

CALIFORNIA COASTAL COMMISSION

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



W20b-c

ADDENDUM

DATE: March 6, 2017

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W20b-c, LCP amendments Nos. 1-16 (LCP-5-NPB-16-0039-1) and 1-17 (LCP-5-NPB-17-0010-1), City of Newport Beach FOR THE COMMISSION MEETING OF Wednesday, March 8, 2017.**

A. CHANGES TO THE STAFF REPORT

Commission staff recommends modifications to the FINDINGS of the staff report. Language to be deleted from the staff report is identified by ~~strike out~~ and where language is to be added the font is **bold and underlined**.

On Page 7:

C. DENY THE IP AMENDMENT AS SUBMITTED

The IP amendment must be found consistent with the LUP and be adequate to carry out the LUP. The LUP, if amended to increase the density/intensity of the CV-LV Land Use Category to 103,470 square feet, will be the standard of review for the IP. Currently, the LUP amendment request states that the density cap would be 103,470 square feet for the CV-LV site, including the hotel, but the square footage limit does not ~~include~~ **apply to** the fire station. **Instead, the fire station has a maximum site coverage of 10%.** The IP amendment does not reflect that language and would limit the development of the site to 103,470 square feet for both the hotel and the fire station, and is inconsistent with the LUP, which is the standard of review. As proposed, the IP amendment must be denied.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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W20b-c

February 23, 2017

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Charles Posner, Supervisor of Planning
Amber Dobson, Coastal Program Analyst

SUBJECT: Amendment Request Nos. 1-16 (LCP-5-NPB-16-0039-1) and 1-17 (LCP-5-NPB-17-0010-1) to the City of Newport Beach Certified Coastal Land Use Plan and Implementation Plan in a combined staff report. For public hearing and Commission action at the Commission's March 8, 2017 meeting in Ventura.

SUMMARY OF LCP AMENDMENT REQUESTS

The Coastal Land Use Plan (CLUP) for the City of Newport Beach was effectively certified by the Commission in 2006, and updated in 2009. The Implementation Plan and complete LCP was certified by the Commission on January 13, 2017.

The proposed LCP amendments affect only one site: the 4.25-acre former City Hall site located at 3300 Newport Boulevard and 475 32nd Street. Coastal Land Use Plan Amendment No. 1-16 would change the CLUP Table 2.1.1-1 to increase the maximum allowable development of the site by 4,745 square feet, from 98,725 gross square feet to 103,470 gross square feet. The Implementation Plan Amendment No. 1-17 would amend the recently adopted IP's development standards for Commercial Coastal Zoning Districts to change Table 21.20-2 indicating the Maximum Limit for the CV-LV zone as 103,470 square feet, consistent with the proposed change to the CLUP.

A concurrent proposal for Commission approval that is dependent on approval of these LCP amendment requests is a CDP amendment request to increase the size of the hotel that is currently under construction on the site to the allowed development cap of 103,470 gross square feet [Application No. 5-14-1785-A1 (RD Olson Development)]. Neither the height limits in the LCP, or the height of the hotel are being changed. The development cap of 103,470 gross square feet proposed in the IP amendment request applies to the entire land use category (CV-LV), which includes the hotel and an existing fire station. However, the total square footage with the proposed expansion to the hotel, plus the fire station, would exceed the 103,470 square foot floor area development limit set forth in Table 21.20-2 in Ordinance No. 2016-20. Therefore, staff is recommending a suggested modification to add a note to the table, which indicates that the 103,470 maximum square footage does not include the existing or future fire station. The change will also require an updated Coastal Zoning map that reflects the change to the CV-LV site.

The City of Newport Beach Planning Commission held a public hearing for the CLUP amendment on June 23, 2016. The City Council held a public hearing on July 26, 2016. On August 8, 2016, the City submitted the LUP amendment for Coastal Commission certification with City Council Resolution No. 2016-90. Amendment Request No.1-16 was deemed by staff to be complete on September 13, 2016. On October 6, 2016, the Commission authorized a one-year extension of the ninety-day time limit for action on the LUP amendment request. The City of Newport Beach Planning Commission held a

public hearing for the IP amendment on December 13, 2016 and approved Ordinance No. 2016-20 to amend the LCP to increase the maximum allowable floor area at the hotel site. The City Council held a public hearing on January 24, 2017. On January 30, 2017, the City submitted the IP amendment request for Coastal Commission certification with City Council Resolution No. 2017-8, and Amendment Request No.1-17 was deemed by staff to be complete on that date. The City's submittals are consistent with the procedural 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).

