LUP Amendment 1-19 (LCP-5-NPB-19-0016-1)

City of Newport Beach –
Balboa Village Parking Management Overlay District
September 9, 2020

EXHIBITS

Table of Contents

EXHIBIT 1 - CITY OF NEWPORT BEACH RESOLUTION 2019-37

EXHIBIT 2 - BALBOA VILLAGE PARKING MANAGEMENT OVERLAY DISTRICT (PM-1) AREA MAP

EXHIBIT 3 - ZONING MAP CHANGE - ADD NEW PM-1 OVERLAY
RESOLUTION NO. 2019-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF LOCAL COASTAL PROGRAM AMENDMENT NO. LC2017-001, ADDING THE BALBOA VILLAGE PARKING MANAGEMENT PLAN OVERLAY TO THE CERTIFIED LOCAL COASTAL PROGRAM, TO THE CALIFORNIA COASTAL COMMISSION (PA2017-046)

WHEREAS, Section 30500 of the Public Resources Code requires each county and city to prepare a local coastal program ("LCP") for that portion of the coastal zone within its jurisdiction;

WHEREAS, the California Coastal Commission ("Coastal Commission") approved the City of Newport Beach ("City") LCP Implementation Plan with suggested modifications;

WHEREAS, on November 22, 2016, the City Council of the City adopted Ordinance No. 2016-19, which adopted the LCP Implementation Plan with the Coastal Commission’s suggested modifications;

WHEREAS, the California Coastal Commission certified the City’s LCP on January 13, 2017, and the City assumed coastal development permit-issuing authority on January 30, 2017;

WHEREAS, one of the suggested modifications deleted from the LCP Implementation Plan was the Balboa Village Parking Management Overlay District;

WHEREAS, LCP Amendment No. LC2017-001 is necessary to incorporate the Balboa Village Parking Management Overlay District into the City’s certified LCP to establish consistency with the City’s Zoning Code;

WHEREAS, a public hearing was held by the Planning Commission of the City of Newport Beach on February 21, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2019-006 by a vote of 4 ayes, 0 nays, 3 abstent, recommending City Council approval of LCP Amendment No. LC2017-001 to the City Council;
WHEREAS, a public hearing was held by the City Council on April 9, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the NBMC and Section 13515 of the California Code of Regulations. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing; and

WHEREAS, pursuant to Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 5, Section 13515 of the California Code of Regulations, review drafts of LCP Amendment No. LC2017-001 were made available and a notice of the availability was distributed a minimum of six weeks prior the City Council public hearing.

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

Section 1: The City Council does hereby authorize City staff to submit LCP Amendment No. LC2017-001 to the California Coastal Commission for review and approval, as attached in Exhibit A, and incorporated herein by reference.

Section 2: LCP Amendment No. LC2017-001 shall not become effective until approval by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council of the City of Newport Beach.

Section 3: The certified LCP, including the proposed amendment, will be carried out fully in conformity with the California Coastal Act.

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

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.
Section 6: Pursuant to the authority and criteria contained in the California Environmental Quality Act ("CEQA"), LCP Amendment No. LC2017-001 is statutorily exempt from CEQA pursuant to Section 15265(a)(1) of the California Code of Regulations, Title 14, Division 6, Chapter 3 of the Coastal Act. Section 15265(a)(1) exempts local governments from the requirements of preparing an environmental impact report or otherwise complying with CEQA in connection with the adoption of a Local Coastal Program.

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 9th day of April, 2019.

Diane B. Dixon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY’S OFFICE

Aaron C. Harp
City Attorney

Attachment: Exhibit A - LCP Amendment No. LC2017-001
1. Repeal and replace NBMC Section 21.28.030(A) to read as follows:

   A. Parking Management District Plan Required. Each Parking Management (PM) Overlay District shall have a parking management district plan reviewed by the Commission and approved by the Council.

2. Amend NBMC Section 21.28.030 to add Section 21.28.030(E) to read as follows, with all other provisions of Section 21.28.030 remaining unchanged:

   E. Parking Management Overlay Districts Established. The parking management district identified in this section and depicted in the referenced maps exhibits adopted in Part 8 of Title 21 of the Municipal Code are established.

