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





Prepared February 24, 2022 (for the March 09, 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 March 2022

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, Executive Director Check offs, and emergency CDPs for the South Coast District Office are being reported to the Commission on March 09, 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 March 9th.

With respect to the March 9th 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).

Items being reported on March 09, 2022 (see attached)

Waivers

- 5-21-0406-W, New bedroom (Seal Beach)
- 5-21-0499-W, Single family residence (Seal Beach)
- 5-21-0500-W, Single family residence (Seal Beach)
- 5-21-0682-W, ADU conversion (San Clemente)
- 5-21-0710-W, convert existing garage (San Clemente)
- 5-21-0728-W, Steve & Sally Mann (Laguna Beach)
- 5-21-0871-W, Catie Vuong (Sunset Beach, Huntington Beach)
- 5-22-0002-W, Roof patio structure (Seal Beach)
- 5-22-0055-W, Binh Nguyen (Huntington Beach)
- 5-22-0176-W, Caltrans District 11 (Seal Beach)

Immaterial Extensions

• 5-18-1002-E2, Humboldt Drive Bridge Rehabilitation Project (Humboldt Drive Bridgeover Short Channel (Bridge #55C-0284). Humbollt Drive Between Wayfarer Lane And Wimbledon Lane.)

• 5-18-1003-E2, Admiralty Drive Bridge Rehabilitation Project (The Project Includes Repair And Rehabilitation On The Existing Admirally Drive Bridge Over Queen Elizabeth Passage (Bridge #55C-0282)

Executive Director Checkoffs

• LCP-5-NPB-20-0025-1-Part A, Cottages (Newport Beach)

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February 22, 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: 5-21-0406-W

Applicant: Terry Hess

Location: 1310 Catalina Avenue, Seal Beach, Orange County (APN: 199-197-02)

Proposed Development: Add a new 248 sq. ft. bedroom with an attached bathroom to an existing 2,570 sq. ft. single-family residence by converting one bay of an existing 3-car garage (210 sq. ft.) and adding 38 sq. ft. of living space.

Rationale: The project site is located on a developed 6,400 sq. ft. lot located 0.75 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 proposed project will retain an attached two-car garage, which is consistent with prior Commission's actions requiring two parking spaces for residential 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 **March 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 three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth Executive Director Vince Lee Coastal Program Analyst CALIFORNIA COASTAL COMMISSION SOUTH COAST DISTRICT OFFICE 301 E. OCEAN BLVD, SUITE 300 LONG BEACH, CA 90802-4325 PHONE (562) 590-5071



February 22, 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: 5-21-0499-W

Applicant: Gurjit S Sethi

Location: 114 2nd Street, Seal Beach, Orange County (APN: 199-146-05)

Proposed Development: Demolish an existing 700 sq. ft. single-family residence, and construct a new 3,208 sq. ft., 2-story single-family residence with an attached 2-car garage.

Rationale: The project site is located on a developed 2,938 sq. ft. lot located 450 ft. 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 high density in the City of Seal Beach Zoning Code. The proposed single-family residence will include an attached two-car garage, which is consistent with prior Commission's actions requiring two parking spaces for residential development in the area. The plan includes a drainage system to manage and increase on-site percolation of runoff, including permeable surfaces and gutters, which are directed to the public right-of way and storm drain. 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 **March 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 DISTRICT OFFICE 301 E. OCEAN BLVD, SUITE 300 LONG BEACH, CA 90802-4325 PHONE (562) 590-5071



February 22, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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Waiver: 5-21-0500-W

Applicant: Gurjit S Sethi

Location: 100 2nd Street, Seal Beach, Orange County (APN: 199-146-04)

Proposed Development: Construct a new 3,008 sq. ft., 2-story single-family residence with an attached 2-car garage on a vacant lot.

