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CITY OF NEWPORT BEACH

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COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

RECEIVED
South Coast Region

December 21, 2012

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Mary Shallenberger
Chair, California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

Subject: City of Newport Beach CLUP Amendment (NPB-MAJ-1-12) Time Extension Request

Dear Chair Shallenberger,

The City of Newport Beach supports the request by Coastal Commission staff to extend the ninety-day time limit for the review of City of Newport Beach LCP Amendment Request No. NPB-MAJ-1-12. The City agrees with Coastal Commission staff that additional time is necessary to allow for a thorough review of the amendment and that staff will have sufficient time to allow the amendment to be heard at the March 6-8, 2013 meeting in San Diego.

Sincerely,

Patrick J. Alford
Planning Manager

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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December 20, 2012

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. NPB-MAJ-1-12 (for Commission Action at the January 9-11, 2013 meeting in Pismo Beach).

On October 11, 2012, the City of Newport Beach submitted a request to amend its certified Land Use Plan (LUP). The submittal was deemed incomplete on October 5, 2012. On October 10, 2012, the City submitted information in response to the incomplete letter. However, the submittal was again deemed incomplete on October 24, 2012 for information previously requested. All the requested information was subsequently received on November 14, 2012. LUP Amendment No. NPB-MAJ-1-12 would amend Policy 4.4.2-1 to include an exception to the Shoreline Height Limitation Zone to allow an architectural tower feature at Marina Park (1600 West Balboa Boulevard). Currently, the height limit is 35-feet and the amendment would allow for a single, up to 73-foot tall architectural tower feature. Proposed LCP Amendment Request No. NPB-MAJ-1-12 was submitted for Commission certification by City Council Resolution No. 1889.

On November 14, 2012, the date of resubmittal, the Executive Director determined that LCP Amendment Request No. NPB-MAJ-1-12 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. NPB-MAJ-1-12 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 February 12, 2013. In order to be heard within this time frame, the LCP amendment would need to be scheduled for either the Commission's January 9-11, 2013 meeting in Pismo Beach or February 6-8, 2013 meeting in Los Angeles/Orange County. However, additional time is necessary in order to adequately evaluate the LUP submittal.

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. With additional time to review the LCP submittal, it is anticipated that this LCP amendment will be scheduled for the hearing of March 6-8, 2013 in San Diego. 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 February 12, 2014.

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-1-12 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.