



A G E N D A

**General Plan/LCP Implementation Committee
September 2, 2009
3:30 p.m.
Fire Conference Room**

1. Approve Action Minutes from August 12, 2009 3:30-3:35pm
Attachment No. 1
2. Draft Zoning Code Review – Provide comments to staff on Part 4 and Part 5 of
the second public draft zoning code 3:35-5:20pm
Attachment No. 2 (Responses to questions)
3. Items for Future Agenda 5:20-5:25pm
4. Public Comments on non-agenda items 5:25-5:30pm
5. Adjourn

Attachments:

1. Draft Action Minutes from August 12, 2009
2. Responses to Questions from Barry Eaton
Draft Zoning Code – 2nd Public Draft (Previously Distributed)
Available on-line at <http://www.newportbeachca.gov/index.aspx?page=1284>
3. Future Meeting Dates

Attachment No. 1

Action Minutes from August 12, 2009



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, August 12, 2009**

Members Present:

X	Ed Selich, Mayor, Chairman
X	Leslie Daigle, Council Member
X	Don Webb, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

X	Mark Cross
	Larry Frapwell
	William Guidero
X	Ian Harrison
	Brion Jeannette
	Don Krotee
X	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

X	Sharon Wood, Assistant City Manager
X	David Lepo, Planning Director
	Aaron Harp, City Attorney
X	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner
X	Melinda Whelan, Assistant Planner

E = Excused Absence

Committee Actions

1. Agenda Item No. 1 – Approval of minutes for August 5, 2009.

Action: Committee approved draft minutes as corrected by Committee Member Toerge. The correction was made to Committee Action 3. under "The public provided the following comments: A Corona Del Mar resident expressed

concern with the proposed changes to Floor Area Limit (gross floor area) calculations and that there would be no maximum for basements.”

Vote: Consensus

2. Agenda Item No. 2 – Draft Zoning Code Review – comments on Parts 3 and 4 of the second public draft.

Action: The Committee reviewed comments prepared by Committee Member Eaton for Part 3, where they left off at the end of the August 5th meeting. The Committee and Advisory Members discussed and directed staff to do the following among several formatting corrections:

- Section 20.30.020 subsection A.6.pg. 3-7 – revise to remove strike and reinsert language
- Revise Section 20.30.050 subsection C. pg. 3-14 as well as other sections that have this inconsistency – capitalize “Review Authority” or don’t capitalize but remain consistent throughout
- Revise Section 20.30.060 subsection C.2.e. pg. 3-16 to strike 375 feet and replace with 300 feet
- Revise Section 20.30.070 subsection C.pg. 3-20 - add the word shall to read “Exterior lights, shall consist of a light source, reflector, and shielding device so that, together, the light beam *shall* be controlled and *shall* not be directed across a property line.”
- Revise Section 20.30.110 pg. 3-23 - leave in language “separation of incompatible land uses”
- Revise Section 20.32.120 subsection B.2. pg. 3-32 – remove strikeout to reinsert the words “accessible and convenient”
- Revise Section 20.38.010 pg. 3-99 - remove strikeout to maintain language from first draft
- Revise Section 20.38.030 pg. 3-99 subsection A. – replace referenced subsection 20.48.050 A. with 20.38.050 A.
- Revise Section 20.38.020 subsection B. pg. 3-99 – staff will fix last sentence – “use or interior tenant improvements for which no discretionary approvals are otherwise required”
- Revise Section 20.40.040 on pg. 3-106 to add entry for nonconforming parking, Section 20.40.060
- Revise Section 20.40.080 subsection B.3. pg. 3-112 – replace Modification Permit with Minor Use Permit to be consistent in the subsection

The Committee then reviewed comments prepared by Advisory Members Todd Schooler and Brion Jeannette regarding Part 3. The Committee and Advisory Members discussed and directed staff to do the following among several formatting corrections:

- Revise Section 20.38.050 subsection A. pg. 3-100 – add language to clarify the driveway exclusion provision
- Revise Section 20.38.060 subsection B.2. pg. 3-101 – add “project architects” to the list
- Revise Section 20.38.070 subsection E. – strike 5 and replace with 4 feet for trees
- Revise Section 20.42.090 subsection A.1.Table 3-15 pg. 3-133 – minimum interior dimension depths for parking spaces change from 20 feet to 19 feet for lots less than 40 feet in width
- Revise Section 20.22.010 subsection E. pg. 3-28 – reinsert marine related or visitor serving land uses language in the second to last sentence by striking “shall be used”, maintaining “in a mixed use development for nonresidential uses” and then adding “in which uses including marine related and visitor serving uses are intermixed”

3. Agenda Item No. 3 – Items for Future Agenda

Staff will research and provide cost estimates for contracting professionals to compile studies that compare current and proposed regulations regarding maximum floor areas, specifically how large a dwelling(s) could be built using the current development regulations versus how large a dwelling(s) could be built using the proposed development regulations of the draft code for different areas in the City.

The next meeting will be on September 2nd and the review will continue with Part 4.

