



## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

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

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

[www.newportbeachca.gov](http://www.newportbeachca.gov)

### CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

February 29, 2012

Agenda Item 3

**SUBJECT:** Temporary Parking Lot - (PA2012-013)  
100 Dover Drive  
▪ Limited Term Permit No. XP2012-001

**APPLICANT:** Kraus Construction, Inc.

**PLANNER:** Jaime Murillo, Associate Planner  
(949) 644-3209, [jmurillo@newportbeachca.gov](mailto:jmurillo@newportbeachca.gov)

---

### ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC-37 (Castaways Marina)
- **General Plan:** CM (Recreational and Marine Commercial)

### PROJECT SUMMARY

A Limited Term Permit application to utilize the property located at 100 Dover Drive as an off-site parking lot for construction workers of the Mariner's Pointe project located across Dover Drive at 100-300 W. Coast Highway. A maximum of 15 parking spaces are proposed for a 12-month period.

### RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. 2012-008 approving Limited Term Permit No. XP2012-001 (Attachment No. ZA 1).

### DISCUSSION

On August 9, 2011, the City Council approved the Mariner's Pointe project (PA2010-114), a 19,905 square-foot commercial development and three-level parking structure located at 100-300 West Coast Highway. The development maximizes the building envelope of the site, which is constrained due to the shallow depth of the lots. Given this constraint, construction workers' personal vehicles cannot be accommodated on-site

during the construction phase of the project until after the parking structure is completed. Therefore, the applicant is requesting the ability to utilize the western portion of the City-owned Lower Castaways property at 100 Dover Drive as a temporary off-site parking lot for construction workers for a period of approximately eight months (12 months maximum) during the construction of the parking structure.

The eastern portion of the Lower Castaways site is currently being utilized as a staging area for the City's on-going bay dredging project as well as the Civic Center project. Limited Term Permit No. XP2011-006 was also approved on November 9, 2011, allowing the Bayshores Community Association temporary use of the western portion of the property for a 30-space off-site parking lot for workers participating in construction projects within their community.

The Lower Castaways property is approximately four acres in size. Based upon the site plan, there is adequate area on the western portion of the property to accommodate the proposed limited duration use of a parking area for a maximum of 15 vehicles, in addition to the previously permitted 30 vehicles for the Bayshores Community. The staging uses on the eastern portion of the property are fenced and will remain unaffected by the proposed temporary use. No construction materials, equipment, or vehicles (i.e. heavy equipment) will be permitted as conditioned. The site has one direct driveway approach taken from northbound Dover Drive and vehicles would typically access the site early morning prior to peak hour and mid-late afternoon prior to peak hour; therefore, no traffic issues are anticipated. Crosswalks are also conveniently located at the signalized intersection at West Coast Highway and Dover Drive ensuring safe access for construction workers between the construction project site and the temporary parking lot.

## **ENVIRONMENTAL REVIEW**

The project qualifies for Class 4 (Minor Alterations to Land) categorical exemption, Section 15304 of the California Environmental Quality Act because no improvements other than a temporary barricade or cones and a sign are proposed or permitted on the lot and the surrounding vegetation and environment will be maintained.

## **PUBLIC NOTICE**

Notice of this application was 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 prior to the decision date, consistent with the provisions of the Municipal Code.

**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.

Prepared by:



---

Jaime Murillo, Associate Planner

GR/jm

Attachments:      ZA 1    Draft Resolution  
                          ZA 2    Vicinity Map  
                          ZA 3    Site Plan

# **Attachment No. ZA 1**

Draft Resolution

## RESOLUTION NO. ZA2012-008

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LIMITED TERM PERMIT NO. XP2012-001 FOR THE MARINER'S POINTE TEMPORARY PARKING LOT LOCATED AT 100 DOVER DRIVE (PA2012-013)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kraus Construction, Inc., with respect to property located at 100 Dover Drive, and legally described as Tract 1125, Portion of Lot 1 requesting approval of a Limited Term Permit to utilize the property as an off-site parking lot for construction workers of the Mariner's Pointe project located across Dover Drive at 100-300 W. Coast Highway. A maximum of 15 parking spaces are proposed for a 12-month period.
2. The subject property is located within the Castaways Marina Planned Community (PC-37) Zoning District and the General Plan Land Use Element category is CM (Recreation and Marine Commercial).
3. The subject property is located within the Coastal Zone.
4. A public hearing was held on February 29, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. 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 under the requirements of the California Environmental Quality Act, pursuant to Section 15304 (Class 4 – Minor Alterations to Land).
2. Class 4 exempts minor temporary uses of land having negligible or no permanent effects on the environment.
3. No improvements other than a temporary barricade or cones and a sign are proposed or permitted on the lot and the surrounding vegetation and environment will be maintained.

