

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES  
100 CIVIC CENTER DRIVE, NEWPORT BEACH  
COUNCIL CHAMBERS**

**THURSDAY, MAY 14, 2020  
REGULAR MEETING – 10:00 A.M.**

**I. CALL TO ORDER** – The meeting was called to order at 10:00 a.m.

Staff Present: Jaime Murillo, Zoning Administrator  
Liz Westmoreland, Associate Planner  
Patrick Achis, Assistant Planner  
Joselyn Perez, Assistant Planner  
Melinda Whelan, Assistant Planner

**II. REQUEST FOR CONTINUANCES**

None.

**III. APPROVAL OF MINUTES**

**ITEM NO. 1 MINUTES OF APRIL 30, 2020**

**Action:** Approved as amended

**IV. PUBLIC HEARING ITEMS**

**ITEM NO. 2 GSP Waterpointe, LLC Condominiums Tentative Parcel Map No. NP2019-016 (PA2019-246)**  
**Site Location: 611 Poinsettia Avenue Council District 6**

The Zoning Administrator explained the project is a standard request for a parcel map to allow each unit to be sold separately as condominiums with no requests to waive any Title 19 requirements.

The applicant's representative, James Person emailed confirmation that the applicant agrees with all of the conditions of approval.

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. 3 110 30th Street LLC Condominiums Tentative Parcel Map No. NP2020-005 and Coastal Development Permit No. CD2020-018 (PA2020-011)**  
**Site Location: 110 and 110 1/2 30th Street Council District 1**

The Zoning Administrator explained the project is a standard request for a parcel map and coastal development permit to allow each unit to be sold separately as condominiums with no requests to waive any Title 19 requirements.

The applicant's representative, James Person emailed confirmation that the applicant agrees with all the conditions of approval.

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. 4      Ghai Residence Coastal Development Permit No. CD2020-012 (PA2020-021)**  
**Site Location: 1124 West Ocean Front      Council District 1**

Melinda Whelan, Assistant Planner, provided a brief project description stating that the request is for a coastal development permit to allow an approximately 540-square-foot addition to an existing single-unit dwelling. The addition includes expanding the garage to create a conforming three-car garage, expansions to the first and second floor living area, and the creation of a new third floor.

The Zoning Administrator addressed typographical errors in the resolution. He also made a clarification regarding the sea level rise and that the projection should be 10.65 feet North American Vertical Datum of 1988 (NAVD88) consistent with the projected water elevation interpolated for the 75-year economic life of the structure.

Applicant Amy Creager of Brion Jeannette Architecture, on behalf of the Anchal Ghai Living Trust, 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.

**Action:** Approved as amended

**ITEM NO. 5      5009 Seashore LLC Residence Coastal Development Permit No. CD2019-076 (PA2019-264)**  
**Site Location: 5009 Seashore Drive      Council District 1**

Patrick Achis, Assistant Planner, provided a brief project description stating that the request is a coastal development permit to allow the demolition of an existing, nonconforming residential duplex and the construction of a new three-story, 1,887-square-foot, single-family residence with an attached, 409-square-foot, two-car garage. The project also includes additional appurtenances such as site walls, drainage devices, and hardscape all within the confines of the private property. Provisions prohibiting a reduction in residential density under Senate Bill SB330 (the Housing Crisis Act of 2019) are not applicable, as the subject project's application was submitted and deemed complete prior to the effective date of January 1, 2020. The finish floor elevation of the first floor of the proposed living area is 15.08 feet (NAVD88), exceeding the minimum required. Reports prepared by PMA Consulting, Inc. concluded the site is reasonably safe from coastal hazards, including wave runup, for the assumed 75-year economic life of the structure. Protected coastal public views and access would not be impacted by the project. No changes are proposed to the existing 14.5-foot patio encroachment. The existing patio encroachment is allowed pursuant to Title 21 Appendix C (Oceanfront Encroachment Policy Guidelines) and the project is conditioned to maintain an encroachment permit from the Public Works Department. The proposed project nor the existing patio affects public views or access to the public beach.

In response to the Zoning Administrator's inquiry about the intent of Condition of Approval No. 2, Mr. Achis explained that compliance with the water proofing elevation standard is a requirement of coastal development permits and that the project design fully complies with a finished floor of 15.08 feet (NAVD88).

