

Attachment A

Ordinance No. 2025-18

ORDINANCE NO. 2025-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING TITLE 21 (LOCAL COASTAL IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION RELATED TO THE TENNIS AND PICKLEBALL CLUB AT NEWPORT BEACH LOCATED AT 1602 EAST COAST HIGHWAY (PA2021-260)

WHEREAS, as set forth in Section 30500 of the California Public Resources Code, the California Coastal Act requires each county and city to prepare a local coastal program (“LCP”) for that portion of the coastal zone within its jurisdiction;

WHEREAS, in 2005, the City of Newport Beach (“City”) adopted its LCP, including the Coastal Program Coastal Land Use Plan, as amended from time to time;

WHEREAS, the California Coastal Commission effectively certified the City’s Local Coastal Program Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) (“Title 21”) to the Newport Beach Municipal Code (“NBMC”) whereby the City assumed coastal development permit-issuing authority;

WHEREAS, on March 27, 2012, the City Council approved an application by Golf Realty Fund, Managing Owner (“Applicant”) for the reconstruction of the 3,725-square-foot tennis clubhouse, a reduction of tennis courts from 24 to seven courts, construction of a 27-room boutique hotel with 9,700 square feet of ancillary uses and five single-unit residences, and a development agreement (“DA”) for the property (“2012 Entitlements”) located at 1602 East Coast Highway, and legally described as Parcels A, B, C, and D of Parcel Map No. 2016-151 (commonly referred as the “Tennis Club Site” or “Property”);

WHEREAS, on November 20, 2018, the Zoning Administrator approved Coastal Development Permit No. CD2017-039, authorizing the redevelopment of the Property consistent with the 2012 Entitlements (2012 Entitlements and Coastal Development Permit No. CD2017-039 are collectively referred to as the “Approved Project”);

WHEREAS, on June 28, 2022, the City Council approved the first amendment to the DA previously approved in 2012, which authorized the extension of the DA by one year through September 23, 2023, to provide staff additional time to process an amendment to the Approved Project;

WHEREAS, on November 2, 2021, the Applicant submitted an application to amend the Approved Project to include one additional tennis court for a total of eight courts, 14 additional hotel rooms for a total of 41 rooms, additional ancillary hotel uses, and provide three attached condominium units and two detached single-family residences in-lieu of five detached single-family residences ("2021 Project Application");

WHEREAS, on September 8, 2022, the Planning Commission considered and recommended approval of the 2021 Project Application to the City Council;

WHEREAS, on September 27, 2022, the City Council considered and failed to approve the 2021 Project Application and subsequently remanded the project to the Planning Commission for further consideration of the pickleball use;

WHEREAS, on October 11, 2022, City Council adopted a motion to reconsider the 2021 Project Application;

WHEREAS, on October 25, 2022, the City Council reconsidered and failed to approve the 2021 Project Application and subsequently continued the item to a future meeting after the Planning Commission consideration of development that includes pickleball courts;

WHEREAS, the Applicant augmented and submitted amendments to the application to reduce the overall number of tennis courts and add pickleball courts to the existing private tennis club;

WHEREAS, on December 6, 2022, the Applicant revised the 2021 Project Application to include the following:

- a. Decrease the number of future tennis courts from seven to four and add 14 pickleball courts;
- b. Increase the number of future hotel rooms from 27 to 41 rooms;
- c. Increase the gross floor area of ancillary hotel uses by 4,686 square feet, for a total of 14,386 square feet;
- d. Provide three attached condominium units and two single-unit residences in lieu of five single-unit residences; and
- e. A DA, which includes the aforementioned changes to the Approved Project for a term of 15 years ("Project");

WHEREAS, the Project required an amendment to Title 21 related to development standards for the tennis club site located within the Newport Beach Country Club Planned Community (PC-47) and to revise the development standards listed in Section 21.26.055(S) which specifically refers to the PC-47 development standards of the “Tennis Club,” “The Villas,” and “The Bungalows” (“LCP Amendment”);

