



**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 17, 2017.

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**ZONING ADMINISTRATOR ACTIONS  
February 16, 2017**

- Item 1: RD Olson Construction employee parking lot Limited Term Permit No. XP2017-001 (PA2017-009)  
Site Address: 3303 & 3355 Via Lido  
*Action: Approved by Resolution No. ZA2017-009 Council District 1*
- Item 2: Riley Garage Modification Permit No. MD2016-018 (PA2016-210)  
Site Address: 461 Morning Canyon Road  
*Action: Approved by Resolution No. ZA2017-010 Council District 6*
- Item 3: Bay Shore Drive Lot Merger No. LM2015-004 (PA2015-206)  
Site Address: 2742 and 2752 Bay Shore Drive  
*Action: Approved by Resolution No. ZA2017-011 Council District 3*
- Item 4: Fletcher Jones Motor Cars Signage Comprehensive Sign Program No. CS2016-001 and Modification Permit No. MD2017-001 (PA2016-139)  
Site Address: 3300 Jamboree Road  
*Action: Approved by Resolution No. ZA2017-012 Council District 3*
- Item 5: Fire Station No. 5 and Corona del Mar Branch Library Minor Use Permit No. UP2016-044, Site Development Review No. SD2016-009 and Tentative Parcel Map No. NP2016-022 (PA2016-178)  
Site Address: 414 and 420 Marigold Avenue  
*Action: Approved by Resolution No. ZA2017-013 Council District 6*

Item 6: Temporary Fire Station No. 5 Limited Term Permit No. XP2016-008  
(PA2016-172)  
Site Address: 801 Marguerite Avenue

*Action: Continued to 03/30/17*

*Council District 6*

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.

## RESOLUTION NO. ZA2017-009

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LIMITED TERM PERMIT NO. XP2017-001 A TEMPORARY EMPLOYEE PARKING LOT LOCATED AT 3303 AND 3355 VIA LIDO (PA2017-009)

THE ZONING ADMINSTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by RD Olson Construction, Inc., with respect to property located at 3303 and 3355 Via Lido, and legally described as Lots 1201, 1202, 1203, 1204 of Tract 907 with an abandoned alley and portions of Lots 4 and 5 of Tract 1107, requesting approval of a Limited Term Permit to utilize the property for one year as a temporary employee parking lot for construction workers of the Lido House Hotel project located at 3300 Newport Boulevard.
2. The subject property is designated Multiple-Unit Residential (RM) by the Land Use Element of the General Plan. Zoning of the property is PC-59 (Planned Community - Lido Villas) and is subject to the Lido Villas Planned Community Development Plan.
3. The project site is designated Multiple-Unit Residential (RM) by the Coastal Land Use Plan. The Coastal Zoning of the property is PC-59 (Planned Community).
4. Newport Beach Municipal Code (NBMC) Section 20.52.040, Limited Term Permits, allows consideration of limited duration uses (e.g., interim, nonpermanent, and/or seasonal in nature) that might not meet the development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary or limited nature and are found to be compatible with adjacent and surrounding uses.
5. A public hearing was held on February 16, 2017, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach, California, 96220. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is exempt pursuant to Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land), of the California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Section 15301 (Class 1) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The

vacant lot would be used for employee vehicle parking on an interim, temporary basis and no permanent structures would be authorized.

3. Section 15303 (Class 4) Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The temporary parking lot requires security fences and gates to be installed. A temporary security fence with gates will be the only improvement to the site.
4. Section 15304 (Class 4) consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The site is devoid of vegetation and improvements/alterations to the site are limited to fences with gates that will be installed on a temporary basis during the interim use.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.040.G (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a Limited Term Permit are set forth:

#### Finding:

- A. *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:

1. The site is located in a mixed-use area, with predominately commercial uses to the west and north, institutional uses to the south, and residential uses to the east. .
2. Residential uses are located east of Via Lido and access to the site is from Via Oporto and Via Malaga.
3. A church is located south of Via Malaga; however, it is not in operation at this time. The church could begin operations at any time; however, the proposed use is a parking lot generally used during the day and not on weekends when services would not generally be held.
4. A perimeter security and screening fence will be provided. The site is paved with asphalt and gravel.
5. The hours of operation are limited to 6:30 a.m. to 6:00 p.m. daily. Construction workers shall not arrive prior to the gates opening. Construction workers shall not park on public streets or in public parking lots.

6. The project approval includes conditions that will minimize disturbances to residents in the adjacent mixed-use and residential areas.

Finding:

*B. 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 site is 1.2 acres and is located in a predominately commercial area.
2. The site is large enough to provide setbacks to vehicular gates to facilitate efficient vehicle access to the site without creating significant vehicle conflicts within the abutting right of way.

