

## ATTACHMENT A

### ORDINANCE NO. 2021-28

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING CHAPTER 5.95 (SHORT TERM LODGING PERMIT) AND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE RELATING TO SHORT TERM LODGING, AND ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. LC2020-007 RELATED TO SHORT TERM LODGING AND LOCAL COASTAL PROGRAM AMENDMENT NO. LC2020-008 RELATED TO SHORT TERM LODGING ON NEWPORT ISLAND (PA2020-048 AND PA2020-326)**

**WHEREAS**, Section 200 of the Charter 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**, the City is a popular beach resort community that serves a large number of tourists during the summer months;

**WHEREAS**, this influx of tourists and the accompanying volume of vehicle traffic burdens City streets and places heavy demand on parking, sewage and refuse facilities, and paramedic and police services due to frequent complaints of noise disturbances, disorderly conduct and other nuisance or illegal activity at short term lodging units;

**WHEREAS**, occupants of short term lodging units are generally not residents of the City and the City has limited ability to enforce provisions of the Newport Beach Municipal Code and the California Penal Code related to disorderly conduct when violated by occupants of short term lodging units;

**WHEREAS**, the presence of short term lodging within the City's residential neighborhoods can disrupt the quietude and residential character of those neighborhoods and adversely affect the community;

**WHEREAS**, the City has an interest in preserving its housing stock and the quality and character of its existing residential neighborhoods;

**WHEREAS**, the City has more short term lodging units than any other southern California city of a similar size, and limiting the number of short term lodging units will reduce the demand for City services, preserve the housing stock and quality and character of the City's neighborhoods;

**WHEREAS**, requiring a minimum stay has been shown to reduce the number of disturbances at short term lodging units, thereby reducing the demand on Police and Fire Department personnel;

**WHEREAS**, establishing a maximum cap of 1,550 permits maintains the City's large capacity for short term lodging, while guarding against future impacts that unregulated expansion would create;

**WHEREAS**, the Newport Island community consists of a total of 119 parcels zoned Two-Unit Residential (R-2), which could potentially allow up to two dwelling units per lot; however, more than 68 percent of the parcels (81 parcels) are developed with single-unit residences, making the community relatively low density and more single-family in character;

**WHEREAS**, prior to 2018, only three parcels (two percent of the 157 total units) were utilized for short term lodging. In the last three years, there has been a significant increase in properties used for short term lodging, with a total of 18 short term lodging permits issued, which equates to 11.5 percent of the total units on Newport Island;

**WHEREAS**, Newport Island is a unique triangular-shaped island community surrounded by water channels on all sides and is only accessible via a single bridge. Given the limited access to and narrow streets on Newport Island, it is important to ensure that the number of short term lodging units on the island is limited so that emergency personnel can properly respond to incidents without compromising the safety of Newport Island residents and visitors;

**WHEREAS**, Newport Island was originally subdivided in 1907 and primarily consists of older residences that are nonconforming to current modern parking standards, impacting the limited on-street parking on Newport Island. On-street parking on Newport Island is further impacted by visitors seeking public access to the water via nine street ends and a public park;

**WHEREAS**, the proliferation of short term lodging units on Newport Island, which has increased the number of transient users, has exacerbated the need for on-street parking, negatively impacting the community and impacting public safety because transient users and their guests park in red zones, interfering with emergency access, and in front of driveways blocking access to neighborhood homes;

**WHEREAS**, the City Council has reviewed and considered evidence and documentation attesting to the need to limit the number of short term lodging permits and to further regulate and control short term lodging units in residential zones to ensure that short term lodging units are regulated in a way to maintain harmony with surrounding uses;

**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**, in 2005, the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan ("Local Coastal Program"), which has been amended from time to time, most recently on September 14, 2021, by Resolution No. 2021-79;

**WHEREAS**, the California Coastal Commission ("Coastal Commission") effectively certified the City's Local Coastal 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**, on October 13, 2020, the City Council adopted Resolution No. 2020-91 authorizing submittal to the Coastal Commission LCP Amendment No. LC2020-007 relating to citywide short term lodging regulations and also adopted Ordinance No. 2020-26 amending portions of Chapter 5.95 of Title 5 of the NBMC relating to short term lodging;

**WHEREAS**, on April 13, 2021, the City Council adopted Resolution No. 2021-30 authorizing submittal to the Coastal Commission LCP Amendment No. LC2020-008 relating to short term lodging on Newport Island and which amended LCP Amendment No. LC2020-007;