Rationale: The project site is located on a vacant 3,068 sq. ft. lot located 450 ft. 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 high density in the City of Seal Beach Zoning Code. The proposed single-family residence will include an attached two-car garage, which is consistent with prior Commission's actions requiring two parking spaces for residential development in the area. The plan includes a drainage system to manage and increase on-site percolation of runoff, including permeable surfaces and gutters, which are directed to the public right-of way and storm drain. 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 **March 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

GAVIN NEWSOM, GOVERNOR

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.COASTALCA.GOV



February 22, 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:5-21-0682-WApplicant:Will Wyatt

Location: 166 Avenida Aragon, Unit B, San Clemente, Orange County (APN: 692-382-29-00)

Proposed Development: Conversion of an existing 1-story, 371 sq. ft., attached garage of an existing 1,804 sq. ft. single-family residence to an Accessory Dwelling Unit (ADU). Three parking spaces are provided on site.

Rationale: The project site is located on a developed 6,000 sq. ft. lot located approximately 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 single-family residence. The project maintains two parking spaces for the primary residence and provides one additional parking space for the proposed ADU, therefore the new ADU will not impact public street parking spaces used for beach access. 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 <u>March 9-11, 2022</u> 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

CALIFORNIA COASTAL COMMISSION SOUTH COAST DISTRICT OFFICE 301 E. OCEAN BLVD., SUITE 300 LONG BEACH, CALIFORNIA 90802-4830 PH (552) 590-5071 FAX (562) 590-5084 WWW.COASTALCA.GOV



February 23, 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: 5-21-0710-W

Applicant: Ken and Sandra Goldstone

Location: 134 West Avenida De Los Lobos Marinos, San Clemente, Orange County (APN: 692-211-26)

Proposed Development: Conversion of an existing 1-story, 356 sq. ft., detached garage of an existing 1,600 sq. ft. single-family residence to a 309 sq. ft. Accessory Dwelling Unit (ADU) and 47 sq. ft. laundry room. Four parking spaces are provided on site.

Rationale: The project site is located on a developed 5,136 sq. ft. lot located approximately 1/2 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 changes to the existing single-family residence. The project maintains three parking spaces for the primary residence and provides one additional parking space for the proposed ADU, therefore the new ADU will not impact public street parking spaces used for beach access. 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 <u>March 9-11, 2022</u> 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

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



February 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: 5-21-0728-W

Applicant: Steve & Sally Mann

Location: 56 S. La Senda Drive, Laguna Beach (Orange County) (APN(s): 056-204-49)

Proposed Development: Construction of an approximately 359-square-foot accessory dwelling unit (ADU) at the lower level of an existing 2,269-square-foot, three-level single-family residence. The project includes an approximately 65-square-foot reduction of living area on the lower level. Approximately 23 cubic yards of grading (cut & fill) is proposed.

Rationale: The subject site is a 4,500-square-foot inland lot and is located within the existing locked gate community of Three Arch Bay (TAB), one of the areas of deferred certification in the otherwise certified City of Laguna Beach due to public access issues. The area is zoned low density residential by the City and the proposed project conforms to the permitted uses for the zone. No new drainage improvements are proposed. There is no public access in TAB; therefore, the project will have no impact to public coastal access even if the residents park their vehicles on the street in TAB. Public coastal access exists in the project vicinity at 1,000 Steps County beach (approximately ½-mile up-coast) and at Salt Creek Beach Park (approximately one-mile down-coast). The proposed project design is compatible with the character of surrounding development and will not adversely impact visual or coastal resources, public access, or public recreation opportunities. It is consistent with past Commission actions in the area and with Chapter Three policies of the Coastal Act, and it will not prejudice the City's ability to prepare a Certified Local Coastal Plan (LCP) for the Three Arch Bay area of deferred certification.

