COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT
September 12, 2012
Agenda Item 2

SUBJECT: Marigold Parcel Map - (PA2012-099)
611 Marigold Avenue
- Tentative Parcel Map No. NP2012-007
- County Tentative Parcel Map No. 2012-119

APPLICANT: New Heritage Family Ltd. Partnership

PLANNER: Benjamin M. Zdeba, Assistant Planner
(949) 644-3253, bzdeba@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

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

PROJECT SUMMARY

A parcel map application for two-unit condominium purposes. No waivers of Title 19 (Subdivisions) development standards are proposed with this application. The parcel map would allow each unit of the duplex, currently under construction, to be sold individually. The property was previously improved with a duplex.

RECOMMENDATION

1) Conduct a public hearing; and

2) Adopt Draft Zoning Administrator Resolution No. _ approving Tentantive Parcel Map No. NP2012-007 (Attachment No. ZA 1).

DISCUSSION

- An existing duplex was demolished on July 24, 2012 and a new duplex is being constructed.

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

- The parcel map approval will allow the units to be sold separately.

- The new duplex conforms to all current Municipal Code requirements and the condominiums will meet all of the Title 19 standards.

ENVIRONMENTAL REVIEW

The project qualifies for Class 15 (Minor Land Divisions) categorical exemption, Section 15315 of the California Environmental Quality Act. This 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 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. The proposed 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 prior to the decision date, 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 or City Clerk, as applicable, within ten (10) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:

Benjamin M. Zdeba
Assistant Planner

GR/bmz

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	County Tentative Parcel Map No. 2012-119

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2012-DRAFT

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2012-007 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES (PA2012-099).

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by James "Buzz" Person on behalf of New Heritage Family Ltd. Partnership, with respect to property located at 611 Marigold Avenue, and legally described as Lot 11, Block 639 of the Corona del Mar Subdivision requesting approval of a Tentative Parcel Map for two-unit condominium purposes.

2. No waivers of Title 19 (Subdivisions) development standards are proposed. An existing duplex was demolished and a new duplex is being constructed.

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 not located within the coastal zone.

5. A public hearing was held on September 12, 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. The project has been reviewed, and it qualifies for a categorical exemption pursuant to Section 15315 of the California Environmental Quality Act under Class 15 (Minor Land Divisions) of the Implementing Guidelines of the California Environmental Quality Act.

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 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. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

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SECTION 3. REQUIRED 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:

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

Finding

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

Facts in Support of Finding

1. The lot is regular in shape, has a slope of less than 20 percent, and is suitable for two-unit development.

Finding

C. That the design of the subdivision or the proposed improvements will not 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. 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) which 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 to local

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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. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

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 proposed Parcel Map is for residential condominium purposes. All construction for 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 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.

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 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

1. 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.

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 since the subject property is not designated as an agricultural preserve and is less than 100 acres.

Finding

G. 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

1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.

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 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 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 allowed residential density on the site will remain the same, which allows two units in the R-2 Zoning District. Therefore, the 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. Wastewater discharge into the existing sewer system has been designed to comply 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 not located within the Coastal Zone boundaries.

Finding

L. That public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.

Facts in Support of Finding

1. The project has been conditioned to require public improvements including reconstructing existing broken or otherwise damaged sidewalks, curbs, and gutters.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Parcel Map No. NP2012-007, 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 ten 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.

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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. All improvements shall be constructed as required by Ordinance and the Public Works Department.

4. All existing overhead utilities shall be undergrounded in accordance with Section 19.28.090 of the Municipal Code.

5. All above ground improvements shall stay at a minimum 5-foot clear of the alley setback.

6. Applicant shall reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb, and gutter along the Marigold Avenue frontage.

7. Applicant shall reconstruct the existing broken and/or otherwise damaged concrete along the alley adjacent to the home.

8. 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.

9. 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.

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

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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. Pursuant to Chapter 13 of the City of Newport Beach Municipal Code, a 36-inch box Magnolia Grandiflora ('Russet' Magnolia) street tree shall be planted along the Marigold Avenue frontage.

14. Loose gravel shall not be permitted in the public right-of-way. The parkway shall be planted with a low-growing ground cover or lawn.

15. A Public Works Department encroachment permit inspection is required before the Building Division permit final can be issued. At the time of Public Works Department inspection, if any of the existing public improvements surrounding the site is damaged, new concrete sidewalk, curb and gutter, and alley/street pavement will be required and 100% paid by the owner. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.

16. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.

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 Division 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. Subsequent to 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.

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21. 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 Marigold Avenue Parcel Map including, but not limited to, the PA2012-099. 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.

22. This Parcel Map shall expire if the map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

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PASSED, APPROVED AND ADOPTED THIS 12th DAY OF SEPTEMBER, 2012.

