



CITY OF

NEWPORT BEACH

City Council Staff Report

June 11, 2019
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Seimone Jurjis, Community Development Director - 949-644-3232, sjurjis@newportbeachca.gov

PREPARED BY: Samir Ghosn, Deputy Community Development Director/Chief Building Official, sghosn@newportbeachca.gov

PHONE: 949-644-3277

TITLE: Ordinance No. 2019-9: Adoption of an Ordinance Restricting Construction Related Noise on Saturday and Posting of a Project Information Sign for Construction Projects in High-Density Areas

ABSTRACT:

On May 28, 2019, the City Council unanimously voted to introduce an ordinance to amend the Newport Beach Municipal Code (NBMC) to restrict construction noise on Saturdays and to require posting of a project information sign for construction projects in designated High Density Areas. If adopted, the ordinance goes into effect on August 12, 2019.

RECOMMENDATION:

- a) Find this action exempt from 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; and
- b) Conduct second reading and adopt Ordinance No. 2019-9, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Portions of Chapters 10.28 and 15.16, and Adding Section 15.60.030 to the Newport Beach Municipal Code, Relating to Construction Activity and Signage in Designated High-Density Areas.*

FUNDING REQUIREMENTS:

There is no direct fiscal impact related to the adoption of the ordinance.

DISCUSSION:

The attached ordinance was considered and introduced at the May 28, 2019, City Council meeting. The amendments to the NBMC would update regulations of the noise ordinance to include Saturdays and would require a project information sign on fencing of construction projects in areas of the City designated as High Density Areas.

High Density Areas

The designated High Density Areas are identified as: Balboa Island, Balboa Peninsula, Bay Island, Bay Shores, Collins Island, Corona Del Mar Village, Harbor Island, Linda Isle, Lido Isle, West Newport and Newport Shores (Exhibit A of Ordinance No. 2019-9).

Restriction on Saturdays

The ordinance amends the NBMC to extend the restriction of construction related noise to include Saturdays in High Density Areas. The amendment does not prevent a homeowner or any individual from performing maintenance work on their property as long as it is done in a manner that limits disturbance from noise and remains in compliance with the NBMC.

Information Signage

The ordinance amends the NBMC to require a project information sign to be posted on a construction fence in the designated High Density Areas. The project information sign must identify the primary contact, general contractor name, permit number and City contact information.

Effective date of the Ordinance

If adopted, the effective date of the ordinance will be August 12, 2019, allowing City staff the opportunity to notify the development community on the new requirements proposed in the ordinance.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action 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. The adoption of the amendment does not authorize new development or change the density or intensity of any potential future development.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Ordinance No. 2019-9