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

John Ainsworth Executive Director

Marlene Alvarado Coastal Program Analyst

cc: Commissioners/File

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



February 23, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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Waiver: 5-21-0871-W

Applicant: Nina Nhi Phan, Trustee of The Thanhnhi Trust dated December 19, 2013

Location: 17005 So. Pacific Ave., Huntington Beach (Orange County) (APN: 178-542-10)

Proposed Development: Demolition of a 1,549 square feet, two story, 21.3 feet high, single-family residence on a beachfront lot. No encroachments beyond the property line are present.

Rationale: The proposed project includes water quality and erosion control measures to be implemented during and post demolition. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. Additionally, the proposed development will not prejudice the City's ability to prepare a certified Local Coastal Program for the Sunset Beach area of the City of Huntington Beach.

This waiver will not become effective until reported to the Commission at its **March 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 cc: Commissioners/File Meg Vaughn Coastal Program Analyst

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



February 22, 2022

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

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Waiver: 5-22-0002-W

Applicant: Richie Ashley

Location: 125 Surf Place, Seal Beach, Orange County (APN: 199-121-34)

Proposed Development: Construct a new 142 sq. ft. roof patio structure and a 12" raised wood walking deck attached to the rear of the existing 2-story single-family residence.

Rationale: The project site is located on a developed 5,100 sq. ft. lot located between the first public road and the sea, in an urbanized residential neighborhood. The lot is designated as residential low density in the City of Seal Beach Zoning Code. The proposed project does not result in a change in existing density or parking. 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 **March 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 three (3) 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 DISTRICT OFFICE 301 E. OCEAN BLVD., SUITE 300 LONG BEACH, CALIFORNIA 90802-4830 PH (562) 590-5071 FAX (562) 590-5084 WWW.COASTALCA.GOV



February 23, 2022

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

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Waiver:5-22-0055-WApplicant:Binh Nguyen

Location: 17451 Kennebunk Lane, Huntington Beach, Orange County (APN: 163-351-62)

Proposed Development: Addition of 992 square feet (698 square feet at the first floor; 294 square feet at the second floor) to an existing 3,796 square foot, two story, 28.6 feet high single-family residence. Resultant residence will be 4,788 square feet with an attached, 425 square foot, two car garage.

Rationale: The project site is an interior lot in the Brightwater development, approved under Coastal Development Permit No. 5-05-020. The site is not adjacent to habitat or public trail area (other than the public sidewalk and streets). The proposed project will not result in any change to the existing height or site drainage. The project will conform to all requirements of CDP 5-05-020, including but not limited to, prohibition on the use of rodenticides; all landscaping will conform to the Approved Plant List for Non-Habitat Non-Buffer Areas; all lighting will be down-directed and shielded away from wetlands, habitats, and buffer areas; and all habitable development will be set back 20 feet from the rear lot line. These restrictions are included in the Brightwater CC&Rs. The proposed project will not adversely impact coastal resources, public access, or public recreation opportunities, is consistent with past Commission actions for the area and Chapter Three policies of the Coastal Act, and will not prejudice the City's ability to prepare a certified Local Coastal Program for the Brightwater area of the City of Huntington Beach.

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

John Ainsworth Executive Director Meg Vaughn Coastal Program Analyst

CC: File

CALIFORNIA COASTAL COMMISSION SOUTH COAST DISTRICT OFFICE 300 E OCEAN BLVD., SUITE 301 LONG BEACH, CALIFORNIA 90802-4416

LONG BEACH, CALIFORNIA 90802-4416 PH (562) 590-5071 FAX (562) 590-5084 WWW.COASTAL.CA.GOV



March 10, 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: 5-22-0176-W Applicant: California Department of Transportation (Caltrans) - District 12

Location: Pacific Coast Highway (PCH) from Warner Avenue to the Orange/Los Angeles County Line (Post Miles 29.9 to 33.7), Seal Beach, Orange County.

