



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending May 13, 2016

**ZONING ADMINISTRATOR ACTIONS
MAY 12, 2016**

- Item 1: Huntress Modification Permit No. MD2016-005 (PA2016-047)
Site Address: 1738 Skylark Lane
Action: Approved by Resolution No. ZA2016-028 Council District 3
- Item 2: Dexter Condominiums Tentative Parcel Map No. NP2016-006 (PA2016-051)
Site Address: 514 and 514 ½ Fernleaf Avenue
Action: Approved by Resolution No. ZA2016-029 Council District 5
- Item 3: Annual Review of Development Agreement for Pacific View Memorial Park (PA2009-024)
Site Address: 3500 Pacific View Drive
Action: Receive and File Council District 7
- Item 4: Annual Review of Development Agreement for Uptown Newport (PA2014-039)
Site Address: 4311 – 4321 Jamboree Road
Action: Receive and File Council District 3

Item 5: Annual Review of Development Agreement for North Newport Center (PA2009-023)

Site Address: Sub-areas of Fashion Island; Block 100, Block 400, Block 500, Block 600, and Block 800 of Newport Center Drive; and San Joaquin Plaza.

Action: *Item Continued to May 26, 2016 ZA Hearing* Council District 5

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.

RESOLUTION NO. ZA2016-028

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2016-005 FOR A 27 PERCENT ADDITION TO AN EXISTING NONCONFORMING SINGLE-UNIT RESIDENCE LOCATED AT 1738 SKYLARK LANE (PA2016-047)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by GS Design (Gary Sumberg), with respect to property located at 1738 Skylark Lane, and legally described as Lot 4 in Tract 3097 requesting approval of a modification permit.
2. The applicant proposes a modification permit to allow a 27 percent addition to an existing single-family residence with nonconforming parking. The Zoning Code limits additions to 10 percent of the existing gross floor area when the required parking dimensions are not met. The nonconforming garage provides an interior width of 18 feet 9 inches and a depth of 20 feet 3 inches, where a minimum 20-foot by 20-foot interior dimension is required.
3. The subject property is located within the Single-Unit Residential (R-1-6000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on May 12, 2016 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 Title 14 of the California Code of Regulations (Section 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities) of the Guidelines for CEQA.
2. This exemption includes additions up to 10,000 square feet where public services and utilities are available and the area is not considered environmentally sensitive. The proposed project is an 831-square-foot addition to an existing single-family residence in a developed neighborhood and is not within an environmentally sensitive area.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050.E (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

1. The addition would increase the dwelling by 831 square feet for a new family room and bunk room at the rear of the structure. The proposed addition will comply with all applicable development standards, including height, setbacks, and site coverage. The proposed addition will not intensify the nonconforming parking.
2. Skylark Lane consists of single-story and two-story single-family residences. A second story addition above the garage was constructed in 1981, and the proposed two-story addition at the rear of the property will not exceed the height of the second story over the garage. The addition is consistent with the design and height of other properties in the neighborhood.
3. The existing development on the property is a single-family dwelling with a two-car garage. Therefore, there is no change to the density as a result of the proposed remodel and addition.

Finding:

- B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

1. The interior dimensions of the existing two-car garage were compliant with the Newport Beach Zoning Code at the time of construction in 1960. As a result of amendments to the Zoning Code in 2010, the two-car garage is now substandard in size, and is therefore legal nonconforming.
2. A modification permit is necessary because the expansion of the garage walls to increase the garage width is difficult due to the unique physical characteristics of the property. The garage's east wall cannot be moved the 1 foot 3 inches needed to provide the 20-foot-wide parking clearance without encroaching 3 inches into the side yard setback. The removal of the west wall would be costly due to it being a bearing wall for the second floor above, and it would require new framing and foundations. Lastly, a tandem configuration would require significant alteration and

expansion of the garage and would bring the garage within 5 feet of the existing pool in the rear yard.

3. The granting of the Modification Permit is necessary to allow a reasonable addition to an existing dwelling that was constructed in compliance with garage standards in effect at the time of original construction, and that are adequate in width for the parking of two (2) vehicles. Additionally, the driveway in front of the garage allows for up to two (2) open parking spaces on-site.

