

Attachment B

LCP Ordinance No. 2020-17

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-005 TO AMEND SECTION 21.30.065(E) (REMOVAL OF NONCONFORMING SIGNS) OF TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE TO EXTEND THE AMORTIZATION OF NONCONFORMING SIGNS AND AUTHORIZE STAFF TO SUBMIT THE AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION (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, Section 30500 of the California Public Resources Code requires each county and city to prepare a Local Coastal Program ("LCP") for that portion of the coastal zone within its jurisdiction;

WHEREAS, in 2005, the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan ("Local Coastal Program") as amended from time to time including most recently on February 12, 2019 via Resolution No. 2019-16;

WHEREAS, the California Coastal Commission effectively certified the City's Local Coastal implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program implementation Plan) ("Title 21 ") to the City of Newport Beach Municipal Code ("NBMC") whereby the City assumed coastal development permit-issuing authority on January 30, 2017;

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) of the 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 21 (Local Coastal Program Implementation Plan) ("Title 21") related to signs including extending the Amortization Period ("Local Coastal Program Amendment");

WHEREAS, pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations, Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 5, review of the Local Coastal Program Amendment was made available and a Notice of the Availability was distributed on April 21, 2020, which is a minimum of six weeks prior to the final action date;

WHEREAS, the City of Newport Beach General Plan Natural Resources Element ("General Plan") Policy No. NR 21.2 (Illegal Signs and Legal Nonconforming Signs) states the policy goal of "Implement[ing] programs to remove illegal signs and amortize legal nonconforming signs";

WHEREAS, while there is already a program to remove nonconforming signs (NBMC Sections 20.42.140 (Nonconforming Signs) and 21.30.065 (Signs)), the Local Coastal Program Amendment is consistent with this General Plan Policy NR 21.2 since it does not eliminate the amortization of legal nonconforming signs, but rather just extends the deadline for their removal;

WHEREAS, the Local Coastal Program Amendment is also consistent with General Plan Land Use Element Policy No. LU 1.5 (Economic Health), of "Encourag[ing] 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 economic hardship as a result of reduction in services or temporary closure;

WHEREAS, the Local Coastal Program 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 Local Coastal Program Amendment is consistent with the City of Newport Beach Coastal Land Use Plan Policy 4.4.4-4 to "Implement programs to remove illegal signs and amortize legal nonconforming signs";

WHEREAS, the Local Coastal Program Amendment does not eliminate the amortization of legal nonconforming signs, but rather just extends the deadline for their removal;

WHEREAS, the Local Coastal Program Amendment is consistent with Title 21 (Local Coastal Program Implementation Plan) 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 21.62 (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. PC2020-016 by a majority vote (6 ayes, 1 absent, 0 nays) recommending the City Council approve Local Coastal Program Amendment No. LC2019-005 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 21.62 (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 21.30.065(E) (Signs) of Chapter 21.30 (Property Development Standards) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC is hereby amended to read as follows:

21.30.065 SIGNS

E. Removal of Nonconforming Signs. The nonconforming roof and pole signs shall be removed or altered to be conforming by October 27, 2025, with the exception of signs designated as heritage signs.

Section 2: The City Council does hereby authorize City staff to submit LCP Amendment No. LC2019-005 to the California Coastal Commission for review and approval.

Section 3: This Local Coastal Program Amendment shall not become effective until approval by the California Coastal Commission, including the 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 4: The Local Coastal Program including the Local Coastal Program Amendment No. LC 2019-005 shall be carried out in full conformity with the California Coastal Act of 1976 as codified in California Public Resources Code Section 30000 *et seq.*

Section 5: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 6: 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 7: 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 Local Coastal Program Amendment is considered a limitation on a land use. This Local Coastal Program Amendment will provide for a minor change by extending 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 8: 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 9: 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