Proposed Development: Replacing existing pavement on PCH; removing and replacing the existing traffic signal loops detectors within the project limits; modifying the existing curb ramps to current ADA standards; restriping the repaved area to Caltrans' current striping standards; adding high visibility marked crosswalk and modifying the existing raised curb median on the south side of the PCH/Seal Beach Boulevard intersection; widening the northbound right turn lane on PCH at the intersection with Seal Beach Boulevard in order to add a standard width bike lane left of the right turn lane, as well as a six-foot wide sidewalk; reconstructing the curb ramp at the southeast corner of PCH at the intersection with Seal Beach Boulevard and modifying the existing traffic signal to add a pedestrian signal and relocating the pedestrian push button; adding traffic signal loop detectors and bike push buttons within the project limits; removing approximately one mile of the existing median concrete barrier and replacing it with a type of concrete barrier that meets current standards from south of Seal Beach Boulevard to north of Mariner Drive; and from the beginning to the end of two bridges, the Bridge Across Anaheim Bay and Naval Ammunition Depo Overhead OH; and installing six drainage inlets and two drainage systems on PCH along the proposed median concrete barriers.

Rationale: The proposed improvements to PCH are entirely within Caltrans right-of-way. The new Class II bike lanes, high visibility crosswalks, bike and pedestrian push buttons, bike-proof drainage grates and ADA curb ramps will enhance public access and safety for motorists, cyclists, and pedestrians. No existing vehicle parking spaces will be removed as a result of the proposed project. A travel lane in each direction and a pedestrian/bicycle path will be maintained during construction. No work will occur during peak beach season (Memorial Day to Labor Day). Construction staging will take place within Caltrans right-of-way and on private property in Seal Beach, for which temporary construction easements have been obtained. Caltrans' proposed project includes a requirement to implement construction best management practices (BMPs) to prevent pollutants from entering the beach or the ocean. The new drainage inlets will direct water to existing storm drains. The proposed concrete median barrier is the minimum height required for safety standards is not expected to impede scenic coastal views from the highway or the public beach because it is only four inches higher than the existing concrete barrier. Noise monitoring BMPs are proposed to ensure that decibel levels will not exceed ambient roadway noise in order to avoid disturbance of wading birds and shorebirds that are known to nest and roost in nearby Seal Beach National Wildlife Refuge. As proposed, the project has no potential to adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act.

Coastal Development Permit De Minimis Waiver

5-22-0176-W

This waiver will not become effective until reported to the Commission at its March 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 Jordan Sanchez Senior Transportation Program Analyst

CALIFORNIA COASTAL COMMISSION SOUTH COAST DISTRICT OFFICE 301 EAST OCEAN BLVD, SUITE 300 LOVE DE VICE ON UP OF DUE OF OFFICE

301 EAST OCEAN BLVD , SUITE 300 LONG BEACH, CALIFORNIA 90802 (562) 590-5071 WWW.COASTAL.CA.GOV (5-18-1002-E2)



NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT AMENDMENT

February 25,2022

Notice is hereby given that the City of Huntington Beach has applied for a second one year extension of **Coastal Development Permit No. 5-18-1002** granted by the California Coastal Commission on **February 7, 2019** for development consisting of:

Bridge maintenance and repairs including: removal and replacement of the concrete barriers, sidewalks, and bridge deck; cleaning and painting the steel I-girders and other steel members; removal and replacement of unsound concrete and the bridge bents; and widening the 156' long bridge from approximately 35' to approximately 39'.

at: Humboldt Drive Bridge (Bridge No. 55C-0284), over Short Channel in Huntington Harbour, between Wayfarer Lane and Wimbledon Lane, City of Huntington 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

Meg Vaughn Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 301 EAST OCEAN BLVD, SUITE 300 LONG BEACH, CALIFORNIA 90802 (562) 590-5071 WWW COASTAL CA GOV (5-18-1003-E2)



NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT AMENDMENT

February 25, 2022

Notice is hereby given that the City of Huntington Beach has applied for a second one year extension of **Coastal Development Permit No. 5-18-1003** granted by the California Coastal Commission on February 7, 2019 for development consisting of:

