

ORDINANCE NO. 2024-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING A LOCAL COASTAL PROGRAM AMENDMENT TO CHANGE THE DEVELOPMENT LIMIT SPECIFIED FOR THE LIDO HOUSE HOTEL LOCATED AT 3300 NEWPORT BOULEVARD AND 475 32ND STREET (PA2020-068)

WHEREAS, Section 200 of the City of Newport Beach ("City") Charter 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 ("LCP") for that portion of the coastal zone within its jurisdiction;

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

WHEREAS, the California Coastal Commission ("Coastal Commission") effectively certified the City's Local Coastal Program Implementation Plan 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 on January 30, 2017;

WHEREAS, an application was filed by R.D. Olson Development ("Applicant") with respect to property located at 3300 Newport Boulevard and 475 32nd Street as legally described in Exhibit "A," which is attached hereto and incorporated by reference ("Property");

WHEREAS, the City Council approved General Plan Amendment No. GP2012-002, Coastal Land Use Plan Amendment No. LC2012-001, Zoning Code Amendment No. CA2012-003, Site Development Review No. SD2014-001, Conditional Use Permit No. UP2014-004, and Traffic Study No. TS2014-005 on September 9, 2014, for the development of Lido House Hotel at 3300 Newport Boulevard;

WHEREAS, the Applicant is requesting approval of a 15,103 square-foot expansion of the Lido House Hotel to add five cottages, 28 private valet parking spaces, 14 public parking spaces, a greenhouse, a walkway, breakout rooms, and rooftop enclosure, and landscaping and fencing improvements along the perimeter of the Property ("Project");

WHEREAS, the Project requires the following approvals from the City:

- General Plan Amendment ("GPA") – An amendment to the Land Use Element of the General Plan to amend Anomaly No. 85 to increase the development limit to 118,573 gross square feet;
- Local Coastal Program Amendment ("LCPA") – An amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC and CLUP to increase the development limit to 118,573 gross square feet.
- Zoning Code Amendment ("ZCA") – An amendment to Title 20 (Planning and Zoning) of the NBMC to increase the development limit to 118,573 gross square feet;
- Major Site Development Review Amendments ("SDR") – A SDR to ensure the changes to the Property are developed in accordance with applicable development standards;
- Conditional Use Permit Amendments ("CUP") – A CUP to allow the operational changes that result from the changed site plan and floorplan and the sale of alcohol; and
- Addendum No. 2 to the Certified Final Environmental Impact Report for the Lido House Hotel (SCH#2013111022) ("Addendum No 2") – Addendum No. 2 addresses reasonably foreseeable environmental impacts resulting from the Project pursuant to the California Environmental Quality Act ("CEQA") as set forth in Public Resources Code Section 32000 *et seq.*;

WHEREAS, the Property is designated Visitor Serving Commercial – Lido Village (CV-LV) and Anomaly No. 85 by the City of Newport Beach General Plan ("General Plan") and located within the Commercial Visitor-Serving-Lido Village (CV-LV) Zoning District;

WHEREAS, the Property is designated Visitor-Serving Commercial-Lido Village (CV-LV) by the CLUP and located within the Commercial Visitor-Serving - Lido Village (CV-LV) Coastal Zoning District;

WHEREAS, pursuant to Section 13515 of the California Code of Regulations Title 14, Division 5.5, Chapter 8 ("Section 13515"), drafts of the LCPA were made available and a Notice of Availability was distributed on July 20, 2022, at least six weeks prior to the anticipated final action date;

WHEREAS, the Planning Commission held a duly noticed public hearing on July 21, 2022, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 (Public Hearings) of the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the hearing, the Planning Commission voted unanimously (7 ayes – 0 nays) to adopt Planning Commission Resolution No. PC2022-020 recommending approval of the Project to the City Council;

WHEREAS, the City Council held a duly noticed public hearing on October 25, 2022, in the City 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 Section 13515. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

WHEREAS, at the hearing, the City Council voted unanimously (6 ayes, 0 nays, 1 recusal) to adopt Resolution No. 2022-76 adopting Addendum No. 2 to the Lido House Hotel Certified Environmental Impact Report, Resolution No. 2022-77 approving the GPA, Resolution No. 2022-78 authorizing submittal of the LCPA to the Coastal Commission, and Resolution No. 2022-79 approving the SDR and CUP, and to introduce Ordinance No. 2022-22 adopting the ZCA; and

WHEREAS, the Coastal Commission approved the LCPA (LCP-5-NPB-22-0056-1 Part B) on February 8, 2024, as a major amendment with no modifications, and as a result, is deemed approved and became a certified part of Title 21.

