



CITY OF

NEWPORT BEACH

City Council Staff Report

September 25, 2018
Agenda Item No. 18

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Seimone Jurjis, Community Development Director - 949-644-3232, sjurjis@newportbeachca.gov

PREPARED BY: David S. Lee, Assistant Planner, dlee@newportbeachca.gov
PHONE: 949-644-3225

TITLE: Call for Review of the Approval of the Variance and Coastal Development Permit for 3200 Ocean Boulevard (PA2017-208)

ABSTRACT:

This item is a call for review of the Planning Commission's approval of a variance and coastal development permit to demolish an existing single-family residence and allow the construction of a new 7,276-square-foot, single-family residence and a 688-square-foot, three-car garage. Excluding the 2,748-square-foot subterranean basement, the resulting total floor area proposed is 5,216 square feet. The variance authorized the residence to encroach 5 feet into the required 10-foot rear setback and exceed the maximum floor area limit of 4,234 square feet.

RECOMMENDATION:

- a) Conduct a public hearing;
- b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; and
- c) Adopt Resolution No. 2018-73, *A Resolution of the City Council of the City of Newport Beach, California, Approving Variance No. VA2017-002 and Coastal Development Permit No. CD2017-091 to Allow the Construction of a New Single-Family Residence for Property Located at 3200 Ocean Boulevard (PA2017-208).*

