
Chapter 20.74 – Administrative Responsibility

Sections:

- 20.74.010 – Purpose
- 20.74.020 – City Council
- 20.74.030 – Planning Commission
- 20.74.040 – Hearing Officer [New]
- 20.74.050 – Zoning Administrator
- 20.74.060 – Planning Director

20.74.010 – Purpose

This Chapter describes the authority and responsibilities of the Newport Beach City Council, Planning Commission, Zoning Administrator, and Planning Director in the administration of this Zoning Code.

20.74.020 – City Council

- A. Duties and functions.** The City Council (referred to in this Zoning Code as the Council) shall perform the duties and functions prescribed in this Zoning Code, which include the following:
1. **Final review authority on legislative acts.** To make final City decisions on legislative acts (e.g., General Plan and amendments, Coastal Land Use Plan and amendments, specific plans and amendments, zoning amendments), Final Maps in compliance with Municipal Code Title 19 (Subdivision Code), and other applicable policy or ordinance matters related to the City's planning process. Additionally, the Council shall be the final review authority on all concurrent applications filed with legislative act applications; and
 2. **Appeals.** To hear and decide appeals filed from Hearing Officer and Commission decisions in compliance with Chapter 20.78 (Appeals).
- B. Imposition of conditions.** In making decisions on applications, the Council may impose conditions it deems necessary to implement the General Plan, Coastal Land Use Plan, and the Municipal Code standards that apply to development and to further the public health, safety and general welfare of the community.

20.74.030 – Planning Commission

- A. Appointment.** The Planning Commission (referred to in this Zoning Code as the Commission) shall consist of 7 members appointed by the Council in compliance with Article VII of the City Charter.
- B. Duties and functions.** The Commission shall perform the duties and functions prescribed by State law, the City Charter, and this Zoning Code, including the following:

1. Approve, conditionally approve, or deny the applications prescribed by this Zoning Code (e.g., Conditional Use Permits, Planned Development Permits, Variances, etc.) and Tentative Tract Maps in compliance with Municipal Code Title 19 (Subdivision Code);
 2. Review the effectiveness and appropriateness of this Zoning Code and recommend amendments or changes to the Council as it deems appropriate;
 3. Provide recommendations to the Council for final decisions on legislative acts (e.g., General Plan and amendments, Coastal Land Use Plan and amendments, specific plans and amendments, zoning amendments), and other applicable policy or ordinance matters related to the City's planning process. Additionally, the Commission shall provide recommendations to the Council on all concurrent applications filed with legislative act applications; and
 4. Hear and decide appeals for all Zoning Administrator decisions and Director determinations in compliance with Chapter 20.78 (Appeals).
- C. Imposition of conditions.** In making decisions on applications, the Commission may impose conditions it deems necessary to implement the General Plan, Coastal Land Use Plan, and the Municipal Code standards that apply to development and to further the public health, safety and general welfare of the community

20.74.040 – Hearing Officer [New]

- A. Appointment.** The Hearing Officer(s) shall be appointed by the Council.
- B. Duties and functions.** The Hearing Officer(s) shall perform the duties and functions prescribed by State law, the City Charter, and this Zoning Code, including the following:
1. **Conditional Use Permits.** Approve, conditionally approve, or deny Conditional Use Permits for uses and sites located in residential zoning districts in compliance with Section 20.66.095 (Conditional Use Permits in Residential Zoning Districts).
 2. **Nonconforming uses.** Approve, conditionally approve, or deny requests for extensions of time of abatement periods for nonconforming uses located in residential zoning districts in compliance with Section 20.50.100 (Abatement Periods).
 3. **Reasonable Accommodations.** Approve, conditionally approve, or deny requests for Reasonable Accommodations in compliance with Section 20.66.040 (Reasonable Accommodations).
- C. Imposition of conditions.** In making decisions on applications, the Hearing Officer(s) may impose conditions it deems necessary to implement the General Plan, Coastal Land Use Plan, and the Municipal Code standards that apply to development and to further the public health, safety and general welfare of the community

20.74.050 – Zoning Administrator

- A. Appointment.** The Director shall appoint a qualified Department staff member to serve as the Zoning Administrator who shall serve at the discretion of the Director.
- B. Duties and functions.**
1. The Zoning Administrator shall have the authority to investigate and make decisions on the applications identified in Table 5-1 (Review Authority) in compliance with this Zoning Code and the Municipal Code as well as the following:
 - a. Condominium conversions involving 4 or fewer units, through the approval of a tentative parcel map, in compliance with Chapter 20.83 and Title 19 (Subdivision Code);
 - b. Lot line adjustments, in compliance with Title 19 (Subdivision Code); and
 - c. Tentative parcel maps, in compliance with Title 19 (Subdivision Code).
 2. The primary role of the Zoning Administrator is to make decisions on applications in compliance with this Zoning Code.
 3. The above listed duties and functions shall be performed in compliance with Section 20.64.020 (Authority for Land Use and Zoning Decisions).
- C. Imposition of conditions.** In making decisions on applications, the Zoning Administrator may impose conditions it deems necessary to implement the General Plan, Coastal Land Use Plan, and the Municipal Code standards that apply to development and to further the public health, safety and general welfare of the community

20.74.060 – Planning Director

- A. Appointment.** The Planning Director (referred to in this Zoning Code as the Director) shall be appointed by the City Manager.
- B. Duties and functions.** The Director shall:
1. Have the responsibility to perform all of the functions designated by State law;
 2. Perform the duties and functions prescribed in this Zoning Code. The role of the Director is to manage the Planning Department and make determinations on the matters specified in this Zoning Code as "subject to the determination of the Director."
 3. Delegate the responsibilities of the Director to Department staff as deemed appropriate.

– This page intentionally left blank –