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

The Zoning Administrator directed staff to remove Condition of Approval No. 2 for clarity. While the water-proofing is a standard requirement, the inclusion of a water-proofing condition is in the case that the project needs to be redesigned to meet minimum protection. As proposed, the project would comply with water-proofing requirements without a redesign need.

**Action:** Approved as amended

**ITEM NO. 6      Tucci Residence Coastal Development Permit No. CD2020-006 (PA2020-016)**  
**Site Location: 3905 Marcus Avenue      Council District 1**

Liz Westmoreland, Associate Planner, provided a brief project description stating that the application is a coastal development permit to demolish an existing single-family residence and construct a new single-family residence of three stories and containing a two-car garage. The project includes raising the existing bulkhead to meet the required 10.65 feet NAVD88 to accommodate future sea level rise. The project also includes the replacement of existing tiebacks and deadmen. An email from Coastal Commission was received reminding staff to include a complete project description that clearly states the jurisdiction for each improvement. In this case, based on the Local Coastal Program (LCP) Post Certification Map and Implementation Plan, all of the improvements are located within the City's permit jurisdiction. The jurisdiction line is coterminous with the bulkhead line, so any improvements to the bulkhead and landward of the bulkhead fall within the City's jurisdiction. Staff has included multiple conditions of approval to make it clear that any work, including the use of mechanized equipment bayward of the bulkhead, would require prior approval from Coastal Commission. There are no issues related to access or views as detailed in the staff report.

Regarding Condition of Approval No. 9 in the resolution, Zoning Administrator Murillo asked if mechanized equipment is required, that the applicant would need a coastal development permit from the Coastal Commission. He suggested revisions to the condition of approval to state that the use of mechanized equipment bayward of the existing bulkhead is prohibited under this Coastal Development Permit. If the use of mechanized equipment is required and/or proposed bayward of the existing bulkhead, then approval from the California Coastal Commission is required.

Applicant Eric Aust, on behalf of the Owner, stated that he had reviewed the draft resolution and agrees with all of the required conditions including the revised condition.

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

**Action:** Approved as amended

**ITEM NO. 7      Annual Review of the North Newport Center Development Agreement No. DA2007-002**  
**(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**

Joselyn Perez, Assistant Planner, provided a brief project description about the annual review of the Development Agreement (DA) between the Irvine Company and the City of Newport Beach for development within the North Newport Center Planned Community Development Plan. The DA specifies the permitted uses, density and intensity of development as well as circulation improvements, public benefits, and dedication of street rights-of-way and open space. The DA has been in place since 2007 and is valid for 25 years. During the 2019 development year, the Irvine Company obtained 33 building permits for tenant improvements, none of which resulted in changes to gross floor area. To date, the Irvine Company has fulfilled all of its public benefits as outlined in the DA with exception of those that are related to development impacts fees as those will be charged on a project-by-project basis. Staff believes that the Irvine Company has complied in good faith with terms and conditions of the DA.

Assistant Planner Perez explained that Mr. Jim Mosher had submitted comments identifying typographical errors within the annual report provided by the Irvine Company and had also questioned if impact fees had been collected for development in 2018 that resulted in a floor area increase of 66 square feet. Assistant Planner Perez added that because the referenced development occurred in 2018, it would not be included within the current report because the current report is only for development which occurred in 2019.

Shawna Schaffner of CAA Planning, on behalf of the Irvine Company, stated that the fee discrepancy was mentioned at the previous year's hearing and the Irvine Company would be willing to pay any outstanding debt if there is any. Additionally, Ms. Schaffner addressed Mr. Mosher's comment on the timing of the report; specifically, that the DA requires the applicant to submit an annual report by January 20 of each year, to which they have every year. Staff must then go through all of the past year's permits to verify the data within the annual report which can take varying amounts of time and affects when the item is heard by the Zoning Administrator.

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 10:30 a.m.

**The agenda for the Zoning Administrator Hearing was posted on May 8, 2020, at 11:45 a.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 May 8, 2020, at 12:15 p.m.**

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Jaime Murillo  
Zoning Administrator