

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



TH8

Updated February 1, 2022 (for the February 10, 2022 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Orange County for February 2022**

An earlier version of this report posted on 1.28.22 omitted one attachment. This is a corrected report. The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, Executive Director Checkoffs and emergency CDPs for the South Coast District Office are being reported to the Commission on February 10, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 10th.

With respect to the February 10th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Waivers

- 5-21-0655-W, ADU Unit (San Clemente)
- 5-21-0667-W, Storage area (San Clemente)
- 5-21-0669-W, Convert garage to ADU (San Clemente)
- 5-21-0720-W, 2 ADUs on an existing multi-family lot (San Clemente)
- 5-21-0744-W, Removal of wood burning fireplace & chimney (Surfside)
- 5-21-0898-W, Single Family Dwelling (Seal Beach)

Immaterial Amendments

- 5-18-0794-A1, Duplex to 2-unit condominium (Sunset Beach)
- 5-19-1466-A1, City of Newport Beach/American Legion Site (Newport Beach)
- P-8-8-78-3860-A1, David & Rene Lindahl (San Clemente)

Immaterial Extensions

- 5-04-089-E15, City of Laguna Beach (Laguna Beach)

Emergency Permits

- G-5-21-0057, Stabilization Project (San Clemente Orange Sub Mile Post)

Executive Director Checkoffs

- LCP-5-NPB-20-0070-3, Short-Term Lodging (Newport Beach)
- LCP-5-NPB-21-0036-1 Part C, Short-Term Rental Permit (Newport Beach)

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January 26, 2022

**Coastal Development Permit De Minimis Waiver
Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0655-W**Applicant:** Craig Puckett**Location:** 2402 Calle Madiera, San Clemente, Orange County (APN: 060-192-02)

Proposed Development: Demolition of southern portion of first floor deck and fireplace, and construction of a 16-ft. high, 307 sq. ft. at-grade Accessory Dwelling Unit (ADU) with a 308 sq. ft. roof deck attached to an existing 16-ft. high 1,876 sq. ft. single-family residence. An exterior staircase is also proposed along the west side of the residence to access the roof deck. Two parking spaces are provided on site.

Rationale: The project site is located on a developed 7,325 sq. ft. lot located 0.15 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is zoned Residential Low Density (RL) by the City's certified LUP and the proposed project conforms to the permitted uses and development standards for the RL zone. The project does not propose any additional parking for the proposed ADU, however the site is located 0.15 mile inland from the beach and parking for the new ADU is not expected to impact public street parking spaces used for beach access. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous Commission action in the area, and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **February 9-11, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Mandy Revell
Coastal Program Analyst

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Waiver: 5-21-0667-W**Applicant:** Koch Capital Holdings LLC**Location:** 135 Avenida Pelayo, San Clemente, Orange County (APN: 692-382-09)

Proposed Development: Convert 656 storage space above the garage of an existing 21 ft. high, 2,778 sq. ft. duplex into a 21 ft.-high, 656 sq. ft. Accessory Dwelling Unit (ADU). Six parking spaces are provided on site.

Rationale: The project site is located on a developed 4,234 sq. ft. lot located 1/3 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is zoned Residential Medium Density (RM) by the City's certified LUP and the proposed project conforms to the permitted uses and development standards for the RM zone. The project does not propose any changes to the existing duplex structure, and 2 primary residential units would remain onsite. The project does not propose any additional parking for the proposed ADU, however the site is located a third of a mile inland from the beach and parking for the new ADU is not expected to impact public street parking spaces used for beach access. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous Commission action in the area, and Chapter 3 policies of the Coastal Act.

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John Ainsworth
Executive Director

Mandy Revell
Coastal Program Analyst

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January 26, 2022

**Coastal Development Permit De Minimis Waiver
Coastal Act Section 30624.7**

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Waiver: 5-21-0669-W**Applicant:** Christine Levine**Location:** 148 W. Canada, Unit C, San Clemente, Orange County (APN: 28-12-793)

Proposed Development: Convert two single garage spaces in an existing approximately 30-ft. high, approximately 2,300 sq. ft. duplex into an approximately 12-ft. high, 355 sq. ft. Accessory Dwelling Unit (ADU). Four parking spaces are provided on site.

Rationale: The project site is located on a developed 4,735 sq. ft. lot located 1/3 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is zoned Residential Medium Density (RM) by the City's certified LUP and the proposed project conforms to the permitted uses and development standards for the RM zone. The project does not propose any changes to the existing duplex structure, and 2 primary residential units would remain onsite. The project does not provide any additional parking for the proposed ADU, however the site is located a third of a mile inland from the beach and parking for the new ADU is not expected to impact public street parking spaces used for beach access. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous Commission action in the area, and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **February 9-11, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Mandy Revell
Coastal Program Analyst

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January 26, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0720-W **Applicant:** Kara Shapiro

Location: 106 Avenida Pelayo, San Clemente, Orange County (APN: 692-381-35)

Proposed Development: Construction of new detached 13'1"-tall structure containing two 498 sq. ft. accessory dwelling units (ADU) on a lot developed with an existing 1,505 sq. ft. duplex. No grading other than removal of underfloor soil for placement of slabs-on-grade. No change to existing structure proposed, and approximately 800 sq. ft. of landscaping and 700 sq. ft. of paving are proposed.

Rationale: The subject site is a 5,038 square foot lot located approximately ½-mile from the beach. The site is designated as Residential Medium Low (RML) density in the City of San Clemente Land Use Plan (LUP). Three (3) parking spaces will remain, in compliance with the LUP. Construction will follow best management practices, and the new ADU structure is designed to be compatible with the character of the surrounding development. Drainage will be directed from the new roof via scuppers, gutters, leaderheads, and downspouts onto side yards and permeable surfaces. Where landscaping is proposed, native and non-invasive, drought-tolerant vegetation will be planted. The proposed development will not adversely impact coastal access, coastal resources, public recreation or coastal views, and will not prejudice the City's ability to prepare a Certified Local Coastal Program, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **February 9-11, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Shahar Amitay
Coastal Program Analyst

cc: Commissioners/File

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January 24, 2022

**Coastal Development Permit Waiver Improvements to
Existing Structures or Repair and Maintenance
Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0744-W

Applicant: James and Virginia Cule

Location: 99B Surfside Ave, Surfside Community, Seal Beach, Orange County (APN(s): 178-461-37)

Proposed Development: Removal of two wood burning fireplaces & associated chimney running from the 2nd floor to the 4th floor facing Surfside Avenue associated with an existing single-family residence. The area where the fireplaces and chimney once stood will be replaced with windows.

Rationale: The subject site is an inland lot located between the first public road (Pacific Coast Highway) and the sea. The proposed development is located in the existing private, gated residential community of Surfside Colony, in the City of Seal Beach, Orange County. The lot size is 875 square feet and is designated as Residential Low Density in the City of Seal Beach Zoning Code. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 9-11, 2022 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
PHONE (562) 590-5071



January 24, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0898-W**Applicant:** Zachary Ernst**Location:** 1700 Harbor Way, Seal Beach, Orange County (APN: 043-254-04)**Proposed Development:** Construct a new 220 sq. ft. detached accessory dwelling unit in the rear yard of an existing single-family residence. No changes to the existing home or garage.

Rationale: The project site is located on a developed 7,475 sq. ft. lot located .5 mile inland of the public beach, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. According to the Coastal Storm Modeling System (CoSMoS) sea level rise model, the project site is in an area of Seal Beach that is not subject to flooding with up to 6.6 ft. of sea level rise. No shoreline protective device is proposed to protect the development subject to the application. The lot is designated as residential low density in the City of Seal Beach Zoning Code. The existing single-family residence will retain a two-car garage, which is consistent with prior Commission's actions requiring two parking spaces for residential development in the area. The proposed project design is compatible with the character of surrounding development and does not have any negative effects on visual or coastal resources, public recreation, or coastal access. The proposed project will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **February 9-11, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 908022
(562) 590-5071

**5-18-0794-A1****NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Jack Ainsworth, Executive Director
DATE: January 27, 2022
SUBJECT: Permit No. **5-18-0794** granted to Luis Armona for:

Demolition of a residential duplex and construction of a three story, 35 feet high (as measured from centerline of frontage road), 5,060 square foot residential duplex (2,530 square feet of living space per unit), with two attached, 330 square feet, two-car garages, and 587 square foot roof deck with stairwell access.

PROJECT SITE: 16457-16459 24th Street, Sunset Beach Community
Huntington Beach, Orange County (APN: 178-513-22)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

The amended CDP will allow the approved residential duplex to be converted to two residential condominium units via parcel map.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

CDP 5-18-0794 was approved subject to **five (5)** special conditions. The special conditions require: 1) Preservation of On-Street Public Parking; 2) No Future Shoreline Protection Device; 3) Submittal of and adherence to a Water Quality Drainage Plan; 4) Assumption of Risk, Waiver of Liability and Indemnity; and, 5) Recordation of a Deed Restriction. All of the conditions imposed on CDP 5-18-0794 remain in effect with CDP as amended. The only change is the duplex will be converted to two condominium units on a single lot. Neither of the duplex units were identified as or required to provide low or moderate income housing.

If you have any questions about the proposal or wish to register an objection, please contact Jennifer Doyle by email at Jennifer.Doyle@coastal.ca.gov or call the Commission area office in Long Beach at the phone number in this notice.

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January 24, 2022

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**Coastal Development Permit Amendment No. **5-19-1466-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: **Development previously approved pursuant to Coast Development Permit No. 5-19-1466 granted to City of Newport Beach, Attention Chris Miller, Public Works Manager** for: Repair of an existing bulkhead consisting of removal and replacement of the cap and installation of new tiebacks; removal of a gangway and installation of a new pier platform and ADA compliant gangway; and expansion of a dock float.

Project Site: 215 15 St, Newport Beach (Orange County) (APN(s): 047-222-11)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

This revised project includes additional materials and means to repair the existing American Legion bulkhead wall by installing a new steel wale beam and tieback system (25 tie-backs). The new wale will be attached along the bayward side of the wall below the existing cap. Spalling and cracking of the existing bulkhead wall will be patched with concrete, as needed. The bulkhead wall repair length is approximately 300 feet.

