

**MINUTES OF THE MEETING OF THE  
NEWPORT BEACH ZONING ADMINISTRATOR**

**THE REGULAR MEETING WAS HELD ON:**

**Thursday, November 15, 2018  
3:00 p.m.**

**THE MEETING WAS HELD AT:**

**Newport Beach City Hall  
100 Civic Center Drive, Newport Beach  
Corona del Mar Conference Room (Bay E-1st Floor)**

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

Staff Present: Patrick J. Alford, Zoning Administrator  
Chelsea Crager, Associate Planner  
Makana Nova, Associate Planner  
David Lee, Assistant Planner  
Melinda Whelan, Assistant Planner

**II. REQUEST FOR CONTINUANCES**

None.

**III. APPROVAL OF MINUTES**

**ITEM NO. 1 MINUTES OF OCTOBER 25, 2018**

**Action:** Approved

**IV. PUBLIC HEARING ITEMS**

**ITEM NO. 2 Big Canyon Coastal Habitat Restoration and Adaptation – Phase 2A - Coastal Development Permit No. CD2018-027 and Mitigated Negative Declaration No. ND2018-001 (PA2018-078)  
Site Location: 1900 Back Bay Drive, APN 440-092-79 Council District 4**

Makana Nova, Associate Planner, provided a brief project description stating that the application for habitat restoration was recommended to be removed from calendar. The item was considered by the Zoning Administrator at the October 11, 2018, Zoning Administrator hearing where the Zoning Administrator continued the item to November 15, 2018, to allow staff to complete some outstanding items related to the project. Upon further review of public comments and the LCP jurisdiction, City staff discovered that the subject property is designated as tidelands. Therefore, coastal development permit authority lies with the California Coastal Commission. The application is now scheduled for the Parks, Beaches, and Recreation Committee meeting on December 4, 2018, and will then proceed to the City Council for adoption of the Mitigated Negative Declaration in January, 2019. If approved, the project will then proceed to the California Coastal Commission with an approval in concept for a coastal development permit. Ms. Nova noted that one public comment letter was received regarding this application. Ms. Nova stated that representatives on behalf of the Newport Beach Conservancy were not present since the item was recommended for removal from calendar.

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 confirmed with Ms. Nova that the property is not identified within the Coastal Commission permit jurisdiction on the Local Coastal Program map. However, the property was transferred to the tidelands trust in 1998. Therefore, the City does not have the authority to act on properties designated within the tidelands trust.

Ms. Nova further clarified that following City Council adoption of the Mitigated Negative Declaration, the City will authorize an approval in concept to proceed to the California Coastal Commission for approval of a coastal development permit.

**Action:** Removed from Calendar

**ITEM NO. 3 Jaguar Land Rover and Aston Martin Temporary Modular Buildings Limited Term Permit  
XP2018-007 (PA2018-130)  
Site Location: 1540 Jamboree Road Council District 5**

David Lee, Assistant Planner, provided a brief project description stating that one modular office building and one modular restroom are proposed to be placed at the existing Jaguar Land Rover and Aston Martin car dealership for a temporary basis. Mr. Lee discussed the location of the trailer, the parking situation at the dealership, and the longevity of the limited term permit.

Applicant Anna Marie Bard of SDA Partnership USA, on behalf of the Pendragon North America, stated that she 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, spoke and stated that there were typographical errors in the Draft Resolution within the Statement of Facts and California Environmental Quality Act Determination sections. Mr. Mosher also asked for clarification regarding the shared parking situation at 800 San Clemente Drive between the subject property and the 2101 Dove Street dealership. Mr. Mosher made a comment stating that the parking structure at 888 San Clemente Drive is not abutting the subject car dealership. Finally, Mr. Mosher stated that Condition No. 4 of the Draft Resolution had an error. Staff acknowledged the errors in the staff report, clarified the parking situation, and revised Condition No. 4 to refer to the correct Limited Term Permit, which was previously approved.

There were no other public comments.

