



**NOTICE OF AVAILABILITY OF
DRAFT LOCAL COASTAL PROGRAM AMENDMENT
RELATED TO NONRESIDENTIAL PARKING REQUIREMENTS**

NOTICE IS HEREBY GIVEN that in accordance with applicable provisions of the Coastal Act and California Code of Regulations (CCR) §13515, a draft of the proposed amendment is available for public review and inspection at the Planning Division and at all branches of the Newport Beach Public Library for the following amendment to the Implementation Plan (IP) of certified Local Coastal Program (LCP):

Nonresidential Parking Regulations Amendment No. PA2021-104 – The proposed changes are in Sections 21.20.020, 21.22.020, 21.40.040, 21.40.060, 21.40.110, and 21.70.020, and include the following updates:

- Allowing the Community Development Director to reduce off-street parking requirements by up to 20 percent when acceptable evidence is provided;
- Allowing a reduction in off-street parking requirements when bicycle parking is provided in areas with a demonstrated demand;
- Allowing a reduction in off-street parking requirements when a designated ride-share (e.g., Uber and Lyft) space is provided;
- Altering the food service, eating and drinking establishment parking requirements to remove the consideration of “net public area”; and
- Replacing the “take-out service, limited” land use definition with “take-out service—fast-casual” allowing up to 20 seats.

The Planning Commission of the City of Newport Beach is scheduled to consider this item and make a recommendation to the City Council at a regular meeting to be held at 6:30 p.m. on Thursday, **April 20, 2023**, at the City of Newport Beach Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. The date and time of the Planning Commission meeting has been noticed in accordance with City of Newport Beach notification requirements.

Furthermore, the City Council of the City of Newport Beach is tentatively scheduled to consider this item at a regular meeting to be held on Tuesday, **May 9, 2023**, at the City of Newport Beach Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. The date and time of the City Council meeting will be noticed in accordance with City of Newport Beach notification requirements.

For questions regarding this Amendment, please contact Benjamin M. Zdeba, AICP, Principal Planner, at 949-644-3253 or bzdeba@newportbeachca.gov.

**Proposed Local Coastal Program Amendment
Related to Nonresidential Parking Regulations**

Section 1: A portion of Table 21.20-1 in Section 21.20.020 (Commercial Coastal Zoning Districts Land Uses) of the Newport Beach Municipal Code (NBMC) is amended to read as follows:

TABLE 21.20-1 ALLOWED USES	Commercial Coastal Zoning Districts							Specific Use Regulations
	A Allowed — Not Allowed *							
Land Use See Part 7 of this Implementation Plan for land use definitions. See Chapter 21.12 for unlisted uses.	CC	CG	CM (3)	CN	CV (3)	CV-LV (3)	OG	
Eating and Drinking Establishments								
Accessory Food Service (open to public)	A	A	A	A	A	A	A	
Bars, Lounges, and Nightclubs	A	A	A	A	A	—	—	
Fast Food	A	A	A	A	A	A	A	
Food Service	A	A	A	A	A	A	A	
Take-Out Service, Limited <u>Fast-Casual (up to 20 seats)</u>	A	A	A	A	A	A	A	

Section 2: A portion of Table 21.22-1 in Section 21.22.020 (Mixed-Use Coastal Zoning Districts Land Uses) of the NBMC is amended to read as follows:

TABLE 21.22-1 ALLOWED USES	Mixed-Use Zoning Districts			Specific Use Regulations
	A Allowed — Not Allowed *			
Land Use See Part 7 of this Implementation Plan for land use definitions. See Chapter 21.12 for unlisted uses.	MU-V (6)	MU-MM (4)	MU-CV/15th St. (5)(6)	
Eating and Drinking Establishments				
Accessory Food Service (open to public)	A	A	A	
Fast Food	A	A	A	
Food Service	A	A	A	

TABLE 21.22-1 ALLOWED USES	Mixed-Use Zoning Districts			
	A Allowed — Not Allowed *			
Land Use See Part 7 of this Implementation Plan for land use definitions. See Chapter 21.12 for unlisted uses.	MU-V (6)	MU-MM (4)	MU-CV/15th St. (5)(6)	Specific Use Regulations
Take-Out Service, Limited <u>Fast-Casual (up to 20 seats)</u>	A	A	A	

Section 3: Portions of Table 21.40-1 (Off-Street Parking Requirements) in Section 21.40.040 (Off-Street Parking Spaces Required) of the NBMC are amended to read as follows:

**TABLE 21.40-1
OFF-STREET PARKING REQUIREMENTS**

Land Use	Parking Spaces Required
Eating and Drinking Establishments	
Accessory (open to public)	1 per each 3 seats or 1 per each 75 sq. ft. of net public area, whichever is greater
Bars, Lounges, and Nightclubs	1 per each 4 persons based on allowed occupancy load or as required by conditional use permit
Food Service with/without alcohol, with/without late hours	1 per 30—50 sq. ft. of net public area, including outdoor dining areas 25% of the interior net public area or 1,000 sq. ft., whichever is less. See Section 21.40.060 <u>1 per 100 sq. ft., and 1 per 150 sq. ft. for outdoor dining areas</u>
Food Service—Fast food	1 per 50 sq. ft., and 1 per 100 sq. ft. for outdoor dining areas
Take-Out Service— Limited <u>Fast-Casual (up to 20 seats)</u>	1 per 250 sq. ft., <u>including outdoor dining areas</u>
Wine Tasting Room	1 per each 4 persons based on allowed occupancy load or as required by conditional use permit

Section 4: Section 21.40.060 (Parking Requirements for Food Service Uses) of the NBMC is stricken and removed in its entirety as follows:

