

**CITY OF NEWPORT BEACH
MODIFICATIONS STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Planning Department
Javier Garcia, Zoning Administrator
jgarcia@city.newport-beach.ca.us

SUBJECT: Report of the actions taken for the Modifications Hearing on Monday, July 14, 2008

Item 1: Lot Line Adjustment No. LA2008-004 (PA2008-069)
461 Newport Center Drive

Request to adjust the lot line between two adjacent parcels, taking land from one parcel and giving it to the other. The number of parcels will remain the same.

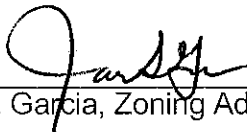
This item was continued to the 08/11/08 Modifications Hearing. Council District 5

Item 2: Condominium Conversion Permit No. CC2008-003 and
Parcel Map No. NP2008-013 (PA2008-119)
513 & 513 ½ Begonia Avenue

Request to convert an existing duplex into a two-unit condominium project. No waivers of Title 19 Development Standards are proposed with this application. The code required two-car parking per unit will be provided. In addition, a Tentative Parcel map application was submitted for two-unit condominium purposes. No exceptions to Title 19 Development Standards are proposed with this application. The code required two-car parking per unit will be provided. The property is located in the R-2 District.

This item was approved. Council District 6

Prepared and submitted by:



Javier S. Garcia, Zoning Administrator

APPEAL: The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 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)
Kay Sims, Assistant Planner (e-mail)

Sgt. Ron Vallercamp, Vice/Narcotics (e-mail)
Code Enforcement Division (e-mail)
Erin Steffen, Office Assistant (e-mail)

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.

CONDITIONS

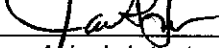
1. The project shall be in substantial conformance with the submitted plot plan, floor plans and elevations, except as noted below.
2. No more than two dwelling units shall be permitted on the site.
3. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable 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 a tandem garage for one dwelling unit and a two-car garage for the other dwelling unit, shall be provided on site per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times. Prior to issuance of the final building permit, an inspection shall be scheduled to verify the clear interior parking spaces.
9. On the plans, the depth of the tandem parking garage will be dimensioned to show two clear interior parking spaces prior to recordation of the Parcel Map.
10. At least two parking spaces shall be provided for each dwelling unit on the subject property.
11. 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.
12. 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.
13. The applicant shall separate the building sewers within the building from each unit.
14. 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.
15. All improvements shall be constructed as required by Ordinance and the Public Works Department.
16. Smoke detectors shall be provided in each bedroom.
17. The corrections listed by the Building Department in the special inspection report shall be completed prior to final of the condominium conversion permit.
18. The exterior wall surfacing shall be made weather-tight as required by the Uniform Housing Code.

19. 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.
20. 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.
21. 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 \$600.00 filing fee. No building permits may be issued until the appeal period has expired.

By: 
Zoning Administrator Javier S. Garcia, AICP

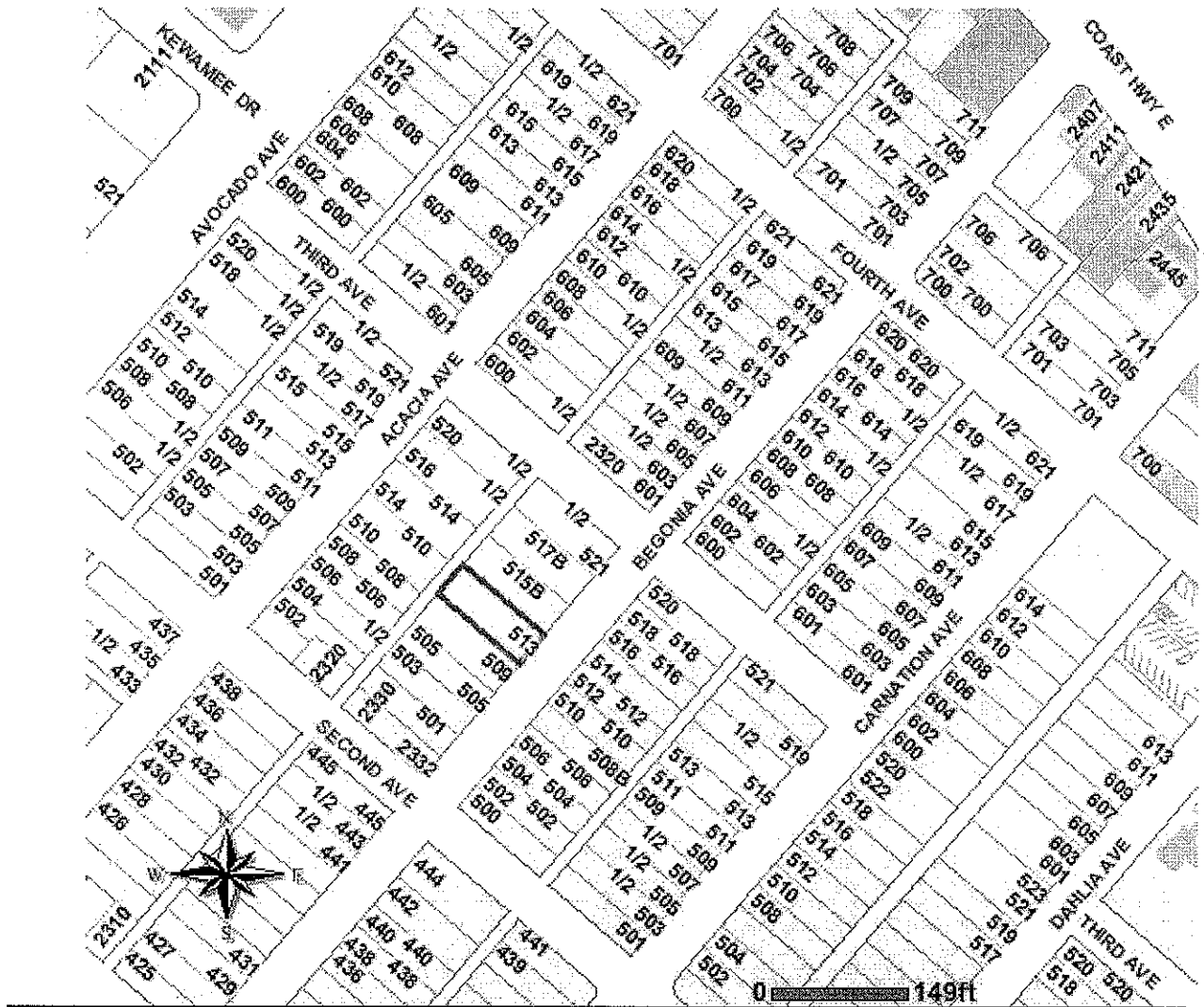
JSG:mn/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Condominium Conversion No. CC2008-003
PA2008-119

513 & 513 1/2 Begonia Avenue

page intentionally blank



PARCEL MAP NO. NP2008-013
(PA2008-119)

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

Application No. Parcel Map No. NP2008-013 (PA2008-119)
Applicant County Parcel Map No. 2008-106
NSC Enterprises Inc.
Site Address 513 & 513 ½ Begonia Avenue
Legal Description Lot 11 Blk 529 Nely 18 FT(And Swly 24 ft Lot 13 Blk 529 Tr 186)

On July 14, 2008, the Zoning Administrator approved the parcel map request for two-unit condominium purposes. No exceptions to Title 19 Development Standards are proposed with this application. The code required two-car parking per unit will be provided. The property is located in the R-2 District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

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. The proposed parcel map is to combine portions of two lots to create one parcel of land for two unit condominium purposes. An existing duplex will be converted to 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. The lot is regular in shape, has very little slope, and is suitable for development.
3. 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).
4. The proposed parcel map is for residential condominium purposes. The construction of the proposed condominiums 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. The property is not subject to the Williamson Act since its use is not agricultural.
6. The property is not located within the boundaries of a specific plan and is not subject to any specific plan regulations.
7. The proposed subdivision 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.
8. The proposed 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. The residential density on the site will remain the same. 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.
9. Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
10. The subdivision conforms to the certified Local Coastal Program.

CONDITIONS

1. A parcel map shall be recorded. 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.
4. 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.


5. Arrangements shall be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements if it is desired to record a parcel map or obtain a building permit prior to completion of the public improvements.
6. 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. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
7. Each unit shall be connected to its individual water meter and sewer lateral and cleanout located within the public right-of-way. If installed at a location that will be subjected to vehicle traffic, each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover.
8. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
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. Three street trees along the Begonia Avenue frontage shall be protected in place. 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 on-site drainage shall comply with the latest City Water Quality requirements prior to release for recordation of the Parcel Map. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
12. All existing drainage facilities in the public right-of way, including the existing curb drains along the Begonia Avenue frontage shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements.
13. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
14. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.

15. All on-site drainage shall comply with the latest City Water Quality requirements.
16. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
17. 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.
18. An encroachment permit is required for all work activities within the public right-of-way. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
19. 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.
20. Two-car parking, including a tandem garage for one dwelling unit and a two-car garage for the other dwelling unit, shall be provided on site per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times. Prior to issuance of the final building permit, an inspection shall be scheduled to verify the clear interior parking spaces.
21. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times. On the plans, the depth of the tandem parking garage will be dimensioned to show two clear interior parking spaces prior to recordation of the Parcel Map.
22. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
23. 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.
24. 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.