**Action:** Approved

**ITEM NO. 4 Jaguar Land Rover Temporary Modular Buildings Limited Term Permit XP2018-005 (PA2018-129)  
Site Location: 2101 Dove Street Council District 3**

David Lee, Assistant Planner, provided a brief project description stating that two modular office buildings and one modular restroom are proposed to be placed at the existing Jaguar Land Rover car dealership for a temporary basis. Mr. Lee discussed the location of the trailer, the parking situation at the dealership, and the longevity of the limited term permit.

Applicant Anna Marie Bard of SDA Partnership USA, on behalf of the Pendragon North America, stated that she 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. The Zoning Administrator requested that staff revise Condition No. 4 in the Draft Resolution to reference the correct Limited Term Permit, which was previously approved.

**Action:** Approved

**ITEM NO. 5      Lauer-Levin Residence Coastal Development Permit No. CD2018-072 (PA2018-167)**  
**Site Location: 400 Via Lido Nord      Council District 1**

Chelsea Crager, Associate Planner, stated that she was presenting the project on behalf of project planner Liz Westmoreland. Ms. Crager provided a brief project description stating that the request is for a coastal development permit to allow the demolition of an existing single-family residence and construction of a new two-story single-family residence and attached garage. The project site does not contain nor propose protective devices, such as a bulkhead. Ms. Crager discussed additional details of the project including the low site walls and additional setbacks beyond what is required by code, and reduced heights of the principal structure. The proposed structure would not impede or impact public access and would potentially enhance views across the subject property.

The Zoning Administrator remarked that the project is designed and sited to protect and potentially enhance public views. He also asked if the planner knew why there was signage on the public beach adjacent to the site that restricted access to the playground. He stated that this wasn't relevant for the project but he would look into it.

Applicant Mark Teale of Teale Architecture, on behalf of the Owner, stated that the project was designed to maximize views.

Ed Levin, the owner, stated that he did not have questions. Mr. Teale asked if he is required to retain the trees for the purpose of protecting migratory birds and if he needs to retain a biologist to assist in this process.

Associate Planner Crager stated that the responsibility is on the applicant to ensure they are not harming any native birds. A biologist can assist if birds are observed, but per the conditions, it is only recommended and not required.

The Zoning Administrator opened the public hearing.

One member of the public, Jill Golden, a neighbor to the site, mentioned that the park is owned by the homeowner's association and there is public access on each side of the park for the public to access the beach.

Another member of the public, Jim Mosher, questioned the location of the single-family structure within a multi-family zone. He also commented that if Lido Isle were subdivided earlier it would have a public walkway around it and suggested Lido Isle redevelopment include a walkway.

Zoning Administrator Alford mentioned that there is already an existing public walkway along the front of the site. He also remarked that the original concept included multi-family and commercial sites.

There were no other public comments.

**Action:**                      Approved

**ITEM NO. 6      Cassis Residential Condominiums Tentative Parcel Map No. NP2018-027 (PA2018-189)**  
**Site Location: 618 and 618 ½ Narcissus Avenue      Council District 6**

Melinda Whelan, Assistant Planner, provided a brief project description stating that the request is for a tentative parcel map for two-unit condominium purposes. An existing duplex has been demolished and a new duplex is under construction. All municipal code requirements are provided with the new construction and no waivers of Title 19 are proposed.

Applicant and owner, Abraham Cassis, 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. 7      Flutter Residence Coastal Development Permit No. CD2018-057 (PA2018-135)**  
**Site Location: 508 31st Street      Council District 1**

Melinda Whelan, Assistant Planner, provided a brief project description stating that the request is for a coastal development permit to allow the demolition of an existing single-family residence, and the construction of a new three-story, 3,579-square-foot, single-family residence and attached 600-square-foot garage. The project is located in the Mixed-Use Cannery Village and 15<sup>th</sup> Street (MU-CV/15<sup>th</sup> Street) Zoning District, which allows the stand-alone residential use.

