



NEWPORT BEACH

City Council Staff Report

September 10, 2019
Agenda Item No. 5

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Seimone Jurjjs, Community Development Director - 949-644-3232, sjurjjs@newportbeachca.gov

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TITLE: Resolution No. 2019-78: Initiation of Zoning Code and LCP Amendments Related to Hedge Heights in Front Yard Setbacks for Lido Isle (PA2019-132)

ABSTRACT:

The City Council will consider initiating amendments to Newport Beach Municipal Code (NBMC) Title 20 (Planning and Zoning) and NBMC Title 21 (Local Coastal Program Implementation Plan). The amendments relate to hedge heights in front setbacks for Lido Isle. The Lido Isle Community Association requests consideration of this item.

RECOMMENDATION:

- a) Determine this action exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- b) Adopt Resolution No. 2019-78, *A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to Title 20 Entitled "Planning and Zoning" and Title 21 Entitled "Local Coastal Program Implementation Plan" of the City of Newport Beach Municipal Code Related to Hedge Heights in Front Yard Setbacks within Lido Isle.*

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Zoning Code Section 20.66.020 (Initiation of Amendment) provides that a code amendment may be initiated by the City Council, with or without a recommendation from the Planning Commission. City Council Policy K-1 (General Plan and Local Coastal Program) provides that a City-sponsored amendment to the certified Local Coastal Program (LCP) shall be initiated by the City Council.

This agenda item is not a public hearing. Should the City Council choose to initiate these proposed amendments, the specific text changes will be drafted and considered by both the Planning Commission and the City Council at future public hearings. Additionally, amendments to the certified LCP will require certification by the California Coastal Commission to be effective.

Amendments Proposed for Initiation:

There is an existing inconsistency in hedge height regulations between the City of Newport Beach and Lido Isle Community Association (LICA). City regulations contained within NBMC Title 20 and Title 21 establish a maximum height of 42 inches for hedges within a required front setback area. In 2001, LICA homeowners voted to amend the Association Covenants, Conditions, and Restrictions (CC&Rs) to change the hedge height limit abutting stradas (public walkways) from 30 inches to 60 inches. This change has created confusion for Lido Isle residents. The Board of Directors for LICA has formally requested that the City amend its regulations to raise front yard hedge height maximums on Lido Isle from 42 inches to 60 inches, consistent with their CC&Rs (Attachment B). After a review of Title 20 and Title 21, staff believes code sections listed below will need to be amended to accommodate the request.

- 20.30.040 and 21.30.040 Fences Hedges and Walls
- 20.80.010 Area Maps (to identify Lido Isle)

The NBMC sections identified above are anticipated to be the extent of the proposed amendments; however, as staff examines these sections within the context of their desired code changes and input is provided from residents and others, additional changes to related sections not listed may be necessary.

ENVIRONMENTAL REVIEW:

The initiation of zoning and LCP amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) 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. No final action on any amendments will occur at this meeting and the initiation of the amendment does not have any legally binding effect upon future consideration of the amendments themselves. The City will conduct an environmental review prior to the consideration of approval of the amendments.

NOTICING:

The Municipal Code does not require notice for the initiation of amendments. Notice of this item appeared on the agenda for this meeting, which was posted at City Hall and on the City website. Should the City Council initiate the amendment, public notice will be provided for subsequent public hearings before the Planning Commission and the City Council as required by the Municipal Code. Additionally, notice of the LCP amendments will be sent to all persons and agencies on the Notice of the Availability mailing list.

ATTACHMENTS:

Attachment A – Resolution No. 2019-78

Attachment B – Lido Isle Community Association Letter