25. 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.
26. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.
27. 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 finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
28. 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 decision of the Zoning Administrator may be appealed to or by the Planning Commission within 14 days of the decision date. A \$600.00 filing fee shall accompany the appeal to Planning Commission upon submittal. Building permits will not be issued until the appeal period has expired.

By: 
Zoning Administrator Javier S. Garcia, AICP

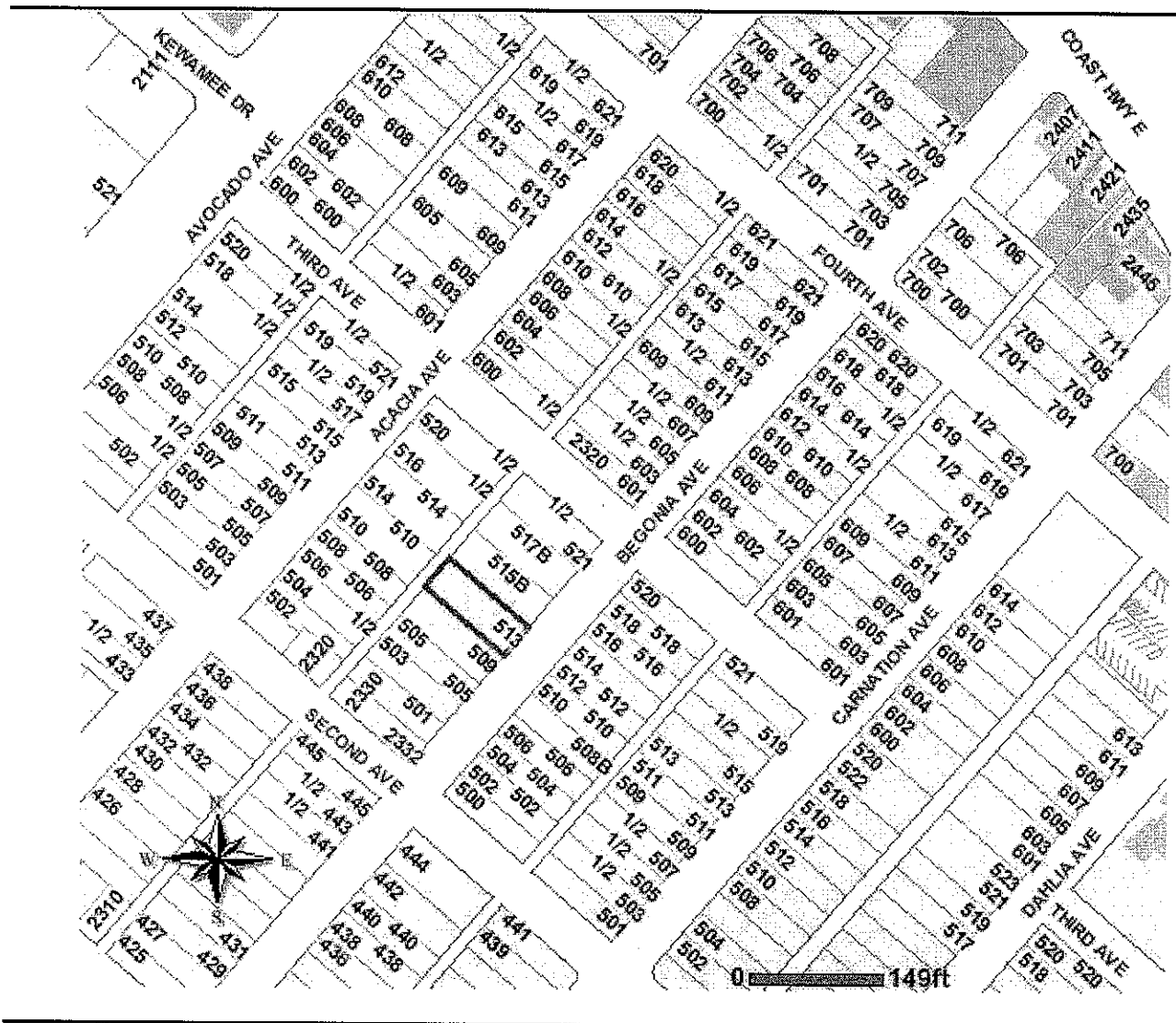
JSG:mn/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2008-013
PA2008-119

513 & 513 1/2 Begonia Avenue