# CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO:

CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM:

James W. Campbell, Acting Planning Director

SUBJECT:

Report of actions taken by the Zoning Administrator, Planning Director and/or

Planning Department staff for the week ending March 25, 2011

## **ACTIONS TAKEN AT MARCH 24, 2011 ZONING ADMINISTRATOR HEARING**

Item 1:

Sanner Residence - Modification Permit No. MD2010-024 (PA2010-169)

440 Mendoza Terrace

This item was continued to the April 14, 2011

Council District 6

Zoning Administrator Hearing.

Item 2:

Temporary Office Trailers - Limited Term Use Permit No. XP2011-002

(PA2011-039)

2022 Orchard Drive

This item was approved as modified.

Council District 4

#### ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF

Item 3:

Substantial Conformance – Staff Approval No. SA2011-001 (PA2011-049)

1245 Bayside Drive

This item was approved on March 24, 2011

Council District 5

On behalf of James W. Campbell, Acting 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

Dana Smith, Assistant City Manager Leonie Mulvihill, Assistant City Attorney David Keely, Public Works Senior Civil Engineer Code Enforcement Division



# COMMUNITY DEVELOPMENT DEPARTMENT

#### PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663 (949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

### ZONING ADMINISTRATOR ACTION LETTER

Application No.

Limited Term Permit (Greater Than 90 Days) No. XP2011-002

(PA2011-039)

Applicant

Korby LLC

Site Address

2022 Orchard Drive

**Temporary Office Trailers** 

Legal Description

Tract 706 Lot 71 SELY1/2 -EX SELY 71 FT-

On <u>March 24, 2011</u>, the Zoning Administrator approved the following: a limited term permit to allow three modular units to be placed on a vacant commercial office site for the purpose of a small scale landscape architecture office. The units include a temporary office, a storage unit, a lunch/meeting room alongside an additional storage room and will be staffed by two employees. The units would be permitted for 12 months with the possibility of extending placement for an additional 12 months. The property is located in the SP-7 (Santa Ana Heights Specific Plan) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

#### **Findings**

- CEQA Compliance: The project is exempt from environmental review pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the Implementing Guidelines of the California Environmental Quality Act.
  - Class 3 exempts up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
  - The proposed modular units are roughly 2,000 aggregate square feet and are placed on a site has a General Plan land use designation of CO-G (General Commercial Office) and is in the BP (Business Park) area of the SP-7 (Santa Ana Heights Specific Plan) Zoning District. The proposed office use will not utilize any hazardous substances.
- 2. Finding: The operation of the requested limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use.

#### Facts in Support of Finding:

The limited duration use will be confined to private property and will operate similarly to a
permanent office use consistent with the designated General Plan Land Use of CO-G (General
Commercial Office).

- The limited duration of the proposed office use is consistent with the permitted uses of the BP (Business Park) land use designation of the SP-7 (Santa Ana Heights Specific Plan) Zoning District.
- Finding: The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.

#### Facts in Support of Finding:

- The subject lot is approximately 8,168 square feet and will be occupied by three modular units to be used as temporary office space.
- The proposed placement of modular units will comply with all applicable regulations of the Santa Ana Heights Specific Plan.
- 4. Finding: The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate.

#### Facts in Support of Finding:

- The subject lot will have direct access from Orchard Drive and the proposed limited duration use is not anticipated to generate an intensification of traffic beyond what a permanent use would generate.
- The limited duration use will be conditioned and reviewed by the Public Works Department to
  ensure all necessary improvements are made to the subject lot and to mitigate any foreseeable
  traffic issues.
- Finding: Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator.

#### Facts in Support of Finding:

- The proposed limited duration use is a small scale administrative office with two employees and is not expected to generate excessive vehicular trips from its clientele.
- The applicant has authorization from the property owner of 20241 Birch Street to utilize three spaces in the lot indicated by attachment "ZA 2 Off-Site Parking Lot".
- The project as conditioned will provide a minimum of three on-site parking spaces.
- The six parking spaces provided (three off-site, three on-site) will sufficiently accommodate the employees and patrons of the proposed limited duration use.
- 6. **Finding:** The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, Municipal Code, and other City regulations.

#### Facts in Support of Finding:

- The subject site is surrounded by properties designated by the General Plan as CO-G (General Commercial Office).
- The subject site abuts three properties designated by the Zoning Code as being within the BP (Business Park) land use area of the SP-7 (Santa Ana Heights Specific Plan) Zoning District.

 The proposed limited duration use is an office use which is consistent with all applicable provisions of the General Plan, Specific Plan, and other City regulations for the subject site.

