

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR HEARING
ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Planning Department
James Campbell, Zoning Administrator
jcampbell@city.newport-beach.ca.us

SUBJECT: Report of the actions taken for the Zoning Administrator Hearing on Thursday,
January 15, 2009

Item 1: Modification Permit No. MD2008-034 (PA2008-161)
430 Poppy Avenue

Request to allow a new garage to encroach up to 9 feet 8 inches into the 20-foot front yard setback. The new construction would replace an existing garage, which encroaches approximately 16 feet into the front yard setback. The request also includes the encroachment of an elevated deck into the side yard along Poppy Avenue.

This item was continued to the 01/29/00
Zoning Administrator Hearing.

Council District 6

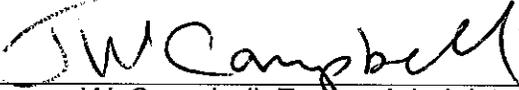
Item 2: Condominium Conversion Permit No. CC2008-007 and
Parcel Map No. NP2008-025 (PA2008-201)
705 Begonia Avenue

Request to approve a Condominium Conversion and Parcel Map application to convert an existing duplex into a condominium project. Code required two-car parking per unit is provided and no waivers of Title 19 development standards are proposed with this application.

This item was approved.

Council District 6

Prepared and submitted by:



James W. Campbell, Zoning Administrator

APPEAL: The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

c: David Lepo, Planning Director (*e-mail*)
Sharon Wood, Assistant City Manager (*e-mail*)
David Keely, Public Works Senior Civil Engineer (*e-mail*)
Jay Garcia, Senior Planner (*e-mail*)
Sgt. Ron Vallercamp, Vice/Narcotics (*e-mail*)
Code Enforcement Division (*e-mail*)
Iris Lee, Public Works (*e-mail*)
Evelyn Tseng, Revenue (*e-mail*)

5. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions). The division of property in urbanized areas zoned for residential use into four or fewer parcels is exempt 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 to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.
6. The plumbing system, as approved, will be in substantial compliance with the City of Newport Beach Plumbing Code. The clean-out, as required, will be installed in such a way that it will meet the intent of the requirements of the City.
7. The establishment, maintenance or operation of the use or building applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City. The residential density on the site will remain the same. 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".

CONDITIONS

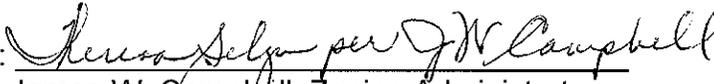
1. The project shall be in substantial conformance with the submitted plot plan, floor plans and elevations.
2. No more than 2 dwelling units shall be permitted on the site.
3. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees may be required and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement.
4. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
5. Each of the tenants of the proposed condominium shall be given 180 days' written notice of intention to convert, prior to the termination of tenancy due to the proposed conversion.

6. Each of the tenants of the proposed condominium shall be given written notification within 10 days of the approval of the condominium conversion permit establishing the proposed condominium conversion. Proof of said notification shall be provided to the Planning Department.
7. Each of the tenants of the proposed condominium shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. Such right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report (Section 11018.2 of the Business and Professions Code), unless the tenant gives prior written notice of his or her intention not to exercise the right. Prior to final of the condominium conversion permit, the applicant shall provide a copy of the written verification forwarded to the tenants and said verification shall be presented to the Planning Department.
8. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
9. The existing electrical service connection shall comply with the requirements of Chapter 15 of the Newport Beach Municipal Code; specifically, that each unit will have a minimum 100-amp service.
10. Each dwelling unit shall be served with an individual water service to the public water system, and shall maintain a separate water meter and water meter connection. This work shall be completed prior to final of the condominium conversion permit.
11. The applicant shall separate the building sewers within the building from each unit.
12. The sewer service shall be separated so that each unit is served with a sewer lateral connection to the public sewer system with a clean-out to grade at the property line. If there is evidence that sewage is leaking from the facility or if it is substandard, the existing sewer lateral shall be replaced. Said work shall be completed under an encroachment permit issued by the Public Works Department, unless otherwise approved by the Utilities Department and the Building Department. This work shall be completed prior to final of the condominium conversion permit.
13. All improvements shall be constructed as required by Ordinance and the Public Works Department.
14. Smoke detectors shall be provided in each bedroom.

