

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

**THURSDAY, NOVEMBER 14, 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
Chelsea Crager, Associate Planner
Melinda Whelan, Assistant Planner
Patrick Achis, Planning Technician
Joselyn Perez, Planning Technician
Liane Schuller, Planning Consultant

II. REQUEST FOR CONTINUANCES

The Zoning Administrator reported that staff requested Item Number 6 be removed from the calendar.

III. APPROVAL OF MINUTES

ITEM NO. 1 MINUTES OF OCTOBER 24, 2019

Action: Approved

IV. PUBLIC HEARING ITEMS

**ITEM NO. 2 Annual Review of Hoag Memorial Hospital Presbyterian Development Agreement
No. 5 (PA2009-064)**

Site Location: 1 Hoag Drive

Council District 1, 2 and 3

Chelsea Crager, Associate Planner, provided a brief project description stating that the item is the annual review of the Hoag Memorial Hospital Development Agreement. The Development Agreement was originally signed in 1994 and was most recently amended in July 2019, to provide additional public benefits and to extend the term of the Development Agreement 10 years to 2029. The last review was conducted in September 2018.

There has been no significant construction or expansion of buildings on the hospital campus over the past year. Staff conducted a site visit to verify the health and coverage of landscaping.

The most recent noise compliance report is dated August 2019, which included updated ambient noise measurements and showed that since 2016, ambient noise has increased at two of three noise measurement locations. Interior noise measurements at the most affected unit at nearby Villa Balboa residential condominiums exceeded the noise standard by 1 decibel, consistent with the previous year. During the annual noise testing, the Co-Gen Plant is run at full speed, which is not typical operating conditions.

Exterior noise testing on the Upper Hoag Campus near the Versailles condominiums and Central Plant indicated that one location exceeded the exterior noise standard. Staff recommends that Hoag continue to work closely with Versailles to take noise measurements from a second floor balcony. Interior noise measurements were also taken at the Versailles condominiums for the first time this year, and exceed the interior noise standard by 3 decibels. Staff recommends that Hoag continue exploring and implementing methods of noise reduction at the Central Plant.

The plume reduction protocols at the Co-Gen Plant continue to operate as required.

The Zoning Administrator opened the public hearing.

The Zoning Administrator asked representatives of Hoag Hospital to describe the plume reduction protocols. The principal engineer responsible for operations at the Co-Gen plant described that during plume weather conditions, the fan speed is reduced to reduce that amount of heat coming from the tower. The Zoning Administrator asked about the interior noise standard exceedance at the Versailles condominium and efforts made to reduce noise from the Central Plant. Roxanna Bryant representing Hoag indicated the ambient noise had increased since 2016, and believes that the standard should increase accordingly. The Zoning Administrator indicated that he would like to see steps made toward noise reduction in the next year's review. Jeffrey Friedlander representing ARUP, Hoag's noise consultant, noted that ambient noise exceeded the standard with the generator not running. He recommended that interior noise measurements be taken over a longer period, allowing for measurements with and without the generator running. Cora Newman, Hoag's representative, stated that Hoag is committing to working more closely with Versailles condominiums to obtain more appropriate noise measurements and address any violations. The Zoning Administrator also stated that the next annual review should include noise measurements with typical plant operating levels. Ms. Bryant noted that Hoag has made improvements to reduce noise in the past year and is committed to continuing to upgrade equipment as necessary to address noise issues. The Zoning Administrator noted that he had visited the site and confirmed the health and coverage of landscaping.

One member of the public, Rosemary Steinbecker, spoke and stated that the noise has improved substantially in the 37 years she has lived at the Versailles condominiums. She noted that she is concerned about even small exceedances of the noise standards. Ms. Steinbecker asked if the ambient noise measurements were taken with Hoag mechanical equipment powered off.

Mr. Friedlander (ARUP), noted that the mechanical equipment was turned down as much as possible for ambient noise measurements.

Seeing that no one else wished to comment, the Zoning Administrator closed the public hearing.

The Zoning Administrator found Hoag in good faith compliance with the terms of the Development Agreement. He noted that this annual review did not include the most recent amendment to the Development Agreement approved in 2019, and that the next annual review will include a discussion of consistency with the Amendment.

