

Attachment B

Resolution No. 2023-5

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)

WHEREAS, as set forth in Section 30500 of the California Public Resources Code, the California Coastal Act requires each county and city to prepare a local coastal program ("LCP") for that portion of the coastal zone within its jurisdiction;

WHEREAS, on April 20, 2022, an application was filed by Bay Island Club, Inc., ("Applicant") with respect to Bay Island, as shown on the official map of Bay Island ("Property") which is attached here as Exhibit "A" and incorporated herein by reference;

WHEREAS, Bay Island is a 5.5-acre legal lot in Newport Harbor that is currently developed with 23 single-family homes, shared open space, recreational areas, and a caretaker's unit, which currently functions as a clubhouse;

WHEREAS, Bay Island is accessible by a pedestrian bridge with no vehicular access;

WHEREAS, on November 24, 1997, the City Council approved Use Permit No. UP3618 to implement a Planned Residential Development Overlay District, which modified the Multi-Family Residential (MFR) zoning and development regulations for Bay Island and created a development plan that authorized a maximum of 25 residential units (24 single-family building sites plus one residential caretaker site) and off-site parking;

WHEREAS, the purpose of Use Permit No. UP3618 is to ensure that future development maintains the single-family detached character of Bay Island;

WHEREAS, on July 25, 2006, the City Council approved Resolution No. 2006-76 adopting a comprehensive 2006 General Plan Update ("General Plan Update") wherein the density of Bay Island was inadvertently decreased to a maximum of 23 residential dwelling units based on the number of dwellings that existed on Bay Island at that time;

WHEREAS, on November 22, 2016, the City Council adopted Ordinance No. 2016-19, adding Title 21 (Local Coastal Program Implementation Plan) to the Newport Beach Municipal Code ("NBMC") with the maximum density of 23 residential dwelling units inadvertently carried over to Title 21;

WHEREAS, the Applicant is requesting approval to correct the maximum density allowed on Bay Island from 23 to 25 dwelling units, consistent with Use Permit No. UP3618 ("Project");

WHEREAS, the following approvals are requested or required from the City of Newport Beach ("City") to implement the Project:

- General Plan Amendment No. GP2022-001 – An amendment to the Land Use Element of the General Plan to correct the development limit specified for Bay Island from 23 dwelling units to 25 maximum dwelling units;
- Local Coastal Program Amendment No. LC2022-003 – An amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC to correct the development limit specified for Bay Island from 23 dwelling units to 25 maximum dwelling units; and
- Zoning Code Amendment No. CA2022-005 – An amendment to Title 20 (Planning and Zoning) of the NBMC to correct the development limit specified for Bay Island from 23 dwelling units to 25 maximum dwelling units;

WHEREAS, the Property is located within the Multiple Residential (RM) Zoning District and the General Plan Land Use Element category is Multiple Residential Detached (RM-D);

WHEREAS, the Property is located within the coastal zone with a Coastal Land Use Plan category of Multiple-Unit Residential – 10.0 – 19.9 DU/AC (RM-C) and the Coastal Zoning District of Multiple Residential (RM);

WHEREAS, pursuant to Section 13515 of the California Code of Regulations, Title 14, Division 5.5, Chapter 8 ("Section 13515"), drafts of Local Coastal Program Amendment No. LC2022-003 were made available and a Notice of Availability was distributed a minimum of six weeks prior the City Council public hearing;

WHEREAS, the Planning Commission held a public hearing on September 8, 2022 in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with the California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2022-023 by a majority vote (6 ayes, 1 absent) recommending City Council approval of General Plan Amendment No. GP2022-001, Local Coastal Program Amendment No. LC2022-003 and Zoning Code Amendment No. CA2022-005; and

WHEREAS, the City Council held a public hearing on January 24, 2023 in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with the Ralph M. Brown Act, Section 13515 and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing.

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

Section 1: The City Council hereby authorizes staff to submit Local Coastal Program Amendment No. LC2022-003 to the California Coastal Commission for review and approval as set forth in Exhibits "B" and "C," which are attached hereto and incorporated herein by reference.

Section 2: Local Coastal Program Amendment No. LC2022-003 shall not become effective until approval by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council of the City of Newport Beach.

