

**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 September 11, 2009

ACTIONS TAKEN AT SEPTEMBER 10, 2009 ZONING ADMINISTRATOR HEARING

- Item 1: Condominium Conversion Permit No. CC2009-003 and Parcel Map No. NP2009-008 (PA2009-112)
514 36th Street
A condominium conversion and tentative parcel map application to convert an existing two-unit dwelling into a condominium project. The Zoning Code-required parking spaces per unit will be provided, and no waivers of Title 19 development standards are proposed with this application.
This item was approved. Council District 1
- Item 2: Modification Permit No. MD2009-009 (PA2009-044)
4500 MacArthur Boulevard
A modification permit to allow tandem parking in conjunction with a valet parking program at the existing Fairmont Hotel. One hundred four additional parking spaces would be created in existing surface and parking structure areas. The additional parking would be used to accommodate a future ballroom addition.
This item was approved. Council District 4
- Item 3: Modification Permit No. MD2009-018 (PA2009-101)
315 Fernleaf Avenue
A modification permit to allow a second floor deck, which will also serve as a carport, to encroach approximately 3 feet 10 inches into the required 4-foot side yard setback on the northeast side of the lot.
This item was approved. Council District 6
- Item 4: Modification Permit No. MD2009-022 (PA2009-109)
801 Domingo Drive (Eastbluff)
A modification permit to allow a 5-foot-1-inch encroachment for a trash enclosure and 5-inch encroachment for a carport into the 6-foot-5-inch side yard setback along Domingo Drive.
This item was approved. Council District 4

Item 5: Modification Permit No. MD2009-023 (PA2009-110)
20201 Spruce Avenue

A modification permit to allow construction of an 11-foot-6-inch-high, 165-square-foot (11 feet by 15 feet) accessory building which would encroach to 24 feet 6 inches into the required 25-foot rear yard setback.

This item was withdrawn by applicant.

Council District 4

On behalf of David Lepo, Planning Director: -


James W. Campbell, Zoning Administrator

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*)



CONDO CONVERSION and 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. NP2009-008
Condominium Conversion No. CC2009-003
County Tentative Parcel Map No. 2009-117
(PA2009-112)

Applicant Ben C. Anderson

Site Address 514 36th Street
BCA Development, Inc.

Legal Description Lot 8 , Block 535 of Canal Section

On September 10, 2009, the Zoning Administrator approved the following: A condominium conversion and tentative parcel map application to convert an existing two-unit dwelling into a condominium project. The Zoning Code-required parking spaces per unit will be provided, and no waivers of 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 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. 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 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 will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

- The project is categorically exempt from the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions) because it consists of a division of four or fewer parcels, is not involved in a division of a larger parcel within the previous two years, and 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. All construction for the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.
- 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.

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 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.
 - This site is developed for residential use in a residentially-zoned area.
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 (built 2005) 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 in 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 Two Unit Residential RT-D (20.0 - 29.9 DU/AC), which is intended to provide for residential development types, including single-family and two-

family. The existing two-unit dwelling rental and proposed conversion to two condominiums is consistent with this designation.

- The subject property is not adjacent to any beaches, shoreline, coastal waters, tidelands, coastal parks or trails.

CONDITIONS

1. A Final Parcel Map shall be recorded. The map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set **on each lot corner**, unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.\
3. All 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.
4. 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 because no existing easements run through this property.
5. 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.
6. The plumbing system, as approved, will be in substantial compliance with the City of Newport Beach Plumbing Code. The clean-out, as required, will be installed in such a way that it will meet the intent of the requirements of the City.
7. Coastal Commission approval shall be obtained prior to recordation of the Parcel Map.
8. Reconstruct any broken and/or otherwise damaged sidewalk panels, alley section, concrete curb and gutter along the 36th Street frontage and alley. Limits of reconstruction will be at the discretion of the Public Works inspector.

9. 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.
10. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
11. Public improvements may be required of the applicant per Section 19.28.010 of the Municipal Code.
12. Additional Public Works improvements, including street and alley reconstruction, work may be required at the discretion of the Public Works Inspector.
13. An encroachment permit approved by the Public Works Department is required for all work activities within the public right-of-way.
14. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed unless an Encroachment Agreement is approved and issued by the Public Works Department complying with City Council Policy L-6 (Private Encroachments in Public Rights-of-Way and L-18, Protection of Water Quality Drainage-Public Rights-of-Way).
15. Arrangements shall be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements if it is desired to record a parcel map or obtain a building permit prior to completion of the public improvements.
16. Overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.28.090 of the Municipal Code unless it is determined by the City Engineer that such undergrounding is unreasonable or impractical.
17. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
18. A separate meter and connection shall be provided for the fire sprinkler system.
19. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
20. 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.

21. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
22. All on-site drainage shall comply with the latest City Water Quality requirements.
23. 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. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
24. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
25. 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.
26. No more than two dwelling units shall be permitted on the site.
27. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
28. Each of the tenants of the proposed condominium shall be given 180 days written notice of intention to convert, prior to the termination of tenancy due to the proposed conversion.
29. 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.
30. Each of the tenants of the proposed condominium shall be given notice of an exclusive right to contract for the purchase of their respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. Such right shall run for a period of not less than

90 days from the date of issuance of the subdivision public report (Section 11018.2 of the Business and Professions Code), unless the tenant gives prior written notice of his or her intention not to exercise the right. Prior to final of the condominium conversion permit, the applicant shall provide a copy of the written verification forwarded to the tenants and said verification shall be presented to the Planning Department.

31. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
32. The existing electrical service connection shall comply with the requirements of Chapter 15 of the Newport Beach Municipal Code; specifically, that each unit will have a minimum 100-amp service.
33. Each dwelling unit shall be served with an individual water service/meter and sewer lateral/cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box cover.
34. The applicant shall separate the building sewers within the building from each unit.
35. The sewer service shall be separated so that each unit is served with a sewer lateral connection to the public sewer system and with a clean-out to grade at the property line. If there is evidence that sewage is leaking from the facility or if it is substandard, the existing sewer lateral shall be replaced. Said work shall be completed under an encroachment permit issued by the Public Works Department, unless otherwise approved by the Utilities Department and the Building Department. This work shall be completed prior to final of the condominium conversion permit.
36. All improvements shall be constructed as required by Ordinance and the Public Works Department.
37. Smoke detectors shall be provided in each bedroom.
38. The exterior wall surfacing shall be made weather-tight as required by the Uniform Housing Code.
39. 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.
40. 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.

41. This Parcel Map shall expire if the map has not been recorded within three 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

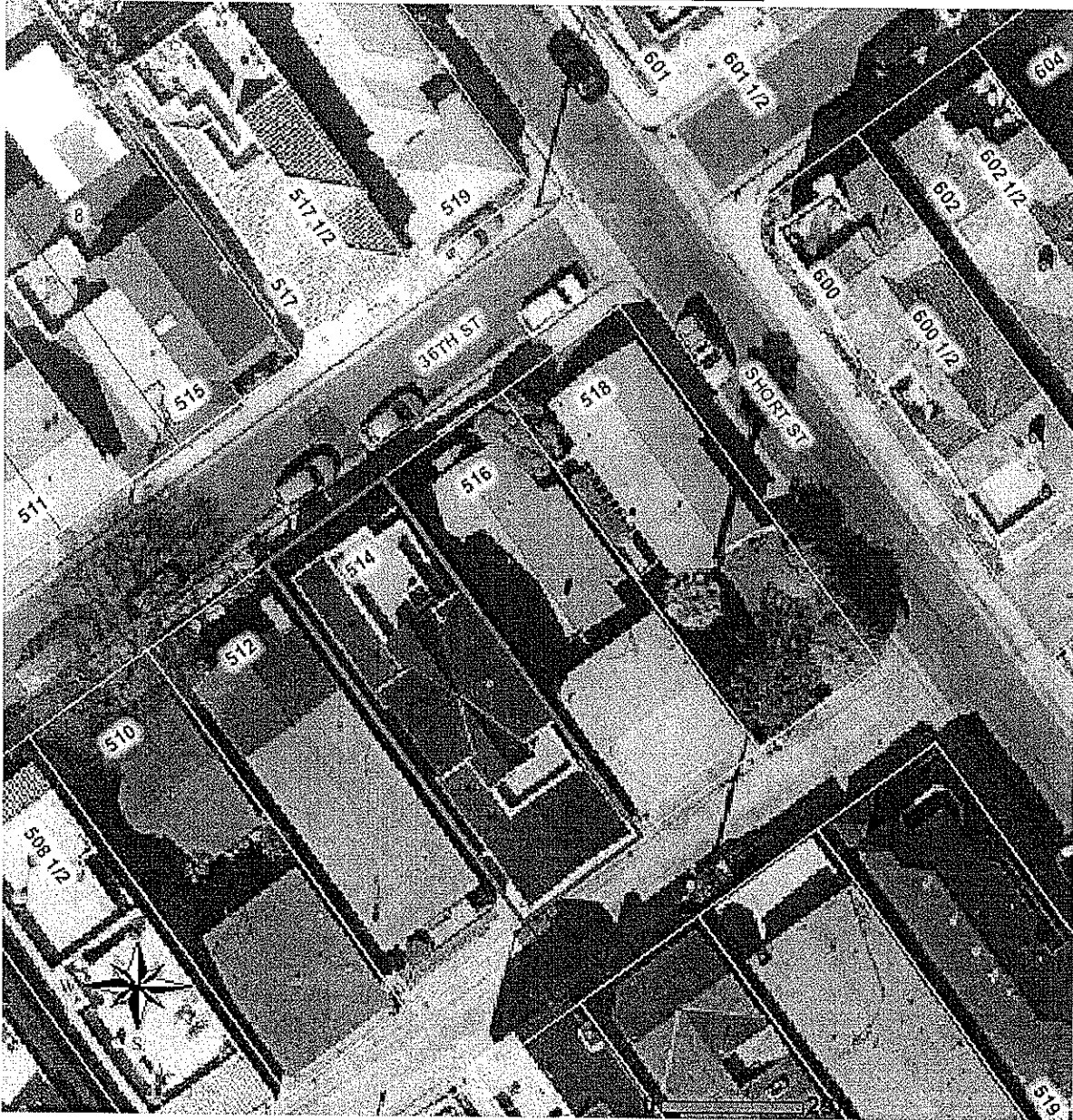
JWC/msw

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2009-008
PA2009-112

514 36th Street



MODIFICATION PERMIT ACTION LETTER

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

Application No. **Modification Permit No. MD2009-009 (PA2009-044)**
Applicant **Sunstone MacArthur**
Site Address **4500 MacArthur Boulevard**
 Fairmont Hotel
Legal Description **PCL 3 ,RESUB 0683, PM 173 31-33**

On September 10, 2009, the Zoning Administrator approved the following: A modification permit to allow tandem parking in conjunction with a valet parking program at the existing Fairmont Hotel. One hundred four additional parking spaces would be created in existing surface and parking structure areas. The additional parking would be used to accommodate a future ballroom addition. The property is located in the PC-15 (Koll Center Office Site A) District. The approval is based on the following findings and subject to the following conditions.

Required Findings for Action and Facts in Support of Findings

The Land Use Element of the General Plan designates the site as MU-H2 "Mixed-Use Horizontal" use which allows for mixed-use, commercial office, hotel, industrial, and neighborhood commercial uses.

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).

