



CITY OF NEWPORT BEACH

MEMORANDUM

TO: Thomas W. Allen, Hearing Officer

FROM: Janet Johnson Brown, Associate Planner
jbrown@city.newport-beach.ca.us
(949) 644-3236

DATE: July 1, 2009

SUBJECT: Newport Coast Recovery, LLC (PA2008-104)
1216 West Balboa Boulevard

- Use Permit No. 2008-033
- Reasonable Accommodation No. 2009-009

Staff reports and exhibits addressing the applications submitted by Newport Coast Recovery and summarized below are attached this memorandum for the public hearing scheduled on Tuesday, July 7, 2009, at 3:00 p.m. in the Newport Beach City Hall Council Chambers.

PROJECT SUMMARY

An application requesting approval of a use permit to allow a residential care facility to operate a licensed adult alcohol and/or drug abuse recovery treatment facility. This application has been filed in accordance with Ordinance No. 2008-05, which was adopted by the City Council in January 2008.

A public hearing for this application was initially held on December 8, 2008, at which time the item was continued to January 12, 2009. At the January 12, 2009, public hearing the Hearing Officer made findings for denial of the use permit, and on February 4, 2009, adopted Resolution No. HO-2009-001 denying with prejudice Use Permit No. 2008-033. This action was appealed by the applicant and a public hearing conducted by City Council was held on April 14, 2009, at which time the matter was remanded back to the Hearing Officer for consideration of newly acquired evidence, which is the purpose of this hearing.

An application for Reasonable Accommodation requesting exemption from the Newport Beach Municipal Code (NBMC) to allow an existing residential care facility to operate a licensed adult alcohol and/or drug abuse recovery and treatment facility in an R-2 District,

where such uses are not permitted has also been submitted. The applicant requests the following:

1. An exemption from the portions of NBMC Section 20.10.020 (Residential Districts: Land Use Regulations) that require Residential Care Facilities, General to be established only in residential districts zoned Multi-Family Residential (MFR) with a use permit, subject to the operational conditions recommended by City staff in the January 12, 2009 staff report for Use Permit No. 2008-33, including a maximum occupancy of 14 residents, which was denied by the Hearing Officer;

or, in the alternative,

2. An exemption from the requirements specified in NBMC Section 20.91A.050 (Development and Operational Standards), including:
 - A waiver of the occupancy restriction of two persons per bedroom plus one staff member, and to allow a total occupancy of 18 residents;
 - An exemption from parking requirements specified in NBMC Section 20.66.030 and to impose parking requirements that treat the residents and the visitors of the residents in the same manner as any other resident or visitor to Newport Beach, particularly those requirements that pertain to weekend visitation;
 - Treat the use of the licensed residential care facility as a legal nonconforming use;
 - Apply the California Building Code provisions that were applicable at the time the residential care facility was established as relates to life and fire safety matters; and
 - A waiver of the required finding specified in NBMC Section 20.91A.060 (D), relative to the compatibility of the use with the character of the surrounding neighborhood, which requires a finding that the continued use will not contribute to the changing of the residential character of the neighborhood, such as creating an overconcentration of residential care uses in the vicinity, and waiving the impact analysis contained in the Factors A through C which the Hearing Officer must consider in making or sustaining the finding with regard to the proximity of the use to schools, churches, playgrounds, day care centers, and alcoholic beverage outlets, and the application of the American Planning Association standard of permitting one or two such uses per block.

ATTACHMENTS

- Attachment A: Staff Report for Use Permit No. 2008-033
Attachment B: Staff Report for Reasonable Accommodation No. 2009-009
Attachment C: Administrative Record: May 20, 2008 to April 14, 2009
Attachment D: Correspondence Received after April 14, 2009

cc: Newport Coast Recovery, LLC