



CITY OF

NEWPORT BEACH

City Council Staff Report

September 14, 2021
Agenda Item No. 5

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2021-18: Amending the LCP Implementation Plan and Coastal Land Use Plan Related to the Amortization of Nonconforming Signs (PA2019-184)

ABSTRACT:

On February 23, 2021, the City Council adopted amendments to Title 20 (Zoning Code) of the Newport Beach Municipal Code (NBMC) to remove the amortization of nonconforming signs. Minor amendments to Title 21 (Local Coastal Program Implementation Plan) of the NBMC and Coastal Land Use Plan were also needed to remove applicable references to the amortization period and ensure consistency with the adopted changes to Title 20. On July 7, 2021, the California Coastal Commission approved the Title 21 and Coastal Land Use Plan amendments with no modifications.

Staff recommends that the City Council introduce an ordinance formally adopting LCP Amendment No. LC2019-005 revising Title 21 and adopt a resolution to amend the Coastal Land Use Plan consistent with the California Coastal Commission (CCC) approval.

RECOMMENDATION:

- a) Find this amendment exempt pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3), and Section 15265(a)(1), because it has no potential to have a significant effect on the environment and local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program;
- b) Adopt Resolution No. 2021-79, *A Resolution of the City Council of the City of Newport Beach, California, Amending Policy No. 4.4.4-4 of the Newport Beach Coastal Land Use Plan Related to the Amortization of Nonconforming Signs (PA2019-184)*; and
- c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-18, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the City of Newport Beach Municipal Code Related to the Amortization of Nonconforming Signs (PA2019-184)*, and pass to second reading on September 28, 2021.

DISCUSSION:

In October 2005, the City of Newport Beach (City) comprehensively updated its sign regulations. Sign standards changed and certain previously allowed signs became prohibited. Newport Beach Municipal Code Sections 20.42.140 and 21.30.065 required certain signs that do not conform to the new regulations be abated within 15 years (amortization period) from the effective date of the sign code update (October 27, 2005 + 15 years = October 27, 2020). There were approximately 400 legal nonconforming signs in 2005, of which approximately 140 have either been brought into conformance or have been removed. Based on property and business owner concerns that removing or replacing signs would create a financial hardship exacerbated by the COVID-19 pandemic, the City Council adopted Code Amendment No. CA2019-007 on March 9, 2021, removing the amortization period of nonconforming signs from Title 20 (Zoning Code) of the NBMC. The February 23, 2021, 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 and the City's Coastal Land Use Plan were also needed to remove references to the amortization period of nonconforming signs. At the February 23, 2021, City Council meeting, the City Council adopted Resolution No. 2021-17, authorizing submittal of LCP Amendment No. LC2019-005 to the CCC for review and approval. The resolution specified LCP Amendment No. LC2019-005 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 July 7, 2021, the CCC approved LCP Amendment No. LC2019-005 with no modifications (Attachment C). As a result, the amendment is now considered deemed approved and became a certified part of the City's Local Coastal Program on July 21, 2021.

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 February 23, 2021, City Council hearing where this amendment was originally considered and approved for submittal to the CCC 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 22, 2020 and November 6, 2020, to all persons and agencies on the Notice of Availability mailing list.

ATTACHMENTS:

Attachment A – Ordinance No. 2021-18 (LCP Amendment Title 21)

Attachment B – Resolution No. 2021-79 (Coastal Land Use Plan)

Attachment C – February 23, 2021 City Council Staff Report

Attachment D – California Coastal Commission Approval Letter