

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES**  
**100 Civic Center Drive, Newport Beach**  
**Corona del Mar Conference Room (Bay E-1st Floor)**  
**Thursday, May 16, 2013**  
**REGULAR HEARING**  
**3:30 p.m.**

**A. CALL TO ORDER** – The meeting was called to order at 3:31 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator  
Jason Van Patten, Planning Technician  
Jaime Murillo, Associate Planner  
Kay Sims, Assistant Planner

**B. MINUTES** of April 25, 2013

**Action:** Approved

**C. PUBLIC HEARING ITEMS**

**ITEM NO. 1** Eat Chow Outdoor Dining Minor Use Permit No. UP2013-005 (PA2013-034)  
211 62nd Street CD 2

Zoning Administrator Brenda Wisneski noted that this item was originally continued from April 11, 2013 but the application was withdrawn by the applicant. No further action was required of the Zoning Administrator.

**ITEM NO. 2** 424 Marguerite Avenue Parcel Map No. NP2013-008 (PA2013-060)  
424 Marguerite Avenue CD 6

Jason Van Patten, Planning Technician, provided a brief description of the project stating that the parcel map application was for condominium purposes. He stated that an existing single-family residence would be demolished and replaced with a duplex that would provide the code required two-car parking per unit. Mr. Van Patten added that the applicant was not requesting any waivers to Title 19 Subdivision standards. He indicated that the parcel map was for the purposes of creating separate ownership units and that the applicant was subject to affordable housing and park dedication fees for one additional unit.

Leonard Stiles, of Stiles Surveying on behalf of the property owner, introduced himself and stated he had reviewed the conditions of approval and did not have any questions.

The Zoning Administrator opened the public hearing.

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

The Zoning Administrator took action and approved Parcel Map No. NP2013-008.

**Action:** Approved



**ITEM NO. 4** West Marine Signs – Modification Permit No. MD2013-007 and Comprehensive Sign Program No. CS2013-006 (PA2013-056)  
3425 Via Lido CD 1

Jaime Murillo, Associate Planner, provided a brief project description stating that the subject property is currently undergoing exterior alterations in conjunction with tenant improvements for West Marine. As part of this remodel, the applicant has requested the installation of four wall signs, necessitating the approval of a comprehensive sign program and modification permit. The comprehensive sign program would allow the installation of two wall signs on the primary frontage to accommodate a larger sign visible to motorists on Newport Boulevard and a smaller sign identifying the location of the new entry. Due to the architecture of the west and east building frontages and location of new entry towers, the comprehensive sign program would also allow installation of wall signs outside the middle 50 percent of the tenant frontages to allow for better sign placement that compliments the new building design. Due to the significant building setbacks, a modification permit is requested to allow an increase in sign area on the west and east building frontages and an increase in sign height on the west building frontage to provide larger, more readable signage to motorists and pedestrians from the adjacent roadways. Mr. Murillo recommended approval of the request and stated that the signs are appropriately scaled to the building.

Applicant Frank Landazuri of Efficient Lighting 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 asked two questions. First, he questioned the need for an exemption for incidental signage related to the display cases in the sign matrix. Second he questioned the reference to Exception Permit No. 39 in the sign matrix. There were no other public comments.

Mr. Murillo responded to the questions clarifying that the building includes display cases facing an interior courtyard and pedestrian walkway and that the sign code does not clearly regulate incidental signage related to display cases. Therefore to eliminate the ambiguity in the future as it relates to the property, the sign matrix clearly exempts any incidental display case signage. He also clarified that the existing monument sign for the shopping center was approved under Exception Permit No. 39 and would be unaffected by the approval of the subject sign program.

The Zoning Administrator commented that the requested applications were appropriate in this case and took action to approve Comprehensive Sign Program No. CS2013-006 and Modification Permit MD2013-007, subject to the following modifications: 1) a prohibition to the use of cabinet sign types; and 2) clarification to the language exempting incidental signage within display cases.

