



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Seimone Jurjis, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending March 16, 2018.

ZONING ADMINISTRATOR ACTIONS MARCH 15, 2018

- Item 1: McDonald's Demolition and Temporary Parking Lot Coastal Development Permit No. CD2018-021 and Limited Term Permit No. XP2018-001 (PA2018-048)
Site Address: 2807 Newport Boulevard
Action: Approved by Resolution No. ZA2018-027 Council District 1
- Item 2: Clarizio Live-Work Coastal Development Permit No. CD2017-077, Site Development No. SD2017-006, and Tentative Parcel Map No. NP2017-020 (PA2017-182)
Site Address: 500 East Balboa Boulevard
Action: Approved by Resolution No. ZA2018-028 Council District 1
- Item 3: Hauptert Residence Coastal Development Permit No. CD2017-086 (PA2017-200)
Site Address: 1556 Ocean Boulevard
Action: Approved by Resolution No. ZA2018-029 Council District 1
- Item 4: Hagan Residence Coastal Development Permit No. CD2017-087 (PA2017-202)
Site Address: 1703 Ocean Boulevard
Action: Approved by Resolution No. ZA2018-030 Council District 1
- Item 5: Segerstrom Residence Coastal Development Permit No. CD2017-090 (PA2017-205)
Site Address: 818 West Bay Avenue
Action: Approved by Resolution No. ZA2018-031 Council District 1
- Item 6: 315 Jasmine Avenue Condominiums Tentative Parcel Map No. NP2018-001 and Coastal Development Permit No. CD2018-005 (PA2018-011)
Site Address: 315 & 315 ½ Jasmine Avenue
Action: Approved by Resolution No. ZA2018-032 Council District 6

Item 7: Cooper Lot Merger No. LM2018-001 (PA2018-013)
Site Address: 624 Seaward Road

Action: Approved by Resolution No. ZA2018-033

Council District 6

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

Item 1: Stupin Demolition – Staff Approval No. SA2018-006 (PA2018-051)
Site Address: 3312, 3314, 3316, and 3318 Via Lido

Action: Approved

Council District 1

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

RESOLUTION NO. ZA2018-027

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-021 AND LIMITED TERM PERMIT NO. XP2018-001 TO DEMOLISH AN EXISTING COMMERCIAL BUILDING AND ALLOW THE LOT TO BE SLURRY SEALED AND RESTRIPE FOR USE AS A PARKING LOT ON AN INTERIM BASIS LOCATED AT 2807 NEWPORT BOULEVARD (PA2018-048)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the City of Newport Beach, with respect to property located at 2807 Newport Boulevard, requesting approval of a coastal development permit.
2. The lot at 2807 Newport Boulevard is legally described as Parcel 1 of Lot Line Adjustment N.B.L.L.A 94-12.
3. The applicant proposes to demolish an existing vacant McDonald's building (and related appurtenances) and slurry seal and restripe the parking lot in its current configuration with 26 spaces. The Limited Term Permit is proposed to allow for use of the existing property as a parking lot on a temporary basis for up to one year.
4. The subject property is designated CV (Visitor Serving Commercial) by the General Plan Land Use Element and is located within the CV (Commercial Visitor-Serving) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is CV-A (Visitor Serving Commercial) – (0.0 - 0.75 FAR) and it is located within the CV (Commercial Visitor Serving) Coastal Zone District.
6. A public hearing was held on March 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 and 15304, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 and Class 4 respectively, because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition and removal of individual small structures including offices and restaurants. Class 4 exempts public or private alterations in the condition of land, which do not result in the removal of healthy, mature scenic trees. The proposed slurry sealing and restriping of the parking lot constitutes as a minor alteration to the land. Class 4 also exempts minor temporary use of land, including the use of the site for a temporary parking lot.

SECTION 3. REQUIRED FINDINGS.

Coastal Development Permit

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 project includes demolition of an existing commercial building (containing approximately 1,757 square feet) and minor improvements to an existing parking lot (e.g. resurfacing, restriping, signage). The project is located approximately 350 feet away from the sea or shoreline, and is not located within the Coastal Commission Appeal Area.
2. The proposed demolition of the existing commercial building complies with the applicable sections of the Local Coastal Program because (a) it does not create any new impediments to coastal access or views (as discussed in Finding B), (b) a coastal development permit has been requested prior to the work being conducted (Section 21.16.020 General Requirements), (c) there are no environmentally sensitive areas onsite or in the project vicinity because the site is completely developed with a commercial building and surface lot with ornamental landscaping, (d) all work is contained to the project site, and (e) conditions of approval have been included to ensure compliance with the applicable requirements.
3. A demolition and erosion control plan have been provided to ensure water quality concerns are adequately addressed during demolition. A drainage plan has been provided to allow for adequate site drainage after demolition.

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 proposed demolition does not include the construction of new buildings or structures other than minor accessory features typical of parking lots. Onsite landscaping will be maintained. The existing commercial site is currently enclosed with a fence and chain to restrict access to the property while the site is vacant. The commercial site does not currently provide any public access or views. Demolition of the existing vacant structure could result in the elimination of potential blight. Therefore, demolishing the existing commercial structure, and resurfacing and restriping the existing parking lot will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.
2. Vertical access to the shoreline is available west of the subject property along 28th Street, where there is a street end leading to the beach. There are no improvements proposed off the property site and no demolition materials would be stored offsite that could impede access.
3. The public beach is also the start of an existing boardwalk that provides lateral access and views of the ocean along the beach. Based on the location of the proposed demolition and limited scope of work, no impacts to public access would occur.

Limited Term Permit (Over 90 Days)

In accordance with NBMC Section 20.52.040(G) (Limited Term Permits), the following findings and facts in support of findings are set forth:

Finding:

- A. *The operation of the requested limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use.*

Facts in Support of Finding:

1. The use would be authorized for one year.
2. The proposed parking lot is a passive use, and no new buildings are currently proposed onsite. The subject property is occupied by a vacant McDonald's drive-thru building and is currently fenced to prevent people from trespassing on a vacant site that may not be suitable for occupancy. The proposed project would allow the vacant site to be utilized as a functional use and provide additional parking (26 spaces) to the area on an interim basis.

4. Continued underutilization of the site as a vacant property could be detrimental to the harmonious and orderly growth of the City and could potentially constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the neighborhood because it would maintain an underutilized, possibly blighted, site. The proposed parking lot would increase activity at the vacant property; however, the activity is not expected to be as intense as the previous fast food drive-thru use. .
5. Historically, the existing parking lot was used for commercial parking to support the McDonald's restaurant. The existing lot would be improved to provide an adequate parking surface with the same number of spaces. Existing landscaped areas would remain. Utilization of the parking lot for parking purposes would not change under the proposed limited term conditions.
6. There are no improvements proposed that could impede Fire Department access in the event of an emergency (e.g. walls, gates, new structures).
7. The directly adjacent uses are nonresidential in nature and include parking lots, commercial buildings, and restaurants. The nearest residential area is located across Newport Boulevard to the west, separated from the site by Newport Boulevard and public parking lots. A mixed-use building that includes residential units is also located on the bay to the east of the subject property across the intersection of 28th Street and Newport Boulevard. Other mixed-use buildings are located along the northeast side of Newport Boulevard. Use of the subject site for parking purposes in an existing parking lot would not negatively impact residential uses in the vicinity.

Finding:

- B. *The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.*

Facts in Support of Finding:

1. The subject lot currently contains a parking lot and would be utilized as a parking lot under proposed conditions. Vehicular access and circulation offsite will not be affected.
2. Proposed parking lot circulation and access has been reviewed and approved by the Public Works Department.
3. Other than the repair and maintenance of the existing lot (resurfacing and restriping the lot), no permanent construction is proposed at the site.

Finding:

- C. *The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate.*

Facts in Support of Finding:

1. The subject lot would maintain adequate access from the segment of Newport Boulevard bordering the site to the east and the segment of Newport Boulevard bordering the site to the west. Vehicular access to the site will remain the same, and onsite parking lot circulation will not change.
2. Traffic related to the proposed use would be negligible, only consisting of individuals parking at the site. The temporary parking lot is not supporting a specific use that would generate traffic.

Finding:

- D. *Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator.*

Fact in Support of Finding:

The project is a proposal to use an existing surface parking lot for parking purposes. The use of a temporary parking lot on a site that previously was used for commercial parking would not generate additional vehicular traffic.

Finding:

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

Facts in Support of Finding:

1. The General Plan and Zoning Code establish the policies and implementing regulations to promote public health, safety, general welfare, economic vitality of neighborhoods, as well as the orderly development of the City, and to ensure the beneficial development of the City. The site is designated for Visitor Serving Commercial, and although the use is not commercial, it is temporary and does not preclude future use of the site.
2. The use will not be detrimental to surrounding uses, and allow an inactive site to be actively utilized for parking on a temporary basis, thereby furthering the intent of the General Plan and Zoning Code.

3. Pursuant to Table 21.20-1 Allowed Uses of the Local Coastal Program Implementation Plan, temporary use of the site for parking is allowed in the CV (Commercial Visitor-Serving) Coastal Zoning District.
4. The temporary parking lot is conditioned such that it will comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations.
5. The subject lot is not located within a specific plan.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2018-021 and Limited Term Permit No. XP2018-001, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 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 MARCH, 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. The final design and layout of the temporary parking lot including any parking control structures, shall be reviewed and approved by the Community Development Director.
3. 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.
4. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
5. This Coastal Development Permit does not authorize any development seaward of the private property.
6. 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 Demolition and Erosion Control Plan.
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 and/or Limited Term Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
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. 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. This Coastal Development Permit No. CD2018-021 and Limited Term Permit No. XP2018-001 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 McDonald's Demolition and Temporary Parking Lot including, but not limited to, Coastal Development Permit No. CD2018-021 and Limited Term Permit No. XP2018-001. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

RESOLUTION NO. ZA2018-028

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-077, MINOR SITE DEVELOPMENT REVIEW NO. SD2017-006, AND TENTATIVE PARCEL MAP NO. NP2017-020 TO DEMOLISH AN EXISTING COMMERCIAL BUILDING AND CONSTRUCT A NEW LIVE-WORK DEVELOPMENT LOCATED AT 500 EAST BALBOA BOULEVARD (PA2017-182)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by 500 E Balboa, LLC ("Applicant") on behalf of Dino and Hope Clarizio ("Owners"), with respect to property located at 500 East Balboa Boulevard ("Property"), requesting approval of a coastal development permit, minor site development review, and a tentative parcel map for condominium purposes.
2. The Property is legally described as Lots 11 and 12 in Block 5 of the Balboa Tract, in the City of Newport Beach, County of Orange, State of California, as per Map recorded in Book 4, Page 11, of Miscellaneous Maps, in the Office of the County Recorder of said County.
3. The Applicant proposes the demolition of an existing single-story commercial building and construction of a three-story structure with one live-work unit and two residential units, which will be sold separately as condominiums ("Project"). The Project includes hardscape, landscape, and subsurface drainage facilities. The design complies with all applicable development standards and no deviations are requested.
4. The Property is designated Mixed-Use Vertical (MU-V) by the General Plan Land Use Element and is located within the Mixed-Use Vertical (MU-V) Zoning District.
5. The Property is located within the coastal zone. The Coastal Land Use Plan category is Mixed Uses Vertical (MU-V) and it is located within the Mixed-Use Vertical (MU-V) Coastal Zone District.
6. A public hearing was held on March 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 and 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) and Class 15 (Minor Land Divisions), because it has no potential to have a significant effect on the environment.

2. The Class 3 exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units in urbanized areas. The proposed mixed-use development is consistent with all requirements of the Class 3 exemption, as it contains one live-work unit and two residential units on an existing nonresidential site in Balboa Village.
3. The Class 15 exemption 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

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 ratios, setbacks, height, open space, and parking.
 - a. The maximum gross floor area allowable for residential uses is 5,021 square feet (i.e., floor area ratio [FAR] of 1.0). The proposed gross floor area for residential use is 5,019 square feet.
 - b. The minimum gross floor area allowable for nonresidential uses is 1,757.35 square feet (i.e., FAR of 0.35) and the maximum allowable is 2,510.50 square feet (i.e., FAR of 0.50). The proposed gross floor area of the nonresidential use is 1,761 square feet.
 - c. The proposed development provides the minimum required setbacks, which are 10 feet along the rear property line abutting the alley and 5 feet along the side property

line abutting the residential zoning district. There are no minimum setbacks required for the property lines along Adams Street and East Balboa Boulevard.