**WHEREAS**, LCP Amendment Nos. LC2020-007 and LC2020-008 shall not become effective until approval by the Coastal Commission and adoption, including any modifications suggested by the Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council;

**WHEREAS**, at its October 13, 2021 hearing, the Coastal Commission approved with modifications the amendments by Ordinance No. 2020-26 to NBMC Chapter 5.95 and certified LCP Amendment Nos. LC2020-007 with modifications (LCP-5-NPB-20-0070-3) and LC2020-008 with modifications (LCP-5-NPB-21-0036-1 Part C) as being consistent with the California Coastal Act; and

**WHEREAS**, a public hearing was held by the City Council on November 30, 2021, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act and Chapter 21.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

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

**Section 1:** The City Council hereby accepts the suggested modifications approved by the California Coastal Commission.

**Section 2:** The table of contents for Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

### **Chapter 5.95**

#### **SHORT TERM LODGING PERMIT**

Sections:

- 5.95.005 Purpose and Findings.
- 5.95.010 Definitions.
- 5.95.015 Residential Properties Eligible for Short Term Lodging Permits.
- 5.95.020 Permit Required.
- 5.95.025 Agency.
- 5.95.030 Application for Permit.
- 5.95.035 Denial of Permit.
- 5.95.040 Filing Fee.
- 5.95.042 Maximum Number of Permits.
- 5.95.043 Transfer of Permit.
- 5.95.045 Conditions.
- 5.95.047 Violations of Permit Conditions by Transient User, Occupant or Guest.
- 5.95.050 Agents and Hosting Platform Responsibilities.

5.95.055 Issuance of Administrative Subpoenas.

5.95.060 Violations, Penalties and Enforcement.

5.95.065 Suspensions and Revocations.

5.95.070 Permits and Fees Not Exclusive.

5.95.080 License and Permit Closure.

**Section 3:** Section 5.95.005, Subsection (L) of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

L. The restrictions of this chapter are necessary to preserve the City's housing stock, the quality and character of the City's residential neighborhoods as well as to prevent and address the impacts on residential neighborhoods posed by short term lodgings.

**Section 4:** Section 5.95.025 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

**5.95.025 Agency.**

An owner may retain an agent to comply with the requirements of this chapter, including, without limitation, the filing of an application for an annual permit, the renewal of a permit, the reinstatement of a permit or the transfer of a permit; the management of the short term lodging unit or units; and the compliance with the short term lodging permit conditions. The permit shall be issued only to the owner of the short term lodging unit or units. The owner of the short term lodging unit or units is responsible for compliance with the provisions of this chapter and the failure of an agent to comply with this chapter shall be deemed non-compliance by the owner.

**Section 5:** Section 5.95.030 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

**5.95.030 Application for Permit.**

An application for an annual short term lodging permit, renewal of a short term lodging permit, reinstatement of a short term lodging permit or transfer of a short term lodging permit shall be filed with the Finance Director upon forms provided by the City.

A. An application for a new permit, renewal permit, the reinstatement of a permit or the transfer of a permit shall contain the following information:

1. The name, address and telephone number of the owner of the unit for which the short term lodging permit is to be issued.
  2. The name, address and telephone number of the agent, if any, of the owner of the unit.
  3. Evidence of a valid business license issued by the City for the separate business of operating a short term lodging unit or units.
  4. The number of bedrooms in the lodging unit.
  5. The gross floor area of the lodging unit.
  6. The number of parking spaces available on site and a description indicating the location and size of each parking space.
  7. A nuisance response plan, which sets forth the owner's plan for handling disruptive transient users.
  8. A certification that the applicant has reviewed the covenants, conditions and restrictions, if any, and a short term use is permitted at the location pursuant to the terms of the covenants, conditions and restrictions, if any.
  9. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a short term lodging unit.
  10. Such other information as the Finance Director deems reasonably necessary to administer this chapter.
- B. An application for the renewal of a short term lodging permit shall be filed within thirty (30) calendar days of the short term lodging permit's expiration, or the short term lodging permit shall be deemed abandoned.
- C. An application for the reinstatement of a short term lodging permit closed by the Finance Director pursuant to Section 5.95.080 shall be filed within thirty (30) calendar days of the date the permit was closed by the Finance Director, or the short term lodging permit shall be deemed abandoned.
- D. An application for the reinstatement of a previously suspended short term lodging permit shall be filed within thirty (30) calendar days of the end of the suspension period, or the short term lodging permit shall be deemed abandoned.