The project also includes installation of public access signage in accordance with CDP Special Condition No. 12 and the after-the-fact permitted replacement of the bayside patio adjacent to the Legion Hall per CDP Special Condition No. 10.A.1.

The underlying CDP authorizes additional development that may be carried out in a future project phase, including removal and replacement of the bulkhead cap; removal of an existing gangway and installation of a new pier platform and ADA compliant gangway; and expansion of a dock float.

Notice of Proposed Immaterial Permit Amendment
5-19-1466-A1

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The proposed development will not result in adverse impacts to marine resources water quality, public access and recreation or be affected by hazards. The amended project revises the repair work to the existing bulkhead but does not eliminate the originally proposed repair work and additional work that may take place in the future. The best management practices required by the underlying special conditions would apply to the proposed amended development. In addition, the amendment does not eliminate the installation of public access signage in accordance with CDP Special Condition No. 12 nor the after-the-fact permitted replacement of the bayside patio adjacent to the Legion Hall per CDP Special Condition No. 10.A.1. Therefore, the proposed amendment is consistent with the underlying permit approval (CDP# 5-19-1466) and is consistent with the City's certified Local Coastal Program.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Fernie Sy at the phone number provided above.

Original on File signed by:

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

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January 26, 2022

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**Coastal Development Permit Amendment No. **P-8-8-78-3860-A1**

To: All Interested Parties
From: John Ainsworth, Executive Director
Subject: Permit No. **P-8-8-78-3860** granted to **Mr. and Mrs. Warren D. Holt** for:

Construction of a two-story, five-bedroom single-family dwelling with game room, sewing room, detached pool, jacuzzi, bar and two attached garages (one one-car and one two-car) 26 feet above centerline of frontage road with conditions

Project Site: 1812 Calle De Los Alamos, City of San Clemente, Orange County
(APN: 692-282-30)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Amend CDP No. P-8-8-78-3860 to modify Special Condition 1 (Revised Plans) and Special Condition 2 (Deed Restriction) to allow for installation of a vegetation hedge and to construct a new 69'-2-1/2" long, 24" wide, 16" deep drainage swale within 25 ft. of the bluff edge in the rear yard of the property. No permanent irrigation is proposed. The Commission's reference number for this proposed amendment is **P-8-8-78-3860-A1**. See **Exhibit A** for the proposed changes to these conditions.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.¹ Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive

¹ The Commission's regulations are codified in Title 14, Division 5.5 of the California Code of Regulations.

Notice of Proposed Permit Amendment

P-8-8-78-3860-A1

director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If three or more Commissioners do not object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The original permit was granted with two special conditions: 1) Submittal of revised plans showing no development within 25 ft. of the bluff and 2) a deed restriction prohibiting the construction of private stairways, structures, or alterations on or down the bluff or within 25 ft. of the bluff face. The conditions were required to protect the visual quality of the coastal area and to minimize alteration of natural landforms consistent with Section 30251 of the Coastal Act. The proposed amendment would modify these special conditions to allow for the planting of fern pines along the edge of the bluff for safety reasons and the drainage swale to prevent water run-off at bluff top. The proposed amendment is minor in nature and does not result in adverse view impacts to the area, contribute to geologic instability, or result in any new adverse effects to coastal resources, and is consistent with the Chapter Three policies of the Coastal Act.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Vince Lee at the phone number provided above.

cc: Commissioners/File

Notice of Proposed Permit Amendment

P-8-8-78-3860-A1

EXHIBIT A – Standard and Special Conditions pursuant to CDP No. P-8-8-78-3860 through CDP Amendment No. P-8-8-78-3860-A1

NOTE: Exhibit A includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by CDP Amendment No. P-8-8-78-3860-A1. Language to be deleted is shown in ~~strike-out~~ and new language is shown in **bold, underlined** font. This will result in one set of adopted conditions.

STANDARD CONDITIONS

~~IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.~~

~~V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.~~

~~VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.~~

1. **Notice of Receipt and Acknowledgment. The permit amendment P-8-8-78-3860-A1 is not valid and development authorized by permit amendment P-8-8-78-3860-A1 shall not commence until a copy of the permit amendment, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.**
2. **Expiration. If development has not commenced, the permit amendment will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit amendment must be made prior to the expiration date.**
3. **Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.**
4. **Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.**
5. **Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.**

Notice of Proposed Permit Amendment

P-8-8-78-3860-A1

SPECIAL CONDITIONS

Prior to issuance of permit, applicant shall submit:

1. Revised plans showing:
 - a. That no development **except for fern pines (*Podocarpus Garcillior*) and a 69'-2.5" long, 24" wide, 16" deep drainage swale along the bluff edge** is located within 25 feet of the bluff;
 - b. Drainage system that conducts runoff to the street, not permitting it to flow over the edge of the bluff; and
2. ~~A deed restriction for recording prohibiting the construction of private stairways, structures, or alterations on or down the bluff or within 25 ft. of the bluff face.~~ **WITHIN 180 DAYS OF THE APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT P-8-8-78-3860-A1, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit amendment, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property. This deed restriction shall supersede and replace the deed restriction recorded as Instrument No. 31249, on October 4, 1978 in the County of Orange, pursuant to CDP No. P-8-8-78-3860.**

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PH (562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



January 27, 2022

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that Three Arch Bay Community Services District has applied for a one-year extension of 5-04-089 granted by the California Coastal Commission on August 10, 2005.

for: Construction of a new storm drain system within the Three Arch Bay Community to replace the existing deteriorated community storm drain system, including relocation of the existing ocean outlet, approximately 3,000 feet of new storm drain lines, 20 new catch basins, several new manholes, abandonment of several older lines, and a tunnel excavated by hand for the new ocean outlet location.

at: Three Arch Bay Community, Laguna Beach, Orange County

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

Chloe Seifert
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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**EMERGENCY PERMIT**

Issue Date: December 22, 2021
Emergency Permit Number: G-5-21-0057

APPLICANT:

OCTA/SCRRA: Justin Fornelli
2558 Supply Street
Pomona, CA 91767

LOCATION OF EMERGENCY:

OCTA Railroad right-of-way (ROW) west of Cyprus Shores residential area (within Metrolink ROW near milepost 206.8), City of San Clemente, Orange County

EMERGENCY WORK:

Placement of approximately 6,000 tons of riprap within the footprint of a 700-foot-long revetment that extends approximately 25 – 28 feet seaward from the west side of the railroad track. Approximately 100 – 120 railcar loads of riprap will be brought in via railcar and dumped/placed from the top of the railroad. An excavator and bulldozer will be brought onsite via railcar to clear the rock from the rail and move it into place. The first load of riprap was expected to take place on December 18, 2021 and the total duration of riprap placement is anticipated to take approximately four to six days.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. From the information you provided, I understand that significant landslide movement originating at the westerly coastal slope poses a threat to the railroad structure and that the approximately 12,500 tons of riprap approved by Emergency Permit G-5-21-0039 did not sufficiently stabilize the slide and the situation requires immediate action in the form of additional riprap to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and

Emergency Permit Number:
G-5-21-0057

(b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

John Ainsworth
Executive Director

DocuSigned by:
Karl Schwing
B9690DD756CA4C4...

Original on File signed by:
Karl Schwing, Deputy Director
South Coast District, Orange County

cc: Commissioners/Local Planning Department

Enclosures: 1) Acceptance Form;
2) Project Site Plan and Cross Section

Emergency Permit Number:
G-5-21-0057

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
4. The extent of the approved revetment work shall not exceed 700 horizontal feet and shall not encroach more than 50 feet seaward of the centerline of the railroad tracks (i.e. within the same footprint of the work authorized by Emergency Permit G-5-21-0039). In the event that rock placed on the revetment is dislodged or otherwise migrates seaward of the limit authorized herein, and until the emergency authorization is superseded by a follow-up action by the Commission, the permittee shall, to the extent feasible, retrieve any errant rock and either place it back on the structure or remove it from the project site. As part of the follow-up coastal development permit application, the applicant shall submit a plan to address, on an ongoing basis, retrieval of rock that has migrated seaward of the railroad right-of-way within the project area.
5. The permittee shall survey the configuration of the 700-foot-long section of rail embankment as it existed prior to the placement of any rock approved by Emergency Permits G-5-21-0039 and G-5-21-0057; and also survey the revetment after the placement of rock approved by Emergency Permits G-5-21-0039 and G-5-21-0057. The surveys shall delineate the footprint of the revetment pre and post the placement of rock, the centerline of the existing track, and footprint of the embankment pre and post the placement of rock shown relative to the mean high tide and the boundaries of the railroad right-of-way. The permittee shall submit plans depicting the features indicated above in plan view and with as many cross-sections as necessary to depict the information. The plan shall be submitted in accordance with the conditions of Emergency Permit G-5-21-0039.

Emergency Permit Number:
G-5-21-0057

6. Upon completion of the project, the permittee shall submit as-built plans of the 700-foot-long section of rail embankment and revetment as constructed with the additional 12,500 tons of rock approved by Emergency Permit G-5-21-0039 and the additional placement of approximately 6,000 tons of rock approved by Emergency Permit G-5-21-0057, delineating the footprint of the reconstructed revetment, the centerline of the realigned track, and footprint of the reconstructed embankment shown relative to the mean high tide and the boundaries of the railroad right-of-way. The permittee shall submit plans depicting the features indicated above in plan view and with as many cross-sections as necessary to depict the information. Plans showing a comparison of the existing and as-built condition of the rail line and revetment shall also be submitted. The plan shall be submitted in accordance with Emergency Permit G-5-21-0039.
7. To prevent and address spills of equipment fuels, lubricants, and similar materials, the repair work shall incorporate the following measures: (a) no equipment fueling shall occur on the site or elsewhere along the revetment; (b) all equipment used during construction shall be free of oil and fuel leaks at all times; (c) oil absorbent booms and/or pads shall be on site at all times during project construction and deployed if necessary in the event of a spill; and (d) all spills shall be reported immediately to the appropriate public and emergency services response agencies.
8. Any construction and demolition debris shall be removed from the site and disposed of only at an authorized disposal site. Any hazardous materials removed from the site shall be taken to an appropriate disposal site licensed to accept hazardous materials.
9. All work shall take place in a time and manner to minimize impacts to public access and biological resources, including but not limited to intertidal and shorebird species.
10. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.