Action: Approved

ITEM NO. 3 Beaming Juice Minor Use Permit No. UP2019-046 (PA2019-169)
Site Location: 2001 Westcliff Drive, Suite 104

Council District 3

Patrick Achis, Planning Technician, provided a brief project description stating the request for a minor use permit to establish a food service, eating and drinking establishment in the form of a juice bar within a newly constructed commercial building. The juice bar will provide juice, smoothies and prepackaged food. The proposed juice bar will include 15 interior seats within a 456-square-foot customer area; no late hours and no alcohol service. The required parking is provided through the existing on-site shared parking lot and parking structure for The Walk commercial center.

Applicant Virginia Maggiore of Retail Design Collaboration Architects, on behalf of the Owner, 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 stated for the record to modify Facts in Support of Finding E. in the Resolution to explain that alcohol sales, dancing and live entertainment, and late hours is prohibited with this application unless an amendment to this application is requested and approved.

Action: Approved

ITEM NO. 4 Shokuh Patisserie Minor Use Permit No. UP2019-047 (PA2019-180)
Site Location: 1735 Westcliff Drive Council District 3

Liane Schuller, Planning Consultant, provided a brief project description stating that the applicant is seeking approval to establish an eating and drinking establishment with primarily take-out service and a maximum of six seats. The location is a tenant space in the Westcliff Court commercial center previously occupied by a retail shoe store. The required parking for restaurant with limited seating is same as retail. A minor use permit is required because the subject property is located within 500 feet of a residential zoning district. The multi-tenant commercial center includes a variety of retail, service and restaurant uses, which share surface parking lots with access from Westcliff Drive or Sherington Place.

Staff believes that the proposed use is consistent with the Zoning and General Plan designation for this property, and that the proposed use is compatible with surrounding permitted commercial uses. Conditions of approval are proposed to ensure operational characteristics of the business are not impactful to neighboring tenants or nearby residential uses. No late hours or alcohol service are proposed.

The Zoning Administrator opened the public hearing.

Applicant Ali Shoar stated that he had reviewed the draft resolution and agrees with all of the required conditions. Property manager Kathy Sickles stated they try to maintain a mix of complementary uses and are very excited about the addition of this quality business to the center.

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

The Zoning Administrator requested additional language be added to the findings under Section E, clarifying that the use, as conditioned, will not be impactful to surrounding uses.

Action: Approved

ITEM NO. 5 Pickup Residence Coastal Development Permit No. CD2019-011 (PA2019-051)
Site Location: 23 Harbor Island Council District 5

Chelsea Crager, Associate Planner, provided a brief project description stating that the project is a coastal development permit to demolish an existing single-family residence and construct a new, two-story single-family residence. The project includes accessory structures, and a reinforced bulkhead with a cap, which is located within the Harbor Island Tidelands. The project complies with all applicable development standards with no deviations requested. Portions of the project within the Harbor Island Tidelands are subject to a coastal development permit processed by the California Coastal Commission. The finished floor of the project is high enough to protect the development from projected sea level rise, however the bulkhead is proposed to be raised to protect accessory structures as well as other low-lying properties on Harbor Island. The project is conditioned to ensure the bulkhead is engineered to accommodate a higher cap if necessary. One letter of support was received from a resident of Harbor Island.

The Zoning Administrator confirmed with staff that the finished floor of the house is proposed at an elevation above the medium-high sea level rise projection and the project therefore does not require the bulkhead to be raised to protect the residence. The purpose of raising the bulkhead would be to protect other parts of the island that may be at a lower elevation. He stated that the project could proceed forward even if the Coastal Commission does not permit the bulkhead to be modified.

The Zoning Administrator opened the public hearing.

The Zoning Administrator asked the Applicant, Ron Ritner, what improvements were proposed in the backyard. Mr. Ritner noted that accessory improvements in the tidelands area had been removed from the application. A future approval in concept application will be submitted to the City, followed by a request for a coastal development permit from the California Coastal Commission for future accessory improvements in this area.

One member of the public, Jim Mosher, spoke and stated that he was pleased that the project was not proposed to the full floor area limit. Mr. Mosher noted a typographical area in the draft resolution. He asked where the jurisdictional boundary between the City and the California Coastal Commission was located. He asked if there was concern regarding bird strikes on glass surfaces. He asked about the fire hazards of wood siding and shingles.

