



**CITY OF NEWPORT BEACH  
CITY COUNCIL AGENDA**

**SEPTEMBER 14, 2021  
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660**

**STUDY SESSION - 4:00 P.M. (PUBLIC WELCOME)  
CLOSED SESSION FOLLOWS STUDY SESSION  
REGULAR MEETING - 5:30 P.M.**

**BRAD AVERY, Mayor  
KEVIN MULDOON, Mayor Pro Tem  
NOAH BLOM, Council Member  
JOY BRENNER, Council Member  
DIANE B. DIXON, Council Member  
DUFFY DUFFIELD, Council Member  
WILL O'NEILL, Council Member**

**GRACE K. LEUNG, City Manager  
AARON C. HARP, City Attorney  
LEILANI I. BROWN, City Clerk  
CAROL JACOBS, Assistant City Manager**

**SPECIAL NOTICE REGARDING TELEPHONE CONFERENCE BROWN ACT REQUIREMENTS**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which modified Brown Act requirements for Council Members to attend City Council meetings telephonically. Please be advised that, some, or all, of the Newport Beach City Council Members may attend this meeting telephonically.

**NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT**

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Clerk 24 hours prior to the scheduled City Council meeting.

**PUBLIC HEARINGS**

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**NOTICE TO THE PUBLIC**

Any times listed in this agenda are provided as a courtesy and the actual item may be heard either before or after the time given.

This agenda was prepared by the City Clerk and staff reports are available in the City Council Chambers lobby located at 100 Civic Center Drive. Staff reports or other written documentation have been prepared or organized with respect to the items of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation regarding any item of business on the agenda, please contact City Clerk staff at 949-644-3005. Agendas and staff reports are also available on the City's webpage at [newportbeachca.gov/agendas](http://newportbeachca.gov/agendas).

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact City Clerk Leilani Brown prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [cityclerk@newportbeachca.gov](mailto:cityclerk@newportbeachca.gov)).

I. **ROLL CALL - 4:00 p.m.**

II. **CURRENT BUSINESS**

**SS1. Clarification of Items on the Consent Calendar**

**SS2. Proclamation Acknowledging Constitution Week**

**SS3. Check Presentation from Friends of the Newport Beach Library**

**SS4. Inclusionary Housing Ordinance Overview and Considerations**

Based on prior City Council direction, staff will present a summary of inclusionary housing and its basic requirements, an overview of the City's former inclusionary housing ordinance, other examples in Southern California, and what to consider when drafting an ordinance. An inclusionary housing ordinance would set the minimum requirement for an applicant to provide affordable housing units when proposing a residential project.

[Insider's Guide](#)

[Correspondence](#)

[Written Comments](#)

III. **PUBLIC COMMENTS**

*The City provides a yellow sign-in card to assist in the preparation of the minutes. The completion of the card is not required in order to address the City Council. If the optional sign-in card has been completed, it should be placed in the box provided at the podium.*

*The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on agenda and non-agenda items, are generally limited to three (3) minutes. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.*

IV. **CLOSED SESSION - After Study Session - Council Chambers Conference Room**

**A. CONFERENCE WITH LABOR NEGOTIATORS**

**(Government Code § 54957.6): 1 matter**

**Agency Designated Representatives:** Grace K. Leung, City Manager, Carol Jacobs, Assistant City Manager, Barbara Salvini, Human Resources Director, and Charles Sakai, Esq., Negotiators.

**Employee Organizations:** Association of Newport Beach Ocean Lifeguards (ANBOL), Newport Beach Police Association (NBPA), Newport Beach Professional and Technical Employees Association (NBPTEA), Newport Beach City Employees Association (NBCEA), and Newport Beach Firefighters Association (NBFA).

