

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071



W14a

September 23, 2021

To: COMMISSIONERS AND INTERESTED PERSONS

**From: KARL SCHWING, DEPUTY DIRECTOR, SOUTH COAST DISTRICT
AMBER DOBSON, DISTRICT MANAGER, SOUTH COAST DISTRICT
LILIANA ROMAN, COASTAL PLANNER, SOUTH COAST DISTRICT**

**Subject: STAFF RECOMMENDATION ON CITY OF NEWPORT BEACH MAJOR
AMENDMENT NO. LCP-5-NPB-20-0060-2 Part A (Setback Modifications)
and Part B (IP Clean-Up) for Commission Meeting of October 13, 2021**

SUMMARY OF LCP AMENDMENT REQUEST

The Coastal Commission certified the City of Newport Beach Local Coastal Program (LCP) on January 13, 2017. The City of Newport Beach is requesting that the Commission certify an amendment to the Implementing Plan (IP) portion of the LCP. Amendment Request No. LCP-5-NPB-20-0060-2 Part A and Part B constitutes a major amendment. Part A would revise IP Setback Map No. S-1A to adjust the required setbacks for property located at 6501-6503 Seashore Drive on Balboa Peninsula to match the setback requirements of other properties in the area (i.e., zero front setback, 4-foot side setbacks, and 5-foot rear alley setback). Part B includes multiple changes to different sections of the IP that would correct and/or clarify provisions related to minimum lot size and dimensions, Overlay Zones, and to public hearing notice requirements. This staff report addresses the full LCP amendment submittal.

The Newport Beach Planning Commission held a public hearing on February 20, 2020 and recommended approval of the proposed amendment Part A to the City Council. The Newport Beach City Council approved Ordinance No. 2020-12 (**Exhibit 1**) authorizing City staff to submit the LCP amendment to the Coastal Commission on April 14, 2020 at a public hearing with a second reading on April 28, 2020. The Newport Beach Planning Commission held a public hearing on June 18, 2020 and recommended approval of the proposed amendment Part B to the City Council. The Newport Beach City Council adopted Resolution No. 2020-72 (**Exhibit 2**) authorizing City staff to submit the LCP amendment to the Coastal Commission at a public hearing on July 28, 2020. The City's submittal is consistent with the procedural requirements of the Coastal Act and the regulations which govern such submittals (Sections 30510, 30513, and 30514 of the Coastal Act, and

Sections 13551, 13552 and 13553 of Title 14 of the California Code of Regulations). This report addresses the complete LCP amendment submittal consisting of Part A and Part B.

STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, **certify the LCP Amendment request as submitted**. The City's IP Ordinances conform with, and are adequate to carry out, the provisions of the certified LUP. The City is in agreement with the staff recommendation. The resolution and motion are on **Page 5**. The findings for approval of the LCP amendment begin on **Page 6**.

ADDITIONAL INFORMATION

PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING. As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

Further information on the City of Newport Beach LCP Amendment LCP-5-NPB-20-0060-2 Part A and Part B may be obtained from Liliana Roman, Coastal Program Analyst, at (562) 590-5071. If you wish to comment on the proposed amendment, please do so via regular mail (directed to the South Coast District Office) or email (by emailing southcoast@coastal.ca.gov) by 5pm on Friday, October 8, 2021.

TABLE OF CONTENTS

SUMMARY OF LCP AMENDMENT REQUEST	1
STAFF RECOMMENDATION	2
I. PROCEDURAL ISSUES.....	4
A. STANDARD OF REVIEW	4
B. PUBLIC PARTICIPATION.....	4
C. PROCEDURAL REQUIREMENTS	4
D. DEADLINE FOR COMMISSION ACTION	5
II. MOTION AND RESOLUTIONS	5
III. FINDINGS FOR CERTIFICATION OF THE LCPA AS SUBMITTED	6
A. LCP AMENDMENT PART A	6
B. LCP AMENDMENT PART B.....	7
C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	14

EXHIBITS

Exhibit 1 – Newport Beach City Council Ordinance No. 2020-12 (Part A)

Exhibit 2 – Newport Beach City Council Resolution No. 2020-72 (Part B)

Exhibit 3 – Part B: List of Relevant LUP Policies

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

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

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in LCP development. It states: "During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission."

The City held a Planning Commission meeting on February 20, 2020 and a City Council meeting on April 14, 2020 with regard to Part A of the subject amendment request. The City held a Planning Commission meeting on June 18, 2020 and a City Council meeting on July 28, 2020 with regard to Part B of the subject amendment request. Both of those local hearings for Parts A and B were duly noticed to the public. Notice of this subject LCP amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that an LCP Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. Here, if the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary. The City's submittal resolution indicates that the ordinance will only become final after certification by the Commission, but no formal action is required. Should the Commission deny the LCP amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City, and the LCP amendment is not effective. Should the Commission deny the LCP amendment, as submitted, but then approve it with suggested modifications, then the City Council may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the City's acceptance is consistent with the Commission's action. In that scenario, the modified LCP amendment would become final at a subsequent Commission meeting if the Commission concurs with the Executive Director's Determination that the City's action in accepting the suggested modifications approved by the Commission for LCP Amendment LCP-5-NPB-20-0060-2 Part A and Part B is legally adequate. If the City does not accept

the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

D. DEADLINE FOR COMMISSION ACTION

The City submitted the subject LCP amendment request on September 30, 2020 and Commission staff deemed the submission to be complete on October 13, 2020. Pursuant to Sections 30513 and 30514 of the Coastal Act, an LCP amendment that includes changes to the IP portion of a certified LCP must be scheduled for a public hearing within sixty (60) working days of a complete submittal. Sixty working days from October 13, 2020 is December 12, 2020. Pursuant to Coastal Act Section 30517, the Commission granted a one-year extension at its December 9, 2020 meeting. As such, the deadline for Commission action on this item is December 12, 2021.

II. MOTION AND RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

MOTION I: *I move that the Commission reject the City of Newport Beach LCP Amendment No. LCP-5-NPB-0060-2 Part A and Part B as submitted.*

Staff recommends a **NO** vote. Failure of the motion will result in certification of the Implementation Plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY IMPLEMENTATION PLAN AMENDMENT

The Commission hereby certifies the LCP Plan Amendment No. LCP-5-NPB-0060-2 Part A and Part B as submitted by the City of Newport Beach and adopts the findings set forth below on grounds that the Implementation Program conforms with and is adequate to carry out the provisions of the certified LUP, and certification of the Implementation Program will meet the requirements of 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 or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

III. FINDINGS FOR CERTIFICATION OF THE LCPA AS SUBMITTED

The Commission hereby finds and declares as follows:

A. LCP AMENDMENT PART A

LCP Amendment Part A Description – Amendment to Setback Map S-1A

Part A of the LCP amendment proposes to amend IP Setback Map No. S-1A to adjust the required setbacks for property located at 6501/6503 Seashore Drive, which is the second lot inland of the public beach and the first lot inland of the first public road. No new development is currently proposed at the site. The amendment would establish setbacks and buildable area applicable to future re-development of the property comparable with other properties in this West Newport neighborhood. The property is currently zoned R-2 (Two-Unit Residential Dwelling) and is developed with a residential duplex and two, two-car garages constructed in 1951 with a remodel/addition in 1979. Original development on the site relied on City-issued variances to the City’s 1950 Zoning Code; when building permits were issued for the addition in 1979, the property was identified by the City as non-conforming. However, according to the City, the existing duplex already complies with the proposed setbacks; as such, this proposed action does not create any new non-conforming structures. The proposed change would amend the IP to change the setback requirements for this one property to match the setback requirements for surrounding properties in this neighborhood per the IP Setback Map for West Newport.

	Existing Improvements	Current IP Setback Requirements	Proposed Setback Requirements
Front (Seashore Dr)	0’	0’	0’
Side (west property line)	6’	3’	4’
Side (along Walnut Street)	4’	4’	4’
Rear (along alley)	5’	10’	5’

LCP Amendment Part A – Consistency with the Certified LUP

The certified LUP sets forth policies to control development, protect coastal resources, and enhance public access to the shoreline.

