



City of Newport Beach
GROUP RESIDENTIAL USES
USE PERMIT and REASONABLE ACCOMMODATION
HEARING AGENDA

This hearing is held in accordance with Newport Beach Municipal Code Chapters 20.61A (*Use Permits in Residential Districts*) and 20.98 (*Reasonable Accommodation*). This is a combined public hearing on a use permit and reasonable accommodation to allow the continued operation of an existing state-licensed treatment home for up to 29 male adult resident clients.

DATE: Tuesday, July 7, 2009
TIME: 3:00 p.m. – 5:45 p.m. (Hearing must be concluded/continued by 5:45 p.m.)
LOCATION: Council Chambers, Newport Beach City Hall @ 3300 Newport Boulevard
HEARING OFFICER: Thomas W. Allen

AGENDA ITEM #1

USE PERMIT No. 2008-033
APPLICANT: Newport Coast Recovery, LLC
SUBJECT PROPERTY: 1216 West Balboa Boulevard, Newport Beach

PROJECT SUMMARY: An application for a use permit requesting to allow a residential care facility to operate a licensed adult alcohol and/or drug abuse recovery treatment facility. This is a re-opened public hearing for this application which was remanded to the Hearing Officer on appeal to the City Council on April 14, 2009 for consideration of evidence acquired after the public hearing on January 12, 2009 closed and the Hearing Officer denied the application.

AGENDA ITEM #2

REASONABLE ACCOMMODATION No. 2009-009
APPLICANT: Newport Coast Recovery, LLC
SUBJECT PROPERTY: 1216 West Balboa Boulevard, Newport Beach

PROJECT SUMMARY: 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. The applicant requests the following:

- 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,

- 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.

AGENDA ACTION

1. Meeting Convened (Hearing Officer)

2. Agenda Item #1: Use Permit No. 2008-033 – Newport Coast Recovery, LLC

- a) Presentation of the evidence acquired after the close of the January 12, 2009 public hearing (Newport Beach city staff)
- b) Applicant comments, if any
- c) Public hearing re-opened (Hearing Officer)
 - i. Comments are limited to comments about the subject property’s application; and
 - ii. Comments are limited to three minutes, unless otherwise ordered by the Hearing Officer
- d) Public hearing closed (Hearing Officer)
- e) Applicant may offer rebutting or clarifying comments (Applicant)
- f) Hearing Officer’s questions of City staff or applicant.
- g) Hearing Officer determination. Options include continuance, approval of use permit with conditions, or denial. In the latter two cases, the Hearing Officer may instruct staff to prepare a Resolution for his signature.

CEQA: This activity has been determined to be categorically exempt under the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities). This class of projects has been determined not to have a significant effect on the environment and is exempt from CEQA’s provisions.

3. Agenda Item #2: Reasonable Accommodation No. 2009-009 – Newport Coast Recovery , LLC

- a) Presentation of the reasonable accommodation request (Newport Beach city staff)
- b) Applicant comments, if any
- c) Public hearing opened (Hearing Officer)
 - i. Comments are limited to comments about the subject property’s application; and
 - ii. Comments are limited to three minutes, unless otherwise ordered by the Hearing Officer
- d) Public hearing closed (Hearing Officer)
- e) Applicant may offer rebutting or clarifying comments (Applicant)
- f) Hearing Officer’s questions of City staff or applicant.
- g) Hearing Officer determination. Options include continuance, approval of reasonable accommodation with conditions, or denial. In the latter two cases, the Hearing Officer may instruct staff to prepare a Resolution for his signature.

CEQA: This activity has been determined to be categorically exempt under the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities). This class of projects has been determined not to have a significant effect on the environment and is exempt from CEQA’s provisions.

APPEAL PERIOD: Use Permits and Reasonable Accommodations do not become effective until 14 days after the date of approval and adoption of the resolution, during which time the decision of the Hearing Officer may be appealed to the City Council.

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