



AGENDA

General Plan/LCP Implementation Committee

January 14, 2009

2:00 p.m.

City Council Chambers

*****PLEASE NOTE THE MEETING WILL BEGIN AT 2:00 PM*****

1. Approve Action Minutes from December 10, 2008
Attachment No. 1 2:00-2:05pm
2. Coastal Land Use Plan Amendment: Progress Report from staff
2:05-2:20pm
3. Draft Zoning Code Review
 - A. Comment Letter from Mariner's Mile Business Association (Provide comments)
 - B. Paleontological, Archeological and Historical Resources (Direct staff to include regulations in draft code or to continue to use Council policies citywide)
 - C. Residential Parking Requirements (Review revised standard and direct staff to make any necessary changes)
 - D. In-Lieu Parking Section (Review draft code and direct staff to make any necessary changes)
 - E. Mixed-Use Noise and Tenant Notification (Review and direct staff to make any necessary changes)Attachment No. 2 2:20-3:45pm
4. Items for Future Agenda 3:45-3:50pm
5. Public Comments on non-agenda items 3:50-4:00pm
6. Adjourn to January 28, 2009, 3:30 p.m.

Attachments:

1. Draft Action Minutes for December 10, 2008
2. Draft Zoning Code Review support material

Attachment No. 1



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION 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, December 10, 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
X	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

	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
	Gregg Ramirez, Senior Planner
X	Melinda Whelan, Assistant Planner

E = Excused Absence

Committee Actions

1. **Agenda Item No. 1** – Approval of minutes of November 19, 2008.

Action: Committee approved draft minutes.

Vote: Consensus

2. Agenda Item No. 2 – Zoning Code Re-Write

▪ Review No. 11 Resource Protection

Action: The Chairman opened the meeting with a discussion regarding resource protection in the coastal zone and the Implementation Plan (IP) of the Local Coastal Program (LCP). He voiced concern with the timeline of the Zoning Code update and that the current focus should be the Zoning Code rather than incorporating the IP into the Zoning Code. Further discussion by the Committee Members, Advisory Members, and staff led to a conclusion that LCP issues could delay the Zoning Code update and a resolution could be to address the IP after the Zoning Code is complete. The Committee directed staff to remove all IP sections from the draft Zoning Code and move forward with completing the Zoning Code update.

There was only one comment from Committee Members Eaton and Hawkins to be discussed since the majority of their comments were coastal zone related. The comment was regarding cultural resource protection outside the coastal zone. Consistent with the current Zoning Code, the draft Zoning Code proposes to rely on the City Council Policy Manual, Policies K-2 (Places of Historical and Architectural Significance), K-4 (Paleontological Guidelines), and K-5 (Archeological Guidelines) for protection of cultural resources outside of the coastal zone. Committee members Eaton and Hawkins proposed that the Policies may need to be codified to ensure General Plan implementation of cultural resource protection policies. The Committee and Advisory Members discussed and directed staff to continue the discussion at the January 14th meeting to give the Committee time to review the City Council Policies.

Vote: Consensus

3. Agenda Item No. 3 – Items for future agenda

Action: January 14th – comment letter from Mariners Mile Business Association, cultural resource protection outside the coastal zone, go-backs from previous meetings; future agendas - housing Chapters 20.32, 20.34, and 20.36; and Chapter 20.40 Bluff and Canyon Protection Outside the Coastal Zone

Vote: None

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

The public provided a comment requesting the expected timeline of canyon and bluff setback requirements outside of the coastal zone. Staff expects to bring Chapter 20.40 Bluff and Canyon Protection Outside the Coastal Zone to the Committee at an upcoming scheduled meeting.

Meeting Adjourned 4:45 p.m.

Attachment No. 2

AGENDA ITEM NO.3

A. MARINER'S MILE BUSINESS OWNERS ASSOCIATION
CITY OF NEWPORT BEACH

November 5, 2008

Sharon Wood
Assistant City Manager
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Re: Draft Zoning Code

Dear Sharon:

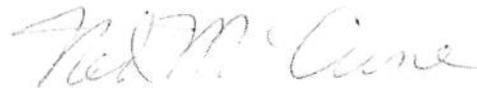
We have been following the progress of the General Plan/LCP Implementation Committee regarding the Draft Zoning Code.