The Zoning Administrator determined in this case that the proposed Modification Permit 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 20.93.030:

1. **Finding:** In accordance with the provisions of Chapter 20.93, the granting of this application is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

Facts in support of finding:

- The structural elements of the existing parking structure could not support additional levels of parking. The existing structure would need to be demolished and rebuilt to provide additional parking levels. This would increase the mass of the structures on the hotel site which could disrupt the scale of the structure mass of the neighborhood.

- Expanding parking areas into existing landscaped areas adjacent to the street frontages would change the visual character of the site. The landscaping provides an aesthetic buffer between the on-site parking areas and the surrounding area.
- The intent of the off-street parking regulations of the Zoning Code is to ensure that off-street parking is provided for major alterations of existing uses in proportion to the needs for such facilities created by each use, establish parking standards for uses consistent with need and with feasibility of providing parking on specific sites, while ensuring that off-street parking is designed in a matter that will ensure efficiency, protect public safety, and insulate surrounding land uses from adverse impacts. In this particular case, the intent of the off-street parking regulations of the Zoning Code can be achieved through the use of tandem parking in conjunction with a valet parking program which is a common parking solution found in hotels similar to the Fairmont Hotel.

2. **Finding:** In accordance with the provisions of Chapter 20.93, the requested modification will be compatible with existing development(s) in the neighborhood.

Facts in support of finding:

- The proposed tandem parking configuration in conjunction with a valet parking program does not change the existing hotel use. The hotel is surrounded by existing office buildings, parking structures, parking lots, and an extended stay hotel. The proposed parking configuration maintains the sites' similar scale to the surrounding development as it does not require construction of larger structures or create loss of landscaped areas adjacent the street frontages therefore, granting of the subject modification permit will be compatible with existing developments in the neighborhood.

3. **Finding:** 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.

Facts in support of finding:

- The tandem parking configuration will be in conjunction with a valet parking program that includes a parking management plan and will be operated by a professional parking valet service.
- The existing hotel has operated for over 30 years and has not proven to adversely affect the neighborhood in any negative way related to use, events, or parking.
- The Traffic Engineer has reviewed the location and the proposed configuration with the valet parking and parking management plan for compliance with all traffic and circulation requirements.

CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan and parking management plan dated August 20, 2009, 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. 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.
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 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.
5. A building permit shall be obtained prior to commencement of the restriping of the additional parking spaces.
6. This approval is for the tandem parking configuration in conjunction with the valet parking program only. The process outlined in the letter from the Planning Director dated January 13, 2009 needs to be fulfilled to meet the requirements of the substantial conformance finding to move forward with the ballroom addition.
7. A total of 699 parking spaces shall be provided with 128 surface parking, 400 within the parking structure, and 171 off-site spaces in the adjacent Koll parking lot.
8. The applicant shall comply with the approved Parking Management Plan (dated 8/20/09). Any changes shall be reviewed and approved by the Public Works and Planning Department prior to implementation.
9. The parking structure shall be entirely valet parked. No self-parking or employee parking shall be permitted within the parking structure.
10. Tandem parking areas shall be valet parked.
11. The City of Newport Beach Planning Department shall be notified of any change to the number of parking spaces secured for the hotel (i.e. change to reciprocal parking agreement with Koll Center Newport which provides 171 of the required parking spaces off-site at the adjacent Koll Center Parking lot).
12. Parking layout shall comply with the approved parking layout plan (dated 8/20/09). Any changes to the parking layout shall be reviewed and approved by the Public Works Department and Planning Department.

13. 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.
14. 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.
15. 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.
16. The project shall comply with the 2007 California Building Code.
17. The parking shall provide covered disabled parking with a minimum 8'2" vertical clearance.
18. A Water Quality Management Plan is required subject to review and approval by the Building Department.
19. 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 applicant or any interested party may appeal the decision of the Zoning Administrator 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. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 

James W. Campbell, Zoning Administrator

JWC/msw

Attachments: ZA 1 Vicinity Map
 ZA 2 Parking Management Plan and Plans dated
 August 20, 2009
 ZA 3 Planning Director letter regarding substantial
 conformance of future ballroom

Attachment No. ZA 1
Vicinity Map

VICINITY MAP



Modification Permit No. MD2009-009
PA2009-044

4500 MacArthur Boulevard

8/20/09

Attachment No. ZA 2
Parking Management Plan and Plans
dated 8/20/09

RECEIVED BY
PLANNING DEPARTMENT

AUG 20 2009



CITY OF NEWPORT BEACH association planning • traffic engineering
environmental engineering • parking studies

**Fairmont Hotel Parking Management Plan
(8/20/09)**

This Parking Management Plan has been prepared for the Fairmont Hotel, Newport Beach Ballroom expansion program. The 444 room Fairmont Hotel is proposed to be expanded to add an additional 9,950 square foot ballroom space. The 9,950 square foot ballroom facility would be located in the area currently occupied by the tennis courts of the existing hotel. The Parking Management Plan for the proposed project is shown on the attached Exhibit A.

The Fairmont offers 17,000 square feet of net meeting space (or 38 square feet per room). In comparison, the competitive hotels meeting space ranges between 47 square feet to 102 square feet per room, as shown in the attached Table 1. The Fairmont also offers the third smallest ballroom. The amount of total meeting space and size of the largest ballroom dictates the type (higher rated corporate business or government and associations business) of groups the hotel can accommodate. Higher rated business, such as pharmaceutical companies, seek hotels with a ballroom of 9,950 square feet or greater. They meet in one ballroom and serve food in another ballroom, giving them more space and a higher quality experience. When the Fairmont ballroom (7,140 square feet) is divided in half, the hotel is limited even further by the size of groups they can service. With the addition of the new 9,950 square foot ballroom, the hotel will be able to accommodate the larger and higher rated groups by meeting in one ballroom and serving food in the second ballroom. The Fairmont does not anticipate housing additional groups but being better equipped to handle the demands of our current customers which we currently displace due to inadequate meeting space.

The hotel currently provides 595 parking spaces. Parking for the Fairmont Hotel is primarily valet service from the existing Porte Cochere located at the front of the hotel building. Parking spaces are also available for employees within the 171 reciprocal parking spaces adjacent to the hotel.

Hotel guests and valet service could use the 171 reciprocal spaces available to the hotel in the adjacent Koll parking lot. The hotel primarily uses those spaces for valet parking hotel guests/visitors to self-park. The proposed 9,950 square foot ballroom expansion will require 202 spaces. These will be accommodated by using the 98 extra spaces currently available at the site and creating an additional 104 spaces which will be provided by restriping and constructing additional parking spaces at the Fairmont Hotel site. A total of 699 parking spaces will be provided as part of the Fairmont Hotel Ballroom expansion project. A summary of the proposed parking spaces is included in Exhibit A.

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www.rkengineer.com

The Fairmont Hotel Parking Management Plan has been developed to ensure that adequate parking will be provided for various levels of activities during the operation of the hotel. This plan has been designed to be flexible and readily adaptable to accommodate parking needs based upon the number of guests, events and activities at the hotel, as well as serving the expanded ballroom facility. It should be noted that small/medium events occur about two (2) times per week and the larger events occur about 3-5 times per year.

This Parking Management Plan addresses two (2) operational scenarios which would occur for both small/medium events and large events.

Scenario 1

Weekday Monday thru Friday events (breakfast and lunch)

-Small/Medium Events

- The parking structure and surface lots X, Y, and Z would be utilized as necessary. Vehicles would be distributed evenly in all lots to minimize the turnaround time for the valet service. If necessary, 171 parking spaces are available adjacent to the hotel within the Koll Center parking lot. These spaces can be utilized to accommodate additional parking demand when necessary. These spaces are primarily used by the valet service, but hotel visitors, guests, and employees can also self-park in these areas.

-Large Events

- Fairmont Hotel employees would be relocated to the off-site Koll Center parking lot located at the intersection of MacArthur Boulevard and Jamboree Boulevard (4000 MacArthur Boulevard). The employees would be shuttled through the parking lot at 4000 MacArthur Boulevard to Von Karman Avenue, then on to the Hotel a short distance away. The existing parking structure can be fully utilized for these particular events (3-5 times per year). The parking structure would be utilized along with surface lots X, Y and Z and additionally the spaces within the adjacent Koll Center lot (171 spaces) would be utilized as necessary. Again, in order to minimize valet service times, the vehicles would be evenly distributed to all of these various parking facilities.
- In addition, during larger events, the Koll Center would be notified and would coordinate to open all of the exit gates at the end of the event so that vehicles can be dispersed in a timely manner.

Scenario 2

Evening and Weekend Events

-Small/Medium Events

- For these activities, the Koll Center's 171 parking spaces would be utilized along with surface lots X, Y and Z. The existing parking structure would also be utilized for any additional overflow parking as necessary.

-Larger Events

- Fairmont Hotel employees would be relocated to the off-site Koll Center lot located at the intersection of MacArthur Boulevard and Von Karman Avenue so that the existing Fairmont Hotel parking structure can be utilized for that event. The parking structure along with surface lots X, Y and Z would be utilized as necessary and vehicles would be evenly distributed to all lots to minimize valet service time. The Koll Center gates will automatically open when vehicles approach to minimize exiting time from the Koll Center lot.

The Parking Management Plan for the Fairmont Hotel in Newport Beach is shown in Exhibit A. This plan identifies access controls, valet access points (vehicle drop-off/pick-up), valet parking areas, employee parking areas and designated self-parking areas for the hotel. Controlled access points would be utilized to monitor ingress/egress of the various parking facilities.

The Fairmont Hotel operates primarily a valet service for its guests and ballroom visitors. Hotel guests and visitors would enter the Porte Cochere and leave their vehicle and obtain a valet ticket. The valet attendants would evenly distribute the vehicles to the various parking lots as shown in Exhibit A. The distribution of the vehicles would be on an even basis between the various lots to minimize valet service times for each of the events and activities. Some self-service parking is located along the primary access aisle to the hotel as shown in Exhibit A. Also, guests and visitors also have the option of self parking within the Koll Center lot adjacent to the hotel. When returning, the hotel guests and visitors would go to the valet station at the front of the hotel and the valets will retrieve their parked vehicles. As previously mentioned, the payment for parking occurs at the valet station located at the front of the hotel. At this point hotel guests and visitors would present their valet ticket and vehicles would be retrieved by the valet service.

The following parking procedures will be followed:

1. Employee Parking: All employees upon being hired have to register their vehicle with the hotel and are issued a parking sticker. The parking sticker is applied to the left lower front window of the vehicle. During orientation, employees are instructed where they need to park. Employees enter the reciprocal lot and pull a ticket from the parking system. At the conclusion of their shift, the parking attendant sees the hotel issued parking sticker and opens the gate allowing the employee to depart.
2. General Valet Parking in Reciprocal Lot: If the hotel needs to use the reciprocal lot for valet, guest will pull to the front drive and be issued a Pink Valet ticket that is placed on the rear view mirror of the vehicle. The valet drives into the reciprocal lot, pulling a ticket from the parking system. Upon the retrieval of the guest vehicle, the parking attendant will note the Pink Valet ticket hanging from the rear view mirror and open the gate allowing the vehicle to pass.

3. Identification of Valet parked cars and Employee cars: Valet cars will have a pink ticket hanging from the rear view mirror and employees will have a parking sticker that is located on the left lower front window of the vehicle or the driver's side of the vehicle.

Vehicles bound for the hotel or new ballroom can enter the site through the primary access driveway from MacArthur Boulevard. Access is also available from the Birch Street access and also to the east of the hotel along Von Karman Avenue. Vehicles entering the site through Birch Street will travel south on the access driveway and will go around the roundabout and then drive north to the valet station. In all cases, vehicles looking to park would enter the valet service at the front of the hotel at the Porto Cochere. Employees would be parking within the 171 reciprocal parking spaces adjacent the hotel. They would have entry and access through the control gate with the use of a gate control card which will open the gates. Access to the parking structure would be through a control gate to be located at the access aisle to the west of the parking structure. Any self service parking would occur in front of the hotel along the main access aisle or at the Koll Center parking lot.

