

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, May 30, 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
Kay Sims, Assistant Planner
Rosalinh Ung, Associate Planner

B. MINUTES of May 16, 2013

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 520 Begonia Avenue Parcel Map No. NP2013 009 (PA2013-081) CD 6
520 Begonia Avenue

Kay Sims, Assistant Planner, provided a brief description stating that the project was a parcel map for condominium purposes that would allow the new duplex currently being constructed on the property to be sold as individual units, and public improvements as stated in the conditions of approval would be required prior to recordation of the parcel map. The property was previously developed with a duplex, which had been demolished.

Applicant Robert Wyatt of Coast Capitol Properties stated that he had reviewed the draft resolution and the required conditions and would comply with those conditions, which included public improvements and replacement of the existing trees in the public right-of-way along the frontages of the property. There was a discussion as to the specific type of replacement trees being required by the condition of approval, and the applicant stated that he was willing to comply with the condition regardless of the tree type.

The Zoning Administrator opened the public hearing.

One member of the public, Mr. Jim Mosher, spoke and commented on Condition of Approval No. 12, stating that there were no other King Palm trees located along the streets in the subject area and the tree type seemed out of character with the area. He asked where the City's Official Tree List could be viewed, so that he could verify that the King Palm tree is actually the tree type required in this area. Mr. Mosher also questioned why the corner cut-off required in Condition of Approval No. 13 was not shown on the parcel map that was submitted as part of the application. He also stated that he was confused as to the previous state of the property because Section 1.2 of the resolution stated that the property had previously been developed with a single-unit dwelling rather than a duplex. He also commented that Condition of Approval No. 22 states that the parcel map will expire within three years rather than two years.

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

The Zoning Administrator noted that Section 1.2 of the resolution was a typographical error that would be corrected, and that the property was previously developed as a duplex. There was a discussion regarding the tree type required in Condition of Approval No. 12 and asked staff to clarify for Mr. Mosher why the corner cut-off required in Condition of Approval No. 13 was not on the parcel map submitted with the application. Assistant Planner Sims stated that the illustration of the corner cut-off on the parcel map would be a correction required by the City Surveyor prior to the release of the parcel map for recordation with the County. The Zoning Administrator noted that staff was directed to make the following changes to the resolution: Section 1.2 and any

other references to the previous use of the property should state “duplex”; add a sentence at the end of Condition of Approval No. 12 allowing an alternative tree type as determined by the City; and the number of years allowed prior to expiration of the parcel map stated in Condition of Approval No. 22 will be verified pursuant to Title 19 requirements and will be corrected if necessary. The Zoning Administrator then took action and approved the application.

Action: Approved as amended

ITEM NO. 2 Jack’s Surfboards/Jack’s Girls Outdoor Sales - Limited Term Permit No. XP2013-001 (PA2013-052)
2727 Newport Boulevard CD 1

Kay Sims, Assistant Planner, provided a brief project description stating that the application was for a Limited Term Permit to allow outdoor sales of store merchandise for Jack’s Surfboards/Jack’s Girls for a maximum of 9 times during a 12 month period. The outdoor sales would take place within three parking spaces located in front of the Jack’s Surfboards/Jack’s Girls store.

Applicant and property owner, Mr. Jamal Abdelmuti, stated that he had reviewed the draft resolution and the required conditions and agreed to them.

The Zoning Administrator opened the public hearing.

Mr. Jim Mosher, spoke and stated that he did not think that the outdoor sales met the intent of the Zoning Code regarding Limited Term Permits because they were not seasonal events and did not allow at least 30 days between each sale. He also noted that the conditions of approval allowed the limited term permit to be renewed for another 12 month period. He stated that he was somewhat in agreement with the comments in the letter received from Mr. John Nelson, which were in opposition to the outdoor sales.

There were no other public comments.