At this point in the process, we have developed the attached comments regarding the draft Code and are forwarding such comments for the official record.

We would be pleased to respond to any questions you may have regarding such comments and would appreciate receiving a response from staff.

Sincerely,

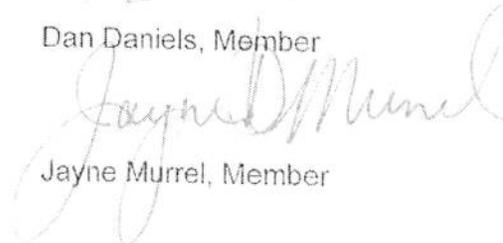
Mariner's Mile Association



Ned McCune, Chairman



Dan Daniels, Member



Jayne Murrel, Member

cc: Mayor Ed Selich
Councilman Don Webb
Carol McDermott

Comments on Draft Zoning Code

The following comments are made with regard to provisions affecting Mariner's Mile and in particular, Chapter 20.22, MU-H1-MM and MU-W1-MM;

There seems to be a reduction in permitted uses from what is currently allowed and we believe it was the intent to add residential but not to remove uses, therefore we request the addition of the following uses to the list many of which were in the draft we reviewed dated 6/07:

- ① Bed and breakfast (visitor serving over-night accommodations are always desirable by the CCC)
- ② Shopping Center (previously shown in the 6/07 draft, but currently deleted) should be allowed as it could spur increased public access and the scale is already governed by the other policies as to height and density
- ③ Why are offices not allowed on the first floor? There are offices on the first floor currently, such as Wells Fargo at PCH/Riverside.
- ④ Small Health/Fitness should be added in; there is an existing gym on the westerly end of Mariner's Mile
- ⑤ In 20.22.010 B., the definition of MU-H1MM does not reference any visitor serving retail. Wouldn't that be a desirable use?
- ⑥ Table 2-8 does not list single family as a permitted use, why not?
- ⑦ We request inclusion of the category, "Full service Eating and Drinking Establishments with bar and late hours" in addition to the listing for Bar, Lounge and Nightclub. Without such a clarification, the Rusty Pelican, Charthouse and Billy's at the Beach would not be permitted uses.
- ⑧ Page 2-27, Section 20.22.010 Purposes of Mixed-Use Zoning Districts, Section E. MU_W1-MM (Mixed Use Water, Mariner's Mile) Zoning District, first refers to "marine-related uses and residential dwelling units may be intermixed". Subsequent language states "non-residential uses shall be used for **marine-related or visitor serving land uses**". We believe the language needs to be consistent as to the inclusion of "visitor serving land uses".
- ⑨ P. 3-20, Section 20.30.080 – Public View Protection contains very broad language regarding the intent, I. e. "protect and, wherever feasible, enhance the scenic and visual qualities of the City, including public views to, from, and along the ocean, bay..." as well as under A. Applicability: "...shall apply to...new development that has the potential to obstruct public views from public view points and **roads**..." and under C. Visual Impact Analysis, "where a new development has the potential to obstruct public views from a

public right-of-way". While we understand and support the requirement to conduct a visual analysis, this language could lead a reader to believe that no development would be allowed if it would in any way "obstruct" public views, particularly from Coast Hwy. We request some clarifying language.

Responses to Mariner's Mile Business Owners Association Letter dated November 5, 2008

1. Bed and Breakfast will be added.
2. "Shopping Center" as separate land use has been removed from the draft code in all districts as it is unnecessary. Development is guided by the development standards and use regulations. Shopping centers would be allowed in any commercial/mixed-use district subject to all applicable regulations.
3. The second floor requirements for "Offices – Professional" land use category is intended to implement General Plan policies that encourage pedestrian activity. Those with less foot traffic are proposed to be allowed above the first floor in order to preserve first floor space for uses that generate more pedestrian traffic. The Wells Fargo bank would be in the Financial Institutions and Related Services land use category, which is permitted on the ground floor in the MU-H1-MM district.
4. Small Health/Fitness uses are permitted uses in both the MU-H1-MM and MU-W1-MM. See pages 2-30 and 2-33.
5. Visitor serving could be added; however, Retail is a permitted land use and allows all retail establishments included in the Visitor Serving Retail category. The Retail category is much broader. The "Visitor Serving Retail" land use category should be removed from the MU-W1-MM district as the standard "Retail" land use category includes all those uses listed in the "Visitor Serving Retail" Category.
6. The General Plan identified the mixed-use districts to be higher density multi-family projects, not detached single family. Detached residential is not what was envisioned for either the inland or Bayfront side of Mariner's Mile.
7. The establishments identified (Rusty Pelican, Charthouse, Billy's at the Beach) would be in the Food Service, Late Hours land use category. The Bars, Lounges and Nightclub category is specific to only those establishments operating with a public premise ABC license.
8. Agree. Description will be revised.
9. The Public View Protection section is being revised.

