



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Seimone Jurjjs, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator for the week ending February 16, 2018.

ZONING ADMINISTRATOR ACTIONS FEBRUARY 15, 2018

- Item 1: Hyatt Regency Comprehensive Sign Program No. CS2017-018 and Modification Permit No. MD2917-010 (PA2017-244)
Site Address: 4545 MacArthur Boulevard
Action: Approved by Resolution No. ZA2018-008 Council District 3
- Item 2: Stavros Residence Coastal Development Permit No. CD2017-106 (PA2017-249)
Site Address: 1034 West Balboa Boulevard
Action: Approved by Resolution No. ZA2018-009 Council District 1
- Item 3: Cefalia Residence Coastal Development Permit No. CD2017-109 (PA2017-258)
Site Address: 2036 Ocean Boulevard
Action: Approved by Resolution No. ZA2018-010 Council District 1
- Item 4: Trimar Properties Residence Coastal Development Permit No. CD2017-029 (PA2017-072)
Site Address: 206 42nd Street
Action: Approved by Resolution No. ZA2018-011 Council District 1
- Item 5: Skjonsby Residence Coastal Development Permit No. CD2017-107 (PA2017-250)
Site Address: 16 Beacon Bay
Action: Approved by Resolution No. ZA2018-012 Council District 5
- Item 6: Cefalia Residence Coastal Development Permit No. CD2017-099 (PA2017-230)
Site Address: 2017 Ocean Boulevard
Action: Approved by Resolution No. ZA2018-013 Council District 1
- Item 7: 1820 Oceanfront LLC Residences Coastal Development Permit No. CD2017-100 and Tentative Parcel Map No. NP2017-023 (PA2017-233)
Site Address: 1820 West Ocean Front
Action: Approved by Resolution No. ZA2018-014 Council District 1
- Item 8: Spada Residence Coastal Development Permit No. CD2017-103 (PA2017-240)
Site Address: 122 25th Street

Action: Approved by Resolution No. ZA2018-015 Council District 1

Item 9: Garg Duplex Coastal Development Permit No. CD2017-097 (PA2017-224)
Site Address: 506 Clubhouse Avenue

Action: Approved by Resolution No. ZA2018-016 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. ZA2018-008

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COMPREHENSIVE SIGN PROGRAM NO. CS2017-018 AND MODIFICATION PERMIT NO. MD2017-010 FOR THE HYATT REGENCY HOTEL LOCATED AT 4545 MACARTHUR BOULEVARD (PA2017-244)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Karla Alvarez of Swain Sign Inc., with respect to property located at 4545 MacArthur Boulevard, and legally described as Parcel 1 of Resubdivision 980 of Parcel Map 91-292, City of Newport Beach, County of Orange, State of California requesting approval of a comprehensive sign program.
2. The applicant proposes a comprehensive sign program and associated modification permit as follows:
 - a. Comprehensive Sign Program request to authorize signage at the Hyatt Regency Hotel site, including two monument signs, two wall signs on the highest level of the high-rise buildings, and two entry wall signs.
 - b. Modification Permit:
 - i. Request to allow a ground identification sign to exceed the maximum allowed height, where a comprehensive sign program only allows an increase of 20% above the maximum height standard. The monument sign proposed at the corner of Birch Street and MacArthur Boulevard is 9.17 feet, approximately 129% percent higher than the 4-foot maximum height limit.
 - ii. Request to allow a wall sign to exceed the maximum area by more than 30%. The proposed wall sign that faces the corner of Birch Street and MacArthur Boulevard would be 183 square feet (approximately 34% larger than the 136 square foot sign area allowed).
3. The subject property is designated Mixed Use Horizontal (MU-H2) by the General Plan Land Use Element and is located within the Newport Place Planned Community – Hotel Site 1 (PC11) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on February 15, 2018 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 involves the replacement of existing signs and the addition of new signs, accessory to the existing nonresidential development on the property.

SECTION 3. REQUIRED FINDINGS.

Comprehensive Sign Program

Pursuant to Section 20.42.120, the comprehensive sign program allows an increase in sign height by 20 percent above that allowed and an increase in sign area by 30 percent above that allowed. The program shall comply with the standards of the Newport Place Planned Community sign regulations, except that deviations are allowed with regard to sign area, total number, location, and/or height of signs. In accordance with Section 20.42.120 (Comprehensive Sign Program Standards) of the Newport Beach Municipal Code, the following standards and facts in support of such standards are set forth:

Standard:

- A. *The proposed sign program shall comply with the purpose and intent of this Chapter [Chapter 20.42], any adopted sign design guidelines and the overall purpose and intent of this Section [Section 20.42.120].*

Facts in Support of Standard:

1. The comprehensive sign program complies with the purpose and intent of Municipal Code Chapter 20.42 (Sign Standards) and the Newport Place Planned Community text to aesthetically integrate all signs while providing for the flexible application of sign regulations on a large commercial site that contains a multi-story building.
2. The comprehensive sign program is consistent with citywide sign design guidelines in that the proposed signs are designed to be compatible with the building design and subject property in terms of scale, size, and materials. The proposed signs are designed to effectively identify the hotel site without creating sign clutter. This is accomplished through the use of legible text, logical placement, and designs that

are proportional to street frontages and building elevations on which the signs are located.

Standard:

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

Facts in Support of Standard:

1. The proposed signs provide entry and location identification from Birch Street and MacArthur Boulevard. The number, location, and size of signs is in keeping with typical hotel sites. The signs will be adequately separated to avoid the appearance of clustered signage; thus, the sign program will not contribute to an overabundance of signage that will have a detrimental effect on the airport area.
2. No wall signs or ground signs are proposed along the rear of the property abutting other commercial/office uses. Proposed signs are only located along frontages visible from the major right-of-ways. There are no sensitive or residential uses in the immediate vicinity.
3. All proposed signage will be in harmony with the character and architectural style of the hotel. The large property accommodates the additional and larger signage without creating an impact to the surrounding neighborhood.
4. The proposed sign program would result in wall signs that are located lower than the previously approved signs (Modification Permit No. M5112) that protruded above the roof parapet.
5. The Newport Place Planned Community text allows motel and hotel sites to utilize one (1) pole sign in lieu of other identification signs allowed by the PC text. The proposed sign program utilizes a mix of identification signage that relieves the need for an identification pole sign, a sign type that is prohibited by the Zoning Code. Thus, the proposed mixture of signage (including the 9.17-foot high monument sign) would be more in harmony with the surrounding development than a 20-foot high pole sign allowed by the PC text.