Section 2.1.3 of the LUP describes West Newport as follows:

The West Newport Coast Highway Corridor extends from Summit Street to just past 60th Street. It is a mixed commercial and residential area, with the former serving the adjoining Newport Shores residential neighborhood, the West Newport residential neighborhood south of Coast Highway, and beach visitors. Commercial uses are concentrated on the north side of Coast Highway at the Orange Street intersection and east of Cedar Street to the Semeniuk Slough. Intervening areas are developed with a mix of multi-family apartments, and west of Grant Avenue, mobile and manufactured homes.

LUP Policy 2.2.1-1 Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.

No development is currently proposed at the subject site. Any specific development proposal would require a CDP and conformance with the certified LCP, as proposed to be amended. The proposed IP change will continue to be consistent with the Chapter 3 policies of the Coastal Act and meet the CLUP goals and policies for the West Newport neighborhood, respectively. The proposed LCP amendment does not raise any significant Coastal Act or LUP issues. The proposed changes will not adversely impact public access or recreation. The lot is at a low elevation and may be threatened by flooding associated with sea level rise and severe storms, but is not beach fronting and inland of the first public road, so a shoreline protective device at the property line would not adversely affect biological resources or public access to the coast. The current height limit for the site is not affected by the amendment. Therefore, the Commission finds that the proposed change conforms with, and is adequate to carry out, the provisions of certified LUP.

B. LCP AMENDMENT PART B

LCP Amendment Part B Description – IP “Clean-Up”

The subject Amendment Request No. LCP-5-NPB-20-0060-2 Part B proposes the following language changes to six different areas of the certified IP. Existing certified language is shown in regular text. The City’s proposed LCP amendment language additions are shown in single underline and proposed deletions are shown in ~~single strikethrough~~ as follows:

City of Newport Beach LCP Amendment
No. LCPA 5-NPB-20-0060-2 Part A and Part B

1. IP Chapter 21.18 (Residential Coastal Zoning Districts (R-A, R-1, R-BI, R-2, and RM)), Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards), Table 21.18-2

Development Feature	R-A	R-1	R-1-6,000	Additional Requirements
Lot Area (1) <u>(6)</u> :				
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).

2. IP Chapter 21.18 (Residential Coastal Zoning Districts (R-A, R-1, R-BI, R-2, and RM)), Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards), Table 21.18-3

Development Feature	R-BI	R-2	R-2-6,000	Additional Requirements
Lot Area (1)(2)(3) <u>(6)</u> :				
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).

3. IP Chapter 21.18 (Residential Coastal Zoning Districts (R-A, R-1, R-BI, R-2, and RM)), Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards), Table 21.18-4

Development Feature	RM	RM-6,000	Additional Requirements
Lot Dimensions	Minimum dimensions required for each newly created lot.		
Lot Area (1)(2) <u>(8)</u> :			
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).

4. IP Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C and H)), Section 21.28.010 (Purposes of Overlay Coastal Zoning Districts)

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 most restrictive standards of the overlay district shall prevail.

5. IP Chapter 21.62 (Public Hearing), Subsection 21.62.020(B)(2)(c) (Nearby Property Owners)

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);

6. IP Chapter 21.62 (Public Hearings), Subsection 21.62.020(B)(4)

~~4. Alternative to Mailing. If the number of property owners, residents, and interested persons to whom notice would be mailed in compliance with subsection (B)(2)(c) of this section is~~

~~more than one thousand (1,000), the Director may choose to provide the alternative notice specified by State law where it is reasonable that such substitute notice is expected to be adequate or better notice rather than through a mailed notice. 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).~~