   1. **Balboa Village (PM-1).** Balboa Village Parking Management Overlay District applies to all property located within Balboa Village between the Pacific Ocean, A Street, Newport Bay, and Adams Street, as depicted in the map of PM-1 - Balboa Village Parking Management Overlay District referenced in Section 21.80.035, or any successor section.

      a. **Purpose.** The purposes of the Balboa Village Parking Management Overlay District are as follows:

         i. To protect and enhance the pedestrian-oriented, traditional storefront character of Balboa Village by reducing requirements for new off-street parking facilities and the need for driveway curb cuts, traffic control devices and other parking-related improvements that are disruptive to this environment.

         ii. To establish parking programs to adequately serve the parking needs for Balboa Village and visitors to Balboa Pier and adjacent beaches and parks.

         iii. To modify the requirements of Chapter 21.40 (Off-Street Parking), or any successor chapter, to reflect that Balboa Village has a large supply of parking that is underutilized, except during the busiest summer weekends.
b. **Coastal Development Permit Required.** The parking management district plan required by Section 21.28.030(A), or any successor section, shall not become effective until the approval of a coastal development permit by the City Council. The coastal development permit shall implement the required parking management district plan components contained in Section 21.28.030(E)(1)(c), or any successor section. Any change to the parking management district plan shall only be approved in compliance with Section 21.54.070 (Changes to an Approved Coastal Development Permit), or any successor section.

c. **Parking Management District Plan.** The Balboa Village Parking Management District Plan ("BVPMDP") shall include the following components:

i. **Existing Parking Facilities.** The BVPMDP shall provide sufficient public parking spaces to meet the parking demand generated by visitors to the commercial district, Balboa Pier and adjacent beaches and parks. The BVPMDP shall include the six (6) public parking lots within or near the District: 1) A Street lot, 2) B Street lot, 3) Washington Street lot, 4) Palm Street lot, 5) Balboa Metered lot, and 6) Balboa Pier lot. In addition, the BVPMDP shall include a small number of on-street parking spaces along Balboa Boulevard, Palm Street, and Bay Avenue. The BVPMDP shall maintain the bulk of spaces in these public parking facilities; however, should the need arise, the City may modify, add, or remove parking spaces to ensure safe and efficient operations and to meet parking demand.

ii. **Planned Parking Facilities.** Due to the high cost of land acquisition and construction and the underutilization of existing parking, additional off-street parking facilities are not necessary to meet the demand of existing uses. Parking demand shall be monitored and evaluated by the City to determine whether additional District parking is necessary, economical, appropriate, and desirable. The City may acquire or lease parking facilities to make them available to the public.
iii. Required Off-Street Parking.

(A) **Non-residential Uses.** No off-street parking shall be required for any new non-residential use or intensification of an existing non-residential use, except for the following uses, as defined by Chapter 21.70 (Definitions), or any successor chapter: Assembly/Meeting Facilities, Commercial Recreation and Entertainment, Cultural Institutions, all Marine Services Uses, Schools, and Visitor Accommodations. Uses that require off-street parking shall provide said spaces in accordance with Chapters 21.40 (Off-Street Parking) and 21.38 (Nonconforming Uses and Structures), or any successor chapters.

(B) **Residential Uses.** Residential uses shall provide parking in accordance with Chapters 21.40 (Off-Street Parking) and 21.38 (Nonconforming Uses and Structures), or any successor chapters.

(C) **Preservation of Existing Off-street Parking.** Existing off-street parking spaces on a development site shall be preserved unless the elimination of spaces is authorized by the approval of a coastal development permit application.

(D) **Shared Parking for Non-residential Uses.** Notwithstanding the requirement of Title 21 of this Code that off-street parking be reserved for the use it serves, the shared use of parking is allowed and encouraged. Shared parking shall be subject to the following requirements:

1. **Required Off-street Parking.** When required, parking for non-residential uses may be satisfied by leasing nearby parking spaces at off-site locations within 1,250 feet of the parcel it serves. Development on multiple parcels with reciprocal access agreements is considered one site for parking purposes. If the spaces are required or otherwise leased to other uses, the
hours of operation shall not significantly overlap. The distance between the parking facility and the use it serves shall be measured along public walkways from the closest portion of the parking facility to the main entrance of the use. The leasing of off-site parking to satisfy required parking shall be maintained in perpetuity when the use requires it and may only be discontinued if the use is discontinued.

(2) **Excess Parking.** Parking that is not necessary to satisfy off-street parking requirements may be leased to other uses or made available to the general public.

(3) **Parking within Mixed-use Buildings.** Parking for different uses within a new, mixed-use building may be shared subject to the review and approval of a coastal development permit application.

(4) **Parking Reduction.** The reduction of required parking associated with a shared parking arrangement shall be subject to the review and approval of the Director when in compliance with the following conditions:

(a) Shared parking spaces are within 1,250 feet as described in Section 21.28.030(E)(1)(c)(iii)(D)(1), or any successor section.

(b) There is no significant overlap in the hours of operation or peak parking demand of the uses sharing the parking.