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

Section 1: The City Council hereby adopts the LCPA filed as part of PA2020-068, amending Title 21 (Local Coastal Program Implementation Plan), Section 21.14.010 (Coastal Zoning Map), Table 21.20-2 (Development Standards for Commercial Coastal Zoning Districts) and its footnotes in Section 21.20.030 (Commercial Coastal Zoning Districts General Development Standards), and Subsection (D)(15) of Section 21.30.060 (Height Limits and Exceptions) of the NBMC, as set forth in Exhibit "B," which is attached hereto and incorporated herein by reference.

Section 2: The LCP, including the LCPA, shall be carried out in full conformance with the California Coastal Act.

Section 3: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 4: 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 5: Pursuant to Section 21166 of the California Public Resources Code and Section 15162 of the CEQA Guidelines, when an environmental impact report ("EIR") has been certified for a project, no subsequent EIR is required unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- a. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - i) The project will have one or more significant effects not discussed in the previous EIR;
 - ii) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - iv) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On September 9, 2014, the City Council certified the adequacy and completeness of the Lido House Hotel Final Environmental Impact Report (SCH No. 2013111022) by adopting Resolution No 2014-80.

In accordance with Section 15164 of the CEQA Guidelines, an addendum to the previously adopted EIR is the appropriate environmental document for the Project. Therefore, upon receipt of the prior application for increased floor area for the Lido House Hotel, the City prepared Addendum No. 1 to the EIR. On July 26, 2016, The City Council adopted Resolution No. 2016-88 adopting Addendum No. 1. Upon receipt of the current application for increased floor area for the Lido House Hotel, the City prepared Addendum No. 2 to the EIR for the Project in accordance with Section 15164 of the CEQA Guidelines.

Addendum No. 2 which was adopted on October 25, 2022, addresses all environmental impacts associated with the Project. The Coastal Commission's approval of the LCPA does not result in substantial changes to the Project nor did it uncover new information

that requires additional environmental review; therefore, no additional environmental review is necessary.

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.

Proposed

Section 7: 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 12th day of November, 2024, and adopted on the 10th day of December, 2024, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

WILL O'NEILL, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

Attachment(s): Exhibit A – Legal Description
 Exhibit B – Amendment to Title 21 (Local Coastal Program
 Implementation Plan)

EXHIBIT A

Legal Description

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, CITY OF NEWPORT BEACH, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF LOTS 3, 6 AND 7 IN SECTION 28, TOWNSHIP 6 SOUTH, RANGE 10 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT FILED IN THE DISTRICT LAND OFFICE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF "THE HUDSON" WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 21 IN BLOCK 431 OF "LANCASTER'S ADDITION TO NEWPORT BEACH", AS SHOWN ON A MAP RECORDED IN BOOK 5, PAGE 14 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE NORTH 0°44'30" WEST ALONG SAID NORTHERLY PROLONGATION 400.00 FEET; THENCE WESTERLY PARALLEL WITH SAID NORTHERLY LINE AND LOT 1 IN BLOCK "A" OF SAID LANCASTER'S ADDITION TO NEWPORT BEACH 461.53 FEET TO A POINT IN THE EASTERLY LINE OF SAID CENTRAL AVENUE, AS SHOWN ON TRACT NO. 108, AS SHOWN ON A MAP RECORDED IN BOOK 2, PAGES 1 OF SAID MISCELLANEOUS MAPS; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID CENTRAL AVENUE 401.79 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE EASTERLY ALONG THE NORTHERLY OF SAID LOT 1 AND SAID NORTHERLY LINE OF "THE HUDSON" 495.33 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE LAND DESCRIBED IN THE DEED ATTACHED TO THAT CERTAIN RESOLUTION NO. 3284 OF THE CITY COUNCIL OF NEWPORT BEACH, A CERTIFIED COPY OF WHICH RECORDED MARCH 11, 1946 IN BOOK 1404, PAGE 130 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THE LAND DESCRIBED AS PARCEL 2 IN DEED TO THE GRIFFITH COMPANY RECORDED MARCH 23, 1948 IN BOOK 1741, PAGE 174 OF SAID OFFICIAL RECORDS.

