

ORDINANCE NO. 2016-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING THE LOCAL COASTAL PROGRAM, TITLE 21 OF THE NEWPORT BEACH MUNICIPAL CODE, BY INCREASING THE MAXIMUM ALLOWABLE FLOOR AREA FOR THE LIDO HOUSE HOTEL PROJECT LOCATED AT 3300 NEWPORT BOULEVARD AND 475 32ND STREET (PA2016-061)

WHEREAS, an application was filed by Olson Real Estate Group, Inc. on behalf of Lido House, LLC (Applicant) with respect to property located at the northeast corner of the intersection of Newport Boulevard and 32nd Street on the Balboa Peninsula in the Lido Village area of the City of Newport Beach (Property);

WHEREAS, the Applicant requested approval of a General Plan Amendment No. GP2016-001, Coastal Land Use Plan Amendment No. LC2016-001, Zoning Code Amendment No. CA2016-003, and amendments to Site Development Review No. SD2014-001 and Conditional Use Permit No. 2014-004 that authorized the construction and operation of a 130-room hotel called the "Lido House Hotel" at the Property;

WHEREAS, the Applicant requested a 4,745 square foot increase in the maximum allowable development of the site from 98,625 square feet to 103,470 gross square feet for the Lido House Hotel (Project);

WHEREAS, the Planning Commission held a public hearing on June 23, 2016, in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance the Newport Beach Municipal Code (NBMC). At the conclusion of the hearing, the Planning Commission voted unanimously (7-0) to adopt Planning Commission Resolution No. 2020 recommending adoption of Addendum No. 1 to the Certified Environmental Impact Report prepared by the Lido House Hotel project and approval of the Project;

WHEREAS, the City Council held a public hearing on July 26, 2016, in the City Hall Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the public hearing was provided in accordance the NBMC;

WHEREAS, Addendum No. 1 to the Certified Environmental Impact Report was adopted by the City Council on July 26, 2016, by Resolution No. 2016-88 and the recitals and findings made in said resolution are incorporated herein by reference;

WHEREAS, the City Council subsequently approved the Project by adopting Resolution No. 2016-89, Resolution No. 2016-90, Resolution No. 2016-91, and Ordinance No. 2016-13 thereby increasing the maximum development intensity at the Property. These actions did not amend the draft Local Coastal Program Implementation Plan that was under consideration by the California Coastal Commission;

WHEREAS, on September 8, 2016, the California Coastal Commission approved the City of Newport Beach, Local Coastal Program Implementation Plan (LCP-5-NPB-15-0039-1) with suggested modifications;

WHEREAS, on November 22, 2016, the City Council of the City of Newport Beach, California adopted Ordinance No. 2016-19 accepting the Coastal Commission's suggested modifications to the Newport Beach Local Coastal Program Implementation Plan and adopted NBMC Title 21 (Implementation Plan); and

WHEREAS, the City desires to implement the Project in a manner consistent with Coastal Land Use Plan Amendment No. LC2016-001, and therefore amending the Implementation Plan is necessary to make it consistent with Coastal Land Use Plan Amendment No. LC2016-001.

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

Section 1: The recitals provided above are true and correct and are incorporated into the operative part of this ordinance.

Section 2: The City Council of the City of Newport Beach hereby amends the Local Coastal Program Implementation Plan, NBMC Section 21.20.030 (Commercial Coastal Zoning Districts General Development Standards), Table 21.20-2, Floor Area Ratio to read as follows:

TABLE 21.20-2

DEVELOPMENT STANDARDS FOR COMMERCIAL COASTAL ZONING DISTRICTS

Development Feature	CC	CG	CM	CN	CV	CV-LV	OG	Additional Requirements
Floor Area Ratio or Maximum Limit (2) (3) (4)	0.75	0.75	0.50	0.30	1.50	103,470 sf	1.30	

Section 3: The City Council of the City of Newport Beach authorizes staff to correct any typographical or scrivener's errors in compiling the final documentation, without the need for further review or approval by the City Council.

Section 4: Pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15062, the changes to the Project are not substantial, as they do not involve new significant effects or a substantial increase in the severity of previously identified significant effects, and therefore, a subsequent Environmental Impact Report ("EIR") does not need to be prepared. The City prepared and certified a final EIR for the Project (SCH#2013111022). State CEQA Guidelines allow for the updating and use of a previously certified EIR for projects that have changed or are different from the previous project. In cases where changes or additions occur with no new significant environmental impacts, an Addendum to a previously certified EIR may be prepared pursuant to CEQA Guidelines Section 15164. The City prepared Addendum No. 1 to the Project's final EIR for the modified project concludes that no new environmental impacts and no impacts of greater severity would result from approval and implementation of the requested additional square footage.

Section 5: 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 6: 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.

Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. This ordinance shall be published pursuant to City Charter Section 414 and shall become final and effective upon the effective date of approval by the California Coastal Commission of the Coastal Land Use Plan Amendment (LC2016-003).

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on November 22, 2016, and adopted on December 13, 2016, by the following vote, to-wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

MAYOR _____

DIANE B. DIXON

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

AARON C. HARP, CITY ATTORNEY