



AGENDA

**General Plan/LCP Implementation Committee
September 30, 2009
3:30 p.m.
City Council Chambers**

1. Approve Action Minutes from September 16, 2009
Attachment No. 1 3:30-3:35pm
2. Draft Zoning Code Review – Review and provide direction staff
Attachment No. 2
 - A. Time extensions for projects requiring a Coastal Development Permit
 - B. Environmental Study Areas – Review Proposed Regulations
 - C. Residential Regulations – Review Revised Regulations3:35-4:45pm
3. Future Meeting Dates – Schedule Dates 4:45-4:50pm
4. Items for Future Agenda 4:50-4:55pm
5. Public Comments on non-agenda items 4:55-5:00pm
6. Adjourn

Attachments:

1. Draft Action Minutes from September 16, 2009
2. Draft Zoning Code Review Support Documents

The Draft Zoning Code (Second Public Draft) was previously distributed and is available on-line at: <http://www.newportbeachca.gov/index.aspx?page=1284> or contact the Planning Department at 949-644-3200.

Attachment No. 1

Action Minutes from September 16, 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, September 16, 2009**

Members Present:

X	Ed Selich, Mayor, Chairman
X	Leslie Daigle, Council Member
X	Don Webb, Council Member
E	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
X	Brion Jeannette
	Don Krotee
X	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

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

E = Excused Absence

Committee Actions

1. **Agenda Item No. 1** – Approval of minutes for September 2, 2009.

Action: Committee approved draft minutes.

Vote: Consensus

2. Agenda Item No. 2 – Draft Zoning Code Review – comments on Parts 6 and 7 of the second public draft.

Action: The Committee reviewed comments prepared by Committee Member Eaton for Part 6 and discussed Part 6 and Part 7 with comments from all Committee Members. The Committee and Advisory Members discussed and directed staff to do the following:

Part 6 – Zoning Code Administration

- Section 20.70.060A pg. 4-24 – Change “City’s election” to “Prevailing Party’s election” to make more general
- Section 20.66.030A pg. 6-13 – delete “except as provided in Subparagraph B.1, below”
- Section 20.66.030B pg. 6-13 – delete “specifically” and “pertinent”

Part 7 - Definitions

- Create use category and definition for Vehicles for Hire (limos, taxi, etc)
- Research and as necessary, revise definitions for Basement, Floor Area, Story to be consistent with the building code
- Area, Buildable – indicate that this definition applies only residential properties
- Revise organization, e.g. change Area, Buildable to Buildable Area
- Bluff, pg. 7-11 – Delete the last sentence
- City Council pg. 7-14, check definition in City Charter and Municipal Code
- Check all Coastal related definitions, if not used in code delete, keep in if used
- Director, pg. 7-19 – Check definition in City Charter and Municipal Code
- Grade, Finished pg. 7-27 – delete “or pavement”
- Hookah/Smoking Lounge – Delete this definition, keep Smoking Lounge definition on page 7-50 and identify Smoking Lounge as unpermitted use citywide
- Ground Floor, pg. 7-28, revise to ensure it does what it is intended to do
- National Geodetic Vertical Datum of 1929 (NGVD) pg. 7-37, delete if not used in Code
- Add definition for Mean Sea Level
- Predominant Line of Development pg. 7-43, Add “Existing” (PLOED)
- Previously deleted Section 20.63.140, City Charter Section 1401 and related definitions– staff will verify that restrictions are adequately provided in regard to Banning Ranch consistent with the City Charter

- Public Access and Public View definitions – verify that they are consistent with regulations
- Add definitions for Impervious Surfaces and Pervious Surfaces
- Scenic Area pg. 7-48, Verify that this is not needed
- Submerged Lands pg. 7-52, Check definition, revise if necessary

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

- Draft Environmental Study Area (ESA) Regulations
- Revised Residential Open Space regulations
- Waterfront Lots – Report on setbacks of waterfront lots
- Next Draft – Show Committee and City Attorney changes in underline/strikeout
- The next meeting will be on September 30th

Vote: Consensus

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

Jan Vandersloot inquired about the Oil and Gas provisions as they relate to Banning Ranch

Vote: None

5. Agenda Item No. 5 – Adjourn

Meeting adjourned at 5:35 p.m.

Attachment No. 2
Draft Zoning Code Review Support
Documents

Time extensions for projects requiring a Coastal Development Permit

Section 20.56.060A.3 (page 5-43) should not have been shown as being deleted. The provision mirrors the existing zoning code and should be retained as follows:

In cases where a Coastal Development Permit is required, the 24 month time limit specified in paragraph A. 1., above, shall not begin until the effective date of approval of the Coastal Development Permit by the California Coastal Commission.

The draft regulations are intended to implement General Plan (Natural Resource policy NR 10.3. These regulations would in addition to any required CEQA requirements.

NR 10.3 Analysis of Environmental Study Areas

Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for any development permit applications where development would occur within or contiguous to areas identified as ESAs. (Imp 2.1, 6.1.)

