

CALIFORNIA COASTAL COMMISSION

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**W 17b**

December 22, 2011

TO: Commissioners and Interested Persons

FROM: SHERILYN SARB, Deputy Director
TERESA HENRY, South Coast District Manager
KARL SCHWING, Orange County Area Supervisor
FERNIE SY, Coastal Program Analyst II

SUBJECT: Request to extend the ninety (90)-day time limit for Commission action on City of Newport Beach LCP Amendment Request No. 1-11 (for Commission Action at the January 11-13, 2012 meeting in Santa Monica).

On September 27, 2011, the City of Newport Beach submitted a request to amend its certified Land Use Plan (LUP). The submittal was deemed incomplete on October 10, 2011 for additional information. All the requested information was subsequently received on October 20, 2011. LUP Amendment No. 1-11 involves changing the LUP designation of several locations in the City of Newport Beach: change from Two-Unit Residential (RT) to Mixed Use Vertical (MU-V) for properties at 6904 and 6908-6936 West Coast Highway; change from Two-Unit Residential (RT) to General Commercial (CG 0.5) for property at 6408 West Coast Highway; change from Multiple Unit Residential (RM) to Mixed-Use Vertical (MU-V) at 3363 and 3369 Via Lido and 3378 Via Oporto; and change from Two-Unit Residential (RT) to Mixed Use Cannery Village and 15th Street (MU-CV/15th ST) at 105 15th Street. Proposed LCP Amendment Request No. 1-11 was submitted for Commission certification by City Council Resolution No. 2011-85.

On October 20, 2011, the date of resubmittal, the Executive Director determined that LCP Amendment Request No 1-11 was in proper order and legally adequate to comply with the submittal requirements of the Coastal Act and the California Code of Regulations. Therefore, LCP Amendment Request No. 1-11 is deemed complete pursuant to the requirements of Section 30510 of the Coastal Act.

Pursuant to Sections 30512.1 and 30514 of the Coastal Act, an LCP amendment that includes changes to the LUP portion of a certified LCP must be scheduled for a public hearing and the Commission must take action within ninety (90)-days of a complete submittal. The ninetieth day after the City's filing of the complete submittal is January 18, 2012. In order to be heard within this time frame, the LCP amendment would need to be scheduled for the Commission's January 11-13, 2012 meeting in Santa Monica.

However, this deadline may be extended for good cause. Public Resources Code (PRC) Section 30517 allows the Commission to extend any time limitation established by Chapter 6 of Division 20 of the PRC, wherein lies Sections 30513 and 30514, for up to a year. Staff is recommending that the Commission extend the ninety-day (90) time limit for the review of the LCP amendment request. The time extension would allow for a thorough review of the City's proposed changes. City staff has been notified of this time extension request and has not objected to this request.

Therefore:

Summary of Staff Recommendation. Staff recommends that the Commission extend the ninety (90)-day time limit for a period of one year, i.e. to January 18, 2013.

MOTION:

"I move that the Commission extend the Ninety (90)-day time limit to act on the City of Newport Beach Local Coastal Program Amendment NPB-MAJ-1-11 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.