

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



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original staff report

W8a

ADDENDUM

DATE: October 2, 2015

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W8a, Major LCP Amendment Request No. 3-14 (LCP-5-NPB-14-0831-3) FOR THE COMMISSION MEETING OF WEDNESDAY, October 7, 2015.**

A. CORRESPONDENCE

Commission staff received 1 letter of concern regarding the height exception and the suggested modified language of the amendment.

B. EX PARTE COMMUNICATIONS

Commission staff received one notice of Ex Parte Communications in September 2015 (attached).

Date of comments: October 1, 2015
Agenda Item: W8a (10-2015 meeting)
LCP-5-NPB-14-0831-3
My position: opposed to height increases

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Dear Sirs,

The original impetus for Newport Beach's 1971 moratorium on construction of buildings over 35 feet in height ([Ordinance 1408](#)) seems to have been a slightly pre-Coastal Act horror at the Harbor's waterfront becoming increasingly walled in, without plan, by high-rise office and residential towers. However, as implemented and as later promised in the City's Coastal Land Use Plan, applying it to a more broadly defined "Shoreline" Height Limitation Zone seemed necessary to preserve the area's historic character.

The City first chipped away at this promise with its supposedly one-time-only request to build a largely non-functional, and many might argue unnecessary, 73-foot tower at Marina Park (part of Application No. 5-10-229, 11a at the CCC's [June 13, 2012](#), meeting, coming back as a CLUP amendment request, 17a on [March 6, 2013](#)).

Although the hotel project ([Application No. 5-14-1785](#)) which the present CLUP amendment proposal would enable seems to enjoy considerable local support, in my view the increased heights requested represent a continuing and disturbing erosion of the promise to maintain the pre-Coastal Act low-rise character of this popular coastal city.

Even assuming an upscale hotel is the highest and best use of the former City Hall site (I would prefer a more public use), I have seen no evidence that a viable hotel could not be designed within the existing height limit. Indeed, the [economic analyses](#) commissioned by the City in 2012 suggested a smaller, and I assume less tall, hotel could be quite successful. And I especially see no reason why the existing fire station, if rebuilt, would have to exceed 35 feet.

It might be noted that the developers of the nearby Newport Beach Townhouse ("Lido Villas") residential project ([Application No. 5-14-0613](#)), which is currently under construction and also *not* a waterfront property, similarly insisted, and convinced City staff, that they could find no feasible design within the "Shoreline" height limit. But when Coastal Commission staff held tight on the limit the applicant voluntarily, and successfully, redesigned its project within the 35-foot envelope before submission to the Commission.

In short, although the staff-recommended change in land use designation from "PF" to "CV-LV" may be desirable, I see no compelling reason for relaxing the pre-Coastal Act height limitation.

On the contrary, I believe adding a string of height exceptions to the CLUP is only going to create a clamor for still more piecemeal "one of a kind" exceptions and cause the 35-foot limitation, over time, to lose all meaning. I think that would be unfortunate.

Regarding the specifics the proposed Coastal Commission staff modified **Policy 4.4.2-1** as shown on page 5 of the [staff report](#):

1. **The first bullet under the proposed new section “B” seems redundant with the fourth, and should probably be eliminated.** That is if at most 25% of the site can be over 35 feet, then it would seem to follow that at least 75% must be under 35 feet. At best the two bullets are consistent with each other. At worst they conflict.
2. In the second bullet I assume the words “**may be**” have been accidentally omitted. That is, I assume it is intended to read “*Buildings and structures **may be** up to 55 feet in height ...*”
3. In the third bullet, shouldn't it say that features up to 65 feet in height are allowed *only “**if they do not adversely impact public views**”* (as in the first bullet)?
4. In the fifth bullet, the word “**including**” seems to have been inadvertently omitted: “*Buildings and structures over 45 feet in height, **including** architectural features, shall not occupy more than 15 percent of the total area of the site.*”
5. As previously alluded to, in last two bullets I am at a loss as to why a height exception is needed for the fire station. How tall is the existing station?

Yours sincerely,



James M. Mosher, Ph.D.
2210 Private Road
Newport Beach, CA. 92660
jimmosher@yahoo.com

EX PARTE COMMUNICATION DISCLOSURE FORM

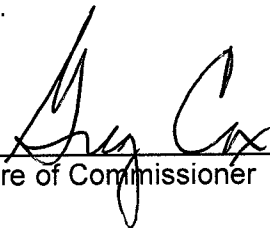
Filed by Commissioner: Greg Cox

- 1) Name or description of project: LCP-5-NPB-14-0831-3
CDP 5-14-1785
- 2) Date and time of receipt of communication: September 29, 2015 at 4:00pm
- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:
Sherman Stacey
- 5) Identity of person(s) on whose behalf communication was made:
Applicant RD Olson Development
- 6) Identity of persons(s) receiving communication:
Greg Murphy, on behalf of Greg Cox
- 7) Identity of all person(s) present during the communication:
Sherman Stacey

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

See attached description of oral communication.

10/1/15
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Description of oral communication with Sherman Stacey

Stacey stated that he represented the Applicant on CDP 5-14-1785, RD Olson Development. The LUPA LCP-5-NPB-14-0831-3 was a project driven LUP Amendment. The project is a 130 room hotel located on the former Newport Beach City Hall site. Stacey stated that the project had no opposition in the City of Newport Beach and was strongly supported by the neighborhood and homeowner groups in the surrounding areas. The project would be a major part of revitalizing the Lido Village area. Lido Village was a major visitor serving part of Newport Beach which had deteriorated over the past decades.

Stacey stated that the applicant agreed with the Staff recommended Special Conditions and supported the City's acceptance of the Suggested Modifications to the LUPA. Stacey stated that the City and the applicant had attended the Commission's workshops on lower cost visitor facilities and that the City had worked with the Coastal Staff to develop a creative program called Fostering Interest in Nature. (See CDP Staff Report Exhibit 6) The program would provide facilities to serve youth from Title 1 schools with educational experiences over a four day stay on the shoreline in Newport Beach. The final details remain to be worked out between Staff and the City in an MOU described in Special Condition 6B. Under Special Condition No. 6, the applicant will pay a fee of \$1,415,232 which the City may use for the FiiN program when an MOU is reached with the Executive Director. The development of the FiiN program was the City's response to the Commission's clear direction for creativity in the use of lower cost facility funds provided by fees paid by new hotels.

Stacey stated that the hotel was sited in a location where additional height was consistent with existing structures in the vicinity and enabled the hotel project to provide more significant open space. The design of the hotel was described as Newport Nautical. The City and the community were very pleased with the design and Stacey expressed that the Commissioners should be pleased as well. Staff found the parking adequate and the parking and transportation demand requirements of Special Condition No. 2 were all acceptable

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



W8a

September 24, 2015

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Senior Deputy Director
Charles Posner, Planning Supervisor
Amber Dobson, Coastal Program Analyst

SUBJECT: Major LCP Amendment Request No. 3-14 (LCP-5-NPB-14-0831-3) to the City of Newport Beach Certified Coastal Land Use Plan. For public hearing and Commission action at the Commission's October 7, 2015 meeting in Long Beach.

SUMMARY OF LCP AMENDMENT REQUEST NO. 3-14

The Coastal Land Use Plan (CLUP) for the City of Newport Beach was effectively certified by the Commission in 2006, and updated in 2009. Only the Land Use Plan portion of the City's Local Coastal Program (LCP) has been certified by the Commission.

Amendment Request No. 3-14 would change the land-use designation (CLUP Table 2.1.1-1 and Map1) for the 4.25-acre former City Hall site located at 3300 Newport Boulevard and 475 32nd Street (**Exhibit #1**). The currently certified land use designation for the property is Public Facility (PF). A new mixed-use (MU) land use designation is proposed in order to allow the City-owned property to be redeveloped with a commercial development. A concurrent proposal awaiting Commission action is an application for a 130-room hotel on the site [Coastal Development Permit Application No. 5-14-1785 (RD Olson Development)]. The amendment request would also amend CLUP Policy 4.4.2-1 (Shoreline Height Limitation Zone) in order to allow buildings up to 65 feet high instead of 35 feet on the former City Hall site. The proposed changes are reflected in the City Council Resolution No. 2014-81 (**Exhibit #2**).

The City of Newport Beach Planning Commission held a public hearing for the CLUP amendment and related hotel project on August 11, 2014. The City Council held a public hearing on September 9, 2014. On September 24, 2014, the City submitted the amendment request for Coastal Commission certification with City Council Resolution No. 2014-81. Amendment Request No. 3-14 was deemed officially submitted for Commission certification on December 9, 2014. On February 12, 2015 the Commission extended for one year the time limit for its review of the LCP amendment request. The City's submittal is consistent with the requirements of the Coastal Act and the regulations which govern such proposals (Sections 30501, 30510, 30514 and 30605 of the Coastal Act, and Sections 13551, 13552 and 13553 of Title 14 of the California Code of Regulations).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission certify LCP Amendment Request No. 3-14 with the following suggested modifications: 1) adopt and apply a Visitor-Serving Commercial (CV) land use designation to the subject property, and 2) adopt specific limits for any exception to the 35-foot height limit while specifically allowing "tiered" height projections above 35 feet. The motions are on **Page Three**. The suggested modifications are on **Pages Four and Five**. The City agrees with the staff recommendation.

Additional changes to CLUP Policy 4.4.2-1 (Shoreline Height Limitation Zone) were inadvertently included with the City's submittal; but these additional changes are not relevant to this project-driven amendment. Any changes to Sections A and B of CLUP Policy 4.4.2-1 are not legally before the Commission because they were not publicly noticed or processed as part of this LCP amendment.

The suggested modification are necessary to carry out the Coastal Act requirement to prioritize visitor-serving land uses above general commercial or residential uses, and to limit the potential impact of buildings with exceptional mass and scale so that they are visually compatible with the character of surrounding areas. The modifications will allow for the proposed use of the site as a hotel. In the event that the proposed hotel project is not approved or is not constructed, or upon redevelopment of the site, the City-owned site will remain designated for visitor-serving commercial uses, and will not be developed with general commercial, office or residential uses. Commission staff worked with City staff on the suggested modifications and the City staff is in agreement with the staff recommendation.

Therefore, staff recommends that the Commission, after public hearing:

- 1. Deny the LUP amendment request as submitted; and,**
- 2. Certify, only if modified, the LUP amendment request.**

The motions and resolutions are found on **Page Three**.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the Coastal Land Use Plan (CLUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

DEADLINE FOR COMMISSION ACTION

The City submitted the LUP amendment request on September 24, 2014. The City submitted additional information on December 9, 2014, and the amendment request was deemed by staff to be complete on December 9, 2014. On February 12, 2015, the Commission authorized a one-year extension of the ninety-day time limit for action on the LUP amendment request. As such, the last date for Commission action on this item is March 8, 2016.

FOR ADDITIONAL INFORMATION

The file is available for review at the South Coast District office located in the Molina Center, 200 Oceangate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: www.ca.coastal.ca.gov. For additional information, contact Amber Dobson in the South Coast District office at (562) 590-5071.

EXHIBITS

1. Location Map
2. City Council Resolution No. 2014-81
3. Shoreline Height Limitation Zone Map
4. Rendering of height restrictions
5. City Council Resolution No. 2013-44
6. Correspondence

I. MOTIONS AND RESOLUTIONS

Motion I:

I move that the Commission certify Land Use Plan Amendment No. 3-14 as submitted by the City of Newport Beach.

Staff recommends a **NO** vote of the motion. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of the majority of the appointed Commissioners.

Resolution I:

The Commission hereby denies certification of Land Use Plan Amendment No. 3-14 as submitted by the City of Newport Beach and adopts the findings set forth below on grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

Motion II:

I move that the Commission certify Land Use Plan Amendment No. 3-14 for the City of Newport Beach if it is modified as suggested in this staff report.

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the LUP Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Resolution II:

The Commission hereby certifies Land Use Plan Amendment No. 3-14 for the City of Newport Beach if modified as suggested and adopts the findings set forth below on grounds that the Land Use Plan Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

II. SUGGESTED MODIFICATIONS

Certification of the LUP amendment is subject to the following modifications (A-C). Text added by the suggested modification is **bold and underlined**, and text suggested to be deleted is ~~struck through~~. Only those subsections of the LUP for which modifications are being suggested are shown below.

A. Table 2.1.1-1 - Land Use Plan Categories

Modify Table 2.1.1-1 as follows:

Table 2.1.1-1 Land Use Plan Categories		
<i>Land Use Category</i>	<i>Uses</i>	<i>Density/Intensity</i>
Mixed Use—MU	The MU category is intended to provide for the development of a mix of uses, which may include general, neighborhood or visitor serving—commercial, commercial offices, visitor accommodations, mixed-use development, and/or civic uses.	Municipal facilities are not restricted or included in any development limit.
<u>CV-LV Visitor-Serving Commercial – Lido Village</u>	<u>The CV-LV category is intended to allow for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach. A fire station is allowed in its current location. Limited Use Overnight Visitor Accommodations and residences are not allowed.</u>	98,725 <u>gross</u> square feet of hotel <u>not including a fire station. A fire station may not occupy more than 10% of the total project site.</u>

Note: The CV-LV (Visitor Serving Commercial – Lido Village) category applies to the former City Hall Complex that includes Fire Station #2 (3300 Newport Boulevard and 475 32nd Street).

B. Coastal Land Use Plan Map 1, Figure 2.1.5-1

Modify Coastal Land Use Plan Map 1, Figure 2.1.5-1 (and any other related maps or diagrams within the CLUP to maintain consistency with the new CV-LV land use category), as it relates to the former City Hall Complex (3300 Newport Boulevard & 475 32nd Street) to designate the former City Hall Complex with the CV-LV (Visitor-Serving Commercial – Lido Village) land use designation.

C. Coastal Land Use Plan Policy 4.4.2-1 (Shoreline Height Limitation Zone)

Modify CLUP Policy 4.4.2-1, as follows:

4.4.2-1. Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following sites.

A. *[Section A (Marina Park) is not currently before the Commission as part of this LUP amendment. The height limit exception for Marina Park, as certified pursuant to City of Newport Beach LCP Amendment No. 1-12, is contained in City Council Resolution No. 2013-44, May 28, 2013.]*

~~B.~~ *[Section B (Back Bay Landing) is not currently before the Commission as part of this LUP amendment. The height limit exception for Back Bay Landing is the subject of City of Newport Beach LCP Amendment No. 2-14, which will come before the Commission at a future meeting.]*

~~C. Mixed Use (MU) area located at 3300 Newport Blvd (former City Hall Complex)~~

B. Former City Hall Complex at 3300 Newport Blvd and 475 32nd Street (the site):

- **At least 75% of the total area of the site shall be 35 feet in height or lower.**
- Buildings and structures up to 55 feet in height **with the peaks of sloping roofs and elevator towers up to 60 feet in height,** provided it is demonstrated that development does not ~~adversely~~ materially impact public views. ~~Peaks and sloping of roofs and elevator towers may exceed 55 feet by up to 5 feet and~~
- Architectural features such as domes, towers, cupolas, spires, and similar structures may exceed 55 feet by 10 feet **be up to 65 feet in height.**
- **Buildings and structures over 35 feet in height, including architectural features, shall not occupy more than 25 percent of the total area of the site.**
- **Buildings and structures over 45 feet in height, architectural features, shall not occupy more than 15 percent of the total area of the site.**
- **With the exception of a fire station, all buildings and structures over 35 feet in height, including architectural features, shall be setback a minimum of 60 feet from the Newport Boulevard right-of-way and 70 feet from the 32nd Street right-of-way.**
- **A fire station may be located in its current location and may be up to 40 feet in height. A fire station may include architectural features up to 45 feet in height to house and screen essential equipment.**

The purpose of allowing limited exceptions to the 35-foot height limit on this site is to promote vertical clustering resulting in increased publically accessible on-site open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.

III. FINDINGS

The Commission hereby finds and declares:

A. DESCRIPTION OF THE LUP AMENDMENT REQUEST

Amendment No. 3-14 is a project-driven plan amendment. A concurrent proposal awaiting Commission action is an application for a 130-room hotel on the site subject to the LCP Amendment [Coastal Development Permit Application No. 5-14-1785 (RD Olson Development)]. The 4.25-acre site affected by the proposed change to the certified Coastal Land Use Plan (CLUP) is located on Newport Boulevard (State Route 55) on the northern end of the Balboa Peninsula in the City of Newport Beach. The City-owned property is currently designated Public Facility (PF). The subject site currently contains the abandoned former City Hall and City Fire Station #2. City Hall has been relocated to 100 Civic Center Drive near Fashion Island. There is no plan to close or relocate the fire station.

The City's proposes to amend the Land Use Category Table 2.1.1-1 of the CLUP in order to create a new Mixed Use (MU) land use category and apply it to the former City Hall site. Therefore, the amendment request also includes a change to the Coastal Land Use Map (Map 1). The City's submittal states that the MU category is intended to provide for the development of a mix of uses, which may include general, neighborhood or visitor serving-commercial, commercial offices, visitor accommodations, mixed-use development, and/or civic uses.

Amendment No. 3-14 would also amend CLUP Policy 4.4.2-1 to include an exception to the 35-foot height limit of the Shoreline Height Limitation Zone to allow structures up to 55 feet high with architectural elements up to 65 feet high – only on the former City Hall site. The proposed exceptions to the 35-foot height limit would accommodate the four-story hotel (with cupola and spire) that is proposed to be built on the site.

The City's proposed change to this policy (new Section C) is shown in *italic* below:

- 4.4.2-1. Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following sites.

C. Mixed Use (MU) area located at 3300 Newport Blvd (former City Hall Complex): Buildings and structures up to 55 feet in height, provided it is demonstrated that development does not materially impact public views. Peaks and sloping of roofs and elevator towers may exceed 55 feet by up to 5 feet and architectural features such as domes, towers, cupolas, spires, and similar structures exceed 55 feet by 10 feet. The purpose of allowing buildings, structures and architectural elements to exceed 35 feet is to promote vertical clustering resulting in increased publically accessible onsite open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.

[Note: Additional changes to CLUP Policy 4.4.2-1 were inadvertently included with the City's resolution of submittal; but these additional changes are not relevant to this project-driven amendment, and are not currently before the Commission.]

B. DENY THE LUP AMENDMENT REQUEST AS SUBMITTED

Visitor Serving Uses

The site is within Lido Village, which is within easy walking distance of both Newport Harbor and the City's ocean-facing beach. The area is a popular visitor destination. The nearby harbor provides opportunities for boating, sightseeing and party cruises. The project site, which does not have any water frontage, is surrounded by a mix of commercial and residential uses. Parking is in great demand, especially on weekends.

The Coastal Act states that visitor-serving commercial recreational facilities shall have priority over general commercial and residential development.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal dependent industry.

The subject site, because of its location near the beach and harbor, and along a major highway (State Route 55), is an ideal site for a visitor-serving commercial recreational facility that will enhance public opportunities for coastal recreation (a hotel is proposed to replace the old City Hall).

The City has proposed to change the land use designation of the site from Public Facility to Mixed Use (MU). The proposed MU land use category allows general commercial and mixed-use development. The proposed MU land use category does not give priority to visitor-serving commercial uses, may allow residential uses, and cannot be found consistent with Coastal Act Section 30222. Further, the MU intensity of the site and density of development is not at all limited under the proposed land use category. Therefore, the Commission hereby denies certification of the amendment as submitted. (See Section C of this report for the suggested modification).

Scenic Resources

The subject site is located in the Shoreline Height Limitation Zone. The LUP amendment request includes an exception to the Shoreline Height Limitation Zone (CLUP Policy 4.4.2-1) that would allow structures on the former City Hall site to reach 65 feet in height. The Shoreline Height Limitation Zone was originally adopted by the City in the early 1970s to regulate and control development pressures within the harbor area (**Exhibit #3**). The Shoreline Height Limitation Zone includes West Newport, areas surrounding the harbor, and it extends inland to the Back Bay. The Shoreline Height Limitation Zone (including Policy 4.4.2-1) was adopted into the certified CLUP in 2005 to regulate and control development within the harbor area and to reduce impacts to public views.

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be protected and that new development shall be visually compatible with the character of the surrounding area. Similarly, the policies set forth in the City's certified CLUP aim to maintain the character and

visual scale of development in the City. The character of the surrounding area is defined by the scale and height of the development.

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

City Coastal Land Use Plan, Bulk and Height Limitation, Policy 4.4.2-1 states:

Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3.

City Coastal Land Use Plan, Bulk and Height Limitation, Policy 4.4.2-2 states:

Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.

While the LUP amendment request would not maintain the 35-foot height limit in the area, a limited exception to the 35-foot height limit would not significantly impact any public coastal views. The project site is not a waterfront parcel – it is surrounded by public streets (**Exhibit #4**). However, the proposed exceptions set forth in the City’s submittal are not limited in scope or area, and could be applied to most, or all, of the 4.25-acre parcel. This could result in a significant increase in building mass and scale in the Lido Village area that would adversely affect the visual quality and character of this popular visitor destination, in contrast to the stated purpose of the proposed exception which is to promote vertical clustering resulting in increased publically accessible on-site open space. Therefore, the proposed exceptions to the 35-foot height limit cannot be found consistent with Coastal Act Section 30251 and are denied as submitted. (See Section C of this report for the suggested modification).

It must be noted that additional changes to CLUP Policy 4.4.2-1 (Shoreline Height Limitation Zone) were inadvertently included with the City’s submittal; but these additional changes are not relevant to this project-driven amendment. Any changes to Sections A and B of CLUP Policy 4.4.2-1 are not legally before the Commission because they were not publicly noticed or processed as part of this LCP amendment. Sections A and B of CLUP Policy 4.4.2-1 are also not underlined in the City’s resolution of submittal which is used to indicate new policy language (**Exhibit #2**).

Section A of CLUP Policy 4.4.2-1 was the subject of City of Newport Beach LCP Amendment No. 1-12 (Marina Park) which was certified by the Commission in 2013, but with policy language that is different than the text contained in this submittal. The height limit exception for Marina Park (Section A), as certified pursuant to City of Newport Beach LCP Amendment No. 1-12, is contained in City Council Resolution No. 2013-44, May 28, 2013 (**Exhibit #5**). The City’s certified CLUP contains the correct version of the height exception for the Marina Park faux lighthouse, which reads as follows:

- A. *Marina Park located at 1600 West Balboa Boulevard: A single, up to maximum 73-foot tall faux lighthouse architectural tower, that creates an iconic landmark for the public to*

identify the site from land and water as a boating safety feature, may be allowed. No further exceptions to the height limit shall be allowed, including but not limited to, exceptions for architectural features, solar equipment or flag poles. Any architectural tower that exceeds the 35-foot height limit shall not include floor area above the 35-foot height limit, but shall house screened communications or emergency equipment, and shall be sited and designed to reduce adverse visual impacts and be compatible with the character of the area by among other things, incorporating a tapered design with a maximum diameter of 34 feet at the base of the tower. Public viewing opportunities shall be provided above the 35 feet, as feasible.

This LUP amendment does not change the above currently certified version of CLUP Policy 4.4.2-1, Section A (Marina Park).

Section B of CLUP Policy 4.4.2-1 is the subject of City of Newport Beach LCP Amendment No. 2-14 (Back Bay Landing), and is unrelated to the redevelopment of the former City Hall site. LCP Amendment No. 2-14 (Back Bay Landing) is a pending LUP amendment request that has not yet been acted on by the Commission. Section B of CLUP Policy 4.4.2-1 is not legally before the Commission because it was not publicly noticed or processed as part of this LCP amendment, and it is also not underlined in the City's resolution of submittal which is used to indicate new policy language. It is pre-mature to include the height limit exceptions of Section B as part of this LCP amendment. Section B (Back Bay Landing) is not currently before the Commission as part of this LUP amendment. The height limit exception for Back Bay Landing is the subject of City of Newport Beach LCP Amendment No. 2-14, which will come before the Commission at a future meeting.

Therefore, the proposed exceptions to the 35-foot height limit cannot be found consistent with Coastal Act Section 30251 and are denied as submitted. The next section of this report describes the modifications necessary to bring the LCP amendment into conformance with the policies of Chapter 3 of the Coastal Act.

C. CERTIFY THE LUP AMENDMENT WITH SUGGESTED MODIFICATIONS

In order to be certified by the Commission, the LUP amendment must meet the requirements of, and be in conformance with the Chapter 3 policies of the Coastal Act. Pursuant to Section 30512 and 30514 of the Coastal Act, the proposed LUP amendment must have clear and concise policy language that meets the requirements of the relevant Chapter 3 policies of the Coastal Act. The LUP amendment can be certified only if it is modified to include policies that will protect public access and scenic resources as required by Chapter 3 of the Coastal Act.

Visitor Serving Uses

As previously stated, the site subject to the amendment is in Lido Village, which is a popular visitor destination (**Exhibit #1**). The beach and harbor are both within easy walking distance of the property, which is proposed to be redeveloped with a 130-room hotel (**Exhibit #4**).

Section 30222 of the Coastal Act states that visitor-serving commercial recreational facilities shall have priority over general commercial and residential development. In order to be found consistent with Coastal Act policies, a land use designation must be applied to the subject site that prioritizes visitor-serving uses over other non-priority uses. To this end, a new commercial land use category has been put forth by the staffs of the City and Commission. The “Visitor-Serving Commercial – Lido Village” (CV-LV) land use category is intended to allow for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach.

The CV-LV land use category does not allow residential uses or limited use overnight visitor accommodations (e.g., time-shares, fractional ownerships, and condominium hotels). Fire Station #2 would be allowed to remain in its current location, either in its current building or a new one. The fire station occupies approximately ten percent of the total site. If in the future the City builds a new fire station on property different from the property affected by this LUP amendment, the existing fire station site could also provide visitor-serving commercial uses. The CV-LV land use category would allow the 130-room hotel that is currently proposed on the site, and would also provide for alternative projects that would serve visitors to Newport Beach. The density and intensity would be limited to approximately 99,000 gross square feet to allow for enlarged setbacks to meet the height requirements. This new land use category would only apply to the former City Hall site.

The CV-LV land use category prioritizes visitor-serving uses over other non-priority uses. If the LUP amendment is modified to adopt and apply the new CV-LV land use category to the former City Hall site, it can be found to meet the requirements of, and be in conformance with Section 30222 of the Coastal Act. Therefore, the Commission finds that only if the CLUP is modified as suggested (in Section II of this report) to adopt the new CV-LV land use category and apply it to the subject site can the LUP amendment be found consistent with the Chapter 3 policies of the Coastal Act.

Lower cost Overnight Accommodations

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30213 of the Coastal Act states that developments providing public recreational opportunities are preferred, and that lower cost visitor and recreational facilities shall be encouraged and provided. The former City Hall site has a Public Facilities (PF) land use designation and does not currently provide public recreational opportunities. A 130-room hotel is proposed to be built on the site. A hotel would provide public recreational opportunities on the site, although the proposed hotel is not anticipated to be lower cost. The certified LUP sets forth policies that address new development that provides high-cost overnight visitor accommodations.

The City of Newport Beach Coastal Land Use Plan sets forth the following policies:

2.3.3-1. Lower cost visitor and recreation facilities, including campgrounds, recreational vehicle parks, hostels, and low-cost hotels and motels, shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. New development that eliminates existing lower-cost accommodations or provides high-cost overnight visitor accommodations or limited use overnight accommodations such as timeshares, fractional ownership and condominiums hotels, shall provide lower-cost overnight accommodations commensurate with the impact of the development on lower-cost overnight visitor accommodations in Newport Beach or pay an “in-lieu” fee to the City in an amount to be determined in accordance with law that shall be used by the City to provide lower-cost overnight accommodations.

2.3.3-2. Encourage new overnight visitor accommodation developments to provide a range of rooms and room prices in order to serve all income ranges. Consistent with Section 30213 of the Coastal Act, the City shall in no event (1) require that overnight room rental be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private land; nor (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

2.3.3-8. A Method to define whether a facility providing overnight accommodations is low, moderate, or high cost for the City of Newport Beach coastal zone shall be developed in the implementing regulations for this Land Use Plan (when such regulations are certified) and through the coastal development permit process.

The above certified LUP policies encourage new overnight visitor accommodation developments to provide a range of rooms and room prices in order to serve all income ranges. If a new high cost hotel does not provide a range of rooms and room prices, the LUP requires that new high-cost overnight visitor accommodations shall provide lower-cost overnight accommodations commensurate with the impact of the development on lower-cost overnight visitor accommodations or pay an “in-lieu” fee to the City. The in lieu fee shall be used by the City to provide lower-cost overnight accommodations. The type and amount of required mitigation required for a particular development proposal, if any, is determined through the coastal development permit application process. The hotel that is proposed to be built on the former City Hall site is the subject of Coastal Development Permit Application 5-14-1785.

The certified LUP already contains policies to carry out the requirements of Section 30213. Additional lower cost recreation policies are not necessary to bring the LUP amendment request into conformance with the Chapter 3 policies of the Coastal Act. Therefore, the LUP amendment request can be found consistent with the Chapter 3 policies of the Coastal Act if it is modified as suggested in Section II of this report.

Scenic Resources

As stated previously, Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected and that new development shall be visually compatible with the character of the surrounding area. The LUP amendment request includes an exception to the Shoreline Height Limitation Zone (CLUP Policy 4.4.2-1) that would allow structures on the former City Hall site to reach 65 feet in height. The Shoreline Height Limitation Zone controls development within the harbor area to reduce impacts to public views (**Exhibit #3**).

The character of the surrounding area is defined by the scale and height of the development. The City has identified five buildings near the project site, within the Shoreline Height Limitation Zone, that exceed the 35-foot height limitation:

- 1) 3388 Via Lido- Mixed-Use structure on Newport Bay which is approximately 60 feet high. Approved by the Commission, after-the-fact in 2014.
- 2) 3209 Via Lido- A church with a 50 foot high tower and 58 foot high cross. Proposed to be demolished in the near future.
- 3) 601 Lido Park- Residential apartment building, 118 feet high.
- 4) 611 Lido Park- Residential apartment building, 85 foot high.
- 5) 2700 Newport Blvd. Mixed use building, approximately 35 feet high with a 38 foot ridge.

It must be noted that most of these buildings were constructed prior to the adoption of the Shoreline Height Limitation Zone into the certified CLUP in 2005.

While the LUP amendment request would not maintain the 35-foot high limit for the area, a limited exception to the 35-foot height limit would not significantly impact any public coastal views. The project site is not a waterfront parcel – it is surrounded by public streets. Other buildings over 35 feet in height already exist nearby.

Any exceptions to the height limit, however, must be limited in scope and area in order to ensure that the scenic and visual qualities of the area is protected and that the development is visually compatible with the character of the surrounding area. Therefore, the LUP amendment request shall be modified to include the following limitations on the height limit exception:

- At least 75% of the total area of the site shall be 35 feet in height or lower.
- Buildings and structures over 35 feet in height, including architectural features, shall not occupy more than 25 percent of the total area of the site.
- Buildings and structures over 45 feet in height, including architectural features, shall not occupy more than 15 percent of the total area of the site.

- With the exception of a fire station, all buildings and structures over 35 feet in height, including architectural features, shall be setback a minimum of 60 feet from the Newport Boulevard right-of-way and 70 feet from the 32nd Street right-of-way.
- A fire station may be located in its current location and may be up to 40 feet in height. A fire station may include architectural features up to 45 feet in height to house and screen essential equipment.

As modified, any height limit exceptions would be limited to 25 percent of the 4.25-acre former City Hall site, meaning that at least 75 percent of the total area of the 4.25-acre site will have building at or below the 35-foot height limit (or no buildings at all). Additional building setbacks would be imposed from the adjacent public rights-of-way (Newport Boulevard and 32nd Street) wherever the height limit exceptions are allowed. The purpose of allowing limited exceptions to the 35-foot height limit on this site is to promote vertical clustering resulting in increased publically accessible on-site open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities. If the hotel proposed on the site is built, it will be open to the public; and the top levels of the hotel will provide the public new coastal view opportunities. The 60 and 70-foot building setbacks will maintain open space and not adversely affect the character of the surrounding area. The suggested policy would also allow the construction of the proposed hotel, as currently designed, as well as a future fire station with an additional height allowance to provide for essential rooftop equipment (**Exhibit #4**).

The suggested modifications to the Shoreline Height Limitation Zone (CLUP Policy 4.4.2-1) will prevent the site from being developed with massive, block-like structures that could be proposed in the event that the proposed hotel development is not built (the proposed hotel meets the standards set forth in the modified policy), or at the point of redevelopment in the future, which could have significant adverse impacts on scenic and visual resources. The suggested modifications provide for design measures to ensure that the site is developed with a structure with the highest points set back from the main streets. The extra tiered-height is limited to a percentage of the site. Portions of the structures above 35 feet are limited to 25 percent or less of the total square footage of the site; and portions higher than 45 feet are limited to an even smaller (15 percent) portion of the total site. [Note: the 15 percent area limit for the highest parts of buildings is part of the 25 percent area limit that applies to all parts that exceed the 35-foot height limit]. The modifications prevent massing and “walling in” of the area, and provide tiered-height increments for architectural diversity, while maintaining the character of the area.

Therefore, the Commission finds that only if the LUP is modified to adopt the suggested changes to the Shoreline Height Limitation Zone (CLUP Policy 4.4.2-1) can it be found to meet the requirements of, and be in conformance with Section 30251 of the Coastal Act. In conclusion, the Commission finds that the LUP amendment request, only if modified as suggested in Section II of this report, meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a Local Coastal Program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an Environmental Impact Report for each Local Coastal Program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a Local Coastal Program to find that the Local Coastal Program does conform to the provisions of CEQA.

Land Use Plan Amendment No. 3-14, if modified as suggested, would amend CLUP Policy 4.4.2-1 to include limited exceptions to the Shoreline Height Limitation Zone, adopt a new land-use category (Visitor-Serving Commercial, Lido Village) to CLUP Table 2.1.1-1, and update the CLUP Map accordingly. As outlined in this staff report, the LUP amendment request, as submitted, is inconsistent with the Chapter 3 policies of the Coastal Act. However, if modified as suggested, the LUP Amendment will be consistent with the Chapter 3 policies of the Coastal Act.

The Commission finds that, for the reasons discussed in this report, the LUP amendment request, with adoption of the suggested modifications listed in Section II of this report, will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. The suggested modifications to the LUP amendment are necessary to ensure that public access to the coast and public recreation opportunities along the coast, and scenic resources, are protected in conformity with the requirements of the Chapter 3 policies of the Coastal Act.

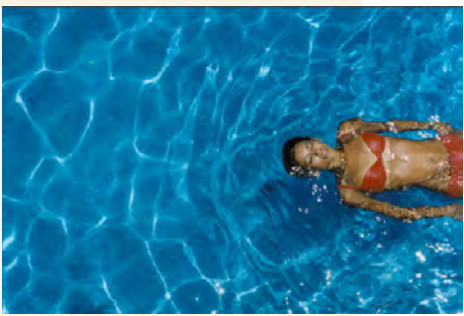
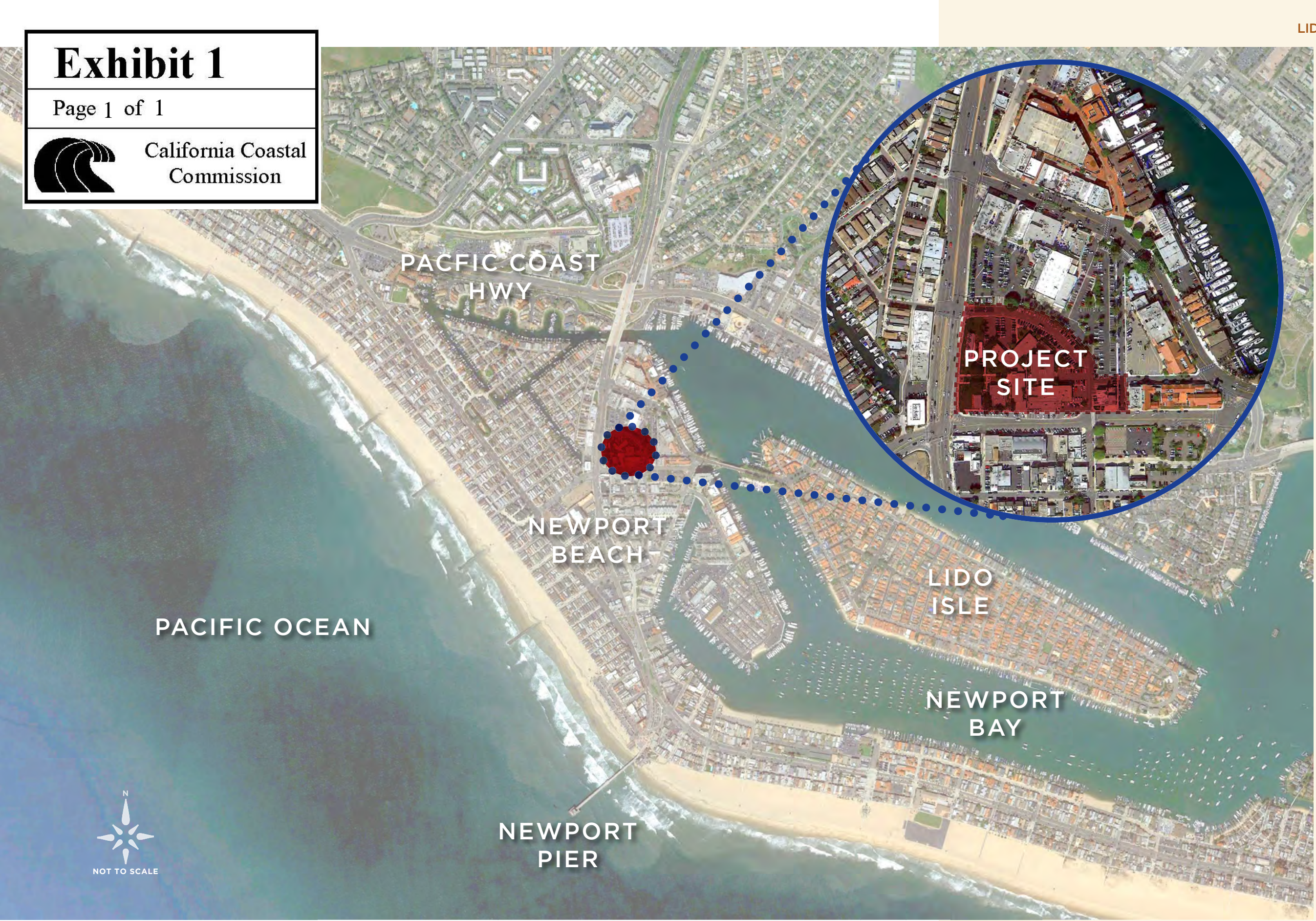
Certification of the LUP amendment if modified as suggested complies with the California Environmental Quality Act because: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LUP amendment may have on the environment. The Commission finds that the proposed LUP amendment if modified as suggested will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code. Therefore, the Commission finds that approval of the LUP amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA.

Exhibit 1

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California Coastal
Commission



NOT TO SCALE

**RESOLUTION NO. 2014-81**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH ADOPTING GENERAL PLAN AMENDMENT NO. GP2012-002, AND COASTAL LAND USE PLAN AMENDMENT NO. LC2012-001, FOR THE FORMER CITY HALL COMPLEX LAND USE AND ZONING AMENDMENTS LOCATED AT 3300 NEWPORT BOULEVARD AND 475 32ND STREET (PA2012-031)

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS

1. On April 24, 2012, the City of Newport Beach initiated amendments of the General Plan, Coastal Land Use Plan, and Zoning Code with respect to reuse of the former City Hall Complex (the "Property"), legally described in Exhibit "A", located at the northeast corner of the intersection of Newport Boulevard and 32nd Street at 3300 Newport Boulevard and 475 32nd Street. The amendments are generally described as follows:
 - a. General Plan Amendment No. GP2012-002 - The amendment includes a text and map change to replace the existing Public Facilities (PF) designation for the Property with a new mixed-use land use category (MU-H5) and establish density and intensity limits within Table LU-2 of the Land Use Element by establishing a new anomaly location.
 - b. Coastal Land Use Plan Amendment No. LC2012-001 - The amendment includes a text and map change to replace the existing Public Facilities (PF) designation for the Property with a new mixed-use land use category (MU) and establish density and intensity limits within Table 2.1.1-1. The proposed amendment also includes a change to Policy 4.4.2-1 to establish the policy basis for higher height limits.
 - c. Zone Code Amendment No. CA2012-003 - The amendment includes a text and map change to replace the existing Public Facilities (PF) zoning designation for the Property with a new zone MU-LV designation (Mixed-Use-Lido Village) to establish density and intensity limits consistent with the proposed General Plan amendment. Development standards and allowed uses would also be established.
2. An application was filed by R.D. Olson Development ("Applicant") with respect to a portion of the Property located at the northeast corner of the intersection of Newport Boulevard and 32nd Street on the Balboa Peninsula in the Lido Village area of the City (3300 Newport Boulevard), requesting approval of a site development review, conditional use permit, and traffic study for the development and operation of a luxury, 130-room hotel that would include, as originally proposed, 99,625 square feet of building area comprised of guestrooms, public areas, and back of house (operational) areas (the Lido House Hotel). The following approvals are requested or required in order to implement the Project as proposed:



- a. Site Development Review No. SD2014-001 - A site development review application for the development of a luxury, 130-room hotel called the "Lido House Hotel" and all appurtenant facilities including landscaping, parking, and public open space along Newport Boulevard and 32nd Street. Redevelopment of the Property includes the demolition of all structures on-site at 3300 Newport Boulevard but no demolition of Fire Station No. 2 and its appurtenant facilities. The project would include the provision of necessary utility connections to serve the proposed project and public improvements fronting the project site along Newport Boulevard and 32nd Street.
 - b. Conditional Use Permit No. UP2014-004 - A Conditional Use Permit for the operation of the proposed hotel and accessory/ancillary uses including the sale of alcoholic beverages and the establishment of on-site parking management including the use of valet parking services. Accessory and ancillary uses to the hotel include, but are not limited to, retail uses, restaurants and bars, meeting rooms, day spa facilities including massage, and guest recreational areas.
 - c. Traffic Study No. TS2014-005 - A traffic study pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the Municipal Code.
3. Pursuant to Charter Section 423 and Council Policy A-18, proposed General Plan amendments are reviewed to determine if a vote of the electorate would be required because a project (separately or cumulatively with other projects in the same Statistical Area over the prior 10 years) exceeds certain thresholds provided in Section 423 of the City Charter. The proposed General Plan Amendment is located in Statistical Area B5. This is the fifth amendment that affects Statistical Area B5 since the General Plan update in 2006. The four prior amendments are GP 2010-005, GP 2011-003, GP 2011-010, and GP 2012-005. If the amendment resulted in 99 units or 99,675 square feet of commercial development as originally proposed, it would exceed applicable thresholds and a vote of the electorate would be required. If the amendment density and intensity is reduced to 93 units and 98,725 square feet, a vote would not be required. The following table shows the increases attributable to the subject amendment and prior amendments and the totals.

	AM Peak Trips	PM Peak Trips	Dwelling units	Non-residential floor area
Prior Amendments (80%)	49	65	7	16,275
Proposed Amendment	0	0	93	23,725
Total	49	65	100	40,000
Vote	No	No	No	No

4. Pursuant to Section 65352.3 of the California Government Code, the appropriate tribal contacts identified by the Native American Heritage Commission were provided notice of the proposed General Plan Amendment on October 4, 2012. The City received an inquiry from one tribal representative. The Native American representative indicated that he could coordinate monitoring services during grading/construction if it is determined that such monitoring is required. The tribal representative did not indicate any knowledge of the presence of any significant cultural or archaeological resources on the project site. The proposed project site is located within a highly developed area and has been completely disturbed. As such, impacts related to archaeological resources



are not expected to occur. However, in the unlikely event that buried cultural resources or human remains are discovered during excavation activities, Mitigation Measure CUL-1 would be implemented requiring an archeologist and Native American Monitor be present during earth removal or disturbance activities related to rough grading and other excavation for utilities, and as such, a less than significant impact would occur in this regard.

5. On April 25, 2013, the City sent a surplus land notice consistent with Government Code §54222. No entities expressed an interest in acquiring the site for the development of affordable housing, parks and open space, or schools.
6. On June 5, 2014, the Planning Commission held a study session for the project in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, on the DEIR and Project.
7. On July 17, 2014, the Planning Commission was scheduled to conduct a public hearing for the project. However, to provide the public additional opportunity to review the staff report, the item was continued to August 7, 2014. The August 7, 2014 was canceled, so a special meeting was conducted on August 11, 2014.
8. The Planning Commission held a public hearing on August 11, 2014, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the Newport Beach Municipal Code ("NBMC"). The environmental documents for the Project comprising the DEIR, Final Environmental Impact Report ("FEIR") which consists of Responses to Comments, and Mitigation Monitoring and Reporting Program ("MMRP"), the draft Findings and Facts in Support of Findings (Findings), Errata, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at these hearings.
9. On August 11, 2014, the Planning Commission adopted Resolution No. 1952 by a vote of 5-0 recommending certification of the Lido House Hotel Final EIR (Commissioner Hillgren abstained and Commissioner Kramer absent) (ER2014-003, SCH No. 2013111022) the Former City Hall Amendments (PA2012-031) and Lido House Hotel (PA2013-217).
10. On August 11, 2014, the Planning Commission adopted Resolution No. 1953 by a vote of 5-0 recommending and approval of the Former City Hall Amendments (Commissioner Hillgren abstained and Commissioner Kramer absent) (PA2012-031) without a mixed-use/residential component and approval of the Lido House Hotel (PA2013-217).
11. The City Council held a public hearing September 9, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the NBMC. The environmental documents for the Project comprising the Final EIR, including the Responses to Comments and Errata (revisions) to the Draft EIR, and the Mitigation, Monitoring and Reporting Program, staff report, and evidence, both written and oral, were presented to and considered by the City Council at the scheduled hearing, as the decision-making body of the lead agency, for certification as having been



completed in compliance with the provisions of CEQA and State and local guidelines implementing CEQA.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

The Lido House Final Environmental Impact Report No. ER2014-003 (SCH No. 2013111022) was prepared for the Project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3. By Resolution No. 2014-80, the City Council, having final approval authority over the Project, adopted and certified as complete and adequate the Lido House Final Environmental Impact Report No. ER2014-003 (SCH No. 2013111022), and adopted "Mitigation Monitoring and Reporting Program". Resolution No. 2014-80 is hereby incorporated by reference.

SECTION 3. FINDINGS

1. Amendments to the General Plan are legislative acts. Neither the City nor State Planning and Zoning Law set forth any required findings for either approval or denial of such amendments otherwise found to be within the public interest.
2. The site is located in proximity to commercial services, recreational uses, and transit opportunities with routine bus service provided along Newport Boulevard. The proposed General Plan Amendment provides for variety of land uses for the site including a luxury hotel that will to promote revitalization of the Lido Village area while ensuring neighborhood compatibility. The proposed hotel will serve visitors and residents and increase access opportunities in the Coastal Zone.
3. The proposed amendment of Coastal Land Use Plan Policy 4.4.2-1 to provide an exception to the 35-foot height limit of the Shoreline Height Limitation Zone is necessary and appropriate to accommodate the proposed intensity of use, significant open space on the site and the project's lack of impact to public views. This finding is based upon the public view impact analysis within *Section 5.2 (Aesthetics Light/Glare) of the Lido House Hotel FEIR* showing that there will not be a significant impact to protected public views from General Plan and Coastal Land Use Plan designated vantages. Additionally, there are no public views through the site from abutting roadways and public spaces.
4. Pursuant to CEQA Guidelines Section 15091, the City Council has reviewed and hereby adopts the CEQA Findings and Facts in Support of Findings as shown on the Exhibit "B", entitled "Findings and Facts in Support of Findings for the Lido House Hotel, Final Environmental Impact Report, State Clearinghouse No. 2013111022, which exhibit is incorporated herein by reference.

**SECTION 4. DECISION.**

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Newport Beach hereby approves General Plan Amendment No. GP2012-002 as depicted in Exhibit "C" and Coastal Land Use Plan Amendment No. LC2012-001 as depicted in Exhibit "D", which are attached hereto and incorporated by reference.
2. The Community Development Director is hereby directed to revise all applicable General Plan and Coastal Land Use Plan figures to reflect the change in the land use designations upon the effective date of the amendments. Staff is hereby directed to correct any typographical or scrivener's errors in compiling the final documentation.
3. The City Council of the City of Newport Beach hereby authorizes submittal of the Local Coastal Program CLUP Amendment to the California Coastal Commission for review and approval.
4. The City's certified Coastal Land Use Plan, including this amendment, shall be implemented in a manner fully in conformity with the Coastal Act.
5. These actions shall take effect automatically upon Coastal Commission action, unless the Coastal Commission proposes suggested modifications to the proposed Coastal Land Use Plan Amendment. In the event that the Coastal Commission approves the Amendment with suggested modifications, City approval of the modified Amendment shall require a separate action by the City Council following Coastal Commission approval. In this case, the Amendment would become effective upon the effective date of the Coastal Commission certification of the modified Amendment.

This Resolution was approved, passed and adopted at a regular meeting of the City Council of the City of Newport Beach, held on the 9th of September, 2014.

Rush N. Hill, II,
Mayor

ATTEST:

Leilani I. Brown,
City Clerk




EXHIBIT "D"
Coastal Land Use Plan Amendment No. LC2012-001 (PA2012-031)

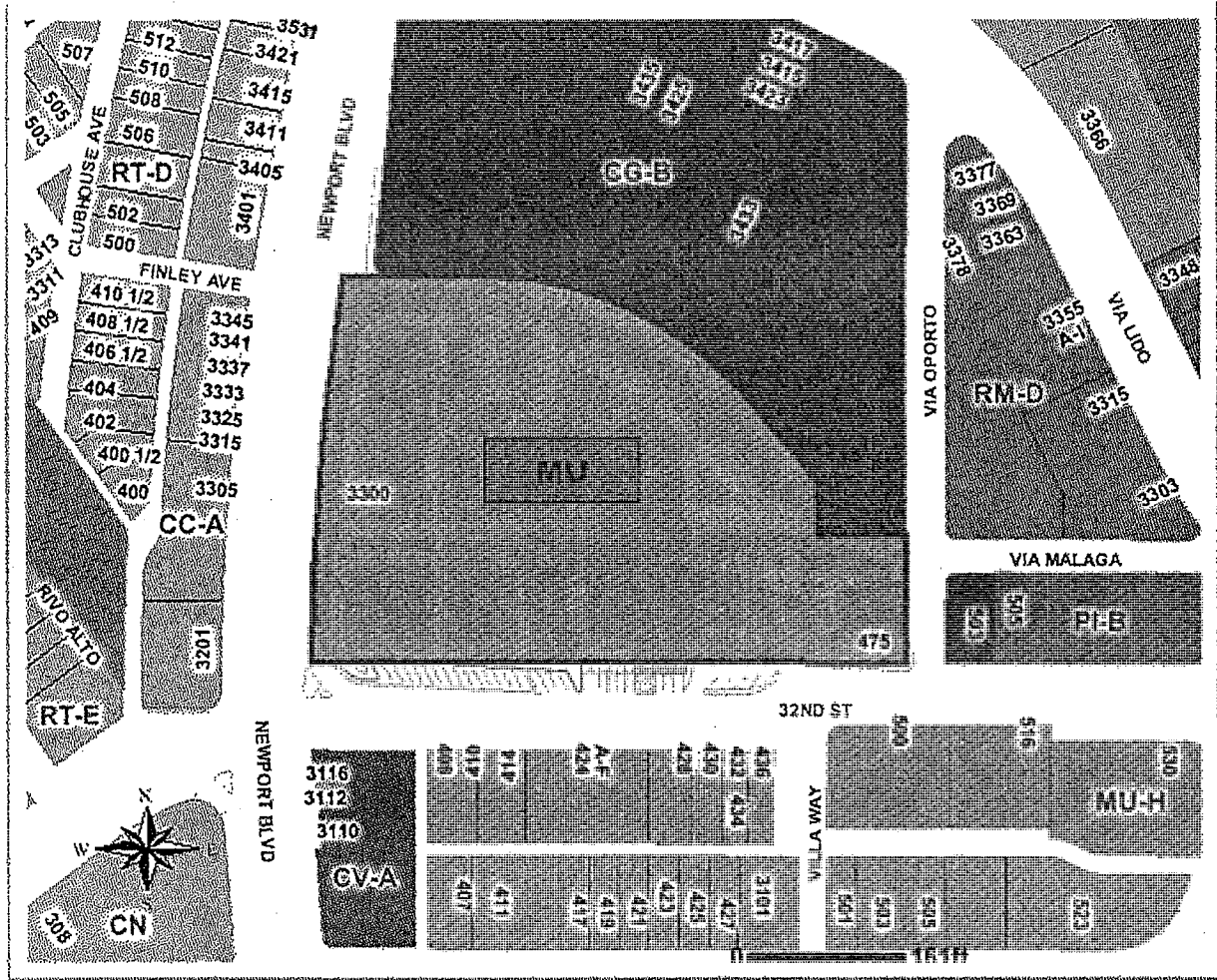
- A. Amend the Table 2.1.1-1 of the Coastal Land Use Plan add the following land use category:**

Table 2.1.1-1 Land Use Plan Categories		
Land Use Category	Uses	Density/Intensity
<u>Mixed Use — MU</u>	<u>The MU category is intended to provide for the development a mix of uses, which may include general, neighborhood or visitor-serving commercial, commercial offices, visitor accommodations, mixed-use development, and/or civic uses.</u>	<u>98,725 sf of hotel</u> <u>Municipal facilities are not restricted or included in any development limit.</u>

All existing provisions within Table 2.1.1-1 remain unchanged.



B. Amend Coastal Land Use Plan Map 1, Figure 2.1.5-1, as it relates to 3300 Newport Boulevard & 475 32nd Street only as depicted in the following diagram:



All related maps or diagrams within the Coastal Land Use Plan shall be amended to maintain consistency with the new land use category as shown above. Additionally, any maps or diagrams within the Coastal Land Use Plan that label the site as "City Hall" shall be removed from the General Plan upon relocation of City Hall operations from the site to the new City Hall site located at 100 Civic Center Drive. Labeling the new City Hall site as "City Hall" on any Coastal Land Use Plan map or diagram is also authorized.



C. Amend Policy 4.4.2-1 as follows with deleted language in ~~strikeout~~ and new language underlined:

4.4.2-1. Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following sites.

- A. Marina Park located at 1600 West Balboa Boulevard: A single, up to 73-foot tall architectural tower that does not include floor area but could house screened communications or emergency equipment. The additional height would create an iconic landmark for the public to identify the site from land and water and a visual focal point to enhance public views from surrounding vantages.
- B. Back Bay Landing at East Coast Highway/Bayside Drive: A single, up to 65-foot-tall coastal public view tower, that will be ADA-compliant and publicly accessible, to provide new coastal and Upper Newport Bay view opportunities where existing views are impacted by the East Coast Highway Bridge, other existing structures and topography.²
- C. Mixed Use (MU) area located at 3300 Newport Boulevard (former City Hall Complex): Buildings and structures up to 55 feet in height, provided it is demonstrated that development does not materially impact public views. Peaks of sloping roofs and elevator towers may exceed 55 feet by up to 5 feet and architectural features such as domes, towers, cupolas, spires, and similar structures may exceed 55 feet by 10 feet. The purpose of allowing buildings, structures and architectural elements to exceed 35 feet is to promote vertical clustering resulting in increased publically accessible on-site open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.

² Subsection B related to the Back Bay Landing site was adopted by the City Council on February 11, 2014, by Resolution No. 2014-12 but has not been certified (approved) by the California Coastal Commission as of the adoption of this resolution.



STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } 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. 2014-81 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 10th day of September, 2014, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Council Member Gardner, Council Member Petros, Council Member Curry,
 Council Member Daigle, Mayor Pro Tem Selich, Mayor Hill
Nays: None
Recused Council Member Henn

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 10th day of September, 2014.

A handwritten signature in cursive script, reading "Leilani I. Brown".

City Clerk
Newport Beach, California

(Seal)



Exhibit 3

Page 1 of 1



California Coastal
Commission

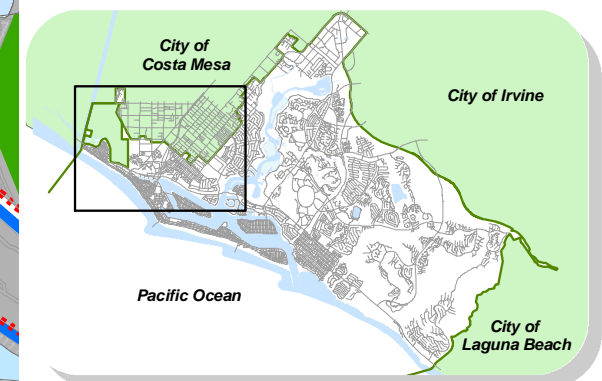
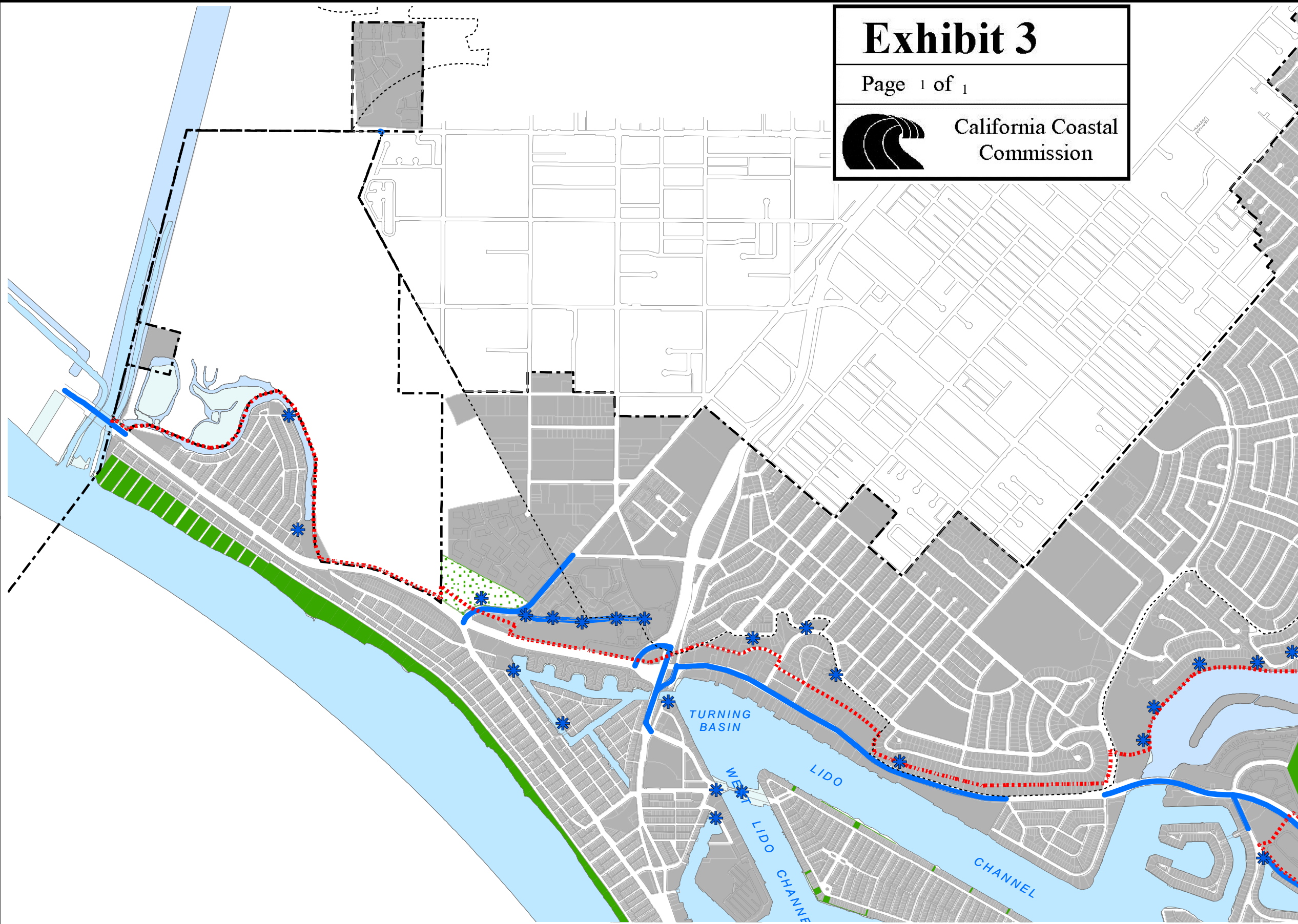
Coastal Views

Map 4-3

(Map 1 of 3)

LEGEND

- * Public View Point
- ~ Coastal View Road
- - - Coastal Zone Boundary
- - - City Boundary
- - - Shoreline Height Limitation Zone
- Proposed Park
- Public Beach or Park



City of Newport Beach, California (West Newport Area)



Local Coastal Program
Coastal Land Use Plan

MAP4-3LCP05CoastalViewWNpt.mxd

4-94



1 Miles

December/2005

AERIAL VIEW | OVERALL SITE

Exhibit 4

Page 1 of 1



California Coastal
Commission

- 1 STORY
- 2 STORY
- 3 STORY
- 4 STORY



RESOLUTION NO. 2013-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH APPROVING COASTAL LAND USE PLAN AMENDMENT NO. LC2012-002 TO POLICY 4.4.2-1, AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION IN RESPECT TO MARINA PARK (PA2012-079)

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On September 11, 2012, the City Council adopted Resolution No. 2012-80 approving Coastal Land Use Plan Amendment No. LC2012-002 to modify Policy 4.4.2-1 to allow a faux lighthouse tower architectural feature on the proposed Marina Park located at 1600 West Balboa Boulevard.
2. On March 6, 2013, the California Coastal Commission approved the proposed amendment with modifications.
3. Resolution No. 2012-80 provided that should the California Coastal Commission approve a modified amendment, a separate action would be required by the City Council, pursuant to Section 13518(b) of Title 14, Division 5.5 of the California Code of Regulations.
4. The City Council held a public hearing on May 28, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. Notices of time, place and purpose of these meetings were given in accordance with the Newport Beach Municipal Code and Public Resources Code Section 30510(a). Evidence, both written and oral, was presented to, and considered by, the City Council at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The Marina Park Project Environmental Impact Report (EIR) (SCH # 2008051096) was certified to the City Council in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3 on May 11, 2010.
2. A 73-foot-high tower element was analyzed in the EIR which concluded that the potential impact of the project on public views and access would be less than significant. Therefore, the EIR concluded that the project, including the tower element, was consistent with the goals and policies of the Coastal Land Use Plan and the California Coastal Act.

CERTIFIED AS A TRUE AND CORRECT COPY

[Signature]
CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 6.3.13



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SECTION 3. FINDINGS.

1. Amendments to the Coastal Land Use Plan are a legislative act. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments.
2. The amendment, as modified by the California Coastal Commission, of the City's Coastal Land Use Plan will allow for a tower feature to be incorporated into the previously approved Marina Park Project. The tower, which will depict a lighthouse, is considered a critical feature of the project in that it provides an iconic element of a public facility and will assist in wayfinding for the public from land and water.
3. The analysis of the proposed project and architectural tower element demonstrate no impacts to designated public view sheds or public access. The project analysis demonstrated the project, including the 73-foot-high tower element, would be in compliance with the California Coastal Act. In that the subject amendment would only allow a tower element on the subject site, the amendment is also consistent with the California Coastal Act.
4. The City's certified Coastal Land Use Plan, including this amendment, shall be implemented in a manner fully in conformity with the California Coastal Act.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Newport Beach hereby approves Coastal Land Use Plan Amendment No. LC2012-002, as modified by the California Coastal Commission, to amend Policy No. 4.4.2-1 to read as follows (changes are underlined):

- 4.4.2-1. Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following site:

Marina Park located at 1600 West Balboa Boulevard: A single, up to maximum 73-foot- tall faux lighthouse architectural tower, that creates an iconic landmark for the public to identify the site from land and water as a boating safety feature, may be allowed. No further exceptions to the height limit shall be allowed, including but not limited to, exceptions for architectural features, solar equipment or flag poles. Any architectural tower that exceeds the 35-foot height limit shall not include floor area above the 35-foot height limit, but shall house screened communications or emergency equipment, and shall be sited and designed to reduce adverse visual impacts and be compatible with the character of the area by among other things, incorporating a tapered design with a maximum diameter of 34-feet at the base of the tower. Public viewing opportunities shall be provided above the 35-feet, as feasible.

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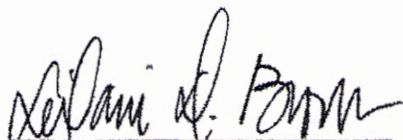
2. The City Council authorizes the Community Development Director to submit this resolution approving Coastal Land Use Plan Amendment No. LC2012-002, incorporating the California Coastal Commission modifications, to the Executive Director of the California Coastal Commission for certification.
3. This amendment shall not become effective until the Executive Director of the California Coastal Commission certifies that the City has complied with the March 6, 2013, California Coastal Commission action, pursuant to Section 13544 of Title 14, Division 5.5 of the California Code of Regulations.
4. The Coastal Land Use Plan will be carried out fully in conformity with the California Coastal Act.

ADOPTED this 28th day of May, 2013.



Keith D. Curry, Mayor

ATTEST:



Leilani I. Brown, City Clerk



Exhibit 5

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California Coastal
Commission



From: Schwing, Karl@Coastal
To: Posner, Chuck@Coastal; Dobson, Amber@Coastal
Subject: FW: Lido House Hotel
Date: Thursday, September 24, 2015 8:59:00 AM
From: sossi palanjian [<mailto:sossi.palanjian@gmail.com>]

Sent: Thursday, September 24, 2015 8:47 AM
To: Schwing, Karl@Coastal
Subject: Lido House Hotel

Dear Coastal Commission Committee,

I understand there is a lot of environmental research that goes into a project such as the Lido House Hotel, I just can't believe the length of time this has taken for the CCC to review and approve.

I continue to believe this hotel will have a positive impact not only for the Lido Isle Residence but overall The City of Newport.

I've noticed that currently this property is being used for the overflow of beach parking, and I've also noticed more homeless using the property as shelter. This is not a good thing!

Please consider my support for this project during your approval process. Thank you for your consideration.

Best Regards

--

Sossi Palanjian

949-698-0852 phone

949-200-9910 fax