

# **Attachment A**

Ordinance No. 2022-1 – Title 21 Code Amendment

## **ORDINANCE NO. 2022-1**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-002 TO AMEND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE RELATED TO HEDGE HEIGHTS IN FRONT SETBACKS ABUTTING STRADAS IN LIDO ISLE (PA2019-132)**

**WHEREAS**, Section 200 of the Charter of the City of Newport Beach ("City") 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 restriction and limitations contained in the City Charter and the 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**, in 2005 the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan ("LCP") as amended from time to time;

**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 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 on January 30, 2017;

**WHEREAS**, an amendment to Title 21 of the NBMC in relation to hedge heights in front setbacks abutting stradas in Lido Isle is necessary in order to reconcile differing regulations between the City and Lido Isle Community Association ("LICA") ("LCP Amendment No. LC2019-002");

**WHEREAS**, a public hearing was held by the Planning Commission on December 5, 2019, 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 California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), Chapters 20.62 and 21.62 (Public Hearings) of the NBMC, and Title 14 of the California Code of Regulations ("CCR") Section 13515. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

**WHEREAS**, pursuant to 14 CCR Section 13515, drafts of the LCP Amendments were made available and a Notice of Availability was distributed on October 4, 2019, at least six weeks prior to the final action date;

**WHEREAS**, on December 5, 2019, the Planning Commission adopted Resolution No. PC2019-035 by a unanimous vote (6 ayes, 0 nays, 1 absent), recommending approval of Zoning Code Amendment No. CA2019-005 and LCP Amendment No. LC2019-002 to the City Council;

**WHEREAS**, a public hearing was held by the City Council on February 11, 2020, 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 the Ralph M. Brown Act, Chapters 20.62 and 21.62 (Public Hearings) of the NBMC, and 14 CCR Section 13515. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

**WHEREAS**, at the conclusion of the hearing, the City Council introduced Ordinance No. 2020-7 adopting Zoning Code Amendment No. CA2019-005 and Resolution No. 2020-19 authorizing submittal of LCP Amendment No. LC2019-002 to the California Coastal Commission by a unanimous vote (7 ayes, 0 nays); and

**WHEREAS**, on November 19, 2021, the California Coastal Commission approved LCP Amendment No. LC2019-002 (LCP-5-NPB-20-0025-1) with no modifications, as a result, LCP Amendment No. LC2019-002 is now deemed approved and became certified as part of the City's LCP and Title 21.

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



**Section 1:** Section 21.30.060(c)(6) (Height Limits and Exceptions) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code is hereby added to read as follows, with all other provisions remaining unchanged:

6. Hedges in Lido Isle. In front setback areas abutting stradas in Lido Isle, the maximum hedge height shall be five feet.

**Section 2:** Area Map A-10 Lido Isle is hereby added to Section 21.80.010 (Area Maps) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, which is attached hereto and incorporated herein by reference as Exhibit "A."

**Section 3:** The LCP and Title 21 (Local Coastal Program Implementation Plan), including LCP Amendment No. LC2019-002, shall be carried out in full conformance with the California Coastal Act.

**Section 4:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 5:** 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 6:** The City Council finds the introduction and adoption of this ordinance is not subject to 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, as set forth in the California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 7:** 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 8:** 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 11<sup>th</sup> day of January, 2022, and adopted on the 25th day of January, 2022, by the following vote, to-wit:

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

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

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

\_\_\_\_\_  
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: A-10 Lido Isle Area Map

## A-10 Lido Isle Area Map

