

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, July 26, 2018
REGULAR MEETING
3:00 p.m.

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

Staff Present: Jaime Murillo, Zoning Administrator
Rosalinh Ung, Senior Planner
Chelsea Crager, Associate Planner
David Lee, Assistant Planner
Melinda Whelan, Assistant Planner
Liz Westmoreland, Assistant Planner

II. REQUEST FOR CONTINUANCES

None.

III. APPROVAL OF MINUTES

ITEM NO. 1a Minutes of June 28, 2018

Action: Approved

ITEM NO. 1b Minutes of July 12, 2018

Action: Approved

IV. PUBLIC HEARING ITEMS

The Zoning Administrator requested Item No. 4 be heard first.

ITEM NO. 4 Coast Community College Tentative Parcel Map No. NP2016-015 (PA2016-150)
Site Location: 1700, 1730, and 1800 West Coast Highway Council District 3

Melinda Whelan, Assistant Planner, provided a brief project description stating the request was for a tentative parcel map to consolidate existing Lots 61, 62, and 63 of Tract No. 1210 (1700 West Coast Highway) and a portion of existing Parcel 1 (1730 and 1800 West Coast Highway). The purpose of the parcel map is to create a single parcel for a future development by the Coast Community College School District. Lots 61, 62, and 63 (1700 West Coast Highway) have Zoning and General Plan Land Use designations of Commercial General (CG). The portion of Parcel 1 (1730 and 1800 West Coast Highway) is designated Public Facilities (PF) by the General Plan and Zoning Code. Pursuant to Government Code Section 53094, the governing board of a school district may vote to render a city or county zoning ordinance inapplicable to a proposed use of property by the school district. The Coast Community College School District has voted to implement this code section as found in Attachment ZA 4; therefore, consistency of the General Plan and Zoning Code designations is not under consideration with this parcel map. Public improvements are conditioned pursuant to the Subdivision Map Act and are included in the Resolution from Public Works.

Applicant Rochelle Favis, stated that she had reviewed the draft resolution and agrees with all of the required conditions.

Mrs. Whelan clarified that the utility poles that currently serve the adjacent residences will not be undergrounded and the condition found in the resolution for undergrounding is for the new utilities associated with the future Coast Community College project.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke expressing concern with the ability to merge the subject lots with a portion of another lot. Mr. Mosher also expressed concern that the exemption pursuant to Government Code is for classrooms and may not apply to this project.

Mrs. Whelan explained that the tentative parcel map would combine a portion of Parcel 1 with existing Lots 61, 62, and 63 and the applicant confirmed this as correct. The Zoning Administrator confirmed the merger with this map is acceptable pursuant to the Subdivision Code and policies. The applicant also confirmed that the merger will accommodate a future classroom building and related, therefore the future project qualifies for the Government Code exemption.

There were no other public comments.

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. 2 Jabara Mixed-Use Development Coastal Development Permit No. CD2018-039 and
Minor Site Development Review No. SD2018-001 (PA2018-090)
Site Location: 509 31st Street Council District 1**

David Lee, Assistant Planner, provided a brief project description stating that the proposed project is a two-story mixed-use development with an artist's studio component on the ground floor and a residential unit on the second floor. Mr. Lee stated the required parking spaces are being provided in the form of a two-car garage and an additional three covered spaces. Mr. Lee stated that the proposed project conforms to all applicable development standards. Mr. Lee described the project location and how it is not located between the nearest public road and the sea or shoreline, and that it does not currently provide any views or access to, or along, the shoreline. Mr. Lee concluded that the project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway.

Applicant Scott Laidlaw of Laidlaw Schultz Architects, on behalf of the Owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions. Zoning Administrator Murillo asked the applicant to clarify if there would be landscaping located on the side elevation facing the church parking lot. Mr. Laidlaw stated that the area would be landscaped. Zoning Administrator Murillo asked for Mr. Laidlaw to comment on the architectural style of the project and how it fits into the surrounding neighborhood. Mr. Laidlaw stated that Cannery Village is historically an industrial area with design features such as metal siding and masonry, and that development transitions from a smaller regional scale on Newport Boulevard to larger scale buildings leading to the waterfront. Mr. Laidlaw stated that the materials used include metal siding, metal awnings, and masonry, which fit into the surrounding neighborhood. The Zoning Administrator requested that staff add a fact to Finding D in the Resolution which discusses the compatibility of the bulk, scale, and design of the proposed project to the surrounding neighborhood.

The Zoning Administrator opened the public hearing.

One member of the public, James Person, asked staff for the size of the lot. Mr. Lee provided the lot dimensions. Mr. Person also asked how the City will prevent the artist's studio use from changing to a more demanding commercial use such as a beauty salon. Mr. Lee cited a condition of approval that restricts the

ground floor commercial use to an artist's studio or any use with an equivalent or lower parking ratio. Zoning Administrator Murillo stated that the proposed artist's studio use provides code-compliant parking, and that if the conditions of approval are violated, it would become a code-enforcement issue. Mr. Person stated that code-enforcement is not a sufficient requirement.

One member of the public, Marian Briselle, spoke and asked if the parking requirement for the artist's studio use differs from other commercial uses. Zoning Administrator stated that a retail use typically requires one space per 250 square feet, while the proposed artist's studio requires one space per 1,000 square feet. One member of the public, Jim Mosher, spoke and stated that the building has a high ceiling that creates excessive bulk and scale, and asked if a specific artist has requested this design. Scott Laidlaw stated that there is not a proposed tenant in place for the building. He stated that the proposed use of the building is for an artist's gallery, as well as an artist's living area. Zoning Administrator Murillo stated that the building is two stories instead of three stories, which reduces the bulk and scale of the building. James Person spoke and stated that he disagrees with the proposed use, parking requirements, and method of enforcing the conditions of approval.

There were no other public comments.

Action: Approved

ITEM NO. 3 Lauderdale Residence Coastal Development Permit No. CD2018-034 (PA2018-082)
Site Location: 3600 Park Lane Council District 1

Liz Westmoreland, Assistant Planner, provided a brief project description stating that the application is a coastal development permit to allow the demolition of an existing single-family residence and construction of a new three-story, single-family residence with attached two car garage. The project complies with all development standards, such as floor area, height and setbacks and no deviations are requested. The finished floor of the proposed structure is 9 feet NAVD88 which complies with the 9 foot minimum standard. A Water Quality Management Plan and Construction Erosion Control Plan have been provided to address water quality on the site. The project is located on the Balboa Peninsula near Newport Island. It is not located between the nearest public road and sea or shoreline. The project does not include a change in land use, intensity or density that will result in an increased demand for public access opportunities. It would not impede any existing opportunities. The project is not located adjacent to a coastal view road, accessway, or viewpoint as identified in the Coastal Land Use Plan. The nearest viewpoint is on Newport Island and not visible from the site. The site is located adjacent to 38th Street Park, which is accessible to the public and provides some limited opportunities to view the bay through 37th Street. The subject property and neighboring properties are located within the viewshed of this park. The proposed structure does not contain any unique features that could degrade the visual quality of the coastal zone. The front and side of the proposed residence, which are visible from the park and 36th Street, contain substantial architectural treatment and visual interest, in keeping with the design guidelines of the Zoning Code. The new structure complies with setbacks, where the existing building encroaches into the rear and side setbacks. The design includes modulation of volume, an increased front setback beyond what is required, and low walls that prevent the appearance of the site being walled off. Therefore, staff recommended approval of PA2018-082 based on the facts and conditions contained within the resolution.

Ms. Westmoreland stated that the applicant, Eric Aust, is here.

Applicant Eric Aust, on behalf of the Owner, 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. 5 PAM Capital Management, Inc. Tentative Parcel Map No. NP2018-013 (PA2018-102)
Site Location: 702 and 702-1/2 Marguerite Avenue Council District 6

The Zoning Administrator provided a brief description of the project, a tentative parcel map for condominium purposes with no deviations from Title 19.

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. 6 Longo Condominiums Tentative Parcel Map No. NP2018-022 (PA2018-136)
Site Location: 621 and 621-1/2 Narcissus Avenue Council District 6

No staff report was requested; and the Zoning Administrator opened the public hearing.

Applicant James Person, on behalf of the property owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions.

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

Action: Approved

ITEM NO. 7 Engstrom Condominiums Tentative Parcel Map No. NP2018-021 and Coastal Development Permit No. CD2018-056 (PA2018-133)
Site Location: 115 and 115-1/2 29th Street Council District 1

Rosalinh Ung, Senior Planner, provided a brief project description stating that the requested approval of a tentative parcel map and associated coastal development permit are for condominium purposes. Recordation of the Final Map will allow each residential unit to be sold individually. The General Plan and Zoning designations for the property allow two-unit residential development. A previously existing duplex has been demolished, and construction is underway on a new duplex which is designed to comply with all applicable zoning code standards, including height, setbacks, parking and floor area. Public improvements are required of the applicant in conjunction with the tentative parcel map. The Public Works Department has reviewed the project and provided conditions of approval which are included in the draft Resolution. The proposed development complies with the standards and approval requirements of the City's Local Coastal Program. Staff recommends approval of the project, subject to the findings and recommended conditions of approval set forth in the draft Resolution.

