



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

**TO:** CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

**FROM:** Seimone Jurjis, 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 September 15, 2017.

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### **ZONING ADMINISTRATOR ACTIONS SEPTEMBER 14, 2017**

- Item 1: Newport Channel Inn Sign Replacement Modification Permit No. MD2017-007 (PA2017-165)  
Site Address: 6030 West Coast Highway  
Action: Approved by Resolution No. ZA2017-066 Council District 2
- Item 2: McDonough Residence Coastal Development Permit No. CD2017-047 (PA2017-105)  
Site Address: 350 Buena Vista Boulevard  
Action: Approved by Resolution No. ZA2017-067 Council District 1
- Item 3: Schleiger Modification Permit No. MD2017-005 (PA2017-153)  
Site Address: 20162 Spruce Avenue  
Action: Approved by Resolution No. ZA2017-068 Council District 3
- Item 4: Nguyen Residence Coastal Development Permit No. CD2017-049 (PA2017-116)  
Site Address: 111 24th Street  
Action: Approved by Resolution No. ZA2017-069 Council District 1
- Item 5: Sabo Lot Merger No. LM2017-005 and Coastal Development Permit No. CD2017-055 (PA2017-115)  
Site Address: 1210 and 1220 West Bay Avenue  
Action: Approved by Resolution No. ZA2017-070 Council District 1
- Item 6: 3415 Ocean Boulevard Coastal Development Permit No. CD2017-041 (PA2017-094)  
Site Address: 3415 Ocean Boulevard  
Action: Approved by Resolution No. ZA2017-071 Council District 6

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

Item 1: Staff Approval No. SA2017-008 (PA2017-168)  
Site Address: 3303 and 3355 Via Lido

Action: Approved

Council District 1

**APPEAL PERIOD:** An appeal or call for review 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. ZA2017-066**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2017-007 FOR DEVIATIONS IN SIGN WIDTH, AREA AND REQUIRED LOCATION AT 6030 WEST COAST HIGHWAY (PA2017-165)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Newport Channel Inn, Inc. with respect to property located at 6030 West Coast Highway, and legally described as Lots 4 through 10 in Block 160 of the River Section, Newport Beach, requesting approval of a modification permit.
2. The applicant is requesting to install a new sign for the Newport Channel Inn with the following deviations from Chapter 20.42 (Sign Standards) of the Zoning Code:
  - a. Proposed sign area of 157 square feet is proposed. The Zoning Code allows a maximum sign area of 75 square feet (209% increase);
  - b. Proposed sign width of 13 feet, 2 inches. The Zoning Code allows a maximum sign width of 30 percent of the height, or 6 feet in this case (219% increase); and
  - c. Proposed sign extends 3 feet, 8 inches into the public right-of-way, with at least 8 feet, 5 inches of vertical clearance above sidewalk. The Zoning Code requires a minimum 5-foot setback from the front property line.
  - d. To allow a pylon sign on a site where the building is set back from the front property line less than a minimum of forty (40) feet
3. The subject property is designated CV (Visitor Serving Commercial) by the General Plan Land Use Element and is located within the CV (Commercial Visitor-Serving) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is CV-A (Visitor Serving Commercial) and the site is located within the CV (Commercial Visitor) Coastal Zone District.
5. A public hearing was held on September 14, 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 has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15311, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 11 (Accessory Structures).
2. Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to signs. The proposed project is the replacement of a nonconforming pole sign with a pylon sign, accessory to the existing nonresidential development on the property.

## SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.42.110 (Modification Permit) of the Newport Beach Municipal Code (NBMC), deviations in sign width greater than twenty (20) percent, sign area greater than thirty (30) percent, and sign location within a required setback area are subject to the approval of a modification permit. In accordance with NBMC Section 20.52.050 (Modification Permits), 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 subject property is located in the CV Zoning District. The requested increases in sign width and area will be compatible with existing development in the neighborhood along Coast Highway, which consists of various nonresidential uses that employ the use of similar signage for identification purposes.
2. The building façade measures approximately 78 feet in width on the primary frontage (Coast Highway) and approximately 198 feet in width on the secondary frontage (61<sup>st</sup> Street). Given the span of the building facades, the increased width and area of the pylon sign will be compatible with the overall massing and bulk of the building.
3. A similar sign has existed at this location since 2001, and was made nonconforming in 2005, with the adoption of NBMC Chapter 20.42 (Sign Standards). The proposed replacement sign will be more conforming to current sign standards while allowing adequate, comparable identification for the visitor-serving use.



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. The proposed pylon sign for the primary frontage will serve as the main identification for motorists travelling on West Coast Highway. The curve of the road, as well as other buildings and signs along Coast Highway, obstruct the visibility of the business, which makes an increase in sign width and area necessary to assist motorists in identifying the business location.
2. The requested location within the required setback is necessary as the entire frontage of the property on Coast Highway is developed with parking spaces and drive aisles to serve the motel. Moving the sign further back to comply with the required setback would conflict with an existing staircase and impede path of travel. It would also limit visibility of the proposed sign from the roadway, which is inconsistent with the spirit and intent of NBMC Chapter 20.42.

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 and intent of the sign regulations is to provide adequate identification while preserving and enhancing the community's appearance. The regulation of sign width, area, and location is to help ensure that signage does not overwhelm a building façade or create clutter. The proposed increases in sign width and area will be appropriately scaled to the building given the façade width of the existing building.
2. The proposed location of the sign does not result in any new or increased obstructions within the area, as the pylon sign is sited in the same location as the previously existing pole sign, and other obstructions already exist within the line of sight area.

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 requested increase in sign width, area and location is in scale and similarly placed as other signs in the surrounding area and will not be detrimental to surrounding owners and occupants, the neighborhood, or the general public.
2. Due to the design of the building and the improvements in front of it, the increased width, area, and deviation from required location of the pylon sign are necessary to provide identification for the subject property. The strict application of the Zoning Code would result in smaller signage that is out of scale with the existing building façade and inadequate signage that would not be easily visible to motorists on West Coast Highway.

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. This approval will allow for an increase in the width, area, and a deviation from required location of the pylon sign, but will not result in a change in intensity of the existing nonresidential, visitor-serving use on the property.
2. The size of the sign is within scale of the existing signs along Coast Highway and will not adversely affect or be detrimental to persons, property, or improvements in the surrounding neighborhood.
3. The Building Division and Public Works Department reviewed the sign location and determined it acceptable. The applicant is required to obtain a building permit for the construction of the proposed sign, which will confirm all requirements are met.
4. Conditions of approval have been included that will help to ensure that the proposed sign will not be detrimental.
5. Although recently damaged by a vehicle, a similar sign had been in place since 2001, with no other incidents. The replacement sign will be an improvement of the former sign in that it will be more conforming to current Code requirements.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2017-007, 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 14<sup>TH</sup> DAY OF SEPTEMBER, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT “A”****CONDITIONS OF APPROVAL****Planning Division**

1. The approved sign shall be in substantial conformance with the approved site plan and design documents 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. A building permit shall be obtained prior to commencement of installation of the sign.
5. 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.
6. The sign shall be designed such that it is illuminated in accordance with the provisions of NBMC Section 20.42.060(H) (Illuminated Signs and Lights).
7. 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.
8. 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.
9. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney’s fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City’s approval of the Newport Channel Inn Sign Replacement (PA2017-165). 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.

10. This 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.

#### **Building Division**

11. Prior to final of the building permit for the pylon sign, the applicant shall provide accessible parking identification signs in accordance with California Building Code Sections 11B-502.6, 11B-502.7, and 11B-502.8.
12. The pylon sign shall be structurally designed by a licensed professional.

## **RESOLUTION NO. ZA2017-067**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-047 AUTHORIZING A REMODEL AND ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 350 BUENA VISTA BOULEVARD (PA2017-105)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Brion Jeannette Architecture on behalf of Paul and Carolyn McDonough, Property Owners, with respect to property located at 350 Buena Vista Boulevard, requesting approval of a coastal development permit.
2. The property is legally described as Lot 146 of the Subdivision of Block A East Newport.
3. The Applicant requests approval of a coastal development permit (CDP) to allow the remodel and expansion of an existing 3,446-square-foot, single-family residence. The applicant proposes to add 499 square feet of livable area in conjunction with the construction of a 450-square-foot garage within the existing footprint. There will be no new landscaping and limited site work. The project will comply with all applicable development standards and no deviations are requested.
4. The subject property is 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).
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential (10.0 – 19.99 DU/AC) (RSD-C) and the Coastal Zoning District is Single-Unit Residential (R-1).
6. A public hearing was held on September 14, 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 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 (CEQA) under Class 1 (Existing Facilities).
2. Class 1 exempts additions of up to 10,000 square feet to existing structures where public services and utilities are available and the area is not considered environmentally

sensitive. The proposed project is an addition of less than 10,000 square feet 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 21.52.015 (Coastal Development 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. *Conforms to all applicable sections of the certified Local Coastal Program.*

#### Facts in Support of Finding:

1. The proposed development will comply with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The maximum floor area limitation is 4,978 square feet and the proposed floor area is 4,395 square feet.
  - b. The proposed development complies with the minimum required setbacks as modified by Modification Permit No, MD429, which are 9 feet along the front property line, 4 feet along each side property line and 4 feet along the rear property line abutting the neighboring property at 342 Buena Vista Boulevard.
  - c. The highest guardrail is no more than 24 feet from established grade and the highest ridge is no more than 29 feet from established grade, which complies with the maximum height requirements.
  - d. The project includes a proposed two-car garage, complying with the minimum requirement for single-unit residential developments totaling less than 4,000 square feet in livable area.
2. The neighborhood is predominantly developed with two- and three-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The finished floor elevation of habitable portions of the existing residence is 9.73 feet (NAVD 88), which complies with the minimum 9.00 feet (NAVD88) elevation required for new structures by the Zoning Code and Local Coastal Program. Adaptive waterproofing up to 10.23 feet (NAVD 88) could be added by way of a six-inch curb and temporary barriers for doors. A Coastal Hazards Analysis for properties located approximately 300 feet southwest at 320 and 322 Buena Vista Boulevard indicated a maximum sea level rise of 4.5 feet to 11.7 feet (NAVD88) by 2092, but concludes it is very unlikely that any

type of wake or wave will reach the properties even with a 4.5-foot sea level rise. The structures at 320 and 322 Buena Vista Boulevard maintained a finished floor elevation of 9.9 feet (NAVD 88). The existing residence on the subject property has a comparable finished floor at 9.73 feet (NAVD 88), which will remain unaffected as part of this project. Given the finished floor elevation and the capability to add a six-inch curb, the site should be protected for the economic life of the building (assumed to be 75 years) using the minimum anticipated sea level rise projections.

4. The property is located in an area known for the potential of seismic activity and liquefaction; however, the proposed scope of work does not necessitate a geotechnical investigation. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Should a geotechnical investigation be required, permit issuance is contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
5. There is no landscaping proposed as a part of this project.
6. The property is not located near designated public view points or coastal view roads and will not impact public coastal views.
7. Although the property is located within 100 feet of the bay, alterations to the existing development would occur primarily on the upper levels and minimal site work is proposed. There is no proposed change in grading or drainage, nor increase in impermeable surface area onsite. In addition, the development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, one or more of the following: the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, and the use of post-construction best management practices to minimize the project's adverse impact on coastal water.

Finding:

- B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

The project site is located between the nearest public road and the sea or shoreline; however, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities because:

1. Vertical access to the bay front is available immediately east of the site at the Lindo Avenue street end where there is a small public beach with access to the water.



2. The public beach is also the start of a six-foot-wide public sidewalk providing lateral access and views of the bay along the bay front in front of the project site. The sidewalk is located within a 10-foot-wide right-of-way that would allow for future widening and maintenance.
3. The property is subject to Restrictive Covenant Agreements limiting the height of improvements and landscaping within previously vacated right-of-way bayward of the public sidewalk to maintain views of the bay.

#### SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-047, 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 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 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. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
3. Coastal Development Permit No. CD2017-047 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. This Coastal Development 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 improvement in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Prior to the issuance of building permits, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify 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 development.
7. Prior to the issuance of building permits, the project design shall be revised to comply with the minimum open volume are requirement pursuant to NBMC Section 20.48.180 (Residential Development Standards and Design Criteria).
8. Prior to the issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
9. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

10. Prior to the issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
11. Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
12. If landscaping is proposed, the applicant shall submit a final landscape and irrigation plan consistent with Implementation Plan Section 21.30.075 prior to the issuance of building permits. These plans shall incorporate drought tolerant planting, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.
13. 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 a part of regular maintenance.
14. 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.
15. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
16. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
17. 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 Coastal Development Permit.
18. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain, or result in impacts to environmentally sensitive habitat areas, streams, wetland or their buffers.

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19. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity.
  20. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
  21. 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 McDonough Residence Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-047 (PA2017-105). 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. ZA2017-068**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2017-005 FOR A 45-PERCENT ADDITION TO AN EXISTING NONCONFORMING SINGLE-UNIT RESIDENCE LOCATED AT 20162 SPRUCE AVENUE (PA2017-153)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Ryan Schleiger, with respect to property located at 20162 Spruce Avenue, and legally described as Lot 33 in Tract 1506, requesting approval of a modification permit.
2. The applicant proposes a modification permit to allow a 45-percent addition to an existing single-family residence with nonconforming parking. The Zoning Code limits additions to 10 percent of the existing gross floor area when the required parking dimensions are not met. The nonconforming garage provides an interior width of 19 feet 4 inches and a depth of 19 feet 5 inches, where a minimum 20-foot by 20-foot interior dimension is required.
3. The subject property is designated as Residential Single-Family (RSF) within the Santa Ana Heights Specific Plan (SP-7) and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on September 14, 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) of the Guidelines for CEQA.
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 718-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) 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 addition would increase the dwelling by 718 square feet for a new bedroom, bathroom, laundry room, and expanded kitchen. The proposed addition will comply with all applicable development standards, including height and setbacks. The proposed addition will not intensify the nonconforming parking.
2. Development along Spruce Avenue consists of single-story and two-story single-family residences. The existing 1,586-square-foot single-family residence consists of a single-story and was constructed in 1952. The proposed 718-square-foot addition, which includes a kitchen expansion, new laundry room, and new master suite, are single-story. The areas of addition will not exceed the height of the existing roof and is consistent with the design and height of other properties in the neighborhood.
3. The existing development on the property is a single-family dwelling with a two-car garage. Therefore, there is no change to the density 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. The interior dimensions of the existing two-car garage were compliant with the County of Orange standards at the time of construction. The area was annexed in 2003 and, at the time of annexation, the existing garage was compliant with the Newport Beach Zoning Code. As a result of the amendments to the Zoning Code in 2010, the two-car garage is now substandard in size, and is therefore legal nonconforming.
2. Modifying the garage walls, which are not within the area of the proposed construction, would be costly and significantly increase the scope of the project in order to gain 8 inches of garage width and 7 inches of garage depth.

3. The granting of the Modification Permit is necessary to allow a reasonable addition to an existing dwelling that was constructed in compliance with garage standards in effect at the time of original construction, and that are adequate in width for the parking of two (2) vehicles. Additionally, the driveway in front of the garage allows for up to two (2) open parking spaces on-site.

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 additions are to allow a kitchen expansion located behind the garage and a master suite located near the rear of the residence. Neither areas of addition result in the need to modify the garage located at the front of the residence. Increasing the width and depth of the garage to satisfy current parking requirements would require major structural alterations to the north and east walls and result in a significant increase in the scope of work.
2. The existing laundry area is located in the garage which further restricts the usable dimensions for parking purposes. As part of the proposed addition, the laundry will be relocated to a new laundry room, which will result in the increased usability of the existing garage.
3. The existing garage provides two (2) useable garage spaces only slightly less than the required widths and fulfills the intent of the Zoning Code by providing adequate parking on-site. The driveway is approximately 19 feet wide by 30 feet deep, which may serve as two (2) additional open parking spaces on-site. Approval of the Modification Permit allows the applicant to continue using the existing two-car garage, which has not been detrimental to the occupants or neighbors of the dwelling, and allows for a reasonable size addition.

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. Bringing the garage into compliance with current Zoning Code requirements would provide a negligible benefit, but it would unreasonably require significant alterations to the structure well beyond the scope of the planned small addition.

2. The applicant may reduce the addition to not exceed 10 percent of the existing floor area of the structure to comply with the requirements of the Zoning Code. Given the intent of the project is to provide an expanded kitchen, a new laundry room, and a new master suite, a redesign to reduce the size of the addition will significantly impact the objectives of the project and would not provide similar benefits to 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 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 existing nonconforming garage has not proven to be detrimental to the occupants of the property, nearby properties, the neighborhood, or the City and is adequate in width to park two (2) vehicles. Additionally, the driveway in front of the garage allows for up to two (2) open parking spaces on-site, further minimizing impacts to on-street parking in the community.
3. 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. MD2017-005, 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 14<sup>th</sup> DAY OF SEPTEMBER, 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. Each parking space within the garage shall be permanently available and maintained for parking purposes. The interior dimensions (19 feet 4 inches wide by 19 feet 5 inches deep) shall be kept clear of obstructions including cabinets, laundry facilities, 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 Schleiger Residence Modification Permit including, but not limited to, Modification Permit No. MD2017-005 (PA2017-153). 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. ZA2017-069**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-049 FOR A NEW SINGLE UNIT RESIDENCE LOCATED AT 111 24<sup>TH</sup> STREET (PA2017-116)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Rod Jeheber, with respect to property located at 111 24<sup>th</sup> Street, and legally described as Lot 30 of Block 24, requesting approval of a Coastal Development Permit.
2. The applicant proposes the demolition of an existing single-family residence with attached garage and the construction of a new 2,282-square-foot single-family residence with a 373-square-foot attached garage. The proposed development also includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping.
3. The subject property is 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 property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached – (20.0 - 29.9 DU/AC) (RSD-D) and the Coastal Zoning District is Single-Unit Residential (R-1).
5. A public hearing was held on September 14, 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 categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the construction of limited numbers of new, small structures, including one single-family residence. The proposed project is a new single-family residence located in the R-1 Coastal Zoning District.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

*A. Conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The maximum floor area limitation is 2,286 square feet and the proposed floor area is 2,282 square feet.
  - b. The proposed development complies with the required setbacks, which are 5 feet along the property line abutting 24<sup>th</sup> Street, 3 feet along each side property line, and 5 feet along the rear property line.
  - c. The highest guardrail/parapet is less than 24 feet from established grade and the highest ridge is 29 feet from established grade. The proposed development complies with all height requirements.
  - d. The proposed development provides a two-car garage, meeting the two-car minimum garage requirement for residences with less than 4,000 square feet of livable floor area.
  - e. The proposed development exceeds the minimum 9.0 (NAVD88) top of slab elevation requirement for interior living areas of new structures.
2. The neighborhood is predominantly developed with two and three-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The development is set back approximately 390 feet from the mean water tide line. Due to the large distance from coastal waters, a Water Quality Management Plan (WQMP) and a Construction Pollution Prevention Plan (CPPP) are not required. A post-construction drainage system will be installed that includes drainage and percolation features designed to retain dry weather and minor rain run-off on-site to ensure the project does not impact water quality. Any water not retained on-site is directed to the City's storm drain system.
4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of

building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

Finding:

*B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

1. The project site is not located between the nearest public road and the sea or shoreline and the proposed project will not affect public recreation, access or views.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-049, 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 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2017.**



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. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
3. Coastal Development Permit No. CD2017-049 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. 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 Coastal Development Permit.
6. This Coastal Development 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.
7. Prior to issuance of the building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
8. 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 Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
9. Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
10. Prior to the issuance of building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

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11. 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.
  12. 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 21 Planning and Zoning of the Newport Beach Municipal Code.
  13. 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 Nguyen Residence Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-049 (PA2017-116). 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. ZA2017-070**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER NO. LM2017-005, A WAIVER OF THE PARCEL MAP REQUIREMENT, AND COASTAL DEVELOPMENT PERMIT NO. CD2017-055 FOR A LOT MERGER AND COASTAL DEVELOPMENT PERMIT LOCATED AT 1210 AND 1220 WEST BAY AVENUE (PA2017-115)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Elias and Caroline Sabo with respect to property located at 1210 and 1220 West Bay Avenue requesting approval of a Lot Merger and Coastal Development Permit. The lot at 1210 West Bay Avenue is legally described as Lot 9 in Block 3 of Tract No. 626 in the City of Newport Beach, County of Orange, State of California as per map recorded in Book 30, Pages 40 and 41 of Miscellaneous Maps in the Office of the County Recorder of Orange County, California. The lot at 1220 West Bay Avenue is legally described as the Easterly 30 feet of Lot 7, and all of Lot 8 in Block 3 of Tract No. 626 in the City of Newport Beach, County of Orange, State of California as per map recorded in Book 30, Pages 40 and 41 of Miscellaneous Maps in the Office of the County Recorder of Orange County, California.
2. The applicant proposes a lot merger and requests to waive the parcel map requirements for properties under common ownership. The applicant also requests an associated coastal development permit for the lot merger.
3. The subject property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached – 10.0-19.9 DU/AC (RSD-C) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
5. A public hearing was held on September 14, 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 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

2. The Class 15 exemption allows 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 parcels 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 proposed lot merger to combine two complete lots and portion of a lot by removing the interior lot lines between them 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. Any 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.*

#### Fact in Support of Finding:

1. The two lots and portion of a lot 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 parcels will retain the Single-Unit Residential (R-1) zoning designation, consistent with the surrounding area. The R-1 Zoning District is intended to provide areas appropriate for a detached single-family residence 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-C), which provides for density ranges from 10.0 – 19.9 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 and Section 20.18.030 of the LCP Implementation Plan establish minimum lot area and width requirements. The proposed merger would result in a 10,983 -square-foot parcel that is in conformance to the minimum 5,000-square-foot interior lot area standard of the Zoning Code. Additionally, the proposed merger would create one approximately 100-foot-wide parcel, exceeding the minimum 50-foot interior lot width standard of the Zoning Code.
5. The existing lots and portion of a lot do not meet the minimum width or lot area requirements of the Zoning code, as the lots are approximately 30- to 35-feet-wide and contain approximately 3,844 square feet. Merging the two lots and portion of a lot would create one parcel that meets the minimum requirements of the Zoning Code and LCP Implementation Plan for lot width and area.

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. Legal access is provided from West Bay Avenue, and will remain unchanged. The site does not currently provide access to any other properties. Thus, no adjoining parcels will be deprived of legal access as a result of the merger.

Finding:

- E. The lots as merged will be consistent with the pattern of development nearby and will not result in a lot width, depth or orientation, or development site that is incompatible with nearby lots. In making this findings, the review authority may consider the following:*
- a. Whether the development of the merged lots could significantly deviate from the pattern of development of adjacent and/or adjoining lots in a manner that would result in an unreasonable detriment to the use and enjoyment of other properties.*
  - b. Whether the merged lots would be consistent with the character or general orientation of adjacent and/or adjoining lots.*
  - c. Whether the merged lots would be conforming or in greater conformity with the minimum lot width and area standards for the zoning district.*

Facts in Support of Finding:

1. Properties along West Bay Avenue 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 existing lots in the surrounding development that are similar to the proposed lot area, including 1813 East Bay Avenue (14,810 square feet), 1540 East Ocean Front (10,454 square feet), and 2210 Channel Road (11,114 square feet), among others.
2. The proposed lot width is approximately 100 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 915 Via Lido Soud (approximately 108 feet), 1540 Ocean Front (approximately 100 feet), and 309 Via Lido Soud (approximately 75 feet), among others.
3. The existing lots and portion of a lot do not meet the minimum width or lot area requirements of the Zoning code, as the lots are approximately 30- to 35-feet-wide and contain approximately 3,844 square feet. Merging the two lots and portion of a lot would create one parcel that meets the minimum requirements of the Zoning Code and LCP Implementation Plan for lot width and area.
4. Although the current configuration contains multiple parcels, the property is used as a single parcel with one single-family residence. 1210 West Bay Avenue contains the single-family residence, and 1220 West Bay Avenue contains the garage and pool with associated structures. As a result, the proposed merger will not result in a visible change in character to the neighborhood and will continue to allow the property to be used for single-family purposes.
5. Orientation and access to the parcel would remain from the West Bay Avenue. Thus, resulting lot configuration will not change the existing pattern of development in the area.

In accordance with Section 21.52.015 (Coastal Development Permits, Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

*F. Conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The proposed lot merger is for construction purposes and meets all of the requirements of the Local Coastal Program including Section 21.30.025 Coastal Subdivisions.
2. The lot merger is for a property within a developed neighborhood. The lots are currently utilized as one building site, and do not provide public access or views of the sea or shoreline.
3. The subject site fronts the Newport Bay and is located between the nearest public road and the sea or shoreline. The site does not currently provide vertical or lateral access to the waterfront, nor would it provide access under proposed conditions. Vertical access to the bay is available approximately 80 feet west of the site at the end of 12th Street where there is a small sandy area with access to the water. Thus, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.

Finding:

*G. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding:

1. The subject site fronts the Newport Bay and is located between the nearest public road and the sea or shoreline. The site does not currently provide vertical or lateral access to the waterfront, nor would it provide access under proposed conditions. Vertical access to the bay is available approximately 80 feet west of the site at the end of 12th Street where there is a small sandy area with access to the water. Thus, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.
2. The lots are currently utilized as one building site, and do not provide public access or views of the sea or shoreline.

3. The closest public view point is located near Marina Park, approximately 1,300 feet from the property. The proposed residence is not located near coastal view roads, as designated in the Coastal Land Use Plan. Due to the distance of the proposed development from the public view point, the project will not impact coastal views.

#### Waiver of Parcel Map

In accordance with Section 19.08.30.A.3 (Waiver of Parcel Map Requirement) of the Newport Beach Municipal Code, the Zoning Administrator may approve a waiver of the parcel map requirement in cases where no more than three (3) parcels are eliminated. The following finding and facts in support of such finding are set forth:

#### 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 lines and allow the property to be utilized as a single site. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, the Zoning Code, and General Plan.
2. The subject property is not subject to a Specific Plan. The property complies with the requirements of Title 21 LCP Implementation Plan.
3. The proposed lot merger combines the properties into a single parcel of land and does not result in the elimination of more than three (3) parcels.
4. The subject property is accessible from West Bay Avenue. The site is served by all of the necessary public utilities.

#### SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves LM2017-005 and CD2017-055 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 21 Local Coastal Implementation Plan, and Title 19 Subdivisions, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT “A”**

**CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

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.
4. The map shall be submitted to the Public Works Department for final map review and approval. All applicable fees shall be paid.
5. Prior to the issuance of building permits for construction across the existing interior lot lines, recordation of the lot merger documents with the County Recorder shall be required.
6. *Prior to the recordation of the lot merger, a demolition permit for the existing two-car garage located at 1210 West Bay Avenue shall be issued and finalized.*
7. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
8. 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.
9. 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.
10. 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 Sabo Lot Merger and Coastal Development Permit including, but not limited to, Lot Merger No. LM2017-005 and Coastal Development Permit No. 2017-055 (PA2017-115). 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. ZA2017-071**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-041 TO CONSTRUCT A 383 SQUARE FOOT ADDITION WITHIN THE BASEMENT LEVEL OF AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 3415 OCEAN BOULEVARD (PA2017-094)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Brion Jeannette Architecture with respect to property located at 3415 Ocean Boulevard, requesting approval of a Coastal Development Permit.
2. The lot at 3415 Ocean Boulevard is legally described Lot 6 of Tract 1257.
3. The applicant proposes to relocate the existing mechanical room below the first floor deck and construct a new home office, conference room, bath, and mechanical room within the basement level. The addition consists of 345 square feet of new livable area and 38 square feet of mechanical space, as well as a new deck at the basement level. A Coastal Development Permit (CDP) is required because construction is proposed within 50 feet of a coastal bluff (Section 21.52.035 of the Implementation Plan). The design also includes hardscape and stair improvements. The proposed addition complies with applicable development standards and no deviations are requested.
4. The subject property is located within the (R-1) Single-Unit Residential Zoning District and the General Plan Land Use Element category is (RS-D) Single- Unit Residential Detached.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is (RSD-A) Single Unit Residential Detached – (0.0 – 5.9 DU/AC).
6. A public hearing was held on September 14, 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 categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures).

2. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of an addition of approximately 383 square feet, a new deck, and improvements to hardscape and stairs.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development 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. *Conforms to all applicable sections of the certified Local Coastal Program.*

#### Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, and height as evidenced by the project plans.
  - a. The maximum floor area limitation is 8,550 square feet and the proposed floor area is 5,260 square feet.
  - b. The proposed addition and deck comply with the Bluff Development Overlay (Ocean Boulevard/Breakers Drive) District, which is more restrictive than the standard 10-foot setbacks for the rear of the property. The proposed improvements to the basement deck and interior space would conform to the defined contours or development areas described in the Bluff Development Overlay District. No improvements are proposed within the front setback (10 feet) or the side setbacks (4 feet).
  - c. The project would include an addition and improvements at the basement level and would not impact the height of the existing structure. Thus, further analysis of height is not warranted.
  - d. The existing garage is nonconforming, with two parking spaces and a lift, where a 3-car garage is required. The addition is less than 10% of the existing square footage, and complies with the limitations defined in Section 20.38.060 Non-Conforming Parking of the Zoning Code.
2. The neighborhood is predominantly developed with two- and three-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.