15. The exterior wall surfacing shall be made weather-tight as required by the Uniform Housing Code.
16. The property owner shall provide information to the Building Department that the roof is a Class C fire retardant roof as certified by a roofing contractor.
17. The building permit obtained from the Building Department in order to convert the subject residential units into condominiums shall be finalized after the Parcel Map for Condominium Purposes has been recorded with the County of Orange and all conditions of approval have been completed and verified by the Planning Department.
18. This approval shall expire unless exercised within 24 months from the date of approval, as specified in Section 20.93.050 of the Newport Beach Municipal Code.

APPEAL PERIOD

The decision of the Zoning Administrator may be appealed to or by the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a \$1,810.00 filing fee. No building permits may be issued until the appeal period has expired.

By: 
James W. Campbell, Zoning Administrator

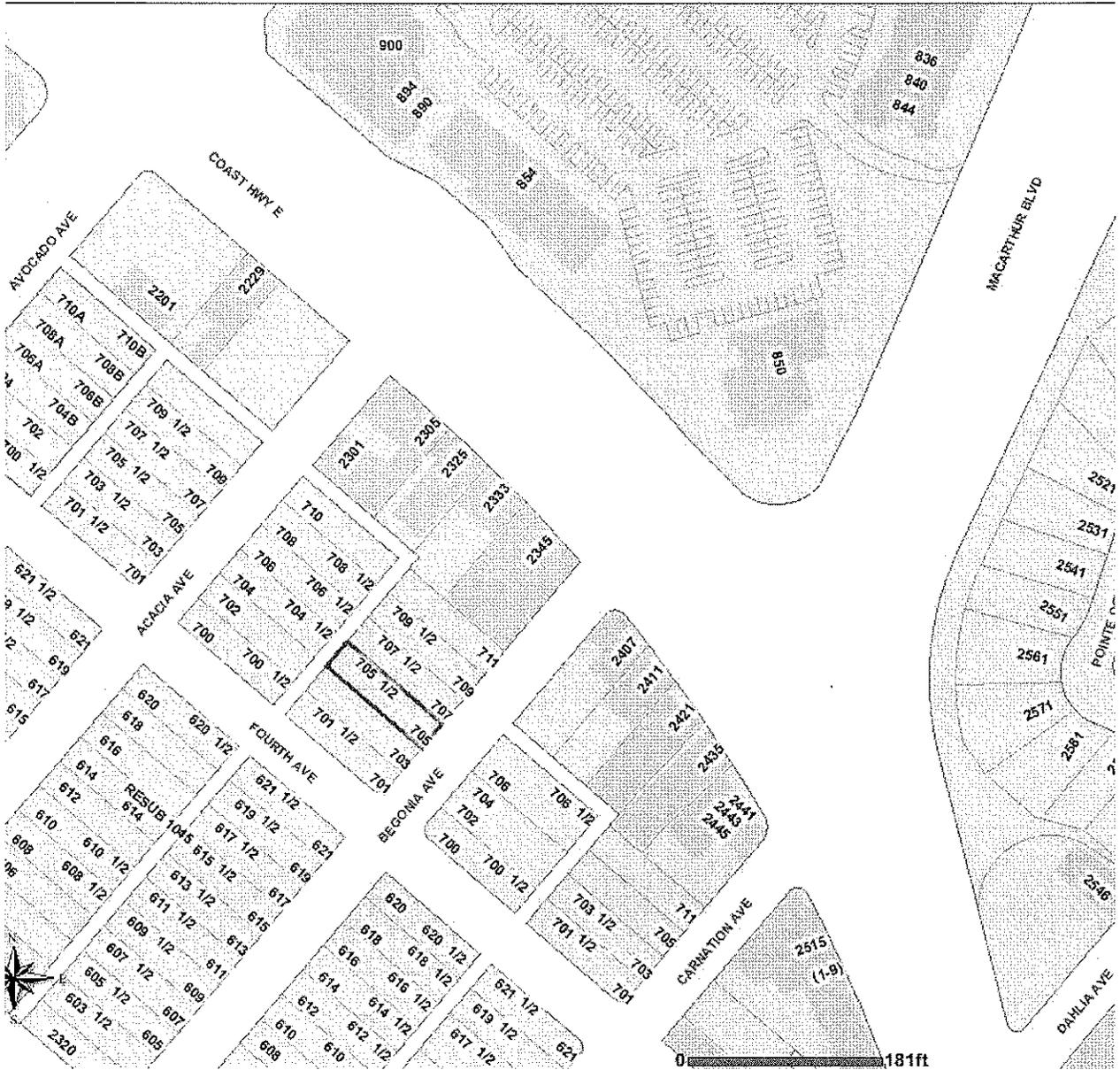
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Condominium Conversion No. CC2008-007
PA2008-201

