

Attachment C

Resolution No. 2017-59

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)

WHEREAS, pursuant to Newport Beach Municipal Code ("NBMC") Section 20.66.020 the Planning Commission initiated a code amendment on July 11, 2016, to amend side and front setbacks for eight residential properties located on Lido Isle, consistent with historic front and side yard setbacks for these properties;

WHEREAS, following adoption of the City of Newport Beach's ("City") comprehensive 2010 Zoning Code update, City staff discovered that front setbacks were left unclarified and/or inadvertently placed on setback maps S-3A and S-3B Lido Isle in NBMC Section 20.80.040 ("Setback Maps") for residential properties located at 203 Via Ithaca and 300, 328, 332, 335, 408, 412 and 416 Piazza Lido;

WHEREAS, on July 6, 2017, the Planning Commission conducted a public hearing in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider this amendment. A notice of time, place and purpose of the public hearing was given in accordance with the NBMC and Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the July 6, 2017, public hearing, the Planning Commission received public comments and written staff reports, and on an affirmative motion (6 ayes, 1 absent, and 0 noes), forwarded a recommendation to the City Council to approve the proposed amendment;

WHEREAS, the City Council conducted a public hearing on September 12, 2017, in the Council Chambers located at 100 Civic Center Drive, Newport Beach to consider this Amendment. A notice of time, place and purpose of the public hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

WHEREAS, following this proposed amendment, the subject properties will remain consistent with the General Plan, Coastal Land Use Plan, and Zoning Code designation of Single-Unit Residential (R-1);

WHEREAS, the standard side setback for properties over forty feet in width and zoned Single-Unit Residential (R-1) is four feet pursuant to NBMC Section 20.18.030 Table 2-2, unless a different distance is depicted on a setback map;

WHEREAS, if a setback is depicted on a setback map, it is regulated as a front setback. Prior to the 2010 Zoning Code update, the historic districting map acted as a setback map. When the Setback Maps were created as a part of the 2010 Zoning Code update, property lines on seven residential properties, previously regulated as side setbacks, were labeled as front setbacks. This discrepancy was inadvertent and this code amendment corrects the prior error;

WHEREAS, in the creation of the Setback Maps, the front setback adjacent to Via Firenze for the property at 335 Piazza Lido was left unclear. This ambiguity was inadvertent, and the Setback Maps intended to identify the four foot front setback identified on the historic map, DM6;

WHEREAS, amending the setback map to reinstate the side yard setbacks and clarify front setbacks does not result in a significant change to the existing development pattern of the neighborhood since the properties were developed with these standards, thus, this code amendment allows the properties to maintain their existing uses and remain consistent with adjacent properties; and

WHEREAS, pursuant to Section 13515 of Title 14, Division 5.5, of the California Code of Regulations, review drafts of the Local Coastal Program Implementation Plan ("LCP") Amendment No. LC2017-004 were made available and a notice of the availability was distributed a minimum of six weeks prior the City Council public hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby authorize City staff to submit LCP Amendment No. LC2017-004 to the California Coastal Commission for review and approval, as attached in Exhibit A, and incorporated herein by reference.

Section 2: LCP Amendment No. LC2017-004 shall not become effective until approval by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council of the City of Newport Beach.

Section 3: The City certifies the LCP including the proposed amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.

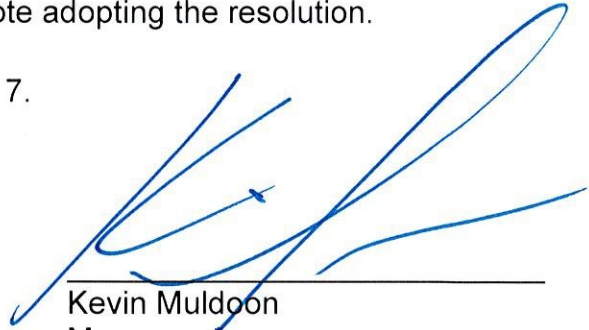
Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution 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 resolution. The City Council hereby declares that it would have passed this resolution, 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 6: This action is exempt from environmental review under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations) because the residential properties affected by this 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 residential properties; and the maximum number of dwelling units per property will not change.


Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 12th day of September, 2017.