3. Potential hazards to the existing residence were previously evaluated and addressed during the Coastal Development Permit process for the original home. Adding living area within the existing basement and extending a deck would not put the residence at risk of additional hazards that require assessment. Additionally, the project site is not protected by a bulkhead or other form of shoreline protection as it is located on a coastal bluff.
4. The proposed slab of the basement area is approximately 44 feet (NAVD 88) which is higher than the 9.00 feet (NAVD 88) standard.
5. Pursuant to NBMC Section 21.30.015(E)(5), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., storm conditions, landslides, seismic activity, erosion, sea level rise, bluff retreat, etc.). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
6. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
7. The property is located within 200 feet of coastal waters. Pursuant to Municipal Code Section 21.35.030, a Construction Pollution Prevention Plan (CPPP) is required to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived by construction chemicals and materials. A CPPP has been reviewed and approved by the City's Engineer Geologist. Construction plans and activities will be required to adhere to the approved CPPP.
8. The project site is located between the nearest public road and the sea or shoreline, but the basement level addition and deck will not change public recreation, access or views. The proposed addition is consistent with applicable development standards and approved entitlements including building height and setbacks.
9. Vertical access and views to the public beach are available adjacent to the site along Ocean Boulevard (Inspiration Point Park) and Corona del Mar State Beach. The subject property contains an existing public access easement located along the western border parallel to the beach along the rear property line. However, the addition and deck are located at the basement level of the existing home and not located within or near the public access easement. Thus, the location and extent of the proposed improvements would preclude impacts to public access or views.

Finding:

- B. *Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

1. The proposed project is located between the nearest public road and the sea or shoreline. Facts 8 and 9 in support of Finding A above are hereby incorporated by reference, and public access will not be affected.

## SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-041, 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 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2017.**



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Patrick J. Alford, Zoning Administrator

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

*(Project specific conditions are italicized.)*

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. Prior to the issuance of a building permit, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
3. Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify 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 development.
4. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
5. Prior to the issuance of the building permits, the approved Construction Pollution Prevention Plan (CPPP) shall be submitted with the building permit plans. Implementation shall be in compliance with the approved CPPP and any changes could require separate review and approval by the Building Division.
6. Coastal Development Permit No. CD2017-041 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

8. This Coastal Development 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 improvement in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
9. Prior to the issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
10. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
11. Prior to the issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
12. Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
13. 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.
14. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
15. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
16. 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 Coastal Development Permit.
17. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain, or result in impacts to environmentally sensitive habitat areas, streams, wetland or their buffers.

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18. Best Management Practices (BMPs) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of construction activity as designated in the CPPP.
  19. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
  20. 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 3415 Ocean Boulevard Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-041 (PA2017-094). 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.





## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

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## **COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER**

**APPLICATION:** Staff Approval No. SA2017-008 (PA2017-168)

**APPLICANT:** Landsea Holdings Corporation

**LOCATION:** 3303 and 3355 Via Lido

**SUBJECT:** Lido Villas Substantial Conformance Staff Approval

**LEGAL DESCRIPTION:** Lots 1201 to 1204 together with that portion of the adjoining alley of Tract 907, as shown on map recorded in Book 28, Pages 25 to 36, inclusive, of miscellaneous maps, records of orange county, California, together with that portion of Lots 4 and 5 of Tract 1117, in the city of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 35, Page 48 of Miscellaneous Maps, records of Orange County, California, together with a portion of the 20.00 foot alley adjoining said Lots 4 and 5 as abandoned by resolution of the City Council of Newport Beach on February 4, 1946, a certified copy of said resolution being recorded March 11, 1946 in Book 1400, Page 149 of Official Records.

On **September 15, 2017**, the Community Development Director approved Staff Approval No. SA2017-008. This approval is based on the findings and subject to the following conditions:

### **PROJECT SUMMARY**

On November 12, 2013, the City Council approved the Lido Villas project, the development of 23 townhouse-style, multi-family residential condominium units on a 1.2-acre site located at 3303 and 3355 Via Lido. The 2013 project approvals included the following:

- A general plan amendment to change the land use of a portion of the project site (3303 Via Lido) from PI (Private Institutions) to RM (Multi-Unit Residential).
- A coastal land use plan amendment to change the land use of a portion of the project site (3303 Via Lido) from PI-B (Private Institutions) to RM-D (Multi-Unit Residential).

- A zoning code amendment to change the zoning designations of the properties at 3303 Via Lido from PI (Private Institutions) and 3355 Via Lido from RM (Multi-Unit Residential) and establish a planned community development plan (PC-59, Lido Villas Planned Community) over the entire project site with development standards for a new 23 unit townhouse style multi-family unit project. In order to establish a planned community development, a waiver of the minimum area of 10 acres of developed land was approved.
- A site development review to allow the construction of 23-multi-family dwelling units.
- A tract map to combine six parcels and establish a 23-unit residential condominium tract on a 1.2-acre site.

The applicant is purchasing the property from the previous owner/developer and is proposing changes to the project to modify the exterior building façade materials. The applicant requests the determination that the proposed modifications are minor changes and substantially conforming with the 2013 approval.

### **ZONING DISTRICT/GENERAL PLAN**

- **Zone:** PC-59 (Lido Villas Planned Community)
- **General Plan:** RM (Multi-Unit Residential)
- **Coastal Land Use:** Multiple Unit Residential – 20.0 to 29.9 DU/AC (RM-D)
- **Coastal Zoning District:** PC59 (Lido Villas)

### **I. BACKGROUND**

Refer to the attached August 22, 2013, and September 5, 2013, Planning Commission staff reports for a detailed discussion and analysis of the project approvals (Attachment Nos. CD 2 & CD 3).

On November 12, 2013, the City Council adopted a Mitigated Negative Declaration (MND) and approved the project applications. Refer to attached staff reports for a detailed discussion and analysis of the project approvals (Attachment No. CD 4).

On October 9, 2014, Coastal Development Permit No. 5-14-0613 was approved by the California Coastal Commission (Attachment No. CD 5), which also established the effective date of the City approvals. The Coastal Development Permit remains effective since construction was initiated with the demolition of the existing structures on-site.

On March 9, 2017, staff prepared a request for extension memorandum (Attachment No. CD 6) acknowledging that the project approvals remain effective since the Tentative Tract Map had been submitted for review to the City Engineer on October 27, 2014, in accordance with Section 19.16.010 (Expiration of Tentative Maps) of the NBMC.

## **II. PROPOSED CHANGES**

The original project consisted of the construction of 23 attached, townhouse-style multi-unit residential structures consisting of five clustered buildings. The approved project consisted of five unit types, with the exterior of each structure to be finished in a modern coastal architectural style. The following unit plans were proposed: Harbor Unit 1 (3,160 sq. ft.), Harbor Unit 2 (3,007 sq. ft.), and Island Type 1 (Unit A- 2,451 sq. ft), Island Type 2 (2,589 sq. ft.), and Island Type 3 (2,960 sq. ft.). The floor plans include two-car garages with direct access into each unit. As approved by the Coastal Development Permit for the project, each unit would be three-stories in height with a roof top deck above, with overall parapet roof heights ranging from 34 feet-4 inches to 34 feet-8 inches. A copy of the approved project plans are included as Attachment No. CD 7. The modified plans proposed by the applicant do not involve any site plan or floor plan modifications to the original approved design.

The applicant has provided a narrative detailing proposed changes to the project as originally approved (Attachment No. PC 8), with one notable exception. The proposal to change the cedar siding with cementitious siding, textured and painted to mimic wood was dropped from the proposal. As indicated, there are no floor plan or site plan changes proposed. The applicant is proposing to modify the structural systems of the buildings from Type II-B steel framing to Type VB wood frame construction. The modified plans would include minor materials changes to the exterior facade of the development. These materials changes are intended to increase texture, warmth, and promote long-term durability to the exterior finishes. Architectural materials changes include:

- Vertical stained cedar siding and accents on the building facades would be reoriented to be horizontal with no change of the approved color finish. The area covered with cedar siding has also been increased on the front facades of several of the building clusters to accommodate the wood frame construction.
- The side elevation panels for each building cluster will be changed to a smooth finish exterior plaster in a classic French gray and white heron color with additional scoring in the façade to provide visual relief to the elevation similar to the previously approved concrete composite panels.
- The project design previously utilized frit glazing with a white frit stripe pattern and wood handrails at the deck guardrails, which would be modified to a clear or obscured glass guardrail with aluminum handrails.

The proposed modified plans are included as Attachment No. CD 9.

## **III. FINDINGS**

Pursuant to Section 20.54.070 (Changes to An Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. This staff approval is based on the following findings and facts in support of the findings.

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. The project originally included a request to change the zoning district of the project site from PI (Private Institutions) and RM (Multi-Unit Residential) to PC-59 (Lido Villas Planned Community). This request was approved and the Zoning Code designates the site PC-59 (Lido Villas Planned Community) zoning district. The proposed 23-unit condominium development continues to be consistent with the permitted land uses identified in the PC-59 zoning district and with the approved number of units pursuant to Tentative Tract Map No. NT2013-001. The project also remains below the maximum 63,600-square-foot floor area limit applicable to the site. No changes to the site plan and floor plans are proposed and the project maintains an overall gross floor area of 63,592 square feet. The only changes are modified siding materials, glazing, glass and handrail details.
2. The approved project established a planned community development plan to allow the units to exceed the maximum 28-foot flat roof height limit with architectural projections up to 39 feet; however, the Coastal Development Permit further limited the height of the project to a maximum of 35 feet. The revised project plans comply with allowed building heights of the Lido Villas Planned Community Development Plan and approved Coastal Development Permit.
3. The Lido Villas Planned Community Development Plan established project specific setbacks as follows: front setbacks of 9 feet (first floor) and 4 feet 5 inches (second floor) from Via Lido, 7 feet 3 inches (first floor) and 6 feet 6 inches (second floor) from Via Malaga, 6 feet (first floor) and 3 feet (second floor) from Via Oporto, and 5 feet from the interior northerly property line. The revised project plans continue to comply with the setbacks and building configuration as authorized by the Lido Villas Planned Community Development Plan and Site Development Review No. SD2013-001.
4. The proposed project plans as modified from the 2013 approval continue to comply with all other applicable standards of the PC-59 (Lido Villas Planned Community Zoning District). PC-59 requires buildings to incorporate a mix of high quality building materials including stained cedar panels, concrete composite panels in cool white or gray colors, and glass guardrails incorporating wooden handrails or a striped glazing pattern. The modified exterior materials conform to the architectural design requirements of PC-59 with the exception of the wood handrails and that would be substituted for aluminum providing a high quality and durable material that complements the glass guardrails and window mullions. The increased use of stained cedar siding and the change in orientation from vertical to horizontal is consistent with the PC text and Lido Village Design guidelines that specify the use of authentic materials such as wood rather than a different material that mimics wood. The change from the concrete composite panels to smooth

stucco/plaster with no change in exterior color is a minor change consistent with the Lido Village Design Guidelines that allow the use of smooth stucco or other authentic materials.

Finding:

- B. Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Facts in Support of Finding:

1. The adopted Mitigated Negative Declaration (MND) was prepared and analyzed all potential environmental impacts associated with the approved project. The MND and Notice of Determination can be reviewed here at the City's website here: [http://www.newportbeachca.gov/pln/CEQA\\_DOCS.asp?path=/Lido%20Villas](http://www.newportbeachca.gov/pln/CEQA_DOCS.asp?path=/Lido%20Villas). The changes in the project plans (modified siding materials, glazing, glass and handrail details) were not features that were the basis for findings or exemption in the adopted MND in that the density and intensity of the project has not changed. Although changes in the architectural design and materials product type are proposed, these changes are considered minor and when taken into account, the conclusions of the environmental analysis in the adopted MND do not change.

Finding:

- C. Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The modified plan demonstrates the ability to comply with all required conditions of approval, and said conditions will continue to be required through project implementation.
2. The approved project consisted of a Tentative Tract Map to establish 23 condominium units. The building material changes do not affect the approval of Tentative Tract Map No. NT2013-001 and the related facts in support of the findings. The site remains physically suitable for the type and density proposed. Public utility easements for utility connections that serve the project site are present as shown on the approved tract map to serve the proposed project.
3. Condition No. 1 of City Council Resolution No. 2013-78 required that the development be in substantial conformance with the approved site plan, floor plans, materials board, and building elevations stamped and dated with the date of approval. Development was required to comply with the development standards and requirements of the Lido Villas Planned Community Development Plan and



Tentative Tract Map No. 17555 dated May 16, 2013. The revised project now includes slightly modified building materials and exterior elevations. These material changes do not significantly alter the overall architecture or appearance, bulk, or scale of the development and will result in a slightly more cost effective project. The exterior building material changes as described and discussed in Finding A above demonstrate consistency with the Lido Village Planned Community District Regulations and Lido Marina Village Design Guidelines. There, the changes are minor and in substantial conformance with the originally approved materials board and building elevations as approved by the City Council.

4. Condition No. 71, subsection (b) of City Council Resolution No. 2013-78 required the applicant to submit a copy of the draft CC&R's which provide a provision that the architecture and exterior building materials of the dwelling units shall be maintained in a quality, color, and type so the appearance is consistent with the original project as approved. The proposed exterior building material changes will result in a more cost effective and durable material so that the applicant may maintain the quality, color, and overall appearance of the project over time. As required by this condition of approval, the applicant will be required to submit an updated draft of the CC&R's with provisions that indicate the exterior building materials will be maintained on the exterior elevations as approved.
5. The project location is subject to the Lido Village Design Guidelines, which suggest a street-focused edge along Via Lido and Via Malaga. As viewed from the Via Lido and Via Malaga frontage, the units will remain fronting the street as in the approved plan. The street elevations of these units will continue to be enhanced with front door identity facing the street. The project continues with a similar architectural style considered to be a modern interpretation of the coastal style. The building materials as modified continue to provide the same accent effect with quality materials appropriate for the neighborhood. Therefore, the modified plan is compatible and consistent with the development pattern of the immediate Lido Village area.

Finding:

- D. Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The approved project consisted of the subdivision of 23 airspace condominium units; therefore, the changes to the exterior elevations do not affect the approval of Tentative Tract Map No. NT2013-001.
2. The modified project design maintains the same building configuration, floor area, and minimum setbacks as previously approved under Site Development Review No. SD2013-001.

3. The proposed 23-unit attached townhouse-style condominium development continues to be consistent with the permitted land uses identified in the PC-59 (Lido Villas Planned Community) Zoning District and with the approved number of units pursuant to Tentative Tract Map No. NT2013-001. The project also remains consistent with the 23-unit development limit and the 63,600-square-foot floor area limit (FAL) applicable to the site. The approved project maintains 63,592 square feet of gross floor area, consistent with this development standard.
4. The modified project plans comply with allowed building heights of the current PC-59 (Lido Villas Planned Community) zoning district and approved Coastal Development Permit; therefore, the project remains consistent with Site Development Review No. UP2013-001.

#### **IV. DETERMINATION**

The revised elevations and materials proposed by the applicant (Landsea Holdings) and reviewed by Community Development Department staff are in substantial conformance with the previous City-approved plans for the Lido Villas project applications (PA2012-146).

#### **V. CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved building elevations dated August 24, 2017, subject to the following change: all references to the use of cementitious siding shall be eliminated and replaced with the use of stained cedar siding.
2. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and may require additional approvals.
3. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. 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.
4. 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 Lido Villas Substantial Conformance Staff Approval including, but not limited to, the Staff Approval No. SA2017-008 (PA2017-168). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City,

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

**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:

  
James Campbell, Principal Planner

JWC/mkn

Attachments: CD 1 Vicinity Map  
CD 2 August 22, 2013 Planning Commission Staff Report  
CD 3 September 5, 2013 Planning Commission Staff Report  
CD 4 November 12, 2013 City Council Staff Report  
CD 5 Coastal Development Permit No. 5-14-0613  
CD 6 March 9, 2017, Request for Extension Memorandum  
CD 7 Approved Project Plans  
CD 8 Applicant's Summary of Changes  
CD 9 Project Plan Modifications



# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



Staff Approval No. SA2017-008  
PA2017-168

**3303 and 3355 Via Lido**

## **Attachment No. CD 2**

August 22, 2013, Planning Commission  
Staff Report

**CITY OF NEWPORT BEACH**  
**PLANNING COMMISSION STAFF REPORT**

August 22, 2013

Agenda Item 4

**SUBJECT:** Lido Villas - (PA2012-146)  
3303 and 3355 Via Lido

- General Plan Amendment No. GP2012-005
- Coastal Land Use Plan Amendment No. LC2013-001
- Code Amendment No. CA2012-008
- Site Development Review No. SD2013-001
- Tract Map No. NT2013-001  
(Tentative Tract Map No.17555)
- Mitigated Negative Declaration No. ND2013-001

**APPLICANT:** Dart Development Group

**PLANNER:** Makana Nova, Assistant Planner  
(949) 644-3249, mnova@newportbeachca.gov

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**PROJECT SUMMARY**

The project consists of the demolition of a 3-story commercial building, a single-story church building (First Church of Christ, Scientist), and a 56-space surface parking lot to accommodate the development of 23 townhouse-style multi-family dwelling units on a 1.2 acre site. The following applications are requested in order to implement the project as proposed:

1. **General Plan Amendment**-to change the land use of a portion of the project site (3303 Via Lido) from PI (Private Institutions, 0.75) to RM (Multi-Unit Residential, 20 DU/acre).
2. **Coastal Land Use Plan Amendment**-to change the land use of a portion of the project site (3303 Via Lido) from PI-B (Private Institutions) to RM-D (Multiple-Unit Residential).
3. **Zoning Code Amendment**-to change the Zoning designations of the properties at 3303 Via Lido from PI (Private Institutions) and 3355 Via Lido from RM (Multiple-Unit Residential, 2178) and establish a Planned Community Development Plan (PC) Zoning District over the entire project site with development standards for a new 23-unit multi-family project. In order to establish the proposed planned community development plan, a waiver of the minimum site area of 10 acres of developed land is necessary.
4. **Site Development Review**-to allow the construction of 23 townhouse-style multi-family dwelling units.
5. **Tract Map**-to combine six underlying parcels on two existing properties and establish a 23-unit residential condominium tract on a 1.2 acre site.
6. **Mitigated Negative Declaration**-to evaluate environmental impacts relative to the California Environmental Quality Act (CEQA).



### VICINITY MAP



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	RM (Multi-Unit Residential, 20 DU) and PI (Private Institutions, 0.75 FAR)	RM (Multi-Unit Residential, 2178) and PI (Private Institutions, 0.75 FAR)	General Office/Retail and Church
NORTH	MU-V (Mixed-Use Vertical) and MU-W2 (Mixed-Use Water Related)	MU-V (Mixed-Use Vertical) and MU-W2 (Mixed-Use Water Related)	General Office, Retail, and Mixed-Use
SOUTH	PI (Private Institutions) and CG (General Commercial)	PI (Private Institutions) and CG (General Commercial)	Church and General Office
EAST	CG (General Commercial) and PF (Public Facilities)	CG (General Commercial) and PF (Public Facilities)	Retail Shopping Center and Former City Hall Site
WEST	MU-W2 (Mixed-Use Water Related and RM (Multiple-Unit Residential)	MU-W2 (Mixed-Use Water Related and RM (Multiple-Unit Residential)	General Office and Multiple Unit Residential Dwellings

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## **RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ (Attachment No. PC 1) and attached Exhibits recommending the City Council:
  - Adopt Mitigated Negative Declaration No. ND2013-001;
  - Approve General Plan Amendment No. GP2012-005;
  - Approve Local Coastal Plan Amendment No. LC2013-001;
  - Approve Code Amendment No. CA2012-008;
  - Approve Site Development Review No. SR2013-001; and
  - Approve Tract Map No. NT2013-001  
(Tentative Tract Map No.17555).

## **INTRODUCTION**

### **Project Setting**

The subject properties are located within the Lido Village neighborhood and are generally bounded by Via Lido, Via Oporto and Via Malaga. There are two developments consisting of six legal parcels on the project site, which would combine to create a single building site of 52,099 square feet (1.2 acres).

The southern property at 3303 Via Lido is 17,236 square feet (0.4 acres) in area and is currently developed with the religious institution, First Church of Christ, Scientist, originally constructed in 1947 with additions in 1958 and 1966. The church consists of 8,961 square feet of building area for the primary church facility and an ancillary Christian Science Reading Room. The property is currently designated by the Land Use Element of the General Plan, Coastal Land Use Plan, and the Zoning Code for Private Institutions (PI), consistent with the existing use on the property.

The northern property at 3355 Via Lido is 32,469 square feet (0.8 acres in area). The property is developed with a 56-space surface parking lot and an office building originally constructed as a mixed-use project in 1957. The property is currently designated by the Land Use Element of the General Plan, Coastal Land Use Plan, and the Zoning Code for Multiple-Unit Residential (RM) with a density of 20 dwelling units per acre. The current commercial uses are nonconforming and are subject to abatement by February 1, 2022.

The property that is directly to the north is developed with an office and retail building, at the corner of Via Lido and Via Oporto. To the northeast, 3388 Via Lido, is a mixed-use development consisting of office and two residential units. Properties to the east across Via Lido are developed with multiple-family residential dwellings and an office building.

The properties to the south, across Via Malaga, are developed with the Saint James Anglican Church, an office building, and the City of Newport Beach Fire Station. To the west, across Via Oporto, is a retail shopping center, Via Lido Plaza, that is undergoing tenant improvements for West Marine, a marine-related retail use. Additionally, a new boutique hotel is in the planning stages for the former City Hall site located to the southwest of the project site at 3300 Newport Boulevard.

### Project Description

All six underlying legal lots and a vacated alley that transect the site are owned by the project applicant, Dart Development Group. The applicant is proposing to consolidate these underlying lots into one 52,099-square-foot (1.2 acre) parcel and redevelop the site as a multi-family residential development with 23 condominium units. (Project Plans- Attachment No. PC 10).

The building configuration is designed with five blocks of attached, townhouse-style units. Three of these blocks consist of 11 units facing Via Lido, one block consisting of six units facing Via Malaga, and one block of six units facing Via Oporto. Each unit provides two or three bedrooms and is similar in design with three levels of living area above grade and an enclosed stair with a roof deck above.

Access to the project site would be provided via two curb cuts with two-way drive aisle access from Via Oporto at the northwest portion of the project site and Via Malaga at the southeast portion of the project site. Each unit will be provided with an attached 2-car garage and 12 guest parking spaces are proposed at surface level within the internal vehicle circulation areas. Each of the individual garages accommodate two vehicles and a trash enclosure for trash and recycling. The tract map will also establish each unit for individual sale, new emergency access easements, and utility easements to accommodate the location of new structures as part of the development.

Each unit is topped with a flat roof deck at an overall height of 35 feet 3 inches to the top of the roof deck rail. In addition, vertical architectural projections are proposed that accommodate an enclosed stairway access and open-to-below area with a flat roof and overall height of 39 feet. The units range in size between 2,453 square feet to 3,168 square feet of gross floor area. Three units have been designed to be accessible for persons with disabilities.

The proposed architecture consists of a contemporary or modern coastal style with exterior materials consisting of wood siding, stainless steel panels, and glass railings. Access to each unit is also provided along the adjacent public street frontage with enhanced paving, a low stone planter wall, 38-inch-high stained privacy fence, and a covered entry. Common open space areas consisting of open patio areas, landscaping, and a water feature are provided on-site at street corners adjacent to Via Malaga and between the building blocks adjacent to Via Lido.







density limit of 23 units over the total project site (3303 and 3355 Via Lido). The project proposes 23 dwelling units and would be 20 dwelling units per acre.

The following General Plan policies are pertinent to the proposed amendment at 3303 Via Lido:

### LU 3.2 Growth and Change

*“Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service. (Imp 1.1, 2.1, 5.1, 10.2, 16.2, 16.3, 17.1, 18.1, 19.1, 22.1, 23.1, 23.2)”*

The Lido Village Subarea has been characterized by underperforming retail uses within the past decade. The addition of residential units to Lido Village would provide an additional economic base to support existing commercial uses within the neighborhood. Accordingly, the proposed Project would be consistent with Policy LU 3.2.

### LU 6.2.1, Residential Supply

*“Accommodate a diversity of residential units that meet the needs of Newport Beach’s population of fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design, and development policies, and the adopted Housing Element.”*

The Amendment would be fully consistent with the Housing Element. The General Plan Housing Element identifies a need for the construction of 389 homes for “Very Low” income households, 319 homes for “Low” income households, 359 homes for “Moderate” income households, and 702 homes for persons with “Above Moderate” income levels. The Amendment would accommodate seven more “Above Moderate” units than previously intended, thus assisting the City to achieve its housing goals.

### LU 6.9.1 Priority Uses

*“Encourage uses that take advantage of Lido Village’s location at the Harbor’s turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential with retail uses [areas designated as “MU-W2”, Subarea “A”]. A portion of the Harbor frontage and interior parcels (Subarea “B”) may also contain multi-family residential*

*[designated as "RM(20/ac)", and the parcel adjoining the Lido Isle Bridge, a recreational and marine commercial use [designated as "CM(0.3)"]. (Imp 2.1, 24.1)"*

The Project site is located within Subarea "B," of the Balboa Peninsula/Lido Village/Cannery Village/Mc Fadden Square, as identified on General Plan Figure LU19, where multi-family uses are encouraged. The project proposes a density designation for 3303 Via Lido that will be consistent with the adjacent property at 3355 Via Lido and the recommended density identified by this policy (20 du/acre). Accordingly, the proposed Project would be consistent with Policy LU 6.9.1.

*a. Charter Section 423 (Measure S) Analysis*

Pursuant to City Charter Section 423 and Council Policy A-18, an analysis must be prepared to establish whether a proposed General Plan amendment (if approved) requires a vote by the electorate. The amendment would be combined with 80 percent of the increases in traffic, dwelling units, and non-residential floor area allowed by previous General Plan amendments (approved within the preceding 10 years) within the same statistical area. The following thresholds are applicable: 100 dwelling units, 100 a.m. peak hour trips, 100 p.m. peak hour trips, or 40,000 square feet of non-residential floor area. If any of the thresholds are exceeded and the City Council approves the requested General Plan Amendment, the Amendment would be classified as a "major amendment" and be subject to voter consideration. Approved amendments, other than those approved by the electorate, are tracked for 10 years and factored into the analysis of future amendments within the same statistical area as indicated.

The project site is located within Statistical Area B5 of the General Plan Land Use Element, and would result in an increase of seven dwelling units. Based on the trip generation rates contained in the Council Policy A-18 (residential/condominium townhouse rate), the proposed amendment is forecast to result in an overall reduction of peak hour trips. There would be no addition of nonresidential floor area with the amendment.

There have been three prior amendments approved within Statistical Area B5 since the 2006 General Plan Update (GP2010-004). The first amendment changed General Plan land use categories and policies to make the Land Use Element of the General Plan consistent with Coastal Commission's certification of Coastal Land Use Plan Amendment No. 2007-001. This Amendment applied to several lots in Statistical Area B5 (Lido Village, McFadden Square and including all of Lido Peninsula). The second amendment changed the land use designation of the properties at 3363, 3369, 3377, and 3378 Via Lido from Multiple-Unit Residential (RM) to Mixed-Use Vertical (MU-V). This site abuts the project site to the north. The third amendment changed the land use designations of the property at 200 30<sup>th</sup> Street from Two-Unit Residential (RT) to Visitor Serving Commercial (CV) to allow for the retention of an existing coin operated laundry on the site and allow for future development in accordance with the standards of the CV Zoning District.

Table 1, on the following page, summarizes the changes created by the proposed amendment with the recommended RM (20 du/acre) designation. The table also shows threshold totals under Charter Section 423. As indicated, none of the thresholds specified by Charter Section 423 would be exceeded, and therefore, a vote would not be required. A more detailed analysis is included as Attachment No. PC 3.

<b>Table 1: Charter Section 423 Analysis Summary Statistical Area B5</b>				
	<b>Increase in Allowed Floor Area</b>	<b>Increase in A.M. Peak Hour Trips</b>	<b>Increase in P.M. Peak Hour Trips</b>	<b>Increase in Allowed Dwelling Units</b>
GP2012-005 (PA2012-146) 3303 Via Lido	0 sq. ft.	0	0	7
<b>Prior Amendments (80%)</b> 1.GP2011-010 (PA2011-209) 2.GP2011-003 (PA2011-024) 3.GP2010-005 (PA2010-052)	16,275	48.63	64.81	2
<b>TOTALS</b>	<b>16,275</b>	<b>48.63</b>	<b>64.81</b>	<b>9</b>
<b>Section 423 Thresholds</b>	<b>40,000 sq. ft.</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Vote</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

If the proposed General Plan amendment is approved by City Council, this amendment will become a prior amendment and 80 percent of the increases will be tracked for 10 years.

*b. SB18 Tribal Consultation Guidelines*

Pursuant to Section 65352.3 of the California Government Code, a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission (NAHC) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources. The City received comments from the NAHC indicating that 14 tribal contacts should be provided notice regarding the proposed amendment. The tribal contacts were provided notice on January 30, 2013 and the remaining contacts identified by the NAHC were provided notice on August 6, 2013. Section 65352.3 of the California Government Code requires 90 days prior to Council action to allow tribe contacts to respond to the request to consult unless the tribe contacts mutually agree to a shorter time period. Since the most recent set of notices were sent out on August 6, 2013, the 90-day consultation period would end and Council Action could occur on or after November 4, 2013.

The City was contacted by Ms. Joyce Perry, Representing Tribal Chairperson for the Juanero Band of Mission Indians Acjachemen Nation, who expressed an interest in requiring an archeological monitor during construction operations at the project site. The Lido Village area has previously been subject to significant alteration. However,

Mitigation Measures have been required by the Mitigated Negative Declaration requiring an archaeological and paleontological monitor to be on-site to monitor the construction process.

