



# NEWPORT BEACH

## City Council Staff Report

September 10, 2019  
Agenda Item No. 4

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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**TITLE:** Resolution No. 2019-77: A Request by the Newport Shores Community Association to Opt Out of the Designated High-Density Area

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### **ABSTRACT:**

On July 23, 2019, the City Council adopted an ordinance providing a process for a homeowners' association located within a designated high-density area to opt out of the Saturday construction-related noise regulations and temporary construction project signage requirements as defined in Newport Beach Municipal Code (NMBC) Sections 10.28.040(B) and 15.60.030. For City Council's consideration, the Newport Shores Community Association has submitted a formal request to opt out of the ordinance requirements.

### **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;
- b) Find the removal of the Newport Shores Community Association from the geographical designation of the high-density area will not negatively affect the surrounding property owners; and
- c) Adopt 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 the Designated High-Density Area Pursuant to Newport Beach Municipal Code Section 10.28.040(F).*

**FUNDING REQUIREMENTS:**

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

**DISCUSSION:**

At the City Council meeting on July 23, 2019, the City Council adopted Ordinance No. 2019-11, which provides the process for homeowners' associations to opt out of the designated high-density area, which restricts Saturday noise related to construction and requires temporary project information sign. The ordinance became effective August 12, 2019.

The high-density area map that was adopted on June 11, 2019 (Ordinance 2019-9) includes the following communities: Balboa Island, Balboa Peninsula, Bay Island, Bayshores, Collins Island, Corona Del Mar Village, Harbor Island, Linda Isle, Lido Isle, West Newport and Newport Shores. The high-density area map is referenced in Attachment B.

The board of directors of the Newport Shores Community Association (NSCA), representing approximately 450 homes, submitted a letter (Exhibit A of Attachment A) requesting their desire to exempt their geographical boundaries from the definition of a designated high-density area (Exhibit B of Attachment A).

The City Council may grant the request to opt out of the designated high-density areas as long as it does not negatively affect the surrounding property owners. Staff does not believe the surrounding property owners would be negatively affected as NSCA has allowed Saturday construction since the time of their association formation. Staff has not received any public comments that Saturday construction was impacting the NSCA.

If the resolution is adopted, it will modify the adopted high-density area map without NSCA. Homeowners within the NSCA will no longer be restricted by the Saturday noise regulations related to construction activity and the project information sign requirements.

If adopted, the effective date of the resolution will be September 11, 2019.

**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).

**ATTACHMENTS:**

Attachment A – Resolution No. 2019-77

Attachment B – Adopted High-Density Area Map