

# **Attachment B**

September 12, 2017 Staff Report



**CITY OF**

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# **NEWPORT BEACH**

## **City Council Staff Report**

September 12, 2017  
Agenda Item No. 23

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Seimone Jurjis, Community Development Director - 949-644-3232, [sjurjis@newportbeachca.gov](mailto:sjurjis@newportbeachca.gov)

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**PHONE:** 949-644-3227

**TITLE:** Amendments to Setback Maps S-3A and S-3B (PA2016-066)

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### **ABSTRACT:**

Request City Council approval of amendments to the Zoning Code and Local Coastal Program to correct setback maps for eight residential properties on Lido Isle. During the 2010 Zoning Code update, the City inadvertently labeled eight properties incorrectly on Setback Maps S-3A and S-3B. The error was also included in the City's 2016 adoption of the Local Coastal Program Implementation Plan. The purpose of the amendments is to correct the mapping errors only.

### **RECOMMENDATION:**

- a) Conduct a public hearing;
- b) Find this project 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;
- c) Introduce Ordinance No. 2017-13, *An Ordinance of the City Council of the City of Newport Beach, California, Amending the Newport Beach Municipal Code Related to Certain Front Yard and Side Yard Setbacks (PA2016-066)*, and pass to second reading on September 26, 2017; and
- d) Adopt Resolution No. 2017-59, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Submittal of Local Coastal Program Amendment No. LC2017-004 to the California Coastal Commission Amending the Newport Beach Municipal Code Related to Certain Front Yard and Side Yard Setbacks (PA2016-066)*.

### **FUNDING REQUIREMENTS:**

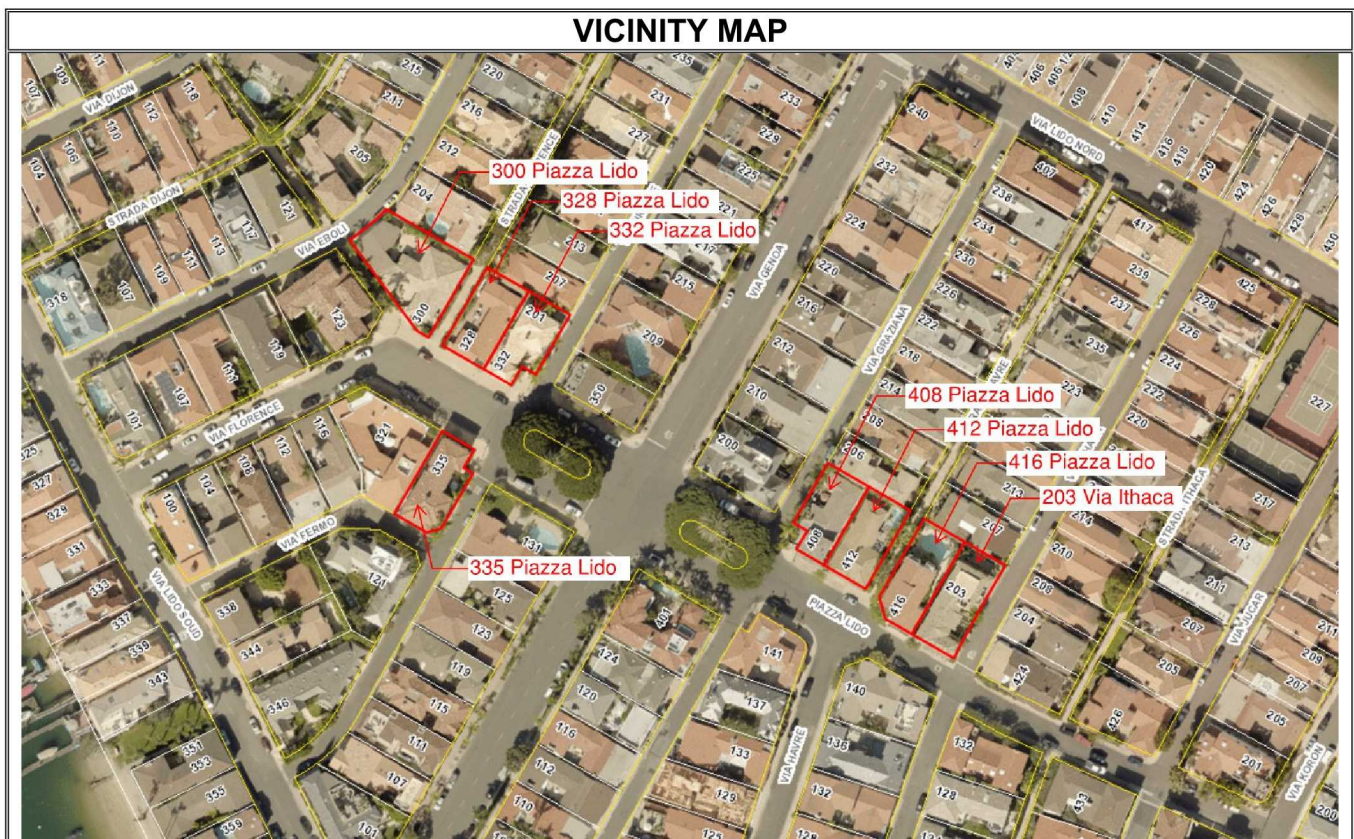
There is no fiscal impact related to this item.

