

**CITY OF NEWPORT BEACH
PLANNING DEPARTMENT ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: David Lepo, Planning Director

SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending June 26, 2009

ACTIONS TAKEN AT JUNE 25, 2009 ZONING ADMINISTRATOR HEARING

- Item 1: Lot Line Adjustment No. LA2009-003 (PA2009-055)
1833 Galatea Terrace
- A lot line adjustment application for a lot merger, which would combine two existing parcels by removing the shared interior lot line. This application includes a request to waive the requirement to file a parcel map.
- This item was denied. Council District 5
- Item 2: Lot Line Adjustment No. LA2009-006 (PA2009-068)
2501 First Avenue and 412 & 412½ Carnation Avenue
- A lot line adjustment for the purpose of adding lot area to a lot by moving a portion of the side lot line between two adjacent lots 6 feet. The total number of existing lots would remain the same.
- This item was approved. Council District 6
- Item 3: Parcel Map No. NP2009-005 (PA2009-083)
521 Marguerite Avenue
- A tentative parcel map application for two-unit condominium purposes. No waivers of Title 19 standards are proposed with this application. The existing duplex was demolished, and a new two-unit dwelling is under construction.
- This item was approved. Council District 6
- Item 4: Condominium Conversion Permit No. CC2009-001 and
Parcel Map No. NP2009-002 (PA2009-051)
212 41st Street
- A condominium conversion application and a tentative parcel map to convert an existing two-unit dwelling into a condominium project. The code-required two parking spaces per unit is provided and no waivers of Title 19 development standards are proposed.
- This item was approved. Council District 1

Item 5: Modification Permit No. MD2009-012 (PA2009-065)
1101 Dove Street

A modification permit to allow seven new parking spaces to encroach 10 feet into the required 30-foot front yard setback. The application also includes a request to lower the parking requirement from one space per 225 square feet to one space per 250 square feet.

This item was approved.

Council District 4

ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF

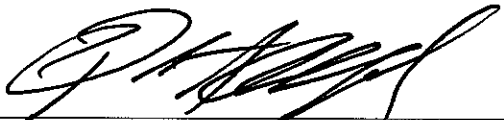
Item 6: Sunrise Tae Kwon Do Martial Arts–Use Permit No. UP2009-021 (PA2009-076)
2529 Eastbluff Drive

A use permit to allow the establishment of a 1,440-square-foot personal improvement service specializing in martial arts instruction with a maximum class size of ten persons (any combination of students and instructors). The proposed use is located in the Retail Service Commercial (RSC) Zoning District. The retail shopping center provides a total of 303 parking spaces, six of which are allocated to the subject tenant space.

Approved–June 25, 2009

Council District 4

On behalf of David Lepo, Planning Director: -



Patrick J. Alford, Planning Manager

APPEAL:

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$1,810.00 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*)
Code Enforcement Division (*e-mail*)



LOT LINE ADJUSTMENT ACTION LETTER

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

Application No. **Lot Line Adjustment No. LA2009-003**
(PA2009-055)

Applicant **James Pick**

Site Address **1833 Galatea Terrace**
 Pick Lot Line Adjustment

Legal Description **N TR 2813 LOT 140**

On **June 25, 2009**, the Zoning Administrator denied the following: A lot line adjustment application for a lot merger, which would combine two existing parcels by removing the shared interior lot line. This application includes a request to waive the requirement to file a parcel map. The property is located in the R-1 (Single-Family Residential) District. The Zoning Administrator's denial is based on the following findings.

FINDINGS

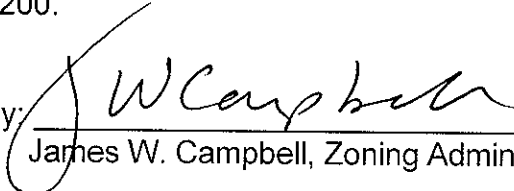
1. The proposed lot merger is inconsistent with the Land Use Element of the General Plan. Specifically, Land Use Element Policy LU3.2 states in part: "Enhance existing neighborhoods, districts and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale and character." Land Use Element Policy LU5.1.5 requires residential units to be designed to be compatible for neighborhood development in density, scale and street facing elevations. The Irvine Terrace subdivision is comprised of single family residential lots that are approximately 80 feet in width and range between 9,500 to 13,000 square feet in area. Homes are single story and are required to provide a minimum 4-foot side yards creating an 8-foot separation between residences. Although variation in the width and area of lots exist in Irvine Terrace, there is little variation in lot width, and therefore, little variation in the width of existing homes. The proposed lot merger would result in a single lot that is approximately 160 feet in width and twice the size of the predominant lot of the neighborhood, especially those lots located on Galatea Terrace. Development of the proposed lot would create a single residence based upon a 160-foot wide lot that would be over twice the width of homes on neighboring lots and would be consistent with the form, scale and character of the neighborhood. The lot and resulting development would significantly alter the way in which the lot is viewed from the street and no other lots of development pursuant to it would compare. Residents from Irvine Terrace testified that the lot development pattern was an important component in the character of their neighborhood and that the proposed lot merger would negatively impact that character. As a result of the change in development pattern attributable to the proposed lot merger, the character of the neighborhood would be altered would be

detrimental to the health, safety, peace, comfort, and general welfare of the Irvine Terrace community.

2. Approval of this proposed lot merger would set a poor precedent for future requests that if approved, would detract from the consistent form, scale and character of the neighborhood as established by the original subdivision design.
3. The proposed lot line adjustment is not consistent with the legislative intent of Title 19 (Subdivision Code) of the Newport Beach Municipal Code which is in part to implement the General Plan.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 
James W. Campbell, Zoning Administrator

JWC/cs

Attachments: Vicinity Map
Letter of Opposition: R. Bokal, 244 9th Street
E. Jackson, 1907 Galatea Terrace
B. Mock, 1821 Bayadere Terrace

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Lot Line Adjustment No. LA2009-003
PA2009-055

1833 Galatea Terrace

Eric E. Jackson
1907 Galatea Terrace
Corona del Mar, California 92625

RECEIVED BY
PLANNING DEPARTMENT

May 11, 2009

MAY 13 2009

CITY OF NEWPORT BEACH

Richard D. Bokal
Bokal & Sneed Architects
244 9th Street
Del Mar, California 92014

Re: Pick Residence
1833 Galatea Terrace and proposed combination with 1901 Galatea Terrace

Dear Mr. Bokal,

Thank you for providing an opportunity to comment on your plans regarding 1833 and 1901 Galatea Terrace. My home at 1907 Galatea Terrace is adjacent to 1901, so I am directly impacted.

On a general level, I find your plans to be objectionable and in conflict with both the legal requirements of the neighborhood and the aesthetics of Irvine Terrace. The plan as submitted is certainly not in harmony with the neighborhood.

Here are some of the specific objectives:

- The monotonous facade across two lots is unprecedented, unsightly and somewhat outrageous. I believe the visual impact will be devastating.
- There is virtually no articulation, no windows, no break-up of the facade, and no detailing.
- Combining the houses will lead to a house totally out of scale with the neighborhood. Moreover, without windows, doors and other exterior features, there is not even a "residential character"...in my opinion, the plans look like a 50 year old elementary school, or worse. The look is institutional, not residential.
- There is absolutely no attention to detail, which is totally at odds, and detrimental, to our neighborhood, and its values.
- After consulting with realtors familiar with the neighborhood, I am told that if this "project" is built, it could result in a substantial reduction of values in the neighborhood because the 1833/1901 combined homes would be valued at substantially less per square foot and impact the "square-foot" values of the surrounding homes, including mine.

The owner's plans reflect the same disregard for their neighbors that they have exhibited for years. For example, the owners display six (6)! "security signs" in front of these houses and

have chicken wire fencing surrounding a brown patch of grass. Incredibly, they attempted to combine and rebuild these houses without so much as breathing a word to the city, or the neighbors, or the Association, all in total disregard for city building and zoning laws, and the Association rules. It seems unlikely such actions were an "accident" either.

Since the Picks apparently have the financial wherewithal to own two adjacent multi-million dollar houses, they certainly have the wherewithal to present a plan that not only doesn't violate city codes and Association rules, but is at least harmonious and not destructive of the values in their own neighborhood.

To ask everyone (the City, Association and neighbors) to agree to combine these houses and present an inferior and inadequate plan that will negatively affect everyone is totally unacceptable to me, as it is to many other neighbors.

Sincerely,

A handwritten signature in black ink, appearing to be "E. Jackson", written over a horizontal line.

