

Attachment A

Resolution No. 2022-3

RESOLUTION NO. 2022-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, INITIATING AMENDMENTS TO TITLE 20 (PLANNING AND ZONING) AND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE CITY OF NEWPORT BEACH MUNICIPAL CODE RELATED TO RESIDENTIAL CARE FACILITIES (PA2021-292)

WHEREAS, Section 20.66.020 (Initiation of Amendment) of the Newport Beach Municipal Code ("NBMC") provides that the City Council of the City of Newport Beach ("City Council") may initiate an amendment to Title 20 (Planning and Zoning) with or without a recommendation from the Planning Commission;

WHEREAS, City Council Policy K-1 entitled "General Plan and Local Coastal Program" requires amendments to the City of Newport Beach certified Local Coastal Program codified in Title 21 (Local Coastal Program Implementation Plan) of the NBMC to be initiated by the City Council;

WHEREAS, changes in state law as well as the operational characteristics of residential care facilities have occurred since the last comprehensive update to the City's residential care facilities standards were adopted;

WHEREAS, the City Council created a Residential Care Facilities Ad Hoc Committee on October 26, 2021, to provide a recommendation to the entire City Council regarding matters pertinent to updating the City's residential care facilities standards including but not limited to: ensuring local standards are consistent with state and federal law, recommending legislative policies and or positions regarding state laws related to the regulation of residential care facilities and reviewing and if warranted recommending changes to the City's code enforcement protocols related to residential care facilities; and

WHEREAS, the City Council in coordination with the Residential Care Facilities Ad Hoc Committee desires to amend Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC related to residential care facilities. These amendments are intended to ensure the City's residential care facilities standards are in line with current state and federal law and permitting practices of other jurisdictions that have evolved since the last comprehensive update to the City's residential care facilities standards were adopted.

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

Section 1: The City Council hereby initiates amendments to Title 20 (Planning and Zoning) of the NBMC and Title 21 (Local Coastal Program Implementation Plan) of the NBMC related to residential care facilities.

Section 2: If any section, subsection, sentence, clause or phrase of this resolution 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 resolution. The City Council hereby declares that it would have passed this resolution 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 3: The recitals provided in this resolution are true and correct and are incorporated into the operative portion of this resolution.

Section 4: The City Council finds the adoption of this resolution is exempt from environmental review under the California Environmental Quality Act ("CEQA"), pursuant to Section 15262 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it involves feasibility or planning studies for possible future actions which the agency, board, or commission has not approved or adopted.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

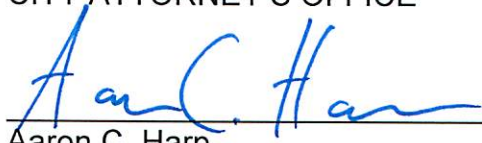
ADOPTED this 11th day of January, 2022.

Kevin Muldoon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney