CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR AGENDA

Newport Beach City Hall
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, March 13, 2014 – 3:30 p.m.

Brenda Wisneski, Zoning Administrator

Staff Members:
Jason Van Patten, Planning Technician

A) CALL MEETING TO ORDER

B) MINUTES OF FEBRUARY 13, 2014

C) PUBLIC HEARING ITEMS

Item No. 1. **401 Iris Avenue Tentative Parcel Map No. NP2014-001 (PA2014-012)**
401 Iris Avenue **Council District 6**

Summary: A tentative parcel map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. An existing two-unit duplex will be demolished and replaced with a proposed two-unit dwelling. The Tentative Parcel Map would allow each unit to be sold individually. The property is located in the R-2 (Two-Unit Residential) District.

Recommended Action:
1) Conduct public hearing; and
2) Adopt Resolution No. ___ approving Tentative Parcel Map No. NP2014-001 subject to the recommended findings and conditions.

CEQA Compliance: The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions).

D) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Zoning Administrator. 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 Zoning Administrator has the discretion to extend or shorten the speakers' time limit on 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.

This hearing is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Zoning Administrator'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 Zoning Administrator and items not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. The Zoning Administrator 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. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. 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.

E) ADJOURNMENT

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/zoningadministrator and for public inspection in the Community Development Department, Planning 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 the Community Development Department, Planning Division staff at (949) 644-3200.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, February 13, 2014
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Melinda Whelan, Assistant Planner
Benjamin M. Zdeba, Assistant Planner

B. MINUTES of January 30, 2014

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 Ochs Residence Modification Permit No. MD2013-017 (PA2013-197)
444 Isabella Terrace CD 6

Benjamin M. Zdeba, Assistant Planner, provided a brief project description stating that the applicant desires to construct a cantilevered second-story deck that encroaches 18 inches into the required 15-foot front setback along Rivera Terrace. He further added that the home is currently being remodeled and a Zoning Code compliant cantilevered second-story deck is being added which encroaches a maximum of 6 inches into the 15-foot front setback. He stated that although the proposed encroachment would not be detrimental to the neighborhood and could also be compatible with existing and allowed development, all required findings could not be made and staff is, therefore, recommending denial of the application.

Zoning Administrator Wisneski asked for clarification as to which findings cannot be made. Mr. Zdeba indicated staff is of the opinion there are no practical difficulties or unique physical circumstances associated with the lot.

Applicant's representative Dennis O'Neil stated his support for the project and introduced project architect Scott Laidlaw who provided additional information that could warrant the Modification Permit approval. He stated that it is hard to distinguish between wants and needs when it comes to modification permits and that the need for a modification permit arises when trying to improve upon existing conditions. He indicated that the proposed encroachment would improve the building façade and that the living room is already reduced in size by 30 percent to add the deck as approved by the building permit for the remodel. The practical difficulty is that the proposal is the only way to obtain a useable deck accessed from the living room area without impinging further upon the living room space. He also indicated there may be alternative locations for the second-story deck, but there are no alternatives to obtain a useable deck off of the living room. He added there are physical conditions that inhibit the property owner from building a terraced living area given the existing location of the home that was constructed prior to current Zoning Code standards. Lastly, he offered the fact that there have been other modification permits granted between the late 1980s and 1998 within the neighborhood for something similar to what is being proposed.

Zoning Administrator Wisneski asked whether or not staff looked into the modification permit examples given by Mr. Laidlaw. Mr. Zdeba stated he could not confirm nor deny the amount of modification permits within the area relative to balcony and/or deck encroachments. He stated that the examples reiterate the opinion that the proposed encroachment could be viewed as compatible with the pattern of development in the neighborhood. He also added that one of the prior modification permits offered as an example was for a corner lot that was subject to two 15-foot front setbacks.

DRAFT

Zoning Administrator Wisneski questioned whether or not the corner lot had the same condition as the subject lot inasmuch as they are both through lots. Mr. Zdeba clarified that the corner lot is subject to three contiguous front setback areas whereas the subject lot has two front setback areas. He also stated agreement that the deck improves and breaks the straight façade; however, a second-story deck with the Zoning Code allowed 6-inch encroachment achieves a similar benefit.