## 2. Coastal Land Use Plan (CLUP) Amendment

The subject property is located in the coastal zone and therefore, is subject to the applicable goals, objectives, and policies of the Coastal Land Use Plan. The CLUP governs the use of land and water in the coastal zone within the City of Newport Beach and is in accordance with the California Coastal Act of 1976. The subject property at 3303 Via Lido has a land use category of Private Institutions (PI-B). The applicant is requesting to change the current land use of 3303 Via Lido to a Multiple-Unit Residential (RM-D) category, which would match the land use and density (20 du/ac) of the adjacent lot which is the larger portion of the project site (3355 Via Lido).

Figure 2. Current Coastal Land Use Plan, Land use Map



The following Coastal Land Use Plan policy is pertinent to the proposed amendment at 3303 Via Lido and the project as a whole:

### Coastal Development Policy No. 2.4.1-3

*“Design and site new development to avoid impacts to existing coastal dependent and coastal-related developments. When reviewing proposals for land use changes, give full consideration to the impact on coastal-dependent and coastal-related land uses including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties.”*

The PI portion of the site is approximately 0.4 acres in size and abuts a property planned for residential use. Residential uses are located across Via Lido and another religious institution is located across Via Malaga so the change from PI to RM has no impact on these adjacent land uses.

Adequate commercial uses exist in the area. Lido Village, a commercial development to the north of the project site, contains both visitor-serving and coastal-dependent businesses such as restaurants and yacht brokerage firms. Given the mix of uses in the immediate area (residential and private institutional), use of the 0.4 acre portion of the site for residential uses will not affect the ability to accommodate visitors or recreational activities. Changing land use from private institutional (e.g. religious assembly) to residential, in this case, will eliminate a use that is heavily reliant on street parking on weekends when the public parking demand for beachgoers is highest. Therefore, approval of the proposed Coastal Land Use Plan amendment will support visitor access in the area by reducing parking demands attributable to a non-priority use.

Coastal Commission staff reviewed the draft Mitigated Negative Declaration (MND) and indicated a concern about the proposed residential project and land use amendment citing Section 30222 of the Coastal Act, that prioritizes coastal-dependent, coastal-related, visitor-serving, and recreational uses above residential uses. Commission staff's comment is applicable to the 0.4 acre portion of the site that is the subject of the application request to change the General Plan and Coastal Land Use Plan categories from Private Institutional (PI-B) to Multiple-Unit Residential (RM-D) at 20 dwelling units per acre.

One could consider use of the 0.4 acre site for other land use categories such as a park or open space to provide direct public access. The site is not available for public acquisition and given the relatively small size and location of the site (e.g. not located along the bay or beach) it would likely serve local residents rather than visitors. Considering the use of the existing site, planned development of the abutting property (3355 Via Lido) for residential uses, and surrounding non-priority development, the site is not suitable for public acquisition for public parking, park or open space development.

Existing development on the subject property (church) does not currently provide coastal-dependant or coastal-related uses nor does it directly support coastal land uses. Further, the existing land use designation does not require that proposed commercial uses be coastal related. There is no future guarantee that future development, allowed by right under this land use classification, would result in coastal-dependant, coastal-related, or visitor-serving land uses. This distinction is significant as the City has other areas on the waterfront which have been specifically designated as "Recreational Marine Commercial".

The site is separated from Newport Bay by Via Lido and other private development. The PI land use category allows for a multitude of privately owned facilities that might serve the public, including places for assembly/meeting facilities, congregate care homes, cultural institutions, health care facilities, marinas, museums, private schools, yacht clubs, and comparable facilities. Some potential uses permitted in the PI land use category are coastal-dependant and coastal-related such as marinas, museums, cultural institutions, and yacht clubs. However, the non-waterfront location of the project site makes it unsuitable for some of these uses such as marinas and yacht clubs.



It should be noted that despite the fact that the majority of the project site (0.8 acres of the 1.2 acre site) is currently developed with commercial uses, it is also designated for multi-family use at 20 dwelling units per acre. The California Coastal Commission found the change in land use from commercial to multi-family residential for this portion of the project site consistent with Section 30222 when it certified the Coastal Land Use Plan in 2009.

The property to the north of the project site at 3363, 3369, 3377, and 3378 Via Lido was amended from an RM (Multiple-Unit Residential) CLUP land use category to a MU-V (Mixed-Use Vertical) CLUP land use category in November of 2012 at the request of the property owner. This property is a 0.2 acre parcel and the amendment expanded visitor-serving opportunities in the area by maintaining commercial use of the ground level. This land use change partially offsets the potential loss of visitor-serving land uses that could occur as a result of the requested amendment, assuming the church parcel were to be converted to a visitor-serving use in the future.

For these reasons, staff believes the project is consistent with Section 30222 of the Coastal Act and the proposed project would not further limit the potential to place coastal-development, coastal-related, visitor-serving, or recreational land uses within Lido Village and the project would not conflict with Policy 2.4.1-3 of the Coastal Land Use Plan.

### 3. Zoning Code Amendment-3303 and 3355 Via Lido

The property at 3355 Via Lido is currently within the Multiple-Unit Residential (RM) Zoning District whereas the property at 3303 Via Lido is currently in the Private Institutions (PI) Zoning District. The purpose of the requested amendment is to establish a Planned Community (PC) Zoning District for the entire project site (3303 and 3355 Via Lido) with site specific development standards and regulations.

#### *a. Planned Community*

The establishment of a Planned Community Development Plan is regulated by Chapter 20.56 (Planned Community District Procedures). The purpose of the Planned Community Development Plan (PC) Zoning District is to provide for the classification and development of land as coordinated, comprehensive projects in order to take advantage of the superior environment resulting from large-scale community planning. It also allows for the diversification of uses as they relate to each other in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent, and provisions of the Zoning Code. Finally, Planned Communities are intended to include various types of uses, consistent with the General Plan through the adoption of a development plan and text materials that identify land use relationships and associated development standards.

The project site is 1.2 acres in area. Section 20.56.020 (Area Requirements) of the Zoning Code identifies a minimum acreage requirement of 25 acres of unimproved land or 10 acres of improved land area for the establishment of a PC District. The Council may waive these minimum acreage requirements and a waiver would be necessary to establish the proposed PC. A Planned Community is appropriate for the proposed project to ensure broader coordination and consistency with the surrounding neighborhood, including a higher level of architectural quality supporting a coastal living environment with pedestrian connectivity.

The Lido Villas Planned Community would provide for a coordinated, comprehensive project and would establish a specific set of standards and procedures for implementation and continuation of the residential dwelling units as originally intended. Thus, staff suggests that the Planning Commission recommend the City Council approve a waiver of the minimum site area in order to establish the proposed Planned Community for the Lido Villas project.

The draft Lido Villas Planned Community standards (Attachment No. PC 4) are modeled after the RM Zoning District regulations with variations to the required setbacks and height. Table 2, below, provides a comparison between the RM Zoning District standards and the applicant's requested Planned Community:

<b>Table 2- Residential Planned Community Standards</b>		
<b>Development Standards</b>	<b>RM District Standard</b>	<b>Lido Villas Planned Community</b>
<b>Lot Size</b>	6,000 square feet min. for newly created corner lots	52,099 square feet (1.2 acres)
<b>Max. Density<sup>1</sup></b>	23 dwelling units	23 dwelling units
<b>Setbacks<sup>2</sup></b>		
<b>Front</b>	20 feet	Via Lido <ul style="list-style-type: none"> <li>9 feet, first floor</li> <li>4 feet 5 inches, second floor</li> </ul> Via Malaga <ul style="list-style-type: none"> <li>7 feet 3 inches, first floor</li> <li>6 feet 6 inches second floor</li> </ul> Via Oporto <ul style="list-style-type: none"> <li>6 feet, first floor</li> <li>3 feet, second floor</li> </ul>
<b>Side</b>	20 feet 9 inches (8% of avg. lot width)	5 feet (along interior property line) to the north
<b>Rear</b>	10 feet	N/A
<b>Height<sup>2</sup></b>	<ul style="list-style-type: none"> <li>28 feet for flat roofs or parapet walls</li> <li>33 feet for sloped roofs</li> </ul> <u>Site Development Review:</u> <ul style="list-style-type: none"> <li>32 feet for flat roofs or</li> </ul>	<ul style="list-style-type: none"> <li>35 feet 4 inches for flat roofs or parapet walls</li> <li>39 feet for architectural projections</li> </ul>

Table 2- Residential Planned Community Standards		
Development Standards	RM District Standard	Lido Villas Planned Community
	parapet roofs • 37 feet for sloped roofs	
<b>Buildable Area</b> <sup>2</sup> (lot size minus setbacks)	40,208 sq. ft. (utilizing RM setbacks)	47,878 sq. ft. (w/proposed buildable area)
<b>Maximum Floor Area</b> <sup>3</sup> Buildable Area x Floor Area Limit (FAL)	70,364 sq. ft. (1.75 FAL)	54,392.09 sq. ft (1.35 FAL with required buildable area) (1.14 FAL with proposed buildable area)
<b>Open Space</b>		
Common (75 sq. ft./unit)	1,725 sq. ft.	2,483 sq. ft.
Private (5% of gross floor area/unit)	Varies 123-sq. ft. to 159 sq. ft.	Varies 392 sq. ft. (13.2%) to 607 sq. ft. (21.26%)
<b>Parking</b>		
Resident (2 per unit covered)	46 spaces	46 spaces in private garages
Guest (0.5 per unit)	12 spaces	12 spaces in surface parking areas
Total	58 spaces	58 spaces
<b>Solid Waste and Recyclable Materials</b>	48 sq. ft. common refuse 48 sq. ft. common recycling 96 sq. ft. common total	8.5 sq. ft. – 15 sq. ft./unit, total 268.5 sq ft trash 8.5 sq. ft. – 15 sq. ft./unit total, 268.5 sq ft rec. 17 sq. ft. – 30 sq. ft./unit total, 537 sq ft total

<sup>1</sup> With approval of the proposed General Plan Amendment.

<sup>2</sup> Proposed PC standards vary from the RM development standards.

<sup>3</sup> Per Section 20.18.030, up to 200 square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.

## **B. Project Review**

### **1. Site Development Review**

Redevelopment of the project site is subject to a site development review (submitted concurrently) to determine compliance with all applicable development standards of the Lido Villas Planned Community Text.

Policy LU 5.1.9 (Character and Quality of Multi-Family Residential) of the land use element of the General Plan requires that multi-family dwellings be designed to convey a high quality architectural character in accordance with principles for building elevations, roof design, and parking. Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security. All proposed dwelling units incorporate high quality architectural treatments and materials such as wood siding, stainless steel panels, and glass railings to achieve a modern coastal architectural expression. Consistency with the Lido Village Design Guidelines, described below, is further evidence of consistency with this policy. Roof



elements have been designed to provide for step backs above the third level to reduce the apparent scale of the proposed buildings and provide interest and variety. The vertical architectural projections accommodate the enclosed stairway access and provide additional architectural variation and modulation for each unit. Enclosed parking garages on the ground floor for each unit are incorporated into the integral unit design for each building and are readily accessible from the internal driveway. For these reasons, staff believes the project would be fully consistent with Land Use Element Policy LU 5.1.9.

a. *Coastal Land Use Plan Policies*

The following Coastal Land Use Plan policies are pertinent to the proposed project:

Coastal Development Policy No.2.7-1

*“Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.”*

The site’s proposed Planned Community (PC) Zoning would apply appropriate setbacks and height limits to the project site given the site’s urban location. Other development standards for density, floor area, parking, and open space in the Planning Community Text are consistent with the Multiple-Unit Residential (RM) Zoning District development standards. The subject property does not contain any sensitive coastal resources as it is presently improved with commercial office and religious institutional buildings. The site is not located along the ocean or bay where public access is provided or would be required in the future. All parking is provided on-site, thus protecting existing public parking resources that facilitate coastal access in the area. Accordingly, the project would not conflict with Policy 2.7-1 of the Coastal Land Use Plan.

Coastal Development Policy No. 2.8.7-2

“Require new development to provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion, and other hydrologic impacts to streams.

Chapter 15.10 (Excavation and Grading Code) of the City of Newport Beach Municipal Code requires that all proposed grading activities within the City obtain a grading permit from the City’s Building Official. This chapter specifies grading, fill, drainage, and erosion control standards that shall be applied to the corresponding construction activity.

Pursuant to the requirements of the Santa Ana RWQCB and the City of Newport Beach, the project is required to obtain a NPDES Municipal Stormwater Permit for construction activities. The NPDES permit is required for all projects that include construction

activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities, which would specify the Best Management Practices (BMP's) that the project would be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

A Water Quality Management Plan (WQMP) has been prepared, pursuant to the requirements of the NPDES permit. The WQMP is a post-construction related management program that ensures the on-going protection of the watershed basin by requiring structural (landscape areas and permeable pavers) and programmatic controls (educational materials for property owners, irrigation system and landscape maintenance, and common area litter control) to minimize, prevent, and/or otherwise appropriately treat storm water runoff flows before they are discharged from the site. Accordingly, the project would not conflict with Policy 2.8.7-1 of the Coastal Land Use Plan.

#### Coastal Development Policy No. 2.9.3-13

"Encourage commercial and institutional development located near beaches and other coastal resources to provide parking for public access during weekends and holidays."

The parking lot at 3355 Via Lido is devoted to the office building and available to the church and public when on-site uses do not require it. Although the loss of this parking resource would be unfortunate, public parking for coastal access cannot be expected to continue on a designated residential site. The project will relocate three existing street parking spaces but will not result in a net change in on-street parking. Thus, the proposed project will not further decrease the potential to provide parking for public access on weekends and holidays and the new category will not conflict with the policies of the Coastal Act.

#### b. *Height*

The proposed project proposes a height limit of 35 feet 4 inches to the top of the glass roof deck railings. The top of the main building parapet would be 31 feet 10 inches in height. Additionally, an architectural projection is proposed that encloses the stairway access and a small vaulted ceiling area for each dwelling unit that would extend up to 39 feet in height. The primary purpose for the taller projections is to provide architectural interest and building modulation. Additionally, these features will increase privacy for residents when they utilize the proposed roof decks and provide higher ceiling heights in a portion of the 3<sup>rd</sup> level with increased light. The architectural projections would be limited in size and floor area under the Planned Community development standards to prevent the further expansion or enclosure of the roof deck areas.

The additional parapet and roof deck railing height would allow for modern floor to ceiling heights expected in today's marketplace. The first floor would provide 8-foot-plate heights, the second floor would provide 8-foot-10-inch-plate heights and the third floor would provide 9-foot-plate heights. A large section of the additional building height accommodates a large private roof deck above each unit that complements the active coastal lifestyle and provides a very useable outdoor living environment.

Coastal Commission staff has raised a concern about the height of the project as it relates to Coastal Land Use Plan Policy 4.4.2-1 that states, *"Maintain the 35-foot height limit in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3."*

The Shoreline Height Limitation Zone was first created in 1971 and it considerably lowered height limits in and around Newport Harbor. The policy was incorporated within Zoning Code height limits and although the height standards have been modified from time to time, the Zoning Code has always allowed sloping roofs, staircase/elevator enclosures and certain architectural features to exceed a stated height limitation. Specifically, sloping roofs and staircase/elevator enclosures have been allowed to exceed each height limit by up to 5 feet. For example, single-family homes are limited to 24 feet for flat roofs, 29 feet for sloping roofs, and enclosed stairways or elevators to rooftop decks would also be allowed to 29 feet.

The same would hold true for multi-family zones where flat roofs are allowed to 28 feet and sloping roofs to 33 feet by right, and with discretionary approval, flat roofs can be 32 feet with sloping roofs being 37 feet high. In commercial zones, flat roofs are allowed to 26 feet and sloping roofs to 31 feet by right, and with discretionary approval, flat roofs can be 35 feet with sloping roofs being 40 feet high. In each of these examples, enclosed stairways or elevators would be allowed to the higher height limit. The system with a stated height limit (e.g. 24, 26, 28 etc.) and a 5 foot exception for enclosed stairways or elevators has been in the Zoning Code since 1971.

The height of the architectural features requested by the applicant is within the 5foot exception to the 35-foot-height limit as typically allowed by the Zoning Code. For these reasons, staff believes the project is consistent with CLUP Policy 4.4.2-1. If an applicant were to propose a design that would be taller than the allowable exception provided by the Zoning Code, staff would consider it in conflict with Policy 4.4.2-1, and an amendment of the policy would be necessary.

The requested height is similar to the existing commercial building at 3355 Via Lido, which is currently 35 feet in height. Furthermore, the existing of the 5-story building to the northeast at 3388 Via Lido is 60 feet in height. Thus, the project would result in a development that is compatible with the surrounding neighborhood in terms of bulk and scale.

c. *Parking*

A total of 46 garage parking spaces are required and provided by the proposed project at a rate of two garage spaces per dwelling unit. In addition, 12 guest parking spaces are required and provided at a rate of 0.5 space per dwelling unit. Three ADA compliant units would be provided and one ADA guest parking space would be provided within the surface parking area. The Public Works Department has reviewed the project's vehicle circulation and determined that the proposed layout is sufficient to provide safe and adequate vehicle access throughout the site including access for emergency vehicles, delivery trucks, and individual trash pick-up.

d. *Setbacks*

The Lido Villas Planned Community proposes setbacks that are specific to the design of the project. For each street frontage, the first floor level would be set back to enhance pedestrian connections and provide a covered porch entry for each dwelling unit. The second floor living area would overhang the first floor entry and would thus provide a smaller setback adjacent to each street frontage. The project site is located in Lido Village, a mixed-use area characterized by commercial and residential uses with smaller setbacks typical of a more urban design. The project specific setbacks would be appropriate for the project site, allowing for sufficient building placement and vehicle circulation throughout the interior of the project site. While the setbacks proposed are smaller than what would be expected under the standard RM Zoning District development standards and results in a larger buildable area, the total gross floor area of the proposed project would not exceed the gross floor area that would be permitted under the standard RM setbacks and buildable area.

e. *Lido Village Design Guidelines*

The Lido Village Design Guidelines are to be used by owners who intend to renovate or rehabilitate existing structures, are planning for new construction, or have decided to make significant exterior or site improvements to property, or by the City while reviewing plans for approval.

The Guidelines are intended to be specific enough to describe elements that create a unifying "sense of place" while considering the economic realities of market conditions for owners and tenants various business needs. The Guidelines are not meant to discourage unique or inventive design solutions.

i. *Lido Triangle Goals*

The Lido Village Design Guidelines identify a series of goals for the Lido Triangle, including sensitivity to worship and residential sites, traffic calming devices, building massing, and joint parking opportunities. The project will provide additional residential units, which will be compatible with existing worship and residential uses in the Lido

Triangle area. The project is designed to accommodate any future pedestrian improvements or traffic calming devices that may be installed within the adjacent rights-of-way. Finally, while the project does not provide joint parking opportunities, all required parking is provided on-site, avoiding the need for off-site parking. The proposed project is consistent with the Lido Triangle Goals.

## ii. Lido Triangle Edge Conditions

The Guidelines provide guidance for improving the urban experience by addressing the pedestrian and building interface with additional internal pedestrian circulation, monumentation, and gathering places or nodes.

Node opportunities in the Lido Triangle are identified on the corners of Via Malaga and Via Oporto and at Via Malaga and Via Lido. The open space areas proposed at these locations with additional landscaping and a water feature help these spaces function as nodes within the Lido Triangle. The project has made all street facing frontages “street focused edges” by orienting the proposed units toward the street to emphasize the pedestrian interface within these areas. Via Lido is a primary pedestrian corridor and Via Malaga and Via Oporto are considered secondary pedestrian corridors that will be designed to accommodate additional pedestrian amenities within the right-of-way. Current plans for the adjacent commercial center and City Hall re-use across Via Oporto make the project’s frontage along this street less of a service edge as identified in the Design Guidelines and more of a street focused edge. Thus, the project will accommodate these future uses with a street focused edge by orienting the section of units along Via Oporto with pedestrian circulation and access toward the right-of-way. Therefore, the project is consistent with the Lido Triangle Edge Conditions.

## iii. Architectural Themes

While there are mixed styles existing within Lido Village, the Lido Village Design Guidelines selected the Coastal and Mediterranean architectural styles based upon the historic relevance and historic vision for the neighborhood. Combining of styles should only be done with great consideration and caution. By drawing inspiration from these two styles, progressive applications may be applied to new construction or remodels.

The architectural style for the project can best be described as modern coastal. In terms of materials and architectural expression, the units are inspired by nautical elements of Newport Harbor. The high quality details and materials take inspiration from modern yachts and are characterized by carefully detailed wood siding, stainless steel panels, and glass railings. The project exemplifies a progressive interpretation of open plan lofts like the historic coastal warehouses in adjacent Cannery Village. The design is also consistent with the modern and progressive renovation of the former Balboa Savings and Loan building located at 3388 Via Lido. This pattern of architectural styles will help define the Lido Triangle as an identifiable Modern Coastal corridor of development.



The units are designed to accommodate residents with active coastal lifestyles. Large windows and modern, light filled homes with roof top patios and views are characteristic of this lifestyle and are common to recent construction in the City. The units have first floors defined by authentic wood siding, modern landscaped patios, and entries to enhance the sidewalk pedestrian experience of the homes. The base of the buildings establish a comfortable human scale and relationship to the city block while creating an architectural complement with the materials of the upper stories

f. *Required Findings*

Pursuant to 20.52.080 (Site Development Review) of the Zoning Code, residential developments of five or more units that are processed in conjunction with a tentative tract map require a site development review by the Planning Commission. The required findings for approval of a site development review must identify that: the project is allowed within the subject Zoning District, that the project will not be detrimental to the harmonious and orderly growth of the City, and that the project is in compliance with applicable criteria including compliance with the General Plan, the Zoning Code, and any applicable specific plan, the efficient arrangement of structures on-site, the compatibility in terms of bulk, scale, and aesthetic treatment, the safety of pedestrian and vehicular access, the adequacy of landscaping and open space area, and the projection of significant public views. Staff believes facts to support the required findings exist to approve the Site Development Review and they are included in the attached draft resolution for approval.

In summary, the proposed land use changes at 3303 Via Lido maximize the efficiency of the project site and provide adequate vehicular circulation rather than a disjointed project that may result if only 3355 Via Lido were utilized for the proposed project. The height, bulk, and scale of the residential units are comparable to the existing 35-foot-high commercial building at 3355 Via Lido. The proposed project is consistent with the Lido Village Design Guidelines and the residential units maximize the pedestrian relationship of the development to the surrounding area. The urban view from two vantage points (The Lido Island Bridge and Lido Park) will not significantly be changed but rather will be improved by the replacement of an uninspiring commercial building with a new modern coastal development. The project has been designed to maintain a harmonious and orderly relationship between adjacent uses in Lido Village. The size, design, location, and screening of mechanical equipment, outdoor lighting, and refuse enclosures will comply with the requirements of Sections Section 20.30.020 (Buffering and Screening), 20.30.070 (Outdoor Lighting), and 20.30.120 (Solid Waste and Recyclable Materials Storage) of the Zoning Code, respectively. Noise and visual impacts with the adjacent commercial property to the north would be minimized by a new 6-foot block wall and landscaping. All required parking is provided on-site and the internal vehicle circulation has been designed to accommodate and provide safe access for emergency vehicles, delivery trucks, and refuse collections vehicles, as determined by the City Traffic Engineer. The project will relocate three on-street parking spaces

along Via Malaga resulting in no net change in the 30 total on-street parking spaces currently provided.

For the reasons noted above, Staff believes the required findings for the Site Development Review can be made.

## 2. Tentative Tract Map

The proposed project includes a request to combine six parcels and establish a 23-unit residential condominium tract (Attachment No. PC 9). The map would serve to consolidate a portion of Lot 4 and all of Lot 5 with portions of the adjoining alley of Tract No. 1117 and Lots 1201 through 1204 of Tract No. 907 and portions of the adjoining alley into a single lot (Lot 1). Existing sewer and utilities easements on-site would be abandoned as part of the tract map. The tract map will also establish new emergency access easements and utility easements to accommodate the proposed project.

Section 19.12.070 (Required Findings for Action on Tentative Maps) of the City of Newport Beach Municipal Code provides required finding for approval of a tentative tract map. These findings include: consistency with the General Plan and any applicable specific plan, that the site is physically suitable for development, that proposed improvements are not likely to cause substantial environmental damage to fish, wildlife, or their habitat, or cause serious health problems, that the project will not conflict with easements, a "land project", solar access and passive heating requirements, the City's share of the regional housing need, or the discharge of waste into the sewer system, and finally, that the project will conform with the public access and recreation policies of the Coastal Act. Staff believes facts to support of the required findings exist to approve the map and they are included in the attached draft resolution for approval.

In summary, the site is relatively flat and a geotechnical engineering investigation determined that the site is safe and suitable for the proposed development. In addition, the site does not support any environmental resources and proposed development would not significantly impact any sensitive resources within the nearby Newport Bay.

The General Plan estimates that future traffic noise exposure will be 60 dB CNEL to the nearest residential facades to Via Lido and identifies that residential uses are clearly compatible or normally compatible with the 60 dB CNEL. With appropriate noise control measures under conventional construction and design of the proposed project (e.g., closed windows, fresh air supply systems or air conditioning), the interior noise levels would comply with the City and State interior noise standard of 45 dB CNEL for residential units.

The Public Works Department has also reviewed the proposed tentative map and believes it is consistent with the Newport Beach Subdivision Code (Title 19) and applicable requirements of the Subdivision Map Act. Each residential unit would be required to provide separate sewer and water connections to a new main connecting

within Via Lido. Conditions of approval have been included to ensure compliance with Title 19. The applicant would be required to construct public improvements consistent with applicable Subdivision Code and design standards, including retrofitted curb drains, roadway surfacing along Via Malaga and Via Oporto, and ADA curb ramps along the Via Lido, Via Malaga, and Via Oporto frontages. The project includes the relocation of a street light along Via Oporto and the relocation of existing Edison Vents and a fire hydrant along Via Malaga. New street trees will be installed including Water Gum Trees along Via Oporto and Gold Medallion Trees along Via Lido and Via Malaga. The sewer line work proposed within the public right-of-way would take approximately 2 weeks to complete and will require the approval of an encroachment permit by the Public Works Department to ensure safety.

For the reasons noted above, Staff believes the required findings for the Tentative tract Map can be made.

### **C. Environmental Review**

Prior to making a recommendation on the proposed project, the Planning Commission must first review, consider, and recommend City Council adoption of the Mitigated Negative Declaration (MND) (Attachment No. PC 5). The MND is comprised of the Notice of Intent (NOI), Initial Study (IS), Environmental Analysis, and Appendices.

Based upon the analysis of the Initial Study, the environmental categories within which the project would have either no impact or less than significant impact were: *Aesthetics, Agricultural/Forest Resources, Biological Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utilities/Service Systems.*

Based upon the analysis of the Initial Study, the environmental categories within which the project would have potentially significant impacts were: *Air Quality, Cultural Resources, and Hazards/Hazardous Materials.* Specific mitigation measures have been included to reduce the potentially significant adverse effects to a less than significant level. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for consideration attached as Exhibit "B" of the draft resolution (Attachment No. PC 1).

On the basis of the analysis provided in the MND, City staff has concluded that the project would not have a significant impact on the environment. The MND reflects the independent judgment of the City and recognizes project design features, standard construction and engineering practices, and review and reevaluation of future projects as the means to avoid potential impacts. The project site does not include any sites on an Environmental Protection Agency hazardous waste site list pursuant to Government Code Section 65962.5.



The MND was completed and circulated for a mandatory 30-day public-review period that began on July 12, 2013, and concluded on August 13, 2013. The public comment period was extended through August 13, 2013 to allow for comments received through OPR (the Office of Planning and Research), which began the review period on July 15, 2013. Several comment letters were received from advising agencies which are attached (Attachment PC 6) for consideration.

## **PUBLIC NOTICE**

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Letters submitted by the public are provided as Attachment No. PC 7. Thus far, one public comment has been received in opposition of the proposed architectural style of the project.

## **SUMMARY**

Staff believes that the facts associated with the subject property and proposed project support the requested land use amendments and required findings for the project. The project would result in the redevelopment of an under-utilized and aging site with a new residential project that implements the General Plan goals and policies for the development of the Lido Village Subarea. The change in land use of the portion of the site devoted to the church would not create any land use conflicts or eliminate the real potential for other future uses of the site that would otherwise benefit the community. The project would also result in the redevelopment of a site that was specifically re-designated for residential use to encourage its redevelopment and strengthen Lido Village. Although not currently zoned for residential use, the land use change and incorporation of the property at 3303 Via Lido creates a cohesive and more functional residential project for the area. The project successfully integrates residential uses to support surrounding commercial uses within Lido Village. The project exhibits high quality architectural treatment of the building and given the constraints of the property, the requested height and setbacks are reasonable and consistent with the General Plan policies and proposed Lido Village Planned Community development standards. The requested setbacks are consistent with the development pattern within Lido Village and enhance pedestrian connections along the project's street frontages. The requested height is similar to existing development on the project site and results in a development that is compatible with the surrounding neighborhood in terms of bulk and scale.

Therefore, staff recommends Planning Commission recommend City council adoption of the Mitigated Negative Declaration and approval of the project applications based on the discussion and facts above and the recommended conditions of approval that have been incorporated into the attached resolution (Attachment No. PC1).

## **ALTERNATIVES**

Staff believes that the findings for approval can be made for the proposed project as recommended and the facts in support of the required findings are presented in the draft resolution (Attachment No. PC 1). The following alternatives are available to the Planning Commission:

1. The Planning Commission may suggest specific changes that are necessary to alleviate any concerns such as the project height, resulting in abrupt changes in scale, or architectural consistency with the Lido Village Design Guidelines. If any additional requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return once the applicant has had an opportunity to revise the project accordingly with a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the land use amendments, the Planning Commission may deny the application without prejudice in the attached draft resolution for denial (Attachment No. PC 2). The applicant may then return with a project that incorporates only the property at 3355 Via Lido, which is already designated for multi-family residential use.