## **DISCUSSION:**

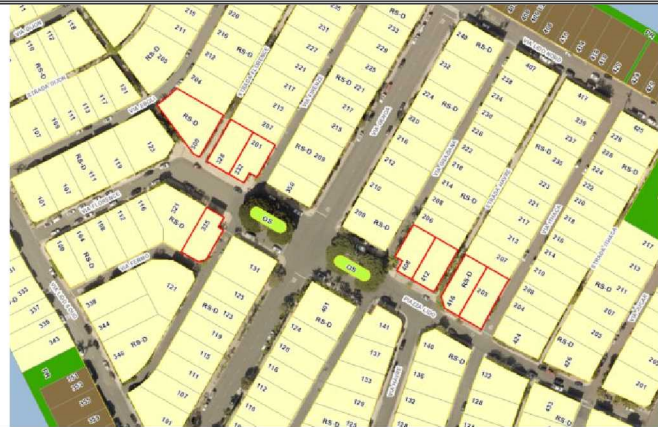
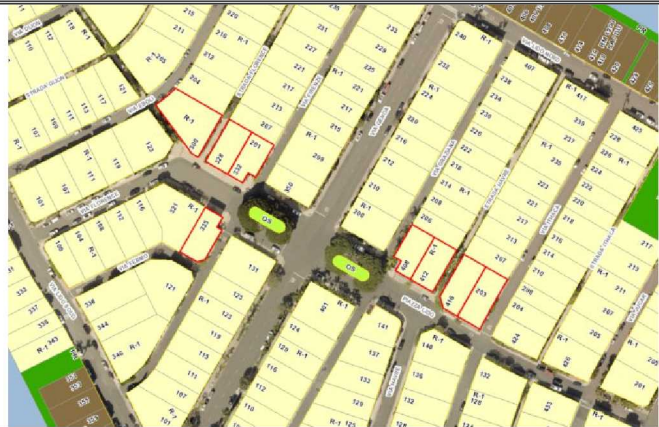
### **Project Setting**

The subject amendments affect eight properties located on Lido Isle; seven are located north of Piazza Lido and one is located south of Piazza Lido, and all have frontages on Piazza Lido. The lots are within the R-1 (Single Unit Residential) Zoning District, which is intended to provide for single unit residential land uses. Table 1 provides General Plan and zoning information.

**Table 1**  
**Existing General Plan and Zoning Information**





GENERAL PLAN		ZONING	
			
LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	RS-D (Single-Unit Residential Detached)	R-1 (Single-Unit Residential)	Single-Unit Dwelling
NORTH	RS-D	R-1	Single-Unit Dwelling
SOUTH	RS-D	R-1	Single-Unit Dwelling
EAST	RS-D	R-1	Single-Unit Dwelling
WEST	RS-D	R-1	Single-Unit Dwelling

### Background and Project Description

In 2010, the City substantially updated the Zoning Code. The update included digitizing historic maps that identified setbacks for many properties. These digitized maps are referred to as setback maps in the current Zoning Code and Local Coastal Program Implementation Plan (IP). Setback Maps S-3A and S-3B apply to Lido Isle properties. During the Code update and transition in map format, eight properties were inadvertently labeled incorrectly on Setback Maps S-3A and S-3B. In seven of the eight cases, setbacks labeled on the new setback maps were not referenced on the historic maps. In one case (335 Piazza Lido), a front setback was labeled unclearly. Changes to setbacks on Lido Isle were not contemplated during the 2010 Zoning Code update and in digitizing the maps, the intent was to carry forward the same historic zoning and setbacks rather than to alter or add to them. Figure 1 identifies the affected properties and property lines.



**Figure 1**  
**Setback Map S-3A and S-3B Discrepancies**



Pursuant to Section 20.66.020 of the Newport Beach Municipal Code (NBMC), the Planning Commission initiated the code amendment on July 11, 2016.

#### Planning Commission Recommendation

The Planning Commission determined that the Code Amendment is necessary to correct the error and adopted Resolution Nos. 2061 and 2062 on July 6, 2017 (Attachment C), recommending approval of the Code Amendment to the City Council. The Planning Commission meeting minutes and staff report, which includes a detailed analysis, are contained in Attachment D.

