

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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Long Beach, CA 90802
(562) 590-5071



W17b

LCP AMENDMENT NO. LCP-5-NPB-21-0036-1 Part B

City of Newport Beach –

Elimination of the Amortization Period for Nonconforming Signs

JULY 7, 2021

EXHIBITS

Table of Contents

Exhibit 1 – Redline Version of Proposed LCP Language Changes

Exhibit 2 – City Council Resolution 2021-17

Proposed LCPA Changes shown in red and strikethrough.

1. Coastal Land Use Plan Amendment

Coastal Land Use Plan Policy No. 4.4.4-4, which is in Chapter 4 (Coastal Resource Protection) of the Coastal Land Use Plan would be amended as such:

Policy 4.4.4-4 Implement programs to remove illegal signs ~~and amortize legal nonconforming signs.~~

2. Local Coastal Program Amendment

Section 21.30.065 of the NBMC would be amended to delete subsection E, thereby removing the October 27, 2020, deadline in the Coastal Zone. The proposed amendments are as follows:

21.30.065 – Signs

- A. **Applicability.** This section provides regulations for roof top and freestanding signs.
- B. **Prohibited Sign Types.** The following signs and sign types shall be prohibited throughout all coastal zoning districts of the City.
 - 1. Pole Signs
 - 2. Roof Signs
- C. **Billboard Policy.** The City completely prohibits the construction, erection or use of billboards, other than those that legally exist in the City, or for which a valid permit has been issued and has not expired, as of the date on which this provision was first adopted. Permits shall not be issued for billboards that violate this policy, and the City will take immediate abatement action against billboards constructed or maintained in violation of this policy. The Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this chapter. The Council intends for this billboard policy to be severable and separately enforceable even if other provisions of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid, or unenforceable.
- D. **Standards for Freestanding Signs.** Table 21.30-2 provides regulations for permanent freestanding signs.
- ~~E. **Removal of Nonconforming Signs.** The nonconforming roof and pole signs shall be removed or altered to be conforming by October 27, 2020, with the exception of signs designated as heritage signs.~~

RESOLUTION NO. 2021-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING SUBMITTAL OF LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-005 TO THE CALIFORNIA COASTAL COMMISSION TO AMEND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE CITY OF NEWPORT BEACH MUNICIPAL CODE AND THE COASTAL LAND USE PLAN TO REMOVE THE AMORTIZATION OF NONCONFORMING SIGNS (PA2019-0184)

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 the 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) (“Title 21”) to the Newport Beach Municipal Code (“NBMC”) whereby the City assumed coastal development permit-issuing authority as of January 30, 2017;

WHEREAS, the City comprehensively updated its sign regulations in October 2005, including incorporation of Newport Beach Municipal Code (“NBMC”) Sections 20.42.140 (Nonconforming Signs) and 21.30.065 (Signs) which require certain signs that do not conform to the new regulations to be abated within 15 years (“Amortization Period”) from the effective date of the sign code update;

WHEREAS, the Amortization Period was set to expire on October 27, 2020, at which time all nonconforming signs were to be removed, however, on October 22, 2019, the City Council adopted Resolution No. 2019-92 initiating an extension of the Amortization Period;

WHEREAS, on March 15, 2020, the City proclaimed a local emergency due to the COVID-19 global pandemic and many businesses have been forced to reduce services or temporarily close;

WHEREAS, pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations, Title 14, Division 5.5, Chapter 8, review of LCP Amendment No. 2019-005 was made available and a Notice of the Availability was distributed on April 21, 2020, which is a minimum of six weeks prior to the final action date;

WHEREAS, a public hearing was held telephonically by the Planning Commission due to the Declaration of a State of Emergency and Proclamation of Local Emergency related to COVID-19 on May 7, 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 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 conclusion of the public hearing, the Planning Commission adopted Resolution Nos. PC2020-015 and PC2020-016 by a majority vote (7 ayes, 0 nays), recommending the City Council eliminate the Amortization Period instead of extending the Amortization Period for an additional five years;

