



NOTICE OF AVAILABILITY OF DRAFT LOCAL COASTAL PROGRAM AMENDMENT TO INCLUDE TRANSFER OF DEVELOPMENT RIGHTS REGULATIONS

NOTICE IS HEREBY GIVEN that in accordance with applicable provisions of the Coastal Act and CCR §13515, a draft of the proposed amendment is available for public review and inspection at the Planning Division and at all branches of the Newport Beach Public Library for the following amendment to the Implementation Plan (IP) of certified Local Coastal Program (LCP):

Transfer of Development Rights LCP Amendment (LC2019-003) – Amendments to the Coastal Land Use Plan of the Local Coastal Program and to Newport Beach Municipal Code (NBMC) Title 21 (Local Coastal Program Implementation Plan) to include a policy and regulations pertaining to the transfer of development rights in a manner consistent with and allowed by the Newport Beach General Plan (PA2019-154).

The Planning Commission of the City of Newport Beach is scheduled to consider this item and make a recommendation to the City Council at a regular meeting to be held on at 6:30 p.m. on August 22, 2019, at the City of Newport Beach Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. The date and time of the Planning Commission meeting has been noticed in accordance with City of Newport Beach notification requirements.

Furthermore, the City Council of the City of Newport Beach is tentatively scheduled to consider this item at a regular meeting to be held on at 7:00 p.m. on September 24, 2019, at the City of Newport Beach Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. The date and time of the City Council meeting will be noticed in accordance with City of Newport Beach notification requirements.

For questions regarding this amendment please contact Jaime Murillo, Senior Planner, at (949) 644-3209, jmurillo@newportbeachca.gov.

Proposed Local Coastal Program Amendment
Related to Transfer of Development Rights (LC2019-003)

Section 1: Amending Chapter 2.0 (Land Use and Development) of the Coastal Land Use Plan to add Policy 2.1.1-2 as follows, with all other provisions of the Coastal Land Use Plan remaining unchanged:

2.1.1-2 Permit the transfer of development rights from a property to one or more other properties when the transfer does not result in adverse traffic impacts, results in development that is compatible and in scale with surrounding development, and is implemented in a manner consistent with the LCP and applicable policies from Chapter 3 of the Coastal Act.

Section 2: Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to include the addition of Chapter 21.46 (Transfer of Development Rights) as follows:

Chapter 21.46
TRANSFER OF DEVELOPMENT RIGHTS

21.46.010 Purpose.

This chapter provides procedures for the transfer of development rights from a property to one or more other properties.

21.46.020 Applicability.

The provisions of this chapter shall apply within all coastal zoning districts.

21.46.030 General Requirements.

A. Floor Area for a Donor Site. The maximum gross floor area allowed on a donor site shall be reduced by the amount of the transfer of development intensity to the receiver site.

B. Residential Uses. When the transfer of development rights involves residential units, the transfer shall be on a unit-for-unit basis.

21.46.040 Procedures.

The following procedure shall be used for the transfer of development rights:

A. Application. The applicant shall submit a Coastal Development Permit application to the Department that identifies the quantity of development (e.g., residential units, floor area, hotel rooms, theater seats, etc.) to be relocated and the donor and receiving sites. If the requested transfer includes the conversion of nonresidential uses, the application shall also identify the quantity of entitlement, by use category, before and after the transfer. The Coastal Development Permit shall be processed in accordance with Chapters 21.50 and 21.52.

B. Traffic Analysis. The Traffic Engineer shall perform a traffic analysis to determine the total number of p.m. peak hour trips that would be generated by development allowed with and without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer.

C. Detailed Traffic Analysis. Depending on the location of the donor and receiving sites, the Traffic Engineer may determine that a more detailed traffic analysis is required to determine whether adverse traffic impacts will result from the transfer. This analysis shall demonstrate whether allowed development, with and without the transfer, would either cause or make worse an unsatisfactory level of service at any primary intersections for which there is no feasible mitigation.

D. Land Use Intensity Analysis. If the transfer request involves the conversion of uses, the Director shall perform a land use intensity analysis to determine the floor area that could be developed with and without the transfer.

E. Council to Consider. Applications for transfer of development rights shall be considered by the Commission with a recommendation to the Council. The Council may approve a transfer of development rights only if it makes all of the findings in Section 21.46.050.

F. Legal Assurances. A covenant or other legally binding agreement approved by the City Attorney shall be recorded against the donor site assuring that all of the requirements of the transfer of development rights will be met by the current and future property owners.

21.46.050 Findings.

When approving a coastal development permit authorizing a transfer of development intensity the Council shall make all of the following findings:

A. The reduced density/intensity on the donor site provides benefits to the City, for example:

1. The provision of extraordinary open space, public view corridor(s), increased parking, or other amenities;

2. Preservation of an historic building or property, or natural resources;
3. Improvement of the area's scale and development character;
4. Reduction of local vehicle trips and traffic congestion; and
5. More efficient use of land.

B. The transfer of development rights will not result in any adverse traffic impacts and would not result in greater intensity than development allowed without the transfer and the proposed uses and physical improvements would not lend themselves to conversion to higher traffic generating uses;

C. The increased development potential transferred to the receiver site will be compatible and in scale with surrounding development and will not create abrupt changes in scale or character; and

D. The receiver site is physically suitable for the development proposed taking into consideration adjacent circulation patterns, protection of significant public views and open space, and site characteristics, including any slopes, submerged areas, and sensitive resources.

E. The transfer of development rights decision is consistent with the Coastal Land Use Plan and does not negatively impact public access, public views, or sensitive coastal resources.