Finding:

C. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

Facts in Support of Finding:

1. The proposed addition is located at the rear of the lot, away from the location of the existing garage, and does not result in the need to modify the garage located at the front of the residence. Increasing the width of the garage to 20 feet to satisfy current parking size requirements would require major structural alterations to the west wall and result in a significant increase in the scope of work in order to increase the garage width by 15 inches.
2. The existing garage provides two (2) useable garage spaces only slightly less than the required widths and fulfills the intent of the Zoning Code by providing adequate parking on-site. The driveway is 22 feet 6 inches long by 16 feet 6 inches wide, which may serve as two (2) additional open parking spaces on-site. Approval of the Modification Permit allows the applicant to continue using the existing two-car garage, which has not been detrimental to the occupants or neighbors of the dwelling, and allows for a reasonable size addition.

Finding:

D. There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.

Facts in Support of Finding:

1. An alternative to the Modification Permit is to bring the garage into compliance with current Zoning Code requirements. Expanding the garage to the east will not bring the garage into conformance, unless a variance is approved to allow it to encroach into the setback. Alteration of the west wall would require significant structural changes that would affect the second floor above the garage, since it is a bearing wall. Expansion of the garage to provide a tandem parking configuration would

significantly increase the scope and cost of the project and unnecessarily impact the usable area of the yard.

2. The applicant may reduce the addition to not exceed 10 percent of the existing floor area of the structure to comply with the requirements of the Zoning Code. Given the intent of the project is to provide a new family room, bunkroom, and bathroom, a redesign to reduce the size of the addition will significantly impact the objectives of the project and would not provide similar benefits to the applicant.

Finding:

E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.

Facts in Support of Finding:

1. The proposed two-story addition would maintain all required setbacks and will provide adequate protection for light, air, and privacy. The addition will not preclude access to the dwelling and will be consistent in scale with other dwellings in the neighborhood.
2. The existing nonconforming garage has not proven to be detrimental to the occupants of the property, nearby properties, the neighborhood, or the City and is adequate in width to park two (2) vehicles. Additionally, the driveway in front of the garage allows for up to two (2) open parking spaces on-site.
3. The proposed addition will result in site coverage that is less than the maximum allowed by Zoning Code.
4. The approval of this Modification Permit is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2016-005, 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 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 12th DAY OF MAY, 2016.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Each parking space within the garage shall be permanently available and maintained for parking purposes. The interior dimensions (18 feet 9 inches wide by minimum 20 feet 3 inches deep) shall be kept clear of obstructions including cabinets, shelving, or similar that may impact the ability to adequately park two (2) vehicles.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. A copy of the Resolution, including conditions of approval (Exhibit "A") shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
5. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department, including for the existing improvements that were constructed without the benefit of building permits. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
6. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current property owner or the leasing agent.
7. All damaged/broken curb, gutter, sidewalk, and driveway approach along the Skylark Lane frontage shall be reconstructed.
8. A new sewer clean out on existing sewer lateral per city standard STD-406-L shall be installed.
9. This approval shall expire and become void unless exercised within twenty-four (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.
10. 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 Huntress Modification Permit including, but not limited to, Modification Permit No. MD2016-005 (PA2016-047). 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.

RESOLUTION NO. ZA2016-029

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2016-006 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 514 AND 514 ½ FERNLEAF AVENUE (PA2016-051)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Dexter Fernleaf Ave, LLC, with respect to property located at 514 and 514 ½ Fernleaf Avenue, and legally described as Lot 16, Block 533, Corona Del Mar Tract, requesting approval of a tentative parcel map.
2. The applicant proposes 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 single-family residence was demolished and will be replaced with a new two-unit duplex. 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 category is Two-Unit Residential (RT-D).
5. A public hearing was held on May 12, 2016 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 Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 20 (Planning and Zoning) 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:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. A single-family residence was demolished and will be replaced with a new two-unit duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current RT General Plan Land Use Designation.
2. The Tentative Parcel Map does not apply to any specific plan area.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for a two-unit development because it is regular in shape and is relatively flat.
2. The subject property is accessible from Fernleaf Avenue and an 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 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:

1. The site was previously developed with a single-family residence which has been demolished and will be replaced with a new two-unit duplex.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
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:

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.*

Facts in Support of Finding:

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:

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.
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.*

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 fifty (50) or more parcels.
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.*

Facts in Support of Finding:

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:

1. The proposed two-unit duplex is consistent with the R-2 Zoning District which allows two (2) 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:

1. The new two-unit duplex 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:

1. The subject property is located within the Coastal Zone. The subdivision conforms to the Local Coastal Program since the Coastal Land Use category is Two-Unit Residential (RT-D).