The Fairmont Hotel has also developed an Overflow Parking Plan, if necessary for the few number of large events (3-5 per year). When these few events occur, employees would be relocated to a parking lot located at the intersection of MacArthur Boulevard and Von Karman Avenue. Within this area, there are adequate spaces available for the employees. The employees would be shuttled back to the hotel through a hotel shuttle service. It is anticipated that this will not occur on a frequent basis. It is anticipated that only 3-5 large events would occur per year that would require the off site overflow parking plan to be implemented.

Refinements to the Fairmont Hotel Parking Management Plan would be developed as the facility is utilized in the future.

TABLE 1
Newport Beach/Irvine Hotel Meeting Space Comparison

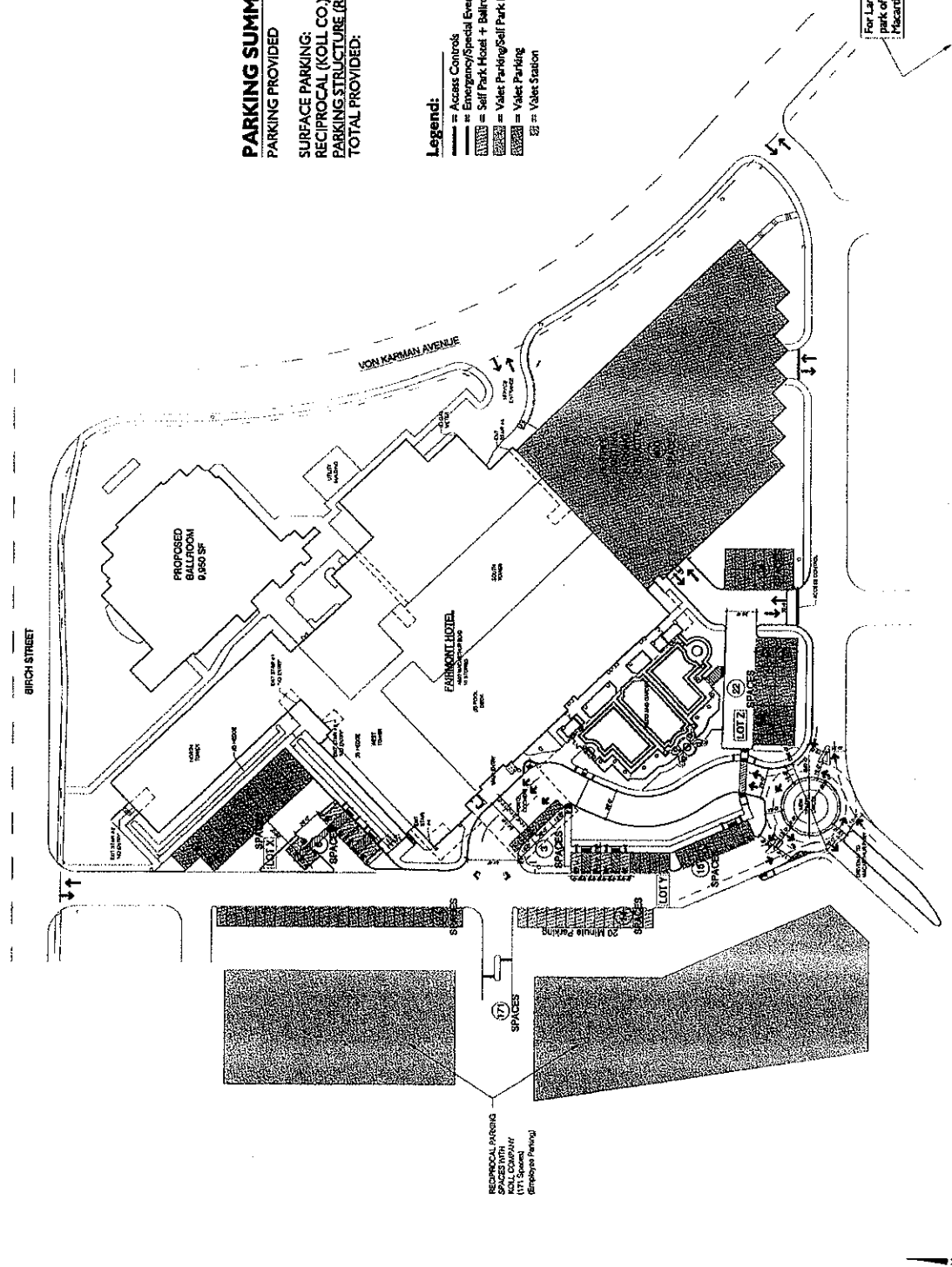
Hotel Name	Rooms	Meeting Space (Square feet)	Largest Room (Square Feet)	Meeting Space per Room (Square Feet)
Fairmont Newport Beach	444	17,000	7,140	38
Fairmont Newport Beach (w/ new ballroom)	444	26,950	9,950	61
The Island Hotel	295	30,000	7,000	102
Hyatt Regency Huntington Beach	517	52,000	20,000	101
Westin South Coast Plaza	390	35,708	7,598	92
Hilton Irvine Orange County Airport	289	23,000	7,320	80
Hilton Costa Mesa	486	33,042	12,160	68
Hyatt Regency Newport Beach	403	26,000	6,720	65
Hyatt Regency Irvine	536	30,000	14,700	56
Marriott Irvine	485	26,000	12,960	54
Marriott Newport Beach Hotel & Spa	532	25,000	8,000	47

Exhibit A
**Fairmont Hotel Parking
 Management Plan
 Revised (08/20/09)**

PARKING SUMMARY
 PARKING PROVIDED

SURFACE PARKING: 128
 RECIPROCAL (KOLL CO.): 171
 PARKING STRUCTURE (RE-STRIPED): 400
 TOTAL PROVIDED: 699 SPACES

- Legend:**
- Access Controls
 - Emergency/Special Event Access Control
 - Self Park Hotel + Ballroom
 - Valet Parking/Self Park Parking
 - Valet Station



For Large Events (3-5 times per year) Employees park offsite at a parking lot near the intersection of MacArthur Blvd. and Von Karman Ave.

Parking Plan Source: Lee & Salavara Architects AIA



August 19, 2009 (Revised)

BALLROOM ADDITION - PARKING RE-STRIPING**FAIRMONT HOTEL, NEWPORT BEACH, CA****PARKING TABULATION****RECEIVED BY****PLANNING DEPARTMENT****AUG 20 2009****A. SURFACE PARKING***

	Number of Spaces	
Standard	14	
Accessible	12	(4 covered)
Valet	102	
Total Surface	128 Spaces	

CITY OF NEWPORT BEACH**B. PARKING STRUCTURE PARKING TABULATION**

Floor	Existing Spaces			Proposed Spaces ②		
	Standard	Compact**	Subtotal	Standard	Compact	Subtotal
1st	65	29	94	92	29	121
2nd	90	29	119	111	29	140
3rd	85	22	107	139	0	139
Subtotal	240	80	320	342	58	400
Total			320 ④			400
% of Total	75%	25%		86%	14%	

C. RECIPROCAL PARKING (WITH KOLL CO.)**171 Spaces****SUMMARY OF PROPOSED PARKING**

Surface Parking ①	=	128 Spaces
Parking Structure ②	=	400 Spaces
Reciprocal Parking (Koll Co.)	=	171 Spaces
Total	=	699 Spaces Provided

- ① With modification of existing surface parking
- ② Original approved compact spaces in parking structure are 7'-6" x 16'-0"
- ③ Re-stripe existing parking structure and remove existing storage
- ④ Based on storage space added to original design

NOTE: Original parking structure built in 1983 = 359 spaces (no storage)

August 19, 2009 (Revised)

BALLROOM PARKING

SPACE ADDED	104 SPACES
<u>OVERAGE SPACES</u>	<u>98 SPACES</u>
PARKING PROVIDED	202 SPACES
PARKING REQUIRED:	9,950 SF = 202 SPACES

BIRCH STREET

VON KARMAN AVENUE

NEWPORT BEACH, CALIFORNIA

FAIRMONT HOTEL

SUNSTONE HOTEL INVESTORS, INC.

EXISTING PARKING SUMMARY

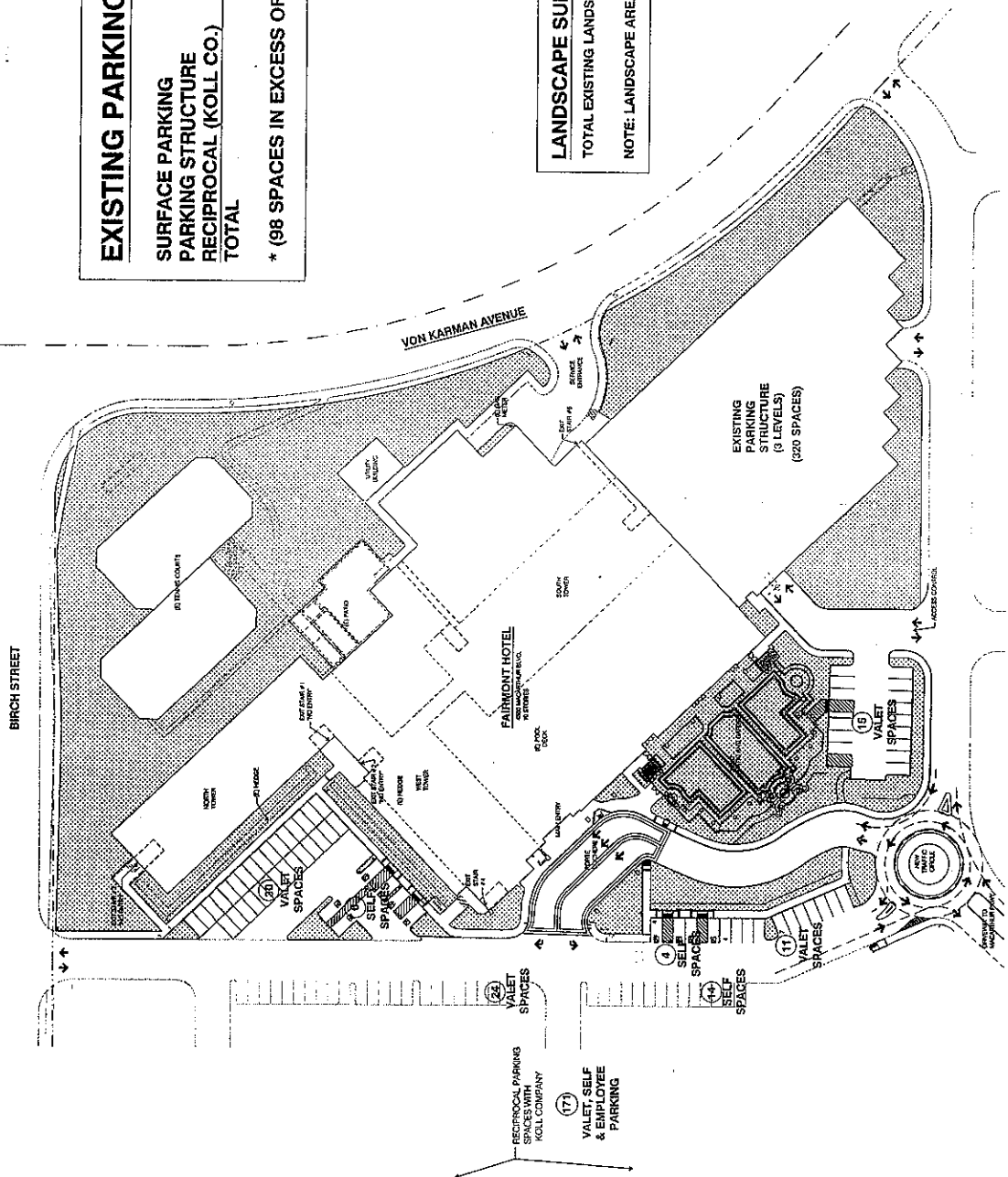
SURFACE PARKING	= 104
PARKING STRUCTURE	= 320
RECIPROCAL (KOLL CO.)	= 171
TOTAL	= 595 SPACES *

