



Newport Beach Women's Democratic Club

Advocating for Democratic Values

in Newport Beach and neighboring communities

PO Box 11761 | Newport Beach, CA 92658

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NBWDC Governmental Activism Committee Report

By Kathleen Andrews, Committee Chair

Newport Beach City Council Recap - September 10, 2019



[City Council meeting agendas and videos are located here.](#)

Kathy's Commentary

The Newport Beach City Council meeting room was 90% full this evening. More than the usual number showed up to represent a neighborhood on Kings Drive, which is outraged that the city's Planning Commission recommends approval of a variance to allow construction of a house greater than 10,000 square feet overlooking Miracle Mile. A lot was said on the issue, yet when I left at 9:15, about ten people were still in line to speak.

New Councilwoman Joy Brenner continues to impress with the list of ways she's been involved with in the last two weeks, including a meeting with representatives of Citizens Climate Lobby along with several other council members.

Oral Reports from City Council on Committee Activities

Avery: Attended Airport Committee meeting, and housing subcommittee meeting of the Homeless Task Force

Muldoon: Participated in the Tunnel to Tower 5K to commemorate the 9/11 First Responders

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Brenner: Attended a mental health meeting with Harley Rouda, and Corona Del Mar Residents Association meeting at OASIS Senior Center each third Thursday. Met with Citizens Climate Lobby representatives. Attended short-term lodging stakeholder meeting (e.g. Airbnb, VRBO, etc.). Friends of the Library at the Corona Del Mar Library first check-outs of books from re-opened library; toured CR&R digester in Perris, CA. Also toured the wastewater facility at the Orange County Sanitation Department in Fountain Valley to look at the purple pipes there: hope to be 100% recycling of wastewater within the next few years. Member of the Election Reform sub-committee; next meeting scheduled for October 14th at the Central Library and public is welcome. Also attended OASIS Coffee & Cars event. Mentoring a Newport Harbor High School student. Went to Newport Shores Block Party. Evening on the Bay Event honoring the Robinsons (book coming out about them in October). Advocates attending the Corona del Mar Meet & Greet on September 23 Sherman Library and Gardens; tickets \$15 in advance.

Herdman: Met with three constituents on sea level rise representing CCL. Attended Police Department badge-pinning event. Went to Tidelands water quality meeting. The water quality committee is considering banning single-use plastics in the city as an ordinance. Attended Board of Supervisors meeting, Mayor Dixon spoke on the RFP process at the meeting. Promoting Taste of Balboa Island coming up this weekend.

O'Neill: Attended car show at the OASIS Senior Center. Toured potential sites for homeless shelters. Noted that September 24 City Council meeting will consider the city yard location for a long-term homeless shelter. Toured Orange County Water District groundwater replenishment system. Lincoln Elementary School Blood Drive will occur on September 11.

Dixon: Reviewed RFP for light aviation at John Wayne Airport. City wants to maintain current mix of structures to be built at the airport to include piloting of both small and large planes. Disappointed by the board of **supervisors' lack of specificity for details in the RFP** released today. New building at Lido Village, now the Innovation Center of SAP, a German company, because the founder has a sailboat he keeps in Newport Harbor. New coffee place called Hanna House, also a community meeting center. Sherman Library opened special exhibition of photographs of **historic Newport Beach houses from the library's collection**. September 12 is International Literacy Day with events at the NB Public Library. Next Concert on the Green next is this weekend: Flashback Heart Attack. September 28 is the Neil Diamond Tribute Band concert at Marina Park. Over 4.3 million people visited our beaches during June, July and August, with 101,000 calls for service by our lifeguards!

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Council members unanimously agreed to place on future agenda O'Neill's proposal to develop a sign and message program throughout the city that discourages giving money to panhandlers and encourages donations to programs that offer services to assist persons experiencing homelessness. Will probably be addressed at the September 24 city council meeting.

Consent Calendar

Item #5: Initiation of zoning code change and amendments related to hedge heights and front yard set backs on Lido Island. Resident of Lido Island spoke of the height of hedges in terms of privacy versus safety. 60 inches allowed on Lido Island versus 42 inches elsewhere in the city. **Asked if the higher heights would be enforced? O'Neill said yes. Another speaker said that over 300 people have hedges over 42 inches on the island, asked for common sense on privacy on Lido Island. Basically, residents coming to the meeting to advocate for higher hedge heights.**

Public Comments on Non-Agenda Items:

Denise Oberman: respectfully request that the existing front yard setbacks be enforced.

Jim Mosher: comments that finding shelter for the homeless is not solely a government function. Member of hospitality industry comments that he brings people from all over the world here, **and he knows that Laguna Beach has three homeless shelters, and he's not against the homeless,** but something needs to be done in the next few months about the homeless, because of things like peeing against light-posts.

