

Attachment B

May 9, 2019 Planning Commission
Staff Report



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

May 9, 2019
Agenda Item No. 5

SUBJECT: RMD Zoning Code Amendment (PA2019-065)
▪ Zoning Code Amendment No. CA2019-003

SITE LOCATION: Citywide

APPLICANT: City of Newport Beach

PLANNER: Liz Westmoreland, Assistant Planner
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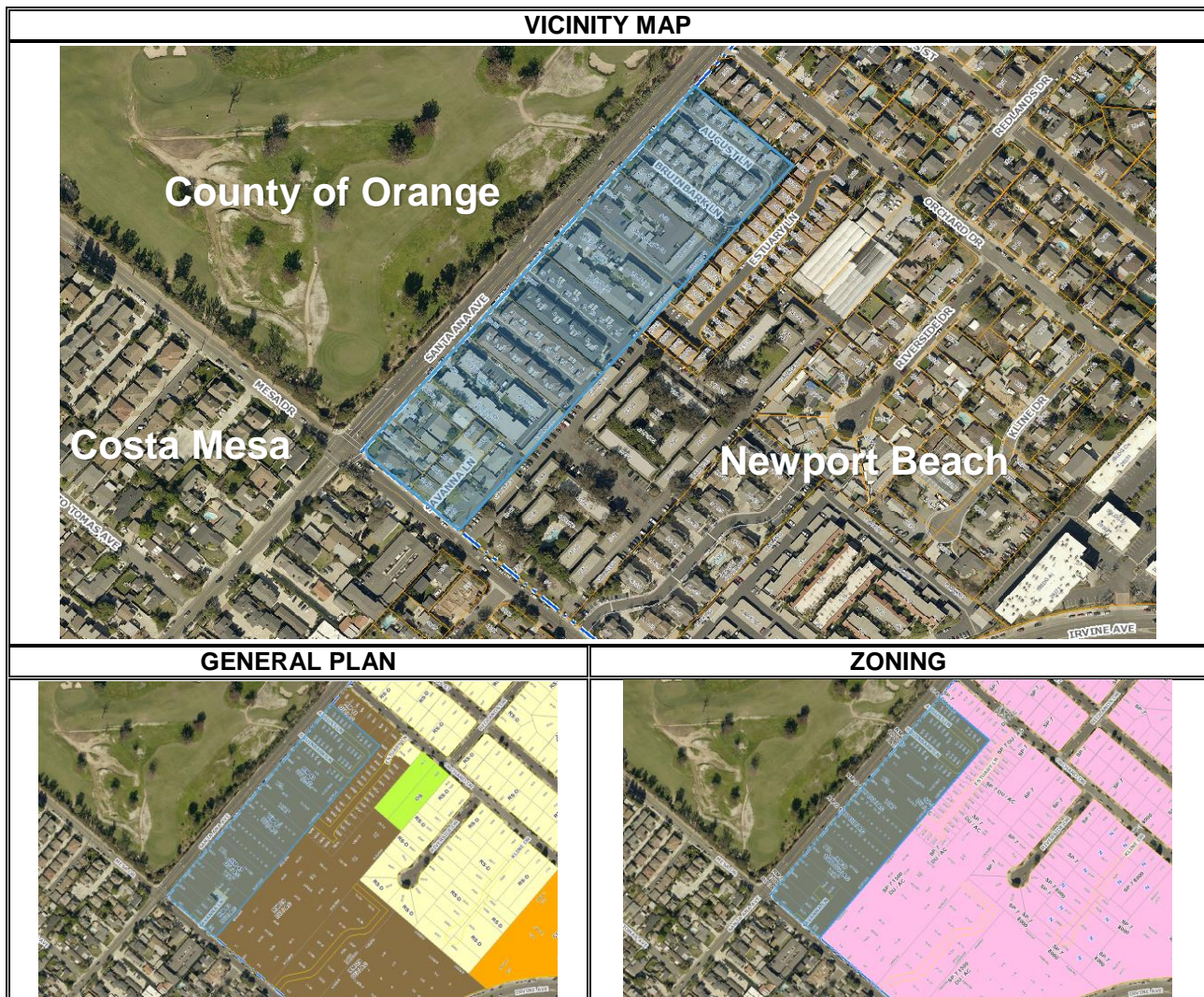
PROJECT SUMMARY

Following adoption of the City of Newport Beach's ("City") comprehensive 2010 Zoning Code Update, City staff discovered that the name of the RMD Zone was inadvertently changed from Medium Density Residential to Multiple Residential Detached. Additionally, the provision allowing attached dwelling units was removed from the purpose description. The proposed code amendment would correct these errors making the RMD Zoning District consistent with the regulations in effect prior to 2010, which were consistent with the provisions of the Orange County Zoning Code in effect when the area was annexed in 2008.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Resolution No. PC2019-012 recommending the City Council approve Zoning Code Amendment No. CA2019-003 (Attachment No. PC 1).

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LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	RM (Multiple-Unit Residential)	RMD (Multiple Residential Detached)	Multi-unit condominiums, apartments, and single-family residences
NORTH	RM and County of Orange	SP-7 Santa Ana Heights Specific Plan (Residential Multiple Family) and County of Orange	Santa Ana Country Club (Golf Course)
SOUTH	County of Orange	R4 Suburban Multifamily Residential	Mesa Drive and Single-family/two-unit residences
EAST	RM and OS (Open Space)	SP-7 (Residential Multiple Family) and Horticultural Nursery	Apartment complexes and commercial nurseries
WEST	City of Costa Mesa and County of Orange	(R2-MD: Multiple –Family Residential, Medium Density) and County of Orange	Single-family residences and Santa Ana Country Club (Golf Course)

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INTRODUCTION

Project Setting

The subject code amendment affects 16 lots on Santa Ana Avenue between Mesa Drive and Orchard Drive in the West Santa Ana Heights area. The subject lots are bordered by the Santa Ana Country Club golf course (within unincorporated Orange County) to the north and west. The City of Costa Mesa is west of the subject lots, across the intersection of Santa Ana Avenue and Mesa Drive. The Santa Ana Heights Specific Plan (SP-7), which is within the City of Newport Beach, borders the subject lots to the east and north.

Existing Pattern of Development

Existing development within the RMD zone consists of a mixture of attached apartments and condominiums with a few detached single-family residential uses. Specifically, there are seven detached single-family dwelling units, one detached two-unit development, and approximately 156 attached dwelling units.

The seven detached residential developments are located at the southern end of the RMD Zone (see Figures 1 and 2). Two detached single-family residences are located at 1501 Mesa Drive and 20462 Santa Ana Avenue. There are also five small footprint lots along Savanna Lane and Mesa Drive with a detached single-family residence on each lot.