Eric E. Jackson

cc: Irvine Terrace Community Association – Merit Property Management
City of Newport Beach Code Enforcement
City of Newport Beach Zoning Board

Savan, Chris

From: Eric Jackson [Eric.Jackson@IAML.com]
Sent: Monday, June 22, 2009 11:35 AM
To: Savan, Chris
Cc: Jon Janecek; David Rainer
Subject: Project File # PA2009-055 Applicant: James Pick

Mr. Chris Savan
Planning Technician
City of Newport Beach
Planning Department
3300 Newport Blvd., Building C, 2nd Floor
Newport Beach, CA 92663

RECEIVED BY
PLANNING DEPARTMENT

JUN 22 2009

RE: Project File # PA2009-055 Applicant: James Pick

CITY OF NEWPORT BEACH

Dear Mr. Savan,

I am the neighbor directly adjacent to the subject properties,, where I have lived for more than 15 years.

The purpose of this communication is to strongly object tot he proposed "combination" of these two lots. The entire Irvine Terrace community consists of original, single lots. Allowing these lots to be combined will result in:

- a property that is totally out of scale with the neighborhood
- a property that is not compatible or harmonious with the neighborhood
- a property that would, if approved, negatively impact the real estate values in the neighborhood.

In light of these concerns, I plan to attend the meeting at the Planning Department Conference Room on June 25, 2009 at 3:30 p.m., at which time I may also wish to speak.

In the meantime, you may reach me at:

949-760-1441 (office)
949-723-4155 (home)
949-378-0620 (cell)

Thank you.

Sincerely yours,

Eric E. Jackson
1907 Galatea Terrace
Corona del Mar, CA 92625-1815

FILE COPY

Savan, Chris

From: Brian Mock [Brian.Mock@OXBOW.COM]
Sent: Monday, June 22, 2009 10:45 AM
To: Savan, Chris
Cc: eric.jackson@iaml.com; Jon Janecek; David Rainer; silvojtwo@aol.com
Subject: Mr. Pick's application for lot line adjustment, project file PA2009-055

Mr. Chris Savan
Planning Technician
City of Newport Beach, CA

**RECEIVED BY
PLANNING DEPARTMENT**

JUN 22 2009

Dear Chris:

CITY OF NEWPORT BEACH

Please accept this email as a communication to you and the Planning Department of my objection to the combination or merger of any two existing parcels into one in Irvine Terrace. I believe that an increase in the size of a single mega-lot, created by the combination of two lots, would negatively change the character of the Irvine Terrace community now and in the future. In addition to my objection I also have letters and comments from neighbors, in Irvine Terrace with homes near to Mr. Pick's, that object to any combination of lots.

I plan to attend the meeting and will speak during the public comments and will also present the letters my neighbors have asked me to give the City.

Please feel free to call if you have any questions or comments.

Regards,

Brian Mock
1821 Bayadere Terrace
Corona del Mar, CA
949.870.1001 (office telephone)
949.723,5536 (home)

FILE COPY



LOT LINE ADJUSTMENT ACTION LETTER

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

Application No. Lot Line Adjustment No. LA2009-006, (PA2009-068)

Applicant Edward Foster

Site Address 2501 First Avenue and 412 & 412½ Carnation Avenue
Foster Project

Legal Description Parcel 1 - That portion of Lots 2,4,6,8,10 and 12, Block 331 of Corona Del Mar,, as shown on a map recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps, Records of Orange County, CA Described as Parcel 2 of That Certain Lot Line Adjustment Number 95-11 recorded March 12, 1996 as Instrument No. 96-0121007, Official Records of Orange County, CA. Excepting: The northeasterly 6.00 feet of the southeasterly 82.00 feet of Parcel 2, Lot Line Adjustment No. 95-11. Parcel 2 – Parcel 1 of Parcel Map N.97-163, as shown on a map filed in Book 300, Pages 41 and 42 of Parcel Maps, in the Office of the County Recorder of Orange County, CA. Together with: the northeasterly 6.00 feet of the southeasterly 82.00 feet of Parcel 2, Lot Line Adjustment No. 95-11 Recorded March 12, 1996 as Instrument No. 96-0121007, Official Records of Orange County, CA.

On June 25, 2009, the Zoning Administrator approved the following: A lot line adjustment for the purpose of adding lot area to a lot by moving a portion of the side lot line between two adjacent lots 6 feet. The total number of existing lots would remain the same. The property is located in the R-2 (Two-Family Residential) District. The Zoning Administrator's approval is based on the following findings and procedural requirements.

FINDINGS

The following findings are required to approve a lot line adjustment, and facts are in evidence of approval.

1. That the proposed lot line adjustment, as approved, is consistent with the legislative intent of Title 19 and Title 20 of the Newport Beach Municipal Code based on the following reasons:
 - The General Plan designation RT allows for a range to two-family residential dwelling units such as duplexes and townhomes. The proposed lot line adjustment is consistent with this designation since the subject lots

are currently developed with either a single-unit dwelling or a two-unit dwelling.

- This project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations) which consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. This class includes an exemption for minor lot line adjustments not resulting in the creation of any new parcel. The proposed lot line adjustment is a minor adjustment which would move a portion of the property line between two adjacent parcels. It would not result in any change in land use or density, or the creation of any new parcels, and the average slope of the subject lots is less than 20 percent.
- The general exception to the Class exemptions is not applicable in this case, since no significant environmental effects would result from this project. There would be no impacts to traffic and parking, since access to the subject lots and parking on the lots would not change as a result of approval of the lot line adjustment.

2. That the establishment, maintenance or operation of the use of the property or building 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 proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City for the following reasons:

- The project site described in the proposed lot line adjustment consists of legal building sites. The proposed lot line adjustment would move the interior lot lines between two legal lots.
- Any land taken from one parcel would be added to the adjacent parcel and no additional parcels would result from the lot line adjustment.
- The parcels proposed to be created by the lot line adjustment would more closely comply with the applicable zoning regulations and there would be no change in the land use, density, or intensity on the property.
- As a result of approval of the proposed lot line adjustment, the proposed lot width and lot area of 412 and 412 ½ Carnation would be more compliant with the zoning requirements of Title 20 of the Newport Beach Municipal Code than most of the lots within the subject block and neighborhood.
- Public improvements and infrastructure currently exist within the subject area; and the lot line adjustment, in and of itself, would not result in the need for additional improvements and/or facilities.


PROCEDURAL REQUIREMENTS

1. All applicable Public Works Department plan check fees shall be paid prior to review of the lot line adjustment and grant deeds.
2. The applicant shall revise exhibits to match bearing and distance table upon final submittal of the lot line adjustment to the City Surveyor.
3. Prior to recordation of the lot line adjustment, grant deeds indicating any changes in title of ownership should be submitted to the Public Works Department for review and approval.
4. Coastal Commission approval shall be obtained prior to the recordation of the lot line adjustment.
5. The lot line adjustment and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
6. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.

This approval shall expire unless exercised within 24 months from the date of approval

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By 
James W. Campbell, Zoning Administrator

JWC/ks

Attachments: Vicinity Map
P Haidl, 414 Carnation Avenue Letter

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Lot Line Adjustment No. LA2009-006
PA2009-068

**2501 First Avenue and 412 & 412½ Carnation
Avenue**

June 25, 2009

City of Newport Beach
Attention: Kay Sims, Assistant Planner
3300 Newport Blvd,
Newport Beach, CA 92663

**RECEIVED BY
PLANNING DEPARTMENT**

JUN 25 2009

Via email ksims@city.newport-beach.ca.us

CITY OF NEWPORT BEACH

Subject: Project File No. PA2009-068
Activity No.: LA2009-006
PUBLIC HEARING THURSDAY, June 25, 2009 @ 3:30 P.M.

I own the property at 414 Carnation Ave., directly next to 412 & 412 ½ Carnation. Regarding tonight's Public Hearing, I would like to raise the issue of water drainage on this property prior to approval of a Lot Line Adjustment.

The water drainage in the back of 412 drains directly onto my property through a hole roughly drilled into a brick wall running parallel to my property. All water run-off from the rear of the 412 ½ property (which is included in the Lot Line Adjustment) goes to my driveway and my drains. I have discussed this with the City Inspector previously and told that it could only be corrected if there is an open issue. There is currently an open Permit No. X2008-2188 on the 412/412 ½ Carnation Property in addition to the Lot Line Adjustment hearing.

Because this is a public hearing on this property, I respectfully request that the water drainage issue be addressed and corrected prior to going forward on any approvals on this property.