SECTION 3. REQUIRED FINDINGS.

1. In accordance with Section 20.52.040.G (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a Limited Term Permit are set forth:

Finding

- A. *The operation of the requested limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use.*

Facts in Support of Finding

1. The eastern portion of the property is currently being utilized as a staging area for the City's bay dredging project as well as the Civic Center project. This area is fenced and will not be impacted by the proposed temporary parking lot use.
2. The limited duration use will be a temporary parking lot on the western portion of the property in which no construction staging, storage, or construction vehicles will be permitted as conditioned.
3. Providing a designated parking area for construction worker's vehicles will minimize temporary construction related disturbances to neighboring properties of the Mariner's Pointe project.

Finding

- B. *The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.*

Facts in Support of Finding

1. The subject lot is approximately four acres in size. Based upon the site plan, there is adequate area to accommodate the proposed limited duration use of a parking area for a maximum of 15 vehicles, in addition to the previously permitted 30 vehicles for the Bayshores Community, as well as the other uses.
2. The lot is bound by Coast Highway to the south and Dover Drive to the west which serve as a buffer between the nearby residential properties within the R-1 (Single-Unit Residential) Zoning District.

3. The lot is abutting a property to the north within the PC-43 (Upper Castaways) Zoning District currently utilized as a public park and walking trail and to the east is the Newport Harbor.

Finding

- C. *The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate.*

Facts in Support of Finding

1. The subject lot has one direct driveway approach taken from northbound Dover Drive.
2. The vehicles would typically access the site early morning prior to peak hour and mid-late afternoon prior to peak hour; therefore, no traffic issues are anticipated.
3. The limited duration use is a temporary parking lot for vehicles of workers participating in construction of the Mariner's Pointe project located directly across Dover Drive at 100-300 West Coast Highway. Heavy entering-and-exiting traffic is not anticipated.
4. Crosswalks are conveniently located at the signalized intersection at West Coast Highway and Dover Drive ensuring safe access for construction workers between the construction project site and the temporary parking lot.

Finding

- D. *Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator.*

Facts in Support of Finding

1. The intent of this approval is to ensure adequate parking exists for construction workers' personal vehicles of the Mariner's Pointe construction project. The proposed limited duration use will alleviate the impact of construction workers' parking personal vehicles on properties adjacent to the Mariner's Pointe construction site on along West Coast Highway.

Finding

- E. *The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, Municipal Code, and other City regulations.*

Facts in Support of Finding

1. The CM (Recreation and Marine Commercial) designation of the Land Use Element of the General Plan is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay. The proposed use is of a limited duration and will not impede use of the site consistent with the CM designation.
2. Section IV.B (Permitted Uses) of the PC-37 (Castaways Marina) Planned Community text allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
3. The site is not located within a specific plan area.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit No. XP2012-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. Limited Term Permit applications do not become effective until 14 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

**PASSED, APPROVED, AND ADOPTED THIS 29<sup>TH</sup> DAY OF FEBRUARY, 2012.**

By: \_\_\_\_\_  
Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. The limited term permit shall expire 12 months from the effective date of this permit, unless an extension of up to one additional period of 12 months is granted by the Zoning Administrator.
4. A maximum number of fifteen (15) parking spaces are permitted and each parked vehicle shall display a City-approved placard in a manner such that it is easily visible from the vehicle.
5. The applicant shall furnish and post signs designating the parking area as shown on the site plan as parking by permit only for workers of the Mariner's Pointe project located at 100-300 West Coast Highway. The sign shall be subject to the review and approval of the Community Development Director.
6. The applicant shall furnish and erect a temporary barricade or cones to designate the proposed parking area. The placement of any temporary barricade or cones shall be subject to the review and approval of the Community Development Director.
7. The Limited Term Permit is for the operation of a temporary parking lot and does not authorize the use or operation of construction storage yard or staging area. As such, no construction materials, equipment, or vehicles (i.e., heavy equipment) are permitted on the site.
8. No site improvements are permitted with the exception of the temporary barricades, cones, and signage identified in Condition Nos. 5 and 6.
9. Use of the temporary parking lot is limited to the hours between 7:00 p.m. to 5:00 p.m., Monday through Friday. No temporary parking shall be permitted on Saturday, Sundays or Federal holidays.
10. The applicant shall enter into a License Agreement with City prior to use of the property that establishes the terms of use, including duration, fees, indemnification, and insurance.
11. Operators of vehicles utilizing the site shall obey all traffic laws.
12. Workers shall use the crosswalks at the signalized intersection at West Coast Highway and Dover Drive to get to and from the construction site at 100-300 West Coast Highway.

