

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES**  
**100 Civic Center Drive, Newport Beach**  
**Corona del Mar Conference Room (Bay E-1st Floor)**  
**Thursday, October 10, 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  
Makana Nova, Assistant Planner  
Rosalinh Ung, Associate Planner  
Jason Van Patten, Planning Technician  
Benjamin M. Zdeba, Assistant Planner

**B. MINUTES** of September 26, 2013

**Action:** Approved

**C. PUBLIC HEARING ITEMS**

**ITEM NO. 1 Marigold Parcel Map – Permit No. NP2013-019 (PA2013-169)**  
**415 and 415 ½ Marigold Avenue Council District 3**

Jason Van Patten, Planning Technician, provided a brief project description stating that the parcel map application was for condominium purposes. He stated that a duplex was demolished on the site and that a new duplex was under construction. He added that the applicant did not request to waive any Title 19 Subdivision standards.

Applicant Paul Craft of Apex Land Surveying, on behalf of the property owner, 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 stated that Section 2 of the draft resolution, California Environmental Quality Act Determination, should specify that the exemption is pursuant to the “Guidelines of the California Environmental Quality Act.”

There were no other public comments.

The Zoning Administrator took action approving Tentative Parcel Map No. NP2013-019.

**Action:** Approved

**ITEM NO. 2 The Koll Company Lot Line Adjustment No. LA2013-007 (PA2013-141)**  
**4400 Von Karman, East Side of Von Karman Avenue, between MacArthur Blvd.**  
**and Birch Street Council District 3**

Rosalinh Ung, Associate Planner, provided a brief project description stating that on August 29, 2013, the Zoning Administrator continued this application to the October 10, 2013, Zoning Administrator meeting in order for the applicant to amend their application, which is a request to change the existing lot lines between Parcel 1 of Parcel Map No. 82-713 and Parcel 2 of Parcel Map No. 91-155. The subject parcels are located in the Koll Center Newport Planned Community.





**ITEM NO. 6****The Dessert Lab Minor Use Permit No. UP2013-017 (PA2013-164)  
4221 MacArthur Blvd, Suite B4  
Council District 3**

Benjamin M. Zdeba, Assistant Planner, provided a brief project description stating that the proposed food service, eating and drinking establishment would occupy a vacant tenant space in a recently constructed shopping center. He stated that no late hours or alcohol sales were proposed and further indicated there was a surplus of parking with the proposed use.

Applicant and tenant Arti Anand of Aelius, Inc. stated that she had reviewed the draft resolution and the required conditions.

One member of the public, Jim Mosher, spoke and stated that Section 2 of the draft resolution, California Environmental Quality Act Determination, should specify that the exemption is pursuant to the "Guidelines of the California Environmental Quality Act."

There were no other public comments.

The Zoning Administrator took action approving Minor Use Permit No. UP2013-017.

**Action:** Approved

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

A member of the public arrived late to comment on Item No. 1 stating he was the next door neighbor to 415 Marigold Avenue. He questioned if the same project could be built on 411 Marigold Avenue. The Zoning Administrator stated that it was possible since the surrounding properties were similar.

Mr. Jim Mosher commented on the Conditions of Approval relating to Alcoholic Beverage Control Licenses stating that municipalities do not have the authority to impose additional regulation through conditions of approval from the Police Department, though he felt it was a good idea for the City to add conditions. He suggested the City look further into this to prevent possible litigation. The Zoning Administrator thanked Mr. Mosher for bringing this to our attention.

**E. ADJOURNMENT**

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

**The agenda for the Zoning Administrator Hearing was posted on October 3, 2013, at 3:50 p.m. in the Chambers binder and on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on October 3, 2013, at 4:00 p.m.**

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Brenda Wisneski, AICP, Zoning Administrator