E. If any application is deemed incomplete, which shall be determined in the sole discretion of the Finance Director, the application shall be completed within thirty (30) calendar days of the service of notice that the application is incomplete, which shall be served in accordance with Section 1.08.080, or the application and any associated permit shall be deemed abandoned.

F. If good causes exist, as determined in the sole discretion of the Finance Director, the Finance Director may extend the deadlines set forth in Subsections (B) through (E).

G. For purposes of calculating the maximum number of permits under Section 5.95.042, a short term lodging permit shall be deemed valid until the applicable permit has been deemed abandoned.

**Section 6:** Section 5.95.035 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

**5.95.035 Denial of Permit.**

If permits are available for issuance, no timely application filed by an owner for an annual permit, renewal of a permit, reinstatement of a permit or transfer of a permit for a unit eligible to be used as a short term lodging unit, as provided for in Section 5.95.015 and this Code, shall be denied unless: the owner does not have a current valid business license; the owner has failed to pay transient occupancy tax, the visitor service fee, a penalty, a fine or inspection cost, due and owing to the City; the nuisance response plan is deemed inadequate by the Finance Director; or the short term lodging permit for the same unit and issued to the same owner has been revoked.

**Section 7:** Section 5.95.040 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

**5.95.040 Filing Fee.**

An application for a new annual permit, the renewal of an existing permit, the reinstatement of a permit, or the transfer of a permit shall be accompanied by a fee established by resolution of the City Council; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the City in administering the provisions of this chapter and for providing the answering service.

**Section 8:** Section 5.95.042 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby added to read as follows:

**5.95.042 Maximum Number of Permits.**

A. The maximum number of short term lodging permits shall be limited to fifteen hundred and fifty (1,550) permits at any time. If there are more than fifteen hundred and fifty (1,550) valid permits that have been issued as of the effective date of this section, an owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of this chapter; however, no new permit shall be issued to anyone on the waiting list, as described in Subsection (D), until the total number of permits does not exceed the fifteen hundred and fifty (1,550). For purposes of calculating the maximum number of permits available, a permit shall be deemed valid and unavailable until it is abandoned in accordance with Section 5.95.030 (B) through (F), and/or Section 5.95.043 (B). To avoid wholesale conversion of existing and new housing complexes into short term lodgings, multi-unit developments with five or more units may permit a maximum of twenty (20%) of the total number of units to be short term lodgings (rounded down to the nearest whole number).

B. An owner who has a short term lodging permit or an owner seeking to reinstate a short term lodging permit that has not been abandoned in accordance with Section 5.95.030 (B) through (F), shall have priority to renew or reinstate the permit over anyone on the waiting list, as described in Subsection (D).

C. An owner seeking to transfer a valid short term lodging permit that files an application within the timeframes set forth in Section 5.95.043 (A) shall have priority to transfer the permit over anyone on the waiting list, as described in Subsection (D).

D. If the City has issued the maximum number of permits available, the City shall maintain a waiting list. An application for placement on the waiting list shall be submitted to the Finance Director, on a form approved by the Finance Director, and shall be accompanied by a fee established by resolution of the City Council. In the event a short term lodging permit becomes available, the Finance Director shall notify the person or persons next in order on the waiting list. The notice shall specify that applications will be accepted for ten (10) calendar days after the date of the notice, and that failure to apply within the ten (10) calendar day period shall result in removal of the person or persons receiving notice from the waiting list. Notice shall be deemed given when deposited in the United States mail, with the first class postage prepaid, and addressed as specified by the person or persons on the waiting list. The City shall not be liable for a failure to notify any person or persons on the waiting list since placement on the list does not create any property right in any person or persons on the list nor any contractual obligation on the part of the City.



**Section 9:** Section 5.95.043 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby added to read as follows:

**5.95.043 Transfer of Permit.**

A. A short term lodging permit that is valid and has not been abandoned in accordance with Section 5.95.030 (B) through (F), may be transferred to any of the following:

1. If the owner transfers the ownership of the lodging unit to an inter vivos trust, family trust, or other similar type of trust estate, a valid short term lodging permit may be transferred to the inter vivos trust, family trust, or other similar type of trust estate, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the inter vivos trust, family trust, or other similar type of trust estate.

2. If the owner transfers the ownership of the lodging unit to a corporation, limited liability company, partnership, limited partnership, or similar business entity, a valid short term lodging permit may be transferred to the business entity, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the business entity.

3. If the owner transfers the ownership of the lodging unit to an immediate family member, which shall include a spouse, domestic partner, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle), a valid short term lodging permit may be transferred to the immediate family member, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the immediate family member.