Mr. Ritner noted that the project would be built in compliance with California Building and Fire Codes. He also noted that the site plan shows the tidelands area, which is the area that the California Coastal Commission maintains coastal development permit authority. The Zoning Administrator also stated that any improvements in that area are subject to an approval in concept by the City and a coastal development permit from the California Coastal Commission.

Applicant Ron Ritner, on behalf of the Owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions.

The Zoning Administrator closed the public hearing.

Action: Approved

**ITEM NO. 6 Dolphin Rental Newport Beach Boat Rental Coastal Development Permit
No. CD2019-017 and Limited Term Permit No. XP2019-002 (PA2019-074)
Site Location: 2406 Newport Boulevard Council District 1**

This item has been removed from the calendar for the Applicant to explore changes to the operational characteristics of the proposal. A new public notice will be prepared and distributed when this item is scheduled for a new Zoning Administrator meeting.

Action: Removed from calendar

**ITEM NO. 7 Steelberg Residence Coastal Development Permit No. CD2019-043 (PA2019-158)
Site Location: 2685 Bay Shore Drive Council District 3**

Joselyn Perez, Planning Technician, 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 single family residence. The project as designed proposes 3,934 square feet of habitable area and a 545 square foot garage for a total floor area of 4,510 square feet. Vehicular access to the garage is provided in the rear of the property through a 20-foot-wide alley easement. The project also proposes walls, fences, patios, drainage devices, and landscaping. The project site is zoned R-1 and is located in the private, gated, community of Bay Shores. The site is located between the first public road and the sea however it is not an oceanfront lot. The project is consistent with the surrounding development of the neighborhood and the project replaces an existing single-family residence with a new single-family residence; therefore the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. The site does not currently provide public access to the coast and it is not located in a coastal viewpoint.

Ms. Perez clarified that the draft resolution requires a minor correction on page 4 of 9 of the resolution (handwritten page 10). The draft resolution reads, "Replaces an existing single-family residence located on a coastal lot with a new single-family residence" and it should read, "The project replaces an existing single-family residence with a new single-family residence" as the site is not an oceanfront property.

The Zoning Administrator noted that there are clouds and language on the plans indicating that the windows and openings on the third floor of the home shall be left open. The Zoning Administrator asked staff if there is a specific purpose for that and if the area were to be enclosed, would it exceed floor area limitations. Staff stated that if the area were to be enclosed, it would exceed floor area limitations and fail to comply with third floor step back requirements. The Zoning Administrator noted that the design of the partially enclosed area

shows cable railings, openings above the cable rails, and minimal vertical support posts for the roof above. The Zoning Administrator asked the applicant if they understood that if the third floor area were to be enclosed after the fact, it would violate the Zoning Code and be subject to removal. Staff stated that the applicant was not present; however, staff alerted the applicant to this issue that the third floor area and design shall remain substantially open.

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. 8 Harris Residence Coastal Development Permit No. CD2019-042 (PA2019-153)
Site Location: 5311 Seashore Drive Council District 1

Liane Schuller, Planning Consultant, provided a brief project description stating that the project site is an oceanfront property in the R-1 zoning district. The property is currently developed with existing single-family residence and attached garage. The applicant is requesting approval to demolish the existing residence and construct a new 1,952-square-foot single-family residence with an attached two-car garage. A coastal development permit is required for the demolition and new construction 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 work is located entirely within the confines of the private property, and is consistent with the existing pattern of development in the vicinity. The property has an existing encroachment permit for an on-grade patio with low walls, allowed by the development guidelines in Appendix C of Title 21. No changes are proposed to the existing patio.

Public coastal access is provided and will continue to be provided by street ends throughout the neighborhood, including 54th Street immediately adjacent to the project site, and there is no intensification of use that would create an increased demand for access and recreation opportunities. The proposed design includes relocation of the existing driveway approach on 54th Street to Seashore Drive, which will result in the addition of one on-street public parking space.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke and questioned whether an additional parking space would actually be created or if Public Works would paint the curb red. Ms. Schuller clarified the project creates the opportunity to add a public parking space.

The Zoning Administrator closed the public hearing.