The Santa Ana Cottages project (PA2016-069) located at 20452 Santa Ana Avenue was approved by the City Council in 2017 for seven attached condominium units contained within two buildings. The remaining seven lots in the RMD Zone contain attached multi-unit residential apartments and condominiums as follows:

1. 1551 – 1559 Mesa Drive – 5 dwelling units (d/u)
2. Chateau Gardens - 26 d/u
3. Promenade Court - 20 d/u
4. Newport Court – 19 d/u
5. Monticello West Apartments - 26 d/u
6. Country Club Gardens – 24 d/u
7. Newport Glen- 36 d/u

Figure 1 - Existing Development (Southern Extent)

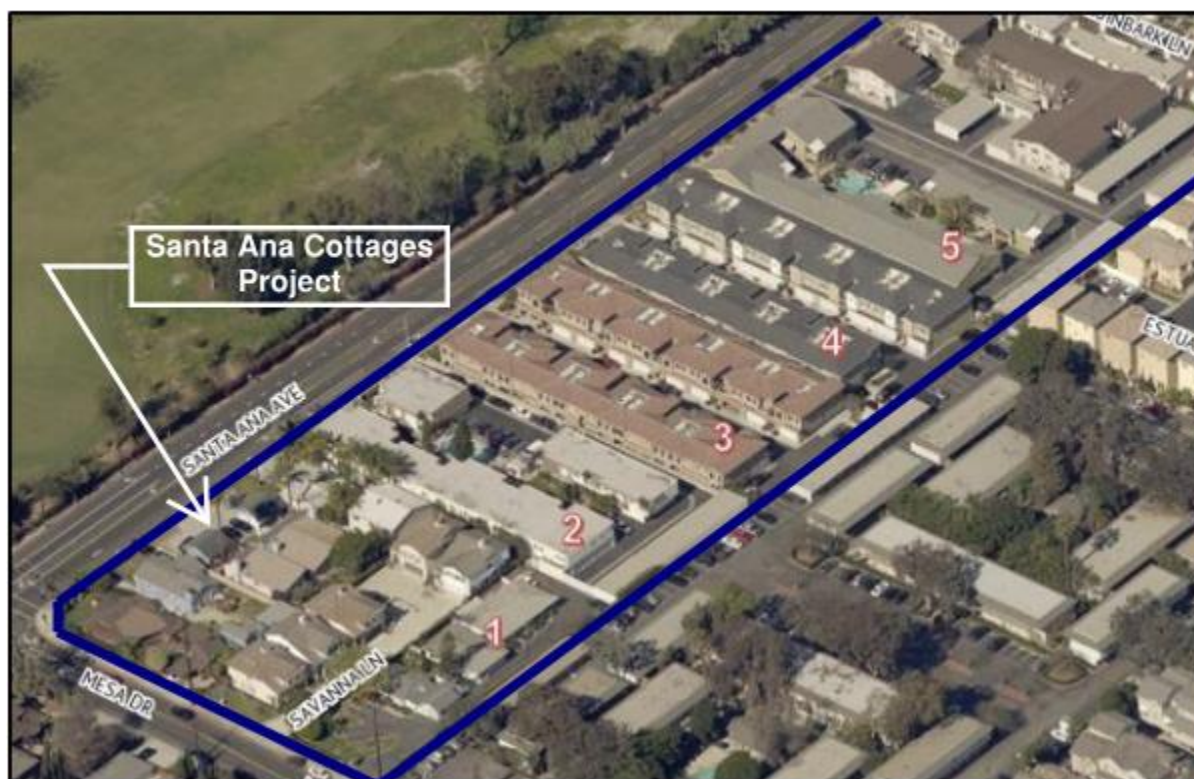


Figure 2 – Existing Development (Northern Extent)



Background and Project Description

Annexation

The City annexed the West Santa Ana Heights (WSAH) area in January 2008. At the time of annexation, the WSAH area included the following zoning designations (Attachment PC 2):

- Santa Ana Heights Specific Plan (SP-7)
- RMD (Residential Medium Density)
- Nursery Overlay

The City incorporated the County of Orange's RMD Zoning that existed at the time of annexation with a purpose statement that read as follows (Attachment No. PC 3):

“Medium Density Residential (RMD) District. Provides for medium density residential development up to approximately 22 dwelling units per gross acre, including single-family, (attached and detached), two-family, and multi-family.”

2010 Comprehensive Zoning Code Update

The City's General Plan was updated in 2006 prior to annexation. To implement the new General Plan, the City comprehensively updated the Zoning Code in 2010. During the Zoning Code Update, the name of the RMD Zoning District was inadvertently changed from “Medium Density Residential” to “Multiple Residential Detached” and the purpose was changed to read as follows:

“RMD (Multiple Residential Detached) Zoning District. The RMD Zoning District is intended to provide for areas appropriate for multi-unit residential developments exclusively containing detached dwelling units.”

These changes would limit new construction to attached dwelling units; however, this change was not intended. When the City Council approved the Santa Ana Cottages in 2017, an attached product, they made an interpretation that the detached description of the RMD was in error.

Purpose of Code Amendment

Amending the Zoning designation is necessary to return historic property rights, and to maintain the existing pattern of development within these RMD-zoned properties. Thus, this code amendment will correct an unintended change from the 2010 Zoning Code Update and allow these properties to maintain their existing functionality and/or remain

conforming uses. Redlined changes of the affected Zoning Code sections are included as Exhibit A of Attachment No. PC 1.

The Planning Commission initiated the code amendment on March 21, 2019, pursuant to Section 20.66.020 (Initiation of Amendment) of the Newport Beach Municipal Code.

DISCUSSION

Analysis

General Plan

The subject properties have a General Plan land use designation of Multiple-Unit Residential (RM) (Attachment No. PC 4). This land use designation is intended to provide primarily for multi-family residential development containing attached or detached dwelling units. Thus, development is not limited by the General Plan to exclusively detached dwelling units.

The City's General Plan contains another multi-unit designation, Multiple-Unit Residential Detached (RM-D), which specifically allows for multiple unit residential uses that exclusively contain detached units. There are several detached condominium developments in Newport Coast as well as detached single-family residences on Bay Island that fall within this land use designation. However, the subject properties are not located within the RM-D General Plan designation and therefore not restricted to detached units. Had the RM-D land use category been applied to the subject properties, this would have demonstrated that the 2010 change to the RM-D zone was intentional. Therefore, the absence of applying the RM-D General Plan land use category to the subject lots suggests the 2010 change was unintentional.

Local Coastal Plan and Zoning Code

The subject zoning district is not located within the coastal zone.

There are miscellaneous clues that indicate the RMD naming and purpose changes were made in error. For example:

- The Comprehensive Zoning Code Update Summary of Change document from October 2010, highlights notable changes to the zoning code as part of the 2010 update. The summary of Part 2 (Zoning Districts, Allowable Land Uses and Zoning District Standards) states that the boundaries and uses of existing residentially-zoned properties remained unchanged, although the names of the various residential zones were altered. These changes to residential zone names were discussed in the summary. However, no changes to the RMD zone were proposed or discussed (Attachment No. PC 5).

- The Zoning Code Table 2-1 (Allowed Uses and Permit Requirements) indicates the allowed uses for each residential zone and the associated permit requirements. According to Table 2-1 (Attachment No. PC 6), the RMD Zone includes allowances for Single-Unit Dwellings Attached, Single-Unit Dwellings – Detached, Multi-Unit Dwellings, and Two-Unit Dwellings. Therefore, pursuant to the allowed use table, attached units are permitted within the RMD Zone.
- Language related to the purpose of the zoning district and the title itself are the only areas in the Zoning Code that limit RMD development to exclusively attached units.

Summary

In summary, the RMD Zoning District title and purpose were inadvertently changed as part of the Comprehensive Zoning Code Update of 2010, and this amendment seeks to correct the error. Furthermore, if the amendment is not approved, the existing attached developments that characterize the predominate type of development in the RMD zone, would become non-conforming and future development would consist of exclusively detached dwelling units.

Alternatives

The Planning Commission has the option to recommend alternative changes to the Zoning Code.

