



NOTICE OF AVAILABILITY OF DRAFT LOCAL COASTAL PROGRAM AMENDMENT TO INCLUDE LIDO ISLE HEDGE HEIGHTS REGULATIONS

NOTICE IS HEREBY GIVEN that in accordance with applicable provisions of the Coastal Act and California Code of Regulations (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):

Lido Isle Hedge Heights LCP Amendment (LC2019-002) – Amendments to the Newport Beach Municipal Code (NBMC) Title 21 (Local Coastal Program Implementation Plan) to raise maximum hedge height limitations in front setbacks abutting stradas on Lido Isle from 42 inches to 60 inches (PA2019-132).

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 at 6:30 p.m. on December 5, 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 at 7:00 p.m. on February 11, 2020, 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 proposed LCP Amendment, please contact David Lee, Assistant Planner, at 949-644-3225, dlee@newportbeachca.gov.

**Proposed Amendment to the City of Newport Beach Local Coastal Program
Implementation Plan Related to Hedge Heights in Front Setbacks within Lido Isle
(LC2019-002)**

Section 1: Amend Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to read as follows:

21.30.040 Fences, Hedges, Walls, and Retaining Walls.

This section provides standards for the provision of fences, hedges, walls, and retaining walls for development in all coastal zoning districts.

A. Maximum Height Allowed.

1. Fences, Hedges, and Walls. Maximum heights of fences, hedges, and walls are shown in Table 21.30-1. Fences, hedges, and walls shall not be allowed or allowed with a reduced height when necessary to protect coastal resources such as public coastal view, public access, and sensitive habitat.

TABLE 21.30-1	
MAXIMUM HEIGHT OF FENCES, HEDGES, AND WALLS	
Location	Maximum Height
Front setback areas.	42 inches. See subsection (B) of this section.
Rear and interior side setback areas.	6 feet in residential and commercial coastal zoning districts. 8 feet in industrial coastal zoning districts adjacent to residential uses.
Setback areas abutting or adjacent to the waterfront of Newport Bay, the shoreline of the Pacific Ocean, the Old Channel of the Santa Ana River (the Oxbow Loop), or the channels in West Newport.	42 inches from existing grade prior to construction. Setback areas on Balboa Island and Little Balboa Island that are abutting or adjacent to Newport Bay are regulated by subsection (B) of this section.
At intersections of streets, alleys and driveways within traffic sight areas.	See Section 21.30.130 (Traffic Safety Visibility Area).

2. Retaining Walls. The maximum height of a retaining wall shall be eight feet measured from finished grade at the base of the wall, not including any required guardrails. A minimum horizontal separation equal to the height of the tallest retaining wall shall be provided between retaining walls, except that the required separation shall not be more than six feet. The above requirements shall not apply to retaining walls that are an integral part of principal structures. An increase in the height of a retaining wall may be requested in compliance with Chapter [21.52](#) (Coastal Development Review Procedures).

B. Special Area Regulations. In front setback areas in Balboa Peninsula, Balboa Island, Corona del Mar, West Newport, East Bay Front on Little Balboa Island, and North Bay Front and South Bay Front on Balboa Island fences and walls shall be allowed to extend to a height of five feet; provided, that any portion of the fence or wall above two feet shall be constructed of open grillwork, wrought iron, latticework, pickets, Plexiglas, or similar materials so that at least forty (40) percent of the portion of the fence or wall above two feet is open. See Figure 3-1.

C. Exceptions to Maximum Height.

1. Grade Differential. Where the existing or proposed grade of a lot adjacent to the front setback area is more than twenty-four (24) inches above the adjacent sidewalk (or curb elevation where no sidewalk exists), a maximum twenty-four (24) inch high retaining wall shall be allowed to be located at the front property line. Additional retaining walls shall be allowed to a maximum height of thirty-six (36) inches each, provided they are set back a minimum distance of twenty-four (24) inches from the inward face of the previous retaining wall. Additional retaining walls shall be subject to the same limitation. A maximum forty-two (42) inch guardrail shall be allowed atop the uppermost retaining wall for safety purposes, provided the guardrail is constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least forty (40) percent of the fence is open. See Figure 3-1.

2. Decorative Fence/Wall Details and Lights.

a. Finials, light fixtures, pilaster caps, pots, and similar decorative items may be placed on fence or wall vertical support elements (e.g., pilasters, pillars, posts,

etc.), provided they are secure and do not extend more than twelve (12) inches above the maximum allowed height.

b. The number of decorative items (e.g., finials, pilaster caps, pots, and similar items) and light fixtures shall be limited to not more than one item or fixture for every six lineal feet of fence or wall.