* (98 SPACES IN EXCESS OF CODE)

LANDSCAPE SUMMARY

TOTAL EXISTING LANDSCAPE AREA = 103,899 SF

NOTE: LANDSCAPE AREA SHOWN SHADED

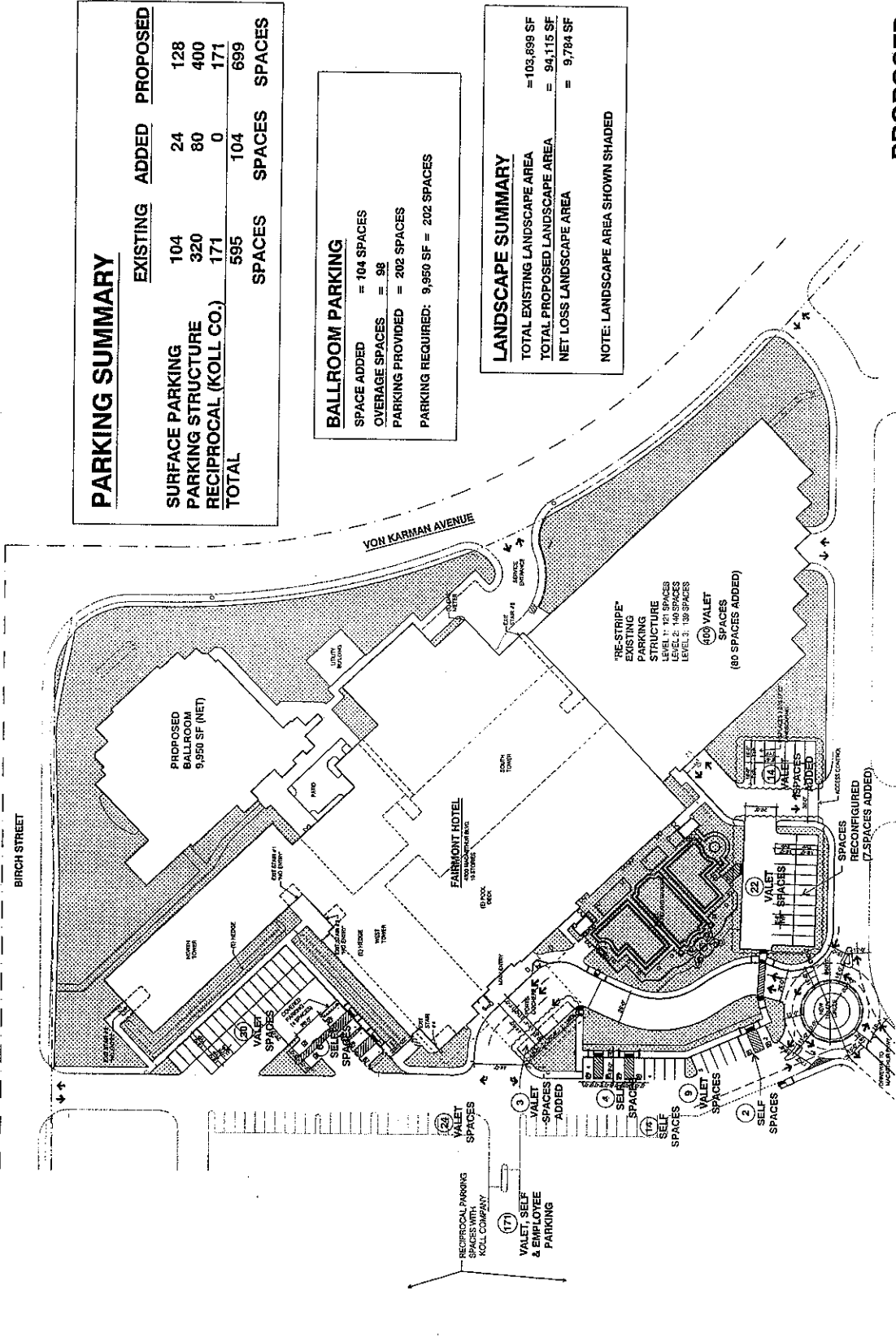


EXISTING SITE PLAN



LEE & SAKAHARA
 ARCHITECTS AIA
 ARCHITECTURAL PLANNING DIVISION
 1000 WEST BROADWAY, SUITE 200
 NEWPORT BEACH, CALIFORNIA 92660
 TEL: 949.441.1100 FAX: 949.281.1144

0806
 4-10-99
 5-10-99
 6-28-09
 7-13-09
 7-17-09
 8-19-09
 8-19-09



PARKING SUMMARY

	EXISTING	ADDED	PROPOSED
SURFACE PARKING	104	24	128
PARKING STRUCTURE	320	80	400
RECIPROCAL (KOLL CO.)	171	0	171
TOTAL	595	104	699

BALLROOM PARKING
 SPACE ADDED = 104 SPACES
 OVERAGE SPACES = 98
 PARKING PROVIDED = 202 SPACES
 PARKING REQUIRED: 9,950 SF = 202 SPACES

LANDSCAPE SUMMARY
 TOTAL EXISTING LANDSCAPE AREA = 103,698 SF
 TOTAL PROPOSED LANDSCAPE AREA = 94,115 SF
 NET LOSS LANDSCAPE AREA = 9,784 SF
 NOTE: LANDSCAPE AREA SHOWN SHADED

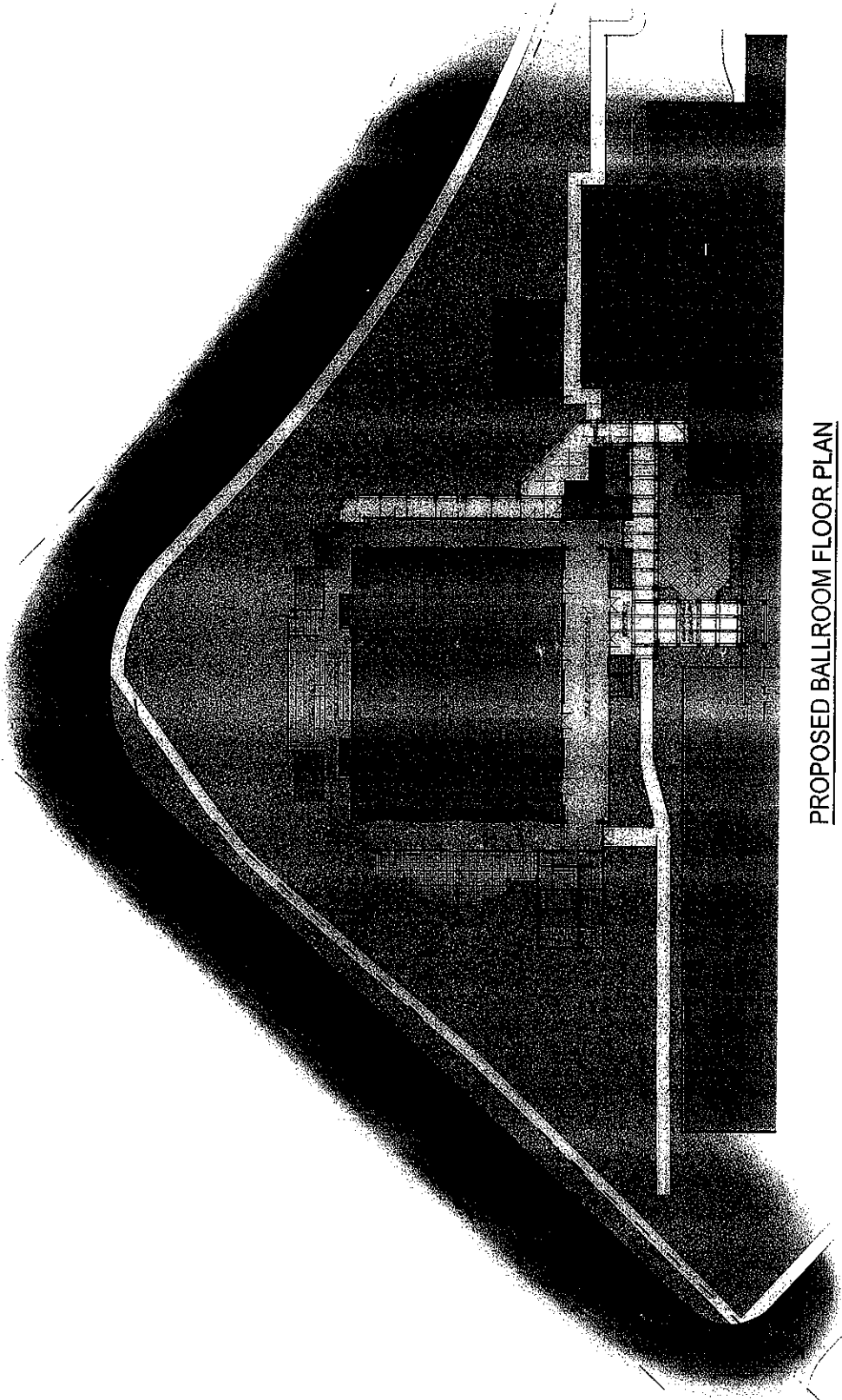
PROPOSED SITE PLAN

LEE & SAKAHARA ARCHITECTS AIA
 1000 VAN DAMME AVE, SUITE 100
 NEWPORT BEACH, CA 92660
 TEL: 949.440.8800 FAX: 949.440.8801

08006	10-28-08	09-23-08
8-19-09	6-20-09	08-30-08
	7-13-09	07-17-08
	7-17-09	06-17-08
	4-13-09	10-20-08
	8-18-09	6-07-08
		10-23-08

FAIRMONT HOTEL
 NEWPORT BEACH, CALIFORNIA

SUNSTONE HOTEL INVESTORS, INC.