4. If the owner sells the lodging unit to a bona fide purchaser for value, a valid short term lodging permit may be transferred to the purchaser, if an application to transfer a valid permit is filed in accordance with Section 5.95.030, within sixty (60) days of the date title is transferred to the purchaser.

5. If the owner is deceased, the short term lodging permit for the short term lodging unit may be transferred to the heir(s) once the estate is closed and the assets distributed, if an application to transfer a valid permit is filed in accordance with Section

5.95.030, within ninety (90) days of the date the heir(s) becomes the owner of the short term lodging unit.

B. The deadlines set forth in Subsection (A) are established for purposes of setting deadlines for the transfer of a valid permit that has not been deemed abandoned in accordance with Section 5.95.030 (B) through (F). The deadlines set forth in Section (A) shall not extend the deadlines set forth in or in accordance with Section 5.95.030 (B) through (F). Authorization to transfer a valid short term lodging permit shall be deemed waived and the permit abandoned if an application is not filed to transfer a permit in accordance with the deadlines set forth in this section.

**Section 10:** Section 5.95.045, Subsection (A), condition number twenty-one (21) of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended as follows:

21. Neither an owner or the owner's agent shall rent, let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two (2) consecutive nights.

**Section 11:** The row entitled "Short-Term Lodging" set forth in Table 21.18-1 (Allowed Uses) in Section 21.18.020(C) (Residential Coastal Zoning Districts Land Uses) of Chapter 21.18 (Residential Coastal Zoning Districts (R-A, R-1, R-BI, R-2, and RM)) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC is amended to read as follows:

**21.18.020 Residential Coastal Zoning Districts Land Uses.**

Table 21.18-1

Land Use	R-A	R-1 R-1- 6,000	R-BI R-2 R-2- 6,000	RM RM-6,000	Specific Use Regulations
Residential Uses					
Short-Term Lodging	—	—	A	A	Chapter 5.95 and Section 21.48.115

**Section 12:** Amend Section 21.48.115 (Short-Term Lodging) of Chapter 21.48 (Standards for Specific Land Uses) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC to repeal said section and replace it with the following:

**21.48.115 Short-Term Lodging**

A. Purpose. This section provides standards for the operation of short-term lodging units to prevent over-burdening City services and adverse impacts on residential neighborhoods and on coastal access and resources.

B. Permits.

1. No owner of a short-term lodging unit shall advertise for rent, or rent a lodging unit located within a residential district for a short-term, without a valid short-term lodging permit for that unit, issued pursuant to Chapter 5.95.

2. An owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of Chapter 5.95.

3. As set forth in Section 5.95.042 of Chapter 5.95, the maximum number of short-term lodging permits shall be limited to one thousand five hundred and fifty (1,550) permits at any time. If there are more than one thousand five hundred and fifty (1,550) valid permits that have been issued as of January 13, 2022, no new permit shall be issued to anyone on the waiting list, as described in Section 5.95.042 (D), until the total number of permits does not exceed the one thousand five hundred and fifty (1,550) limit. To avoid wholesale conversion of existing and new housing complexes into short-term lodgings, multi-unit developments with five or more units may permit a maximum of twenty percent (20%) of the total number of units to be short-term lodgings (rounded down to the nearest whole number).

4. No short-term lodging unit shall be permitted on any lot in the R-1 (Single-Unit Residential) Coastal Zoning District or any lot designated for single-unit dwelling land use as part of a planned community development plan, unless the short-term lodging unit was legally established on or before June 1, 2004.

C. Operational Standards. The owner, or any other person(s) or entity(ies) that hold(s) legal and/or equitable title to the lodging unit, shall comply with all federal, state, and local laws, rules, regulations and conditions of approval including, but not limited to, all short-term lodging permit conditions, as set forth in Chapter 5.95. In addition, the owner, or any other person(s) or entity(ies) that hold(s) legal and/or equitable title to the lodging unit, shall:

1. By written agreement, limit overnight occupancy of the short-term lodging unit to the maximum permitted by the Building Code and Fire Code.

2. Use best efforts to ensure that the transient user, occupants and/or guests of the short-term lodging unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.

3. Upon notification that any transient user, occupant and/or guest of his or her short-term lodging unit has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or any state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, promptly use best efforts to prevent a recurrence of such conduct by any transient user, occupant or guest.