Environmental Review

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

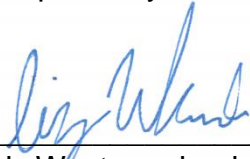
This action would also be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment. The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than twenty percent (20%), which do not result in any changes in land use or density. The proposed amendment seeks to clarify a clerical error in the Zoning Code. Additionally, the lots affected by this amendment have an average slope of less than twenty percent (20%), multi-unit residential use will continue to be allowed, and the

maximum number of dwelling units currently identified in the general plan and zoning districts will remain the same.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the sites (excluding intervening rights-of-way and waterways) and posted throughout the subject area at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:



Liz Westmoreland, Assistant Planner

Submitted by:



James Campbell, Deputy Director

ATTACHMENTS

- ~~PC 1 Draft Resolution with Findings and Conditions~~
- PC 2 Excerpt from Prior Version of the Zoning Code
- PC 3 Pre-Annexation Zoning Map
- PC 4 General Plan Designation Map (Statistical Area J6)
- PC 5 Excerpt from Zoning Code Update Summary of Change
- PC 6 Zoning Code Table 2-1

~~Attachment No. PC 1~~
~~Draft Resolution with Findings and~~
~~Conditions~~

Attachment No. PC 2

Excerpt from Prior Version of the Zoning
Code

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CHAPTER 20.10

RESIDENTIAL DISTRICTS

Sections:

- 20.10.010 Specific Purposes
- 20.10.020 Residential Districts: Land Use Regulations
- 20.10.030 Residential Districts: Property Development Regulations
- 20.10.040 Special Development Regulations for Corona del Mar, West Newport, and the Balboa Peninsula

20.10.010 Specific Purposes

Residential district regulations are intended to:

- A. Locate residential development in areas which are consistent with the General Plan and with standards of public health and safety established by the Municipal Code.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- C. Promote development of quality housing affordable by low- and moderate- income households by providing a density bonus for projects in which a portion of the units are affordable for such households.
- D. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.
- E. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multi-family development.
- F. Achieve design compatibility with surrounding neighborhoods.
- G. Provide sites for public and semipublic land uses which complement residential development or which require a residential environment.
- H. Provide public services and facilities to accommodate planned population densities.

Specific residential districts are as follows:

Residential-Agricultural (R-A) District. Provides areas for single family residential and light farming land uses.

Single-Family Residential (R-1) District. Provides areas for single family residential land uses.

Restricted Two Family Residential (R-1.5) District. Provides areas for single family and two family residential land uses with the total gross floor area of all buildings limited to a maximum floor area ratio of 1.5 times the buildable area.

Two Family Residential (R-2) District. Provide areas for single family and two family residential land uses.

Medium Density Residential (RMD) District. Provides for medium density residential development up to approximately 22 dwelling units per gross acre, including single-family (attached and detached), two-family, and multi-family.

Multifamily Residential (MFR) District. Provides for medium-to-high density residential development up to approximately 36 dwelling units per gross acre, including single-family, (attached and detached), two-family, and multi-family.

20.10.020 Residential Districts: Land Use Regulations

The following schedule establishes the land uses defined in Chapter 20.05 as permitted or conditionally permitted in residential districts, and includes special requirements, if any, applicable to specific uses. The letter "P" designates use classifications permitted in residential districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letters "UP" designate use classifications permitted on approval of a use permit, as provided in Chapter 20.91. The letters "PD/U" designate use classifications permitted on approval of a use permit issued by the Planning Director, as provided in Chapter 20.91. The letters "P/UP" designate use classifications which are permitted when located on the site of another permitted use, but which require a use permit when located on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

Residential Districts: Land Use Regulations

P = Permitted
UP = Use permit
PD/U = Use permit issued by the Planning Director
L = Limited (see [Additional Use Regulations](#))
— = Not Permitted

	R-A	R-1	R-1.5	R-2	RMD	MFR	Additional Regulations
RESIDENTIAL							(A), (B), (C)
DAY CARE, LIMITED	P	P	P	P	P	P	
GROUP RESIDENTIAL	P	---	---	---	---	---	
RESIDENTIAL CARE, LIMITED	P	P	P	P	P	P	
SINGLE FAMILY RESIDENTIAL	P	P	P	P	P	P	(D), (E), (M)
MULTI-FAMILY RESIDENTIAL	---	---	---	---	P	P	(D)
TWO-FAMILY RESIDENTIAL	---	---	P	P	P	P	(D)
PUBLIC AND SEMI-PUBLIC							(A), (B), (C)
CEMETERIES	---	L-1	L-1	L-1	L-1	L-1	
CLUBS AND LODGES	---	L-2	L-2	L-2	L-2	L-2	
CONVALESCENT FACILITIES	---	UP	UP	UP	UP	UP	
DAY CARE, GENERAL	---	UP	UP	UP	UP	UP	
GOVERNMENT OFFICES	---	UP	UP	UP	UP	UP	
HOSPITALS	---	UP	UP	UP	UP	UP	
PARK & RECREATION FACILITIES	UP	UP	UP	UP	UP	UP	
PUBLIC SAFETY FACILITIES	UP	UP	UP	UP	UP	UP	
RELIGIOUS ASSEMBLY	UP	UP	UP	UP	UP	UP	
RESIDENTIAL CARE, GENERAL	UP	UP	UP	UP	UP	UP	
SCHOOLS, PUBLIC AND PRIVATE	UP	UP	UP	UP	UP	UP	
UTILITIES, MAJOR	UP	UP	UP	UP	UP	UP	
UTILITIES, MINOR	P	P	P	P	P	P	
COMMERCIAL USES							(A), (B), (C)
HORTICULTURE, LIMITED	P	---	---	---	---	---	
NURSERIES	PD/U	---	---	---	---	---	
VEHICLE/EQUIPMENT SALES AND SERVICES							
-COMMERCIAL PARKING FACILITY	---	L-3	L-3	L-3	L-3	L-3	
VISITOR ACCOMMODATIONS							
-BED & BREAKFAST INNS	---	---	---	UP	---	UP	(F)
-SRO RESIDENTIAL HOTELS	---	---	---	---	---	UP	
AGRICULTURAL AND EXTRACTIVE USES							(A), (B), (C)
ANIMAL HUSBANDRY	PD/U		---	---	---	---	(G)

01/27/04

Residential Districts: Land Use Regulations

P = Permitted
UP = Use permit
PD/U = Use permit issued by the Planning Director
L = Limited (see Additional Use Regulations)
--- = Not Permitted

	R-A	R-1	R-1.5	R-2	RMD	MFR	Additional Regulations
CROP PRODUCTION	P	---	---	---	---	---	
MINING AND PROCESSING	L-4	L-4	L-4	L-4	L-4	L-4	(H)
ACCESSORY USES							(A), (B), (C)
ACCESSORY STRUCTURES AND USES	P/UP	P/UP	P/UP	P/UP	P/UP	P/UP	(I)
TEMPORARY USES							(A), (B), (C)
CIRCUSES AND CARNIVALS	P	P	P	P	P	P	(K)
COMMERCIAL FILMING, LIMITED	P	P	P	P	P	P	(K)
PERSONAL PROPERTY SALES	P	P	P	P	P	P	(L)
HELIPORTS, TEMPORARY	L-5	---	---	---	---	L-5	(J)
REAL ESTATE OFFICES, TEMPORARY	L-5	L-5	L-5	L-5	L-5	L-5	(B)

Residential Districts: Additional Land Use Regulations

L-1 20 acres minimum.

L-2 Limited to yacht clubs, use permit required.

L-3 Public or no fee private lots for automobiles may be permitted in any residential district adjacent to any commercial or industrial district subject to the securing of a use permit in each case.

L-4 See Chapter 20.81: Oil Wells.

L-5 Subject to the approval of the Planning Director.

(A) See Section 20.60.025: Relocatable Buildings.

(B) See Section 20.60.015: Temporary Structures and Uses.

(C) See Section 20.60.050: Outdoor Lighting.