Emergency Permit Number:
G-5-21-0057

11. Machinery, vehicles, and construction materials not essential for emergency work are prohibited at all times in beach areas.
12. Public Access. The permittee shall, to the maximum extent practicable, minimize the amount of beach covered by the revetment to maintain the largest portion of beach possible. Public access to the beach fronting the property shall be restored quickly, equitably, and in a manner consistent with Coastal Act requirements to protect life and property.
13. Public Rights. The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
14. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the City of San Clemente, U.S. Army Corps of Engineers, State Lands Commission, California Department of Fish and Wildlife.
15. The permittee recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
16. Consistent with Condition 16 of Emergency Permit G-5-21-0039, the permittee will continue to work with Commission staff to file follow-up CDP application 5-21-0866. Failure to (a) submit a complete follow-up CDP Application that complies with Condition 16 of Emergency Permit G-5-21-0039, and (b) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or (c) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required

Emergency Permit Number:
G-5-21-0057

follow-up CDP,¹ will constitute a knowing and intentional violation of the Coastal Act² and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ As noted above, in some instances, a permit may also be required for removal.

² The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071



January 24, 2022

TO: Commissioners and Interested Persons

FROM: Karl Schwing, District Director
Zach Rehm, District Supervisor
Liliana Roman, Coastal Program Analyst

RE: Concurrence with the Executive Director's determination that the action by the City of Newport Beach accepting certification of LCP Amendment No. LCP-5-NPB-20-0070-3 with suggested modifications is legally adequate. For Commission review at the February 10, 2022 meeting.

On November 2, 2020 the Commission's South Coast District office received a request to amend the Implementation Plan portion of the City of Newport Beach certified Local Coastal Program (LCP). The request was submitted with City Council Resolution No. 2021-91. Amendment Request No. LCP-5-NPB-20-0070-3 would revise the existing regulations in IP Section 21.48.115 (Short-Term Lodgings) and incorporate by reference the regulatory framework for short-term rentals contained in the NBMC Title 5, Chapter 5.95.

On October 13, 2021, the Commission approved LCP Amendment No. LCP-5-NPB-20-0070-3 with suggested modifications to ensure the requested modifications do not result in adverse impacts to public access to the coast. On November 30, 2021, the Newport Beach City Council introduced Ordinance No. 2021-28, incorporating the modifications suggested by the Commission pursuant to its approval of this LCP Amendment. On December 1, 2021, the City submitted the ordinance adopted by the City Council (see attachment) to the Executive Director for a determination that the City's action is consistent with the Commission's October 13, 2021 action.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Newport Beach acknowledging receipt and acceptance of and agreement with the Commission's certification of the above-referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless a majority of the Commissioners object to the Executive Director's determination, the certification of City of Newport Beach Implementation Plan Amendment No. LCP-5-NPB-20-0070-3 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

ORDINANCE NO. 2021-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING CHAPTER 5.95 (SHORT TERM LODGING PERMIT) AND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE RELATING TO SHORT TERM LODGING, AND ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. LC2020-007 RELATED TO SHORT TERM LODGING AND LOCAL COASTAL PROGRAM AMENDMENT NO. LC2020-008 RELATED TO SHORT TERM LODGING ON NEWPORT ISLAND (PA2020-048 AND PA2020-326)

WHEREAS, Section 200 of the Charter 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, the City is a popular beach resort community that serves a large number of tourists during the summer months;

WHEREAS, this influx of tourists and the accompanying volume of vehicle traffic burdens City streets and places heavy demand on parking, sewage and refuse facilities, and paramedic and police services due to frequent complaints of noise disturbances, disorderly conduct and other nuisance or illegal activity at short term lodging units;

WHEREAS, occupants of short term lodging units are generally not residents of the City and the City has limited ability to enforce provisions of the Newport Beach Municipal Code and the California Penal Code related to disorderly conduct when violated by occupants of short term lodging units;

WHEREAS, the presence of short term lodging within the City's residential neighborhoods can disrupt the quietude and residential character of those neighborhoods and adversely affect the community;

WHEREAS, the City has an interest in preserving its housing stock and the quality and character of its existing residential neighborhoods;

WHEREAS, the City has more short term lodging units than any other southern California city of a similar size, and limiting the number of short term lodging units will reduce the demand for City services, preserve the housing stock and quality and character of the City's neighborhoods;

WHEREAS, requiring a minimum stay has been shown to reduce the number of disturbances at short term lodging units, thereby reducing the demand on Police and Fire Department personnel;

WHEREAS, establishing a maximum cap of 1,550 permits maintains the City's large capacity for short term lodging, while guarding against future impacts that unregulated expansion would create;

WHEREAS, the Newport Island community consists of a total of 119 parcels zoned Two-Unit Residential (R-2), which could potentially allow up to two dwelling units per lot; however, more than 68 percent of the parcels (81 parcels) are developed with single-unit residences, making the community relatively low density and more single-family in character;

WHEREAS, prior to 2018, only three parcels (two percent of the 157 total units) were utilized for short term lodging. In the last three years, there has been a significant increase in properties used for short term lodging, with a total of 18 short term lodging permits issued, which equates to 11.5 percent of the total units on Newport Island;

WHEREAS, Newport Island is a unique triangular-shaped island community surrounded by water channels on all sides and is only accessible via a single bridge. Given the limited access to and narrow streets on Newport Island, it is important to ensure that the number of short term lodging units on the island is limited so that emergency personnel can properly respond to incidents without compromising the safety of Newport Island residents and visitors;

WHEREAS, Newport Island was originally subdivided in 1907 and primarily consists of older residences that are nonconforming to current modern parking standards, impacting the limited on-street parking on Newport Island. On-street parking on Newport Island is further impacted by visitors seeking public access to the water via nine street ends and a public park;

WHEREAS, the proliferation of short term lodging units on Newport Island, which has increased the number of transient users, has exacerbated the need for on-street parking, negatively impacting the community and impacting public safety because transient users and their guests park in red zones, interfering with emergency access, and in front of driveways blocking access to neighborhood homes;

WHEREAS, the City Council has reviewed and considered evidence and documentation attesting to the need to limit the number of short term lodging permits and to further regulate and control short term lodging units in residential zones to ensure that short term lodging units are regulated in a way to maintain harmony with surrounding uses;

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"), which has been amended from time to time, most recently on September 14, 2021, by Resolution No. 2021-79;

WHEREAS, the California Coastal Commission ("Coastal Commission") effectively certified the City's Local Coastal Implementation Plan on January 13, 2017, which the City added as 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;

WHEREAS, on October 13, 2020, the City Council adopted Resolution No. 2020-91 authorizing submittal to the Coastal Commission LCP Amendment No. LC2020-007 relating to citywide short term lodging regulations and also adopted Ordinance No. 2020-26 amending portions of Chapter 5.95 of Title 5 of the NBMC relating to short term lodging;

WHEREAS, on April 13, 2021, the City Council adopted Resolution No. 2021-30 authorizing submittal to the Coastal Commission LCP Amendment No. LC2020-008 relating to short term lodging on Newport Island and which amended LCP Amendment No. LC2020-007;

WHEREAS, LCP Amendment Nos. LC2020-007 and LC2020-008 shall not become effective until approval by the Coastal Commission and adoption, including any modifications suggested by the Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council;

WHEREAS, at its October 13, 2021 hearing, the Coastal Commission approved with modifications the amendments by Ordinance No. 2020-26 to NBMC Chapter 5.95 and certified LCP Amendment Nos. LC2020-007 with modifications (LCP-5-NPB-20-0070-3) and LC2020-008 with modifications (LCP-5-NPB-21-0036-1 Part C) as being consistent with the California Coastal Act; and

WHEREAS, a public hearing was held by the City Council on November 30, 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 and Chapter 21.62 of the NBMC. 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 ordains as follows:

Section 1: The City Council hereby accepts the suggested modifications approved by the California Coastal Commission.

Section 2: The table of contents for Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

Chapter 5.95

SHORT TERM LODGING PERMIT

Sections:

- 5.95.005 Purpose and Findings.
- 5.95.010 Definitions.
- 5.95.015 Residential Properties Eligible for Short Term Lodging Permits.
- 5.95.020 Permit Required.
- 5.95.025 Agency.
- 5.95.030 Application for Permit.
- 5.95.035 Denial of Permit.
- 5.95.040 Filing Fee.
- 5.95.042 Maximum Number of Permits.
- 5.95.043 Transfer of Permit.
- 5.95.045 Conditions.
- 5.95.047 Violations of Permit Conditions by Transient User, Occupant or Guest.
- 5.95.050 Agents and Hosting Platform Responsibilities.

- 5.95.055 Issuance of Administrative Subpoenas.
- 5.95.060 Violations, Penalties and Enforcement.
- 5.95.065 Suspensions and Revocations.
- 5.95.070 Permits and Fees Not Exclusive.
- 5.95.080 License and Permit Closure.

Section 3: Section 5.95.005, Subsection (L) of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

L. The restrictions of this chapter are necessary to preserve the City's housing stock, the quality and character of the City's residential neighborhoods as well as to prevent and address the impacts on residential neighborhoods posed by short term lodgings.

Section 4: Section 5.95.025 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.025 Agency.

An owner may retain an agent to comply with the requirements of this chapter, including, without limitation, the filing of an application for an annual permit, the renewal of a permit, the reinstatement of a permit or the transfer of a permit; the management of the short term lodging unit or units; and the compliance with the short term lodging permit conditions. The permit shall be issued only to the owner of the short term lodging unit or units. The owner of the short term lodging unit or units is responsible for compliance with the provisions of this chapter and the failure of an agent to comply with this chapter shall be deemed non-compliance by the owner.

