



CITY OF

NEWPORT BEACH

City Council Staff Report

September 14, 2021
Agenda Item No. 4

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. 2021-17: Amending the LCP Implementation Plan
Related to Setback Maps S-3A and S-3B on Lido Isle (PA2016-066)

ABSTRACT:

On September 26, 2017, the City Council adopted amendments to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) correcting setback maps affecting eight residential properties on Lido Isle. The errors occurred during the 2010 Zoning Code update, where the City of Newport Beach (City) inadvertently labeled eight properties incorrectly on Setback Maps S-3A and S-3B. Since the errors were also included in the City's 2017 certification of Title 21 (Local Coastal Program Implementation Plan), a Local Coastal Program (LCP) amendment is also required. On September 14, 2018, the California Coastal Commission approved the Title 21 amendments with no modifications.

This agenda item requests City Council introduction of an ordinance adopting LCP Amendment No. LC2017-004, which will revise Title 21 consistent with the California Coastal Commission approval. Approval of the proposed ordinance will also make the setback maps in Title 21 consistent with the zoning setback maps provided in the Zoning Code.

RECOMMENDATION:

- a) Find this amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines, Class 5 (Minor Alterations in Land Use Limitations) because it has no potential to have a significant impact on the environment; and
- b) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-17, *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. LC2017-004 Related to Certain Front Yard and Side Yard Setbacks on Lido Isle (PA2016-066)*, and pass to second reading on September 28, 2021.

The City Council conducted a public hearing and considered the amendments at its September 12, 2017 meeting and unanimously voted to introduce Ordinance No. 2017-13, correcting the setbacks in the Zoning Code (Title 20). The September 12, 2017 City Council staff report is included as Attachment B for reference. The City Council ultimately adopted Ordinance No. 2017-13 on September 26, 2017, formally correcting the setback maps in Title 20.

Summary of Title 21 Amendment

Properties located in the Coastal Zone of the city are regulated by the Local Coastal Program (LCP), which is comprised of the Coastal Land Use Plan (CLUP), a policy document, and the IP (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 Coastal Commission for review and approval.

Corrections to Setback Maps S-3A and S-3B contained within Title 21 (Local Coastal Program Implementation Plan) of the NBMC are needed for consistency with the adopted changes to Title 20. On September 12, 2017, the City Council adopted Resolution No. 2017-59 (Attachment C), authorizing submittal of LCP Amendment No. LC2017-004 to the California Coastal Commission (CCC) for review and approval. The resolution specified LCP Amendment No. LC2017-004 shall not become effective until approval by the CCC and adoption, including any modifications suggested by the CCC, by resolution(s) and/or ordinance(s) of the City Council.

On September 14, 2018, the CCC approved LCP Amendment No. LC2017-004 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; however, full implementation requires the adoption of the recommended ordinance. The item was originally set aside after CCC approval due to City staff retiring and transitioning to a new project manager. No project has been affected due to the delay in bringing the item back to City Council for their consideration. The proposed action will complete the final step in correcting the setback maps for the affected properties and will result in consistency between both Title 20 and Title 21 setbacks maps.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

The amendment is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations). The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than 20 percent and which do not result in any changes in land use or density. In this case, the eight lots affected by the amendment have an average slope of less than 20 percent; the amendment will not change the land use category or zoning district of the affected lots; and the maximum number of dwelling units per lot will not change.

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 September 12, 2017, City Council hearing where this amendment was originally considered and approved for submittal to the California Coastal Commission was published in the *Daily Pilot*, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) and posted on the subject properties at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code.

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 July 6, 2017, to all persons and agencies on the Notice of Availability mailing list.

ATTACHMENTS:

Attachment A – Ordinance No. 2021-17
Attachment B – September 12, 2017 City Council Staff Report
Attachment C – Resolution No. 2017-59
Attachment D – California Coastal Commission Approval Letter