**B. CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION - INITIATION OF LITIGATION  
(Government Code § 54956.9(d)(4)): 1 matter**

*Michael Ramesh Haytasingh v. City of San Diego*

Court of Appeal, Fourth Appellate District, Division One, Case No. D076228

Superior Court of San Diego County, Case No. 37-2014-00082437-CU-PO-CTL

(The City Council will be meeting with legal counsel to discuss the City of San Diego's request for amicus support related to the Court of Appeal's interpretation of the five (5) mile per hour speed limit for vessels set forth in Harbor Code Section 655.2 (a).)

[Written Comments](#)

**V. RECESS**

**VI. RECONVENE AT 5:30 P.M. FOR REGULAR MEETING**

**VII. ROLL CALL**

**VIII. CLOSED SESSION REPORT**

**IX. INVOCATION - Michael Mooslin, First Church of Christ, Scientist**

**X. PLEDGE OF ALLEGIANCE**

**XI. NOTICE TO THE PUBLIC**

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*The City Council of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three (3) minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items. As a courtesy, please turn cell phones off or set them in the silent mode.*

**XII. CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES**

**XIII. MATTERS WHICH COUNCIL MEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA**

- Consider a discussion on the growing trend of fractional ownership of residential property, addressing how they may impact residential neighborhoods and compliance with the municipal code [Dixon and Brenner]

- **Consider a discussion on whether the City should pursue the establishment of one, or several exclusive commercial solid waste collections and recycling franchise areas such as the Corona del Mar Business District, Balboa Island and/or Balboa Village Business District [Brenner]**

**XIV. PUBLIC COMMENTS ON CONSENT CALENDAR**

*This is the time in which Council Members may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 23). Public comments are also invited on Consent Calendar items. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Council Member, members of the public are invited to speak on each item for up to three (3) minutes per item.*

*All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. Council Members have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the City Council votes on the motion unless members of the City Council request specific items to be discussed and/or removed from the Consent Calendar for separate action.*

**XV. CONSENT CALENDAR**

**READING OF MINUTES AND ORDINANCES**

**1. Minutes for the August 24, 2021 City Council Regular Meeting**

Waive reading of subject minutes, approve as written, and order filed.

[Minutes](#)

[Written Comments](#)

**2. Reading of Ordinances**

Waive reading in full of all ordinances under consideration, and direct the City Clerk to read by title only.

**ORDINANCES FOR INTRODUCTION**

**3. Ordinance No. 2021-16: Amending the LCP Implementation Plan Related to Residential Design Standards Addressing Third Story Massing (PA2019-070)**

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) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-16, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Adopting Local Coastal Program Amendment No. LC2019-006 Related to Residential Design Standards (PA2019-070)*, and pass to second reading on September 28, 2021.

[Staff Report](#)

[Attachment A - Ordinance No. 2021-16](#)

[Attachment B - 11-24-20 Staff Report](#)

[Attachment C - Resolution No. 2020-102](#)

[Attachment D - Coastal Commission Approval Letter](#)

**4. Ordinance No. 2021-17: Amending the LCP Implementation Plan Related to Setback Maps S-3A and S-3B on Lido Isle (PA2016-066)**

a) Find this amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines, Class 5 (Minor Alterations in Land Use Limitations) because it has no potential to have a significant impact on the environment; and

b) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-17, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Adopting Local Coastal Program Amendment No. LC2017-004 Related to Certain Front Yard and Side Yard Setbacks on Lido Isle (PA2016-066)*, and pass to second reading on September 28, 2021.

[Staff Report](#)

[Attachment A - Ordinance No. 2021-17](#)

[Attachment B - 9-12-17 City Council Staff Report](#)

[Attachment C - Resolution No. 2017-59](#)

[Attachment D - Coastal Commission Approval Letter](#)

**5. Ordinance No. 2021-18: Amending the LCP Implementation Plan and Coastal Land Use Plan Related to the Amortization of Nonconforming Signs (PA2019-184)**

a) Find this amendment exempt pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3), and Section 15265(a)(1), because it has no potential to have a significant effect on the environment and local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program;

b) Adopt Resolution No. 2021-79, *A Resolution of the City Council of the City of Newport Beach, California, Amending Policy No. 4.4.4-4 of the Newport Beach Coastal Land Use Plan Related to the Amortization of Nonconforming Signs (PA2019-184)*; and

c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-18, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the City of Newport Beach Municipal Code Related to the Amortization of Nonconforming Signs (PA2019-184)*, and pass to second reading on September 28, 2021.