Section 5: Section 5.95.030 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.030 Application for Permit.

An application for an annual short term lodging permit, renewal of a short term lodging permit, reinstatement of a short term lodging permit or transfer of a short term lodging permit shall be filed with the Finance Director upon forms provided by the City.

A. An application for a new permit, renewal permit, the reinstatement of a permit or the transfer of a permit shall contain the following information:

1. The name, address and telephone number of the owner of the unit for which the short term lodging permit is to be issued.

2. The name, address and telephone number of the agent, if any, of the owner of the unit.

3. Evidence of a valid business license issued by the City for the separate business of operating a short term lodging unit or units.

4. The number of bedrooms in the lodging unit.

5. The gross floor area of the lodging unit.

6. The number of parking spaces available on site and a description indicating the location and size of each parking space.

7. A nuisance response plan, which sets forth the owner's plan for handling disruptive transient users.

8. A certification that the applicant has reviewed the covenants, conditions and restrictions, if any, and a short term use is permitted at the location pursuant to the terms of the covenants, conditions and restrictions, if any.

9. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a short term lodging unit.

10. Such other information as the Finance Director deems reasonably necessary to administer this chapter.

B. An application for the renewal of a short term lodging permit shall be filed within thirty (30) calendar days of the short term lodging permit's expiration, or the short term lodging permit shall be deemed abandoned.

C. An application for the reinstatement of a short term lodging permit closed by the Finance Director pursuant to Section 5.95.080 shall be filed within thirty (30) calendar days of the date the permit was closed by the Finance Director, or the short term lodging permit shall be deemed abandoned.

D. An application for the reinstatement of a previously suspended short term lodging permit shall be filed within thirty (30) calendar days of the end of the suspension period, or the short term lodging permit shall be deemed abandoned.

E. If any application is deemed incomplete, which shall be determined in the sole discretion of the Finance Director, the application shall be completed within thirty (30) calendar days of the service of notice that the application is incomplete, which shall be served in accordance with Section 1.08.080, or the application and any associated permit shall be deemed abandoned.

F. If good causes exist, as determined in the sole discretion of the Finance Director, the Finance Director may extend the deadlines set forth in Subsections (B) through (E).

G. For purposes of calculating the maximum number of permits under Section 5.95.042, a short term lodging permit shall be deemed valid until the applicable permit has been deemed abandoned.

Section 6: Section 5.95.035 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.035 Denial of Permit.

If permits are available for issuance, no timely application filed by an owner for an annual permit, renewal of a permit, reinstatement of a permit or transfer of a permit for a unit eligible to be used as a short term lodging unit, as provided for in Section 5.95.015 and this Code, shall be denied unless: the owner does not have a current valid business license; the owner has failed to pay transient occupancy tax, the visitor service fee, a penalty, a fine or inspection cost, due and owing to the City; the nuisance response plan is deemed inadequate by the Finance Director; or the short term lodging permit for the same unit and issued to the same owner has been revoked.

Section 7: Section 5.95.040 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.040 Filing Fee.

An application for a new annual permit, the renewal of an existing permit, the reinstatement of a permit, or the transfer of a permit shall be accompanied by a fee established by resolution of the City Council; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the City in administering the provisions of this chapter and for providing the answering service.

Section 8: Section 5.95.042 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby added to read as follows:

5.95.042 Maximum Number of Permits.

A. The maximum number of short term lodging permits shall be limited to fifteen hundred and fifty (1,550) permits at any time. If there are more than fifteen hundred and fifty (1,550) valid permits that have been issued as of the effective date of this section, an owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of this chapter; however, no new permit shall be issued to anyone on the waiting list, as described in Subsection (D), until the total number of permits does not exceed the fifteen hundred and fifty (1,550). For purposes of calculating the maximum number of permits available, a permit shall be deemed valid and unavailable until it is abandoned in accordance with Section 5.95.030 (B) through (F), and/or Section 5.95.043 (B). To avoid wholesale conversion of existing and new housing complexes into short term lodgings, multi-unit developments with five or more units may permit a maximum of twenty (20%) of the total number of units to be short term lodgings (rounded down to the nearest whole number).

B. An owner who has a short term lodging permit or an owner seeking to reinstate a short term lodging permit that has not been abandoned in accordance with Section 5.95.030 (B) through (F), shall have priority to renew or reinstate the permit over anyone on the waiting list, as described in Subsection (D).

C. An owner seeking to transfer a valid short term lodging permit that files an application within the timeframes set forth in Section 5.95.043 (A) shall have priority to transfer the permit over anyone on the waiting list, as described in Subsection (D).

D. If the City has issued the maximum number of permits available, the City shall maintain a waiting list. An application for placement on the waiting list shall be submitted to the Finance Director, on a form approved by the Finance Director, and shall be accompanied by a fee established by resolution of the City Council. In the event a short term lodging permit becomes available, the Finance Director shall notify the person or persons next in order on the waiting list. The notice shall specify that applications will be accepted for ten (10) calendar days after the date of the notice, and that failure to apply within the ten (10) calendar day period shall result in removal of the person or persons receiving notice from the waiting list. Notice shall be deemed given when deposited in the United States mail, with the first class postage prepaid, and addressed as specified by the person or persons on the waiting list. The City shall not be liable for a failure to notify any person or persons on the waiting list since placement on the list does not create any property right in any person or persons on the list nor any contractual obligation on the part of the City.

Section 9: Section 5.95.043 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby added to read as follows:

5.95.043 Transfer of Permit.

A. A short term lodging permit that is valid and has not been abandoned in accordance with Section 5.95.030 (B) through (F), may be transferred to any of the following:

1. If the owner transfers the ownership of the lodging unit to an inter vivos trust, family trust, or other similar type of trust estate, a valid short term lodging permit may be transferred to the inter vivos trust, family trust, or other similar type of trust estate, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the inter vivos trust, family trust, or other similar type of trust estate.

2. If the owner transfers the ownership of the lodging unit to a corporation, limited liability company, partnership, limited partnership, or similar business entity, a valid short term lodging permit may be transferred to the business entity, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the business entity.

3. If the owner transfers the ownership of the lodging unit to an immediate family member, which shall include a spouse, domestic partner, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle), a valid short term lodging permit may be transferred to the immediate family member, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the immediate family member.

4. If the owner sells the lodging unit to a bona fide purchaser for value, a valid short term lodging permit may be transferred to the purchaser, if an application to transfer a valid permit is filed in accordance with Section 5.95.030, within sixty (60) days of the date title is transferred to the purchaser.

5. If the owner is deceased, the short term lodging permit for the short term lodging unit may be transferred to the heir(s) once the estate is closed and the assets distributed, if an application to transfer a valid permit is filed in accordance with Section

5.95.030, within ninety (90) days of the date the heir(s) becomes the owner of the short term lodging unit.

B. The deadlines set forth in Subsection (A) are established for purposes of setting deadlines for the transfer of a valid permit that has not been deemed abandoned in accordance with Section 5.95.030 (B) through (F). The deadlines set forth in Section (A) shall not extend the deadlines set forth in or in accordance with Section 5.95.030 (B) through (F). Authorization to transfer a valid short term lodging permit shall be deemed waived and the permit abandoned if an application is not filed to transfer a permit in accordance with the deadlines set forth in this section.

Section 10: Section 5.95.045, Subsection (A), condition number twenty-one (21) of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended as follows:

21. Neither an owner or the owner’s agent shall rent, let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two (2) consecutive nights.

Section 11: The row entitled “Short-Term Lodging” set forth in Table 21.18-1 (Allowed Uses) in Section 21.18.020(C) (Residential Coastal Zoning Districts Land Uses) 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 NBMC is amended to read as follows:

21.18.020 Residential Coastal Zoning Districts Land Uses.

Table 21.18-1

Land Use	R-A	R-1 R-1- 6,000	R-BI R-2 R-2- 6,000	RM RM-6,000	Specific Use Regulations
Residential Uses					
Short-Term Lodging	—	—	A	A	Chapter 5.95 and Section 21.48.115

Section 12: Amend Section 21.48.115 (Short-Term Lodging) of Chapter 21.48 (Standards for Specific Land Uses) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC to repeal said section and replace it with the following:

21.48.115 Short-Term Lodging

A. Purpose. This section provides standards for the operation of short-term lodging units to prevent over-burdening City services and adverse impacts on residential neighborhoods and on coastal access and resources.

B. Permits.

1. No owner of a short-term lodging unit shall advertise for rent, or rent a lodging unit located within a residential district for a short-term, without a valid short-term lodging permit for that unit, issued pursuant to Chapter 5.95.

2. An owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of Chapter 5.95.

3. As set forth in Section 5.95.042 of Chapter 5.95, the maximum number of short-term lodging permits shall be limited to one thousand five hundred and fifty (1,550) permits at any time. If there are more than one thousand five hundred and fifty (1,550) valid permits that have been issued as of January 13, 2022, no new permit shall be issued to anyone on the waiting list, as described in Section 5.95.042 (D), until the total number of permits does not exceed the one thousand five hundred and fifty (1,550) limit. To avoid wholesale conversion of existing and new housing complexes into short-term lodgings, multi-unit developments with five or more units may permit a maximum of twenty percent (20%) of the total number of units to be short-term lodgings (rounded down to the nearest whole number).

4. No short-term lodging unit shall be permitted on any lot in the R-1 (Single-Unit Residential) Coastal Zoning District or any lot designated for single-unit dwelling land use as part of a planned community development plan, unless the short-term lodging unit was legally established on or before June 1, 2004.

C. Operational Standards. The owner, or any other person(s) or entity(ies) that hold(s) legal and/or equitable title to the lodging unit, shall comply with all federal, state, and local laws, rules, regulations and conditions of approval including, but not limited to, all short-term lodging permit conditions, as set forth in Chapter 5.95. In addition, the owner, or any other person(s) or entity(ies) that hold(s) legal and/or equitable title to the lodging unit, shall:

1. By written agreement, limit overnight occupancy of the short-term lodging unit to the maximum permitted by the Building Code and Fire Code.