**Zoning Code Update
General Plan Implementation Committee
January 14, 2009**

B. Paleontological, Archeological and Historical Resources

In the draft code, staff proposed inclusion of zoning regulations (Chapter 20.42) for the purpose of implementing CLUP polices related to these resources in the coastal zone. The draft code referred to the Council Polices for projects outside the coastal zone. Staff believes the existing Council polices and CEQA requirements adequately implement applicable General Plan polices. Therefore, staff recommends that Chapter 20.42 be removed from the draft zoning code.

The Implementation program of the general plan contains the following Implementation Program regarding Council policies.

Imp 9.1 Review City Council Policy Manual for Consistency with the General Plan

The City Council Policy Manual shall be reviewed to assure that its policies are consistent with the updated General Plan.

Following for your review is City Council policy K-2 (Places of Historical and Architectural Significance), K-4 (Paleontological Guidelines) and K-5 (Archeological Guidelines).

PLACES OF HISTORICAL AND ARCHITECTURAL SIGNIFICANCE

The City Council may designate as historical property any building or part thereof, object, structure, monument, or collection thereof having importance to the history or architecture of the City of Newport Beach in accordance with the criteria set forth below. The City Clerk shall maintain a register, which shall be known as the City of Newport Beach Register of Historical Property. The City Council may at any time repeal, revise or modify any such designation upon reconsideration of the historical or architectural importance of the places therein described.

A. Criteria for Selection.

1. Property may be designated as historical property if it meets any of the following standards of architectural significance:
 - a. Structures or areas that embody distinguishing characteristics of an architectural style, period, or method of construction, or of architectural development with the City.
 - b. Notable works of a master builder, designer, or architect whose style influenced the City's architectural development, or structures showing the evolution of an architect's style.
 - c. Rare structures displaying a building type, design, or indigenous building form.
 - d. Structures which embody special architectural and design features.
 - e. Outstanding examples of structures displaying original architectural integrity, structurally or stylistically, or both.
 - f. Unique structures or places that act as focal or pivotal points important as a key to the character or visual quality of an area.
2. Property may be designated as historical property if it meets any of the following standards of historical significance.

- a. Sites and structures connected with events significant in the economic, cultural, political, social, or civic history of the City of Newport Beach, the County of Orange, the State of California, or the United States of America.
- b. Structures or areas identified with the lives of historical personages of the City of Newport Beach, the County of Orange, the State of California, or the United States of America.
- c. Sites and groups of structures representing historical development patterns, including, but not limited to, urbanization patterns, railroads, agricultural settlements, and canals.

B. Classification.

Historical property shall be categorized in relation to their significance and condition in the Newport Beach Register of Historical Property under the following hierarchical classification system:

- Class 1. Major Historic Landmark. A building, structure, object, site, or natural feature of major historical significance. The property exemplifies historic/architectural themes of local and statewide importance and serves as a significant part of the heritage of Newport Beach.
- Class 2. Historic Landmark. A building, structure, object, site, or natural feature of historical significance. The property is representative of historic/architectural themes of local and statewide importance and serves as a physical link to the historical past of Newport Beach.
- Class 3. Local Historic Site. A building, structure, object, site, or natural feature of local significance only. The property is representative of historic/architectural themes of local importance.
- Class 4. Structure of Historic Interest. A building, structure, object, site, or natural feature that has been altered to the extent that the historic/architectural integrity has been substantially compromised but is still worthy of recognition.

Class 5. Point of Historic Interest. A site of a building, structure, or object that no longer exists, but is associated with historic events or persons, or architecturally significant structures.

