

RESOLUTION NO. 9190

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH ACCEPTING AND AGREEING TO THE TERMS AND CONDITIONS OF THE CATEGORICAL EXCLUSION FOR SINGLE FAMILY AND DUPLEX RESIDENTIAL DEVELOPMENTS IN THE COASTAL ZONE IN THE CITY OF NEWPORT BEACH

WHEREAS, the City of Newport Beach has applied to the State Coastal Commission seeking a categorical exclusion for the demolition and/or construction of all single-family and two-family residences and their appurtenant facilities in the R-1, R-1.5, R-2, R-3 and R-4 zones within the City of Newport Beach within the Coastal Zone; and

WHEREAS, the State Commission on June 14, 1977, adopted Categorical Exclusion Order E-77-5, pursuant to Public Resources Code Section 30610(d) at the request of the City of Newport Beach; and

WHEREAS, Section 30610.5 of the Public Resources Code provides that a public agency which issues a permit for a category of development which is the subject of a categorical exclusion order must acknowledge receipt of the approval by the State Commission and accept and agree to the terms and conditions under which the categorical exclusion has been made; and

WHEREAS, the City Council of the City of Newport Beach desires to accept the Categorical Exclusion Order and agree to the terms and conditions of the categorical exclusion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport Beach acknowledges that the City has received from the California Coastal Commission the Commission's

resolution of approval, including the conditions which were attached to the approval pursuant to Public Resources Code Section 30610.5 for the demolition and/or construction of all single-family and two-family residences and their appurtenant facilities in the R-1, R-1.5, R-2, R-3 and R-4 zone districts within the City of Newport Beach within the Coastal Zone. The categorical exclusion, however, does not include the first row of lots adjacent to the beach, bay or wetlands nor is the categorical exclusion applicable to major undeveloped residential sites within the Coastal Zone, P-C zoned district or gated communities within the City.

BE IT FURTHER RESOLVED that the City Council finds and determines that the exclusion shall apply only to the following areas: Balboa Island, Balboa Peninsula, Cameo Highlands, Cameo Shores, Corona del Mar, Corona Highlands, Irvine Terrace, Lido Island, Shorecliffs, Upper Bay and West Newport.

BE IT FURTHER RESOLVED that the City Council of the City of Newport Beach accepts and agrees to the terms and conditions which have been applied by the California Coastal Commission to the categorical exclusion, which terms and conditions are as follows:

(1) Lot Coverage

Structures subject to this exclusion shall be designed so that the gross structural area, including storage, parking, and stairways, does not exceed 1.5 times the buildable area on non-conforming lots (4,000 square feet or less) and in areas where a majority of the lots are non-conforming. Gross structural area shall be calculated in accordance with South Coast Regional Commission "1.5" criteria.

(2) Parking

A minimum of two parking spaces shall be provided for each residential unit, regardless of size. To the maximum extent practicable, parking shall be provided on the alley side of the lot and in no case shall parking be permitted in the required front yard setback.

(3) Density

Duplexes shall only be permitted on lots 2,400 square feet or greater.

(4) Applicable Zoning

Development pursuant to this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect on the date this order is adopted by the Commission, as represented by City of Newport Beach Ordinance No. 1657 (Title 20), a copy of which is attached to the official map of this exclusion.

(5) Implementation

The City of Newport Beach shall, at an appropriate stage in the local approval process for development subject to this exclusion, distribute to the applicant for such local approval a form provided by the Executive Director of the Commission. After final local governmental approval but prior to construction under this exclusion, the City shall send the completed form to the South Coast Regional Commission. The completed form shall include a certification by the applicant that the approved development conforms with the terms and conditions of this order.

The City of Newport Beach may, at its option, also make that certification on the completed form. No construction pursuant to this exclusion may commence until 5 working days have elapsed following receipt of the completed form by the South Coast Regional Commission.

(6) Public Trust

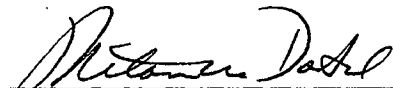
In the event that any competent agency or court determines that any lands excluded by this order are subject to the public trust, this exclusion shall immediately become void as to those lands and any development undertaken on those lands shall be subject to the full permit requirements of the Coastal Act of 1976.

BE IT FURTHER RESOLVED that all officers and employees of the City of Newport Beach shall be charged with the enforcement of the terms and conditions of this Resolution.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to transmit a certified copy of this Resolution

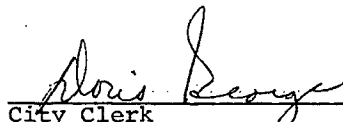
to the State Coastal Commission.

ADOPTED this 12th day of September, 1977.

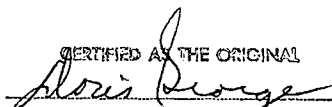


Mayor

ATTEST:



City Clerk

CERTIFIED AS THE ORIGINAL


CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: SEP 14 1977