

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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Long Beach, CA 90802
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W14a

LCP AMENDMENT NO. LCP-5-NPB-20-0060-2

Part A (Revision to Setback Map No. S-1A) and Part B (IP Clean-Up)

City of Newport Beach

October 13, 2021

EXHIBITS

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ORDINANCE NO. 2020-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-007 TO AMEND SETBACK MAP S-1A – WEST NEWPORT AS SET FORTH IN SECTION 21.80.040 (SETBACK MAPS) OF TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE APPLICABLE TO THE PROPERTY LOCATED AT 6501/6503 SEASHORE DRIVE (PA2019-216)

WHEREAS, Section 200 of the City of Newport Beach (“City”) Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, Section 30500 of the California 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, in 2005, the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan (“Local Coastal Program”) as amended from time to time including most recently on February 12, 2019 via Resolution No. 2019-16;

WHEREAS, the California Coastal Commission effectively certified the City’s Local Coastal Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) (“Title 21”) to the City of Newport Beach Municipal Code (“NBMC”) whereby the City assumed coastal development permit-issuing authority on January 30, 2017;

WHEREAS, Pamela Dow, Trustee for the Feldman Family Administrative Trust (“Applicant”) filed an application to amend Setback Map S-1A – West Newport set forth in Section 21.80.040 (Setback Maps) of the NBMC (“LCP Amendment No. LC2019-007”) applicable to the property located at 6501/6503 Seashore Drive, Newport Beach, CA 92663 and legally described as Lot 8, Block E of Tract No. 709, in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 7, Page 25 of Miscellaneous Maps, in the Office of the County Recorder of Orange County, APN 045-092-03 (“Property”);

WHEREAS, the Property is designated RT-E (Two Unit Residential) by the City of Newport Beach Local Coastal Program Coastal Land Use Plan and is located within the R-2 (Two-Unit Residential) coastal zoning district;

WHEREAS, LCP Amendment No. LC2019-007 is consistent with the General Plan including Policy No. LU 3.1 to maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts in that it will provide uniformity in the setbacks of other properties in the area;

WHEREAS, LCP Amendment No. LC2019-007 is consistent with other provisions of Title 21 (Local Coastal Program Implementation Plan) of the NBMC, as it will not alter any other development standard or regulation;

WHEREAS, a public hearing was held by the Planning Commission on February 20, 2020, 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 California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2020-003 by a majority vote (6 ayes, 0 no) recommending the City Council approve LCP Amendment No. LC2019-007;

WHEREAS, a public hearing was held by the City Council on April 14, 2020, 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 Ralph M. Brown Act and Chapters 20.62 and 21.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing; and

WHEREAS, pursuant to Section 13515 of the California Code of Regulations Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 5 ("Public Participation"), drafts of LCP Amendment No. LC2019-007 were made available and a Notice of Availability was distributed at least six (6) weeks prior to the City Council public hearing.

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

Section 1: The City Council of the City of Newport Beach hereby approves Local Coast Program Amendment No. LC2019-007, amending Setback Map No. S-1A – West Newport in Section 21.80.040 (Setback Maps) of the NBMC for the residential property located at 6501/6503 Seashore Drive, as set forth in Exhibit “A,” which is attached hereto and incorporated herein by reference.

Section 2: Staff is authorized to submit Local Coast Program Amendment No. LC2019-007, amending Setback Map No. S-1A – West Newport in Section 21.80.040 (Setback Maps) of the NBMC for the residential property located at 6501/6503 Seashore Drive to the California Coastal Commission.

Section 3: LCP Amendment No. LC2019-007 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. Upon its effective date, LCP Amendment No. LC2019-007 shall be carried out in full conformance with the California Coastal Act of 1976 as set forth in the California Public Resources Code Section 30000 *et seq.*

Section 4: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

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: The City Council finds the introduction and adoption of LCP Amendment No. LC2019-007 is exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment. The Class 5 exemption applies to minor changes in land use limitations, such as setbacks, provided the property has an average slope that does not exceed 20 percent and the change does not result in a change to the permitted land use or density. LCP Amendment No. LC2019-007 amends the setbacks on the relatively flat site; but does not change the residential use. The maximum number of dwelling units on the Property will not increase beyond the existing two units. Application of all development standards including, but not limited to, height and parking, remain the same with or without LCP Amendment No. LC2019-007, thus the allowable intensity of development is not altered.

Section 7: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the NBMC shall remain unchanged and shall be in full force and effect.

