A G E N D A

General Plan/LCP Implementation Committee
February 27, 2008
3:30 p.m.
City Council Chambers

1. Approve Action Minutes from January 30, 2008 Meeting 3:30-3:35

   Attachment No. 1

2. General Plan/LCP Implementation - Master Task List

   Update From Staff and Committee Comments
   Attachment No. 2 3:35-3:50

3. Zoning Code Rewrite – Eating and Drinking Establishments

   Review discussion paper and provide direction to staff
   Attachment No. 3 3:50-4:45

4. Items for Future Agenda 4:45- 4:50

5. Public Comments on non-agenda items 4:50-5:00

Attachment 1

CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTAION 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, January 30, 2008**

Members Present:

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

Advisory Group Members Present:

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

Staff Representatives:

X	Sharon Wood, Assistant City Manager
	David Lepo, Planning Director
	Robin Clauson, City Attorney
	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner

E = Excused Absence

Committee Actions

1. **Agenda Item No. 1** – Approval of minutes

   Action: Committee approved the draft minutes.

   Vote: Consensus

2. **Agenda Item No. 2 -** General Plan/LCP Implementation - Master Task List

   Action: The Committee was provided an update on the status of several items on the master task list.

   Vote: none

3. **Agenda Item No. 3 -** Zoning Code Rewrite – Project Schedule

   Action: The Committee was provided an update of the project schedule and a tentative schedule.

   Vote: Consensus

4. **Agenda Item No. 4 -** Traffic Signal Synchronization

   Action: Provide report to City Council at Study Session

   Vote: Consensus

Attachment 2

GENERAL PLAN IMPLEMENTATION TASKS

1. Interim Zoning Resolution (including ability to require development agreements)
   Staff, January 9, 2007 - **Complete**

2. Procedures to implement single- and two-family design policies
   Staff, March 27, 2007 - **Complete**

3. Zoning Code and Specific Plan rewrite
   Consultant, with staff input and review, July 2008

4. CLUP amendment
   Staff, Consultants
   - *Planning Commission recommendation on clarification of policies re: coastal bluff development, October 18, 2007*
   - *City Council re-approval to correct notice will include clarification of policies re: coastal bluff development, November 13, 2007*
   - *City Council approval of contract with advocacy firm (D.B. Neish, Inc.), November 13, 2007*
   - *Coastal Commission found application complete December 4, 2007*

5. Housing Element certification by HCD
   EIP and staff, TBD
   - *Comments on re-submittal received from HCD September 10 ,2007*
   - *Revised RHNA approved by SCAG July 12, 2007*
   - *City Council approval of contract with EIP for required update and certification, December 18, 2007*
   - *HCD Submittal, June 2008*

6. Park Dedication Fee (Quimby Act)
   Staff, April 10, 2007- ***Complete***

7. ED Strategic Plan
   Staff, ADE and EDC, July 10, 2007 - **Complete**

8. Fair Share Fee update
   Consultants, TBD
   - *Staff approval of contract for nexus study (Revenue & Cost Specialists, LLC), October 31, 2007*
   - *Nexus study first draft reviewed January 16,2008*
   - *Nexus study completion February 2008*

9. Airport Area infrastructure study and fee(s)
   ROMA and Fair Share Consultant, TBD
   - *First draft submitted for staff review January 23, 2008*

10. Inclusionary Housing Ordinance and In-lieu fee
    Consultant
    - *Affordable Housing Task Force review of updated fee study, November 13, 2007*
    - *Committee review of fee study and draft ordinance, TBD*

11. Parking Requirements and Management
    Staff, EDC,
    - *RFP Issued October 12, 2007*
    - *No proposals received; ED staff contacted additional firms and extended deadline to January 31, 2008.*

12. LCP Implementation Plan
    Staff, concurrent with/trailing Zoning Code rewrite

13. City Council Ordinance on development agreements
    Staff, February 27, 2007 – **Complete**
    - *North Newport Center DA adopted December 18, 2007*