#### Conditions

- The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
- Anything not specifically approved by this limited term permit is prohibited and must be addressed in a separate and subsequent review.
- 3. The limited term permit shall expire 12 months from the finalization of building permits to install the modular units, unless an extension of up to one additional period of 12 months is granted by the Planning Director or his designee.
- 4. A cash bond in the amount of \$500 for each commercial coach unit shall be posted with the Planning Director to guarantee the removal of each commercial coach unit upon expiration of the limited term permit, unless otherwise approved by the Zoning Administrator.
- 5. The maximum number of employees on-site shall be limited to four. An increase in this number shall require subsequent, separate limited term permit review.
- 6. All storage uses identified on the site plan shall remain storage uses and shall not be converted for use as office space.
- Prior to issuance of building permits, the design of the three required on-site parking spaces shall be provided subject to review and approval of the City Traffic Engineer and the Public Works Department.
- 8. Setbacks for any temporary building, wall, fence or storage area shall be 10 feet from the property line abutting Orchard Drive.
- 9. Prior to final of the building permits, an opaque wall or fence shall be constructed at 6 feet in height along the side property line and at 6 feet in height minimum, 8 feet in height maximum along the rear property line, measured from the highest adjacent finished grade of the subject site.
- 10. Prior to final of the building permits, a landscape and irrigation plan shall be reviewed and approved by the Planning Director. Landscaping in this area shall screen from view temporary buildings and storage areas visible from the public right-of-way. The landscaping shall be consistent with the Design Guidelines of Section 20.90.020 of the Newport Beach Municipal Code.
- 11. All lighting shall be designed such that is consistent with the standards specified in Outdoor Lighting Section 20.30.070 of the Newport Beach Municipal Code.
- 12. All public utility wires and lines shall be undergrounded within the 10-foot setback area adjacent to Orchard Drive where undergrounding of utilities exists. Connections to existing utility poles will be allowed temporarily until such time as undergrounding of utilities within the street is implemented.
- 13. An all-weather surface (e.g., asphalt, concrete or other approved material) at least four inches thick shall be provided for all storage areas including storage areas for equipment, materials, and vehicles.

- 14. The height of vehicles, equipment or materials stored on the subject property shall not exceed 10 feet and structures and commercial coaches shall not exceed 16 feet. In all cases, the height of vehicles, equipment, materials, structures and commercial coaches shall not exceed 6 feet if within 10 feet of the perimeter wall or fence.
- 15. Commercial operation shall occur only between the hours of 7 a.m. and 10 p.m., to ensure compatibility with surrounding land uses.
- 16. A building permit shall be obtained prior to commencement of the use of the modular units.
- 17. <u>Prior to issuance of building permits</u>, a copy of this approval letter shall be incorporated into the Building Division and field sets of plans.
- 18. 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.
- 19. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the limited term 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 limited term permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
- 20. The site plan shall be revised such that the wheel stop and signage shall not be located within the vehicle path area.
- 21. A minimum of 10 feet clear area shall be provided between the ADA (Americans with Disabilities Act) stall and planting area to allow vehicles to pass when necessary. The surface of said area shall be driveable, unless otherwise approved by the Building Division or the City Traffic Engineer.
- 22. A new driveway shall be installed per City Standard. Driveway approach shall be 5 feet clear of power poles, utility boxes and vaults and is subject to review by the City Traffic Engineer.
- 23. Low ground cover with a maximum height of 24 inches shall be installed in the parkway area between the two driveways.
- 24. If any of the existing public improvements surrounding the site are 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.
- 25. 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.
- To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Temporary Office Trailers including, but not limited to, the Limited Term Permit (Greater Than 90 Days) XP2011-002, PA2011-039. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by

applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

27. 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**: Limited Term 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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:

Gregg Ramirez, Zoning Administrator

GR/bmz

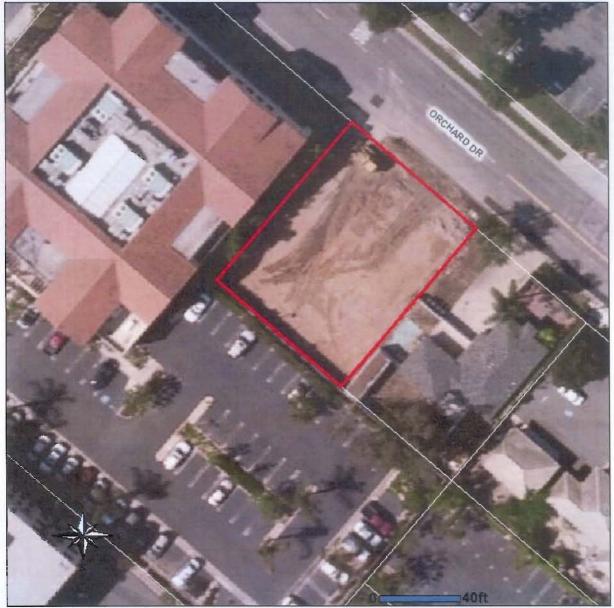
Attachments:

ZA 1 Vicinity Map

ZA 2 Site Plan

ZA 3 Off-Site Parking Lot

# **VICINITY MAP**

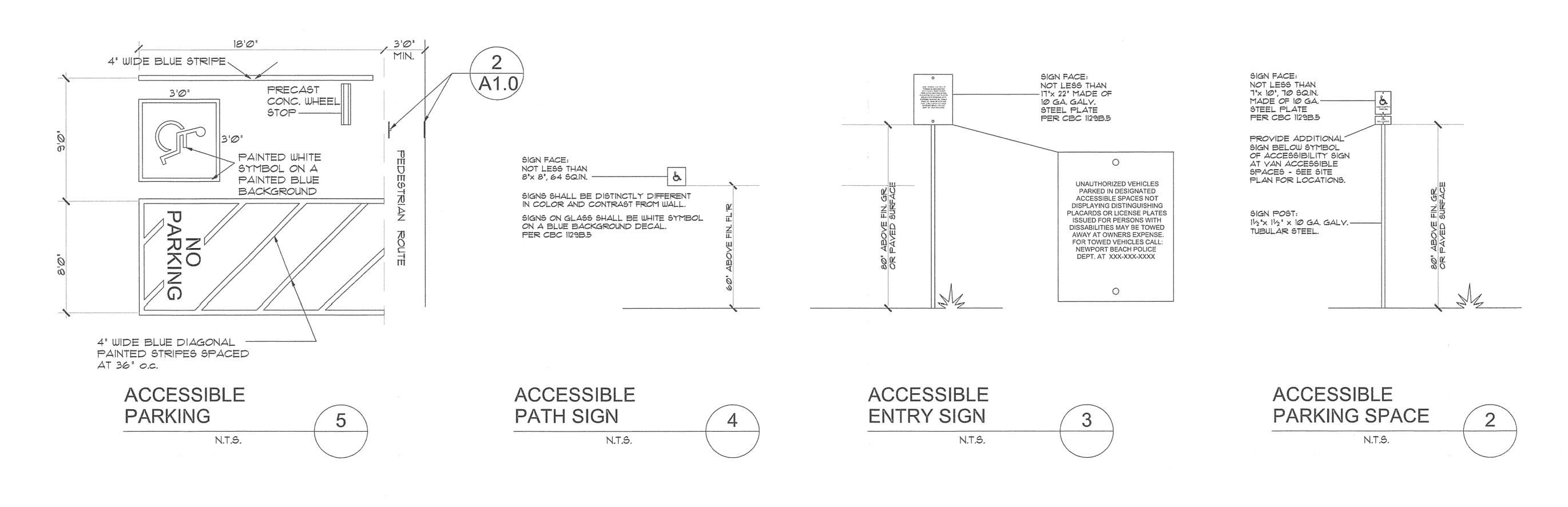