[Staff Report](#)

[Attachment A - Ordinance No. 2021-18](#)

[Attachment B - Resolution No. 2021-18](#)

[Attachment C - 2-23-21 City Council Staff Report](#)

[Attachment D - Coastal Commission Approval Letter](#)

### **ORDINANCE FOR ADOPTION**

#### **6. Ordinance No. 2021-15: Non-Exclusive Commercial Solid Waste Franchises**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Conduct second reading and adopt Ordinance No. 2021-15, *An Ordinance of the City Council of the City of Newport Beach, California, Granting the 2020 Non-Exclusive Franchise Agreement for Commercial Solid Waste and Divertible Materials Handling Services Within the City of Newport Beach* to the two so named companies.

[Staff Report](#)

[Attachment A - Resolution No. 2021-68](#)

[Attachment B - Ordinance No. 2021-15](#)

### **RESOLUTIONS FOR ADOPTION**

#### **7. Resolution No. 2021-74: Approving Revisions to City Council Policy H-1 Recommended by the Harbor Commission**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2021-74, *A Resolution of the City Council of the City of Newport Beach, California, Amending and Renaming City Council Policy H-1, "The Harbor Permit Policy"*.

[Staff Report](#)

[Attachment A - Resolution No. 2021-74](#)

[Written Comments](#)

**8. Resolution No. 2021-80: Authorizing the City Manager to Apply for the PLHA Grant and Adopting the PLHA Plan for the Permanent Local Housing Allocation Program**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;

b) Adopt Resolution No. 2021-80, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the City Manager to Apply for the PLHA Grant and Adopting the Permanent Local Housing Allocation Program*; and

c) Authorize the City Manager to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments as required by the State of California.

[Staff Report](#)

[Attachment A - Resolution No. 2021-80](#)

**9. Resolution No. 2021-81: Creating a Management Fellow Position**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2021-81, *A Resolution of the City Council of the City of Newport Beach, California, Creating a Management Fellow Position and Establishing the Position Classification and Salary Rate*.

[Staff Report](#)

[Attachment A - Resolution No. 2021-81](#)

[Attachment B - Comprehensive Estimate](#)

**10. Resolution No. 2021-82: Supporting Gypsum Canyon Veterans' Cemetery**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2021-82, *A Resolution of the City Council of the City of Newport Beach, California, Supporting Gypsum Canyon Veterans' Cemetery*.

[Staff Report](#)

[Attachment A - Resolution No. 2021-82](#)

[Correspondence](#)

[Written Comments](#)



**11. Resolution No. 2021-83: Ford Road Overnight Parking Restrictions**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Adopt Resolution No. 2021-83, *A Resolution of the City Council of the City of Newport Beach, California, Prohibiting Overnight Parking on Segments of Ford Road between Newport Hills Drive West and the West End of Ford Road.*

[Staff Report](#)

[Attachment A - Resolution No. 2021-83](#)

[Written Comments](#)

**CONTRACTS AND AGREEMENTS**

**12. Concrete Replacement Program - Notice of Completion for Contract No. 7892-1 (Project No. 21R06)**

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of Civil Code; and
- c) Release Faithful Performance Bond one year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Location Map](#)

**13. Grant Howald Park Rehabilitation - Notice of Completion for Contract No. 7476-2 (19P11)**

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- c) Release the Faithful Performance Bond one year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Location Map](#)

