

CALIFORNIA COASTAL COMMISSION

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October 24, 2013

TO: COMMISSIONERS AND INTERESTED PERSONS

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

SUBJECT: Request to extend the Ninety-day time limit for Commission action on City of Huntington Beach LCP Amendment Request No. 1-12 (HNB-MAJ-1-12)(Ridge) (for Commission Action at the November 13-15, 2013 hearing in Newport Beach).

On November 2, 2012, the City of Huntington Beach submitted a request to amend its certified Local Coastal Program (LCP), affecting both the Land Use Plan/Coastal Element (LUP) and the Implementation Plan (IP). On September 11, 2013, the Executive Director determined that LCP Amendment request No. HNB-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. HNB-MAJ-1-12 has been deemed complete pursuant to the requirements of Section 30510 of the Coastal Act.

The amendment request proposes to change the land use designation at the subject site from Open Space – Parks (OSP) to Residential Low Density – 7 units per acre (RL-7). The proposed amendment would also change the zoning designation at the site from Residential Agriculture – Coastal Zone Overlay (RA – CZ) to Low Density - Coastal Zone Overlay (RL-CZ). In addition, the proposed LCPA amendment would make changes to the Implementation Plan (IP) portion of the certified IP's Zoning and Subdivision Ordinance Chapter 210.12 – PUD (Planned Unit Development) Standards and Provisions. The proposed amendment was submitted for Coastal Commission action via City Council Resolution No. 2010-48. The proposed Local Coastal Program Amendment request affects an approximately 5-acre parcel of land located at the southeast corner of the intersection of Bolsa Chica Street and Los Patos Avenue.

Pursuant to Sections 30512, 30513 and 30514 of the Coastal Act, an LCP amendment that includes changes to both the LUP and IP portion of a certified LCP 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 December 10, 2013 (i.e. before the December 11-13, 2013 Commission hearing). 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 30512 and 30514, for up to a year. Staff is recommending that the Commission extend the ninety-day time limit for the review of the LCP amendment request.

Unless the deadline is extended, 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 the Commission's November 13-15, 2013 hearing. The deadline to prepare the staff report is October 24, 2013. In this case, both the City and the project

proponent have indicated their preference to allow additional time in order to provide the opportunity for the City to work together with Commission staff to narrow differences and work toward, to the extent possible, mutually acceptable suggested modifications. 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 Coastal Act and certified LUP and to prepare an appropriate staff recommendation, including preparation of suggested modifications, for the Commission. Thus, staff is recommending that the Commission extend the time limit for review of LCP amendment request HNB-MAJ-1-12. The time extension would allow for a thorough review of the City's proposed changes, would allow input from City staff on initial Commission staff comments, and for the preparation of a comprehensive staff recommendation to the Commission.

Staff is preliminarily planning to schedule HNB-MAJ-1-12 for the January 2014 Commission hearing, 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 Huntington 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. to December 10, 2014).

MOTION: I move that the Commission extend the ninety-day time limit to act on the City of Huntington Beach Local Coastal Program Amendment No. HNB-MAJ-1-12 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.