Prepared by:



Makana Nova  
Assistant Planner

Submitted by:



Brenda Wisneski, AICP, Deputy Director

## **ATTACHMENTS**

- PC 1 Draft Resolution Recommending Approval with Attached Exhibits
- PC 2 Draft Resolution for Denial
- PC 3 Section 423 Analysis Table
- PC 4 Lido Villas Draft Planned Community Text
- PC 5 Mitigated Negative Declaration No. ND2013-001
- PC 6 Letters from Advising Agencies
- PC 7 Public Comments
- PC 8 Site Photos
- PC 9 Tract Map No. 17555
- PC 10 Project Plans

# **Attachment No. CD 3**

September 5, 2013, Planning  
Commission Staff Report

**CITY OF NEWPORT BEACH**  
**PLANNING COMMISSION STAFF REPORT**

September 5, 2013 Meeting

Agenda Item 3

**SUBJECT:** Lido Villas - (PA2012-146)  
3303 and 3355 Via Lido

- General Plan Amendment No. GP2012-005
- Coastal Land Use Plan Amendment No. LC2013-001
- Code Amendment No. CA2012-008
- Site Development Review No. SD2013-001
- Tract Map No. NT2013-001  
(Tentative Tract Map No.17555)
- Mitigated Negative Declaration No. ND2013-001

**APPLICANT:** Dart Development Group

**PLANNER:** Makana Nova, Assistant Planner  
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**PROJECT SUMMARY**

The project consists of the demolition of a 3-story commercial building, a single-story church building (First Church of Christ, Scientist), and a 56-space surface parking lot to accommodate the development of 23 townhouse-style multi-family dwelling units on a 1.2 acre site. The following applications are requested in order to implement the project as proposed:

1. **General Plan Amendment**-to change the land use of a portion of the project site (3303 Via Lido) from PI (Private Institutions, 0.75) to RM (Multi-Unit Residential, 20 DU/acre).
2. **Coastal Land Use Plan Amendment**-to change the land use of a portion of the project site (3303 Via Lido) from PI-B (Private Institutions) to RM-D (Multiple-Unit Residential).
3. **Zoning Code Amendment**-to change the Zoning designations of the properties at 3303 Via Lido from PI (Private Institutions) and 3355 Via Lido from RM (Multiple-Unit Residential, 2178) and establish a Planned Community Development Plan (PC) Zoning District over the entire project site with development standards for a new 23-unit multi-family project. In order to establish the proposed planned community development plan, a waiver of the minimum site area of 10 acres of developed land is necessary.
4. **Site Development Review**-to allow the construction of 23 townhouse-style multi-family dwelling units.
5. **Tract Map**-to combine six underlying parcels on two existing properties and establish a 23-unit residential condominium tract on a 1.2 acre site.
6. **Mitigated Negative Declaration**-to evaluate environmental impacts relative to the California Environmental Quality Act (CEQA).

## **RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ (Attachment No. PC 1) and attached Exhibits recommending the City Council:
  - Adopt Mitigated Negative Declaration No. ND2013-001;
  - Approve General Plan Amendment No. GP2012-005;
  - Approve Local Coastal Plan Amendment No. LC2013-001;
  - Approve Code Amendment No. CA2012-008;
  - Approve Site Development Review No. SR2013-001; and
  - Approve Tract Map No. NT2013-001  
(Tentative Tract Map No. 17555).

## **DISCUSSION**

### August 22, 2013, Planning Commission Meeting

The Planning Commission received a Staff presentation of the proposed project on August 22, 2013, and voted to continue the project to September 5, 2013, to allow additional time for the Planning Commission to consider the project and provide direction for Staff. The Planning Commission requested additional information related to the architectural design and construction of the project. The draft Planning Commission minutes are included as Attachment No. PC 3. Public comment letters received prior to the meeting are included as Attachment No. PC 4.

Generally, the Planning Commission requested the following information:

- Additional details regarding the architectural style and material finishes.
- Greater discussion of the project's compatibility the Lido Village Design Guidelines.
- Analysis and comparison of hardscape and landscape area within common areas on-site.
- Consideration of additional guest parking beyond the minimum required 12 spaces within the surface parking areas.
- Revisions to the Planned Community Development Text to better address permitted land uses, parking requirements, and the architectural design of the project.
- Conditions of approval to incorporate requirements for City review of the covenants, conditions, and restrictions (CCRs) for the project.
- Discussion of the comments submitted by the Friends of Dolores and written by Robert Hawkins on August 22, 2013, relative to the CEQA analysis of the project and Lido Village Design Guidelines.

The following analysis responds to the Commission's concerns and includes additional information that was not available at the August 22, 2013, meeting.

## Analysis

### *Project Design*

As previously discussed in the August 22, 2013 staff report, the project is designed in a coastal modern architectural style. To better illustrate the architectural design of the proposed project, a photo of the materials board and detailed architectural elevations (Attachment No. PC 5 and 6).

Finishes include the use of horizontal stained cedar siding on the Island Unit type that encompasses vertical panels at the front elevations of each dwelling unit in areas that are not occupied by windows. Adjacent guardrails would provide a wood handrail to complement the wood panels.

The same wood cedar siding would be utilized on the Harbor Unit type in a similar treatment to the interior panel treatments facing the residential balconies. These units would be defined by a white stripe patterned glazing on the tempered glass guardrails at each level.

The side of each façade would incorporate concrete composite panel elements at the side facades with cream or grey panels, depending on the unit type. Aluminum finishes would serve to define window panel areas at the front elevations for both unit types. The building materials maintain a cool neutral color palette accented by warm wood elements applied to all units to maintain continuity throughout the project site.

### *Lido Village Design Guidelines*

The City Council adopted the Lido Village Design Guidelines (Guidelines) on January 10, 2011 to provide guidance and inspiration for area-wide improvements. With the City Council's adoption of the Guidelines by resolution, the Guidelines do not have the weight of an ordinance.

The following provides a summary of the content provided within the Guidelines:

- **Chapter 1** is an introduction that provides the summary and objectives of the Lido Village Design Guidelines:

*"The objective of the Guidelines is to provide owners with strong positive images and a design vocabulary for the renewal of Lido Village. These Guidelines are intended to streamline the design and approval process by requiring property owners to adhere to the contents within. Special considerations or incentives may be provided for*

*projects that provide enhanced amenities or public benefit, at the discretion of City officials.”*

- **Chapter 2** identifies geographic areas within Lido Village along with edge conditions (Street-focused, Buffer edge, Waterfront edge, and Service edge) for the design areas with guidelines for improved pedestrian connections and open space.
- **Chapter 3** provides architectural guidelines (form/massing, facade treatments, street interface, roofs, and building materials) and identifies “Coastal” and “Mediterranean” architectural styles as being preferred.
- **Chapter 4** provides landscape guidelines that apply to plantings and hardscape improvements. Significant attention is paid to streets, the waterfront, pedestrian connections, and links to surrounding neighborhoods to guide the design of future capital improvement projects and beautification efforts (budget permitting). A strong preference is identified for “California Friendly” plantings that have low watering requirements compatible with the climate, soils, and setting.
- **Chapter 5** addresses implementation of the Guidelines as a design manual for private development and public spaces. Within this framework, flexibility will be preserved while establishing a clear statement of design intent that property owners, designers, and decision-makers will need to follow.

#### *Consistency with Lido Village Design Guidelines*

Chapter 2 of the Guidelines suggests a “Street-focused” edge along Via Lido and Via Malaga and a “Service” edge along Via Oporto. The Street-focused edge suggests image-defining facades with street orientation, strong building/pedestrian interfaces, and the use of a unifying theme and character. The Service edge suggests back of house and service conditions, limited pedestrian access, and special screening applications. Additionally, the Guidelines suggest a Primary Pedestrian Corridor along Via Lido and Secondary Pedestrian Corridors along Via Malaga and Via Oporto. The project provides a consistent street-focused edge for all three street frontages. Vehicular access is not provided along Via Lido accentuating pedestrian access. Although the street focused edge along Via Oporto doesn’t provide elements of a service edge as identified in the Guidelines, the design supports future use of Via Oporto as a pedestrian corridor. Via Oporto was identified as a Service edge due to its proximity with Via Lido Plaza and with the change of use from Pavilions to West Marine, there should be a diminishment of service activities potentially facilitating enhanced pedestrian use consistent with the street’s designation as a secondary pedestrian corridor.

Staff believes the project is consistent with the architectural guidelines identified in Chapter 3 of the Guidelines. The architectural style is a modern interpretation of a Coastal style. The project incorporates simple block massing characteristic of this style accented by a wood panel siding treatment along the front façades. Building materials have been chosen to withstand coastal conditions and the cedar is considered a durable wood that is permitted for exterior treatments without preservative treatments.



While the architecture does not exhibit all of the “coastal” elements identified by the Guidelines, the overall result suggests a nautical flavor with its forms and choice of high quality materials.

The project incorporates a combination of hardscape and landscape as depicted on the proposed landscape plan that is water-efficient, drought tolerant and therefore consistent with the landscape guidelines identified in Chapter 4 of the Guidelines.

Overall, Staff believes the project’s strong consistency with the site and neighborhood planning aspects of the Guidelines, coupled with the applicant’s modern interpretation of Coastal architecture with the use of authentic, high quality materials warrants a recommendation to find the project consistent with the Lido Village Design Guidelines. Ultimately, the project, if approved, should help to achieve the overall vision to create a vibrant gateway Village in the heart of historic Newport Beach’s Balboa Peninsula by creating a unique coastal California destination.

#### *Hardscape vs. Landscape Open Space Areas*

The landscaping should provide adequate buffering and softening of the urban design aesthetic. The site plan proposes 8,526 sq ft of landscape area for the project site. A total of 22,389 sq ft of hardscape areas are provided on-site, including required vehicle circulation areas. A calculation of these hardscape and landscape areas is provided as Attachment No. PC 7.

Of the total 5,474 sq. ft. of common areas not utilized for vehicle circulation, 71 percent are provided as landscape areas. A total of 2,483 sq. ft. of common areas qualify toward the calculation of common open space and provide the required 15-foot dimension as useable common open space.

#### *Guest Parking and Vehicle Circulation*

Twelve guest parking spaces (0.5 spaces per dwelling unit) are required under the proposed Planned Community Development Plan, consistent with the standard for the RM Zoning District of the Zoning Code.

The Planning Commission expressed concern that the 12 guest spaces provided would not be sufficient to meet demand for the project and mentioned requiring more than the minimum requirement.

Staff, including the Public Works Department, has worked extensively with the applicant to achieve a site design that provides the maximum number of guest parking spaces on-site with adequate vehicle circulation and access for each of these spaces. Staff believes it would be difficult for the applicant to provide additional guest parking on-site that would provide adequate circulation and access to sufficiently serve the project site.



### *Draft Conditions of Approval*

The following changes have been reflected and redlined in Exhibit “F” of the revised draft resolution (Attachment No. PC 1) to address the Planning Commission’s comments:

- Draft Condition No. 2 has been amended to specify “selling broker” in the list of notifications of the conditions of approval since the project will consist of condominium dwelling units available for individual sale rather than “leasing agent” as originally identified.
- Condition No. 47 was clarified to specify that park fees are assessed on a per unit basis.
- A typographical error was corrected in Condition No. 72 to accurately reflect the word, “relocation.”
- Condition No. 85 has been added to reflect requirements for school fees.
- Condition No. 86 has been added requiring City review of the covenants, conditions, and restrictions for the development.

### *PC-Text*

Revisions and additions have been made to the draft Planned Community Development Plan (Attachment No. PC 2) to reflect the comments of the Planning Commission. Language has been added to address the architectural character of the project, clarify permitted land uses, and address the use of the garage areas for the parking of vehicles.

### *Robert Hawkin’s Comment Letter*

A comment letter was submitted by the Friends of Dolores and written by Robert Hawkins on Thursday, August 22, 2013 (Attachment No. PC 4). The commenter indicates that the project MND is inadequate as it does not provide a cumulative analysis specifically referencing the City Hall Reuse Project.

The City Hall Reuse Project Amendments appeared on the City Council’s agenda for consideration in March of 2013, and they were continued to consider several proposals for development of the site. Subsequent to selecting RD Olson to negotiate development of the site with a hotel in July of 2013, the City decided to prepare an Environmental Impact Report (EIR) for both the proposed hotel as well as the pending land use plan amendments. With the decision to prepare an EIR for the redevelopment of the former City Hall site, the City Council will not consider the proposed GPA for the former City Hall site until after it considers the Lido Villas GPA. The MND was prepared considering the draft MND for the proposed land use amendments for the former City Hall site and an additional discussion of this analysis is provided by the CEQA consultant as Attachment No. PC 8.

The commenter indicates that the MND does not contain an analysis of Charter Section 423 and that the Charter 423 analysis provided in the Staff Report does not account for the City Hall Reuse Project. The Charter 423 analysis was not included in the MND since the provisions of Charter Section 423 are procedural in nature (i.e. how a General Plan Amendment (GPA) may be authorized) and not adopted for the purpose of protect the environment. The Staff Report included an analysis as mandated by Charter Section 423. The City Hall Reuse Project was not included in that analysis because it was not approved by the City Council and Charter Section 423 does not require an analysis of pending General Plan Amendments. Should the City Council approve the proposed Lido Villas GPA, the increase in units will affect future GPA within Statistical Area B5 including the pending GPA for the former City Hall site.

The commenter indicates that the MND characterizes the Lido Village Design Guidelines as regulatory when they are not. This characterization in the Draft IS/MND is unintentional and the IS/MND discusses the Lido Village Design Guidelines to provide land use context to the potential development. If the project were not consistent with the guidelines, potential land use and aesthetic impacts could occur. Therefore, consistency with the Guidelines, in addition to the long-range goals and policies articulated in the Newport Beach General Plan and Coastal Land Use Plan support land use compatibility and the conclusion that potential impacts would be less than significant.

### Summary

Staff recommends that the Planning Commission recommend adoption of the MND and approval of the project applications.

Overall, the proposed project would result in the redevelopment of an under-utilized and aging commercial lot with a compatible residential development that implements the goals and policies for Lido Village. The project would also result in the redevelopment of a property that was specifically re-designated for residential use as part of the 2006 General Plan Update to encourage its redevelopment.

### Public Notice

This item was continued from to a date certain in the Planning Commission minutes from August 22, 2013. Notice for the August 22, 2013, hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

### Alternatives

Staff believes that the findings for approval can be made for the proposed project as recommended and the facts in support of the required findings are presented in the draft

resolution (Attachment No. PC 1). The following alternatives are available to the Planning Commission:

1. The Planning Commission may suggest specific changes that are necessary to alleviate any concerns such as the project height, resulting in abrupt changes in scale, or architectural consistency with the Lido Village Design Guidelines. If any additional requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return once the applicant has had an opportunity to revise the project accordingly with a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the land use amendments, the Planning Commission may deny the application without prejudice in the draft resolution for denial. The applicant may then return with a project that incorporates only the property at 3355 Via Lido, which is already designated for multi-family residential use.

Prepared by:



Makana Nova  
Assistant Planner

Submitted by:



Brenda Wisneski, AICP, Deputy Director

## **ATTACHMENTS**

- PC 1 Revised Draft Resolution
- PC 2 Revised Draft Planned Community Development Plan
- PC 3 Draft Planning Commission Minutes
- PC 4 Public Comment Letters
- PC 5 Materials Board
- PC 6 Detailed Elevations
- PC 7 Calculation of Hardscape and Landscape Areas
- PC 8 Discussion of MND Cumulative Analysis Including the City Hall Site

## **Attachment No. CD 4**

November 12, 2013 City Council Staff Report



**CITY OF**  
**NEWPORT BEACH**  
**City Council Staff Report**

Agenda Item No. 21  
November 12, 2013

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Community Development Department  
Kimberly Brandt, AICP, Director  
949-644-3226, kbrandt@newportbeachca.gov

**PREPARED BY:** Makana Nova, Assistant Planner

**APPROVED:** \_\_\_\_\_

**TITLE:** Lido Villas (PA2012-146)  
3303 and 3355 Via Lido

- General Plan Amendment No. GP2012-005
- Coastal Land Use Plan Amendment No. LC2013-001
- Code Amendment No. CA2012-008
- Site Development Review No. SD2013-001
- Tract Map No. NT2013-001  
(Tentative Tract Map No. 17555)
- Mitigated Negative Declaration No. ND2013-001

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**ABSTRACT:**

The project consists of the demolition of a 3-story commercial building, a single-story church building (First Church of Christ, Scientist), and a 56-space surface parking lot to accommodate the development of 23 townhouse-style multi-family dwelling units on a 1.2 acre site. The following applications are requested in order to implement the project as proposed:

1. **General Plan Amendment-** to change the land use of a portion of the project site (3303 Via Lido) from PI (Private Institutions, 0.75) to RM (Multi-Unit Residential, 20 DU/acre).
2. **Coastal Land Use Plan (CLUP) Amendment-** to change the land use of a portion of the project site (3303 Via Lido) from PI-B (Private Institutions) to RM-D (Multiple-Unit Residential).
3. **Zoning Code Amendment-** to change the Zoning designations of the properties at 3303 Via Lido from PI (Private Institutions) and 3355 Via Lido from RM (Multiple-Unit Residential, 2178) and establish a Planned Community Development Plan (PC) Zoning District over the entire project site. In order to



establish the proposed planned community development plan, a waiver of the minimum site area of 10 acres of developed land is requested.

4. **Site Development Review-** to allow the construction of 23 townhouse-style multi-family dwelling units.
5. **Tentative Tract Map-** to combine six underlying parcels on two existing properties and establish a 23-unit residential condominium tract on a 1.2 acre site.
6. **Mitigated Negative Declaration (MND)-** to evaluate potential environmental impacts of the proposed project relative to the California Environmental Quality Act (CEQA).

**RECOMMENDATION:**

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. <sup>2013-76</sup> (Attachment No. CC 1) adopting the Lido Villas Mitigated Negative Declaration No. ND2013-001 (SCH No. 2013071050) including the Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act;
- 3) Adopt Resolution No. <sup>2013-77</sup> (Attachment No. CC 2) approving General Plan Amendment No. GP2012-005 and Local Coastal Plan Amendment No. LC2013-001;
- 4) Introduce City Council Ordinance No. <sup>2013-23</sup> (Attachment No. CC 3) and pass on to second reading on November 26, 2013, approving Code Amendment No. CA2012-008 establishing the Lido Villas Planned Community; and
- 5) Adopt Resolution No. <sup>2013-78</sup> (Attachment No. CC 4) approving Site Development Review No. <sup>SD</sup> 2013-001 and Tentative Tract Map No. NT2013-001 (Tentative Tract Map No. 17555).

# VICINITY MAP



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	RM (Multi-Unit Residential, 20 DU) and PI (Private Institutions, 0.75 FAR)	RM (Multi-Unit Residential, 2178) and PI (Private Institutions, 0.75 FAR)	General Office/Retail and Church
NORTH	MU-V (Mixed-Use Vertical) and MU-W2 (Mixed-Use Water Related)	MU-V (Mixed-Use Vertical) and MU-W2 (Mixed-Use Water Related)	General Office, Retail, and Mixed-Use
SOUTH	PI (Private Institutions) and CG (General Commercial)	PI (Private Institutions) and CG (General Commercial)	Church and General Office
EAST	CG (General Commercial) and PF (Public Facilities)	CG (General Commercial) and PF (Public Facilities)	Retail Shopping Center and Former City Hall Site
WEST	MU-W2 (Mixed-Use Water Related and RM (Multiple-Unit Residential)	MU-W2 (Mixed-Use Water Related and RM (Multiple-Unit Residential)	General Office and Multiple Unit Residential Dwellings



## **FUNDING REQUIREMENTS:**

There is no budget impact related to this item.

## **DISCUSSION:**

### Project Setting

The subject properties are located within the Lido Village neighborhood and are generally bounded by Via Lido, Via Oporto and Via Malaga. There are two developments consisting of six legal parcels on the project site, which would combine to create a single building site of 52,099 square feet (1.2 acres).

The southern property at 3303 Via Lido is 17,236 square feet (0.4 acres) in area and is currently developed with the religious institution, First Church of Christ, Scientist, originally constructed in 1947 with additions in 1958 and 1966. The church consists of 8,961 square feet of building area for the primary church facility and an ancillary Christian Science Reading Room. The property is currently designated by the Land Use Element of the General Plan, Coastal Land Use Plan, and the Zoning Code for Private Institutions (PI), consistent with the existing use on the property.

The northern property at 3355 Via Lido is 32,469 square feet (0.8 acres in area). The property is developed with a 56-space surface parking lot and an office building originally constructed as a mixed-use project in 1957. The property is currently designated by the Land Use Element of the General Plan, Coastal Land Use Plan, and the Zoning Code for Multiple-Unit Residential (RM) with a density of 20 dwelling units per acre. The current commercial uses are nonconforming and are subject to abatement by February 1, 2022.

The property that is directly to the north is developed with an office and retail building, at the corner of Via Lido and Via Oporto. To the northeast, 3388 Via Lido, is a mixed-use development consisting of office and two residential units. Properties to the east across Via Lido are developed with multiple-family residential dwellings and an office building. The properties to the south, across Via Malaga, are developed with the Saint James Anglican Church, an office building, and the City of Newport Beach Fire Station. A new boutique hotel is in the planning stages for the former City Hall site located to the southwest of the project site at 3300 Newport Boulevard. To the west, across Via Oporto, is a retail shopping center, Via Lido Plaza, that has recently undergone tenant improvements for West Marine, a marine-related retail use.

### Project Description

The proposed project necessitates several land use amendments to create a single unified development site that accommodates the proposed multi-family residential development. The requested change of the General Plan designation for 3303 Via Lido is from Private



Institutions (PI, 0.75 FAR) to Multiple-Unit Residential (RM, 20 du/ac) to accommodate the proposed residential development. The approval of the General Plan Amendment would not necessitate a vote of the electorate per Section 423 of the City Charter.

The subject property is also located within the coastal zone and the requested change to the Coastal Land Use category is consistent with the recommended General Plan Amendment for 3303 Via Lido from Private Institutions (PI-B) to Multiple-Unit Residential (RM-D). The CLUP amendment and other associated discretionary approvals would not become effective until the amendment to the Coastal Land Use Plan is approved by the Coastal Commission.

The proposed project also requires a corresponding amendment to the Zoning District to the PC-Planned Community Zoning District. The application includes the adoption of the Lido Villas Planned Community that will provide land use and development standards for the construction and operation of the 23-unit condominium development. A waiver of the 10-acre (developed) minimum site area is requested as part of the establishment of the PC Zoning District. The resulting density under the PC Zoning District would be equivalent to the density allowed under the RM 2178 designation and would allow for a maximum of 23 dwelling units on-site with a density of 20 dwelling units per acre. The Lido Villas Planned Community would establish project specific height and setbacks for the development that differ from the current RM development standards.

In addition to the proposed land use amendments, a site development review and tentative tract map are required to authorize the development project. All six underlying legal lots and a vacated alley that transect the site are owned by the project applicant, Dart Development Group. The applicant is proposing to consolidate these underlying lots into one 52,099-square-foot (1.2 acre) parcel and redevelop the site as a multi-family residential development with 23 condominium units (Project Plans- Attachment No. CC 13). The tract map will also establish each unit for individual sale, new emergency access easements, and utility easements to accommodate the location of new structures as part of the development.

The building configuration is designed with five blocks of attached, townhouse-style units. Three of these blocks consist of 11 units facing Via Lido, one block consisting of six units facing Via Malaga, and one block of six units facing Via Oporto. Each unit provides two or three bedrooms and is similar in design with three levels of living area above grade with a roof deck above.

Vehicular access to the project site would be provided access from Via Oporto at the northwest portion of the project site and Via Malaga from the southeast portion. Each unit includes an attached 2-car garage and the project will include 12 code required guest parking spaces in a surface lot. Each of the garages accommodate two vehicles and a trash enclosure.

Each unit is topped with a flat roof deck at an overall height of 35 feet 3 inches to the top of the roof deck rail. In addition, 39-foot high architectural projections are proposed that accommodate an enclosed stairway access to the third floor level and vaulted ceiling. The units range in size between 2,453 square feet to 3,168 square feet of gross floor area. Three units have been designed to be accessible for persons with disabilities.

The proposed architecture consists of a modern coastal style with exterior materials consisting of wood siding, stainless steel panels, and glass railings. Access to each unit is also provided along the adjacent public street frontage with enhanced paving, a low stone planter wall, 38-inch-high stained privacy fence, and a covered entry. Common open space areas consisting of open patio areas and landscaping are provided on-site at street corners adjacent to Via Malaga and between the building blocks adjacent to Via Lido.

A full discussion of the project components, including analysis of applicable General Plan and Coastal Land Use Plan policies, Section 423 thresholds (Attachment No. CC 10), Planned Community Development Standards (Exhibit "B" to Attachment No. CC 3), project architecture and consistency with the Lido Villas Design Guidelines, and the required project findings are provided in the Planning Commission staff reports dated August 22, 2013, and September 5, 2013 (Attachment Nos. CC 5 and 6).

#### Environmental Review

Prior to taking action on the proposed project, the City Council must first review, consider, and adopt the Mitigated Negative Declaration (MND) (Exhibit "A" of the Draft Resolution, Attachment CC 1). The MND is comprised of the Notice of Intent (NOI), Initial Study (IS), Environmental Analysis, and Appendices.

Based upon the analysis of the Initial Study, the environmental categories within which the project would have either no impact or less than significant impact were: *Aesthetics, Agricultural/Forest Resources, Biological Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utilities/Service Systems.*

Based upon the analysis of the Initial Study, the environmental categories within which the project would have potentially significant impacts were: *Air Quality, Cultural Resources, and Hazards/Hazardous Materials.* Specific mitigation measures have been included to reduce the potentially significant adverse effects to a less than significant level. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for consideration attached as Exhibit "B" of the draft resolution (Attachment No. CC 1).

On the basis of the analysis provided in the MND, City staff has concluded that the project would not have a significant impact on the environment. The MND reflects the independent judgment of the City and recognizes project design features, standard

construction and engineering practices, and review and reevaluation of future projects as the means to avoid potential impacts. The project site does not include any sites on an Environmental Protection Agency hazardous waste site list pursuant to Government Code Section 65962.5.

The MND was completed and circulated for a mandatory 30-day public-review period that began on July 12, 2013, and concluded on August 13, 2013. The public comment period was extended through August 13, 2013 to allow for comments received through OPR (the Office of Planning and Research), which began the review period on July 15, 2013. Several comment letters were received from advising agencies, which are attached as Attachment CC 11 for consideration.

#### Planning Commission Review

The Planning Commission held a public meeting on August 22, 2013 and a public hearing on September 5, 2013.

During the public hearing, the following issues were raised and addressed: 1) site design, 2) the proposed height limit, 3) on-site parking, 4) project architecture and compatibility with the Lido Village Design Guidelines, 5) the request for a waiver of the minimum 10-acre requirement to establish a Planned Community Zoning District, 6) permitted uses under the Lido Villas Planned Community.

#### 1) Site Design

The Planning Commission noted that the site design might present opportunities for additional landscape areas and that the ground floor entry areas might be better served if the project had additional height to free up space on the ground plane. The Commission also noted some concern with maintenance of these common landscape areas and asked that these areas be included in the maintenance guidelines for the covenants, conditions, and restrictions (CC&Rs).

#### 2) Proposed Height Limit

Several commissioners suggested increasing the height limit to afford the first floor level improvements such as a raised porch and first floor level with additional landscaping at the front of each dwelling unit. Staff clarified that the MND had considered the specific heights proposed by the project applicant and the revised document would need to be re-circulated for a 30-day public comment period in order to allow additional height for the project. Staff also reminded the Commission that the Coastal Commission had commented on the project application and may see the project as too tall. Staff believed that the project was generally consistent with the Shoreline Height Limitation in that the proposed PC development standards establish a maximum height consistent with the Shoreline Height Limitation and only specific architectural projections would exceed this

height limit, consistent with the application of height limits established by the Zoning Code.

### 3) Parking

Several Commissioners observed that the project is under-parked, despite the fact that code required parking is provided on-site. Staff noted that they had worked extensively with the applicant to achieve proper circulation and access to provide the minimum number of required guest parking spaces on-site. Provisions were added to Condition No. 86 regarding the CC&R's, requiring "That the garage parking spaces shall be used only for parking of operational vehicles and not for storage."

### 4) Architecture and Design Guidelines

The Planning Commission discussed the project's architecture and consistency with the Lido Villas Design Guidelines. Several Commissioners expressed concern with the project architecture, noting that the presence of balconies along the facades lent the project toward a "motel" look. The Planning Commission noted that it is not the Commission's position to impose what it thinks the project architecture should be, provided it is consistent with the Lido Village Design Guidelines. The Commission suggested that the applicant reconsider the building facades to develop a softer look prior to the City Council meeting. Provisions were added to Condition No. 86 regarding the covenants, conditions, and restrictions (CC&R's), requiring, "The architecture and exterior building materials of the dwelling units shall be maintained in a quality, color, and type so the appearance is consistent with the original project as developed."

### 5) Waiver of 10-Acre Minimum for Planned Community

Staff provided clarification to the public comments with regard to the requested waiver of the ten acre minimum to establish a Planned Community and identified that the waiver takes into account the broader context of Lido Village as a whole. The proposed project is located within a larger urban development pattern where adjusted development standards are appropriate for the urban site to ensure the project site remains compatible with the greater neighborhood.