3. Fencing for Pools and Spas.

a. Swimming pools, spas, and other similar features shall provide safety fencing.

b. Fencing and guardrails for ponds, spas, and swimming pools located in a front setback area or in the rear and side setback areas regulated as front setback areas on lots with forty-two (42) inch height limitations may be allowed to exceed the height limit in compliance with the following standards:

i. Fences shall be constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least forty (40) percent of the fence or wall is open. In lieu of the above, glass or Plexiglas may be allowed; and

ii. Fence height shall be limited to the minimum required for safety.

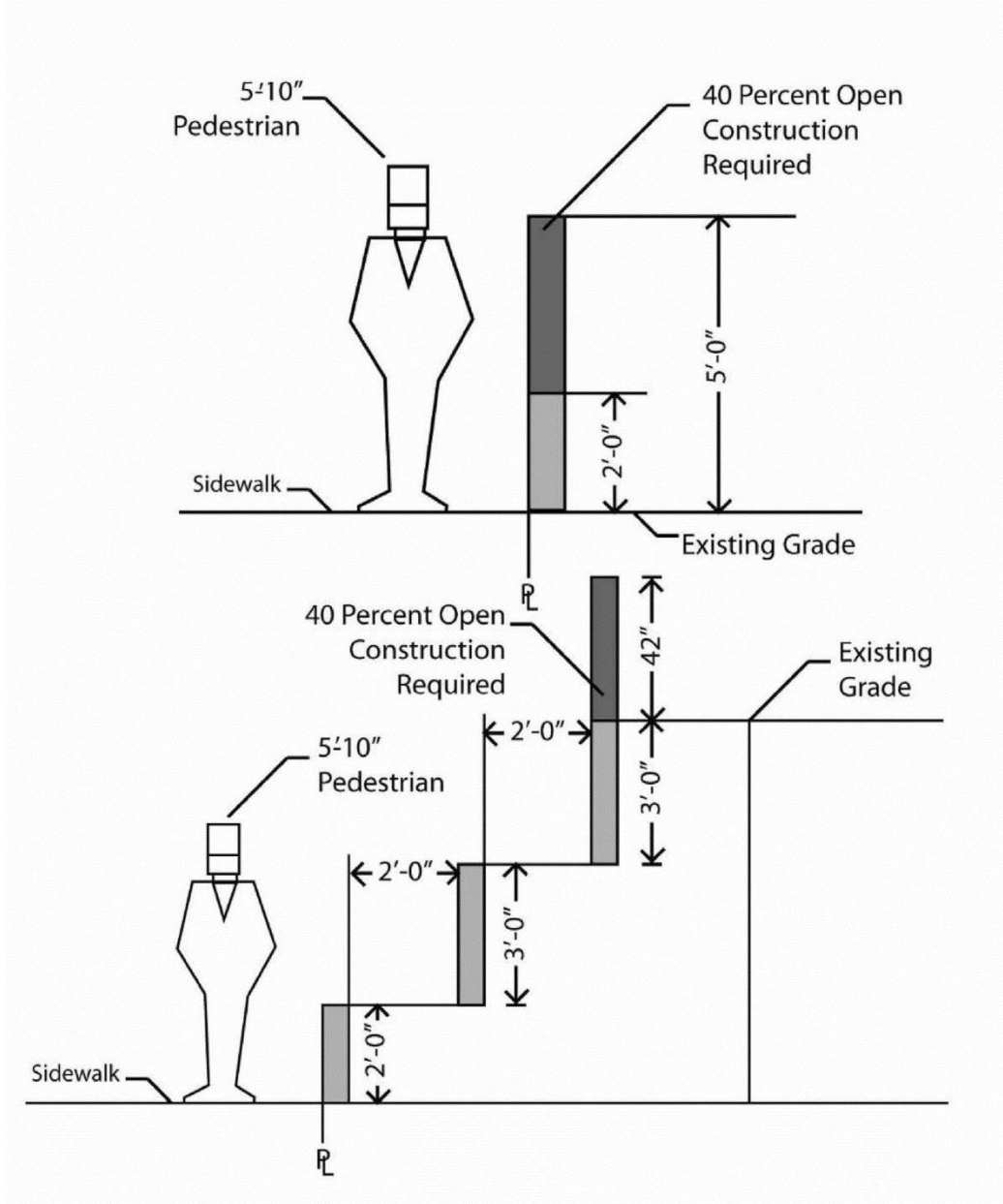


Figure 3-1

Grade Differential at Front Property Line

4. Residential Uses Adjacent to Commercial Uses or Alleys. For residential lots adjacent to nonresidential coastal zoning districts or commercial alleys, fences, walls, or hedges may be up to eight feet in height in required residential side yards for buffering and/or sound attenuation.

