

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

**THURSDAY, APRIL 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
Daniel Kopshever, Assistant Planner
Jenny Tran, Associate Planner
Jerry Arregui, Assistant Planner
Laura Rodriguez, Assistant Planner

Zoning Administrator Zdeba thanked Savannah Martinez, Department Assistant, for almost 8 years of service with the City of Newport Beach as she will be leaving to work for the City of Placentia.

II. REQUEST FOR CONTINUANCES

None.

III. APPROVAL OF MINUTES

ITEM NO. 1 MINUTES OF APRIL 10, 2025

Zoning Administrator Zdeba acknowledged that a written comment was received from Jim Mosher. He agreed with the suggested changes. No members of the public wished to comment further on the draft minutes.

Action: Approved as amended

IV. PUBLIC HEARING ITEMS

ITEM NO. 2 HFO 2 LLC Residence Coastal Development Permit (PA2024-0214)
Site Location: 1036 West Ocean Front Council District 1

Laura Rodriguez, Assistant Planner, provided a brief project description stating that the applicant requests a coastal development permit (CDP) to demolish an existing single-unit dwelling and construct a new 5,032-square-foot single-unit dwelling with a 729-square-foot three-car garage. The property is in the R-1 (Single Unit Residential) Zoning District and Coastal Zoning District. The project is compliant with all development standards of Title 20 and Title 21 of the Newport Beach Municipal Code. The project design is consistent with the neighborhood pattern of development.

Assistant Planner Rodriguez stated that the Coastal Hazards Report for the project was prepared by Skelly Engineering on October 18, 2024. The report concluded that the project is reasonably safe from shoreline erosion given that the property is approximately 550 feet away from the mean high tide line. The proposed finished floor elevation will be 11.59 feet (NAVD 88), which complies with the 9-foot minimum for new structures.

Assistant Planner Rodriguez noted that a water quality and hydrology plan is required due to the project containing more than 75% of impervious surface. A preliminary Water Quality Management Plan for the project was prepared by Civilscapes Engineering on November 1, 2024. However, the final Water Quality Management Plan will be reviewed and approved by the Building Division during plan check.

The property is located between the nearest public road and the sea. Public access is not impacted since the project is replacing an existing single-unit dwelling with a new single-unit dwelling. The project is not located near a coastal viewpoint or coastal view road. The nearest public viewpoint is Balboa Pier which is

approximately 4,800 feet away from the property. The project will not obstruct views from Veteran Memorial Park and Marina Park since the property is not located between the parks and the ocean. The project will also not obstruct views from the bay or a small public beach, which is located on the northern street end of 10th Street and West Bay Avenue. Vertical access is available at the 10th and 11th Street end from West Balboa Boulevard. Lateral access is available along the West Ocean Front boardwalk.

Assistant Planner Rodriguez noted that Fact 9 in Support of Finding A of the draft resolution would be modified to further emphasize the project's enhanced design and its relation to the visual quality of the coastal zone since it is a corner property with a side visible from the 11th Street end.

Applicant Gabby Uvidia of Brandon Architects, on behalf of the Owner, stated that she had reviewed the draft resolution and agrees with all the required conditions.

Zoning Administrator Zdeba opened the public hearing. Seeing that no one from the public wished to comment, the public hearing was closed.

Action: Approved as amended

ITEM NO. 3 Valencia Residence Modification Permit (PA2025-0012)
Site Location: 10 Whitesands Drive

Council District 7

Jenny Tran, Associate Planner, provided a brief project description stating that the project is for 17-foot retaining walls when measured from finish grade where the Newport Beach Municipal Code (NBMC) allows a maximum of 8-foot retaining walls from finish grade. The request would allow the property owner to excavate the hillside slope in the rear of the property for future development. A Preliminary Soils Report and Geological Report was prepared for the project, and the plans were designed consistent with the recommendations of the report.

Associate Planner Tran also stated that, if approved, the applicant must apply for building permits that will be reviewed by all departments, including the Building Division for health and safety.

Associate Planner Tran also stated that public comments were received, several of which had concerns about a potential future Accessory Dwelling Unit (ADU) as well as compliance with the Homeowner's Association (HOA). ADUs are allowed per the NBMC with the approval of a building permit without discretionary approval and the Modification Permit would only be for the retaining walls. Additionally, it is the property owner's responsibility to obtain any necessary approvals from the HOA.

Finally, Associate Planner Tran recommended redlines to the Resolution for Fact 4 in support of Finding D to provide further clarification on a terracing design in compliance with the NBMC.

Applicant and Owner, Mark Valencia, stated that he had reviewed the draft resolution and agrees with all the required conditions. He also stated that the future goal is to propose an ADU in the rear of the property but clarified that the purpose of the Modification Permit is for the retaining walls.

Zoning Administrator Zdeba opened the public hearing.

One member of the public, Karin Garell, who lives on Whitesands Drive spoke and stated that she thought the Owner was very thorough and supports the efforts to further enjoy their property.