C. Application of State Historical Building Code.

Any building or structure rated as Class 1, 2, 3 or 4 in the Newport Beach Register of Historical Property shall be deemed a "qualified historical building or structure" for purposes of applying the State Historical Building Code, as set forth in Part 2.7 (commencing with section 189050) of Division 13 of the Health and Safety Code of the State of California and Part 8 of Title 24 of the California Administrative Code. The Director of the Building Department may apply the said State Historical Building Code to any such building or structure, providing, however, that the highest standards of structural and fire safety are maintained. Class 5 properties shall be listed in the Newport Beach Register of Historical Property for recognition purposes only.

D. Procedures.

1. The owner of any structure who desires that such structure be included in the Register shall make application to the City Council in form prescribed by the City Manager stating the characteristics of such structure in terms of the criteria outlined above. The City Manager shall submit applications to the Parks, Beaches, and Recreation Commission, the Arts Commission, and the Newport Beach Historical Society for review and recommendation before submitting such application to the City Council for consideration. The City Council shall consider all recommendations before making its determination.
2. The City Council, itself or on the recommendation of the Parks, Beaches and Recreation Commission, the Arts Commission, or the Newport Beach Historical Society, may initiate submission of an application for designation of a structure or site as a historic property. In either case, planning staff shall prepare an application for the property, seek the consent of the property owner(s), and refer the application to the City Manager for review and City Council consideration as described above. If the consent of the property owner(s) can not be obtained, staff will notify the City Council of the reasons, withdraw the application, and seek City Council direction on further negotiations, if any.

E. Incentives for Preservation.

The City Council shall consider granting reductions or waivers of applications fees, permit fees, and/or any liens placed by the City to properties listed in the Newport Beach Register of Historical Property in exchange for preservation easements.

Adopted - May 28, 1985

Amended - January 24, 1994

Amended - January 25, 1999

Formerly A-15

PALEONTOLOGICAL GUIDELINES

GENERAL POLICY

The policies set forth below shall be used to guide the development or redevelopment of lands within the City:

- A. The City shall, through its planning policies and permit conditions, ensure the preservation of paleontological resources and require that the impact caused by any development be mitigated in accordance with the California Environmental Quality Act.
- B. The City shall prepare and maintain sources of information regarding paleontological sites and the names and addresses of responsible organizations and qualified individuals who can analyze, classify, record, and preserve paleontological findings.
- C. If determined to be necessary by the Planning Director, it shall be the responsibility of a landowner or developer prior to the commencement of land development to cause the proposed site to be examined to determine the existence and extent of paleontological resources. The examination shall be by qualified observers, approved by the City. The observers shall prepare and submit to the City a written report describing findings and making recommendations for further action. The report shall discuss both positive and negative aspects of the effects of the proposed development on paleontological resources. The report shall be considered as part of the CEQA review process and, if appropriate, the recommendations shall be included as mitigation measures and conditions of approval for the project.
- D. Based on the report and recommendations of the observers, the City shall take such steps as are necessary to assure that any findings or sites are recorded, preserved and protected. These steps may include requiring the landowner or developers to incur reasonable expenditures of time or money, encouraging the involvement of appropriate volunteer or non-profit organizations or acquisition of the sites by public or private agencies. Provision shall be made for the deposit of scientifically valuable paleontological materials which are removed from the site with responsible public or private institutions. In all cases, the City shall seek responsible scientific advice and make the necessary decisions consistent with the public interest.

PROCEDURES

The following procedures shall be used in examining and reporting on possible paleontological sites.

- A. The site examination shall consist of:
 - 1. A walk-over site survey.
 - 2. A review of publications and reports on the geology or paleontology of the area.
 - 3. Analysis of all available soils information.
 - 4. Examination of the relationship of the proposed development site to known or potential fossil producing areas identified in available records.
- B. Prior to the commencement of any land alterations, the Planning Director shall determine whether a pre-grading conference is required. This determination shall be based on an analysis of the potential of a paleontological discovery occurring as follows:
 - 1. If the Planning Director determines that it is unlikely that any paleontological discovery would occur, a pre-grading conference may be waived.
 - 2. Otherwise, the pre-grading conference shall be required.
- C. During the pre-grading conference, the Planning Director shall ensure the following:
 - 1. That a responsible organization, e.g., the Natural History Foundation of Orange County, is notified and that a qualified representative is authorized to participate in the conference.
 - 2. That the grading schedule provides for identification and avoidance of resource discoveries to allow their immediate recovery.