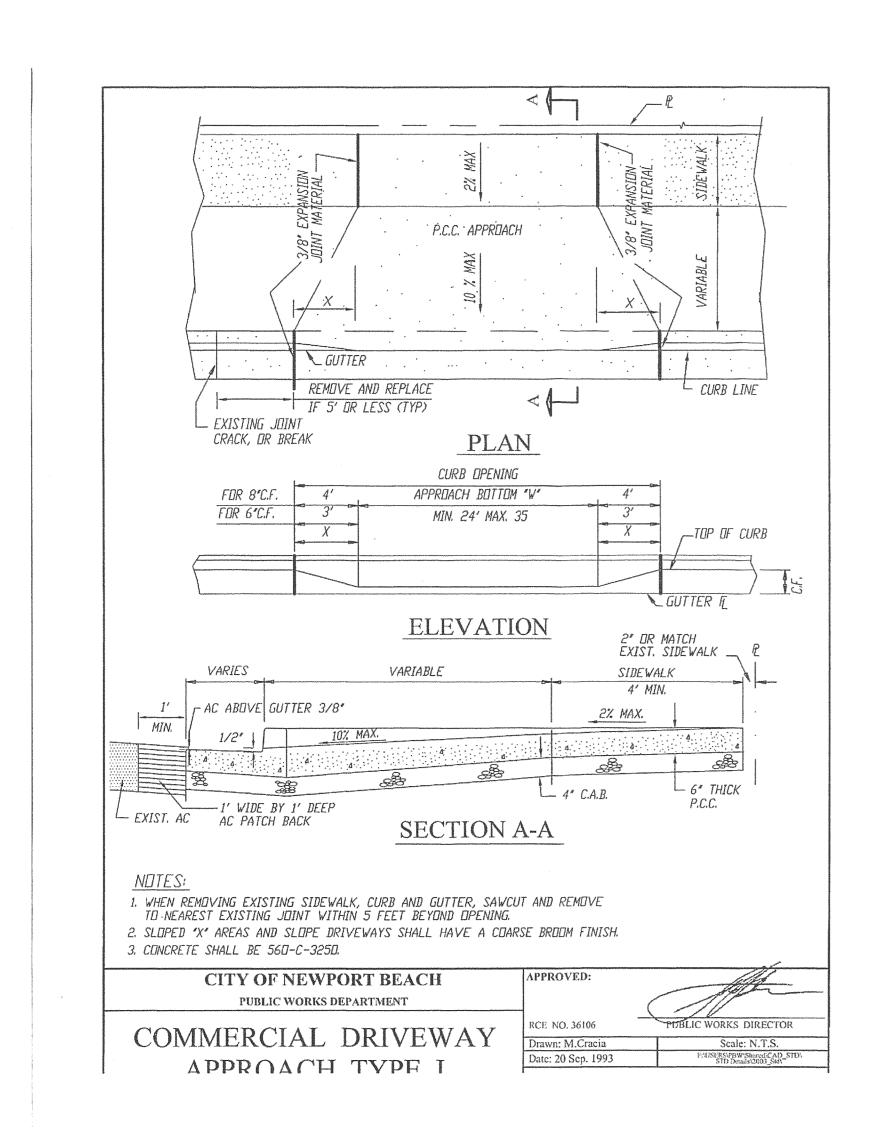
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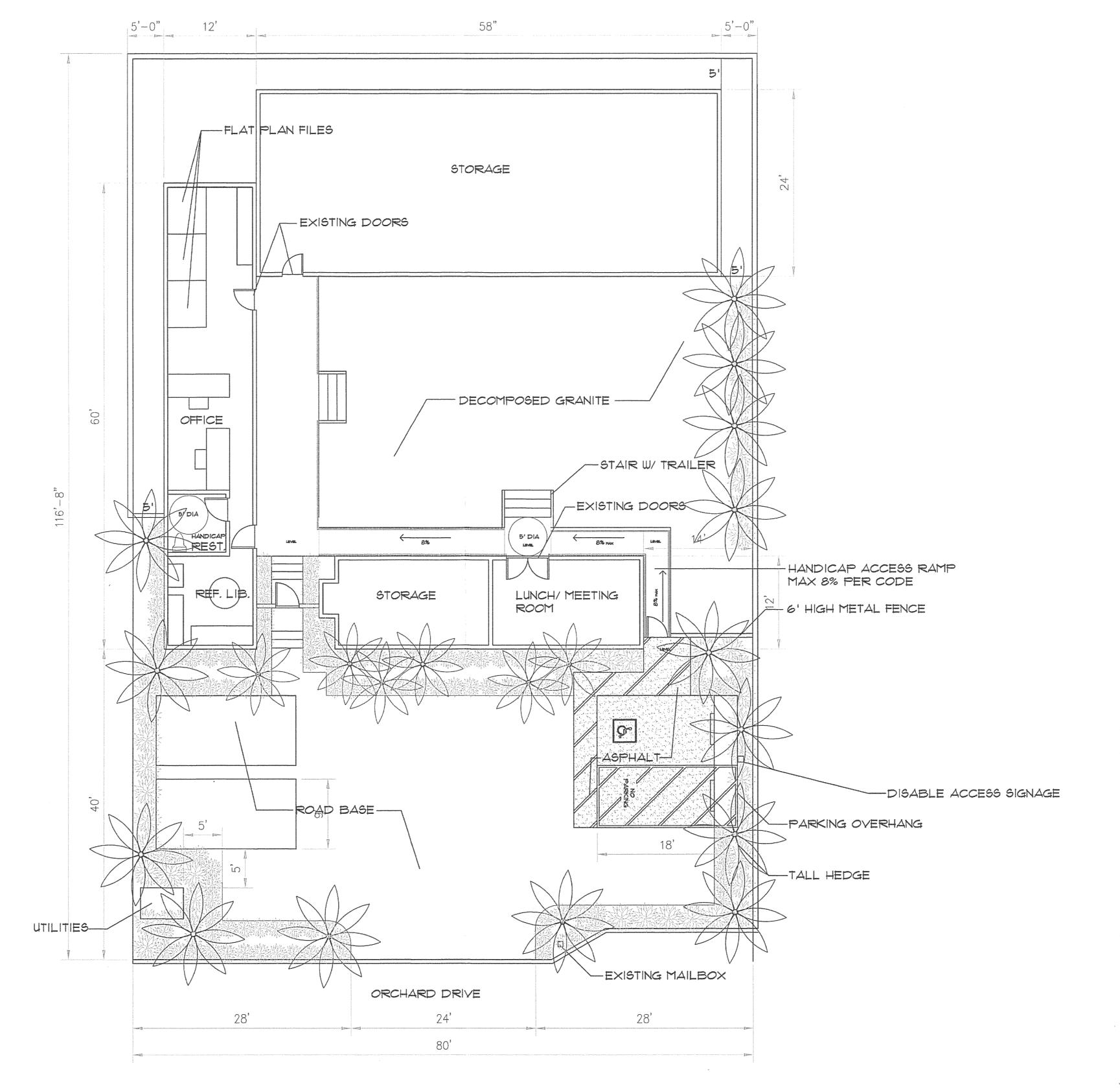
2022 Orchard Drive

Attachment No. ZA 2

Site Plan









Signature

Renewal Date

Dote

ALL DRAWINGS, DESIGNS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF MARK SCOTT ASSOCIATES AND THE SAME SHALL NOT BE DUPLICATED, USED, OR ASSIGNED TO ANY THIRD PARTY WITHOUT THE WRITTEN CONSENT OF MARK SCOTT ASSOCIATES.

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KORBY LLC
2022 ORCHARD DR
NEWPORT BEACH, CA 9266

M S A

MARK SCOTT ASSOCIATES, INC LANDSCAPE ARCHITECTURE STATE LICENSE # 3400

NEWPORT BEACH, CA 92660 T: (949)852 1727 F:(949) 852 8821 SHEET DESCRIPTION

2022 ORCHARD DRIVE

SITE BASE PLAN

DESIGNED MSA

DRAWN JJ

CHECKED MSA

DATE 2.21.11

JOB NO. SCALE 1/8" = 1

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SHEET 1 OF 1

Attachment No. ZA 3
Off-Site Parking Lot





## COMMUNITY DEVELOPMENT DEPARTMENT

#### PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663 (949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

# PLANNING DIRECTOR ACTION LETTER

Application No.

Staff Approval No. SA2011-001 (PA2011-049)

Applicant

David Perrin

Site Address

1245 Bayside Drive

Substantial Conformance with Use Permit No. 521

Legal Description

Tract 8917 Lot 1 Unit 210 FB RB CP1 of Project Located on AP 50-

391-09

On March 24, 2011, the Planning Director approved the following: a determination that a proposed addition within a garage to accommodate an elevator/lift between the first and second-story level of a condominium unit and the reduced parking space dimension that results is in substantial conformance with Use Permit No. 521, approved May 21, 1959. The attached condominium units were permitted with one covered and one uncovered parking space for each unit. The property is located in the RM (Multi-Unit Residential) District. The Planning Director's approval is subject to the following finding and conditions:

#### **Findings**

1. Finding: That the proposed elevator/lift addition is in accord with the objectives of the Newport Beach Municipal Code (NBMC), Use Permit No. 521, and the purposes of the district in which the site is located.

#### Facts in Support of Finding:

- The subject property is located within a condominium development regulated by the approval of Use Permit No. 521.
- Use Permit No. 521 establishes a parking requirement of one covered parking space and one uncovered parking space per dwelling unit for the development.
- The applicant's dwelling unit currently provides two enclosed spaces within a garage and one uncovered parking space adjacent to the garage.
- The proposed addition will be constructed such that it encroaches into one of the existing garage spaces reducing the number of covered parking spaces from two to one.
- The remaining covered parking space will meet the minimum required interior dimension for parking spaces as specified by Section 20.40.90 of the NBMC.

• The remaining parking of one covered space within a garage and one uncovered parking space will satisfy the parking requirement established by Use Permit No. 521.

#### Conditions

- The development authorized by this staff approval shall be in substantial conformance with the approved project plans.
- 2. A building permit shall be obtained prior to commencement of the construction.
- Prior to the issuance of building permits, the applicant shall provide written approval from the Homeowners' Association acknowledging the reduction in the dimension of the garage parking spaces and blueline the approval into the submitted plans.
- To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless 3. City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Substantial Conformance with Use Permit No. 521 including, but not limited to, the Staff Approval No. SA2011-001 (PA2011-049). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

**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 \$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.

On behalf of James W. Campbell, Acting Planning Director

Benjami

Benjamin M. Zgeba, Planning Technician

GR/bmz

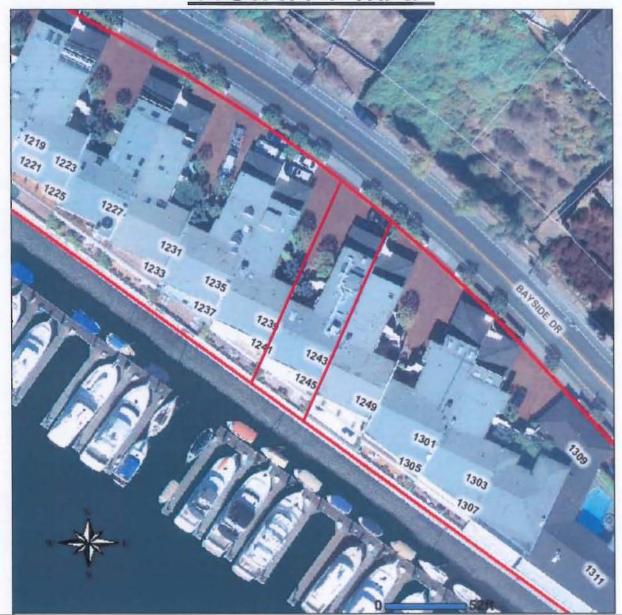
Attachments: PD 1 Vicinity Map

PD 2 Use Permit No. 521

PD 3 Building Permit No. 25744 issued Sept. 8, 1960

PD 4 Plans

# **VICINITY MAP**



Staff Approval No. SA2011-001 PA2011-049

1245 Bayside Drive

Attachment No. PD 2

Use Permit No. 521

NO.	521

DATE:

INSTRUCTIONS: (Read Carefully) The Applicant or his legal representative must be present at all public hearings. Fill out this application completely. It must be accompanied by four copies of a plot plan to scale, and with correct dimensions, showing in detail all boundaries, existing buildings, proposed alterations and additions. The Applicant must sign conditions of Use Permit, if any, within thirty days after granting. Application shall be revoked if not used within eighteen months from date of approval.

Applicant		Add	ress Involved	
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**PA2011-049 for SA2011-001** 1245 Bayside Drive David Perrin

Ray Y. Copelin, Secretary Newport Beach City Planning Commission Margery Schrouder, City Clerk
Newport Beach California 521

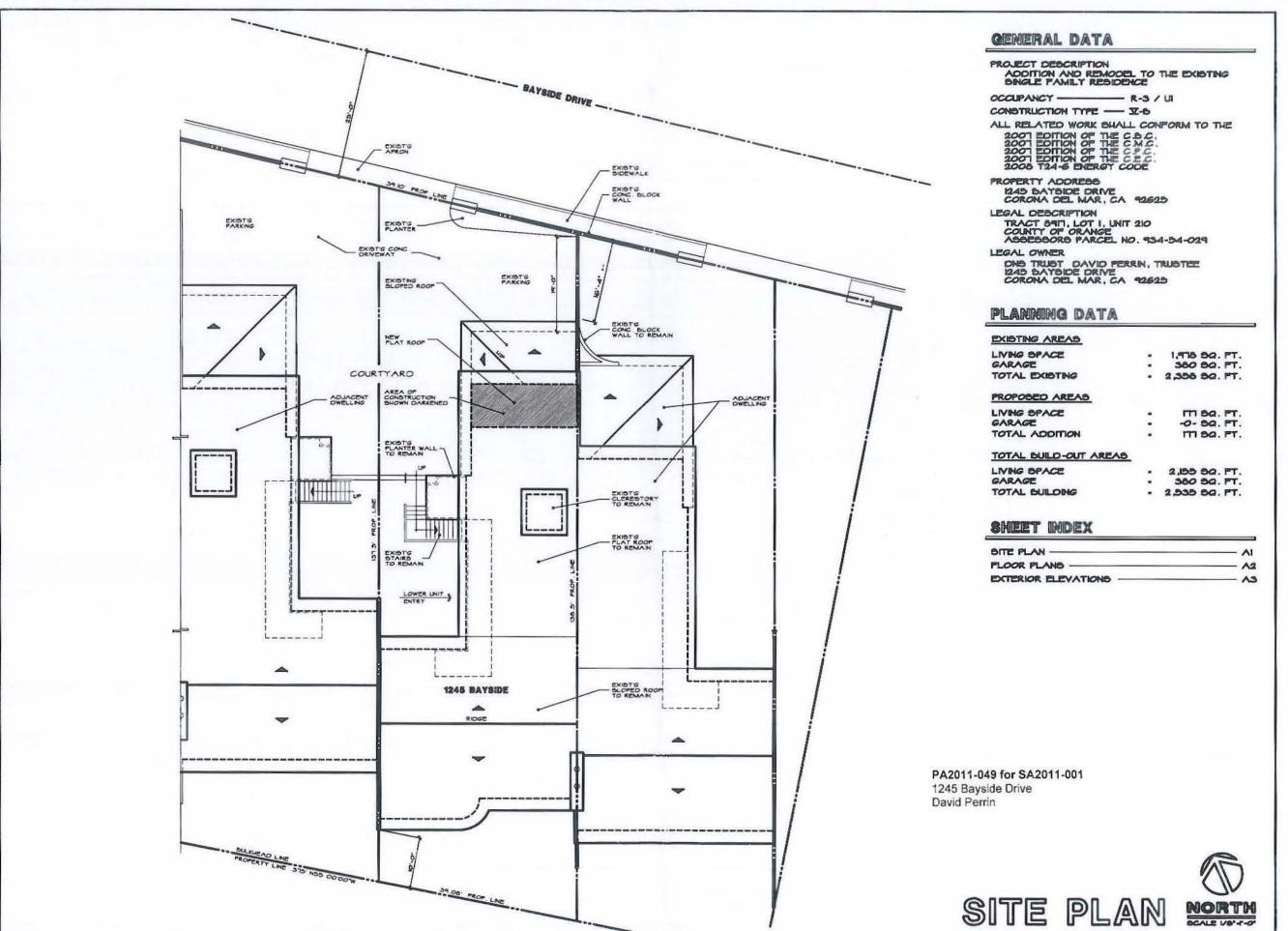
Attachment No. PD 3

Building Permit No. 25744 issued Sept. 8, 1960

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Attachment No. PD 4
Plans



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BITE / ROOF PLAN

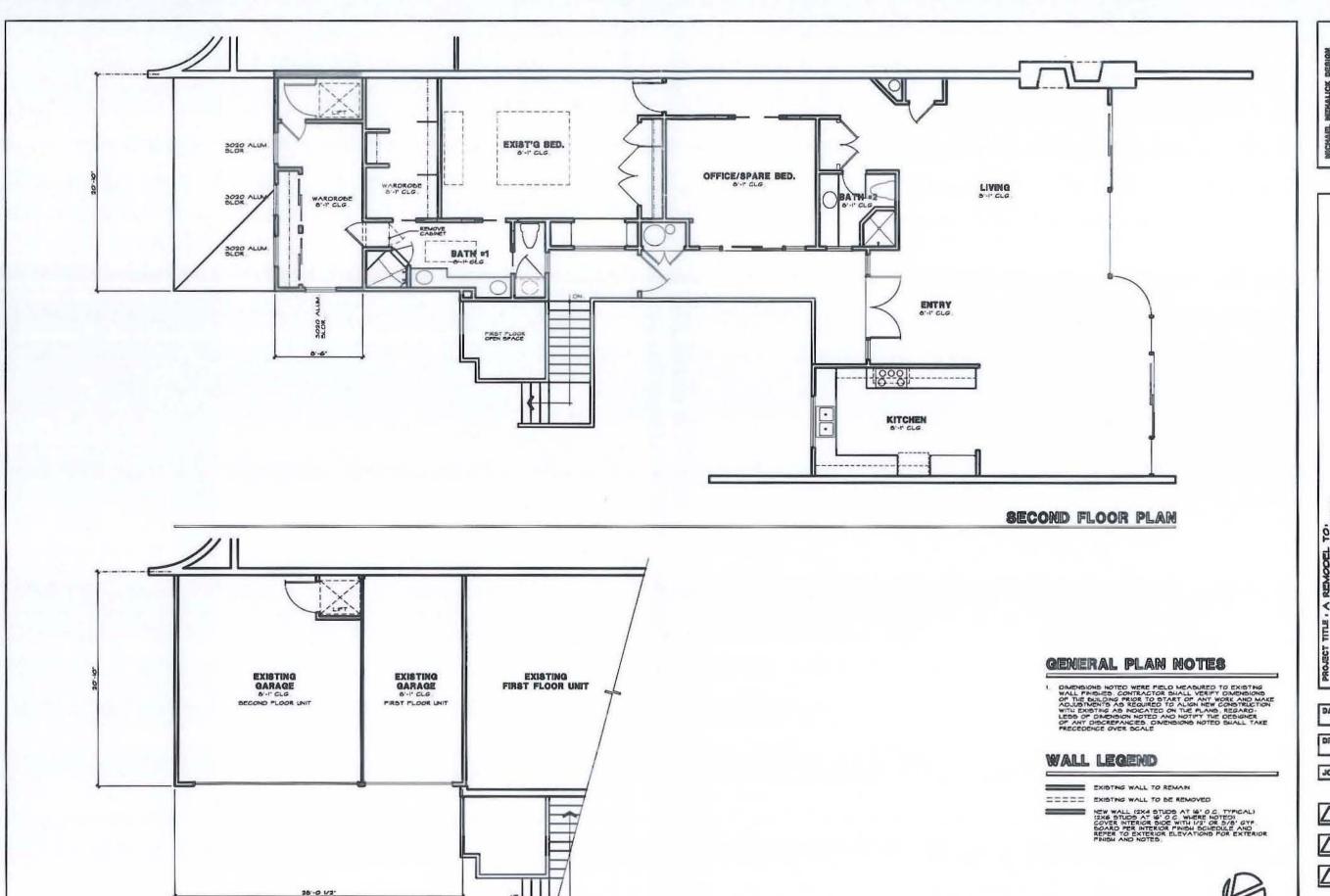
TITLE . A REMODEL TO: 1245 BAYBIDE DRIVE

DATE 3/15/11

DRAWN BY.

J08 NO. 211

SHEET NO. A1 OF 3 SHEETS



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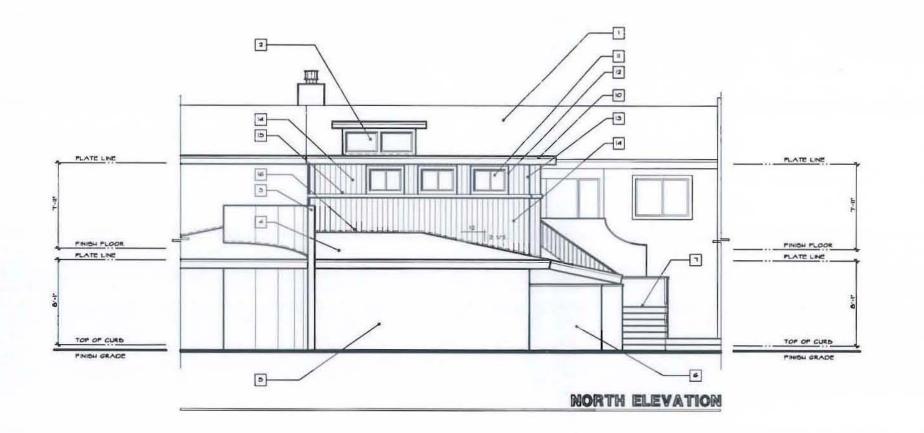
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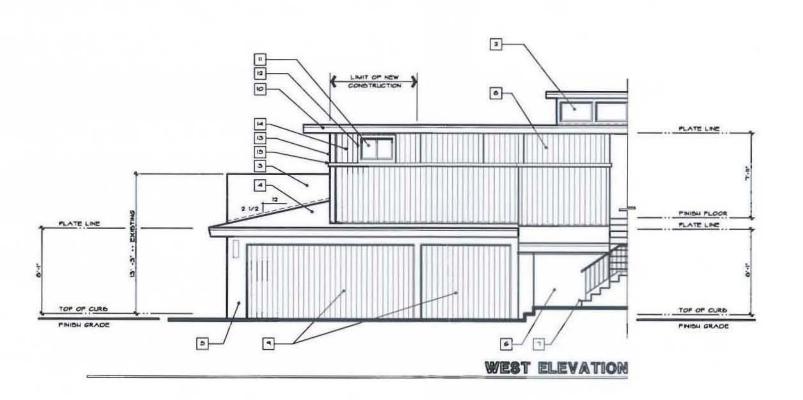
ATEVISION DATE

SHEET NO.

NORTH

PARTIAL FIRST FLOOR PLAN





# **ELEVATION NOTES**

- EXISTING ROOF BEYOND.
- EXISTING CLERESTORY TO REMAIN

- EXISTING GARAGE DOORS TO REMAIN.
- 2X FASCIA AND/OR BARGE (VERIFY EXACT EXISTING DIMENSIONS AND MATCH). PROVIDE GUTTERS AND DOWN SPOUTS TO MATCH EXISTING
- NEW WHOOW PER PLAN MATCHING EXISTING
- WOOD TRIM SURROUNDS MATCH EXISTING.
- CORNER BOARDS VERFY AND MATCH EXISTING
- WOOD TRIM WITH 'Z' PLASHING MATCHING EXISTING
- 24 GA. MIN. G.I. FLASHING AT ROOF TO WALL.

PROJECT TITLE . A REMODEL TO:

DATE 3/15/11

DRAWH BY.

JOB NO. 211

SHEET NO. A 3 SHEETS