

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, June 28, 2018
REGULAR MEETING
3:00 p.m.

I. CALL TO ORDER – The meeting was called to order at 3:00 p.m.

Staff Present: Patrick J. Alford, Zoning Administrator
Jaime Murillo, Senior Planner
Makana Nova, Associate Planner
David Lee, Assistant Planner
Liz Westmoreland, Assistant Planner
Liane Schuller, Contract Planner

II. REQUEST FOR CONTINUANCES

None.

III. APPROVAL OF MINUTES

ITEM NO. 1 Minutes of June 14, 2018

Action: Approved

IV. PUBLIC HEARING ITEMS

ITEM NO. 2 Acai Republic Minor Use Permit No. UP2018-006 (PA2018-112)
Site Location: 948 Avocado Avenue Council District 5

David Lee, Assistant Planner, provided a brief project description stating that the proposed minor use permit is for a juice bar, which is defined by the Zoning Code as take-out service, limited. Mr. Lee described the location of the proposed juice bar and its compatibility within an existing commercial plaza. Mr. Lee stated that the juice bar will not have late hours and that the staff is recommending a 10:00 p.m. closing time for future flexibility of the operation. No intensification of use or enlargement of floor area is proposed, so no additional parking is required.

Applicant Adriano Peirera stated that he had reviewed the draft resolution and agrees with all of the required conditions.

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

Action: Approved

ITEM NO. 3 Tajima Residence Lot Line Adjustment No. LA2018-002 (PA2018-044)
Site Location: 2401 Vista Hogar Council District 4

Makana Nova, Associate Planner, provided a brief project description stating that the applicant requested a lot line adjustment for a private property in the Eastbluff Community to add 271 square feet to the private

residential property located 2401 Vista Hogar. The area in question is currently common area located near the entry to the main residence and would be added to the property. This would provide the ability for the property owner to construct an addition to the residence in the future. Ms. Nova noted that the existing underlying single-family residential and open space General Plan land use and Zoning district designations would remain the same. The project has been conditioned to require a General Plan Amendment and Zoning Code amendment to allow for an addition to the residence over the added 271-square-foot area in the future. The City could include this General Plan and Zoning Code amendment as part of the upcoming General Plan update. Ms. Nova continued, mentioning that the property owners involved are both required to sign the application, which is included in the project file. Additionally, the homeowner's association has submitted a letter as part of the record, confirming and acknowledging the processing of the lot line adjustment application. Ms. Nova added that two public comment letters were received regarding this application. The first letter was received from the adjacent property owner in support of the application and the second comment letter was received from Mr. Jim Mosher, commenting on the General Plan and Zoning designations under the proposed lot line adjustment and inquiring about the property owner authorization.

Applicant Takako Tajima, on behalf of the property owner, Michiko Tajima, stated that she had reviewed the draft resolution and agrees with all of the required conditions.

The Zoning Administrator asked Ms. Nova how Condition of Approval No. 3 will be enforced. Ms. Nova indicated that a note would be added to GIS that a General Plan and Zoning Code amendment would be required to authorize an addition to the home. Ms. Nova also confirmed that the homeowner's association acknowledgement that was submitted is sufficient for this application. The Zoning Administrator inquired about Mr. Mosher's comment regarding an inconsistency in Fact A-1 of the draft resolution. Ms. Nova agreed that this inconsistency could be corrected in the facts in support of findings to make it clear that the underlying General Plan and Zoning designations would remain in the current configuration under the proposed application.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed. The Zoning Administrator moved to approve the requested lot line adjustment with the suggested changes to the facts in support of finding A-1 for consistency with Condition No. 3.

