

Attachment A

Draft Ordinance – Title 20 Code Amendment

ORDINANCE NO. 2020-7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING TITLE 20 ENTITLED "PLANNING AND ZONING" OF THE CITY OF NEWPORT BEACH MUNICIPAL CODE RELATED TO HEDGE HEIGHTS IN FRONT SETBACKS ABUTTING STRADAS WITHIN LIDO ISLE (PA2019-132)

WHEREAS, in 2001, the Lido Isle Community Association ("LICA") homeowners voted to amend the Association Covenants, Conditions, and Restrictions to change the hedge height limit abutting stradas from thirty (30) inches to sixty (60) inches;

WHEREAS, Title 20 (Planning and Zoning) of the Newport Beach Municipal Code ("NBMC") establishes a maximum of forty two (42) inches for hedges within front setback areas;

WHEREAS, an amendment to Title 20 is necessary to allow a maximum hedge height of five (5) feet in front setback areas along stradas on Lido Isle, thus removing an inconsistency between the NBMC and LICA standards;

WHEREAS, a public hearing was held by the Planning Commission on December 5, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the California Government Code Section 54950 *et seq.* the ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, on December 5, 2019, the Planning Commission adopted Resolution No. PC2019-035 by a unanimous vote (6 ayes and 0 nays), recommending approval of Code Amendment No. CA2019-005 to the City Council;

WHEREAS, a public hearing was held by the City Council on February 11, 2020, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act and Chapters 20.62 and 21.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

WHEREAS, an amendment to Title 21 (Local Coastal Program Implementation Plan) ("LCP") is also underway, as all Lido Isle properties are within the coastal zone; and

WHEREAS, the amendment to Title 20 shall not become effective until approval of the subject LCP amendment by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution and/or ordinance of the City Council of the City of Newport Beach.

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

Section 1: Section 20.30.040(C)(6) (Hedges in Lido Isle) of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code is hereby added to read as follows:

6. Hedges in Lido Isle. The maximum hedge height in the front setback area abutting stradas in Lido Isle shall be five (5) feet.

Section 2: Section 20.80.010 (Area Maps) of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code is hereby amended to include Area Map A-7 – Lido Isle, attached hereto as Exhibit A, with all other Area Maps remaining unchanged.

Section 3: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 4: If any section, subsection, sentence, clause or phrase of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance 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 5: The City Council finds the introduction and adoption of this ordinance 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, because hedges are already authorized in Lido Isle and the code amendment would merely allow an incremental increase in height.

Section 6: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414, and the same shall become final and effective upon the effective date of approval by the California Coastal Commission of the Local Coastal Program Amendment No. LC2019-002.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 11th day of February, 2020, and adopted on the 25th day of February, 2020, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

WILL O'NEILL, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

Attachment: Exhibit A: Area Map A-7 – Lido Isle