**14. Balboa Pier and Channel Place Park Restrooms Rehabilitation Project - Award of Contract No. 8700-1**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301\_Class 1(a) and (d) alterations involving partitions, plumbing and conveyances; restoration of deteriorated or damaged facilities of the CEQA Guidelines, because this project results in no expansion of an existing use;
- b) Approve the project plans and specifications;
- c) Award Contract No. 8700-1 to Allinone Construction, Inc. for the total bid price of \$135,910, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency amount of \$20,400 (approximately 15 percent) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Maps](#)

**15. Civic Center Chiller Maintenance and Repair - Amendment No. 1 to Maintenance and Repair agreement with Envisé Inc. (C-8674-1)**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve Amendment No. One to Maintenance and Repair Agreement with Envisé Inc. (C-8674-1) to add technical support of the HVAC systems to the scope of work and increase the NTE by \$117,189 for a total NTE amount of \$267,189; and
- c) Authorize the Mayor and City Clerk to execute the amendment.

[Staff Report](#)

[Attachment A - Amendment No. 1](#)

[Written Comments](#)

**16. Approval of Grant Agreement with Trellis International**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Authorize the Public Works Director and City Clerk to execute a grant agreement with Trellis International that provides City funding in the amount of \$30,000 covering a one-year period.

[Staff Report](#)

[Attachment A - Grant Agreement](#)

[Insider's Guide](#)

[Written Comments](#)

**17. Acceptance of the State of California Office of Traffic Safety Selective Traffic Enforcement Program Grant PT22042**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Authorize the City Council to accept a \$270,000 Selective Traffic Enforcement Program (STEP) award granted to the NBPD by the OTS per City Council Policies F-3 and F-25. To comply with City Council Policy F-3, the City Council must formally accept the award of \$270,000 and create a new appropriation to expend the funds; and
- c) Approve Budget Amendment No. 22-008 increasing NBPD revenue estimates and expenditure appropriations by \$270,000.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

[Attachment B - Grant Agreement](#)

[Written Comments](#)

**18. Joint Agreement for the 800 MHz Countywide Coordinated Communications System**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Approve a new Joint Agreement for the Operation, Maintenance and Financial Management of the Orange County 800 Megahertz Countywide Coordinated Communications System (CCCS), and authorize the Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

[Attachment A - Joint Agreement](#)

[Attachment B - Board of Supervisors Staff Report](#)

**19. School Resource Officer Program Agreement**

- a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and
- b) Approve the agreement between the City of Newport Beach and NMUSD to participate in the School Resource Officer Program, and authorize the Mayor to execute the Agreement on behalf of the City of Newport Beach.

[Staff Report](#)

[Attachment A - Agreement](#)

**MISCELLANEOUS**

**20. Planning Commission Agenda for the September 9, 2021 Meeting**

Receive and file.

[Planning Commission Action Report](#)

[Planning Commission Agenda](#)

**21. City Hall and Limited Off-Site Facilities Holiday Closure from Friday, December 24, 2021 through Sunday, January 2, 2022**

a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and

b) Approve closing City Hall and providing limited services at off-site facilities from Friday, December 24, 2021 through Sunday, January 2, 2022. All facilities would reopen on Monday, January 3, 2022.

[Staff Report](#)

[Attachment A - Proposed Hours of Operation](#)

**22. Budget Amendment to Accept a Check from the Friends of the Newport Beach Library and Appropriate Funds to the Library's Fiscal Year 2021-22 Maintenance and Operation Budget**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept a check in the amount of \$200,000 from the Friends of the Newport Beach Library and approve Budget Amendment No. 22-004 to increase expenditures by the same amount in Division 0106052 (Friends of the Library).

[Staff Report](#)

[Attachment A - Check](#)

[Attachment B - Budget Amendment](#)

**23. Budget Amendment to Accept a Check from the California State Library and Appropriate Funds to the Library's Fiscal Year 2021-22 Maintenance and Operation Budget**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Accept a check in the amount of \$12,000 from the California State Library and approve Budget Amendment No. 22-006 to increase expenditures by the same amount in Division 0106053 (Designated Gifts).

[Staff Report](#)

[Attachment A - Check](#)

[Attachment B - Budget Amendment](#)

**ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED**

**XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR**

**XVII. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the City Council. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record.*

**XVIII. PUBLIC HEARINGS**

**24. Community Development Block Grant Program Year 2020-21, Consolidated Annual Performance and Evaluation Report**

a) Hold a public hearing to receive comments on the Program Year 2020-21 CAPER;

b) Find this activity exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly;

c) Approve the Program Year 2020-21 CAPER; and

d) Authorize the City Manager or her designee to submit the Program Year 2020-21 CAPER to HUD.

[Staff Report](#)

[Attachment A - Draft Consolidated Annual Performance and Evaluation Report](#)

[Insider's Guide](#)

**25. Resolution No. 2021-84: An Additional Extension of Emergency Temporary Use Permits (PA2020-069)**

- a) Conduct a public hearing;
- b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines under Class 1 (Existing Facilities), because this project has no potential to have a significant effect on the environment; and
- c) Adopt Resolution No. 2021-84, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing an Additional Extension of Emergency Temporary Use Permits Issued to Commercial and Institutional Uses to Operate on Private Property, Parking Lots, Sidewalks, and Public Property and Temporarily Waiving Council Policy L-21 (PA2020-069).*

[Staff Report](#)

[Attachment A - Resolution No. 2021-84](#)

[Insider's Guide](#)

[Correspondence](#)

[Written Comments](#)

**XIX CURRENT BUSINESS**

**26. Resolution No. 2021-85: Lido Isle Community Association Request for Waiver of City Council Policy L-6 and Associated Encroachment Permit Fees (Encroachment Permit No. N2021-0425)**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Waive City Council Policy L-6, *Encroachments in the Public Rights-of-Way*, to authorize that the City Council rather than the Planning Commission be designated to grant or deny the requested waiver of City Council Policy L-6;
- c) Waive City Council Policy L-6, *Encroachments in Public Rights-of-Way*, to allow installation of lighted garland and wreaths on each side of the Lido Isle bridge (with power provided from a City outlet), contingent upon all conditions of the Encroachment Permit process being met;
- d) Adopt Resolution No. 2021-85, *A Resolution of the City Council of the City of Newport Beach, California, Waiving City Council Policy L-6 (Encroachments in Public Rights-of-Way) and Approving Encroachment Permit No. N2021-0425 to Install Seasonal Lighted Garland and Wreaths on the Lido Isle Bridge*; and

e) Accept Council Member Diane Dixon's payment of \$1,000 for this permit fee from her City Council discretionary funds, and consider the request by the HOA to waive the remaining portion of the applicable encroachment permit related fees (\$3,175.00) for Encroachment Permit No. N2021-0425:

i. If it is desired to waive the remaining portion of the applicable encroachment permit fees, direct staff to waive the remaining portion of the applicable encroachment permit related fees (\$3,175.00) for Encroachment Permit No. N2021-0425, **OR**

ii. If it is desired to deny the applicant's request to waive the remaining portion of the applicable encroachment permit fees, direct the applicant to pay the remaining portion of the applicable encroachment permit related fees (\$3,175.00) for Encroachment Permit No. N2021-0425.

[Staff Report](#)

[Attachment A - City Council Policy L6](#)

[Attachment B - Resolution No. 2021-84](#)

[Attachment C - Location Map](#)

[Attachment D - Applicant Letters](#)

[Attachment E - Plans and Renderings](#)

[Written Comments](#)

**XX. MOTION FOR RECONSIDERATION**

*A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Council Members who voted with the prevailing side.*

**XXI. ADJOURNMENT - In memory of Harry S. Rinker and George Engelke**

**Testimony given before the City Council is recorded.**

**The timer light will turn yellow when the speaker has one minute remaining.**

**The timer light will turn red when the speaker has 10 seconds remaining.**

**PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.**