705 Begonia Avenue



PARCEL MAP NO. NP2008-025
(PA2008-201)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No. Parcel Map No. NP2008-025 (PA2008-201)
County Parcel Map No. 2008-166

Applicant Don McCredie

Site Address 705 Begonia Avenue

Legal Description Lot 5 , Block 729 , Corona Del Mar

On January 15, 2009, the Zoning Administrator approved the parcel map request for two-unit condominium purposes. The code required two-car parking per unit will be provided. No exceptions to Title 19 development Standards are proposed with this application. The property is located in the R-2 (Two-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

Findings and Facts in Support of Findings

The Zoning Administrator determined in this case that the proposed 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 of Title 19:

1. **Finding:** 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:

- The proposed parcel map is for two unit condominium purposes. An existing duplex will be converted into a two unit condominium project. The residential density on the site will remain the same. 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"
2. **Finding:** That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

- The lot is regular in shape, has a slope of less than 20 percent, and is suitable for development.
3. **Finding:** 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:

- This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 5 (Minor Alterations in Land Use Limitations). The project consists of minor alteration in land use limitations in areas with an average slope of less than 20 percent which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.
4. **Finding:** 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:

- The proposed parcel map is for residential condominium purposes. Any construction required to convert the existing duplex to a condominium project will comply with all Building, Public Works, and Fire Codes. Public improvements will be required of the developer per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all conditions of approval will be complied with.
5. **Finding:** 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 easements 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:

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

6. **Finding:** 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:

- The property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.

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

Facts in Support of Finding:

- The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
- The project is not located within a specific plan area.

8. **Finding:** 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:

- The proposed parcel map and 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 Department enforces Title 24 compliance through the plan check and inspection process.

9. **Finding:** 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:

- The proposed parcel map 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. The residential density on the site will remain the same, which allows two units for the R-2 Zoning District. No affordable housing units are being eliminated based upon the fact that the previously existing units were not occupied by low or moderate income households and the proposed number of units remains the same.

10. **Finding:** 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:

- Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.

11. **Finding:** 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:

- The proposed parcel map is located in the Coastal Zone and conforms to the certified Coastal Land Use Plan. The Coastal Land Use Plan designates this site as Medium Density Residential (RM-C) which is intended to provide for a range of residential development types, including single-family (attached and detached), two-family, and multi-family residential. Residential density ranges from 15.1 to 20 units per gross acre. The existing duplex and proposed conversion to two condominiums is consistent with this designation.
- The subject property does not have access to any beaches, shoreline, coastal waters, tidelands, coastal parks or trails.

CONDITIONS

1. A parcel map shall be recorded with the Orange County Clerk-Recorder Department. The Map shall be prepared on the California coordinate system (NAD83). 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.**

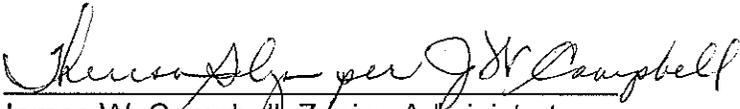
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision 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 City Ordinance and the Public Works Department. In addition, improvements for domestic water and sanitary sewer service connections shall be constructed as required by the Irvine Ranch Water District and the Costa Mesa Sanitary District respectively.
4. Reconstruct any broken and/or otherwise damaged sidewalk, alley, concrete curb and gutter along the Begonia Avenue frontage. Limits of reconstruction are at the discretion of the Public Works Inspector.
5. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
6. All applicable Public Works Department plan check fees, improvement bonds and inspection fees shall be paid prior to processing of the map by the Public Works Department.
7. All above ground improvements shall stay a minimum 5-foot clear of the 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 meters and sewer cleanouts shall be located within the public right of way.
9. Overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.28.090 of the Municipal Code unless it is determined by the City Engineer that such undergrounding is unreasonable or impractical.
10. In accordance with the provisions of Chapter 13 (or any other applicable chapters) of the Newport Beach Municipal Code, additional street trees may be required and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement.