- d. In this case, the established grade for measuring heights of the principal structure is 9.00 feet based on the North American Vertical Datum of 1988 (NAVD88). The highest flat roof portion or railing is less than 26 feet above this grade. The highest ridge is no more than 31 feet above this grade. Therefore, the Project will comply with the maximum height requirements.
 - e. The Project includes four covered parking spaces by way of two tandem carports for the residential units and a two-car garage, which is also in tandem, for the live-work unit. Two additional open parking spaces are provided to serve customers or visitors of the live-work unit. Therefore, the Project will comply with the minimum parking requirements.
2. The immediate area is predominantly developed with single- and two-story residential and nonresidential structures; however, there are taller structures along the East Balboa Boulevard corridor. The Balboa Theater and the building formerly occupied by Mithrush, both to the east of the site, are approximately 32 feet tall and approximately 30 feet tall, respectively. Similar to the Project, the Mithrush building is also located on a corner lot at Main Street and East Balboa Boulevard. The Newport Landing parking structure, which is approximately 39 feet tall, is also located on a corner north of the project site at Adams Street and East Bay Avenue.
 3. The Project design includes second- and third-floor decks, which serve to set back the second- and third-floor living areas from the street. This feature serves to remove some of the massing keeping the project at a pedestrian scale, which will help maintain compatibility with the neighborhood.
 4. The Project has been designed such that it will be compatible with the scale of expected future development.
 5. The Project site is separated from the beach by East Balboa Boulevard and two blocks of nonresidential and residential development. It is approximately 850 feet from the mean high tide line to the south and approximately 400 feet from the bay front to the north. The finish floor elevation of the first floor for the proposed structure is 9.00 feet based on the North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.00-foot (NAVD88) elevation standard for new structures. The identified distances from the coastal hazards areas coupled with the 9.00-foot (NAVD88) finish floor elevation, will help to ensure the Project is reasonably safe for the economic life of the structure.
 6. The Property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

7. The 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.
8. Pursuant to NBMC Section 21.35.050 (Water Quality and Hydrology Plan), due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. To fulfill this requirement, a Water Quality Management Plan (WQMP) has been reviewed and approved by the City's Engineer Geologist. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for best management practices (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 reviewed for compliance with the approved WQMP prior to building permit issuance.
9. All proposed landscaping complies with Implementation Plan Section 21.30.075 (Landscaping). Condition of Approval No. 15 is included that requires drought-tolerant species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.

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 on the Balboa Peninsula between the nearest public road and the sea. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the project replaces an existing nonresidential structure located on an inland lot with a new mixed-use structure (i.e., nonresidential). Although the Project involves a change in density and intensity from the existing condition, it is compliant with the allowable density and intensity for the site, as well as all applicable development standards, as discussed in more detail in Findings C and D below. The Project is not anticipated to result in increased demand on public access and recreation opportunities. Furthermore, the Project is designed and sited so as not to block or impede existing public access opportunities.
2. Vertical access to the bay front and the beach is available immediately west along Adams Street. Lateral access provided approximately 375 feet to the north along the Edgewater Place pedestrian easement. Lateral access is also provided approximately 275 feet to the south along the East Ocean Front walk, as well as along the public beach.

3. The project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan. Furthermore, an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project is located on an inland lot and will replace an existing nonresidential structure with a new mixed-use structure (i.e., nonresidential) that complies with all applicable LCP development standards and maintains a building envelope consistent with the existing and anticipated future neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.
4. The Project will improve an underutilized property at a street corner along the heavily-traveled East Balboa Boulevard corridor, which will in turn help to enhance the visual quality of the Coastal Zone for visitors and residents.
5. The Project will require a new curb cut on Adams Street; however, this portion of the street has a red curb and parking is not allowed along the frontage for safety purposes. Therefore, the new driveway will not result in the loss of on-street parking. The Project will close an existing driveway on East Balboa Boulevard; while this closure will not result in new on-street parking due to the width of the boulevard, the driveway closure would reduce a potential traffic conflict point.

Site Development Review

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

Finding:

- C. *Allowed within the subject zoning district.*

Fact in Support of Finding:

The Property is located within the Mixed-Use Vertical (MU-V) Zoning District, which allows nonresidential uses and/or vertically integrated mixed-use structures; where the ground floor is restricted to nonresidential uses along the street frontage. Residential uses are only permissible above the first floor. The proposed live-work unit is comprised of a 1,761-square-foot nonresidential space on the ground floor with a single residential unit above. The nonresidential space and the residential unit share a common entry vestibule opposite East Balboa Boulevard. Two additional residential units are located above the required parking for the Project. Pursuant to Table 2-8 (Allowed Uses and Permit Requirements) of NBMC Chapter 20.22 (Mixed-Use Zoning Districts), the proposed Project is allowed within the MU-V zoning district.

Finding:

- D. *In compliance with all of the applicable criteria identified subsection [20.52.080](C)(2)(c):*

- i. Compliance with this Section, the General Plan, the Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
- ii. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent development; and whether the relationship is based on standards of good design;*
- iii. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
- iv. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
- v. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
- vi. The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View Protections).*

Facts in Support of Finding:

1. The Land Use Element of the General Plan designates the subject property as Mixed-Use Vertical (MU-V), which is intended to provide for the development of properties for mixed-use structures that vertically integrate housing with nonresidential uses. A mixed-use development on a property designated MU-V shall have a maximum floor area to land area ratio (FAR) of 1.5; where a minimum FAR of 0.35 and maximum 0.50 shall be allocated to nonresidential uses and a maximum of 1.0 to residential uses. The proposed development is consistent with the General Plan designation in that:
 - a. The proposed live-work unit and residential units are designed as a vertically-integrated mixed-used structure, located on the northeast corner of Adams Street and East Balboa Boulevard. The Project will be occupied by nonresidential uses on the ground floor and the residential uses will be located above the ground floor.
 - b. The proposed development has 0.35 FAR for nonresidential uses; and 1.00 FAR for residential uses. Together, the Project has 1.35 FAR for mixed-use development.
2. The proposed development complies with the MU-V Zoning District development standards of FAR, building setbacks, public and private open spaces, building height, and parking. See Fact in Support of Finding A(1) above.
3. The development consists of a 3-story, single building with a sloping roof at approximately 31 feet in height. It will consist of one live-work and two residential units (Unit 1, Unit 2 and Unit 3, respectively):
 - a. Unit 1 will have a total of 3,626 square feet in gross floor area consisting of approximately 1,761 square feet in nonresidential floor area and a 427 square-foot two-car tandem garage on the first floor. The nonresidential space will share an entry vestibule with the residential floor area above at the second and third

floors, which will total approximately 1,438 square feet. In addition to the two garage parking spaces, two open and covered parking spaces accessible from Adams Street will be provided for customers and visitors, which is compliant with the live-work parking requirement.

