

CALIFORNIA COASTAL COMMISSION

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January 22, 2015

TO: Commissioners and Interested Persons

FROM: SHERILYN SARB, South Coast Deputy Director
KARL SCHWING, South Coast District Manager
CHARLES POSNER, Supervisor of Planning
AMBER DOBSON, Coastal Program Analyst

SUBJECT: **Request to extend the ninety-day time limit for Commission action on City of Newport Beach Coastal LUP Amendment Request No. LCP-5-NPB-14-0831-3 (3-14) (Amendment to Height Policy 4.4.2-1 and addition to Table 2.1.1-1 of a new Land Use Category and proposed land use change) for Commission Action at the February 11-13, 2015 meeting in Pismo Beach.**

On September 24, 2014, the City of Newport Beach submitted Coastal Land Use Plan Amendment Request No. LCP-5-NPB-14-0831-3 to amend its certified Coastal Land Use Plan (CLUP). The proposed CLUP amendment consists of a change in land use designation of a 4.25 acre site (Former City Hall) located at 3300 Newport Blvd. from Public Facility (PF) to Mixed-Use (MU), a new designation. In addition, the proposed CLUP amendment would establish a site-specific development policy, as well as a height exception to the 35-foot Shoreline Height Limitation Zone to allow for a single, 55-foot high structure with architectural features up to 65 feet high. Changes proposed are reflected in City Council Resolution No. 2014-81.

Changes proposed include the addition of a new Land Use Category (MU) with the following uses and density limits to Table 2.1.1-1 in the Coastal Land Use Plan:

Uses: The MU category is intended to provide for the development of a mix of uses which may include general, neighborhood or visitor-serving commercial, commercial offices, visitor accommodation, multi-family residential, mixed-use development, and /or civic uses.

Density/Intensity: 98,725 sq. ft. of hotel/ Municipal facilities are not restricted or included in any development limits.

Changes proposed include a revised Land Use Map 1, Figure 2.1.5-1 replacing the PF designation with the MU designation, and all other maps as appropriate.

Changes proposed also include amended policy language for Policy 4.4.2-1, adding the following exception to the 35-foot height limitation in the Shoreline Height Limitation Zone:

Exception C- Mixed Use (MU) area located at 3300 Newport Blvd. (Former City Hall Complex):

Buildings and structures up to 55 feet in height, provided it is demonstrated that development does not materially impact public views. Peaks of sloping roofs and elevator towers may exceed 55 feet by up to 5 feet and architectural features such as domes, towers, cupolas, spires, and similar structures may exceed 55 feet by 10 feet. The purpose of allowing buildings, structures, and architectural elements to exceed 35 feet is to promote vertical clustering resulting in increased publically accessible on-site open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.

The Executive Director has determined that Coastal Land Use Plan Amendment Request No. LCP-5-NPB-14-0831-3 is in proper order and legally adequate to comply with the submittal requirements of

Newport Beach CLUP Amendment
LCP-5-NPB-14-0831-3
Time Extension Request
Page 2

the Coastal Act and the California Code of Regulations pursuant to Section 30510 upon submittal, December 9, 2014. Pursuant to Sections 30512, 30513 and 30514 of the Coastal Act, a CLUP amendment must be scheduled for a public hearing and the Commission must take action within ninety days of a complete submittal. The ninetieth day after the City's filing of the complete submittal is March 9, 2015, two days before the Commission's March 11-13, 2015 meeting.

Coastal Act Section 30517 and Section 13535(c) of the Coastal Commission Regulations state that the Commission may extend for good cause the ninety-day time limit for a period not to exceed one year. In this case, a time extension is necessary to allow staff to conduct further analysis of the conformance of the proposed CLUP amendment with the provisions of the Chapter 3 of the Coastal Act and to prepare an appropriate staff recommendation, including preparation of suggested modifications if necessary, for the Commission. Therefore, staff is recommending that the Commission extend the time limit for the review of the CLUP amendment request.

Staff intends to schedule the proposed CLUP amendment at a future Commission meeting in Southern California. Scheduling 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 Newport Beach on potential modifications, establishing hearing schedules, and managing competing priorities.

STAFF RECOMMENDATION

Staff recommends that the Commission vote **YES** to extend the deadline for Commission action for one year.

MOTION: *I move that the Commission extend the time limit to act on the City of Newport Beach Coastal Land Use Plan Amendment No. LCP-5-NPB-14-0831-3 for a period of one year.*

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