Zoning Administrator Wisneski opened the public hearing.

One member of the public, Jim Mosher, stated that since there were several letters of support and the community appeared to generally support the application, an option could be to consider changing the Zoning Code in consideration of items such as that being proposed as it relates to making all required findings.

The Zoning Administrator closed the public hearing. She commended the applicant for a thorough review and for gaining community support for the project. She expressed agreement with staff that not all of the required findings can be made. She indicated there is ample outdoor living area and the subject property is double the size of a typical lot in the area. She further added the 6-inch encroachment allowed by the Zoning Code offered a similar benefit as the proposed encroachment.

The Zoning Administrator acted to deny the Modification Permit No. 2013-017 and noted there would be a 14-day appeal period.

Action: Denied

ITEM NO. 2 **Pirozzi Restaurant Minor Use Permit No. UP2014-001 (PA2013-249)**
2929 East Coast Highway **CD 6**

Benjamin M. Zdeba, Assistant Planner, provided a brief project description stating that the application is to add alcohol sales to an existing food service, eating and drinking establishment. He indicated the new restaurant is taking place of a Kentucky Fried Chicken fast food use and that the property is nonconforming inasmuch as the required parking is not provided. He stated the previous fast food use required 1 parking space per 50 square feet of gross floor area whereas the new restaurant requires a range of 1 parking space per 30 square feet and 1 parking space per 50 square feet of net public area. Even with the highest requirement, the proposed use still requires less parking than the previous use. He clarified the applicant's restaurant was permitted by right to take over the previous fast food space, but the Minor Use Permit application is required to add alcohol sales. He further added a description of the floor plan and indicated the proposed hours of operation are not considered late hours by the Zoning Code definition.

Applicant's representative Mike Ayaz, Attorney, stated that he had reviewed the draft resolution and the required conditions. He added that the applicant, Alessandro Pirozzi, is a renowned chef and currently operates other restaurant locations.

Zoning Administrator Wisneski asked the applicant whether or not there would be any exterior upgrades. Mr. Ayaz indicated there would be minor alterations to the façade and possible upgrades to the landscaping in the outdoor dining area.

The Zoning Administrator opened the public hearing.

Brion Jeannette, resident, offered support for the application and referenced a recent experience at Mr. Pirozzi's Laguna Beach location.

Eddie Derusio, resident, offered support for the application and expressed excitement at the new location.

The Zoning Administrator closed the public hearing.

DRAFT

Zoning Administrator Wisneski reiterated that landscaping should be increased in the empty planters in front of the façade. She expressed agreement with staff that the findings can be made and approved Minor Use Permit No. UP2014-001.

Action: Approved

ITEM NO. 3 441 Old Newport Parking Modification Permit No. MD2013-023 (PA2013-228)
441 Old Newport Boulevard CD 2

Melinda Whelan, Assistant Planner, provided a brief project description stating that the request is to utilize a combination of vehicle lifts, tandem parking spaces, surface parking spaces and valet parking to accommodate the 56 required parking spaces for a proposed medical office use in an existing office building. Ms. Whelan explained that the site is constrained with no additional area so there is a need to use the car lifts and tandem parking to accommodate the additional parking. The car lift structure is proposed with solid walls and a solid roof. Ms. Whelan explained that there is a condition of approval requiring a parking management plan be approved by the City Traffic Engineer and Community Development Director. Ms. Whelan noted that the applicant provided a draft parking management plan at the hearing which she summarized. Ms. Whelan addressed a question that came up prior to the hearing regarding square footage for the existing office building; she stated that a revision for the square footage has been approved by the Building and Planning Division. Prior to finalizing the building and occupancy of the building, the Building Inspector and Planning Staff will verify the square footage on-site to ensure that it matches the approved plans. Ms. Whelan highlighted the draft parking management plan which was brought in by the applicant: two valet employees at all times during business hours, complimentary valet, adequate signage, lift spaces for longer term parking or employees first, self park spaces also available, will have pick-up/drop-off locations reviewed and approved by the City Traffic Engineer. Ms. Whelan concluded that she was available for questions.