3. That a qualified observer or collector is available to monitor the site during grading operations. Any observer included on the County of Orange list of certified paleontologists will be considered to be qualified.
4. That a copy of the grading schedule is available to the appropriate parties, including the on-site observer.
5. That the observer has adequate authority to institute temporary delays or alterations in the grading schedule to allow collection of paleontological material.
6. That the grading contractor clearly understands the observer's role and authority.
7. That the responsible parties are notified and ready on a 24-hour notice to respond if a resource discovery is uncovered.
8. That adequate insurance has been provided for protection of the observer, the property owner, and the developer.
9. That, in the event any paleontological materials having scientific value are discovered, reasonable provisions are made for extraction and preservation.

Adopted - August 26, 1974

Amended - January 24, 1994

Corrected (Administratively) - March 22, 1999

Formerly K-5

ARCHAEOLOGICAL GUIDELINES

GENERAL POLICY

The policies set forth below shall be used to guide the development or redevelopment of lands within the City:

- A. The City shall, through its planning policies and permit conditions, insure the preservation of significant archaeological resources and require that the impact caused by any development be mitigated in accordance with the California Environmental Quality Act.
- B. The City shall prepare and maintain sources of information regarding archaeological sites and the names and addresses of responsible organizations and qualified individuals who can analyze, classify, record, and preserve archaeological findings.
- C. If determined to be necessary by the Planning Director, it shall be the responsibility of a landowner or developer prior to the commencement of land development to cause the proposed site to be examined to determine the existence and extent of archaeological resources. The examination shall be by qualified observers, approved by the City. The observers shall prepare and submit to the City a written report describing findings and making recommendations for further action. The report shall discuss both positive and negative aspects of the effects of the proposed development on archaeological resources. The report shall be considered as part of the CEQA review process and, if appropriate, the recommendations shall be included as mitigation measures and conditions of approval for the project.
- D. Based on the report and recommendations of the observers, the City shall take such steps as are necessary to assure that any findings or sites are recorded, preserved and protected. These steps may include requiring the landowner or developers to incur reasonable expenditures of time or money, encouraging the involvement of appropriate volunteer or non-profit organizations or acquisition of the sites by public or private agencies. Provision shall be made for the deposit of scientifically valuable archaeological materials which are removed from the site with responsible public or private institutions. In all cases, the City shall seek responsible scientific advice and make the necessary decisions consistent with the public interest.

PROCEDURES

The following procedures shall be used in examining and reporting on possible archaeological sites. If determined to be necessary by the Planning Director, there shall be a walk-over site survey and, if warranted, a pregrading conference prior to the commencement of any land alterations.

A. Procedures and Findings.

1. Records. Demonstration shall be made that a records check was completed and the results stated in the text of the final report.
2. Background. Background information shall be provided summarizing the significance of scientific, cultural and historical perspectives to the project area. Sources must be referenced.
3. On-Site Survey. The following descriptions shall be made in sufficient detail to allow verification of work:
 - a. Methods of reconnaissance:
 - i. surface
 - ii. sub-surface
 - b. A list of personnel and affiliation
 - c. Date and location of research
 - d. Condition of area surveyed which may have effect on archaeological findings
 - e. Observations and data - description of archaeological resources found
 - f. Location of material and data collected
 - g. Notification of professionals in related disciplines where necessary, such as historians and paleontologists

4. Evaluation of impact (direct and indirect):
 - a. Description of impacts
 - b. Significance of impacts
- B. Development Alternatives.
1. Methods to achieve site preservation.
 - a. Revision of construction or development plans in the event of exceptional site, worthy of preservation and/or nomination to the National Registry (Historic Preservation Act of 1966).
 - b. In the event that development ensues in areas adjoining the site that would involve potential impact by virtue of this proximity, steps should be taken to:
 - i. protect the site by adequate means, such as fencing or other approved measures
 - ii. stabilize where indicated
 - iii. restore damage occurring as a result of proximity of the source of impact
 - c. Restoration where applicable
 2. Archaeological excavation.
 - a. Full-scale, research-oriented excavation, properly planned and organized, adequately funded, and with sufficient time, is the preferred method of partial mitigation. The consultant's proposal to the City, included in the EIR, should contain, in detail, costs, procedures, time required and a statement of the importance of the work to be performed. This proposal may then be included in a conditional permit or be required prior to the issuance of a permit.

