



acknowledging that the housing stock was increasing, and stated that he did not think the City had the authority to make findings of compliance with the Coastal Act.

The Zoning Administrator indicated the applicant was not affiliated with the City.

There were no other public comments.

The Zoning Administrator expressed agreement with the findings that had been made and acted to approve Tentative Parcel Map No. NP2013-029.

**Action:** Approved

**ITEM NO. 3 Hardy Residence Modification Permit No. MD2013-016 (PA2013-187)  
1736 Bayport Way CD 3**

Jason Van Patten, Planning Technician, provided a brief project description stating that the request was for a Modification Permit to allow a 464-square-foot addition to an existing single-family residence that has nonconforming parking. He indicated that the parking was nonconforming due to the interior dimension of the garage and that the residence was limited to an addition of 10 percent by the Zoning Code. Mr. Van Patten stated that the requested modification was for a 16 percent addition to the residence and to allow a portion of the addition to encroach 1-foot into the 10-foot side setback. He then provided a brief overview of facts to support the project.

Applicant Michael Hardy, property owner, stated that he had reviewed the draft resolution and the required conditions.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke and inquired as to when the property was originally built.

The applicant responded that the property was built in 1959.

There were no other public comments.

The Zoning Administrator expressed agreement with the findings that had been made and acted to approve Modification Permit No. MD2013-016.

**Action:** Approved

**ITEM NO. 4 Charles King Company Field Office and Contractor Yard Limited Term  
Permit No. XP2013-005 (PA2013-200)  
3300 Newport Boulevard (former City Hall site) CD 1**

James Campbell, Principal Planner, provided a brief description of the project indicating that the applicant is requesting an extension of time to operate an existing temporary field office and contractor yard at the former City Hall site. The temporary office and contractor yard has been operating since early November 2013, pursuant to a Limited Term Permit for 90 days, approved by the Director of Community Development. The temporary contractor yard supports the Orange County Sanitation District project to re-line the Balboa trunk sewer line. The use has been operating consistent with the conditions with no complaints. The extension would allow the yard to operate until October 22, 2014.

The Zoning Administrator indicated that she noticed the installation of water quality best management practices (BMP) and the fencing at the site. Principal Planner Campbell indicated that the conditions of

approval require maintenance of the BMPs, fencing and signs. He also indicated that the site is required to be returned to its original condition when the sewer project is complete.

Applicant Steve Radaich of The Charles King Company, on behalf of the applicant, stated that he had reviewed the draft resolution and the required conditions.

The Zoning Administrator opened the public hearing.

Jim Mosher inquired as to whether or not the City has any plans for the use of the parking lot. Principal Planner Campbell indicated that use of the existing parking lot would be consistent with current uses and that there are no other interim plans.

There were no other public comments.

The Zoning Administrator expressed agreement with the findings and conditions in the draft resolution and acted to adopt the resolution approving Limited Term Permit No. XP2013-005.

**Action:** Approved

**D. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

The hearing was adjourned at 3:47 p.m.

**The agenda for the Zoning Administrator Hearing was posted on January 10, 2014, at 2:20 p.m. in the Chambers binder and on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on January 10, 2014, at 2:40 p.m.**

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Brenda Wisneski, AICP, Zoning Administrator

# Jan. 30, 2014, Zoning Administrator Agenda Comments

Comments submitted by: Jim Mosher ( [jimmosher@yahoo.com](mailto:jimmosher@yahoo.com) ), 2210 Private Road, Newport Beach 92660 (949-548-6229)

## **Item B: Minutes of January 16, 2014**

Suggested change to page 1, in line 5 from the end: "*The temporary contractor yard **is** supports the Orange County Sanitation District project ...*"

## ~~**Item No. 1. Katayama Tentative Parcel Map (PA2013-239)**~~

~~I find this item quite confusing, perhaps in part because the City's [GIS map](#) is providing access only to the March 1946 Tract Map No. 1136, which shows two 60-foot wide lots (Lots 2 & 3) at this location, and further indicates that the two subject addresses (306 and 308 Old Newport Boulevard), which encompass a smaller area than the whole of Lots 2 & 3, are regarded as a single assessor's parcel (APN 425 381 02) -- as if the lots had been adjusted and merged at some time after the Tract Map was recorded.~~

~~Based on Attachment No. ZA 3, the surveyor and planner seem to have had access to a later map ("P.M.B. 163/44-45") which apparently shows new "parcels" were created that do not match the underlying lots of Tract 1136. In particular "Parcel 1" of P.M.B. 163/44-45 appears to encompass all of Lot 1 and 15 feet of Lot 2. But unless P.M.B. 163/44-45 somehow merged the remaining 45 feet of Lot 2 with Lot 3, this would seem to me to be an 8 foot lot line adjustment, rather than a re-subdivision.~~

~~Attachment No. ZA 3 is also confusingly labeled to make it look like the numbered "lot" designations now refer only to the existing building pads, which seems inconsistent with the way the term "lot" is used in the Resolution. I also had trouble deciphering the significance of the dimensions listed on the Holmwood Drive frontage of the proposed Parcel 1 / existing Lot 2 ("31.09', 23.09', [23.22]"), although I now think I understand what they refer only to the uncurved portion.~~

~~Since NBMC [Subsection 19.04.090.B](#) says "*The terms lot and parcel are interchangeable for purposes of this Code,*" I am primarily confused as to whether the intent of this resolution is to modify the boundaries of the existing lots, or to create new "parcels" overlying, and co-existing with, but somehow distinct from them.~~

~~I have these specific comments on the draft resolution:~~

- ~~1. I believe *Facts in Support of Finding A-3* misstates the depth of Parcel 1, at least as "lot depth" is defined in NBMC [Subsection 20.70.020.L](#) .~~
- ~~2. *Facts in Support of Finding A-4, B1, C1, D1, I1 and J1* all say that "*No development or improvements are proposed,*" yet Exhibit "A" (Conditions of Approval) imposes on the applicant the requirement to make numerous improvements, including construction of sidewalks, landscaping and possibly the construction of separate water and sewer connections for the two parcels/lots.~~
- ~~3. The requirement for improvements to "Marigold Avenue" in the Condition of Approval 11 seems difficult to reconcile with the parcel map location.~~