

CALIFORNIA COASTAL COMMISSION

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W18a

July 25, 2013

TO: Commissioners and Interested Persons

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

SUBJECT: Request to extend the ninety (90)-day time limit for Commission action on City of Newport Beach LCP Amendment Request No. NPB-MAJ-2-12 (Presta/SCAPIII/Fenton Land Use Changes) for Commission Action at the August 14-15, 2013 meeting in Santa Cruz.

On October 22, 2012, the City of Newport Beach submitted a request to amend its certified Land Use Plan (LUP). The submittal was deemed incomplete. Following submittal of additional information the file was deemed complete on June 7, 2013. LUP Amendment No. NPB-MAJ-2-12 would modify the land uses at 2888 Bay Shore Drive from Multiple Unit Residential 20 du/ac to 30 du/ac (RM-C to RM-D); modify land uses at 2890 Bay Shore Drive from Multiple Unit Residential (RM-C) to Mixed-Use Waterfront (MU-W); modify land uses at 514 E. Ocean Front from Two-Unit Residential (RT-E) to Mixed-Use Vertical (MU-V); and modify land uses at 200 30th Street from Two-Unit Residential (RT-E) to Commercial Visitor (CV-A). Proposed LCP Amendment Request No. NPB-MAJ-2-12 was submitted for Commission certification by City Council Resolution No. 2013-34.

On June 7, 2013, the Executive Director determined that LCP Amendment Request No NPB-MAJ-2-12 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-2-12 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 September 5, 2013. In order to be heard within this time frame, the LCP amendment would need to be scheduled for this August 2013 hearing.

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. Furthermore, the City has requested that staff prioritize other City projects over these land use changes, thus, the City is not objecting to this request. This item will be scheduled for a southern California meeting following staff completion of those projects the City has asked staff to prioritize.

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 September 5, 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-2-12 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.