- (D) Any dwelling unit otherwise permitted by this code may be used for short term lodging purposes as defined in Chapter 5.95 of the Municipal Code subject to the securing of:
1. A Business License pursuant to Chapter 5.04 of the Municipal Code.
 2. A Transient Occupancy Registration Certificate pursuant to Section 3.16.060 of the Municipal Code.
 3. A Short Term Lodging Permit pursuant to Chapter 5.95 of the Municipal Code.
- (E) See Chapter 20.85: Accessory Dwelling Units.
- (F) See Section 20.60.110: Bed and Breakfast Inns.
- (G) Keeping of Animals in the R-A District. The following regulations shall apply to the keeping of animals in the R-A District:
1. Large Animals. The keeping of large animals (as defined in Section 20.030.030) shall be subject to the following regulations:
 - a. Horses. One horse may be kept for each 10,000 square feet of lot area, up to a maximum of 3 horses, provided the horse or horses are kept for recreational purposes only. The keeping of 4 or more horses for recreational uses shall require a use permit issued by the Planning Director. The keeping of horses for commercial purposes shall require a use permit issued by the Planning Commission.
 - b. Other Large Animals. Other large animals, including goats, sheep, pigs and cows, may be kept on lots of 15,000 square feet or more and the number shall not exceed 2 adult animals of any one species.
 - c. Total Number Permitted. The total number of large animals shall not exceed 6. Offspring are exempt until such time as they are weaned.
 2. Domestic and Exotic Animals. The number of domestic and exotic animals (as defined in Section 20.03.030) shall not exceed 6. Offspring are exempt up to the age of 3 months. The keeping of 4 or more dogs over the age of three 3 months shall require a kennel license pursuant to Section 7.04.090 of the Municipal Code. The keeping of wild animals shall require a permit pursuant to Chapter 7.08 of the Municipal Code.
 3. Small Animals. The number of small animals, other than domestic and exotic animals (as defined in Section 20.03.030), shall not exceed 6. Offspring are exempt up to the age of 3 months.

4. Control.

- a. Domestic Animals. No such animals, except for cats, shall be permitted to run at large, but shall be confined, at all times within a suitable enclosure or otherwise under the control of the owner of the property.
- b. Other Animals. No animal, other than domestic animals, shall be permitted to run at large, but shall be confined, at all times within a suitable enclosure.

(H) See Chapter 20.81: Oil Wells.

(I) See Section 20.60.100: Home Occupations in Residential Districts.

(J) See Section 20.60.055: Heliports and Helistops

(K) Special event permit required, see Chapter 5.10 of the Municipal Code.

(L) See Section 20.60.120: Personal Property Sales in Residential Districts.

(M) See Section 20.60.125: Design Standards for Mobile Homes on Individual Lots.

20.10.030 Residential Districts: Property Development Regulations

The following schedule prescribes development regulations for residential districts. The columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this code.

Residential Districts: Property Development Regulations

	R-A	R-1	R-1.5	R-2	RMD	MFR	Additional Regulations
Minimum Site Area per Unit (sq.ft.)	---	---	1,000	1,000	3,000	1,200	(A), (B)
Minimum Lot Area (sq. ft.)	87,120	5,000	5,000	5,000	5,000	5,000	(A)
-Corner Lots (sq. ft.)	87,120	6,000	5,000	6,000	6,000	6,000	(A)
Minimum Lot Width (ft.)	125	50	---	50	---	50	(A)
-Corner Lots (ft.)	125	60	---	60	---	60	(A)

Residential Districts: Property Development Regulations

	R-A	R-1	R-1.5	R-2	RMD	MFR	Additional Regulations
Minimum Yards:							
Front (ft.)	20	20	20	20	20	20	(C), (D), (E), (F), (H), (K)
Side (ft.)	5	3;4	3;4	3;4	5	3;4	(C), (D), (E), (G), (H)
Corner Side (ft.)	5	3;4	3;4	3;4	5	3;4	(C), (D), (E), (G), (H)
Rear (ft.)	5;25	10	10	10	25	10	(C), (D), (E), (H), (Q)
-Abutting an alley (ft.)							(I)
Distance Between Detached Buildings							(J)
Maximum Height (ft.)							(K), (L)
Maximum Floor Area Limit	---	2.00	1.50	2.00	---	1.75	(K), (M)
Maximum Coverage	40%						(N)
Required Open Space							(K), (O)
Off-Street Parking and Loading							(P)

Residential Districts: Additional Property Development Regulations

- (A) See Chapter 19.68 in Title 19: Merger of Contiguous Lots.
- (B) See Section 20.60.045: Slopes and Submerged Lands.
- (C) See Section 20.60.030: Extensions Into Yards.
- (D) See Section 20.60.020: Accessory Structures and Mechanical Equipment.
- (E) For All Property Development Regulations: In addition to the lot area, width, and other requirements set forth preceding, subdivisions shall comply with the provisions of Title 19 (*Subdivision Code*), as amended.
- (F) R-1, R-1.5, R-2, and MFR Districts. The minimum depth required for front yards shall be 20 feet, except as may be otherwise indicated on the Districting Maps. Distances shown on the Districting Maps are to be measured from the front property line, unless a different line is shown on the Districting Map.

- (G) R-1, R-1.5, and R-2, Districts. Each side yard shall be not less than 3 feet wide on development sites 40 feet wide or less, or 4 feet on lots wider than 40 feet; provided, that the side yard on the rear 20 feet of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage.

MFR District. Each side yard shall not be less than 3 feet wide on sites 40 feet wide or less; 4 feet wide on lots wider than 40 feet and narrower than 50 feet; and shall be equal in width to 8 percent of the average lot width for lots 50 feet or greater in width; provided that in no event shall a side yard wider than 25 feet be required; and provided further that the side yard on the rear 20 feet of the street side of a corner lot, where there is reversed frontage, shall not be less than the front yard required or existing on the adjacent reversed frontage.

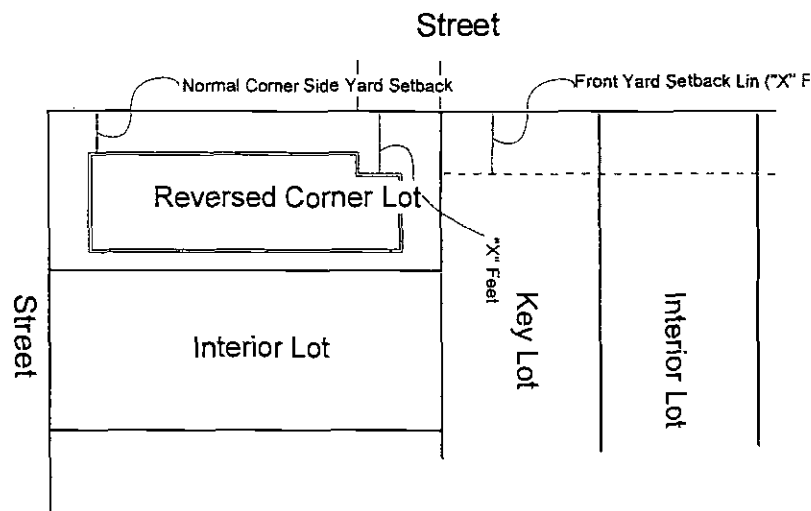


Diagram 20.10.030 (G): Setbacks on Reversed Frontages

- (H) R-A District. All structures housing animals (i.e., corrals, stalls, pens, cages, doghouses) shall maintain the following setbacks:

	From Public Rights-of-Way	From Another R-A District Property	From Properties in Other Zoning Districts
Front	50	---	---
Side	20	5	25
Rear	20	5	25

In addition to the setbacks established above, all structures housing animals shall be located a minimum of 35 feet from any building used as a dwelling on adjacent properties.

All animal exercise areas and pasturing areas (i.e., paddocks, runs, racecourses, show grounds) may be located at the property line, however, shall maintain a 25 foot setback from

the front property line abutting a public right-of-way and a 10 foot setback from any side property line abutting a public right-of-way.

- (I) In residential districts having alleys to the rear of lots or development sites shall maintain the following setbacks from rear property line, clear of all obstructions, except as provided in Section 20.60.030 (A-6) and Section 20.60.030 (I):

<u>Alley Width</u>	<u>Setback</u>
15' or less	5'
15'-1" to 19'-11"	3'-9"
20' or more	0'

Roll-up garage doors shall be required when garage door openings are located closer than 22 feet to alleys with widths of 20 feet or more.