STAFF RECOMMENDATION

Staff recommends that the Commission certify LUP Amendment Request No. 1-16 as submitted. Staff recommends that the Commission certify IP Amendment Request No. 1-17, as modified to indicate that the proposed maximum floor area ratio does not include the existing or future fire station. The City agrees with the staff recommendation.

The proposed amendments to the LUP and the IP are major amendments because they represent a change in the intensity and density of the land use category, however the new development cap on the square footage will not result in adverse coastal impacts and will not result in changes to coastal access. The proposed amendments are consistent with Coastal Act Chapter 3 policies.

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

- 1. Certify the LUP amendment request first;**
- 2. deny the IP amendment request, as submitted and;**
- 3. certify the IP amendment request as modified.**

The motions and resolutions are found on **Pages Three and Four.**

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. The standard of review for the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment conforms with and is adequate to carry out the provisions of the certified Land Use Plan (LUP).

DEADLINE FOR COMMISSION ACTION

The City submitted the LUP amendment request on August 8, 2016. The City submitted additional information on September 6, 2016, and the amendment request was deemed by staff to be complete on September 13, 2016. On October 6, 2016, 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 December 12, 2017.

The City submitted the IP amendment request on January 30, 2017 and the amendment request was deemed by staff to be complete on that date. As such, the last date for Commission action on this item is March 30, 2017, sixty days from the date of filing.

FOR ADDITIONAL INFORMATION

The file is available for review at the South Coast District office located at 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. 2016-90
3. City Council Resolution No. 2017-8
4. Ordinance No. 2016-20

I. MOTIONS AND RESOLUTIONS

Motion I:

I move that the Commission certify Land Use Plan Amendment No. 1-16 as submitted by the City of Newport Beach.

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

Resolution I:

The Commission hereby certifies Amendment Request No. 1-16 to the LUP for the City of Newport Beach as submitted and adopts the findings set forth below on grounds that the LUP conforms with the policies of Chapter 3 of the Coastal Act. Certification of the LUP amendment 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 Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

Motion II:

I move that the Commission reject the Amendment to the Implementation Plan for the City of Newport Beach certified LCP as submitted.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution II:

The Commission hereby denies certification of the Amendment to the Implementation Plan submitted for the City of Newport Beach certified LCP and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan as submitted does not conform with, and are not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Amendment to the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment to the Implementation Program as submitted.

Motion III:

I move that the Commission certify the Amendment to the Implementation Plan for the City of Newport Beach certified LCP if it is modified as suggested in this staff report.

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

Resolution III:

The Commission hereby certifies the Amendment to the Implementation Plan for the City of Newport Beach certified LCP if modified as suggested and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan with the suggested modifications will meet the requirements of and be adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Amendment to the Implementation Program 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 Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

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

A. Table 21.20-2 – Development Standards for Commercial Coastal Zoning Districts

Modify Table 21.20-2, to add note 8, as follows:

TABLE 21.20-2

DEVELOPMENT STANDARDS FOR COMMERCIAL COASTAL ZONING DISTRICTS

Development Feature	CC	CG	CM	CN	CV	CV-LV	OG	Additional Requirements
Floor Area Ratio or Maximum Limit (2)(3)(4)	0.75	0.75	0.5	0.3	1.50	103,470 sf (8)	1.30	

Notes:

- (2) In the CG Coastal Zoning District, when 0.3/0.5 is shown on the Coastal Zoning Map, the FAR may be increased to a maximum of 0.5 when two or more legal lots are merged to accommodate larger commercial development projects.
- (3) Portions of legal lots that are submerged lands or tidelands shall be included in the land area of the lot for the purpose of calculating the allowable floor area for structures.
- (4) The specific floor area limitations for each coastal zoning district are identified on the Coastal Zoning Map.

