

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



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DATE: October 19, 2017

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director, South Coast District
Charles Posner, Supervisor of Planning
Liliana Roman, Coastal Program Analyst

RE: Minor Amendment Request No. 3-17 (LCP-5-NPB-17-0053-2) to the City of Newport Beach LCP, for Commission Action at its November 9, 2017 meeting in Bodega Bay.

Local Coastal Program Amendment No. 3-17 (Minor)

The City of Newport Beach is requesting that the Commission certify an amendment to the Implementing Plan (IP) portion of the Newport Beach certified Local Coastal Program (LCP). The LCP amendment will correct a number of inconsistencies, clarify ambiguities, designate the Lido Villas community as a Planned Community, and add a regulation to clarify the public notification hearing procedures for minor development.

Local Coastal Program Amendment Request No. 3-17 affects only the City's IP, which is the implementing ordinances portion of the certified LCP, and does not propose any land use changes. On May 4, 2017, the Newport Beach Planning Commission conducted a public hearing and adopted Planning Commission Resolution No. 2055. The Newport Beach City Council held a public hearing on July 11, 2017 and passed City Council Resolution No. 2017-45 authorizing City staff to submit a set of LCP amendments to the Coastal Commission (**Exhibit 1**).

Analysis

The Executive Director has determined that City of Newport Beach LCP Amendment No. 3-17 is a minor LCP amendment because the proposed IP modifications are consistent with the certified Land Use Plan (LUP), would make the City's development regulations more specific, and would not change the kind, location, intensity or density of any uses. The proposed changes to the IP are as follow:

List of Proposed Minor LCP Clean-Up Amendments per City Council Resolution 2017-45, Exhibit A		
No.	IP Section	Description
2	New IP Section 21.26.055(V)	Adds land use and property development regulations for the Lido Villas Planned Community. This planned community did not become effective until after the submission of the LCP to the Coastal Commission for certification. The maximum number of dwelling units permitted is the same as what was allowed under the previous RM District and the height limit is 35-feet per the approved CDP; therefore, this amendment does not result in any change in kind, location, intensity, or density of use. (14 CCR § 13554(a).)
5	Revise IP Section	Adds exceptions to landscape maintenance standards during water supply

City of Newport Beach
LCP Amendment No. 3-17 (Minor)

	21.30.075(B)(4)(b)	shortages. The City adopted these exceptions after the submission of the LCP to the Coastal Commission for certification.
7	Revise IP Section 21.50.020 Table 21.50-1	Correction identifying the Community Development Director as the review authority for CDP de minimis waivers and clarifies that the de minimis waiver does not take effect until after it is reported to the City Council.
8	Revise IP Section 21.52.035(C)(4)(c)(iii)	Corrects a formatting error by re-numbering IP Section 21.52.035(C)(4)(c)(iii) to IP Section 21.52.035(C)(4)(d). This section relates to an exception from coastal development permit requirements for repair and maintenance projects.
9	Revise IP Section 21.52.052(H)	Correction to the time limit for reporting the City's final action on a CDP from five (5) days to seven (7) days to be consistent with IP Section 21.64.035(E) and California Code of Regulations Section 13571.
10	Revise IP Section 21.52.055	Corrects an ambiguity as to the number of City Council members required to object to a coastal development permit waiver; and corrects a formatting error by renumbering as subsection (F).
12	New IP Section 21.62.050	Adds allowance for the Community Development Director to waive the public hearing requirement for coastal development permits involving minor development pursuant to Coastal Act Section 30624.9.
13	Revise IP Section 21.64.050(A)	Clarifies procedures relating to appeals and calls for review, per Coastal Act Section 30625.
14	Revise IP Section 21.64.035(C)(2)	Clarifies procedures relating to appeals and calls for review, per Coastal Act Section 30625.

The City Council's resolution is attached as **Exhibit 1**. Please note that the City's resolution also includes other proposed LCP modifications that are not included in this minor LCP amendment and will be processed as major LCP amendments at a later date.

Procedures

Pursuant to Section 30514(c) of the Coastal Act and Sections 13554 and 13555 of the California Code of Regulations, the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) of Title 14 the California Code of Regulations defines a minor LCP amendment to include changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP. Section 13554(c) of Title 14 of the California Code of Regulations also defines a minor LCP amendment to include change in the notification and hearing procedures that is consistent with the requirements of the Coastal Act. All of the above-identified LCP/IP cleanup amendments qualify as minor LCP amendments either under 13554(a) or (c) of Title 14 of the California Code of Regulations.

When the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If at least one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP upon completion of the requirements of Section 13547. The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its November 9, 2017 meeting in Bodega Bay. Please contact Liliana Roman at the South Coast District Office in Long Beach with any questions.