PROPOSED BALLROOM FLOOR PLAN
 (FLOOR AREA = 19,710 SF)

FAIRMONT HOTEL
 SUNSTONE HOTELS

NEWPORT BEACH, CA

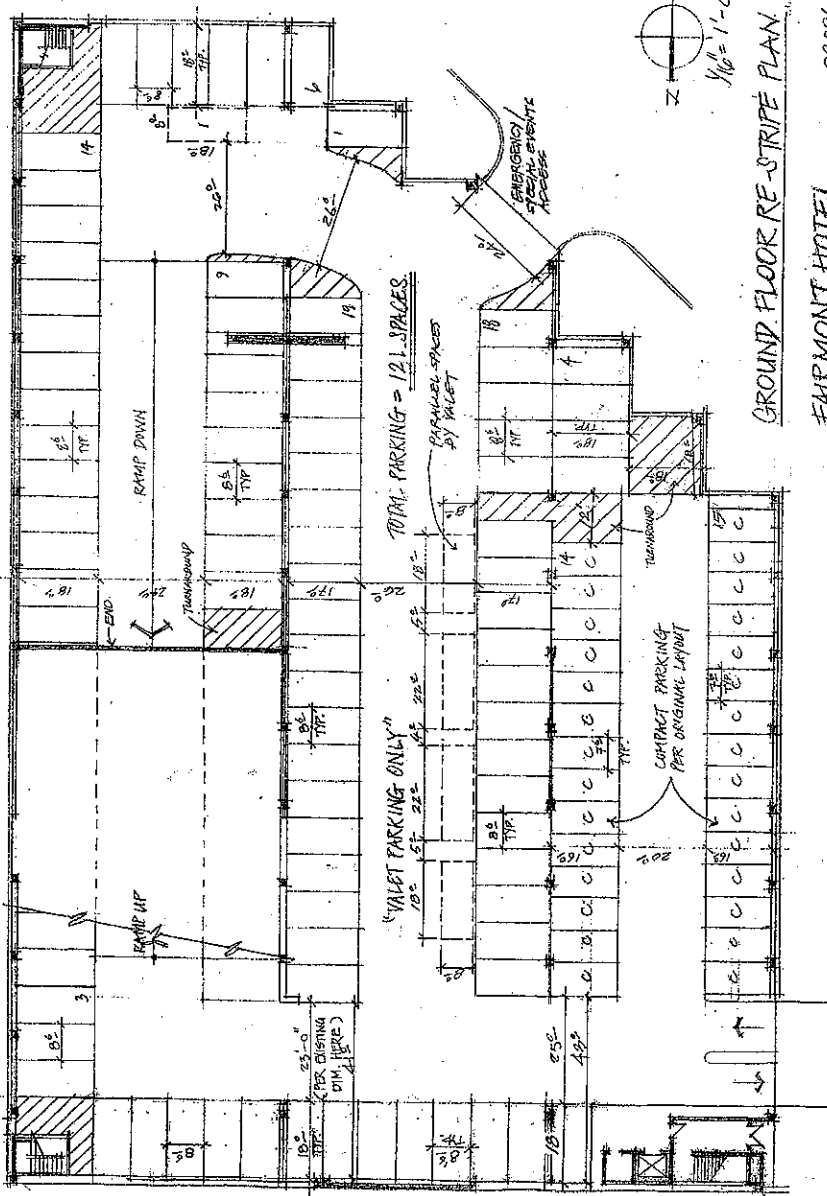


PROPOSED BALLROOM FLOOR PLAN
 A-3



LEE & SAKAHARA ARCHITECTS AIA
 ARCHITECTS
 1000 WEST BROADWAY, SUITE 200
 NEWPORT BEACH, CA 92660
 TEL: 949.440.7700 FAX: 949.440.1100

09006
 10/13/2008
 08/18/2009
 09/15/2009



PARKING SUMMARY	
LEVEL	SPACES
1	121
2	140
3	139
TOTAL	400 SPACES (PROVIDED)

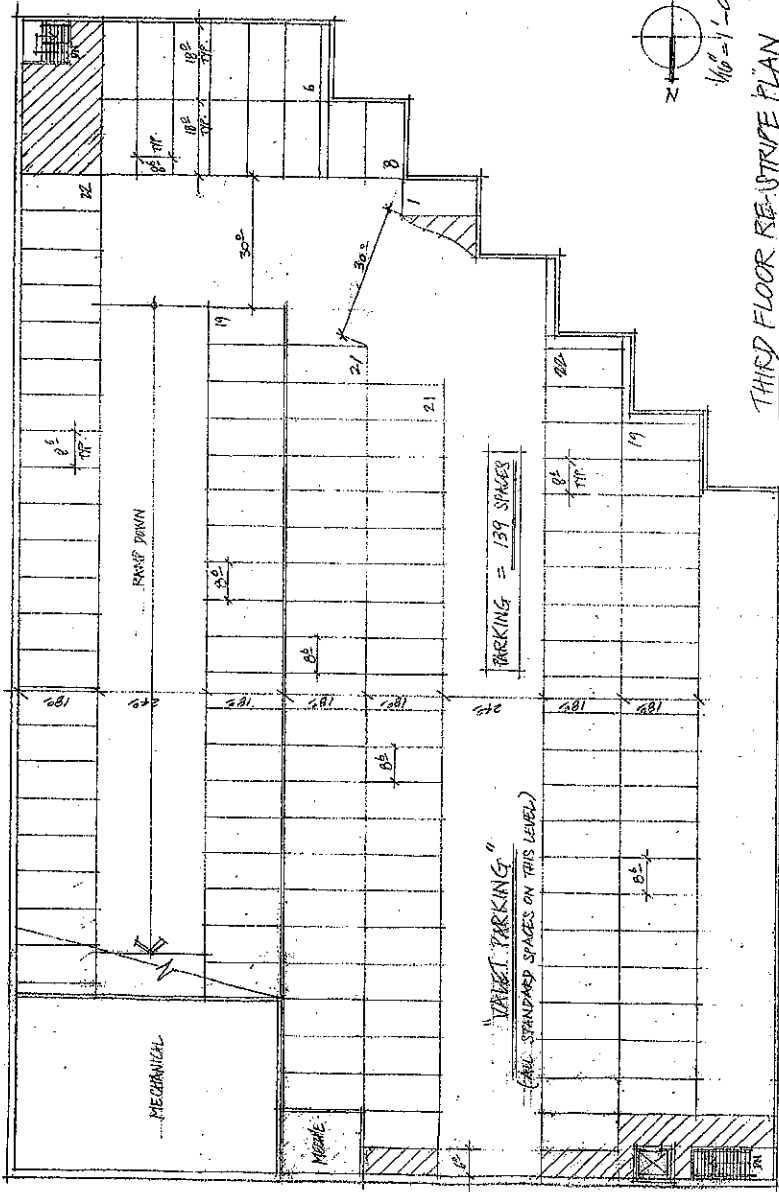
GROUND FLOOR RE-STRIPE PLAN

FARMONT HOTEL
EXISTING PARKING STRUCTURE
(VALET PARKING)

00006
9/27/08
9/30/08
10/19/08
10/16/08
10/29/08
05/07/09

8/19/09
8/22/09
7/13/09
7/17/09
7/22/09
8/18/09





THIRD FLOOR RE-STRIP PLAN

FAIRMONT HOTEL

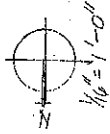
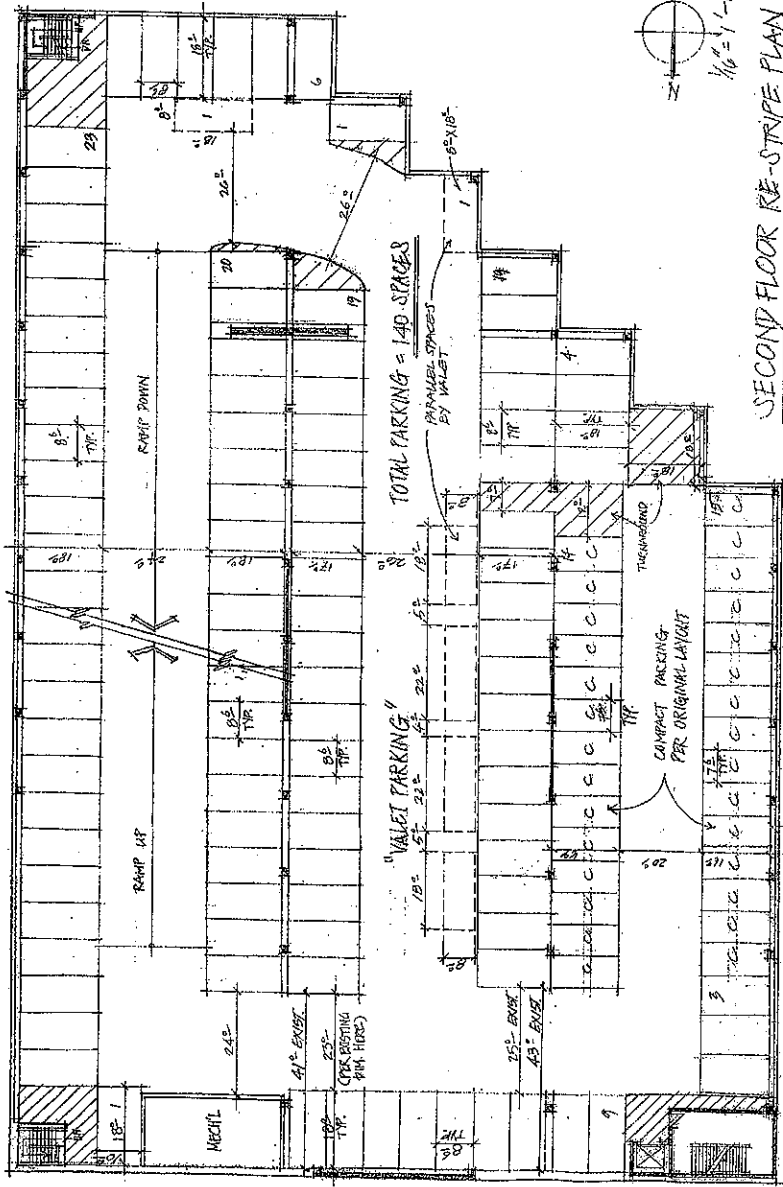
EXISTING PARKING STRUCTURE
(VALET PARKING)

08006	08/06
7/27/08	7/27/08
9/30/08	6/22/09
10/9/08	7/13/09
10/16/08	7/17/09
10/29/08	7/22/09
05/07/09	8/18/09

8/18/09



Professional seal and registration information.



SECOND FLOOR RE-STRIPE PLAN

FAIRMONT HOTEL
 EXISTING PARKING STRUCTURE
 (VALET PARKING)