(8) 103,470 gross square feet not including a fire station. A fire station may not occupy more than 10% of the total project site.

(Ord. 2016-19 § 9 (Exh. A)(part), 2016)

B. Coastal Zoning Map-

New note on the Coastal Zoning Map for CV-LV: **103,470 gross square feet not including a fire station. A fire station may not occupy more than 10% of the total project site.**

For the CV-LV category, Note (4) indicates: the specific floor area limitations for each coastal zoning district are identified on the Coastal Zoning Map. However, the floor area limit for the CV-LV noted on the Coastal Zoning Map reflects 103,470 square feet and does not exclude the existing fire station from the square footage. As such, an additional note is needed on the Coastal Zoning Map that indicates that the 103,470 square footage maximum does not include the square footage of the existing fire station, consistent with the language of the LUP. Therefore, the suggested modification would consist of a new note added to the certified coastal zoning map: **103,470 gross square feet not including a fire station. A fire station may not occupy more than 10% of the total project site.**

III. FINDINGS

The Commission hereby finds and declares:

A. DESCRIPTION OF THE LCP AMENDMENT REQUESTS

Amendments Nos. 1-16 and 1-17 are project-driven plan amendments. A concurrent proposal for Commission action that is dependent on approval of this LCP amendment request is a permit amendment application for an increase in square footage to the Lido House Hotel [Coastal Development Permit Application No. 5-14-1785 (RD Olson Development)]. The 4.25-acre site driving the proposed changes to the certified LCP is located on Newport Boulevard (State Route 55) on the northern end of the Balboa Peninsula in the City of Newport Beach. The project site is designated CV-LV (Visitor Serving Commercial- Lido Village). This is the only site in the Coastal Zone with this designation.

The City proposes to amend Table 2.1.1-1 Land Use Plan Categories, increasing the density/intensity cap for the CV-LV land use designation from 98,725 gross square feet to 103,470 gross square feet in order to allow the proposed increased square footage of a hotel, which is currently under construction, approved pursuant to CDP 5-14-1785. The LCP amendment request does not change the Coastal Land Use Map. No other changes are proposed to the LUP.

The City proposes to amend the Implementation Plan development standards for Commercial Coastal Zoning Districts by changing Table 21.20-2, reflecting that the Floor Area Maximum limit for CV-LV is increased from 98,725 to 103,470 square feet.

B. CERTIFY THE LUP AMENDMENT AS SUBMITTED

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.

Visitor Serving Uses

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.

As previously stated, the site subject to the amendment is being developed as a hotel in Lido Village, which is a popular visitor destination (**Exhibit #1**). The beach and harbor are both within easy walking distance of the site designated CV-LV.

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 should be applied to the subject site that prioritizes visitor-serving uses over other non-priority uses when possible. 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 and will not change under this LUP amendment. Only the density/intensity of the site will change to allow for an increase in gross square footage.

The CV-LV land use category prioritizes visitor-serving uses over other non-priority uses, and the density of the development will not negatively impact the use of the site, thus the LUP amendment is in conformance with Section 30222 of the Coastal Act. Therefore, the Commission finds that as submitted the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act.

Scenic Resources

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...

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 will increase the density and square footage of development by 4,745 sq. ft. allowed on the CV-LV site, but will not allow for an increase in height. The proposed amending language does not change any of the existing height limits for CV-LV, therefore, the amendment will not have an effect on the visual or scenic quality of the area and will not block any existing ocean or bay views surrounding the site. While it may be possible for the increase in square footage to have an impact on public coastal views, in this case, the only coastal views are from elevated locations inland of the project site looking over the hotel out to the ocean, and because there is not increase in height there will not be an impact on any visual or scenic resources. Additionally, the increase in maximum square footage will not result in any change to the community character.

Therefore, the Commission finds that the LUP as submitted is in conformance with Section 30251 of the Coastal Act.

