



CITY OF

NEWPORT BEACH

City Council Staff Report

December 13, 2022
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2022-28: Local Coastal Program Amendment to Allow the Transfer of Development Rights in the Coastal Zone (PA2019-154)

ABSTRACT:

For the City Council's consideration is adoption of Ordinance No. 2022-28 which amends Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to include regulations allowing the transfer of development rights in the coastal zone. The ordinance was introduced and considered at the November 29, 2022, City Council meeting.

RECOMMENDATION:

- a) Find this amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378. The proposed action is also exempt pursuant to State CEQA Guidelines Section 15061(b)(3) because it has no potential to have a significant effect on the environment; and
- b) Conduct second reading and adopt Ordinance No. 2022-28, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Local Coastal Program Amendment No. LC2019-003 as Modified by the California Coastal Commission Amending Title 21 (Local Coastal Program Implementation Plan) of the City of Newport Beach Municipal Code Related to Transfer of Development Rights (PA2019-154).*

DISCUSSION:

The Newport Beach General Plan (Land Use Element Policies LU4.3 and LU6.14.3) and Newport Beach Municipal Code Section 20.46 (Transfer of Development Rights) provide for the transfer of development rights from one site to another, subject to certain parameters and City Council review. However, the 2017 certified Local Coastal Program (LCP) does not contain any provisions for a potential transfer in the coastal zone and as a result, General Plan policy allowing transfers in the coastal zone cannot be implemented without the proposed amendment.

At the October 8, 2019, City Council meeting, the City Council adopted Resolution No. 2019-90, authorizing submittal of LCP Amendment No. LC2019-003 to the California Coastal Commission (CCC) for review and approval. The resolution specified LCP Amendment No. LC2019-003 shall not become effective until approval by the CCC and adoption, including any modifications suggested by the CCC, by resolution(s) and/or ordinance(s) of the City Council.

On October 12, 2022, the CCC approved the LCP Amendment with suggested modifications.

At the November 29, 2022, City Council meeting, the City Council introduced Ordinance No. 2022-28 and held a public hearing. No further amendments were requested and the item is attached for the City Council's adoption, incorporating the CCC's suggested modifications and establishing regulations allowing the transfer of development rights within the coastal zone. If the ordinance is adopted the item will be sent back to the CCC for final acceptance.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

The action proposed herein is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378. The proposed action is also exempt from the CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Lastly, pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program. The Amendment itself does not authorize development that would directly result in physical change to the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Ordinance No. 2022-28