



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending February 20, 2015

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS
(Non-Hearing Items)**

Item 1: Limited Term Permit (Less Than 90 Days) - XP2015-002 (PA2015-022)
1131 Back Bay Drive

Action: Approved

Council District 5

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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ZONING ADMINISTRATOR ACTION LETTER

Application No. Limited Term Permit – Less Than 90 Days – XP2015-002
(PA2015-022)

Applicant Newport Dunes

Site Address 1131 Back Bay Drive
Newport Dunes/Maserati Temporary Vehicle Storage

Legal Description Record of Survey RS_095_39-43

On **February 19, 2015**, the Zoning Administrator approved a Limited Term Permit application (less than ninety (90) days) for the temporary storage of a maximum of forty (40) vehicles in the Newport Dunes Resort and Marina parking lot located in the PC-48 (Newport Dunes) Zoning District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions:

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC 48 (Newport Dunes)
- **General Plan:** PR (Parks and Recreation)

REQUIRED FINDINGS

In accordance with Section 20.52.040 (Limited Term Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act Guidelines under Class 4 (Minor Alterations to Land).*

Facts in Support of Finding:

1. Class 4 exempts minor temporary uses of land having negligible or no permanent effects on the environment, including temporary vehicle storage.

Finding:

- B. *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, nor 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:

1. The temporary storage of vehicles has been reviewed and conditioned to preclude any detriment to the general welfare of the area.
2. The subject property has been used for temporary vehicle storage for at least sixty (60) days and there is no evidence that this use has been detrimental or hazardous to public convenience, health, or safety of persons residing or working in the neighborhood.

Finding:

- C. *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:

1. The temporary storage of vehicles uses a maximum of forty (40) parking spaces in the day use parking area, which contains over 800 parking spaces.
2. The minimum 645 parking spaces for day use beach area users required by the Settlement Agreement will continue to be provided.
3. The temporary storage of vehicles is limited to winter months when there is significantly less demand for parking in the day use lot by beach users.
4. As conditioned, the applicant is required to maintain public access and parking in accordance with the Newport Dunes Settlement Agreement, including, but not limited to boat launch and trailer parking, wash down, beach and day use facilities, bike trail, human-powered launch, and camping.

Finding:

- D. *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:

1. The subject lot maintains adequate access from Back Bay Drive via a four (4) lane access drive.

Finding:

- E. 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:

1. The temporary storage of vehicles does not generate an excess of vehicular traffic or significantly impact the parking for patrons and guests of the Newport Dunes Resort and Marina.

Finding:

- F. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.*

Facts in Support of Finding:

1. The stored vehicles will be removed no later than March 30, 2015.
2. The temporary vehicle storage is conditioned such that it will comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations.
3. The subject lot is not located within a specific plan.

CONDITIONS OF APPROVAL

1. The temporary vehicle storage use shall not commence operation prior to January 15, 2015, and shall conclude by March 30, 2015.
2. Vehicle storage shall be limited to the general area depicted on the site plan and a maximum forty (40) vehicles at any one time.
3. During the duration of this permit, the applicant shall maintain public access and parking in accordance with the terms of the Newport Dunes Settlement Agreement, including but not limited to, boat launch and trailer parking, wash down, beach and day use facilities, bike trail, human-powered launch, and camping.
4. Approval of the requested limited term permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful granting of all required permits from any other department or governing agency.

5. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless 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 Newport Dunes temporary vehicle storage including, but not limited to, XP2015-002 (PA2015-022). 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

An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

On behalf of Brenda Wisneski, Zoning Administrator

By:



Patrick J. Alford, Planning Program Manager

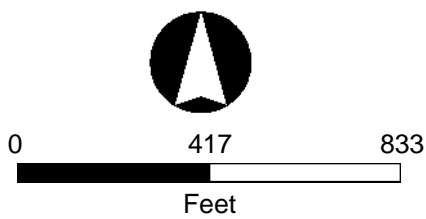
Attachments: ZA 1 Vicinity Map
 ZA 2 Site Plan

Attachment No. ZA 1

Vicinity Map



Newport
Beach
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. ZA 2

Site Plan

WEST BEACH
PAVILION

PAVILION D

PAVILION C

BEACH
RESTROOM

PAVILION B

PAVILION A

MARKET
PLACE
DAY USE
AREA

BEACH
STROOM

PIRATE PARK
PLAYGROUND

WIND & SEA
ROOM

BAYVIEW
ROOM

VILLAGE
CENTER

CHECK-IN
PARKING

PARKING

BACK BAY DRIVE

ENTRANCE

MAIN ENTRANCE
& SECURITY

MAIN OFFICE
& REGISTRATION

LEGEND

-  RESTAURANT
-  RESTROOMS
-  BIKE PATH

JAMBOREE ROAD

POOL & SPA

CLUBHOUSE
CONFERENCE ROOM
RECREATION ROOM

FITNESS ROOM

SURREY, GOLF CART
RENTALS

PACIFIC COAST HIGHWAY

