



NEWPORT BEACH

City Council Staff Report

March 24, 2020
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Seimone Jurjis, Community Development Director - 949-644-3232, sjurjis@newportbeachca.gov

PREPARED BY: David Blumenthal, AICP, Planning Consultant
dblumenthal@newportbeachca.gov

PHONE: 949-644-3204

TITLE: Ordinance No. 2020-9: Accessory and Junior Accessory Dwelling Units (PA2019-248)

ABSTRACT:

The attached ordinance was introduced and considered at the March 10, 2020, City Council meeting. The ordinance amends the Newport Beach Municipal Code (NBMC) Title 20 (Planning and Zoning) providing new local regulations regarding the construction of the accessory and junior accessory dwelling units. The changes include but are not limited to the zoning districts that allow accessory and junior accessory dwelling units, maximum allowable size, height limitation, and parking. For City Council's consideration is the adoption of the accessory and junior accessory dwelling unit ordinance that meets the requirements of State law.

RECOMMENDATION:

- a) Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code Section 21080.17 and Section 15282(h) of the CEQA Guidelines, which exempts adoption of an ordinance regarding second units to implement provisions of Sections 65852.2 and 65852.22 of the Government Code. Additionally, the ordinance is categorically exempt pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use/Limitations); and
- b) Conduct second reading and adopt Ordinance No. 2020-9, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Zoning Code Amendment No. CA2019-009 to Repeal and Replace Section 20.48.200 (Accessory Dwelling Units) of Title 20 (Planning and Zoning) and Amend Related Provisions of the Newport Beach Municipal Code Applicable to Accessory Dwelling Units and Junior Accessory Dwelling Units Pursuant to State Law (PA2019-248).*

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Due to a change in State law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), the City's ADU ordinance has been rendered invalid. On March 10, 2020, the City Council conducted a duly noticed public hearing to consider changes to NBMC Title 20 (Planning and Zoning) regarding ADUs and JADUs. After considering all evidence, including the Planning Commission's review and public comments, the City Council voted to introduce Ordinance No. 2020-9.

Status in the Coastal Zone

Should the City Council adopt the proposed ordinance amending Title 20, the new regulations will only apply to ADUs and JADUs located outside the Coastal Zone. For properties within the Coastal Zone, the State standards will apply, provided they do not violate the Coastal Act. Upon approval of the proposed Local Coastal Program Amendment No. LC2019-008 by the California Coastal Commission, staff will return to the City Council with an ordinance adopting LC2019-008. Staff estimates to return to City Council within the year.

ENVIRONMENTAL REVIEW:

This project is statutorily exempt under the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 and Section 15282(h) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, which exempts adoption of an ordinance regarding second units to implement provisions of Sections 65852.2 and 65852.22 of the Government Code. Additionally, this ordinance is categorically exempt pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use/Limitations). Similarly, the ministerial approval of accessory dwelling units and junior accessory dwelling units is not a "project" for CEQA purposes, and environmental review is not required prior to approving individual applications.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENT:

Attachment A – Ordinance No. 2020-9