PARCEL 2:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 IN BLOCK "A" OF "LANCASTER'S ADDITION TO NEWPORT BEACH", AS SHOWN ON A MAP RECORDED IN BOOK 5, PAGE 14 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA; THENCE EASTERLY ALONG THE NORTHERLY LINE OF WASHINGTON AVENUE, NOW KNOWN AS 32ND STREET, TO THE INTERSECTION WITH THAT PORTION OF THE BULKHEAD LINE ESTABLISHED BY THE WAR DEPARTMENT IN 1936 AND SHOWN ON THE WAR DEPARTMENT MAP OF NEWPORT BAY SHOWING HARBOR LINE, EXTENDING BETWEEN BULKHEAD STATION NO. 124 AND BULKHEAD STATION NO. 125; THENCE NORTH 27°30'00" WEST ALONG SAID BULKHEAD LINE TO ITS INTERSECTION WITH THE NORTHERLY LINE OF "THE HUDSON" AS SHOWN ON SAID MAP OF LANCASTER'S ADDITION; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID "THE HUDSON" TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK "A"; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOTS 1 AND 2 TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF LOT 3 OF TRACT NO. 1117, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGES 48 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF THE 20.00 FOOT ALLEY AS VACATED BY RESOLUTION NO. 3280 OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, A CERTIFIED COPY OF WHICH RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 3; THENCE NORTH 0'44'30" WEST ALONG THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF 90.00 FEET; THENCE NORTH 40'47'07" WEST 170.97 FEET TO A POINT IN THE WESTERLY LINE OF SAID 20.00 FOOT ALLEY; THENCE SOUTH 0'44'30" EAST ALONG THE WESTERLY LINE OF SAID ALLEY 220.89 FEET TO THE SOUTHWESTERLY CORNER OF TRACT NO. 907, AS SHOWN ON A MAP RECORDED IN BOOK 28, PAGES 25 TO 36 INCLUSIVE OF MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY; THENCE NORTH 89'15'30" EAST ALONG THE SOUTHERLY LINE OF SAID TRACT NO. 907 AND SAID LOT 3, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE LAND DESCRIBED AS PARCEL 1 IN DEED TO THE GRIFFITH COMPANY RECORDED MARCH 23, 1948 IN BOOK 1741, PAGE 174 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THE LAND DESCRIBED IN DEED TO THE GRIFFITH COMPANY RECORDED JUNE 15, 1953 IN BOOK 2520, PAGE 577 OF OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

PARCEL 4:

THAT PORTION OF LOT 3 OF TRACT NO. 1117, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGE 48 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 3; THENCE NORTH 0'44'30" WEST 74.46 FEET ALONG THE EAST LINE OF SAID LOT TO THE MOST SOUTHERLY CORNER OF THE LAND DESCRIBED AS PARCEL 1 IN DEED TO THE GRIFFITH COMPANY RECORDED MARCH 23, 1948 IN BOOK 1741, PAGE 174 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 40'47'07" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LAND OF GRIFFITH COMPANY, A DISTANCE OF 69.945 FEET; THENCE NORTH 89'15'30" EAST 45.00 FEET TO THE EAST LINE OF SAID LOT 3; THENCE SOUTH 0'44'30" EAST 53.54 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 5:

LOTS ONE (2) AND TWO (2) IN BLOCK "A" OF "LANCASTER'S ADDITION TO NEWPORT BEACH' AS SHOWN ON A MAP RECORDED IN BOOK 5, PAGE 14 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA

EXHIBIT B

Amendment to Title 21 (Local Coastal Program Implementation Plan)

Section 1. Amend Note No. 1 in the inset table on the Coastal Zoning Map codified in Section 21.14.010 (Coastal Zoning Map) of the NBMC to read as follows:

Note No.	Development Limit (Sq.Ft.)	Development Limit (Other)	Additional Information
1	118,573		CV-LV: 118,573 gross square feet for a hotel.

Section 2. Amend the row entitled “Side [Setbacks] (Street Side)” in Table 21.20-2 (Development Standards for Commercial Coastal Zoning Districts) of Section 21.20.030 (Commercial Coastal Zoning Districts General Development Standards) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC 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
Side (Street side)	0	0	0	0	0	32nd Street: 1 ft. for below grade structures; 1 ft. for structures up to 35 ft. in height; 70 ft. for structures over 35 ft. in height (4) Via Oporto: 0	15 ft.	