I am not appearing at today's meeting only because my child is sick today. Therefore I am raising this issue by written correspondence. I greatly appreciate your help in resolving this matter. I can be reached at 949-836-9629.

Sincerely,

Peggy Haidl
414 Carnation Ave.
Corona del Mar, CA

949-836-9629



PARCEL MAP ACTION LETTER

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

Application No. **Parcel Map No. NP2009-005 (PA2009-083)**
Applicant **County Parcel Map No. 2009-108**
 Bill Caskey

Site Address **521 Marguerite Avenue**
 ZS Marguerite, LLC Parcel Map

Legal Description **Lot 21, Block 538**

On June 25, 2009, the Zoning Administrator approved the following: A tentative parcel map application for two-unit condominium purposes. No waivers of Title 19 standards are proposed with this application. The existing duplex was demolished, and a new two-unit dwelling is under construction. The property is located in the R-2 (Two-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

Findings and Facts in Support of 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. **Finding:** 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:

- The proposed parcel map is for two-unit condominium purposes. A previously existing two-unit dwelling was demolished and a new duplex, which can become a two-unit condominium project, is currently under construction. The proposed subdivision and improvements are consistent with the land use and property development regulations of the R-2 Zoning District and the General Plan Land Use designation "Two-Unit Residential".

2. **Finding:** That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

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

3. **Finding:** That the design of the subdivision or the proposed improvements are not likely to 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:

- The project qualifies for an exemption from environmental review pursuant to Section 15315 (Class 15 Minor Land Divisions) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which 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.

4. **Finding:** 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:

- The proposed parcel map is for residential condominium purposes. The new duplex is being constructed to become a condominium project and 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. **Finding:** 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:

- 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. The utilities and sewer easements located on the subject property have been incorporated into the plans approved for construction of the new duplex.

6. **Finding:** 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:

- The property is not subject to the Williamson Act because the subject property is not considered an agricultural preserve and is less than 100 acres.
7. **Finding:** 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:

- The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
 - The project is not located within a specific plan area.
8. **Finding:** 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:

- 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 Department enforces Title 24 compliance through the plan check and inspection process.

9. **Finding:** 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:

- The proposed parcel map 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, which allows two units for the R-2 Zoning District.

10. **Finding:** 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:

- Wastewater discharge into the existing sewer system will not violate Regional Water Quality Control Board (RWQCB) requirements.

11. **Finding:** 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:

- The proposed parcel map is not located within the Coastal Zone.

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, Sub article 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, Sub article 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. The existing broken and/or otherwise damaged concrete sidewalk, curb, gutter, and pavement adjacent to the property along Marguerite Avenue, Third Avenue, and the alley shall be reconstructed. The limit of reconstruction shall be at the discretion of the Public Works inspector.
5. The existing disable access ramp at the corner of Marguerite and Third Avenues shall be reconstructed to meet current city Standard #181-L.
6. The rear 5-foot alley setback shall be clear of any above ground improvements.
7. New sod or low groundcovers of the type approved by the City throughout the Marguerite Avenue and Third Avenue parkways fronting the development site shall be installed.
8. 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/frame and cover.
9. Separate meter and connection shall be provided for the fire sprinkler system.
10. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
11. All private encroachments in the public right-of-way shall be approved under an encroachment agreement issued by the Public Works Department and shall comply with City Council Policy L-6 (Private Encroachments in Public Rights-of-Way).

12. 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.
13. 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. A new street tree shall be planted in the Third Avenue right-of-way per street tree requirements of Chapter 13.09 of the Municipal Code. The designated street tree for this block of Third Avenue is the King Palm (*Archontophoenix cunningham*).
14. The existing street trees on the Marguerite and Third Avenue rights-of-way shall be protected in place.
15. 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.
16. If recordation of the parcel map or obtaining of a building permit prior to completion of the public improvements is desired, arrangements shall be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements.
17. Each unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
18. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
19. All on-site drainage shall comply with the latest City Water Quality requirements.
20. Each unit will provide the required number of parking spaces per unit as required by the Zoning Code.
21. 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.

22. 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.
23. 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 Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

By: 
James W. Campbell, Zoning Administrator

JWC/m

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2009-005
PA2009-083

521 Marguerite Avenue



CONDOMINIUM CONVERSION ACTION LETTER

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

Application No. **Condominium Conversion No. CC2009-001**
(PA2009-051)

Applicant **Brian and Lauri Lewis**

Site Address **212 41st Street**
 Lewis Condo Conversion

Legal Description **CANAL SECTION BLK 140 LOT 7**

On June 25, 2009, the Zoning Administrator approved the following: A condominium conversion application and a tentative parcel map to convert an existing two-unit dwelling into a condominium project. The code-required two parking spaces per unit is provided and no waivers of Title 19 development standards are proposed. A tentative parcel map application for two-unit condominium purposes. The code required two-car parking per unit will be provided. No exceptions to Title 19 development standards are proposed with this application. The property is located in the R-2 (Two-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

STANDARD REQUIREMENTS (CC2009-001)

The Zoning Administrator determined in this case that the proposed condominium conversion is consistent with the legislative intent of Title 19 and Title 20 of the Newport Beach Municipal Code and is approved based on the following requirements:

1. The project is consistent with the adopted goals and policies of the Land Use Element and other Elements of the General Plan and the Local Coastal Program Land Use Plan. The Land Use Element of the General Plan designates the site as Two-Unit Residential (RT), and the current development is consistent with this designation. The Coastal Land Use Plan designates this site as Medium Density Residential (RM-C), which is intended to provide for two-family residential development, and the current development is consistent with this designation.
2. The existing duplex was constructed in 1974. A new wall within the garage will be added to the existing duplex in association with this permit. 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), which exempts "interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances."

3. The minimum number, and the design and location, of off-street parking space shall be provided in conformance with the provisions of Chapter 20.66 of the Municipal Code (Off-Street Parking and Loading Regulation) in effect at the time of approval of the conversion. The property has the required four parking spaces for the two existing dwelling units.
4. The applicant for condominium conversion shall request a special inspection from the Building Department for the purpose of identifying any building safety violations. A special inspection from the Building Department was performed on April 3, 2009.
5. 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. 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".

CONDITIONS

1. The project shall be in substantial conformance with the submitted plot plan, floor plans and elevations.
2. No more than two dwelling units shall be permitted on the subject parcel.
3. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
4. 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.
5. 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 pursuant to 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.
6. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per the requirements of the Section 20.66 of the Municipal Code.

7. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
8. The electrical service connection shall comply with the requirements of Chapter 15.32 of the Municipal Code.
9. Permanent lot stakes and tags shall be installed at all lot corners by a licensed surveyor or civil engineer unless otherwise required by the City Engineer.
10. 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.
11. Each dwelling unit within a building shall have a separate sewer connection to the City sewer. This work shall be completed prior to final of the condominium conversion permit.
12. Each sewer lateral shall be retrofitted/fitted with a cleanout at the property line. This work shall be completed prior to final of the condominium conversion permit.
13. Smoke detectors shall be provided in each bedroom.
14. The applicant for condominium conversion shall request a special inspection from the Building Department for the purpose of identifying any building safety violations. The applicant shall correct all identified safety violations prior to approval of a final map for the condominium conversion.
15. The applicant for condominium conversion shall request a special inspection from the Building Department for the purpose of identifying any building safety violations. The applicant shall correct all identified safety violations prior to approval of a final map for the condominium conversion.
16. The exterior wall surfacing shall be made weather-tight as required by the 2006 International Property Maintenance Code.
17. 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.
18. 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.