Standard:

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

Fact in Support of Standard:

1. The comprehensive sign program includes all signage for the hotel. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42 and the Newport Place Planned Community (PC11) text.

Standard:

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

Facts in Support of Standard:

1. The comprehensive sign program has been developed to be effective for future hotel facilities. The additional signage and increased size permitted provides flexibility to accommodate the signage needs of future hotel uses.
2. It is not anticipated that future revisions to the comprehensive sign program will be necessary to accommodate changes in occupants or owners. However, consistent with Chapter 20.42, the Community Development Director (or his/her designee) may approve minor revisions to the sign program if the intent of the original approval is not affected.

Standard:

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

Facts in Support of Standard:

1. The comprehensive sign program is consistent with the intent of Municipal Code Section 20.42.120 (Comprehensive Sign Program Standards) and with the Newport Place Planned Community text, and is being processed concurrently with a Modification Permit consistent with Zoning Code Section 20.52.050 to allow a ground identification sign and wall sign to be larger than the established standards. The intent of the requested deviations is to increase the visibility of the signs and to allow signage that is proportionately scaled to the size of the property, lengths of street frontages, and hotel elevations.
2. The deviations are justified in that the visibility of signage will be improved for the large site, while remaining proportionately scaled to the size of the buildings onsite and applicable street frontages.

3. The proposed wall signs are located on the highest level of the high-rise hotel. The proposed wall sign associated with the modification permit (Sign A2) is located approximately 109 feet above the ground, and the other wall sign (Sign A1) is located approximately 80 feet above the ground. Thus, additional sign area is needed to enhance visibility of these signs from the ground.
4. The Newport Place Planned Community text allows motel and hotel sites to utilize one (1) pole sign in lieu of other identification signs allowed by the PC text. The proposed sign program utilizes a mix of identification signage that relieves the need for an identification pole sign, a sign type that is prohibited by the Zoning Code. Thus, the proposed mixture of signage (including the 9.17-foot high monument sign) would be more likely to enhance the overall development than a 20-foot high pole sign allowed by the PC text.

Standard:

- A. *The Approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter [Chapter 20.42].*

Facts in Support of Standard:

1. The comprehensive sign program does not authorize the use of prohibited signs.

Standard:

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

Facts in Support of Standard:

1. The content of the signs was not considered and the proposed comprehensive sign program does not contain any regulations regarding sign message content.

Modification Permit

Pursuant to Section 20.42.110 of the Newport Beach Municipal Code, deviations in sign height greater than 20 percent and sign area greater than 30 percent are subject to the approval of a modification permit. In accordance with Section 20.52.050 (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 project site is located in the PC11 (Newport Place Planned community) Zoning District. The proposed signs have been designed to enhance the overall development; to relate visually to other signs included in the comprehensive sign program, and to the structures and/or developments they identify; and to be sensitive to adjacent uses. A hotel use has occupied the site since the 1970's, thus, the changes to the associated signage will appear negligible to surrounding developments.
2. The proposed wall signs are similar to the existing conditions, but would no longer project above the roof or parapet line. The current Zoning Code prohibits such roof signs. Thus, the proposed signage would result in greater compliance with the current Zoning Code.
3. Pursuant to the PC11 text, building identification signs shall have an area not to exceed 1.5 square feet of surface for each one foot of lineal frontage of the building. A Comprehensive Sign Program may authorize an increased sign area up to 30% above the standard. The increased sign area of 182.65 square feet for the secondary site identification wall sign (A2) is required based on the proportional size of the proposed sign. Sign A2 is identical to compliant sign A1, but is located on a smaller elevation of the building, resulting in a sign that is approximately 34 percent greater in area than the Zoning Code and Planned Community standard. Thus, if the sign were 4 percent smaller it could be permitted through a comprehensive sign program without a modification permit. The proposed 4 percent increase would have a negligible impact on the surrounding development.
4. The proposed monument sign at the corner of Birch Street and MacArthur Boulevard is 9.17 feet, approximately 129% percent higher than the 4-foot maximum height limit. A 4-foot height maximum would not be sufficient to provide clear identification and letter size for the large site (275,267 square feet). Additionally, the rapid speed of traffic along the aforementioned right-of-ways warrants larger or taller signage to ensure legibility.

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 property abuts three right-of-ways, but contains only one main ingress and egress route (along Birch Street). Two ancillary ingress/egress points are located along Corinthian Way, but do not provide a direct or clear path to the hotel entrance. MacArthur Boulevard and Birch Street are major roads through City, are wide with multiple lanes, and allow higher rates of speed, resulting in reduced sign

visibility. Therefore, the hotel signage needs to be large enough to allow motorists to find the site and safely navigate to the entrance.

2. The proposed monument sign at the corner of Birch Street and MacArthur Boulevard is 9.17 feet, approximately 129% percent higher than the 4-foot maximum height limit. A 4-foot height maximum would not be sufficient to provide clear identification and letter size for the large site (275,267 square feet). Additionally, the rapid speed of traffic along the aforementioned right-of-ways warrants larger signage.
3. The hotel site is large and comprised of multiple high-rise buildings separated from adjacent right-of-ways by a large surface parking lot. The increase in sign size and height will provide greater convenience and visibility for visitors to the site.
4. The wall sign associated with the modification permit (Sign A2) is located approximately 109 feet above the ground, and the other wall sign (Sign A1) is located approximately 80 feet above the ground. Thus, additional sign area is needed to enhance visibility from the ground.
5. The Newport Place Planned Community text allows motel and hotel sites to utilize one (1) pole sign in lieu of other identification signs allowed by the PC text. The proposed sign program utilizes a mix of identification signage that relieves the need for an identification pole sign, a sign type that is prohibited by the Zoning Code. Thus, the proposed mixture of signage (including the 9.17-foot high monument sign) would be more in harmony with the surrounding development than a 20-foot high pole sign allowed by the PC text.

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. **Property Frontage:** The purpose and intent of the sign regulations is to provide users adequate identification while preserving and enhancing the community's appearance. The regulation of sign size is to ensure that signage does not overwhelm a property and create clutter. The property is large (approximately 275,267 square feet) and the hotel buildings are setback from adjacent right-of-ways with a surface parking lot and associated landscaping. Additionally, the site frontage is 846 feet along Birch Street, and 401 feet along MacArthur Boulevard, thereby presenting practical difficulties in providing adequate signage. Thus, the proposed increase in height and area of certain signs will be appropriately scaled to the size and street frontages of the property.
2. **Building Frontage:** The total building frontage (facing Birch Street) is approximately 363 feet, which presents challenges in providing adequate signage.