Section 8: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414 and the same shall become final and effective upon the effective date of approval by the California Coastal Commission of Local Coastal Program Amendment No. LC2019-007 and adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 14th day of April, 2020, and adopted on the 28th day of April, 2020, by the following vote, to-wit:

AYES: Mayor O'Neill, Mayor Pro Tem Avery, Council Member Brenner, Council Member Dixon, Council Member Duffield, Council Member Herdman, Council Member Muldoon

NAYS: _____

ABSENT: _____



WILL O'NEILL, MAYOR

ATTEST:



LEILANI I. BROWN, CITY CLERK



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

Attachment(s): Exhibit A: Setback Map No. S-1A – West Newport

EXHIBIT "A"
LCP Amendment No. CA2019-007



S-1A - West Newport

Setback Map

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 ordinance, being Ordinance No. 2020-12 was duly introduced on the 14th day of April, 2020, at a regular meeting, and adopted by the City Council at a regular meeting duly held on the 28th day of April, 2020, and that the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Will O'Neill, Mayor Pro Tem Brad Avery, Council Member Joy Brenner, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Jeff Herdman, Council Member Kevin Muldoon
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 29th day of April, 2020.



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

CERTIFICATE OF PUBLICATION

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 Ordinance No. 2020-12 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: April 18, 2020
Adopted Ordinance: May 2, 2020

In witness whereof, I have hereunto subscribed my name this 11th day of May, 2020.



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

RESOLUTION NO. 2020-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING SUBMITTAL OF LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-001 TO THE CALIFORNIA COASTAL COMMISSION TO AMEND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE CITY OF NEWPORT BEACH MUNICIPAL CODE CORRECTING AND CLARIFYING PROVISIONS RELATED TO MINIMUM LOT SIZE AND DIMENSIONS, OVERLAYS AND PUBLIC HEARING NOTICE REQUIREMENTS (PA2019-055)

WHEREAS, Section 200 of the City of Newport Beach Charter (“Charter”) vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

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

WHEREAS, in 2005, the City of Newport Beach (“City”) adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan as amended from time to time including most recently on February 12, 2019, via Resolution No. 2019-16;

WHEREAS, the California Coastal Commission effectively certified the City’s Local Coastal Program Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) to the City of Newport Beach Municipal Code (“NBMC”) whereby the City assumed coastal development permit-issuing authority on January 30, 2017;

WHEREAS, an amendment to Title 21 (Local Coastal Program Implementation Plan) (“LCP Amendment”) is necessary to provide clarification and corrections, and to resolve inconsistencies between Title 21 and Title 20 (Planning and Zoning) of the NBMC;

WHEREAS, on April 23, 2019, the City Council adopted Resolution No. 2019-41 initiating the LCP Amendment;

WHEREAS, both Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) include minimum lot size standards for newly created residential lots for new residential subdivisions, however, many of the lots of the older communities in the City (e.g., Balboa Peninsula, Corona del Mar, Balboa Island, etc.) were developed in the early and mid-1900's prior to the City adopting Title 19 (Subdivisions);

WHEREAS, many of the lots do not meet current minimum lot sizes and dimensions and over time, some lots have been combined or reconfigured from their original subdivision pattern;

WHEREAS, Title 20 (Planning and Zoning) currently includes an exception that allows residential lots to be subdivided with smaller sizes and dimensions than required by that zone, provided the lot size and dimensions are not less than the original underlying lots on the same block face and in the same zoning district, however, this provision was inadvertently left out of Title 21 (Local Coastal Program Implementation Plan);

WHEREAS, Section 21.28.10 (Purposes of Overlay Coastal Zoning Districts) of the NBMC inadvertently states that the more restrictive standard of the underlying coastal zoning district or applicable overlay apply, however, overlays may apply which allow a different standard that might be less restrictive than the underlying zone;

WHEREAS, for instance, the Height Overlay District allows a greater building height that is less restrictive if certain conditions are met;

WHEREAS, additionally, the Parking Management Overlay authorizes the establishment of a Parking Management District that allows reduced parking requirements than that of the base zoning standards;

WHEREAS, the amendment to Title 21 (Local Coastal Program Implementation Plan) will clarify that in cases where standards conflict between base zone and an overlay district, the standards of the overlay district will control;

WHEREAS, Section 21.62.020 (Notice of Public Hearing) of the NBMC provides noticing requirements for project applications requiring a public hearing including: publication in a newspaper of general circulation, mailing to affected property owner, local agencies, nearby property owners and residents, persons requesting notice, and the California Coastal Commission, and posting of notice on or near the subject property;

