

ATTACHMENT A

RESOLUTION NO. 2019-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, EXCLUDING THE GEOGRAPHICAL BOUNDARIES OF THE NEWPORT SHORES COMMUNITY ASSOCIATION FROM THE DEFINITION OF DESIGNATED HIGH-DENSITY AREA PURSUANT TO NEWPORT BEACH MUNICIPAL CODE SECTION 10.28.040(F)

WHEREAS, Section 200 of the Charter of the City of Newport Beach ("City") vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, at the City Council meeting held on July 23, 2019, the City Council adopted Ordinance No. 2019-11, which provides the process for homeowners' associations to opt out of Saturday construction-related noise regulations and temporary construction project signage requirements;

WHEREAS, the board of directors of the Newport Shores Community Association submitted a letter to the City Clerk, for consideration by the City Council, declaring their desire to exempt their geographical boundaries from the definition of a designated high-density area, attached hereto as Exhibit A; and

WHEREAS, the City Council finds that exempting the geographical boundaries of the Newport Shores Community Association, attached hereto as Exhibit B, from the definition of a designated high-density area will not negatively affect surrounding property owners.

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

Section 1: The City Council does hereby remove the geographical boundaries of the Newport Shores Community Association, as depicted in Exhibit B, from the definition of a designated high-density area.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: 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 4: 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: 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 10th day of September, 2019.

Dianne B. Dixon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment(s): Exhibit A: Letter from Newport Shores Community Association
 Exhibit B: Newport Shores Community Association Boundary Map

RECEIVED

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OFFICE OF
THE CITY CLERK

NEWPORT SHORES COMMUNITY ASSOCIATION

August 24, 2019

City of Newport Beach
Attention Mayor Diane Dixon
100 Civic Center Drive
Newport Beach, CA 92660

Re: Opposition to Ordinance 2019-9 – Restricting Saturday Residential Building Construction

Dear Mayor Dixon,

The Newport Shores Community Association (NSCA) is comprised of approximately 450 homes in the West Newport Beach area of the City of Newport Beach. Our Association is responsible for maintaining a one-acre clubhouse community area that is for the membership that includes a college size pool, tennis court, basketball court, volleyball court, tot lot and sand beach BBQ area. The NSCA Board of Directors consists of eleven elected members from the community.

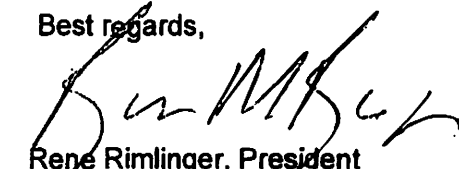
On June 9, 2019, our Board sent a letter opposing Ordinance 2019-9 restricting Saturday Residential Construction. Our Board action prior to the June letter did not allow for outreach to our community as stated in the letter. On August 6, 2019, our Board met again and discussed our position regarding this ordinance. Ahead of that meeting, the entire membership was notified of our planned discussion and invited to attend the Board meeting to provide verbal input or send written notice to the Board of their position. Most members responded with a strong opinion to remove our community from this ordinance (opt-out) and only one member provided support for the ordinance. Several community members attended the August Board Meeting all of who supporting opting out of the ordinance. **The Board voted unanimously to send this letter declaring its desire to exempt its geographical boundaries from the definition of a designated high-density area as required in Ordinance 2019-11 (Opt-Out Process)**

Restricting Saturday work in our neighborhood is not necessary, as we do not have an overabundance of residential construction at any one time even in this peak economy. The lack of Saturday work will only delay construction projects and raise cost as reducing options for sub-contractor work. Because our association boundary is an entire block away from West Coast Highway and a residential community on smaller lots, any building construction will not negatively affect other surrounding property owners or businesses.

511 CANAL STREET
NEWPORT BEACH, CALIFORNIA 92663

Thank you and the other Council Members again for your service to the City. And, thank you for your consideration removing Newport Shores from this Ordinance. Should you have any questions, please do not hesitate to contact me at (714) 342-3289.