Finding:

*C. 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 site is bounded by three public streets, Via Oporto, Via Malaga and Via Lido. One driveway is located along the Via Oporto frontage and a second is located on Via Malaga. No access is provided or proposed from Via Lido. The number of employees parking at the site will vary per day and is not expected to exceed 100 vehicles.
2. Via Oporto is a 40-foot-wide right-of-way and provides one-way southbound traffic and parking along both sides of the street. Vehicle traffic for the proposed parking lot will be with typical passenger vehicles and can be accommodated from Via Oporto.
3. Via Malaga is a 35-foot-wide right-of-way and provides one-way traffic and parking only on both sides of the street. Entering and exiting the site at the existing driveway with typical passenger vehicles associated with the previous commercial and institutional development was accommodated. Vehicle traffic for the proposed parking lot will be with typical passenger vehicles and can be accommodated from Via Malaga.
4. The Public Works Department and Life Safety Services Division have reviewed the proposed temporary use and find the site, proposed access points from the abutting streets, and the location of fences and gates appropriate for the proposed use.

Finding:

*D. 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 limited term use is a parking lot and does not generate its own parking demand, therefore this finding does not apply.

Finding:

*E. 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:

1. The Land Use Element provides guidance regarding the ultimate pattern of development for Newport Beach at build-out. The General Plan designates the site for residential use and the proposed interim use for parking does not preclude residential development consistent with the General Plan at build-out.
2. The Circulation Element includes Goal 7.1 to ensure an adequate supply of convenient parking be provided throughout the City. The proposed temporary off-street parking lot avoids construction employees from potentially occupying public parking spaces in the area during the construction of the Lido House Hotel consistent with Circulation Element Goal 7.1.
3. The site is not subject to a specific plan.
4. The temporary parking lot is an interim use of a vacant property and would not be open to the general public for parking. As a result, the minimum development standards of the Zoning Code for the development of a parking lot do not apply.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit No. XP2017-001 subject to the findings provided in this resolution and the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 16<sup>th</sup> DAY OF FEBRUARY, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. The site is limited to the daily and non-overnight parking of construction worker personal vehicles for RD Olson Construction and their subcontractors related to their work on the Lido House Hotel project and directly related construction only.
2. The site shall not be used for the storage of any construction material or debris of any kind or origin. No construction equipment access or parking, or deliveries of any material is permitted at the site or within any abutting public right-of-way.
3. Anything not specifically approved by this limited term permit is prohibited and shall be addressed by a separate and subsequent review.
4. Limited Term Permit No. XP2017-001 shall expire twelve (12) months from the effective date unless an extension is granted by the Zoning Administrator. Extensions may be granted up to a total of twelve (12) months.
5. The hours of allowed operation shall be between 6:30 a.m. to 6:00 p.m. daily. Construction workers shall not arrive prior to the gates opening. Construction workers shall not park on public streets or in public parking lots.
6. The general public shall not be permitted to use and/or drive through the temporary parking lot. Signs shall be posted at both entries indicating the site is used for RD Olson and subcontractor construction worker parking only and that the site is not for general public parking. The sign shall include the mobile phone number for the Lido House Hotel job superintendent for any inquiries related to the operation of the temporary parking lot.
7. No queuing of vehicles to gain entry to the site within the public right-of-way is allowed. Gates shall remain open during the hours of operation and shall be secured at the end of each working day.
8. A six-foot-high perimeter fence and gates with screening shall be maintained in good condition at all times. The location of the fencing shall be in accordance with the approved diagram. Minor adjustments may be made subject to the approval of the Public Works Department. The fencing shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130. The abutting public sidewalk shall be maintained free of obstruction at all times.
9. Emergency vehicle access shall be maintained on-site at all times. An emergency drive aisle loop with a minimum 20-foot width shall be maintained that continues throughout the temporary parking lot to both vehicular access points.
10. All gates shall swing into the project site and gate providing vehicle access shall provide a minimum 26 feet of clearance. All vehicle access points/gates shall have Knox padlocks for fire access.
11. The lot must be kept free of trash, debris and weeds at all times.

12. In compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. All active portions of the parking lot shall be watered as necessary to prevent excessive amounts of dust.
13. The applicant shall install and maintain a perimeter erosion control barrier to the satisfaction of the City to ensure that soil is not transported off-site during rain events.
14. The applicant shall sweep adjacent streets and sidewalks daily if visible soil material is carried from the site onto adjacent public streets or sidewalks.
15. All vehicles parked at the site shall be operable at all times. No wrecked or inoperable vehicles shall be parked or stored on-site.
16. The applicant, contractors, subcontractors and all employees shall observe construction activity noise regulations of NBMC Chapter 10.28. No person shall generate noise while using or accessing the site that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any weekday except between the hours of seven a.m. and six-thirty p.m., nor on any Saturday except between the hours of eight a.m. and six p.m. On Sundays and federal holidays, no person shall generate noise while using or accessing the site that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity.
17. No audible outside paging system shall be utilized in conjunction with this temporary use.
18. If any temporary lighting is provided, the site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming or elimination of light sources or other remediation upon finding that the site is excessively illuminated.
19. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
20. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Limited Term Permit.
21. This Limited Term Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.



22. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Limited Term Permit or the processing of a new Limited Term Permit.
23. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
24. 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 RD Olson Construction Worker Parking Lot Limited Term Permit including, but not limited to, XP2017-001. 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.
25. The applicant shall conspicuously post and maintain signs on the interior side of the fence and on the exterior of the fence at each entrance advising workers of nearby residences and requesting that workers be courteous and respectful of our residential neighbors arriving and leaving the work site and parking areas.

