

Attachment B

Draft Resolution – Title 21 Code Amendment

RESOLUTION NO. 2020-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING SUBMITTAL OF LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-002 TO THE CALIFORNIA COASTAL COMMISSION TO AMEND TITLE 21 ENTITLED "LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN" OF THE CITY OF NEWPORT BEACH MUNICIPAL CODE RELATED TO HEDGE HEIGHTS IN FRONT SETBACKS ABUTTING STRADAS WITHIN LIDO ISLE (PA2019-132)

WHEREAS, under Section 30500 of the California Public Resources Code, the California Coastal Act requires each county and city within the coastal zone to prepare a local coastal program ("LCP") for that portion of the coastal zone within its jurisdiction;

WHEREAS, the California Coastal Commission approved the Local Coastal Implementation Plan on September 8, 2016, and the City of Newport Beach ("City") adopted Title 21 (Local Coastal Program Implementation Plan) ("Title 21") of the Newport Beach Municipal Code ("NBMC") on November 22, 2016;

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

WHEREAS, Title 21 establishes a maximum of forty two (42) inches for hedges within front setback areas;

WHEREAS, an amendment to Title 21 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 Lido Isle Community Association ("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 Nos. PC2019-035 and PC2019-036 by a unanimous vote (6 ayes and 0 nays), recommending approval of Code Amendment No. CA2019-005 to the City Council and authorizing staff to submit Local Coastal Program Amendment No. LC2019-002 to the California Coastal Commission; and

WHEREAS, pursuant to Section 13515 of the California Code of Regulations Title 14, Division 5.5, Chapter 8, drafts of LC2019-002 were made available and a Notice of Availability was distributed on November 22, 2019 at least six (6) weeks prior to the anticipated final action date.

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

Section 1: The City Council does hereby authorize City staff to submit Local Coastal Program Amendment No. LC2019-002, amending Chapter 21.30.040 (Fences, Hedges, walls, and Retaining walls) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, as attached in Exhibit A, and incorporated herein by reference, to the California Coastal Commission for review and approval.

Section 2: Local Coastal Program Amendment No. LC2019-002 shall not become effective until approval by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council of the City of Newport Beach.

Section 3: The Local Coastal Program including the proposed amendment was carried out in full conformity with the California Coastal Act codified in Public Resources Code Section 30000 *et seq.*

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: 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 6: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of CEQA and Sections 15060 (c)(2), 15060 (c)(3), and 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. Adoption of this resolution is also exempt pursuant to CEQA Guidelines Section 15061(b)(3) because it has no potential to have a significant effect on the environment, because hedges are already authorized in Lido Isle and the code amendment would merely allow an incremental increase in height.

Section 7: 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 11th day of February, 2020.

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 – Proposed Amendment to the City of Newport Beach Local Coastal Program Implementation Plan Related to Hedge Heights in Front Setbacks In Lido Isle (LC2019-002)

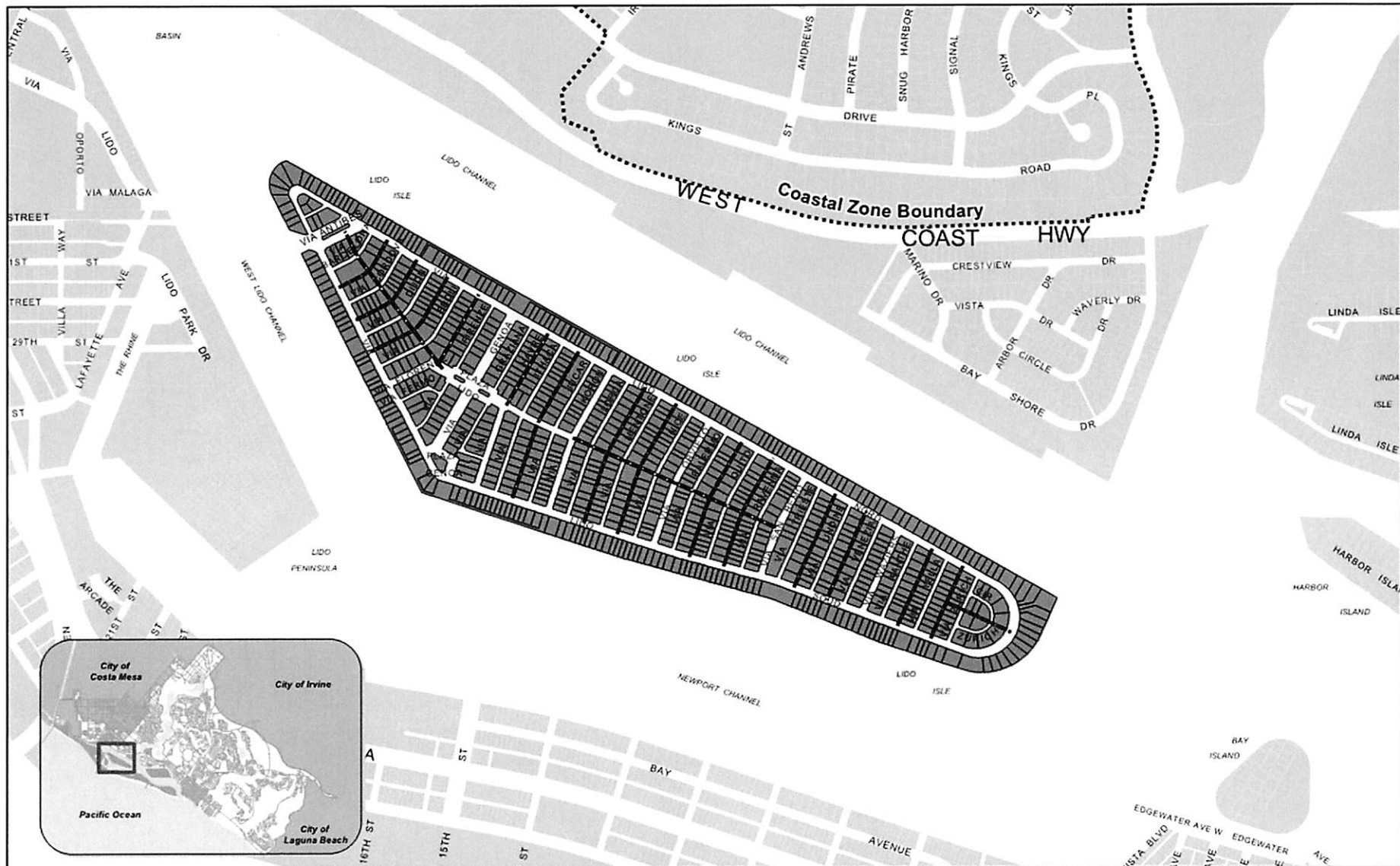
EXHIBIT “A”

Proposed Amendment to the City of Newport Beach Local Coastal Program Implementation Plan Related to Hedge Heights in Front Setbacks In Lido Isle (LC2019- 002)

Section 1: Section 21.30.040(C)(6) (Hedges in Lido Isle) of Title 21 of the Newport Beach Municipal Code is hereby added to read as follows:

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

Section 2: Section 21.80.010 (Area Maps) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code is hereby amended to replace Area Map A-10 – Lido Isle as follows, with all other Area Maps remaining unchanged:



A-10 Lido Isle

----- Strada