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Attachment No. ZA 2

Vicinity Map

VICINITY MAP

Tentantive Parcel Map No. NP2012-007
PA2012-099

611 Marigold Avenue

Attachment No. ZA 3

County Tentative Parcel Map No. 2012-119

TENTATIVE PARCEL MAP
2012-119

FOR CONDOMINIUM PURPOSES
LOT 11, BLOCK 639 CORONA DEL MAR

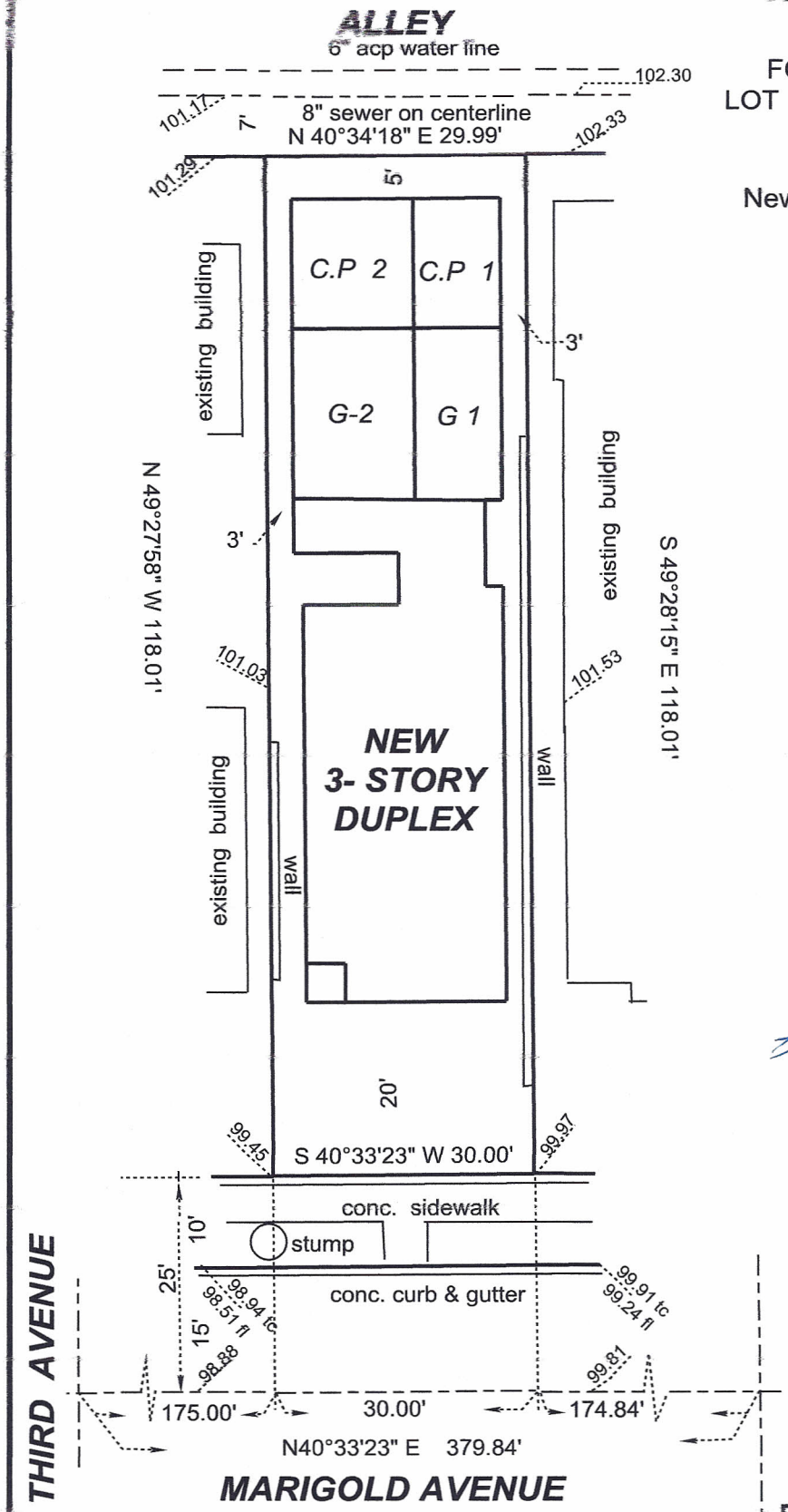
OWNER-DEVELOPER

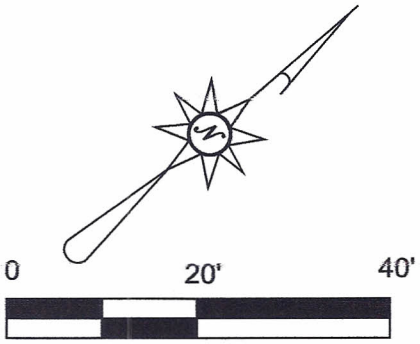
New Heritage Family LTD. Partnership,
an Oregon Limited Partnership

419 30th. Street Unit a
Newport Beach CA 92663

Site Address
611 Marigold Avenue
Corona del Mar CA 62625

Date of field survey May 9, 2012





Scale 1"=20'

Prepared By

Leonard C. Stiles
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License Expires 12/31/2013

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STATE OF CALIFORNIA

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