Phil Greer, a member of the neighborhood, stated that the project does not consider the potential depreciation of the stability for the neighbor behind the property and believes the stability of the entire slope should be taken into consideration. Mr. Greer also recommended that the walls should be terraced instead.

James Ganion, a member of the neighborhood, stated that an email with his comments was sent prior to the hearing and wanted confirmation if it was received. Mr. Ganion was concerned with limitations for future development on his property located on Bridgeport Road which is located behind the property due to the retaining walls. Mr. Ganion also wanted to know if the soils report that was prepared was available to the public.

Seeing that no one from the public further wished to comment, Zoning Administrator Zdeba closed the public hearing.

Associate Planner Tran stated that Mr. Ganion's email does not appear to be received, and Zoning Administrator Zdeba also confirmed that the email was not received.

Zoning Administrator Zdeba reopened the public hearing to allow Mr. Ganion to read his email. Mr. Ganion recited his email that reiterated similar concerns that he stated earlier in the hearing.

Zoning Administrator Zdeba reclosed the public hearing.

Associate Planner Tran confirmed that the Soils Report and Geological Report are available online to the public and also reconfirmed Condition of Approval No. 16 that requires a final Soils Report and Geological Report to be submitted during the building permit review.

Zoning Administrator Zdeba commented on the merit of the application and identified that his decision is narrowly focused on whether the maximum 17-foot-tall retaining wall without any lower walls in front of it is appropriate and warranted in this instance. He shared the context of the 8-foot limitation noting it was a requirement intended to limit aesthetic detriment from large wall planes. He also commented on the fact that, if a series of terracing walls were constructed in front of the 17-foot-tall retaining wall, the taller wall would still be included in the design. In this case, the only aesthetic implication is on the Owner being in a private rear yard. He highlighted that, if approved, the Owner must obtain the required permits from the City and that slope stability would be verified through that process. He expressed appreciation for those who participated in the public hearing and reiterated the importance of the Owner complying with any private restrictions within the CC&R.

Action: Approved as amended

ITEM NO. 4 Luke's Lobster Minor Use Permit (PA2025-0016)
Site Location: 329 Marine Avenue

Council District 5

Recognizing that Item Nos. 4 and 5 were very similar requests on the same property, Zoning Administrator Zdeba asked whether any members of the public intended to speak on either item. Seeing none, he requested that the staff presentation for those items and actions for those items be combined.

Daniel Kopshever, Assistant Planner, provided a brief project description stating that Item Nos. 4 and 5 are both Minor Use Permit applications to allow Take-Out Service Limited uses (i.e., restaurants) within existing buildings at 329 Marine Avenue. The property is located at the northern end of Marine Avenue. On-site there are two small buildings which front the street and a slightly larger building at the rear of the property which abuts an alley. The proposed restaurants are Luke's Lobster in a 365-square-foot space which is the northernmost of the Marine Ave facing structures and Jasper Coffee in a 326-square-foot space which is the southernmost of the Marine Ave facing structures. Neither business is proposing seating, late hours, or alcohol service.

The property is within the coastal zone, and the City has submitted an amendment to its Local Coastal Program Implementation Plan for review with the Coastal Commission which is not yet effective. This amendment would replace Take-out Service Limited with Take-out Service Fast Casual, which is similar and has already been implemented city-wide outside of the coastal zone. Both projects are conditioned to allow up to six seats without amending their use permits and would be allowed up to 20 seats without amending their use permits should the Coastal Commission approve the amendment submitted by the City.

The property has nonconforming parking, with one parking space abutting the alley which is designated for employee use. The Take-Out Service Limited use requires a parking rate of 1 space per 250 square feet of gross floor area, but due to the prior retail use of the site which has the same parking requirement, the change in use is not considered an intensification of use, and is therefore allowed. Both projects anticipate walk-up

customers and are providing grab-and-go food options and drinks consistent with the intent of the proposed land uses. Due to nearby residential land uses across the alley from the project site, the projects have both been conditioned to control any odors generated, to prohibit excessive noise, and to prevent obstructions in the alley as well as delivery and trash collection conflicts. Assistant Planner Kopshever acknowledged receipt of a public comment regarding frequency of trash pickups being left out of the Conditions of Approval for the project. He also noted working with the Public Works Department regarding delivery operations and he recommended revising the Conditions of Approval to include a requirement for deliveries to occur on Marine Avenue.

Zoning Administrator Zdeba opened the public hearing for both Item Nos. 4 and 5.

Applicant Alan Limon of NRM Real Estate Advisors, on behalf of Luke's Lobster and Jasper Coffee, stated that he had reviewed the draft resolutions and agrees with all the required conditions as well as the revised condition.

Zoning Administrator Zdeba asked applicant if trash bins could be moved outside of the alley due to the increase in anticipated trash from two restaurant uses. The Applicant expressed a willingness to potentially move trash bins but also commented on site constraints. Zoning Administrator Zdeba proposed a change to Condition of Approval No. 25, to read that the Applicant shall work with the City to identify whether it is feasible to move the trash bins to a new location. The Applicant agreed to the wording proposed by Zoning Administrator Zdeba. Zoning Administrator Zdeba also requested that the Applicant agree to new language in Condition of Approval No. 25 stating that the frequency of collection be increased if necessary.

