



CITY OF

NEWPORT BEACH

City Council Staff Report

June 11, 2019
Agenda Item No. 22

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2019-10: Introduction of an Ordinance Amending the Zoning Code to Rename the Multiple Residential Detached (RM-D) and Include a Reference to Allow for Attached Units (PA2019-065)

ABSTRACT:

For City Council's consideration is an amendment to the Newport Beach Municipal Code (NBMC), Title 20 Zoning Code, to correct an error by renaming the Multiple Residential Detached (RM-D) Zoning District to Medium Density Residential (RMD). The amendment includes revising the purpose of the zone to allow for attached units in addition to detached units, consistent with the historic pattern of development and prior version of the Zoning Code.

RECOMMENDATION:

- a) Conduct a public hearing;
- b) 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
- c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2019-10, *An Ordinance of the City Council of the City of Newport Beach, California, Amending the Newport Beach Municipal Code to Rename the Multiple Residential Detached (RM-D) Zoning District to Medium Density Residential (RMD) and Include Reference to Attached Dwelling Units (PA2019-065)*; and pass on to a second reading on June 25, 2019.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The proposed zoning 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 (Attachment F).

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.

Purpose of Code Amendment

Following adoption of the City of Newport Beach's ("City") comprehensive 2010 Zoning Code Update, City staff discovered that the name of the RM-D Zone was inadvertently changed from Medium Density Residential to Multiple Residential Detached. Additionally, the provision allowing development of *attached* dwelling units was removed from the purpose description of the zoning district. These inadvertent changes would limit new construction to detached dwelling units only, which is not consistent with the historic pattern of development within the RMD zone and not consistent with the zoning district that pre-dated the current code that was updated in late 2010.

The proposed code amendment would correct these errors making the corrected RMD Zoning District consistent with the regulations in effect prior to the 2010 Zoning Code Update, which were consistent with the provisions of the Orange County Zoning Code in effect when the area was annexed in 2008.

Amending the Zoning designation is necessary to maintain historic property rights, and to preserve 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.

For a more detailed analysis of the proposed Code Amendment, please see the attached May 9, 2019, Planning Commission staff report (Attachment B).

Planning Commission Recommendation

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.

The Planning Commission held a public hearing on May 9, 2019, to review the proposed Code Amendment and unanimously voted to recommend approval to the City Council.

Planning Commission Resolution No. PC2019-012 is included as Attachment C and the meeting minutes are included as Attachment D.

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. The amendment does not authorize any development.

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.

NOTICING:

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.

ATTACHMENTS:

Attachment A – Ordinance No. 2019-10
Attachment B – May 9, 2019 Planning Commission Staff Report
Attachment C – Planning Commission Resolution No. PC2019-012
Attachment D – May 9, 2019 Planning Commission Minutes
Attachment E – Tracked Changes of Code Revisions
Attachment F – Vicinity Map