9/19/09

- 08006
- 9/23/08
- 9/30/08
- 10/9/08
- 10/16/08
- 10/29/08
- 05/07/09

MERIDIAN NEWPORT BEACH HOTEL
PARKING STRUCTURE

DAVID W. KYLE ARCHITECTS
NEWPORT BEACH, CALIFORNIA



MERIDIAN CONSTRUCTION CO. INC.
MANAGING CONTRACTOR - OWNER

CONTRACT NO. 103
THE ROLLING HILLS
COURT "A" AND
"B" BUILDINGS

REVISIONS	DATE	DESCRIPTION

SHEET TITLE
GARAGE FLOOR PLAN

PROJECT NUMBER
DATE

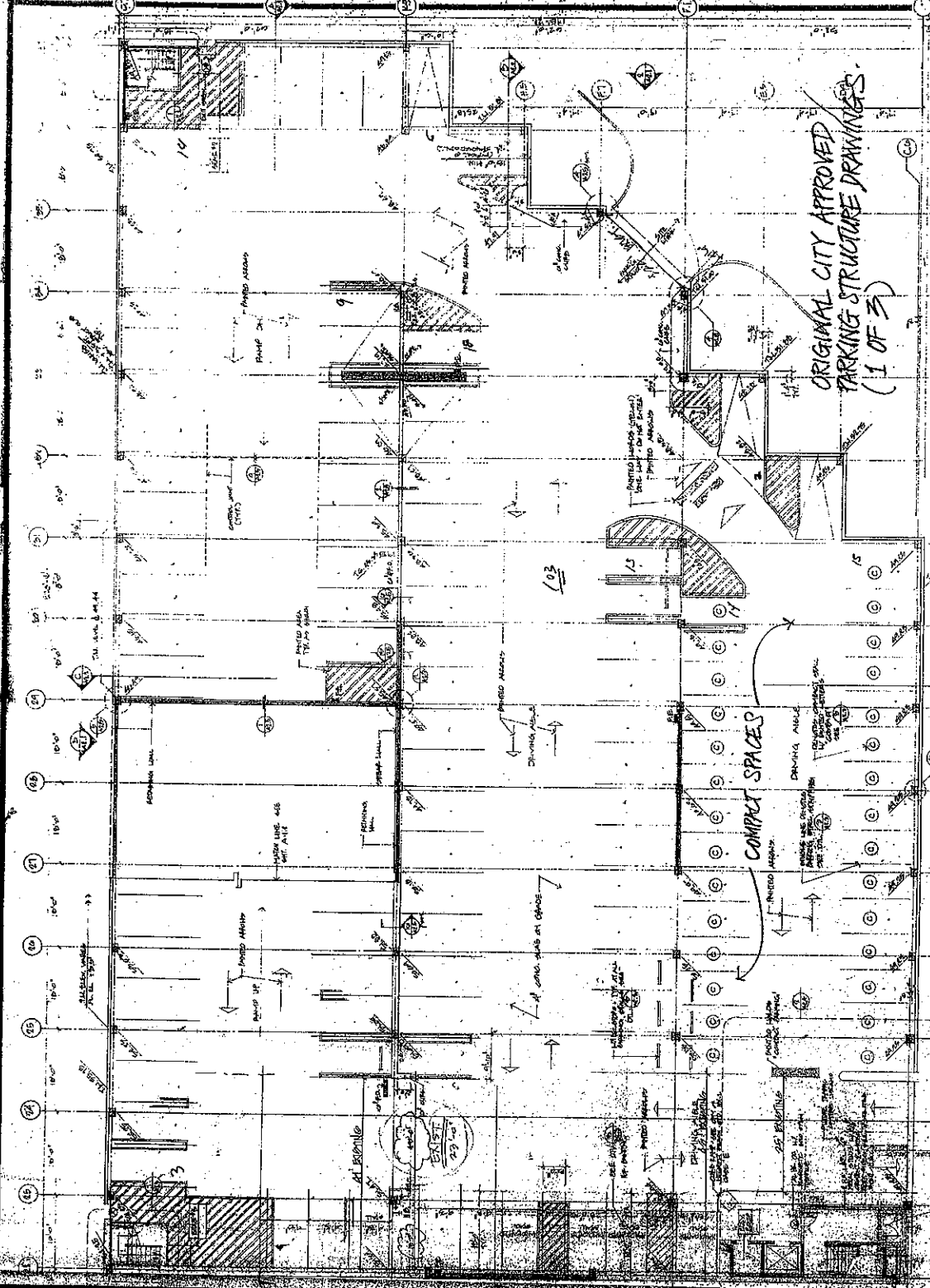
DATE OF SHEET
DATE OF SHEET

caii mclarnin associates

PROPERTY-SPACE		COUNT		TOTAL SQUARE FEET	
PROF. UNIT	APPROX. AREA	NO.	AREA	NO.	AREA

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SHOWN.
 2. FINISH FLOOR IS TO BE 1 1/2" ABOVE FINISH GRADE.
 3. SEE SECTION 101 FOR ELEVATIONS.

ORIGINAL CITY APPROVED
PARKING STRUCTURE DRAWINGS
(1 OF 3)



GROUND FLOOR PLAN

MERIDIEN NEWPORT BEACH HOTEL
PARKING STRUCTURE



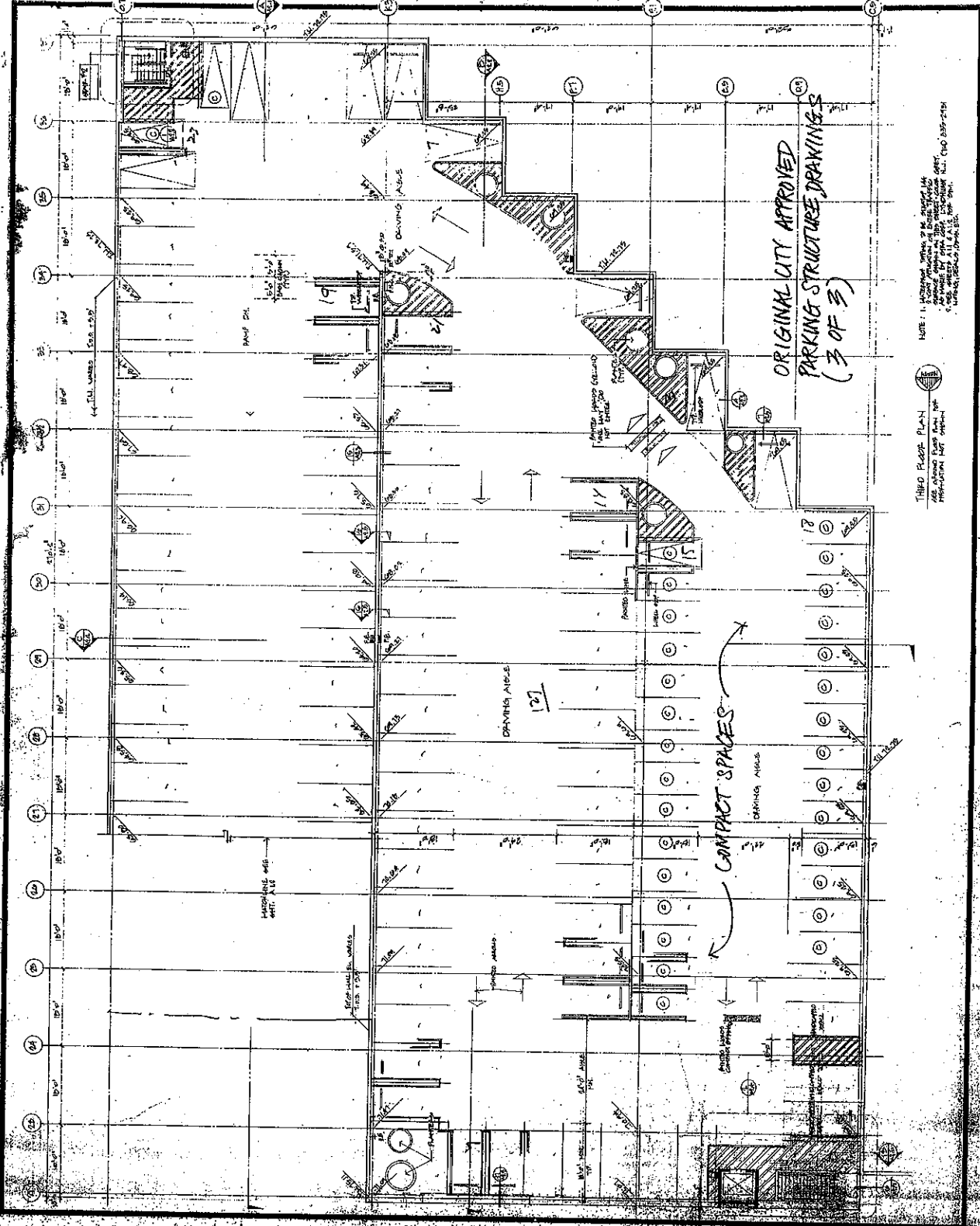
4500 HEAVENTHUR BLVD.
NEWPORT BEACH, CALIFORNIA
HARRIS MANAGING CORPORATION
MANAGING GENERAL PARTNER
HARRIS HOTEL & RESORTS, INC.
OWNER

GEN. WORKING AS
THE KOLB CO.
CLIP & TYPING
& SHORTLIST

REVISIONS	DATE	DESCRIPTION

SHEET NUMBER	1 OF 3
PROJECT NUMBER	14-0111
DATE	11/11/11
BY	
CHECKED	
APP. DATE	
PROJECT TITLE	THIRD FLOOR PLAN

carl mclaird associates inc.
architectural planning
635 BOWN CENTER DRIVE
COSTA MESA, CA 92626
(714) 449-9209



ORIGINAL CITY APPROVED
PARKING STRUCTURE DRAWINGS
(3 OF 3)

THIRD FLOOR PLAN
AS SHOWN ON THIS PLAN IS
PRELIMINARY AND SUBJECT TO
REVISIONS

NOTE: 1. HORIZONTAL DIMENSIONS OF 0.0000 TO 0.0005 ARE
AS SHOWN ON THIS PLAN IS
PRELIMINARY AND SUBJECT TO
REVISIONS

Attachment No. ZA 3

Planning Director letter regarding
substantial conformance of future ballroom
addition



CITY OF NEWPORT BEACH

PLANNING DEPARTMENT

January 13, 2009

RECEIVED

Coralee S. Newman
Government Solutions, Inc.
230 Newport Center Drive, Suite 210
Newport Beach, CA 92660

BY: _____

RE: Fairmont Hotel Ballroom

Dear Ms. Newman,

I have reviewed your request of a finding of substantial conformance for the proposed 19,710-square-foot ballroom for the Fairmont Hotel at 4500 MacArthur Boulevard. I have determined the conceptual site plan and floor plans for the proposed ballroom (attached) are in substantial conformance with the findings and conditions of approval for Use Permit No. 1953, the use permit for the hotel and related facilities. This determination is based on the following factors:

Development Limits

The additional floor area of the proposed ballroom will not exceed any development limit established for either project or the property on which it is located. Table LU2 of the General Plan Land Use Element provides that the development limit of the subject property is 471 hotel rooms and specifies that the floor area of the hotel rooms are not included in the total square footage allocated for that statistical area (Statistical Area L1). Likewise, the Koll Center Newport Planned Community text does not specify a floor area limit for the hotel. Finally, the findings and conditions of approval of Use Permit No. 1953 do not specify a floor area limit; the approval was for a 440-room hotel with "related banquet rooms, restaurants, meeting rooms, and recreation facilities."

Use Permit No. 1953

The original project approval provided for 22,500 square feet (not including pre-function areas) of function areas in the form of ballrooms, banquet areas, and meeting rooms. Approximately 17,000 square feet is currently used as function areas. The proposed ballroom will add approximately 10,000 square feet of function area, exclusive of pre-function areas. This amounts to approximately a 20 percent increase over the amount of function area identified in the original approval. This is consistent with Condition No. 1 of Use Permit No. 1953, which

Fairmont Hotel Ballroom
January 13, 2009
Page 2 of 2

requires that "development shall be in substantial conformance with the approved plot plan, floor plan, and elevations."

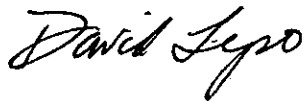
Function Areas

The proposed ballroom will bring the total function area at the Fairmont Hotel to approximately 27,000 square feet. As the Fairmont has 444 rooms, there would be approximately 61 square feet of function areas per room. This is below the industry average of 74.6 square feet per room for comparable hotels in the area. Therefore, the proposed ballroom will not result in a disproportionate amount of function area and will continue to be an accessory use to the hotel.