Resident notes that Buck Gully is a fire disaster waiting to happen, because of vegetation close to houses, and fire code enforcement not enforcing removal of vegetation in fire zones near homes. Resident complains that there is no teeth in the fire-zone code. Brenner suggests bringing this up in front of the fire Marshall. Instructed fire department to grandfather in older code segments. New fire chief spoke and **offered to speak outside the meeting, he's speaking at a meeting coming up this Thursday at the Bahia Corinthian.**

Resident complained about police not doing something about homeless who are chasing her and others down the street e.g. when she comes out of the bank. Police slow to respond. Problem with people (men and women) peeing in public even at Fashion Island. **They don't** seem to want food; they want money.

Resident complained about the Newport Aquatic Center Board. People know the board is corrupt and college athletes, especially women, are recommended not to row there, and fewer colleges are based out of that center. **People are turned away from Billy Whitford's no-good reputation. He's hired a bunch of idiots. Program is in decline, yet the fees have gone up over \$1,000 over the last two years. Hundreds of individuals complain, and are affected.**



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Public Hearings:

Appeal of Reed Residential Variance for 1113 Kings Road in conjunction with construction at a residence in the Cliff Haven neighborhood, on the back of Mariner's Mile.

Jaime Murillo's staff report: Has a gully feature on the slope, unlike nearby properties. Was granted a variance in 1973 for a RV-type garage, 45 feet high, and a 36-foot sub-height. The current design is for what will look like 3 feet below the maximum height, and from the side facing Mariner's Mile, will look like a 3-story home.

Advocates for preservation of property rights say planned development is not detrimental to neighboring properties. Architectural drawings show the covered patio roof is 3' over the height limit, but note that the gully is steep. Planning commission voted to approve the project at 5/23/19 public hearing.

SPON (Still Protecting Our Newport) appealed the decision, saying lack of community meeting, and saying the construction is over a coastal bluff and that alternatives to the variance exists. City staff maintains that this does qualify for a CEQA exemption. Recommends a de novo public hearing.

Avery notes that comments on both sides from neighbors; neighborhood torn up over this project. Asks how much would need to be done to produce a home with no variances, given the neighborhood complaints and push-back. Given the sensitivity of height limits, suggests producing a home with no variances.

Each member of the council said they have met with both the project applicant and several neighbors. Applicant represented by a planning company employee. She points out that the objections seem to be a philosophical objection against development/mansionization, and that even a single story home would need a variance on the eastern portion of the home.

Original home was built in 1953. Existing 1973 variance is for 31.5 feet, they are asking for 32 feet variance. Have completed eight plan revisions since March (removals and reductions). Nine other variances at other houses on the street. Design all along has been sensitive to appearance on the street — low bulk appearance from the north. Back of the house needs the variance, but that **wouldn't be seen by the neighbors who are complaining.** Variance does not increase the floor area. Recommends yes to uphold the Planning Commission's approval to the variance, which is consistent with Staff Recommendation.

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Appellant: Bruce Bartram, from SPON. Says does not meet state law for variance approved if hardship by the applicant. 10,803 square foot home is a large home, the largest in the neighborhood. If the variance not approved, 353 square feet of the house would be removed, and the house would still be more than 10,300 square feet. Variance was for a garage, not a home. Variance cannot be granted just to maximize the value of the property and maximize the size of the home; state law says that variances ought to be rare, need not be granted if efficient use of property can be achieved without the variance.

O'Neill asks for what city law is being infringed? Bartram re-states the state law, asks about the precedent for land use if this is approved, and says it's against CA Supreme Court precedence. Adjacent homeowner brought up slope stability issues; her home was built in 1943, and impairment of views, and windows looking into her home by the exercise room, and reduction in her property value. Peter Zack former chair of planning commissioner who approved the project, **says he doesn't approve variance** very often, looked at many issues, and supported staff recommendations unanimously (with two abstentions).

Another homeowner of adjacent property said she built her home without variances, said the mass and density of the home is not consistent with the neighborhood, made arguments about the slope stability under a home of that size.

Another planning commission member spoke: said homeowner will spend \$700,000 on caissons. Said the building codes and set-backs are dramatically out of date, and look at the character of the neighborhoods versus the bulking and massing allowed by current code but much larger than the adjacent buildings. Recommends not granting the variances.

Another neighbor spoke about loss of view, and also mentioned how all the sewer system goes down to his house, and sewage has been in his back yard.

Another neighbor said this house is 1,000 feet larger than the next largest house in the area, and **there are four other options that wouldn't need a variance. I counted 11 other neighbors in line** prepared to speak about the variance.

It was 9:15 pm, and I left. Will rely on public record to find the council's decision.

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