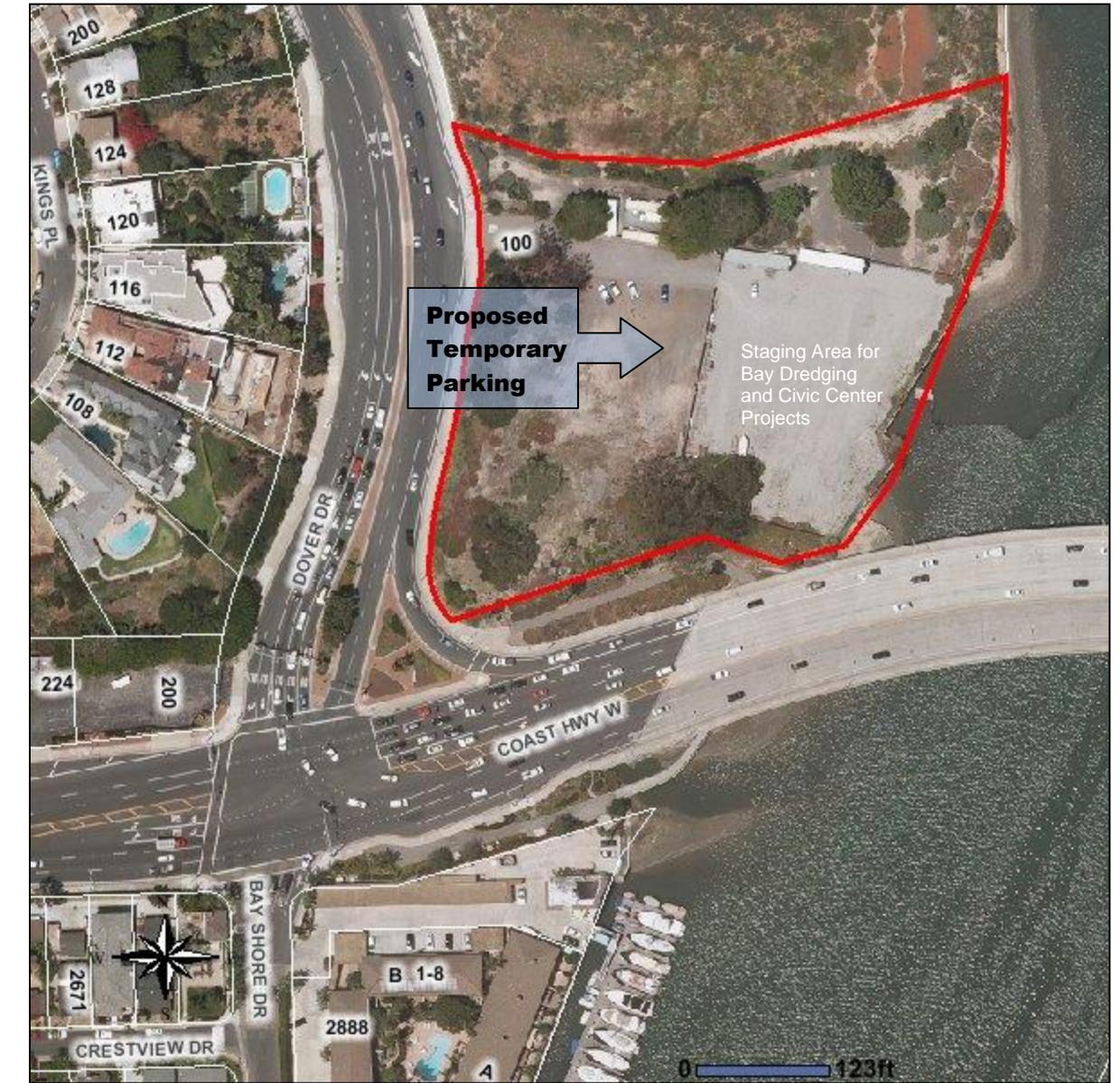
13. The minimum parking area drive aisle shall be 26 feet minimum.
14. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, 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 **Mariner' Pointe Temporary Parking Lot** including, but not limited to, the **XP2012-001 (PA2012-013)**. 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.

DRAFT

# **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



Limited Term Permit No. XP2012-001  
PA2012-013

**100 Dover Drive**

# **Attachment No. ZA 3**

Site Plan



**CONSTRUCTION, INC.**

21542 Surveyor Circle  
Huntington Beach, CA 92646  
January 25, 2012

RE: Mariners Pointe  
300 West Coast Highway  
Newport Beach, CA 92646