- b. Unit 2 will have a total of 1,526 square feet in residential gross floor area located on the second and third floors. A two-car tandem carport will be provided, which is compliant with the multi-unit residential parking requirement.
 - c. Unit 3 will have a total of 1,627 square feet in residential gross floor area located on the second and third floors. A two-car tandem carport will be provided, which is compliant with the multi-unit residential parking requirement.
4. The proposed site layout provides efficient vehicular access from Adams Street and an existing alleyway located behind the subject property, accessed from East Balboa Boulevard. Adequate pedestrian access to the building is provided from the streets and alleyway. The Public Works Department has reviewed and approved the site plan, proposed improvements, and parking configuration subject to the conditions of approval.
 5. The Project is designed to be consistent with the overarching principles of the Balboa Village Design Guidelines. This will help to ensure compatibility with not only adjacent structures, but with buildings throughout Balboa Village and that are also subject to the same set of guidelines. The proposed redevelopment, including overall site design and architecture, is generally consistent with the guidelines as it adheres to:
 - a. *Principle 1 – Maintain and enhance existing Balboa Village Character.* The Project has been designed as a three-story building, which steps back on the second and third floors to help maintain pedestrian scale along the East Balboa Boulevard frontage. It will vertically integrate nonresidential uses with residential uses above to create a mixed-use development, which is clearly consistent with the purpose and intent of the MU-V designation and will help create an appropriate mix of uses in the Village. The Project design is composed of gable roofs, flat roofs, and canted roof forms at the two major second story corners, which help to create visual interest. The nonresidential ground floor will have different architectural treatment from the upper residential floors and large, floor-to-ceiling storefront windows with a recessed entryway.
 - b. *Principle 3 – Human Scale.* The first floor of the Project will be sited immediately adjacent to the East Balboa Boulevard and Adams Street frontages with the upper levels stepping back. The presence of outdoor living areas on the second and third floors adjacent to the street will help to break the vertical plane and keep the development at a human scale.
 - c. *Principles 4 and 5 – Quality Architecture and No Incompatible Architecture.* The Project proposes a combination of “Two-Part Commercial Block” and “Balboa Beach Cottage” architectural styles, as identified in the Guidelines.

The architectural treatments will vary intentionally to distinguish the nonresidential space from the residential space. The proposed variations in materials, as well as the variations in the roof plane will help to create an architectural statement. Exterior treatments will include horizontal wood siding and raw, exposed split-block on the ground level. The canted roof structures at each prominent corner are intended to evoke the form of the prow of a sailing ship to pay homage to the nautical history of the Village.

- d. *Principles 6 and 7 – Inviting Streetfronts and Landscaping.* The Project includes floor-to-ceiling windows at the streetfront, which will serve to open the façade for viewing and will thereby help to create pedestrian scale and interest. Although opportunities for plantings are limited, the façade will include approximately 240 square feet of sidewalk planter areas with a rhythm of lower and taller plantings. The combination of treatments at the streetfront and the strategic placement of plantings will contribute to the creation of an enhanced streetscape along the East Balboa Boulevard corridor.
- e. *Principle 9 – Views.* The Project design respects the setting of the Property and includes 942 square feet of private open space between the units, as well as 476 square feet of common open space. All open space is provided by way of second and third level decks, which will provide private views to the beach and bay. No public views are provided through or across the Property with the current development. Redevelopment of the site will enhance views to the beach and bay along Adams Street through beautification of an underutilized site.
- f. *Principle 11 – Sense of Enclosure.* The Project design will serve to define the street space along Adams Street and East Balboa Boulevard by bringing the proposed building to the streetfront property lines. The addition of planting areas adjacent to the sidewalk will further help to create a sense of enclosure while enhancing the pedestrian experience.
- g. *Principle 12 – Mixed-Use.* The Project is primarily comprised of a nonresidential use on the ground floor (i.e., a live-work commercial space) with residential units above. This traditional pattern of mixed-use development is encouraged specifically on Village blocks with frontages on East Balboa Boulevard.
- h. *Principles 13 and 14 – Pedestrian Environment and Storefront Design.* The Project includes enhancement and improvement of the sidewalk area, as required by the Public Works Department. There will be no obstructions within the sidewalk area. As discussed in response to the preceding principles, the Project will serve to enhance the pedestrian experience along Adams Street and East Balboa Boulevard. Entrances to the nonresidential space at the ground level are framed by structural columns and plantings on either side. The primary entrance is recessed and oriented toward East Balboa Boulevard

with a secondary entrance provided adjacent to the customer and visitor parking spaces.

6. The subject property is not located at or near a public view point or corridor as identified in the General Plan Figure NR3 (Coastal Views); and therefore, is in compliance with Section 20.30.100 (Public View Protections). See all Facts in Support of Finding B above.
7. The proposed tentative parcel map for condominiums does not change the proposed use or density of the property.

Finding:

- E. *Not detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. The proposed development will comply with all Building, Public Works, and Fire Codes, as well as all City ordinances and conditions of approval.
2. The Project has been conditioned to ensure that potential conflicts with surrounding land uses are minimized to the extent possible to maintain a healthy environment for both businesses and residents.
3. The proposed Project includes four covered parking spaces for the residential units and a two-car garage with two guest or customer spaces for the live-work unit, which complies with the parking requirements, pursuant to the NBMC Section 20.40.040 (Off-Street Parking).
4. The proposed Project design includes adequate common and private open spaces for the live-work and residential units.

Tentative Parcel Map

In accordance with Section 19.12.070 (Required Findings for Action on Tentative Maps) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- F. *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 one live-work and two residential condominium purposes. The subject property is presently vacant and is being used for automotive and boat storage. The proposed subdivision and improvements are consistent with the density of the MU-V Zoning District and the General Plan Land Use Designation.
2. The Property is not in a specific plan area.
3. The Project has been conditioned to require public improvements, including the construction of an Americans with Disabilities Act (ADA) accessible ramp, the removal of existing driveway approaches on East Balboa Boulevard, and the reconstruction of, existing broken or otherwise damaged sidewalks, curbs, and gutters along the Adams Street and East Balboa Boulevard frontages consistent with the Subdivision Code (Title 19).