Bridge repair and rehabilitation including: removal and replacement of the concrete barriers, sidewalks, and bridge deck; cleaning and painting of l-girders and other steel members; and removal and replacement of unsound concrete at bridge piers on the 155' long, 52' wide bridge.

at: Admiralty Drive Bridge (Bridge No. 55C-0282) in Huntington Harbour over Queen Elizabeth Passage between Grimaud Lane and Channel Lane, City of Huntington 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

Meg Vaughn Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

South Coast District Office 301 E Ocean Blvd., Suite 300 Long Beach, CA 90802-4302 (562) 590-5071



February 23, 2022

- TO: Commissioners and Interested Persons
- FROM: Karl Schwing, Deputy Director Zach Rehm, District Supervisor Amrita Spencer, Staff Analyst
- SUBJECT: 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-20-0025-1, Part A with suggested modifications is legally adequate.

On April 13, 2020, the City of Newport Beach submitted a request to amend its Local Coastal Program (LCP). The request was submitted to the Commission's South Coast District office with City Council Resolution No. 2020-12 and City Council Ordinance No. 2020-4.

LCP Amendment No. LCP-5-NPB-20-0025-1, Part A amends the Land Use Plan (LUP) and Implementing Ordinances (IP) of the certified LCP to allow additions of up to 50 percent of the existing floor area (but in no case more than 750 sq. ft.) of cottage without the requirement to bring nonconforming parking into conformity with the current parking standards. On November 19, 2021, the Commission approved Local Coastal Program (LCP) Major Amendment No. LCP-5-NPB-20-0025-1 Part A with modifications to protect coastal resources- including sensitive habitat, biological resources, cultural resources, and public coastal views; define a "cottage" to accurately apply the cottage preservation amendment to properties that the City intends to protect; and limit the occupancy of cottages used for short-term rentals to six occupants if the cottage undergoes additions under the proposed cottage preservation amendment.

On January 25, 2022, within the six-month adoption period (i.e. on or before May 19, 2022), the Newport Beach City Council adopted and passed Resolution No. 2022-4 and Ordinance No. 2020-3 incorporating the modifications suggested by the Commission pursuant to its approval. On January 27, 2022, the City submitted the resolution and ordinance adopted by the City Council to the Executive Director for a determination that the City's action is consistent with the Commission's November 19, 2021 action).

Pursuant to Section 13544 of Title 14 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. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

STAFF RECOMMENDATION

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

RESOLUTION NO. 2022-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-004 AND AMENDING POLICY 2.9.3-8 OF THE NEWPORT BEACH COASTAL LAND USE PLAN RELATED TO COTTAGE PRESERVATION (PA2019-181)

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

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

WHEREAS, in 2005, the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan ("Local Coastal Program"), which has been amended from time to time;

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

WHEREAS, amendments to the LCP and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code ("NBMC") are necessary to incentivize the preservation of cottages ("LCP Amendment No. LC2019-004");

WHEREAS, pursuant to Title 14 of the California Code of Regulations ("CCR") Section 13515, (Public Participation), drafts of the LCP Amendment No. LC2019-004 were made available and a Notice of Availability was distributed on October 4, 2019, at least six weeks prior to the final action date;

WHEREAS, a public hearing was held by the Planning Commission on October 17, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), Chapters 20.62 and 21.62 (Public Hearings) of the NBMC, and 14 CCR Section 13515. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted to continue the item to allow staff additional time to revise certain aspects of LCP Amendment No. LC2019-004;

WHEREAS, a public hearing was held by the Planning Commission on November 21, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, Chapters 20.62 and 21.62 (Public Hearings) of the NBMC, and 14 CCR Section 13515. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, on November 21, 2019, the Planning Commission adopted Resolution Nos. PC2019-033 and PC2019-034 by a majority vote (5 ayes, 1 nay, 1 absent), recommending to the City Council approval of Zoning Code Amendment No. CA2019-006 and Local Coastal Program Amendment No. LC2019-004;