## RESOLUTION NO. ZA2017-010

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2016-018 FOR A TWO-CAR TANDEM GARAGE ADDITION TO A SINGLE-FAMILY RESIDENCE WITH A LOT WIDTH OF OVER 40 FEET LOCATED AT 461 MORNING CANYON ROAD (PA2016-210)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Phil Nielsen of Philip J. Nielsen Design and Drafting, with respect to property located at 461 Morning Canyon Road, and legally described as Lot 43 in Tract 1237 requesting approval of a modification permit.
2. The applicant proposes a modification permit to construct a two-car tandem parking garage attached to a single family home. The proposed garage addition will replace an existing 437-square-foot two-car garage. Required dimensions for a two-car garage are 20 feet wide by 20 feet deep. Proposed dimensions are 10 feet 8 inches wide by 35 feet 4 inches deep. The Zoning Code provides the Modification Permit process for deviations from size or location of parking spaces.
3. The subject property is located within the Two-Unit Residential (R-2-6000) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone and is designated Two Unit Residential (RT-C).
5. A public hearing was held on February 16, 2017, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. This exemption includes additions up to 10,000 square feet where public services and utilities are available and the area is not considered environmentally sensitive. The

proposed project is a 536-square-foot addition to an existing single-family residence in a developed neighborhood and is not within an environmentally sensitive area.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050.E (Modification Permits – Required Findings) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. The requested modification will be compatible with existing development in the neighborhood.*

#### Facts in Support of Finding:

1. The neighborhood is comprised of predominately one-story one- and two-unit dwellings. The Modification Permit will allow expansion of the existing one-story, single-family residence, which is compatible with other properties in the neighborhood.
2. The addition would increase the dwelling by 536 square feet to add a tandem two-car garage, convert an existing garage to living space, and create space in the backyard for a swimming pool. The proposed addition will comply with all applicable development standards including height, setbacks, and site coverage.
3. The proposed addition will result in a total floor area of approximately 3,507 square feet (including the 432-square-foot garage), which is equal or less than the bulk and scale of the other dwellings within the neighborhood.
4. The existing development on the property is a single-family dwelling. Therefore, there is no change to the density or intensity as a result of the proposed remodel and addition.

#### Finding:

- B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

#### Facts in Support of Finding:

1. Construction of a conforming garage with a width of 20 feet at the front of the property would require significant structural alterations and a significant remodel of the existing home, and would therefore greatly increase the scope of the project.
2. In its current location, the two-car garage requires a driveway to span from the street to the rear of the property, preventing the back yard area from being used as outdoor recreational space.

3. The granting of the Modification Permit is necessary to allow a reasonable addition and swimming pool to an existing dwelling. The proposed garage will provide adequate parking for two vehicles and will allow one additional vehicle to be parked on the driveway.

Finding:

- C. *The granting of the modification 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:

1. The proposed remodel of the home includes the conversion of the existing two-car garage to living space at the rear of the structure. The new garage is proposed near the front of the property. Construction of a 20-foot-wide garage near the front of the property will require a significant remodel of the home and will significantly increase the scope of work of the project.
2. The proposed garage will provide two usable garage spaces and fulfills the intent of the Zoning Code by providing adequate parking on-site. Approval of the Modification Permit allows the applicant to provide two parking spaces in the garage and accomplish the goal of removing the existing driveway that extends to the existing garage.

Finding:

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

1. The alternative would require that the applicant construct a new garage with required dimensions 20 feet wide by 20 feet deep at the front of the property. This width would require significant alterations to the existing structure well beyond the scope of the planned addition.
2. The other alternative is to leave the existing garage in place and instead construct a livable space addition to the home. Given the intent of the project is to provide a garage closer to the street and eliminate the need for a driveway that extends to the rear of the property, this redesign will significantly impact the project and not meet the objectives of the applicant.

Finding:

- E. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the*

*City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. The proposed one-story addition would maintain all required setbacks and will provide adequate protection for light, air, and privacy. The addition will not preclude access to the dwelling and will be consistent in scale with other dwellings in the neighborhood.
2. The proposed tandem garage is adequate in depth to park two (2) vehicles and is therefore not anticipated to be detrimental to the occupants of the property, nearby properties, the neighborhood, or the City.
3. The proposed addition will result in site coverage of 52 percent and is less than the maximum 60 percent allowed by Zoning Code.
4. The approval of this Modification Permit is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2016-018, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen (14) days following the date this Resolution was adopted unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 16<sup>th</sup> DAY OF FEBRUARY, 2017.**

BY:



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL****PLANNING**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Each parking space within the garage shall be permanently available and maintained for parking purposes. The interior dimensions (10 feet wide by 35 feet deep) shall be kept clear of obstructions including cabinets, shelving, or similar that may impact the ability to adequately park two (2) vehicles.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. A copy of the Resolution, including conditions of approval (Exhibit "A") shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
5. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department, including for the existing improvements that were constructed without the benefit of building permits. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
6. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current property owner or the leasing agent.
7. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.
8. 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 Riley Garage Modification including, but not limited to, Modification Permit No. MD2016-018 (PA2016-210). 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.

