AGENDA

General Plan/LCP Implementation Committee
September 16, 2009
3:30 p.m.
City Council Chambers

1.	Approve Action Minutes from September 2, 2009 Attachment No. 1	3:30-3:35pm
2.	Draft Zoning Code Review – Provide comments to staff on Parts 6 and 7 of the second public draft zoning code Attachment No. 2	3:35-5:00pm
3.	Draft Zoning Code Review - Residential Regulations Update from staff on open space regulations and floor area study	5:00-5:20pm
4.	Items for Future Agenda	5:20-5:25pm
5.	Public Comments on non-agenda items	5:25-5:30pm
6.	Adjourn	

Attachments:

1. Draft Action Minutes from September 2, 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 2, 2009

CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTAION COMMITTEE

DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the Fire Conference Room, City of Newport Beach, on **Wednesday, September 2, 2009**

Members Present:

E	Ed Selich, Mayor, Chairman
E	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
X	Brion Jeannette
	Don Krotee
	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

X	Sharon Wood, Assistant City Manager
E	David Lepo, Planning Director
E	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 12, 2009.

   Action: Committee approved draft minutes.

   Vote: Consensus

DRAFT

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

Action: The Committee reviewed comments prepared by Committee Member Eaton for Part 4, where they left off at the end of the August 12 meeting and continued to move through Part 4 and Part 5 with comments from all Committee Members. The Committee and Advisory Members discussed and directed staff to do the following in addition to formatting corrections:

- Section 20.50.030 pg. 4-4 – staff will look into, with the City Attorney, as to whether the "e.g." list provided is too expansive and if it could be reduced
- Revise Section 20.50.030 pg. 4-4 – add "City and neighborhoods" to the last sentence of the second paragraph
- Revise Section 20.50.030 subsection A.7. pg. 4-5 and Section 20.50.090 subsection B.e. pg. 4-15 – add language to require that a notice be posted stating a copy of the conditions of approval are available
- Revise Section 20.50.090 subsection B.d.1.2. pg. 4-15 – add "servers"
- Section 20.50.100 subsection E.1. pg. 4-20 – clarify if hours of operation is the length of stay, staff will look into Government Code and possibly revise to provide for length of stay and hours of operation subsections
- Revise Section 20.50.130 subsection G. pg. 4-24 – combine with previously deleted subsection E. to make one new subsection E.
- Revise Section 20.50.130 subsection F. pg. 4-24 – revise to clarify intent
- Previously deleted Section 20.63.140 and City Charter Section 1401 – staff will verify that restrictions are adequately provided in regard to Banning Ranch consistent with the City Charter
- Re-look at Section 20.50.180 subsection D. with Advisory Memebers and bring back revised section to Committee
- Revise Section 20.52.210 - add "service stations" to all subsections within the section
- Revise Section 20.52.210 subsections J. and L.9. - add "if appropriate" to end of last sentence
- Reinsert necessary references to the certified Coastal Land Use Plan in Section 20.60.060 pg. 5-57 and also reinsert necessary references into the rest of the Draft
- Revise Table 2-1 pg. 2-9 - all CUP's in residential zones will be subject to CUP-HO to reflect what was adopted in the Group Home Ordinance
- Strike Section 20.54.070.D.1.b. pg. 5-28, Revise Section 20.54.070.D.1.c. pg. 5-28 to add "An action of the Hearing Officer may be appealed in compliance with Chapter 20.66

(Appeals) – staff will review with City Attorney to verify consistency and make necessary adjustments

- Table 5-2 on pg. 5-34 - revise footnotes to provide standards for Zoning Administrator referrals to the Planning Commission

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

Staff is still looking into Committee Member Toerge's request for an evaluation of the proposed floor area regulations. This will be an update item on the next agenda.

The next meeting will be on September 16 and the review will continue with Part 6 and revised sections of Part 7.

Vote: Consensus

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

Resident concerned with a neighbor parking within a sideyard setback adjacent dwelling at 3600 Seashore Drive. Staff will consult the Building Department to see if there are any Building Code issues.

Vote: Consensus

5. **Agenda Item No. 5 –** Adjourn

Meeting adjourned at 5:00 p.m.

DRAFT

Attachment No. 2

Draft Zoning Code Review Support Documents

Questions from Barry Eaton Draft Zoning Code Part 6. Staff responses in **bold.**

Part 6:

236) Section 20.66.030.A (on page 6-13) has been modified to refer to an exception in subsection B.1 below. But, as far as I can tell, subsection B.1 has no exceptions. Is this reference correct? If not, what is the correct reference?

The reference should be deleted.

237) Section 20.66.030.C.3.a (on page 6-14) specifies that all appeal hearings shall be conducted on a "de novo" basis, except for matters referred to in Section 20.54.020.G. That section does not appear to be the correct reference, as it has nothing to do with appeals from Hearing Officer decisions. What is the correct reference? (Also, see question 234) above.)

The reference should be Section 20.54.030.G.

238) Section 20.68.050.D.2 (on page 6-18) has been added, to provide that failure of the Planning Commission to act on a City Council referral to them of a proposed change shall be deemed to be approval of the change. Within what time limit? If the PC fails to act within 24 hours, is that deemed an approval?

Staff recommends a 45 day period of time to reflect Section Government Code Sections 65356 (General Plan – 45 calendar days) and 65857 (Zoning Code/Map – 40 days).

239) Section 20.70.060 (on pages 6-23 and 6-24) has been modified so as to be very substantially limited, and appears to now only apply to judicial proceedings. Was this a Committee decision? If so, can you refresh my memory on why we decided to do that? If not, where did this come from, and why is it being so severely limited?

This version was prepared by the Office of the City Attorney and provided to the Committee in the April 15, 2009 agenda packet. No changes were directed by the Committee at the April 15th meeting. The revised language allows for the recovery of all fees and costs associated with the following: 1) any judicial action, 2) proceeding to revoke or change a permit or other approval, or 3) administrative proceeding to abate a nuisance. Attorney's fees and costs include staff time which is provided in 20.70.060C. pg. 6-24.

Personal Services (Land Use).

General. Establishments that provide recurrently needed services of a personal nature. These uses may also include accessory retail sales of products related to the services provided. Illustrative examples of these uses include:

- barber and beauty shops
- clothing rental shops
- dry cleaning pick up stores with limited equipment
- laundromats (self service laundries)
- locksmiths
- shoe repair shops
- tailors and seamstresses

Restricted.

- day spas
- alternative healing arts (acupuncture, aromatherapy, etc.) with no services qualifying under "Massage Establishments"
- tanning salons
- tattoo services and body piercing studio.

Research and Development (Land Use).

General. Establishments engaged in industrial or scientific research, including product testing. Includes electronic research firms or pharmaceutical research laboratories. Excludes manufacturing, except of prototypes, and medical testing and analysis.

Restricted. Research and development establishments that engage in activities that may involve the use of potentially hazardous materials or flammable substances or that may result in hazardous waste byproducts.