

Attachment C

Resolution No. 2022-67 to Approve LCPA

RESOLUTION NO. 2022- 67

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 CLUB 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, in 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, five single-family 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, the Applicant is requesting an amendment to the Approved Project to allow an increase in the number of future tennis courts from seven to eight, an increase in the number of future hotel rooms from 27 to 41, an increase to the gross floor area of ancillary hotel uses by 4,686 square feet, three attached condominium units and two single-family residences in-lieu of five single-family residences, and an amendment to the 2012 Development Agreement to account for the aforementioned changes to the Project along with extending the term of the 2012 Development Agreement for an additional 10 years (“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 Zone 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 July 29, 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 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), 19.12 (Tentative Map Review), 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. PC2022-022 by a unanimous vote (5 ayes, 1 absent, 1 recusal) recommending approval of the Project to the City Council; and

WHEREAS, a public hearing was held by the City Council on September 27, 2022, 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), 19.12 (Tentative Map Review), 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, 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 recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: 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 5: An Addendum to Mitigated Negative Declaration No. ND2010-008 (MND) was prepared for the Proposed 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). On the basis of the MND and entire environmental review record, the additional tennis court, hotel rooms, ancillary hotel uses, and conversion of three 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. 2022-____, thereby adopting an addendum to the previously adopted MND. Resolution 2022-____, including all findings contained therein, is hereby incorporated by reference.

Section 6: 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 27th day of September, 2022.

Kevin Muldoon
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 Club Property
 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 Club Property 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 Club Property located within the Newport Beach Country Club Planned Community (PC-47)

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 Club.
 - a. Density/intensity limit: ~~seven~~ **eight (8)** tennis courts; and three thousand seven hundred twenty-five (3,725) square foot clubhouse.
 - b. Height: thirty (30) feet for clubhouse.
 - c. Parking: ~~twenty-eight (28) spaces~~ **thirty-two (32) 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. (The Bungalows) Hotel

- a. Density/Intensity Limit: forty-one (41) short-term guest rental units rooms.** The maximum **total** allowable gross floor area for the **hotel rooms** shall be ~~twenty-eight thousand three hundred (28,300)~~ **forty-seven thousand four hundred eighty-four (47,484)** square feet with a two thousand two hundred (2,200) square-foot concierge and 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: ~~thirty-four (34) parking spaces.~~ forty-one (41) parking spaces.**