

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

**THURSDAY, OCTOBER 24, 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
Benjamin M. Zdeba, Associate Planner
Melinda Whelan, Assistant Planner,
Liane Schuller, Planning Consultant

II. REQUEST FOR CONTINUANCES

None.

III. APPROVAL OF MINUTES

ITEM NO. 1 MINUTES OF OCTOBER 10, 2019

Action: Approved

IV. PUBLIC HEARING ITEMS

**ITEM NO. 2 Jackson Residence Coastal Development Permit No. CD2019-012 (PA2019-037)
Site Location: 808 West Bay Avenue Council District 1**

Melinda Whelan, Assistant Planner, provided a brief project description stating that this is a request for a coastal development permit to allow the demolition of an existing single-family residence and the construction of a new 5,740-square-foot, single-family residence including a 948-square-foot, attached four-car garage. The project includes reinforcing and raising the height of the existing bulkhead. No work will be conducted bayward of the existing property. The proposed development also includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping. Ms. Whelan also proposed an additional Condition of Approval No. 5 that requires the third floor remain open as proposed with no added windows, shades or coverings.

The Zoning Administrator opened the public hearing.

Applicant Brad Smith, Architect, on behalf of the Jacksons, stated that he had reviewed the draft resolution and agrees with all of the required conditions including the proposed Condition of Approval No. 5.

One member of the public, Jim Mosher, expressed concern regarding the jurisdictional boundary as related to the bulkhead.

The Zoning Administrator closed the public hearing.

The Zoning Administrator explained that the bulkhead for this project is within the City's jurisdiction as long as the capping and maintenance work is all performed landward of the existing bulkhead and no mechanized equipment is used on the water. He verified with Mr. Smith that the condition requiring the bulkhead maintenance and capping to remain landside is understood.

Action: Approved

**ITEM NO. 3 Engstrom Condominiums Coastal Development Permit No. CD2019-037 and
Tentative Parcel Map No. NP2019-011 (PA2019-144)
Site Location: 2324 Pacific Drive Council District 6**

Melinda Whelan, Assistant Planner, provided a brief project description stating that this is a request for a coastal development permit and tentative parcel map for two-unit condominium purposes. A duplex has been demolished and a new duplex is currently under construction. No waivers of Title 19 (Subdivisions) are proposed. The Tentative Parcel Map would allow each unit to be sold individually. 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. The subject property is located within a developed neighborhood. The subject property is approximately 350 feet from the Newport Harbor Channel and lies within the Categorical Exclusion Area. The development of the duplex was approved pursuant to the City's Categorical Exclusion Order.

The Zoning Administrator opened the public hearing.

Applicants Mr. and Ms. Engstrom, Owners, stated that they had reviewed the draft resolution and agree with all of the required conditions.

One member of the public, Susan Holt, neighbor spoke and inquired about parking on-site versus street parking.

Another member of the public, Mr. Folick, neighbor also expressed concern regarding parking and views from the park.

The Zoning Administrator closed the public hearing.

The Zoning Administrator explained that the parking is identical to the previous use. The parcel map for condominiums is only to allow the sale of each unit separately but the parking does not change or intensify and there is no impact street parking. The Zoning Administrator also explained that the views from the park will not be impacted as the subject property is not abutting or in front of the park.

Action: Approved

**ITEM NO. 4 Annual Review of North Newport Center Development Agreement (PA2009-023)
Site Location: Fashion Island; Block 100, Block 400, Block 500, Block 600, and Block
800 of Newport Center Drive; and San Joaquin Plaza Council District 5**

Benjamin M. Zdeba, Associate Planner, provided a brief project description stating that the item for consideration is the annual review of the Development Agreement between Irvine Company and the City of Newport Beach for development within the North Newport Center Planned Community Development Plan. He indicated that the Development Agreement had been in place since 2007 and was good for 25 years until 2032, at which point it would expire. He detailed two notable development projects that occurred during the January 2018 to December 2018 review period and directed attention to Table 1 on handwritten page 3 of the Zoning Administrator staff report. Lastly, he noted that the Irvine Company had fulfilled all of its public benefits, as outlined in the Agreement with exception of those that are related to development impacts and would be charged on a project-by-project basis.

Zoning Administrator Campbell acknowledged the reduction of 230 theater seats that occurred in 2018, and questioned if the property owner's representative knew what would become of the entitlement for those seats.