### **PUBLIC WORKS DEPARTMENT**

9. The decorative driveway within the public right of way shall be removed.
10. The driveway shall be reconstructed per City Standard STD-164-L. Entire driveway including flares/driveways Xs shall be within the prolongation of the side property line.

### **BUILDING DIVISION**

11. Plans shall be designed under the 2016 California Residential Code.

## RESOLUTION NO. ZA2017-011

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER NO. LM2015-004 AND A WAIVER OF THE PARCEL MAP REQUIREMENT FOR A LOT MERGER LOCATED AT 2742 AND 2752 BAY SHORE DRIVE (PA2015-206)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Fritz Hoelscher, with respect to property located at 2742 and 2752 Bay Shore Drive. The lot at 2742 Bay Shore Drive is legally described as Lot 5 of Tract No. 1014. The lot at 2752 Bay Shore Drive is legally described as Lot 4 of Tract No. 1014.
2. The applicant proposes a lot merger and requests to waive the parcel map requirement for two properties under common ownership.
3. The subject properties are located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject properties are located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held on February 16, 2016, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions). Class 15 exemption includes the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcel to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. This exemption includes a minor lot merger not resulting in the creation of any new parcel that complies with the conditions specified above.



SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.68.030 and 19.08.030 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.*

Facts in Support of Finding:

1. The lot merger to combine two existing legal lots by removing the interior lot line between the lots will not result in the creation of additional parcels.
2. The project is in an area with an average slope of less than 20 percent.
3. The lot merger is consistent with the purpose and intent of Title 19 (Subdivisions).
4. The future development on the proposed parcel will be subject to the Zoning Code development standards, which are intended to promote orderly development, protect neighborhood character, and preserve public health, safety, and general welfare of the City.

Finding:

- B. *The lots to be merged are under common fee ownership at the time of the merger.*

Facts in Support of Finding:

1. The two lots to be merged are under common fee ownership.

Finding:

- C. *The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of Finding:

1. The merged lots will retain the Single-Unit Residential (R-1) zoning designation, consistent with the surrounding area. The R-1 Zoning District is intended to provide

for areas appropriate for a detached single-family residential dwelling unit located on a single lot.

2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which applies to a range of single-family residential dwelling units. The Coastal Land Use Plan designates this site as Single-Unit Residential Detached (RSD-B), which provides for density ranges from 6.0-9.9 dwelling units per acre. The land use will remain the same and the merger is consistent with the land use designations of the General Plan and Coastal Land Use Plan.
3. The subject property is not located within a Specific Plan area.
4. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. The proposed merger would combine two substandard lots into a 8,016-square-foot parcel that exceeds the minimum 5,000-square foot interior lot area standard of the Zoning Code. Also, the proposed merger would create one 80-foot-wide parcel, exceeding the minimum 50-foot interior lot width standard of the Zoning Code.

Finding:

- D. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of Finding:

1. No adjoining parcels will be deprived of legal access as a result of the merger. Legal access is provided from Bay Shore Drive and will remain unchanged.

Finding:

- E. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of Finding:

1. Properties along Bay Shore Drive consist of lots of varying shapes and sizes. Although the proposed lot merger will create a larger lot, it will not create an excessively large lot in comparison to many of the existing lots in the area. There are many existing lots in the surrounding development that are similar to the proposed lot area, including 2800 Bay Shore Drive (8,542 square feet), 2812 Bay Shore Drive (8,589 square feet), and 2705 Bay Shore Drive (8,000 square feet).
2. The proposed lot width is approximately 80 feet, which will not create an excessively wide lot in comparison to other existing lots in the area. There are existing lots in the surrounding development similar to the proposed lot width,

including 2800 Bay Shore Drive (approximately 85 feet), 2812 Bay Shore Drive (approximately 78 feet), and 2705 Bay Shore Drive (approximately 80 feet).

3. The resulting lot configuration will not change the existing pattern of development since the orientation and access to the parcel would remain from Bay Shore Drive.

Finding:

*F. The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of Finding:

1. Approval of the proposed lot merger would remove the existing interior lot line, and allow the property to be used as a single site. The proposed lot would comply with all design standards and improvements required for new subdivisions consistent with Title 19, General Plan, and Coastal Land Use Plan.
2. The subject property is not subject to a Specific Plan.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM2015-004, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF FEBRUARY, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The map shall be submitted to the Public Works Department for final map review and approval. All applicable fees shall be paid.
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. Prior to the issuance of building permits for construction to cross the existing interior lot line between the two (2) parcels proposed to be merged, recordation of the lot merger documents with the County Recorder shall be required.
4. Prior to the recordation of the lot merger, a minimum of one existing dwelling unit shall be demolished or modified so that the merged lot will not contain more than one dwelling unit.
5. Lot Merger No. LM2015-004 shall expire unless exercised within twenty-four (24) months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
6. 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 Hoelscher Lot Merger including, but not limited to, Lot Merger No. LM2015-004 (PA2015-206). 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.