Action: Approved

ITEM NO. 4 Ashby Residence Coastal Development Permit No. CD2018-032 (PA2018-073)
Site Location: 1392 Galaxy Drive Council District 3

Jaime Murillo, Senior Planner, provided a brief project description stating that the project is coastal development permit (CDP) to allow the demolition of an existing single-family dwelling and the construction of a new, 5,921-square-foot, one-story single-family residence and an attached 762-square-foot, 3-car garage, which complies with all applicable development standards. Since the property is located on a bluff subject to marine erosion, it is subject to additional Bluff Overlay development standards. Consistent with the Bluff Overlay standards, the proposed principal dwelling and major accessory structures (including swimming pool) are located within Development Area A and setback a minimum of 25 feet from the bluff edge. Minor accessory structures are located within Development B, a minimum of 10 feet back from bluff edge. No accessory structures are proposed within Development Area C. An existing fence, which currently encroaches beyond the bluff side property, has been conditioned to be removed and relocated in compliance with the overlay standards.

Mr. Murillo mentioned that correspondence was received from Mr. Jim Mosher regarding the need for a visual impact analysis due to site abutting designated public view park.

Applicant Bill Caskey, on behalf of the Owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions. In response to a question from the Zoning Administrator, Mr. Caskey explained that access to the three-car garage would remain from the existing curb cut width and there would be no loss of on-street parking.

The Zoning Administrator opened the public hearing. Seeing that no one from the public wished to comment the public hearing was closed. The Zoning Administrator asked Senior Planner Murillo clarifying questions regarding the project's effect on the existing public views from Galaxy View Park. Mr. Murillo clarified that upon initial evaluation by staff, a detailed visual impact analysis was deemed unnecessary given that the Galaxy View Park is approximately 500 feet in width and offers wide panorama views of the bay which would be unaffected by the proposed development. The project will replace an existing single-family home with a new single-family home that complies with all applicable development standards, including the Bluff Overlay standards that requires an increased 25-foot setback from the bluff edge. Park landscaping orients and frames views toward the bay and not over the subject site. Views across the project site are currently impacted due to park landscaping and fencing improvements. Project implementation includes removal of fencing within 10 feet of the bluff edge improving the view to the site, including the visual qualities of the bluff below. The Zoning Administrator incorporated the additional clarification into the resolution of approval.

Action: Approved

ITEM NO. 5 Johnson Residence Coastal Development Permit No. CD2018-010 (PA2018-020)
Site Location: 102 E Oceanfront Council District 1

Liz Westmoreland, Assistant Planner, provided a brief project description stating that the application is for a coastal development to demolish an existing single-family residence and construct a new two-story single-family residence and attached two car garage. The property currently consists of portions of legal lots developed with a single-family residence. The project is consistent with the existing neighborhood pattern of development and all development standards. A coastal hazards report was prepared for this project and concludes that the project is reasonably safe from coastal hazards including sea level rise for the life of the development. Additionally, the project site is located within the first public road and the sea or shoreline. Public access is available via the boardwalk and to the west along Island Avenue. Project does not include any structures that would impede public access or views. The accessory structures within the front setback comply with the requirements of the zoning code for front setbacks on the Balboa Peninsula. Additionally, staff discussed parking and the loss of one street parking space due to the zoning code requirement for a two-car garage where there is currently a one-car garage. This is a requirement of the applicant, and the loss of one street parking space is offset by the additional off-street parking space within the garage. Staff received one public comment today regarding concerns that the project could impact the visual quality of the coastal zone. In response staff stated that the project is simply redeveloping an existing single family site with a new single family residence and there is nothing unique about the structure that could cause potential impacts. Additionally, the staff report does include the project plans, so they are available to the public should they have any comments on the specific design of the structure. There is a condition of approval that requires the building permit plans to reflect the plans that are contained within the staff report. Staff recommended approval.

Zoning Administrator Alford asked Ms. Westmoreland if the additional fact regarding the street parking was included in the revised resolution, and she stated that, yes, it could be added to the final resolution.

Zoning Administrator Alford also discussed the comment about potential mirrored surfaces of the project since there are large windows facing the beach. Ms. Westmoreland deferred the question pertaining to reflectivity to the applicant.

