



CITY OF

NEWPORT BEACH

City Council Staff Report

May 14, 2019
Agenda Item No. 4

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Resolution No. 2019-43: Initiation of Planning and Zoning Code and Local Coastal Program Amendments Related to Residential Massing and Beach Cottage Preservation (PA2019-070)

ABSTRACT:

The City Council will consider initiating amendments to Newport Beach Municipal Code (NBMC) Title 20 (Planning and Zoning) and NBMC Title 21 (Local Coastal Program Implementation Plan). The purpose of the amendments is to: 1) reduce the massing of three story residential structures by reducing the impact caused by covered patio roof decks and 2) change the design standards to allow more opportunities to preserve residential beach cottages by increasing the amount of floor area that can be added to an existing unit before code compliant parking is required.

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. 2019-43, *A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to Title 20 Entitled "Planning and Zoning" and Title 21 Entitled "Local Coastal Program Implementation Plan" of the City of Newport Beach Municipal Code Related to Massing of Three Story Residential Structures and Development Standards for Small Beach Cottages (PA2019-070).*

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

At the conclusion of the April 23, 2019 City Council study session item titled “Potential Changes to Residential Development Standards to Preserve Cottages and Address 3rd Story Massing” the City Council directed staff to return with a resolution to initiate code amendments related to both study session items.

Three Story Roof Decks

The current zoning code allows a covered roof deck to be enclosed on all three sides as long as one side of the deck remains open. The floor area of the enclosed roof deck is not counted towards the maximum floor area. If approved to initiate code amendments, staff will propose changes to reduce the bulk and mass of new three-story dwellings.

Preserving Beach Cottages

The municipal code will also be amended to address the loss of smaller beach cottages due to the requirement of providing a two-car parking garage. Currently, the zoning code requires a conforming two-car garage when 10 percent or more of the existing floor area is added to the existing dwelling unit. The current code provision has forced many of the smaller beach cottages to be torn down because the existing garages do not conform to current code requirements. Staff will propose an increase to the amount of floor area allowed for existing dwelling units before the unit would have to conform to the current parking requirements.

Public Outreach and Timing

This agenda item is not a public hearing. Should the City Council choose to initiate the proposed amendments, the specific text changes will be drafted and staff will reach out to the community and local design professionals to get their feedback on the new proposed code language. Staff will then present the item to both the Planning Commission and then City Council at noticed public hearings. Additionally, amendments to the certified LCP will require certification by the California Coastal Commission. Staff estimates the draft code language to be ready for community input in the month of July 2019.

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-sponsored amendment to the certified Local Coastal Program (LCP) shall be initiated by the City Council. Title 15 of NBMC regulates building and construction and will need to also be amended as part of the process. Title 15 does not require City Council initiation to be amended, but has been included in the attached resolution to provide the full scope of municipal code amendments needed to address the issues.

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 and potential 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. 2019-43