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2016-006 (PA2016-051), 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 or call for review 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 12th DAY OF MAY, 2016.



Patrick J. Alford, Zoning Administrator

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 Sections 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. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. The existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Fernleaf Avenue frontage shall be reconstructed.
5. The existing driveway approach along Fernleaf Avenue shall be replaced with a new driveway plug per City Standards 165-L.
6. All existing overhead utilities shall be undergrounded.
7. No above ground improvements shall be installed within the 5-foot alley setback.
8. 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. Water meter and the sewer cleanout shall be located within the public right-of-way.
9. An encroachment permit is required for all work activities within the public right-of-way.
10. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code Section 20.30.130.
11. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

12. All on-site drainage shall comply with the latest City Water Quality requirements.
13. 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 property line. If the sewer lateral to be abandoned has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box and the wye. Sewer lateral shall then be capped where the wye used to be.
14. The existing parkway street tree (Magnolia Grandiflora) with a current value of \$2,070.00 shall be retained. Unauthorized tree removal will trigger substantial penalties for all of the parties involved.
15. Prior to recordation of the Parcel Map, a park fee shall be assessed for one additional dwelling unit.
16. Subsequent to the recordation of the Parcel Map, the applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
17. 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.
18. 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 Dexter Condominiums including, but not limited to Tentative Parcel Map No. NP2016-006 (PA2016-051). 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.



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

VIA EMAIL

May 12, 2016

Pacific View Memorial Park
Attn: Ruby Louis
3500 Pacific View Drive
Newport Beach, CA 92663

RE: Development Agreement Annual Review - 2016 (PA2009-024)

Dear Ms. Louis,

On May 12, 2016, the Zoning Administrator held a noticed public hearing on the required annual review of the Development Agreement between the City of Newport Beach and Pacific View Memorial Park. The Zoning Administrator found that Pacific View Memorial Park was in good faith compliance with the terms of the Development Agreement. The approved minutes of the May 12, 2016 meeting will be available online after May 26, 2016 at the following link: <http://newportbeachca.gov/ZoningAdministrator>. Given this determination, the Development Agreement remains in effect and Pacific View Memorial Park is not presently in default.

Should you have any questions regarding the 2016 Annual Review or this letter, please contact me at 949-644-3208 or rung@newportbeachca.gov.

Sincerely,



Rosalinh Ung
Associate Planner

JC/ru



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

VIA EMAIL

May 12, 2016

Shopoff Realty Investments
Brian Rupp
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2 Park Plaza, Suite 700
Irvine, CA 92614

brupp@shopoff.com

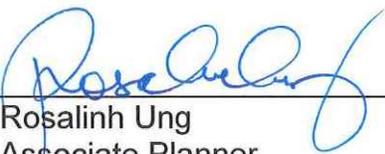
RE: Development Agreement Annual Review - 2016 (PA2014-039)

Dear Mr. Rupp,

On May 12, 2016, the Zoning Administrator held a noticed public hearing on the required annual review of the Development Agreement between the City of Newport Beach and Uptown Newport LP. The Zoning Administrator found that Uptown Newport LP was in good faith compliance with the terms of the Development Agreement. The approved minutes of the May 12, 2016 meeting will be available online after May 26, 2016 at the following link: <http://newportbeachca.gov/ZoningAdministrator>. Given this determination, the Development Agreement remains in effect and Uptown Newport LP is not presently in default.

Should you have any questions regarding the 2016 Annual Review or this letter, please contact me at 949-644-3208 or rung@newportbeachca.gov.

Sincerely,



Rosalinh Ung
Associate Planner

JC/ru