Finding:

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

Fact in Support of Finding:

The 5,021-square-foot lot is physically suitable for one live-work unit and two residential units, as it exceeds the minimum lot size of 5,000 square feet. The units comply with all development standards inclusive of the Floor Area Ratio (FAR), building setbacks, height restriction, parking, and common and private open spaces.

Finding:

H. *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. The site is developed with a single-story nonresidential structure and related surface parking areas. It will be improved with the construction of one live-work and two residential units.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.

3. The Project is categorically exempt under Sections 15303 (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:

- I. *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 issues. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- J. *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:

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

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site, developed for live-work and residential use, is located within a Zoning District that permits mixed-use projects.

Finding:

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

Facts in Support of Finding:

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

Finding:

- M. 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:

- N. 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 mixed-use development is consistent with the Mixed-Use Vertical (MU-V) Zoning District which allows three 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:

- O. *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 proposed two live-work and residential units will be designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- P. *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 (3) of the Coastal Act.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for one live-work and two residential condominiums. The proposed subdivision and improvements are consistent with the Coastal Land Use Plan designation of MU-V (Mixed-Use Vertical).
2. See all Facts in Support of Finding B above.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-077, Minor Site Development Review No. SD2017-006, and Tentative Parcel Map No. NP2017-020, 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 MARCH, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

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. *Coastal Development Permit No. CD2017-077, Minor Site Development Review No. SD2017-006, and Tentative Parcel Map No. NP2017-020 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
3. *The Applicant shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit in the proposed mixed-use development consistent with Section 20.48.130(H) (Notification to Owners and Tenants) of the Municipal Code.*
4. *Four covered on-site parking spaces for the residential units shall be provided and maintained at all time. Said covered spaces shall not be enclosed or modified, such that they are no longer substantially open carports.*
5. *A total of two enclosed on-site parking spaces for the live-work use shall be provided and maintained accessible for parking of two-vehicles in tandem at all times.*
6. *Prior to certificate of occupancy, the Applicant shall record a deed restriction stating that the commercial space located on the ground floor shall not be leased and/or occupied separately from the above residential unit.*
7. *Access between the upper-floor residential area and the first-floor commercial space of the live-work unit shall be maintained at all time.*
8. *At the issuance of building permits, a Fair Share Traffic fee shall be paid for the change in land use consistent with the fee schedule in effect at the time of issuance.*
9. *Prior to recordation of the Parcel Map, an In-Lieu Park Dedication fee shall be paid for the creation of one live-work and two residential condominium units.*
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 Use Permit.

12. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Site Development Review or the processing of a new Site Development Review.
13. 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 building permits.
14. 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 Site Development Review 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 action and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
15. Prior to the issuance of building permits, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These landscape plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.
16. 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.
17. The site shall be in compliance with Zoning Code Section 20.30.070. If in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources, the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
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. All noise generated by the proposed development shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

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

20. 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.
21. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
22. All trash shall be stored within the designated areas as approved by Community Development Department and screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
23. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
24. Storage outside of the building, in the front, side or at the rear of the property shall be prohibited.
25. 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 Clarizio Live-Work Development including, but not limited to Coastal Development Permit No. CD2017-077, Minor Site Development Review No. SD2017-006, and Tentative Parcel Map No. NP2017-020. 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.

Fire Department

26. *Automatic fire sprinklers shall be required for all new construction. The sprinkler system shall be a NFPA 13 Commercial system pursuant to California Fire Code (CFC) Section 903.1.*
27. *A fire flow test shall be determined for the structure pursuant to Fire Department Guideline B.01.*
28. *A fire alarm system that activates the occupant notification system shall be installed in Group R-2 occupancies where dwelling units or sleeping units are located three or more stories above the lowest level of exit discharge.*
29. *Single or multiple station smoke alarms shall be installed and maintained in Group R-2 occupancies.*
30. *All means of egress shall be accessible per California Building Code (CBC) Section 1009.*

Building Division

31. 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 CBC. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
32. The Applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage carpooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10 percent soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

33. Prior to the issuance of grading permits, a Geotechnical Report shall be submitted for the review and approval by the Building Division.
34. Prior to issuance of grading permits, the Applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the proposed Project, subject to the approval of the Building Division, Code and Water Quality Enforcement Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.

Public Works

35. A 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.**
36. 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.
37. *The Owners shall dedicate for street purposes a 10-foot radius corner cut-off at the corner of Adams Street and East Balboa Boulevard.*
38. All improvements shall be constructed as required by Ordinance and the Public Works Department.

39. *The Applicant shall construct a 5-foot-wide concrete sidewalk (including top of curb) per City Standard STD-180-L along the Adams Street frontage. An easement for street and sidewalk purposes shall be granted to the City for all portions within private property. A 4-foot-wide minimum Americans with Disabilities Act (ADA) compliant pedestrian path shall be provided around the proposed new driveway on Adams Street. A pedestrian easement shall be provided to the City.*
40. *The unused driveway approaches along East Balboa Boulevard shall be plugged per City Standard STD-165-L. New decorative sidewalk shall match the adjacent decorative sidewalk to the satisfaction of the Public Works Inspector.*
41. *Curb drains shall be installed per City Standard STD-148-L.*
42. *An ADA compliant curb ramp per City Standard shall be installed at the corner of Adams Street and East Balboa Boulevard.*
43. *The Edison vents along the Adams Street frontage shall be relocated to accommodate the proposed new driveway.*
44. *No above ground improvements shall be installed within the 10-foot alley setback. The 10-foot alley setback shall be constructed of drivable surface.*
45. *Each unit (one live-work unit [nonresidential and residential] and two residential units) shall be served by its individual water meter, sewer lateral and cleanout. Each water and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and the sewer cleanout shall be located within the public right-of-way.*
46. *An encroachment permit shall be required for all work activities within the public right-of-way.*
47. *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 Public Works Inspector.*
48. *All on-site drainage shall comply with the latest City Water Quality requirements.*
49. *All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at the property line. If the sewer lateral to be abandoned has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box, and the wye. Sewer lateral shall then be capped where the wye used to be.*
50. *No structural encroachments, including but not limited to foundations and projections, are permitted within the public right-of-way or easement areas.*

51. *The Applicant shall be responsible for the reconstruction of the existing broken and/or otherwise damaged concrete curb, gutter and sidewalk along the East Balboa Boulevard and Adams Street frontages.*