Applicant John Bral stated that he had reviewed the draft resolution and the required conditions.

Zoning Administrator Wisneski asked a question regarding the valet operation and who would run the valet. The applicant replied that they are in the process of retaining a valet company and they will be a part of the final valet plan.

The Zoning Administrator opened the public hearing. Jim Mosher, a member of the public, stated this property has a long history that is not explained in the staff report. He stated that it is not common to use the vehicle lifts and it is not in the Zoning Code and this would set a precedent. He continued that the Zoning Administrator can refer problematic cases to the Planning Commission.

Brion Jeannette, a neighbor, expressed concern with the project explaining that the car lift is becoming more important than the aesthetics of the building and he is concerned with the development and aesthetics for all of Newport Boulevard. He continued that he is concerned that this project would set a precedent and with the overall bulk and size of the structures on the site. He further expressed concern with the advertisement on the property that states that the building is much bigger than what is allowed. He explained that he designed Dr. Rainey's building and that a good design was to have the parking underneath the building. He urged the Zoning Administrator to please drive into this project the aesthetics of the neighborhood.

Ms. Whelan addressed Mr. Mosher's comment regarding the history of the property and stated that the prior projects heard by the Planning Commission and City Council were for off-site parking and not for car lifts and that the car lifts had not been presented to the Planning Commission or City Council.

Rick Martin, project architect, explained that the square footage of the building includes a load factor which is different than the occupied square footage of the building. Mr. Martin further addressed the concern about aesthetics by explaining that screening will be provided, creating the best look possible. He further explained that this parking is providing for high demand in the area and that much of Old Newport Boulevard is underutilized because additional parking is needed and that this will benefit the area.

DRAFT

Zoning Administrator Wisneski closed the public hearing. Ms. Wisneski explained that the Modification Permit allows for deviation in parking but the question is whether or not the structure could be realistically utilized and properly managed and to look at it from an aesthetic standpoint. Wisneski explained that this product (car lifts) is being used throughout the nation and said she had spoken to a parking consultant who confirmed that these car lifts are used successfully when there is valet and proper management. Ms. Wisneski further stated that it is important to make sure that the parking management plan is carried out by a professional service and this will be monitored by staff. Ms. Wisneski expressed concern with the concrete wall surrounding the structure in regard to meeting the Building Code requirements and asked the applicant if they have looked into these requirements. Rick Martin, project architect responded that they have received comments from the Building Division including required parapet heights. Regarding aesthetics, Martin explained that the plaster wall will be saw tooth to protect the existing trees and the front of the car lift structure will have wood slats that will match the exterior of the recently renovated office building.

Zoning Administrator Wisneski explained that staff has confirmed square footage of the building and the square footage is not part of this application. Provided aesthetics and proper management is achieved, she could support the application but wants to add some conditions of approval:

- A landscaping plan shall be included in the construction drawings to show proper screening of the carport structure including evaluation of a larger landscape area in front of the vehicle lift adjacent to Old Newport Boulevard and assessment of the impacts of the solid plaster wall to the existing Ficus trees which shall be reviewed and approved by the Community Development Department and the City Urban Forester.

- In the future, if the building is converted to condominiums, the valet parking management plans shall be part of the Conditions Covenants and Restrictions (CCRs).

- Should the carport structure become inoperable, it shall be removed from the property and all eliminated parking spaces shall be replaced or the uses shall be reduced to occupy no more than 20 percent of net floor area with medical office within a one-year period.

- Prior to issuance of building permits, a materials and colors board shall be submitted to the Community Development Department for review and approval.

Zoning Administrator Wisneski continued to amend the following conditions from the draft resolution:

3. This Modification Permit may be modified or revoked by the Zoning Administrator if determined that the proposed vehicle lifts, valet parking management plan, tandem parking or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

11. Prior to the issuance of certificates of occupancy for medical office uses exceeding 20 percent of the net floor area, the vehicle lifts shall be fully operational.