2. Use best efforts to ensure that the transient user, occupants and/or guests of the short-term lodging unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.

3. Upon notification that any transient user, occupant and/or guest of his or her short-term lodging unit has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or any state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, promptly use best efforts to prevent a recurrence of such conduct by any transient user, occupant or guest.

4. Use best efforts to ensure compliance with applicable health and sanitation regulations relating to waste disposal.

5. Post a copy of any applicable permits and conditions in a conspicuous place within the unit.

6. Not rent, let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two (2) consecutive nights.

7. The City Manager shall have the authority to impose additional standard conditions, applicable to all short-term lodging units, as necessary to achieve the objectives of this section.

D. Additional Permit Conditions for Newport Island (Map A-16). To the extent there is any conflict between this subsection and other provisions of the Code related to short-term rentals on Newport Island (Map A-16), this subsection shall govern and control.

1. In addition to the restriction set forth in Section 5.95.042 and subsection (B)(3), the maximum number of short-term lodging permits issued for units located on Newport Island shall be limited to twenty (20) short-term lodging permits at any one time. If there are more than twenty (20) valid short-term lodging permits that have been issued as of January 13, 2022, an owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of Chapter 5.95; however, no new permit shall be issued unless: (a) permits are available for issuance pursuant to Section 5.95.042 and subsection (B)(3); and (b) the total number of permits for units located on Newport Island does not exceed twenty (20). If the City has issued the maximum number of permits

available for units on Newport Island, the City shall maintain a waiting list and follow the same procedures as set forth in Section 5.95.042 (D). For purposes of this subsection, the maximum number permits available will be calculated in the same manner as set forth in Chapter 5.95.

2. An owner, agent, or other person shall only be allowed to rent a dwelling unit on Newport Island for a short-term if the dwelling unit is located on a lot with an owner-occupied dwelling unit that is managed by the owner of the owner-occupied dwelling unit.

3. The owner and/or agent shall limit the overnight occupancy of the short-term lodging unit on Newport Island to the lesser of: (a) the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection (D)(4) below, or (b) two persons per bedroom plus two additional persons, up to a maximum of ten persons. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m. with the maximum daytime occupancy limited to a number equal to maximum overnight occupancy plus six additional persons. The occupancy restrictions set forth in this subsection shall be set forth in a written rental agreement.

4. Each short-term lodging unit on Newport Island shall provide a minimum of one parking space in an existing garage or carport. Occupancy shall be limited to a maximum of five overnight guests for a short-term lodging unit providing only one parking space. The parking required by this subsection shall be free of obstructions and available for use by the short-term lodging user.

5. Any existing permit holder of a dwelling unit that is not located on an owner-occupied lot per subsection (D)(2) or does not meet the parking requirements of subsection (D)(4) will be permitted to retain their permit until January 13, 2023.

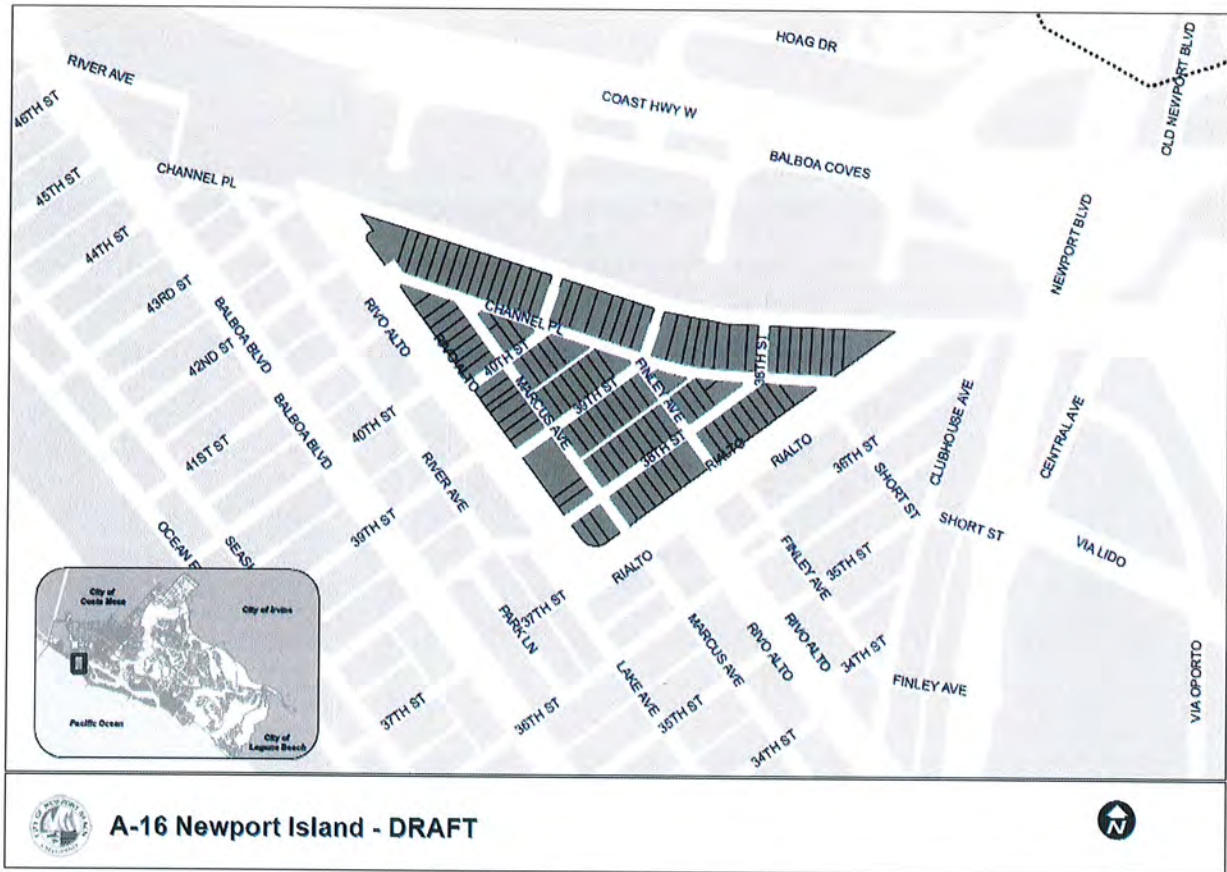
6. No owner, agent, or other person shall rent or let a short-term lodging unit on Newport Island more than once in any seven (7) consecutive day period.

Section 13: Amend Section 21.70.020 (Definitions of Specialized Terms and Phrases) of Chapter 21.70 (Definitions) of the NBMC to include the following definition:

“Dwelling unit, owner-occupied” means a dwelling unit that is occupied by a natural person who has at least a twenty-five percent ownership interest in the lot where one or more dwelling units are located or a twenty-five percent ownership interest in the entity that owns the lot where one or more of the dwelling units are located and who resides in a dwelling unit on the same lot, which is the person’s legal domicile and permanent residence.

Section 14: Amend Section 21.80.010 (Area Maps) of Chapter 21.80 (Maps) of the NBMC to include the following map:

A-16 – Newport Island (PDF)



Section 15: The LCP, including LCP Amendment Nos. LC2020-007 and LC2020-008, will be carried out fully in conformity with the California Coastal Act.

Section 16: The recitals provided in this ordinance are true and correct and are incorporated into the operative part of this ordinance.

Section 17: The City Council hereby authorizes City staff to submit this ordinance for a determination by the Executive Director of the Coastal Commission that this action is legally adequate to satisfy the specific requirements of the Coastal Commission’s October 13, 2021, actions on LCP Amendment Request Nos. LCP-5-NPB-20-0070-3 (Short-Term Lodging) and LCP-5-NPB-21-0036-1 Part C (Newport Island Short-Term Lodging).

Section 18: This ordinance shall not become effective for thirty days after adoption and until the Executive Director of the Coastal Commission certifies that this ordinance complies with the Coastal Commission's October 13, 2021, actions on LCP Amendment Request Nos. LCP-5-NPB-20-0070-3 (Short-Term Lodging) and LCP-5-NPB-21-0036-1 Part C (Newport Island Short-Term Lodging).

Section 19: 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 20: The City Council finds the adoption of this ordinance is not a project subject to the California Environmental Quality Act ("CEQA") in accordance with 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"), because it has no potential for resulting in physical change to the environment, directly or indirectly. The proposed action 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 amendments to NBMC Chapter 5.95 and the LCP Amendments provide additional regulations on short-term lodging, which is an existing, permitted use, and thus do not authorize development that would directly result in physical change to the environment.

Section 21: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect. Sections 1 through 8 and the portion of Section 10, which added Subsection 21, to Section 5.95.045, Chapter 5.95 of Title 5, of Ordinance 2020-26, are hereby superseded by this ordinance.

Section 22: 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.

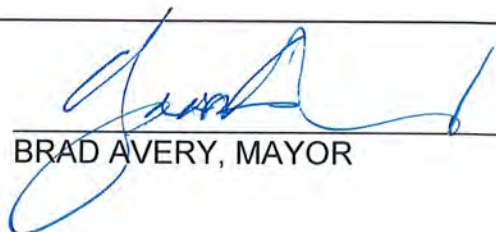
This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 30th day of November 2021, and adopted on the 14th day of December, 2021, by the following vote, to-wit:

AYES: Mayor Avery, Council Member Blom, Council Member Brenner, Council Member Dixon, Council Member Duffield, Council Member O'Neill

NAYS: Mayor Pro Tem Muldoon

ABSENT: _____

RECUSED: _____



BRAD AVERY, MAYOR

ATTEST:



LEILANI I. BROWN, CITY CLERK



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

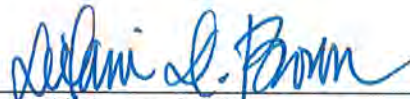
STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing ordinance, being Ordinance No. 2021-28 was duly introduced on the 30th day of November, 2021, at a regular meeting, and adopted by the City Council at a regular meeting duly held on the 14th day of December, 2021, and that 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 Duffy Duffield, Council Member Will O'Neill
NAYS: Mayor Pro Tem Kevin Muldoon

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 15th day of December, 2021.





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

CERTIFICATE OF PUBLICATION

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

I, LEILANI I. BROWN, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2021-28 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: December 4, 2021
Adopted Ordinance: December 18, 2021

In witness whereof, I have hereunto subscribed my name this _____ day of _____, 202_

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

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071



January 24, 2022

TO: Commissioners and Interested Persons

FROM: Karl Schwing, District Director
Zach Rehm, District Supervisor
Liliana Roman, Coastal Program Analyst

RE: Concurrence with the Executive Director's determination that the action by the City of Newport Beach accepting certification of LCP Amendment No. LCP-5-NPB-21-0036-1 Part C (Newport Island Short Term Lodgings) with suggested modifications is legally adequate. For Commission review at the February 10, 2022 meeting.

On April 29, 2021 the Commission's South Coast District office received a request to amend the Implementation Plan portion of the City of Newport Beach certified Local Coastal Program (LCP). The Amendment Request No. LCP-5-NPB-21-0036-1 Part C would revise IP Section 21.48.115 (Short-Term Lodgings) to include additional restrictions to the short-term lodging program specific to Newport Island to cap the number of permits, require owner-occupancy and owner-management, one rental booking per week, overnight occupancy limit, a daytime occupancy limit, and a minimum parking requirement; include a definition of "owner-occupied dwelling unit" and include Map A-16 specifically identifying Newport Island in the IP.

On October 13, 2021, the Commission approved LCP Amendment No. LCP-5-NPB-21-0036-1 Part C with suggested modifications to ensure the requested modifications do not result in adverse impacts to public access to the coast. On November 30, 2021, the Newport Beach City Council introduced Ordinance No. 2021-28, incorporating the modifications suggested by the Commission pursuant to its approval of this LCP Amendment. On December 1, 2021, the City submitted the ordinance adopted by the City Council (see attachment) to the Executive Director for a determination that the City's action is consistent with the Commission's October 13, 2021 action. Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Newport Beach acknowledging receipt and acceptance of and agreement with the Commission's certification of the above-referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless a majority of the Commissioners object to the Executive Director's determination, the certification of City of Newport Beach Implementation Plan Amendment No. LCP-5-NPB-20-0070-3 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

ORDINANCE NO. 2021-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING CHAPTER 5.95 (SHORT TERM LODGING PERMIT) AND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE RELATING TO SHORT TERM LODGING, AND ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. LC2020-007 RELATED TO SHORT TERM LODGING AND LOCAL COASTAL PROGRAM AMENDMENT NO. LC2020-008 RELATED TO SHORT TERM LODGING ON NEWPORT ISLAND (PA2020-048 AND PA2020-326)

WHEREAS, Section 200 of the Charter 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, the City is a popular beach resort community that serves a large number of tourists during the summer months;

WHEREAS, this influx of tourists and the accompanying volume of vehicle traffic burdens City streets and places heavy demand on parking, sewage and refuse facilities, and paramedic and police services due to frequent complaints of noise disturbances, disorderly conduct and other nuisance or illegal activity at short term lodging units;

WHEREAS, occupants of short term lodging units are generally not residents of the City and the City has limited ability to enforce provisions of the Newport Beach Municipal Code and the California Penal Code related to disorderly conduct when violated by occupants of short term lodging units;

WHEREAS, the presence of short term lodging within the City's residential neighborhoods can disrupt the quietude and residential character of those neighborhoods and adversely affect the community;

WHEREAS, the City has an interest in preserving its housing stock and the quality and character of its existing residential neighborhoods;

WHEREAS, the City has more short term lodging units than any other southern California city of a similar size, and limiting the number of short term lodging units will reduce the demand for City services, preserve the housing stock and quality and character of the City's neighborhoods;

WHEREAS, requiring a minimum stay has been shown to reduce the number of disturbances at short term lodging units, thereby reducing the demand on Police and Fire Department personnel;

WHEREAS, establishing a maximum cap of 1,550 permits maintains the City's large capacity for short term lodging, while guarding against future impacts that unregulated expansion would create;

WHEREAS, the Newport Island community consists of a total of 119 parcels zoned Two-Unit Residential (R-2), which could potentially allow up to two dwelling units per lot; however, more than 68 percent of the parcels (81 parcels) are developed with single-unit residences, making the community relatively low density and more single-family in character;

WHEREAS, prior to 2018, only three parcels (two percent of the 157 total units) were utilized for short term lodging. In the last three years, there has been a significant increase in properties used for short term lodging, with a total of 18 short term lodging permits issued, which equates to 11.5 percent of the total units on Newport Island;

WHEREAS, Newport Island is a unique triangular-shaped island community surrounded by water channels on all sides and is only accessible via a single bridge. Given the limited access to and narrow streets on Newport Island, it is important to ensure that the number of short term lodging units on the island is limited so that emergency personnel can properly respond to incidents without compromising the safety of Newport Island residents and visitors;

WHEREAS, Newport Island was originally subdivided in 1907 and primarily consists of older residences that are nonconforming to current modern parking standards, impacting the limited on-street parking on Newport Island. On-street parking on Newport Island is further impacted by visitors seeking public access to the water via nine street ends and a public park;

WHEREAS, the proliferation of short term lodging units on Newport Island, which has increased the number of transient users, has exacerbated the need for on-street parking, negatively impacting the community and impacting public safety because transient users and their guests park in red zones, interfering with emergency access, and in front of driveways blocking access to neighborhood homes;

WHEREAS, the City Council has reviewed and considered evidence and documentation attesting to the need to limit the number of short term lodging permits and to further regulate and control short term lodging units in residential zones to ensure that short term lodging units are regulated in a way to maintain harmony with surrounding uses;

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"), which has been amended from time to time, most recently on September 14, 2021, by Resolution No. 2021-79;

WHEREAS, the California Coastal Commission ("Coastal Commission") effectively certified the City's Local Coastal Implementation Plan on January 13, 2017, which the City added as 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;

WHEREAS, on October 13, 2020, the City Council adopted Resolution No. 2020-91 authorizing submittal to the Coastal Commission LCP Amendment No. LC2020-007 relating to citywide short term lodging regulations and also adopted Ordinance No. 2020-26 amending portions of Chapter 5.95 of Title 5 of the NBMC relating to short term lodging;

WHEREAS, on April 13, 2021, the City Council adopted Resolution No. 2021-30 authorizing submittal to the Coastal Commission LCP Amendment No. LC2020-008 relating to short term lodging on Newport Island and which amended LCP Amendment No. LC2020-007;

WHEREAS, LCP Amendment Nos. LC2020-007 and LC2020-008 shall not become effective until approval by the Coastal Commission and adoption, including any modifications suggested by the Coastal Commission, by resolution(s) and/or ordinance(s) of the City Council;

WHEREAS, at its October 13, 2021 hearing, the Coastal Commission approved with modifications the amendments by Ordinance No. 2020-26 to NBMC Chapter 5.95 and certified LCP Amendment Nos. LC2020-007 with modifications (LCP-5-NPB-20-0070-3) and LC2020-008 with modifications (LCP-5-NPB-21-0036-1 Part C) as being consistent with the California Coastal Act; and

WHEREAS, a public hearing was held by the City Council on November 30, 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 and Chapter 21.62 of the NBMC. 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 ordains as follows:

Section 1: The City Council hereby accepts the suggested modifications approved by the California Coastal Commission.

Section 2: The table of contents for Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

Chapter 5.95

SHORT TERM LODGING PERMIT

Sections:

- 5.95.005 Purpose and Findings.
- 5.95.010 Definitions.
- 5.95.015 Residential Properties Eligible for Short Term Lodging Permits.
- 5.95.020 Permit Required.
- 5.95.025 Agency.
- 5.95.030 Application for Permit.
- 5.95.035 Denial of Permit.
- 5.95.040 Filing Fee.
- 5.95.042 Maximum Number of Permits.
- 5.95.043 Transfer of Permit.
- 5.95.045 Conditions.
- 5.95.047 Violations of Permit Conditions by Transient User, Occupant or Guest.
- 5.95.050 Agents and Hosting Platform Responsibilities.

- 5.95.055 Issuance of Administrative Subpoenas.
- 5.95.060 Violations, Penalties and Enforcement.
- 5.95.065 Suspensions and Revocations.
- 5.95.070 Permits and Fees Not Exclusive.
- 5.95.080 License and Permit Closure.

Section 3: Section 5.95.005, Subsection (L) of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

L. The restrictions of this chapter are necessary to preserve the City's housing stock, the quality and character of the City's residential neighborhoods as well as to prevent and address the impacts on residential neighborhoods posed by short term lodgings.

Section 4: Section 5.95.025 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.025 Agency.

An owner may retain an agent to comply with the requirements of this chapter, including, without limitation, the filing of an application for an annual permit, the renewal of a permit, the reinstatement of a permit or the transfer of a permit; the management of the short term lodging unit or units; and the compliance with the short term lodging permit conditions. The permit shall be issued only to the owner of the short term lodging unit or units. The owner of the short term lodging unit or units is responsible for compliance with the provisions of this chapter and the failure of an agent to comply with this chapter shall be deemed non-compliance by the owner.

Section 5: Section 5.95.030 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.030 Application for Permit.

An application for an annual short term lodging permit, renewal of a short term lodging permit, reinstatement of a short term lodging permit or transfer of a short term lodging permit shall be filed with the Finance Director upon forms provided by the City.

A. An application for a new permit, renewal permit, the reinstatement of a permit or the transfer of a permit shall contain the following information:

1. The name, address and telephone number of the owner of the unit for which the short term lodging permit is to be issued.

2. The name, address and telephone number of the agent, if any, of the owner of the unit.

3. Evidence of a valid business license issued by the City for the separate business of operating a short term lodging unit or units.