Zoning Administrator Zdeba again asked if any members of the public would like to comment. Seeing that no one from the public wished to comment, the public hearing was closed.

Zoning Administrator Zdeba clarified that the discussed conditions would be added to the resolutions for both Item Nos. 4 and 5.

Action: Approved as amended

ITEM NO. 5 Jasper Coffee Minor Use Permit (PA2025-0021)
Site Location: 329 Marine Avenue

Council District 5

(The hearing for this Item was combined with Item No. 4.)

Action: Approved as amended

ITEM NO. 6 Camp James Limited Term Permit and Coastal Development Permit (PA2025-0003)
Site Location: 1131 Back Bay Drive

Council District 4

Jerry Arregui, Assistant Planner, provided a brief project description stating that applicant requests a Limited Term Permit to operate a temporary outdoor children's summer camp known as Camp James on a portion of the Newport Dunes Waterfront Resort and Marina property. The camp would operate for a period of less than 90 days, on weekdays from June 9 to August 15, 2025, between 8:30 a.m. and 4:30 p.m. Camp James will offer recreational programming such as drama, dance, martial arts, sports, swimming, boating, and nature education. The project also requires a coastal development permit, as it operates between Memorial Day weekend and Labor Day and would occupy a portion of a public beach making it subject to requirements of the Coastal Act.

The Newport Dunes property is bounded to the west by the Bayside Village Mobile Home Park, to the north by the marina and Back Bay, to the east by a senior living apartments complex and Back Bay Drive, to the south by Coast Highway and to the southeast by Back Bay View Park.

Camp James would occupy a small portion of the Newport Dunes property located on the western side of the lagoon. Camp James proposes using a combination of temporary facilities and facilities that are already onsite. The property currently has a portable office, portable restrooms, a portable stage, portable storage bins and tables. Camp James proposed setting up temporary canopies and activities for its campers. A condition of approval requires all temporary structures and amenities specific to Camp James be removed within 30 days of permit expiration. The camp is also conditioned to provide adequate trash receptacles around the project site.

The project site is accessed via Bayside Drive which leads into the property. The applicant has committed to reserve 60 reserved spaces in the marina lot to be used by Camp James staff. A gravel lot with approximately 150 spaces will be used for camper drop-off and pick-up and overflow parking. The Public Works Department reviewed the project and had no objections and requires a condition that all camper drop-off and pick-up occur onsite and not within the public right-of-way.

The nearest residences are the Bayside Village mobile homes located approximately 1,000 feet west of the project site and are separated by a boat storage lot, parking areas, and a block wall. Due to the distance from the surrounding land uses and proposed camp operations, the project is not expected to be detrimental to the surrounding land uses.

The site is near coastal viewpoints, including Back Bay View Park and designated coastal view roads, including Coast Highway and Back Bay Drive. Staff's site investigation confirmed visibility of the project site from these areas. The tallest temporary structure is a 12-foot canopy and is generally small in height, bulk and scale. The project is therefore not expected to obstruct coastal views or impact the visual quality of the coastal zone.

While there are no designated beach access locations on-site, there are coastal access points that exist on the property, which remain unobstructed by the proposed project.

Assistant Planner Arregui recommended adding a condition of approval related to coastal access to state "The Project shall not impede the adjacent public path, which facilitates public access to the beach."

Staff acknowledged receipt of a public comment from Jim Mosher and accepted all typographic comments and would be included in the final resolution. Staff also acknowledged receipt of a public comment from Susan Hoffman and stated that the City recognizes that there is season short, windowed traffic on Bayside Drive accessing the Newport Dunes property; however, there have been several improvements to that portion of Bayside Drive. The Public Works Department will continue to monitor that portion of Bayside Drive during the summer, however there are no plans for any additional improvements to that of Bayside Drive at this point in time.

Representative Sean Matsler of Cox Castle, on behalf of the Applicant, stated that he had reviewed the draft resolution and agrees with all the required conditions including the additional condition recommended by staff.

Zoning Administrator Zdeba opened the public hearing.

Gary James, of Camp James, spoke and stated that Camp James has existed for over 20 years and has existed at Newport Dunes for 12 years and maintains a great relationship with Newport Dunes.

Phil Ravenna, of the Newport Dunes Waterfront Resort and Marina, spoke and stated that Newport Dunes maintains a great relationship with Camp James and looks forwards to having Camp James continue operation on their property.

Zoning Administrator Zdeba closed the public hearing. He commended the Applicant for going through the process to recognize Camp James with the proper entitlements and acknowledged it as a longstanding use that has been able to adjust its operations when necessary to remain a good neighbor.

Action: Approved as amended

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

The hearing was adjourned at 10:59 a.m.

The agenda for the Zoning Administrator Hearing was posted on April 17, 2025, at 9:10 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 April 17, 2025, at 9:05 a.m.

Benjamin M. Zdeba, AICP
Zoning Administrator

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