- (J) R-1.5, R-2, RMD, and MFR Districts. 10 feet shall be maintained between buildings. This requirement shall not apply to buildings attached by a solid roof structure, a minimum of 4 feet wide.
- (K) R-1, R-2, and MFR Districts in Corona del Mar and R-1 District in West Newport, and the Balboa Peninsula. See Section 20.10.040: Special Development Regulations for Corona del Mar, West Newport, and the Balboa Peninsula.
- (L) See Chapter 20.65: Height Limits.
- (M) R-1, R-1.5, and R-2 Districts. The total gross floor area in all buildings and structures on a development site shall not exceed the following:

R-1 District: 2 times the buildable area of the site.

R-1.5 District: 1.5 times the buildable area of the site.

R-2 District: 2 times the buildable area of the site.

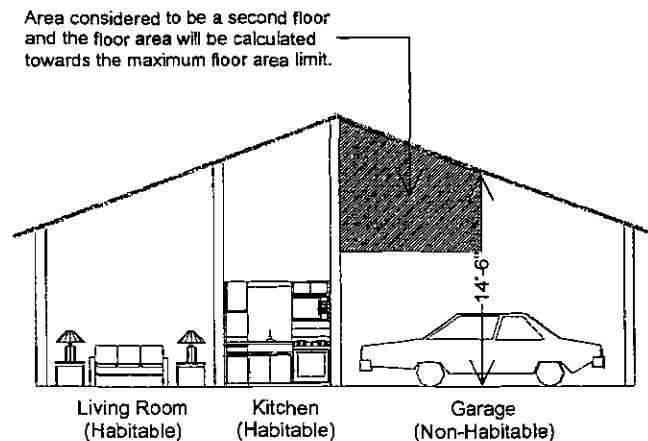
Exceptions. The following structures shall not be included in the calculation of the gross floor area:

1. Covered parking spaces which are open on at least 2 sides, or open on one side and one end and which are not needed to meet off-street parking requirements for covered parking.
2. R-1.5 District. 200 square feet of floor area used for enclosed parking for two or more parking spaces.

3. 25 square feet of storage area adjacent to or a part of a parking space on a lot less than 32 feet wide; provided that no plumbing is located in said area, and provided that 3 parking spaces are provided side by side across one end of the lot.
4. Decks, balconies or patios open on at least 2 sides or open on one side and uncovered.

MFR District. The total gross floor area contained in all buildings and structures on a development site shall not exceed 1.75 times the buildable area of the site; provided that up to 200 square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.

Calculation. The gross floor area shall consist of the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet. Internal shafts, such as elevator shafts, dumbwaiter shafts, ventilation shafts, and similar vertical shafts shall be counted as floor area on one floor level only. Non-habitable rooms and spaces of a building, with the exception of bath or toilet rooms, connecting corridors, foyers, and stairwells, that measure more than 14 feet 6 inches from finished floor to the ceiling above finished floor shall be considered to occupy two floor levels and the floor area of each level shall therefore be calculated towards the maximum floor area limit.



- (N) R-1, R-1.5, R-2, and MFR Districts. The maximum development site area permitted shall be full coverage, less required front, side and rear yards.
- (O) R-2 District. Open space shall be provided in addition to the required setbacks and separations between detached structures. This additional open space shall be a volume of space equal to the buildable width of the lot, times the basic height limit, times 6 feet and may be provided anywhere on the lot behind the required setback lines. This open space

shall be open on at least 2 sides and shall have a minimum dimension in all directions of at least 6 feet, except as indicated in this section, and may be used for outdoor living area. Open space with a dimension of less than 6 feet in any direction may be included in the required volume of open space, provided that said space is contiguous to required open space that provides a minimum 6 foot dimension in all directions. Roofs, balconies, decks, patios, cornices, exterior stairways with open risers and open railings, and architectural features may project into this area. This additional open space may be provided on any level or combination of levels and may extend across the entire structure of any portion thereof.

MFR District. An open space volume equal to 6 times the buildable area of the lot shall be provided in addition to any required setbacks. This open space shall be open on at least 2 sides, one of which may be the sky. Roofs, balconies, decks, patios, cornices, exterior stairways, and architectural features may project into this area. At least 50 percent of the required open space shall be open to the sky and open on at least 2 additional sides, except for eaves and architectural features which may project into areas otherwise open to the sky. Required open space shall have a minimum dimension in all directions of at least 6 feet, except as indicated in this section, and may be used for outdoor living area. Open space with a dimension of less than 6 feet in any direction may be included in the required volume of open space, provided that said space is contiguous to required open space that provides a minimum 6 foot dimension in all directions. This additional open space may be provided on any level or combination of levels and may extend across the entire structure or any portion thereof. A minimum of 25 percent of the required open space shall be contiguous to the required front yard setback, and a minimum of 25 percent of the required open space shall be contiguous to the required rear yard setback.

(P) See Chapter 20.66: Off-Street Parking and Loading.

(Q) R-1, R-1.5, R-2, and MFR Districts. The minimum depth required for rear yards abutting or adjacent to the waterfront of Newport Bay, the shoreline of the Pacific Ocean, the Old Channel of the Santa River (the Oxbow Loop), or the channels of West Newport shall be 10 feet, except as may be otherwise indicated on the Districting Maps. Distances shown on the Districting Maps are to be measured from the rear property line, unless a different line is shown on the Districting Map.

20.10.040 Special Development Regulations for Corona del Mar, West Newport, and the Balboa Peninsula

A. Applicability. The residential development standards contained in this section shall apply to all dwellings located in the R-1 and R-2 Districts in Corona del Mar, and in the R-1 District in West Newport and the Balboa Peninsula as those areas are more particularly described below. Dwellings in those areas shall also be subject to all other provisions of this code. Where there is a conflict between this chapter and another provision of this code, the provisions of this chapter shall be controlling.

1. The areas of Corona del Mar in which the provisions of this chapter shall be controlling are more particularly described as follows:

That area commonly referred to as old Corona del Mar generally bounded by Avocado Avenue, Pacific Coast Highway, Fifth Avenue, the easterly boundary of the Corona del Mar tract, the Pacific Ocean and the Harbor entrance; and more specifically described as that area included in Annexation #3 as described in Ordinance No. 252 of the City of Newport Beach, approved on February 27, 1924.

2. The areas of West Newport and the Balboa Peninsula in which the provisions of this chapter shall be controlling are more particularly described as follows:

That area commonly referred to as West Newport and the Balboa Peninsula generally bounded by the Semeniuk Slough, Pacific Coast Highway, the West Lido Channel, the Newport Channel, the Main Channel, the Harbor Entrance, the Pacific Ocean and the Santa Ana River, and more specifically described as follows:

Beginning at the intersection of the westerly boundary of the City of Newport Beach and the Mean High Tide Line of the Pacific Ocean; thence proceeding northerly along said City Boundary to the intersection of said Boundary with the northerly right-of-way line of Pacific Coast Highway; thence due East a distance of 1" foot to an intersection with the City Boundary on the easterly side of that certain 1 foot strip shown on Annex No. 21, Ordinance No. 630, 10/31/1950; thence proceeding easterly, northerly, easterly and southerly along said City Boundary to an intersection with the northerly right-of-way line of Pacific Coast Highway; thence proceeding southerly along a perpendicular to said right-of-way line to the center-line of Pacific Coast Highway; thence easterly along said centerline to an intersection with the centerline of Newport Boulevard; thence southerly along said centerline of Newport Boulevard to an intersection with the southerly Bulkhead of the Newport Island Channel, said point being westerly of U.S. Bulkhead Station #126 on the U.S. Bulkhead Line; thence easterly to said U.S. Bulkhead Station #126; thence continuing along the U.S. Bulkhead Line to U.S. Bulkhead Station #114; thence northeasterly in a straight line to U.S. Bulkhead Station #162; thence southerly in a straight line to U.S. Bulkhead Station #113, and thence proceeding along the U.S. Bulkhead to U.S. Bulkhead Station #107; thence continuing southerly along the prolongation of the U.S. Bulkhead Line to an intersection with the Mean High Tide Line; thence westerly and northwesterly along said Mean High Tide Line to the point of Beginning.