WHEREAS, a public hearing was held by the City Council on January 28, 2020, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, Chapter 21.62 (Public Hearings) of the NBMC, and 14 CCR Section 13515. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

WHEREAS, on January 28, 2020, the City Council introduced Ordinance No. 2020-4 revising Title 20 (Planning and Zoning) related to the preservation of cottages ("Zoning Code Amendment No. CA2019-006") and adopted Resolution No. 2020-12 authorizing submittal of LCP Amendment No. LC2019-004 to the Coastal Commission by a unanimous vote (7 ayes, 0 nays);

WHEREAS, at its November 19, 2021 hearing, the Coastal Commission approved and certified LCP Amendment No. LC2019-004 with modifications (LCP-5- NPB-20-0025-1 Part A) as being consistent with the California Coastal Act; and

WHEREAS, a public hearing was held by the City Council on January 11, 2022, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, and Chapters 20.62 and 21.62 (Public Hearings) 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 resolves as follows:

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

Section 2: Policy 2.9.3-8 of Chapter 2.0 (Land Use and Development) of the Local Coastal Program Coastal Land Use Plan shall be amended as follows, with all other provisions of the Local Coastal Program Coastal Land Use Plan remaining unchanged:

2.9.3-8 Continue to require properties with nonconforming parking to provide coderequired off-street parking when new uses, alterations, or additions result in increased parking demand. However, additions of up to fifty (50) percent of the existing floor area, but not greater than 750 square feet, of a residential development of three (3) units or less may be allowed without requiring the code-required parking when the project would result in the preservation of the cottage character of the existing development and a building envelope representative of traditional development patterns in the City. The LCP policies pertaining to hazards, setbacks, public access, habitat protection, and visual resource protection shall apply to such properties with additions.

Section 3: The LCP, including LCP Amendment No. LC2019-004, shall be carried out in full conformance with the California Coastal Act.

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

Section 5: This resolution shall not become until the Executive Director of the Coastal Commission certifies that this resolution complies with the Coastal Commission's November 19, 2021, action on LCP Amendment Request No. LCP-5-NPB-20-0025-1 Part A (Cottage Preservation).

Section 6: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: The City Council finds this action is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of the California Public Resources Code and Sections 15060 (c)(2), 15060 (c)(3), and 15378 of the California Code of Regulations Title 14, Division 6, Chapter 3 ("CEQA Guidelines"). This action is also exempt under CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Lastly, pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program. LCP Amendment No. LC2019-004 itself does not authorize development that would directly result in physical change to the environment.

ADOPTED this 11th day of January, 2022.

Kevin Muldoon 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; the foregoing resolution, being Resolution No 2022-4 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 11th day of January, 2022; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Kevin Muldoon, Mayor Pro Tem Noah Blom, Council Member Brad Avery, Council Member Diane Dixon. Council Member Duffy Duffield, Council Member Will O'Neill NAYS: None

RECUSED: Council Member Joy Brenner

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of

said City this 12th day of January, 2022.

Leilani I Brown City Clerk Newport Beach, California



ORDINANCE NO. 2022-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS AND ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. LC2019-004 TO AMEND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE CITY OF NEWPORT BEACH MUNICIPAL CODE RELATED TO COTTAGE PRESERVATION (PA2019-181)

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

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

WHEREAS, in 2005, the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan ("Local Coastal Program"), which has been amended from time to time;

WHEREAS, the California Coastal Commission effectively certified the City's LCP 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, an amendment to Title 21 is necessary to incentivize the preservation of cottages ("LCP Amendment No. LC2019-004");

WHEREAS, pursuant to Title 14 of the California Code of Regulations ("CCR") Section 13515 ("Public Participation"), drafts of LCP Amendments No. LC2019-004 were made available and a Notice of Availability was distributed on October 4, 2019, at least six weeks prior to the final action date;