13. The entire parking lot (surface spaces, tandem spaces, vehicle lift spaces) shall be valet parked during business hours unless self parking is requested by a customer for the surface parking spots.

With the added and modified conditions, Zoning Administrator Wisneski approved Modification Permit MD2013-023.

Action: Approved

DRAFT

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

The hearing was adjourned at 4:22 p.m.

The agenda for the Zoning Administrator Hearing was posted on February 7, 2014, at 4:10 p.m. in the Chambers binder and 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 February 25, 2014, at 4:25 p.m..

_____

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT
March 13, 2014
Agenda Item No. 1

SUBJECT: 401 Iris Avenue Tentative Parcel Map - (PA2014-012)
401 Iris Avenue
- Tentative Parcel Map No. NP2014-001
- County Tentative Parcel Map No. 2013-175

APPLICANT: Corona del Mar Village Properties, LLC.

PLANNER: Jason Van Patten, Planning Technician
(949) 644-3234, jvanpatten@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-2 (Two-Unit Residential)
- **General Plan:** RT (Two-Unit Residential)

PROJECT SUMMARY

A Tentative Parcel Map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. An existing two-unit duplex will be demolished and replaced with a proposed two-unit dwelling. The Tentative Parcel Map would allow each unit to be sold individually.

RECOMMENDATION

1) Conduct a public hearing; and

2) Adopt Draft Zoning Administrator Resolution No. _ approving Tentative Parcel Map No. NP2014-001 (Attachment No. ZA 1).

DISCUSSION

- An existing two-unit duplex will be demolished and replaced with a new two-unit dwelling that will provide the code required two-car parking per unit.

- Approval of the Tentative Parcel Map will allow each unit to be sold individually.

INTENTIONALLY BLANK PAGE

- The property is designated for two-unit residential use by the General Plan and Zoning Code. The new two-unit dwelling is consistent with this designation and a tentative parcel map for condominiums does not change the use.

- The new condominium project will conform to current Newport Beach Municipal Code requirements and meet all Title 19 standards.

- Public improvements will be required of the applicant per the Municipal Code and Subdivision Map Act.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions).

The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within 10 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:

Jason Van Patten
Planning Technician

JM/jvp

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Project Plans

Attachment No. ZA 1

Draft Resolution

INTENTIONALLY BLANK PAGE

RESOLUTION NO. ZA2014-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2014-001 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 401 IRIS AVENUE (PA2014-012)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Frank Ultimo, Managing Member of Corona del Mar Village Properties, LLC, with respect to property located at 401 Iris Avenue, and legally described as Lot 1 and Lot 3 in Block 335 of Corona del Mar Tract excepting there from the north 18 feet of Lot 3, in the City of Newport Beach, requesting approval of a tentative parcel map.

2. The applicant proposes a tentative parcel map application for two-unit condominium purposes. No exceptions to Title 19 (Subdivision Code) development standards are proposed with this application. An existing two-unit duplex will be demolished and will be replaced with a two-unit dwelling that will provide the code required two-car parking per unit. The Tentative Parcel Map would allow each unit to be sold individually.

3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).

4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-D).

5. A public hearing was held on March 13, 2014, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to the State CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).

2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel

DRAFT

Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

Finding:

A. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.

Facts in Support of Finding:

A-1. The Tentative Parcel Map is for two-unit residential condominium purposes. An existing two-unit duplex will be demolished and replaced with a new two-unit dwelling. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two-Unit Residential."

A-2. The Tentative Parcel Map does not apply to any specific plan area.

A-3. The project has been conditioned to require public improvements, including the reconstruction of existing broken or otherwise damaged sidewalks, curbs, and gutters along the Iris Avenue and Bayside Park frontages consistent with the Subdivision Code (Title 19).

Finding:

B. That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

B-1. The lot is physically suitable for two-unit development because it is regular in shape and is relatively flat.

B-2. The subject property is accessible from Iris Avenue and the alley at the rear, and is adequately served by existing utilities.

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report

DRAFT

was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

C-1. The site was previously developed with a two-unit duplex and will be replaced with a new two-unit dwelling.

