

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES  
100 CIVIC CENTER DRIVE, NEWPORT BEACH  
CORONA DEL MAR CONFERENCE ROOM (BAY E-1ST FLOOR)**

**THURSDAY, SEPTEMBER 26, 2019  
REGULAR MEETING – 3:00 P.M.**

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

Staff Present: James Campbell, Zoning Administrator  
Jaime Murillo, Senior Planner  
Melinda Whelan, Assistant Planner  
Liz Westmoreland, Assistant Planner  
Patrick Achis, Planning Technician

**II. REQUEST FOR CONTINUANCES**

None.

**III. APPROVAL OF MINUTES**

**ITEM NO. 1 MINUTES OF SEPTEMBER 12, 2019**

**Action:** Approved

**IV. PUBLIC HEARING ITEMS**

**ITEM NO. 2 Guo Residential Condominiums Coastal Development Permit No. CD2019-027 and  
Tentative Parcel Map No. NP2019-009 (PA2019-096)  
Site Location: 515 36th Street**

**Council District 1**

Melinda Whelan, Assistant Planner, provided a brief project description stating the request is for a coastal development permit and tentative parcel map for two-unit condominium purposes. The demolition of a single-family dwelling and the construction of a new duplex has already received a coastal development permit and building permits. The current application is would divide the duplex units into condominiums for individual sale. No waivers of Title 19 (Subdivisions) requirements are proposed. The Tentative Parcel Map also requires the approval of a coastal development permit pursuant to Title 21 (Local Coastal Program Implementation Plan) in the Newport Beach Municipal Code.

Architect Scott Hudgins, 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.

Jim Mosher, asked why the tentative parcel map requires a coastal development permit and why it was not required to go with the coastal development permit request for the construction of the new duplex.

Seeing no other people wishing to speak, the Zoning Administrator closed the public hearing.

In response to the comment made, the Zoning Administrator explained that development within the coastal zone is defined in the Coastal Act and subdivisions are defined as development requiring a coastal development permit.

The Zoning Administrator also remarked that tentative parcel map for condominiums within this urbanized existing residential area with conforming density to the General Plan and neighborhood and does not pose any impacts to coastal resources.

The Zoning Administrator made minor changes to the language in the Facts in Support of Findings A.2. and A.3 of the Resolution.

**Action:** Approved

**ITEM NO. 3      Stupin Residence Coastal Development Permit No. CD2019-033 (PA2019-100)**  
**Site Location: 3312-3318, 3322, 3324 Via Lido      Council District 1**

Liz Westmoreland, Assistant Planner, provided a brief project description stating that the project had been previously scheduled for an earlier date, but was rescheduled for today's meeting in order to provide sufficient noticing. Ms. Westmoreland provided a project overview including background on past approvals for the subject site. An additional street parking space will be provided as part of the project. The Implementation Plan allows the development of a single-family residence, and there is no minimum density identified by the General Plan, Implementation Plan, or Zoning Code. If the Coastal Land Use Plan density range were applied on a lot by lot basis instead of on a larger scale, the lot would never be able to achieve that density since the site is limited to three dwelling units which is a 15 du/ac limit. Staff stated that public comments on the project had been received.

Staff read minor changes to the resolution into the public record in an effort to provide more clarity and disclose the possibility of additional hazards related to sea level rise. Staff stated that the bulkhead can be raised in the future if sea level rise is greater than identified in the coastal hazards report.

The Zoning Administrator opened the public hearing.

David Mello, on behalf of Land Sea Homes, expressed concerns related to the height and compatibility of the proposed structure and how this area was not included into the Lido Villas Planned Community and associated guidelines.

Applicant Anne Fox, on behalf of the owner, stated that she had reviewed the draft resolution and agrees with all of the required conditions. She stated that the house is intended to serve as their primary residence and the family's home. She provided background on the subject site.

Another member of the public, Nancy Scarborough, commented on the project expressing concerns regarding the use of RM zoning for a single-family residence and the reduction in density on the site.

Charles Klobe expressed his concerns regarding development of single-family residences in the RM Zone and loss of housing units.

Judy Cole commented on the project, stating that she lives next door to the project and is concerned about the use of RM height standards for a single-family residence as well as compatibility with neighboring buildings. She was concerned about the requirement to remove and reconstruct the existing docks in the bay.

A member of the public, June, stated that she represents one of the owners in the Lido Villas homes across from the proposed project and that the proposed building would block their views. She expressed concerns regarding the size of the residence.

Jim Mosher provided comments, stating that the review of the coastal development permit is based on the Coastal Land Use Plan and Implementation Plan. He described the history of the area. He expressed concerns about the construction of a single-family residence in the RM coastal zone instead of multiple units. He referenced the comment letter from the Coastal Commission. He stated that the single-family use is allowed but not by right in the zone and questioned the jurisdictional boundary.

