

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 CIVIC CENTER DRIVE, NEWPORT BEACH
CORONA DEL MAR CONFERENCE ROOM (BAY E-1ST FLOOR)**

**THURSDAY, AUGUST 29, 2019
REGULAR MEETING – 3:00 P.M.**

I. CALL TO ORDER – The meeting was called to order at 3:00 p.m.

Staff Present: Rosalinh Ung, Zoning Administrator
Patrick Achis, Planning Technician
Liane Schuller, Planning Consultant

II. REQUEST FOR CONTINUANCES

None.

III. APPROVAL OF MINUTES

ITEM NO. 1 MINUTES OF AUGUST 15, 2019

Action: Approved

IV. PUBLIC HEARING ITEMS

ITEM NO. 2 Arc Butcher and Baker Minor Use Permit No. UP2019-026 (PA2019-105)
Site Location: 417 30th Street Council District 1

Patrick Achis, Planning Technician, on behalf of Melinda Whelan, Assistant Planner, provided a brief project description stating that the request was to convert an existing take-out service eating and drinking establishment into a full-service eating and drinking establishment. The request includes adding 4 seats for a total of 10 seats and adding a Type 41 Alcoholic Beverage Control License (On-Sale Beer and Wine). The hours of operation will remain consistent with the existing operation at 7:00 a.m. to 10:00 p.m. and existing on-site parking is provided with 8 parking spaces. The project is exempt from the requirements of a Coastal Development Permit as the proposed changes are not considered an intensification of use. The Police Department reviewed the proposal and had no objections to the request. Consequently, staff recommended approval of the project.

Owners Marin Howarth and Noah Von Blom stated that they reviewed the draft resolution and agree with all of the required conditions.

The Zoning Administrator opened the public hearing.

One member of the public, George Leeper, a neighbor of the subject property, stated several operational concerns with employees parking in the alley, noise, and rooftop exhaust.

Another member of the public, Judy Leeper, a neighbor of the subject property, stated concerns with the addition of another establishment serving alcohol within the vicinity and of the grease and exhaust emitting from the subject property.

Charles Klobe, a member of the public, stated that twenty-five percent of restaurants in city are not recycling, and asked if there are conditions requiring recycling practices.

The Zoning Administrator closed the public hearing.

In response to public comments, the Zoning Administrator clarified the request will convert the existing take-out service to a full service restaurant and noted that the operational characteristics of the restaurant will change. Conditions of approval have been included to ensure the operation is regulated to limit negative impacts. The Zoning Administrator further clarified the noise standards within a mixed-use neighborhood in which the subject property is located in and conflicts with the conditions of approval are addressed by the Code Enforcement Division. Also, the City encourages recycling, but the Municipal Code does not currently condition a requirement for restaurants to recycle.

Mr. Achis responded that the City has reviewed the original tenant improvement and found all mechanical equipment to be Code compliant. A case filed with the Code Enforcement Division, relating to the exhaust concern, was deferred to the Air Quality Management District, who observed no violations.

Mr. Achis amended Condition of Approval No. 4 to explicitly name the square footage of the net public area and Condition of Approval No. 6 to remove the word "incidental."

Action: Approved

**ITEM NO. 3 Fluter Residence Coastal Development Permit No. CD2019-034 (PA2019-140)
Site Location: 1808 and 1808 1/2 West Ocean Front Council District 1**

Liane Schuller, Planning Consultant, provided a brief project description stating that the project site is an oceanfront lot located in the medium density residential zone. The property is currently developed with an existing residential duplex and the applicant is requesting approval to demolish the existing improvements and construct a new single-family residence and attached two-car garage. A coastal development permit is required because the site is located within the coastal zone.

The project complies with all applicable development standards, including the standards and approval requirements of the City's Local Coastal Program. The applicant submitted minor plan revisions, modestly increasing the size of the garage and second floor of the structure. The architectural massing as shown on the original plans is not affected by the revisions. The architect summarized and identified the changes made to the original submitted plans. A copy of the original and revised floor plan has also been posted to the City's web page.

Correspondence was received from a member of the public, Mr. Jim Mosher, commented on the development density and development standards inconsistencies. Ms. Schuller noted that the City's application of density standards remains unchanged, and a single-family residence is allowed in the RM zone. All numbers pertaining to the project's square footage had been reviewed and corrected, and a revised table was provided by staff summarizing project compliance with the standards.

Staff recommends approval of the application, subject to the findings and recommended conditions of approval set forth in the draft Resolution, which has been revised to reflect staff response to the questions raised in Mr. Mosher's letter.

Applicant Bill Guidero, 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, Mr. Charles Klobe commented that he had attended the City's workshop on residential guidelines, and believes that all single-family residences should be held to R-1 standards.

A second member of the public, Mr. Mosher, reiterated his opinion that single-family residences in the RM zone are not consistent with the City's Local Coastal Program. He also expressed concerns about how square-footage is shown and reviewed as to accuracy.

The Zoning Administrator closed the public hearing.

Zoning Administrator Ung explained and reiterated that single-family development projects are allowed in the RM Zone and will be subject to RM standards until such time as the City Council approves different development standards.

Action: Approved

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

The hearing was adjourned at 3:35 p.m.

The agenda for the Zoning Administrator Hearing was posted on August 23, 2019, at 2:00 p.m. 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 August 23, 2019, at 2:30 p.m.

Rosalinh Ung
Zoning Administrator

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