WHEREAS, a public hearing was held by the Planning Commission on October 17, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), Chapters 20.62 and 21.62 (Public Hearings) of the NBMC, and 14 CCR Section 13515. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted to continue the item to allow staff additional time to revise certain aspects of LCP Amendment No. LC2019-004;

WHEREAS, a public hearing was held by the Planning Commission on November 21, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, Chapters 20.62 and 21.62 (Public Hearings) of the NBMC, and 14 CCR Section 13515. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, on November 21, 2019, the Planning Commission adopted Resolution Nos. PC2019-033 and PC2019-034 by a majority vote (5 ayes, 1 nay, 1 absent), recommending to the City Council approval of Zoning Code Amendment No. CA2019-006 and Local Coastal Program Amendment No. LC2019-004;

WHEREAS, a public hearing was held by the City Council on January 28, 2020, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, Chapters 20.62 and 21.62 (Public Hearings) of the NBMC, and 14 CCR Section 13515. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

WHEREAS, on January 28, 2020, the City Council introduced Ordinance No. 2020-4 revising Title 20 (Planning and Zoning) related to the preservation of cottages ("Zoning Code Amendment No. CA2019-006") and adopted Resolution No. 2020-12 authorizing submittal of LCP Amendment No. LC2019-004 to the Coastal Commission by a unanimous vote (7 ayes, 0 nays);

WHEREAS, at its November 19, 2021 hearing, the Coastal Commission approved and certified LCP Amendment No. LC2019-004 with modifications (LCP-5-NPB-20-0025-1 Part A) as being consistent with the California Coastal Act; and

WHEREAS, a public hearing was held by the City Council on January 11, 2022, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, and Chapters 20.62 and 21.62 (Public Hearings) 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 Coastal Commission.

Section 2: Section 21.38.060 (Nonconforming Parking) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code is hereby amended to read as follows:

21.38.060 Nonconforming Parking.

A. Residential. Where a residential structure or use is nonconforming only because it does not conform to the off-street parking requirements of this Implementation Plan, the following provisions shall apply:

1. Number of Spaces. A residential development having less than the required number of parking spaces per dwelling unit shall be allowed the following repairs, alterations, and additions:

a. Repair and maintenance, interior alterations, and structural alterations, as provided for in Section 21.38.040(A) through (F);

b. Additions up to a maximum of ten (10) percent of the existing floor area of the structure as provided in Section 21.38.040(G);

c. Any repair, maintenance, or additions shall not result in loss of existing parking spaces; and

d. Required parking shall be provided where feasible.

2. Dimensions or Type of Parking Spaces. Residential developments that are nonconforming because they do not have the required type of covered or enclosed parking spaces or because amendments to this Implementation Plan have changed the dimensions of required parking spaces subsequent to the original construction of the structure may be altered or expanded as follows:

a. All improvements and expansions allowed under subsection (A)(1) of this section;

b. Additions larger than those allowed under subsection (A)(1) of this section may be allowed subject to the approval of a coastal development permit.

3. Alley Access. Where applicable, residential development involving repairs, alterations, and additions to residential development having less than the required number of parking spaces per dwelling unit shall provide alley access to parking area if it would result in additional public street parking.

4. Exception for Cottage Preservation. For the purposes of eligibility as a "cottage" for this section, the existing development prior to the addition shall consist of either a residential single-unit dwelling, duplex, or triplex, with individual unit sizes of 1,500 square feet or less, and does not exceed one story and sixteen (16) feet in height on the front half of the lot, and does not exceed two stories and twenty-four (24) feet in height on the rear half of the lot. Notwithstanding the provisions of subsections (A)(1)(b) and (A)(2)(b) of this section, additions of up to fifty (50) percent of the existing floor area of the structure, but no greater than 750 square feet, are permitted for a cottage that complies with the following criteria:

a. The floor area of any addition, together with the floor area of the existing structure, shall not exceed the allowed maximum floor area for the coastal zoning district where the property is located;

b. The addition shall comply with all applicable development standards and use regulations of this Implementation Plan, including the coastal resource protection development regulations of Section 21.28.040 (Bluff (B) Overlay District), Section 21.28.050 (Canyon (C) Overlay District), Section 21.30.015(D) (Waterfront Development), Section 21.30.015(E)(2) (Development in Shoreline Hazardous