19. 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 Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 
James W. Campbell, Zoning Administrator

JWC/cs

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Condominium Conversion No. CC2009-001
PA2009-051

212 41st Street



PARCEL MAP ACTION LETTER

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

Application No. **Parcel Map No. NP2009-002 - County Parcel No. 2009-102**
(PA2009-051)

Applicant **Brian and Lauri Lewis**

Site Address **212 41st Street - Lewis Condo Conversion**

Legal Description **CANAL SECTION BLK 140 LOT 7**

On June 25, 2009, the Zoning Administrator approved the following: A condominium conversion application and a tentative parcel map to convert an existing two-unit dwelling into a condominium project. The code-required two parking spaces per unit is provided and no waivers of Title 19 development standards are proposed. A tentative parcel map application for two-unit condominium purposes. The code required two-car parking per unit will be provided. No exceptions to Title 19 development standards are proposed with this application. The property is located in the R-2 (Two-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

FINDINGS

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 19 of the Newport Beach Municipal Code and approved the subject application based on the following findings:

1. **Finding:** 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:

- The proposed parcel map is for two-unit condominium purposes. An existing two-unit dwelling rental will be converted into 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 (Two-Family Residential) Zoning District and the current RT (Two-Unit Residential) General Plan land use designation.
2. **Finding:** That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

- The site has no topographic characteristics that prevent the development of a two-unit dwelling.
3. **Finding:** That the design of the subdivision or the proposed improvements are not likely to 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:

- 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). The parcel map consists of a division of four or fewer parcels, is 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.
4. **Finding:** 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:

- The proposed parcel map is for residential condominium purposes. Any construction required to convert the existing two-unit dwelling unit to a condominium project will comply with all Building, Public Works, and Fire Codes. Public improvements will be required of the applicant per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. Any such improvements will not cause undue pollution or noise.
5. **Finding:** 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:

- 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.
6. **Finding:** 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:

- The property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.
7. **Finding:** 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:

- The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
 - The project is not located within a specific plan area.
8. **Finding:** 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:

- 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 Department enforces Title 24 compliance through the plan check and inspection process.
9. **Finding:** 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:

- The proposed parcel map 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, which allows two units for the R-2 Zoning District. 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.
10. **Finding:** 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:

- Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
11. **Finding:** 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:

- The proposed parcel map is located in the Coastal Zone and conforms to the certified Coastal Land Use Plan. The Coastal Land Use Plan designates this site as Medium Density Residential (RM-C) which is intended to provide for a range of residential development types, including single-family (attached and detached), two-family, and multi-family residential. The existing two-unit dwelling rental and proposed conversion to two condominiums is consistent with this designation.
- The subject parcel is not adjacent to any beaches, shoreline, coastal waters, tidelands, coastal parks or trails.

CONDITIONS

1. A parcel map shall be recorded with the Orange County Clerk-Recorder Department. 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

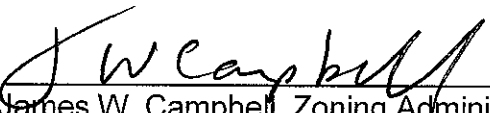
Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**

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. A 10-foot radius corner cut-off easement for street and public utility purposes at the River Avenue/41st Street curb return shall be recorded as a part of the parcel map.
4. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
5. A new ADA compliant curb access ramp shall be constructed at the River Avenue/ 41st Street curb return per City Standards.
6. The alley approach shall be reconstructed to meet ADA requirements per City Standards.
7. All existing overhead utilities shall be undergrounded.
8. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. All on-site drainage shall comply with the latest City Water Quality requirements.
9. Reconstruct any existing broken and/or otherwise damaged concrete curb and gutter, alley, sidewalk, alley along the River Avenue, 41st Street, and alley frontages. The limits of reconstruction are at the discretion of the Public Works inspector.
10. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
11. 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 sewer cleanouts shall be located within the public right-of-way. Water meters shall be installed per City of Newport Beach STD-502L. Sewer lateral cleanouts shall be installed per City of Newport Beach STD-406L.

12. An encroachment permit is required for all work activities within the public right-of-way.
13. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
14. 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.
15. 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.
16. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per the requirements of the Zoning Code.
17. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.
18. 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 Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 
James W. Campbell, Zoning Administrator

JWC/cs

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. CC2009-001 for NP2009-002

212 41st Street



MODIFICATION ACTION LETTER

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

Application No. (PA2009-065)	Modification No. MD2009-012
Applicant	Dove Street Condos, Inc.
Site Address	1101 Dove Street - Dove Street Condos Parking
Legal Description	Parcel 1 of Parcel Map No. 2005-220, in the City of Newport Beach, County of Orange, State of California, as shown on the map filed in Book 356, Pages 3, 4 and 5 of parcel maps, in the office of the County Recorder of Orange County, California.

On **June 25, 2009**, the Zoning Administrator approved the following: The application is for a modification permit to allow seven new parking spaces to encroach 10 feet into the required 30-foot front yard setback. The application also includes a request to lower the parking requirement from one space per 225 square feet to one space per 250 square feet. The property is located in the PC-11 (Newport Place Planned Community) District. The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

FINDINGS

1. The project is categorically exempt from the requirements of the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures). The application does not include changes to the physical building; however, the additional parking would allow for a portion of the building to be used as medical office along with the existing professional office use.
2. The change in parking requirement from one space per 225 square to one space per 250 square feet for professional office use would not be detrimental to health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood, because the site would provide adequate parking. One space per 250 square feet is consistent with the Municipal Code standard.
3. In accordance with the provisions of Chapter 20.93, the granting of this application is necessary due to practical difficulties associated with the property. The strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code for the following reasons:

When addressing this finding, the Zoning Administrator may consider the physical aspects of the property and/or improvements and their relationship to adjacent properties. In this case, the lot skews which makes providing a 30-foot front setback and complying with City standards for on-site circulation difficult while trying to optimize the lot for its full potential. Furthermore, the additional parking spaces provide greater flexibility of the uses within the building.

The applicant proposes to improve the site with this application by including the following:

- Maintaining an average of a 30-foot front setback on Dove Street as the lot skews. The existing flat turf area will be improved by adding a landscaped berm with shrubs and trees.
 - Screening the view of parked vehicles from access streets and adjacent properties with the addition of a berm and trees in the front setback as required in the PC.
 - Widening the driveways on Dove Street to meet the City standards improves access and safety. The Public Works Department has reviewed the application and supports the proposed site circulation as conditioned.
4. In accordance with the provisions of Chapter 20.93, the requested modification to encroach into the front setback would be compatible with existing development(s) in the neighborhood for the following reasons:
- Most of the lots along Dove Street have a landscaped berm with trees in the front setback. The improvements proposed by the applicant will make the existing site more compatible with the neighborhood (See photos in Attachment No. ZA 3).
 - Maintaining a minimum of 20 feet of landscaping.
 - Dove Street is not a "Special Landscaped Street" which is required to provide 30 feet of landscaping.
 - Twenty feet of landscaping (with an average of 30 feet) exceeds the minimum 10 feet of landscaping for "Other Streets" per the Planned Community text.
5. In accordance with the provisions of Chapter 20.93, the granting of this Modification Permit will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood based on the following:

The orientation building and site design of the proposed modification provides adequate light, air and access on site. The proposed improvements comply with all other requirements of the Zoning Code, and will comply with all Building Code requirements.

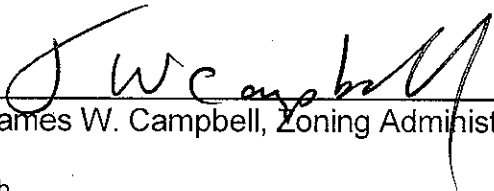
CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
3. The northerly driveway shall be improved (widened) to a minimum width of 26 feet wide minimum and the southerly driveway shall be improved to a minimum width of 24 feet, unless otherwise approved by the Public Works Department.
4. A traffic study is required if the number of trips generated by the uses on the subject site exceed 300 cumulatively over a two-year period. In this case, a maximum of 11,940 square feet can be changed from professional office to medical office within a two-year period without exceeding the 300-trip limitation.
5. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
6. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
7. A building permit shall be obtained prior to commencement of the construction.
8. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
9. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
10. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.

11. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 
James W. Campbell, Zoning Administrator

JWC:rb

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification No. MD2009-012
PA2009-065

1101 Dove Street



USE PERMIT ACTION LETTER

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

Application No.	Use Permit No. UP2009-021 (PA2009-076)
Applicant	Sunrise Tae Kwon Do Martial Arts
Site Address	2529 Eastbluff Drive Sunrise Tae Kwon Do Use Permit
Legal Description	Block 52 , Tract 361 PCL 1 LLA_98-14

On June 25, 2009, the Planning Director approved the following:

A use permit to allow the establishment of a 1,440-square-foot personal improvement service specializing in martial arts instruction with a maximum class size of ten persons (any combination of students and instructors). The proposed use is located in the Retail Service Commercial (RSC) Zoning District. The retail shopping center provides a total of 303 parking spaces, six of which are allocated to the subject tenant space. The property is located in the Retail Service Commercial (RSC) District. The approval is based on the following findings and subject to the following conditions.

