

**CITY OF NEWPORT BEACH
STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

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

SUBJECT: Report of actions taken by Planning Department Staff for the week ending March 14, 2008

Item 1: Newport Harbor Nautical Museum, property owner, Staff Approval No. SA2007-019 (PA2007-260)
600 East Bay Avenue

The Planning Director approved the applicants request to allow Phase 2 and Phase 3 which convert 3,970 and 5,707 square feet, respectively, to museum facilities and display and assembly areas. The application is also for an extension of the temporary use for an additional 24 months. The intent is to reconstruct the building in the future for a larger museum use. The property is located in the SP-8 (Central Balboa Specific Plan Area) District.

Approved – March 13, 2008

Council District 1

Prepared and submitted by: -



Javier S. Garcia, Zoning Administrator

APPEAL:

The decision of the Planning Director 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)
Iris Lee, Public Works (e-mail)
Evelyn Tseng, Revenue (e-mail)

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CITY OF NEWPORT BEACH **STAFF APPROVAL NO. SA2007-019**
(PA2007-260)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3229

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

Application: Staff Approval No. SA2007-019 (PA2007-260)
Applicant: Newport Harbor Nautical Museum, property owner
Site Address: 600 East Bay Avenue
Legal Description: Parcel 1 of PM 208/ 4-6

Application Request:

Previous Use Permit – Description: *To allow the temporary use of a portion of an existing commercial building (2,763 square feet) for the proposed preview center that will display exhibits and paraphernalia for the relocation of the Newport Beach Nautical Museum.* Staff Approval request is to allow changes to the uses throughout the project for additional museum activities and an extension of the approval for an additional 12 months. The proposal is to allow Phase 2 and Phase 3 which convert 3,970 and 5,707 square feet respectively to museum facilities and display areas. The property is located in the SP-8 (Central Balboa Specific Plan Area) District.

Authority:

Section 20.91.055 A of the Newport Beach Municipal Code provides that the Planning Director may waive the requirement for a new use permit application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

ACTION: **APPROVED - MARCH 13, 2008.** To allow Phase 2 and Phase 3 which convert 3,970 and 5,707 square feet, respectively, to museum facilities and display and assembly areas. The application is also for an extension of the temporary use for an additional 24 months. The intent is to reconstruct the building in the future for a larger museum use. The property is located in the SP-8 (Central Balboa Specific Plan Area) District.

FINDINGS

1. The proposed temporary use is consistent with the Land Use Element of the General Plan and the Central Balboa Specific Plan Area Regulations. A museum use is compatible with the surrounding visitor-serving land uses.

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 1 (Existing Facilities).
3. As required by the Municipal Code Regulations, the required number of off-street parking spaces already exists in the subterranean garage for the current and proposed uses. The proposed museum use will not displace any on-site parking spaces and entails only minor interior alterations to the building or tenant space. A field observation by staff has concluded that the parking lot is not generally full or utilized to full capacity and a large number of patrons are visiting other destinations or venues in the vicinity.
4. Under the circumstances of this case, the extension of the approval of Use Permit No. UP2006-020 (PA2006-191) by **Staff Approval No. SA2007-019 (PA2007-260)** for the addition of phase expansions within the building will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the City. The museum use authorized by the original use permit is temporary until a new structure can be erected and does not result in or create any adverse negative effect.
5. The extension of the use permit approval and the granting of the waiver for the filing of a new use permit application are appropriate in this case since the use will temporarily utilize the existing building and will not require substantial physical or structural alterations to the existing building.

CONDITIONS

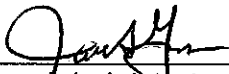
1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The conversion of use for portions of the building to museum use/activities shall be submitted to the Building Department and Fire Department for tenant improvement. Plans shall show use is compatible with construction type, occupancy classification, number of exits, and any other applicable requirements of the California Building Code and California Fire Code, 2007 edition. All requirements of the Building Department and the Fire Department shall be fulfilled prior to issuance of building permits or implementation of the temporary use.
3. A building permit shall be obtained from the Building Department, and the appropriate clean-up deposit shall be posted to insure maintenance and clean-up of the subject property.
4. This temporary use shall terminate upon evidence that the facility is operating in violation of any of the conditions of approval or upon receipt of unresolved complaints.