14. Traffic signal synchronization
    Consultant and Public Works staff, master plan January 2008

15. PC rewrite/revisions
    Property owners for major ones, their schedule
    - *North Newport Center PC adopted December 18, 2007*

    Staff or consultant for smaller ones, with Zoning rewrite or second phase, TBD

16. Banning Ranch Pre-Annexation and Development Agreement
    City Council, staff and property owners, TBD

17. Harbor Area Management Plan
    Consultants, staff and Harbor Commission, September 2008

18. Run-off and Pollution Reduction Plan
    Coastal/Bay Water Quality Committee and staff, ongoing

19. Database refinements and maintenance
    Staff, refinements TBD, maintenance ongoing

20. Fiscal Impact Model training
    ADE and staff, March 29, 2007- **Complete**

21. Traffic Phasing Ordinance revision re: NBTAM
    Staff, July 24, 2007- **Complete**

22. Measure S Guidelines revision re: variable FAR
    Staff, TBD

Lower Priority

- Municipal Code amendments re: property maintenance standards
  Draft to be reviewed by staff, March 2008

- Building Code amendments re: green buildings
  EQAC Energy Subcommittee

- Amend City Council Policies on historic, archaeo and paleo resources

- Funding and priority program for construction of noise barriers along arterials

Attachment 3

CITY OF NEWPORT BEACH

MEMORANDUM

TO: General Plan/LCP Implementation Committee

FROM: Gregg Ramirez, Senior Planner

DATE: February, 29, 2008

RE: Zoning Code – Eating and Drinking Establishments

Attached for your review is a discussion paper that presents a new approach on how to regulate eating and drinking establishments. Different categories would remain, but greater emphasis would be placed on the hours of operation and location to determine the level of review.

Discussion Paper

Eating and Drinking Establishments

General Plan/LCP Implementation Committee
February 27, 2008

A. Purpose.

The purpose of this discussion paper is to review the current practice of regulating eating and drinking establishments and to explore an alternative approach primarily based on the establishment's hours of operation and whether or not alcoholic beverages are served. Additionally, the location of these establishments should also be addressed in the new regulations.

B. Current Practice.

Currently, the Zoning Code divides eating and drinking establishments into seven categories with the following permits required;

Full-Service, High Turnover	Use Permit
Full-Service, Low Turnover	Use Permit
Full-Service, Small-Scale	Use Permit issued by the Planning Director.
Take-Out Service	Use Permit
Take-Out Service, Limited	Use Permit issued by the Planning Director.
Accessory Outdoor Dining	Permitted by right.
Bars and Cocktail Lounges	Use Permit

The categories are primarily based on the expected intensity of the use; traffic generation, parking demand, noise, etc. However, traffic generation is the principal distinguishing factor in making distinctions between the various categories. For example, part of the definition of a "Full Service, High Turnover" establishment includes the following;

c. Average weekday vehicle trip generation rate is more than 100 vehicle trips per 1,000 square feet of gross floor area, but less than 300 vehicle trips per 1,000 square feet of gross floor area.

The definition for "Full Service, Low Turnover" includes the following;

c. Average weekday vehicle trip generation rate does not exceed 100 vehicle trips per 1,000 square feet of gross floor area.

d. Is not open to the public between the hours of 6:30 a.m. and 9:30 a.m. on weekdays or where no more than 2 percent of week day vehicle trips are generated between the hours of 6:30 a.m. and 9:30 a.m..

Definitions for other eating and drinking establishments include similar traffic generation limits. The multiple layers of categories and different traffic generation standards make it difficult for staff to consistently categorize establishments and allowed zoning district locations. It should also be noted that establishments serving alcoholic beverages require a Use Permit.

What has become apparent over the past several years is that the hours of operation are a more important factor in the location and regulation of eating and drinking establishments. The General Plan update used a blended trip generation rate so that categorizing eating and drinking establishments citywide that are based on projected trips is no longer necessary. A more efficient and less complicated method of regulating eating and drinking establishments would be to base the allowability of the use on its hours of operation.

