

Attachment B

Resolution No. 2023-71

RESOLUTION NO. 2023-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION TO AMEND THE NEWPORT BEACH COUNTRY CLUB PLANNED COMMUNITY DEVELOPMENT PLAN (PC-47) FOR 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, the California Coastal Commission effectively certified the City’s Local Coastal Program Implementation Plan on January 13, 2017, and the City of Newport Beach (“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 as of January 30, 2017;

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 residential units, and a development agreement 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 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 three attached condominium units and two detached single-unit residences in-lieu of five detached single-unit residences (“2021 Project Application”);

WHEREAS, on June 28, 2022, the City Council approved a one year extension of Development Agreement No. DA2008-001 which expired on September 23, 2023;

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

WHEREAS, on September 27, 2022, the City Council held a public hearing on the 2021 Project Application but remanded it to the Planning Commission for further consideration of the pickleball use;

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

WHEREAS, on October 25, 2022, the City Council reconsidered the 2021 Project Application but continued the item to a future meeting after the Planning Commission considered an amendment to the project that includes pickleball courts;

WHEREAS, the Property currently has 31 pickleball courts and 16 tennis courts, which will remain as an interim use until the Project (defined below) is fully implemented;

WHEREAS, on December 6, 2022, the Applicant submitted a revised application to the Approved Project to decrease the number of future tennis courts from seven to four tennis courts, add 14 pickleball courts, increase the number of future hotel rooms from 27 to 41 rooms, increase the gross floor area of ancillary hotel uses by 4,686 square feet for a total of 14,386 square feet, provide three attached condominium units and two single-unit residences in-lieu of five single-unit residences, and approve a development agreement for a term of 10 years ("Project");

WHEREAS, the following land use approvals are requested or required for the Project:

- General Plan Amendment ("GPA") – An amendment to Anomaly No. 46 of Table LU2 of the 2006 Newport Beach General Plan Land Use Element to document the conversion of 17 tennis courts to 27 hotel rooms and assignment of five residential units authorized by City Council Resolution No. 2012-10, the addition of 14 hotel rooms for a total of 41 rooms, the reduction from seven tennis courts to four tennis courts, and the addition of 14 pickleball courts;

- Local Coastal Program Amendment (“LCPA”) – An amendment to Newport Beach Country Club (PC-47) Planned Community Coastal Zoning District Development Standards set forth in Section 21.26.055(S)(2) of the Newport Beach Municipal Code (“NBMC”) to modify the permitted uses and development standards allowed on the Property;
- Planned Community Development Plan Amendment (“PCDP Amendment”) – An amendment to Planned Community Development Plan No. 47 (Newport Beach Country Club Planned Community) to amend land use regulations and development standards on the Property;
- Development Agreement (“DA”) – A new development agreement between the Applicant and the City, pursuant to Sections 15.45.020(A)(2)(c) (Buildings and Construction, Development Agreements Required, Development Agreement Required) and 15.45.070 (Buildings and Constructions, Development Agreements, Amendment/Cancellation) of the NBMC, which would provide vested right to develop the Project for a term of 10 years and negotiated public benefits to the City; and
- Addendum to previously adopted Mitigated Negative Declaration No. ND-2010-008 (SCH2010091052) (“Addendum”) – Pursuant to the California Environmental Quality Act (“CEQA”), the Addendum addresses reasonably foreseeable environmental impacts resulting from the Project;

WHEREAS, the Property is designated Mixed-Use Horizontal 3/Parks and Recreation (MU-H3/PR) by the City of Newport Beach General Plan and is located within the Newport Beach Country Club Planned Community (PC-47) Zoning District;

WHEREAS, the Property is designated Mixed-Use Horizontal/Parks and Recreation (MU-H/PR) by the Coastal Land Use Plan and is located within the Newport Beach Country Club Planned Community (PC-47) Coastal Zoning District;

WHEREAS, the Project includes an amendment to Title 21 (Local Coastal Program Implementation Plan) (“Title 21”) related to development standards for the tennis club site located within the Newport Beach Country Club Planned Community (PC-47);

WHEREAS, Title 21 includes specific development standards for the Approved Project and, as a result, an amendment to Title 21 is necessary 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”;

WHEREAS, pursuant to Section 13515 of the California Code of Regulations Title 14, Division 5.5, Chapter 8 (“Section 13515”), drafts of Local Coastal Program Amendment No. PA2021-260 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 (5 ayes, 1 absent, 1 recusal) recommending approval of the Project to the City Council; and

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.

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

Section 1: The City Council does hereby authorize City staff to submit Local Coastal Program Amendment No. PA2021-260 amending Chapter 21.26.055(S) (Newport Beach Country Club) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC, which attached hereto as Exhibit “A” and incorporated herein by reference, to the California Coastal Commission for review and approval.

Section 2: Local Coastal Program Amendment No. PA2021-260 shall not become effective until approval by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council of the City of Newport Beach.

Section 3: The City Council finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger. The Applicant shall indemnify, defend and hold the City of Newport Beach harmless against any judicial challenges to the City's authorization to submit the Local Coastal Program Amendment to the California Coastal Commission for approval.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: 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 6: 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 single-unit 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 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 14th day of November, 2023.



Noah Blom
Mayor

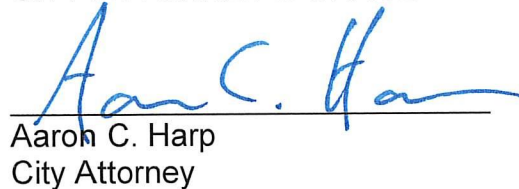
ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment(s): Exhibit A – Local Coastal Program Amendment No. PA2021-260
Related to Standards of the Tennis and Pickleball Club
located within the Newport Beach Country Club
Planned Community (PC-47)

Exhibit "A"

**Local Coastal Program Amendment No. PA2021-260 Related to Standards of the
Tennis and Pickleball Club Property located within the Newport Beach Country
Club Planned Community (PC-47)**

Local Coastal Program Implementation Plan Amendment Related to Development Standards of the Tennis and Pickleball Club portion within the Newport Beach Country Club Planned Community (PC-47) (PA2021-260)

Amend Section 21.26.055.S (Newport Beach Country Club) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to read 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).
- iv. Parking: three (3) enclosed spaces and one guest space per dwelling unit.

4. Hotel

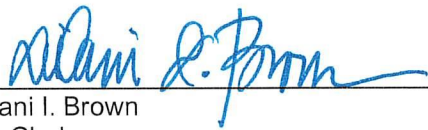
- a. Density/Intensity Limit: forty-one (41) short-term guest rental rooms. The maximum total allowable gross floor area for the hotel rooms shall be forty-seven thousand four hundred eighty-four (47,484) square feet with a two thousand two hundred (2,200) square-foot concierge guest center, four thousand 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.

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2023-71 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 14th day of November, 2023; and the same was so passed and adopted by the following vote, to wit:

AYES: Councilmember Brad Avery, Councilmember Robyn Grant, Councilmember
Joe Stapleton, Councilmember Erik Weigand
NAYS: Mayor Noah Blom, Mayor Pro Tem Will O'Neill
RECUSED: Councilmember Lauren Kleiman

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 15th day of November, 2023.



Leilani I. Brown
City Clerk
Newport Beach, California

