

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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April 21, 2023

W12b

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Shannon Vaughn, Coastal Program Manager
Zach Rehm, District Supervisor
Fernie Sy, Staff Analyst

SUBJECT: Request to extend time limit for Commission action on City of Newport Beach LCP Amendment Request No. LCP-5-NPB-22-0056-1 (Part A: Density Bonus Regulation, Part B: Lido House Hotel Expansion and Part C: Nonconforming Uses and Nonconforming Structures) for Commission Action at the May 10, 2023, meeting.

On December 9, 2022, the City of Newport Beach submitted a request to amend the City's certified Local Coastal Program (LCP) with City Council Resolutions Nos. 2022-56 for Part A, 2022-78 for Part B, and 2022-82 for Part C. Each part is discussed below:

Part A (Density Bonus Regulations) would amend Newport Beach Municipal Code (NBMC) Title 21 (Local Coastal Program Implementation Plan (IP)) to incorporate standards and establish an approval process for considering density bonuses with housing development projects.

Part B (Lido House Hotel Expansion) would amend the Coastal Land Use Plan (CLUP) and the Implementation Plan (IP) of the City's Certified Local Coastal Program (LCP) to increase the allowable development limit for properties located at 3300 Newport Boulevard and 475 32nd Street from 103,470 square feet to 118,572 square feet (15,103 square foot increase).

Part C (Nonconforming Uses and Nonconforming Structures) would amend Newport Beach Municipal Code (NBMC) Title 21 (Local Coastal Program Implementation Plan (IP)) to clarify development allowances for residential uses that are nonconforming due to density and modify side setback allowances for properties in the R-1-6,000, R-2-6,000 and the RM-6,000 coastal zoning districts.

On February 17, 2023, regarding Part A and on April 12, 2023, regarding Part B and Part C, after receipt of additional information requested from the applicant, the Executive Director determined that LCP Amendment Request No. LCP-5-NPB-22-0056-

1 is 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 Section 30513 of the Coastal Act, the Commission must act on LCPAs that propose changes to the Implementation Plan only within 60 working days of filing. Based on the above-cited time limits, Part A of the proposed LCP amendment must be scheduled for review by the Commission by May 16, 2023, at the May 10 – 12, 2023 meeting. In addition, based on the above-cited time limits, Part C of the proposed LCP amendment must be scheduled for review by the Commission by July 7, 2023.

Pursuant to Section 30512 of the Coastal Act, the Commission must act on LCPAs that propose changes to the Implementation Plan and Land Use Plan within 90 working days of the complete submittal. Based on the above-cited time limits, Part B of the proposed LCP amendment must be scheduled for review by the Commission by August 18, 2023.

However, Section 30517 of the Coastal Act and Section 13535(c) of the California Code of Regulations state that the Commission may extend for good cause any applicable time limits for a period not to exceed one year.

Commission staff is requesting the time extension due to insufficient staff time to adequately review the amendment and prepare a recommendation. Given the scope of work, the volume of workload, and staffing limits, the requested time will allow for Commission review and resolution of any issues or scheduling conflicts that may arise.

STAFF RECOMMENDATION

Staff recommends that the Commission extend the deadline for Commission action on the LCP Amendment Request for a period of one year.

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-22-0056-1 Part A for a period of one year.”

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

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-22-0056-1 Part B for a period of one year.”

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

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-22-0056-1 Part 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 these motions will result in one-year extensions of the deadlines for Commission action on the proposed LCP amendment, changing the deadlines for Commission action from May 16, 2023 to May 16, 2024 for Part A, from August 18, 2023 to August 18, 2024 for Part B, and from July 7, 2023 to July 7, 2024 for Part C.