Applicant Geoff Sumich of Geoff Sumich Design Inc., on behalf of the Owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions. He stated that the windows will be tinted glass, not the reflective commercial glass. He clarified that it is not a reflective glass that would cause glare on the beach.

The Zoning Administrator opened the public hearing.

One member of the public, Beth Catan, spoke and stated that it was a two-story house with a flat roof at 24 feet, where the maximum height is 29 feet. She asked if the applicant could go back at a later date and add a third story or structure to the roof.

Zoning Administrator Alford responded that he will have staff answer her questions regarding potential railings, a third story, and what it would take to amend the CDP.

Ms. Westmoreland responded that in terms of the height limits that any flat elements are limited to 24 feet and any future flat elements would not exceed the height shown on the plans. For a 3:12 pitch they can go up to 29 feet. Should in the future they significantly change the design they would have to amend the coastal development permit, or should they increase the height by more than 10%, they would also be subject to a coastal development permit that includes a public hearing.

Zoning Administrator clarified height of required safety railings. Staff stated that the railings would not be able to go over the 24-foot maximum.

Zoning Administrator closed the public hearing.

Action: Approved

ITEM NO. 6 Coronado Residence Coastal Development Permit No. CD2018-052 (PA2018-119)
Site Location: 309 Coronado Street Council District 1

Liane Schuller, Contract Planner, provided a brief project description stating that the applicant requests approval of a coastal development permit to demolish an existing single-family residence and construct a new 2,200-square-foot single-family residence and attached two-car garage. The project site is located in the R-1 zoning district and has been designed to comply with all applicable zoning code standards, including parking, height, setbacks and floor area restrictions. The project site does not currently provide nor does it inhibit public coastal access, and the proposed project does not affect or alter local public coastal access conditions. The project maintains a building envelope consistent with the zoning of the site and the pattern of neighborhood development, and will therefore not degrade the visual quality of the Coastal Zone or result in adverse impacts to public views.

Staff is recommending approval of the coastal development permit, subject to the findings and recommended conditions of approval included in the draft resolution. The applicant was not in attendance, however Ms. Schuller had spoken with him and confirmed his understanding and agreement of the proposed conditions.

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

Action: Approved

ITEM NO. 7 Patterson Residence Coastal Development Permit No. CD2018-029 (PA2018-068)
Site Location: 304 36th Street Council District 1

Liane Schuller, Contract Planner, provided a brief project description stating that the applicant is requesting approval of a coastal development permit to demolish an existing residential duplex and construct a new three-story duplex with two attached garages and two carports. The project site is located in the R-2 zoning district, and the proposed design is consistent with all applicable zoning code standards, including parking, height, setbacks and floor area restrictions. The project also complies with all applicable Local Coastal Program development standards and maintains a building envelope consistent with the zoning of

the site and the pattern of neighborhood development. The project site is an inland lot, and the proposed project does not alter or affect existing public coastal access in the area, which is provided by the public beach approximately 600 feet to the south. Staff is recommending approval of the coastal development permit, subject to the findings and conditions of approval contained in the draft resolution.

Ms. Schuller noted that a voicemail message had been received from the neighbor at 214 36th Street, expressing his support of the proposed design.

Applicant Bill Caskey, Architect, on behalf of the property owner Andrew Patterson, stated that he had reviewed the draft resolution and agrees with all of the required conditions.

The Zoning Administrator opened the public hearing. One member of the public, Mike Rigas, 306 36th Street, spoke and stated that he and the other neighbors understand that the new residence complies with current development standards, they are concerned and upset about the placement of a three-story structure in the neighborhood.

There were no other public comments.

Action: Approved

E. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

F. ADJOURNMENT

The hearing was adjourned at 3:40 p.m.

The agenda for the Zoning Administrator Hearing was posted on June 22, 2018, at 3:20 p.m. in the Chambers binder and 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 June 22, 2018, at 1:35 p.m.

Patrick J. Alford, Zoning Administrator