21.40.060 Parking Requirements for Food Service Uses Reserved.

~~A. Establishment of Parking Requirement. The applicable review authority shall establish the off-street parking requirement for food service uses within a range of one space for each thirty (30) to fifty (50) square feet of net public area based upon the following considerations:~~

~~1. Physical Design Characteristics.~~

- ~~a. The gross floor area of the building or tenant space;~~
- ~~b. The number of tables or seats and their arrangement;~~
- ~~c. Other areas that should logically be excluded from the determination of net public area;~~
- ~~d. The parking lot design, including the use of small car spaces, tandem and valet parking and loading areas;~~
- ~~e. Availability of guest dock space for boats; and~~
- ~~f. Extent of outdoor dining.~~

~~2. Operational Characteristics.~~

- ~~a. The amount of floor area devoted to live entertainment or dancing;~~
- ~~b. The amount of floor area devoted to the sale of alcoholic beverages;~~
- ~~c. The presence of pool tables, big screen televisions or other attractions;~~
- ~~d. The hours of operation; and~~
- ~~e. The expected turnover rate.~~

~~3. Location of the Establishment.~~

- ~~a. In relation to other uses and the waterfront;~~
- ~~b. Availability of off-site parking nearby;~~
- ~~c. Amount of walk-in trade; and~~
- ~~d. Parking problems in the area at times of peak demand.~~

~~B. Conditions of Approval. If during the review of the application, the review authority uses any of the preceding considerations as a basis for establishing the parking requirement, the substance of the considerations shall become conditions of the permit application approval and a change to any of the conditions will require an amendment to the permit application, which may be amended to establish parking requirements within the range as noted above.~~

Section 5: Section 21.40.110 (Adjustments to Off-Street Parking Requirements) is amended as follows:

The number of parking spaces required by this chapter may be reduced only in compliance with the following standards and procedures.

- A. ADA Compliance. The Community Development Director may administratively reduce parking requirements due to a loss of parking spaces because of ADA requirements associated with tenant improvements.
- B. Reduction of Required Off-Street Parking. Off-street parking requirements may be reduced as follows:
1. Reduced Parking Demand. Required off-street parking may be reduced in compliance with the following conditions:
 - a. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available (e.g., City parking lot located nearby, on-street parking available, greater than normal walk in trade, mixed-use development); and
 - b. A parking management plan shall be prepared in compliance with subsection (C) of this section (Parking Management Plan).
 2. Joint Use of Parking Facilities. Required nonresidential off-street parking may be reduced where two or more nonresidential uses on the same site or immediately adjacent sites have distinct and differing peak parking demands (e.g., a theater and a bank). The review authority may grant a joint use of parking spaces between the uses that results in a reduction in the total number of required parking spaces.
 3. On-Site Bicycle Facilities. Required nonresidential off-street parking may be reduced where there is a demonstrated use of bicycles as a mode of transportation. The review authority may reduce the number of required parking spaces by one space for every three bicycle parking spaces provided on the same site they serve, up to five percent of the total requirement in compliance with the following conditions:
 - a. The applicant has provided sufficient evidence to substantiate that there exists a demand for bicycle parking; and
 - b. The bicycle parking spaces are located completely within the private property they serve.

- a. An additional five percent reduction may be allowed when end-of-trip facilities for employees are provided on the same site they serve, including, but not limited to showers and locker facilities.
 4. Space for Shared Mobility. Required nonresidential off-street parking may be reduced by up to ten percent in compliance with the following conditions:
 - a. Exclusive of curb space needed for emergency access purposes (e.g., a fire lane), the development includes at least 20 linear and contiguous feet of onsite dedicated curb-space located entirely on private property; or
 - b. There is one off-street parking space designated and signed for the use of shared-mobility vehicles and/or pick-up/drop-off located on private property and on the same site it is intended to serve.
- C. Parking Management Plan. When a parking management plan to mitigate impacts associated with a reduction in the number of required parking spaces is required by this chapter, the parking management plan may include, but is not limited to, the following when required by the review authority:
 1. Restricting land uses to those that have hours or days of operation so that the same parking spaces can be used by two or more uses without conflict;
 2. Restricting land uses with high parking demand characteristics;
 3. Securing off-site parking;
 4. Providing parking attendants and valet parking;
 5. Utilization of transportation demand management strategies that promote the use of alternative transportation modes (e.g., ridesharing, carpools, vanpools, public transit, shuttles, bicycles and walking) pursuant to Section 21.44.030 (Transportation Demand Management); and
 6. Other appropriate mitigation measures.
- D. Required Data. In reaching a decision to allow a reduction of required parking spaces, the review authority shall consider data submitted by the applicant or collected/prepared at the applicant's expense.

- E. Impact to Coastal Access Prohibited. No application for a reduction in the number of off-street parking requirements shall be approved that impacts public parking available for coastal access.

Section 6: The definition of “Take-out service, limited” in Section 21.70.020 (Definitions of Specialized Terms and Phrases) of the NBMC is amended as follows:

8. “Take-out service, ~~limited~~Fast-casual” means an establishment that sells food or beverages and that has all of the following characteristics:
- a. Sales are primarily for off-site consumption;
 - b. Customers order and pay for food at either a counter or service window;
 - c. ~~Incidental seating up to six seats~~ No more than a total of 20 seats, including seats in interior areas and seats in outdoor dining areas, may be provided for on-site consumption of food or beverages; and
 - d. Alcoholic beverages are not sold, served, or given away on the premises.

Typical uses include bakeries, candy, coffee, nut and confectionery stores, ice cream and frozen dessert stores, small delicatessens, small restaurants, and similar establishments.