In response to Mr. Mosher’s comments, the Zoning Administrator Wisneski stated that the City recognizes outdoor sales as a type of use that can be approved with a Limited Term Permit. When asked by the Zoning Administrator, the owner stated the outdoor sales have taken place on the site within the same three parking spaces for approximately six years. The Zoning Administrator noted that the conditions of approval limit the number and duration of the sales as well as the location and sales area on of the site. The circulation on the site will not be impacted and the sales are conditioned to prevent other possible negative impacts to the neighborhood. She stated that the minor typographical errors noted by Mr. Mosher would be corrected. She also stated that Condition of Approval No. 3 would be changed to include “and provided that the number of outdoor sales will not exceed 30 days”, and a sentence stating “Any changes to the dates specified shall require that the City be notified in advance” would also be inserted at the end of the condition. The Zoning Administrator then took action and approved the Limited Term Permit application.

Action: Approved as amended

ITEM NO. 3 The Bluffs Shopping Center Sign Program Amendment - Comprehensive Sign Program No. CS2013-002 and Modification Permit No. MD2013-006 (PA2013-055)
1300 Bison Avenue CD 4

Rosalinh Ung, Associate Planner, introduced the applicant’s representative, Mr. Tom Matthews of CAA Planning and provided a brief project description stating that the applicant proposes an amendment to the Bluffs Shopping Center’s comprehensive sign program to allow two (2) additional project identification wall signs and two (2) new vehicular-oriented directional signs and the approval of a modification permit to allow the proposed vehicular-oriented directional signs to exceed the permitted size and height. Ms. Ung also identified typographical errors in the draft resolution.

Mr. Matthew of CAA Planning on behalf of the Irvine Company stated that he had reviewed the draft resolution and agreed to the required conditions.

The Zoning Administrator opened the public hearing.

One member of the public, Mr. Jim Mosher, identified one additional grammatical error in the draft resolution; commented that one of the proposed vehicular-oriented signs is visible from Bison Avenue; and requested clarification to the amendment for the comprehensive sign program and maximum permitted size and height of the project identification wall signs and vehicular-oriented signs.

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

The Zoning Administrator stated that the proposed amendment to the comprehensive sign program is clearly identified. She expressed her support of the project identification wall signs; however, the wall signs' length previously allowed per the comprehensive sign program should be reduced, from 30 feet to 15 feet; so they could be consistent with the actual proposed wall signs. Additionally, the content of the wall signs will be limited to the project name (center identification) only and no tenant name would be allowed.

With regard to the proposed vehicular-oriented directional signs, the Zoning Administrator stated that the sign at the main entry could be seen from Bison Avenue and discussed the site constraints as related to the requested added height and size for both signs. The Zoning Administrator made changes to Condition No.13.a through 13.c to clarify the maximum allowable size and height for the proposed vehicular-oriented directional signs.

Mr. Matthews agreed to these changes. The Zoning Administrator then took action and approved the Comprehensive Sign Program and Modification permit application with the changes as stated.

Action: Approved as amended

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

One member of the public, Mr. Jim Mosher, commented that the City Council took action at the prior meeting to transfer responsibility for review of development agreements from the City Council to the Zoning Administrator. He stated there were two development agreements due for review and questioned which body would be responsible for the review. Mr. Mosher was informed that the review of the development agreements will presented to the Zoning Administrator following the enactment of the ordinance.

ADJOURNMENT

The hearing was adjourned at 4:13 p.m.

The agenda for the Zoning Administrator Hearing was posted on May 24, 2013, at 12:15 p.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 24, 2013, at 12:30 p.m.

Brenda Wisneski, AICP, Zoning Administrator

May 30, 2013, Zoning Administrator Agenda Item Comments

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

Item B: Minutes of May 30, 2013

Passages shown below in *italics* have suggested corrections highlighted in **strikeout underline** format.

1. Page 1, last paragraph, line 3: “*There was a discussion regarding the tree type required in Condition of Approval No. 12 and **she** asked staff to clarify for Mr. Mosher why ...*”
2. Page 2, line 3 above action on Item 2: “*Condition of Approval No. 3 would be changed to include “and provided that the number of outdoor sales will not exceed 30 days **within the 12 month period**”, and a sentence stating...*”
3. Page 2, line 1 under Item 3: “*... the applicant’s representative, Mr. Tom **Matthews Mathews** of CAA Planning ...*”
4. Page 3, line 1: “*Mr. **Matthew Mathews** of CAA Planning on behalf of **the The** Irvine Company stated ...*”
5. Page 3, line 2 above action on Item 3: “*Mr. **Matthews Mathews** agreed to these changes. ...*”