Areas), Section 21.30A (Public Access and Recreation), Section 21.30B (Habitat Protection), and Section 21.30.100 (Scenic and Visual Quality Protection);

c. The square footage of residential parking area additions identified below shall be excluded from the allowed expansion under subsection (A)(4), but shall be included as gross floor area;

Required Parking	Maximum Excluded Area
One-car garage	200 square feet
Two-car garage	400 square feet
Three-car	600 square feet
garage	

d. The height of the residential structure including the cottage addition shall not exceed the following, regardless of roof pitch:

i. Front half of lot: single story with a maximum height of sixteen (16) feet; and

ii. Rear half of lot: two story with a maximum height of twenty-four (24) feet.

e. The residential structure shall not include a third floor deck;

f. In addition to limitations of Section 21.48.115 (Short Term Lodging), any cottage preservation project used for short-term lodging shall be restricted to a maximum of six (6) occupants;

g. Deed Restriction and Recordation Required. Prior to the issuance of a building permit for a cottage preservation project, the property owner shall record a deed restriction with the Orange County Recorder's Office, the form and content of which is satisfactory to the City Attorney, agreeing to maintain the property consistent with the limitations specified above for cottage preservation and the restrictions on short-term lodging. The deed restriction shall notify future owners of the restriction. The deed restriction shall remain in effect so long as the cottage preservation project exists on the property; and

h. The addition complies with the limitations of Section 21.38.040(G)(1).

Section 3: The LCP, including LCP Amendment No. LC2019-004, will be carried out fully in conformity with the California Coastal Act.

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

Section 5: 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 November 19, 2021, action on LCP Amendment Request No. LCP-5-NPB-20-0025-1 Part A (Cottage Preservation).

Section 6: This ordinance shall not become effective until the Executive Director of the Coastal Commission certifies that this ordinance complies with the Coastal Commission's November 19, 2021, action on LCP Amendment Request No. LCP-5- NPB-20-0025-1 Part A (Cottage Preservation).

Section 7: 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 8: The City Council finds this action is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of the California Public Resources Code and Sections 15060 (c)(2), 15060 (c)(3), and 15378 of the California Code of Regulations Title 14, Division 6, Chapter 3 ("CEQA Guidelines"). This action is also exempt under CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Lastly, pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program. LCP Amendment No. LC2019-004 itself does not authorize development that would directly result in physical change to the environment.

Section 9: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the NBMC shall remain unchanged and shall be in full force and effect.

Section 10: 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 11th day of January, 2022, and adopted on the 25th day of January, 2022, by the following vote, to-wit:

AYES: ____MAYOR MIJLDOON, MAYOR PRO TEM BLOM, COUNCIL MEMBER AVERY, COUNCIL MEMBER O'NEILL, COUNCIL MEMBER DIXON, COUNCIL MEMBER DUFFIELD

RECUSED: <u>COUNCIL MEMBER BRENNER</u> KEVIN MULDOON, 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. 2022-3 was duly introduced on the 11th day of January, 2022, at a regular meeting, and adopted by the City Council at a regular meeting duly held on the 25th day of January, 2022, and that the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Kevin Muldoon, Mayor Pro Tem Noah Blom, Council Member Brad Avery, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Will O'Neill NAYS: None

RECUSED: Council Member Joy Brenner

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of

said City this 26th day of January, 2022.



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

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA COUNTY OF ORANGE CITY OF NEWPORT BEACH

SS.

I, LEILANI I. BROWN, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2022-3 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: Adopted Ordinance:

January 15, 2022 January 29, 2022

In witness whereof, I have hereunto subscribed my name this _____ day of February, 2022

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