20.30.030 – Environmental Study Areas

A. Applicability.

1. This section applies to proposed development on lots that include or are adjacent to any portion of any Environmental Study Area and are: in non-residential zoning districts; in mixed-use districts; in multi-unit districts; in single-unit or two-unit residential zoning districts and undeveloped; and all equivalent planned community land use designations.
2. This section does not apply to previously developed lots in single and two unit residential zoning districts and equivalent planned community land use designations.

B. Determination of project exemption from biological report filing requirements.

1. **Previous Biological Review.** A proposed development is exempt from the requirements of this section if the proposed development is subject to the requirements, conditions or mitigation measures required as habitat protection, mitigation, or restoration identified in a previous biological report, CEQA document or other applicable study prepared by a qualified professional.
2. **Project Specific Exemption.** Proposed development that meets all the following criteria shall be exempt from the permit application requirements of this section:
 - a. No features of the proposed development, including grading and fuel modification areas, will extend to within 100-feet of an ESA boundary.
 - b. The proposed development will not involve the planting of any prohibited plant species (i.e., invasive and/or non-native plant species), as identified in the City's List of Prohibited Plant Species, anywhere on the lot.
 - c. The application of herbicides and/or pesticides will be managed to eliminate their potential introduction to the ESA.
 - e. All proposed exterior lighting will be directed inward and away from the ESA.

- f. The proposed development will include a drainage control system, including on-site retention or detention of stormwater runoff, where appropriate, to minimize the adverse effects of runoff and erosion.
- g. No grading and earthmoving activities will occur between November 1 and March 31. If grading and earthmoving activities during this timeframe cannot be avoided, erosion control measures, including best management practices (BMPs), will be implemented.

C. Permit application requirements. Unless exempt per Subsection B above, each land use permit application, including an application for a Zoning Clearance, shall provide the following biological reports in addition to the application filing requirements in Chapter 20.52 (Permit Application Filing and Processing):

- 1. **Initial Biological Report.** An Initial Biological Report that indicates the presence or absence of sensitive habitats or species on or adjacent to the site. If no sensitive habitats or species are present, no further analysis is necessary.
- 2. **Final Biological Report.** If the Initial Biological Report indicates the presence of sensitive habitat or species on or adjacent to the site; a Final Biological Report that discusses the project's potential impacts on those sensitive habitats or species and proposes appropriate mitigation strategies.

All reports shall be prepared by qualified professionals and the Director shall specify the minimum information to be provided in the report. Initial and Final biological reports shall be prepared in accordance with industry standard methodologies and protocols acceptable to applicable resources agency.

D. Permit conditions. Based upon the recommendations contained in the Final Biological Report, the review authority may:

- 1. Restrict allowable uses and/or development activities; and/or
- 2. Apply project-specific requirements, mitigation measures or conditions.

20.50.010 – Residential Development Standards

- A. Applicability.** The development standards in this Section shall apply to all single-unit and two-unit residential dwellings in addition to the standards provided in Chapter 20.18 (Residential Zoning Districts), except as provided in Subsection B, below.
- B. Exceptions.** This Section does not apply to:
1. The R-BI zoning district;
 2. Lots 25 feet wide or less in the R-2 zoning district; and
 3. The planned community zoning districts.
- C. Third floor limitations.**
1. **Allowed floor area.** The maximum gross floor area of habitable space that may be located on a third floor or above 24 feet in height shall not be greater than either of the following:
 - a. 15 percent of the total buildable area for lots wider than 30 feet; or
 - b. 20 percent of the total buildable area for lots 30 feet wide or less.

For example, on a 30-foot wide lot, if the total buildable area of a lot is 2,550 square feet, then the maximum square footage of habitable space that may be located on the third floor is 510 square feet (2,550 sq. ft. X 20% = 510 sq. ft.).
 2. **Location of third floor structure.** Enclosed square footage located on the third floor or above 24 feet in height shall be set back a minimum of 15 feet from the front and rear setback lines and a minimum of 2 feet from each side setback line, including bay windows.
- D. Open space requirement.**
1. **R-1 and R-2 zoning districts.**
 - a. **Citywide (except Corona Del Mar).** Each dwelling shall be provided with a minimum of 20 percent of the buildable area of the lot as open space. A minimum of 25 percent of the required open space shall be located above the ground floor, but below 24 feet in height.
 - b. **Corona Del Mar.** Each dwelling shall be provided with a minimum of 50 percent of the buildable area of the lot as open space. A minimum of 20 percent of the buildable area shall be located on the ground floor and a minimum of 30 percent of the buildable area shall be located above the ground floor, but below 24 feet in height.

2. **Open space standards.** To satisfy the open space requirement the space shall meet the following minimum standards:
 - a. Have a minimum dimension of at least 5 feet in depth from the wall plane on which it is located and a minimum vertical dimension of at least 7.5 feet;
 - b. Be located within the buildable area of the lot;
 - c. Be open to the outdoors on at least one side; and
 - d. Be located no higher than the second floor or 24 feet in height.

3. **Front facade modulation.** A minimum of 20 percent of the area of the front facade (front elevation) of the structure shall be offset from the remainder of the of the front facade by a minimum of 5 feet in depth, 6 feet in width, and 7.5 feet in height. The two dimensional horizontal open space area created by this offset may be applied towards meeting the open space requirement specified in paragraph D.1, above.