B. Floor Area Limit

1. In the R-1, R-2, and MFR Districts in the area designated as Old Corona del Mar, the total gross floor area (excluding those structures excepted under Section 20.10.030) shall not exceed 1.5 times the buildable area of the site.
2. Calculation. The gross floor area shall consist of the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet. Internal shafts, such as elevator shafts, dumbwaiter shafts, ventilation

01/27/04

shafts, and similar vertical shafts shall be counted as floor area on one floor level only. Non-habitable rooms and spaces of a building, with the exception of bath or toilet rooms, connecting corridors, foyers, and stairwells, that measure more than 14 feet 6 inches from finished floor to the ceiling above finished floor shall be considered to occupy two floor levels and the floor area of each level shall therefore be calculated towards the maximum floor area limit.

3. Pacific Drive - Buildable Area. For purposes of determining the buildable area for structures located on the bluff (southerly) side of Pacific Drive between Avocado Avenue and the southerly side of the prolongation of the line of the westerly side of Begonia Avenue, a front yard setback of 10 feet shall be used (the setback for the location of all structures as designated on the Districting Maps shall be used).
- C. Open Space Option. In the R-1 and R-2 Districts as designated in this section, open space shall be provided in addition to the required front yard setback. This additional open space shall be a volume of space equal to the buildable width of the lot, times the basic height limit, times 6 feet and may be provided anywhere on the lot behind the required yard setback lines. This open space shall be open on at least 2 sides and shall have a minimum dimension in any direction of at least 6 feet, except as indicated in this section, and may be used for outdoor living area. Open space with a dimension of less than 6 feet in any direction may be included in the required volume of open space, provided that said space is contiguous to required open space that provides a minimum 6 foot dimension in any direction. Roofs, balconies, decks, patios, cornices, exterior stairways with open risers and open railings, and architectural features may project into this area. This additional open space may be provided on any level or combination of levels and may extend across the entire structure or any portion thereof.
- D. Pacific Drive – Front Yard Setback. Front-loaded garages and carports on the bluff southerly side of Pacific Drive between Avocado Avenue and the southerly side of the prolongation of the line of the westerly side of Begonia Avenue shall maintain a minimum front yard setback of 19 feet from the front property line.

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Attachment No. PC 3

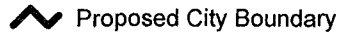
Pre-Annexation Zoning Map

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West Santa Ana Heights Rezoning

(Ordinance 2004-001)

January 27, 2004



Santa Heights Specific Plan (SP-7)

RSF -Residential Single Family

RK - Residential Kennel

 RMF- Residential Multiple Family

PA - Professional & Administrative Office

HN - Horticultural Nursery

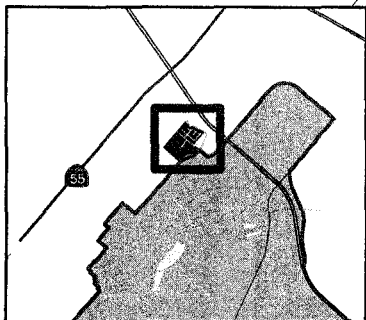
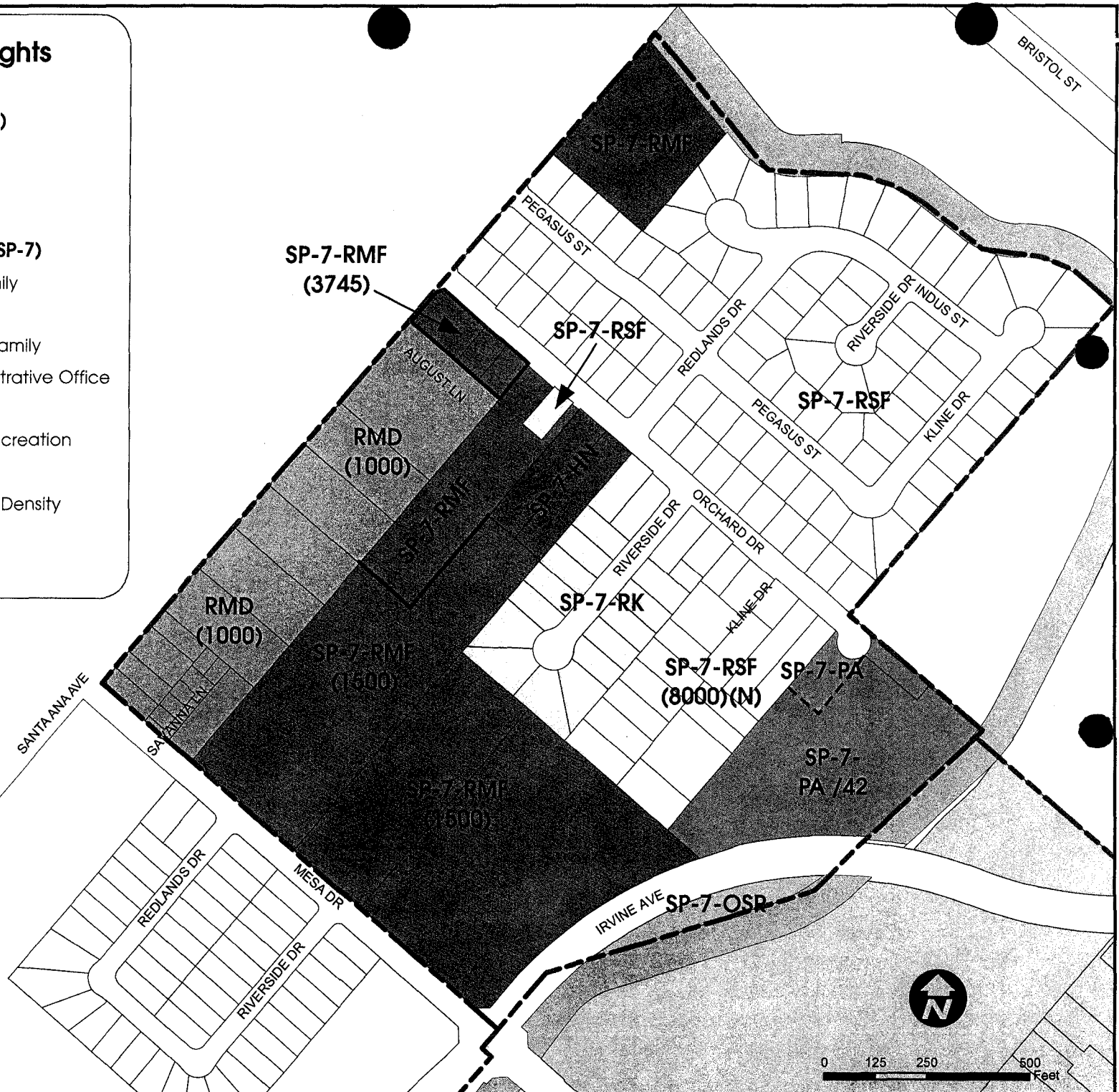
 OSR - Open Space and Recreation

Conventional Zoning

 RMD - Residential Medium Density

Overlays

(N) Nursery Overlay



WSAH_Prezzone.mxd October/2007

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Attachment No. PC 4

General Plan Designation Map (Statistical
Area J6)

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CC Resolution No.	GPA No.	Project No.	Adopting Date	Description
2019-14	GP2015-004	PA2015-210	02/12/2019	Change land use designation from General Commercial Office (CO-G) to Private Institutions (PI) and amend Anomaly No. 22 to allow 85,000 square feet for Residential Care Facility for the Elderly located at 101 Bayview place.
2011-21	GP2007-009	PA2007-213	02/22/2011	Increase the maximum allowable development limit by 11,544 square feet and create anomaly No. 2.1 for 4300 Von Karman.