## RESOLUTION NO. ZA2017-012

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COMPREHENSIVE SIGN PROGRAM NO. CS2016-011 AND MODIFICATION PERMIT NO. MD2017-001 FOR AN ADDITIONAL WALL SIGN LOCATED AT FLETCHER JONES MOTORCARS, 3300 JAMBOREE ROAD (PA2016-139)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Robert May of P.S. Services, Inc. on behalf of Fletcher Jones Motorcars, Inc., with respect to property located at 3300 Jamboree Road, and legally described as Irvine Subdivision Block 51, Portion of Lot 146, requesting approval of a comprehensive sign program and modification permit.
2. The applicant proposes to install one additional wall sign on the curved portion of the dealership building facing Jamboree Road and to allow it to exceed the maximum sign area allowable.
3. The subject property is designated General Commercial (CG) by the General Plan Land Use Element and is located within the San Diego Creek North Planned Community (PC-42) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is General Commercial – (0.0 – 0.75 FAR) (CG-B).
5. A public hearing was held on February 16, 2017, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 11 includes construction or replacement of minor structures such as on-premise signs accessory to (appurtenant to) existing commercial facilities. The proposed sign is incidental and accessory to the principal commercial use of the property and will not intensify or alter the use.

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**SECTION 3. REQUIRED FINDINGS.*****Comprehensive Sign Program***

Pursuant to Section 20.42.120 (Comprehensive Sign Program) of the Zoning Code, approval of a Comprehensive Sign Program is required whenever three or more nonexempt signs are proposed for a single-tenant development and whenever signs are proposed to be located on or above the second story on a multi-story building. In accordance with Section 20.42.120(E) (Comprehensive Sign Program – Standards), the following standards and facts in support of such standards are set forth:

**Standard:**

- A. *The proposed sign program shall comply with the purpose and intent of this Chapter (Chapter 20.42: Sign Standards), any adopted sign design guidelines and the overall purpose and intent of this Section (Section 20.42.120: Comprehensive Sign Program).*

**Facts in Support of Standard:**

1. In compliance with the purpose and intent of the Sign Standards, the existing Comprehensive Sign Program provides the site and the use with adequate identification and way-finding without excessive proliferation of signage. Furthermore, it preserves community appearance by regulating the type, number, size, and design of signage in comprehensive and coordinated fashion. The proposed amendment to add one wall sign will not compromise the purpose and intent.
2. The signs on the development are beneficial and can be viewed from a greater distance due to their location and placement on each building frontage. The location of the larger wall signs along the primary building frontage will improve visibility from Jamboree Road.
3. The proposed additional wall sign is necessary to adequately identify the “AMG” branding for the dealership.

**Standard:**

- B. *The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify, and to surrounding development when applicable.*

**Facts in Support of Standard:**

1. The signs have been designed to be integral with the design, scale, and architectural character of the buildings and other site improvements and will enhance the overall development of the site. They provide adequate identification of the site and will not constitute a proliferation of signage and advertisement.

2. The proposed additional sign will primarily be black in color. All other signs on the site are being refaced with black backgrounds to ensure a unified sign design theme.
3. The proposed additional wall will be in line with the existing identification sign on the primary frontage and will also be centered between two columns on the curved showroom building such that it will be harmonious with the overall design.

Standard:

- C. *The sign program shall address all signs, including permanent, temporary, and exempt signs.*

Fact in Support of Standard:

The Sign Program includes all project signage. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42 (Sign Standards).

Standard:

- D. *The sign program shall accommodate future revisions that may be required because of changes in use or tenants.*

Facts in Support of Standard:

1. The Sign Program is designed to be effective for any future use of the project site.
2. It is not anticipated that future revisions will be necessary to accommodate constant changes in use. However, flexibility has been incorporated into the Sign Program Matrix to allow minor deviations from the proposed signs.
3. Consistent with Chapter 20.42 (Sign Standards), the Community Development Director [or his/her designee] may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Standard:

- E. *The program shall comply with the standards of this Chapter, except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter.*

Facts in Support of Standard:

1. The existing Sign Program incorporates signage previously allowed under Modification Permit No. MD4571 and Modification Permit No. MD2011-001, and allows deviations in

the size, number and location. The proposed amendment is for an additional wall sign to be located on the curved showroom building (primary frontage).

2. The additional wall sign will be designed and located in line with the existing wall signage and will further be centered between two columns such that it will be complimentary to the building's architecture.
3. Amending the Sign Program to include the additional sign will ensure signage for the site is unified and adequately identifies all components of the dealership.

Standard:

*F. The Approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter.*

Fact in Support of Standard:

The program does not authorize the use of any prohibited sign types.

Standard:

*G. Review and approval of a Comprehensive Sign Program shall not consider the signs' proposed message content.*

Fact in Support of Standard:

The program contains no regulations affecting sign message or content.

***Modification Permit***

In accordance with Section 20.52.050(E) (Modification Permits – Required Findings) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The project site is located in its own planned community district and is abutting the State Route (SR) 73 Freeway to the east and open space to the south, and is adjacent to Area 3 of the Administrative and Professional Office land use of the Bayview Planned Community.



