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

CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT
July 25, 2013
Agenda Item No. 2

SUBJECT: Goldenrod Parcel Map - (PA2013-121)
412 Goldenrod Avenue
Tentative Parcel Map No. NP2013-012
County Tentative Parcel Map No. 2013-135

APPLICANT: Apex Land Surveying – Paul Craft

PLANNER: Fern Nueno, Associate Planner
(949) 644-3227, fnueno@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 Tentative Parcel Map No. NP2013-012 (Attachment No. ZA 1).

DISCUSSION

- A previously existing duplex was demolished and a new duplex is currently under construction.

- 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 will conform to the Municipal Code requirements, and the parcel map for condominiums will meet all of the Title 19 standards.

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

ENVIRONMENTAL REVIEW

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

PUBLIC NOTICE

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

APPEAL PERIOD:

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

Prepared by:

Fern Nueno, Associate Planner

GBR/fn

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Tentative Parcel Map No. NP2013-012 County Tentative Parcel Map No. 2013-135

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2013-012 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 412 GOLDENROD AVENUE (PA2013-121)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Paul Craft, Apex Land Surveying, with respect to property located at 412 Goldenrod Avenue, and legally described as Lot 14, Block 334, Corona del Mar Tract requesting approval of a Tentative Parcel Map.

2. The applicant requests a tentative parcel map for two-unit condominium purposes. No exceptions to the Title 19 (Subdivisions) development standards are proposed with this application. The property was previously developed with a duplex that has been demolished and a new duplex is currently under construction. The code required two-car parking per unit will be provided.

3. The subject property is located within the Two-Unit Residential (R2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).

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

5. A public hearing was held on July 25, 2013, 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 under the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions).

2. Class 15 exempts 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 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 (Planning and Zoning) of the Municipal Code and is approved based on the following findings pursuant to Section 19.12.070 (Required Findings for Action on Tentative Maps) of the Municipal Code:

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. A duplex was demolished and is being replaced with a new duplex currently under construction. The proposed subdivision and improvements are consistent with the Two-Unit Residential (R-2) Zoning District and the Two-Unit Residential (RT) General Plan Land Use Designation.

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 residential 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. The subject property is developed and the lot, proposed improvements, and proposed parcel map application will not cause substantial environmental damage.

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2. 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 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 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. Furthermore, the proposed project will conform with all applicable City ordinances.

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. Sufficient access is provided with the proposed parcel map.

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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. 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, including the duplex under construction, are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards based 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

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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 residential density allowed for 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 located within the Coastal Zone. The proposed parcel map is for two-unit condominium purposes. The proposed subdivision and improvements are consistent with the RT-D (Two-Unit Residential) Coastal Land Use Plan designation.

2. The subject property conforms to public access policies of Chapter Three of the Coastal Act. The subject property is not located adjacent to the shoreline. The existing lot configuration does not affect the public rights-of-way and existing access to coastal resources.

3. Recreation policies pertaining to water-oriented recreational activities and uses contained within Chapter Three of the Coastal Act are not applicable to the subject property, which is zoned for residential use.

Finding

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

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Facts in Support of Finding

1. The conditions of approval include requirements for public improvements including reconstruction of the existing broken and/or otherwise damaged concrete alley adjacent to the property.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2013-012, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

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

PASSED, APPROVED, AND ADOPTED THIS 25th DAY OF JULY, 2013.

By:

_____
Brenda Wisneski, AICP, Zoning Administrator

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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 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. Prior to recordation of the parcel map, the existing broken and/or otherwise damaged concrete alley adjacent to the property shall be reconstructed.

5. Goldenrod Avenue is part of the City's Moratorium List. Work performed on said roadway will require additional surfacing requirements. See City Standard 105-L-F.

6. Prior to recordation of the parcel map, all existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.

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

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

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

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

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

12. All utilities to be abandoned shall be done so per City standards.

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

14. 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.

15. The building permit for the new construction shall not be finaled until after recordation of the Parcel Map. Subsequent to 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 finaled.

16. 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 Goldenrod Parcel Map including, but not limited to, Parcel Map No. NP2013-012 (PA2013-121). 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.

