

CALIFORNIA COASTAL COMMISSION

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Th16.1b



March 28, 2019

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Amber Dobson, District Manager
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. 4-17 Part C (LCP-5-NPB-17-0084-1) with suggested modifications is legally adequate. For Commission review at the April 11, 2019 meeting in Salinas.

On December 4, 2017 the City of Newport Beach submitted a request to amend both the Land Use Plan (LUP) and Implementation Plan (IP) portions of the Local Coastal Program (LCP). LCP Amendment No. 4-17 (LCP-5-NPB-17-0084-1) was deemed complete after receipt of additional requested information on May 3, 2018 and a year extension to August 1, 2019 was granted by the Commission. The LCP amendment was divided into Parts A-D. LCP Amendment 4-17 Part C modifies the LUP portion of the LCP to allow certain exemptions to the Shoreline Height Limit Zone and modifies IP Section 21.30.060 (Height Limits and Exceptions), IP Section 21.30.015 (E)(5) (Waiver of Future Protection), IP Section 21.38.040 (Nonconforming Structures), and adds Section 21.52.090 (Relief from Implementation Plan Development Standards) to allow for modifications and waivers of IP requirements.

On December 12, 2018, the Commission approved LCP Amendment No. 4-17 Part C (LCP-5-NPB-18-0084-1) with suggested modifications. On February 12, 2019, the Newport Beach City Council adopted Resolution No. 2019-16 and on February 26, 2019 adopted Ordinance No. 2019-5, incorporating the modifications suggested by the Commission pursuant to its approval of LCP Amendment No. 4-17 Part C. On February 27, 2019, the City submitted Resolution No. 2019-16 and Ordinance No. 2019-5 adopted by the City Council to the Executive Director for a determination that the City's action is consistent with the Commission's December 12, 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 LCP Amendment No. 4-17 Part C 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.