WHEREAS, pursuant to Section 13515 of the California Code of Regulations Title 14, Division 5.5, Chapter 8 (“Section 13515”), drafts of the LCP Amendment were made available and a Notice of Availability was distributed on December 21, 2022, at least six weeks prior to the anticipated final action date;

WHEREAS, the Planning Commission held a public hearing on March 23, 2023, in the City Council Chambers, located at 100 Civic Center Drive, Newport Beach, California, at which time the Planning Commission considered the Project. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”), Section 13515, and Chapters 15.45 (Development Agreements), 20.56 (Planning Community District Procedures), 20.62 (Public Hearings) and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2023-014 by a unanimous vote (5 ayes, 1 absent, 1 recusal) recommending approval of the Project to the City Council;

WHEREAS, the City Council held a public hearing on November 14, 2023, in the City Council Chambers, located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with the Ralph M. Brown Act, Section 13515, and Chapters 15.45 (Development Agreements), 20.56 (Planning Community District Procedures), 20.62 (Public Hearings) and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing;

WHEREAS, at the hearing, the City Council adopted Resolution No. 2023-69 to accept an addendum to Mitigated Negative Declaration No. ND2010-008, Resolution No. 2023-70 to approve a General Plan Amendment, and Resolution No. 2023-71 to authorize submittal of the LCP Amendment to the California Coastal Commission;

WHEREAS, the City Council also adopted Ordinance Nos. 2023-18 and 2023-19 to amend the Planned Community Development Plan Amendment and approve a two-year development agreement by a majority vote (4 ayes, 2 nays and 1 recusal);

WHEREAS, on May 7, 2025, the California Coastal Commission denied the LCP Amendment (LCP-5-NPB-24-0004-1 Part B) as submitted and approved it with suggested modifications deemed necessary to find consistency with the California Coastal Act; and

WHEREAS, the City Council held a public hearing on July 22, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. Notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, Section 13515, and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council hereby approves the LCP Amendment filed as PA2021-260 and accepts the suggested modifications approved by the Coastal Commission to Amend Title 21 of the NBMC as set forth in Exhibit "A," and based upon the Findings in Exhibit "B," both of which are attached hereto and incorporated herein by reference.

Section 2: The LCP Amendment filed as PA2021-260, will be carried out fully in conformity with the California Coastal Act.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: The City Council hereby authorizes City staff to submit this ordinance for a determination by the Executive Director of the Coastal Commission that this action is legally adequate to satisfy the specific requirements of the Coastal Commission's May 7, 2025, action on LCP Amendment Request No. LCP-5-NPB-24-0004-1 Part B (1602 E. Coast Hwy).

Section 5: This ordinance shall not become effective for thirty days after adoption and until the Executive Director of the Coastal Commission certifies that this ordinance complies with the Coastal Commission's May 7, 2025, action on LCP Amendment Request No. LCP-5-NPB-24-0004-1 Part B (1602 E. Coast Hwy).

Section 6: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: An Addendum to Mitigated Negative Declaration No. ND2010-008 (MND) was prepared for the Project in compliance with the California Environmental Quality Act ("CEQA") set forth in California Public Resources Code Section 2100 *et seq.*; CEQA's implementing regulations set forth in CCR Title 14, Division 6, Chapter 3 ("CEQA Guidelines") and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act) to ensure that the Project will not result in new or increased environmental impacts. On the basis of the MND and entire environmental review record, the reduction of three (3) tennis courts and addition of 14 pickleball courts, 14 hotel rooms, and 4,686 square feet of ancillary hotel uses, and conversion of three (3) single-family residences to condominium units will not result in any new significant impacts that were not previously analyzed in the MND. The Addendum confirms and provides substantial evidence that the potential impacts associated with this Project would either be the same or less than those described in the MND, or as mitigated by applicable mitigation measures in the MND. In addition, there are no substantial changes to the circumstances under which the Project would be undertaken that would result in new or more severe environmental impacts than previously addressed in either the MND, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the CEQA Guidelines, the City Council adopted Resolution No. 2023-69, thereby adopting an addendum to the previously adopted MND. Resolution 2023-69, including all findings contained therein, is hereby incorporated by reference.

Section 8: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the NBMC shall remain unchanged and shall be in full force and effect.