C-2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.

C-3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations).

Finding:

D. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Facts in Support of Finding:

D-1. The Tentative Parcel Map is for residential condominium purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

DRAFT

Facts in Support of Finding:

E-1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.

Finding:

F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

Facts in Support of Finding:

F-1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.

F-2. The site, developed for residential use, lies in a Zoning District that permits residential uses.

Finding:

G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

G-1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code because the existing subdivision does not contain 50 or more parcels.

G-2. The project is not located within a specific plan area.

Finding:

H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

DRAFT

Facts in Support of Finding:

H-1. The Tentative Parcel Map and any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

Facts in Support of Finding:

I-1. The proposed two-unit dwelling is consistent with the R-2 Zoning District which allows two residential units on the property. Therefore, the Tentative Parcel Map for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.

Facts in Support of Finding:

J-1. The new two-unit dwelling will be designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

K. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.

Facts in Support of Finding:

K-1. The Tentative Parcel Map is for a two-unit dwelling. The proposed subdivision and improvements are consistent with the Coastal Land Use Plan designation RT-E (Two-Unit Residential).

DRAFT

K-2. The subject property conforms to public access policies of Chapter Three of the Coastal Act because the development does not impede public access from the nearest public roadway to the shoreline and along the coast.

K-3. Recreation policies contained within Chapter Three of the Coastal Act are not applicable to the subject property.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2014-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF MARCH, 2014.

By:

_____

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. A Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**

2. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the Map shall tie the boundary of the Map into the Horizontal Control System established by the County Surveyor in a manner described in Section s 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner, unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.

3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

4. The applicant shall reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Iris Avenue and Bayside Park frontages.

5. Bayside Drive is part of the City's Moratorium List. Work performed on said roadway will require additional surfacing requirements pursuant to City Standard 105-L-F.

6. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.

7. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic grade box and cover. The water meter and sewer cleanout shall be located within the public-right-of way.

8. An encroachment permit is required for all work activities within the public right-of-way.

9. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L and Municipal Code Section 20.30.130.

10. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.

DRAFT

11. All on-site drainage shall comply with the latest City Water Quality requirements.

12. All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at the property line.

13. If trees are removed in order to construct a new driveway for the rear unit, applicant shall be responsible for replacing such trees in kind along Bayside Park or elsewhere in the City as determined by the City's Urban Forester.

14. Prior to the recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finaled.** The building permit for the new construction shall not be finaled until after recordation of the parcel map.

15. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the 401 Iris Avenue Tentative Parcel Map including, but not limited to, the NP2014-001 (PA2014-012). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

