

**CALIFORNIA COASTAL COMMISSION**

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November 26, 2014

**W14.5a**

**TO:** Commissioners and Interested Persons

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

**SUBJECT:** **Request to extend the time limit for Commission action on City of Newport Beach LCP Amendment Request No. LCP-5-NPB-14-0820-2 (for Commission Action at the December 10-12, 2014 meeting in Monterey).**

On July 11, 2014, the City of Newport Beach submitted a request to amend its certified Coastal Land Use Plan (CLUP). Proposed CLUP Amendment Request No. LCP-5-NPB-14-0820-2 was submitted for Commission certification by City Council Resolution No. 2014-12. CLUP Amendment No. LCP-5-NPB-14-0820-2 involves changing the land use designation of a 6.97-acre portion of the 31-acre property located at 300 East Coast Highway from Recreational and Marine Commercial (CM-B) to Mixed-Use Horizontal (MU-H), as well as establishes a site-specific development policy, and provides an exception to the 35-foot Shoreline Height Limitation Zone to allow for a 65-foot high coastal public view tower.

The submittal was deemed incomplete on July 23, 2014, and a request for additional information was made at that time. On October 9, 2014, after receiving additional information from the City that was deemed necessary to complete the LCP amendment submittal, the Executive Director determined that LCP Amendment Request No. LCP-5-NPB-14-0820-2 was in proper order and legally adequate to comply with the submittal requirements of Section 30510 of the Coastal Act and Section 13553 of the California Code of Regulations (Title 14).

Pursuant to Sections 30512 and 30514 of the Coastal Act, an LCP amendment that includes changes to the Land Use Plan 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 January 7, 2014. Accordingly, in order to be heard within this time frame, the CLUP amendment request would need to be scheduled for the Commission's December 10-12, 2014 meeting in Monterey.

This deadline, however, 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 for one year. The time extension would allow for a thorough review of the City's proposed changes. Staff anticipates that this CLUP amendment request will be scheduled for a public hearing and Commission action sometime in the summer or fall of 2015.

**STAFF RECOMMENDATION**

Staff recommends that the Commission 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 Local Coastal Program Amendment No. LCP-5-NPB-14-0820-2 for a period of one year.*

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