Section 3: Local Coastal Program Land Use Plan and Title 21 (Local Coastal Program Implementation Plan), including Local Coastal Program Amendment No. LC2022-003, will be carried out fully in conformity with the California Coastal Act.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution 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 resolution. The City Council hereby declares that it would have passed this resolution, 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: Local Coastal Program Amendment No. LC2022-003 is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. Class 3 exempts the construction of up to three single-family residences. Local Coastal Program Amendment No. LC2022-003 would authorize the future development of up to two additional single-family residences at Bay Island and therefore qualifies within this exemption.

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.


ADOPTED this 24th day of January, 2023.

Noah Blom
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachments: Exhibit A - Bay Island Map
 Exhibit B - Local Coastal Program Amendment No. LC2022-003
 Amending Title 21 of the NBMC
 Exhibit C - Local Coastal Program Amendment No. LC2022-003
 Amending the Coastal Land Use Plan

EXHIBIT "A"
Bay Island Map

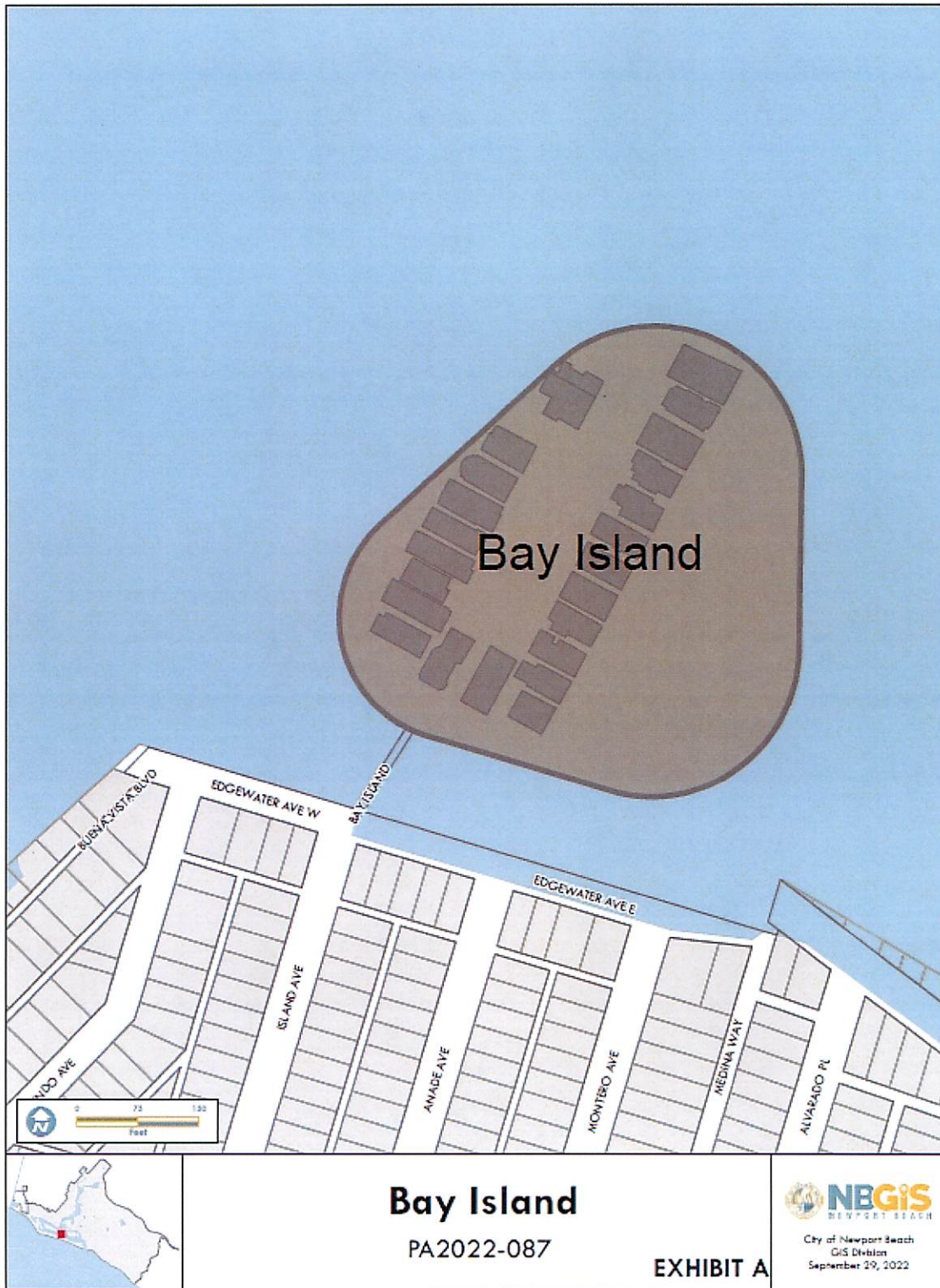


EXHIBIT "B"
Local Coastal Program Amendment No. LC2022-003
Amending Title 21 of the NBMC

