

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

**THURSDAY, JULY 24, 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
Jenny Tran, Associate Planner
Daniel Kopshever, Assistant Planner

II. REQUEST FOR CONTINUANCES

None.

III. APPROVAL OF MINUTES

ITEM NO. 1 MINUTES OF JULY 10, 2025

Zoning Administrator Zdeba agreed with the suggested written comments to insert missing words. No further comments were provided by members of the public in attendance.

Action: Approved as amended

IV. PUBLIC HEARING ITEMS

ITEM NO. 2 Breakers Drive Lot Line Adjustment (PA2025-0036)
Site Location: 3150 and 3200 Breakers Drive

Council District 6

Daniel Kopshever, Assistant Planner, provided a brief project description stating that the request is a lot line adjustment to shift an interior lot line between two single-unit dwellings. The Lot Line Adjustment will move the lot line around an in-ground spa that was erroneously constructed over the interior lot line thereby removing the error. The affected area is 4 feet wide by 12 feet long, resulting in 48 square feet being taken from 3150 Breakers Drive and added to 3200 Breakers Drive to accommodate the in-ground spa's existing location. This proposed Lot Line Adjustment was previously approved in 2015 and 2022 but expired due to inactivity. No nonconformities will result from the Lot Line Adjustment as both lots still meet all minimum lot dimensions, and there are no changes to the number of parcels or setbacks.

Assistant Planner Kopshever noted receiving a written public comment related to the matter requiring a coastal development permit (CDP). In response, he clarified the City's interpretation remains that a lot line adjustment does not constitute a division of land, and a CDP is not required as there is no change in intensity, density, or use.

Zoning Administrator Zdeba opened the public hearing.

Applicant Andrew Huddleston of Apex Land Surveying, on behalf of the Property Owners, stated that he 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.

Zoning Administrator Zdeba reiterated the City's position on lot line adjustments not requiring a CDP with matters such as this. He noted that he conferred with the City Attorney's office to review the case law referenced

in the public comment and distinguished that it involved a large project containing over 90 acres and 16 parcels. In this matter, the minor nature of the Lot Line Adjustment to correct an error does not constitute development that would require a coastal development permit pursuant to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code.

Action: Approved

ITEM NO. 3 Lobel Residence Coastal Development Permit (PA2024-0103)
Site Location: 1212 West Oceanfront

Council District 1

Daniel Kopshever, Assistant Planner, provided a brief project description stating that the request is for a coastal development permit to demolish a single-unit dwelling and construct a new three-story 4,684-square-foot single-unit dwelling with an attached 642-square-foot, three-car garage. The proposal does not change the land use, density, or intensity of the subject property. The project complies with all development standards in Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Program) of the Newport Beach Municipal Code (NBMC).

The project will not impact public coastal access or public viewpoints. Public coastal access is provided from the Ocean Front public walkway, accessible from 12th and 13th Street ends. The nearest public coastal viewpoint is at Marina Park, 1,400 feet northwest of the property. The nearest coastal view road segment is located along Newport Boulevard, over 6,000 feet away. The property is not visible from Marina Park nor is it visible from Newport Boulevard. The property is visible from the Ocean Front public walkway. However, since it is replacing an existing dwelling and complying with all development standards, it is anticipated the project will blend in with the existing viewshed and surrounding development. It is not expected to degrade the visual quality of the coastal zone.

In response to the public comments submitted, Assistant Planner Kopshever emphasized the proposal complies with all development standards in Title 20 of the NBMC. He also listed several neighboring two- and three-story developments with similar total floor areas and building heights. Safety of the roof deck spa will be addressed in the plan check process by the Building Division. Assistant Planner Kopshever also clarified an inconsistency between the plans and isometric drawings, which show a wall encroaching in the area along the public boardwalk. He further confirmed the accuracy of the plans by stating that Condition of Approval No. 33 requires the removal of encroachments in the public right of way and installation of a new sidewalk on the boardwalk. Lastly, he addressed public comments regarding landscaping on the site plan and confirmed it would all be located on private property.

Zoning Administrator Zdeba opened the public hearing.

Applicant Jim Carlson, on behalf of the Property Owner, stated that he had reviewed the draft resolution and agrees with all the required Conditions of Approval.

In response to Zoning Administrator Zdeba, Mr. Carlson confirmed all unpermitted and substandard encroachments will be removed, a sidewalk to match the existing boardwalk will be installed, and all landscaping will be within private property.

One member of the public, Marjorie Lovell, spoke and stated she was concerned with the scale of the project in comparison to the existing neighborhood, possible risk of destabilization, and flooding.