Thus, modifications to the allowed area and height of signage is appropriate to provide adequate visibility from major roadways and is appropriately scaled to the building elevations.

3. **Adjacent Roadways:** The two signs that require a modification permit are oriented towards the corner of Birch Street and MacArthur Boulevard, which is a high-speed roadway with five and eight lanes, respectively. The increase in sign height and sign area of signage facing Birch Street and MacArthur Boulevard addresses the practical difficulty of reduced visibility for motorists trying to identify the hotel from these wide and high-speed roadways.
4. **Building Height:** Wall sign A2 (requiring modification permit) is located approximately 109 feet above ground at the top of the high-rise building. Thus, the additional sign area allows for greater visibility from the ground.
5. The increase in the sign height and area of certain signs does not interfere with the purpose and intent of the Newport Place Planned Community and with Municipal Code Section 20.42.120 (Comprehensive Sign Program Standards) as it provides for adequate identification of the site while guarding against an excessive proliferation of signs.

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. Due to the design and location of the building, as well as the overall size of the property, deviations from allowed sign height and area are necessary to provide adequate identification for the large subject property. The strict application of the Newport Place Planned Community sign standards would result in inadequate signage not easily visible to motorists or pedestrians.

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 sign height and size of certain signs, but will not result in a change in intensity or density of the existing hotel use.

2. This approval will not result in the addition of any signs visible from existing residential areas.
3. Compliance with the Municipal Code and the attached conditions of approval is required and will further ensure that the proposed use will not be detrimental.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Comprehensive Sign Program No. CS2017-018 and Modification Permit No. MD2017-010, subject to the conditions set forth in Exhibit A and the sign matrix denoted in Exhibit B, 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 15TH DAY OF FEBRUARY, 2017.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

PLANNING

1. The development shall be in substantial conformance with the approved site plan, building elevations, and Comprehensive Sign Program Matrix Table, stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. *All proposed signs shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.*
3. *Landscaping with automatic irrigation shall be provided and maintained at the base of the supporting structure (of the monument signs) equal to twice the area of one face of the sign or seventy-five (75) square feet, whichever is greater. For example, forty (40) square feet of sign area equals eighty (80) square feet of landscaped area.*
4. *Monument or ground identification signs shall contain an address plate identifying the subject property. Numbers shall be a minimum of six inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated against the allowed sign area.*
5. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
6. 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 Modification Permit.
7. This Comprehensive Sign Program and Modification 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.
8. Any change in characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Comprehensive Sign Program and Modification Permit or the processing of a new Comprehensive Sign Program and Modification Permit
9. 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.

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. 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 20 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 the Hyatt Regency Sign Program including, but not limited to, CS2017-018 and MD2017-010 (PA2017-244). 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.

Building Division Conditions

14. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code.

Public Works Conditions

15. *Sign "D" shall be set back a minimum of 10' from the property line.*
16. *Sign "E" shall comply with the City Sight Distance Standard STD-11-L. Sign shall be located outside of the limited use area.*

EXHIBIT "B"

COMPREHENSIVE SIGN PROGRAM MATRIX TABLE

COMPREHENSIVE SIGN PROGRAM SIGN TYPES

HYATT REGENCY, NEWPORT BEACH, CA

Birch Street	846.72'	Front Elevation	(Includes Parking lot)
Mac Arthur Blvd	400.99'	Left Side Elevation	(Includes Parking lot)
Corinthian Way	346.31'	Right Side Elevation	(Includes Parking lot)

SIGN	SIGN LOCATION	BUILDING FRONTAGE	SIGN TYPE	SIGN COPY	SIGN SIZE	SIGN AREA
A1 Primary Sky Sign	Northwest Building Elevation Top Floor	190'-5"	Channel Letters	HYATT REGENCY	3'-8" x 49'-9.3/4"	182.65
A2 Secondary Sky Sign	North Building Elevation Top Floor	90'-9"	Channel Letters	HYATT REGENCY	3'-8" x 49'-9.3/4"	182.65
B Porte- Cochere	Northwest Building Elevation	190'-5"	Logo/ Channel Letters	Logo / HYATT REGENCY	2'-2 1/4" x 17'-8 1/4"	38.69
C Entrance	Northwest Entrance Building Wall Elevation	190'-5"	Flat cut-out	Logo / HYATT REGENCY	2'-6" x 2'-10"	7.08
D Main Entrance Monument	Northwest Driveway Entrance	Birch 846.72'	D/F Monument	Logo / HYATT REGENCY- John Wayne Airport Newport Beach	4'-6" x 12'-0"	54
E Identification Monument	Birch & MacArthur Corner	MacArthur 400.99'	D/F Monument	Logo / HYATT REGENCY 4545 MacArthur Blvd	9'-2" x 5'-6"	50.41

RESOLUTION NO. ZA2018-009

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-106 FOR A NEW DUPLEX LOCATED AT 1034 WEST BALBOA BOULEVARD (PA2017-249)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Bill Mason, with respect to property located at 1034 West Balboa Boulevard, and legally described as a portion of Lots 9 of Block 110, requesting approval of a Coastal Development Permit.
2. The applicant proposes the demolition of an existing single-family residence and the construction of a new 3,669-square-foot duplex with a 532-square-foot attached garage and two covered carports. 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 Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential Detached (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential– (20.0 - 29.9 DU/AC) (RT-D) and the Coastal Zoning District is Two-Unit Residential (R-2).
5. A public hearing was held on February 15, 2018, 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 duplex. The proposed project is a new duplex located in the R-2 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 4,702.5 square feet and the proposed floor area is 4,201 square feet.
 - b. The proposed development complies with the required setbacks, which are 5 feet along the property line abutting West Balboa Boulevard and 3 feet along each side property line. There is no required setback abutting the rear alley.
 - c. The highest guardrail/parapet is 23 feet 6 inches from established grade and the highest ridge is 28 feet 9 inches from established grade. The proposed development complies with all height requirements.
 - d. The proposed development provides a two-car garage and two-space carport, meeting the minimum garage requirement for a duplex.
 - e. The proposed development meets 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 260 feet from the nearest bulkhead. 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:

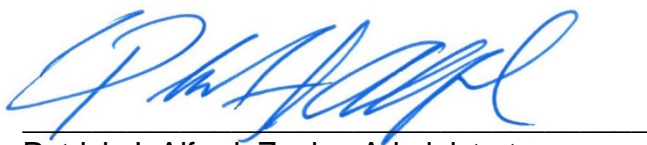
1. The project site is located between the nearest public road and the sea or shoreline. Adequate vertical access to both the bay and the beach exists on 10th Street and 11th Street. The increase in land use will not create any additional impacts that require mitigation. The proposed project will not 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. CD2017-106, 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 15TH DAY OF FEBRUARY, 2018.



