



# CITY OF NEWPORT BEACH ZONING ADMINISTRATOR AGENDA

100 Civic Center Drive, CDM Conference Room (Bay E-1st Floor)

Thursday, May 16, 2019 - 3:00 PM

**Zoning Administrator Members:**  
**Patrick Alford, Zoning Administrator**

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The Zoning Administrator meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Zoning Administrator agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Zoning Administrator and items not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

Please Note: All mail or written communications (including email) from the public, residents, or applicants regarding an agenda item must be submitted by 5 p.m. on the business day immediately prior to the meeting. This allows time for the Zoning Administrator to adequately consider the submitted correspondence.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Patrick J. Alford, Zoning Administrator, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3235 or [palford@newportbeachca.gov](mailto:palford@newportbeachca.gov).

#### NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Community Development Department 24 hours prior to the scheduled meeting.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

The agendas, minutes, and staff reports are available on the City's web site at: [www.newportbeachca.gov/zoningadministrator](http://www.newportbeachca.gov/zoningadministrator) and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

- I. **CALL MEETING TO ORDER**
- II. **REQUEST FOR CONTINUANCES**
- III. **APPROVAL OF MINUTES**

1. **Draft Minutes of April 11, 2019**

***Recommended Action***

1. Approve and File

[Draft Minutes of April 11, 2019](#)

**2. Draft Minutes of April 25, 2019**

***Recommended Action***

1. Approve and File

[Draft Minutes of April 25, 2019](#)

**IV. PUBLIC HEARING ITEMS**

**3. Annual Review of Uptown Newport Development Agreement**

**No. DA2012-003 (PA2014-039)**

**Site Location: 4311-4321 Jamboree Road**

***Project Summary***

Pursuant to Section 15.45.080 of the Municipal Code and Section 65865.1 of the California Government Code, the City is conducting a review of Development Agreement No. DA2012-003 for the Uptown Newport project. The Development Agreement was executed in 2013, and it ensures the orderly construction of the Uptown Newport Planned Community, a 25-acre, mixed-use residential project consisting of 1,244 residential units, two one-acre public parks and 11,500 square feet of retail uses. The Zoning Administrator will review Uptown Newport's good faith compliance with the provisions of the Development Agreement.

***Recommended Action***

1. Conduct a public hearing;
2. Find the annual review is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15321, Class 21 (Enforcement Actions by Regulatory Agencies) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment;
3. Find that the applicant has demonstrated good faith compliance with the terms of Development Agreement No. DA2012-003; and
4. Receive and file the Annual Report of Development Agreement for Uptown Newport Planned Community.

[ITEM NO. 3 STAFF REPORT](#)

4. **Tida Thai Day Spa Minor Use Permit No. UP2019-013 (PA2019-030)**  
**Site Location: 3848 Campus Drive, Unit 105**

***Project Summary***

A minor use permit to allow the operation of a massage establishment within an existing tenant suite. No construction is proposed. The establishment will provide six massage rooms, a customer waiting area, and an employee break room. A maximum of three massage technicians will provide the massage services at any given time. The proposed hours of operation are 9:00 a.m. to 8:30 p.m., daily. Included is a request to waive location restrictions associated with massage establishments.

***Recommended Action***

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Draft Zoning Administrator Resolution No. \_ approving Minor Use Permit No. UP2019-013.

**[ITEM NO. 4 STAFF REPORT](#)**

5. **Argent LLC Lot Merger No. LM2018-006 (PA2018-261)**  
**Site Location: 1601 East Bay Avenue (APN 048 231 40 and 048 231 41)**

***Project Summary***

A lot merger application and request to waive the parcel map requirement for parcels under common ownership. The lot merger would combine three underlying legal lots (and a portion of the abandoned right-of-way on Bay Avenue) into a single parcel.

***Recommended Action***

1. Continue to May 30, 2019 Zoning Administrator hearing.

**[ITEM NO. 5 STAFF REPORT](#)**

6. **Ackerman Residence Coastal Development Permit No. CD2019-006 (PA2019-008)**  
**Site Location: 2016 East Ocean Front**

***Project Summary***

A request for a coastal development permit to allow the addition of a 334-square-foot, attached storage area (bicycle garage) with a 414-square-foot living area above, to an existing 2,237-square-foot, single-family residence. The proposed project complies with all applicable development standards including

height, setbacks, and floor area limits. No deviations are requested.

***Recommended Action***

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Draft Zoning Administrator Resolution No. \_ approving Coastal Development Permit No. CD2019-006.

[ITEM NO. 6 STAFF REPORT](#)

[6a Additional Materials Received Ryan PA2019-008](#)

7. **Sessions Sandwiches Patio Expansion Coastal Development**  
**Permit No. CD2018-094 and Minor Use Permit No. UP2018-022 (PA2018-241)**  
**Site Location: 2823 Newport Boulevard**

***Project Summary***

The applicant proposes to add a 130-square-foot outdoor dining area to an existing restaurant. The existing restaurant currently operates with a Type 41 (On-sale Beer and Wine for Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) License and has hours of operation between 6:00 a.m. and 9:00 p.m., daily. No other operational changes are requested or proposed.

***Recommended Action***

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Draft Zoning Administrator Resolution No. \_ approving Coastal Development Permit No. CD2018-094 and Minor Use Permit No. UP2018-022.

[ITEM NO. 7 STAFF REPORT](#)

[7a Additional Materials Received Park PA2018-241](#)

[7b Additional Materials Received Janz PA2018-241](#)

[7c Additional Materials Received Various PA2018-241](#)

[7d Additional Materials Received at Meeting PA2018-241](#)

8. **717 Marigold Partners, LLC Residential Condominiums Tentative**  
**Parcel Map No. NP2019-002 (PA2019-041)**  
**Site Location: 717 Marigold Avenue**

***Project Summary***

A request for a tentative parcel map for two-unit condominium purposes. A single-family residence has been demolished and a new duplex is currently under construction pursuant to Zoning and Building Code requirements. The Tentative Parcel Map will allow each unit to be sold individually. No waivers of Title 19 (Subdivisions) are proposed.

***Recommended Action***

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Draft Zoning Administrator Resolution No. \_ approving Tentative Parcel Map No. NP2019-002.

[ITEM NO. 8 STAFF REPORT](#)

**V. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Zoning Administrator. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Zoning Administrator has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.*

**VI. ADJOURNMENT**