



# CITY OF NEWPORT BEACH HEARING OFFICER AGENDA

100 Civic Center Dr, Newport Beach Conf Rm (Bay B-1st Fl)

Thursday, October 17, 2024 - 8:00 AM

***Hearing Officer Members:***  
**Paul Early, Hearing Officer**

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The Hearing Officer meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Hearing Officer's agenda be posted at least seventy-two (72) hours in advance of each regular hearing and that the public be allowed to comment on agenda items before the Hearing Officer and items not on the agenda but are within the subject matter jurisdiction of the Hearing Officer. The Hearing Officer may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this hearing, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact the Community Development Department at least forty-eight (48) hours prior to the hearing to inform us of your particular needs and to determine if accommodation is feasible at 949-644-3200.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

The agendas, minutes, and staff reports are available on the City's web site at: [www.newportbeachca.gov/hearingofficer](http://www.newportbeachca.gov/hearingofficer) and for public inspection in the Community Development Department, Building Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact Administrative Support Specialist Debi Schank at (949) 644-3284.

**I. CALL MEETING TO ORDER****II. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Hearing Officer. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Hearing Officer has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.*

**III. PUBLIC HEARING(S)****Three-Year Construction Limit Extension (X2019-2581)**

**Site Location: 401 Avocado Ave.**

***Project Summary***

Request for an extension of a three-year construction limit for Building Permit No. X2019-2581 and related permits outlined in Newport Beach Municipal Code (NBMC) Section 15.02.095 (Administrative Code - Addition of Sections 105.3.3, 105.3.4, and 105.3.5). The scope of work for the permit is to construct NEW 16,118 SQ. FT. SINGLE- FAMILY DWELLING WITH A BASEMENT AND ATTACHED 3,007 SQ. FT. GARAGE, AND ATTACHED 749 SQ. FT. ACCESSORY DWELLING UNIT. The applicant intends to request an extension until April 19, 2025, to complete the construction.

***Recommended Action***

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- 3) The hearing officer may grant, or conditionally grant, up to a 180-calendar day extension, per application for extension, if the officer finds special circumstances warrant an extension of time, or the failure to meet the time limit was caused by circumstances beyond the property owner, applicant, or the contractor's control. If the officer makes the findings to grant an extension, then the officer shall consider whether conditions are necessary to ensure the timely completion of the project in a manner that limits impacts to the surrounding property owners. The hearing officer shall deny the application if they cannot make the findings set forth in Newport Beach Municipal Code Section 15.02.095 (Addition of Sections 105.3.3, 105.3.4, and 105.3.5).

**At 9:00 a.m. or shortly thereafter - Three Year Construction Limit Extension (X2018-3245)**

**Site Location: 540 Hazel Drive**

***Project Summary***

Request for an extension of a three-year construction limit for Building Permit No. X2018-3245 and related permits outlined in Newport Beach Municipal Code (NBMC) Section 15.02.095 (Administrative Code - Addition of Sections 105.3.3, 105.3.4, and 105.3.5). The scope of work for the permit is to construct NEW 3,972 SQ. FT. SINGLE-FAMILY DWELLING WITH ATTACHED 463 SQ. FT. GARAGE & BASEMENT. The applicant intends to request an extension until October 15, 2025, to complete the construction.

***Recommended Action***

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- 3) The hearing officer may grant, or conditionally grant, up to a 180-calendar day extension, per application for extension, if the officer finds special circumstances warrant an extension of time, or the failure to meet the time limit was caused by circumstances beyond the property owner, applicant, or the contractor's control. If the officer makes the findings to grant an extension, then the officer shall consider whether conditions are necessary to ensure the timely completion of the project in a manner that limits impacts to the surrounding property owners. The hearing officer shall deny the application if they cannot make the findings set forth in Newport Beach Municipal Code Section 15.02.095 (Addition of Sections 105.3.3, 105.3.4, and 105.3.5).

[Item No. 2 Staff Report](#)

[2a Addl Material Received-Steve Prough](#)

[2b Addl Mat Received Erich Funke](#)

[2c Addl Mat Received Julie Means](#)

**IV. ADJOURNMENT**