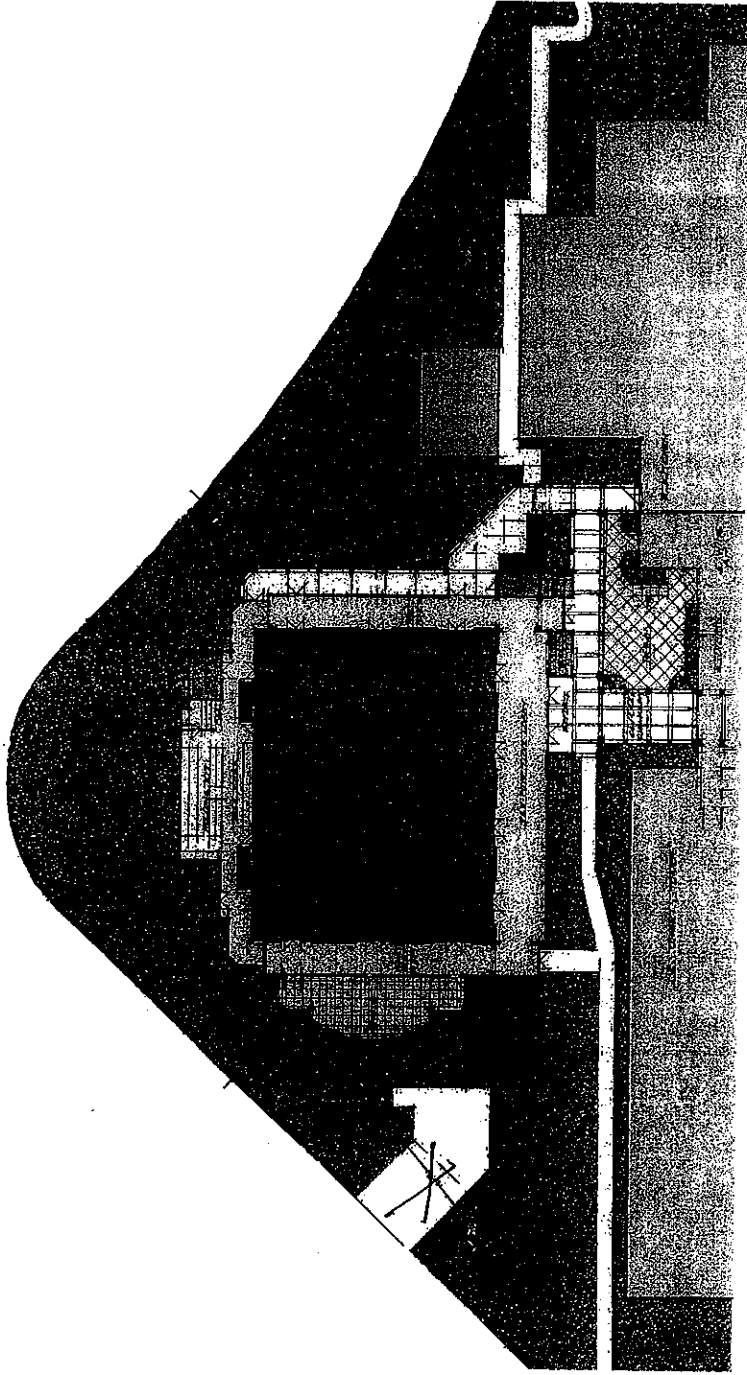
This determination of substantial conformance is contingent upon the provision of adequate parking for the proposed ballroom. The Koll Center Newport Planned Community text requires that parking for the proposed ballroom be based on "a demonstrated formula acceptable to the Planning Director." The Urban Land Institute parking manual, *Shared Parking, 2nd Edition*, identifies a peak parking demand of 20 spaces per 1,000 square feet of function area for hotels where the function areas exceed 50 square feet per room. Therefore, 203 additional parking spaces will need to be provided. The proposed use of tandem parking will require an application for a modification permit.

This determination of substantial conformance is also contingent upon approval of the elevations of the proposed ballroom. The elevations will have to illustrate an architectural style and materials consistent with that of the hotel. In addition, the elevations will have to be consistent with the principles contained in General Plan Policy LU 5.2.1. Per your request, submission of the elevations may be deferred until after a parking plan has been approved by the City in order to phase your architectural costs.

Sincerely,



David Lepo
Planning Director



FLOOR AREA = 19,710 SF

FAIRMONT HOTEL

NEWPORT BEACH, CA

SUNSTONE HOTELS



Scale: 1/8" = 1'-0"
0' 6" 12" 24" 36" 48"

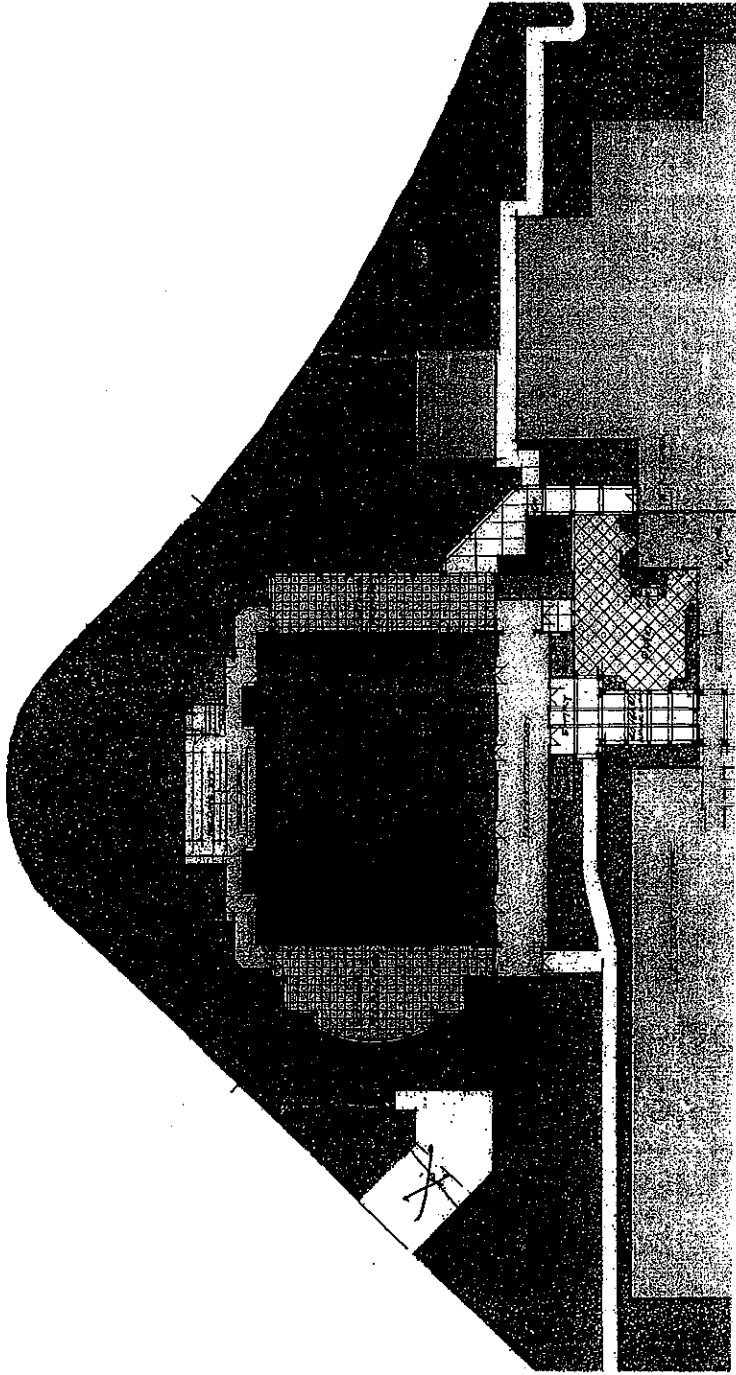
PROPOSED BALLROOM
FLOOR PLAN



LEE & SAKAHARA
ARCHITECTS AIA
ARCHITECTS
1000 CALIFORNIA STREET, SUITE 1000
NEWPORT BEACH, CA 92660
PH: 949.261.1100 FAX: 949.261.1101

05/28/2008

08006



FLOOR AREA = 17,650 SF

PROPOSED ALTERNATE
BALLROOM FLOOR PLAN

LEE & SAKAHARA
ARCHITECTS, AIA
ARCHITECTS FOR THE PROJECT
10000 UNIVERSITY AVENUE, SUITE 200
SAN DIEGO, CALIFORNIA 92121-1144



Scale: 1/8" = 1'-0"
0 6 12 32 64

FAIRMONT HOTEL
NEWPORT BEACH, CA

SUNSTONE HOTELS

08/08/08

08/02/2008



MODIFICATION PERMIT ACTION LETTER

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

Application No. **Modification Permit No. MD2009-018**
(PA2009-101)

Applicant **Karen Putman - P2 Design**

Site Address **315 Fernleaf Avenue**
Lis Residence

Legal Description **Block 232, CO 2007-017**

On **September 10, 2009**, the Zoning Administrator approved the following: A modification permit to allow a second floor deck, which will also serve as a carport, to encroach approximately 3 feet 10 inches into the required 4-foot side yard setback on the northeast side of the lot. Abutting the lot adjacent to the proposed deck is a landscaped, sloped area owned by the City. The property is located in the MFR-2140 (Multiple-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

1. The Land Use Element of the General Plan designates the site for Multiple-Unit Residential (RM) use, which is intended to provide primarily for multi-family residential development at 20 dwelling units per acre. The Zoning Code designates the site as Multiple-Family Residential (MFR-2140) which provides areas for medium-to-high density residential land uses with a density of one unit per 2,140 square feet of area. The Coastal Land Use Plan designates this site as Medium Density Residential (RM-B), which is intended to provide for a range of residential development types, including multi-family residential development with a range of 10.1 to 15 units per acre. The current development is consistent with these multiple-unit designations and the proposed construction does not change the use of the property. However, the number of dwelling units on site exceeds the recommended density.
2. The project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including setback variances, not resulting in the creation of any new parcel.

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.

Facts in support of finding:

- The subject unit is a second floor unit located in the rear of the property above the garage and this unit does not have outdoor living space. The position of the existing building precludes this unit from access to usable outdoor space and there are no other locations on the lot to provide outdoor living area for the subject unit. The front and middle units have direct access to open space, while the occupants of the subject unit are unable to make use of the front and side yard areas.

4. In accordance with the provisions of Chapter 20.93, the requested modification will be compatible with existing development(s) in the neighborhood.

Facts in support of finding:

- The position of the buildings across Fernleaf Avenue and to the rear across the alley of the property extend farther northeast than the proposed deck.
- Most properties in Corona del Mar provide outdoor living area with balconies or decks for the use of the residents.

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.

Facts in support of finding:

- The proposed deck is adjacent to an open landscaped area, so there is no neighbor adjacent that would be directly affected by having a deck abutting the property line.
- The proposed deck would be along the northeast property line, so it will not block any public views towards the ocean.
- The design of the proposed deck does not impede use of the parking space below.
- The construction of the proposed deck will be open in nature, avoiding any detriment by not allowing the encroachment to be bulky.

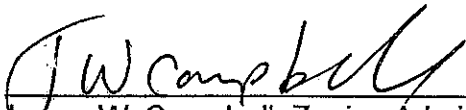
- The proposed deck is relatively small in size and would not be conspicuous from the perspective of the Fernleaf Avenue Ramp or Bayside Place.

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. 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.
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 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.
5. A building permit shall be obtained prior to commencement of the construction.
6. 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.
7. 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.
8. 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.
9. 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.