One member of the public, Denys Oberman, spoke and stated she was concerned with the scale of the project being 25% larger than neighboring developments with the same lot sizes. She also noted possible risks to the coastal environment and neighboring structures. Specifically, she added that the increased weight will require supporting structures to minimize soil destabilization and flooding. She also noted increased concern for the spa location being near the primary bedroom of their property. Ms. Oberman noted the floor area is 5,326 square feet, nearing the development standards maximum. Last, she requested modifications to the proposal to protect neighboring structures and the coastal environment.

One member of the public, David Sherbeck, echoed Ms. Oberman's comments and noted concern regarding utilities running along property lines, which may be disturbed. In addition, he reiterated concerns about the placement of the proposed spa next to their primary bedroom, increasing the possibility of noise or light conflicts. Lastly, he noted concerns regarding the proposed side setback, and that they had recently installed a fence on their property and is concerned with issues regarding the fence and property line.

In response to public comments, Mr. Carlson stated the spa is included in the structural calculations. The wall constructed on the neighboring property will be kept in place. He also highlighted a design change to include additional setback area, as initially a subterranean garage was proposed but has since been removed from the proposal. Last, he emphasized all aspects of the proposal have been minimized to be within the development standards.

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

Zoning Administrator Zdeba noted reviewing all submitted materials. He also addressed the concerns regarding the proposal's scale and technical feasibility. He visited the site and listed several new, neighboring residences which reach the maximum height limit, near the maximum floor area, and/or include 3rd floor decks. As a result, the project does match the existing and expected scale as noted in the City of Newport Beach's development standards. He highlighted the development standards are objective, and the proposal meets all objective development requirements. In terms of the proposal's location in the coastal zone- the focus of the Coastal Act is on coastal resources, access and views, none of which will be impacted by the project. Additionally, the proposal includes enhancements to the coastal zone through the boardwalk improvements. In terms of the 3rd floor deck, the setback allows for softening of the building façade. About the technical feasibility of the spa's placement on the roof deck, he explained it is approved during the plan check process by engineers in the City's Building Division.

Action: Approved

ITEM NO. 4 Kickstand LLC Temporary Soda Trailer Limited Term Permit (> 90 days) and Coastal Development (PA2025-0074)
Site Location: 2001 West Balboa Boulevard Council District 1

Jenny Tran, Associate Planner, in place of Melinda Whelan, Assistant Planner, provided a brief project description stating that the request is for a limited term permit and coastal development permit to authorize a temporary trailer for the service of non-alcoholic beverages for up to one year in the parking lot of a bike rental shop. The soda service is ancillary to the existing bike shop. The temporary trailer area includes a protected customer queuing area within two of the three existing on-site parking spaces. The building of the existing bike shop was built in the 1960s and would not accommodate the additional services without major remodels. The types of soda services provided includes pre-packaged canned beverages, and freshly poured sodas with limited preparation. The hours of operation will mirror the bike shop, 10 a.m. to 5 p.m. daily, and until 7 p.m. during the spring and summer. Condition of Approval No. 3 is proposed to allow flexibility in the hours of operation between 8 a.m. and 8 p.m., daily. The proposal was reviewed and improved by the Building Division and Public Works. As a result of their review, the customer queue area is required to be protected by barricades as depicted on the site plan.

Associate Planner Tran noted receiving a written public comment. She clarified that although the trailer will be within existing parking spaces, the Limited Term Permit allows for limited term uses which may not meet all the development and use standards of the zoning district.

She added the soda shop is an ancillary use to the bike rental shop and both are meant to serve residents of and visitors to the area. Therefore, the proposal is not expected to increase vehicular traffic. Also, the area does have street parking on Balboa Boulevard, and along 20th Street. Staff reminded the business operators of outdoor storage and display regulations; the site has since been cleaned to ensure proper circulation and access. Associate Planner Tran recommended an additional condition of approval stating, "the drive aisle as well as parking spaces not occupied by this temporary use shall always remain free and clear of obstructions,

all uses on the site shall comply with Section 20.48.140 for Outdoor Storage, Display, and Activities of the Newport Beach Municipal Code.”

Lastly, she stated the Coastal Development Permit analyzes the proposal’s compliance with Title 21 (Local Coastal Program Implementation Plan). As conditioned, the proposed temporary use is not anticipated to impact coastal access, views or resources.

Zoning Administrator Zdeba opened the public hearing.

Applicant Richard Hancock of 20th Street Beach & Bike, stated that he 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.

Zoning Administrator Zdeba emphasized the importance of keeping the drive aisle and remaining parking space clear to prevent possible issues with the temporary use and accepted the recommended Condition of Approval, as read into the record by Associate Planner Tran.

Action: Approved as amended

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

The hearing was adjourned at 10:36 a.m.

The agenda for the Zoning Administrator Hearing was posted on July 17, 2025, at 11:40 a.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 July 17, 2025, at 11:39 a.m.

Benjamin M. Zdeba, AICP
Zoning Administrator