

CALIFORNIA COASTAL COMMISSION

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W24c

November 28, 2018

TO: Commissioners and Interested Persons

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

RE: Concurrence with the Executive Director's determination that the action by the City of Newport Beach accepting certification of LCP Amendment No. 3-17 (LCP-5-NPB-17-0053-1) with suggested modifications is legally adequate. For Commission review at the December 12, 2018 meeting in Newport Beach.

On September 25, 2017 the City of Newport Beach submitted a request to amend the Implementation Plan portion of the City's certified Local Coastal Program (LCP). LCP Amendment No. 3-17 (LCP-5-NPB-17-0053-1) corrects a number of inconsistencies and clarifies ambiguities in the IP, adds a new Planned Community (PC-59, Lido Villas), and adds a new regulation to clarify the public notification hearing procedures for minor development. The request was submitted to the Commission's South Coast District office with City Council Resolution No. 2017-45.

On July 11, 2018, the Commission approved LCP Amendment No. 3-17 (LCP-5-NPB-17-0053-1) with suggested modifications to provide additional detail and clarifying language, correct numerous reference and enumeration errors, and add a new table identifying the allowed uses within the new PC-59 (Lido Villas) added as part of LCP Amendment No. 3-17. On November 13, 2018, the Newport Beach City Council unanimously adopted Ordinance No. 2018-16, incorporating the modifications suggested by the Commission pursuant to its approval of LCP Amendment No. 3-17. On November 19, 2018, the City submitted Ordinance No. 2018-16 adopted by the City Council to the Executive Director for a determination that the City's action is consistent with the Commission's July 11, 2018 action (see attachment).

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Newport Beach acknowledging receipt and acceptance of and agreement with the Commission's certification of the above-referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless a majority of the Commissioners object to the Executive Director's determination, the certification of City of Newport Beach Implementation Plan Amendment No. 3-17 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.