Applicant Lee Stearns of Stearns Architecture, on behalf of the Russell Flutter, 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, Maryanne Brussel, a neighbor to the site, expressed her concern with the height of the fence for the front patio, visual impacts to this area of the coastal zone, and views down the street.

There were no other public comments.

Staff confirmed that the views referenced are not identified as public views or coastal view roads in the Coastal Zone. The single-family dwelling is a permitted use next to the commercial and mixed-uses, which could warrant a taller fence to provide a more private yard for the residence. The proposed residence complies with all required development standards.

The Zoning Administrator expressed understanding of Ms. Brussel's concern but concluded that the request is not out of compliance with the intent, policies, regulations or findings of the Coastal Land Use Implementation Plan.

**Action:**      Approved

**ITEM NO. 8      Collins/Flutter Residence Coastal Development Permit No. CD2018-079 (PA2018-184)**  
**Site Location: 1722 West Ocean Front      Council District 1**

Chelsea Crager, Associate Planner, provided a brief project description stating that the request is for a coastal development permit for the demolition of a three-unit residential development and the construction of a new, 3,754-square-foot, three-story, single-family residence and two-car garage. Ms. Crager described the project's consistency with all applicable development standards and the existing development pattern of the neighborhood. Because the project includes the demolition of a three-unit structure, the project was reviewed in compliance with the Demolition and Conversion of Affordable Housing section of the Newport Beach Municipal Code. In this case, two units were used as short term lodging and no tenant income information was available for the third unit.

The Zoning Administrator confirmed that all proposed improvements were contained on the property and no encroachments into the public right of way are proposed. He also confirmed that the existing wall along the boardwalk was not proposed to be modified.

Applicant Bill Guidero, stated that he had reviewed the draft resolution and agrees with all of the required conditions. Mr. Guidero confirmed that the existing wall along the boardwalk was proposed to remain unmodified. The Zoning Administrator asked Mr. Guidero if he would accept a condition of approval stating that all unauthorized improvements within the public right-of-way would be removed. Mr. Guidero agreed.

The Zoning Administrator confirmed with the applicant that the two units, which had been used as short term lodging, were vacant for more than 30 days.

The Zoning Administrator opened the public hearing.

One member of the public, Brandon Fuller, a neighbor at 1724 West Ocean Front, spoke and questioned the timing of the project and asked about the wall separating his property and the subject property.

There were no other public comments.

Mr. Guidero stated that the project would take approximately 12 months to build. The owner may speak with the neighbor regarding the wall at a later time.

**Action:** Approved

**ITEM NO. 9 Flood Residential Condominiums Coastal Development Permit No. CD2018-082 and  
Tentative Parcel Map No. NP2018-030 (PA2018-199)  
Site Location: 3920 and 3940 Seashore Drive Council District 1**

Chelsea Crager, Associate Planner, provided a brief project description stating that the application is for a coastal development permit and tentative parcel map. The parcel map would allow each unit of the two-unit development to be sold individually. There are no waivers of Title 19 proposed. The demolition of the existing duplex and construction of the new duplex do not require a coastal development permit because they have been approved by Categorical Exclusion Order No. CEO2018086.

The Zoning Administrator asked staff if the proposed development, which qualifies for categorical exclusion, had been reviewed for consistency with the Local Coastal Plan. Ms. Crager confirmed that it has.

Applicant Chris Temme with Forkert Engineering, 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

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

One member of the public, Jim Mosher, commented that decisions made on Coastal Development Permits are discretionary actions and asked for clarification on the Zoning Administrator's capacity in approving or denying Coastal Development Permits. He questioned projects that fall under coastal development permit jurisdiction and exemption from permit requirements.

**VI. ADJOURNMENT**

The hearing was adjourned at 4:15 p.m.

**The agenda for the Zoning Administrator Hearing was posted on November 9, 2018, at 2:30 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 November 9, 2018, at 3:50 p.m.**

---

Patrick J. Alford  
Zoning Administrator