

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 CIVIC CENTER DRIVE, NEWPORT BEACH
ZOOM**

**THURSDAY, OCTOBER 24, 2024
REGULAR MEETING – 10:00 A.M.**

I. CALL TO ORDER – The meeting was called to order at 10:00 a.m.

Staff Present (Remote): Benjamin M. Zdeba, AICP, Zoning Administrator
Liz Westmoreland, Principal Planner

II. REQUEST FOR CONTINUANCES

None.

III. APPROVAL OF MINUTES

ITEM NO. 1 MINUTES OF OCTOBER 10, 2024

Action: Approved

IV. PUBLIC HEARING ITEMS

**ITEM NO. 2 MDXL LLC Residence Coastal Development Permit (PA2024-0142)
Site Location: 1540 East Ocean Front Council District 1**

Liz Westmoreland, Principal Planner, on behalf of Oscar Orozco, Associate Planner, provided a brief project description stating that a coastal development permit is being requested to allow for a demolition of an existing single unit dwelling and the construction of a new approximately 10,000-square-foot single-unit dwelling, which will include garage parking for four cars. The project includes an attached ADU as well as landscape, hardscape, and fencing. The proposed finished floor of the structure will be 14.9 feet (NAVD 88), which complies with the 9.0-foot minimum finished floor requirement and exceeds projections of future sea level rise.

In response to written public comments, Principal Planner Westmoreland clarified that the underlying lot configuration was authorized through a certificate of compliance and formally recognizes the property as a single building site since construction took place in 1948.

Principal Planner Westmoreland added an additional fact under finding A of the resolution. The added fact in support of finding was read into the record as follows, “The existing single-unit dwelling predates the subdivision map act and was built over the underlying three and a half legal lots. Because the development predates the Subdivision Map Act, new construction can also be built over the underlying lot lines if a certificate of compliance is recorded. A Certificate of Compliance was recorded on October 17th, 2024, to formally recognize the property as a single building site”.

Also in response to written public comments, Principal Planner Westmoreland noted the proposed residence as being larger in the area, but consistent with the prior development on the site for the last 76 years. She also provided clarification on public views and visual qualities of the coastal zone. Considerations were made to the design in accordance with the Newport Beach Municipal Code (NBMC) 21.30.110. The project complies with the visual standards documented in the draft resolution.

Zoning Administrator Zdeba asked Principal Planner Westmoreland for confirmation on the setback along the alley for the property, which is 0 feet.

Zoning Administrator Zdeba opened the public hearing.

Applicant Bill Guidero, on behalf of the property owner, stated that he had reviewed the draft resolution and agrees with all the required conditions.

Zoning Administrator Zdeba encouraged Mr. Guidero to elaborate on the softening of the solid massing on the alleyway and the design elements of the property. Mr. Guidero stated that the open driveway courtyard that is 30 feet wide and 35 feet deep will use most of the mass. The internal courtyard will open up the structure as well. The open space requirement will be considerable within the property. If three separate structures would be built, it would be bigger due to three levels being across. Zoning Administrator Zdeba asked Mr. Guidero about the front setback landscaping and, in reply, he stated that it would not be an issue to maintain.

One member of the public, Ken Sunshine, expressed concern regarding maintaining the pre-existing lot configuration and building over legal lot lines. He also shared concerns of losing the coastal views and the construction timeline.

Another member of the public, Jim Mosher, asked for clarification of the underlying lots and if the property is allowed to have three lots or one lot with the R-1 zoning from the Certificate of Compliance.

Another member of the public, Kristy Pipes, questioned the number of lots and separation of lots. Ms. Pipes also asked for clarification on whether the lots will be combined or separated and the utilization of the alley setbacks.

Principal Planner Westmoreland addressed the public comments regarding the building configuration, building ownership, and the features crossing the underlying legal lots. She also addressed the utilization of the Certificate of Compliance for the property. Principal Westmoreland clarified the zoning is R-1 and if the Certificate of Compliance is extinguished, the property owner could revert to the underlying lot lines if no existing structures cross the lines.

Principal Planner Westmoreland also clarified the 0 feet setback in the alley and explained that it is allowed if the alley is large enough for allowed maneuvering. The City does not have the ability to require additional setback. In response to Zoning Administrator Zdeba's inquiry, Mr. Guidero clarified that the garage will be set back by 2 feet from the property line, which is consistent with the existing structures of the garage.

Zoning Administrator Zdeba closed the public hearing.

Zoning Administrator Zdeba clarified the usage of the Certificate of Compliance and its utilization to simply clean up the record as a single building site. Zoning Administrator Zdeba also commended the architect and property owner for being sensitive to the massing on the alley along with voluntarily setting back the massing along the alleyway.

Action: Approved as amended

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

The hearing was adjourned at 10:21 a.m.

The agenda for the Zoning Administrator Hearing was posted on October 16, 2024, at 3:25 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 October 16, 2024, at Time 4:00 p.m.

Benjamin M. Zdeba, AICP
Zoning Administrator

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