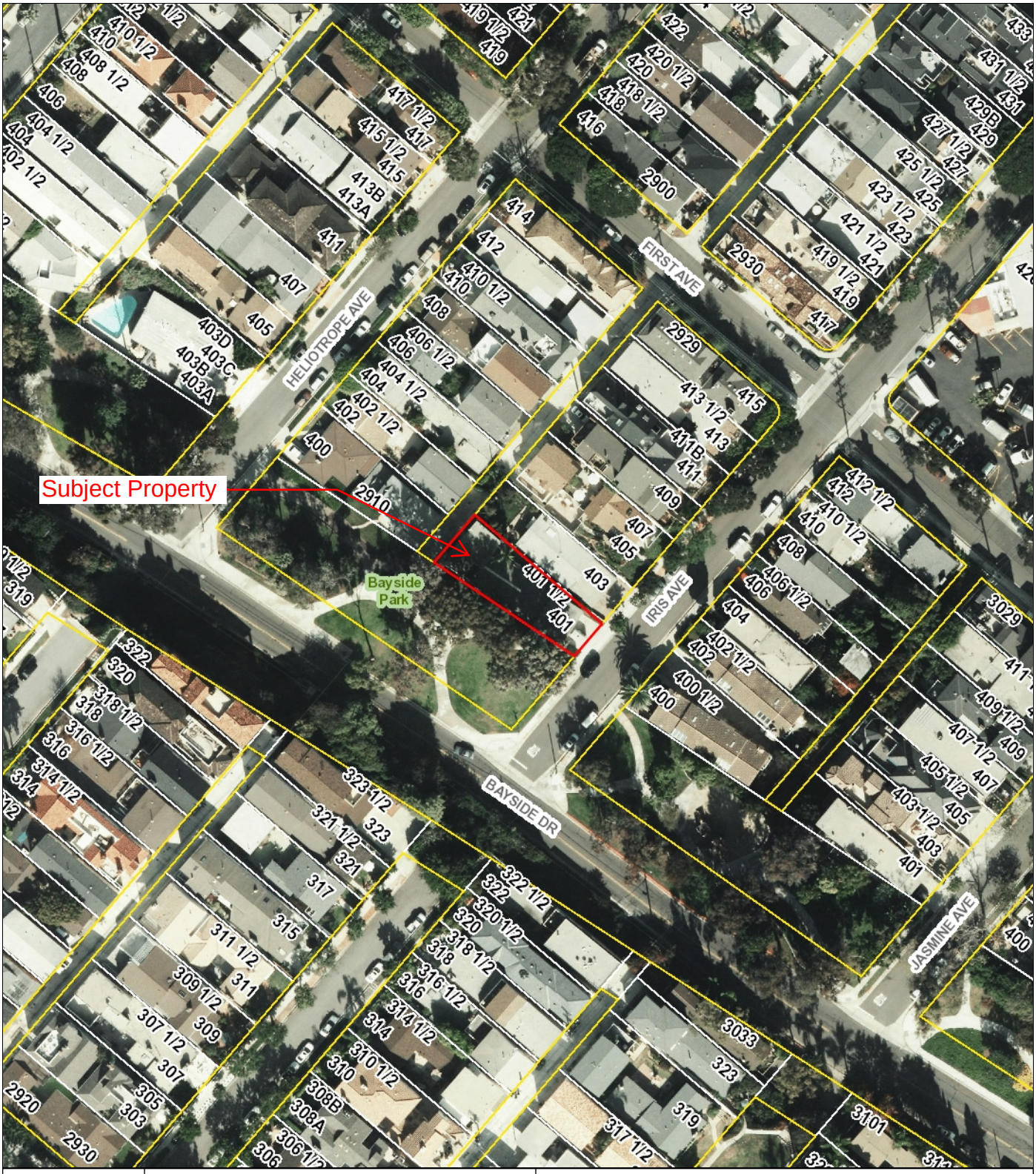
16. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

DRAFT

Attachment No. ZA 2

Vicinity Map

INTENTIONALLY BLANK PAGE



Newport Beach GIS

0 100 200
Feet

Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2012 photos provided by Eagle Imaging www.eagleaerial.com

