

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES**  
**100 Civic Center Drive, Newport Beach**  
**Corona del Mar Conference Room (Bay E-1st Floor)**  
**Thursday, January 30, 2014**  
**REGULAR HEARING**  
**3:30 p.m.**

**A. CALL TO ORDER** – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator  
Benjamin M. Zdeba, Assistant Planner

**B. MINUTES** of January 16, 2014

**Action:** Approved

**C. PUBLIC HEARING ITEMS**

**ITEM NO. 1**                      **Katayama Tentative Parcel Map No. NP2013-031 (PA2013-239)**                      **CD 2**  
**306 and 308 Old Newport Boulevard**

Benjamin Zdeba, Assistant Planner, provided a brief project description stating that the Tentative Parcel Map was for a commercial property currently developed with two smaller buildings separated by a shared parking area. He further stated that the property is comprised of one full, 60-foot-wide legal lot and 45.10 feet of the abutting lot. It was noted that the re-subdivision would comply with the minimum requirements for a new subdivision prescribed in Zoning Code Section 20.20.030 and that no alterations were being proposed to the commercial buildings as part of the proposal. In response to written public comments, Mr. Zdeba clarified that there was a previous parcel map for the southerly adjacent property which took 14.90 feet from one of the subject lots, leaving the remainder of 45.10 feet.

Applicant's representative Daryl Christian of Christian Land Services on behalf of the Owner stated that he had reviewed the draft resolution and the required conditions. He added that the reason for the Tentative Parcel Map was to re-subdivide the property into two separate parcels to be sold separately. Mr. Christian requested clarification on draft Condition of Approval number 11 which referenced "Marigold Avenue". Staff clarified the inclusion of Marigold Avenue was an error and the correct Condition of Approval was already included as number 9.

The Zoning Administrator opened the public hearing. One member of the public, Mr. Jim Mosher, stated the depth quoted in the draft resolution was incorrect, discussed the changes made to the southerly adjacent property, and expressed confusion relative to the distinction terms "parcel" and "lot".

Mr. Christian provided clarification that lots result from an original tract map whereas parcels are created and comprised of lots and/or portions of lots by way of a parcel map and clarified the scope of the project.

Zoning Administrator Wisneski asked whether or not the parking would still comply on the property. Staff indicated the parking situation would remain unchanged and would still comply.

Seeing no other persons from the public wishing to comment, Zoning Administrator Wisneski closed the public hearing and acted to approve the item as submitted with the omission of Condition of Approval number 11.

**Action:** Approved

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

A member of the public, Mr. Jim Mosher, stated that the Zoning Code states that City projects need to be consistent with the Zoning Code unless City Council waives it with a resolution and that he has never seen a City project receive a resolution of waiver through the Zoning Administrator. Because of this, Mr. Mosher is curious as to whether or not the Planning Division routinely reviews the City's own public works projects to see if they are in any way requiring modification or variance from zoning codes.

Zoning Administrator Wisneski explained that the Zoning Administrator does not review capital improvement projects in public rights-of-way because that is not a zoning issue. Mr. Mosher gave an example of a bathroom being built in a park to which Ms. Wisneski responded that Planning does review those and they require discretionary review at times. Additionally Planning conducts CEQA review on those projects.

Mr. Jim Mosher also commented that some residential projects that go to the Zoning Administrator go on to Coastal Commission for further approval and are perhaps given an Approval in Concept (AIC) or a statement that they qualify for a categorical exclusion. He explained that the categorical exclusion says they have to comply with the 1976 version of the zoning code to qualify for the exclusion. He went on to ask whether or not anybody checks for compliance with the 1976 building code before sending in the categorical exclusion after it goes through Zoning Administrator.

Zoning Administrator Wisneski stated that as far as categorical exclusions, she believes that categorical exclusions incorporate the necessary development standards that were reflective of the 1976 zoning code because it talks about parking requirements and density; therefore, she believes that by following the categorical exclusion, they are then referring to the 1976 standards.

**E. ADJOURNMENT**

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

**The agenda for the Zoning Administrator Hearing was posted on January 24, 2014, at 2:30 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 24, 2014, at 2:45 p.m..**



Brenda Wisneski, AICP, Zoning Administrator