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

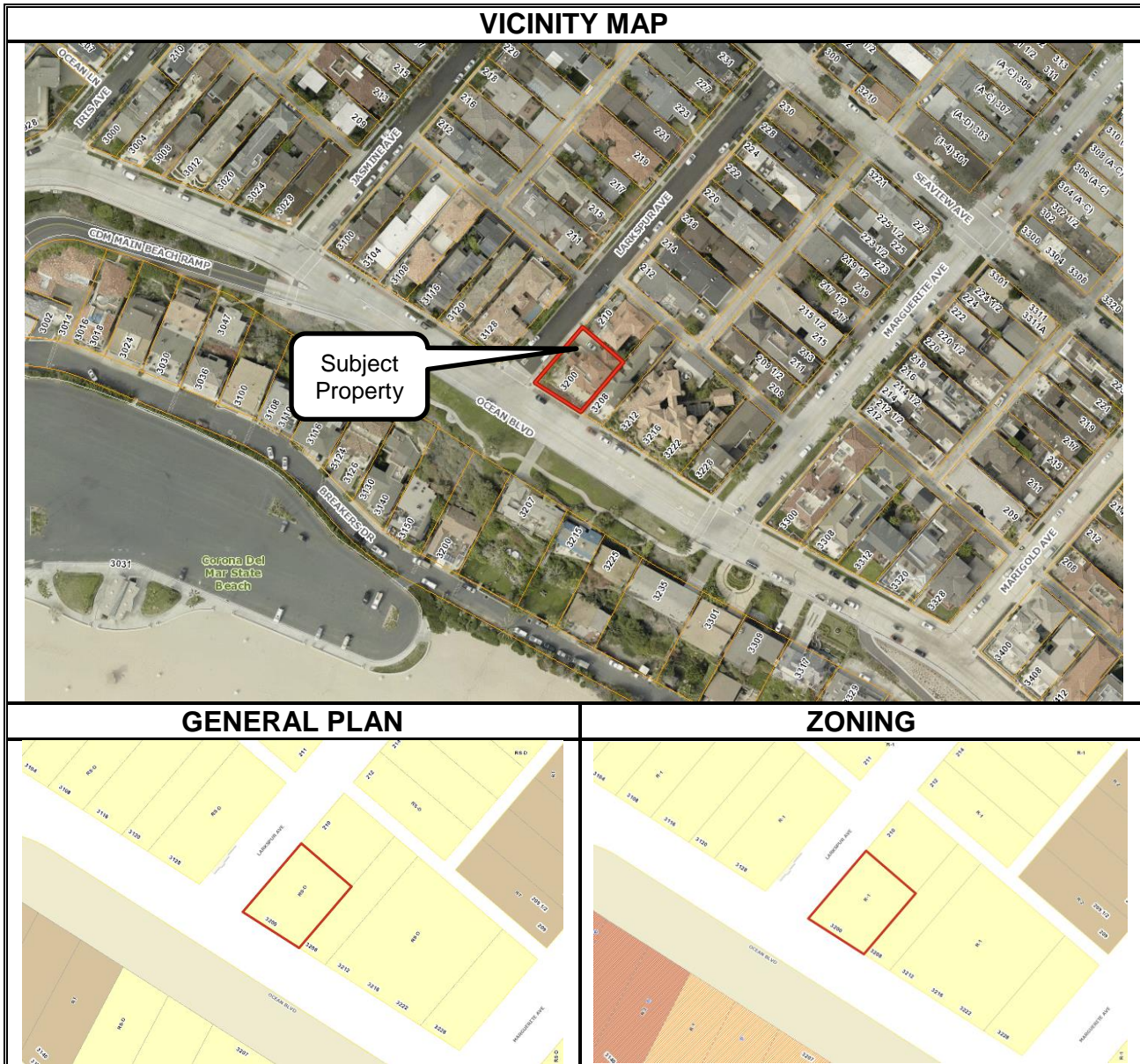


Table 1 – Land Use, Zoning and Uses

LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-Unit Residence
NORTH	RS-D	R-1	Single-Unit Residences
SOUTH	RS-D	R-1	Single-Unit Residences
EAST	RS-D	R-1	Single-Unit Residences
WEST	RS-D	R-1	Single-Unit Residences

DISCUSSION:

Planning Commission Action

On August 9, 2018, a public hearing was held before the Planning Commission to review Variance No. VA2017-002 and Coastal Development Permit No. CD2017-091. The project involves the demolition of an existing single-family residence and construction of a new single-family residence that encroaches 5 feet into the required 10-foot rear setback and exceeds the maximum floor area limit of 4,234 square feet.

The majority of the Planning Commission's discussion centered on whether it had the legal authority to grant a variance in the Coastal Zone, since the certified Local Coastal Program is currently silent on variance procedures. The Commission discussed its previous approval of 2607 Ocean Boulevard (Ginsberg Residence), which is a variance and coastal development permit that was appealed to the Coastal Commission and is currently under review. The Commission discussed whether it should continue the item until the Coastal Commission's review on the Ginsberg Residence brings additional clarity on the City's authority to grant a variance in the Coastal Zone. The applicant emphasized their awareness of the risk of a lengthy appeal process with the Coastal Commission and requested that the Planning Commission approve or deny the project at the current time.

The Planning Commission ultimately voted 5 to 2 to approve the Variance and Coastal Development Permit (Attachment C). The two dissenting Commissioners were in favor of continuing the item due to the lack of clear permitting authority. The remaining commissioners determined that the facts in support of findings were sufficient. A copy of the August 9, 2018 Planning Commission minutes are attached (Attachment D).

Call for Review

On August 20, 2018, Council Member Jeff Herdman submitted a Call for Review for the City Council to review the Planning Commission's decision.

Pursuant to Newport Beach Municipal Code (NBMC) Section 20.64.030.C.3 (Conduct of Hearing), a public hearing on a Call for Review is conducted "de novo," meaning that it is a new hearing and the prior decision of the Planning Commission to approve the application has no force or effect. The City Council is not bound by the Planning Commission's prior decisions or limited to the issues raised at the lower hearing.

The Planning Commission Staff Report provides projects details and justification for the approval of the variance and coastal development permit (Attachment E).

Alternatives

1. The City Council may suggest specific changes that are necessary to alleviate concerns. If any additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. Should the City Council choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.

2. If the City Council believes that there are insufficient facts to support the findings for approval, the City Council may reverse the decision of the Planning Commission and deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment B).
3. If new or different evidence is presented at the review, the City Council may refer the matter to the Planning Commission for their consideration.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Draft Resolution for Approval
Attachment B – Draft Resolution for Denial
Attachment C – Planning Commission Resolution No. PC2018-023
Attachment D – Planning Commission Minutes
Attachment E – Planning Commission Staff Report
Attachment F – Correspondence