CITY of NEWPORT BEACH

GENERAL PLAN

Figure LU11

STATISTICAL AREAS

J6, L4

- Residential Neighborhoods

RS-D

Single-Unit Residential Detached

RS-A

Single-Unit Residential Attached

RT

Two-Unit Residential

RM

Multiple-Unit Residential

RM-D

Multiple-Unit Residential Detached
- Commercial Districts and Corridors

CN

Neighborhood Commercial

CC

Corridor Commercial

CG

General Commercial

CV

Visitor Serving Commercial

CM

Recreational and Marine Commercial

CR

Regional Commercial
- Commercial Office Districts

CO-G

General Commercial Office

CO-M

Medical Commercial Office

CO-R

Regional Commercial Office
- Industrial Districts

IG

Industrial
- Airport Supporting Districts

AO

Airport Office and Supporting Uses
- Mixed -Use Districts

MU-V

Mixed Use Vertical

MU-H

Mixed Use Horizontal

MU-W

Mixed Use Water Related
- Public, Semi-Public and Institutional

PF

Public Facilities

PI

Private Institutions

PR

Parks and Recreation

OS

Open Space

TS

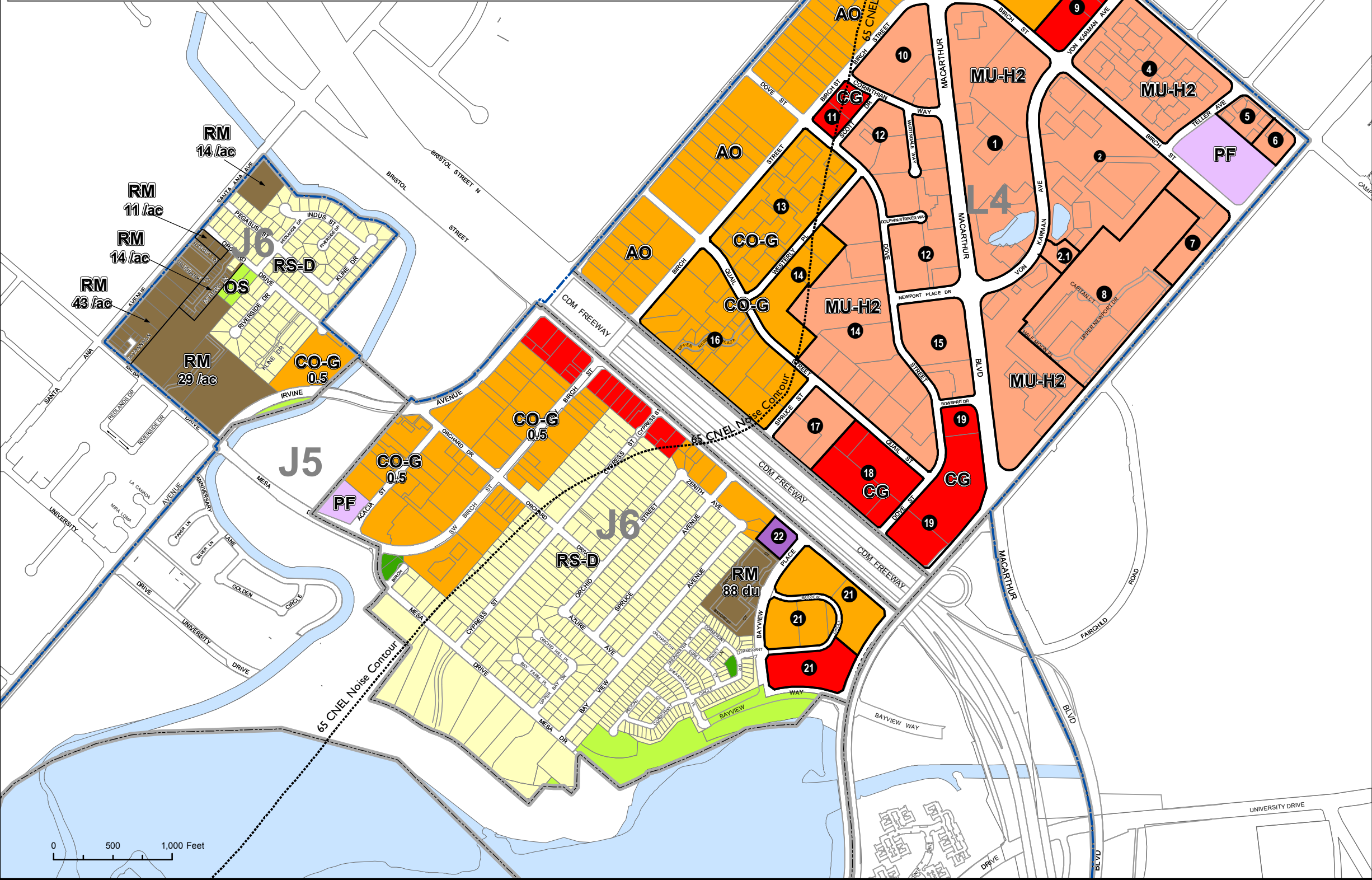
Tidelands and Submerged Lands
- City of Newport Beach Boundary

Statistical Area Boundary

Land Use Delineator Line

Refer to anomaly table

L4



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Attachment No. PC 5

Excerpt from Zoning Code Update
Summary of Change

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Comprehensive Zoning Code Update Summary of Change



Newport Beach Planning Department

October 2010

Part 1 – Zoning Code Applicability (page 1-3)

Part 1 of the draft code replaces Chapter 20.01 of the current Code. This Part includes the purpose of the zoning code, provisions for interpretations and an explanation of the zoning map. There are two notable differences between the current code and the draft code. First, section 20.10.040A of the draft code states that the City Council may exempt specific City implemented projects by adopting a resolution at a noticed public hearing upon setting forth the specific Code provisions that would apply in the absence of the exemption. The current code does not contain such language as state law allows cities to exempt their public projects from zoning rules. The second difference is the zoning map. The current code uses a set of over seventy 8.5 x 11 Districting Maps to depict the zoning districts, density, intensity and setbacks. The draft code utilizes a large format map (36" x 48") to depict zoning districts, density and intensity and set of thirty-one 11" x 17" setback maps (see Part 8 for the setback maps).

Part 2 – Zoning Districts, Allowable Land Uses and Zoning District Standards

Part 2 establishes all zoning districts, their allowed uses and district standards to implement the uses of land established by the General Plan. The districts are identified on the Zoning Map and the various zones correspond to the General Plan Land Use Plan maps and land use categories. The density of residential use and intensity of non-residential use allowed within the various zones is no greater than allowed by the Land Use Element of the General Plan. Part 2 is the heart of the Zoning Code and each of the other Parts of the code are directly related.

Each zone has a list of allowed uses and those uses are defined in Part 7 (Definitions). Uses are either allowed by right or are subject to discretionary review such as a Limited Term Permit (LTP), Minor Use Permit (MUP) or Conditional Use Permit (CUP). If a particular use is not listed in the tables, it is not allowed unless the Planning Director finds (i.e. interprets) that an unlisted use is similar to a listed use. These discretionary permits processes are defined in detail within Part 5 (Planning Permit Procedures), but for now, the LTP simply allow uses for a limited amount of time and the review authority is the Zoning Administrator. The MUP is a reflection of the current process where the Planning Director may issue certain Use Permits. The Zoning Administrator is the review authority for MUPs. A CUP is no different than the current Use Permit process where the Planning Commission is the review authority.

