

CALIFORNIA COASTAL COMMISSION

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December 22, 2015

TO: Coastal Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director
Karl Schwing, Coastal Program Manager
Amber Dobson, Coastal Program Analyst

RE: Request to waive fee on resubmitted Coastal Development Permit Application No. 5-15-2097 (Newport Banning Ranch, LLC)

The applicant is requesting the Commission direct the Executive Director to waive the permit application fees for Coastal Development Permit Application No. 5-15-2097. Pursuant to Section 13055(h)(1) of the California Code of Regulations, the Executive Director shall waive the application fee where requested by resolution of the Commission.

Coastal Development Permit Application No. 5-13-032, for the Newport Banning Ranch project in Newport Beach, Orange County, was submitted on February 1, 2013 and filed complete on April 29, 2015. Fees in the amount of \$159,150.00 were submitted along with a request for fee reduction pursuant to Section 13055(h)(3) for projects that are certified at a minimum of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Gold standard or equivalent. Per 13055(h)(3) the applicant submitted 60% of the filing fee along with a letter of credit for \$106,000 in the amount of the remainder of the required filing fee.

The Commission held a public hearing on the application on October 7, 2015, during which the Commission postponed a final decision and directed the applicant and Commission staff to work together toward a reduced project that could be found consistent with the Coastal Act. Under the Permit Streamlining Act, the Commission would need to take action on the application at the January 2016 meeting. However, Commission staff requested the applicant withdraw their application and resubmit it to provide additional time for staff, the applicant, and interested parties to work together to address issues raised by the project. The applicant provided this withdrawal and resubmittal on December 16, 2015 and requested the fee waiver request be taken to the Commission at the January 2016 hearing.

Since the withdrawal and resubmittal occurred at the request of Commission staff, staff recommends the Commission direct the Executive Director to waive any new application filing fee. The fee previously submitted under CDP Application No. 5-13-032 will be retained and carried over to the newly submitted application. Staff notes that the LEED Certification fee reduction provision expired on January 1, 2015. However, since the original application was submitted prior to this date, staff is recommending that the allowance for fee reduction for LEED certification (and future fee collection should LEED Gold standard or equivalent not be met) be carried forward with the new application.

STAFF RECOMMENDATION

MOTION: *"I move that the Commission direct the Executive Director to waive the permit application fee for Coastal Development Permit Application No. 5-15-2097 pursuant to the staff recommendation."*

Staff recommends a YES vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION DIRECTING FEE WAIVER:

The Commission hereby directs the Executive Director to waive a new permit application fee for Coastal Development Permit Application No. 5-15-2097 submitted by Newport Banning Ranch, LLC.