

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, February 28, 2013
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
Jason Van Patten, Planning Technician
Makana Nova, Assistant Planner
Jaime Murillo, Associate Planner

B. MINUTES of February 14, 2013

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 4590 MacArthur Sign Modification - Modification Permit No. MD2013-001(PA2013-002)
4590 MacArthur Boulevard CD 3

Jason Van Patten, Planning Technician, provided a brief description of the project, stating that the application was filed on behalf of a business for placement of a permanent non-illuminated wall sign on the second floor fascia of an existing office building. He referenced the Koll Center PC text regulating the property, specifying that ground floor tenants were permitted to have one sign per frontage, not to exceed 35 square feet, but were prohibited from placing signs above the ground floor. He noted that the subject business was not a ground floor tenant and that the PC text did not provide wording regarding signage above the ground floor, for above ground floor tenants. He also mentioned that the application and proposed signage was consistent with a past modification permit approval, MD3963. He noted that the previous approval was for a sign with an area of about 11 square feet, whereas the proposed sign was substantially larger at approximately 30 square feet, necessitating a new modification permit. Finally he noted that the approval would not change any standards provided in the PC text with respect to number of signs per frontage or sign area.

Zoning Administrator Wisneski inquired whether sign placement under the current request was consistent with the previous modification, to which staff confirmed it was.

The applicant, Jason Shipman of Carey Sign Corporation introduced himself, as well as a representative for the property owner, Ferrado Newport LLC. Zoning Administrator Wisneski inquired whether there were other tenants in the building and how they were signed.

The representative for the property owner indicated there is existing signage for one of the tenants, Wells Fargo Bank, and that other tenants in the building would not need additional signage given that the subject business requesting the sign was occupying the entire third and fifth floor.

Zoning Administrator Wisneski then inquired whether the sign was internally illuminated. The applicant indicated there was no illumination.

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

Zoning Administrator Wisneski noted that on the basis that the PC text does not accommodate tenant signage as proposed, and that given the scale was appropriate, and lack of illumination recognized ambient lighting in the area, she approved the resolution for Modification Permit No. MD2013-001.

Action: Approved

ITEM NO. 2 Roll-It Sushi and Teriyaki Minor Use Permit (PA2013-019)
2441 MacArthur Boulevard (Suite B-5)

CD 3

Makana Nova, Assistant Planner, provided a brief description of the project, stating that the proposed restaurant did not include late hours of operation and that no alcohol service was proposed. She further noted that 72 parking spaces were required to accommodate the proposed restaurant at the recently constructed shopping center where 81 parking spaces are available on-site and at an off-site parking lot located at 4100 Newport Place Drive. Finally, she noted that the final resolution should be updated to correctly reflect the first letter of the applicant's name as "Kozono" rather than "Cozono".

The applicant was not present.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke and identified several typographical errors in the draft resolution. He then stated that he was unclear as to the requirements of the conditions specified by Conditions No. 21, 29, and 30 with regard to detectable warnings for access compliance, occupant load analysis, and egress/exit analysis as required by the Building Division.

Seeing that no one else from the public wished to comment, the public hearing was closed.

Zoning Administrator Wisneski noted that Condition No. 8 should be updated to require a copy of the conditions of approval be incorporated into the project plans rather than an approval letter. The resolution would be revised to address the typographical errors raised by Mr. Mosher. The Zoning Administrator approved the resolution as amended for Minor Use Permit No. UP2013-004.

Action: Approved

ITEM NO. 3 Fig & Olive Minor Use Permit (PA2012-163)
151 Newport Center Drive

CD 5

Makana Nova, Assistant Planner, provided a brief description of the project, stating that the proposed restaurant with late hours, live entertainment, an outdoor dining patio, and a Type 47 alcohol service was proposed at a new restaurant pad building currently under construction within the Fashion Island Shopping Center of North Newport Center Planned Community. She noted that a restaurant with live entertainment was a permitted use within the planned community and that the minor use permit was requested for the addition of alcohol. A live entertainment permit and operator's license would be required in addition to the minor use permit. She noted that staff recommended the live entertainment end at 1:00 a.m. to encourage patrons to leave in compliance with the 2:00 a.m. closing hour. She noted that revised project plans had been submitted by the applicant that include revised floor area calculations, seating calculations, and identified the locations of the wash-out and trash area in more detail. The tenant improvement permits would be subject to the fair share and San Joaquin Transportation Corridor Fees for the addition of a mezzanine area within the tenant space that exceeded the gross floor area originally calculated for the construction of the shell building. Finally, she mentioned that the public notice for the operator license had been noticed with the incorrect comment date and would be re-noticed for action on March 25, 2013.

Shawna Schaffner of CAA Planning, representative for the applicant, Fig & Olive, introduced herself. She stated that she had read the resolution and the required conditions.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke and noted a typographical error regarding the spelling of Fleming's Stake House in the staff report. He stated that he was unclear as to the justification for an additional alcohol license in an area that already has so many restaurants with alcohol licenses. He also requested clarification regarding the location and use of the mezzanine area.

Seeing that no one else from the public wished to comment, the public hearing was closed.

