

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

**THURSDAY, SEPTEMBER 11, 2025  
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  
Oscar Orozco, Associate Planner  
Daniel Kopshever, Assistant Planner  
Laura Rodriguez, Assistant Planner

**II. REQUEST FOR CONTINUANCES**

None.

**III. APPROVAL OF MINUTES**

**ITEM NO. 1 MINUTES OF AUGUST 28, 2025**

Zoning Administrator Zdeba acknowledged receiving a written comment and he agreed with the suggested edits to correct a typographical error. For the first correction, Zoning Administrator Zdeba stated the minutes will read “Associate Planner Orozco” instead of “Associate Planner Oscar Orozco” to match existing formatting. No other members of the public wished to comment on the draft minutes.

**Action:** Approved as amended

**IV. PUBLIC HEARING ITEMS**

**ITEM NO. 2 Rodriguez Residence Coastal Development Permit (PA2025-0071)**  
**Site Location: 427 Harbor Island Drive**

**Council District 5**

Oscar Orozco, Associate Planner, provided a brief project description stating that the request is for a coastal development permit for 427 Harbor Island Drive, located in the Single-Unit Residential (R-1) Coastal Zoning District. The project proposes to demolish an existing single-unit dwelling and construct a new three-story 6,584-square-foot, single-unit dwelling with an attached 760-square-foot three-car garage. The project also includes reinforcement and raising of the existing bulkhead, landscape, hardscape, and drainage improvements. The proposed design has a finished-floor elevation of 9.37 feet, which complies with the 9.00-foot minimum elevation standard.

The proposed development meets all development standards, including floor area, setbacks, building height, and parking, with no deviations requested. The surrounding area consists of one-, two- and three-unit dwellings, and the proposed design and scale of the development are consistent with existing patterns of development. A Construction Pollution Prevention Plan was provided with this project to minimize erosion and pollution. The project does not propose a change in land use, density or intensity resulting in an increased demand to public access and recreation opportunities.

The project is located between Bayside Drive and Newport Harbor, with the nearest lateral access located 200 feet east of the property at the intersection of Harbor Island Drive and Bayside Drive. Harbor Island Drive does not contain an outlet. Public access points with lateral access to the coast are provided to the south parallel to Beacon Bay. The nearest costal viewpoint is along 250 feet east of the project site on Bayside Drive, overlooking Promontory Bay. The project is not visible from this viewpoint due to existing landscaping and

adjacent residential structures. The nearest coastal view road segment is located along Bayside Drive, where views are oriented to the bay and properties on the southeast side of street impeding visibility of the subject property from the view road. The project exceeds the minimum required 15-foot third floor setbacks. The project offers the opportunity to enhance the visual quality of the coastal zone by constructing a new building with an updated design, substantial architectural treatment and visual interest, and includes modulation of volume with architectural articulation. As a result, the project does not have the potential to impact public views or degrade the visual quality of the coastal zone.

This project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA guidelines

Assistant Planner Orozco proposed the removal of Conditions of Approval Nos. 28 through 31, as these building related conditions do not apply to the project and the engineer reviewing the project confirmed these will be verified during the plan check process.

In response to Zoning Administrator Zdeba, Assistant Planner Orozco confirmed all development will be occurring within private property, within the footprint of the existing structure and within the City's permitting jurisdiction.

Zoning Administrator Zdeba opened the public hearing.

Applicant Nicole Thompson of Brandon Architects, on behalf of the Property Owner, stated that she had reviewed the draft resolution and agrees with all the required conditions of approval.

Seeing that no one from the public wished to comment, the public hearing was closed.

**Action:** Approved as amended

**ITEM NO. 3      Sundays Coffee and Co. Minor Use Permit (PA2025-0115)**  
**Site Location: 408 31st Street**

**Council District 1**

Daniel Kopshever, Assistant Planner, provided a brief project description stating that the request is for a minor use permit for a coffee shop classified as a "Take Out Service, Fast Casual" eating and drinking establishment land use category. The business will be located in an existing two-story commercial building located on the Balboa Peninsula. The subject property is within the Mixed-Use Cannery Village and 15<sup>th</sup> Street (MU-CV/15<sup>th</sup> ST) coastal zoning district. The Newport Beach Municipal Code requires a MUP to permit the land use due to the subject property being within 100 feet of a residential zoning district.