(c) The use of the shared parking facility will not create traffic hazards or impacts to surrounding uses.
(d) The property owners involved in the shared parking facilities provide a binding agreement or other legal instrument assuring the joint use of the parking facilities subject to the satisfaction of the Director.

(e) The Director may require the preparation and implementation of a parking management program for the development site to address potential parking conflicts.

(5) Section 21.40.110(A)(2) (Joint Use of Parking Facilities), or any successor section, does not apply to the Balboa Village Parking Management Overlay District.

(E) **Private Parking Facilities Available to the General Public.** Non-residential, off-street parking facilities are encouraged to be made available to the general public, even if the parking facility is required for existing developments. Subject to City Council review and approval, the City may enter into an agreement with the property owner for the use and/or management of the parking facility. Allowing general public access to private off-street parking facilities shall not affect the property’s conformance with its required off-street parking. The agreement should, at a minimum, address the hours of availability for use by the general public, signage, maintenance, duration of agreement, and liability.

iv. **Suspension of In-lieu Parking.** Uses within the Balboa Village Parking Management Overlay District shall not be eligible for in-lieu parking pursuant to Section 21.40.130 (In-Lieu Parking Fee), or any successor section. The requirement that existing uses within the Balboa Village Parking Management Overlay District participate in the in-lieu parking permit program shall be discontinued as of the effective date of the BVPMDP.
v. **Voluntary Employee Parking.** The BVPMDP shall include a voluntary Balboa Village Employee Permit Program that will include reduced fees and designated parking locations for employee parking during specified hours.

vi. **User Groups.** The BVPMDP shall provide sufficient parking to meet the needs for Balboa Village and visitors to Balboa Pier and adjacent beaches and parks, while taking into consideration time of use and seasonal demand variations. Parking shall be convenient and easily accessible for all user groups.

vii. **Parking Restrictions.** Restrictions on time of use and duration of parking shall be implemented to optimize use of existing parking spaces. Such restrictions may include variable pricing as a means to meet target occupancy levels, generate an appropriate level of turnover and encourage the use of alternative transportation.

viii. **Wayfinding Program.** The BVPMDP shall include a wayfinding program to direct visitors to parking facilities, pedestrian and bicycle access routes and important destinations. The wayfinding program may include the display of real-time availability data information by signage or by mobile phone applications.

xi. **Alternative Transportation.** The BVPMDP shall accommodate and encourage the use of alternative transportation, including, but not limited to, the following:

(A) Non-motorized use of the Balboa Island Ferry;

(B) The Newport-Balboa Bike Trail;

(C) Bus parking in the Balboa Pier Main Lot;

(D) Public bicycle racks at street ends and other locations determined by the Public Works Director; and

(E) The accommodation of trolley/shuttle and ride-sharing services.
3. Amend NBMC Section 21.70.020(B) to add a definition for “Balboa Island Ferry” to read as follows, with all other provisions of 21.70.020(B) remaining unchanged:

“Balboa Island Ferry” means the ferry service connecting Balboa Island with the Balboa Peninsula.

4. Amend NBMC Section 21.70.020(B) to add a definition for “Balboa Pier Main Lot” to read as follows, with all other provisions of 21.70.020(B) remaining unchanged:

“Balboa Pier Main Lot” means the public park lot adjacent to the Balboa Pier, located between Adams Street and A Street.

5. Amend NBMC Section 21.70.020(N) to add a definition for “Newport-Balboa Bike Trail” to read as follows, with all other provisions of 21.70.020(N) remaining unchanged:

“Newport-Balboa Bike Trail” means the system of bike lanes and paths from the Santa Ana River to West Jetty Park and generally depicted on the Bikeways and Trails Map of the Coastal Land Use Plan.

6. Amend NBMC Chapter 21.80 to add Section 21.80.035 to read as follows and include the “PM-1 Balboa Village Parking Management Plan Overlay District” map as shown as Exhibit 1.2, with all other provisions of Chapter 21.80 remaining unchanged:

**21.80.035 - Parking Management Overlay District Maps.**

PM-1 - Balboa Village Parking Management Overlay District

7. Amend the Coastal Zoning Map found in NBMC Section 21.14.010 to include the "PM-1" overlay district symbol to Balboa Village area as shown as Exhibit 1.1, with all other provisions of the Coastal Zoning Map remaining unchanged.
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, the foregoing resolution, being Resolution No. 2019-37 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 9th day of April, 2019; and the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Brad Avery, Council Member Joy Brenner, Council Member Duffy Duffield, Council Member Jeff Herdman, Council Member Kevin Muldoon, Mayor Pro Tem Will O’Neill, Mayor Diane Dixon

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 10th day of April, 2019.

Leilani I. Brown
City Clerk
Newport Beach, California