4. Use best efforts to ensure compliance with applicable health and sanitation regulations relating to waste disposal.

5. Post a copy of any applicable permits and conditions in a conspicuous place within the unit.

6. Not rent, let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two (2) consecutive nights.

7. The City Manager shall have the authority to impose additional standard conditions, applicable to all short-term lodging units, as necessary to achieve the objectives of this section.

D. Additional Permit Conditions for Newport Island (Map A-16). To the extent there is any conflict between this subsection and other provisions of the Code related to short-term rentals on Newport Island (Map A-16), this subsection shall govern and control.

1. In addition to the restriction set forth in Section 5.95.042 and subsection (B)(3), the maximum number of short-term lodging permits issued for units located on Newport Island shall be limited to twenty (20) short-term lodging permits at any one time. If there are more than twenty (20) valid short-term lodging permits that have been issued as of January 13, 2022, an owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of Chapter 5.95; however, no new permit shall be issued unless: (a) permits are available for issuance pursuant to Section 5.95.042 and subsection (B)(3); and (b) the total number of permits for units located on Newport Island does not exceed twenty (20). If the City has issued the maximum number of permits

available for units on Newport Island, the City shall maintain a waiting list and follow the same procedures as set forth in Section 5.95.042 (D). For purposes of this subsection, the maximum number permits available will be calculated in the same manner as set forth in Chapter 5.95.

2. An owner, agent, or other person shall only be allowed to rent a dwelling unit on Newport Island for a short-term if the dwelling unit is located on a lot with an owner-occupied dwelling unit that is managed by the owner of the owner-occupied dwelling unit.

3. The owner and/or agent shall limit the overnight occupancy of the short-term lodging unit on Newport Island to the lesser of: (a) the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection (D)(4) below, or (b) two persons per bedroom plus two additional persons, up to a maximum of ten persons. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m. with the maximum daytime occupancy limited to a number equal to maximum overnight occupancy plus six additional persons. The occupancy restrictions set forth in this subsection shall be set forth in a written rental agreement.

4. Each short-term lodging unit on Newport Island shall provide a minimum of one parking space in an existing garage or carport. Occupancy shall be limited to a maximum of five overnight guests for a short-term lodging unit providing only one parking space. The parking required by this subsection shall be free of obstructions and available for use by the short-term lodging user.

5. Any existing permit holder of a dwelling unit that is not located on an owner-occupied lot per subsection (D)(2) or does not meet the parking requirements of subsection (D)(4) will be permitted to retain their permit until January 13, 2023.

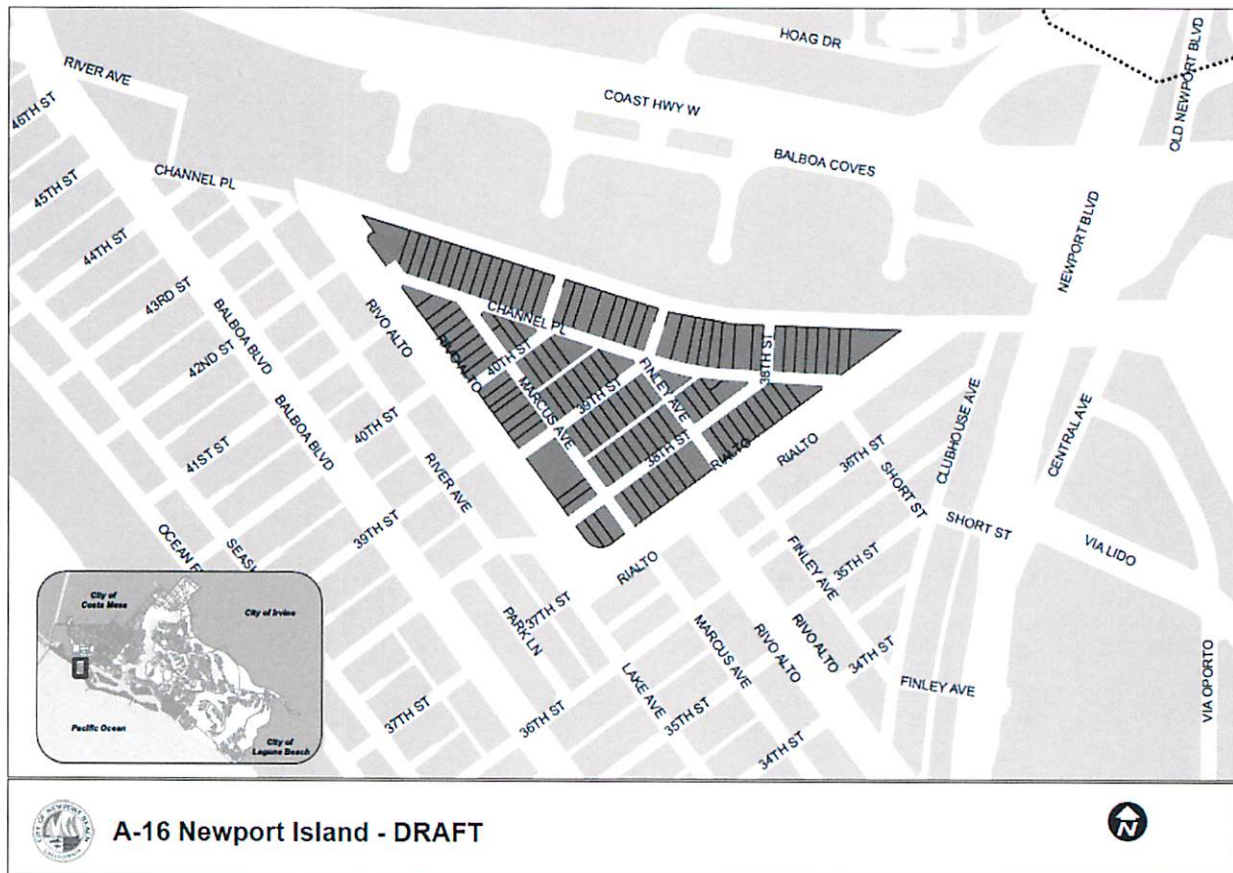
6. No owner, agent, or other person shall rent or let a short-term lodging unit on Newport Island more than once in any seven (7) consecutive day period.

