAL PROGRAM
AMENDMENT PROCEDURES

PLN100138 – Pebble Beach Company

Board of Supervisors
January 24, 2012

Local Coastal Program Amendment Procedures

NOTE

These provisions apply to all ordinances, zoning maps, and implementation actions listed in the "Table of Contents" of the Monterey County Coastal Implementation Plan.

Local Coastal Program Amendment Procedural Steps

- A. A Local Coastal Plan amendment may be initiated by a private party, property owner, or interest group.
- B. An amendment may also be initiated by County Planning Staff, Planning Commission, or Board of Supervisors.
- C. An optional pre-application conference with staff may be requested by the applicant. The conference will be used to discuss alternatives, policy consistency, land use and environmental issues, and the logistics of the amendment process.
- D. The application and fees are submitted by the applicant as outlined in the "Filing Procedure."
- E. Staff will review the application for completeness, i.e. appropriate number of copies, plot plan, maps etc., and for internal consistency.
- F. Staff prepares an initial study to facilitate timely environmental assessment in the amendment process.
- G. If additional information is required to complete either the staff consistency review or initial study, staff will notify the applicant that the application is incomplete.
- H. Should the applicant be notified that the application is incomplete, the applicant is responsible for submitting additional information per request.
- I. Staff determines that the application is complete and that a Negative Declaration is appropriate. Also, staff requests that the amendment be set for public hearing on a Planning Commission agenda, or
- J. Staff determines that the application is complete and that an Environmental Impact Report (EIR) is required. The amendment will be set for public hearing on a Planning Commission agenda after the Draft EIR is completed.
- K. Notification describing the amendment is forwarded to all interested parties and appropriate local agencies for comments. Like notice is published in a newspaper of general circulation 10 days prior to the hearing.
- L. The Planning Commission conducts a noticed public hearing regarding the proposed amendment and then makes a recommendation to the Board of Supervisors.

- M. Notification describing the amendment is forwarded to all interested parties and appropriate local agencies for comments. Like notice is published in a newspaper of general circulation 10 days prior to the hearing.
- N. The Board of Supervisors conducts a noticed public hearing regarding the proposed amendment. Amendments approved, are done so with a Resolution of "Intent to Adopt." Those amendments denied by the Board of Supervisors receive no further consideration.
- O. Staff prepares a "package" of amendment proposals which has been approved by the Board of Supervisors for Coastal Commission consideration three times per calendar year.
- P. The Coastal Commission holds a noticed public hearing regarding amendments approved by the Board of Supervisors.
- Q. Certified amendments are transmitted by the Coastal Commission to the Board of Supervisors.
- R. Upon receipt of the resolution of certification, a Board of Supervisors hearing is set and the public is notified.
- S. The Board of Supervisors holds a noticed public hearing acknowledging receipt of Coastal Commission certification of amendments. Certified amendments become effective upon formal adoption by the Board of Supervisors.

If the Coastal Commission suggests modifications to the Board-approved amendment, the Board of Supervisors shall consider such modifications at a noticed public hearing. The Board may accept, reject, or suggest alternative language to the Commission's suggested modifications. The Board of Supervisors' action is subsequently transmitted to the Coastal Commission. If the modifications are accepted by the Board, the Coastal Commission acknowledges and accepts the Board of Supervisors' action, thereby certifying the amendments. If alternative language is suggested by the Board, the Coastal Commission may either accept the language as fulfilling the intent of the suggested modifications, or may set a public hearing if the Coastal Commission staff's opinion is that the language does not fulfill the intent.

- T. Land Use Plan texts and/or graphics are modified to reflect the adopted amendment.
- U. A copy of the revised certified text and/or maps are transmitted to the California Coastal Commission and incorporated into the public file.

- V. The sum of the chosen zoning map densities represents a buildout level which corresponds to the maximum permitted density for North County. Thus, as part of any amendment request to the Coastal Commission to increase the density in North Monterey County, the County shall indicate at what percentage toward buildout North County is, and how the amendment will add to potential development compared to the remaining permitted number of units.

LOCAL COASTAL PROGRAM AMENDMENT PROCEDURE

Section 30514 of the California Coastal Act of 1976 provides for amending certified Local Coastal Programs (LCPs). This Section mandates to local government the responsibility of processing amendments - both at the local level and to the Coastal Commission. This mandate is consistent with the Legislature's findings in Section 30004(a) that "to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement." By virtue of its role in local land use planning and in preparing Monterey County's LCP, the Planning Department is the local government agency responsible for processing LCP amendments.

The amendment process is just as important as the development of those numerous and complex aspects of the entire original LCP. In fact, Coastal Commission regulations for processing and analyses of amendments are the same as those regulations for the original LCP. Therefore, amendment requests to the County and ultimately to the Coastal Commission will require diligent analysis of coastal land use and environmental issues in order to determine internal consistency with the LCP and the Coastal Act. To enable the County to meet Coastal Act regulations for LCP amendments the attached application form must be fully completed.