Zoning Administrator Wisneski noted that the restaurant and Fashion Island are intended as a regional commercial destination and approved the draft resolution, amending the floor areas in the project description to match the revised project plans and incorporating the typographical comments suggested by Mr. Mosher.

Action: Approved

ITEM NO. 4 Island Cinemas Monument Sign - Modification Permit No. MD2012-019 (PA2012-175)
101 Newport Center Drive CD 5

Jaime Murillo, Associate Planner, provided a brief description of the project, stating that the Irvine Company is requesting a second, double-faced, monument sign in support of the existing Island Cinemas movie theater located in Fashion Island. The sign would measure 16 feet 9 $\frac{3}{4}$ inches in height and 13 feet in width, and include a total combined sign area of 300 square feet. The property is regulated by the North Newport Center Planned Community Development Plan, which limits theater signs to a maximum of one sign. An existing theater sign is located on the western perimeter of Fashion Island near Santa Maria Drive. The theater is a destination use within Fashion Island, a regional retail and entertainment district; however, signage is limited given its location in the middle of the shopping center. Therefore, to provide adequate signage, the applicant is requesting an additional sign on the eastern perimeter of Fashion Island. He stated that staff recommends approval of the request. However, due to the lack of information provided on the plans pertaining to the landscaping around the base of the sign staff has included Condition No. 5. The condition requires landscape shrubs and/or hedges to be planted around the base of the monument sign where it projects beyond the fence line. To provide a little more direction, staff is further recommending that the sign be setback a minimum of 3 feet from the back of sidewalk. He also mentioned that staff is recommending the addition of Condition No. 10 that requires the colors, material and finish of the sign to match that of the existing theater monument sign for consistency.

Shawna Schaffner of CAA Planning, representative for the applicant, Irvine Company, introduced herself. She stated that she had read the resolution and the required conditions. She had one comment on revised Condition No. 5. She suggested 2.5 feet may be more appropriate to accommodate the required footings for the sign. She confirmed that a 2.5 foot setback would provide adequate area for landscaping around the base of the monument sign.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke and noted a typographical error in Condition No. 5 regarding the spelling of "sign". He also noted a reference to the "Planning Commission" in the draft resolution that should read "Zoning Administrator". With regard to the request, he noted that the proposed sign location may be confusing to motorists because there is another movie theater sign (Big Newport 6) located across the street. He also commented that the size of the sign appears to be large and Newport Center is experiencing sign creep with a number of other sign requests approved in the area.

Seeing that no one else from the public wished to comment, the public hearing was closed.

Zoning Administrator Wisneski noted that the existing movie theater sign located on the eastern side of Fashion Island appears small in comparison with other signs in the area and felt the height of the proposed sign is appropriate. She also felt the additional sign was appropriate as a method to expand awareness of cinema within Fashion Island. Zoning Administrator Wisneski noted that the existing movie theater sign located on the eastern side of Fashion Island appears small in comparison with other signs in the area and felt the height of the proposed sign is appropriate. She also felt the additional sign was appropriate as a method to expand awareness of cinema within Fashion Island. The Zoning Administrator approved the draft resolution, as amended, with revisions to Condition No. 5 requiring the sign setback be a minimum of 2.5 feet from the back of sidewalk, the addition of Condition No. 10, and incorporating the typographical comments suggested by Mr. Mosher.

Action: Approved

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The hearing was adjourned at 3:58 p.m.

The agenda for the Regular Hearing was posted on February 22, 2013, at 8:35 a.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on February 22, 2013, at 8:19 a.m.

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

ADDITIONAL
MATERIALS
RECEIVED

Comments on March 14, 2013 Zoning Administrator Agenda

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

Item B. Minutes of February 28, 2013

On page 2, line 4 from end: "...Fleming's **Stake Steak** House ..."

Item C.1. 121 34th Street Condominium Conversion (PA2012-155)

Handwritten page 9: Facts in Support of Finding F seem to be missing an essential element: Was the safety violation corrected? If not, the Finding says approval cannot be granted.

Handwritten page 10: Fact in Support of Finding I-3 says "*Public improvements are required of the applicant ...*" It is not clear from this part of the Resolution what those improvements would be, and the Finding to be supported seems only to require that existing public improvements not be *damaged*, not that new improvements be *provided*. The requirement to provide public improvements is again mentioned in Fact in Support of Finding D-1.

Handwritten page 14, Section 4.2: Is the action appealable under Title 19 as well as Title 20, and does the same time limit apply?

Handwritten page 16: General comment on conditions: these seem to be largely conditions related to construction, but Section 1.2 of the resolution says the project involves "*an existing duplex that was remodeled to condominium standards in 2011*" and several of the Facts refer to the inspection having been completed. It would seem to me this is now a change in name only, and it is unclear to me why so many conditions related to extensive further construction are required?

- Condition 6: Are there actually broken public improvements to be repaired? Or is this boilerplate?
- Condition 8: Are there actually any overhead utility connections to be undergrounded at this location? Or is this boilerplate?
- Condition 9: Are there actually illegal improvements to be removed?

Handwritten page 17, Condition 12: "*connection*" should read "*connections*"

Handwritten page 35: Does the parcel map adequately describe the location of the two condo ownership boundaries (one on top of the other as I understand it)?