#### Local Coastal Program

The Implementation Plan of the Local Coastal Program (LCP) includes setback maps identical to those in the Zoning Code. Therefore, subsequent to the Council adoption of the Zoning Code Amendment, staff will submit corresponding amendments to the LCP for review and approval of the California Coastal Commission to ensure consistency between both regulatory documents.

**ENVIRONMENTAL REVIEW:**

Planning Commission recommends the City Council find this item 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.

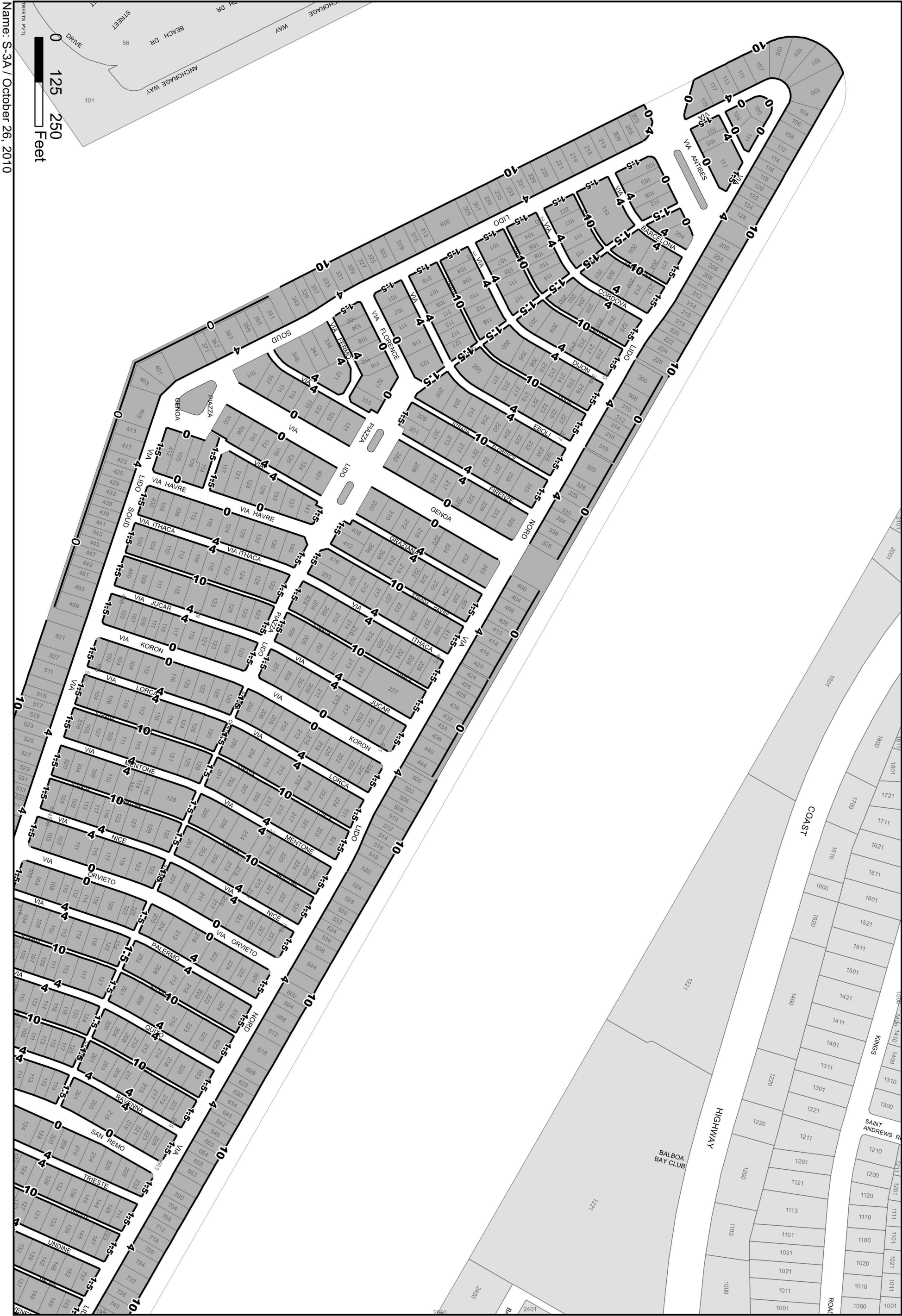
**NOTICING:**

Notice of this proposed amendment 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. The item also appeared on the agenda for this meeting, which was posted at City Hall and on the City website. Additionally, notice was sent to all persons and agencies on the Notice of Availability mailing list.

