

August 20, 2020, Planning Commission Item 1 Comments

These comments on a Newport Beach Planning Commission [agenda](#) item are submitted by:

Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

Item No. 1. MINUTES OF JULY 23, 2020

The passages in *italics* are from the [draft minutes](#). Corrections are suggested in **strikeout underline** format.

Page 1 and following (starting with the Item VI motion): With the exception of the Roll Call, Secretary Kleiman is consistently referred to as Commissioner Kleiman. It should be "**Commissioner Secretary Kleiman**" in some 15 places.

Page 3: top partial paragraph, next to last sentence 2: "*License Supervisor, Monique Navarrete added that Transient Occupancy Tax (TOT) revenue from STL in fiscal year 2018-2019 totaled \$4.48 million.*" [The comma should be deleted.]

Page 3: paragraph 3, sentence 2: "**Commissioner Commissioners Klaustermeier and Rosene** disclosed no ex parte communications." [see [video](#) at 1:00:25]

Page 3: paragraph 8: "Jeff **Boston Bosson**, Share Newport Beach and Seabreeze Vacation Rentals, read a statement from the Coastal Commission regarding property rights."

Page 3: paragraph 10: "Chris **Neilson Nielson** indicated Newport Beach has historically been oriented toward vacationers."

Page 4: paragraph 4 from end: "Mark **Marees Markos** believed implementing Phase I and Phase II is imperative to check an industry that has run rampant for decades."

Page 4: paragraph 2 from end, next to last sentence: "The three-night minimum stay during COVID has significantly **impact impacted** STL, and a seven-night minimum will be worse."

Page 7: paragraph 2: "Chair Weigand proposed setting a cap on permits at perhaps 1,500 and, as permits lapse, using a lottery system to issue permits, much as the Harbor Department does for moorings."

[The minutes are accurate, but for the Commission's information, the City does *not* use a lottery system to distribute [mooring permits](#). Existing mooring permits (of which there are a fixed number) are, instead, regarded as the owner's property (going with the private "tackle") and are privately sold to successor owners. With the rare exception of revoked permits reverting to the City, the only way to obtain a mooring permit is through negotiation with an existing permittee. That practice has been [questioned](#) by the [Orange County Grand Jury](#), and was eventually [reexamined](#) but any changes made were later reversed.]

Page 8: Item 3, paragraph 1, sentence 1: "Associate Planner David Lee reported the applicant requests a Tentative Parcel Map to divide an existing single-unit residential lot into two single-unit residential lots and a General Plan Amendment to increase the density by one unit **and** pursuant to General Plan Policy LU 4.2."

Page 9: motion: The minutes say the Commission passed a motion to “*adopt Resolution No. PC2020-028 **approving** General Plan Amendment No. GP2020-003 and Tentative Parcel Map No. NP2020-007.*” This reflects how the recommended action was listed on the agenda and in the staff report, but Resolution No. PC2020-028 did not actually approve anything. As its title indicates, it merely recommended the City Council approve these items.

Page 11: paragraph 1, sentence 1: “*Assistant City Attorney Summerhill clarified spot zoning as a parcel being given less rights than surrounding parcels.*”

[The minutes are accurate, but I agree with Secretary Kleiman in questioning the validity of this definition. I believe *any* special treatment of a single parcel inconsistent with other parcels in the area could be spot zoning. And that special treatment is at least as likely to be for the owner’s benefit as to their detriment.]

Page 11: paragraph 5: “*In reply to Commissioner Ellmore’s inquiry, Planning Consultant Blumenthal explained that the proposed amendment pertains to the IG Zone only, and a wine tasting room **is of this type would** not **be** allowed elsewhere in the City.*”

[See [video](#) at 3:57:00. Mr. Blumenthal said tasting rooms *did* currently exist elsewhere in the City. But by acknowledging my earlier public comment (not recorded in the minutes) he seemed to agree that making something a specifically-listed use in the IG district would make it no longer a permissible use in districts where it is not specifically listed. And, without further action, that would render the existing tasting rooms non-conforming since “tasting room” is not, currently, a specifically listed use in any district. In any event, he said the specific type of tasting room envisioned in this item would be allowed only in the IG district should the ordinance be adopted.]