### 6) Allowed Uses

Further discussion ensued to clarify the list of permitted and prohibited uses proposed under the draft Planned Community (PC) Text. Staff identified that the Zoning Code provides language that allows the Community Development Director to interpret permitted and prohibited uses where the PC provisions are silent. The Commission suggested limiting the listed permitted uses to condominiums, recreation facilities ancillary to residential uses, and accessory structures under the Lido Villas Planned Community Text.

The Planning Commission determined the proposed amendments and project were acceptable and voted unanimously to recommend approval to the City Council. The Planning Commission staff report, resolution, and draft minutes from the Planning Commission meeting have been attached for reference as Attachment Nos. CC 5 through 9.

### Project Updates

The following discussion provides updates of the project following the Planning Commission Meetings.

#### 1) SB18 Tribal Consultation Guidelines

Pursuant to Section 65352.3 of the California Government Code, a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission (NAHC) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources. The City received comments from the NAHC indicating that 14 tribal contacts should be provided notice regarding the proposed amendment. The tribal contacts were provided notice on January 30, 2013 and the remaining contacts identified by the NAHC were provided notice on August 6, 2013. Section 65352.3 of the California Government Code requires 90 days prior to Council action to allow tribe contacts to respond to the request to consult unless the tribe contacts mutually agree to a shorter time period. Since the most recent set of notices were sent out on August 6, 2013, the 90-day consultation period ended November 4, 2013.

The City was contacted by Ms. Joyce Perry, Representing Tribal Chairperson for the Juaneno Band of Mission Indians Acjachemen Nation, who expressed an interest in requiring an archeological monitor during construction operations at the project site. The Lido Village area has previously been subject to significant alteration. However, mitigation measures have been required by the MND as suggested by Ms. Perry requiring an archaeological and paleontological monitor to be on-site to monitor the construction process.

The City was also contacted by Mr. Robert Dorame, Tribal Chair for the Gabrielino Tongva Indians of California Tribal Council, who expressed an interest in the project and inquired if any archaeological surveys had been conducted within a mile of the property, whether the Information Center at Cal State Fullerton had been contacted to determine if any archaeological sites had been identified, and whether an archaeological firm had been engaged to survey the subject property. The City responded to this correspondence and identified that archaeological surveys have not been conducted in the area due to the general understanding that the site was previously developed and had been subject to significant alteration. From this point forward, the City did not receive any further correspondence from Mr. Dorame.



Finally, the City was contacted by Mr. Johntommy Rosas, representing the Tongva Ancestral Territorial Tribal Nation, who suggested that the City should follow the Office of Planning and Research Guidelines as specified by SB18 Tribal Consultation Guidelines. After requesting more specific comments regarding the proposed project or process, the City did not receive any further correspondence from Mr. Rosas.

In conclusion, the SB18 tribal consultation has been completed and the project can proceed.

## 2) Housing In-Lieu Fee

Housing in-lieu fees will not be assessed as a condition of approval for the proposed project due to the approved Housing Element update and pending revocation of the housing in-lieu fee ordinance. Accordingly, this condition of approval has been removed from the draft conditions of approval for the Tentative Tract Map (Attachment No. CC 4).

## 3) Project Plans

Site landscaping and front entry improvements have been made to the site plan and landscape plans to add additional landscaped areas reflecting the comments and direction made by the Planning Commission at the public hearing held on September 5, 2013. Additionally, a water feature located at the corner of Via Lido and Via Malaga was removed due to concerns that the feature may pose an ongoing maintenance issue for the homeowner's association.

## Summary

The applicant has requested the amendments to provide a unified development site with consistent land use designations to accommodate the proposed multiple-unit residential development. The proposed multiple-unit residential land use is compatible with surrounding land uses and the goals and land use policies identified for this block within the Lido Village community. The Planning Commission found the proposed project is consistent with the RM land use designation and that the use would not conflict with the General Plan, Coastal Land Use Plan, Coastal Act, and proposed Lido Villas Planned Community Text. The approval of the General Plan Amendment for 3303 Via Lido to the RM, 20 du/acre designation would not necessitate a vote of the electorate per Section 423 of the City Charter (Measure S). The requested site development review and tract map to authorize the project meets applicable standards and the required findings provided in the Subdivision and Zoning Codes can be supported (Attachment No. CC 4). The proposed development is also consistent with the Lido Villas Design Guidelines. The site design provides required parking on-site with sufficient and safe vehicle access. The Planning Commission and staff do not foresee any adverse environmental impacts with redevelopment of the site and the project will comply with the mitigation

measures identified in the Mitigation Monitoring Program for the Mitigated Negative Declaration.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

Notice of this hearing was published in the *Daily Pilot*, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Letters submitted by the public are provided as Attachment No. CC 12. Thus far, three public comments have been received regarding the project.

Submitted by:

  
Kimberly Brandt, AICP  
Director

Attachments:	CC 1	Draft Resolution adopting the MND
	CC 2	Draft Resolution approving the General Plan Amendment and Coastal Land Use Plan Amendment
	CC 3	Draft Ordinance approving the Code Amendment
	CC 4	Draft Resolution approving the Site Development Review and Tentative Tract Map
	CC 5	Planning Commission Staff Report-August 22, 2013
	CC 6	Planning Commission Staff Report-September 5, 2013
	CC 7	Planning Commission Resolution
	CC 8	Planning Commission Minutes-August 22, 2013
	CC 9	Planning Commission Minutes-September 5, 2013
	CC 10	Section 423 Analysis
	CC 11	Agency Comment Letters
	CC 12	Public Comment Letters
	CC 13	Discussion of MND Cumulative Analysis/City Hall Site
	CC 14	Materials Board Exhibit
	CC 15	Site Photos
	CC 16	Lido Villas Design Guidelines
	CC 17	Tentative Tract Map
	CC 18	Project Plans

# **Attachment No. CD 5**

Coastal Development Permit No. 5-14-0613



**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
200 Oceangate, 10th Floor  
Long Beach, California 90802-4416  
PH (562) 590-5071 FAX (562) 590-5084



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DEVELOPMENT

CITY OF NEWPORT BEACH

Page 1

Date: December 1, 2014

Permit Application No. 5-14-0613

**COASTAL DEVELOPMENT PERMIT**

On October 9, 2014, the California Coastal Commission granted to **New Port Beach Townhouse, LLLP** this permit subject to the attached Standard and Special conditions, for development consisting of **Demolition of the existing 32,469 square foot office building; 7,176 square foot church; 1,785 square foot associated church reading room; and 54-space associated surface parking lot; and construction of 23 three-story townhouses, each with an attached two-car garage, roof deck, and roof access structure. Grading consists of 6,000 cubic yards of cut and 6,000 cubic yards of fill.** More specifically described in the application filed in the Commission offices.

The development is within the coastal zone at: **3303 and 3355 Via Lido, Newport Beach (Orange County)**

Issued on behalf of the California Coastal Commission by

CHARLES LESTER,  
Executive Director

Matt Stone  
Coastal Program Analyst

**ACKNOWLEDGMENT:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Date: December 1, 2014

Permit Application No. 5-14-0613

**COASTAL DEVELOPMENT PERMIT**

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: \_\_\_\_\_

Signature \_\_\_\_\_

## COASTAL DEVELOPMENT PERMIT

### STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### SPECIAL CONDITIONS:

1. **Revised Final Project Plan.**
  - A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of a Revised Final Project Plan, including floor, elevation, grading, foundation, etc. The Revised Final Project Plan shall be in substantial conformance with the plans received by the South Coast District staff on April 3, 2014, except they shall be modified as follows:
    - 1) all proposed development, including but not limited to, the roof access structure and architectural features, shall be reduced in height and shall be no higher than the Shoreline Height Limitation Zone permitted maximum height of 35-feet.
  - B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.
2. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-14-0613. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6),



### **COASTAL DEVELOPMENT PERMIT**

the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-14-0613. Accordingly, any future improvements to any aspect of the entire proposed development authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-14-0613 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

3. **Recommendations of the Geotechnical Report.** All final design and construction plans shall be consistent with all recommendations contained in the Geotechnical Engineering Services Report prepared by Professional Service Industries, Inc. dated August 24, 2012. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
4. **Conformance with the Submitted Grading, Drainage and Erosion Control Plan.** The applicant shall conform to the Grading, Drainage and Erosion Control Plan received on June 9, 2014. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
5. **Drought Tolerant Landscaping, Non Invasive Plants.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of a Revised Final Landscape Plan consisting of low or very low water plants as identified by California Department of Water Resources for South Coastal Region 3. (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). In general, vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
6. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
  - (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.



**COASTAL DEVELOPMENT PERMIT**

- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

**COASTAL DEVELOPMENT PERMIT**

- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

G:PERMITS2014MS:nr

## **Attachment No. CD 6**

March 9, 2017, Request for Extension  
Memorandum



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
949-644-3200 Fax: 949-644-3229  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**REQUEST FOR EXTENSION**

March 9, 2017

Attn: Andrew Lee  
Allen Matkins Leck Gamble Mallory & Natsis LLP  
1900 Main Street, 5<sup>th</sup> Floor  
Irvine, CA 92614

RE: PA2012-146 for NT2013-001 (County Tract Map No. 17555)  
3303 and 3355 Via Lido

Dear Mr. Lee:

This notice acknowledges your request to extend the effectiveness of Tentative Tract Map No. NT2013-001 (County Tract Map No. 17555) as approved by the California Coastal Commission Coastal Development Permit No. 5-14-0613 on October 9, 2014. That map would have expired on October 9, 2016, per Condition No. 76 of City Council Resolution No. 2013-78.

However, [Section 19.16.010 \(Expiration of Tentative Maps\)](#) of the N.B.M.C. allows for subsequent actions including processing, approving, and recording after the date of expiration if a timely filing is made with the City Engineer for the final tract map. In this case, the final map application was submitted to the City Engineer October 27, 2014. Therefore, the tract map is still considered valid and the applicant may continue to pursue recordation of the final tract map.

On behalf of Kimberly Brandt, Community Development Director

By:



Makana Nova  
Associate Planner

NPBay Investors LLLP  
124 Allawood Court  
Simpsonville, SC 29681  
[tsullivan@thirdpalm.com](mailto:tsullivan@thirdpalm.com)



# **Attachment No. CD 7**

Approved Project Plans

# **TENTATIVE TRACT MAP NO. 17555** FOR CONDOMINIUM PURPOSES IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE STATE OF CALIFORNIA

## **EASEMENTS TO BE ABANDONED**

1. AN EASEMENT SHOWN ON DEDICATED ON THE MAP OF TRACT MAP NO. 907 RECORDED SEPTEMBER 18, 1928 AND ON FILE IN BOOK 28, PAGES 25 TO 35, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.
2. AN EASEMENT SHOWN ON DEDICATED ON THE MAP OF TRACT MAP NO. 1117 RECORDED JANUARY 19, 1946 AND ON FILE IN BOOK 35, PAGE 48, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.
3. AN EASEMENT FOR GAS PIPES AND MAINS FOR THE PURPOSE OF CONVEYING GAS FOR HEAT AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 25, 1944 BOOK 1622, PAGE 120 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA.
4. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED MAY 21, 1951 AS BOOK 2191, PAGE 208 OF OFFICIAL RECORDS IN FAVOR OF CITY OF NEWPORT BEACH.
5. AN EASEMENT FOR UNDERGROUND ELECTRIC SYSTEM, CONSISTING OF CONDUITS, WIRES, CABLES, AND A CONCRETE TRANSFORMER VAULT AND INCIDENTAL PURPOSES, RECORDED JULY 26, 1956 AS INSTRUMENT NO. 104257 IN BOOK 3596, PAGE 84 OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION.

NOTE: A PARTIAL OUTCROP OF SAID EASEMENT WAS RECORDED DECEMBER 13, 1967 IN BOOK 8465, PAGE 177 OF OFFICIAL RECORDS, AFFECTING A PORTION OF SAID LAND.

## **PROPOSED EASEMENTS**

- (A) 20' EMERGENCY ACCESS EASEMENT
- (B) UTILITY EASEMENT (VARIABLE WIDTH)

## **LEGEND**

- S/W - PROPERTY LINE
- CENTER LINE
- EASEMENT LINE

## **OWNER:**

NEWPORT BEACH TOWNHOUSE LLLP, A NEVADA LIMITED LIABILITY PARTNERSHIP  
3120 SUNDRECK DRIVE, SUITE 43  
LAJUN, CA 92651  
517-525-4800  
CONTACT: STEVE WALLS

## **ADDRESS:**

3355-3358 VIA LIDO, NEWPORT BEACH, CA.

## **TAX ASSESSOR'S PARCEL NO.:**

PARCEL 1: 423-112-02  
PARCEL 2: 423-112-03

## **FLOOD NOTE:**

THE SUBJECT PROPERTY FALLS WITHIN "ZONE X" ON A PORTION OF FLOOD INSURANCE RATE MAP NUMBER 0603038HJ PANEL 038HJ OF 539, EFFECTIVE DECEMBER 30, 2009.

## **ZONING & BUILDING SETBACK INFORMATION**

RM MULTI-FAMILY RESIDENTIAL  
FRONT: 20 FT  
REAR: 10 FT

DATE OF SURVEY:  
JUNE 06, 2012

## **LEGAL DESCRIPTION**

### **PARCEL A:**

LOTS 1201, 1202, 1203 AND 1204, OF TRACT NO. 907, AS PER MAP RECORDED IN BOOK 28, PAGES 25 TO 35, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, TOGETHER WITH THAT PORTION OF THE ALLEY ADJOINING LOTS 1201, 1202, 1203 AND 1204 OF TRACT NO. 907, AS SHOWN ON MAP RECORDED IN BOOK 28, PAGES 25 TO 35, INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, AND THAT PORTION OF VIA MALAGA AS SHOWN ON SAID MAP 807H AS ABANDONED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1201; THENCE SOUTH 7° 44' 30" EAST 115.5 FEET TO THE CENTER LINE OF SAID VIA MALAGA; THENCE SOUTH 89° 15' 30" WEST 10.00 FEET TO THE INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF SAID ALLEY; THENCE NORTH 0° 44' 30" WEST 59.88 FEET ALONG THE CENTER LINE OF SAID ALLEY AND ITS SOUTHERLY PROLONGATION TO AN ANGLE POINT THEREIN; THENCE NORTH 27° 30' 00" WEST TO THE INTERSECTION OF THE CENTER LINE OF SAID LOT 1204; THENCE NORTH 62° 30' 00" EAST 10.00 FEET TO THE WESTERLY CORNER OF SAID LOT 1204; THENCE SOUTH 27° 30' 00" EAST 80.23 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID LOT 1202; THENCE SOUTH 0° 44' 30" EAST 44.38 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF VIA MALAGA, A STREET WITHIN TRACT NO. 907 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 28, PAGES 25 TO 35, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND VACATED BY RESOLUTION NO. 3280 OF THE CITY COUNCIL OF SAID NEWPORT BEACH, A COPY OF WHICH WAS RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, LYING NORTHERLY OF THE CENTER LINE OF SAID STREETS, AS SHOWN ON SAID MAP AND EASTERLY OF THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF THAT PORTION OF THE ALLEY ADJOINING LOT 1201 OF SAID TRACT NO. 907, AS GRANTED TO THE CITY OF NEWPORT BEACH, A MUNICIPAL CORPORATION IN GRANT DEED RECORDED SEPTEMBER 12, 1956 AS INSTRUMENT NO. 122766 IN BOOK 3641, PAGE 12, OF OFFICIAL RECORDS.

APN: 423-112-02

### **PARCEL B:**

THAT PORTION OF LOTS 4 AND 5 OF TRACT NO. 1117, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGE 48 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH A PORTION OF THE 20.00 FOOT ALLEY ADJOINING SAID LOTS 4 AND 5 AS ABANDONED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SAID 20.00 FOOT ALLEY WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 5; THENCE SOUTH 89° 15' 30" WEST ALONG SAID PROLONGATION AND SAID SOUTHERLY LINE LOT 5 A DISTANCE OF 148.40 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 10.00 FEET; THENCE WESTERLY AND NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°, A DISTANCE OF 16.71 FEET; THENCE TANGENT TO SAID CURVE NORTH 0° 44' 30" WEST ALONG THE WESTERLY LINE OF SAID LOT 5 AND ITS NORTHERLY PROLONGATION 226.93 FEET TO THE WESTERLY CORNER OF SAID LOT 4; SAID CORNER BEING THE SOUTHWEST CORNER OF THAT CERTAIN CORNER IN THE WESTERLY LINE OF SAID LOT 4 HAVING A BEARING AND DISTANCE OF NORTH 0° 44' 30" WEST 148.43 FEET; THENCE NORTH 0° 44' 30" WEST ALONG SAID WESTERLY LINE 28.91 FEET; THENCE NORTH 82° 30' 00" EAST 105.11 FEET TO THE EASTERLY LINE OF SAID LOT 4; THENCE NORTH 82° 30' 00" EAST ALONG SAID EASTERLY LINE OF LOT 4, A DISTANCE OF 160.00 FEET TO THE EASTERLY CORNER OF SAID LOT 4; THENCE SOUTH 89° 15' 30" WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 AND THE SOUTHWESTERLY PROLONGATION THEREOF, A DISTANCE OF 100.00 FEET TO THE CENTERLINE OF SAID 20.00 FOOT ALLEY; THENCE SOUTH 27° 30' 00" EAST ALONG SAID CENTERLINE TO AN ANGLE POINT; THENCE SOUTH 0° 44' 30" EAST ALONG SAID CENTERLINE 42.38 FEET TO THE POINT OF BEGINNING.

APN: 423-112-03

### **BENCH MARK:**

FOUND 3 1/4" OCS ALUMINUM BENCHMARK DISK STAMPED "MS-17-777 ELEV. 24.503 FEET"

### **BASIS OF BEARINGS:**

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING BETWEEN O.C.S. HORIZONTAL CONTROL STATION GPS NO. 63092 AND STATION GPS NO. 628792 BEING NORTH 35°43'51" WEST PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

### **TRACT AREA (LOT 1):**

52,099 SQ. FT. (1.194 ACRES)

02/2013

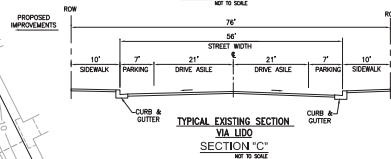
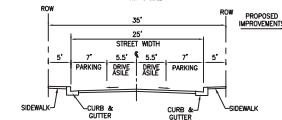
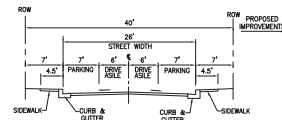
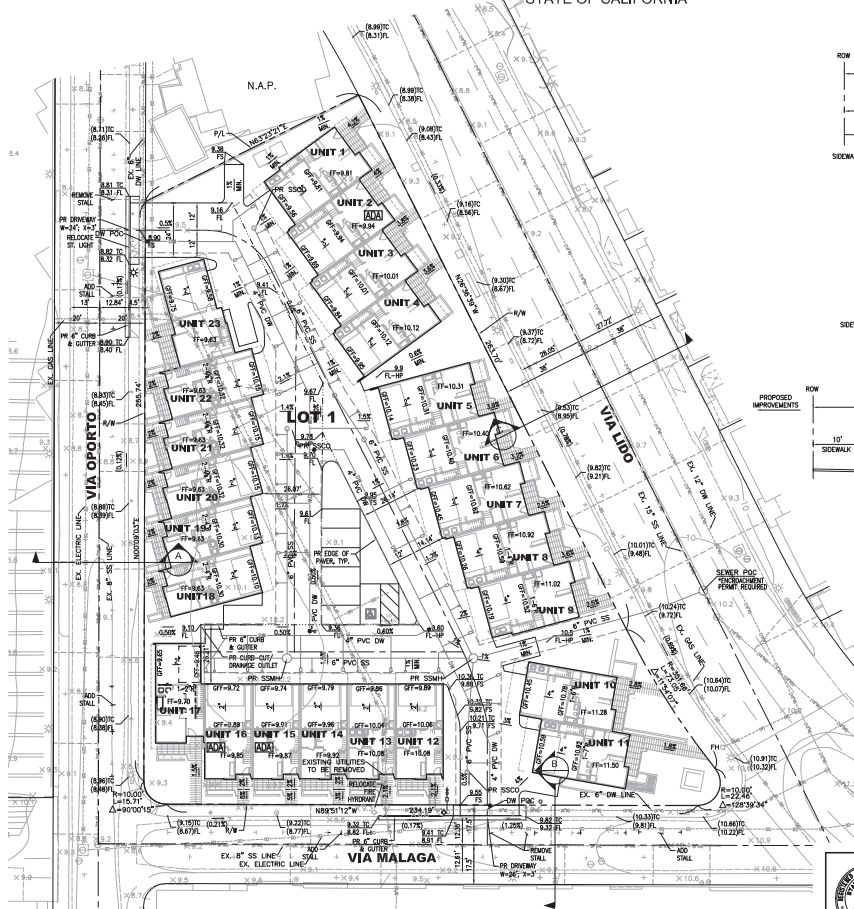
REV.	DATE	DESCRIPTION	BY	CHECK	APPROVE.
<p align="center"><b>CITY OF NEWPORT BEACH</b> BUILDING DEPARTMENT APPROVAL</p>					
DESIGN	RS	<p align="center"><b>3355 &amp; 3303 VIA LIDO</b> <b>MULTI-FAMILY PROJECT</b> <b>TENTATIVE TRACT MAP 17555</b></p>			
DRAWN	JC				
CHECKED	DM				
CITY ENGINEER	DATE	SHEET 1 OF 2			
FILED		EXP. DATE		DWG. NO.	



PLANS PREPARED BY:  
**C&V CONSULTING, INC.**  
CIVIL ENGINEERING  
LAND PLANNING & SURVEYING  
7700 BURNHAM  
TOTTEN, CALIF. 94060  
7-840-344-3600  
7-840-344-3600  
WWW.CVINC.NET

# TENTATIVE TRACT MAP NO. 17555

FOR CONDOMINIUM PURPOSES  
IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE  
STATE OF CALIFORNIA



**ABBREVIATIONS:**

~C	CATCH BASIN	MM	MINIMUM
DB	DOMESTIC WATER	MIS	MISCELLANEOUS
EX	EXISTING	POC	POINT OF CONNECTION
FG	FINISHED GRADE	PR	PROPOSED
FL	FLOW LINE	R/W	RIGHT OF WAY
FS	FINISHED SURFACE	SD	STORM DRAIN
GB	GRADE BREAK	SF	SQUARE FEET
HP	HIGH POINT	SS	SEWERY SENDER

## LEGEND

---	PROPOSED CURB AND GUTTER
---	PROPOSED SIDEWALK
---	PROPOSED SENDER LINE
---	PROPOSED WATER LINE
---	PROPOSED STORM DRAIN LINE
---	CENTER LINE
---	PROPERTY LINE
---	EXISTING CURB AND GUTTER
---	EXISTING SIDEWALK
---	EXISTING SENDER LINE
---	EXISTING WATER LINE
---	EXISTING STORM DRAIN LINE
---	EXISTING GAS LINE
---	EXISTING TELEPHONE LINE
---	EXISTING ELECTRIC LINE
---	EXISTING VALVE
---	EXISTING MANHOLE
---	EXISTING CONTOUR
---	FIRE HYDRANT
---	STREET LIGHT



02/2013



PLANS PREPARED BY:  
**C&V CONSULTING, INC.**  
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7700 BURNHAM  
TOTTEN, CALIF. 92680  
TEL: 949.344.3800  
FAX: 949.344.3800  
WWW.CVCONSULTING.COM



REV.	DATE	DESCRIPTION	BY	CHK.	APPR.
<b>CITY OF NEWPORT BEACH</b> BUILDINGS DEPARTMENT APPROVAL <b>3355 &amp; 3303 VIA LIDO</b> <b>MULTI-FAMILY PROJECT</b> <b>TENTATIVE TRACT MAP 17555</b>					
DESIGN	JC				
DRAWN	JC				
CHK.	DM				
CITY ENGINEER DATE _____					SHIT. 2 OF 2 DWG. NO. _____

# 3355 & 3303 VIA LIDO - PLANNED COMMUNITY DEVELOPMENT PLAN

MAY 16, 2013

## SHEET INDEX:

D-0 TITLE SHEET AND PROJECT INFORMATION  
C-1 EXISTING SURVEY  
C-2 EXISTING SURVEY  
C-3 PROPOSED GRADING PLAN  
D-1 EXISTING BUILDING PHOTOGRAPHY  
D-2 EXISTING CONTEXT SITE PHOTOGRAPHY  
D-3 PROPOSED SITE PLAN  
D-4 PROPOSED SITE ROOF PLAN  
D-5 PROPOSED SITE ELEVATIONS  
D-6 PROPOSED SITE SECTIONS  
D-7 PROPOSED UNIT PLANS AND ELEVATIONS  
D-8 PROPOSED UNIT PLANS AND ELEVATIONS  
D-9 PROPOSED UNIT PLANS AND ELEVATIONS  
D-10 PROPOSED UNIT PLANS AND ELEVATIONS  
D-11 PROPOSED UNIT PLANS AND ELEVATIONS  
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D-16 GROSS AREA & FAR CALCULATIONS  
D-17 SITE DIAGRAMS  
L-1 LANDSCAPE SITE PLAN  
L-2 LANDSCAPE ENLARGEMENTS  
L-3 LANDSCAPE ENLARGEMENTS  
L-4 LANDSCAPE ENLARGEMENTS  
L-5 LANDSCAPE PLANTING PLAN  
L-6 PLANT PALETTE  
L-7 PLANT PALETTE  
L-8 OPEN SPACE CALCULATIONS  
C-4 PROPOSED UTILITY PLAN  
C-5 HOSE PULL HYDRANT PLAN

## FIRE DEPARTMENT NOTES:

-FIRE SPRINKLERS WITH SEPARATE UTILITIES FOR EACH UNIT WILL BE REQUIRED FOR THE PROJECT.  
-SPRINKLER SYSTEM TO BE TYPE 15 A MAX FOR MULTIFAMILY FIRE DEPARTMENT CONNECTIONS ARE REQUIRED TO BE LOCATED WITHIN 150 FT OF A PUBLIC HYDRANT.  
-SMOKE DETECTORS ARE REQUIRED AND ARE TO BE LOCATED AS PER CALIFORNIA BUILDING CODE.  
-FOR R-2 OCCUPANCIES WHERE ANY DWELLING UNIT OR SLEEPING UNIT IS LOCATED 3 STORES ABOVE THE LOWEST LEVEL OF DISCHARGE, INSTALL A MANUAL FIRE ALARM SYSTEM THAT ACTIVATES THE OCCUPANT NOTIFICATION SYSTEM IN ACCORDANCE WITH SECTION 907.8.  
-EMERGENCY ACCESS SHALL MEET FIRE LINE MARKING REQUIREMENTS FROM NEWPORT BEACH GUIDELINES C.01 AND C.02.  
-ACCESS ROADS MUST BE CONSTRUCTED OF A MATERIAL THAT PROVIDES AN ALL WEATHER DRIVING SURFACE AND CAPABLE OF SUPPORTING 72,000 POUNDS.  
-IMPOSED LOAD FOR FIRE APPARATUS AND TRUCK OUTRIGGER LOADS OF 75,000 POUNDS PER SQUARE INCH OVER A TWO FOOT AREA.