FINDINGS:

1. The City's Land Use Element of the General Plan designates the site as CN (Neighborhood Commercial); and Districting Map No. 41 of the Zoning Code designates the site as RSC (Retail Service Commercial), which designates the site for commercial uses. The personal improvement service specializing in martial arts instruction is a commercial use which is consistent with the General Plan and Zoning Code designations.
2. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act under Class 1 (Minor Alteration of Existing Structures) of the Implementing Guidelines of the California Environmental Quality Act. This exemption allows for the operation, repair, maintenance and minor alteration of existing buildings.
3. The proposed location of the personal improvement service specializing in martial arts instruction as operated under the conditions of this approval, is consistent with

the General Plan and the purpose of the district in which the site is located, will not be detrimental to the public health, safety, peace, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the City, for the following reasons:

- The CN designation is intended to provide for a limited range of retail and service uses developed in one or more distinct centers oriented to primarily serve the needs of and maintain compatibility with residential uses in the immediate area. The personal improvement service specializing in martial arts will be located within a shopping center designated to include such development. The proposed martial arts studio is a support use for the residential uses in the area and is therefore compatible with this land use designation.
- The personal improvement service specializing in martial arts instruction, based on its limited class size, will have a parking demand that can be adequately accommodated by the existing available pool of off-street parking at the base retail rate of one space per 250 square feet of gross floor area. The Eastbluff Village Shopping Center allocates six parking spaces for the subject tenant space, which is adequate to accommodate the off-street parking demand. It is anticipated that a majority of the students will be minor children that will be dropped off and picked up for lessons, although there may also be adult students in attendance at other times. The anticipated peak period demand will not normally conflict with the peak period demands of the other remaining uses in the vicinity. In addition, the business has been conditioned to limit the hours, number of students, and number of instructors to regulate the parking demand on the shopping center.
- The personal improvement service specializing in martial arts instruction has been conditioned to regulate exterior noise levels to limit the impact on neighboring land uses. The noise impacts on the nearby residential uses have been addressed by limiting the hours of operation (closing hour restriction), and requiring that the doors and windows remain closed during the established business hours and the performance of the class sessions. In addition, all instruction and practice sessions shall be confined to the interior of the building and not outside in the parking lot or exterior deck areas of the property. These restrictions should prevent any potential noise complaints.

CONDITIONS:

1. The use shall be limited to a maximum of ten persons. Any increase in the class size or hours of operation shall be subject to the approval of an amendment to this

use permit. The class size and hours of operation of the facility shall be limited as follows:

<u>Hours:</u>	<u>Facility:</u> Monday - Sunday Between 8:00 a.m. and 8:00 p.m.	<u>Classes:</u> 10 persons. (any combination of students and instructors)
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3. A total of six parking spaces shall be provided for the proposed martial arts studio parked at one space per 250 square feet of gross floor area.
4. Employees shall park on-site at all times.
5. The project shall comply with State Disabled Access requirements.
6. The plans shall be revised to provide disabled access as needed including parking, path of travel, and the bathroom per the approval of the Building Department.
7. The facility shall be designed to meet exiting and fire protection requirements as specified by the Uniform Building Code and shall be subject to review and approval by the Building Department
8. The doors and windows shall remain closed at all times that the facility is open for business.
9. The operator of the facility shall be responsible for the control of noise generated on the subject facility. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time period unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

10. No outside paging system or sound system shall be utilized in conjunction with this establishment.
11. Prior to implementation of the proposed operation, the applicant shall install noise-abating material to both the interior walls and ceiling of the tenant space which abuts any neighboring tenant space that may be adversely impacted by daytime operations of the facility. The proposed material shall be reviewed and approved by both the Planning and Building Departments for installation requirements.
12. The facility shall comply with the Building Code, which may include the provision of separate sex restroom facilities. That determination shall be reviewed and decided by the appropriate Building Official in review of the tenant improvements plans prior to issuance of the certificate of occupancy.
13. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted on-site or off-site to advertise the personal improvement service specializing in martial arts, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code. Temporary signs shall be prohibited in the public right-of-way, unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
14. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of this personal improvement service specializing in martial arts that would attract large crowds, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
15. Should this business sell or otherwise come under different ownership, the current business owner, property owner, or leasing company shall notify the future owners or assignees of the conditions of the approval.

Standard City Requirements:

1. Except as noted in the following conditions, the development shall be in substantial conformance with the approved site and floor plan.
2. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code.
3. The Planning Director or the Planning Commission may add to or modify the conditions of approval for this use permit. In addition, they 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.

4. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Use Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Planning Director's Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

5. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.91.050 of the Newport Beach Municipal Code.

APPEAL PERIOD

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

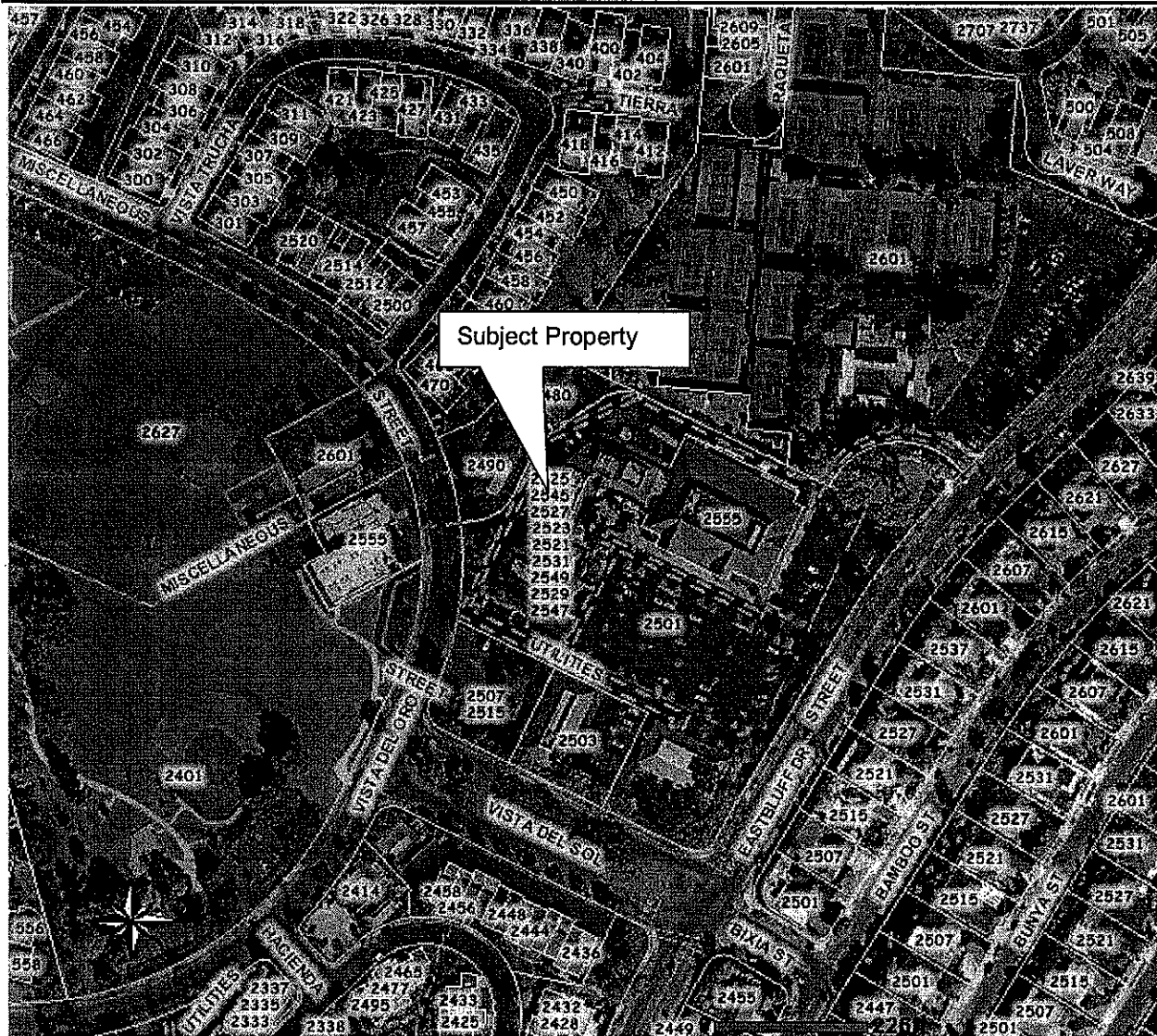
On behalf of David Lepo, Planning Director

By: JW Campbell
 Makana Nova, Assistant Planner

PJA or JWC/

Attachments:	Vicinity Map Applicant's Project Description Site Photos Site Plan and Floor Plan
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VICINITY MAP



Use Permit Permit No. UP2009-021
PA2009-076

2529 Eastbluff Drive

Business Description

General Description

Sunrise Tae Kwon do has been in the business for 20 years and now has two locations in Westminster and Corona Del Mar. We have the necessary knowledge and experience in this sector of business. The business has well developed systematic approach to marketing and customer relation management which cannot be found in other Tae Kwon Do schools. This results in high customer retention rate around 90% for the duration of the 3 years period average.