Local Coastal Plan Amendment submittals will be received by the Planning Department and analyzed, and recommendations will be prepared for Planning Commission consideration. The Planning Commission's action and recommendation, along with a staff report, will then be prepared for action by the Board of Supervisors. Those amendments approved by the Board of Supervisors will be made ready for filing for consideration by the Coastal Commission. The Coastal Commission will only consider LCP amendments in three submittals per year; however, there is no limit to the number of amendment proposals encompassed within each of the three submittals. Therefore, amendments approved by the Board of Supervisors will be collected into 3 submittals per year by the Planning Department. Finally, those amendment proposals certified by the Coastal Commission will be returned for formal adoption by the Board of Supervisors before taking effect.

Filing Procedure

Applicants shall submit the following to the Planning Department:

1. Completed application form.
2. Filing fee (as established by the Board of Supervisors)

3. Location map and site maps (north arrow and to scale); charts, graphs, tables when applicable, site maps to indicate location of natural features (vegetation, topography, streams, etc.) and improvements (dwelling, barn, roads, wells, etc.)
4. A list of names, addresses and assessor's parcel numbers, and assessor's maps of all property owners within 300 feet of the property (exclusive of roads). The list shall be taken from the most recent records of the Monterey County Assessor.
5. Two pre-addressed, stamped envelopes to each of the property owners on the list required in item 4, and to the applicant.
6. Any supplemental information available in the following categories should be submitted with each application (staff assistance available):
 - a. public access
 - b. public recreation
 - c. private recreation
 - d. marine environment (coastal waters, streams, wetlands, estuaries, lakes)
 - e. environmentally sensitive habitat areas
 - f. agricultural land
 - g. visitor serving facilities
 - h. scenic and/or visual quality (site & design)
 - i. risk to life and/or property (geologic, flood or fire hazard)
 - j. coastal-dependent use (a use which requires a location on or adjacent to the sea to be able to function at all)
 - k. public services (sewer, water, roads)

Amendment Procedure

1. As required by the California Environmental Quality Act of 1970, as amended, the information contained in the completed application will be evaluated by the County to determine if the proposed amendment may have a significant impact upon the environment. One of the following determinations will be made:

- a. The proposed amendment will have no significant effect on the environment, and a Negative Declaration may be prepared.
 - b. The proposed amendment may have a significant impact on the environment, and an Environmental Impact Report (EIR) will be required and prepared at the applicant's expense to fully assess the potential environmental effects of the amendment. If an EIR is required, the amendment cannot be considered by the Board of Supervisors until the EIR is prepared and reviewed by all affected public agencies and concerned private parties, for the required period of time (45 days).
2. Following the required environmental determination and review period, a public hearing will be set before the Planning Commission. The applicant, property owners within 300 feet, those individuals, groups and agencies required by the Coastal Act, and all other interested parties will be notified of the Planning Commission hearing date and of the availability of the amendment six weeks prior to Board of Supervisors action. Also, notice of the date, time, and place of the hearing shall be published at least ten (10) calendar days before the hearing in a newspaper of general circulation in the Coastal Zone, and further, the applicant shall comply with the County "Posting Procedures." Note: A similar public notice will be made prior to the Board of Supervisors hearing. The applicant or his designated representative should be present at all public hearings.
 3. The Planning Commission will conduct a public hearing on the proposed amendment and make a recommendation to the Board of Supervisors. The Planning Commission's recommendation will be based upon the LCP, staff analysis, and input from other public agencies and interested parties.
 4. The Board of Supervisors will conduct a public hearing on the proposed amendment. The proposed amendment must have been available for public review at least six weeks prior to Board of Supervisors action. Approval or disapproval of the proposed amendment by the Board of Supervisors will be based upon the analysis and recommendation of the Planning Commission and County staff, input from other public agencies and interested parties, the L.C.P. and the Coastal Act. The Board of Supervisors can accept, reject, and/or modify any recommendation at the time of the public hearing.
 5. Those amendments approved by the Board of Supervisors will be forwarded to the Coastal Commission for its consideration. Denial of amendments by the Board of Supervisors are final, as there are no provisions in the Coastal Act for appeal of amendment denials to the Coastal Commission.

COASTAL PLAN AMENDMENT PROCEDURE (cont.)

6. The Coastal Commission will then hold a noticed public hearing regarding those amendments approved by the Board of Supervisors and approve, deny and/or modify the amendments.
7. The Coastal Commission then transmits to the Board of Supervisors a resolution of certification approving, approving with modifications, or denying all or part of the amendments.
8. The Board of Supervisors will hold a noticed public hearing to acknowledge receipt of the Coastal Commission certification of the amendments. The amendments become effective upon adoption by the Board of Supervisors.

Posting Procedure

Approximately two weeks before the Planning Commission public hearing date, the applicant will receive by mail three notices of public hearing and an "affidavit of posting" form. The applicant shall post the three notices on and near the project site in places visible and attainable to the public, at least ten days prior to the public hearing date. The affidavit of posting must then be filled out and returned to the Planning Department, no later than seven days prior to the public hearing date. Upon setting of the Board of Supervisors public hearing date, the applicant will receive a second set of notices, and the above procedure shall be repeated. Failure to post notices for either of the public hearings could result in continuance or denial of the amendment.

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