Kevin Muldoon
Mayor


ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

 (for)

Aaron C. Harp
City Attorney

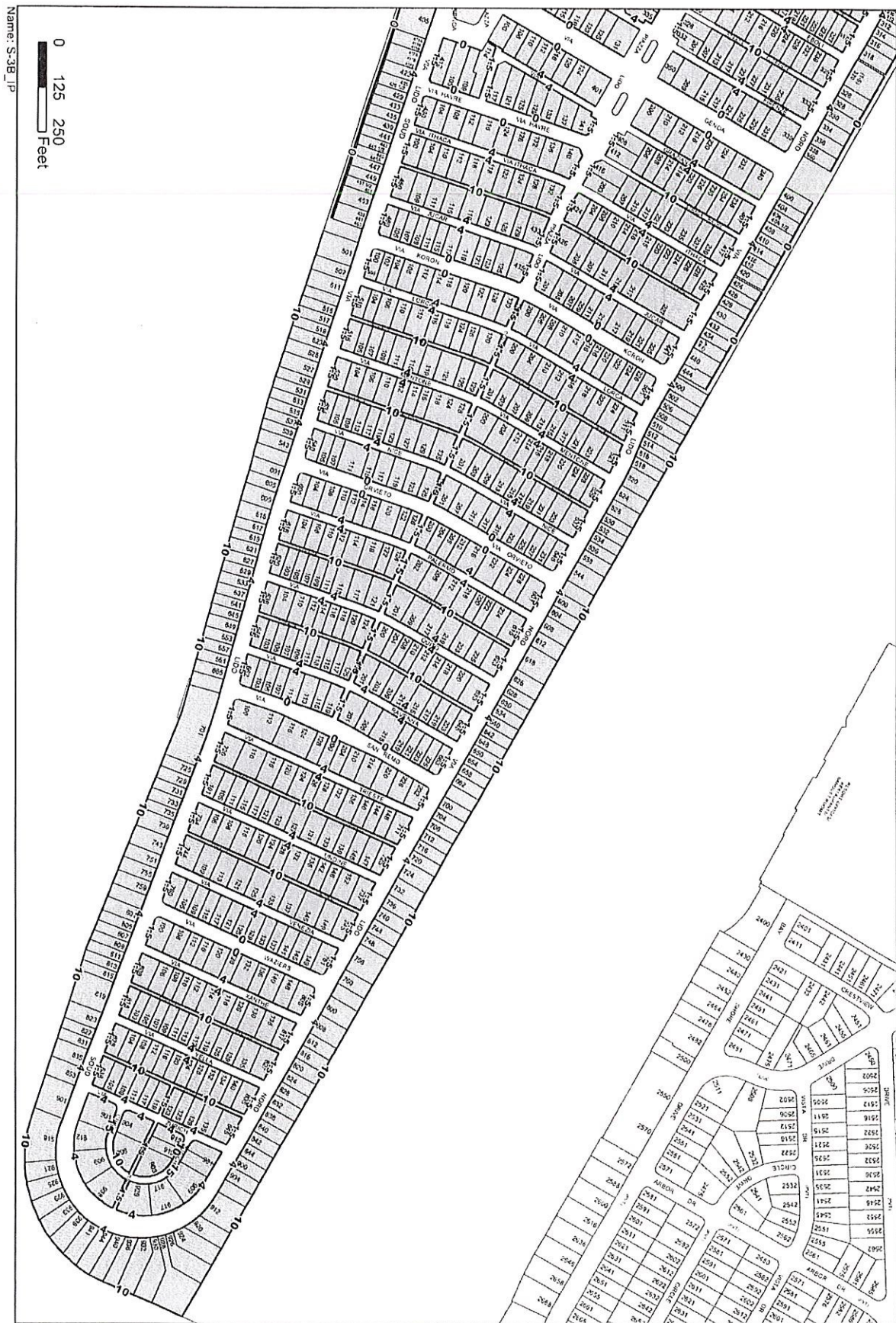
Attachment: Exhibit A – Setback Maps S-3A_IP and S-3B_IP Lido Isle

EXHIBIT A



S-3A - Lido Isle

Setback Map



S-3B - Lido Isle

Setback Map

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF NEWPORT BEACH

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ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2017-59 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 12th day of September, 2017, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Jeff Herdman, Council Member Brad Avery, Council Member Diane Dixon, Council Member Scott Peotter, Council Member Will O'Neill, Mayor Pro Tem Duffy Duffield, Mayor Kevin Muldoon

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 13th day of September, 2017.



Leilani I. Brown
City Clerk
Newport Beach, California