Our business is family oriented and with the best quality martial arts program for both young and old but we specialize in ' Pee Wee' classes, especially build child's self-confidence and discipline.

Mission Statement

1. Building discipline by stimulating mind, body and spirit using the fundamentals that lies beneath the principle which forms the Tae Kwon Do which will be influence the student's family relationship and the other social skills in all aspects of ones life.
2. Differentiating Sunrise from other Tae Kwon Do Schools in areas of :
 - Customer relationship management
 - Courses and services offered
 - Other added value that is associated only with Sunrise TKD

* Thus creating Sunrise TKD as a brand that is synonymous with both quality and satisfaction to our customers in relations to childhood character development, physical health fitness and mental focus.

Our vision

Becoming the standard in taking Tae Kwon Do beyond its normal setting of sport/ martial arts and incorporating it into the social setting in becoming part of ones lifestyle, hence contributing to the society in bringing out the future leaders with positive mindset and spirit.

MARTIAL ARTS **CLASS SCHEDULE**

Time \ Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
3:30 to 4:00	Tiny Tigers	Tiny Tigers	Tiny Tigers	Tiny Tigers	Tiny Tigers	
4:00 to 4:30	Kid Beginners	Kid Beginners	Kid Beginners	Kid Beginners	Kid Beginners	
4:30 to 5:00	Kids All Belts	Kids All Belts	Kids All Belts	Kids All Belts	Kids All Belts	
05:10 to 05:50	All Family	All Family	All Family	All Family	All Family	
06:00 to 06:45	F.I.T.E	F.I.T.E	F.I.T.E	F.I.T.E	F.I.T.E	

Maximum class size would be four to six students for group session and one to two for a private session .

2529 Eastbluff Dr. Newport Beach, CA 92660
 Tel. 949.678.7890 sunrisemartialarts@gmail.com

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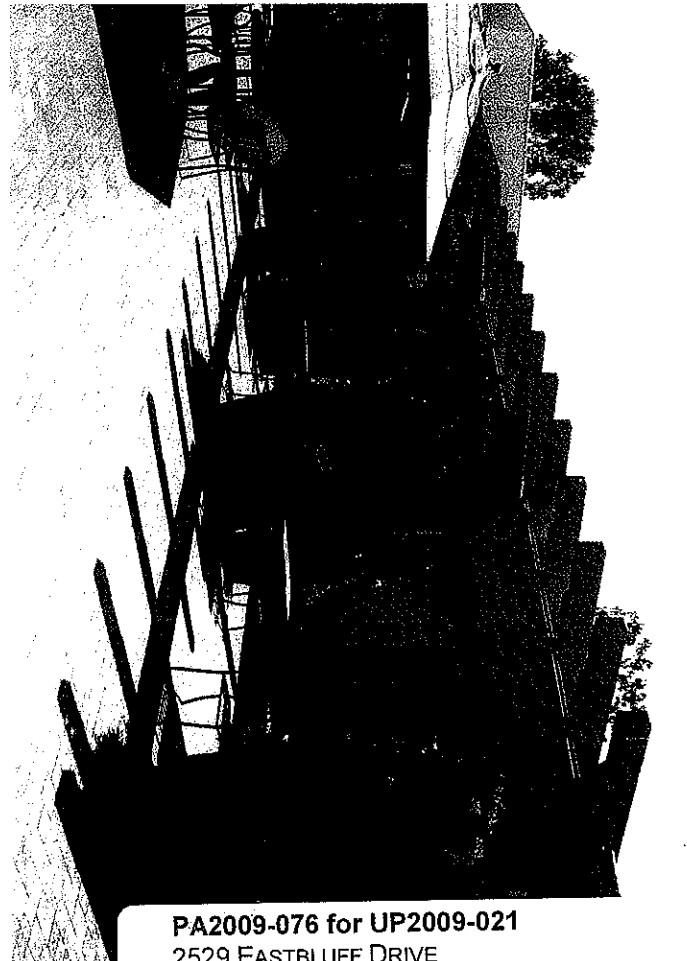
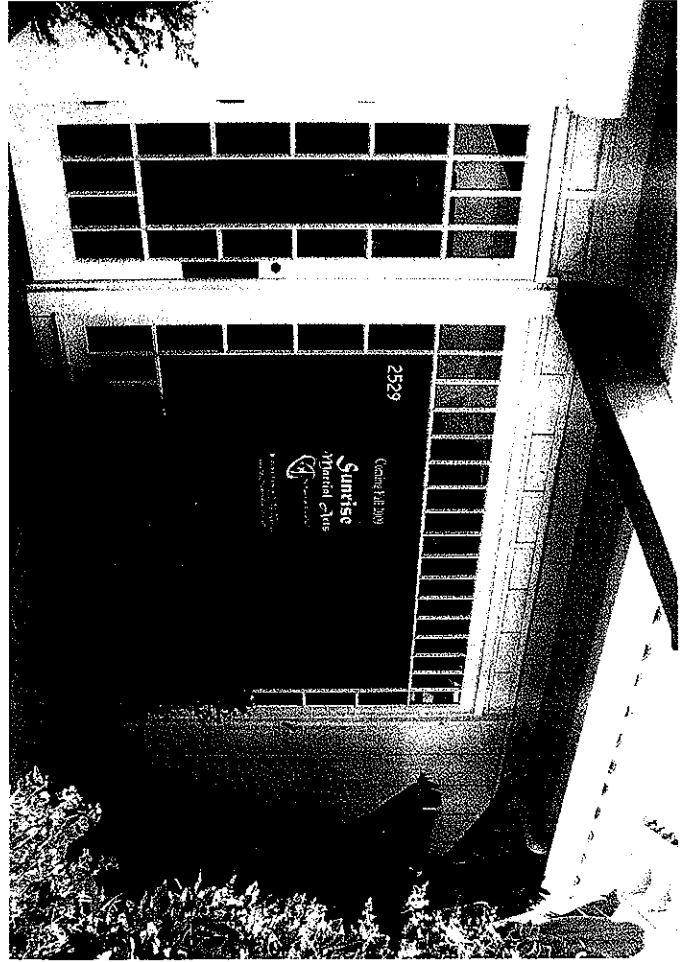
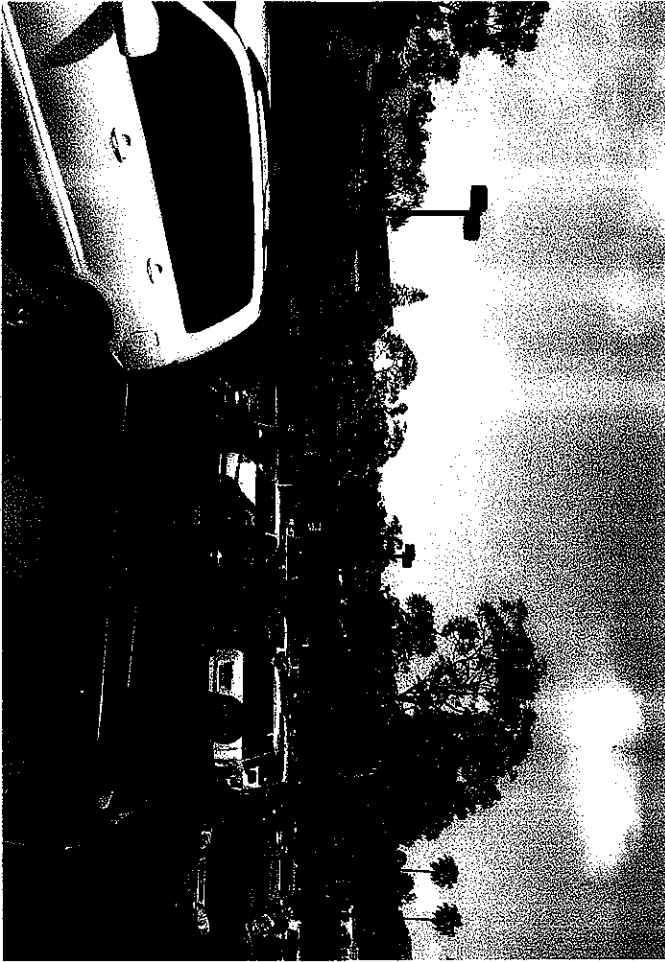
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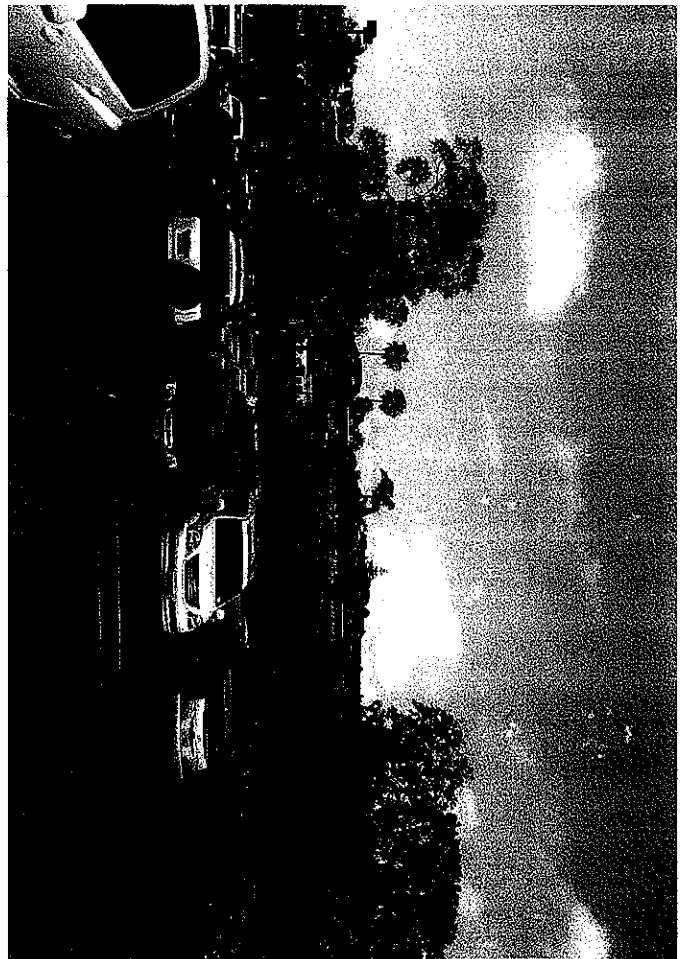
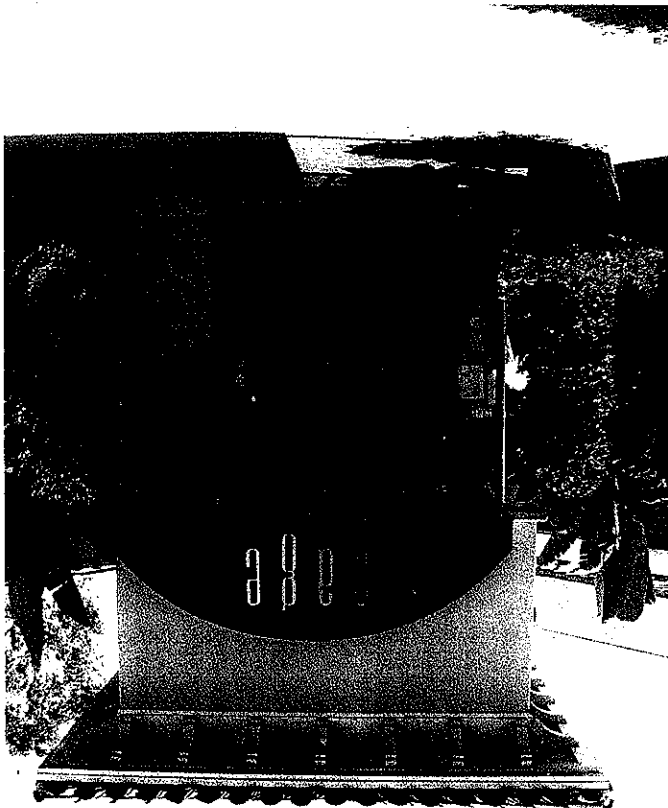
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"The Power of Discipline"



