

ATTACHMENT C

RESOLUTION NO. 2019-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING THE COASTAL LAND USE PLAN OF THE LOCAL COASTAL PROGRAM TO ADD POLICY 2.7-5 RELATING TO ACCESSORY DWELLING UNITS (PA2018-099)

WHEREAS, Section 30500 of the 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, the California Coastal Commission ("Coastal Commission") effectively certified the City of Newport Beach ("City") LCP on January 13, 2017, and the City assumed coastal development permit-issuing authority on January 30, 2017;

WHEREAS, LCP Amendment No. LC2017-003 is necessary to address changes in State law (Senate Bill 1069 and Assembly Bill 2299, Statutes of 2016, and Senate Bill 229 and Assembly Bill 494, Statutes of 2017) that require jurisdictions to amend their local zoning ordinances to conform to California Government Code Section 65852.2;

WHEREAS, Senate Bills 1069 and 229, and Assembly Bills 2299 and 494 are intended to address the State housing crisis by easing regulatory barriers for homeowners who choose to construct accessory dwelling units;

WHEREAS, accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. In addition, homeowners who construct accessory dwelling units benefit from added income and increased sense of security;

WHEREAS, allowing accessory dwelling units in conjunction with single-family residential development provides additional rental housing stock;

WHEREAS, accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character;

WHEREAS, it is necessary to amend the Coastal Land Use Plan to include a new policy to provide a basis for the proposed implementing regulations of the Implementation Plan of the LCP and to allow for the administration of California Government Code Section 65852.2 in a manner consistent with the LCP and applicable policies of the Coastal Act;

WHEREAS, public hearings were held on May 4, 2017 and June 8, 2017 in the Council Chambers located at 100 Civic Center Drive, Newport Beach. Notices of time, place and purpose of the public hearings were given in accordance with the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at these public hearings;

WHEREAS, on June 8, 2017, the Planning Commission adopted Resolution No. 2057 by a majority vote of 4-1, recommending approval of LCP Amendment No. LC2017-003 to the City Council;

WHEREAS, a public hearing was held on July 25, 2017, in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the public hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

WHEREAS, pursuant to Section 13515 of Title 14, Division 5.5, of the California Code of Regulations, review drafts of LCP Amendment No. LC2017-003 were made available and a notice of the availability was distributed a minimum of six weeks prior the City Council public hearing;

WHEREAS, on July 25, 2017, the City Council adopted Resolution No. 2017-51 approving LCP Amendment No. LC2017-003 and authorizing City staff to submit LCP Amendment No. LC2017-003 to the California Coastal Commission;

WHEREAS, Resolution No. 2017-51 specified LCP Amendment No. LC2017-003 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, on October 12, 2018, the California Coastal Commission approved LCP Amendment Request No. 4-17 Part B (LCP-5-NPB-17-0084-1), which included LCP Amendment No. LC2017-003 with modifications to language in the Implementation Plan to incorporate more recent changes in State law (Senate Bill 229 and Assembly Bill 494, Statutes of 2017) that became effective January 1, 2018;

WHEREAS, as a result of the Coastal Commission's action, language in the Implementation Plan portion of LCP Amendment No. LC2017-003 has been modified to make it consistent with Coastal Commission's approval on October 12, 2018; and

WHEREAS, a public hearing was held on January 22, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the public hearing was given in accordance with 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 resolves as follows:

Section 1: Chapter 2.0 (Land Use and Development) of the Coastal Land Use Plan is hereby amended to add Policy 2.7-5 as follows, with all other provisions of the Coastal Land Use Plan remaining unchanged:

2.7-5. Administer the provisions of Government Code Section 65852.2 relative to the development of accessory dwelling units to increase the supply of lower-cost housing in the coastal zone and meet the needs of existing and future residents, while respecting the architectural character of existing neighborhoods and in a manner consistent with the LCP and any applicable policies from Chapter 3 of the Coastal Act.

Section 2: The LCP, including LCP Amendment No. LC2017-003, shall be carried out in full conformance with the California Coastal Act.

Section 3: The City Council hereby authorizes City staff to submit this resolution for determination by the Executive Director of the Coastal Commission that this action is legally adequate to satisfy the specific requirements of Coastal Commission's October 12, 2018 action on LCP Amendment Request No. 4-17 Part B (LCP-5-NPB-17-0053-1).

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: The City Council finds the adoption of this resolution 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, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 7: This resolution shall not become effective for thirty (30) days and until the Executive Director of the Coastal Commission certifies that this resolution complies with the Coastal Commission's October 12, 2018 action on LCP Amendment Request No. 4-17 Part B (LCP-5-NPB-17-0084-1).

ADOPTED this 22nd day of January 2019.

Diane B. Dixon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney