

CALIFORNIA COASTAL COMMISSION

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F10b

DATE: May 22, 2024

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Shannon Vaughn, Coastal Program Manager
Amrita Spencer, District Supervisor
Chloe Seifert, Staff Analyst

SUBJECT: Request to extend time limit for Commission action on City of Newport Beach LCP Amendment Request No. LCP-5-NPB-24-0039-3 (Part A: Parking Standards Update and Part B: Flood Hazard Overlay) for Commission Action at the June 14, 2024 meeting.

On September 11, 2023, the City of Newport Beach submitted a request to amend the City's certified Local Coastal Program (LCP) via City Council Resolution Nos. 2023-27 and 2023-37 for Part A and B, respectively. Both parts are summarized below.

Part A of the subject amendment request would revise the certified Implementation Plan (IP) to update minimum off-street parking requirements for commercial uses. This includes re-defining types of food service uses and revising the method in which off-street parking requirements are determined for each type of food service use. The City's proposed revisions are intended to reflect a post-pandemic shift from indoor dining to outdoor dining and takeout in Newport Beach. Additionally, Part A would allow the Community Development Director to reduce off-street parking requirements for specific scenarios, such as when bicycle parking or curb space dedicated to ridesharing is available. No revisions to the certified LUP are proposed under Part A.

Part B of the subject amendment request would revise the certified IP to establish a new overlay of development standards for properties designated as "Special Flood Hazard Area (VE)" by the Federal Emergency Management Agency (FEMA). The overlay would encompass 166 ocean-fronting properties located between 24th Street and 48th Street in Newport Beach. FEMA currently requires properties located in the subject area to elevate primary residences three to five feet above existing grade. By contrast, the certified IP allows accessory structures (such as decks, and patios) to be elevated up to 1.5 feet above existing grade. Residents will thus be required to either A) use stairs to access decks/patios from the residence, or B) forgo decks/patios in favor of directly-accessible, but significantly smaller, balconies. Even if residents select the latter option, stairs or ramps will still be necessary to access residences. As a result, lots in the

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subject FEMA designations would have to allocate previously buildable interior area for exterior accessways and undergo a minor decrease in building sizes.

To address this, Part B of the subject amendment request would establish a new “Special Flood Hazard Area (VE)” overlay in which accessory structures may encroach varying distances into setbacks. Maximum encroachment distances would be determined based on their locations within rear, side, or front-yard setbacks. The maximum allowable number of encroachments per lot would be determined by the lot’s location relative to traffic intersections (to maintain vehicle view corridors). The City’s proposed revisions are intended to allow property-owners in the subject FEMA designation to build residences of similar sizes and layouts to those located outside of flooding hazard areas. No revisions to the certified LUP are proposed under Part B.

Staff determined additional materials and information remained necessary to file the subject amendment request as complete on September 25, 2023. The City submitted a response on December 21, 2023. Staff determined information remained necessary for complete application review on January 5, 2024. The City submitted a subsequent response on April 1, 2024. Upon review, Part A and B of the subject amendment request were determined to be 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) on April 15, 2024.

Pursuant to Section 30513 of the Coastal Act, the Commission must act on LCPAs that propose changes to solely the Implementation Plan within 60 working days of filing. Based on the above-cited actions, Part A and B of the subject amendment request must be scheduled for Commission action by July 10, 2024 (i.e. the June 12-14, 2024 hearing) at the latest. 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 1:

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-23-0039-1 Part A for a period of one year.

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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-23-0039-1 Part B for a period of one year.

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

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. This will change the deadlines for Commission action from July 10, 2024 to July 10, 2025 for Part A and B of the subject amendment request.