## ALLOWABLE BUILDING AREA CALCULATIONS PER CBC SEC 204:

OCCUPANCY R-2, TYPE I-B = 16,000 SF, 4 STORES

## ALL LIMITS AS ONE BUILDING, SPRINKLERED:

$1\frac{1}{2} (11,200 \times 611.984 \times 17' + 0.25 (25,000 \times 0.46 \times 0.80 \times 0.38) = 54,985 \text{ SF PER STORY}$   
 $16,000 (16,000 \times 0.38) (16,000 \times 2) = 54,985 \text{ SF PER STORY}$   
PROPOSED TOTAL 2ND FLOOR SF (LARGEST FLOOR)  
20,617 SF + 54,985 SF ALLOWABLE PER STORY  
54,985 SF X 2 + 108,160 SF TOTAL ALLOWED  
59,486 SF PROPOSED + 108,160 SF TOTAL ALLOWED

## PROJECT DATA:

3303 AND 3355 VIA LIDO APPLICANT: DART DEVELOPMENT GROUP  
500 HOGBACK ROAD  
MADISON, MI 48064  
PHONE: 317 246-2177  
FAX: 317 244-2888  
CONTACT: STEVE MILLS  
PROPERTY OWNER 3303 & 3355 VIA LIDO: NEW PORT BEACH TOWNHOUSE LLLP, A NEVADA LIMITED LIABILITY LIMITED PARTNERSHIP  
ARCHITECT: SHUBIN + DONALDSON ARCHITECTS  
3800 LA COMBIE PLAZA LANE, SUITE 200  
SANTA BARBARA, CA 93105  
PHONE: 805 962-7000 x 131  
FAX: 805 962-7001  
CONTACT: SIEGLINDE PUNKKE, AIA  
PROJECT ADDRESSES: 3303 VIA LIDO AND 3355 VIA LIDO  
NEWPORT BEACH CA 92660-3079  
APN: 423-112-02 PARCEL A  
423-112-03 PARCEL B  
PARCEL MAP: PROPOSED PROJECTS ENCOMPASS 6 EXISTING LOTS; 1201, 1202, 1203, & 1204 OF TRACT 907 W ADJACENT ALLEY AND A PORTION OF LOTS 4 & 5 OF TRACT 1117  
EXISTING LOT SIZE: 3303 VIA LIDO 17,238 SF = PARCEL A  
3355 VIA LIDO 34,895 SF = PARCEL B  
TOTAL: 52,099 SF (1.196 ACRES)

## EXISTING BUILDING INFORMATION:

CURRENT ZONING DISTRICT: RM-20 (217B) UNDER 2008 GENERAL PLAN  
CURRENT USE 3303: 79 PRIVATE INSTITUTION UNDER CLIP PERMIT, CBC 2010: ASSEMBLY OCCUPANCY  
CURRENT USE 3355: COMMERCIAL, PRSC PER OLD ZONING DESIGNATION, CBC 2010: MIXED USE OCCUPANCY B/A  
CURRENT SETBACKS: NONE  
EXISTING HEIGHT OF 3355 VIA LIDO: 3 STORES, 35'-0" TO TOP OF ROOF PARAPET, ROOF TOP EQUIPMENT IS EXPOSED  
EXISTING STRUCTURES: EXISTING OFFICE BUILDING: 32,499 SF GROSS 31,290 SF NET  
EXISTING CHURCH BUILDING: 7,178 SF GROSS 6,907 SF NET  
EXISTING CHURCH READING RM: 1,786 SF GROSS 1,684 SF NET  
TOTAL: 41,430 SF GROSS 39,874 SF NET  
EXISTING PARKING ON 3355 VIA LIDO SITE: 54 SPACES

## PROPOSED BUILDING INFORMATION:

PROJECT DESCRIPTION: DEMOLITION OF EXISTING OFFICE BUILDING AND CHURCH BUILDING. SITE IMPROVEMENTS TO INCLUDE NEW 23 TOWNHOUSES IN 5 CLUSTERS (CLUSTERS OF 4, 5, AND 10 TOWNHOUSES AND 1 COURTYARD) (CONDO MAP) WITH LANDSCAPING AND ON SITE PARKING AND ON SITE GUEST PARKING TENTATIVE TRAC MAP 17555 SUBMITTED SEPARATELY  
CURRENT ZONING DISTRICT: RM-20 (217B) (PER 2008 GENERAL PLAN)  
GENERAL PLAN LAND USE: MULTI-FAMILY RESIDENTIAL  
COASTAL ZONE: YES  
SETBACKS: FRONT: 3 FT MIN.  
INTERIOR: 5 FT  
REFER TO PLANNED COMMUNITY DEVELOPMENT PLAN FOR MORE DETAILED SETBACK INFORMATION  
PROPOSED USE: 21 TOWNHOUSES AND 1 DUPLEX  
PROPOSED OCCUPANCY: R-2: 5 CLUSTERS OF 23 TOWNHOUSES, U FOR ALL GARAGES  
PROPOSED OWNERSHIP: CONDOMINIUMS  
PROPOSED TYPE OF CONSTRUCTION: I-B  
SPRINKLERS: FULLY SPRINKLERED W NFPA 13R SYSTEM, PROVIDE SEPARATE FIRE LINE INTO EACH DWELLING UNIT  
3 EXISTING FIRE HYDRANTS AROUND SITE  
PROPOSED HEIGHT: 35'-4" TO TOP OF GUARDRAIL, 36'-0" TO ROOF ABOVE STAIR AND TOP OF ARCHITECTURAL FEATURE  
PROPOSED GROSS AREA PLANNING: 63,593 SF  
PROPOSED NET AREA PLANNING AND TOTAL GROSS AREA PER CBC: 59,486 SF  
EXTERIOR SIGNAGE: UNDER SEPARATE PERMIT  
PARKING: 2 COVERED SPACES PER DU x 23 DU = 46 COVERED SPACES REQUIRED  
5 GUEST SPACES PER DU x 23 DU = 115 GUEST SPACES  
46 COVERED SPACES REQUIRED, 46 COVERED SPACES PROVIDED (2 INSIDE EACH TOWNHOUSE)  
12 GUEST SPACES REQUIRED, 12 GUEST SPACES PROVIDED ON SITE, MIN. DIM. 8'-0" x 17'-0" INCLUDING 1 ADA VAN ACCESSIBLE SPACE  
PROPOSED UTILITY CONNECTION: SEE UTILITY PLAN  
REQUESTED REVIEWS: COASTAL COMMISSION CLIP REQUESTED



VIEW LOOKING SOUTH EAST VIA LIDO



VIEW LOOKING NORTH EAST VIA OPORTO

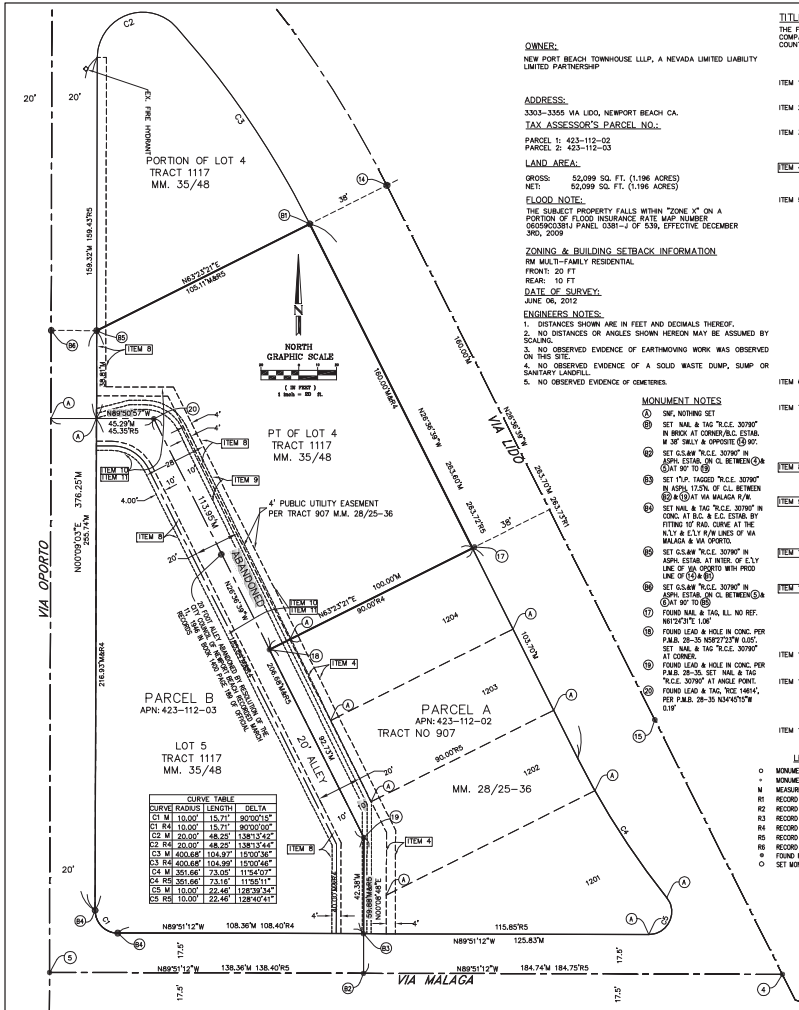
SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

# TITLE SHEET

SHEET No. D-0 #1230 3355 + 3303 VIA LIDO

335



### TITLE INFORMATION

THE FOLLOWING TITLE INFORMATION WAS DERIVED FROM THE TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE COMPANY, ORDER NO. 533479-SAT DATED OCTOBER 2, 2012 REAL PROPERTY IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

#### NOTES ITEM PLOTTED HEREON

- ITEM 1: GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2012-2013, A LIEN NOT YET DUE OR PAYABLE.
- ITEM 2: THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.
- ITEM 3: RIGHTS OF PARTIES IN POSSESSION.

#### THE FOLLOWING MATTERS AFFECT PARCEL A:

- ITEM 4: AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT MAP NO. 907 RECORDED SEPTEMBER 18, 1928 AND ON FILE IN BOOK 28, PAGES 25 TO 36, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.
- ITEM 5: COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED DECEMBER 10, 1928 IN BOOK 228, PAGE 1 OF OFFICIAL RECORDS, WHICH PROVIDE THAT A VIOLATION THEREOF SHALL NOT BE A FETTER ON THE LAND OR THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, ANCESTRY, STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, MARITAL STATUS, ANCESTRY, SOURCE OF INCOME OR DISABILITY, TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODE OR APPLICABLE STATE LAW. RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSIDERED AS RESTRICTIONS BASED ON FAMILIAL STATUS.
- ITEM 6: ALL RIGHT OF ENFORCEMENT, MAINTENANCE, INSPECTION, SUPERVISION, CONTROL, AND OPERATION CREATED AND EXERCISED, SET FORTH AND PROVIDED IN SAID DECLARATION WERE CONVEYED TO LEO LEE, COMMUNITY ASSOCIATION, A CORPORATION, BY DEED RECORDED DECEMBER 10, 1928 IN BOOK 218, PAGE 475 OF OFFICIAL RECORDS.
- ITEM 7: ALL REDEVELOPMENT RIGHTS WERE CONVEYED TO LEO LEE COMMUNITY ASSOCIATION, BY DEED RECORDED DECEMBER 13, 1928 IN BOOK 218, PAGE 475 OF OFFICIAL RECORDS.
- ITEM 8: DOCUMENTS DECLARING MODIFICATIONS THEREOF RECORDED APRIL 16, 1940 IN BOOK 1036, PAGE 531, BOOK 1036, PAGE 531, FEBRUARY 1, 1948 IN BOOK 8076, PAGE 322, APRIL 24, 1967 IN BOOK 8225, PAGE 143, JANUARY 3, 1969 IN BOOK 8334, PAGE 384, SEPTEMBER 26, 1975 IN BOOK 11522, PAGE 849, JULY 14, 1978 IN BOOK 11811, PAGE 1207, APRIL 21, 1980 IN BOOK 1358, PAGE 1002, MARCH 19, 1982 AS INSTRUMENT NO. 87-065492, NOVEMBER 24, 1987 AS INSTRUMENT NO. 87-654972 AND APRIL 15, 1988 AS INSTRUMENT NO. 2002033448, ALL OF OFFICIAL RECORDS.
- ITEM 9: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT" RECORDED APRIL 4, 1947 AS INSTRUMENT NO. 14588 OF OFFICIAL RECORDS.
- ITEM 10: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED JANUARY 24, 1979 AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.

#### THE FOLLOWING MATTERS AFFECT PARCEL B:

- ITEM 11: AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF TRACT MAP NO. 1117 RECORDED JANUARY 19, 1948 AND ON FILE IN BOOK 30, PAGE 46, OF MISCELLANEOUS MAPS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES. (PLOTTED HEREON)
- ITEM 12: AN EASEMENT FOR GAS PIPES AND MAINS FOR THE PURPOSE OF CONVEYING GAS FOR HEAT AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 1, 1948 IN BOOK 1022, PAGE 120 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA. (PLOTTED HEREON)
- ITEM 13: AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED MAY 21, 1951 AS BOOK 2191, PAGE 208 OF OFFICIAL RECORDS IN FAVOR OF CITY OF NEWPORT BEACH. (PLOTTED HEREON)
- ITEM 14: AN EASEMENT FOR UNDERGROUND ELECTRIC SYSTEM, CONSISTING OF CONDUITS, WIRES, CABLES, AND A CONCRETE TRANSFORMER VAULT AND INCIDENTAL PURPOSES, RECORDED JULY 25, 1956 AS INSTRUMENT NO. 10457 IN BOOK 3508, PAGE 64 OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA Edison COMPANY, A CORPORATION.
- ITEM 15: A PARTIAL QUOTATION OF SAID EASEMENT WAS RECORDED DECEMBER 13, 1967 IN BOOK 8465, PAGE 177 OF OFFICIAL RECORDS, AFFECTING A PORTION OF SAID LAND. (PLOTTED HEREON)

- ITEM 16: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 17: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 18: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 19: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 20: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 21: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 22: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 23: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 24: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 25: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 26: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 27: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 28: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 29: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 30: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 31: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 32: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 33: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 34: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 35: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 36: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 37: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 38: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 39: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 40: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 41: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 42: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 43: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 44: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 45: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 46: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 47: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 48: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 49: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 50: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 51: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 52: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 53: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 54: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

- ITEM 55: THE TERMS, PROVISIONS AND EASEMENTS CONTAINED IN THE DOCUMENT ENTITLED "AGREEMENT FOR RECIPROCAL DRIVEWAY EASEMENTS" RECORDED AS BOOK 13011, PAGE 1804 OF OFFICIAL RECORDS.
- ITEM 56: AN UNRECORDED LEASE DATED JUNE 26, 1996, EXECUTED BY LEO LEE, A CALIFORNIA LIMITED PARTNERSHIP AS LESSOR AND COY CALIFORNIA, P.C.S., INC., A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED FEBRUARY 11, 1997 AS INSTRUMENT NO. 87-065492 OF OFFICIAL RECORDS, EFFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LESSOR'S ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- ITEM 57: ANY CLAIM THAT ANY PORTION OF THE LAND IS BELOW THE ORDINARY HIGH WATER MARK WHERE IT WAS LOCATED PRIOR TO ANY ARTIFICIAL OR AVULSIVE CHANGES IN THE LOCATION OF THE SHORELINE.

### LEGAL DESCRIPTION

#### PARCEL A:

LOTS 1201, 1202, 1203 AND 1204, OF TRACT NO. 907, AS PER MAP RECORDED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA.

TOGETHER WITH THAT PORTION OF THE ALLEY ADJOINING LOTS 1201, 1202, 1203 AND 1204 OF TRACT NO. 907, AS SHOWN ON MAP RECORDED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, AND THAT PORTION OF VIA MALAGA AS SHOWN ON SAID MAP BOTH AS AMENDED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1201; THENCE SOUTH 0° 44' 30" EAST 17.5 FEET TO THE CENTER LINE OF SAID VIA MALAGA; THENCE SOUTH 89° 30' 30" WEST 10.00 FEET TO THE INTERSECTION OF SAID CENTER LINE WITH THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF SAID ALLEY; THENCE NORTH 0° 44' 30' WEST 58.84 FEET ALONG THE CENTER LINE OF SAID ALLEY AND ITS SOUTHERLY PROLONGATION TO AN ANGLE POINT THEREIN; THENCE NORTH 27° 30' 00" WEST TO THE INTERSECTION OF THE CENTER LINE OF SAID ALLEY WITH THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 1204; THENCE NORTH 62° 30' 00" EAST 15.00 FEET TO THE WESTERLY CORNER OF SAID LOT 1204; THENCE SOUTH 27° 30' 00" EAST 86.22 FEET TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID LOT 1202; THENCE SOUTH 0° 44' 30' EAST 44.76 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF VIA MALAGA, A STREET WITHIN TRACT NO. 907 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND VACATED BY RESOLUTION NO. 3380 OF THE CITY COUNCIL OF SAID NEWPORT BEACH, A COPY OF WHICH WAS RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, LING NORTHWESTLY OF THE CENTER LINE OF SAID ALLEYS, AS SHOWN ON SAID MAP AND EASTERLY OF THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF THE ALLEY ADJOINING LOT 1201 OF TRACT NO. 907, AS GRANTED TO THE CITY OF NEWPORT BEACH, A MUNICIPAL CORPORATION IN GRANT DEED RECORDED SEPTEMBER 12, 1956 AS INSTRUMENT NO. 122766 IN BOOK 364, PAGE 12, OF OFFICIAL RECORDS.

#### PARCEL B:

THAT PORTION OF LOTS 4 AND 5 OF TRACT NO. 1117, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGE 46 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH A PORTION OF THE 20.00 FOOT ALLEY ADJOINING SAID LOTS 4 AND 5 AS AMENDED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SAID 20.00 FOOT ALLEY WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 5, THENCE SOUTH 89° 30' WEST ALONG SAID PROLONGATION AND SAID SOUTHERLY LINE OF LOT 5, A DISTANCE OF 10.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 10.00 FEET, THENCE WESTERLY AND NORTHEASTLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°, A DISTANCE OF 15.71 FEET; THENCE TANGENT TO SAID CURVE NORTH 0° 44' 30' WEST ALONG THE WESTERLY LINE OF SAID LOT 5 AND ITS NORTHERLY PROLONGATION 28.84 FEET TO THE WESTERLY CORNER OF SAID SAID SAID CORNER BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN CORNER IN THE WESTERLY LINE OF SAID LOT 4 HAVING A BEARING AND DISTANCE OF NORTH 0° 44' 30' WEST 18.84 FEET; THENCE NORTH 0° 44' 30' WEST ALONG SAID WESTERLY LINE 28.84 FEET, THENCE SOUTH 89° 30' EAST 10.01 FEET TO THE EASTERLY LINE OF SAID LOT 4, THENCE SOUTH 27° 30' EAST ALONG SAID EASTERLY LINE OF LOT 4, A DISTANCE OF 16.00 FEET TO THE EASTERLY CORNER OF SAID LOT 4, THENCE SOUTH 62° 30' WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 AND THE SOUTHWESTERLY PROLONGATION THEREOF, A DISTANCE OF 100.00 FEET TO THE CENTERLINE OF SAID 20.00 FOOT ALLEY; THENCE SOUTH 27° 30' EAST ALONG SAID CENTERLINE TO AN ANGLE POINT; THENCE SOUTH 0° 44' 30' EAST ALONG SAID CENTERLINE 42.38 FEET TO THE POINT OF BEGINNING.

#### PARCEL C:

THAT PORTION OF LOTS 4 AND 5 OF TRACT NO. 1117, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGE 46 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH A PORTION OF THE 20.00 FOOT ALLEY ADJOINING SAID LOTS 4 AND 5 AS AMENDED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SAID 20.00 FOOT ALLEY WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 5, THENCE SOUTH 89° 30' WEST ALONG SAID PROLONGATION AND SAID SOUTHERLY LINE OF LOT 5, A DISTANCE OF 10.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 10.00 FEET, THENCE WESTERLY AND NORTHEASTLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°, A DISTANCE OF 15.71 FEET; THENCE TANGENT TO SAID CURVE NORTH 0° 44' 30' WEST ALONG THE WESTERLY LINE OF SAID LOT 5 AND ITS NORTHERLY PROLONGATION 28.84 FEET TO THE WESTERLY CORNER OF SAID SAID SAID CORNER BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN CORNER IN THE WESTERLY LINE OF SAID LOT 4 HAVING A BEARING AND DISTANCE OF NORTH 0° 44' 30' WEST 18.84 FEET; THENCE NORTH 0° 44' 30' WEST ALONG SAID WESTERLY LINE 28.84 FEET, THENCE SOUTH 89° 30' EAST 10.01 FEET TO THE EASTERLY LINE OF SAID LOT 4, THENCE SOUTH 27° 30' EAST ALONG SAID EASTERLY LINE OF LOT 4, A DISTANCE OF 16.00 FEET TO THE EASTERLY CORNER OF SAID LOT 4, THENCE SOUTH 62° 30' WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 AND THE SOUTHWESTERLY PROLONGATION THEREOF, A DISTANCE OF 100.00 FEET TO THE CENTERLINE OF SAID 20.00 FOOT ALLEY; THENCE SOUTH 27° 30' EAST ALONG SAID CENTERLINE TO AN ANGLE POINT; THENCE SOUTH 0° 44' 30' EAST ALONG SAID CENTERLINE 42.38 FEET TO THE POINT OF BEGINNING.

#### PARCEL D:

THAT PORTION OF LOTS 4 AND 5 OF TRACT NO. 1117, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 35, PAGE 46 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, TOGETHER WITH A PORTION OF THE 20.00 FOOT ALLEY ADJOINING SAID LOTS 4 AND 5 AS AMENDED BY RESOLUTION OF THE CITY COUNCIL OF NEWPORT BEACH ON FEBRUARY 4, 1946, A CERTIFIED COPY OF SAID RESOLUTION BEING RECORDED MARCH 11, 1946 IN BOOK 1400, PAGE 189 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SAID 20.00 FOOT ALLEY WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 5, THENCE SOUTH 89° 30' WEST ALONG SAID PROLONGATION AND SAID SOUTHERLY LINE OF LOT 5, A DISTANCE OF 10.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 10.00 FEET, THENCE WESTERLY AND NORTHEASTLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°, A DISTANCE OF 15.71 FEET; THENCE TANGENT TO SAID CURVE NORTH 0° 44' 30' WEST ALONG THE WESTERLY LINE OF SAID LOT 5 AND ITS NORTHERLY PROLONGATION 28.84 FEET TO THE WESTERLY CORNER OF SAID SAID SAID CORNER BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN CORNER IN THE WESTERLY LINE OF SAID LOT 4 HAVING A BEARING AND DISTANCE OF NORTH 0° 44' 30' WEST 18.84 FEET; THENCE NORTH 0° 44' 30' WEST ALONG SAID WESTERLY LINE 28.84 FEET, THENCE SOUTH 89° 30' EAST 10.01 FEET TO THE EASTERLY LINE OF SAID LOT 4, THENCE SOUTH 27° 30' EAST ALONG SAID EASTERLY LINE OF LOT 4, A DISTANCE OF 16.00 FEET TO THE EASTERLY CORNER OF SAID LOT 4, THENCE SOUTH 62° 30' WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 AND THE SOUTHWESTERLY PROLONGATION THEREOF, A DISTANCE OF 100.00 FEET TO THE CENTERLINE OF SAID 20.00 FOOT ALLEY; THENCE SOUTH 27° 30' EAST ALONG SAID CENTERLINE TO AN ANGLE POINT; THENCE SOUTH 0° 44' 30' EAST ALONG SAID CENTERLINE 42.38 FEET TO THE POINT OF BEGINNING.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD TITLE REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15 & 16 OF TABLE A THEREOF.

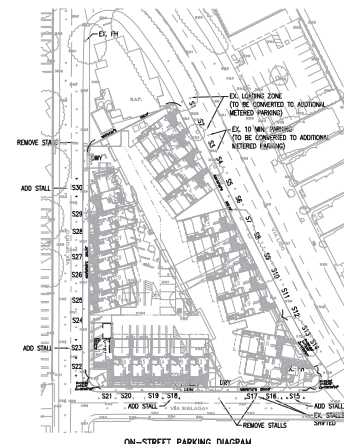
THE FIELD WORK WAS COMPLETED ON 6-05-2012.

TOPOGRAPHIC SURVEY  
3303 - 3315 VIA LIDO  
NEWPORT BEACH, CA

336







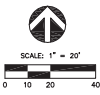
**PARKING SUMMARY**  
 PARKING STALLS EXISTING: 29  
 PARKING STALLS REMOVED: 3  
 PARKING STALLS ADDED: 4  
 TOTAL ON-STREET PARKING: 30

**LEGEND**

- PROPOSED CURB AND GUTTER
- PROPOSED SIDEWALK
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- PROPOSED STORM DRAIN LINE
- CENTER LINE
- PROPERTY LINE
- EXISTING CURB AND GUTTER
- EXISTING SIDEWALK
- EXISTING SEWER LINE
- EXISTING WATER LINE
- EXISTING STORM DRAIN LINE
- EXISTING GAS LINE
- EXISTING TELEPHONE LINE
- EXISTING ELECTRIC LINE
- EXISTING VALVE
- EXISTING MANHOLE
- EXISTING CONTOUR
- FINISH HYDRAULIC
- STREET LIGHT
- ADA ACCESSIBLE UNIT

**ABBREVIATIONS:**

- |     |                  |     |                     |
|-----|------------------|-----|---------------------|
| ~C~ | CATCH BASIN      | MM  | MINIMUM             |
| DB  | DOMESTIC WATER   | MFC | MISCELLANEOUS       |
| EX  | EXISTING         | MM  | MANHOLE             |
| FG  | FINISHED GRADE   | POC | POINT OF CONNECTION |
| FL  | FLOW LINE        | PR  | PROPOSED            |
| FS  | FINISHED SURFACE | R/W | RIGHT OF WAY        |
| GB  | GRADE BREAK      | SD  | STORM DRAIN         |
| HP  | HIGH POINT       | SF  | SQUARE FOOT         |
|     |                  | SS  | SEWAGE SENDER       |



**NOTE**  
 FINISHED FLOOR (FF) ELEVATIONS SUBJECT TO  
 CHANGE UPON FINISHES OF OFF-SITE DRAINAGE  
 STUDY TO BE COMPLETED AT A LATER DATE.



PLANS PREPARED BY:  
**C&V CONSULTING, INC.**  
 8700 BURNHAM  
 TORRANCE, CALIF. 90503  
 TEL: 310-544-2800  
 FAX: 310-544-2800  
 WWW.CVINC.NET

REV.	DATE	DESCRIPTION	BY	CHK.	APPR.
<b>CITY OF NEWPORT BEACH</b> BUILDING DEPARTMENT APPROVAL <b>3355 &amp; 3303 VIA LIDO</b> <b>MULTI-FAMILY PROJECT</b> <b>PRELIMINARY GRADING PLAN</b>					
DESIGN	JC				
CHECK	JC				
CHECK	DM				
CITY ENGINEER DATE _____					SHEET NO. 1 OF 1 <b>C-3</b>



VIA LIDO  
VIEW OF 3303 VIA LIDO CHURCH



VIA LIDO  
VIEW FROM SIDEWALK IN FRONT OF COMMERCIAL BUILDING



VIA LIDO  
VIEW OF 3355 COMMERCIAL BUILDING



VIA LIDO  
VIEW OF 3303 VIA LIDO FIRST CHURCH OF CHRIST, SCIENTIST



VIA LIDO  
VIEW OF 3303 AND 3355 VIA LIDO BEYOND



VIA LIDO  
VIEW LOOKING DOWN VIA LIDO



VIA LIDO  
VIEW OF 3355 COMM. BLDG. AND 3303 FIRST CHURCH OF CHRIST, SCIENTIST



VIA OPORTO  
VIEW OF 3355 VIA LIDO COMMERCIAL BUILDING



VIA MALAGA  
VIEW OF ST. JAMES ANGLICAN CHURCH



VIA LIDO  
VIEW FROM 3388 LOOKING TO 3355 VIA LIDO



VIA LIDO  
BRIDGE TO LIDO ISLAND

# EXISTING BUILDING PHOTOGRAPHY

SHUBIN + DONALDSON ARCHITECTS INC.  
PLANNED COMMUNITY DEVELOPMENT PLAN  
SHEET No. D-1 #1230 3355 + 3303 VIA LIDO





**VIA MALAGA**  
VIEW OF ST. JAMES CHURCH - ANGLICAN



**VIA MALAGA/ VIA LIDO**  
VIEW OF ST. JAMES CHURCH - ANGLICAN



**VIA OPORTO**  
VIEW OF CITY HALL AND PARKING LOT



**VIA OPORTO**  
VIEW OF FIRE STATION AND CITY HALL



**VIA OPORTO**  
VIEW OF PARKING LOT OF SHOPPING CENTER



**VIA LIDO**  
VIEW OF RESIDENTIAL BAYFRONT DEVELOPMENT



**VIA LIDO**  
VIEW OF SINGLE RESIDENTIAL BAYFRONT DEVELOPMENT



**VIA LIDO**  
VIEW OF SINGLE RESIDENTIAL BAYFRONT DEVELOPMENT



**LIDO VILLAGE**  
AERIAL VIEW

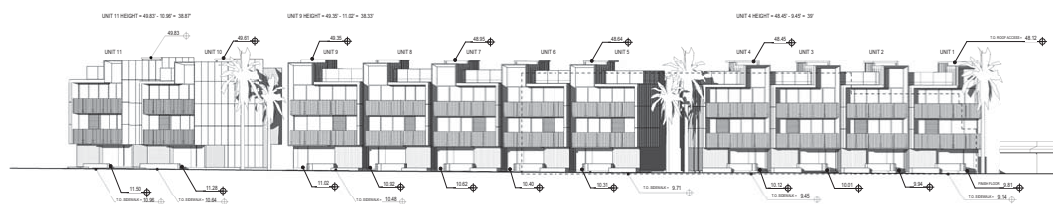
**SHUBIN + DONALDSON ARCHITECTS INC.**  
PLANNED COMMUNITY DEVELOPMENT PLAN  
**EXISTING SITE CONTEXT PHOTOGRAPHY**  
SHEET No. D-2 #1230 3355 + 3303 VIA LIDO



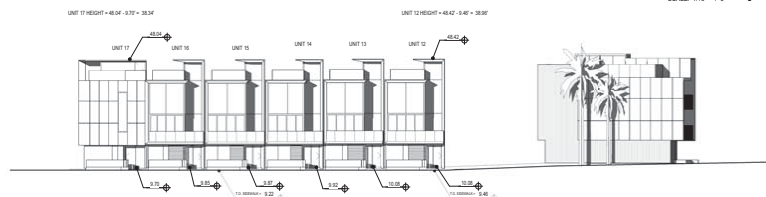


(N) ROOF SITE PLAN  
SCALE: 1/8" = 1'-0"

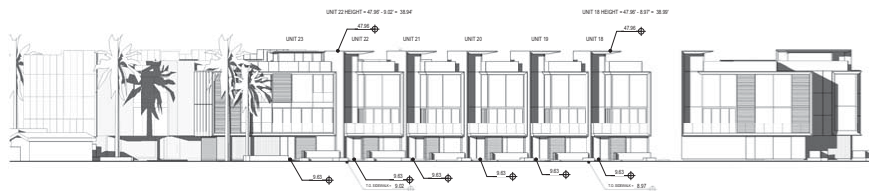
SHUBIN + DONALDSON ARCHITECTS INC.  
PLANNED COMMUNITY DEVELOPMENT PLAN  
**PROPOSED SITE ROOF PLAN**  
SHEET No. D-4 #1230 3355 + 3303 VIA LIDO



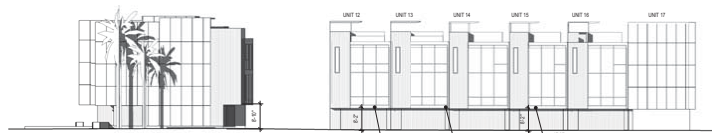
EAST ELEVATION - VIA LIDO 1  
SCALE: 1/16" = 1'-0"



SOUTH ELEVATION - VIA MALAGA 2  
SCALE: 1/16" = 1'-0"