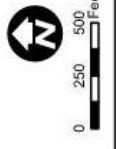
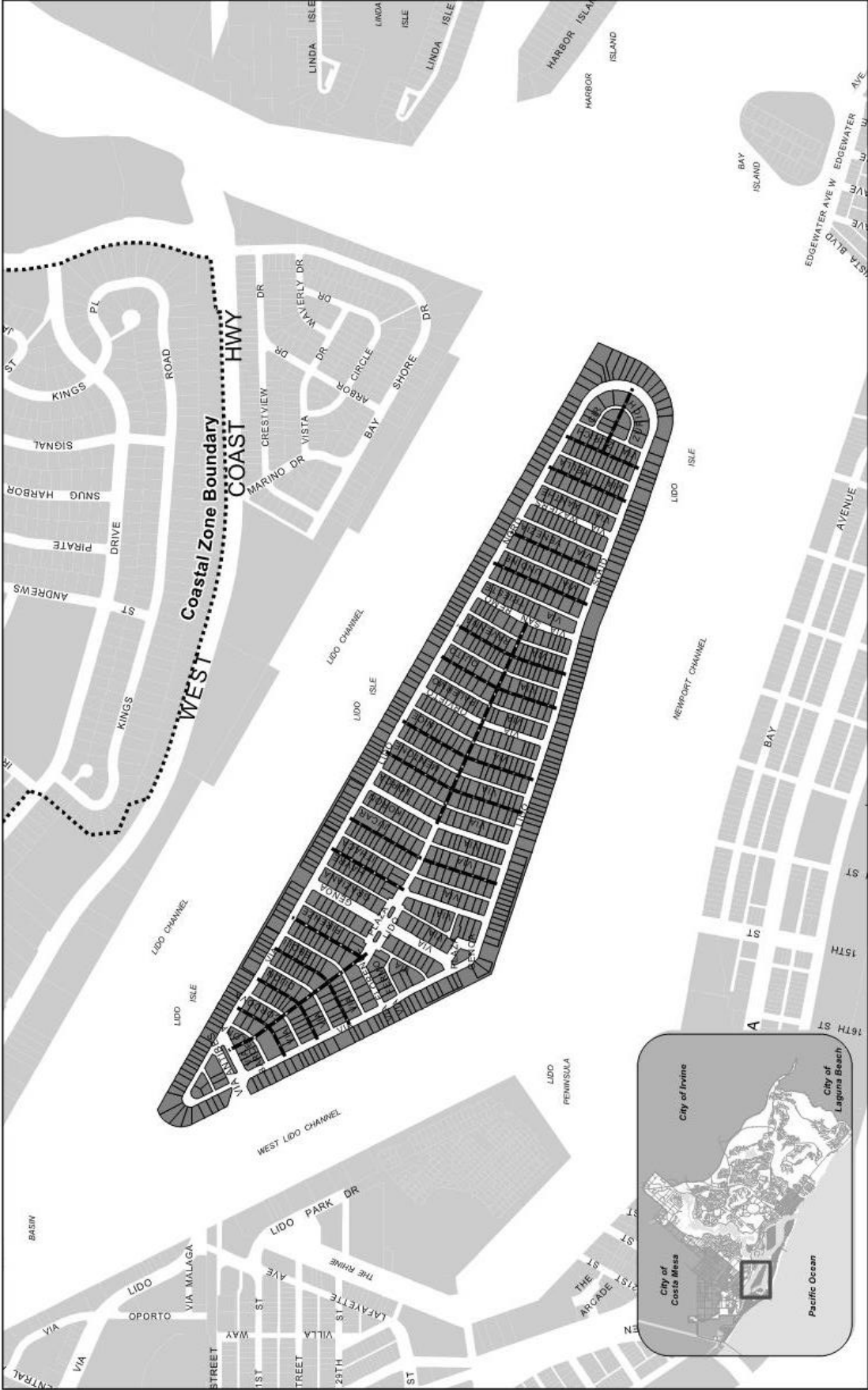
5. Residential Lots Where the Top of Slab Is Required to Be Raised to 9.0 NAVD 88 and Where the Grade of the Lot Is Proposed to Be Increased. The height of fences and walls within required side and rear yard setback areas may be increased provided the height does not exceed six feet as measured from the proposed finished grade and nine feet as measured from the existing grade prior to construction. Additionally, the height of fences or walls shall not exceed nine feet as measured from the existing grade of an abutting lot. The portion of the fence or wall above six feet in height from the existing grade prior to construction shall be constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least sixty (60) percent of the fence or wall is open or is constructed of a transparent material.

6. Hedges on Lido Isle. In front setback areas abutting stradas in Lido Isle, the maximum hedge height shall be five feet.

D. Measurement of Fence or Wall Height. The height of a fence, hedge, or wall shall be measured from the existing grade prior to construction at the location where the fence, hedge, or wall is located.

E. Prohibited Fence Materials. Barbed wire, electrical fences, razor wire, and other similar materials shall not be allowed in residential coastal zoning districts. (Ord. 2016-19 § 9 (Exh. A)(part), 2016)

Section 2: Amending Section 21.80.010 (Area Maps) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to include Area Map A-10 – Lido Isle as follows:



----- Strada

A-10 Lido Isle