The Zoning Administrator closed the public hearing.

The Zoning Administrator stated that the Implementation Plan certified by the Coastal Commission allows a single-family residence in the RM zoning district. Because of a recently filed appeal of a similar CDP application, this project might be appealed to the Coastal Commission as well. The Zoning Administrator expressed the belief that the project is consistent with the certified Local Coastal Plan.

He asked the applicant if the docks would be modified to comply with current Harbor regulations. The applicant referenced the condition of the resolution that requires them to obtain a coastal development permit from the Coastal Commission to modify the docks to meet the code.

The Zoning Administrator asked if the applicant would be able to flood proof the home to the mid-to high level sea level rise projection, in consistent with what the Coastal Commission has been requiring. The bulkhead would remain the same as proposed. The architect accepted the additional condition of approval.

The Zoning Administrator closed the public hearing.

The Zoning Administrator and Ms. Westmoreland provided some additional comments in response to the public.

The Zoning Administrator approved the project.

**Action:** Approved

**ITEM NO. 4 Bethel and Ridge Demolition and Subdivision Coastal Development Permit  
No. CD2019-024 and Tentative Parcel Map No. NP2019-008 (PA2019-085)  
Site Location: 365 Via Lido Soud, Units 1, 2, 3, and 4 Council District 1**

Jaime Murillo, Senior Planner, provided a brief project description stating that the requests include a tentative parcel map and coastal development permit to subdivide the property into two separate parcels. The coastal development permit request also includes the demolition of an existing four-unit residential structure and waiver of the minimum lot width and area standard associated with the proposed subdivision. No new construction is proposed as a part of this project. He explained the project's consistency with Coastal Land Use Plan Policy 2.8.1-3 and Implementation Plan Section 21.30.025 regarding subdivisions located in potentially hazardous areas. A coastal hazards report concluded that the parcels would be safe from geologic and other hazards for a minimum of 75 years and that no shoreline protective devices exist and that future development is not reliant upon future shoreline protection for the economic life of the structure (75 years). Conditions of approval have been added requiring the waiver of future shoreline protection. Mr. Murillo also presented revisions to Facts 1, 2, and 3 of Finding Q in the draft resolution.

The Zoning Administrator requested that Fact 2 of Finding L also be clarified to list the address range of the referenced block face used in the zoning code consistency analysis.

Applicant Shawna Schaffner of CAA Planning, on behalf of the property owners, stated that she had reviewed the draft resolution and agrees with all of the required conditions.

The Zoning Administrator also clarified for the record that he has considered alternatives to the variance request, primarily leaving the lot as a larger 70-foot wide parcel, which results in a lot width that is less comparable to adjacent lots in block. The reduction in width is compatible and consistent with surrounding lot widths within the same RM block as well as the broader neighborhood that is primarily comprised of 30-foot wide lots.

The Zoning Administrator opened the public hearing.

Jim Mosher had the following comments: 1) questioned the use of the Class 32 (In-Fill) CEQA exemption and recommended the use of a Class 1 (Existing Facilities) exemption for the demolition; 2) inquired about the

future project and plans for the proposed lots; 3) questioned the need for the subdivision and possible inconsistency with the intent of the RM coastal land use plan designation and zoning district; 4) shared concerns with sea level rise; and 5) questioned access to the public boardwalk in front of properties.

Charles Klobe stated he had no concerns with the project now, but if single-family homes are to be constructed on lots in the future, he would oppose a project at that time due to the reduction in density in the RM zone.

Sharon Grimes stated as a resident and relator on Lido Isle, she supports the project.

Shawna Schaffner responded to comments, including that she agreed that a Class 1 CEQA exemption is more appropriate, and that the project has been designed to respond and adapt to sea level rise.

The Zoning Administrator closed the public hearing and clarified for the record that no protective devices exist and will not be needed (or allowed) in the future. As such, the project is consistent with Implementation Plan Section 21.30.025. He agreed that a Class 1 (existing Facilities) and a Class 3 (New Construction) exemption were more appropriate for this project. The Zoning Administrator found the project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303 of the State CEQA Guidelines.

**Action:** Approved

**ITEM NO. 5      Annual Review of the Newport Harbor Lutheran Church Development Agreement  
No. 10 (PA2009-137)  
Site Location: 798 Dover Drive      Council District 3**

Patrick Achis, Planning Technician, provided a brief project description stating that the item is for an annual review of Development Agreement No. 10 for Newport Harbor Lutheran Church. The Development Agreement was executed in 1997 and vested development rights for the expansion of Church facilities, addressed parking for the Church, and required the conveyance of park land to the City. To date, the terms and conditions of the Development Agreement have been implemented and/or accomplished except for the planned expansion of the Church. On July 13, 2011, the City authorized the temporary placement of modular classrooms. The Church has expressed interest in pursuing action in the near future to make the three existing temporary modular classrooms permanent and to convert an existing office space into additional classrooms, though the City has not yet received an associated application submittal. No planning applications have been submitted and no building construction has been completed since the last Development Agreement review in 2014. After reviewing the Annual Report and applicable documents, staff believes that the Newport Harbor Lutheran Church continues to comply in good faith with terms and conditions of Development Agreement No. 10.