5. The museum use shall be confined to the interior of the building and shall not extend outside of the building. The museum use shall be allowed for a period not to exceed one year from the approval date or 10 days after the Certificate of Occupancy issuance for the tenant improvement permit issued by the Building Department for the Phase 2 and Phase 3 expansions. The Phase 3 expansion shall be exercised within two years of the final of the Phase 2 expansion permit. Failure by the applicant to obtain a building permit for the Phase 3 expansion within that period shall require an amendment to the use permit, unless a written request for an extension is received and approved prior to the expiration date, in accordance with the provisions of the Municipal Code.
6. The project shall comply with Uniform Building Code and State Disabled Access requirements.
7. Storage outside of the building (in front or at the rear of the property) shall be prohibited, with the exception of the required trash container enclosure.
8. The Planning Director or the Planning Commission may add to or modify this Use Permit's "conditions of approval." In addition, the Planning Director or Planning Commission may revoke this permit upon a determination that the operation which is the subject of this approval causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
9. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.055 of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

APPEAL PERIOD

The decision of the Planning Director may be appealed by the applicant or any interested party to the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a filing fee of \$600.00.

On behalf of David Lepo, Planning Director

By 
Zoning Administrator Javier S. Garcia, AICP

JSG/rm

Attachments: Appendix
Vicinity Map
Project Description from the Applicant (Appendix II)
Site Plan and Floor Plan (Phase Plan – Exhibit A)

