

Attachment H

RMD Density Analysis

RMD Zone Historical Density Analysis

2004 – Pre-annexation

In anticipation of a planned annexation of the West Santa Ana Heights (WSAH) area and several smaller areas nearby, the City approved General Plan Amendment No. GP2003-005 in 2004 to establish land use categories for properties in the planned annexation area. The County General Plan designated the area “Suburban Residential” with a density range of 0.5 to 18 dwelling units per acre. The intent of GP2003-005 was to maintain the land use and density of the area. In conjunction with GP2003-005, Zoning Code Amendment No. CA2003-006 was adopted by ordinance to “pre-zone” the anticipated annexation areas. The Residential Medium Density (RMD) Zone was created for a portion of the annexation area.

At the time, the City believed County’s Zoning Code applied two density designations to the area that became the RMD zone (Figure 1). The southerly portion near the corner of Mesa Drive and Santa Ana Avenue was zoned R-4 (3000) requiring 3,000 square feet of site area per unit (approx. 14 d.u./acre). The northerly portion was zoned R-2, which allowed a default density limit of 1,000 square feet of site area per unit (approx. 43 d.u./acre) by the County Zoning Code. However, the County zoning map had a lower density limit of 1,800 square feet of site area per unit (approx. 24 d.u./acre) for the R-2 portion of the block. This lower density was not reflected in the 2004 Zoning Code Amendment (CA2003-006). The default R-2 density was used because many of the lots were developed with apartments at a higher density and the City wanted to avoid creating nonconforming residential densities. It should be noted that both the County R-2 default density and the density established by the County Zoning map were excess of the Suburban Residential designation of the County’s General Plan.

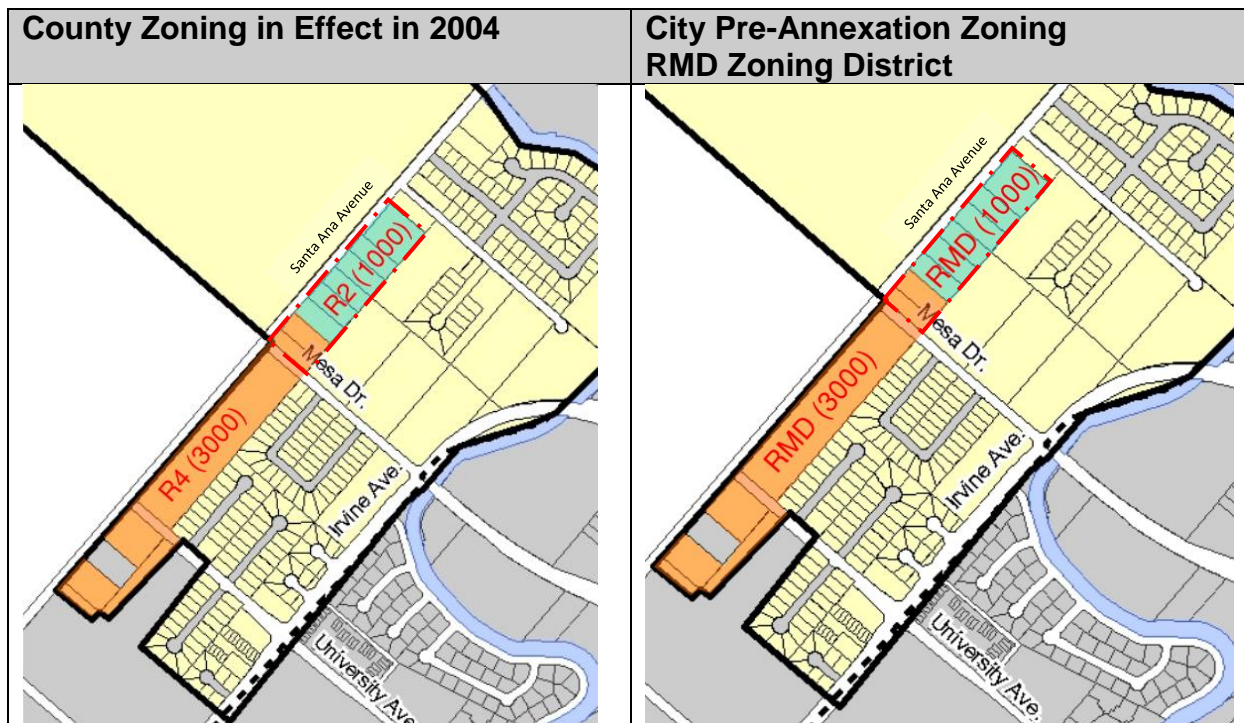


Figure 1

Figure 2

2006 – Comprehensive General Plan Update

In 2006, the City adopted a comprehensive General Plan Update. The WSAH annexation was not completed yet, and the area was not incorporated in the updated General Plan.