11. All existing drainage facilities in the public right-of-way, including the existing curb drains along Begonia Avenue frontage shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
12. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
13. All on-site drainage shall comply with the latest City Water Quality requirements.
14. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
15. 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.
16. 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 unless an Encroachment Agreement is applied for and approved by the Public Works Department.
17. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
18. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
19. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Department Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
20. County Sanitation District fees shall be paid prior to issuance of any building permits, if required by the Public Works Department or the Building Department.
21. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.

22. This parcel map shall expire if the map has not been recorded within 3 years of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

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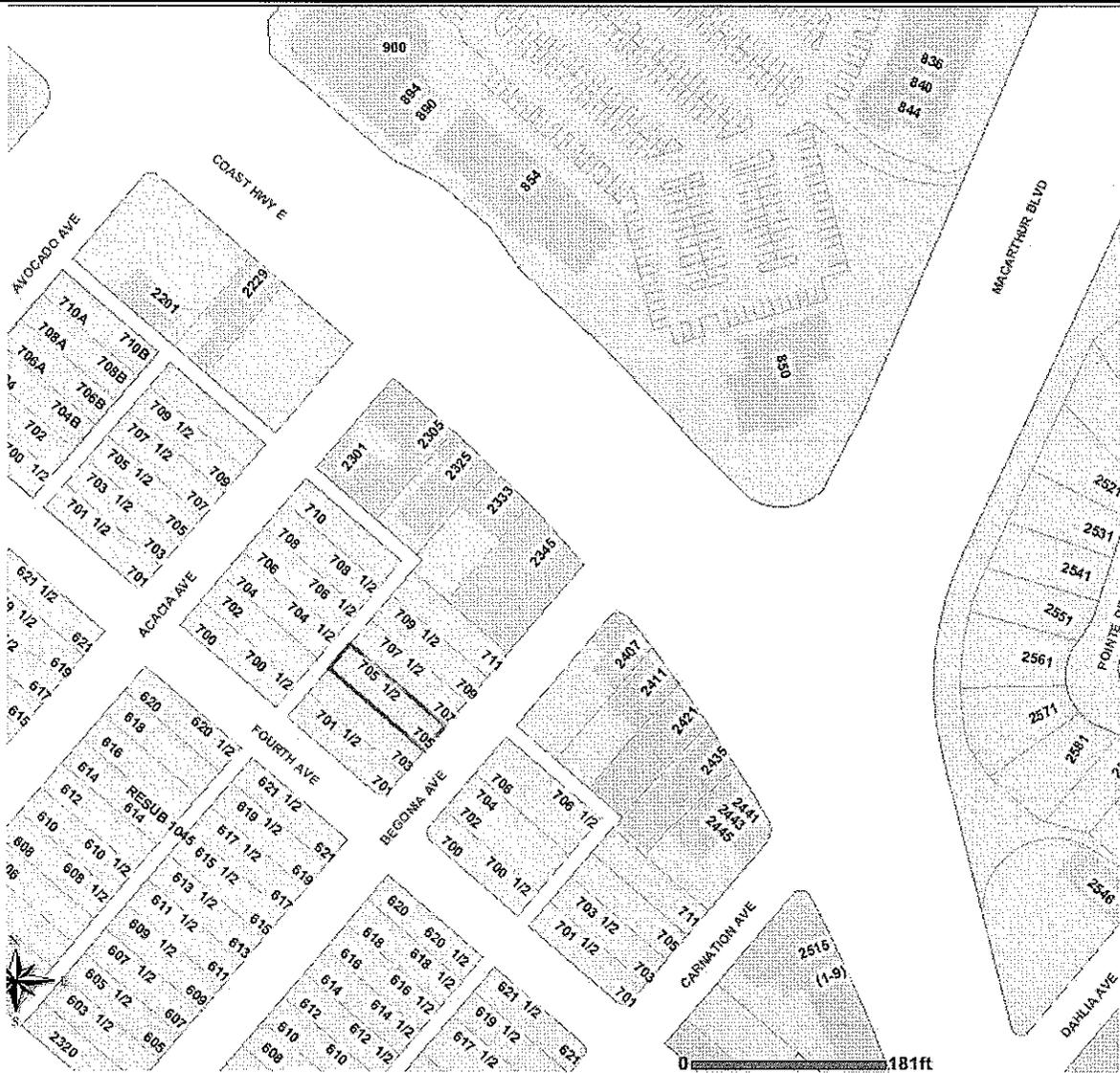
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2008-025
PA2008-201

705 Begonia Avenue