



CITY OF

NEWPORT BEACH

City Council Staff Report

September 14, 2021
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Seimone Jurjis, Community Development Director - 949-644-3232, sjurjis@newportbeachca.gov

PREPARED BY: Jaime Murillo, Principal Planner, jmurillo@newportbeachca.gov

PHONE: 949-644-3209

TITLE: Ordinance No. 2021-16: Amending the LCP Implementation Plan Related to Residential Design Standards Addressing Third Story Massing (PA2019-070)

ABSTRACT:

On December 8, 2020, the City Council adopted amendments to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) revising development standards applicable to single- and two-unit residential developments to reduce bulk and mass associated with future residential developments. Minor amendments to Title 21 (Local Coastal Program Implementation Plan) of the NBMC were also needed to update the definition of gross floor area and applicability of open volume regulations for consistency with the adopted changes to Title 20. On July 7, 2021, the California Coastal Commission approved the Title 21 amendments with no modifications.

This agenda item requests City Council introduction of an ordinance adopting Local Coastal Program (LCP) Amendment No. LC2019-006 and revising Title 21 consistent with the California Coastal Commission approval.

RECOMMENDATION:

- a) Find this amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378. The proposed action is also exempt pursuant to State CEQA Guidelines Section 15061(b)(3) because it has no potential to have a significant effect on the environment; and
- b) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-16, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Adopting Local Coastal Program Amendment No. LC2019-006 Related to Residential Design Standards (PA2019-070)*, and pass to second reading on September 28, 2021.

DISCUSSION:

Background

As a result of growing community concerns related to the loss of small residential cottages and the bulk and mass associated with new single- and two-unit dwelling developments in the City, the City Council adopted Code Amendment No. CA2019-004 on December 8, 2020, revising development standards applicable to single- and two-unit residential developments within Title 20 (Planning and Zoning) of the NBMC. Generally, the amendments were intended to reduce bulk and mass associated with future residential developments by clarifying the definition of gross floor area, regulating covered third floor decks, and expanding the application of third floor and open volume standards to all single-unit and two-unit residential developments. The November 24, 2020, City Council staff report introducing the ordinance is included as Attachment B for reference.

Minor amendments to Title 21 (Local Coastal Program Implementation Plan) of the NBMC were also needed to update the definition of gross floor area and the applicability of open volume regulations for consistency with the adopted changes to Title 20. At the November 24, 2020, City Council meeting, the City Council adopted Resolution No. 2020-102 (Attachment C), authorizing submittal of LCP Amendment No. LC2019-006 to the California Coastal Commission for review and approval. The resolution specified LCP Amendment No. LC2019-006 shall not become effective until approval by the Coastal Commission and adoption, including any modifications suggested by the Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council.

On July 7, 2021, the California Coastal Commission approved LCP Amendment No. LC2019-006 with no modifications (Attachment D). As a result, the amendment is now considered deemed approved and became a certified part the City's Local Coastal Program on July 21, 2021; however, full implementation requires the adoption of the recommended ordinance.

Summary of Title 21 Amendment

Properties located in the Coastal Zone of the city are regulated by the LCP, which is comprised of the Coastal Land Use Plan (CLUP), a policy document, and the Implementation Plan (IP and also called Title 21), a regulatory document. Any amendments to the LCP must be reviewed and approved by the City Council, with a recommendation from the Planning Commission, prior to submitting the amendment request to the California Coastal Commission for review and approval.

Although the third floor and open volume regulations contained within Title 20 NBMC Section 20.48.180 (Residential Development Standards and Design Criteria) do not exist within the IP of the LCP, the definition of gross floor area does. To ensure that the IP of the LCP maintains the same definition of gross floor area as the previously adopted Title 20 code amendment, an amendment to the LCP is necessary. The amendment also includes clarification that the Multi-Unit Residential (RM) coastal zoning district open space standards contained in the IP apply to multi-unit dwellings consisting of three units or more. Single-unit and two-unit dwellings constructed in the RM coastal zoning district will still be subject to the third floor and open volume regulations contained in Title 20 (Section 20.48.180).

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

The action proposed herein is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378. The proposed action is also exempt from the CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Lastly, pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program. The Amendment itself does not authorize development that would directly result in physical change to the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

Notice of the November 20, 2020, City Council hearing where this amendment was originally considered and approved for submittal to the California Coastal Commission was published in the *Daily Pilot* as an eighth-page advertisement, consistent with the provisions of the NBMC and emailed to interested parties that have requested notice and/or attended the community meetings.

Lastly, pursuant to Section 13515 of the California Code of Regulations, a review draft of the Local Coastal Program Amendment was made available, and a Notice of Availability was distributed on April 23, 2020, to all persons and agencies on the Notice of Availability mailing list.

ATTACHMENTS:

Attachment A – Ordinance No. 2021-16
Attachment B – November 24, 2020 City Council Staff Report
Attachment C – Resolution No. 2020-102
Attachment D – California Coastal Commission Approval Letter