4. The number of bedrooms in the lodging unit.

5. The gross floor area of the lodging unit.

6. The number of parking spaces available on site and a description indicating the location and size of each parking space.

7. A nuisance response plan, which sets forth the owner's plan for handling disruptive transient users.

8. A certification that the applicant has reviewed the covenants, conditions and restrictions, if any, and a short term use is permitted at the location pursuant to the terms of the covenants, conditions and restrictions, if any.

9. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a short term lodging unit.

10. Such other information as the Finance Director deems reasonably necessary to administer this chapter.

B. An application for the renewal of a short term lodging permit shall be filed within thirty (30) calendar days of the short term lodging permit's expiration, or the short term lodging permit shall be deemed abandoned.

C. An application for the reinstatement of a short term lodging permit closed by the Finance Director pursuant to Section 5.95.080 shall be filed within thirty (30) calendar days of the date the permit was closed by the Finance Director, or the short term lodging permit shall be deemed abandoned.

D. An application for the reinstatement of a previously suspended short term lodging permit shall be filed within thirty (30) calendar days of the end of the suspension period, or the short term lodging permit shall be deemed abandoned.

E. If any application is deemed incomplete, which shall be determined in the sole discretion of the Finance Director, the application shall be completed within thirty (30) calendar days of the service of notice that the application is incomplete, which shall be served in accordance with Section 1.08.080, or the application and any associated permit shall be deemed abandoned.

F. If good causes exist, as determined in the sole discretion of the Finance Director, the Finance Director may extend the deadlines set forth in Subsections (B) through (E).

G. For purposes of calculating the maximum number of permits under Section 5.95.042, a short term lodging permit shall be deemed valid until the applicable permit has been deemed abandoned.

Section 6: Section 5.95.035 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.035 Denial of Permit.

If permits are available for issuance, no timely application filed by an owner for an annual permit, renewal of a permit, reinstatement of a permit or transfer of a permit for a unit eligible to be used as a short term lodging unit, as provided for in Section 5.95.015 and this Code, shall be denied unless: the owner does not have a current valid business license; the owner has failed to pay transient occupancy tax, the visitor service fee, a penalty, a fine or inspection cost, due and owing to the City; the nuisance response plan is deemed inadequate by the Finance Director; or the short term lodging permit for the same unit and issued to the same owner has been revoked.

Section 7: Section 5.95.040 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended to read as follows:

5.95.040 Filing Fee.

An application for a new annual permit, the renewal of an existing permit, the reinstatement of a permit, or the transfer of a permit shall be accompanied by a fee established by resolution of the City Council; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the City in administering the provisions of this chapter and for providing the answering service.

Section 8: Section 5.95.042 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby added to read as follows:

5.95.042 Maximum Number of Permits.

A. The maximum number of short term lodging permits shall be limited to fifteen hundred and fifty (1,550) permits at any time. If there are more than fifteen hundred and fifty (1,550) valid permits that have been issued as of the effective date of this section, an owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of this chapter; however, no new permit shall be issued to anyone on the waiting list, as described in Subsection (D), until the total number of permits does not exceed the fifteen hundred and fifty (1,550). For purposes of calculating the maximum number of permits available, a permit shall be deemed valid and unavailable until it is abandoned in accordance with Section 5.95.030 (B) through (F), and/or Section 5.95.043 (B). To avoid wholesale conversion of existing and new housing complexes into short term lodgings, multi-unit developments with five or more units may permit a maximum of twenty (20%) of the total number of units to be short term lodgings (rounded down to the nearest whole number).

B. An owner who has a short term lodging permit or an owner seeking to reinstate a short term lodging permit that has not been abandoned in accordance with Section 5.95.030 (B) through (F), shall have priority to renew or reinstate the permit over anyone on the waiting list, as described in Subsection (D).

C. An owner seeking to transfer a valid short term lodging permit that files an application within the timeframes set forth in Section 5.95.043 (A) shall have priority to transfer the permit over anyone on the waiting list, as described in Subsection (D).

D. If the City has issued the maximum number of permits available, the City shall maintain a waiting list. An application for placement on the waiting list shall be submitted to the Finance Director, on a form approved by the Finance Director, and shall be accompanied by a fee established by resolution of the City Council. In the event a short term lodging permit becomes available, the Finance Director shall notify the person or persons next in order on the waiting list. The notice shall specify that applications will be accepted for ten (10) calendar days after the date of the notice, and that failure to apply within the ten (10) calendar day period shall result in removal of the person or persons receiving notice from the waiting list. Notice shall be deemed given when deposited in the United States mail, with the first class postage prepaid, and addressed as specified by the person or persons on the waiting list. The City shall not be liable for a failure to notify any person or persons on the waiting list since placement on the list does not create any property right in any person or persons on the list nor any contractual obligation on the part of the City.

Section 9: Section 5.95.043 of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby added to read as follows:

5.95.043 Transfer of Permit.

A. A short term lodging permit that is valid and has not been abandoned in accordance with Section 5.95.030 (B) through (F), may be transferred to any of the following:

1. If the owner transfers the ownership of the lodging unit to an inter vivos trust, family trust, or other similar type of trust estate, a valid short term lodging permit may be transferred to the inter vivos trust, family trust, or other similar type of trust estate, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the inter vivos trust, family trust, or other similar type of trust estate.

2. If the owner transfers the ownership of the lodging unit to a corporation, limited liability company, partnership, limited partnership, or similar business entity, a valid short term lodging permit may be transferred to the business entity, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the business entity.

3. If the owner transfers the ownership of the lodging unit to an immediate family member, which shall include a spouse, domestic partner, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle), a valid short term lodging permit may be transferred to the immediate family member, if an application to transfer a valid permit, in accordance with Section 5.95.030, is filed within three hundred and sixty-five (365) days of the date title is transferred to the immediate family member.

4. If the owner sells the lodging unit to a bona fide purchaser for value, a valid short term lodging permit may be transferred to the purchaser, if an application to transfer a valid permit is filed in accordance with Section 5.95.030, within sixty (60) days of the date title is transferred to the purchaser.

5. If the owner is deceased, the short term lodging permit for the short term lodging unit may be transferred to the heir(s) once the estate is closed and the assets distributed, if an application to transfer a valid permit is filed in accordance with Section

5.95.030, within ninety (90) days of the date the heir(s) becomes the owner of the short term lodging unit.

B. The deadlines set forth in Subsection (A) are established for purposes of setting deadlines for the transfer of a valid permit that has not been deemed abandoned in accordance with Section 5.95.030 (B) through (F). The deadlines set forth in Section (A) shall not extend the deadlines set forth in or in accordance with Section 5.95.030 (B) through (F). Authorization to transfer a valid short term lodging permit shall be deemed waived and the permit abandoned if an application is not filed to transfer a permit in accordance with the deadlines set forth in this section.

Section 10: Section 5.95.045, Subsection (A), condition number twenty-one (21) of Chapter 5.95 of Title 5 of the Newport Beach Municipal Code is hereby amended as follows:

21. Neither an owner or the owner’s agent shall rent, let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two (2) consecutive nights.

Section 11: The row entitled “Short-Term Lodging” set forth in Table 21.18-1 (Allowed Uses) in Section 21.18.020(C) (Residential Coastal Zoning Districts Land Uses) 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 NBMC is amended to read as follows:

21.18.020 Residential Coastal Zoning Districts Land Uses.

Table 21.18-1

Land Use	R-A	R-1 R-1- 6,000	R-BI R-2 R-2- 6,000	RM RM-6,000	Specific Use Regulations
Residential Uses					
Short-Term Lodging	—	—	A	A	Chapter 5.95 and Section 21.48.115

Section 12: Amend Section 21.48.115 (Short-Term Lodging) of Chapter 21.48 (Standards for Specific Land Uses) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC to repeal said section and replace it with the following:

21.48.115 Short-Term Lodging

A. Purpose. This section provides standards for the operation of short-term lodging units to prevent over-burdening City services and adverse impacts on residential neighborhoods and on coastal access and resources.

B. Permits.

1. No owner of a short-term lodging unit shall advertise for rent, or rent a lodging unit located within a residential district for a short-term, without a valid short-term lodging permit for that unit, issued pursuant to Chapter 5.95.

2. An owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of Chapter 5.95.

3. As set forth in Section 5.95.042 of Chapter 5.95, the maximum number of short-term lodging permits shall be limited to one thousand five hundred and fifty (1,550) permits at any time. If there are more than one thousand five hundred and fifty (1,550) valid permits that have been issued as of January 13, 2022, no new permit shall be issued to anyone on the waiting list, as described in Section 5.95.042 (D), until the total number of permits does not exceed the one thousand five hundred and fifty (1,550) limit. To avoid wholesale conversion of existing and new housing complexes into short-term lodgings, multi-unit developments with five or more units may permit a maximum of twenty percent (20%) of the total number of units to be short-term lodgings (rounded down to the nearest whole number).

4. No short-term lodging unit shall be permitted on any lot in the R-1 (Single-Unit Residential) Coastal Zoning District or any lot designated for single-unit dwelling land use as part of a planned community development plan, unless the short-term lodging unit was legally established on or before June 1, 2004.

C. Operational Standards. The owner, or any other person(s) or entity(ies) that hold(s) legal and/or equitable title to the lodging unit, shall comply with all federal, state, and local laws, rules, regulations and conditions of approval including, but not limited to, all short-term lodging permit conditions, as set forth in Chapter 5.95. In addition, the owner, or any other person(s) or entity(ies) that hold(s) legal and/or equitable title to the lodging unit, shall:

1. By written agreement, limit overnight occupancy of the short-term lodging unit to the maximum permitted by the Building Code and Fire Code.

2. Use best efforts to ensure that the transient user, occupants and/or guests of the short-term lodging unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.

3. Upon notification that any transient user, occupant and/or guest of his or her short-term lodging unit has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or any state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, promptly use best efforts to prevent a recurrence of such conduct by any transient user, occupant or guest.