RESOLUTION NO. ZA2018-029

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-086 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 1556 OCEAN BOULEVARD (PA2017-200)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Ana Sachse on behalf of Mark Hauptert, with respect to property located at 1556 Ocean Boulevard, requesting approval of a coastal development permit.
2. The property is legally described as Lot 15 of Block I of Tract 518 in the City of Newport Beach of the County of Orange, California.
3. The applicant proposes a coastal development permit (CDP) for the demolition of an existing single-family dwelling and the construction of a new, 3,302-square-foot, three-story single-family residence including an attached 537-square-foot 2-car garage. The project includes hardscape, drainage, and landscaping improvements. The project complies with all applicable development standards and no deviations are requested.
4. The subject property is located within the R-1 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-C (Single-Unit Residential Detached – 10.0-19.9 DU/AC) and the Coastal Zoning District is R-1 (Single Unit Residential).
6. A public hearing was held on March 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 meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures).
2. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the demolition

of one single-family residence and the construction of a new 3,302-square-foot single-family residence, including an attached 537-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 3,916 square feet and the proposed floor area is 3,302 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 9 feet along the front property line, 3 feet along each side property line and 0 feet along the rear property line abutting the alley.
 - c. The highest guardrail is no more than 24 feet as measured from established grade and the highest ridge is no more than 29 feet as measured from established grade, which complies with the maximum height requirements.
 - d. The project includes garage parking for two vehicles, complying with the minimum two-car garage parking requirement.
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 not located on the shoreline. The proposed finished floor is 11.25 feet (NAVD 88), which is higher than the 9.00 feet (NAVD 88) minimum elevation standard. As such, impacts from future sea level rise are not anticipated.
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. Proposed landscaping complies with Implementation Plan Section 21.30.075. A condition of approval is included that requires drought-tolerant species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
6. 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 on the Balboa Peninsula between the nearest public road and the sea. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-family residence located on an inland lot with a new single-family residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited so as not to block or impede existing public access opportunities.
2. The project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan. Furthermore, an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project is located on an inland lot and will replace an existing single-family home with a new single-family home that complies with all applicable LCP development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public 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. CD2017-086, 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 MARCH, 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. CD2017-086 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvement in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Prior to the issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
7. 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.
8. Prior to the issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
9. 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.
10. Prior to 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.

11. Construction activities shall comply with NBMC Section 10.28.040, which restricts hours of noise-generating construction activities to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
12. Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
13. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
14. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
15. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
16. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
17. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain, or result in impacts to environmentally sensitive habitat areas, streams, wetland or their buffers.
18. 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.
19. 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 Hauptert Residence including, but not limited to, Coastal Development Permit No. CD2017-086 (PA2017-200). 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. ZA2018-030

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-087 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE WITH ATTACHED GARAGE LOCATED AT 1703 OCEAN BOULEVARD (PA2017-202)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Reusser Bergstrom Associates, with respect to property located at 1703 Ocean Boulevard, and legally described as Lot 31 of Block C, 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 3,957-square-foot single-family residence with an attached garage. The proposed development also includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping.
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential – (10.0 - 19.9 DU/AC) (RSD-C) and the Coastal Zoning District is Single-Unit Residential (R-1).
5. A public hearing was held on March 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 single-family residence. The proposed project is a new single family residence located in the R-1 Coastal Zoning District.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 4,280 square feet and the proposed floor area is 3,957 square feet.
 - b. The proposed development complies with the required setbacks, which are 10 feet along the property line abutting Ocean Boulevard and 4 feet along each side property line. There is no required setback abutting the alley.
 - c. The highest guardrail/parapet is 24 feet from established grade and the highest ridge is 29 feet from established grade. The proposed development complies with all height requirements.
 - d. The proposed development provides a two-car garage, meeting the minimum parking requirement for a single-family residence.
 - e. The proposed development exceeds the minimum 9.0 (NAVD88) top of slab elevation requirement for interior living areas of new structures.
2. The neighborhood is predominantly developed with two- and three-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The development is set back approximately 452 feet from the mean high water line. Due to the large distance from coastal waters, a Water Quality Management Plan (WQMP) and a Construction Pollution Prevention Plan (CPPP) are not required. A post-construction drainage system will be installed that includes drainage and percolation features designed to retain dry weather and minor rain run-off on-site to ensure the project does not impact water quality. Any water not retained on-site is directed to the City's storm drain system.
4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation

identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

Finding:

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

Fact in Support of Finding:

1. The project site is located on the Balboa Peninsula between the nearest public road and the sea. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-family residence located on an inland lot with a new single-family residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited so as not to block or impede existing public access opportunities. Vertical access to the beach front is available immediately adjacent to the site on I Street where there is a public beach with access to the water.
2. The project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan. Furthermore, an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project is located on an inland lot and will replace an existing single-family home with a new single-family home that complies with all applicable LCP development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. The project is designed to be consistent with applicable setbacks and will have the effect of framing and accenting the existing public coastal view corridor as viewed through the street end. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public 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. CD2017-087, 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 MARCH, 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. CD2017-087 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 Hagan Residence Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-087 (PA2017-202). 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. ZA2018-031

