

CALIFORNIA COASTAL COMMISSION

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January 27, 2021

W10a

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-20-0070-3, Part A for Commission Action at the February 10-12, 2021 virtual meeting.

On October 29, 2020, the City of Newport Beach submitted a three-part request to amend its certified Local Coastal Program (LCP). On November 12, 2020, the Executive Director determined that the submittal was incomplete pending additional information from the City's administrative record. Supplemental information in response to the incomplete notice was submitted on December 16, 2020. On December 26, 2020, the Executive Director determined that Part A was 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-20-0070-3, Part A has been deemed complete pursuant to the requirements of Section 30510 of the Coastal Act. Part A of the proposed amendment was submitted for Coastal Commission action via City Council Resolution No. 2020-91 which requests Commission action on City of Newport Beach Ordinance No. 2020-26.

The Implementation Plan (IP) portion of the City's certified LCP would be amended to: 1) incorporate a maximum cap of 1,550 permits to authorize short-term rentals; and 2) incorporate a three-night minimum stay for all permitted short-term rental units.

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 filing of the complete submittal is February 24, 2021. 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 February 24, 2022.

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 February 10-12, 2021 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-20-0070-3, Part A.

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 February 24, 2022 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 February 24, 2022).

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-20-0070-3, Part A 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 February 24, 2021 to February 24, 2022. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.