Section 3. Amend the row entitled “Floor Area Ratio” in Table 21.20-2 (Development Standards for Commercial Coastal Zoning Districts) of Section 21.20.030 (Commercial Coastal Zoning Districts General Development Standards)

of Title 21 (Local Coastal Program Implementation Plan) of the NBMC 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 (2)(3)(4)	0.75	0.75	0.50	0.30	1.50	118,573 sf	1.30	

Section 4. Amend the rows related to “Height” in Table 21.20-2 (Development Standards for Commercial Coastal Zoning Districts) of Section 21.20.030 (Commercial Coastal Zoning Districts General Development Standards) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC 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
Height	Maximum allowable height of structures without discretionary approval. See Section <u>21.30.060</u> (Height Limits and Exceptions) for height measurement requirements. See Section <u>21.30.060(C)</u> (Increase in Height Limit) for possible increase in height limit.							
Within Shoreline Height Limit Zone	26 ft. with flat roof; less than 3/12 pitch 31 ft. with sloped roof; 3/12 or greater pitch				55 ft. with flat roof, less than 3/12 roof pitch; 60 ft. with sloped roof, 3/12 roof pitch or greater (5)	26 ft. with flat roof; less than 3/12 pitch 31 ft. with sloped roof; 3/12 or greater pitch	Section <u>21.30.060</u> See CLUP Policy 4.4.2-1	
Not within Shoreline Height Limit Zone	32 ft. with flat roof; less than 3/12 pitch 37 ft. with sloped roof; 3/12 or greater pitch				N/A	32 ft. with flat roof; less than 3/12 pitch 37 ft. with sloped roof; 3/12 or greater pitch		

TABLE 21.20-2

DEVELOPMENT STANDARDS FOR COMMERCIAL COASTAL ZONING DISTRICTS

Development Feature	CC	CG	CM	CN	CV	CV-LV	OG	Additional Requirements
Within High Rise Height Area (See Figure H-1, attached to the ordinance codified in this Implementation Plan).								
			300 ft.			N/A	300 ft.	

Section 5. Amend the footnotes for Table 21.20-2 (Development Standards for Commercial Coastal Zoning Districts) of Section 21.20.030 (Commercial Coastal Zoning Districts General Development Standards) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC to read as follows:

Notes:

- (1) All development and the subdivision of land shall comply with the requirements of Section 21.30.025 (Coastal Zone Subdivisions).
- (2) In the CG Coastal Zoning District, when 0.3/0.5 is shown on the Coastal Zoning Map, the FAR may be increased to a maximum of 0.5 when two or more legal lots are merged to accommodate larger commercial development projects.
- (3) Portions of legal lots that are submerged lands or tidelands shall be included in the land area of the lot for the purpose of calculating the allowable floor area for structures.
- (4) The specific floor area limitations for each coastal zoning district are identified on the Coastal Zoning Map.
- (5) Architectural features such as domes, towers, cupolas, spires, and similar structures may be up to sixty-five (65) feet in height.

Section 6. Amend Subsection (D)(15) of Section 21.30.060 (Height Limits and Exceptions) of Title 21 (Local Coastal Program Implementation Plan) of the NBMC to read as follows:

15. Lido House Hotel. At the former City Hall, 3300 Newport Boulevard and 475 32nd Street:

- a. At least seventy-five (75) percent of the total area of the site shall be thirty-five (35) feet in height or lower.
- b. Buildings and structures up to fifty-five (55) feet in height with the peaks of sloping roofs and elevator towers up to sixty (60) feet in height provided it is demonstrated that development does not adversely materially impact public views.
- c. Architectural features such as domes, towers, cupolas, spires, and similar structures may be up to sixty-five (65) feet in height.
- d. Buildings and structures over thirty-five (35) feet in height, including architectural features, shall not occupy more than twenty-five (25) percent of the total area of the site.
- e. Buildings and structures over forty-five (45) feet in height, including architectural features, shall not occupy more than fifteen (15) percent of the total area of the site.
- f. All buildings and structures over thirty-five (35) feet in height, including architectural features, shall be set back a minimum of sixty (60) feet from the Newport Boulevard right-of-way and seventy (70) feet from the 32nd Street right-of-way.

Proposed