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. CD2017-106 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.

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 Stavros Residence Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-106 (PA2017-249). 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. ZA2018-010

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-109 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 2036 OCEAN BOULEVARD (PA2017-258)

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 Oldham of Oldham Architects (“Applicant”), on behalf of Jim Cefalia of Shoreline Developers (“Owner”), with respect to property located at 2036 Ocean Boulevard, requesting approval of a coastal development permit.
2. The lot at 2036 Ocean Boulevard is legally described as Lot 10, Block G, of Tract 518.
3. The Applicant requests a Coastal Development Permit to demolish an existing single-family residence and construct a new 3,072-square-foot, three-story, single-family residence with an attached 370-square-foot, two-car garage. The project also includes landscaping, hardscape, and drainage within the confines of private property. The proposed residence complies with all applicable development standards including height, setbacks, and floor area limits and no deviations are requested.
4. The subject property is designated RS-D (Single-Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-C (Single-Unit Residential Detached) – (10.0-19.9 DU/AC) and it is located within the R-1 (Single-Unit Residential) Coastal Zone District.
6. A public hearing was held on February 15, 2018, 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 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), because it has no potential to have a significant effect on the environment.

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 the demolition of one single-family residence and the construction of a new 3,072-square-foot single-family residence and attached 370-square-foot 2-car garage.

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, height, and parking.
 - a. The total proposed floor area, including the residence and enclosed parking, is 3,442 square feet, which complies with the maximum allowable floor area limit of 3,749 square feet.
 - b. The proposed development provides the minimum required setbacks, which are ten (10) feet along the front property line abutting Ocean Boulevard, three (3) feet along each side property line, and zero (0) feet along the rear property line abutting the 20-foot wide alley.
 - c. The highest guardrail is less than 24 feet from established grade (11.33 feet NAVD88) and the highest ridge is no more than 29 feet from established grade, which complies with the maximum height limitation.
 - d. The project includes garage parking for a total of two vehicles, complying with the minimum two-car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor 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 proposed development is located more than 500 feet from the mean high tide line and is separated from the ocean by East Ocean Front Alley and a row of existing

residential development. The project site is not protected by a bulkhead. The finished floor elevation of the proposed residence is 11.33 feet (NAVD88), which complies with the minimum required 9.00-foot (NAVD88) elevation standard.

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 the CBC prior to building permit issuance.
5. The property is not located on the shoreline nor is it located within 100 feet of coastal waters. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system. No water quality impacts to coastal waters are anticipated based upon the location and elevation of the property.

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 located between the nearest public road and the sea or shoreline; however, the project will not affect public recreation, access, or views and the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities. The residential lot does not currently provide nor inhibit public coastal access. The property is located approximately 230 feet from the public beach and multiple access points are provided at street ends throughout Balboa Peninsula. Vertical access to the bay front is available along L Street and M Street, at an equal distance of 425 feet and 330 feet, respectively. Lateral Access is available via a public beach fronting East Ocean Front.
2. The proposed project is located entirely on private property and there will be no reduction in on-street parking spaces.
3. The property is not located near Public View Points or Coastal View Roads, as designated in the Coastal Land Use Plan, and will not impact public coastal views. The nearest Public View Point is located at the West Jetty View Park at Peninsula Point, approximately 1,000 feet to the southeast of the project site. Due to the distance of the proposed development from the Public Viewpoint and the project's compliance with height and setbacks, views from this View Point will not be impacted by the proposed development. There is no Coastal View Road (segment) on the Balboa Peninsula.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-109, 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 15TH DAY OF FEBRUARY, 2018.



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. 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, the beach, wetlands or their buffers.
3. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of construction activity.
4. 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.
5. 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.
6. 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.
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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
9. 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.
10. 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.

11. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
12. Prior to issuance of a building permit, 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.
13. Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.
14. 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.
15. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
16. 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 the current property owner or agent.
17. Coastal Development Permit No. CD2017-109 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.
18. 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 Cefalia Residence including, but not limited to, Coastal Development Permit No. CD2017-109 (PA2017-258). 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. ZA2018-011

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-029 FOR A SINGLE FAMILY RESIDENCE LOCATED AT 206 42ND Street (PA2017-072)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by LA Green Designs, with respect to property located at 206 42nd Street and legally described as Lot 4, Block 141, Canal Section Tract requesting approval of a coastal development permit.
2. The applicant is requesting approval of a Coastal Development Permit (CDP) for the construction of a new, three-story, 29-foot high, single-family residence of approximately 3,136 square feet (inclusive of an attached garage). The design includes hardscape, walls, landscaping, and drainage facilities.
3. The subject property is designated Two Unit Residential (RT) by the General Plan Land Use Element and is located within the Two Unit Residential (R-2) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-D) and it is located within Two-Unit Residential (R-2) Coastal Zone District.
5. A public hearing was held on February 15, 2018 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 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), because it has no potential to have a significant effect on the environment.
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 the demolition of one single-family residence and the construction of a new 3,136-square-foot single-family residence and attached 2-car garage.

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, height, and parking.
 - a. The maximum floor area limitation is 3,159 square feet and the proposed floor area is 3,136 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line abutting 42nd Street, 3 feet along each side property line and 5 feet along the rear property line abutting the alley.
 - c. The highest guardrail is less than 24 feet from established grade (9.0 feet NAVD88) and the highest ridge is no more than 29 feet from established grade, which comply with the maximum height requirements.
 - d. The project includes garage parking for a total of two vehicles, complying with the minimum two-car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor 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.
3. The property is not located on the shoreline. The development is separated from the bayfront by River Avenue and rows of residences. The subject property is located approximately 190 feet from the bay and is not protected by a bulkhead. The finish floor elevation of the proposed dwelling is 9.0 feet (NAVD88), which complies with the minimum 9.00 feet (NAVD88) elevation standard.
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.