PA2009-076 for UP2009-021
2529 EASTBLUFF DRIVE
Sunrise Tae Kwon Do Martial Arts



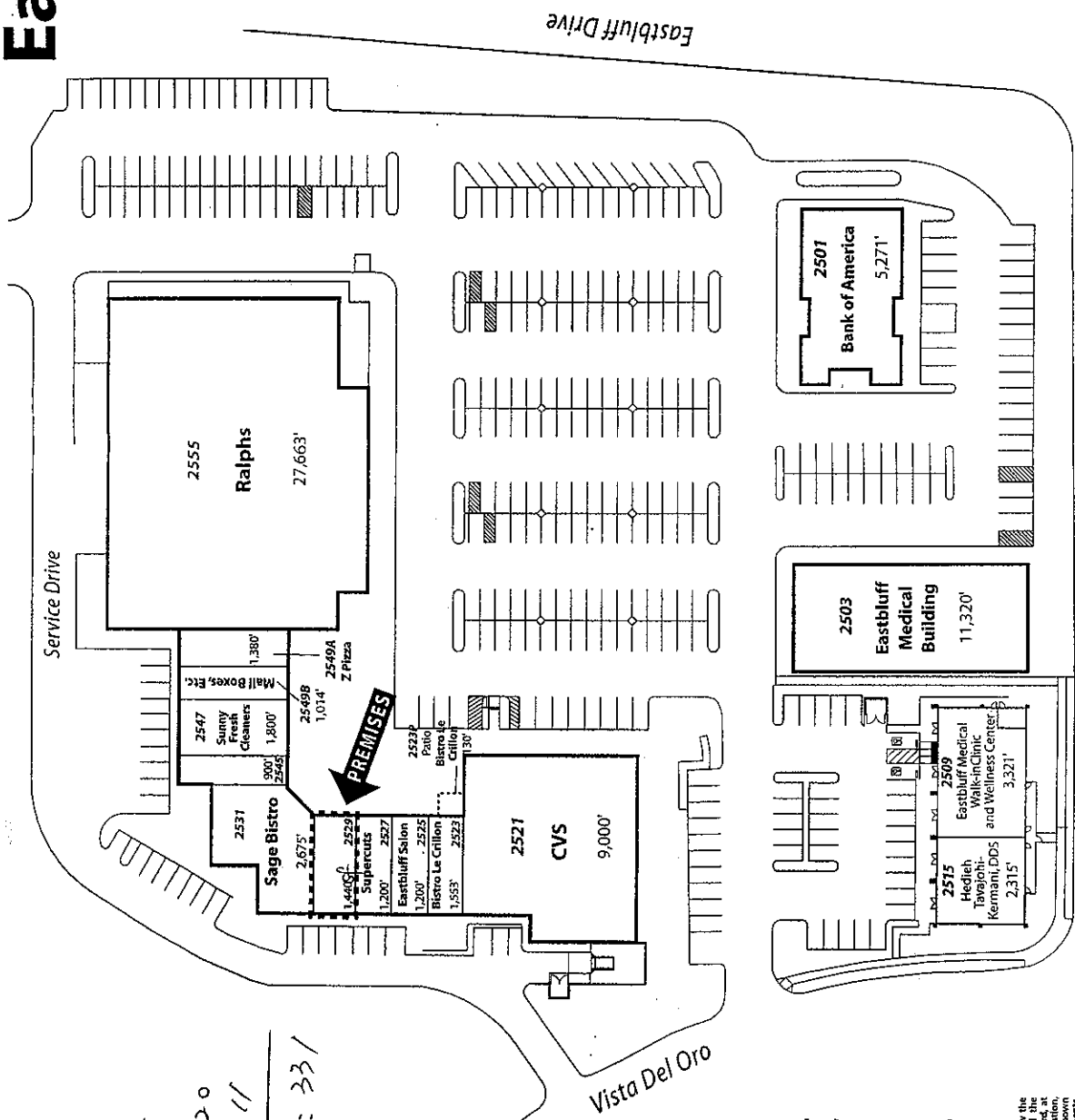
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Sunrise Tae Kwon Do Martial Arts