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

LCP Amendment Part B “IP Clean-Up” – Consistency with the Certified LUP

Minimum Lot Size Exception

The proposed language changes #1 and #2 outlined above to IP Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards) Table 21.18-2 and Table 21.18-3 are proposed in order to obtain consistency with the City’s Municipal Code Title 20 which are applicable citywide. (The IP is Title 21 of the Municipal Code and is only applicable in the coastal zone.) In cases where the two codes regulate the same standard, the City aims to maintain consistency between the two codes to avoid errors in implementation. In this case, both Title 20 and the certified IP (Title 21) include minimum lot size standards for new residential lot subdivisions. Many of the older neighborhoods in the City, such as Balboa Peninsula, Corona del Mar, and Balboa Island, were developed in the early to mid-1900s prior the City’s adoption of a Subdivision Code. The original lot sizes in the original subdivision of Balboa Peninsula are typically 35’ x 70’, 30’ x 70’, and 40’ x 80’ (averaging 2,580 sq. ft.); on Balboa Island the original lot size is typically 30’ x 85’ (2,550 sq. ft.); and in the Corona del Mar neighborhood lot sizes are typically 30’ x 110’ (3,300 sq. ft.). Over the years, some lots have been combined and/or reconfigured from the original subdivision dimensions; and these same lots are sometimes proposed to re-subdivided back to a lot size consistent with the original subdivision pattern of the neighborhood. The City’s Municipal Code contains an exception that allows residential lots to be subdivided with smaller sizes and dimensions than required by the zoning district as long as the lot size and dimensions are not smaller than the original underlying lots on the same block and in the same zoning district. This minimum lot size exception was not carried over into the IP when the IP was certified in 2016. The City’s intention with this amendment is to maintain consistency by including the same minimum lot size exception in both Municipal Code Title sections. The lot width and length may vary according to the width and depth of the original underlying lots. However, new subdivisions that would result in additional dwelling units beyond what the original underlying lots would allow would not be permitted unless authorized by an amendment of the General Plan.

Relevant LUP Policies

LUP Policy 2.2.1-1

Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal

zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.

LUP Policy 2.2.1-2

Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.

These certified LUP policies provide for the protection of coastal resources by requiring that new development be located in areas in close proximity to existing development with available public services to minimize impacts associated with the extension of infrastructure and services. As previously noted, most areas of Newport Beach's coastal zone were developed during the first half of the 20th century.¹ Thus, new residential development in the City's coastal zone will mainly occur in the form of redevelopment or infill. Policy 2.2.1-1 requires redevelopment maintain density and intensity limits to avoid significant adverse impacts on coastal resources. The proposed IP changes to allow a minimum lot size exemption will continue to be consistent with the Chapter 3 policies of the Coastal Act and meet the LUP goals and policies. The proposed LCP amendment does not raise any significant Coastal Act or LUP issues. The proposed changes will not adversely impact public access or recreation. Therefore, the Commission finds that the proposed change conforms with, and is adequate to carry out, the provisions of certified LUP.

IP Section 21.28.010 - Purposes of Overlay Zoning Districts

Chapter 21.28 of the certified IP contains five Overlay Coastal Zoning Districts which are also identified in the Coastal Zoning Map, including: MHP (Mobile Home Park) Overlay Coastal Zoning District, PM (Parking Management) Overlay Zoning District, Bluff (B) Overlay Coastal Zoning District, Canyon (C) Overlay Coastal Zoning District, and a Height (H) Overlay District. These are applied over an underlying Coastal Zoning District. These overlay districts establish special development standards for specific areas such as mobile home parks, areas on or adjacent to coastal bluffs or coastal canyons. Overlay districts may also establish additional development standards for review such as the Height Overlay District and the Parking Management Overlay Zoning District. Development within an Overlay District must still comply with the applicable development standards of the underlying Coastal Zoning District. An Overlay Zoning District is a common planning tool to modify the underlying zoning district for a specific area. As certified, the language of IP

¹ The only exception is the undeveloped (save for oil field facilities) 505-acre Banning Ranch property, a deferred certification area.

Section 21.28.10 – Purposes of Overlay Coastal Zoning Districts states that in situations where an inconsistency occurs between the development standards of the underlying Coastal Zoning District and the standards of an Overlay Coastal Zoning District, the most restrictive standard shall prevail. However, overlays can also be used to specify a different standard that might be less restrictive than the base zone. For example, the Height Overlay District may allow for a greater building height (less restrictive) if certain findings can be made; and a Parking Management Overlay Zoning District may authorize a Parking Management Plan that allows reduced parking requirements than that required by the base Coastal Zoning District standard.

Relevant LUP Policies – Coastal Bluff Setbacks, Hazards and Protective Devices, Parking, Height Restrictions

LUP Policies 4.4.3-1 through 4.4.3-17 (Coastal Bluff Setbacks)

LUP Policies 2.8.1-1 through 2.8.1-4 and LUP Policy 2.8.6-6 and Policy 2.8.6-8 (Hazards and Protective Devices)

LUP Policies 2.9.3-1 through 2.9.3-16 (Parking and Parking Management Programs) and LUP Policies 4.4.2-1 through 4.4.2-4 (Height Limitations).

