

CALIFORNIA COASTAL COMMISSION

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November 18, 2020

W12b

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Zach Rehm, District Supervisor
Amrita Spencer, Staff Analyst

SUBJECT: Request to extend time limit for Commission action on City of Newport Beach LCP Amendment Request No. LCP-5-NPB-20-0025-1, Parts B and C, for Commission Action at the December 9-11, 2020 virtual meeting.

On April 13, 2020, the City of Newport Beach submitted a three-part request to amend its certified Local Coastal Program (LCP). On October 30, 2020, the Executive Director determined that Part A was incomplete pending additional information from the City's administrative record. The Executive Director determined that Parts B and C were in proper order and legally adequate to comply with the submittal requirements of the Coastal Act and the California Code of Regulations. Therefore, LCP Amendment Request No. LCP-5-NPB-20-0025-1, Parts B and C have been deemed complete pursuant to the requirements of Section 30510 of the Coastal Act. Part B of the proposed amendment was submitted for Coastal Commission action via City Council Resolution No. 2020-19 which requests Commission action on City of Newport Beach Ordinance No. 2020-7. Part C of the proposed amendment was submitted for Coastal Commission Action on City of Newport Beach Resolution No. 2020-24 which requests Commission Action on City of Newport Beach Ordinance 2020-9.

The Implementation Plan (IP) portion of the City's certified LCP would be amended to:

- 1) allow hedge heights of five feet in front setback areas along stradas (streets) located in Lido Isle;
- 2) identify Lido Isle and locations of stradas that would allow hedge heights of five feet;
- 3) permit ADUs to exceed the 16-foot height limit if they are constructed above a detached garage;
- 4) require a five-foot rear alley setback for ADUs; and
- 5) require replacement parking for the conversion of garages, carports, and other covered parking structures into ADUs.

Pursuant to Sections 30512, 30513, and 30514 of the Coastal Act, an LCP amendment that includes changes to the IP portion of a certified LCP only must be scheduled for a public hearing within sixty days of a complete submittal. The sixtieth day after the City's

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Time Extension Request

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filing of the complete submittal is December 29, 2020. However, this deadline may be extended for good cause. Section 30517 of the Coastal Act allows the Commission to extend any time limitation established by Chapter 6 of the Coastal Act, including Sections 30512 and 30514, for up to one year. Staff is recommending that the Commission extend the sixty-day time limit for the review of the LCP amendment request until December 29, 2021.

Unless the deadline is extended, Commission staff will need to complete its review and preparation of a staff recommendation, possibly with suggested modifications, and the Commission will need to complete its action on the LCP amendment at the Commission's December 9-11, 2020 meeting. Due to the potential impact of the proposed policies on coastal resources, a time extension is necessary to allow staff to conduct further analysis of the conformance of the proposed LCP amendment with the provisions of the certified LUP and to prepare an appropriate staff recommendation, including preparation of suggested modifications if appropriate, for the Commission. Thus, staff is recommending that the Commission extend the time limit for review of LCP Amendment Request No. LCP-5-NPB-20-0025-1, Parts B and C .

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 until December 29, 2021 as provided by the Coastal Act to allow for additional time 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 extend the deadline for Commission action on the LCP Amendment Request for a period of one year (to December 29, 2021).

Motion:

"I move that the Commission extend the time limit to act on the City of Newport Beach Local Coastal Program Amendment No. LCP-5-NPB-20-0025-1, Parts B and C for a period of one year."

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

Staff recommends a **YES** vote. Passage of this motion will result in a one-year extension of the deadline for Commission action on the proposed LCP amendment, changing the deadline for Commission action from December 29, 2020 to December 29, 2021. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.