



NOTICE OF AVAILABILITY OF DRAFT LOCAL COASTAL PROGRAM AMENDMENT RELATED TO RESIDENTIAL CARE FACILITIES

NOTICE IS HEREBY GIVEN that in accordance with applicable provisions of the Coastal Act and California Code of Regulations (CCR) §13515, a draft of the proposed amendment is available for public review and inspection at the Planning Division and at all branches of the Newport Beach Public Library for the following amendment to the Implementation Plan (IP) of certified Local Coastal Program (LCP):

Residential Care Facilities LCP Amendment (LC2021-005) – An amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code updating and revising definitions to provide clarifications and to remain consistent with State and Federal law. The changes confirm that the existing definitions of Limited Licensed and General Licensed facilities include all covered licensed residential facilities under the California Community Care Facilities Act, including social rehabilitation facilities. (PA2021-292).

The Planning Commission of the City of Newport Beach is scheduled to consider this item and make a recommendation to the City Council at a regular meeting to be held at 6:30 p.m. on Thursday, September 22, 2022, at the City of Newport Beach Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. The date and time of the Planning Commission meeting will be noticed in accordance with City of Newport Beach notification requirements.

Furthermore, the City Council of the City of Newport Beach is tentatively scheduled to consider this item at a regular meeting to be held on Tuesday, October 11, 2022, at the City of Newport Beach Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. The date and time of the City Council meeting will be noticed in accordance with City of Newport Beach notification requirements.

For questions regarding this Amendment, please contact Jaime Murillo, AICP, Principal Planner, at 949-644-3209 or jmurillo@newportbeachca.gov.

Proposed Local Coastal Program Amendment

Proposed Local Coastal Program Amendment No. LC2021-005 Related to Residential Care Facilities (PA2021-292)

Section 1: The definition of “Integral facilities (land use)” of Section 21.70.020 (Definitions of Specialized Terms and Phrases) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, shall be amended to read as follows:

“Integral facilities (land use)” means any combination of two (2) or more general unlicensed and/or small unlicensed residential care ~~(small licensed, small unlicensed, or general)~~ facilities that may or may not be located on the same or contiguous lots, that are under the control and management of the same owner, operator, management company or licensee or any affiliate of any of them, and are integrated components of one (1) operation that shall be considered one (1) facility for purposes of applying ~~F~~Federal, ~~S~~State, and local laws to its operation. Examples of integral facilities include, but are not limited to, the provision of housing in one (1) facility and recovery programming, treatment, meals, or any other service or services to program participants in another facility or facilities or by assigning staff or a consultant or consultants to provide services to the same program participants ~~in-on~~ more than one (1) licensed or unlicensed ~~facility~~lot.

Section 2: The definition of “Integral uses (land use)” of Section 21.70.020 (Definitions of Specialized Terms and Phrases) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, shall be amended to read as follows:

“Integral uses (land use)” means any two (2) or more ~~licensed or~~ unlicensed residential care ~~programs-facilities~~ commonly administered by the same owner, operator, or management company, or any affiliate of any of them, in a manner in which participants in two (2) or more care programs participate simultaneously in any care or recovery activity or activities so commonly administered. Any such integral use shall be considered one (1) use for purposes of applying ~~F~~Federal, ~~S~~State, and local laws to its operation.

Section 3: The definition of “Residential Care Facilities (Land Use)” of Section 21.70.020 (Definitions of Specialized Terms and Phrases) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, shall be amended to read as follows:

Residential Care Facilities (Land Use).

1. General Licensed (Seven or More Persons). A place, site or building, or groups of places, sites or buildings, licensed by the State, in which seven (7) or more individuals with a disability reside who are not living together as a single housekeeping unit (see “Single housekeeping unit”) and in which every person residing in the facility (excluding the licensee, members of the licensee’s family, or persons employed as facility staff) is an individual with a disability. Includes, but is not limited to, residential facilities licensed under the California Community Care Facilities Act. Does not include “Group residential.”

2. General Unlicensed (Seven or More Persons). A place, site or building, or groups of places, sites or buildings, which is not licensed by the State, and is not required by law to be licensed by the State, in which seven (7) or more individuals with a disability reside who are not living together as a single housekeeping unit (see "Single housekeeping unit") and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include "Group residential."

3. Limited Licensed (Six or Fewer Persons). State-licensed facilities that provide care, services, or treatment in a community residential setting for six (6) or fewer adults, children, or adults and children and which are required by State law to be treated as a single housekeeping unit for zoning purposes. Small licensed residential care facilities shall be subject to all land use and property development regulations applicable to single housekeeping units (see "Single housekeeping unit"). Includes, but is not limited to, residential facilities licensed under the California Community Care Facilities Act. Does not include "Group residential."

4. Small Unlicensed (Six or Fewer Persons). A place, site or building, or groups of places, sites or buildings, which is not licensed by the State of California and is not required by law to be licensed by the State, in which six (6) or fewer individuals with a disability reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding persons employed as facility staff) is an individual with a disability. Does not include "Group residential."