WEST ELEVATION - VIA OPORTO 3  
SCALE: 1/16" = 1'-0"



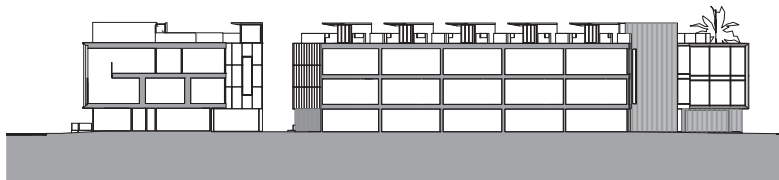
COURTYARD ISLAND UNITS SOUTH 4  
SCALE: 1/16" = 1'-0"

SHUBIN+DONALDSON ARCHITECTS INC.  
PLANNED COMMUNITY DEVELOPMENT PLAN  
**ELEVATIONS**  
SHEET No. D-5 #1230 3355 + 3303 VIA LIDO





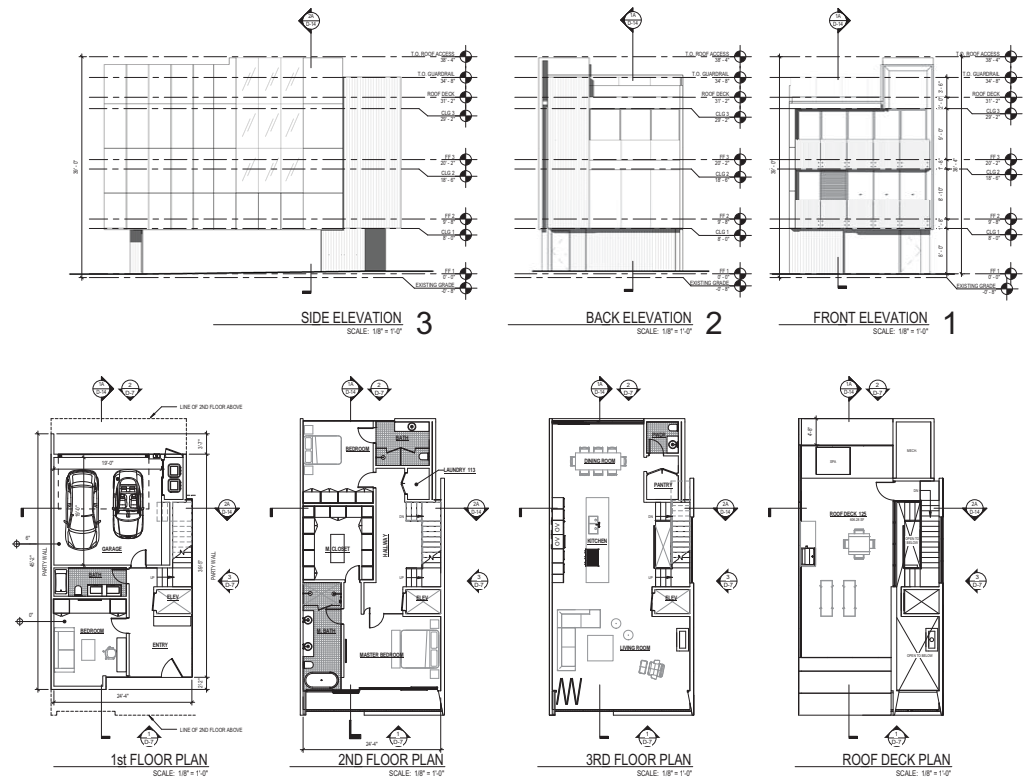
SITE SECTION A-A 1  
SCALE: 1/8"=1'-0"



SITE SECTION B-B 2  
SCALE: 1/8"=1'-0"

SHUBIN+DONALDSON ARCHITECTS INC.  
PLANNED COMMUNITY DEVELOPMENT PLAN  
**SITE SECTIONS**  
SHEET No. D-6 #1230 3355 + 3303 VIA LIDO

## HARBOR UNIT - TYPE 1



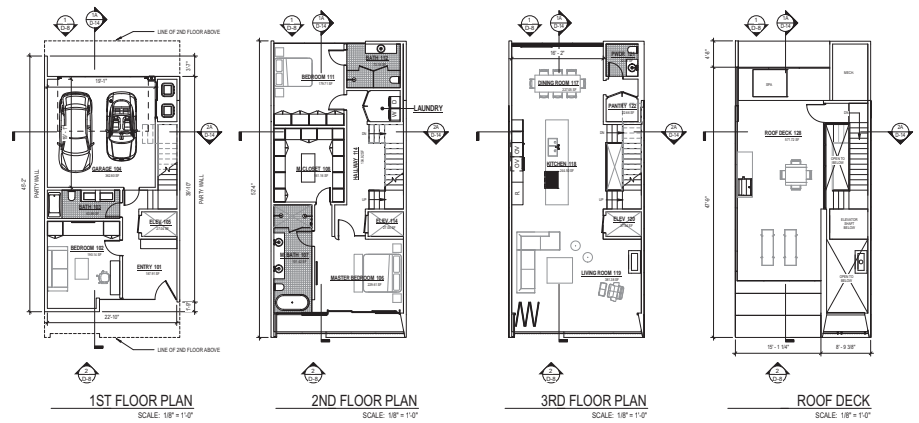
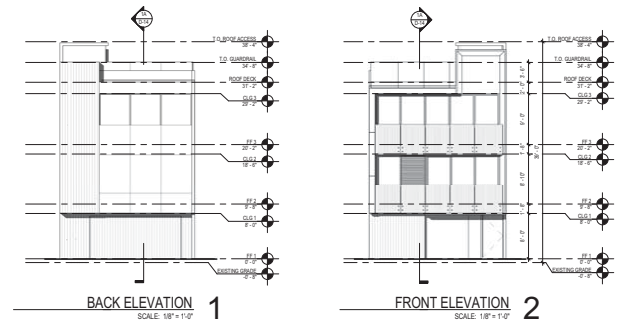
SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

## UNIT PLANS & ELEVATIONS

SHEET No. D-7 #1230 3355 + 3303 VIA LIDO

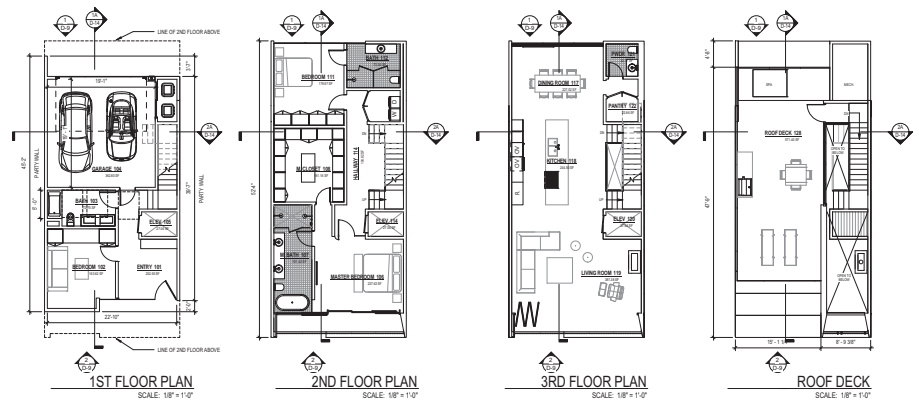
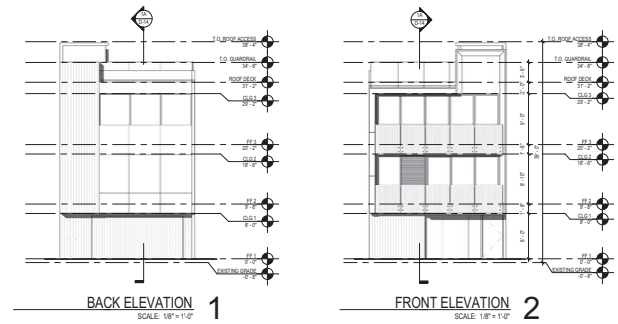
## HARBOR UNIT - TYPE 2



SHUBIN+DONALDSON ARCHITECTS INC.  
PROGRESS PLANNED COMMUNITY DEVELOPMENT PLAN  
**UNIT PLANS & ELEVATIONS**  
SHEET No. D-8 #1230 3355 + 3303 VIA LIDO



## HARBOR UNIT - TYPE 2 ADA



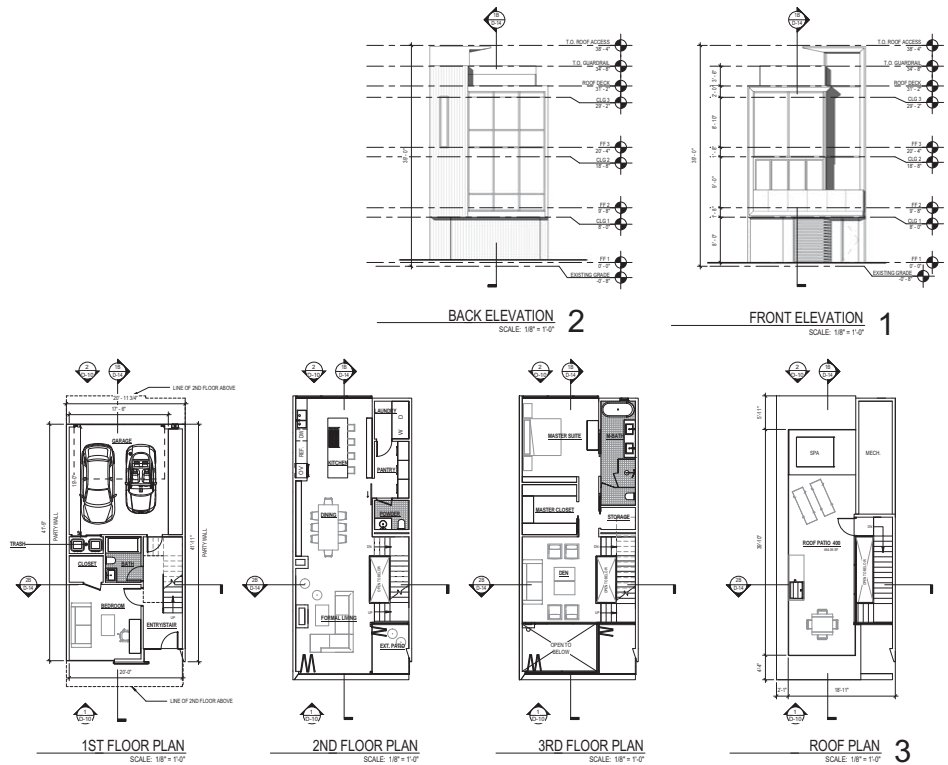
SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

## UNIT PLANS & ELEVATIONS

SHEET No. D-9 #1230 3355 + 3303 VIA LIDO

## ISLAND UNIT - TYPE 1



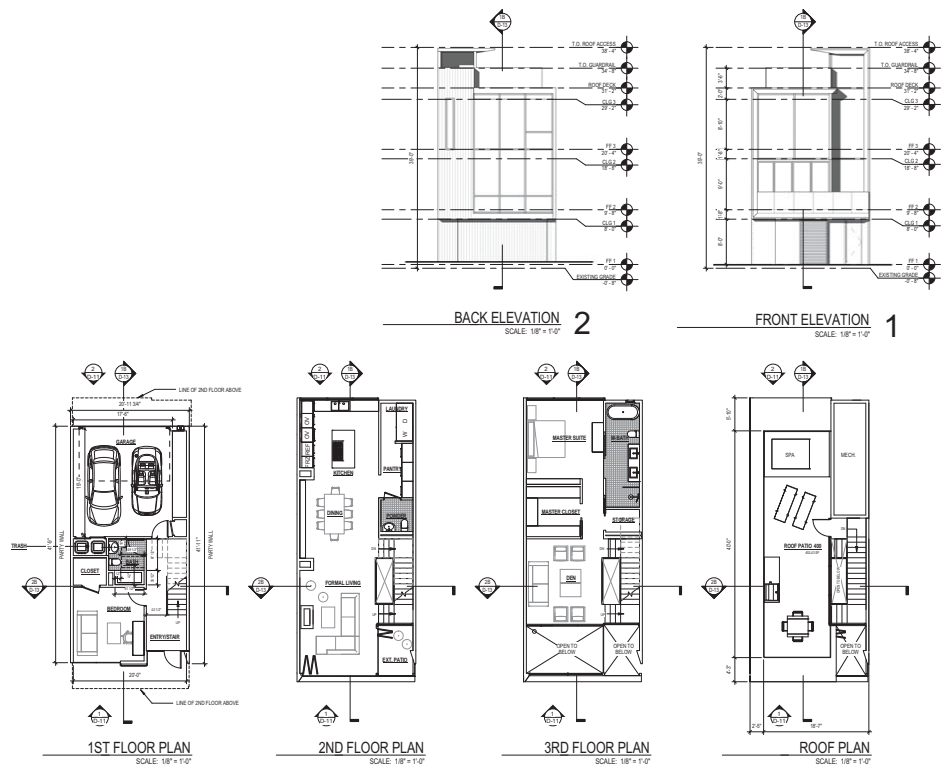
SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

## UNIT PLANS & ELEVATIONS

SHEET No. D-10 #1230 3355 + 3303 VIA LIDO

## ISLAND UNIT - TYPE 1 ADA



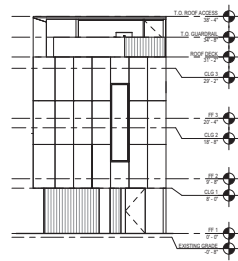
SHUBIN+DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

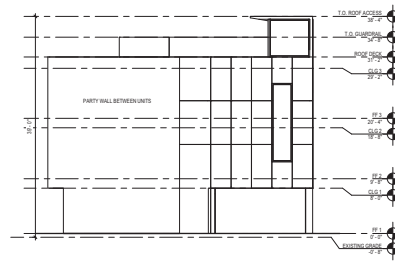
## UNIT PLANS & ELEVATIONS

SHEET No. D-11 #1230 3355 + 3303 VIA LIDO

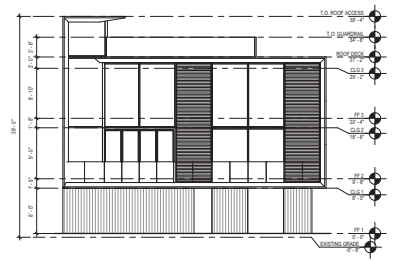
## ISLAND UNIT - TYPE 2



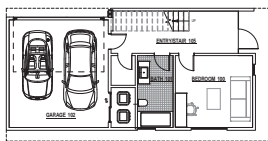
EAST ELEVATION 3  
SCALE: 1/8" = 1'-0"



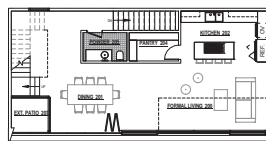
BACK ELEVATION 2  
SCALE: 1/8" = 1'-0"



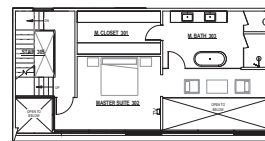
FRONT ELEVATION 1  
SCALE: 1/8" = 1'-0"



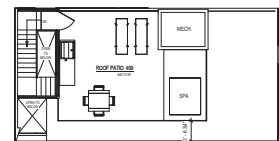
1ST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



2ND FLOOR PLAN  
SCALE: 1/8" = 1'-0"



3RD FLOOR PLAN  
SCALE: 1/8" = 1'-0"



ROOF PLAN  
SCALE: 1/8" = 1'-0"

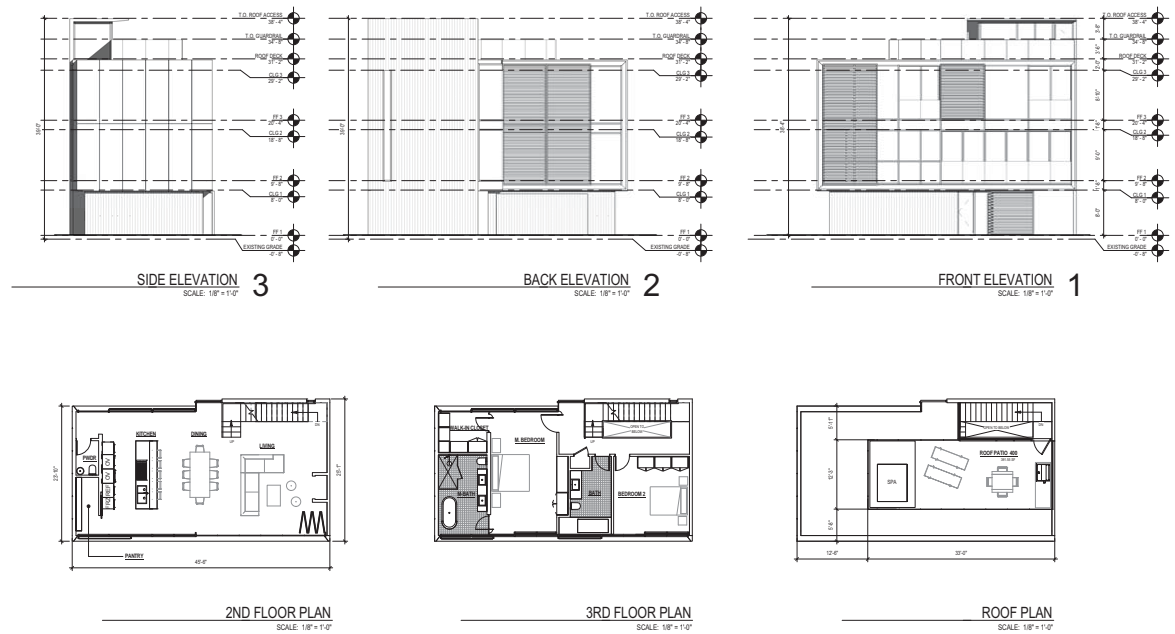
SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

## UNIT PLANS & ELEVATIONS

SHEET No. D-12 #1230 3355 + 3303 VIA LIDO

## ISLAND UNIT - TYPE 3



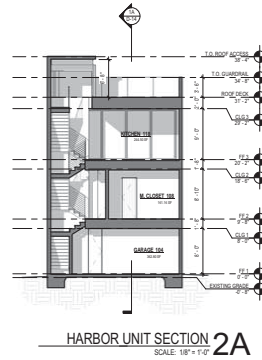
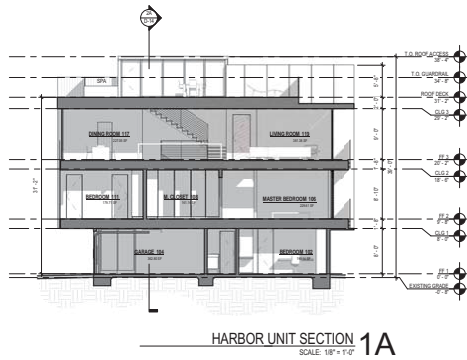
SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

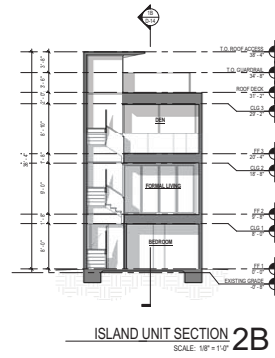
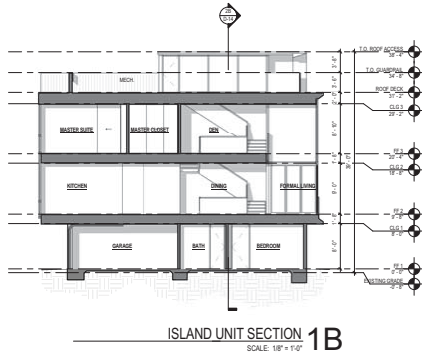
## UNIT PLANS & ELEVATIONS

SHEET No. D-13 #1230 3355 + 3303 VIA LIDO

## TYPICAL HARBOR UNIT SECTIONS



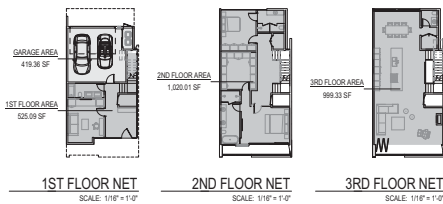
## TYPICAL ISLAND UNIT SECTIONS





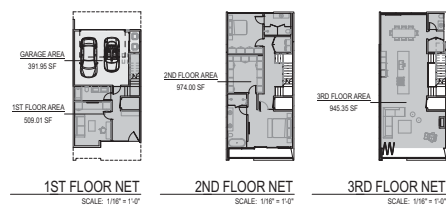
## NET AREA CALCULATIONS

### HARBOR UNIT - TYPE 1



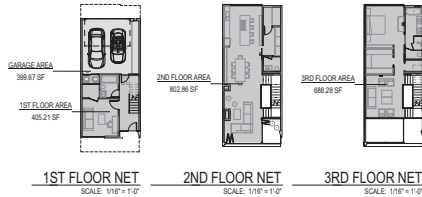
HARBOR TYPE 1 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	525.09 SF	LIVING AREA	FF 1
GARAGE AREA	419.36 SF	GARAGE	FF 1
2ND FLOOR AREA	944.45 SF	LIVING AREA	FF 2
3RD FLOOR AREA	1,020.01 SF	LIVING AREA	FF 3
	999.33 SF		
	2,903.79 SF		

### HARBOR UNIT - TYPE 2



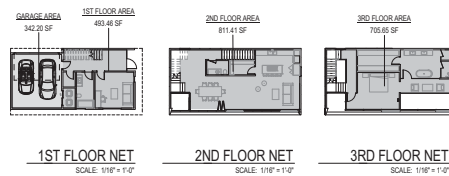
HARBOR TYPE 2 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	509.01 SF	LIVING	FF 1
GARAGE AREA	391.95 SF	GARAGE	FF 1
2ND FLOOR AREA	974.00 SF	LIVING	FF 2
3RD FLOOR AREA	945.35 SF	LIVING	FF 3
	2,820.31 SF		

### ISLAND UNIT - TYPE 1



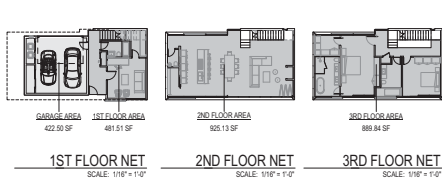
ISLAND UNIT 1 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
GARAGE AREA	399.87 SF	GARAGE	FF 1
1ST FLOOR AREA	405.21 SF	LIVING	FF 1
2ND FLOOR AREA	802.88 SF	LIVING	FF 2
3RD FLOOR AREA	802.88 SF	LIVING	FF 3
	688.28 SF		
	2,298.02 SF		

### ISLAND UNIT - TYPE 2

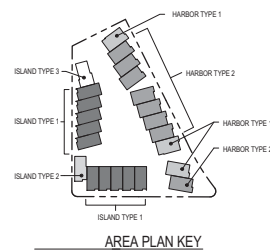


ISLAND UNIT 2 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	493.46 SF	LIVING	FF 1
GARAGE AREA	342.20 SF	GARAGE	FF 1
2ND FLOOR AREA	811.41 SF	LIVING	FF 2
3RD FLOOR AREA	705.65 SF	LIVING	FF 3
	2,352.73 SF		

### ISLAND UNIT - TYPE 3



ISLAND TYPE 3 NET AREA			
NAME/LEVEL	AREA	CATEGORY	LEVEL
1ST FLOOR AREA	481.51 SF	LIVING	FF 1
GARAGE AREA	422.50 SF	GARAGE	FF 1
2ND FLOOR AREA	925.13 SF	LIVING	FF 2
3RD FLOOR AREA	889.84 SF	LIVING	FF 3
	2,718.97 SF		



### TOTAL NET AREAS

UNIT TYPE	# OF UNITS	UNIT AREA	TOTAL AREA
HARBOR TYPE 1	3	2,903.79 SF	8,891.37 SF
HARBOR TYPE 2	8	2,820.31 SF	22,962.48 SF
ISLAND TYPE 1	10	2,298.02 SF	22,980.20 SF
ISLAND TYPE 2	1	2,352.73 SF	2,352.73 SF
ISLAND TYPE 3	1	2,718.97 SF	2,718.97 SF
<b>TOTAL AREA</b>			<b>59,485.75 SF</b>

SHUBIN+DONALDSON ARCHITECTS INC.

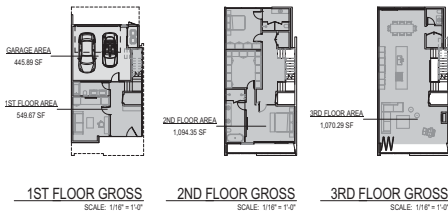
PLANNED COMMUNITY DEVELOPMENT PLAN

## NET AREA CALCULATIONS

SHEET No. D-15 #1230 3355 + 3303 VIA LIDO

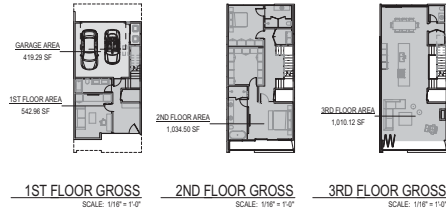
## GROSS AREA CALCULATIONS

HARBOR UNIT - TYPE 1



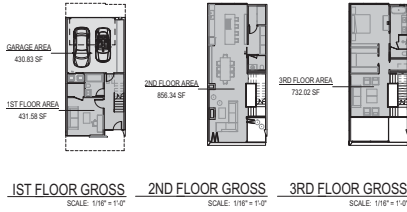
HARBOR TYPE 1 GROSS AREA				
NAME/LEVEL	AREA	CATEGORY	LEVEL	
1ST FLOOR AREA	548.87 SF	LIVING	FF 1	
GARAGE AREA	443.89 SF	GARAGE	FF 1	
2ND FLOOR AREA	1,094.35 SF	LIVING	FF 2	
3RD FLOOR AREA	1,070.28 SF	LIVING	FF 3	
	3,160.20 SF			

HARBOR UNIT - TYPE 2



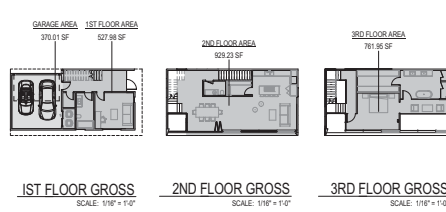
HARBOR TYPE 2 GROSS AREA				
NAME/LEVEL	AREA	CATEGORY	LEVEL	
1ST FLOOR AREA	542.96 SF	LIVING	FF 1	
GARAGE AREA	419.29 SF	GARAGE	FF 1	
2ND FLOOR AREA	1,034.50 SF	LIVING	FF 2	
3RD FLOOR AREA	1,010.12 SF	LIVING	FF 3	
	3,006.87 SF			

ISLAND UNIT - TYPE 1



ISLAND UNIT 1 GROSS AREA				
NAME/LEVEL	AREA	CATEGORY	LEVEL	
1ST FLOOR AREA	431.58 SF	LIVING	FF 1	
GARAGE AREA	430.83 SF	GARAGE	FF 1	
2ND FLOOR AREA	856.34 SF	LIVING	FF 2	
3RD FLOOR AREA	732.02 SF	LIVING	FF 3	
	2,450.76 SF			

ISLAND UNIT - TYPE 2

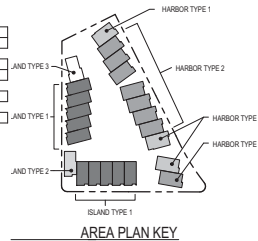


ISLAND UNIT 2 GROSS AREA				
NAME/LEVEL	AREA	CATEGORY	LEVEL	
Garage Area	370.01 SF	GARAGE	FF 1	
1ST FLOOR AREA	527.98 SF	LIVING	FF 1	
2ND FLOOR AREA	929.23 SF	LIVING	FF 2	
3RD FLOOR AREA	761.95 SF	LIVING	FF 3	
	2,589.17 SF			

ISLAND UNIT - TYPE 3



ISLAND TYPE 3 GROSS AREA				
NAME/LEVEL	AREA	CATEGORY	LEVEL	
1ST FLOOR AREA	518.60 SF	LIVING	FF 1	
GARAGE AREA	485.28 SF	GARAGE	FF 1	
2ND FLOOR AREA	1,014.36 SF	LIVING	FF 2	
3RD FLOOR AREA	964.06 SF	LIVING	FF 3	
	2,960.30 SF			



### FAR CALCULATIONS

ALLOWABLE FAR	1.75 X SITE AREA
ALLOWABLE AREA	1.75 X 52,098 SF = 91,173 SF
TOTAL AREA PROPOSED	63,592 (23 X 400 SF GARAGE AREA) + 54,393 SF
PROPOSED FAR	54,393 SF (52,098 SF + 1.05 (TIMES SITE AREA))
PERCENT OF ALLOWABLE FAR	54,393 SF (91,173 SF + 60% OF ALLOWABLE FAR)

### TOTAL GROSS AREAS

UNIT TYPE	# OF UNITS	UNIT AREA	TOTAL AREA
HARBOR TYPE 1	3	3,160.20 SF	9,480.60 SF
HARBOR TYPE 2	8	3,006.87 SF	24,054.96 SF
ISLAND TYPE 1	10	2,450.76 SF	24,507.60 SF
ISLAND TYPE 2	1	2,589.17 SF	2,589.17 SF
ISLAND TYPE 3	1	2,960.30 SF	2,960.30 SF
<b>TOTAL AREA</b>			<b>63,592.63 SF</b>

SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

## GROSS AREA & FAR CALCULATIONS

SHEET No. D-16 #1230 3355 + 3303 VIA LIDO



VIA MALAGA  
ALLOWABLE FAR 4  
SCALE: 1" = 40'-0"

