

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E. Ocean Blvd. Suite #300
Long Beach, CA 90802
(562) 590-5071



W11b

DATE: February 17, 2022

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Amber Dobson, District Manager
Liliana Roman, Coastal Program Analyst

SUBJECT: Request to extend the time limit for Commission action on City of Newport Beach LCP Amendment Request No. LCP-5-NPB-21-0084-3 Part A and Part B, for Commission action at its March 9, 2022 hearing.

On December 22, 2021, the City of Newport Beach submitted a two-part request to amend the City's certified Local Coastal Program (LCP) with City Council Resolutions No. 2021-97(Corrections to Setback Maps) and No. 2021-127 (Tattoo Establishments) included as **Exhibit 1** to this report. Both parts of the amendment request involve the Implementation Plan portion of the LCP only. Part A requests multiple correction of errors in various setback maps and re-establishment of setbacks consistent with the original district maps and existing patterns of development, and Part B requests a modification to define tattoo establishments as its own use type separate and distinct from other Restricted Personal Service Use types and restrict the zoning districts where tattoo establishments would be allowed. On January 5, 2022, the Executive Director determined that LUP Amendment Request was in proper order and legally adequate to comply with the submittal requirements of Section 30510 of the Coastal Act and Section 13553 of the California Code of Regulations (Title 14).

Pursuant to Sections 30512, 30513 and 30514 of the Coastal Act, an IP amendment must be scheduled for a public hearing and Commission action within 60 working days of the complete submittal. The 60th working day after the January 5, 2022 complete submittal filing is April 4, 2022. Coastal Act Section 30517 and Section 13535(c) of the Coastal Commission Regulations state that the Commission may extend for good cause the 60 working day time limit for a period not to exceed one year. In this case, a time extension is necessary to allow staff to conduct further analysis of the conformance of the proposed changes with the provisions of the certified LUP and to prepare an appropriate staff recommendation, including preparation of suggested modifications if necessary. Therefore, staff recommends that the Commission extend the time limit for up to a year because extensions are only considered once, and it is prudent to allow for the maximum amount of time in case of unexpected delays. 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 from April 4, 2022 as provided by the Coastal Act to allow for uncertainty 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 vote **YES** to extend the deadline for Commission action on the LUP update for one year.

Motion:

“I move that the Commission extend the time limit to act on City of Newport Beach LCP Amendment No. LCP-5-NPB-21-0084-3 Part A and Part B for a period of one year.”

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