

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
Council Chambers – 3300 Newport Boulevard
Wednesday, November 28, 2012
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
Melinda Whelan, Assistant Planner
Benjamin M. Zdeba, Assistant Planner

B. MINUTES of November 14, 2012

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 Reusing Lot Line Adjustment No. LA2012-006 (PA2012-124) CD 4
609 Vista Bonita

The Zoning Administrator read into the record a memo from Assistant Planner Kay Sims stating the applicant and owner of the property, Mr. Reusing, requested that the application for Lot Line Adjustment No. LA2012-006 be continued to the December 12, 2012 Zoning Administrator hearing date.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed.

Action: Per the applicant's request, the Zoning Administrator continued the item to December 12, 2012.

ITEM NO. 2 Poppy Avenue Child Daycare - Minor Use Permit No. UP2012-021 (PA2012-127) CD 6
613 Poppy Avenue

Zoning Administrator Wisneski explained that the applicant had withdrawn the Minor Use Permit application for the large day care facility, committing to limiting the number of children to 8 and maintaining the existing home child day care as a small home child day care as defined by the City. Wisneski further explained that since the item was noticed, she would proceed to open the public hearing.

Joe Garrett, resident expressed strong opposition, record of a petition in opposition and relief that the application was withdrawn and further that there would be a concern regarding parking.

Jim Mosher, resident, noted an inaccuracy in the CEQA Class Exemption determination in the Staff Report and the Draft Resolution and typographical errors he had addressed in additional materials that he had provided prior to the meeting.

Dan Durot, resident, expressed relief that the application was withdrawn as he was concerned with an increase in the size of the use and parking issues.

Wisneski closed the public hearing

Action: No Action taken. Application withdrawn by the applicant.

ITEM NO. 3 Sweet Lady Jane Bakery Minor Use Permit No.UP2012-024 (PA2012-138)
3732 East Coast Highway CD 6

Benjamin Zdeba, Assistant Planner, provided a brief project description and noted that the project site is a nonconforming mixed-use development with two residential units above a ground floor of two commercial tenant spaces. Mr. Zdeba added that the proposal was consistent with Chapter 20.38 (Nonconforming Uses and Structures) of the Zoning Code in that the parking requirement was not increasing as a result of the proposed change of use.

The Zoning Administrator opened the public hearing.

William Cote, adjacent property owner, commended the business plan, but expressed concern with respect to the lack of parking and further noted he experienced a problem with customers parking on his property from the previous building tenant.

Dan Purcell, resident, expressed concern with the parking situation and likened it to the Starbucks Coffee shop on Coast Highway. He further noted the previous tenant was a less intense use compared to the proposed tenant.

Jim Mosher, resident, noted the change of use was an increase in intensity and made staff aware of typographical errors within the resolution.

Lisa and Bryan Siegel, property owners of the project site, stated the lease for their building is written such that tenants cannot park on adjacent properties and are limited to on-street parking.

Scott Laidlaw, applicant's representative, made reference to the Walker Parking Study conducted for the project area and stated the study found adequate parking in the area.

Daniel Mafrice, applicant, made note of the other two locations of the proposed use and stated that each location had no on-site parking. He further stated that no problems had arisen from the lack of parking at those locations.

Zoning Administrator Wisneski closed the public hearing.

Zoning Administrator Wisneski discussed the change of use and acknowledged the parking requirement of the proposed use is the same as the previous use and dictated by the Zoning Code. The analysis of parking in determining intensity of a use is applied in evaluating changes of use. To be consistent and fairly evaluate this application it is appropriate to also consider parking in this case. Strictly applying the Code provisions, demonstrate that the parking demand if the proposed use is not more intense. She added that the change of use is not more intense than what would be allowed at the location by right pursuant to the Zoning Code and gave the example of a hair salon, beauty parlor or fitness facility. She expressed agreement with the facts in support of the findings and approved the application as submitted.

Action: Approved

ITEM NO. 4 Capriotti's Sandwich Shop Minor Use Permit No.UP2012-025 (PA2012-142)
4221 MacArthur Blvd., Space B-2 CD 3

Benjamin Zdeba, Assistant Planner, provided a brief project description and noted that the project site is a new commercial development. He added that the proposed use does not involve late hours or alcohol sales and that there is surplus parking to accommodate the use.

No members of the public were present to speak on this item.

Zoning Administrator Wisneski expressed agreement with the facts in support of the findings and approved the application as submitted.

Action: Approved

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The hearing was adjourned at 4:07 p.m.

The agenda for the Regular Hearing was posted on November 21, 2012, at 1:30 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on November 21, 2012, at 1:40 p.m.

DRAFT

Brenda Wisneski, AICP, Zoning Administrator

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ADDITIONAL
MATERIALS
RECEIVED

Comments on January 13, 2013 Zoning Administrator Agenda Items

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, NB 92660 (949-548-6229)

Item B: Minutes of November 28, 2012

- Bottom of page 1: “**Zoning Administrator** Wisneski closed the public hearing.”

Item C. Minutes of December 12, 2012

Page 1:

- “Furthermore he added the trash enclosure condition of approval covers both new trash enclosures and existing trash enclosures to ensure trash is disposed of and stored properly.”

This does not match my recollection of what was said at the meeting. Condition 17 requires a three walls plus self-latching gate trash enclosure with decorative solid roof in which the dumpsters would be stored. This definitely does not describe the existing enclosure: two walls plus non-self-latching gate with no roof of any kind. The public was told that Condition 17 *would not* be applied to the existing structure, but it *would* be enforced if the structure was ever rebuilt.

- “Mr. Alford read into the record revised facts in support of findings for the resolution and approved the item as **submitted-amended**.” (or “**revised**”)

Page 2:

- “The Acting Zoning Administrator asked the applicant if they had any questions regarding the findings and conditions in the draft resolution.”
 - It would seem appropriate to include in the minutes what the response was.