WHEREAS, a public hearing was held telephonically by the City Council due to the Declaration of a State of Emergency and Proclamation of Local Emergency related to COVID-19 on June 23, 2020, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, CA to consider Zoning Code Amendment No. CA2019-007 and Local Coastal Program Amendment No. LC2019-005. A notice of time, place and purpose of the public hearing was given in accordance with 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;

WHEREAS, at the conclusion of the public hearing, the City Council adopted Resolution No. 2020-66 to eliminate the Amortization Period and directed staff not to enforce the October 27, 2020 deadline, until such time the City Council has taken final action on the proposed General Plan Amendment and Coastal Land Use Plan Amendment;

WHEREAS, pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations, Title 14, Division 5.5, Chapter 8, review of LCP Amendment No. 2019-005 was made available and a Notice of the Availability was distributed on November 6, 2020, which is a minimum of six weeks prior to the final action date;

WHEREAS, a public hearing was held telephonically by the Planning Commission due to the Declaration of a State of Emergency and Proclamation of Local Emergency related to COVID-19 on November 19, 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 Chapter 21.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2020-043 by a majority vote (7 ayes, 0 nays) recommending the City Council approve Local Coastal Program Amendment No. LC2019-005 to eliminate the Amortization Period; and

WHEREAS, a public hearing was held telephonically by the City Council due to the Declaration of a State of Emergency and Proclamation of Local Emergency related to COVID-19 on February 23, 2021, 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, Chapter 21.62 of 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.

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

Section 1: The City Council does hereby authorize submittal to the California Coastal Commission of Local Coastal Program Amendment No. LC2019-005 to amend Section 21.30.065(E) (Signs) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Policy No. 4.4.4-4 of the Chapter 4 (Coastal Resources Protection) of the City of Newport Beach Coastal Land Use Plan as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference.

Section 2: Local Coastal Program Amendment No. LC2019-005 shall not become effective until approval by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution and/or ordinance of the City Council of the City of Newport Beach.

Section 3: The Local Coastal Program and Title 21 (Local Coastal Program Implementation Plan), including Local Coastal Program Amendment No. LC2019-005, will be carried out fully in conformity with the California Coastal Act.

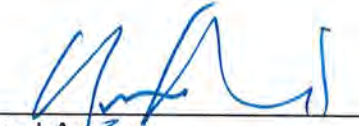
Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

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: The City Council finds the adoption of this resolution is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because of the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. While this amendment would allow existing legal nonconforming signs to remain in place, it does not authorize new development that would directly result in physical change to the environment. There is no evidence that removal of the Amortization Period would result in any new effects on the environment. Additionally, pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program. None of the exceptions listed in Section 15300.2 of the CEQA Guidelines are applicable.


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 23rd day of February, 2021.



Brad Avery
Mayor


ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment: Exhibit A - Proposed Local Coastal Program Amendment No. LC2019-005
Related to Amortization of Nonconforming Signs (PA2019-070)

EXHIBIT "A"

**Proposed Local Coastal Program Amendment No. LC2019-005
Related to Amortization of Nonconforming Signs (PA2019-070)**

Section 1: Section 21.30.065(E) (Signs) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC shall be deleted in its entirety.

Section 2: Policy No. 4.4.4-4 of the Chapter 4 (Coastal Resources Protection) of the City of Newport Beach Coastal Land Use Plan is amended to read as follows:

4.4.4-4 Implement programs to remove illegal signs.

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. 2021-17 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 23rd day of February, 2021; and the same was so passed and adopted by the following vote, to wit:

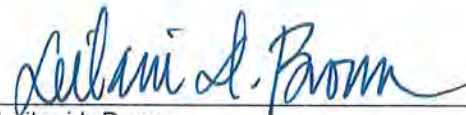
AYES: Mayor Brad Avery, Council Member Noah Blom, Council Member Joy Brenner,
Council Member Diane Dixon, Council Member Will O'Neill

NAYS: None

RECUSED: Council Member Duffy Duffield

ABSENT: Mayor Pro Tem Kevin Muldoon

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 24th day of February, 2021.



Leilani I. Brown
City Clerk
Newport Beach, California

