

CALIFORNIA COASTAL COMMISSION

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W11c

DATE: February 17, 2022

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director, South Coast District
Amber Dobson, District Manager
Liliana Roman, Coastal Program Analyst

RE: Minor Amendment Request No. LCP-5-NPB-21-0084-3 Part A (Corrections to Setback Maps) to the City of Newport Beach LCP, for Commission Action at its March 9, 2022 meeting.

Local Coastal Program Amendment No. LCP-5-21-0084-3, Part A (Minor)

The City of Newport Beach is requesting that the Commission certify an amendment to the Implementation Plan (IP) portion of the Newport Beach certified Local Coastal Program (LCP). The LCP amendment will correct numerous errors to eleven (11) of the currently certified twenty-six (26) coastal zone setback maps in the Implementation Plan. These IP Setback Maps originated from original 1943 maps previously referred to as districting maps. Some minor errors occurred when the citywide districting maps were converted into the current setback maps as part of the City's 2010 Municipal Code update. The Commission then certified the City's IP in 2017 and it incorporated the same 2010 setback maps for the areas within the coastal zone. This minor LCP Amendment aims to correct those setback map errors and resolve ambiguities to reflect the original intent of the prior districting maps.

Local Coastal Program Amendment Request No. LCP-5-21-0084-3, Part A affects only the City's IP, which is the implementing ordinances portion of the certified LCP; Part A does not propose any rezoning or land use changes. On July 22, 2021, the Newport Beach Planning Commission conducted a public hearing and adopted Planning Commission Resolution No. PC2021-021 recommending approval of the LCP Amendment to the City Council. The Newport Beach City Council held a public hearing on October 12, 2021 and passed City Council Resolution No. 2021-97 adopting the LCP Amendment and authorizing its submission to the Coastal Commission. The City's resolution is attached as [Exhibit 1](#).

NOTE: The resolution submitted by the City contains a scrivener's error in that one of the Setback Maps, specifically Setback Map S1-A, did not reflect the recent LCP Amendment No. LCP-5-NPB-0060-2 Part A (approved at the Commission's October 13, 2021 meeting) correcting the side and rear alley setbacks for the properties at 6501 and 6503 Seashore Drive. The City has corrected this error; thus, if this subject LCP Amendment is approved,

Setback Map S1-A will properly reflect the Commission approved changes under both LCP amendments.

Analysis

Pursuant to Section 30514(c) of the Coastal Act and Title 14 of California Code of Regulations (CCR) Section 13555(a), the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) of Title 14 of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The LCP amendment has been determined to be a "minor" LCP amendment because the proposed IP modifications are consistent with the certified Land Use Plan (LUP), would make the City's development regulations more specific, and would not change the kind, location, intensity or density of any uses. The proposed setback changes do not affect overall setbacks from public beaches, coastal bluffs, or any sensitive habitat areas; they simply serve to clarify the correct location these setbacks are measured from, thus correcting the identified errors on a few lots in the setback maps and re-establishing setbacks consistent with the original maps and existing patterns of development on the ground. The proposed changes to the IP are as follows:

Affected Setback Map	Affected Properties	Clarification / Correction Needed
S-1A	202-210 Lugonia Ave. (even addresses)	<ul style="list-style-type: none"> • Setback map not consistent with intent of Districting Map No. DM1. • The districting map referenced Specific Plan No. 4 (Newport Shores), which no longer exists, but required a 5-foot front setback. The setback map reflects a 5-foot front setback on other blocks previously subject to the Specific Plan, but the 5-foot setback was inadvertently left off one block affecting 202-210 Lugonia Ave.
S-2A	Various in Balboa Coves 308-312 38 th St. 601 Clubhouse Dr.	<ul style="list-style-type: none"> • Setback map misinterpreted Districting Map No. DM3. • 15-foot front setback not intended to apply to side property lines and does not represent existing development pattern. • Setback map not consistent with intent of Districting Map No. DM3 due to ambiguities resulting from short block length. • 3-foot front setback indicator along 38th St. should apply to 308-312 38th St, consistent with existing development pattern. • Setback map not consistent with intent of Districting Map No. DM3 due to ambiguities resulting from short block length. • 8-foot front setback indicator along 35th St. should apply to 601 Clubhouse Drive, consistent with existing development pattern.

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S-2E	201-205 6 th St. and 601-605 W. Bay Ave.	<ul style="list-style-type: none"> Setback map not consistent with intent of Districting Map No. DM10. 10-foot front setback omitted from map for 201-205 6th St. 9-foot front setback omitted from map for 601-605 W. Bay Ave.
S-2F	1317 East Balboa Blvd.	<ul style="list-style-type: none"> Setback map not consistent with intent of Districting Map No. DM12 due to ambiguities in property line locations. Limits of 8-foot setback shall include subject lot.
S-2G	1707 East Bay Ave.	<ul style="list-style-type: none"> Setback map not consistent with intent of Districting Map No. DM12 due to ambiguities in property line locations. Delineation between 19-foot front and 25-foot front setback indicators should occur at easterly side property line of lot, not within center of subject lot.
S-6	Various lots in Bayshores	<ul style="list-style-type: none"> Setback map not consistent with Districting Map No. DM23. 10-foot front setback line missing from 2691-2821 Bay Shore Dr. (even addresses). 18 corner lots inadvertently labeled with two street front yards inconsistent with existing development. Side street frontages should be regulated as a side setback. See Attachment H for Director's Determination No. DD2021-002 (PA2021-115) for more details. 10-foot waterside front setback should be measured from actual bulkhead instead of U.S. Bulkhead Line, consistent with existing development pattern.
S-8	24 and 26 Harbor Island	<ul style="list-style-type: none"> Setback map not consistent with Districting Map No. DM23. The correct setback should be 11.5 feet (not 19 feet) as shown on the districting map to accurately reflect the location of the 15-foot wide pedestrian walkway easement and an additional 4-foot setback for either property.
S-10A	412-418 Carnation Ave.	<ul style="list-style-type: none"> Ambiguities in both setback map and Districting Map No. DM16 due to vacated right-of-way along Carnation Ave. frontages. 15-foot setback for 412 Carnation Ave. should be measured from vacated right-of-way line. 15-foot setback for 414-148 Carnation Ave. should be measured from actual property line.
S-10A	300 - 319 Carnation Ave.	<ul style="list-style-type: none"> Setback map not consistent with Districting Map No. DM17. 10-foot front setback lines missing as measured from vacated right-of-way line and consistent with existing development pattern.
S-10B	3000 and 3002 Breakers Dr.	<ul style="list-style-type: none"> Setback map not consistent with Districting Map No. DM18. 5-foot front setback inadvertently omitted from map.
S-10D	4717 Hampden Rd.	<ul style="list-style-type: none"> Setback map not consistent with Districting Map No. DM31. 15-foot setback indicator along the easterly side property line adjacent to golf course should include a note clarifying it is a side setback per Ordinance 96-2.

Exhibit 2 attached to this staff report includes this same table along with each subject Setback Map as currently certified, and exhibits summarizing the corrections or clarifications proposed to each Setback Map, including the affected property(ies), historical districting map, and highlighted changes to each Setback Map with a short explanation.

When the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately. The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its March 9, 2022 meeting. For any questions or additional information regarding the proposed amendment or the process under which it is being certified, please contact Liliana Roman in the South Coast District Office in Long Beach.

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