C. DENY THE IP AMENDMENT AS SUBMITTED

The IP amendment must be found consistent with the LUP and be adequate to carry out the LUP. The LUP, if amended to increase the density/intensity of the CV-LV Land Use Category to 103,470 square feet, will be the standard of review for the IP. Currently, the LUP amendment request states that the density cap would be 103,470 square feet for the CV-LV site, including the hotel, but the square footage limit does not include the fire station. The IP amendment does not reflect that language and would limit the development of the site to 103,470 square feet for both the hotel and the fire station, and is inconsistent with the LUP, which is the standard of review. As proposed, the IP amendment must be denied.

D. CERTIFY THE IP AMENDMENT AS MODIFIED

In order to be certified by the Commission, the IP amendment must meet the requirements of, and be in conformance with the certified LUP. 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 proposed is consistent with Chapter 3 policies of the Coastal Act.

However, the IP amendment cannot be certified, because it is inconsistent with the LUP amendment. In order for the IP amendment to be certified by the Commission it must be found consistent with the LUP as amended. As explained above, the LUP amendment states that the density cap would be 103,470 square feet for the CV-LV site, including the hotel, but the square footage limit does not include the fire station. The IP amendment does not reflect that language and would limit the development of the site to 103,470 square feet for both the hotel and the fire station, and is inconsistent with the LUP. If modified to include language identical to the LUP which excludes the fire station from the maximum square footage of the density cap, as suggested through the new note #8 to the Table 21.20-2 for Development Standards for Commercial Coastal Zoning Districts, then the IP amendment can be found consistent with the LUP, and therefore can adequately carry out the policies of the LUP.

For the CV-LV category in Table 21.20-2 for Development Standards for Commercial Coastal Zoning Districts, Note #4 indicates: the specific floor area limitations for each coastal zoning district are identified on the Coastal Zoning Map. However, the floor area limit for the CV-LV noted on the Coastal Zoning Map reflects 103,470 square feet and does not exclude the existing fire station from the square footage. As such, an additional note is needed on the Coastal Zoning Map that indicates that the 103,470 square footage maximum does not include the square footage of the existing fire station, consistent with the language of the LUP. Therefore, the suggested modification would consist of a new note added to the certified coastal zoning map: 103,470 gross square feet not including a fire station. A fire station may not occupy more than 10% of the total project site. Only as modified above in II. Suggested Modification, can the IP amendment be found consistent with the LUP and certified by the Commission.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing environmental documentation in compliance with CEQA in connection with a Local Coastal Program (LCP) amendment. 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 under CEQA. (14 CCR § 15265(a)(1).) Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare CEQA documentation for each Local Coastal Program submitted for Commission review and approval. Instead, this staff report serves as the functional equivalent of CEQA documentation. Nevertheless, the Commission is required when approving a Local Coastal Program to find that the amendment will not have a significant adverse impact on the environment and that there are no further feasible alternatives or mitigation measures that would substantially lessen the project's impact on the environment.

Land Use Plan Amendment No. 1-16 as submitted would amend LUP Table 2.1.1-1 to increase the density of the CV-LV Land Use Category. As outlined in this staff report, the LUP amendment request, as submitted, is consistent with the Chapter 3 policies of the Coastal Act. Implementation Plan Amendment No. 1-17 as modified would amend IP Table 21.20-2 to reflect the maximum floor

area for the CV-LV commercial coastal zoning district, consistent with the maximum density reflected in the amended LUP.

The Commission finds that, for the reasons discussed in this report, the LUP amendment request will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act and with the suggested modifications, the IP amendment request will be consistent with the amended LUP. The LUP and IP amendments will 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 both the LUP and IP amendments comply with the California Environmental Quality Act because: 1) the amendments as proposed will not have any significant adverse effects 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 amendments will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code. Therefore, the Commission finds that approval of the LUP and IP amendments will not result in significant adverse environmental impacts under the meaning of CEQA.



Exhibit 1	
Page	of
 California Coastal Commission	

RESOLUTION NO. 2016-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL LAND USE PLAN NO. LC2016-001 FOR THE LIDO HOUSE HOTEL PROJECT LOCATED AT 3300 NEWPORT BOULEVARD AND 475 32ND STREET (PA2016-061)

WHEREAS, an application was filed by Olson Real Estate Group, Inc. on behalf of Lido House, LLC ("Applicant") with respect to 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 of Newport Beach ("Property");

WHEREAS, the Applicant requests approval of a General Plan Amendment, Coastal Land Use Plan Amendment, Zoning Code Amendment, and amendments to Site Development Review No. SD2014-001 and Conditional Use Permit No. 2014-004 that previously authorized the construction and operation of a 130-room at the Property called the "Lido House Hotel;"

WHEREAS, the Applicant requests a 4,745 square foot increase in the maximum allowable development of the site from 98,625 square feet to 103,470 gross square feet for the Lido House Hotel ("Project");

WHEREAS, the City prepared and certified a final Environmental Impact Report for the Lido House Hotel (SCH#2013111022). State CEQA Guidelines allow for the updating and use of a previously certified EIR for projects that have changed or are different from the previous project. In cases where changes or additions occur with no new significant environmental impacts, an Addendum to a previously certified EIR may be prepared pursuant to CEQA Guidelines §15164. The City prepared Addendum No. 1 to the Lido House Hotel final Environmental Impact Report for the modified project concludes that no new environmental impacts and no impacts of greater severity would result from approval and implementation of the larger hotel project.

WHEREAS, the Planning Commission held a public hearing on June 23, 2016, in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance the Newport Beach Municipal Code ("NBMC"). At the conclusion of the hearing, the Planning Commission voted unanimously (7-0) to adopt Planning Commission Resolution No. 2020 recommending adoption of Addendum No. 1 to the Certified Environmental Impact Report and approval of the requested applications;

WHEREAS, the City Council held a public hearing on July 26, 2016, in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance with the NBMC;

WHEREAS, Addendum No. 1 to the Certified Environmental Impact Report was adopted by the City Council on July 26, 2016, by Resolution No. 2016-88 and the recitals and findings made are incorporated herein by reference;

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LCP-5-NPB-16-0039-1

CALIFORNIA
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Exhibit 2

WHEREAS, amendments to the Coastal Land Use Plan are legislative acts. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments. Coastal Land Use Plan Amendment No. LC2016-001 is consistent with General Plan Amendment No. GP2016-001;

WHEREAS, the increase in floor area allows larger lobby and circulation spaces, an enclosed pre-function space, larger management offices, larger storage spaces, a larger ancillary retail space, and two slightly larger hotel rooms without increasing the number of hotel rooms. These changes constitute a 4.8 percent increase in floor area compared to the previously approved hotel plan. The area devoted to meeting rooms is decreasing and these changes are minor in nature and should enhance the hotel and the experience of guests and visitors;

WHEREAS, the increased floor area does not increase the number of hotel rooms and therefore, does not increase predicted traffic or parking demands for the project. The predicted traffic to and from the proposed hotel, with this requested amendment, remains less than what the former City Hall site generated;

WHEREAS, the increased floor area does not reduce publically visible open space or decrease the parking provided; and

WHEREAS, the increased hotel floor area is located on the first and second level and does not increase the height of the building. The proposed hotel remains consistent with applicable standards provided in the CV-LV land use category, the Commercial Visitor-Serving—Lido Village (“CV-LV”) zoning district and Coastal Land Use Policy 4.4.3-1 that limits the height of development.

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

Section 1: The recitals provided above are true and correct and are incorporated into the operative part of this resolution.

Section 2: The City Council of the City of Newport Beach hereby approves Coastal Land Use Plan Amendment No. LC2016-001, as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 3: Pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15062, the changes to the Project are not substantial, as they do not involve new significant effects or a substantial increase in the severity of previously identified significant effects, and therefore, a subsequent Environmental Impact Report (“EIR”) does not need to be prepared. The City prepared and certified a final EIR for the Project (SCH#2013111022). State CEQA Guidelines allow for the updating and use of a previously certified EIR for projects that have changed or are different from the previous project. In cases where changes or additions occur with no new significant environmental impacts, an Addendum to a previously certified EIR may be prepared pursuant to CEQA Guidelines Section 15164. The City prepared Addendum 1 to the Lido House Hotel final EIR for the modified project concludes that no new environmental impacts and no impacts of greater severity would result from approval and implementation of the larger hotel project.

Section 4: Coastal Land Use Plan Amendment No. LC2016-001 shall be implemented in a manner in conformity with the California Coastal Act.

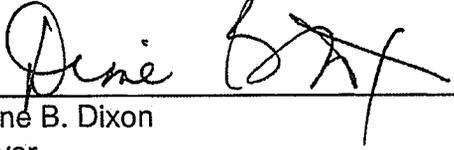
Section 5: Coastal Land Use Plan Amendment No. LC2016-001 shall take effect automatically upon Coastal Commission certification of the amendment as conforming to the California Coastal Act, unless the Coastal Commission proposes suggested modifications. In the event that the Coastal Commission approves 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.

Section 6: The City Council of the City of Newport Beach authorizes staff to correct any typographical or scrivener's errors in compiling the final documentation, without the need for further review or approval by the City Council.

Section 7: 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 8: This resolution shall be effective upon Coastal Commission certification of Coastal Land Use Plan Amendment No. LC2016-001, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 26th day of July, 2016.



Diane B. Dixon
Mayor

ATTEST:



Leilani I. Brown
City Clerk



EXHIBIT A

Coastal Land Use Plan Amendment No. LC2016-001

Amend Table 2.1.1-1 of the Coastal Land Use Plan modify the following land use category:

Table 2.1.1-1 Land Use Plan Categories		
<i>Land Use Category</i>	<i>Uses</i>	<i>Density/Intensity</i>
<p align="center">CV-LV Visitor-Serving Commercial – Lido Village</p>	<p><i>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. 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).</i></p>	<p align="center">98,725</p> <p>103,470 gross square feet not including a fire station. A fire station may not occupy more than 10% of the total project site.</p>

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

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. 2016-90 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 26th day of July, 2016, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Peotter, Council Member Duffield, Council Member Selich,
Council Member Curry, Council Member Petros, Mayor Pro Tem Muldoon,
Mayor Dixon
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 27th day of July, 2016.



Leilani I. Brown, MMC
City Clerk
Newport Beach, California

(Seal)



RESOLUTION NO. 2017-8

JAN 30 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING THE SUBMISSION OF AN AMENDMENT OF THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM FOR THE LIDO HOUSE HOTEL PROJECT LOCATED AT 3300 NEWPORT BOULEVARD AND 475 32ND STREET (PA2016-061)

CALIFORNIA
COASTAL COMMISSION

WHEREAS, an application (PA2016-061) was filed by Olson Real Estate Group, Inc. on behalf of Lido House, LLC (Applicant) with respect to 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 of Newport Beach (Property);

WHEREAS, the Applicant requested approval of General Plan Amendment No. GP2016-001, Coastal Land Use Plan Amendment No. LC2016-001, Zoning Code Amendment No. CA2016-003, and amendments to Site Development Review No. SD2014-001 and Conditional Use Permit No. 2014-004 to increase the maximum allowed development of the Lido House Hotel by 4,745 square feet from 98,625 square feet to 103,470 gross square feet (Project);

WHEREAS, the Planning Commission held a public hearing on June 23, 2016, in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance the Newport Beach Municipal Code (NBMC). At the conclusion of the hearing, the Planning Commission voted unanimously (7-0) to adopt Planning Commission Resolution No. 2020 recommending adoption of Addendum No. 1 to the Certified Environmental Impact Report prepared by the Lido House Hotel project and approval of the Project;

WHEREAS, the City Council held a public hearing to consider PA2016-061 on July 26, 2016, in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance the NBMC;

WHEREAS, the City Council subsequently approved the Project by adopting Resolution No. 2016-89, Resolution No. 2016-90, Resolution No. 2016-91, and Ordinance No. 2016-13 thereby increasing the maximum development intensity at the Property as requested in the application. These actions did not amend the draft Local Coastal Program Implementation Plan that was under consideration by the California Coastal Commission;

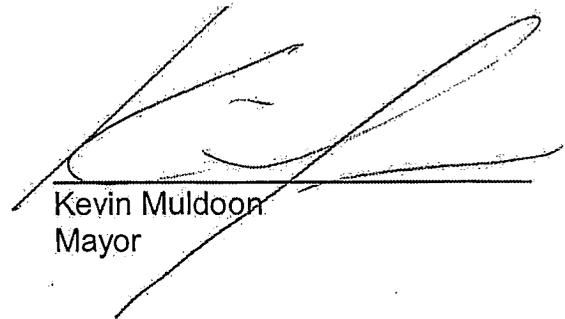
WHEREAS, on September 8, 2016, the California Coastal Commission approved the City of Newport Beach, Local Coastal Program Implementation Plan (LCP-5-NPB-15-0039-1) with suggested modifications;

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: The requirement for environmental review under the California Environmental Quality Act (CEQA) is satisfied by the City Council's previous certification of the Lido House Hotel final EIR (SCH#2013111022) (Resolution No. 2014-80) and adoption of Addendum 1 (Resolution No. 2016-88) for the 4,745 square foot increase in floor area for the hotel. The findings made by these two Resolutions are incorporated here by reference.

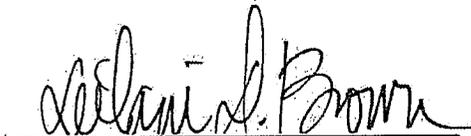
Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 24 day of January, 2017.



Kevin Muldoon
Mayor

ATTEST:



Lelani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

ORDINANCE NO. 2016-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING THE LOCAL COASTAL PROGRAM, TITLE 21 OF THE NEWPORT BEACH MUNICIPAL CODE, BY INCREASING THE MAXIMUM ALLOWABLE FLOOR AREA FOR THE LIDO HOUSE HOTEL PROJECT LOCATED AT 3300 NEWPORT BOULEVARD AND 475 32ND STREET (PA2016-061)

WHEREAS, an application was filed by Olson Real Estate Group, Inc. on behalf of Lido House, LLC (Applicant) with respect to 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 of Newport Beach (Property);

WHEREAS, the Applicant requested approval of a General Plan Amendment No. GP2016-001, Coastal Land Use Plan Amendment No. LC2016-001, Zoning Code Amendment No. CA2016-003, and amendments to Site Development Review No. SD2014-001 and Conditional Use Permit No. 2014-004 that authorized the construction and operation of a 130-room hotel called the "Lido House Hotel" at the Property;

WHEREAS, the Applicant requested a 4,745 square foot increase in the maximum allowable development of the site from 98,625 square feet to 103,470 gross square feet for the Lido House Hotel (Project);

WHEREAS, the Planning Commission held a public hearing on June 23, 2016, in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance the Newport Beach Municipal Code (NBMC). At the conclusion of the hearing, the Planning Commission voted unanimously (7-0) to adopt Planning Commission Resolution No. 2020 recommending adoption of Addendum No. 1 to the Certified Environmental Impact Report prepared by the Lido House Hotel project and approval of the Project;

WHEREAS, the City Council held a public hearing on July 26, 2016, in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance the NBMC;

WHEREAS, Addendum No. 1 to the Certified Environmental Impact Report was adopted by the City Council on July 26, 2016, by Resolution No. 2016-88 and the recitals and findings made in said resolution are incorporated herein by reference;

WHEREAS, the City Council subsequently approved the Project by adopting Resolution No. 2016-89, Resolution No. 2016-90, Resolution No. 2016-91, and Ordinance No. 2016-13 thereby increasing the maximum development intensity at the Property. These actions did not amend the draft Local Coastal Program Implementation Plan that was under consideration by the California Coastal Commission;

WHEREAS, on September 8, 2016, the California Coastal Commission approved the City of Newport Beach, Local Coastal Program Implementation Plan (LCP-5-NPB-15-0039-1) with suggested modifications;

WHEREAS, on November 22, 2016, the City Council of the City of Newport Beach, California adopted Ordinance No. 2016-19 accepting the Coastal Commission's suggested modifications to the Newport Beach Local Coastal Program Implementation Plan and adopted NBMC Title 21 (Implementation Plan); and

WHEREAS, the City desires to implement the Project in a manner consistent with Coastal Land Use Plan Amendment No. LC2016-001, and therefore amending the Implementation Plan is necessary to make it consistent with Coastal Land Use Plan Amendment No. LC2016-001.

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

Section 1: The recitals provided above are true and correct and are incorporated into the operative part of this ordinance.

Section 2: The City Council of the City of Newport Beach hereby amends the Local Coastal Program Implementation Plan, NBMC Section 21.20.030 (Commercial Coastal Zoning Districts General Development Standards), Table 21.20-2, Floor Area Ratio to read as follows:

TABLE 21.20-2

DEVELOPMENT STANDARDS FOR COMMERCIAL COASTAL ZONING DISTRICTS

Development Feature	CC	CG	CM	CN	CV	CV-LV	OG	Additional Requirements
Floor Area Ratio or Maximum Limit (2) (3) (4)	0.75	0.75	0.50	0.30	1.50	103,470 sf	1.30	

Section 3: The City Council of the City of Newport Beach authorizes staff to correct any typographical or scrivener's errors in compiling the final documentation, without the need for further review or approval by the City Council.

Section 4: Pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15062, the changes to the Project are not substantial, as they do not involve new significant effects or a substantial increase in the severity of previously identified significant effects, and therefore, a subsequent Environmental Impact Report ("EIR") does not need to be prepared. The City prepared and certified a final EIR for the Project (SCH#2013111022). State CEQA Guidelines allow for the updating and use of a previously certified EIR for projects that have changed or are different from the previous project. In cases where changes or additions occur with no new significant environmental impacts, an Addendum to a previously certified EIR may be prepared pursuant to CEQA Guidelines Section 15164. The City prepared Addendum No. 1 to the Project's final EIR for the modified project concludes that no new environmental impacts and no impacts of greater severity would result from approval and implementation of the requested additional square footage.

Section 5: If any section, subsection, sentence, clause or phrase of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance, 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: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

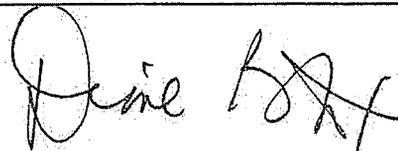
Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. This ordinance shall be published pursuant to City Charter Section 414 and shall become final and effective upon the effective date of approval by the California Coastal Commission of the Coastal Land Use Plan Amendment (LC2016-003).

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on November 22, 2016, and adopted on December 13, 2016, by the following vote, to-wit:

AYES: Council Member Duffield, Council Member Selich, Council Member Curry, Council Member Petros, Mayor Pro Tem Muldoon, Mayor Dixon

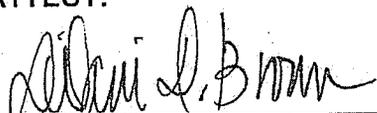
NAYS: None

ABSTAIN: Council Member Peotter



DIANE B. DIXON, MAYOR

ATTEST:



LEILANI I. BROWN, CITY CLERK



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



(for)

AARON C. HARP, CITY ATTORNEY

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss:
CITY OF NEWPORT BEACH }

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 ordinance, being Ordinance No. 2016-20 was duly introduced on the 22nd day of November, 2016 at a regular meeting, and adopted by the City Council at a regular meeting duly held on the 13th day of December, 2016, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Duffield, Council Member Selich, Council Member Curry,
Council Member Petros, Mayor Pro Tem Muldoon, Mayor Dixon
NAYS: None
ABSTAIN: Council Member Peotter

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14th day of December, 2016.



Leilani I. Brown, MMC
City Clerk
City of Newport Beach, California

(Seal)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, LEILANI I. BROWN, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2016-20 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in *The Daily Pilot*, a newspaper of general circulation on the following dates:

Introduced Ordinance: November 26, 2016
Adopted Ordinance: December 17, 2016

In witness whereof, I have hereunto subscribed my name this _____ day of _____, 2016.

Leilani I. Brown, MMC
City Clerk
City of Newport Beach, California

(Seal)