2007 - General Plan Amendment / 2008 - Annexation of West Santa Ana Heights

The WSAH area was officially annexed to the City of Newport Beach in 2008. Portions of the original pre-annexation areas south of Mesa Drive were not included. Given that the WSAH area was not included in the updated 2006 General Plan and because the General Plan differed in many respects to the previous General Plan, the City chose to process a second General Plan Amendment (GP2007-007) to include RMD zoned area in the 2006 General Plan. The amendment established a Multiple-Unit Residential (RM) land use designation for the properties and it applied a uniform density limit of 43 dwelling units/acre (1,000 square feet of site area per unit) for the entire RMD zoned block.

The northern portion that already had this density limit established by the 2004 pre-zone amendment did not change. However, the density of southern portion of the area, consisting of 10 properties on approximately 1.5 acres near Mesa Drive, was increased from the previously established 3,000 square foot of site area per unit to 1,000 square foot of site area per unit. The change was done to create a uniform General Plan and Zoning assignment for the entire RMD zoned area rather than having two separate density designations with one small island of different development standards. As a result, there was a net increase of 43 dwelling units as part of GP2007-007 for the southerly 1.5-acre portion of the RMD zoned area (see Figure 3).

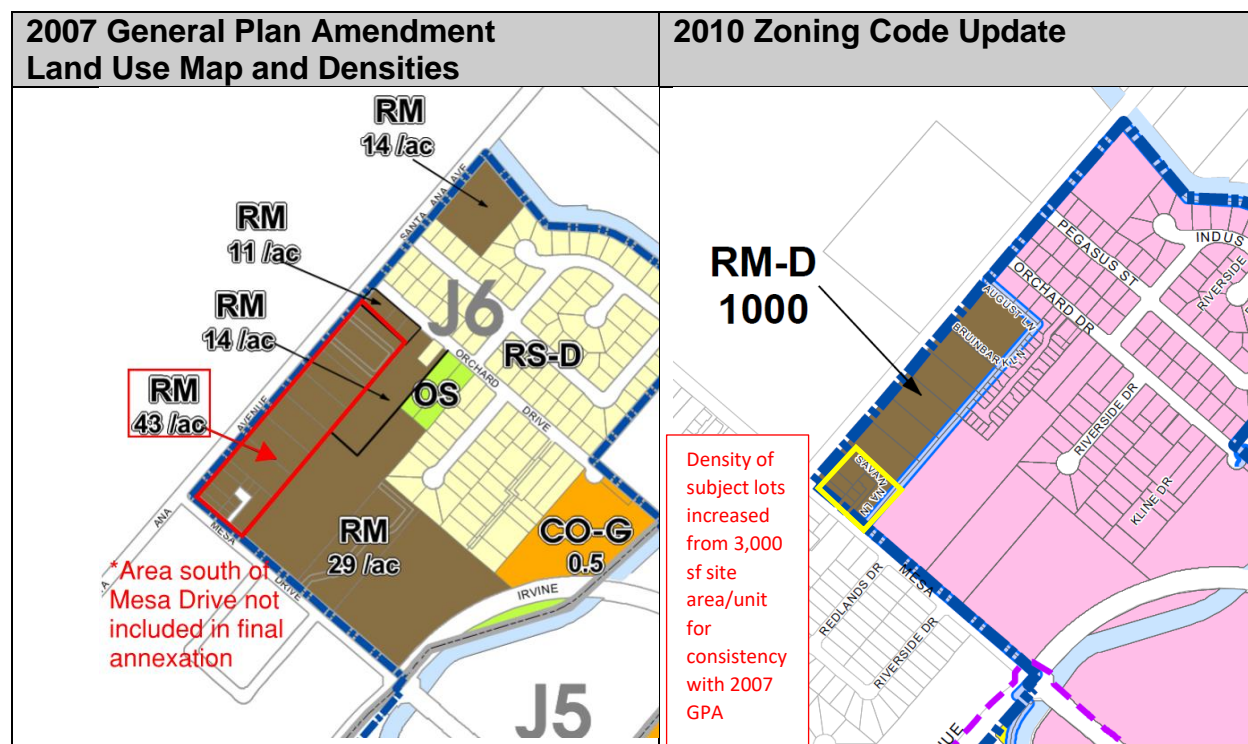


Figure 3

Figure 4

2010 Comprehensive Zoning Code Update

In 2010, the Zoning Code was comprehensively updated to implement the 2006 General Plan. Through this update, the RMD zoning district was also updated to include a density limit of 1,000 square feet of site area per unit (approx. 43 d.u./acre), consistent with the density limit previously established by GP2007-007.

The Zoning Code Update inadvertently changed the name of the zone to *Multiple Residential Detached* and eliminated attached dwellings from the description of allowed development types. This error was the subject of the recent zoning code amendment (Code Amendment No. CA2019-003) adopted by the City Council on June 26, 2019, and will become effective on July 25, 2019, that corrects the inadvertent error.

Conclusion

The history of land use plan and zoning changes related to the RMD zoned annexation shows there was an increase in density from what the County allowed prior to annexation for portions of the RMD Zone where the Mesa Drive Townhomes project is located. However, this change was intentional in 2007, and has been the established density for more than a decade.