See **Exhibit 3** for the full text of the relevant policies and policy language. The proposed amendment would clarify that in cases where standards are in conflict between the base Coastal Zoning District and an Overlay District, then the standard of the Overlay District would control. The proposed LCP amendment does not raise any significant LUP issues. The proposed changes will not adversely impact coastal resources, public access or recreation. For example, as certified, the Bluff (B) Overlay Coastal Zoning District requires setbacks for new blufftop development to assure stability and structural integrity, and prohibits construction of shoreline protective devices that have adverse impacts to public access, recreation, visual quality and natural shoreline processes. The proposed amendment would not lessen the standards or requirements of the Bluff (B) Overlay Coastal Zoning District addressing LUP policies pertaining to new blufftop development setback requirements. The same is the case for the Canyon (C) Overlay Coastal Zoning District. The MHP (Mobile Home Park) Overlay Coastal Zoning District IP Section 21.28.020(B) clearly identifies the land use and development standards for a mobile home park are those established by the base zoning district (e.g., Residential Medium Density) and that the MHP Overlay does not modify land use or property development regulations. The proposed change would clarify that in some instances in the certified IP, such as for the PM (Parking Management) Overlay and the Height (H) Overlay Districts, it may be that the *purpose* of the Overlay District is not to be more restrictive, but rather can also be used to specify a different standard that might be less restrictive than the base zone. Furthermore, any future new Overlay Districts may be initiated as a Coastal Zoning Map amendment (which would require an LCP amendment and Commission certification), and all development within any proposed new Overlay District must still comply with the applicable development standards of the underlying Coastal Zoning District unless an Overlay District is certified with different standards. Therefore, the Commission finds that

the proposed change conforms with, and is adequate to carry out, the provisions of certified LUP.

IP Section 21.62.020 (Notice of Public Hearing)

The Coastal Act defines the activities that constitute development, requires a coastal development permit (CDP) that is consistent with the Coastal Act or the local government's Commission-certified LCP for the activities that meet the definition of development, and lists different types of coastal development permits. The Coastal Act's implementing regulations include detailed provisions that specify permitting procedures, including required noticing, hearing dates, and appeals procedures. The City's certified Land Use Plan does not contain detailed policies regarding coastal development permit processing or procedures. The implementation and processing of CDPs for all development (with the exception of development that is exempt or excluded from the CDP requirement) is one of the most critical means of implementing the coastal resource protection policies of the LUP.

IP Chapter 21.62 provides the procedures for public hearings required by the Implementation Plan. IP Section 21.62.020 provides the public notification requirements for Coastal Development Permit applications in accordance with State law, including publication in a local newspaper of general circulation, and direct mailed notification to the affected property owner(s), property owners and residents located within a 300 foot vicinity radius, known interested persons requesting public notice, and local governmental agencies.

Currently, State law allows for public notification to be published in a local newspaper when the proposed project would require mailing to over 1,000 property owners. The proposed amendment to IP Subsection 21.62.020 (B)(2)(c) would add new language clarifying that if the number of property owners to whom notice would be mailed is more than 1,000, in lieu of mailed notice, the City Planning Director may choose to publish a one-eighth page advertisement in a newspaper of general circulation within the City. However, a mailed notice would still be provided to known interested persons who have requested notice, including persons who testified at or submitted written comments at the local hearing level. The proposed amendment would also clarify that the City Planning Director may also provide additional notice of the hearing in any other manner deemed necessary in order to ensure public notification on coastal development permits reaches the general public and all interested parties.

The proposed IP change will continue to be consistent with the Chapter 3 policies of the Coastal Act to continue the processing of CDPs as the most critical means of implementing the coastal resource protection policies of the LUP.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As set forth in Section 21080.9 of the California Public Resources Code, the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. (14 CCR § 15251(f).)

Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP conforms with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment complies with the California Environmental Quality Act because 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment as applicable, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP Amendment may have on the environment. The Commission finds that the proposed LCP amendment will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code. Therefore, the Commission certifies LCP Amendment request LCP-5-NPB-20-0060-2 Part A and Part B to the City of Newport Beach's Implementation Plan of the certified LCP.