CITY OF NEWPORT BEACH

SUPPLEMENTAL ATTACHMENT

to

West Newport Landscaping Citizen Advisory Panel Meeting Agenda

September 28, 2011

Goodwin, Monika

From: robert rush [rr@usrg.net]
Sent: Thursday, September 22, 2011 10:45 AM
To: Goodwin, Monika; 'Koller, Cindy'; 'Lesley, Gina'; 'Morris, Jeffery'; 'Petros, Anthony L.'; Selich, Edward; 'Watkins, Paul K.'
Cc:

Subject: West Newport Landscaping-Design Guidelines Citizen Advisory Panel (CAP) meeting agenda 9/28/2011
Attachments: 2011-09-28 West Newport Landscaping CAP Meeting Agenda.pdf; Watkins CAP Application.pdf; Watkins Client Letter to City Mar '11.pdf

Monika

My comments were omitted from Public Comments section of the West Newport Landscaping-Design CAP Committee Minutes for the Aug 24th Meeting in the agenda packet I received from you (attached) and I respectfully request inclusion of my comments in the minutes as they're approved at the next CAP Meeting. Here's a summary for your convenience:

> " ..... Bob Rush expressed concern that the City's CAP Application required disclosure by CAP Committee Applicants of *'any commercial, residential or other ownership interest that may relate to the Neighborhood Revitalization Issues this Committee will review. These interests may or may not require you to recuse yourself from participating.....'*
>
> Mr. Rush pointed out that, while every CAP Applicant identified such issues on their City Applications in response, and now every Applicants response is out in the Public Domain, Committee Member Paul Watkins failed to disclose his very recent representation before City Council of a client, who was a property/business owner whose site abuts the project zone of the Committee on which Mr. Watkins serves. As such, Paul Watkins has a financial interest in recommendations of his own Committee. I've attached supporting documents that I submitted Aug 24th for those that had not seen them... "

I would appreciate the inclusion of my Comments into the minutes for approval at the next meeting. Thank you.

Sincerely,

Bob Rush

Correspondence
Item No. 3a
West Newport Amendments
PA2010-182, PA2010-190, and
PA2011-014

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File No. 11-017-020

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March 28, 2011

BY HAND DELIVERY

Earl McDaniel, Chairman
City of Newport Beach Planning Commission
Community Development Department
Planning Division
3300 Newport Boulevard
Newport Beach, California 92663

RE: The National Cat Protection Society, a California nonprofit corporation; 6904 West Coast Highway, Newport Beach, California 92663; APN 424-432-07; General Plan Amendment to Change Zoning from R-2 (Two-Unit Residential) to MU-V (Mixed-Use Vertical)

Dear Chairman McDaniel:

I. Background

Our law firm represents The National Cat Protection Society, a California nonprofit corporation (the "Society").

The Society owns and occupies a commercial building located at 6904 West Coast Highway, Newport Beach, California 92663 (the "Property").

Enclosed for your information is a series of pictures of the Property.

The Society has cared for and protected homeless cats at the Property for over eighteen (18) years without incident, noise, or community disruption of any kind. The Society (and its commercial operation) has truly been a model citizen.

We believe that until recently the Property was assigned a commercial zone dating back to the 1950's – perhaps as long as 50 years.

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When the new Zoning Code became effective on November 25, 2010, the old mixed use zone (including commercial) for the Property (SP-4) was replaced with a new residential zone (R-2, Two-Unit Residential).

It is our understanding that under the General Plan, the zoning for the Property and several others fronting PCH was changed to an R-2 zone with the thought that when the properties were redeveloped in the future, the highest and best use would be residential. Then, in light of the Council's decision to abate all non-conforming uses in 2008, the Property was designated for abatement. (Please see the enclosed letter dated January 14, 2011 from James Campbell, Acting Planning Director, Planning Department, City of Newport Beach.) As indicated in the letter, the Society was instructed to abate the non-residential use of the Property by November 25 of this year.

On January 26, 2011, the Society filed an Application for a General Plan Amendment to restore a commercial zone for the Property.

I am also enclosing a letter dated March 17, 2011 from the Newport Beach Chamber of Commerce supporting the reinstatement of the commercial zone.

II. What is the Society Requesting?

We understand from Mr. Jay Garcia (Senior Planner) that the Planning Division of the Community Development Department has recommended that the Property be rezoned MU-V (Mixed-Use Vertical) and that the Society's current use of caring for and protecting homeless cats be permitted to continue under the MU-V Zoning District.