Applicant James Person, on behalf of the property owner, 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, Jim Mosher, commented on Condition No. 3, pertaining to the extension of time as it should be in compliance with the provisions of Title 19 (Subdivision) and Title 21 (Implementation Plan).

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

Action: Approved

ITEM NO. 8 Orchid Avenue Condominiums Tentative Parcel Map No. NP2018-020 (PA2018-132)
Site Location: 719 Orchid Avenue Council District 6

No staff report was requested; and the Zoning Administrator opened the public hearing.

Applicant James Person, on behalf of the property owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions.

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

The Zoning Administrator commented on Condition No. 3, pertaining to the extension of time as it should be in compliance with the provisions of Title 19 (Subdivision).

Action: Approved

ITEM NO. 9 Martin Residence Coastal Development Permit No. CD2018-041 (PA2018-091)
Site Location: 9 Bay Island Council District 1

Chelsea Crager, Associate Planner, provided a brief project description stating that the project is a coastal development permit to allow the demolition of an existing single family residence and the construction of a new single family residence at 9 Bay Island. The application also includes a request to modify parking standards with a parking management plan. The project complies with all other applicable development standards. Bay Island is one single property and therefore floor area limit and open volume area were analyzed for the entire island. No vehicles are permitted on Bay Island with the exception of golf carts. Parking is provided in a parking structure offsite. The project is conditioned to maintain two parking spaces for each Bay Island residence in the offsite parking garage and a golf cart garage space onsite. There is no public access on Bay Island.

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

The Zoning Administrator opened the public hearing.

A member of the public, Jim Mosher, spoke and stated that the use permit that regulates Bay Island development standards is not a part of the Local Coastal Program Implementation Plan. He asked if the use permit allows relaxed development standards.

Associate Planner Crager responded to comments and stated that the project is required to comply with standards in both the use permit and in NBMC Title 21, the Local Coastal Program Implementation Plan. He stated that Bay Island is visible from the Harbor and therefore there are view impacts. Because the project is a single family residence replacing an existing single family residence, the impacts to public views are not substantial.

The Zoning Administrator stated that because the street ends adjacent to the beach are designated public views, Fact 3 in support of Finding B should be modified to reflect that views from these points will not dramatically be impacted and would result in a negligible change.

A member of the public, Wade Cable, the President of Bay Island, spoke in support of the project. He stated it was compatible with development on the island.

There were no other public comments.

Action: Approved

ITEM NO. 10 Sedghi Residence Coastal Development Permit No. CD2017-060 (PA2017-146)

Site Location: 2141 Seville Avenue**Council District 1**

Chelsea Crager, Associate Planner, provided a brief project description stating that the project is a coastal development permit to allow the demolition of an existing single-family residence and the construction of a new 3,778-square-foot, single family residence with an attached garage. The proposed development also includes accessory structures such as walls, fences, patios, hardscape, drainage, and 109-square-feet of landscape. The project complies with applicable development standards. There was one public comment received with questions regarding the proposed third floor.

The property owner, Ali Sedghi, 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, Cecilia Tripi, spoke and stated that she was concerned with potential blocked private views associated with the proposed third floor covered deck and that the proposed third floor deck was not compliant with development standards. She also submitted additional written materials. She stated that generally she was supportive of the project, with the exception of the third floor and private view issue. There were no other public comments.

Associate Planner Crager responded to the comment and stated that the project complies with third floor development standards.

The Zoning Administrator explained that the third floor design standards were adopted in 2010 apply to enclosed floor area only and do not apply to covered roof decks as the project proposes. He also explained that the City does not protect private views.

There were no other public comments.

Action: Approved

E. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

One member of the public, Jim Mosher, questioned about accessibility to the Zoning Administrator audio recordings.

F. ADJOURNMENT

The hearing was adjourned at 4:06 p.m.

The agenda for the Zoning Administrator Hearing was posted on Thursday, July 19 2018, at 2:55 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 Thursday July 19, 2018, at 2:30 p.m.

Jaime Murillo, Zoning Administrator