

Attachment J

Planning Commission Resolution No. PC2020-016

RESOLUTION NO. PC2020-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-005 TO DELETE SECTION 21.30.065(E) OF TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE AND AUTHORIZE STAFF TO SUBMIT THE AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION (PA2019-184)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. In October 2005, the City of Newport Beach ("City") comprehensively updated its sign regulations. Sign standards changed and certain previously allowed signs were prohibited. Newport Beach Municipal Code ("NBMC") Sections 20.42.140 (Nonconforming Signs) and 21.30.065 (Signs) 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.
2. The Amortization Period is set to expire on October 27, 2020, at which time all nonconforming signs must be removed. 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 ("LCP Amendment").
3. On March 15, 2020, the City proclaimed a local emergency due to the COVID-19 global pandemic. Due to the extreme peril upon personal safety that is based on the existence or threatened existence of COVID-19 within and/or around the City, many businesses have been forced to reduce services or temporarily close.
4. Pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations, Title 14, Division 5.5, Chapter 8, review of the draft LCP Amendment was made available and a Notice of the Availability was distributed a minimum of six weeks prior to the anticipated final action date.
5. A public hearing was held 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 Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and NBMC Chapter 21.62 (Public Hearings).

Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This LCP Amendment 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 elimination of the Amortization Period has no potential to have a significant effect on the environment.
2. 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 Amortization Period is considered a limitation on a land use. This LCP 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.
3. The exceptions to this categorical exemption under Section 15300.2 of the CEQA Guidelines are not applicable. The elimination of the Amortization Period does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. FINDINGS.

1. This LCP Amendment is consistent with the following Land Use and Natural Resources policies of the City of Newport Beach General Plan ("General Plan"). General Plan Policy No. LU 1.5 (Economic Health), states, "Encourage a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services." Due to the COVID-19 pandemic, many businesses in the City are facing an economic hardship as a result of being required to reduce services or close temporarily. By eliminating the requirement for nonconforming signs to be removed, the LCP Amendment is consistent with this General Plan policy, as it will reduce the financial burden on businesses during the COVID-19 crisis and assist in the recovery of the local economy.

General Plan 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." Nevertheless, as part of the Vision Statement of the General Plan, in order to provide a responsive government, "Elected officials and City staff listen and respond to the interests of residents and the business community." The overwhelming testimony provided by the business community

during the public hearing has shown that these signs are a critical component to achieving and maintaining economic vitality. Eliminating the amortization period will meet the needs of the businesses and community by providing a consistent means to communicate which businesses are operating at specific sites to the community. Furthermore, the natural attrition of nonconforming signs will ultimately achieve the goal of General Plan Policy No. NR21.2.

However, staff is recommending to the City Council amendments to the General Plan in order to ensure full conformity with the General Plan.

2. The LCP Amendment to eliminate the Amortization Period for removal of nonconforming signs is consistent with Title 21 (Local Coastal Program Implementation Plan) of the NBMC. The types of signs that are subject to removal (roof signs and pole signs) will continue to be prohibited by the NBMC. All nonconforming signs that are proposed to be altered will continued to be reviewed to ensure the changes are compliant with the requirements set forth in Title 21.
3. This LCP Amendment shall not become effective until approval 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.
4. The LCP, including this LCP Amendment, will be carried out fully in conformity with the California Coastal Act.
5. The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. This LCP Amendment 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 it has no potential to have a significant effect on the environment.
2. The Planning Commission of the City of Newport Beach hereby recommends the City Council approve LCP Amendment No.LC2019-005, to delete Section 21.30.065(E) (Signs). of the Newport Beach Municipal Code

PASSED, APPROVED, AND ADOPTED THIS 7th DAY OF MAY 2020.

AYES: Ellmore, Klaustermeier, Kleiman, Koetting, Lowrey, and Weigand

NOES:

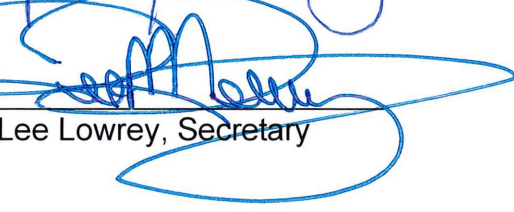
ABSTAIN:

ABSENT: Rosene

BY: _____


Peter Koetting, Chair

BY: _____


Lee Lowrey, Secretary