

# **Attachment A**

Ordinance No. 2024-27

**ORDINANCE NO. 2024-27**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) TO CHANGE THE DEVELOPMENT LIMIT SPECIFIED FOR BAY ISLAND FROM 23 DWELLING UNITS TO A MAXIMUM OF 25 DWELLING UNITS (PA2022-087)**

**WHEREAS**, Section 200 of the City of Newport Beach (“City”) Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers and privileges, or procedures granted or prescribed by any law of the State of California;

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

**WHEREAS**, the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan (“CLUP”) in 2005, which has been amended from time to time;

**WHEREAS**, the California Coastal Commission (“Coastal Commission”) effectively certified the City’s Local Coastal Program Implementation Plan on January 13, 2017, which the City added as 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**, an application was filed by Bay Island Club, Inc. (“Applicant”) on April 20, 2022, with respect to Bay Island, as shown on the official map of Bay Island (“Property”) which is attached hereto as Exhibit “A,” and incorporated herein by reference;

**WHEREAS**, Bay Island is a 5.5-acre legal lot in the Newport Harbor that is currently developed with 23 single-unit dwellings, shared open space, recreational areas, and a caretaker’s unit, which currently functions as a clubhouse;

**WHEREAS**, Bay Island is accessible by a pedestrian bridge with no vehicular access;

**WHEREAS**, the City Council approved Use Permit No. UP3618 on November 24, 1997, to implement a Planned Residential Development Overlay District, which modified the Multi-Family Residential (MFR) zoning and development regulations for Bay Island and created a development plan authorizing a maximum of 25 residential units (24 single-unit building sites plus one residential caretaker site) and off-site parking;

**WHEREAS**, the purpose of Use Permit No. UP3618 is to ensure that future development maintains the single-unit detached character of Bay Island;

**WHEREAS**, the City Council approved Resolution No. 2006-76 on July 25, 2006, adopting a comprehensive 2006 General Plan Update wherein the density of Bay Island inadvertently identified a maximum of 23 dwelling units based on the number of dwellings units that existed on Bay Island at that time;

**WHEREAS**, the City Council adopted Ordinance No. 2016-19 on November 22, 2016, adding Title 21 to the NBMC;

**WHEREAS**, Ordinance No. 2016-19 mirrored the 2006 General Plan Update development limits and, as such, inadvertently identified a maximum density of 23 dwelling units on Bay Island;

**WHEREAS**, the Applicant is requesting approval to correct the maximum density allowed on Bay Island from 23 to 25 dwelling units, consistent with Use Permit No. UP3618 ("Project");

**WHEREAS**, the following approvals were required from the City to implement the Project:

- General Plan Amendment ("GPA") – An amendment to the Land Use Element of the General Plan to correct the development limit specified for Bay Island from 23 dwelling units to a maximum of 25 dwelling units;
- Zoning Code Amendment ("ZCA") – An amendment to Title 20 (Planning and Zoning) of the NBMC to correct the development limit specified for Bay Island from 23 dwelling units to a maximum of 25 dwelling units; and
- Local Coastal Program Amendment ("LCPA") – An amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC and Coastal Land Use Plan (CLUP) to correct the development limit specified for Bay Island from 23 dwelling units to a maximum of 25 dwelling units;

**WHEREAS**, the Property is located within the Multiple Residential (RM) Zoning District and the General Plan Land Use Element category is Multiple Residential Detached (RM-D);

**WHEREAS**, the Property is located within the coastal zone with a Coastal Land Use Plan category of Multiple-Unit Residential – 10.0 – 19.9 DU/AC (RM-C) and the Coastal Zoning District is Multiple Residential (RM);

**WHEREAS**, pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations Title 14, Division 5.5, Chapter 8 (“Section 13515”), drafts of the LCPA were made available and a Notice of Availability was distributed on August 25, 2022, at least six weeks prior to the anticipated final action date;

**WHEREAS**, the Planning Commission held a public hearing on September 8, 2022 in the 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 California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapters 20.62 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. PC2022-023 by a majority vote (6 ayes, 1 absent) recommending the City Council approve the Project;

**WHEREAS**, the City Council held a public hearing on January 24, 2023, in the 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 20.62 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. 2023-5 authorizing the submittal of the LCPA to amend Title 21 changing the development limit specified for Bay Island from 23 dwelling units to a maximum of 25 dwelling units; and

**WHEREAS**, the Coastal Commission approved the LCPA (LCP-5-NPB-23-0019-1 Part B) on July 11, 2024, as a major amendment with no modifications, and as a result, is deemed approved and became a certified part of Title 21.

