

## Sept. 12, 2013, Zoning Administrator Agenda Comments

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

Suggested corrections to passages in *italics* are shown in ~~strikeout~~ underline format.

### **Item C: Minutes of August 29, 2013**

Page 4, Item No. 6, paragraph 2: The staff report identified the applicant as “*Architectural Design & Signs*.” I am guessing “*Applicant Milton*” was representing “AD/S Companies” rather than “AC/S Companies,” so I would suggest changing “D” to “C”. I would also guess “*Applicant Milton*” might have been the “Milton Solomon” listed as a founding partner on the company history page at [http://www.ad-s.com/site/history\\_ds.html](http://www.ad-s.com/site/history_ds.html) .

### **Item 1. Mitchell Residence Condominium Conversion (PA2013-126)**

Regarding the Draft Resolution (Attachment ZA 1):

1. Section 2. (California Environmental Quality Act Determination): There is a section of the Class 1 CEQA exemption which seems more appropriate to the conversion of an existing structure, namely CEQA Guidelines Section 15301(k): “*Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.*”
2. Section 3:
  - a. Line 3: “... *the following ~~finding is findings are~~ set forth.*”
  - b. Page 5, Facts in Support of Finding C-1: see CEQA note, above, for more appropriate fact.
  - c. Page 7, Finding K:
    - i. Per the California Supreme Court Case of *Pacific Palisades Bowl Mobile Estates, LLC v\_ City of Los Angeles*, [55 Cal.4th 783](#) (2012), any action in the Coastal Zone implicating the Subdivision Map Act is “development” as defined in the Coastal Act.
    - ii. In the absence of a certified Local Coastal Program, the City lacks the authority to determine the consistency of that development with the Coastal Act.
3. Section 4: the draft resolution appears to set an effective date for the “*Condominium Conversion action,*” but by implication not for the Parcel Map action. Is something missing?
4. Exhibit “A” (Conditions of Approval):
  - a. Condition 4 refers to “*construction*” but the staff report and resolution suggest the proposed action requires no construction, since the units are already built to “*condominium standards*” (page 4, Fact A-1).

- b. Many of the “Building Division” and “Public Works Division” conditions similarly seem construction related. Are physical improvements required for the applicant to comply with the approval?

## ***Item 2. Sessions Sandwiches - Minor Use Permit (PA2013-142)***

Regarding Section 3 of the Draft Resolution (Attachment ZA 1):

1. Finding C: I am pleased to see the non-conforming parking analysis is performed relative to the actual prior use rather than to what might have been theoretically possible with the zoning. However the calculation seems to relate only to the former bike and soon-to-be sandwich shop unit. Are there additional required spaces for the dry cleaner and upper story occupants, and if so, how do they figure into the total? The applicant’s letter (handwritten page 21) implies that 11 is the total number of available spaces, shared by multiple uses, which seems to be confirmed by the striping plan proposed on Sheet A11 (handwritten page 30).
2. Facts in Support of Finding C-5: “... *and does not impede **with the** parking spaces.*” (or “**access to the**”)
3. Condition 18: Does the trash enclosure, as well as the dumpster within it, need a solid cover?