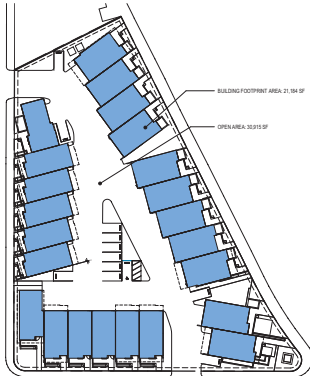
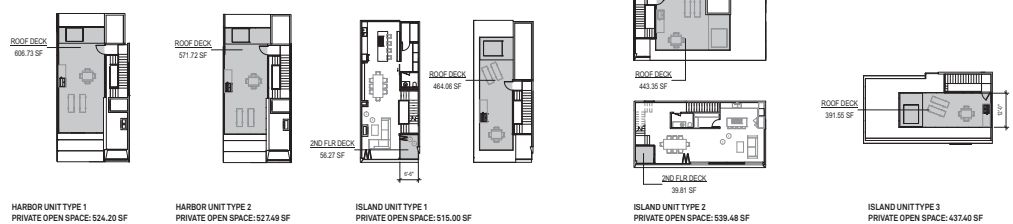


DIAGRAM - BUILDING AREA 5  
SCALE: 1" = 40'-0"



PRIVATE OPEN SPACE DIAGRAM 1  
SCALE: 1/16" = 1'-0"



ELEVATION DIAGRAM 2  
SCALE: 1/16" = 1'-0"

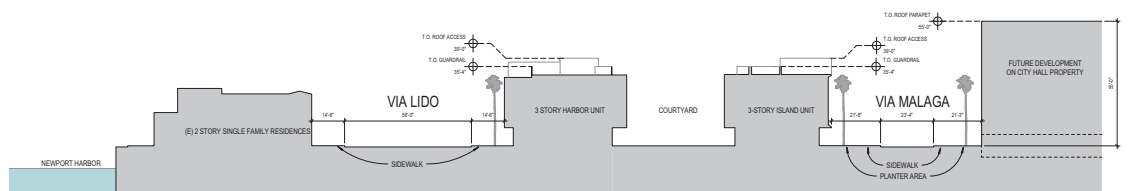


DIAGRAM SITE SECTION 3  
SCALE: 1" = 20'-0"

SHUBIN + DONALDSON ARCHITECTS INC.  
PLANNED COMMUNITY DEVELOPMENT PLAN  
**SITE DIAGRAMS**  
SHEET No. D-17 #1230 3355 + 3303 VIA LIDO



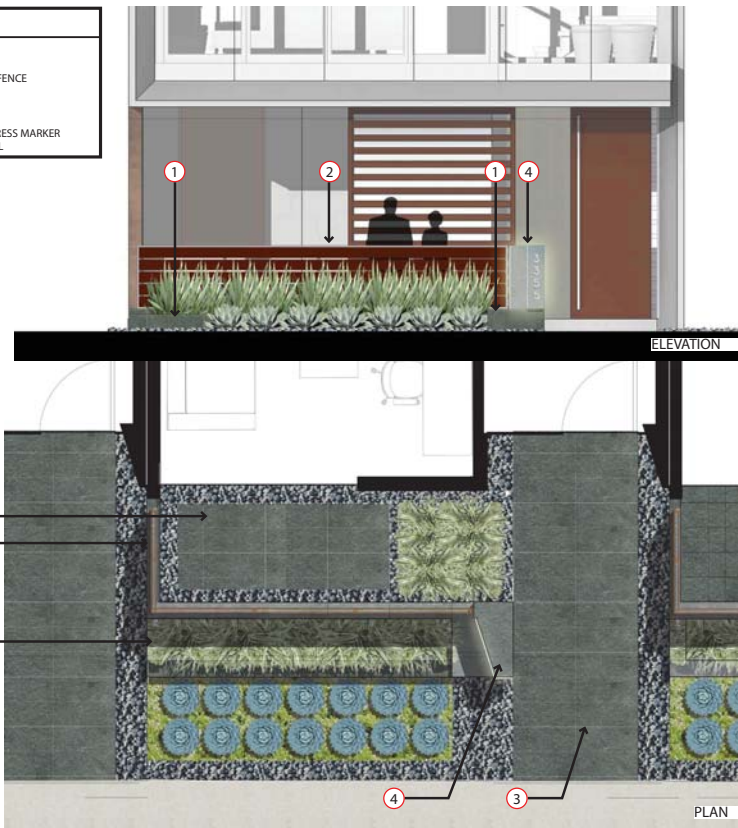
LEGEND	
1	LOW STONE PLANTER WALL
2	38" HIGH STAINED WOOD PRIVACY FENCE
3	ENHANCED PAVING
4	GLOWING GLASS AND STONE ADDRESS MARKER AT EACH RESIDENCE ENTRY, TYPICAL
5	COMMON OPEN SPACE AREA WITH ENHANCED PAVING, SEATING AND LANDSCAPE
6	ENHANCED VEHICULAR PAVING
7	GUEST PARKING AREA
8	TIERED RAISED PLANTER
9	LOW SEATWALL/PLANTER WITH SPECIMEN PALM
10	6" HIGH MASONRY WALL WITH HEDGE PLANTING
11	NEW STREET TREE WITH CAST IRON TREE GRATE
12	SPECIMEN SHADE TREE
NOTE: SEE PLANTING PLAN FOR PLANTING INFORMATION	



TYPICAL 'ISLAND' UNIT ON  
VIA OPORTO



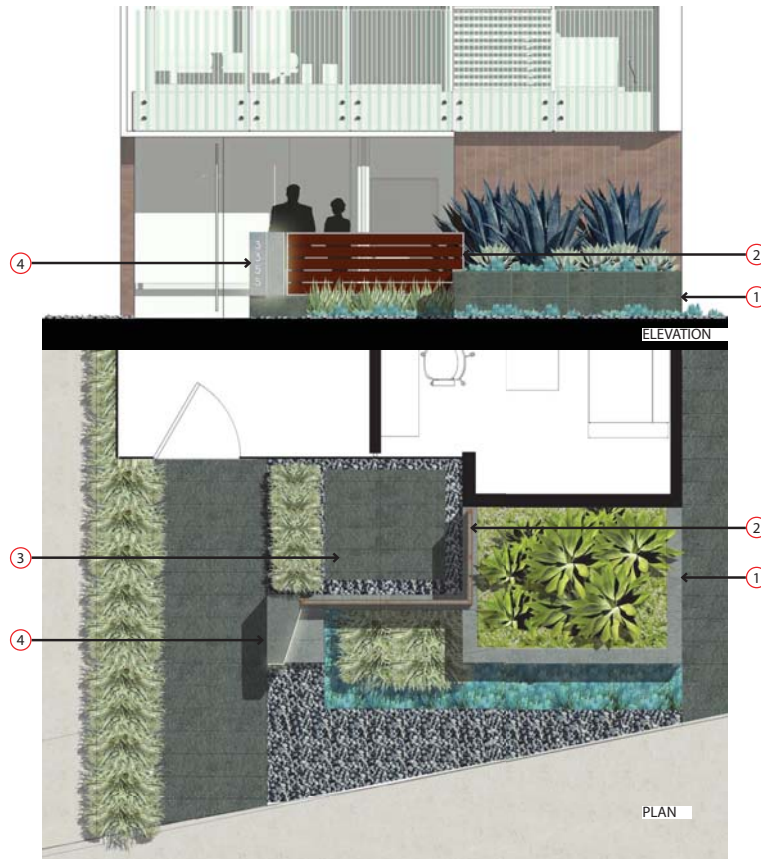
LEGEND	
①	LOW STONE PLANTER WALL
②	38" HIGH STAINED WOOD PRIVACY FENCE
③	ENHANCED PAVING
④	GLOWING GLASS AND STONE ADDRESS MARKER AT EACH RESIDENCE ENTRY, TYPICAL



TYPICAL 'ISLAND' UNIT  
ON VIA MALAGA

SHUBIN + DONALDSON ARCHITECTS INC.  
PLANNED DEVELOPMENT PERMIT SUBMITTAL  
**LANDSCAPE ENLARGEMENTS**  
SHEET No. L-2 #1230 3355 + 3303 VIA LIDO



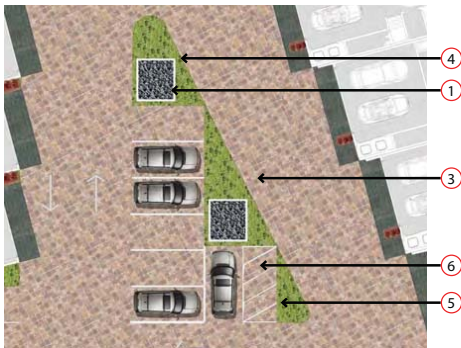


TYPICAL 'HARBOR' UNIT  
ALONG VIA LIDO

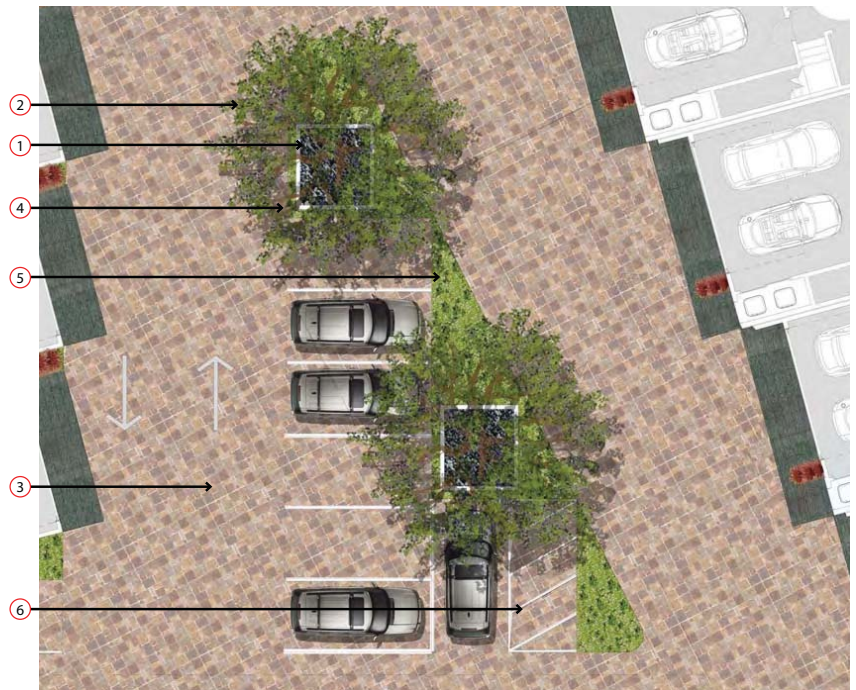
LEGEND	
1	LOW STONE PLANTER WALL
2	38" HIGH STAINED WOOD PRIVACY FENCE
3	ENHANCED PAVING
4	GLOWING GLASS AND STONE ADDRESS MARKER AT EACH RESIDENCE ENTRY, TYPICAL



LEGEND	
①	STONE PLANTER WALL (RAISED TO PROTECT TREE FROM HIGH WATER TABLE)
②	SPECIMEN SHADE TREE
③	ENHANCED VEHICULAR PAVING
④	ROLLED CURB TO PROTECT WALLS AND PLANTING
⑤	SHRUBS AND GROUNDCOVER TO BREAK UP PARKING AREA AND DISTRIBUTE GREEN SPACE THROUGHOUT PARKING FIELD
⑥	VAN ACCESSIBLE STALL AND STRIPING



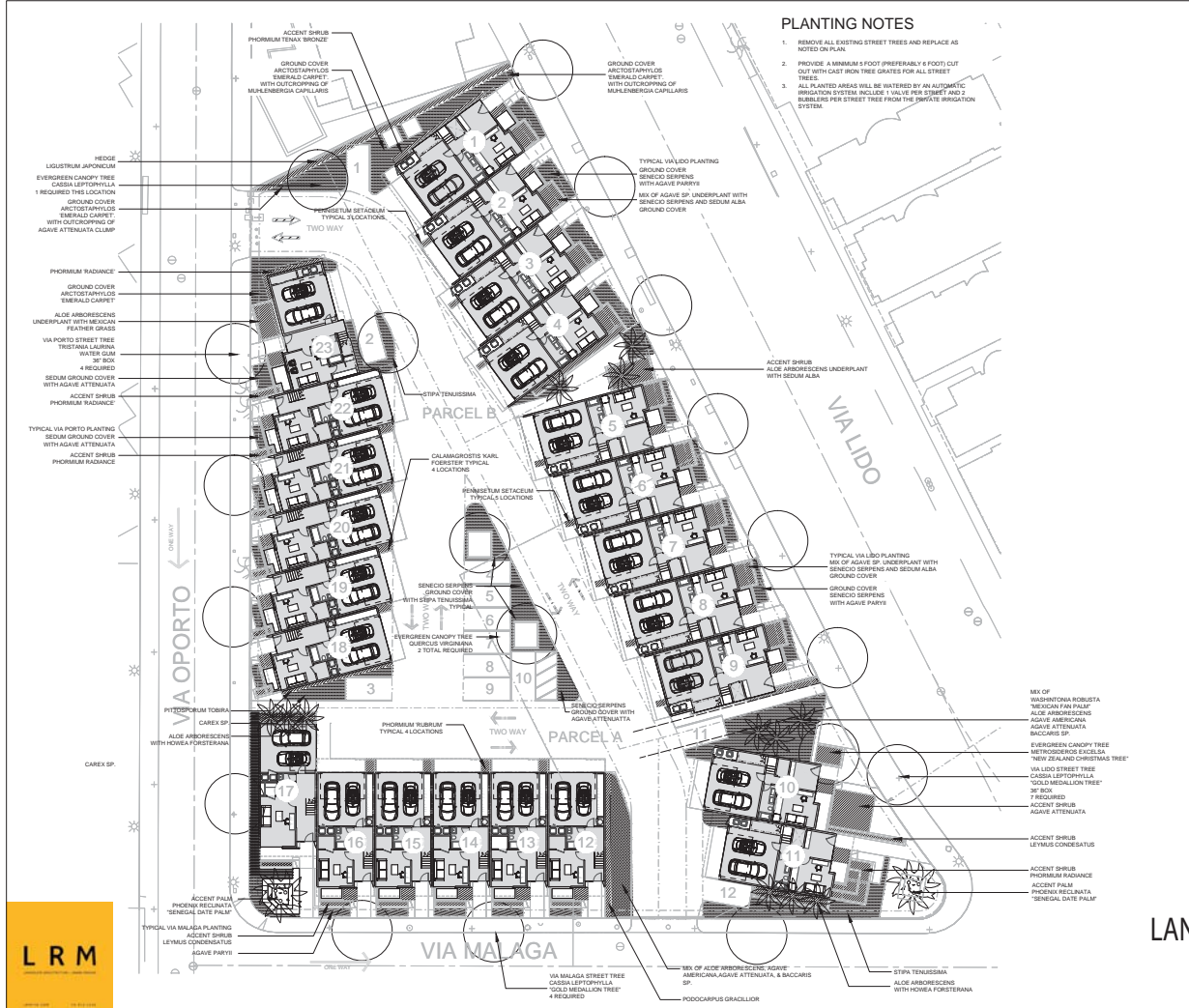
PARKING AREA SHOWN WITHOUT TREES FOR CLARITY



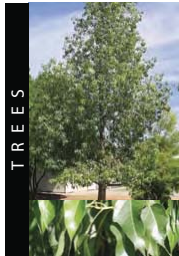
VISITOR PARKING AREA ENLARGEMENT







TREES



BRACHYCHITON POPULNEUS  
Bottle Tree



CALLISTEMON CITRINUS  
Lemon Bottlebrush



CASSIA LEPTOPHYLLA  
Gold Medallion Tree



LIGUSTRUM LUCIDUM  
Glossy Privet



LOPHOSTEMON CONFERTUS  
Brisbane Box

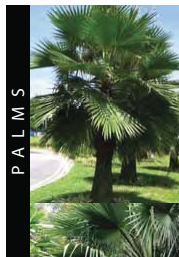


METROSIDEROS EXCELSA  
New Zealand Christmas Tree



QUERCUS VIRGINIANA  
Southern Live Oak

PALMS



BRAHEA EDULIS  
Guadalupe Palm



HOWEA FORSTERIANA  
Kentia Palm



PHOENIX DACTYLIFERA  
Date Palm



PHOENIX RECLINATA  
Senegal Date Palm

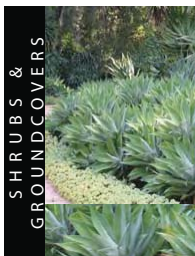


WASHINGTONIA FILIFERA  
California Fan Palm



WASHINGTONIA ROBUSTA  
Mexican Fan Palm

SHRUBS & GROUNDCOVERS



AGAVE ATTENUATA  
NCN



ALOE ARBORESCENS  
Tree Aloe



ALOE CILIARIS  
NCN



ARCTOSTAPHYLOS 'EMERALD CARPET'  
Manzanita 'Emerald Carpet'



BACCHARIS PILULARIS  
Dwarf Coyote Brush



CAREX TUMULICOLA  
Berkeley Sedge



CARISSA 'BOXWOOD BEAUTY'  
Natal Plum

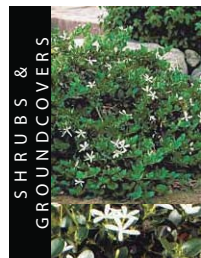


SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

# PLANT PALETTE

SHEET No. L-6 #1230 3355 + 3303 VIA LIDO



CARISSA 'TUTTLE'  
Natal Plum



LANTANA MONTEVIDENSIS  
Lantana



LIGUSTRUM JAPONICUM  
Wax Leaf Privet



MUHLENBERGIA CAPILLARIS  
Pink Muhly



MYRTUS COMMUNIS  
Myrtle



NERIUM OLEANDER  
Oleander



PENNISETUM SETACEUM 'RUBRUM'  
Purple Fountain Grass



PHORMIUM TENAX 'BRONZE BABY'  
Bronze Baby New Zealand Flax



PHORMIUM TENAX 'JACK SPRATT'  
Jack Spratt New Zealand Flax



PHORMIUM TENAX 'RADIANCE'  
Radiance New Zealand Flax



PITTOSPORUM TOBIRA  
Mockorange



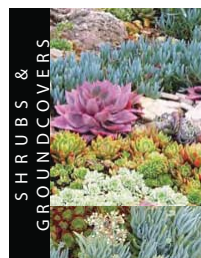
RHAMPHILEPIS INDICA  
Indian Hawthorne



ROSA 'ICEBERG'  
Iceberg Rose



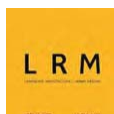
SALVIA LEUCANTHA  
Mexican Bush Sage



SUCCULENTS  
SUCCULENTS



YUCCA FILAMENTOSA  
Adam's Needle







#### OPEN SPACE REQUIREMENTS

75 SF REQUIRED PER UNIT

75 X 23 UNITS = 1,725 SF OF OPEN SPACE REQUIRED

2,392 SF OF OPEN SPACE PROVIDED

8,526 SF OF TOTAL LANDSCAPE AREA



SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED DEVELOPMENT PERMIT SUBMITTAL

#### OPEN SPACE CALCULATIONS

SHEET No. L-8 #1230 3355 + 3303 VIA LIDO

## HARBOR UNIT



## ISLAND UNIT



SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN

## EXTERIOR MATERIALS

SHEET No. D-19 #1230 3355 + 3303 VIA LIDO



SHUBIN + DONALDSON ARCHITECTS INC.

## PLANNED COMMUNITY DEVELOPMENT PLAN

### D-20 SITE EXHIBIT

#### LANDSCAPE DIAGRAM

SCALE: 1" = 40'-0"





OPEN SPACE LANDSCAPE/HARDSCAPE DIAGRAM

SCALE: 1" = 40'-0"

SHUBIN + DONALDSON ARCHITECTS INC.

PLANNED COMMUNITY DEVELOPMENT PLAN  
OPEN SPACE ANALYSIS



# **Attachment No. CD 8**

Applicant's Summary of Changes

Landsea Holdings Corporation  
7525 Irvine Center Drive, Suite 200  
Irvine, CA 92618 USA  
T 949.345.8080



August 14, 2017

Planning Division | Community Development Department  
City of Newport Beach  
100 Civic Center Drive | Newport Beach, CA 92660

Re: Description of Proposed Design Revisions for 23 Townhomes located at 3355 & 3303 Via Lido, Newport Beach, CA ("Lido Villas")

### **Overall Description**

Landsea Holdings Corporation ("Applicant") is proposing to modify the structural systems of the previously approved buildings from Type II-B steel framing to Type VB wood frame construction. In addition, alternate exterior materials are being proposed in specific locations to increase texture, warmth, and promote long term durability to the exterior finishes. To accomplish this, glazing will be replaced in specific areas with short wall segments, which will be clad with siding materials in a manner complimentary to the approved design style of the buildings.

There are no proposed changes to the gross building sizes or heights.

The attached exhibits represent before and after building elevations for Cluster 1 and Cluster 5. The approved building elevation are at the top of each sheet, and the proposed modified elevation is shown directly below on the same sheet for the purpose of direct comparison. Also included in the exhibits is a revised color and materials board.

### **Specific Proposed Changes**

#### **Cluster 1**

##### **Sheet A-1**

###### Front Elevation

1. Added walls and siding elements to second and third floors, decreased glazing.
2. Adjusted glass railing style to allow for aluminum frame members for structural integrity.

###### Front and Right Elevation

1. Changed vertical stained cedar siding to horizontal cementitious siding, similar color.
2. Changed exterior metal wall panels to exterior plaster finish. Color and score pattern to match approved elevation.

##### **Sheet A-2**

###### Rear Elevation

1. Changed small window height to allow for wall shear panel.

**Re: Description of Proposed Design Revisions for 23 Townhomes located at 3355 & 3303  
Via Lido, Newport Beach, CA ("Lido Villas")**

**Rear and Left Elevations**

1. Changed vertical stained cedar siding to horizontal cementitious siding, similar color.
2. Changed exterior metal wall panels to exterior plaster finish. Color and score pattern to match approved elevation.

**Cluster 5**

**Sheet A-3**

**Front Elevation**

1. Added walls and siding elements to second and third floors, decreased glazing.
2. Changed exterior metal wall panels to exterior plaster finish. Color and score pattern to match approved elevation.

**Sheet A-4**

**Right and Left Elevations**

1. Changed exterior metal wall panels to exterior plaster finish. Color and score pattern to match approved elevation.
2. Changed vertical stained cedar siding to horizontal cementitious siding, similar color.

**Sheet A-5**

**Rear Elevation**

1. Changed exterior metal wall panels to exterior plaster finish. Color and score pattern to match approved elevation.
2. Changed vertical stained cedar siding to horizontal cementitious siding, similar color.
3. Changed wood screen element at far right unit to horizontal siding for shear panel.

Note: The overall building height identified on the "Approved Rear Elevation" is incorrect and we have identified it correctly on the "Proposed Rear Elevation".

**Sheet A-6**

**Approved Color and Materials Board**

1. Included for reference.

**Sheet A-7**

**Proposed Color and Materials Board**

1. Colors to remain as approved. Identifying names and numbers changed to Sherwin Williams paint colors.
2. EX-01 and EX-04 changed to exterior plaster, sample photo of plaster included.
3. GL-02 – Better photo of fritted and obscure glass included for railing styles.
4. WD-01 – Stained cedar siding changed to horizontal cementitious siding, cedar color.
5. EX-03 – Exterior railing changed from wood to aluminum for durability.

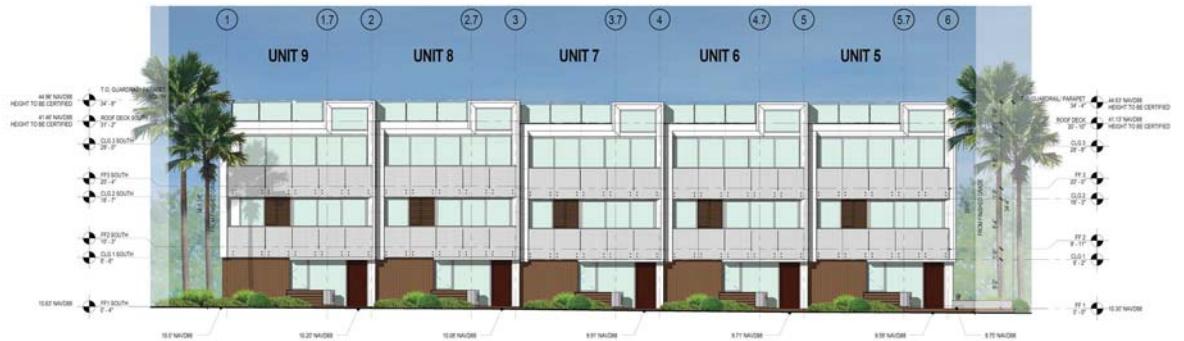
# **Attachment No. CD 9**

Project Plan Modifications





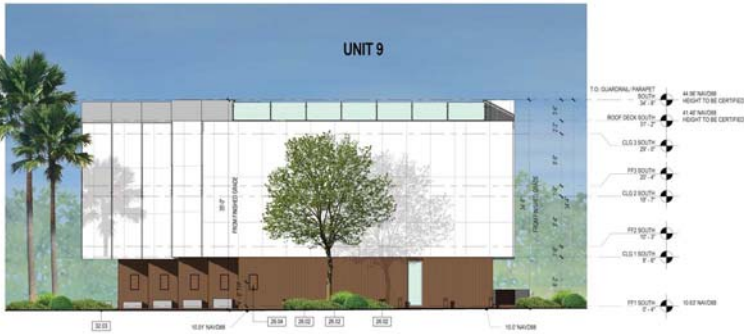




APPROVED FRONT ELEVATION



PROPOSED FRONT ELEVATION



APPROVED LEFT ELEVATION



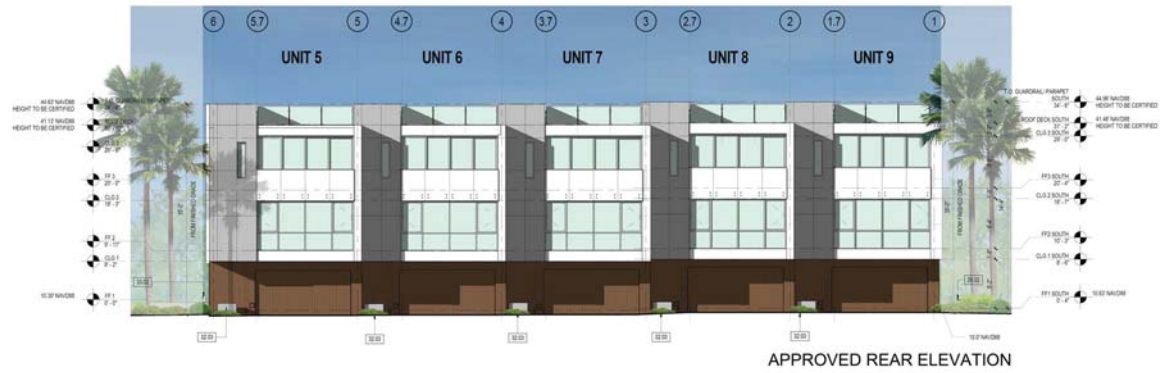
APPROVED RIGHT ELEVATION



PROPOSED LEFT ELEVATION



PROPOSED RIGHT ELEVATION



APPROVED REAR ELEVATION



PROPOSED REAR ELEVATION







APPROVED LEFT ELEVATION



APPROVED REAR ELEVATION



PROPOSED LEFT ELEVATION



PROPOSED REAR ELEVATION







APPROVED LEFT ELEVATION



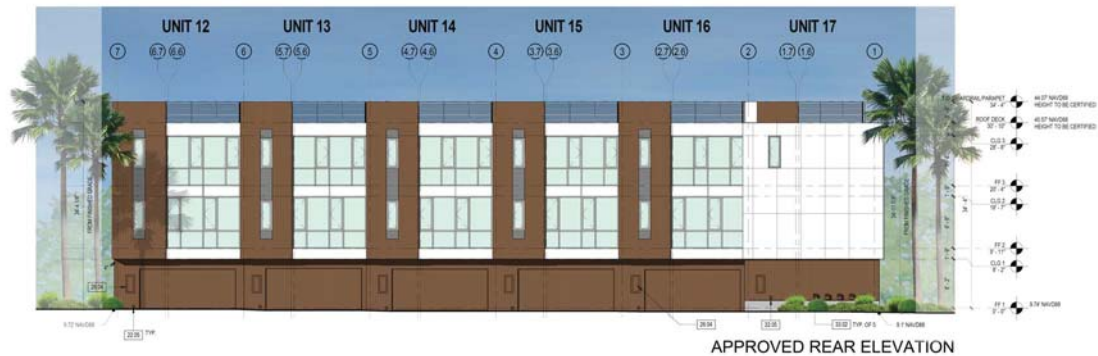
APPROVED RIGHT ELEVATION



PROPOSED LEFT ELEVATION



PROPOSED RIGHT ELEVATION





APPROVED FRONT ELEVATION



PROPOSED FRONT ELEVATION

LS LIDO VILLAS  
Newport Beach, CA  
August 21, 2017

Landsea Holdings Corporation  
3130 Crow Canyon Pl., # 305, San Ramon, CA, 94583

CLUSTER 5 FRONT ELEVATION  
A-11

3361 Walnut Blvd., Suite 120 Brentwood, CA 94513  
925-634-7000  
www.strausdesign.com





APPROVED LEFT ELEVATION



APPROVED RIGHT ELEVATION



PROPOSED LEFT ELEVATION



PROPOSED RIGHT ELEVATION



APPROVED REAR ELEVATION



PROPOSED REAR ELEVATION