Bob Fernandez, on behalf of the Newport Harbor Lutheran Church, stated that he had reviewed the staff report and he agrees with the recommendation.

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

**Action:** The Zoning Administrator found Newport Harbor Lutheran Church in good faith compliance with Development Agreement No. 10

**ITEM NO. 6      Jaguar Landrover Auto Center Comprehensive Sign Program No. CS2019-007 and  
Modification Permit No. MD2019-004 (PA2019-118)  
Site Location:      Council District 5**

Patrick Achis, Planning Technician, provided a brief project description stating that the request is to update an existing comprehensive sign program for a recently remodeled building occupied by an automotive dealership. Included in the request is a modification permit to allow an increase in overall sign area. If approved, this Comprehensive Sign Program and Modification Permit would supersede the existing comprehensive sign program and staff approval related to existing signage. Given the width of the building façade at 165 feet and

the height of the building at approximately 26 feet, 6 inches, staff believes the proposed number of signs, area, and height are compatible with the overall massing and bulk of the building.

The Zoning Administrator opened the public hearing.

Dennis Stout of Megahertz Signs, on behalf of the Owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions. Mr. Stout clarified that only one automotive dealer was on-site with two brands.

The Zoning Administrator asked staff to clarify the purpose, location, and readability of the customer promise sign (Sign 4).

Jason Miller, of the applicant team, responded that the customer promise sign is to strengthen the brand and is a requirement by the franchise agreement.

Dennis Stout added that the sign is pedestrian oriented and located next to the parking lot and meant for those customers to read.

Jim Mosher stated the location of the customer promise sign is not in a landscape area, but instead a display area, which is not conveyed on the project plans. In the past, the interpretation by the Zoning Administrator has been that signs are for wayfinding, not for advertising purposes. Mr. Mosher continued that the sign belongs inside the showroom. He also sought clarification to some of the information regarding a 75 square foot maximum for sign size presented at the recent City Council hearing for nonconforming signs.

The Zoning Administrator closed the public hearing.

The Zoning Administrator clarified that the Zoning Code has provisions to allow signs in excess of 75 square feet through a modification permit or comprehensive sign program, which is the subject application. Signs approved by Zoning Code-prescribed processes to deviate from standards are not classified as legal, nonconforming signs. The Zoning Administrator reopened the public hearing to continue dialogue about the location of the customer promise sign.

Applicant team stated that the rock ramp would remain and confirmed the proposed area of Sign 4 is not a landscape planter.

The Zoning Administrator closed the public hearing.

The Zoning Administrator expressed concern with the location of Sign 4 as it is a pedestrian-oriented sign in proximity to a driveway. He noted that a better location should be found where pedestrians would more likely be found. The Zoning Administrator added a condition of approval requiring Sign 4 to be relocated onsite to a more appropriate area, to be reviewed and approved by staff. If relocation of Sign 4 is deemed infeasible, the existing location will be acceptable.

**Action:** Approved

**ITEM NO. 7 Owens Residence Coastal Development Permit No. CD2019-040 (PA2019-151)**  
**Site Location: 2642 Crestview Drive Council District 3**

Patrick Achis, Planning Technician, provided a brief project description stating that the request was for a coastal development permit to allow the demolition of an existing single-family residence and the construction of a new three-story, 3,187-square-foot, single-family residence, including an attached 3-car garage. The design complies with all applicable development standards – including height, setbacks, and floor area limit, and no deviations are requested. Vehicular access is provided at the rear of the property via a 20-foot City easement. The replacement of the existing residence with a new residence does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities.

The Zoning Administrator opened the public hearing.

Architect Eric Mossman, on behalf of the Owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions.

Nancy Scarborough, a member of the public, commended the project's setbacks and modest floor area.

The Zoning Administrator closed the public hearing.

The Zoning Administrator found the project consistent with the Local Coastal Program based upon the facts presented in the staff report and draft resolution.

**Action:**           Approved

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

One member of the public, Jim Mosher, commented that the "Frequently Asked Questions" located on the Zoning Administrator website should be updated, specifically to include the Coastal Commission appeal process. He also noted that the webpage should identify the identity of the Zoning Administrator.

#### **VI.       ADJOURNMENT**

The hearing was adjourned at 4:53 p.m.

**The agenda for the Zoning Administrator Hearing was posted on September 20, 2019, at 2:30 p.m. 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 September 20, 2019, at 3:30 p.m.**

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James Campbell  
Zoning Administrator