5. The property is not located within 100 feet of coastal waters. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.

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. The project design complies with setbacks, height limitations, and floor area limitations. No offsite improvements are proposed. Therefore, the project would not impact public access or views. Vertical access to the bayfront is available adjacent to the site along 42nd Street.
2. The nearest Public Viewpoint is located across the channel on Newport Island, more than 700 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 Viewpoint and the project's compliance with height, setbacks, the project will not impact coastal 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. CD2017-029 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 15TH DAY OF FEBRUARY, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

PLANNING

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. 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, the beach, streams, wetland or their buffers.
3. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of construction activity as designated in the Drainage and Erosion Control Plans.
4. 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.
5. 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.
6. 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.
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. *If the project plans are revised in the future to incorporate 75% or more of impervious surface areas onsite, a WQMP/WQHP shall be required in accordance with Section 21.35.040 A.3 of Title 21 Implementation Plan.*
9. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. This Coastal Development Permit No. CD2017-029 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.
17. 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 Trimar Properties Residence including, but not limited to Coastal Development Permit No. CD2017-029 (PA2017-072). 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. ZA2018-012

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-107 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW THREE-STORY SINGLE-FAMILY RESIDENCE WITH AN ATTACHED THREE-CAR GARAGE AT 16 BEACON BAY (PA2017-250)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Charles d’Arcy of d’Arcy & Associates Architecture, Inc. (“Applicant”), on behalf of Greg and Hanna Skjonsby (“Owners”), with respect to property located at 16 Beacon Bay, requesting approval of a coastal development permit.
2. The property is legally described as Lot 16, in the City of Newport Beach, County of Orange, State of California, as shown by map filed in Book 9, pages 42 and 43 of Record of Surveys, in the office of the County Recorder of said County.
3. The applicant proposes to demolish an existing single-family residence and to construct a new three-story, 4,061-square-foot, single-family residence with an attached 706-square-foot, three-car garage. The project includes hardscape, landscape, and subsurface drainage facilities all located within the confines of the private property. The design complies with all applicable development standards and no deviations are requested.
4. The subject property is designated RT (Two-Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-C (Two-Unit Residential, 10.0 – 19.9 DU/AC) and the property is located within the R-2 (Two-Unit Residential) Coastal Zone District.
6. A public hearing was held on February 15, 2018, 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 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), because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition and construction of limited numbers of new, small facilities or structures including one single-family residence in a residential zone. The proposed project consists of the demolition of an existing single-family residence and the construction of a new 4,061-square-foot single-family residence with an attached 706-square-foot, three-car garage in the R-2 Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits, Findings and Decision) of the Newport Beach Municipal Code (NBMC), 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 total proposed floor area, including the residence and enclosed parking, is 4,767 square feet, which complies with the maximum allowable floor area limit of 5,560 square feet.
 - B. The proposed development will provide the minimum required setbacks, which are three (3) feet along the front property line abutting the street, fifteen (15) feet along the front property line facing the water, and three (3) feet along each side property line.
 - C. The highest guardrail is no more than 24 feet and the highest roof ridge is no more than 29 feet, measured from the established grade level of 9.69 feet (NAVD88), which complies with the maximum height limitation.
 - D. The project includes enclosed garage parking for three vehicles, in compliance with the minimum parking requirement for single-family residences with 4,000 square feet or more of habitable floor area.
2. The neighborhood is predominantly developed with two-story single-family residences. Most of the newer residences have a rooftop deck and a partial third story. 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 fronts the Newport Bay, but is separated from the shoreline by a public bayfront parcel. The project site is not protected by a bulkhead or any other shoreline protective device. The finished first floor elevation of the interior living area of the

proposed residence is 10.17 feet (NAVD88), which complies with the minimum required 9.00-foot (NAVD88) elevation standard.

4. The property is located in an area known for the potential of seismic activity and liquefaction. A project-specific Geotechnical Investigation prepared by Coast Geotechnical, Inc., dated October 30, 2017, provides recommendations relative to grading, drainage and foundation design. 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.
5. A project-specific Coastal Hazards Analysis Report was prepared by GeoSoils, Inc., dated September 27, 2017. The report concludes that the proposed development is reasonably safe from coastal hazards for the next 75 years including shoreline movement, waves and wave run up, and flooding with moderate future sea level rise. The proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area.
6. A Construction Pollution Prevention Plan (CPPP) prepared by Toal Engineering, dated September 11, 2017, provides recommendations for temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation, and to minimize pollution of runoff derived by construction chemicals and materials. Construction plans and activities will be required to adhere to the CPPP.
7. The project design addresses water quality with a construction erosion control plan that outlines temporary Best Management Practices (BMPs) to be implemented during construction to minimize erosion and sedimentation, and to minimize pollution of runoff derived by construction chemicals and materials. No water quality impacts to coastal waters are anticipated based upon the location and elevation of the property.
8. Pursuant to NBMC Section 21.35.050 (Water Quality and Hydrology Plan), because the development contains more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) was prepared by Toal Engineering, dated September 6, 2017. The WQHP has been reviewed and approved by the City's Engineer Geologist. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of a low-impact development (LID) approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs. The WQHP has been reviewed and approved by the City's Engineer Geologist. Construction plans will be reviewed for compliance with the approved WQHP prior to building permit issuance.
9. The proposed development includes a post-construction drainage system with drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site will be directed to the City's storm drain system.

10. New landscaping will be verified for compliance with NBMC Section 21.30.075 (Landscaping). Condition of Approval No. 16 is included to require drought-tolerant, and prohibit invasive, species. Prior to issuance of the building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
11. The property is not located near designated public viewpoints or coastal view roads and will not impact public coastal 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 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.
2. The residential lot does not currently provide nor does it inhibit public coastal access. Vertical access to the bay front is available west of the site at the intersection of Shelter Cove and Beacon Bay and east of the site at the intersection of Reef Cove and Beacon Bay where there are small public beach access points.
3. Lateral access along the public beach to the south will not be impeded as proposed and conditioned.
4. The project site is not located near any public Coastal View Points.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-107, 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 15TH DAY OF FEBRUARY, 2018.



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. 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. There shall be no encroachments into the public beach.
5. 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.
6. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
7. 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.
8. 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.

9. 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.
10. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
11. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
12. 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.
13. 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.
14. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
15. Prior to issuance of a building permit, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
16. Prior to issuance of a building permit, the approved 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.
17. Prior to the issuance of a building permit, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species, and water efficient irrigation design. The plans shall be approved by the Planning Division.
18. 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.
19. 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 the current property owner or agent.