2. The proposed wall sign (Type R1) will be adequately separated from the existing wall sign (Type E2) on the curved showroom building facade and will not appear out of scale due to the overall length of the facade.
3. The subject site is not within close proximity to any residential district; however, the illumination will be conditioned to prevent spillage onto any adjoining properties.

Finding:

*B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Fact in Support of Finding:

The existing building has multiple façades visible from two major cross streets (Jamboree Road and Bayview Way) as well as the SR 73 freeway. It is set back approximately 200 feet. The proposed wall signage will not appear out of scale with the existing building and its increased size is necessary to provide adequate visibility from Jamboree Road, which has a higher speed limit and four lanes in both directions.

Finding:

*C. The granting of the modification 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:

1. The purpose of Chapter 20.42 (Sign Standards) includes encouragement of signs that are complementary to the buildings and uses to which they relate and that are harmonious with their surroundings.
2. The size of the site is 9.63 acres and is developed with a 170,065-square-foot building. Strict application of the Zoning Code would preclude the property owner from having signage that is unified in scale with other signage on the existing building.

Finding:

*D. There are no alternatives to the Modification Permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

1. The originally approved sign program limits the size and amount of signage for the site. The Modification Permit is necessary to amend the original sign program approval whilst allowing an additional wall sign that is larger in size.

2. The proposed increase in sign area is necessary due to the scale of the building and size of the site and will not be detrimental to any surrounding owners and occupants, the neighborhood, or to the general public.

Finding:

*E. The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. The site is surrounded and buffered by Jamboree Road, Bayview Way, and the SR 73 freeway. The proposed changes to the existing sign program are negligible as the proposed signage modifies an existing approval to allow an additional wall sign with increased sign area to allow better visibility for vehicular traffic.
2. This approval will allow a larger wall sign and will not change the intensity of the use.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Comprehensive Sign Program No. CS2016-011 and Modification Permit No. MD2017-001, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"**

## CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Comprehensive Sign Program No. CS2016-011 and Modification Permit No. MD2017-001 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. This Comprehensive Sign Program and Modification Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Attachment No. ZA 4.
6. All signs must be maintained in accordance with Section 20.42.170 (Maintenance Requirements) of the Newport Beach Municipal Code.
7. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
8. The signs visual character and mounting heights shall comply with the California Building Code.
9. Prior to issuance of a building permit for the additional wall sign, the applicant shall retrofit all existing wall signage with dimming capability.
10. The additional wall sign shall be designed and installed such that it can also be dimmed.
11. Each illuminated sign shall be subject to a thirty (30) day review period, during which time the Director may determine that a reduction in illumination is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Director may order the dimming of any illumination found to be excessively bright. The Director's determination will be made without regard to the message content of the sign

12. 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 Fletcher Jones Sign Program Amendment including, but not limited to, Comprehensive Sign Program No. CS2016-011 and Modification Permit No. MD2017-001 (PA2016-139). 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.

## RESOLUTION NO. ZA2017-013

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2016-044, MINOR SITE DEVELOPMENT REVIEW NO. SD2016-009 AND TENTATIVE PARCEL MAP NO. NP2016-022 FOR THE REPLACEMENT OF FIRE STATION NO. 5 AND CORONA DEL MAR LIBRARY LOCATED AT 410, 414 AND 420 MARIGOLD AVENUE (PA2016-178)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the Public Works Department of the City of Newport Beach, with respect to property located at 410, 414 and 420 Marigold Avenue, and legally described as Lots 2, 4, 6, 8, 10, 12 and 14 of Block 440 in the Corona del Mar Tract requesting approval of a minor use permit, minor site development review and tentative parcel map.
2. The applicant proposes construction and operation of a new combined fire station and library facility. The proposed building will replace Fire Station No. 5 and the Corona del Mar Branch Library.
3. The subject property is located within the Public Facilities (PF) Zoning District and the General Plan Land Use Element category is Public Facilities (PF).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on February 16, 2017, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 under Class 2 (Replacement or Reconstruction) and Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 2 exemption includes replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity. The proposed

project will replace the existing Fire Station No. 5 and the Corona del Mar Branch Library on the same site, and will have substantially the same capacity.

3. The Class 15 exemption includes the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope of greater than 20 percent. The proposed project will create a single parcel for development of the new facility and meets all of the above criteria.

**SECTION 3. REQUIRED FINDINGS.**

***Minor Use Permit***

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

1. The General Plan designates the site PF, which is intended to provide for public facilities including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The proposed project is consistent with this land use designation as it will continue and improve an existing public facility use.
2. The proposed replacement is in furtherance of General Plan Land Use Goal LU 6.1 and its policies, which promote a diversity of governmental service facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach’s neighborhoods. The project will improve upon existing facilities to help ensure a high level of service to the community while updating the design to better harmonize with the surrounding neighborhood.
3. The project site is not part of a specific plan area.

