

Attachment C

Planning Commission
Resolution No. PC2019-012

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF NEWPORT BEACH APPROVE NEWPORT BEACH MUNICIPAL CODE AMENDMENT NO. CA2019-003 TO RENAME THE MULTIPLE RESIDENTIAL DETACHED (RMD) ZONING DISTRICT AS MEDIUM DENSITY RESIDENTIAL AND INCLUDE REFERENCE TO ATTACHED DWELLING UNITS (PA2019-065)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. The City of Newport Beach's ("City") comprehensive 2010 Zoning Code Update included the Medium Density Residential Zoning District ("RMD") which allowed for attached, as well as detached, dwelling units in districts zoned Medium Density Residential.
2. Following the adoption of the 2010 Zoning Code Update, City staff discovered that the Medium Density Residential zoning designation was inadvertently identified as Multiple Residential Detached and the language allowing attached dwelling units was also inadvertently removed from the description.
3. Pursuant to Newport Beach Municipal Code ("NBMC") Section 20.66.020, the Planning Commission initiated an NBMC amendment on March 21, 2019, to correct the error so that the RMD Zoning District is identified as Medium Density Residential and include reference to "attached units" (as well as detached units) consistent with the legislative intent and historic pattern of development in the RMD Zoning District.
4. The affected properties are designated Multiple-Unit Residential ("RM") by the General Plan Land Use Element and are located within the Medium Density Residential Zoning District (currently incorrectly identified as Multiple Residential Detached [RMD] Zoning District).
5. The affected properties are not located within the coastal zone.
6. A public hearing was held on May 9th, 2019 in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. 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.

2. 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.

SECTION 3. FINDINGS.

1. 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: Santa Ana Heights Specific Plan (SP-7), conventional zoning district RMD, as well as the Nursery Overlay. The City incorporated the County of Orange's Zoning that existed at the time of annexation. The subject zone, which was not part of SP-7, was zoned "RMD (Residential Medium Density)." The RMD designation prior to and post annexation allowed both attached and detached dwelling units.
2. After annexation, the City assigned corresponding General Plan designations to the properties (PA2007-209). The RMD Zoning District was assigned a General Plan Designation of Multiple-Unit Residential (RM). The RM designation is intended to provide primarily for multi-family residential development containing attached or detached dwelling units. The General Plan also contains a Multiple-Unit Residential Detached (RM-D) designation, 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 only detached units per the General Plan.
3. The City's General Plan was previously updated in 2006 (prior to annexation). Therefore, in 2010, a Comprehensive Zoning Code Update was prepared to implement the 2006 General Plan. During the Zoning Code Update, the name of the RMD Zoning District was inadvertently changed from Medium Density Residential to Multiple Residential Detached. Additionally, the purpose was inadvertently changed to provide for areas appropriate for multi-unit residential developments exclusively containing detached dwelling units. This change in the name of the zoning district and purpose is not consistent with the legislative intent or existing development pattern of the neighborhood since many of the properties within the RMD Zoning District were developed with attached units. Of the approximately 16 lots in the RMD Zone, eight lots contain (or are approved for construction of) attached dwelling units. Therefore, approximately half of the existing lots contain attached units.

4. The Zoning Code Update of 2010 did not intend to make the properties constructed prior to 2010 non-conforming. 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.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

The Planning Commission of the City of Newport Beach hereby recommends the City Council of Newport Beach approve NBMC Amendment No. CA2019-003 amending the RMD Zoning Designation to identify the zone as Medium Density Residential and include reference to "attached units" as set forth in Exhibit "A," which is attached hereto and incorporated by reference.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF MAY, 2019.

AYES: Weigand, Lowrey, Koetting, and Kramer

NOES:

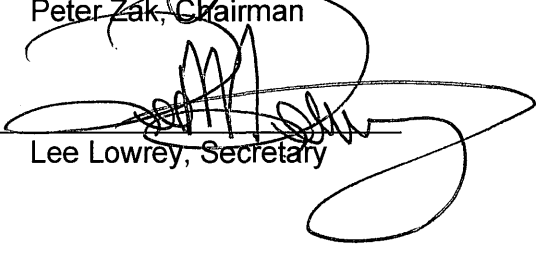
ABSTAIN:

ABSENT: Zak, Ellmore, and Kleiman

BY:


Peter Zak, Chairman

BY:


Lee Lowrey, Secretary