20. Coastal Development Permit No. CD2017-107 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.

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 Skjonsby Residence including, but not limited to, Coastal Development Permit No. CD2017-107 (PA2017-250). 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. ZA2018-013

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-099 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW THREE-STORY SINGLE-FAMILY RESIDENCE WITH AN ATTACHED THREE-CAR GARAGE AT 2017 OCEAN BOULEVARD (PA2017-230)

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 Oldham of Oldham Architects (“Applicant”), on behalf of Jim Cefalia of Shoreline Developers (“Owner”), with respect to property located at 2017 Ocean Boulevard, requesting approval of a coastal development permit.
2. The property is legally described as Lot 27 and the southeasterly one-half of Lot 28, in Block D of Tract 518.
3. The Applicant proposes to demolish an existing single-family residence and construct a new three-story, 4,393-square-foot, single-family residence with an attached 635-square-foot, three-car garage. The project will include hardscape, landscape, and subsurface drainage facilities all located within the confines of private property. The design complies with all applicable development standards and no deviations are requested.
4. The subject property is designated RS-D (Single-Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-C (Single-Unit Residential Detached, 10.0 – 19.9 DU/AC) and the property is located within the R-1 (Single-Unit Residential) Coastal Zone District.
6. A public hearing was held on February 15, 2018, 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 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), because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition and construction of limited numbers of new, small facilities or structures including one single-family residence in a residential zone. The proposed project consists of the demolition of an existing single-family residence and the construction of a new 4,393-square-foot single-family residence with an attached 635-square-foot, three-car garage in the R-1 Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits, Findings and Decision) of the Newport Beach Municipal Code (NBMC), 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 total proposed floor area, including the residence and enclosed parking, is 5,028 square feet, which complies with the maximum allowable floor area limit of 5,368 square feet.
 - B. The proposed development will provide the minimum required setbacks, which are ten (10) feet along the front property line and four (4) feet along each side property line. There is no required rear setback, as the rear property line abuts a 20-foot-wide alley.
 - C. The highest guardrail is no more than 24 feet and the highest roof ridge is no more than 29 feet, measured from the established grade level of 12.86 feet (NAVD88), which complies with the maximum height limitation.
 - D. The project includes enclosed garage parking for three vehicles, in compliance with the minimum parking requirement for single-family residences with 4,000 square feet or more of habitable floor area.
2. The neighborhood is predominantly developed with two- and three-story residences. The proposed design, bulk, and scale of the development will be consistent with the existing neighborhood pattern of development and expected future development.
3. The proposed development is located more than 500 feet from the mean high tide line and is separated from the ocean by East Ocean Front Alley and a row of existing residential development. The finished floor elevation of the proposed residence is 13.10

feet (NAVD88), which complies with the minimum required 9.00-foot (NAVD88) elevation standard.

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.
5. The project design addresses water quality with a construction erosion control plan that outlines temporary Best Management Practices (BMPs) to be implemented during construction to minimize erosion and sedimentation, and to minimize pollution of runoff derived by construction chemicals and materials. No water quality impacts to coastal waters are anticipated based upon the location and elevation of the property.
6. The property is not located on the shoreline nor is it located within 100 feet of coastal waters. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system. No water quality impacts to coastal waters are anticipated based upon the location and elevation of the property
7. New landscaping will be verified for compliance with NBMC Section 21.30.075 (Landscaping). Condition of Approval No. 13 is included to require drought-tolerant, and prohibits invasive, species. Prior to issuance of the building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
8. The property is not located near designated public viewpoints or coastal view roads and will not impact public coastal 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 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.
2. The residential lot does not currently provide nor does it inhibit public coastal access. Lateral access is provided by the public beach fronting East Ocean Front, located approximately 100 feet seaward of the project site. Vertical access points are located at

street-ends throughout Balboa Peninsula. The nearest vertical access point is located approximately 140 feet west of the project site, along L Street.

3. The nearest Public Viewpoint is located at the end of Channel Road viewing the entrance of the Harbor, approximately 1,200 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 Viewpoint and the project's compliance with height and setbacks, the project will not impact coastal 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. CD2017-099, 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 15TH DAY OF FEBRUARY, 2018.



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. 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.
3. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
4. 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.
5. 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.
6. 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.
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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
9. 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.
10. 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.

11. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
12. Prior to issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
13. Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species, and water efficient irrigation design. The plans shall be approved by the Planning Division.
14. 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.
15. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance
16. 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 the current property owner or agent.
17. Coastal Development Permit No. CD2017-099 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.
18. 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 Cefalia Residence including, but not limited to, Coastal Development Permit No. CD2017-099 (PA2017-230). 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. ZA2018-014

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-100 AND TENTATIVE PARCEL MAP NO. NP2017-023 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW THREE-STORY, TWO-UNIT CONDOMINIUM WITH TWO ATTACHED GARAGES AND TWO CARPORTS AT 1820 WEST OCEAN FRONT (PA2017-233)

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

SECTION 1. STATEMENT OF FACTS.

1. Applications were filed by 1820 Oceanfront, LLC (“Applicant”), with respect to property located at 1820 West Ocean Front, requesting approval of a coastal development permit for a new two-unit residential development and a tentative parcel map for condominium purposes.
2. The property is legally described as Lot 11, Block 18, of Tract 515.
3. The Applicant proposes to demolish an existing two-story, single-family residence and construct a new 4,570-square-foot, three-story, two-unit condominium with two attached garages and two carports. The project includes hardscape, landscape, low patio walls, and subsurface drainage facilities all located within the confines of private property. The design complies with all applicable development standards and no deviations are requested. The Tentative Parcel Map will allow each unit to be sold individually.
4. The subject property is designated RM (Multiple-Unit Residential) by the General Plan Land Use Element and is located within the RM (Multi-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RM-E (Multiple-Unit Residential, 30.0 – 39.9 DU/AC) and it is located within the RM (Multi-Unit Residential) Coastal Zone District.
6. A public hearing was held on February 15, 2018, 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 Sections 15303 and 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) and Class 15 (Minor Land Divisions), because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including a duplex or similar multi-family residential structures totaling no more than four dwelling units in a residential zone. The proposed project consists of the demolition of an existing single-family residence and the construction of a new 4,570-square-foot two-unit condominium with two attached garages and two carports in the RM Zoning District.
3. Class 15 allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

Coastal Development Permit

The Zoning Administrator determined in this case that the proposed project is consistent with the legislative intent of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) and approves the CDP based on the following findings per NBMC Section 21.52.015 (Coastal Development Permits, Findings and Decision):