Finding:

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. The property is located in the PF Zoning District, which is intended to provide suitable sites for public facilities. Governmental facilities, including fire stations and libraries, are a permitted use subject to the approval of a minor use permit pursuant to Newport Beach Municipal Code Section 20.26.020 (Special Purpose Zoning Districts Land Uses and Permit Requirements).
2. There are no development standards identified in the Zoning Code for properties zoned PF; however, the proposed facility has been designed such that its setbacks and heights are compatible with the adjoining residential neighborhood. Most notably a 20-foot front setback will be provided along Marigold Avenue and the height will not exceed 32 feet.
3. There are no off-street parking requirements identified in the Zoning Code for a governmental facility use; however, the proposed facility has been designed to provide adequate parking for both the fire station and the library. As proposed, 23 public parking spaces and 8 employee parking spaces will be provided for a total of 31 parking spaces. The current facilities provide 23 parking spaces.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The proposed project will combine the fire station and library into a single facility and will formally create a single parcel for the redevelopment. Fire Station No. 5 and Corona del Mar Branch Library are existing on the project site. The proposed facility will be approximately 3,414 square feet larger than the existing buildings; however, the majority of the increased floor area will be dedicated to a larger, more functional fire station. The new combined facility will have a similar capacity to the existing operations.
2. Fire Station No. 5 and the Corona del Mar Branch Library have operated at this location for nearly sixty years. The uses have not proven detrimental to the surrounding residential neighborhood and commercial corridor.
3. The majority of homes in the neighborhood are two- and three-story structures extending up to 29 feet in height. The proposed height of 32 feet coupled with the 20-foot front setback will help to ensure the proposed facility does not appear out of character with the nearby residential uses.

Finding:

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The project site is 210 feet in width and 118 feet in depth for a total area of 24,780 square feet. It is rectangular in shape and relatively flat.
2. The project site location is central to Corona del Mar. Its proximity to Coast Highway makes it easily accessible for residents and patrons of the library branch and further allows the Fire Department efficient access to its service area.
3. Access to the site will be provided by two driveways from Marigold Avenue as well as the rear alleyway. The development including vehicular access was designed specifically to accommodate emergency vehicles and on-site parking for 31 vehicles. The Public Works Department, Traffic Engineer, and Fire Department have reviewed and approved the site design.
4. Water and wastewater lines are adjacent to the site and are located in the public alley. The site has been reviewed by the City's Public Works Department and adequate utilities are available to serve the project. New utility connections to the alley will be necessary and all utilities will be underground.

Finding:

- E. Operation of the use at the location proposed 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 proposed use.*

Facts in Support of Finding:

1. The new facility will replace the existing fire station and library buildings, which have not proven to be detrimental to the occupants of the property or nearby properties.
2. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible.

***Minor Site Development Review***

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. Allowed within the subject zoning district.*



Fact in Support of Finding:

The subject property is located within the PF Zoning District, which is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools. The proposed project is a combined fire station and library facility, which are both allowed within the subject zoning district.

Finding:

- B. In compliance with all of the applicable criteria identified subsection [20.52.080](C)(2)(c):*
- a. Compliance with this Section, the General Plan, the Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;
  - b. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent development; and whether the relationship is based on standards of good design;
  - c. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;
  - d. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;
  - e. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and
  - f. The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View Protections).

Facts in Support of Finding:

1. The Land Use Element of the General Plan designates the subject property as PF, which is intended to provide for public facilities including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The proposed project is consistent with this land use designation as it will continue and improve an existing public facility use.
2. No development standards are identified in the Zoning Code for the PF District; however, the project has been designed to blend and harmonize with the adjoining residential neighborhood by incorporating the following design elements:
  - a. The proposed development will maintain a 20-foot front setback and the improvements at the rear alley will be set back a minimum of 1 foot such that they do not impede access to the residential garages.
  - b. The proposed development consists of a two-story building at a maximum of 32 feet in height which is comparable to the nearby two- and three-story residential structures that are generally 29 feet in height.

- c. A total of 31 parking spaces will be provided: 5 spaces will be devoted to the firefighters assigned to the fire station; 3 spaces will be devoted to library staff members; and the remaining 23 spaces will be open and available to visitors and patrons of the library. The existing facilities provide a combined total of 23 parking spaces. The proposed project will increase the amount of parking spaces by 8. Bicycle racks will also be provided.
  - d. The exterior of the proposed facility has been designed with sloping roofs and more articulation than conventional civic buildings along with stone veneer treatment and wood trim/siding to help it complement the residential neighborhood.
3. The proposed design better utilizes the 24,780-square-foot area by unifying the fire station and library structures and improving the flow of the parking areas. The site will be developed as one and will maintain continuity with respect to architectural treatment and landscaping.
  4. The proposed site layout provides efficient vehicular and pedestrian access from Marigold Avenue and the rear alleyway. Adequate pedestrian access and path of travel to the facility will be provided from the street and alleyways. An outdoor reading area will be located along the Marigold Avenue frontage, which should serve to invite and foster pedestrian activity.
  5. The proposed project will incorporate approximately 2,281 square feet of landscaped area with the majority of the planting areas in the Marigold Avenue frontage and flanking the public parking area. As conditioned, the project is required to comply with Newport Beach Municipal Code Chapter 14.17 (Water-Efficient Landscaping).
  6. The project site is not located at or near a public view point or corridor as identified in the General Plan Figure NR3 (Coastal Views); and therefore, is in compliance with Section 20.30.100 (Public View Protections).

