

standards of FAR, building setbacks, public and private open spaces, building height, and parking requirements. Staff recommends approval of Site Development Review No. SD2016-008 and has provided resolutions with findings

Applicant Stephen Ball of Stephen L. Ball Architect, on behalf of the property owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions.

The Zoning Administrator opened the public hearing. One member of the public, Jim Mosher, spoke and commented on the building height of the proposed development and whether it is in compliance with the Zoning height allowance. He also commented on the Coastal development review process for this project.

At the Zoning Administrator's request, Ms. Ung reiterated that the project complies with all Zoning Code standards.

There were no other public comments and the public hearing was closed.

Action: Approved

ITEM NO. 3 Soul Shine OC Minor Use Permit No. UP2016-040 (PA2016-145)
Site Location: 425 Old Newport Boulevard, Suite D Council District 2

David Lee, Planning Technician, provided a brief project description stating that a minor use permit is requested to allow the operation of a day spa, which includes massage services, acupuncture, and medical nail services. The operation will consist of four treatment rooms, a reception area, an office, and a break room, all of which exist inside the suite. The proposed day spa will operate within a 714-square-foot tenant space in an existing one story commercial building and parking requirements have been met. The Police Department and Code enforcement have no objections to the proposed use and has provided additional conditions to ensure that it is compatible with the surrounding uses. Staff recommended approval of Use Permit No. UP2016-040 and provided a resolution with findings.

Applicant Calli Brady of Soul Shine OC, stated that she had reviewed the draft resolution and agrees with all of the required conditions.

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

Action: Approved

ITEM NO. 4 Burger Boss Minor Use Permit No. UP2016-047 (PA2016-191)
Site Location: 6800 W Coast Highway Council District 2

Jaime Murillo, Senior Planner, provided a brief project description of the request to convert and expand an existing take-out service restaurant to a new food service restaurant. He provided a history of the existing establishment and explained that the minor use permit, if approved, would supersede Use Permit No. UP1776 and Outdoor Dining Permit No. OD64. He explained the specific interior and exterior improvements proposed, net public area, seating, and hours of operation. He also explained that parking requirements were less intense than the previous uses combined: the previous take-out restaurant and a tattoo parlor combined required 38 spaces, whereas the proposed food service use requires 29 spaces. He concluded with staff's recommendation to approve the request and stated that the project has been conditioned and designed to minimize the potential disturbances and nuisances to adjacent residences and the community.

Applicant Alton Klein of Red Mountain, LLC, provided a brief overview of their design concept. Mr. Murillo added that staff recommends adding a condition requiring bicycle parking on-site and Mr. Klein agreed.

The Zoning Administrator asked the restaurant operator, Mo Farha, regarding number of employees and parking. Mo Farha responded that four employees are anticipated to work at one time and he intends to purchase parking passes for employees to park within the municipal parking lot across Coast Highway.

The Zoning Administrator opened the public hearing.

Mike Sinacori, resident of Newport Shores and Vice President of the Newport Shores Community Association expressed concern regarding the timing of the notice and mentioned that the board as a whole did not have an opportunity to meet and discuss the project as a group, but based on comments received were generally positive. He expressed concern with location of decorative screening and proximity to sidewalk. He also expressed concerns with parking. He recommended conditions related to requiring the purchasing of parking passes and requiring on-site bicycle parking. At the request of the Zoning Administrator, Mr. Murillo explained that the decorative screening was on private property and that the Public Works Department did not require an additional setback or dedication for sidewalk purposes, but that the applicant was open to voluntarily moving the screen wall back approximately one-foot for a portion of the frontage along West Coast Highway.

Eric Nelson, resident of Newport Shores, commended the applicant for the proposed redevelopment of the site and maintaining the historical use as a burger restaurant. He commented on the availability of public parking in the neighborhood and residents not properly using garages for parking.

There were no other public comments.

After brief discussion with staff and the applicant, the Zoning Administrator declined to require the purchase of annual parking passes for employees as a condition of approval since the existing use is non-conforming to parking and the Zoning Code authorizes the continuation of non-conforming uses. However, the Zoning Administrator added a condition requiring bicycle parking to be provided on-site and to ensure that the bicycle rack and bicycles do not encroach into the public right-of-way.

Action: Approved

E. PUBLIC COMMENTS ON NON-AGENDA ITEMS

One member of the public, Jim Mosher, spoke and commented that review of the Newport Center Development Agreement and Newport Coast Development Agreement was overdue and expressed his interest on what the final action would be. Mr. Mosher also questioned why the Newport Ridge area was never included in past Newport Coast Development Agreement reviews. The Zoning Administrator advised that he would look into the matter.

F. ADJOURNMENT

The hearing was adjourned at 4:01 p.m.

The agenda for the Zoning Administrator Hearing was posted on December 9, 2016, at 4:30 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 December 9, 2016, at 4:30 p.m.

Patrick J. Alford, Zoning Administrator