4. Use best efforts to ensure compliance with applicable health and sanitation regulations relating to waste disposal.

5. Post a copy of any applicable permits and conditions in a conspicuous place within the unit.

6. Not rent, let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two (2) consecutive nights.

7. The City Manager shall have the authority to impose additional standard conditions, applicable to all short-term lodging units, as necessary to achieve the objectives of this section.

D. Additional Permit Conditions for Newport Island (Map A-16). To the extent there is any conflict between this subsection and other provisions of the Code related to short-term rentals on Newport Island (Map A-16), this subsection shall govern and control.

1. In addition to the restriction set forth in Section 5.95.042 and subsection (B)(3), the maximum number of short-term lodging permits issued for units located on Newport Island shall be limited to twenty (20) short-term lodging permits at any one time. If there are more than twenty (20) valid short-term lodging permits that have been issued as of January 13, 2022, an owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of Chapter 5.95; however, no new permit shall be issued unless: (a) permits are available for issuance pursuant to Section 5.95.042 and subsection (B)(3); and (b) the total number of permits for units located on Newport Island does not exceed twenty (20). If the City has issued the maximum number of permits

available for units on Newport Island, the City shall maintain a waiting list and follow the same procedures as set forth in Section 5.95.042 (D). For purposes of this subsection, the maximum number permits available will be calculated in the same manner as set forth in Chapter 5.95.

2. An owner, agent, or other person shall only be allowed to rent a dwelling unit on Newport Island for a short-term if the dwelling unit is located on a lot with an owner-occupied dwelling unit that is managed by the owner of the owner-occupied dwelling unit.

3. The owner and/or agent shall limit the overnight occupancy of the short-term lodging unit on Newport Island to the lesser of: (a) the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection (D)(4) below, or (b) two persons per bedroom plus two additional persons, up to a maximum of ten persons. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m. with the maximum daytime occupancy limited to a number equal to maximum overnight occupancy plus six additional persons. The occupancy restrictions set forth in this subsection shall be set forth in a written rental agreement.

4. Each short-term lodging unit on Newport Island shall provide a minimum of one parking space in an existing garage or carport. Occupancy shall be limited to a maximum of five overnight guests for a short-term lodging unit providing only one parking space. The parking required by this subsection shall be free of obstructions and available for use by the short-term lodging user.

5. Any existing permit holder of a dwelling unit that is not located on an owner-occupied lot per subsection (D)(2) or does not meet the parking requirements of subsection (D)(4) will be permitted to retain their permit until January 13, 2023.

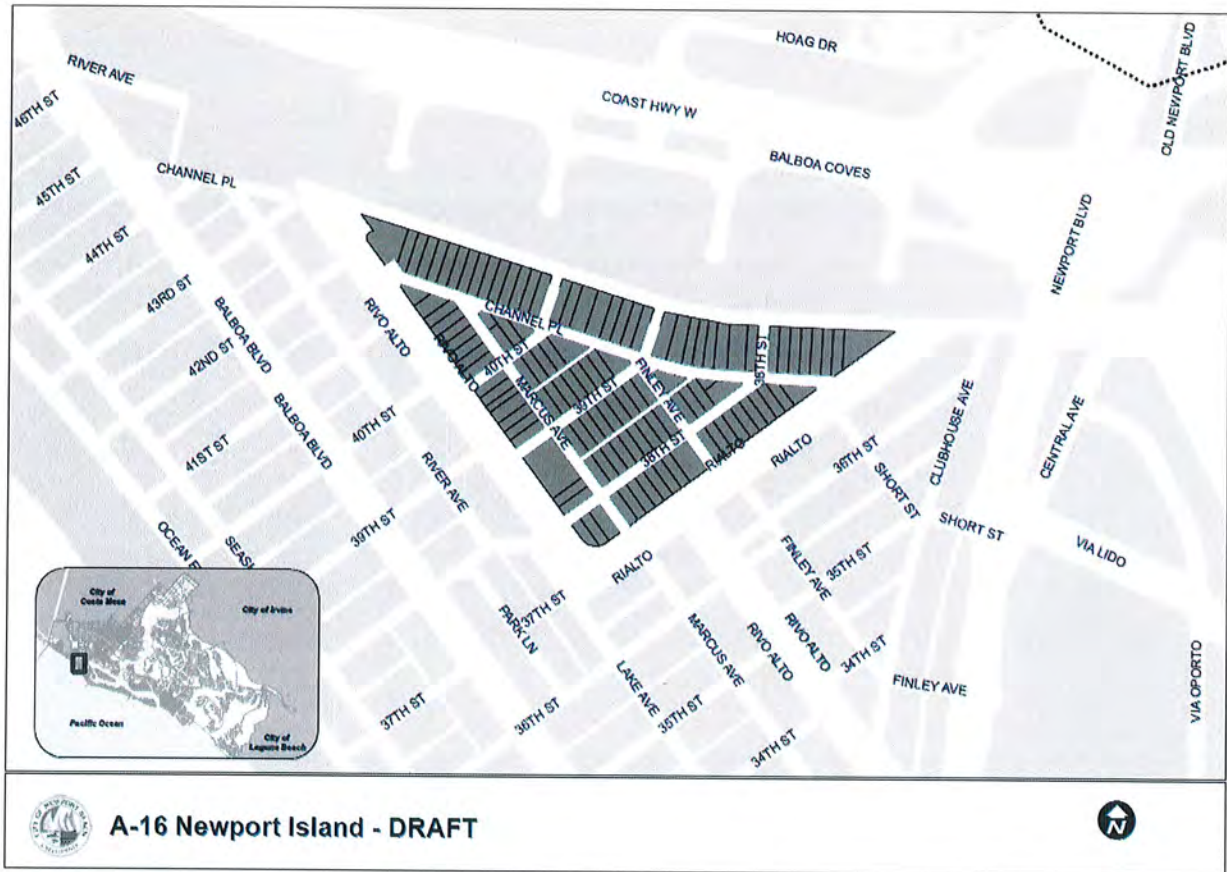
6. No owner, agent, or other person shall rent or let a short-term lodging unit on Newport Island more than once in any seven (7) consecutive day period.

Section 13: Amend Section 21.70.020 (Definitions of Specialized Terms and Phrases) of Chapter 21.70 (Definitions) of the NBMC to include the following definition:

“Dwelling unit, owner-occupied” means a dwelling unit that is occupied by a natural person who has at least a twenty-five percent ownership interest in the lot where one or more dwelling units are located or a twenty-five percent ownership interest in the entity that owns the lot where one or more of the dwelling units are located and who resides in a dwelling unit on the same lot, which is the person’s legal domicile and permanent residence.

Section 14: Amend Section 21.80.010 (Area Maps) of Chapter 21.80 (Maps) of the NBMC to include the following map:

A-16 – Newport Island (PDF)



Section 15: The LCP, including LCP Amendment Nos. LC2020-007 and LC2020-008, will be carried out fully in conformity with the California Coastal Act.

Section 16: The recitals provided in this ordinance are true and correct and are incorporated into the operative part of this ordinance.

Section 17: The City Council hereby authorizes City staff to submit this ordinance for a determination by the Executive Director of the Coastal Commission that this action is legally adequate to satisfy the specific requirements of the Coastal Commission’s October 13, 2021, actions on LCP Amendment Request Nos. LCP-5-NPB-20-0070-3 (Short-Term Lodging) and LCP-5-NPB-21-0036-1 Part C (Newport Island Short-Term Lodging).

Section 18: This ordinance shall not become effective for thirty days after adoption and until the Executive Director of the Coastal Commission certifies that this ordinance complies with the Coastal Commission's October 13, 2021, actions on LCP Amendment Request Nos. LCP-5-NPB-20-0070-3 (Short-Term Lodging) and LCP-5-NPB-21-0036-1 Part C (Newport Island Short-Term Lodging).

Section 19: 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 20: The City Council finds the adoption of this ordinance is not a project subject to the California Environmental Quality Act ("CEQA") in accordance with 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"), because it has no potential for resulting in physical change to the environment, directly or indirectly. The proposed action 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 amendments to NBMC Chapter 5.95 and the LCP Amendments provide additional regulations on short-term lodging, which is an existing, permitted use, and thus do not authorize development that would directly result in physical change to the environment.

Section 21: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect. Sections 1 through 8 and the portion of Section 10, which added Subsection 21, to Section 5.95.045, Chapter 5.95 of Title 5, of Ordinance 2020-26, are hereby superseded by this ordinance.

Section 22: 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.

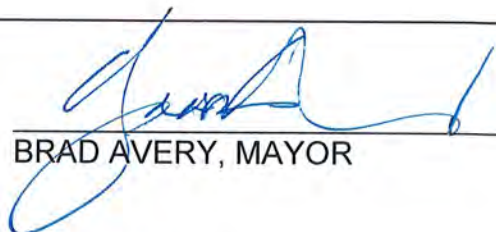
This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 30th day of November 2021, and adopted on the 14th day of December, 2021, by the following vote, to-wit:

AYES: Mayor Avery, Council Member Blom, Council Member Brenner, Council Member Dixon, Council Member Duffield, Council Member O'Neill

NAYS: Mayor Pro Tem Muldoon

ABSENT: _____

RECUSED: _____



BRAD AVERY, MAYOR

ATTEST:



LEILANI I. BROWN, CITY CLERK



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

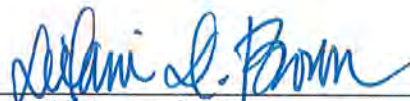
STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF NEWPORT BEACH }

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing ordinance, being Ordinance No. 2021-28 was duly introduced on the 30th day of November, 2021, at a regular meeting, and adopted by the City Council at a regular meeting duly held on the 14th day of December, 2021, and that 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 Duffy Duffield, Council Member Will O'Neill
NAYS: Mayor Pro Tem Kevin Muldoon

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 15th day of December, 2021.





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

CERTIFICATE OF PUBLICATION

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

I, LEILANI I. BROWN, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2021-28 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: December 4, 2021
Adopted Ordinance: December 18, 2021

In witness whereof, I have hereunto subscribed my name this _____ day of _____, 202_

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