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

**Section 1:** The City Council does hereby approve the LCPA (PA2022-087) amending Title 21 (Local Coastal Program Implementation Plan) of the NBMC to correct the development limit specified for Bay Island from 23 dwelling units to a maximum of 25 dwelling units, as set forth in Exhibit “B,” which is attached hereto and incorporated herein by reference.

**Section 2:** The LCP and Title 21, including this LCPA, shall be carried out in full conformance with the California Coastal Act.

**Section 3:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 4:** If any section, subsection, sentence, clause or phrase of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance 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 5:** The City Council finds the introduction and adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. Class 3 exempts the construction of up to three single-family residences. LCP Amendment No. LC2022-003 would authorize the future development of up to two additional single-unit dwellings at Bay Island and therefore qualifies within this exemption.

**Section 6:** Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

**Section 7:** 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.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 22nd day of October, 2024, and adopted on the 12th day of November, 2024, by the following vote, to-wit:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_


ABSENT: \_\_\_\_\_

\_\_\_\_\_  
WILL O'NEILL, MAYOR

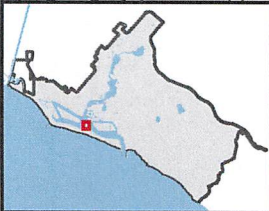
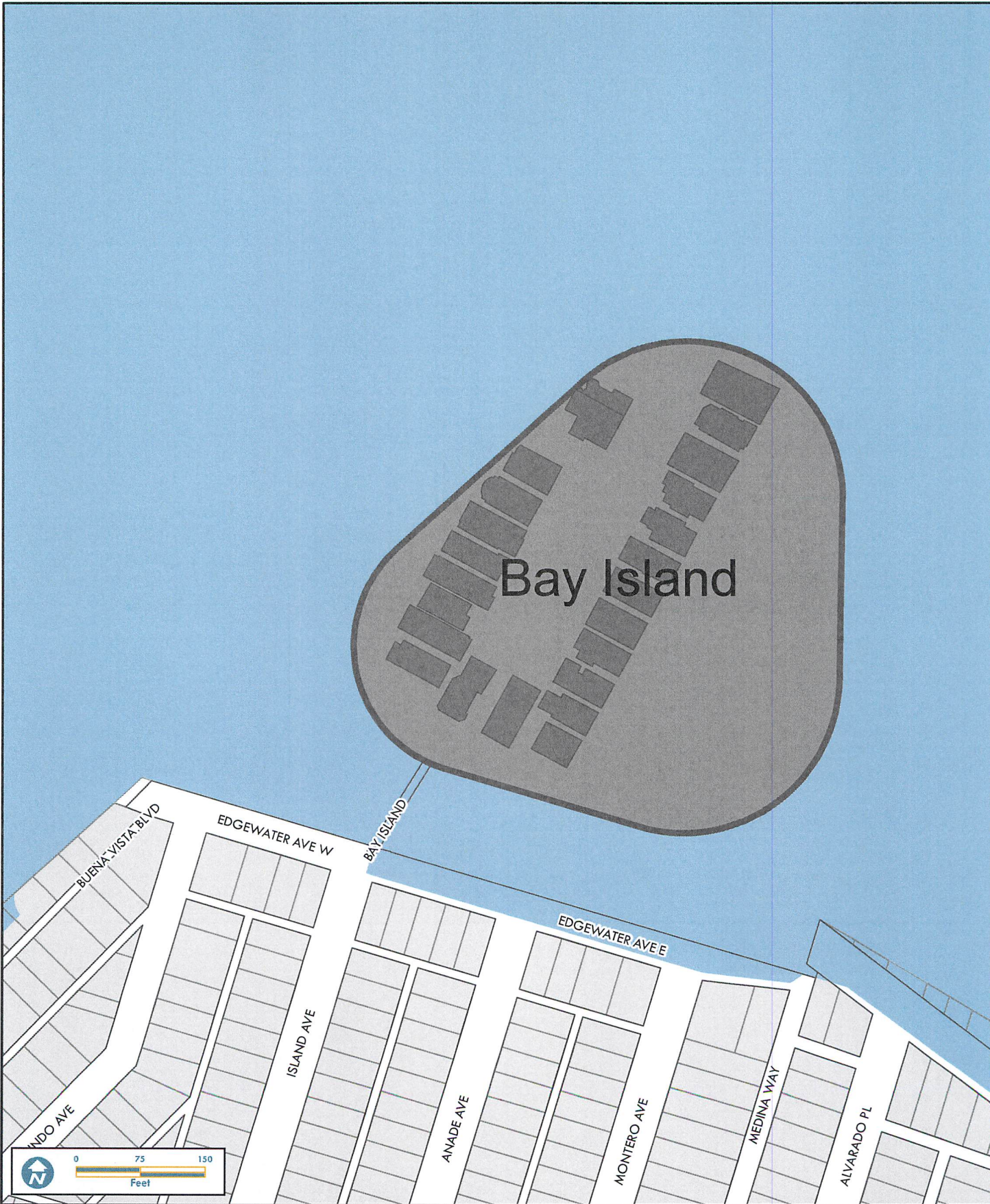
**ATTEST:**

