



CITY OF

NEWPORT BEACH

City Council Staff Report

January 11, 2022
Agenda Item No. 6

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Resolution No. 2022-3: Initiation of Zoning Code and LCP
Amendments Related to Residential Care Facilities (PA2021-292)

ABSTRACT:

For the City Council's consideration is a resolution to initiate amendments to Newport Beach Municipal Code (NBMC) Title 20 (Planning and Zoning) and NBMC Title 21 (Local Coastal Program Implementation Plan) related to the City's residential care facility regulations.

RECOMMENDATION:

- a) Determine this action exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- b) Adopt 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).*

DISCUSSION:

Zoning Code Section 20.66.020 (Initiation of Amendment) provides that a code amendment may be initiated by the City Council, with or without a recommendation from the Planning Commission. City Council Policy K-1 (General Plan and Local Coastal Program) provides that a City of Newport Beach (City) sponsored amendment to the certified Local Coastal Program (LCP) shall be initiated by the City Council.

This agenda item is not a public hearing. Should the City Council choose to initiate these proposed amendments, the specific text changes will be drafted and considered by both the Planning Commission and the City Council at future public hearings.

On October 26, 2021, the City Council created a Residential Care Facilities Ad Hoc Committee to provide recommendations 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.

The City only has land use authority for residential care facilities that serve seven or more occupants. Residential care facilities that serve six or less occupants are permitted by the state and the City has no land use authority.

The proposed amendments will focus on standardizing application requirements for residential care facilities which are subject to City permitting (seven or more occupants) as well as establishing standard conditions of approval. Potential application requirements may include provisions such as intake procedures, relapse policies and staff qualifications. Potential conditions of approval may include provisions such as transportation responsibilities for residents upon program completion or eviction, facility inspections, and onsite Narcan requirements. Staff anticipates presenting amendment recommendation to the Planning Commission in February 2022 before returning to the City Council with the Planning Commission's recommendation in early March 2022.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

The initiation of zoning and LCP amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment. No final action on any amendments will occur at this meeting and the initiation of the amendment does not have any legally binding effect upon future consideration of the amendments themselves. The City will conduct an environmental review prior to the consideration of approval of the amendments.

NOTICING:

The Municipal Code does not require notice for the initiation of amendments. Notice of this item appeared on the agenda for this meeting, which was posted at City Hall and on the City website. Should the City Council initiate the amendment, public notice will be provided for subsequent public hearings before the Planning Commission and the City Council as required by the Municipal Code. Additionally, notice of the LCP amendments will be sent to all persons and agencies on the Notice of the Availability mailing list.

ATTACHMENT:

Attachment A – Resolution No. 2022-3