WHEREAS, in lieu of mailed notice, Subsection 21.62.020(B)(4) (Method of Notice Distribution) of the NBMC authorizes the Community Development Director to choose an alternative notice procedure, as specified by State law;

WHEREAS, to eliminate ambiguity and provide clarification of the alternative afforded by State law, the LCP Amendment will clearly specify that the alternative is to publish a one-eighth page display advertisement in a newspaper of general circulation within the City;

WHEREAS, in addition, the Code Amendment will specify that the Community Development Director may choose to provide additional notice of a hearing in any other manner deemed necessary;

WHEREAS, a telephonic public hearing was held by the Planning Commission on June 18, 2020, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California, due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the public hearing was given in accordance with the California Government Code Section 54950 *et seq.* the ("Ralph M. Brown Act") and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2020-025 (6 ayes, 0 no) recommending to the City Council adoption of LCP Amendment No. LC2019-001;

WHEREAS, a telephonic public hearing was held by the City Council on July 28, 2020, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the public hearing was given in accordance with the California Government Code Section 54950 *et seq.* the ("Ralph M. Brown Act") and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing; and

WHEREAS, pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 5, drafts of LCP Amendment No. LC2019-001 were made available and a notice of availability was distributed at least six weeks prior to 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. LC2019-001 to the California Coast Commission for review and approval, as set forth in Exhibit "A", which is attached hereto and incorporated herein by reference.

Section 2: The Local Coastal Program including the proposed LCP Amendment No. LC2019-001, will be carried out in full conformance with the California Coastal Act of 1976 as set forth in the California Public Resources Code Section 30000 *et seq.*

Section 3: LCP Amendment No. LC2019-001 shall not become effective until approved and adopted by the California Coastal Commission, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council.

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: The City Council finds the adoption of this resolution is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of the California Public Resources Code and Sections 15060(c)(2), 15060(c)(3), and 15378 of the California Code of Regulations Title 14, Division 6, Chapter 3 ("CEQA Guidelines"). The LCP Amendment is also exempt pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The LCP Amendment itself does not authorize development that would directly result in physical change to the environment.

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 28th day of July 2020.



WILL O'NEILL
Mayor

ATTEST:


Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE


Aaron C. Harp
City Attorney

Attachment: Exhibit A - Proposed Amendment to the City of Newport Beach Local Coastal Program Related to Provisions Related to Minimum Lot Size and Dimensions, Overlays and Public Hearing Notice Requirements (LC2019-001)

EXHIBIT A

**Proposed Local Coastal Program
 Amendment No. LC2019-001 to Clarify Provisions related to Minimum Lot Size
 and Dimensions, Overlays and Public Hearing Notice Requirements (LC2019-001)**

Section 1: Add Note 6 and amend the Lot Area row of Table 21.18-2 of Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards) of Chapter 21.18 (Residential Coastal Zoning Districts (R-A, R-1, R-BI, R-2, and RM)) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to read as follows:

Development Feature	R-A	R-1	R-1-6,000	Additional Requirements
Lot Area (1) (6):				
Corner lot	87,120 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Interior lot	87,120 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	

(6) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same coastal zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).

Section 2: Add Note 6 and amend the Lot Area row of Table 21.18-3 of Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards) of Chapter 21.18 (Residential Coastal Zoning Districts (R-A, R-1, R-BI, R-2, and RM)) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to read as follows:

Development Feature	R-BI	R-2	R-2-6,000	Additional Requirements
Lot Area (1)(2)(3)(6):				
Corner lot	2,375 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Interior lot	2,375 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	

(6) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same coastal zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).

Section 3: Add Note 8 and amend the Lot Area row of Table 21.18-4 of Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards) of Chapter 21.18 (Residential Coastal Zoning Districts (R-A, R-1, R-BI, R-2, and RM)) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to read as follows:

Development Feature	RM	RM-6,000	Additional Requirements
Lot Dimensions	Minimum dimensions required for each newly created lot.		
Lot Area (1)(2)(8):			
Corner lot	6,000 sq. ft.	6,000 sq. ft.	
Interior lot	5,000 sq. ft.	6,000 sq. ft.	

(8) Lots may be subdivided so that the resulting lot area and dimensions for each new lot are less than that identified in this table in compliance with the provisions of Title 19 (Subdivisions). The minimum lot size shall not be less than the original underlying lots on the same block face and in the same coastal zoning district. Lot width and length may vary according to the width and depth of the original underlying lots. New subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow are not permitted unless authorized by an amendment of the General Plan (GPA).