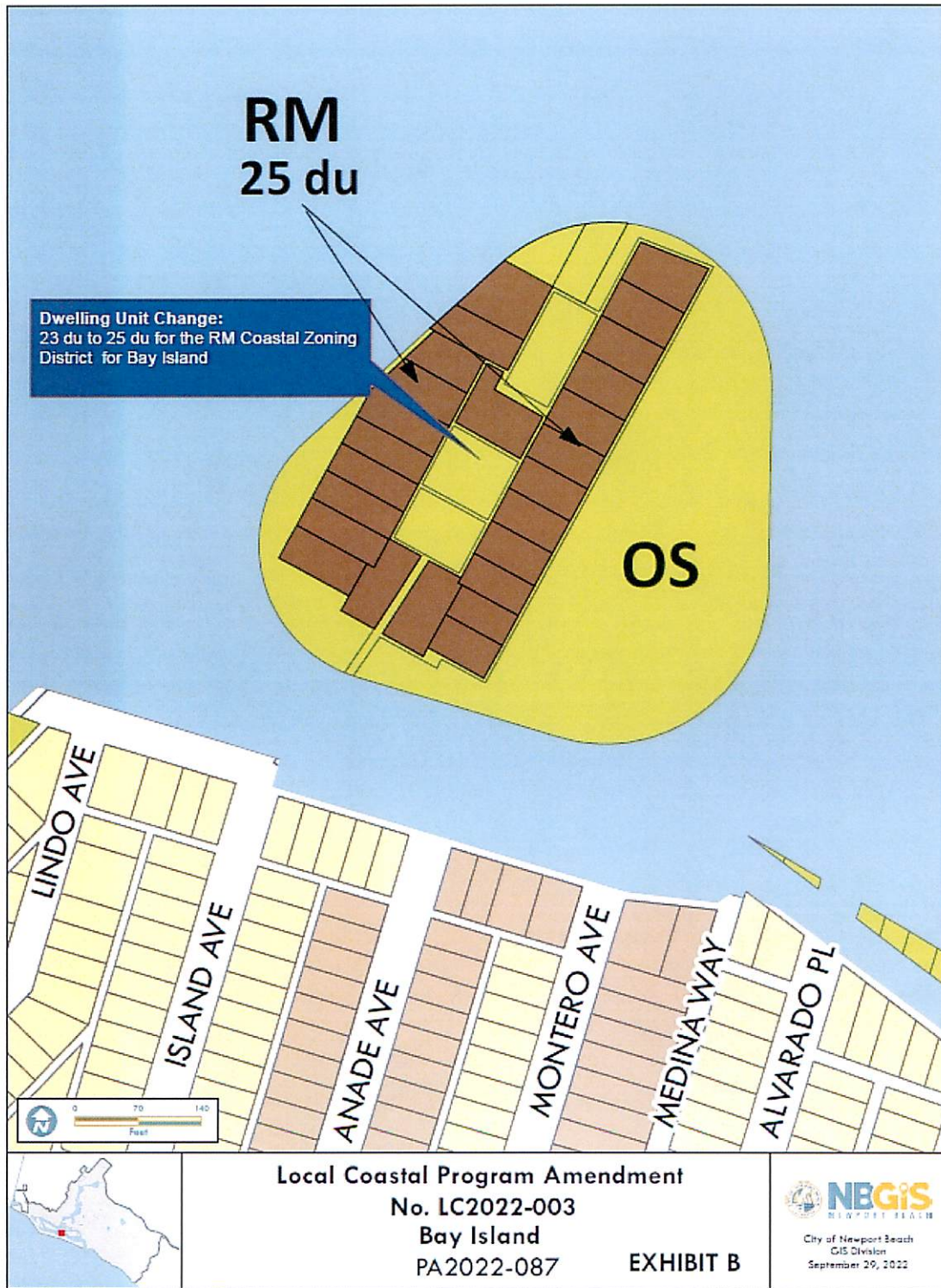


EXHIBIT "C"
Local Coastal Program Amendment No. LC2022-003
Amending the Coastal Land Use Plan