Finding:

- C. *Not 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 proposed development.*

Facts in Support of Finding:

1. The proposed development complies with all Building, Public Works, and Fire Codes. The project complies with all City ordinances and conditions of approval. Verification is ensured through the review of construction plans prior to the issuance of building permits and the construction/inspection process.

2. The project has been conditioned to ensure that potential conflicts with surrounding land uses are minimized to the extent possible to maintain a healthy environment for both businesses and residents.
3. Although development standards are not specified for the PF Zoning District or these land use types, the proposed project has been designed to blend into the neighborhood by incorporating enlarged setbacks and lower building heights.
3. The new facility will replace the existing fire station and library buildings, which have not proven to be detrimental to the occupants of the property or nearby properties.

***Tentative Parcel Map***

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

Finding:

- A. *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:

1. The Tentative Parcel Map will combine seven lots into a single parcel for redevelopment of Fire Station No. 5 and the Corona del Mar Library. The property is currently developed with separate fire station and library buildings as well as associated surface parking areas. The proposed subdivision and improvements are consistent with PF Zoning District and the PF General Plan Land Use Designation.
2. The project site is not part of a specific plan area.

Finding:

- B. *That the site is physically suitable for the type and density of development.*

Facts in Support of Finding:

1. The parcel is physically suitable for the new combined fire station and library structure as it is regular in shape and is relatively flat. Furthermore, the underlying lots are currently developed with the fire station and library buildings.
2. The subject property is accessible from Marigold Avenue, an alley at the side and an alley at the rear. It is adequately served by existing utilities.

Finding:

- C. *That the design of the subdivision or the proposed improvements, are not likely to neither 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:

1. The site is currently developed with Fire Station No. 5 and the Corona del Mar Library, which will be demolished and will be replaced with a new combined facility.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. This component of the project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations).

Finding:

- D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Fact in Support of Finding:

The Tentative Parcel Map is to combine seven lots into a single parcel for redevelopment. All improvements associated with 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 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- E. *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 ones 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.*

Fact in Support of Finding:

The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.

Finding:

*F. 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:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site, developed for public facilities use, lies in a Zoning District that permits public facilities uses.

Finding:

*G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 was repealed by the Legislature. However, this project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The project site is not part of a specific plan area.

Finding:

*H. 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.*

Fact in Support of Finding:

The Tentative Parcel Map and any future 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 Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. *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.*

Fact in Support of Finding:

The proposed fire station and library are consistent with the PF Zoning District, which allows governmental facilities subject to approval of a minor use permit. There will be no increase or decrease of residential dwelling units as part of this project. Therefore, the Tentative Parcel Map purposes will not affect the City in meeting its regional housing need.

Finding:

- J. *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.*

Fact in Support of Finding:

The new facility will be designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. *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.*

Fact in Support of Finding:

The subject property is not located within the Coastal Zone.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2016-044, Minor Site Development Review No. SD2016-009 and Tentative Parcel Map No. NP2016-022, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL****Planning**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. This Minor Use Permit may be modified or revoked by the Zoning Administrator if the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require review by the Planning Division and may require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit.
6. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
7. 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 project 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 and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
8. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.



9. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
10. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

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

11. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
12. No outside paging system shall be utilized in conjunction with this establishment.
13. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
14. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
15. The exterior of the facility shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
16. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance

with the provisions of Title 14, including all future amendments (including Water Quality related requirements).

17. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
18. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
19. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
20. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

### **Building**

21. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
22. Occupancy separation shall be provided between R occupancy group and adjacent occupancies.
23. Fire rated continuity shall be provided at floor ceiling assemblies.
24. All storage beneath stairs shall be one-hour construction.
25. The library building permit plans shall illustrate accessible requirements in Chapter 11B of the California Building Code.
26. The building permit plans shall illustrate compliance with the California Energy standards as well as the Cal-Green Code.

**Public Works**

27. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Parcel 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.
28. 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 the construction project.
29. All improvements shall be constructed as required by Ordinance and the Public Works Department.
30. The existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Marigold Avenue frontage shall be reconstructed.
31. The existing broken and/or otherwise damaged concrete alley abutting the property shall be reconstructed. The extent of repair shall be determined by the Public Works Inspector.
32. Overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.24.140 of the Municipal Code.

**Life Safety Services**

33. A fully automatic fire sprinkler system shall be installed in accordance with the Newport Beach Municipal Code and the California Fire and Building Codes. Monitoring of said system shall be required pursuant to the California Fire Code. Manual fire alarm system requirements shall be determined based on occupant load of the Assembly occupancy.
34. Type 2A-10BC fire extinguishers shall be located within the facility at one per every 75 feet. A minimum type 4A-20BC fire extinguisher shall be located within the truck bay. Additional fire extinguishers may be required in any barbeque areas.
35. Carbon monoxide and smoke detection shall be required for the residential occupancy use.

36. Fire hydrants shall be located within 400 feet of all portions of the new structure.
37. A rapid entry system shall be provided for the structure at any gated entrances.