The Society requests the zone modification to MU-V (Mixed-Use Vertical) and supports the staff recommendation. As you know, Section 20.22.010A (MU-V [Mixed-Use Vertical) Zoning District) describes the permitted uses of this zoning classification as follows:

> **"20.22.010 – Purposes of Mixed-Use Zoning Districts**
>
> A. **MU-V (Mixed-Use Vertical) Zoning District.** This zoning district is intended to provide for areas appropriate for the development of mixed-use structures that vertically integrate residential dwelling units above the ground floor with retail uses including office, restaurant, retail, and similar nonresidential uses located on the ground floor or above."

The Society does not presently use the Property for residential purposes, but the MU-V (Mixed-Use Vertical) zone modification would appear to offer the Society more flexibility (combining usage for both commercial and residential purposes) in the use of the Property (including a continuation of the

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current commercial use), and the Society therefore supports the staff recommendation of the General Plan Amendment to MU-V (Mixed-Use Vertical).

Thank you for considering our application.

Sincerely,

Paul K. Watkins for
Watkins, Blakely & Torgerson, LLP

Enclosures
PKW:jbag

cc: Ms. Denise Johnston
Mr. Richard Tanzer

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City of Newport Beach

NEIGHBORHOOD REVITALIZATION COMMITTEE

Citizens Advisory Panel (CAP)

Application/Interest Form

Name: Paul K. Watkins (please print)

Address: _____

(CAP members should be residents or business owners in Newport Beach)

E-Mail, Phone Number: _____ _____

(e-mail address) *(phone number)*

Please write a short statement summarizing your interest in serving on the Citizens Advisory Panel:

I have lived in West Newport for 33 years and have been a visitor to this area for over 50 years. (I even remember Richards Market, Forgit Hardware, and Vincent's Drug Store.) I believe I bring institutional memory and creative thinking to the revitalization efforts in West Newport and on this side of the bay, including Mariner's Mile.

Geographic Areas of Interest *(please check one or two):*

Balboa Village	
West Newport Beach (including Balboa Boulevard between Superior and the "Mixmaster", West Coast Highway between Huntington Beach and Newport Boulevard)	X
Mariner's Mile area	X
Old Newport Boulevard	
Bristol Street South in Santa Ana Heights	
Corona del Mar Entry – East Coast Highway "pinch-point" near Avocado, MacArthur	
Lido Marina Village and "old" City Hall Site	

Areas of personal or professional expertise *(please check as many as are applicable):*

Land Use Planning	X
Economic Development – business retention, business attraction, tenant mix, analysis of existing and potential business' viability.	X
Infrastructure review and analysis	
Parking and Parking Management	
Neighborhood Beautification Projects, landscape design	
Community or Neighborhood Understanding/History	X
Communications or Public Information	

For the areas you checked, please add any explanatory comments:

I served on the West Newport Beach Association as a Board member for 25 years, including 12 years as President/Co-President. I am familiar with the mix of residents and property owners in the West Newport and Mariner's Mile areas. As a former Chair of the Chamber, I have an understanding of economic development issues. I have practiced real estate law for 38 years with an emphasis on land use law.

Please tell us about any relevant education, experience, or other activities that might be helpful to the Committee as they review your Interest Form (attach additional page if needed): I have practiced real estate law for 38 years (BA, MBA, and JD from USC); I am a past Chair of the Newport Beach Chamber of Commerce and longtime and current Chamber Board Member. I served on the City Charter Update Commission. My City and community involvement will be helpful in the relationships I have developed around town. I believe I am a consensus builder, a good listener, and a positive "can do" participant.

Please identify any commercial, residential, or other ownership interest that may relate to the Neighborhood Revitalization issues this Committee will review. These interests may or may not require you to recuse yourself from participating in specific subject areas.

I have owned property at 6408 West Ocean Front for 29 years. This property is within the CAP for West Newport Beach. I have a particular interest in re-energizing Mariner's Mile and its business profile in this critical core area of the City.

The Committee has proposed regular meetings on the 2nd Thursday of each month at 4:00 p.m. at the City Council Chambers at City Hall. Do you believe you will be able to attend most of those meetings if they are held at that time on those days? Yes X No _____

Is there anything else you think the Committee should be aware of about your application?

If the opportunity presents itself, I will be an active member of the West Newport Beach Citizens Advisory Panel or the Mariner's Mile Citizens Advisory Panel.

Please e-mail or fax this form to the City Manager's Office at dsmith@newportbeachca.gov or 949-644-3020 (fax) no later than **5:00 p.m. on Monday, May 9, 2011.**

If you have any questions about the Committee or this application, please contact the City Manager's Office at 949-644-3000.

Thank you for volunteering your time to the community. Even if you are not selected for the CAP, the Committee welcomes your continued participation in the Neighborhood Revitalization Committee's work as a citizen participant.

Sincerely,

Mike Henn
Mayor of Newport Beach