**ATTACHMENTS:**

- ~~Attachment A – Draft Ordinance~~
- ~~Attachment B – Draft Resolution~~
- ~~Attachment C – Planning Commission Resolution Nos. 2061 and 2062~~
- ~~Attachment D – July 6, 2016 Planning Commission Minutes and Staff Report~~
- Attachment E – Existing Zoning Code Setback Maps
- Attachment F – Proposed Zoning Code Setback Maps
- Attachment G – Existing Implementation Plan Setback Maps
- Attachment H – Proposed Implementation Plan Setback Maps









**Name:** S-3B / October 26, 2010

# Setback Map

## ATTACHMENT F



## S-3A - Lido Isle

# Setback Map

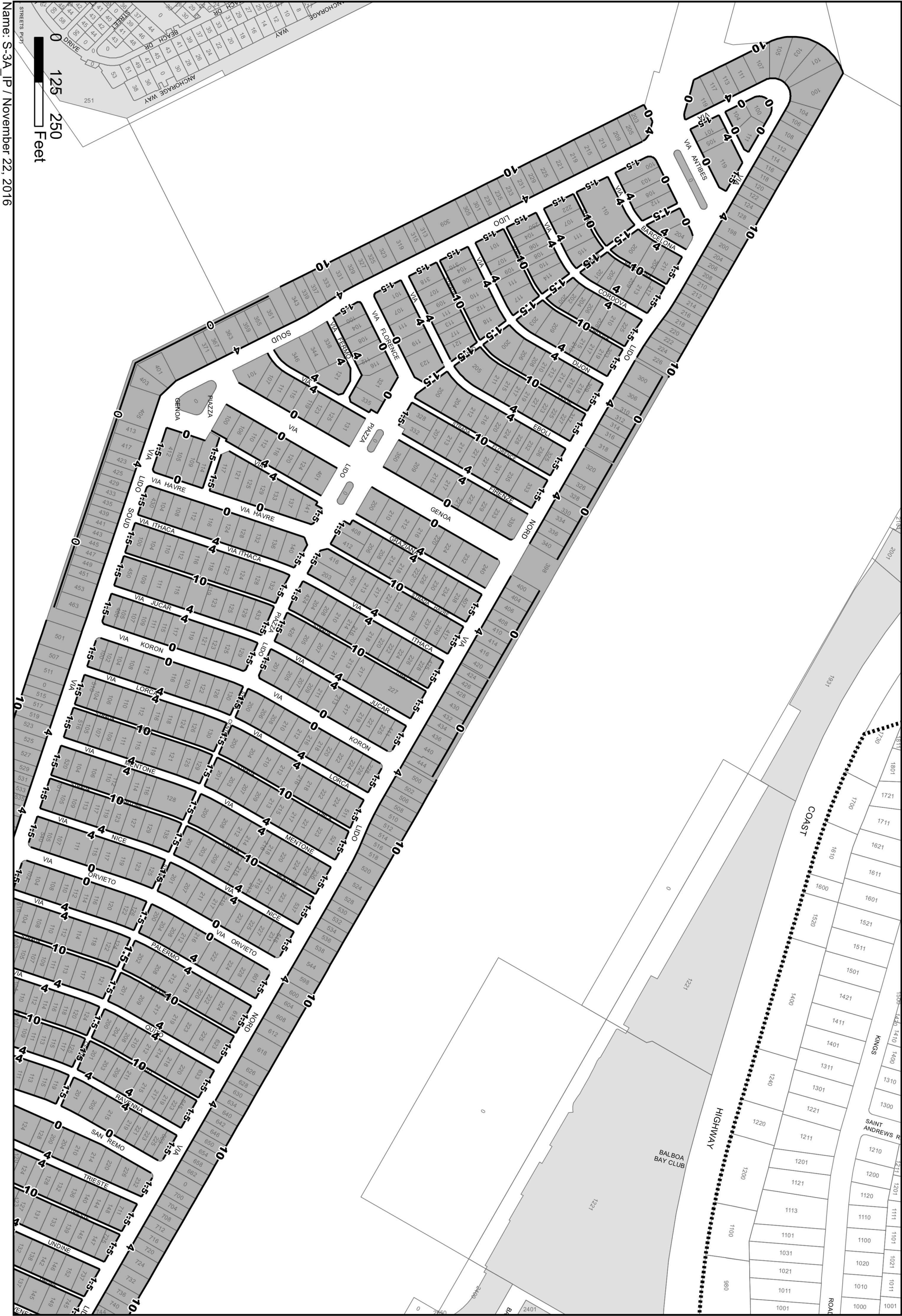




## S-3B - Lido Isle

# Setback Map





S-3A - Lido Isle

Setback Map





## ATTACHMENT H



## S-3A - Lido Isle

## Setback Map



