

NOVEMBER 17, 2011 7:30 A.M. – 8:45 A.M.
OASIS CENTER

BOARD MEMBERS & ALTERNATIVES PRESENT: President Karen Tringali, Val Skoro, Bernie Svalstad, Dennis Baker, Michael Toerge, Bud Rasner, Paul Bartlau, Bonnie Duckworth, Liz Torelli, Paul Glowienke, Sandie Haskell, Michael Pilsitz & Beverly White
CITY ADVISORS, COUNCIL MEMBERS & MEMBERS AT LARGE PRESENT: Mayor Pro Tem Nancy Gardner, Council Members Keith Curry & Ed Selich & PB&R Commissioner Kathy Hamilton
GUESTS: Amy Senk, Clifford Jones, John Silva, Alberta Silva, Joan Campbell, Philip Bettencourt & Jerry King

CALL TO ORDER: 7:30 AM by President Karen Tringali

A. Welcome & Introductions.

B. Minutes of Board of Directors meeting held October 20, 2011 were approved

C. City Council Report

Mayor Pro-Tem Nancy Gardner (District 6) reports:

- The City's trash service will be reviewed although residents are pleased with the current provider which collects just about anything
- \$4 million cost of seawalls upgrade will come from public and private sources; Army Corp of Engineers predicts a rise in tides so we must prepare for the worst case scenario

Council Member Ed Selich (District 5) reports:

- City Hall construction on schedule, on budget & without overruns
- Neighborhood Revitalization update: Bristol and West Newport plans almost completed, Balboa Vision statement complete & Mariners Mile temporarily on hold

Council Member Keith Curry (District 7) reports:

- Community Development Program motto for the building department is "Turning red tape into red carpet" and was runner up in turn-around awards

D. Guest Speakers Kim Brandt & Brenda Wisneski, Newport Beach Community Development report on Permitting Requirements vs. HOA CC&Rs/Architectural Rules: The City does not enforce private community association agreements (HOA CC&R's), although advise residents to comply to their CC&R's. HOA's don't "rubber stamp" applicants prior to approaching the building department because they can't prove the applicant is in compliance, therefore, can't enforce. In some cities, applicants sign a form acknowledging they received HOA approval, but our City can't delay issuing a permit, only allowed to enforce zoning codes. The majority of building permits are within

code and are issued over the counter. (See below of handling of discretionary variances.) The Building Department website posts variance permits and from our board's previous suggestions they were modified to make them more user friendly. See "Quick Guide" under Building Division. There is a 14-day appeal period after discretionary permits are issued and appeal forms are available with an applicable \$4,500 fee. A Planning Commissioner or City Council Member can be the next level of appeal in which case the fee is waived. The intent of the fee is to cover the cost of employee time & paperwork. Electronic alerts technology aren't currently available to the building department; HOS's would benefit from that. The City can enforce building safety code, fire code, placement of building on a lot, home occupation use, etc. As an example, the City doesn't allow peeling, chipping paint but a HOA can demand a 3-color paint color scheme on the homes within their association. Q & A:

- What is allowable time for business banner signs? 120 days/year is our limit; currently a business in CdM is out of compliance.
- What is the benefit of being an appellant & paying the \$4,500 fee vs. having a Commissioner or City Council Member's assistance? Appellants are allowed speaking time to present at City Council meetings
- Expected F&M Bank building completion? June 2012

The additional information below was received from Kim Brandt in a follow-up email subsequent to our meeting:

Discretionary variances are handled via "blue card" notification. We notify (via the "blue card") affected Homeowner Associations and Community Associations of pending discretionary actions that require public notice. The notices are mailed at least 10 days in advance of the published hearing/decision date. We have a database on all of the City's associations that we keep as current as possible, but we rely on the associations to let us know of any changes in contact information." CdMRA does receive such notices.

The City publishes a listing of all the recently issued building permits on a monthly basis on the City's website. The link to that listing is: <http://www.newportbeachca.gov/index.aspx?page=1733> This link provides monthly reports both on building permits issued and projects that are in building plan check (the information contains the permit number, property address, type of permit and date issued). Unfortunately the information is provided in a PDF format so it is not interactive; a person needs to scroll through to find streets or properties of interest. As I explained at your meeting, it is our hope to get to the next level of communication, which would include e-alerts to interested parties anytime a permit is issued within a defined geographical area.

As to the use of tarps for erosion control and emergency repairs, the Municipal Code does not require any type of permit. That being said, the tarps cannot be kept in such a manner that they become a public nuisance. We are following up on the comment received regarding the use of a tarp in the vicinity of the 400 block of Hazel.

The construction on Farmers and Merchant Bank is progressing, albeit slowly. The last inspection was on November 8th. We are following up on the banner at MacArthur Boulevard and Coast Highway.

E. Planning Commissioner Mike Toerge Reports:

- Lido Village Design Guidelines approved by the Planning Commission and the Commission overturned the Zoning Administrator's approval of the application for the Ocean Blvd. property (*see below)
- On agenda tonight is the NBCC with applications by the Balboa Bay Club and the property owner, who have separate applications. The 4 issues are the size of the banquet facility (with ability to host non-member events), frontage road, perimeter fencing & the motor court orientation. Side issues are "tenants in common" property ownership dispute & 27 "hotel" units are at odds with the Marriott Hotel.
- Planning Commissioner Chuck Unsworth resigned.

F. Parks, Beaches & Recreation Commissioner Kathy Hamilton

- Trees have been the major issue, especially on Irvine Blvd. which affect both NB & Costa Mesa. Encourages us to speak with Mark Harmon about the eucalyptus trees in CdM if we have concerns. Part of the problem is there is no City budget to replace aging trees since PB&R replacement size requirement is 35" box. Our board will ask Mark Harmon to be a guest speaker and address this issue in 2012.
- The City limits the quantity of benches in city parks.

G. President Karen Tringali reports:

- "Countdown" Timers at pedestrian crossing at Marguerite & Coast Highway will be installed before heavy summer traffic. Also, left-turn signals will be installed on Marguerite at Coast Hwy intersections eastbound and westbound.
- "Zero Trash" Volunteer Campaign fizzled out for lack of resident knowledge so board voted to promote the program at our CdMRA table during Christmas Walk. CdM High School has a "community service" program so students can participate.
- Volunteers needed to man our Christmas Walk table; will donate 2 free memberships as raffle ticket opportunities

H. Treasurer Marge Sawyer reports deposits of \$509, expenses of \$745 with a balance of \$6,143.77

I. New Business:

- Nomination and election of Officers for 2012: Approved current slate of Board of Directors, Bud Rasner to assist Treasurer Marge Sawyer. The Terraces representative Marge Ryckoff resigned; need a volunteer to fill. The board will vote in January on Jerry King HVHS board membership

J. Public Comments--Non-Agenda Items:

- *Cliff Jones reported on neighbor's successful appeal to the Planning Commission wherein the Zoning Administrator's approval of the lot merge was reversed. The property owner/applicant has now appealed the Planning Commission's ruling to the City Council. Jones requests support of the issue at the January City Council meeting.
- Bernie Svalstad reported CdMRA Revitalization doesn't affect streets past Avocado. Traffic widening etc. proceeding with recommendations; next step is landscape engineering

Meeting Adjourned at 8:45 AM

Respectfully Submitted,
Liz Torelli, Secretary

NEXT MEETING: 7:30A.M., THURSDAY, JANUARY 19, 2012 AT OASIS CENTER