

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Item Th25a**M E M O R A N D U M**

TO: Commissioners & Interested Persons **DATE:** December 22, 2009

FROM: Sherilyn Sarb, Deputy Director, South Coast District, Orange County Area
Teresa Henry, District Manager, South Coast District
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Liliana Roman, Coastal Program Analyst

**SUBJECT: Request to extend the 90-day time limit for action
City of Newport Beach Land Use Plan Amendment NPB-MAJ-1-09 (Land Use Plan), for Commission Meeting of January 14-15, 2009**

On November 10, 2009, Land Use Plan Amendment (LUPA) NPB-MAJ-1-09 was deemed to be complete and in proper order for filing pursuant to Section 30510(b) of the Coastal Act. The amendment was submitted by the City of Newport Beach on November 10, 2009. The proposed amendment consists of a single change in land use designation of a 584 sq. ft. portion of a parcel in the coastal zone located at 101 Bayside Place from RH-D (High Density Residential) to RM-A (Medium Density Residential).

Pursuant to Sections 30512 and 30514 of the Coastal Act, an amendment to a certified land use plan, must be acted on by the Commission within 90 days after the submittal request has been deemed to be in proper order for filing. The 90th day for this LCP amendment is February 8, 2010. In order to be heard within this allotted time period, the amendment request would have to be scheduled for hearing by this, the January 14-15, 2010 Commission meeting in Huntington Beach. Section 30517 of the Coastal Act allows the Commission to extend, for good cause, the 90-day time limit for up to one year. Commission staff is requesting this extension to allow additional time to evaluate the submittal and consult with the City of Newport Beach. In addition, the change in land use is associated with a specific project proposing to redevelop the site with luxury condominiums, known as the 'AERIE' project. A coastal development permit application (5-09-162) is pending and will be scheduled for a hearing at a later date. Additional time to process this LUP amendment will also allow for staff to schedule this LCP amendment in a manner that is more convenient to individuals that have an interest in both this amendment and the coastal permit, if possible. The full one-year extension is requested because extensions are only considered once and it is prudent to allow for the maximum amount of time in case of unexpected delays. City staff has been notified of this time extension request and does not object to the request so long as the amendment is heard in a timely manner.

Therefore:

Summary of Staff Recommendation. Staff recommends the Commission extend the 90-day time limit for a period of one year, i.e. to February 8, 2011.

MOTION:

"I move that the Commission extend the 90-day time limit to act on the City of Newport Beach Land Use Plan Amendment NPB-MAJ-1-09 for a period of one year."

STAFF RECOMMENDATION:

Staff recommends a YES vote. An affirmative vote of the majority of the Commissioners present is needed to pass the motion.