Best regards,



Rene Rimlinger, President
Newport Shores Community Association

Cc: City Council
Grace Leung, City Manager
Leilani Brown, City Clerk

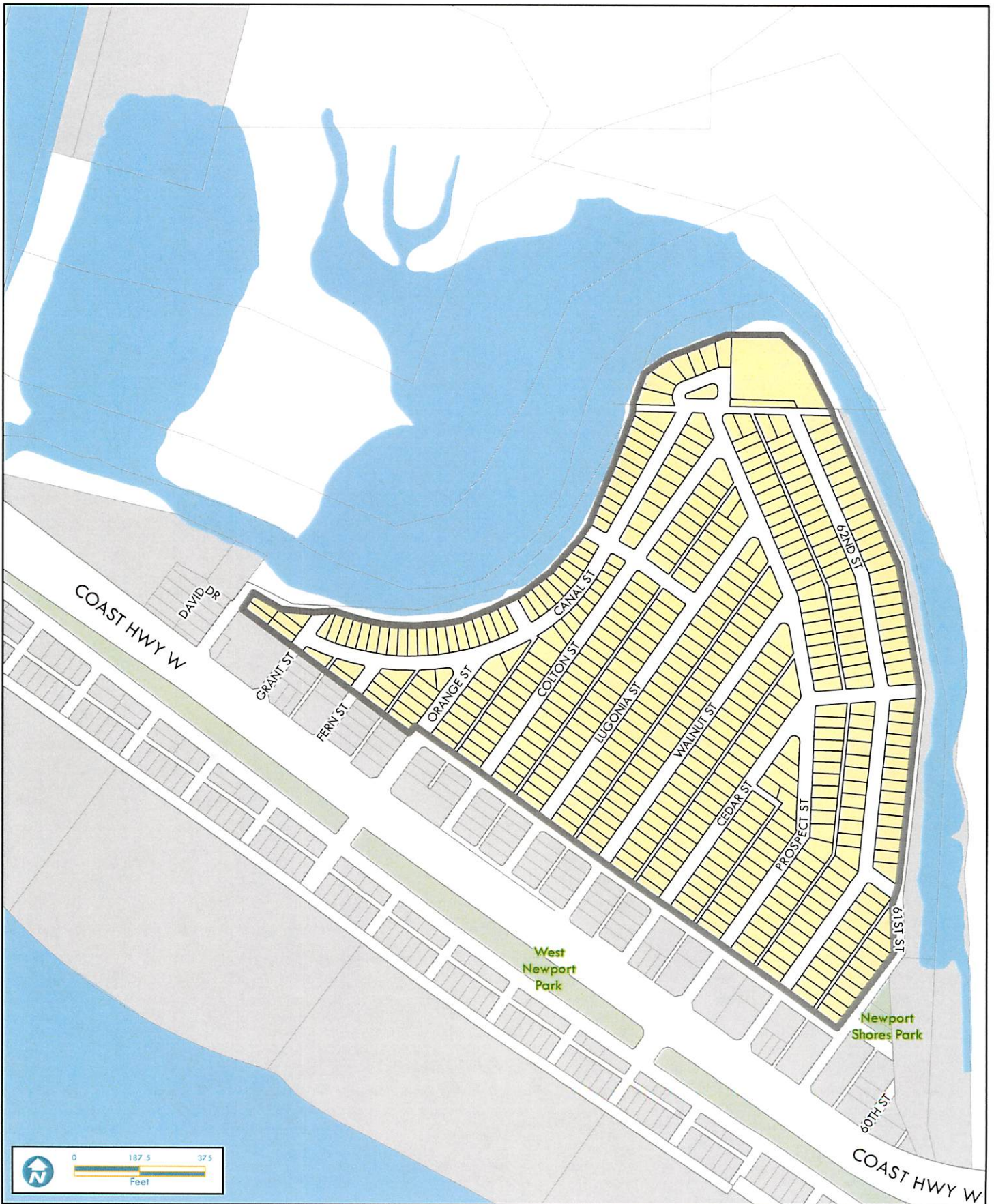


Exhibit B

Newport Shores Home Owner's Association



City of Newport Beach
GIS Division
August 27, 2019