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for residential condominium purposes, on an existing lot within a developed neighborhood, located approximately 500 feet from the current mean high tide line. The proposed development meets all of the requirements of the Local Coastal Program, including NBMC Section 21.30.025 (Coastal Subdivisions), as discussed in the subsequent facts.
2. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The total proposed floor area, including the residences and enclosed parking, is 5,006 square feet, which complies with the maximum allowable floor area limit of 5,041 square feet.
 - b. The proposed development will provide the minimum required setbacks, which are seven (7) feet along the front property line abutting West Ocean Front and three

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- (3) feet along each side property line. The project site has no minimum required rear setback, as the rear property line abuts a 20-foot-wide alley.
- c. The highest guardrail is less than 28 feet from the established grade of 10.54 feet (NAVD88) and the highest ridge is no more than 33 feet from established grade, which complies with the maximum height limitation.
 - d. The project includes one enclosed garage parking space and one covered carport for each unit, in compliance with the minimum parking requirement for two-unit residential development.
3. The neighborhood is predominantly developed with two- and three-story residences, of which some are condominiums. The proposed design, bulk, and scale of the development will be consistent with the existing neighborhood pattern of development and expected future development.
 4. The development fronts a sandy beach area of more than 200 feet in width. The finished first floor elevation of the proposed development is 12.08 feet (NAVD88), which exceeds the minimum required 9.00-foot (NAVD88) elevation standard.
 5. A project-specific Coastal Hazard and Wave Runup Study was prepared by GeoSoils, Inc., dated September 7, 2017. The report concludes that, because the current mean high tide line is about 500 feet from the site and it is unlikely that the future mean high tide line will reach within 350 feet of the site, coastal hazards will not impact the property over the next 75 years. There is therefore no anticipated need for a shoreline protection device over the life of the proposed development.
 6. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv), 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., waves, erosion, and sea level rise). 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.
 7. The property is located in an area known for the potential of seismic activity and liquefaction. A project-specific Geotechnical Investigation prepared by Coast Geotechnical Inc., dated September 15, 2017, provides recommendations relative to grading, drainage and foundation design. 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.
 8. The project design addresses water quality with a construction erosion control plan that outlines temporary Best Management Practices (BMPs) to be implemented during construction to minimize erosion and sedimentation, and to minimize pollution of runoff

derived by construction chemicals and materials. No water quality impacts to coastal waters are anticipated as the property is located more than 200 feet from coastal waters.

9. Pursuant to NBMC Section 21.35.050 (Water Quality and Hydrology Plan), because the development contains more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) was prepared by Forkert Engineering & Surveying, Inc., dated October 16, 2017. The WQHP will be required to be reviewed and approved by the City's Engineer Geologist prior to building permit issuance. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of a low-impact development (LID) approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs. Construction plans will be required to comply with the approved WQHP
10. The proposed development includes a post-construction drainage system with drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site will be directed to the City's storm drain system.
11. New landscaping will be verified for compliance with NBMC Section 21.30.075. Condition of Approval No. 16 is included to require drought-tolerant, and prohibit invasive, species. Prior to issuance of the building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
12. The property is not located near designated public viewpoints or coastal view roads and will not impact public coastal 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 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.
2. The residential lot does not currently provide nor does it inhibit public coastal access. Lateral beach access is provided by the public beach seaward of the project site. Vertical access is provided by way of 19th Street, approximately 90 feet west of the project site.
3. There are no designated public viewpoints or coastal view roads near the project site, per the Coastal Land Use Plan. Due to the distance of the proposed development from public viewpoints and the project's compliance with all applicable development standards, including height and setbacks, the project will not impact coastal views.

Tentative Parcel Map

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

Finding:

- C. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. An existing single-family dwelling, constructed in 1980, will be demolished and is being replaced with a new two-unit condominium. The proposed subdivision and improvements are consistent with the density of the RM Zoning District and the RM General Plan Land Use Designation.
2. The proposed project site is not located within any specific plan area.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for two-unit development because it is generally rectangular and topographically flat, which is typical of lots in this area.
2. A residential use has existed on this site since at least 1980. The proposed project will replace the existing single-family residence with a new two-unit condominium that is compliant with all current code requirements.
3. The subject property has street frontage on West Ocean Front Alley and is adequately served by existing utilities.

Finding:

- E. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other*

considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. See Fact in Support of Finding D2.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat. All proposed improvements are located within the confines of private property.
3. The project is categorically exempt under Sections 15303 and 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 3 (New Construction or Conversion of Small Structures) and Class 15 (Minor Land Divisions).

Finding:

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

Fact in Support of Finding:

The Tentative Parcel Map is for residential condominium purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per NBMC Section 19.28.010 (General Improvement Requirements) and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Fact in Support of Finding:

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

Finding:

- H. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site is developed for residential use and is within the RM Zoning District, which permits residential uses.

Finding:

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

Facts in Support of Finding:

1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code because the existing subdivision does not contain fifty (50) or more parcels.
2. The project is not located within a specific plan area.

Finding:

- J. *That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Fact in Support of Finding:

The Tentative Parcel Map and any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- K. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the*

regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

Fact in Support of Finding:

The proposed two-unit condominium is consistent with the R-M Zoning District, which allows two (2) residential units on the property. Therefore, the Tentative Parcel Map for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

- L. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Fact in Support of Finding:

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

Finding:

- M. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Fact in Support of Finding:

The subject property is located within the Coastal Zone and a Coastal Development Permit, including applicable findings of conformance and conditions of approval, is required for the proposed development. See all Facts in Support of Findings A and B.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-100 and Tentative Parcel Map No. NP2017-023, 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 15TH DAY OF FEBRUARY, 2018.



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. 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. 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.
5. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
6. 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.
7. 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.

8. 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.
9. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
10. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
11. 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.
12. This approval 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.
13. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
14. Prior to issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
15. Prior to issuance of a building permit, the approved 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.
16. Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.
17. 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.
18. Prior to the issuance of a building permit, the Applicant shall pay a fair share traffic fee for an increase of one dwelling units. The fee shall be charged consistent with that in effect at the time of payment.

19. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
20. Prior to recordation of the Parcel Map, the Applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium.” **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
21. Prior to recordation of the Parcel Map, the Applicant shall pay an in-lieu park dedication fee for an increase of one dwelling unit. The fee shall be charged consistent with that in effect at the time of payment.
22. 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 the current property owner or agent.
23. Coastal Development Permit No. CD2017-100 and Tentative Parcel Map No. NP2017-023 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.
24. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney’s fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City’s approval of 1820 Oceanfront LLC Residence including, but not limited to, Coastal Development Permit No. CD2017-100 and Tentative Parcel Map No. NP2017-023 (PA2017-233). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys’ fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City’s costs, attorneys’ fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

24. A Final Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City’s CADD Standards. Scanned images will not be accepted.**

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25. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project
 26. All improvements shall be constructed as required by Ordinance and the Public Works Department.
 27. An encroachment permit is required for all work activities within the public right-of-way.
 28. Reconstruct existing damaged concrete alley panels along the West Ocean Front Alley frontage.
 29. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
 30. All improvements shall comply with the City's sight distance requirement per City Standard STD 110-L.
 31. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector

RESOLUTION NO. ZA2018-015

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-103 TO DEMOLISH AN EXISTING DUPLEX AND CONSTRUCT A NEW SINGLE FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 122 25TH STREET (PA2017-240)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Eric Aust, Architect, with respect to property located at 122 25TH Street, requesting approval of a coastal development permit.
2. The lot at 122 25th Street is legally described as Lot 14, Block 24, Newport Beach Tract.
3. The applicant is requesting approval of a Coastal Development Permit (CDP) to allow the demolition of an existing duplex and attached garage and the construction of a new 2,275 square foot, 3-story home and attached 2-car garage. The project also includes hardscape and drainage. The proposed residence complies with all applicable development standards including height, setbacks, and floor area limits. No deviations are requested.
4. The subject property is designated RS-D (Single Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-D (Single Unit Residential Detached) and is located within the R-1 (Single-Unit Residential) Coastal Zone District.
6. A public hearing was held on February 15, 2018, 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 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, because it has no potential to have a significant effect on the environment.

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 the demolition of a duplex and garage and the construction of a new 1,885-square-foot single-family residence and attached 390-square-foot 2-car garage.

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, height, and parking.
 - a. The maximum floor area limitation is 2,276 square feet and the proposed floor area is 2,275 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 5 feet along the front property line abutting 25th Street, 3 feet along each side property line and 5 feet along the rear property line abutting the alley.
 - c. The highest guardrail is less than 24 feet from established grade (9.00 feet NAVD88) and the highest ridge is no more than 29 feet from established grade, which comply with the maximum height requirements.
 - d. The project includes garage parking for a total of two vehicles, complying with the minimum two-car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor 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 property is not located on the shoreline. The finished floor elevation of the proposed dwelling is 9.00 feet (NAVD88), which complies with the minimum 9.00 feet (NAVD88) elevation standard.
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.

5. The property is not located within 200 feet of the shoreline. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.

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 located between the nearest public road and the sea or shoreline (as defined by the Coastal Commission). The project design complies with setbacks, height limitations, and floor area limitations. Re-development will not alter or affect existing public recreation, access, or views. Vertical public access to the beach is located along 25th street adjacent to the subject property approximately 300 feet to the southwest. Horizontal access is available via the West Ocean Front boardwalk and adjacent public beach.
2. The property is not located near Public Viewpoints or Coastal View Roads, as designated in the Coastal Land Use Plan, and will not impact public coastal views. There is no Coastal View Road in Balboa Peninsula. However, Public views of the beach and the sea are available down 25th Street and from the West Ocean Front boardwalk.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-103, 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 15TH DAY OF FEBRUARY, 2018.



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. 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, the beach, wetlands or their buffers.
3. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
4. 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.
5. 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.
6. 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.
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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
9. 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.
10. 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.

11. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
12. Prior to issuance of a building permit, 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.
13. 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.
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 the current property owner or agent.
15. This Coastal Development Permit No. CD2017-103 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.
16. 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 Spada Residence Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-103 (PA2017-240). 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. ZA2018-016

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-097 TO DEMOLISH AN EXISTING SINGLE FAMILY RESIDENCE AND CONSTRUCT A NEW DUPLEX AND TWO ATTACHED 2-CAR GARAGES LOCATED AT 506 CLUBHOUSE AVENUE (PA2017-224)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Eric Trabert, Architect, with respect to property located at 506 Clubhouse Avenue, requesting approval of a coastal development permit.
2. The lot at 506 Clubhouse Avenue is legally described as Lot 1, Block 532, Canal Section, Northerly Half 34th Street, Abandoned.
3. The applicant is requesting approval of a Coastal Development Permit (CDP) to allow the demolition of an existing duplex and attached garage and the construction of a new 4,671 square foot, three-story duplex and two attached 2-car garages totaling 881 square feet. The project also includes hardscape and drainage. The project complies with all applicable development standards and no deviations are requested.
4. The subject property is designated RT (Two-Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-D (Two-Unit Residential Detached) and is located within the R-2 (Two-Unit Residential) Coastal Zone District.
6. A public hearing was held on February 15, 2018, 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 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, 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 duplex. The proposed projects consists of the demolition of one single family residence and the construction of a new duplex located in the R-2 Coastal Zoning District.

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, height, and parking.
 - a. The maximum floor area limitation is 5,813 square feet and the proposed floor area is 5,641 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 5 feet along the front property line abutting Clubhouse Avenue, 4 feet along each side property line and 5 feet along the rear property line abutting the alley.
 - c. The highest guardrail is less than 24 feet from established grade (9.00 feet NAVD88) and the highest ridge is no more than 29 feet from established grade, which comply with the maximum height requirements.
 - d. The project includes garage parking for a total of four vehicles, complying with the minimum two-car parking requirement (minimum one space in a garage and one covered space per unit) for duplexes.
2. The neighborhood is predominantly developed with two- and three-story, single-family residences and a commercial building across the alley. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The property is not located on the shoreline. The finished floor elevation of the proposed dwelling is 9.00 feet North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.00 feet (NAVD88) elevation standard.
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.

5. The property is not located within 200 feet of the shoreline. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.

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 will not change or affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities. The project design complies with setbacks, height limitations, and floor area limitations.
2. The subject property is not located near a Public View Point or Coastal View Roads, as designated in the Coastal Land Use Plan. Due to the distance of the proposed development from public views, the pattern of surrounding development and, the project's compliance with height and setbacks, the project will not impact coastal 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. CD2017-097, 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 15TH DAY OF FEBRUARY, 2018.



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. 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, the beach, wetlands or their buffers.
3. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
4. 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.
5. 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. Stockpiles 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.
6. 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.
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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
9. 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.
10. 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.

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11. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
 12. Prior to issuance of a building permit, 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.
 13. 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.
 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 the current property owner or agent.
 15. This Coastal Development Permit No. CD2017-097 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.
 16. 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 Garg Duplex CDP including, but not limited to, Coastal Development Permit No. CD2017-097 (PA2017-224). 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.