The Zoning Administrator opened the public hearing.

Shawna Schaffner of CAA Planning, representing the Irvine Company, stated that she was not certain what the plan is for the removed theater seats. She noted that theater seats are able to be converted to commercial floor area, as prescribed in the North Newport Center Planned Community document, so it is possible they could be converted to square footage in the future.

One member of the public, Jim Mosher, spoke and questioned whether the City's Fair Share Fee Ordinance was in the process of being updated, as he had seen it referenced in another report that had gone to the City Council recently.

The Zoning Administrator closed the public hearing.

Zoning Administrator Campbell stated that he did not believe the Fair Share Fee Ordinance was in the process of being updated. He stated that the Fair Share Fee is incurred when an addition occurs, but indicated there was no such payment in 2018.

Ms. Schaffner responded that she had identified this issue with Mr. Zdeba earlier on during the review process and that the building permit would be re-opened and assessed the proper development impact fee.

Zoning Administrator Campbell agreed that the Irvine Company had acted in full faith and compliance with the Development Agreement for the review year of 2018.

Action: Approved

ITEM NO. 5 Campbell Residence Coastal Development Permit No. CD2019-035 (PA2019-142)
Site Location: 605 Via Lido Soud Council District 1

Liane Schuller, Planning Consultant, provided a brief project description stating that the project site is an oceanfront lot in the R-1 zone, currently developed with existing single-family residence and attached garage. The applicant is requesting approval to demolish the existing residence and construct a new residence. A coastal development permit is required for the removal and replacement of a single-family residence on a site located within the coastal zone.

Ms. Schuller went on to note the project complies with all applicable development standards, including the standards and approval requirements of the City's Local Coastal Program. The proposed work is located entirely within the confines of the private property, and is consistent with the existing pattern of development in the vicinity. Public coastal access will not be affected or altered by the project.

The Coastal Hazards Report concludes that the proposed project will be safe from coastal hazards for the economic life of the development. A condition of approval has been included requiring that the project be constructed and engineered to allow further waterproofing should the sea level rise exceed anticipated projections.

Staff recommends approval of the application, subject to the findings and recommended conditions of approval set forth in the draft Resolution. There are several minor corrections and clarifications proposed to the draft resolution as originally published/distributed. Language has been added to clarify the project's adaptability to potential future sea level rise, and to memorialize the removal of the existing stairs and platform bayward of the private property.

The Zoning Administrator stated for the record that there was no relationship between the applicant and the Zoning Administrator other than they share the same last name.

The Zoning Administrator opened the public hearing.

Applicant representatives from South Coast Architects, on behalf of the Campbells, stated that they had reviewed the revised draft resolution and agree with all of the required conditions.

One member of the public, Jim Mosher asked about the height of the deck railing and location of the existing bulkhead. Mr. Mosher also asked whether there was a condition of approval requiring the removal of the platform that currently exists bayward of the private property. Zoning Administrator Campbell, addressed Mr. Mosher's questions and confirmed that a condition of approval is included in the resolution, memorializing the requirement to remove the platform.

Zoning Administrator Campbell then closed the public hearing.

Action: Approved

ITEM NO. 6 Bentley Residence Coastal Development Permit No. CD2019-045 (PA2019-172)
Site Location: 119 Shorecliff Road Council District 6

Liane Schuller, Planning Consultant, provided a brief project description stating that the project site is a non-oceanfront site, located within the Shorecliff residential neighborhood with a zoning classification of R-1-6,000. The property is currently developed with a one-story, single-family residence, which the applicant proposes to demolish and replace with a new two-story, single-family residence. A coastal development permit is required for the removal and replacement of a single-family residence on a site located within the coastal zone. The project complies with all applicable development standards, including the standards and approval requirements of the City's Local Coastal Program. The proposed mass and scale is consistent with the existing and anticipated future pattern of development in the vicinity. All proposed improvements occur within the confines of the private property, and existing coastal access conditions are not affected by the project.

Staff recommends approval of the application, subject to the findings and recommended conditions of approval set forth in the draft Resolution

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

None.

VI. ADJOURNMENT

The hearing was adjourned at 3:45 p.m.

The agenda for the Zoning Administrator Hearing was posted on October 18, 2019, at 1:05 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 October 18, 2019, at 12:55 p.m.

James Campbell
Zoning Administrator