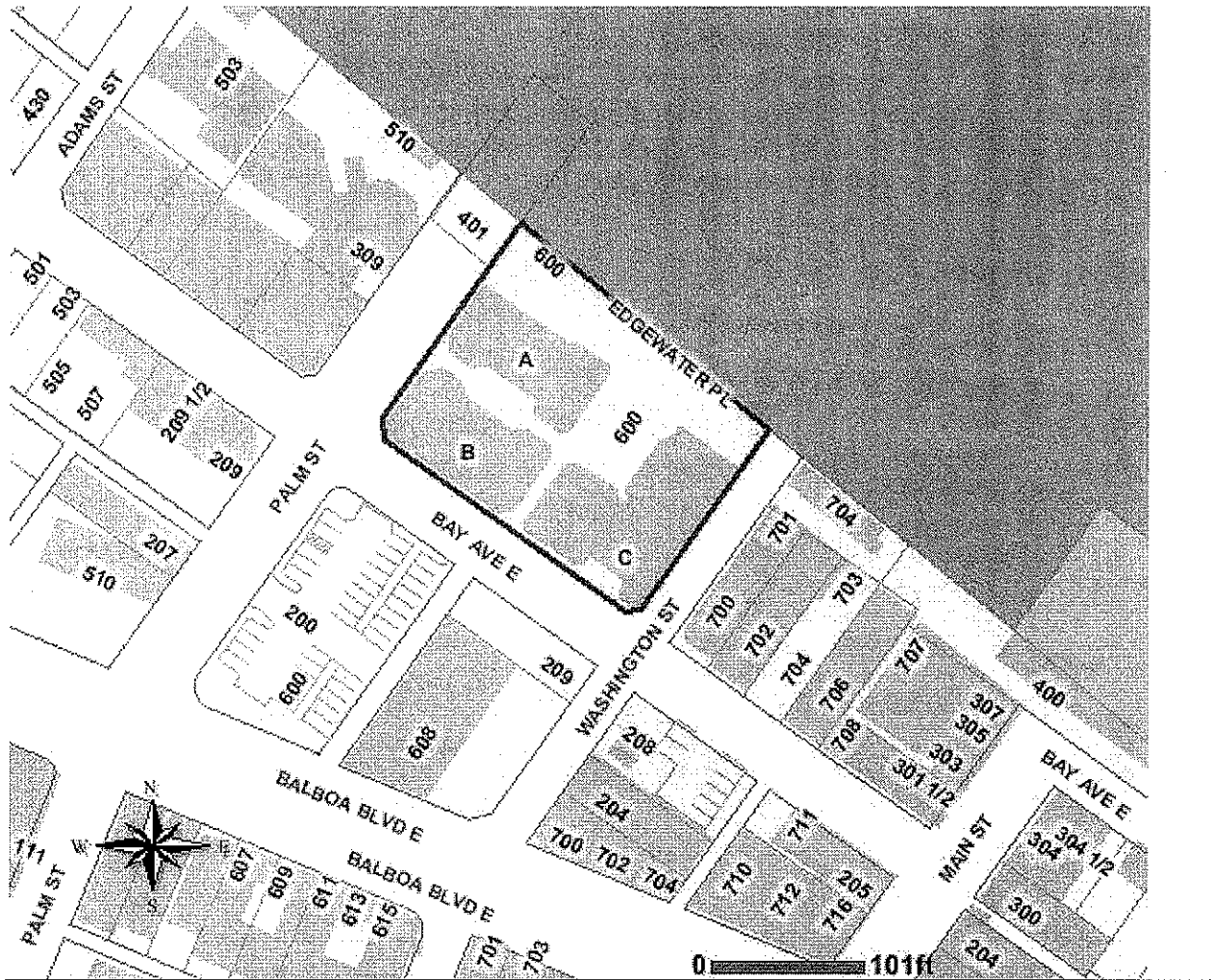
APPENDIX

Discussion

In accordance with the provisions of Section 20.91.055 A of the Newport Beach Municipal Code, the Planning Director may waive the requirement for a new use permit application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval. The Planning Director in review of this application has determined that the extension and expansion of the temporary use is in substantial conformance with the use approved by Use Permit No. UP2006-020 (PA2006-191), and therefore, waives the requirement for the filing of a new use permit application for the following reasons:

- The proposed extension and expansion of use is temporary and will be replaced when a new permanent structure is constructed.
- The temporary use throughout the building will comply with the Building Code and the Fire Code, as well as satisfy handicap access requirements.
- The filing of a new use permit application is not necessary to accommodate use of the existing building with minor alterations for handicap access.

VICINITY MAP



Staff Approval No. SA2007-019
(PA2007-260)

