



CITY OF

NEWPORT BEACH

City Council Staff Report

November 30, 2021
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2021-26: Amending the LCP Implementation Plan Related to Corrections, Clarifications, and Inconsistencies (PA2019-055)

ABSTRACT:

On July 28, 2020, the City Council approved amendments to Title 20 (Zoning Code) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to provide code clarification and corrections, and to resolve inconsistencies between the Zoning Code and the Local Coastal Program Implementation Plan (LCP). The amendments relate to minimum lot size and dimensions, overlay zoning districts, public hearing notification requirements, and code amendment processing. The Title 21 amendments required subsequent California Coastal Commission (CCC) review and approval. On October 13, 2021, the CCC approved the Title 21 amendments with no modifications.

This agenda item will request City Council to introduce an ordinance formally adopting LCP Amendment No. LC2019-001 revising Title 21 consistent with the CCC approval.

RECOMMENDATION:

- a) Find this project statutorily 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. 2021-26, *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. LC2019-001 Correcting and Clarifying Provisions Related to Minimum Lot Size and Dimension, Overlays and Public Hearing Notice Requirements (PA2019-055)*, and pass to second reading on December 14, 2021.

DISCUSSION:

Background

On July 28, 2020, the City Council approved amendments to Title 20 (Zoning Code) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to provide code clarification and corrections, and to resolve inconsistencies between the Zoning Code and the Local Coastal Program Implementation Plan (LCP). The July 28, 2020, City Council staff report is included for reference as Attachment B and includes a detailed description of the various components of the amendments.

The proposed amendments are considered minor clean-up items and affect different sections of Title 20 and Title 21. Table 1 below provides an overview of the proposed amendments, including which title of the City of Newport Beach (City) Municipal Code is affected. Title 20 regulations are applicable citywide, whereas Title 21 amendments are only applicable in the coastal zone areas of the City and are intended to implement the goals, objectives and policies of the City's Coastal Land Use Plan.

Table 1- Summary of Proposed Amendments			
Component of Amendment	Title 20 Zoning Code	Title 21 Implementation Plan of LCP	Purpose
Minimum lot size exception		X	Provide consistency with Title 20
Overlay districts	X	X	Clarify overlay districts that may be less restrictive than base zone
Notice of public hearing	X	X	Clarify noticing requirements when large number of properties affected is consistent with State law.
Code amendment processing	X		Clarify procedural requirements for processing Zoning Code amendments

Ordinance No. 2020-19, approving the Title 20 amendments, was introduced on July 28, 2020, and adopted by the City Council on August 25, 2020, and is now effective.

The proposed amendments to Title 21 required review and approval by the CCC. At the July 28, 2020, City Council meeting, the City Council adopted Resolution No. 2020-72 (Attachment C), authorizing submittal of LCP Amendment No. LC2019-001 to the CCC for review and approval. The resolution specified LCP Amendment No. LC2019-001 shall not become effective until approval by the CCC and adoption, including any modifications suggested by the CCC, by resolution(s) and/or ordinance(s) of the City Council.

On October 13, 2021, the CCC approved LCP Amendment No. LC2019-001 with no modifications (Attachment D). As a result, the amendment is now considered deemed approved and became a certified part the City's Local Coastal Program on October 13, 2021; however, full implementation requires the adoption of the recommended ordinance.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

The action proposed herein is not a project subject to CEQA in accordance with 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. Lastly, pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program. The Amendments themselves do not authorize development that would directly result in physical change to the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

Notice of the July 28, 2020, City Council hearing where this amendment was originally considered and approved for submittal to the CCC was published in the *Daily Pilot* as an eighth-page advertisement, consistent with the provisions of the NBMC and State law.

Lastly, pursuant to Section 13515 of the California Code of Regulations, a review draft of the Local Coastal Program Amendment was made available, and a Notice of Availability was distributed on May 7, 2020, to all persons and agencies on the Notice of Availability mailing list.

ATTACHMENTS:

Attachment A – Ordinance No. 2021-26
Attachment B – July 28, 2020 City Council Staff Report
Attachment C – Resolution No. 2020-72
Attachment D – CCC Approval Letter