Section 4: Amend the introductory paragraph of Section 21.28.010 (Purposes of Overlay Coastal Zoning Districts) of Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C and H)) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to read as follows. In all other respects, Section 21.28.010 shall remain unchanged:

21.28.010 Purposes of Overlay Coastal Zoning Districts.

The purposes of the individual overlay coastal zoning districts and the manner in which they are applied are outlined below. An overlay district may be initiated as a Coastal Zoning Map amendment in compliance with Chapter 21.14 (Coastal Maps). All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying coastal zoning district in addition to the standards provided in this chapter, if any. In situations where an inconsistency occurs between the development

standards of the underlying coastal zoning district and the standards in this chapter, the standards of the overlay district shall prevail.

Section 5: Amend Subsection 21.62.020(B)(2)(c) (Nearby Property Owners) of Chapter 21.62 (Public Hearing) Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to read as follows:

c. Nearby Property Owners. All owners of property located within a three hundred (300) foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject lot, as shown on the last equalized assessment roll or, alternatively, from other records that contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of all owners required by this section. If the number of property owners to whom notice would be mailed in compliance with this section is more than one thousand (1,000), in lieu of mailed notice, the Director may choose to publish a one-eighth page display advertisement in a newspaper of general circulation within the City. However, a mailed notice shall still be provided to those persons who have requested notice, including all persons known to the applicant to be a party interested in the application, including those persons who testified at or submitted written comments for the local hearing(s);

Section 6: Subsection 21.62.020(B)(4) (Alternative to Mailing) is repealed and replaced with a new Subsection 21.62.020(B)(4) (Additional Notice) of Chapter 21.62 (Public Hearings) Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code as follows:

4. Additional Notice. The Director may provide additional notice of the hearing in any other manner deemed necessary.

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; the foregoing resolution, being Resolution No. 2020-72, was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 28th day of July, 2020; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Will O'Neill, Mayor Pro Tem Brad Avery, Council Member Joy Brenner, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Jeff Herdman, Council Member Kevin Muldoon
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 29th day of July, 2020.



Leilani I. Brown
City Clerk
Newport Beach, California



**LIST OF NEWPORT BEACH LUP POLICIES RELEVANT TO PROPOSED
LCP AMENDMENT NO. LCP-5-NPB-0060-2, PART B (IP CLEAN-UP)**

Coastal Bluff Setbacks

4.4.3-1. Require new planned communities to dedicate or preserve as open space the coastal bluff face and an area inland from the edge of the coastal bluff adequate to provide safe public access and to avoid or minimize visual impacts.

4.4.3-2. Maintain approved bluff edge setbacks for the coastal bluffs within the planned communities of Castaways, Eastbluff, Park Newport, Newporter North (Harbor Cove), and Bayview Landing to ensure the preservation of scenic resources and geologic stability.

4.4.3-3. Require all new bluff top development located on a bluff subject to marine erosion to be sited in accordance with the predominant line of existing development in the subject area, but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.

4.4.3-4. On bluffs subject to marine erosion, require new accessory structures such as decks, patios and walkways that do not require structural foundations to be sited in accordance with the predominant line of existing development in the subject area, but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.

4.4.3-5. Require all new bluff top development located on a bluff not subject to marine erosion to be set back from the bluff edge in accordance with the predominant line of existing development in the subject area. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.

4.4.3-6. On bluffs not subject to marine erosion, require new accessory structures such as decks, patios and walkways that do not require structural foundations, to be set back from the bluff edge in accordance with the predominant line of existing accessory development. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.

4.4.3-7. Require all new development located on a bluff top to be setback from the bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (75 years). Such setbacks must take into consideration expected long-term bluff retreat over the next 75 years, as well as slope stability. To assure stability, the development must maintain a minimum factor of safety of 1.5 against landsliding for the economic life of the structure.

4.4.3-8. Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public

improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

4.4.3-9. Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principle structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.

4.4.3-10. The coastal bluffs along Bayside Drive that have been cut and filled by the Irvine Terrace and Promontory Point developments are no longer subject to marine erosion. New development on these bluffs is subject to the setback restrictions established for bluff top development located on a bluff not subject to marine erosion.

4.4.3-11. Require applications for new development to include slope stability analyses and erosion rate estimates provided by a licensed Certified Engineering Geologist or Geotechnical Engineer.

2.8.7-3. Require applications for new development, where applicable [i.e., in areas of known or potential geologic or seismic hazards], to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Require such reports to be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and subject to review and approval by the City.

2.8.7-4. Continue to regularly update building and fire codes to reflect the best available standards for seismic safety design.

4.4.3-12. Employ site design and construction techniques to minimize alteration of coastal bluffs to the maximum extent feasible, such as:

- A. Siting new development on the flattest area of the site, except when an alternative location is more protective of coastal resources.
- B. Utilizing existing driveways and building pads to the maximum extent feasible.
- C. Clustering building sites.
- D. Shared use of driveways.
- E. Designing buildings to conform to the natural contours of the site, and arranging driveways and patio areas to be compatible with the slopes and building design.
- F. Utilizing special foundations, such as stepped, split level, or cantilever designs.
- G. Detaching parts of the development, such as a garage from a dwelling unit.

H. Requiring any altered slopes to blend into the natural contours of the site.

4.4.3-13. Require new development adjacent to the edge of coastal bluffs to incorporate drainage improvements, irrigation systems, and/or native or drought-tolerant vegetation into the design to minimize coastal bluff recession.

4.4.3-14. Require swimming pools located on bluff properties to incorporate leak prevention and detection measures.

4.4.3-15. Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.

4.4.3-16. Design land divisions, including lot line adjustments, to minimize impacts to coastal bluffs.

4.4.3-17. Identify and remove all unauthorized structures, including protective devices, fences, and stairways, which encroach into coastal bluffs.

Hazards and Protective Devices

2.8.1-1. Review all applications for new development to determine potential threats from coastal and other hazards.

2.8.1-2. Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.

2.8.1-3 Design land divisions, including lot line adjustments, to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.

2.8.1-4 Require new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

2.8.6-6. Design and site protective devices to minimize impacts to coastal resources, minimize alteration of natural shoreline processes, provide for coastal access, minimize visual impacts, and eliminate or mitigate adverse impacts on local shoreline sand supply.

2.8.6-8. Limit the use of protective devices to the minimum required to protect existing development and prohibit their use to enlarge or expand areas for new development or for new development. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc.

Parking

2.9.3-1. Site and design new development to avoid use of parking configurations or parking management programs that are difficult to maintain and enforce.

2.9.3-2. Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.

2.9.3-3. Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off-street parking regulations of the Zoning Code in effect as of October 13, 2005.

2.9.3-4. Periodically review and update off-street parking requirements to ensure that new development provides off-street parking sufficient to serve approved uses.

2.9.3-5. Continue to require off-street parking in new development to have adequate dimensions, clearances, and access to insure their use.

2.9.3-6. Prohibit new development that would result in restrictions on public parking that would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, and physical barriers), except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety.

2.9.3-7. If public parking restrictions are allowed to protect public safety, require new development to provide an equivalent quantity of public parking nearby as mitigation for impacts to coastal access and recreation, where feasible.

2.9.3-8. Continue to require properties with nonconforming parking to provide code-required off-street parking when new uses, alterations or additions result in increased parking demand.

2.9.3-9. Approve no application for a modification or waiver of off-street parking requirements that are found to impact public parking available for coastal access.

2.9.3-10. Require new development to minimize curb cuts to protect on-street parking spaces. Close curb cuts to create new public parking wherever feasible.

2.9.3-11. Continue to require alley access to parking areas for all new development in areas where alley access exists.

2.9.3-12. Provide incentives to encourage lot consolidation where lots are of insufficient size to accommodate on-site parking and sufficient commercial intensity of development.

2.9.3-13. Encourage commercial and institutional development located near beaches and other coastal resources to provide parking for public access during weekends and holidays.

2.9.3-15. Set in-lieu parking fees commensurate with actual market value for the provision of off-street parking.

2.9.3-16. Continue to rigorously enforce parking ordinances.

Parking Management Programs

2.9.3-14. Develop parking management programs for coastal zone areas that achieve the following:

- Provides adequate, convenient parking for residents, guests, business patrons, and visitors of the coastal zone;
- Optimizes use of existing parking spaces;
- Provides for existing and future land uses;
- Reduces traffic congestion;
- Limits adverse parking impacts on user groups;
- Provides improved parking information and signage;
- Generates reasonable revenues to cover City costs;
- Accommodates public transit and alternative modes of transportation.

3.2.2-4. Develop parking management programs for coastal zone areas to minimize parking use conflicts between commercial uses, residential uses, and coastal zone visitors during peak summer months.

Height Limitations

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

4.4.2-2. Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.

4.4.2-3. Implement the regulation of the building envelope to preserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code in effect as of October 13, 2005 that limit the building profile and maximize public view opportunities.

4.4.2-4. Prohibit projections associated with new development to exceed the top of curb on the bluff side of Ocean Boulevard. Exceptions for minor projections may be granted for chimneys and vents provided the height of such projections is limited to the minimum height necessary to comply with the Uniform Building Code.