17. This Parcel Map shall expire if the map has not been recorded within 2 years of the date of approval, unless an extension is granted by the Community Development Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

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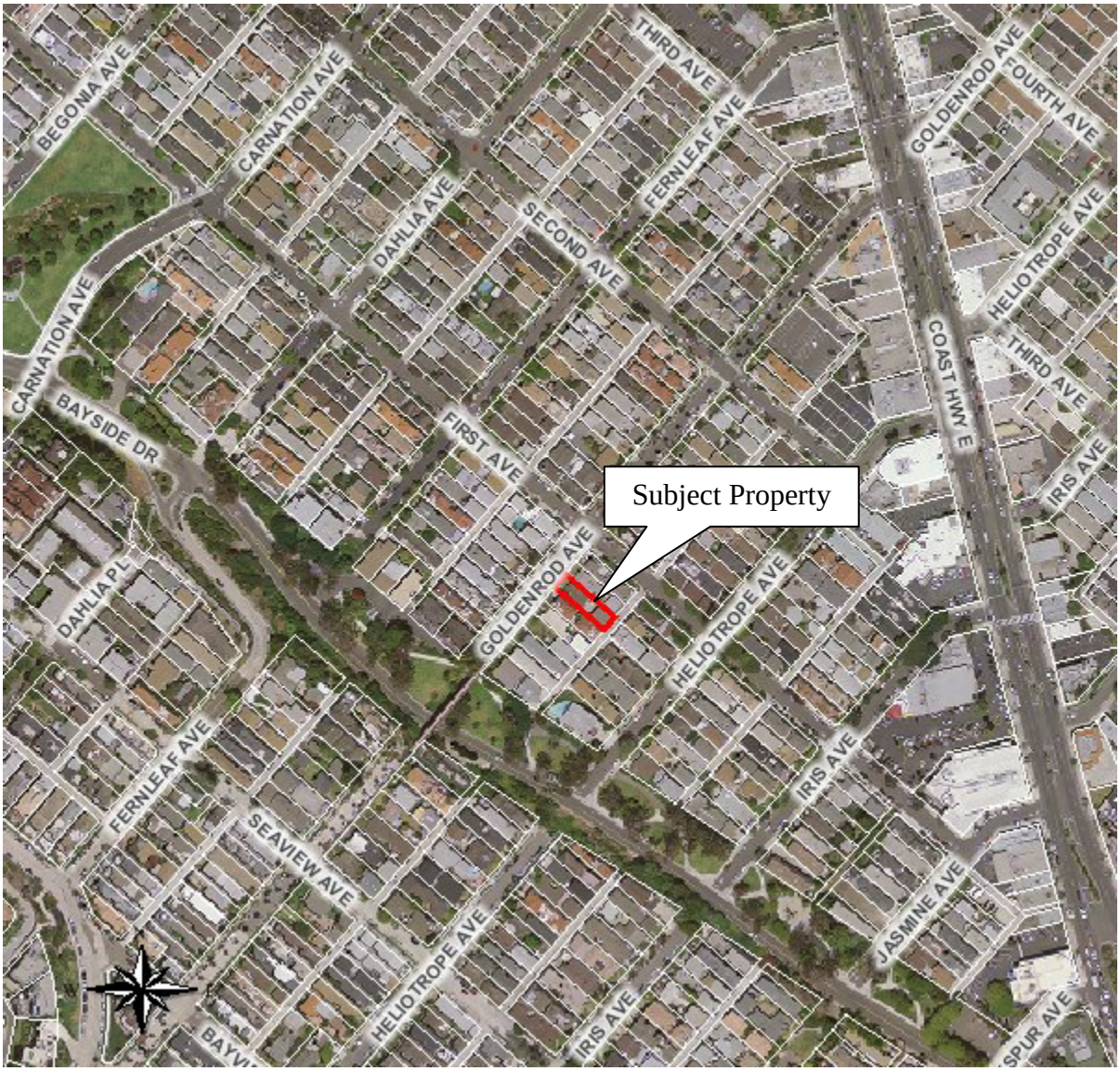
Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Tentative Parcel Map No. NP2013-012
PA2013-121

412 Goldenrod Avenue

Attachment No. ZA 3

Tentative Parcel Map No. NP2013-012
County Tentative Parcel Map No. 2013-135

TENTATIVE PARCEL MAP NO. 2013-

412 GOLDENROD AVENUE
NEWPORT BEACH, CA 92625

LEGAL DESCRIPTION

REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

LOT 14 IN BLOCK 334 OF CORONA DEL MAR TRACT 186, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE(S) 41-42 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