The project will convert the existing 1,200-square-foot retail space to a coffee shop with a raised outdoor patio, coffee bar area, seating on the upper and lower floor, and a lounge area. The "Take-Out Service--Fast Casual" land use category limits seating to a maximum of 20 seats. The applicant is not requesting alcohol service or late hours. The proposed hours of operations are 7:00 a.m. to 10:00 p.m., daily. The subject property is considered nonconforming as it does not provide the required parking. The three parking spaces abutting the alley will be reconfigured to maintain three spaces but provide one ADA parking space. Since no enlargement or intensification is proposed, the project is allowed without providing additional parking. A trash enclosure is proposed in the rear alley, and conditions of approval are included to manage any odors, excessive noise, obstructions and loitering in the alley.

In response to Zoning Administrator Zdeba, Assistant Planner Kopshever confirmed the tandem configuration of the parking spaces.

Zoning Administrator Zdeba opened the public hearing.

Applicant Joshua Stephanoff, on behalf of Sundays Coffee & Co., stated that he had reviewed the draft resolution and agrees with all the required conditions of approval.

In response to Zoning Administrator Zdeba, Joshua Stephanoff confirmed he is the business operator. In addition, he accepted a condition of approval to use the two tandem parking spaces for employee parking, and maintain the ADA parking space for the public.

Seeing that no one from the public wished to comment, the public hearing was closed.

**Action:** Approved as amended

**ITEM NO. 4      Annual Review of Pacific View Memorial Park Development Agreement (PA2025-0096)**  
**Site Location: 3500 Pacific View Drive      Council District 7**

Laura Rodriguez, Assistant Planner, introduced a brief background for the annual review of Pacific View Memorial Parking Development Agreement. She summarized her staff report noting that the City Council adopted Ordinance No. 95-26 approving a Development Agreement (DA) between the City and Pacific View Memorial Park (Pacific View), establishing phasing, scheduling, design, and landscaping.

On September 25, 2007, the City Council approved an amendment to the DA which modified development allocations within specific building sites. The term, "effective date" refers to date the ordinance adopting the amendment became effective. Therefore, the amendment approved on September 25, 2007, became effective in October 2007 under Ordinance No. 2007-15. The term of the DA was extended 18 years to 2025, and the amendment provided a seven-year automatic extension to October 2032 should Pacific View not complete all the development authorized by 2025. The development agreement provides for a maximum of 30,000 square feet of administrative office space and support facilities, 114,480 square feet of community mausoleum, 12,000 square feet of family mausoleum.

On May 11, 2025, Pacific View submitted their annual report for the period from May 2024 to June 2025. Assistant Planner Rodriguez clarified that the annual review for this DA had not been completed since 2020 due to oversight from staff changes and the COVID-19 pandemic; however, the annual review will continue moving forward.

Since 2020, building permits have been issued authorizing construction of community and family mausoleums built to date. The details related to its square footage are available in the staff report.

Staff received one formal complaint in early 2024 about the operation of Pacific View. The owner was issued a warning regarding state mandates to participate in solid waste diversion programs pursuant to the Newport Beach Municipal Code (NBMC) 6.06.060 (Full Participation in Diversion Programs Required). This code case has since been resolved and officially closed.

After reviewing the annual report, applicable documents, and established commitments, staff believes Memorial Park has acted in good faith of the DA. The annual review is exempt from CEQA pursuant to Section 15321 under Class 21 (Enforcement Actions by Regulatory Agencies) of the CEQA guidelines.

Zoning Administrator Zdeba opened the public hearing.

Applicant Mike Green, on behalf of the Pacific View Memorial Park, stated his role as Landscape Architect since the approval of the DA in 1995. Mike Green noted Pacific View's effort in continuing a successful relationship with the abutting property owners since the operation of the memorial park began before the DA, and since the subsequent development of surrounding residential area.

Zoning Administrator Zdeba commended the operator of Pacific View for only receiving one formal complaint, which was addressed by the warning.

Seeing that no one from the public wished to comment, the public hearing was closed.

**Action:** Received and filed and found in good faith compliance

**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 September 4, 2025, at 3:20 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 September 4, 2025, at 3:12 p.m.**

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Benjamin M. Zdeba, AICP  
Zoning Administrator

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