600 EAST BAY AVENUE

USE PERMIT NO. UP2006-020
APPROVED OCTOBER 13, 2006

APPENDIX II

MUSEUM EXPANSION PHASES

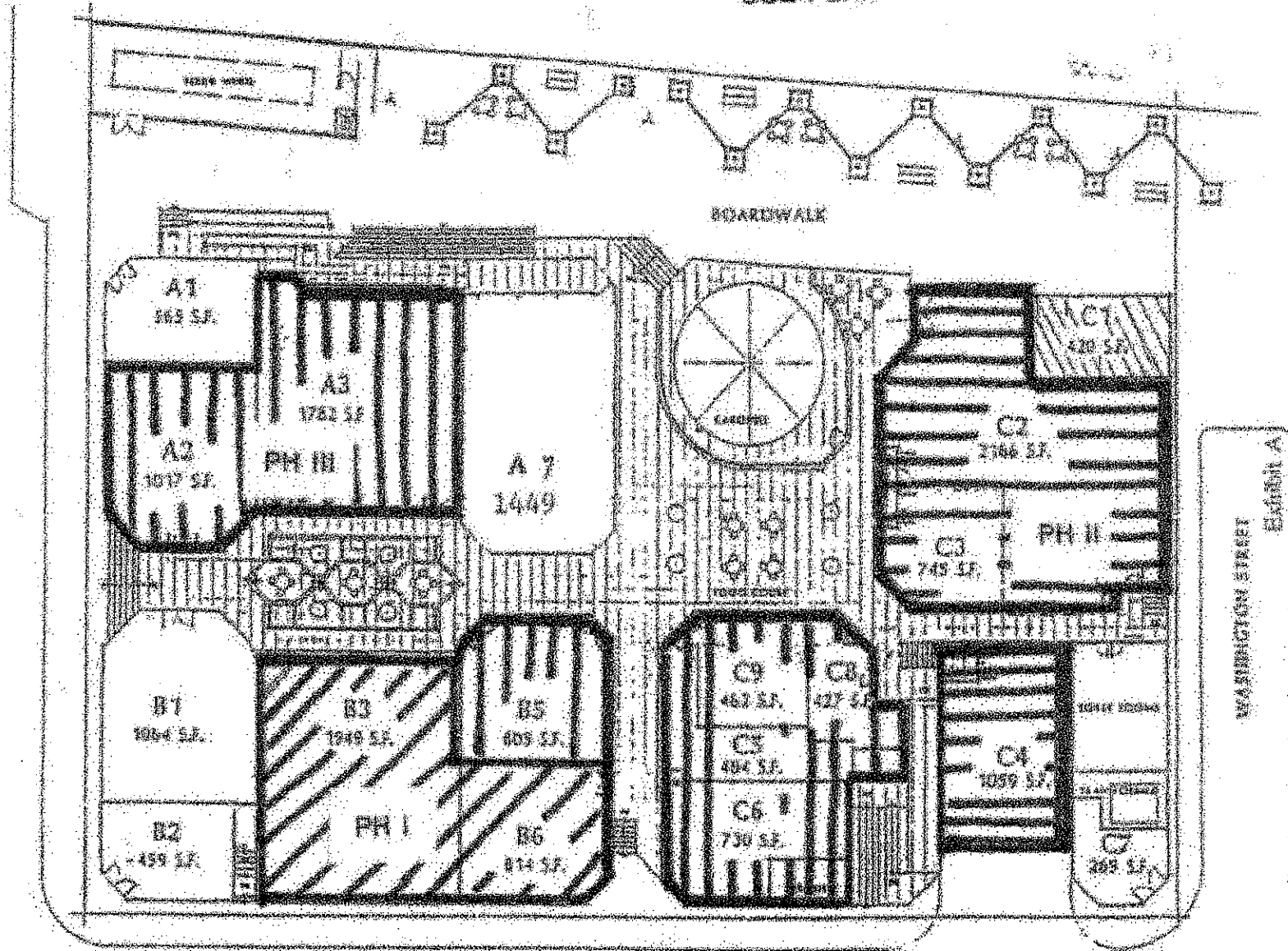
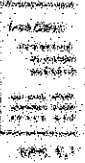
NEWPORT HARBOR NAUTICAL MUSEUM ("APPLICANT") HAS PROVIDED THE ATTACHED USE PLAN ("EXHIBIT A") TO IDENTIFY AREAS OF CURRENT, PENDING AND FUTURE USE. THE CURRENT USE PERMIT, APPROVED OCTOBER 13, 2006, INCLUDED THE PHASE I AREA OF B3 AND B6 TOTALING APPROXIMATELY 2,763 SF. THIS AREA SHALL BE INCREASED WITH THE PENDING PHASE II AREA OF C2, C3 AND C4 TOTALING APPROXIMATELY 3,970 SF. WITHIN THE DURATION OF THE EXTENDED USE PERMIT, THE FUTURE PHASE III AREA MAY BE USED FOR AN ADDITIONAL AREA OF A2, A3, B5, C5, C6, C8 AND C9 TOTALING 5,707 SF.

NEWPORT HARBOR NAUTICAL MUSEUM

NEWPORT BAY

EXHIBIT A

USE PLAN



EAST BAY AVENUE

10/23/07



SITE PLAN

BALBOA FUN ZONIE

PA2007-260 for SA2007-019

600 EAST BAY AVENUE
Newport Harbor Nautical Museum