**Section 13:** Amend Section 21.70.020 (Definitions of Specialized Terms and Phrases) of Chapter 21.70 (Definitions) of the NBMC to include the following definition:

"Dwelling unit, owner-occupied" means a dwelling unit that is occupied by a natural person who has at least a twenty-five percent ownership interest in the lot where one or more dwelling units are located or a twenty-five percent ownership interest in the entity that owns the lot where one or more of the dwelling units are located and who resides in a dwelling unit on the same lot, which is the person's legal domicile and permanent residence.

**Section 14:** Amend Section 21.80.010 (Area Maps) of Chapter 21.80 (Maps) of the NBMC to include the following map:

A-16 – Newport Island (PDF)



**Section 15:** The LCP, including LCP Amendment Nos. LC2020-007 and LC2020-008, will be carried out fully in conformity with the California Coastal Act.

**Section 16:** The recitals provided in this ordinance are true and correct and are incorporated into the operative part of this ordinance.

**Section 17:** The City Council hereby authorizes City staff to submit this ordinance for a determination by the Executive Director of the Coastal Commission that this action is legally adequate to satisfy the specific requirements of the Coastal Commission's October 13, 2021, actions on LCP Amendment Request Nos. LCP-5-NPB-20-0070-3 (Short-Term Lodging) and LCP-5-NPB-21-0036-1 Part C (Newport Island Short-Term Lodging).

**Section 18:** This ordinance shall not become effective for thirty days after adoption and until the Executive Director of the Coastal Commission certifies that this ordinance complies with the Coastal Commission's October 13, 2021, actions on LCP Amendment Request Nos. LCP-5-NPB-20-0070-3 (Short-Term Lodging) and LCP-5-NPB-21-0036-1 Part C (Newport Island Short-Term Lodging).

**Section 19:** 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 20:** The City Council finds the adoption of this ordinance is not a project subject to the California Environmental Quality Act ("CEQA") in accordance with Section 21065 of the California Public Resources Code and Sections 15060(c)(2), 15060(c)(3), and 15378 of the California Code of Regulations Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), because it has no potential for resulting in physical change to the environment, directly or indirectly. The proposed action is also exempt pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The amendments to NBMC Chapter 5.95 and the LCP Amendments provide additional regulations on short-term lodging, which is an existing, permitted use, and thus do not authorize development that would directly result in physical change to the environment.

**Section 21:** 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. Sections 1 through 8 and the portion of Section 10, which added Subsection 21, to Section 5.95.045, Chapter 5.95 of Title 5, of Ordinance 2020-26, are hereby superseded by this ordinance.

**Section 22:** 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 30th day of November 2021, and adopted on the 14th day of December, 2021, by the following vote, to-wit:

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

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

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

RECUSED: \_\_\_\_\_

\_\_\_\_\_  
BRAD AVERY, MAYOR

**ATTEST:**

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

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

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