

CALIFORNIA COASTAL COMMISSION

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April 18, 2013

TO: Commissioners and Interested Persons

FROM: SHERILYN SARB, SOUTH COAST DEPUTY DIRECTOR
TERESA HENRY, SOUTH COAST DISTRICT MANAGER
KARL SCHWING, ORANGE COUNTY AREA SUPERVISOR
MEG VAUGHN, COASTAL PROGRAM ANALYST

SUBJECT: **Request to extend the sixty-day time limit for Commission action on City of Laguna Beach LCP Amendment Request No. 1-13 (LGB-MAJ-1-13) (Floodplain Management and Height Limit) (for Commission Action at the May 8-10, 2013 meeting in San Rafael).**

On March 21, 2013, the City of Laguna Beach submitted Local Coastal Program Amendment Request No. 1-13 to amend its certified Local Coastal Program (LCP) Implementation Plan (IP). The amendment proposes to change the certified LCP IP by revising and updating Chapter 25.38 *Floodplain Management*, and, by modifying regulations related to maximum allowable building heights in the City. Changes proposed to Chapter 25.38 *Floodplain Management* are reflected in City Council Ordinance No. 1576, and were submitted pursuant to City Council Resolution No. 13.004. Changes proposed to Chapter 25.51 *Maximum Building Height* are reflected in City Council Ordinance No. 1572, and were submitted pursuant to City Council Resolution No. 12.072. No changes are proposed to the Land Use Plan (LUP) portion of the certified LCP.

Changes proposed to Chapter 25.38 *Floodplain Management* (Ordinance No. 1576) include: use of the FEMA model floodplain ordinance format; consideration of sea level rise; requiring all businesses in the 100-year floodplain install contingency floodproofing measures within 90 days of receiving notification from the City; and requiring all businesses in the 100-year floodplain to submit a "Contingency Floodproofing Measures Plan."

Changes proposed to Chapter 25.51 *Maximum Building Height* (Ordinance No. 1572) include: establishing a citywide maximum building height of 36 feet. In zones with a lesser maximum building height, the lesser height will be the maximum height allowed.

Potential issues raised by the proposed amendment have not yet been specifically identified, but in general the proposed floodplain management ordinance will be reviewed with particular concentration on consistency with the hazard and coastal resource protection policies of the City's certified Land Use Plan. In addition, the proposed changes regarding maximum building height will be reviewed with particular concentration on consistency with the visual resources protection policies of the City's certified Land Use Plan.

The Executive Director determined that LCP Amendment Request No. 1-13 was in proper order and legally adequate to comply with the submittal requirements of the Coastal Act and the California Code of Regulations pursuant to Section 30510 upon submittal, March 21, 2013. Pursuant to Sections 30512, 30513 and 30514 of the Coastal Act, an LCP amendment that includes changes to the IP portion only of a certified LCP must be scheduled for a public hearing and the Commission must take action within sixty days of a complete submittal. The sixtieth day after the City's filing of the complete submittal is May 20, 2013. However, this deadline may be extended for good

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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 30512, 30513 and 30514, for up to a year.

Therefore, unless the Commission extends the deadline, Commission staff will need to complete its review and preparation of a staff recommendation and suggested modifications and the Commission will need to complete its action on the LCP amendment at or prior to the Commission's May 8-10, 2013 hearing. However, staff in the Commission's South Coast District office must process other LCP amendments and permit applications already pending before the Commission prior to submittal of LCP amendment LGB-MAJ-1-13. These demands, coupled with state-directed furloughs, have lengthened the time needed for staff review of the amendment and preparation of a staff recommendation. Moreover, this time extension is necessary due to significant staff workload and scheduling constraints involving the review of several other priority and time sensitive LCP amendment and coastal development permit applications. Thus, a time extension is necessary to allow staff to conduct further analysis of the conformance of the proposed LCP amendment with the provisions of the certified LUP and to prepare an appropriate staff recommendation, including preparation of suggested modifications if necessary, for the Commission. Thus, staff is recommending that the Commission extend the time limit for review of LCP amendment request LGB-MAJ-1-13. The time extension would allow for a thorough review of the City's proposed changes and preparation of a recommendation to the Commission.

Staff is preliminarily planning to schedule LGB-MAJ-1-13 for the June or July 2013 Commission hearing, both in southern California. However, such a schedule is dependent upon several workload factors. Thus, although staff believes this matter will be brought to a hearing in the near-term, staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the City of Laguna Beach on potential modifications, establishing hearing schedules, and managing competing priorities.

STAFF RECOMMENDATION

Staff recommends that the Commission extend the deadline for Commission action for one year (i.e. May 20, 2014).

MOTION: I move that the Commission extend the time limit to act on the City of Laguna Beach Local Coastal Program Implementation Plan Amendment No. LGB-MAJ-1-13 for a period of one year.

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