



NEWPORT BEACH

City Council Staff Report

January 24, 2023
Agenda Item No. 15

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2023-1 and Resolution Nos. 2023-4 and 2023-5: General Plan Amendment to Increase the Development Limit for Bay Island (PA2022-087)

ABSTRACT:

For the City Council's reconsideration are amendments to the General Plan, Zoning Map, and Coastal Zoning Map for Bay Island. The amendments increase the maximum development limits from 23 dwelling units to 25 dwelling units and include correcting the land use maps. The amendments were initiated by Bay Island Club, Inc., which seeks to return development rights, consistent with Use Permit No. UP3618.

This item was previously heard and approved at the January 10, 2023 City Council meeting; however, the agenda item was required to be re-noticed to ensure compliance with the requirements of the Newport Beach Municipal Code.

RECOMMENDATIONS:

- a) Conduct a public hearing;
- b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 – Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- c) Adopt Resolution No. 2023-4, *A Resolution of the City Council of the City of Newport Beach, California, Approving General Plan Amendment No. GP2022-001 to Change the Development Limit Specified for Bay Island from 23 Dwelling Units to 25 Maximum Dwelling Units (PA2022-087);*
- d) Adopt Resolution No. 2023-5, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Submittal of Local Coastal Program Amendment No. LC2022-003 to Change the Development Limit Specified for Bay Island from 23 Dwelling Units to 25 Maximum Dwelling Units (PA2022-087); and*

- e) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2023-1, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Zoning Code Amendment No. CA2022-005 to Change the Development Limit Specified for Bay Island from 23 Dwelling Units to 25 Maximum Dwelling Units (PA2022-087)*, and pass to second reading on February 14, 2023.

DISCUSSION:

This agenda item was previously heard at the January 10, 2023, City Council meeting, where the proposed amendments were unanimously approved. However, subsequent to that meeting, it was discovered that the public noticing for the meeting did not meet the minimum 10-day posting and mailing requirements prior to the date of the meeting. Therefore, the item has been properly re-noticed consistent with the provisions of the Newport Beach Municipal Code.

The City Council is required to reconsider the item and hold a new public hearing. The complete January 10, 2023 City Council staff report, including attachments, is provided as Attachment D for reference.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

Class 3 exempts the construction of up to three single-family residences. The project would authorize the future development of up to two additional single-family residences at Bay Island and therefore qualifies within this exemption. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

NOTICING:

Notice of this hearing was published in the *Daily Pilot*, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Newport Beach Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website in accordance with the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Resolution No. 2023-4

Attachment B – Resolution No. 2023-5

Attachment C – Ordinance No. 2023-1

Attachment D – January 10, 2023 Staff Report