

**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 11, 2010.

---

**ACTIONS TAKEN AT JUNE 10, 2010 ZONING ADMINISTRATOR HEARING**

Item 1: Parcel Map No. NP2010-004 (PA2010-054)  
**712 Fernleaf Avenue**

This item was approved.

Council District 6

On behalf of David Lepo, Planning Director:



---

Patrick J. Alford, Planning Manager

APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

*Email* City Council  
Planning Commission  
David Lepo, Planning Director  
Sharon Wood, Assistant City Manager  
David Keely, Public Works Senior Civil Engineer  
Code Enforcement Division



## **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. NP2010-004**  
   **County Tentative Parcel Map No. 2010-106**  
   **(PA2010-054)**

**Applicant**                              **Michael Hill**

**Site Address**                         **712 Fernleaf Avenue**

**Legal Description**                **CORONA DEL MAR BLK 733 LOT 14**

On **June 10, 2010**, the Zoning Administrator approved the following: A Parcel Map for condominium purposes for a new, two-unit residential development. 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).

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 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 single-unit residence was demolished and is being replaced with a new duplex. The proposed subdivision and improvements is consistent with the "Two-Family Residential" (R-2) Zoning District and the "Two-Unit Residential" (RT) 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 slope of the lot is 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:**

- 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) because the project shall not harm or damage any environmentally sensitive area, wildlife, or biological resources.
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 shall 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 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 because the subject property is not considered an agricultural preserve and is less than 100 acres.
- This site 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 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 designated 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 unit was 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:**

- The method of wastewater discharge into the existing sewer system will remain the same, which 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 subject property is not located in the Coastal Zone.

**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 Final Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall

be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.

3. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. An encroachment permit is required for all work activities within the public right-of-way.
5. An encroachment agreement is required for all private encroachments in the public right-of-way. All private encroachments shall comply with City Council Policy L-6, Private Encroachments in Public Rights-of-Way.
6. Reconstruct existing broken and/or otherwise damaged concrete sidewalk, curb and gutter and pavement along the Fernleaf Avenue and alley frontages. Limits of repair work shall be at the discretion of the Public Works Inspector.
7. The rear 5-foot setback adjacent to the alley shall be clear of any above ground improvements.
8. Each unit shall be served by its own individual water service/meter and sewer lateral/cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
9. In case of damage done to public improvements within the public right-of-way surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
10. A new street tree shall be planted in the Fernleaf Avenue right-of-way per street tree requirements of Chapter 13.09 of the Municipal Code. The designated street tree for this block of Fernleaf Avenue is the Russet Magnolia (Magnolia g. 'Russett').
11. An in-lieu park fee for one dwelling unit shall be paid prior to the recordation of the final parcel map with the County of Orange.
12. 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.
13. Two parking spaces, including a minimum of one covered parking space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
14. Subsequent to recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this

permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.

15. 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 \$4,280.00 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:

Appeared in Support:

# VICINITY MAP



Parcel Map No. NP2010-004  
PA2010-054

**712 Fernleaf Avenue**