Vote: Consensus

4. Agenda Item No. 4 – Public Comments on non-agenda items

None.

Vote: Consensus

5. Agenda Item No. 5 – Adjourn

Meeting adjourned at 5:30 p.m.

Attachment No. 2

Responses to questions from Barry Eaton
Draft Zoning Code – 2nd Public Draft
(Previously Distributed)

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Questions from Barry Eaton. Staff responses in **bold**.

With regard to Part 4, for purposes of clarity, I will continue on with the numbering system I have been using, and will continue to focus on the proposed changes to the first draft:

224) Section 20.50.020.C.1 (page 4-4), as reworded, appears to be an alternative (in this case, regarding Adult -Oriented Businesses) to the several protections that will not be provided to residential uses in the Mixed Use Zones (see question 201) below). I realize that the majority of the Committee decided to proceed with not affording these protections to such residential uses; but this continues to trouble me, and I would note that this section is more inclusive, by offering protections to all residential uses, regardless of which zones in which they are located. Why cannot this language be applied in the other instances?

Staff believes that the intent of mixed-use projects is to create and maintain an environment that is more urban than what the typical residential districts create. Regulating the same as residential district may impede the development over the long term of a vibrant urban environment.

225) Section 20.50.130.C.2 (page 4-23) is the reference to ground floor entrances to residential units above the ground floor, that the Committee discussed Wednesday. As currently written, it only permits "common" entrances, and the question arose of whether provision should be made for individual unit entrances. If that is to be provided for, it would seem to me that some limitation might be necessary; so that the ground floor doesn't become nothing but a bunch of adjacent residential entries, where non residential uses are intended.

Staff recommends that "common" entrances be retained for the residential portions of mixed-use projects to ensure that the commercial (nonresidential) uses are the primary use on the ground floor and that the flow of the commercial frontage is not disrupted by multiple residential entries. Additionally, all mixed-use projects require Site Development Review approval so staff and the review authority will have the opportunity to comment on and review the design.

226) Section 20.50.130.E (page 4-24), requiring a sound study for the benefit of residential uses in mixed use projects, has been deleted. Was this the Committee's decision? If so, can you remind me why? Was it intended to be replaced by the new subsection G.? If so, is existing Chapter 10 of the Municipal Code (which was written prior to the contemplation of mixed use zones, I believe) sufficiently protective of residential uses in mixed use zones, or is this part of the overall idea to not provide as much protection to such units?

The directed staff to delete this subsection and put in a reference to Title 10, Chapter 10 (Section 10.26.020 – full text attached) includes standards for mixed-use developments. See Noise Zone III. The locations of these mixed-use district are more urban and commercial than suburban. Treating them as residential districts may defeat the purpose of creating a vibrant mixed-use district.

227) Section 20.50.150 (page 4-28) provides standards for personal property sales in residential zones, but is silent on whether those standards would apply to residential uses in the mixed use zones. Are such sales in the mixed use zones permitted at all? If so, shouldn't they also be subject to at least some of these standards?

The design of mixed-use developments especially considering the regulations with this code, often do not lend themselves to having garage or yard sales in the same manner as traditional R-1, R-2 or even some RM districts and developments.

228) Section 20.50.180.C.2 (page 4-32) now appears to require only 2 foot side yard setbacks for 3rd story structures in the residential zones. Why would such a small setback be proposed when the intent of the residential setbacks was supposed to be to provide a sloping plane of greater setbacks for 3rd story developments in the residential zones? Do 2 foot setbacks even meet the Building Code requirements?

The draft code states “a minimum of 2 feet from each side setback line”. The result is a minimum 5-foot setback for all third floors, citywide.

229) Section 20.50.180.D.2.c (page 4-32) has deleted the requirement that 50% of countable usable open space in the residential zones have at least 2 sides open. Was this a Committee decision? If so, can you remind me why? It seems to me that usable open space that is enclosed on 3 sides is very easily convertible to enclosed square footage - with or without permits.

The change was based on Committee direction after conversation and recommendation from the Advisory Group and staff. This provides design flexibility and promotes articulation and modulation of the exterior walls.

230) Section 20.50.210 (pages 4-38 - 4-46) has been extensively rewritten, to convert these Service Station requirements from a Chapter, to just a Section. Some of the rewriting seems awkward to me. Was this a Committee decision? If not, why is it so proposed?

The Committee directed staff to convert the Chapter into a Section.

231) Section 20.50.210 (former subsection M) (page 4-44), in particular, has been deleted. It appears to be partially replaced with subsection Q.3 (page 4-46); but the

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wording of Q.3 appears to be less complete and thorough than the former subsection M.
Was this a Committee decision? If not, why the difference in the substance of the
wording?

**This was not specifically a Committee decision. When the Chapter was
being re-formatted into a section, staff and the consultants determined that
the deleted language was unneeded.**

Attachment No. 3
Future Meeting Dates

Future Meeting Dates GP/LCP Committee

The Committee will be meeting on the following dates:

September 16

September 30

All meetings are scheduled to begin at 3:30pm and will be in the Council Chambers. Please mark your calendars.