OWNER

SCOTT A. GOULD
P.O. BOX 21736
MESA, AZ 85277

SUBDIVIDER / APPLICANT

SCOTT A. GOULD
P.O. BOX 21736
MESA, AZ 85277

BENCHMARK

BENCHMARK NO.: 3S-45-99

DESCRIBED BY OCS 2003 - FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "3S-45-99" SET IN THE TOP NORTHERLY CORNER OF A 4.0 FT. BY 8.0 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE EASTERLY CORNER OF THE INTERSECTION OF MACARTHUR BOULEVARD AND SAN JOAQUIN HILLS ROAD, 70 FT. SOUTHEASTERLY OF THE CENTERLINE OF MACARTHUR BOULEVARD AND 135 FT. NORTHEASTERLY OF THE CENTERLINE OF SAN JOAQUIN HILLS ROAD. MONUMENT IS SET LEVEL WITH THE SIDEWALK.

ELEVATION: 251.761 FEET (NAVD88), YEAR LEVELED: 1999

SURVEYOR'S NOTE

BOUNDARY AND TOPOGRAPHIC MEASUREMENTS SHOWN HEREON ARE BASED ON TOPOGRAPHIC CONDITIONS AND FOUND MONUMNENTS IN THE COURSE OF A FIELD SURVEY PERFORMED IN APRIL 2011.

SEWER AND STORM DRAIN

TIE INTO EXISTING FACILITY

PROPOSED USE OF LAND

RESIDENTIAL/CONDOMINIUM

ASSESSOR'S PARCEL NUMBER

459-172-07

NUMBER OF PARCELS

ONE

SITE ADDRESS

412 GOLDENROD AVENUE
CORONA DEL MAR, CA 92625
(APN: 459-172-07)

FLOOD ZONE

ZONE X

EASEMENTS

THERE ARE NO EASEMENTS OF RECORD AFFECTING THE SUBJECT PROPERTY.

SURVEYOR:

APEX LAND SURVEYING, INC.
8512 OXLEY CIRCLE
HUNTINGTON BEACH, CA 92646
714.488.5006 PHONE
714.333.4440 FAX
CONTACT: PAUL D. CRAFT, PLS

PARCEL '1' LAND AREA:

3,536 SQ. FT.
0.08 ACRES

ZONING

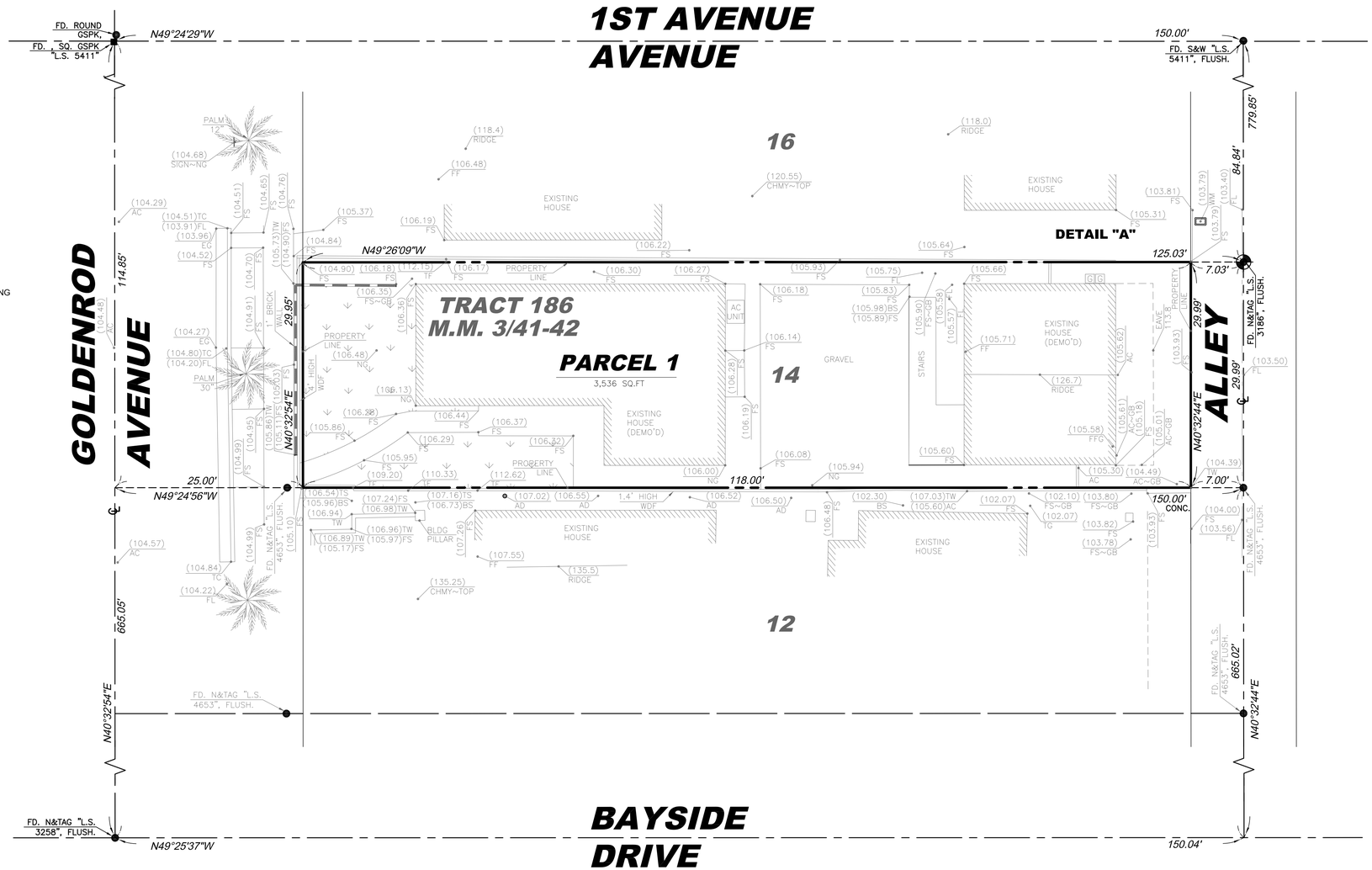
R-2

LEGEND

-o-o-o-	—	WOOD FENCE (WDF)
AC	—	ASPHALT PAVEMENT
℄	—	CENTERLINE
EG	—	EDGE OF GUTTER
EPB	—	ELECTRICAL PULL BOX
FF	—	FINISHED FLOOR
FFG	—	FINISHED FLOOR GARAGE
FL	—	FLOWLINE
FS	—	FINISHED SURFACE
GB	—	GRADE BREAK
GM	—	GAS METER
NG	—	NATURAL GROUND
PP	—	POWER POLE
SCO	—	SEWER CLEAN-OUT
SFN	—	SEARCHED FOUND NOTHING, SET NOTHING
TC	—	TOP OF CURB
WM	—	WATER METER
WV	—	WATER VALVE
( )	—	EXISTING ELEVATION
●	—	FOUND MONUMENT AS NOTED

BASIS OF BEARINGS

THE BASIS OF BEARINGS SHOWN HEREON ARE BASED ON ON THE CENTERLINE OF GOLDENROD AVENUE BEING N40°52'34"E.



SURVEYOR'S NOTE

PROFESSIONAL LAND SURVEYOR
PAUL DOMINICK CRAFT
No. 8516
Exp. 12/31/14
STATE OF CALIFORNIA

PAUL D. CRAFT, P.L.S. 8516 DATE
LICENSE RENEWAL DATE 12/31/14

NOTE: SECTION 8770.6 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE STATES THAT THE USE OF THE WORD CERTIFY OR CERTIFICATION BY A LICENSED LAND SURVEYOR IN THE PRACTICE OF LAND SURVEYING OR THE PREPARATION OF MAPS, PLATS, REPORTS, DESCRIPTIONS OR OTHER SURVEYING DOCUMENTS ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

REVISIONS

NO.	DESCRIPTION	DATE	APP'D
1	-----	-	P. D. C.

PROJECT SURVEYOR

APEX LAND SURVEYING INC.
HUNTINGTON BEACH, CALIFORNIA 92646
PHONE(714)488-5006 FAX(714)333-4440
APEXLSINC@GMAIL.COM

DATE 5/27/2013
SCALE 1" = 8'
DRAWN P. D. C.
CHECKED P. D. C.

SHEET TITLE: TENTATIVE PARCEL MAP

PROJECT: 412 GOLDENROD AVENUE
CORONA DEL MAR, CA 92625
(APN: 459-172-07)

SHEET NO. 1 OF 1