Section 9: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. The ordinance shall become effective as provided in Section 5 of this ordinance.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 22nd day of July 2025, and adopted on the 26th day of August 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____

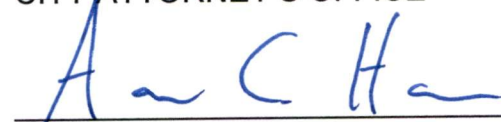
ABSENT: _____

Joe Stapleton, Mayor

ATTEST:

Molly Perry, Interim City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp, City Attorney

Attachment(s): Exhibit A – LCP Amendment filed as PA2021-260
 Exhibit B – Findings in Support of LCP Amendment filed as
 PA2021-260

EXHIBIT "A"

LCP AMENDMENT FILED AS PA2021-260

Section 1: Section 21.26.055.S (Newport Beach Country Club) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code is hereby amended to incorporate the suggested modifications from the California Coastal Commission and reads as follows:

- S. Newport Beach Country Club (PC-47).
- 2. Tennis and Pickleball Club.
 - a. Density/intensity limit: four (4) tennis courts and fourteen (14) pickleball courts; and three thousand seven hundred twenty-five (3,725) square foot clubhouse.
 - b. Height: thirty (30) feet for clubhouse.
 - c. Parking: seventy-two (72) spaces.
- 3. Residential.
 - a. Detached Residential (Villas)
 - i. Density/intensity limit: two single-family dwelling units.
 - ii. Development Standards:

Villa Designation	Villa A (TTM Lot #1)	Villa B (TTM Lot #2)
Lot Size	5,000 square feet minimum	
Lot Coverage (Maximum)	70%	65%
Building Height	39 feet, measured in accordance with the Height and Grade definition of Section 2.0 General Conditions and Regulations	
Building Side Yard Setbacks	3 feet minimum	
Building Front and Rear Yard Setbacks	5 feet minimum	
Enclosed Parking Space for Each Unit	2	2
Open Guest Parking Space for Each Unit	One space - could be located on the private driveway – No overhang to the private street/cul-de-sac is allowed	

b. Attached Residential (Condominiums)

- i. Density/intensity limit: three (3) attached residential units.
- ii. Setbacks: five (5) feet from any property line.
- iii. Height: forty-six (46) feet to be located atop of the 2-story hotel buildings in a manner that does not obstruct blue-water coastal views from LUP-designated coastal view roads.
- iv. Parking: three (3) enclosed spaces and one guest space per dwelling unit.

4. Hotel

- a. Density/Intensity Limit: forty-one (41) short-term guest rental rooms. The maximum total allowable gross floor area for the hotel rooms shall be forty-seven thousand four hundred eighty-four (47,484) square feet with a two thousand two hundred (2,200) square-foot concierge guest center, four thousand six hundred eighty-six (4,686) square feet of ancillary hotel uses, and a seven thousand five hundred (7,500) square-foot spa facility.
- b. Setbacks: five feet from any property line.
- c. Height: thirty-one (31) feet.
- d. Parking: forty-one (41) parking spaces.

EXHIBIT “B”

FINDINGS IN SUPPORT OF LCP AMENDMENT FILED AS PA2021-260

An amendment to Title 21 (Planning and Zoning) of the NBMC is a legislative act. There are no required findings for either approval or denial of such amendments.

Notwithstanding the foregoing, the LCP Amendment is consistent with the Coastal Land Use Plan (CLUP) category of Mixed-Use Horizontal 3/Parks and Recreation (MU-H/PR), which is intended to provide for development of horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multi-family residential, visitor-serving and marine related uses, and/or buildings that vertically integrate residential with commercial uses, as well as public and private recreational use such as parks, tennis clubs and courts, and similar facilities. The amendment allows for an expansion of development which is consistent with the intent of CLUP and the Newport Beach Country Club (PC-47) of Title 21, as identified below.

1. The LCP Amendment does not in any way negatively impact coastal access or coastal resources. The amendment provides additional hotel units and recreational sport courts which enhances the existing visitor-serving use and encourages additional access to Newport Center and the surrounding coastal areas.