

From: Jim Mosher <jimmosher@yahoo.com>
Sent: June 11, 2025 12:06 PM
To: CDD
Subject: Comments regarding ZA Item 4 (June 12, 2025, meeting)

Regarding Item 4 (Bay House 2100, LLC Residence Coastal Development Permit and Lot Merger, PA2025-0007) on the June 12, 2025, Zoning Administrator agenda...

1. Condition of Approval No. 46 on handwritten page 26 says "*Prior to the issuance of a building permit, **the proposed sewer easement vacation shall be processed, approved by City Council, and recorded. If City Council denies the proposed easement vacation, the proposed project will require a redesign** since the existing sewer easement impacts the proposed building.*"

The requirement for an additional approval by the City Council which could trigger changes in the approved design does not appear to be mentioned anywhere in the staff report or resolution. Aren't applications supposed to be consolidated for presentation to the highest review authority required? Why is this piece being heard separately by the Zoning Administrator?

2. Table 1 on handwritten page 2 says the Proposed Floor Area is 31,350 square feet. This is inconsistent with the structure size previously described and with Fact in Support of Finding 3.A.1.a at the top of handwritten page 13, which identifies 31,350 square feet as the merged lot area, and says "the proposed total floor area is 18,539 square feet."

3. Fact in Support of Finding 3.A.14 on handwritten page 15 mentions designated coastal viewpoints "at Begonia Park and the intersection of Carnation Avenue and Ocean Boulevard." It fails to mention the harborfront viewpoint off Bayside Drive, designated on Map 4-3 (part 3 of 3) of our Coastal Land Use Plan, between 2323 Bayside Drive and 115/117 Bayside Place. Although not formally designated as a viewpoint, and not a land roadway, it is surprising to me that view from the publicly-accessible water surface of the harbor are not considered. And in Fact 3.A.14 that only obstructions that can "*be seen across the horizon of Newport Harbor*" (sticking up above the horizon?) are considered impactful. That seems a very crabbed interpretation of preserving the visual character of the coastal zone.

4. Fact in Support of Finding 3.E.2 on handwritten page 17, attempting to reconcile the proposal with the 6.0 – 9.9 DU/AC density range specified in the CLUP, seems less than clear to me. It begins by suggesting that "*the density ranges are not intended to establish minimum densities on individual sites, but rather to evaluate neighborhoods on a regional scale.*" As far as I know, nothing to that effect is stated in the CLUP, so that seems an interpretation to me, and a less than obvious one. But even if one accepts that, the fact does not identify the region these lots should be included in, what the

current regional density is, or how this merger will impact it. In fact, it doesn't even seem to identify what the density for the project, by itself would be. If, as it says, the resulting lot area will be 0.71 acres, and one counts only the single-unit dwelling, that would seem to be $1/0.71 = 1.4$ du/ac. If one counts the ADU, it would be 2.8 du/ac. Are those correct? If so, and in the absence of any further analysis, it is hard to see how the merger is either consistent with or improves consistency with the target density, either individually or on a regional basis. As a result, I am doubtful Finding E can be made.

5. My most important comment is that I think it even more certain that Finding G *cannot* be made, and the request should, therefore be denied.

Finding G, on handwritten page 18, requires demonstrating "*The merged lots will be consistent with the pattern of development **nearby**.*" The only example of a comparable lot that is provided is the lots to be merged, themselves. Looking at the City's maps, the only lot **nearby** that I can find that is at all similar is 2106 E Balboa Boulevard, which appears, also, to have resulted from a lot merger and is described as being 22,288 square feet. Other **nearby** lots appear to be 14,000 square feet or less, with many under 10,000 square feet. The lot immediately across the street, at 2031 E. Balboa Blvd is barely over 3,000 square feet, as are those near it. A 31,350 square foot lot would be unlike anything nearby. As a result, the proposed merger would seem to me to create a uniquely large lot, wholly *inconsistent* with the existing pattern of development nearby.

6. Condition of Approval No. 3 on handwritten page 21 mentions a requirement to pay a Fair Share Fee, presumably as a result of going from one residence to two. Is a park fee or any other fee required?

7. Condition of Approval No. 4 refers to "*short-term rentals (i.e., **less than 30 days**).*" While that is consistent with the current LCP, the City had an Item W12a approved on the [May 2025 Coastal Commission agenda](#) in which it asked to change "**less than**" to "**up to**." Assuming the Council accepts the change it requested, the proposed condition will become inconsistent with the LCP. Should it be changed to reflect the new definition of short-term lodging?

-- Jim Mosher