

Attachment A

Zoning Ordinance No. 2020-16

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT NO. CA2019-007 TO AMEND SECTION 20.42.140(A) (NONCONFORMING SIGNS) OF TITLE 20 (PLANNING AND ZONING) OF THE NEWPORT BEACH MUNICIPAL CODE TO EXTEND THE AMORTIZATION OF NONCONFORMING SIGNS (PA2019-184)

WHEREAS, Section 200 of the City of Newport Beach Charter (“Charter”) 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, the City of Newport Beach (“City”) comprehensively updated its sign regulations in October 2005 and certain previously allowed signs were prohibited;

WHEREAS, Sections 20.42.140 (Nonconforming Signs) and 21.30.065 (Signs) Newport Beach Municipal Code (“NBMC”), require certain signs that do not conform to the new regulations to be abated within 15 years (“Amortization Period”) from the effective date of the sign code update;

WHEREAS, the Amortization Period is set to expire on October 27, 2020, at which time all nonconforming signs would need to be removed;

WHEREAS, on October 22, 2019, the City Council of the City of Newport Beach adopted Resolution 2019-92 initiating an amendment to Title 20 (Planning and Zoning) (“Title 20”) related to signs including extending the Amortization Period (“Zoning Code Amendment”);

WHEREAS, the City of Newport Beach General Plan (“General Plan”) Natural Resources Element Policy No. NR21.2 (Illegal Signs and Legal Nonconforming Signs), states the policy goal of, “Implement[ing] programs to remove illegal signs and amortize legal nonconforming signs”;

WHEREAS, the Zoning Code Amendment is consistent with this General Plan Policy NR21.2 since the amortization of legal nonconforming signs is still required;

WHEREAS, this Zoning Code Amendment is also consistent with General Plan Land Use Element Policy No. LU 1.5 (Economic Health), which “Encourage[s] a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services”;

WHEREAS, due to the COVID-19 pandemic, many businesses in the City are facing an economic hardship as a result of reduced services or temporary closure;

WHEREAS, this Zoning Code Amendment is consistent with this General Plan Policy No. LU 1.5, as it will reduce the financial burden on businesses during the COVID-19 crisis and assist in the recovery of the local economy;

WHEREAS, the Zoning Code Amendment is consistent with Title 20 (Planning and Zoning) of the NBMC in that it will extend an existing Amortization Period but does not authorize any new signs;

WHEREAS, a public hearing was held telephonically by the Planning Commission due to the Declaration of a State of Emergency and Proclamation of Local Emergency related to COVID-19 on May 7, 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 California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2020-015 by a majority vote (6 ayes, 1 absent, 0 nays) recommending the City Council approve Zoning Code Amendment No. CA 2019-007 to eliminate the Amortization Period, in lieu of extending it; and

WHEREAS, a public hearing was held telephonically by the City Council due to the Declaration of a State of Emergency and Proclamation of Local Emergency related to COVID-19 on June 23, 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 Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

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

Section 1: Section 20.42.140(A) (Nonconforming Signs) of Chapter 20.42 (Sign Standards) of Title 20 (Planning and Zoning) of the NBMC shall be amended to read as follows:

20.42.140 NONCONFORMING SIGNS

A. Abatement of Nonconforming Signs. The following nonconforming signs shall be removed or altered to be conforming within twenty (20) years from October 27, 2005, unless an earlier removal is required by the provisions of subsection (B) of this section.

1. Roof signs;
2. Pole signs;
3. Internally illuminated signs with a translucent face;
4. Signs with letters, text, logos, or symbols taller than permitted by this chapter;
and
5. Signs that exceed seventy-five (75) square feet in total sign area.

Section 2: An amendment to Title 21 (Local Coastal Program Implementation Plan) is also underway pursuant to Ordinance No. 2020-__ to approve LCP Amendment No. LC2019-005. Zoning Code Amendment CA2019-007 shall not become effective for projects located in the coastal zone for which Title 21 is applicable until approval of Local Coastal Program Amendment No. LC2019-005 by the California Coastal Commission, including adoption of any modifications suggested by the California Coastal Commission, by resolution and/or ordinance of the City Council of the City of Newport Beach.

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 categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because extending the sign amortization period has no potential to have a significant effect on the environment. The Class 5 exemption applies to minor changes in land use limitations, provided the property has an average slope that does not exceed 20 percent and the changes does not result in change to the permitted land use or density. The Zoning Code Amendment is considered a limitation on a land use. This Zoning Code Amendment will provide for a minor change by eliminating the Amortization Period. No new signs are authorized and there is no alteration to the conforming status to any sign. None of the exceptions listed in Section 15300.2 of the CEQA Guidelines are applicable.

Section 6: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the NBMC 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.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 23rd day of June, 2020, and adopted on the 14th day of July, 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