- b. Emergency salvage excavation is the least preferred method of partial mitigation. The result of poor planning, salvage techniques of excavation constitute an adverse impact on archaeological resources and represent the irreplaceable loss of a site.

3. Qualification of Consultants.

Provisional to professional licensing, minimum qualifications for consulting archaeologists shall be satisfied by their listing in the Directory of Archaeological Consultants, available from the Society for California Archaeology, or the list of certified archaeologists maintained by the County of Orange. Verification regarding qualifications shall be made by the Planning Director.

Adopted - January 13, 1975

Amended - January 24, 1994

Corrected (Administratively) - March 22, 1999

Formerly K-6

C. Residential Parking Requirements

The Land Use Element of the General Plan includes the following policy:

LU 5.1.8 Parking Adequacy

Require that new and renovated single-family residences incorporate adequate enclosed parking in consideration of its number of bedrooms. *(Imp 2.1)*

The existing residential parking regulation requires 2 parking spaces for each dwelling unit regardless of number of rooms or square footage. In neighborhoods with front loading garages and driveways, there is no evidence of widespread parking deficiencies. Parking shortages generally occur in neighborhoods with alley-loaded garages and no driveways, where residents and guests make use of on-street parking when the garage or carport spaces are taken by vehicles or storage. The fact that the majority of these neighborhoods are located near the beach further compounds the problem during the high season when residents and visitors compete for limited parking spaces.

The general plan policy suggests that increased on-site parking requirements may improve on-street parking availability.

Staff is recommending a threshold of 4,000 square feet for when a third parking space is required. This requirement would apply to new single family homes only. Staff continues to recommend that the size of the home be used to determine when a third space is required as defining what a bedroom is would be confusing.

Single-Unit Dwellings - Detached and less than 4,000 sq. ft. of habitable floor area	2 per unit in a garage
Single-Unit Dwellings - Detached and 4,000 square ft. or greater of habitable floor area on lots greater than 30 ft. wide	Alley loaded parking: 3 per unit with a minimum of 2 in a garage Front loaded parking: 2 per unit in a garage and 2 per unit on a driveway

Anticipated maximum square footage of single family residences using draft code regulations for typical lots in alley loaded neighborhoods:

- Corona del Mar: 4,465 sq. ft
- Balboa Peninsula: Varies – some lots will be affected
- Balboa Island: 2,880 sq. ft.
- Newport Shores: 3,360 sq. ft.

D. In-Lieu Parking Section

The Committee asked staff to include a short in-lieu parking section. Staff is recommending the inclusion of the following:

20.30.010 In-Lieu Parking Fees

A portion or all of the required off-street parking spaces may be provided off-site within public parking facilities if the review authority authorizes the payment of an in-lieu fee by the applicant towards the development and maintenance of public parking facilities. The in-lieu fee shall be paid to the In-Lieu Parking Fund. The amount of the fee and time of payment shall be established by Council resolution.

E. Mixed-Use Noise and Tenant Notification

At a previous meeting concern was expressed with applying the non-residential noise standards to mixed-use projects. Staff believes that applying the residential standards will be too restrictive and that the combination of the mixed-use regulations in Section 20.60.130 and discretionary review (Site Development Review) will adequately ensure that mixed-use projects are designed to eliminate conflicts to the greatest extent possible for a mixed-use district. Additionally, a tenant notification requirement (below) was included in the draft code and staff believes that details of the tenant notification requirement can be included as a condition of approval.

Section 20.60.130 as it appears in the draft code:

***Tenant notification.** Project applicants and project owners shall notify residents, whether owners or tenants, of a mixed-use project in writing before they move in that they will be living in an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical residential area.*

If the Committee believes the code should contain more specifics regarding the notification, staff suggests the following:

Section 20.60.130 revised:

***Owner/Tenant notification.** Project applicants, developers, owners, and/or property managers shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit located within a mixed use zoning district. The disclosure statement shall indicate that the occupants will be living in an urban type of environment and that the noise, odor, and outdoor activity levels may be higher than a typical suburban residential area. The disclosure statement shall include a written description of the potential impacts to residents of both the existing environment and potential impacts based upon the permitted and conditionally permitted uses allowed in the zoning district. Each buyer, lessee, or renter shall sign the statement acknowledging that they have received, read, and understand the disclosure statement.*