Eastbluff Village

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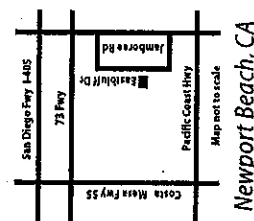
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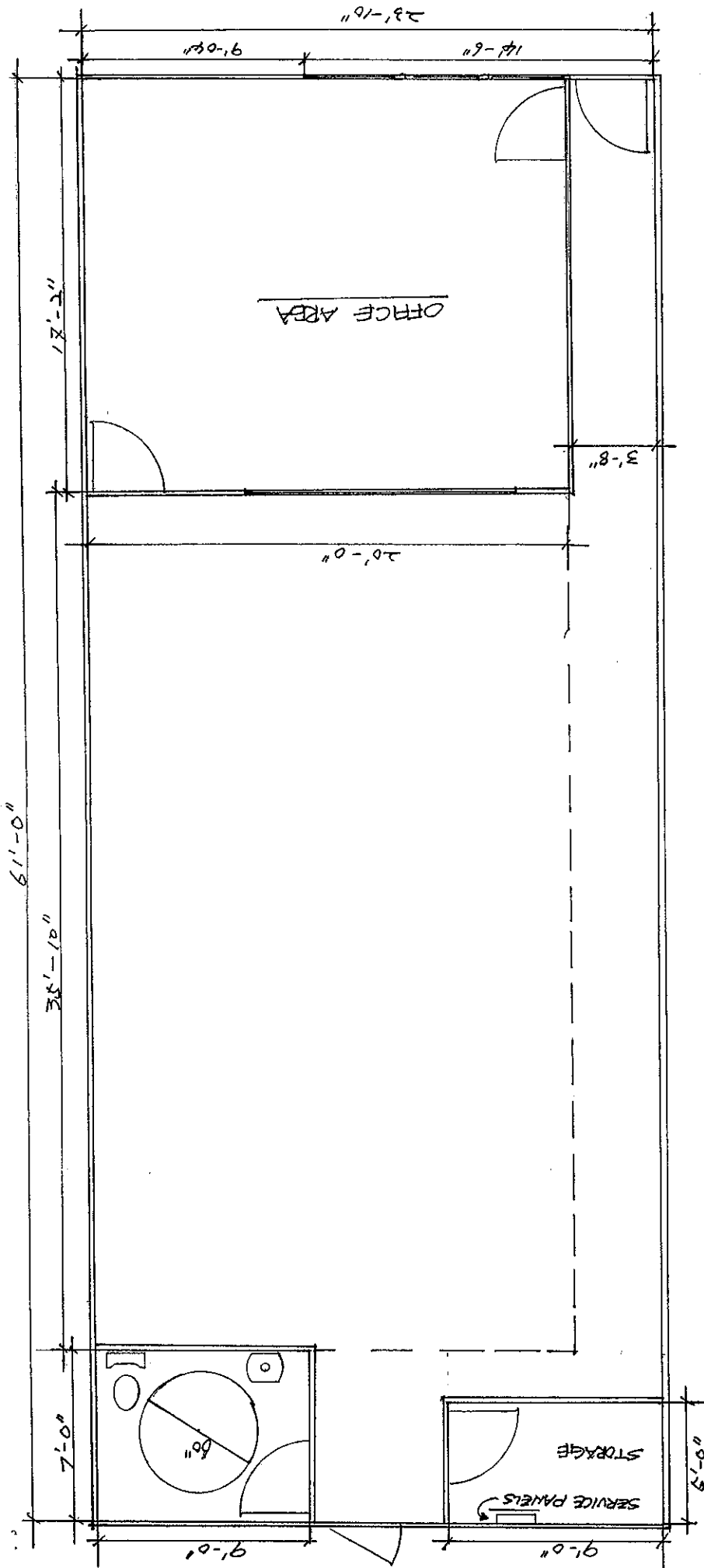


Vista Del Sol

Parking Count
Regular Stalls : 320
Handicap Stalls : 11
Total Parking Stalls : 331



This is a schematic plan intended only to show the approximate location of the proposed improvements and the approximate location of the proposed improvements. The number and extent of the improvements shown are for informational purposes only and are not intended to constitute any offer or commitment. The City of Newport Beach reserves the right to modify, add or delete any improvements to any portion of the Shopping Center, including, without limitation, buildings, parking stalls, permanent kiosks, displays or stands, and any other improvements, and to acquire any land to add to and/or withdraw land from the

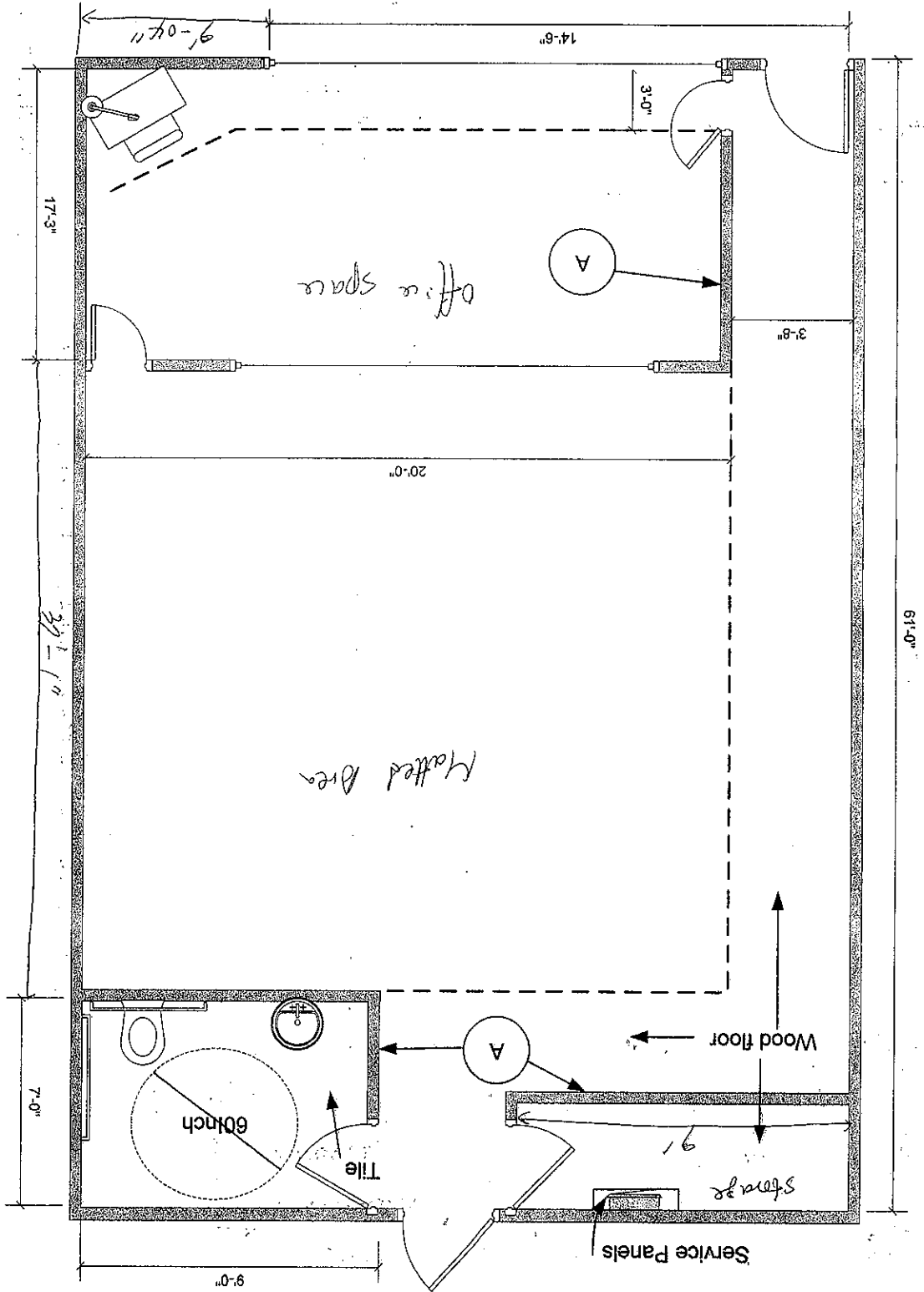


2529 EASTBLUFF OR NEW PORT BEACH CA 92260

KS CONSTRUCTION 0 1 2 6

T14-319-0388 SCALE: 1/4" = 1'-0"

PA2009-076 for UP2009-021
 2529 EASTBLUFF DRIVE
 Sunrise Tae Kwon Do Martial Arts



2529 Eastbluff Dr Newport Beach CA 92660

- Architect Name: K. Nishibe
- Kevin Suh 714.317.0388
- Sunrise Martial Arts Group
- Hyoksungh Kwon 949.675.9870