\_\_\_\_\_  
LEILANI I. BROWN, CITY CLERK

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
\_\_\_\_\_  
AARON C. HARP, CITY ATTORNEY

Attachments:      Exhibit A – Bay Island Map  
                         Exhibit B – Local Coastal Program Amendment No. LC2022-003  
   Amending Title 21 of the NBMC



# Bay Island

PA2022-087

**EXHIBIT A**

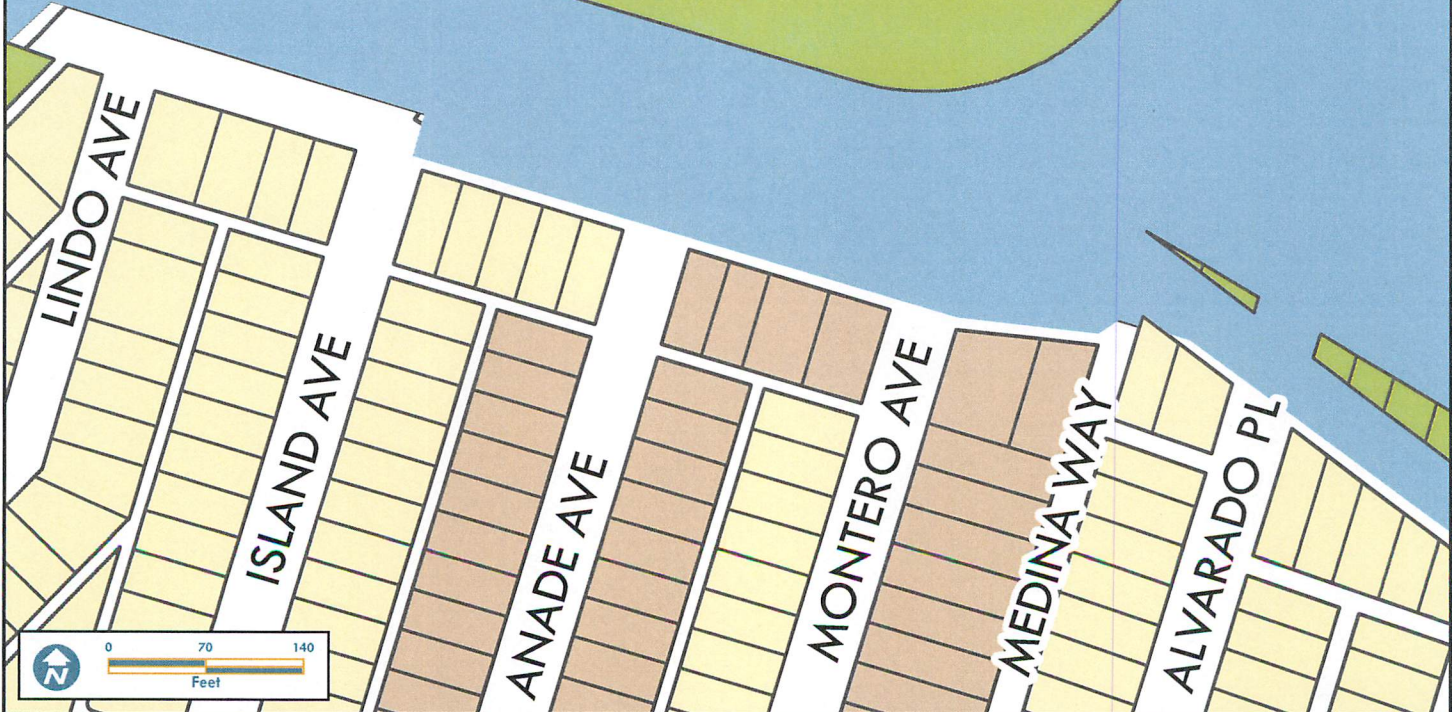


City of Newport Beach  
GIS Division  
September 29, 2022

# RM 25 du


**Dwelling Unit Change:**  
23 du to 25 du for the RM Coastal Zoning  
District for Bay Island

# OS



**Local Coastal Program Amendment  
No. LC2022-003 (IP)  
Bay Island  
PA2022-087**

**EXHIBIT B**

  
City of Newport Beach  
GIS Division  
December 01, 2022