C. Alternative Method – Hours of Operation

Instead of using traffic generation as the principal defining factor in making distinctions between the various categories of eating and drinking establishments, an alternative method would be to use the establishment's hours of operation and whether or not alcoholic beverages are served. In this approach, the following categories could be;

Bars, Lounges, and Nightclubs. Establishments primarily engaged in selling or serving alcoholic beverages or tobacco products for consumption on the premises and hold or applying for a Public Premise license from ABC. Live entertainment requires a separate permit.

Fast Food. A food service establishment whose design or principal method of operation includes four or more of the following characteristics: (1) 45 percent or more of the floor area is devoted to food preparation, employee work space, and customer service area; (2) a permanent menu board is provided from which to select and order food; (3) if a chain or franchised restaurant, standardized floor plans are used over several locations; (4) customers pay for food before consuming it; (5) a self-service condiment bar is provided; (6) trash receptacles are provided for self-service bussing; (7) furnishing plan indicates hard-finished, stationary seating arrangements; and (8) most main course food items are prepackaged rather than made to order. Alcoholic beverages, if served, are typically limited to beer and wine.

Food Service, no late hours. Establishments engaged in the business of selling food and beverages, including alcoholic beverages, prepared on-site for primarily on-premise consumption and have the following characteristics: establishment is closed to the public at or before 11:00 p.m.; all food and beverages are served to the customer at a fixed location (e.g., booth, counter, or table); the food and beverages are ordered from individual menus; and the food and beverages are typically paid for by the customer after service and/or consumption. (**NOTE:** Could also include a provision that food preparation stops at or before 10:00 p.m. and the public must vacate the premises by or before 11:00 p.m.)

Food Service, late hours. Establishments engaged in the business of selling food and beverages, including alcoholic beverages, prepared on-site for on-premise consumption and have the following characteristics: establishment remains open to the public after 11:00 p.m.; all food and beverages are served to the customer at a fixed location (e.g., booth, counter, or table); the food and beverages are ordered from individual menus; and the food and beverages are typically paid for by the customer after service and/or consumption.

Take-Out Service, Limited. Establishments offering a limited variety of food or beverages principally for off-site consumption, but which may include incidental seating for consumption on-site. Typical uses include bakeries, candy, coffee, nut and confectionery stores, ice cream and frozen dessert stores, small delicatessens and similar establishments. Customers are served either at a counter or service window. No alcoholic beverages are served, no ABC license required.

Take-Out Service Only. Establishments providing food and/or beverage service with the following characteristics: all of the transactions are sales for off-site consumption; no seating is provided for on-site consumption of food or beverages. No alcoholic beverages are served, no ABC license required.

The above uses would be regulated as follows;

Bars, Lounges, and Night Clubs	Conditional Use Permit
Fast Food, No Alcohol, No Late Hours	Permitted by right or MUP if adjacent to residential districts***
Fast Food, Late Hours	Minor Use Permit*
Food Service, No Alcohol, No Late Hours	Permitted by right or MUP if adjacent to residential districts***
Food Service, No Late Hours	Minor Use Permit*
Food Service, Late Hours	Conditional Use Permit
Take-Out Service, Limited	Permitted by right**
Take-Out Service Only	Permitted by right**

* A Minor Use Permit is a proposed new process to simplify the issuance of permits.
The Director reviews the application; holds a counter hearing, attaches conditions, and issues the permit.

** MUP if proposed to be open later than 11:00 p.m.

***This would likely apply in all mixed-use districts and likely the Corridor Commercial (CC) and Visitor Serving Commercial (CV) districts due to their proximity to residential districts.

D. Benefits of Alternative Method

- Fewer CUP's required, less bureaucratic.
- Straightforward definitions and categories, less confusion
- Eliminate discussions about semantics.
- Less cost and time for staff and applicants
- More certainty for City and applicants