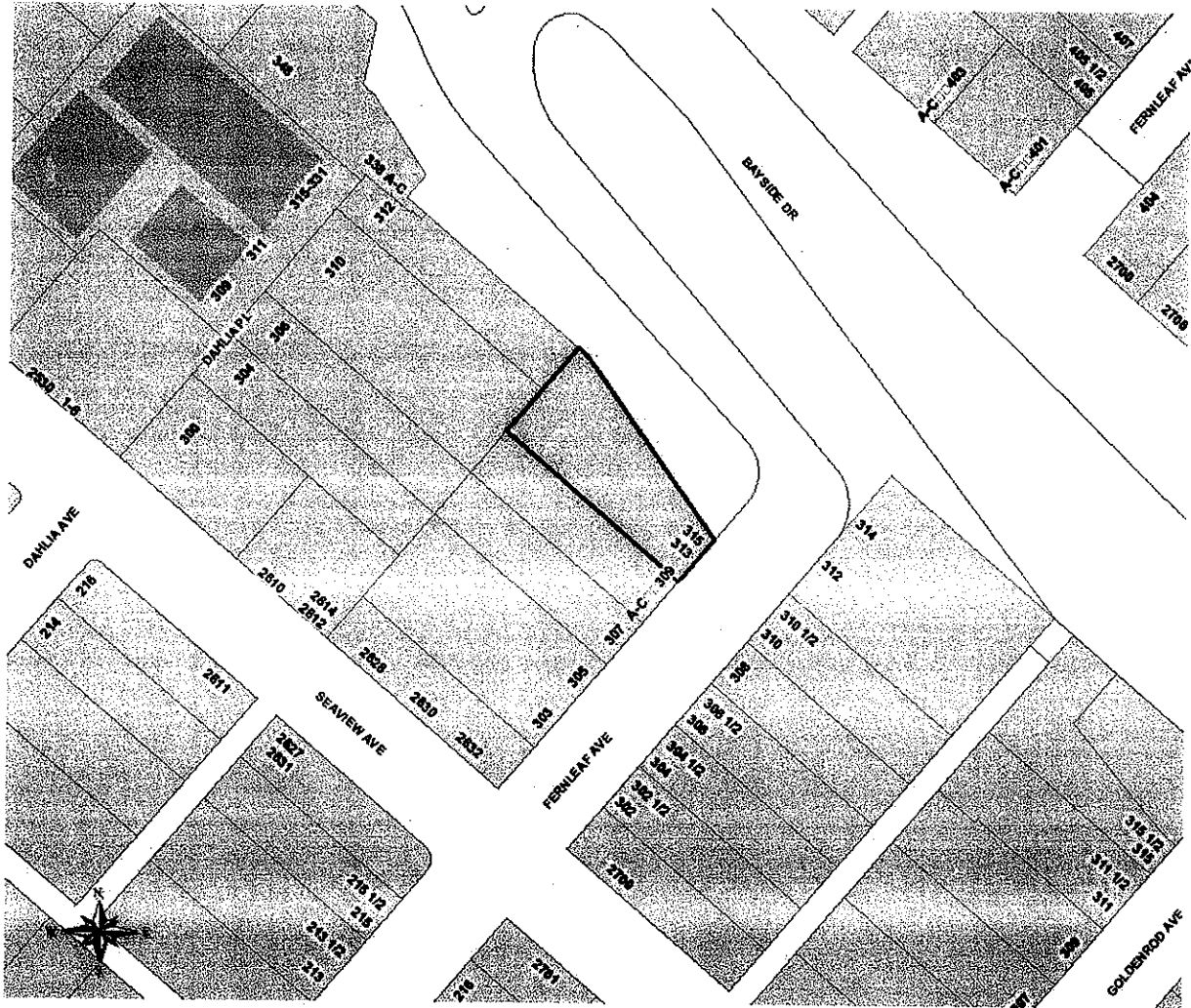
By: 
James W. Campbell, Zoning Administrator
JWC/fm

Attachments: Vicinity Map
Letter of Support:
C. Pangburn, 313 Fernleaf Avenue

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2009-018
PA2009-101

315 Fernleaf Avenue

To: Mr. Jay Garcia, Senior Planner City of Newport Beach

From: Carol Pangburn, owner/resident of 313 Fernleaf

Re: Project File No PA2009-101, Location 315 Fernleaf

Dear Mr. Garcia,

I'm unable to attend the Sept.10, 3:30 public hearing on the proposed deck of the Lis residence at 315 Fernleaf. However, I'm hoping this memo to you will substitute my being there in person.

I am very much in favor of the Lis's addition of the deck over my existing parking space. It will not only create a covered area for my vehicle, but will also greatly benefit the Lis family in providing an outdoor area to enjoy the views and open space. I now maintain the grassy area bordering that space, and our association maintains the fence. Until recently, I was not aware that all of that grassy area belonged to the city. I thought the city had an easement for ingress/egress to the hillside area down to Fernleaf. The proposed deck will in no way affect ingress/egress, and I will continue to pay gardeners to maintain all the area, and our association will continue to maintain the fence bordering the hillside.

Thank you, Carol Pangburn

Carol Pangburn 9/3/09

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PLANNING DEPARTMENT

SEP 09 2009

CITY OF NEWPORT BEACH



MODIFICATION PERMIT ACTION LETTER

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

Application No. **Modification Permit No. MD2009-022
(PA2009-109)**

Applicant **THBK, LLC**

Site Address **801 Domingo Drive
Domingo Villas**

Legal Description **N TR 5425 LOT 11**

On **September 10, 2009**, the Zoning Administrator approved the following: A modification permit to allow a 5-foot-1-inch encroachment for a trash enclosure and 5-inch encroachment for a carport into the 6-foot-5-inch side yard setback along Domingo Drive. The property is located in the MFR (Multiple-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

FINDINGS

1. The Land Use Element of the General Plan designates the site for "Multiple-Unit Residential" use. The existing multiple-family residential structure is consistent with this designation.
2. The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures). Section 15303, subsection (e) of the CEQA Guidelines exempts "accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences" such as the proposed carport and trash enclosure.
3. The granting of the application is necessary due to the practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

Facts in Support of Finding:

- The existing development, its location on the lot, and its inadequate design character lead to improper refuse storage and inefficient use of parking. The project involves alleviating these conditions, and strict application of the Code would preclude the development of a trash enclosure and a more efficient parking configuration. Specifically, there is no other location adjacent to the alley other than the side yard to

place a trash enclosure without eliminating required parking or continuing the current trash storage practices.

4. The requested modification will be compatible with existing development in the neighborhood.

Facts in Support of Finding:

- Although trash enclosure encroachments do not exist along Domingo Drive, the trash enclosure would be compatible with the neighborhood because it would alleviate the existing unsightly trash storage practice.
 - The extension of the carport would maintain the existing setback along Domingo Drive similar to other structures in the neighborhood.
5. The granting of such an application will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood.

Facts in Support of Finding:

- The trash enclosure in the side yard would alleviate unsightly garbage storage, and the area around the trash enclosure would remain landscaped.
- The proposed development would create conforming parking spaces which were previously nonconforming. This would encourage automobiles once too large to park in the carport area to utilize the parking area instead of the surrounding surface streets.

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. 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.
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 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.

5. A building permit shall be obtained prior to commencement of the construction. All proposed construction shall comply with the International Building Code.
6. The trash enclosure shall comply with the Best Management Practices for water quality.
7. 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.
8. 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.
9. 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.
10. The doors for the trash enclosure shall not swing into or over the public right-of-way.
11. Run off from the trash enclosure area shall not be permitted to enter the public right-of-way.
12. The carport shall encroach a maximum of 5 inches into the side yard along Domingo Dr.
13. The trash enclosure shall encroach a maximum of 5 feet 1 inch into the side yard along Domingo Dr.
14. The trash enclosure shall be covered, and the overall height of the trash enclosure and cover shall not exceed 8 feet in height.
15. The parking area, as provided and shown on the approved plans, shall be kept clear of obstructions and shall not be used for storage including the storage of inoperable vehicles.
16. The property owner shall increase the frequency of trash removal with the City's Refuse Division or a City-approved refuse contractor if the trash bins prove inadequate to contain refuse.
17. 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

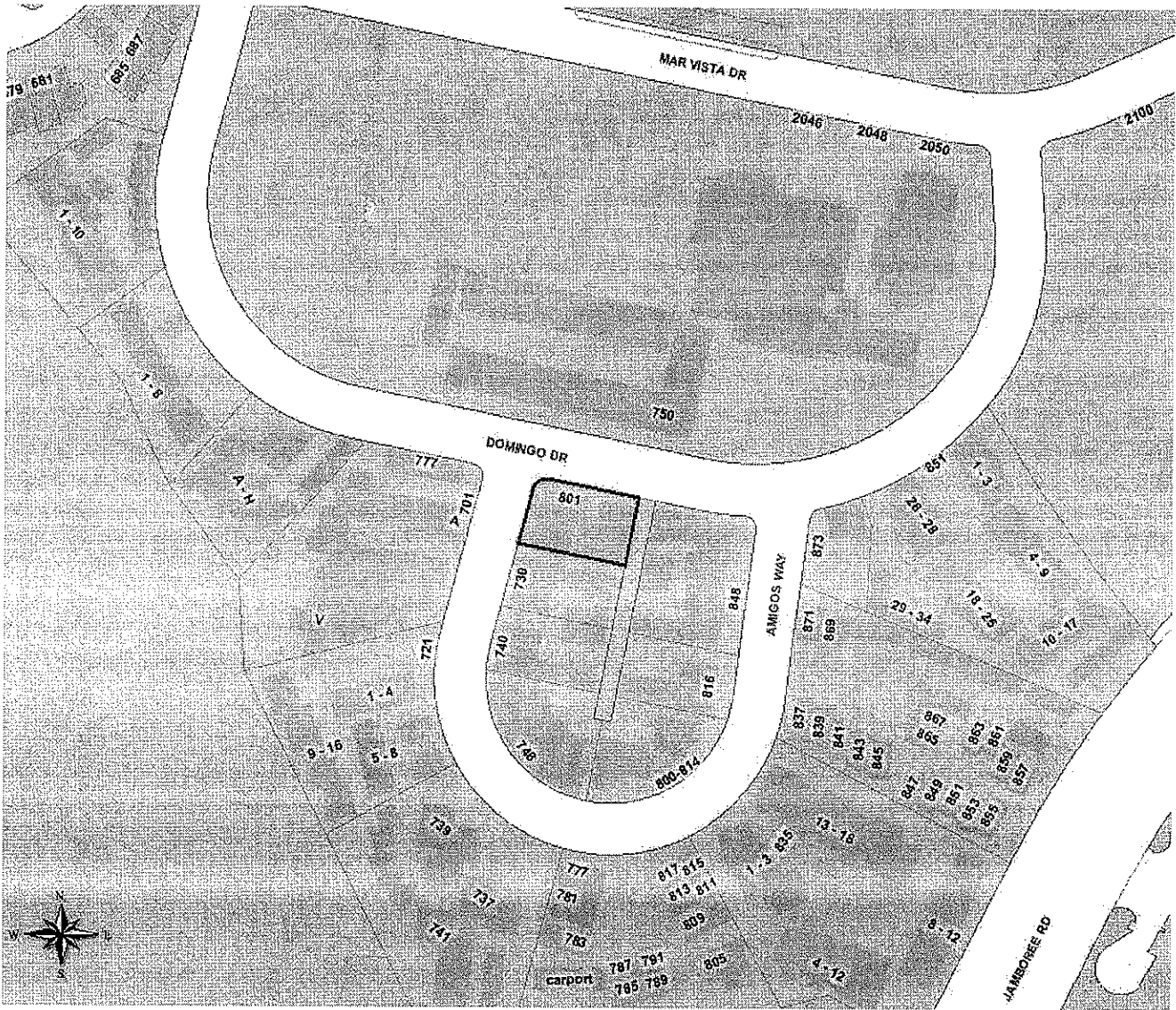
JWC/cms

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



**Modification Permit No. MD2009-022
PA2009-109**

801 Domingo Drive