Action: Approved

ITEM NO. 9 Barnes Residence Coastal Development Permit No. CD2019-041 (PA2019-159)
Site Location: 283 Cambridge Way Council District 5

Liane Schuller, Planning Consultant, provided a brief project description stating that the applicant is requesting approval to remove and replace an existing manufactured home on the project site, located in the Bayside Village Mobile Home Park. Project includes a single-car carport, entry stairs and landings, hardscape and landscape. A local coastal development permit is required for the removal and replacement of the residence, and subsequently the California Department of Housing and Community Development will oversee the construction permitting process. The project complies with the standards and approval requirements of the City's Local Coastal Program. Public coastal access and view opportunities will not be affected or altered by the project. Bayside Drive bisects the north and south parcels of the Bayside Village Mobile Home Park and provides access to Newport Dunes, which provides several coastal recreational opportunities for the public's use.

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. 10 Van Mechelen Residential Demolition Coastal Development Permit No. CD2019-050 (PA2019-213)
Site Location: 719 West Balboa Boulevard, Units 1, 2, 3 and 4 Council District 1

Liane Schuller, Planning Consultant, provided a brief project description stating that this is an R-1 zoned property, not located on the waterfront, currently developed with an existing non-conforming fourplex. The applicant is requesting approval to demolish the existing structure; no new construction is yet proposed. A coastal development permit is required for demolition because the structure contains more than two units on a site located within the coastal zone. The demolition activities will occur within the project site and conditions of approval are included in the draft resolution to ensure that materials and equipment are contained onsite and do not impact public rights-of-way.

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 additional language be added to Condition of Approval No. 14, requiring that erosion control measures be implemented and maintained until such time as a new development project is approved with its own erosion and water quality control measures.

Action: Approved

ITEM NO. 11 317 Coronado Residential Demolition Coastal Development Permit No. CD2019-051 (PA2019-218)
Site Location: 317 Coronado Street, Units A, B and C Council District 1

Liane Schuller, Planning Consultant, provided a brief project description stating that this is an R-1 zoned property, not located on the waterfront, currently developed with an existing non-conforming triplex. The applicant is requesting approval to demolish the existing structure; no new construction is proposed as of yet. A coastal development permit is required for demolition because the structure contains more than two units on a site located within the coastal zone. The demolition activities will occur within the project site and conditions of approval are included in the draft resolution to ensure that materials and equipment are contained onsite.

The Zoning Administrator opened the public hearing.

Applicant Jami Deusterman of Sepulveda Builders, on behalf of the property owner, stated that she had reviewed the draft resolution and agrees with all of the required conditions.

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

The Zoning Administrator requested additional language be added to Condition of Approval No. 14, requiring that erosion control measures be implemented and maintained until such time as a new development project is approved with its own erosion and water quality control measures.

Action: Approved

ITEM NO. 12 315 East Bay Avenue Residential Demolition Coastal Development Permit No. CD2019-052 (PA2019-219)
Site Location: 315 East Bay Avenue, Units A, B, C and D Council District 1

Liane Schuller, Planning Consultant, provided a brief project description stating that the site is an R-2 zoned property, not located on the waterfront, currently developed with an existing non-conforming fourplex. The applicant is requesting approval to demolish the existing structure. At this time, no plans have been

submitted for the redevelopment of the property. A coastal development permit is required for the demolition because the structure contains more than two units on a site located within the coastal zone.

The Zoning Administrator opened the public hearing.

Applicant Jami Deusterman of Sepulveda Builders, on behalf of the property owner, stated that she had reviewed the draft resolution and agrees with all of the required conditions.

Bill Dildeen spoke stating that, based on a survey of his property some years ago, it appears that property lines were not accurately located for some properties. He worries that the project site may have the same problem, which should be addressed when redevelopment plans are submitted.

Mr. Mosher questioned whether the two underlying lots were of a size that would allow more than a single residence on each. It was clarified by the Zoning Administrator that any new development proposal would be reviewed for compliance with all applicable development standards.

The Zoning Administrator closed the public hearing.

The Zoning Administrator requested additional language be added to Condition of Approval No. 14, requiring that erosion control measures be implemented and maintained until such time as a new development project is approved with its own erosion and water quality control measures.

Action: Approved

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

The hearing was adjourned at 4:23 p.m.

The agenda for the Zoning Administrator Hearing was posted on November 7, 2019, at 2:45 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 November 7, 2019, at 11:00 a.m.

James Campbell
Zoning Administrator