

CALIFORNIA COASTAL COMMISSION

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Th12a

DATE: September 15, 2016

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, South Coast Deputy Director
Charles Posner, Supervisor of Planning
Amber Dobson, Coastal Program Analyst

SUBJECT: Request to extend the time limit for Commission action on City of Newport Beach LCP Amendment Request No. 1-16 (LCP-5-NPB-16-0039-1) for Commission Action at its October 6, 2016 meeting in Ukiah.

On August 8, 2016, the City of Newport Beach submitted a request to amend the City of Newport Beach certified Land Use Plan (LUP) with City Council Resolution No. 2016-90. The LCP amendment request consists of a change to the allowable gross floor area of the LUP designation Visitor Serving Commercial- Lido Village. The amendment is a project-driven amendment for the approved Lido House Hotel at 475 32nd Street to allow for an increase in hotel square footage from 98,725 to 103,470 sq. ft.

On August 22, 2016, the Commission South Coast District Office sent the City a letter requesting additional information regarding the LUP amendment request. On September 6, 2016, Commission staff received the requested additional information. After reviewing the transmitted documents, the Executive Director determined on September 13, 2016 that LUP Amendment Request No. 1-16 is 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). Therefore LUP Amendment Request No. 1-16 is deemed officially received as of September 13, 2016.

Pursuant to Sections 30512, 30513 and 30514 of the Coastal Act, an LUP amendment must be scheduled for a public hearing and the Commission must take action within ninety days of receipt of a complete submittal. The ninetieth day after the City's filing of the complete submittal is December 12, 2016. Coastal Act Section 30517 and Section 13535(c) of the Coastal Commission Regulations state that the Commission may extend for good cause the ninety-day time limit for a period not to exceed one year. In this case, a time extension is necessary to allow staff to conduct further analysis of the conformance of the proposed LUP amendment with the provisions of the Chapter 3 of the Coastal Act and to prepare an appropriate staff recommendation, including preparation of suggested modifications if necessary, for the Commission. Additionally, the time extension will allow the City to reconcile the proposed LUP amendment with the recently Commission approved Implementation Plan.

Therefore, staff is recommending that the Commission extend the time limit for up to a year because extensions are only considered once, and it is prudent to allow for the maximum amount of time in case of unexpected delays. Commission staff anticipates this item being scheduled at a Commission meeting in Southern California in 2017. Scheduling 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 Newport Beach on potential modifications, establishing hearing schedules, and managing competing priorities.

STAFF RECOMMENDATION

Staff recommends that the Commission vote **YES** to 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 Coastal Land Use Plan Amendment No. LCP-5-NPB-16-0039-1 for a period of one year.*

An affirmative vote of a majority of the Commissioners present is needed to pass the motion.