2/4/2014

INTENTIONALLY BLANK PAGE

Attachment No. ZA 3

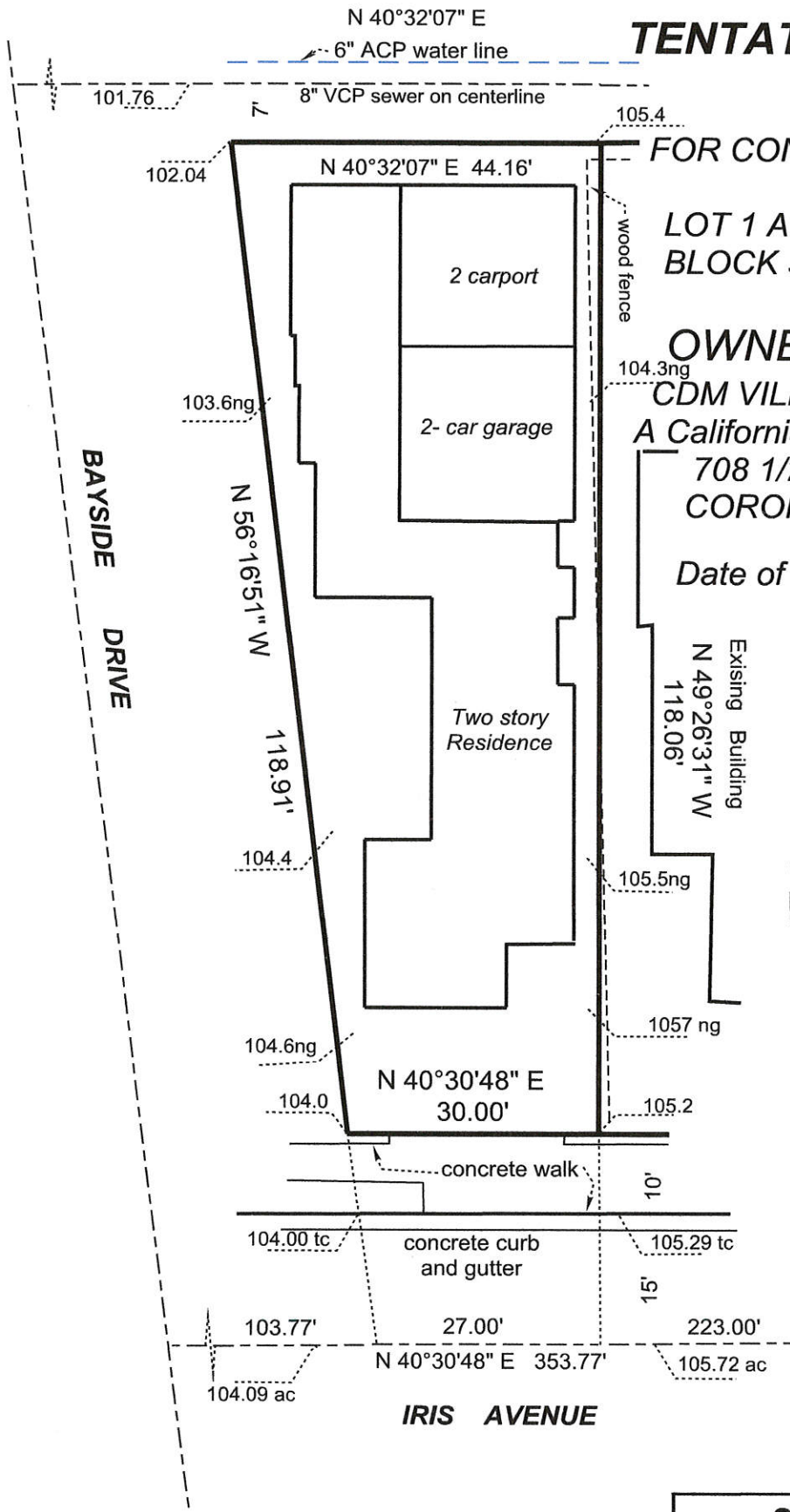
Project Plans

INTENTIONALLY BLANK PAGE

TENTATIVE PARCEL MAP 2013-175

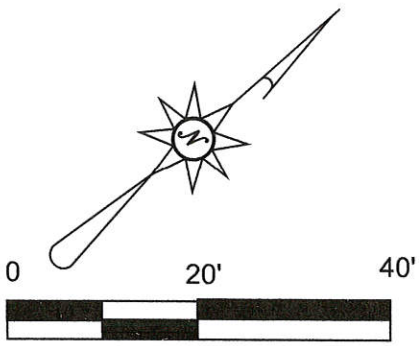
FOR CONDOMINIUM PURPOSES

LOT 1 AND PORTION OF LOT 3
BLOCK 335 CORONA DEL MAR



OWNER-DEVELOPER
CDM VILLAGE PROPERTIES, LLC
A California Limited Liability Company
708 1/2 MARIGOLD AVENUE
CORONA DEL MAR CA 62625

Date of Survey August 21, 2013



Scale 1"= 20'

LICENSED LAND SURVEYOR
LEONARD CHARLES STILES
No. PLS 5023
STATE OF CALIFORNIA

Prepared in th office of

Leonard C. Stiles
PLS 5023

STILES SURVEYING

2209 Carrie Avenue Orange, CA 92867
714-538-4276 Fax 714-289-4442

Traverse PC