**Action:** Approved

**ITEM NO. 5** New Freestanding Commercial Monument Signs - Modification Permit No. MD2013-003 (PA2013-040)  
143, 151, and 951 Newport Center Drive CD 1

Kay Sims, Assistant Planner, provided a brief project description stating that the project was to allow three new freestanding commercial monument signs on three sites within Fashion Island to exceed the 5-foot height limit for freestanding monument signs permitted by the North Newport Center Planned Community sign regulations. Each sign would be 6-feet-high. Ms. Sims stated that staff believed that the findings could be made based on the facts stated in the staff report. She stated that each of the sites is independent from the commercial core of Fashion Island and has a separate entry drive from Newport Center Drive. She stated that the new signs would comply with the total sign area and letter/logo height required by the sign regulations for Fashion Island and would be compatible with the design and height of the existing freestanding monument signs located at the main entry drives to the commercial core of Fashion Island. Ms. Sims also stated that the one foot increase in height would help in identifying the separate entry drive from

Newport Center Drive for each of the three sites and is appropriate given the location and size of each of the sites and the scale of the new development on each site.

Applicant Shawna Schaffner of CAA Planning, on behalf of the Irvine Company, stated that she felt the staff report was very thorough, and she had no further comments. She then responded to Zoning Administrator Wisneski that the conditions of approval were acceptable to her.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke and stated that the Irvine Company is an excellent urban planning company and that the comprehensive plan they designed for the area has sign regulations. He continued that he did not see any compelling reason stated in the staff report to deviate from the required 5-foot height for monument signs. He stated that, while riding his bicycle, he noted that the signs located within North Newport Center appeared to be 5-feet high. He noted that the sign at the Shell station at Newport Center Drive and Anacapa Drive (opposite the subject sites in Fashion Island) appeared to be approximately 6 feet high and, in his opinion, was larger than needed. He stated that the signs could be redesigned so that they met the 5-foot height requirement. He stated that he did not see anything different about the three sites that would support the findings to approve the application.

There were no other public comments and the Zoning Administrator closed the public hearing.

The Zoning Administrator commented that the application was to allow a one-foot increase in height of the proposed freestanding monument signs. She commented that taking into consideration the volume and speed of traffic on Newport Center Drive, which is six lanes wide, and that the subject properties are new sites being developed with new entry drives, the increased sign height is compatible with the conditions on the sites and in the area. The higher signs will provide greater visibility and will help with the needs of motorists in identifying the new sites. The Zoning Administrator stated that she could support the application and took action to approve Modification Permit No. MD2013-003.

**Action:** Approved

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

None.

#### **ADJOURNMENT**

The hearing was adjourned at 4:00 p.m.

**The agenda for the Zoning Administrator Hearing was posted on May 10, 2013, at 11:30 a.m. on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive and on the City's website on May 10, 2013, at 12:15 p.m.**

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Brenda Wisneski, AICP, Zoning Administrator

## Comments on May 30, 2013, Zoning Administrator Agenda

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 May 16, 2013***

1. On page 4, paragraph 4, line 5: in the record of my remarks, I was surprised to read I referenced a sign connected with “***the Shell station at Newport Center Drive and Anacapa Drive.***” The location is correct, and the parenthetical statement that it is directly across the street from two of the subject restaurant properties, but I recall saying “**Beacon Car Wash**” (*not Shell*) and based on the City’s business license information (BT00006064), a more correct reference would be “***Beacon Bay Auto Wash, 150 Newport Center Drive***”. Since it is not evident from any of the signage visible from the streets, I was surprised to learn that in addition to washing cars they sell gas, but I understand they are *not* affiliated with Shell. I would suggest amending the minutes by substituting the second phrase in red, above, for the first.
2. Although not related to the accuracy of the minutes, I continue to think the conclusion with regard to Item 3 (Ocean Front Lot Line Adjustment) was incorrect if the existing lots were non-conforming prior to the adjustment, a matter the Zoning Administrator failed to clarify. My understanding of the required “Finding C” was that none of the resulting lots be *more non-conforming* than they already were, not merely that they be similar to or compatible with other lots in the area. To me, a non-conformingly small lot made even smaller is *more non-conforming* than it was, regardless of the size of nearby lots.