Allowed Uses

The specific entries within the various allowed use tables were developed by staff and the City's consultant with specific input and oversight from the General Plan Implementation Committee. Entries are based upon current zoning regulations, the purpose of each zone and its corresponding land use category of the Land Use Element of the General Plan, related policies of General Plan, and the locations of the various zones and their unique relationships with their surroundings. Other factors influenced the entries within the allowed use tables including a desire to simplify the process wherever possible, to maintain consistency with any applicable State laws, and to avoid creating nonconforming uses where possible. The allowed use tables also contain references to specific use regulations that are located within Part 4 (Standards for Specific Land Uses) as a way to highlight for the reader additional regulations for that listed use. The most noteworthy changes relate to the sale of alcohol and eating and drinking establishments, which are discussed below in Part 4.

Development Standards

Each of the zones has base development standards that are listed in several tables. Those standards include minimum lot dimensions, density or intensity limits, minimum setbacks, lot coverage limits, floor area limits, structure height, open space, fencing, landscaping, lighting, parking and signs among others. In many cases, specific dimensions, areas, percentages or ratios appear but in other cases, there is a reference to a separate Chapter or Section where the standards can be found when those standards are too complex to appear within the development standard tables.

As with the allowed use tables, the development standards tables were developed by staff and the City's consultant with specific input and oversight from the General Plan Implementation Committee. Most of the standards are based upon current zoning regulations so as to avoid creating nonconformities. Where new standards were necessary for new zones, entries were based upon existing standards for similar uses within existing zoning classifications.

In residential districts, the current existing floor area limit (FAL) and lot coverage standards will be retained. Subterranean basements will not count towards the maximum FAL in zoning districts that utilize the FAL. A new provision limits 3rd floors to 15% or 20% of the buildable area of the lot, depending on the lot width. Another change is the elimination of the current open space provision, which is replaced by an open volume provision that will create building modulation to improve designs and provide noticeable and useful open space. It is important to note that single family residences and duplexes within existing Planned Communities and those regulated by lot coverage standards would not be affected by the third floor and open volume provisions. Another change is the inclusion of the several of the 2007 Design Criteria. This change will be outlined below in Part 3 (site Planning and Development Standards). Another change to note is the method of measuring the height of buildings. The height limits are not changing, but the practice of measuring the height of a sloping roof at its midpoint is being eliminated for a far simpler method. Again, this change will be highlighted below in Part 3. The last change to note is an increased alley setback for all new residential buildings when the alley is narrow (10 feet) and the lot on the other side of the alley has its side yard abutting the alley. This increased setback will improve vehicle circulation in the alleys in these specific cases.

Changes to Zones

The boundaries and use of existing residentially-zoned properties remain unchanged, although the names of the various residential zones have been altered. For example, the R-1.5 zone for Balboa Island becomes R-BI, the R-1-B becomes the R-1-6000 and the MFR zone becomes the RM zone.

Existing commercial zones (RSC, RMC and APF) have been diversified. The existing retail zones (RSC and some RMC areas) are now the CC (Commercial Corridor), CG (Commercial General), CN (Commercial Neighborhood), CM (Commercial Recreational and Marine) and the CV (Commercial Visitor-Serving). The existing office zone (APF) becomes the OA (Office – Airport), OG (Office – General), OM (Office – Medical) and the OR (Office – Regional).

The existing industrial zones (M-1, M-1-A and IBP) were condensed into the IG (Industrial Zoning District) due to the contraction of industrially designated land.

The existing institutional zone (GEIF) was split into two new zones, the PF (Public Facilities) and PI (Private Institutional) to differentiate between public and private institutions.

All boundaries and uses in all existing Planned Community Districts remain unchanged.

The existing open space zones (OS-A and OS-P) were altered to create the PR (Parks and Recreation) for active areas and the OS (Open Space) zone primarily for resource protection.

The updated General Plan establishes a variety of mixed-use land use designations that were applied to areas where mixed-use development is allowed by existing regulations as well as new areas such as Mariner's Mile and several properties along Dover Drive. The MU-V (Mixed-Use Vertical) zone is applied to areas where residential units are presently allowed above a commercial use and this zone is designed to replicate existing standards. The MU-MM (Mixed-Use Mariner's Mile), MU-DW (Mixed-Use Dover/Westcliff) and the MU-CV/15th St (Mixed-Use Cannery Village and 15th Street) zones are new and were designed for the specific provisions and limited residential uses allowed by the General Plan for these areas. The MU-W1 and MU-W2 (Mixed-Use Water) are to address mixed-use development for locations on Newport Bay and on Marine Avenue.

Specific Plans

Five existing specific plan districts (Newport Shores, Mariner's Mile, Cannery Village/McFadden Square, Central Balboa, and Old Newport Boulevard) are eliminated and replaced with the various zones identified above based on the General Plan. The Santa Ana Heights Specific Plan is the only adopted specific plan that will remain unchanged, although it will be re-adopted by ordinance separately.

Overlay Zoning Districts

The number and type of "overlay" districts will be reduced as a result of the expanded zoning districts. The "B" overlay has been eliminated with its provisions being incorporated within the new residential zones. The "R" or Residential overlay, and the "MM" or Mariner's Mile overlay are both eliminated with their provisions being replaced by the mixed-use zones. The "IS" or Interim Study overlay is being eliminated altogether. The "SPR" or Site Plan Review overlay, and the "PRD" or Planned Residential Development overlay have been replaced by updated permit processes contained within Part 5 of the new Zoning Code. The existing "MHP" or Mobile Home Park overlay, and the "PM" or Parking Management overlay remain.

One new overlay district has been added, the Bluff overlay. The purpose of this proposed overlay district is to implement specific policies of the Natural Resources Element of the General Plan that require limiting development to the predominant line of existing development to preserve visual quality, protect public views and to ensure safety. The proposed overlay is reflected on the Zoning Map with detailed maps found in Part 8. A Canyon overlay district to implement similar policy objectives for Buck Gully and Morning Canyon has not been included at this time as it requires additional analysis. In the interim, staff will continue to implement the Natural Resources Element Policy NR 23.6 that requires new development to be within the predominant line of existing development.

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Attachment No. PC 6

Zoning Code Table 2-1

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TABLE 2-1 ALLOWED USES AND PERMIT REQUIREMENTS	Residential Zoning Districts Permit Requirements *				
	P Permitted by Right CUP Conditional Use Permit (Section 20.52.020) CUP-HO Conditional Use Permit in Residential Zoning Districts (Section 20.52.030) MUP Minor Use Permit (Section 20.52.020) LTP Limited Term Permit (Section 20.52.040) — Not Allowed *				
Land Use See Part 7 of this title for land use definitions. See Chapter 20.12 for unlisted uses.	R-A	R-1**	R-BI R-2	RM RMD	Specific Use Regulations
Residential Uses					
Home Occupations	P	P	P	P	Section 20.48.110
Single-Unit Dwellings—Attached	—	—	P	P	Section 20.48.180
Single-Unit Dwellings—Detached	P	P	P	P	Section 20.48.180
Multi-Unit Dwellings	—	—	—	P	
Two-Unit Dwellings	—	—	P (1)	P	Section 20.48.180
Accessory Dwelling Units	P	P	P	P	Section 20.48.200
Visitor Accommodations, Residential					
Bed and Breakfast Inns	—	—	CUP-HO	CUP-HO	Section 20.48.060
Short-Term Lodging	—	—	P	P	Chapter 5.95