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-090 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW THREE-STORY, SINGLE-FAMILY RESIDENCE AND ATTACHED THREE-CAR GARAGE AT 818 WEST BAY AVENUE (PA2017-205)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Richard Krantz Architects (“Applicant”), on behalf of Sally Segerstrom (“Owner”), with respect to property located at 818 West Bay Avenue, requesting approval of a coastal development permit.
2. The property is legally described as Lots 30 and 31 of Tract 884.
3. The applicant proposes the demolition of an existing single-family residence and construction of a new three-story, 7,451-square-foot, single-family residence including an attached three-car garage. The project includes landscape, hardscape, and subsurface drainage facilities all within the confines of private property. The site is protected by an existing private bulkhead that has been inspected, is in generally good condition, and will be reinforced in conjunction with the proposed construction. The design complies with all applicable development standards and no deviations are requested.
4. The subject property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (6.0 – 9.9 DU/AC) (RSD-B) and is located within the Single-Unit Residential (R-1) Coastal Zoning District.
6. A public hearing was held on March 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 and location 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 7,451-square-foot, single-family residence including an attached three-car garage in the R-1 Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Newport Beach Municipal Code (“NBMC”) Section 21.52.015 (Coastal Development Permits, Findings and Decision), 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 9,072 square feet and the proposed floor area is 7,451 square feet, including the garage.
 - b. The proposed development will provide the minimum required setbacks, which are four (4) feet along the front property line abutting West Bay Avenue, four (4) feet along each side property line, and twenty (20) feet along the front property line abutting the Newport Harbor waterway.
 - c. The highest guardrail is less than 24 feet and the highest roof ridge is no more than 29 feet, measured from the finished first floor level of 9.00 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.
 - e. The proposed three-car garage will be accessed by a single driveway with a net curb cut width equal or less than the width of the driveway curb cuts that currently serve the property, and will not result in the loss of any on-street parking.
2. The neighborhood is predominantly developed with two-story, single-family residences. Most new 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 finished first floor elevation of the proposed residence is 9.17 feet (NAVD88), based on the North American Vertical Datum (NAVD88), which exceeds the minimum required 9.00-foot (NAVD88) elevation standard.
4. The existing development includes a private seawall/bulkhead along the waterway. A Bulkhead Condition Report prepared by William Simpson & Associates, Inc., dated January 10, 2018, concludes that the cast-in-place wall is in generally good condition. In order to protect the proposed new development, the report recommends that the wall be reinforced and repaired, and provides specific recommendations on how this should be accomplished. Once the wall has been reinforced and repaired, it is not anticipated that the wall will need further repair or replacement over the economic life of the proposed development (i.e., 75 years).
5. 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.
6. A project-specific Coastal Hazards Analysis Report was prepared by William Simpson & Associates, Inc., dated January 10, 2018. The report concludes that flooding, wave run up and erosion will not significantly impact this property over the life of the proposed development, provided the existing seawall is reinforced and repaired as recommended.
7. The property is located in an area known for the potential of seismic activity and liquefaction. A project-specific Geotechnical Investigation prepared by LGC Geotechnical, Inc., dated September 8, 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. A Construction Pollution Prevention Plan (CPPP) prepared by Duca-McCoy, Inc., dated August 22, 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.

9. Pursuant to NBMC Section 21.35.050 (Water Quality and Hydrology Plan), because of the project site's proximity to coastal waters, a Water Quality and Hydrology Plan (WQHP) was prepared by Duca-McCoy, dated August, 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. Construction plans will be reviewed for compliance with the approved WQHP prior to building permit issuance.
10. 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.
11. New landscaping will be verified for compliance with NBMC Section 21.30.075 (Landscaping). Condition of Approval No. 16 requires 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.
12. The property is not located near designated public viewpoints or coastal view roads and will not impact public coastal views. See all Facts in Support of Finding B below.

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. The residential lot does not currently provide nor does it inhibit public coastal access. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-family residence located on a coastal lot with a new single-family residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited so as not to block or impede existing public access opportunities.
2. Lateral coastal access is provided by the public beach area approximately 300 feet west of the site, and from smaller nearby public beach areas accessible from the water. The nearest vertical access is provided at the 9th Street street-end approximately 120 feet west of the project site.
3. The project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan. Furthermore,

an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project is located on a coastal lot and will replace an existing single-family home with a new single-family home that complies with all applicable LCP development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public 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. CD2017-090, 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 MARCH, 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 including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. 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. The existing private seawall/bulkhead shall be reinforced and repaired, in keeping with the recommendations provided in the Bulkhead Condition Report prepared by William Simpson & Associates, Inc., dated December 19, 2017.
5. Prior to issuance of a building permit, the Owner shall apply for and obtain a certificate of compliance to formally recognize the two underlying legal lots as a single building site.
6. 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.
7. 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).
8. 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.

9. 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.
10. 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.
11. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
12. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. Coastal Development Permit No. CD2017-090 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.
22. 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 Segerstrom Residence including, but not limited to, Coastal Development Permit No. CD2017-090 (PA2017-205). 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. ZA2018-032

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. NP2018-001 AND COASTAL DEVELOPMENT PERMIT NO. CD2018-005 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 315 AND 315-1/2 JASMINE AVENUE (PA2018-011)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Nicholson Companies (“Applicant”), on behalf of Pleasantville Road Partners, LLC (“Owner”), with respect to property located at 315 and 315-1/2 Jasmine Avenue, and legally described as Lot 15 and the northeasterly fifteen feet of Lot 13, Block 236, in the Corona del Mar Tract, requesting approval of a tentative parcel map and coastal development permit for two-unit condominium purposes.
2. A previously existing duplex was demolished and a new duplex is under construction, pursuant to Zoning and Building Code requirements. Approval of the Tentative Parcel Map will allow each unit to be sold individually. No waivers of Title 19 are proposed. The Tentative Parcel Map also requires the approval of a coastal development permit (CDP) pursuant to Newport Beach Municipal Code (NBMC) Title 21 (Local Coastal Program Implementation Plan).
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 (RT).
4. The subject property is located within the coastal zone and has a Coastal Land Use Designation of Two-Unit Residential – (20.0 – 29.9 DU/AC) (RT-D) and a Coastal Zoning District of Two-Unit Residential (R-2).
5. A public hearing was held on March 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 meeting was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to the State CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are

required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The project is consistent with all of the requirements of the Class 15 exemption in that it includes a single-lot parcel map for condominium purposes that complies with the conditions specified above.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of NBMC Title 21 and approves the Coastal Development Permit based on the following findings per Section 21.52.015(F):

Finding:

A. That the proposed map conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

1. The Tentative Parcel Map is for a property within a developed neighborhood, on a lot that is more than 1,300 feet from the shoreline and is not near any natural landforms or environmentally sensitive areas.
2. A duplex designed to condominium standards is currently under construction. The project site is located within the Categorical Exclusion Area and the issuance of building permits for demolition of the previously existing improvements and construction of the new duplex was excluded from the requirement to obtain a coastal development permit under NBMC Section 21.52.045 (Categorical Exclusions). The new construction will conform to all applicable development standards including parking. Approval of the Tentative Parcel Map will allow each unit to be sold individually as condominiums.
3. The project site is not located between the nearest public road and the sea or shoreline. The residential lot does not currently provide nor does it inhibit public coastal access. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project is a parcel map for two-unit condominium purposes and involves a previously approved two-family residence on an inland lot. The project does not therefore involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities.
4. The project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan. Furthermore, an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed

of distant public viewing areas. However, the project is located on an inland lot and affects a previously approved two-unit residential development that complies with all applicable LCP development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

Finding:

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

Fact in Support of Finding:

The Tentative Parcel Map is not between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of NBMC Title 20 (Planning and Zoning) and is approved based on the following findings per NBMC 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 duplex has been demolished and a new duplex is under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and current General Plan Land Use Designation (Two-Unit Residential).
2. The subject property is not located within a specific plan area.
3. The project is conditioned to require public improvements, including the reconstruction of drains, sidewalks, curbs, and gutters along the Jasmine Avenue frontage, consistent with the requirements of NBMC Title 19.

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 a two-unit development. The lot is rectangular in shape, 45 feet wide, 118 feet deep and 5,310 square feet in area. A previously existing duplex was demolished and a new duplex is under construction.
2. The project site will maintain vehicular access from the alley at the rear of the property and existing utility services are adequate for the two-unit development.

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. The site was previously developed with a duplex and a new duplex is under construction.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations) for the reasons noted in Section 2 of this Resolution.

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.

Facts 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 located in the Two-Unit Residential (R-2) District, which is intended for and 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. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.

2. The project 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.

Facts in Support of Finding:

1. The existing lot configuration provides an east/west orientation allowing for a longer southern exposure. The Tentative Parcel Map is for two-unit condominium purposes and will not affect the existing lot design or orientation.
2. 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.

Facts in Support of Finding:

The proposed duplex is consistent with the R-2 Zoning District, which allows up to two 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.

Facts in Support of Finding:

The new duplex is designed 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.

Facts in Support of Finding:

The subject property is within the Coastal Zone. The facts in support of findings A and B above are hereby incorporated by reference.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2018-001 and Coastal Development Permit No. CD2018-005, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of NBMC Title 21 (Local Coastal Program Implementation Plan).

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF MARCH, 2018.



Patrick J. Alford, Zoning Administrator

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

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Subsequent to the recordation of the parcel map and prior to final of the building permit for construction of the new duplex, the applicant shall apply for a building permit to change the description of the subject 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.
3. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.
4. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the 315 Jasmine Avenue Condominiums including, but not limited to, Tentative Parcel Map No. NP2018-001 and Coastal Development Permit No. CD2018-005 (PA2018-011). 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

5. A Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). 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 imaged will not be accepted.**

6. Prior to the recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of the construction project.
7. All improvements shall be constructed as required by Ordinance and the Public Works Department.
8. The property owner shall be responsible for the reconstruction of any damaged concrete sidewalk panels, curb and gutter along the Iris Avenue property frontage and any damaged concrete alley panels along the Jasmine Avenue property frontage and any damaged concrete alley panels along the alley property frontage as determined by the Public Works Department.
9. All existing overhead utilities shall be undergrounded.
10. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
11. The Applicant shall remove the existing concrete within the Jasmine Avenue parkway and install new sod or low groundcover of the type approved by the City throughout the Jasmine Avenue parkway fronting the development site.
12. Each unit shall be served by its individual water service/meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and the sewer cleanout shall be located within the public right-of-way.
13. An encroachment permit is required for all work activities within the public right-of-way.
14. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L and NBMC Section 20.30.130.
15. Jasmine Avenue is on the City's street-cut moratorium list. Damage or trenching in said street will require moratorium street repair per City standards.
16. 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.
17. Per NBMC Title 13 (Streets, Sidewalks, and Public Property), one (1) 36-inch box street tree shall be planted along the Jasmine Avenue frontage. Tree species shall be per Council Policy G-6.

RESOLUTION NO. ZA2018-033

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING LOT MERGER NO. LM2018-001 AND A WAIVER OF THE PARCEL MAP REQUIREMENT FOR A MERGER OF TWO LOTS UNDER COMMON OWNERSHIP LOCATED AT 624 SEAWARD ROAD (PA2018-013)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Chad Cooper (“Applicant”), with respect to two lots located at 624 Seaward Road. The lot at 624 Seaward Road is legally described as Lot 165 of Tract 1237, Corona Highlands. The lot to the east of 624 Seaward Road, which shares the same address, is legally described as Lot 17 of Tract 14795.
2. The Applicant proposes a lot merger and requests to waive the parcel map requirement for two lots under common ownership. The merger would combine the two legal lots into a single parcel.
3. The subject properties are located within the Single-Unit Residential (R-1-6000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject properties are located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-A) and the Coastal Zoning District is Single-Unit Residential (R-1-6000). The Lot Merger application does not include nor propose any change in the density or intensity of land use, and is therefore not considered development as defined in Newport Beach Municipal Code (“NBMC”) Chapter 21.70 (Definitions). For this reason, a coastal development permit is not required.
5. A public hearing was held on March 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. The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions). Class 15 exemption includes the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and zoning; no variances or exceptions are required; all services and access to the proposed parcel to local standards are available; the parcel was not involved in a division of a larger parcel within the previous two (2) years;

and the parcel does not have an average slope greater than 20 percent. This exemption includes a minor lot merger not resulting in the creation of any new parcel that complies with the conditions specified above.

SECTION 3. REQUIRED FINDINGS.

In accordance with Newport Beach Municipal Code (“NBMC”) Section 19.68.030 (Lot Mergers) and 19.08.030 (Waiver of Parcel Map Requirement), the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The Lot Merger to combine two existing lots by removing the interior lot line between them will not result in the creation of additional parcels.
2. The project is in an area with an average slope of less than 20 percent.
3. The Lot Merger is consistent with the purpose and intent of NBMC Title 19 (Subdivisions), identified in NBMC Subsection 19.04.020 (Purpose and Applicability). The Lot Merger will ensure all development is contained within the property and there is no construction crossing legal property lines.
4. The future development on the proposed parcel will be subject to the NBMC Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) development standards, which are intended to promote orderly development, protect neighborhood character, and preserve public health, safety, and general welfare of the City while implementing the policies of the Coastal Land Use Plan and the California Coastal Act of 1976.

Finding:

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

Fact in Support of Finding:

The two lots to be merged are under common fee ownership, as evidenced by the Preliminary Title Report submitted with the application.

Finding:

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

Facts in Support of Finding:

1. The merged parcel will retain the Single-Unit Residential (R-1-6000) zoning designation, consistent with the surrounding area. The R-1-6000 Zoning District is intended to provide for areas appropriate for a detached single-family residential dwelling unit located on a single lot that is 6,000 square feet or greater in area.
2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which applies to a range of single-family residential dwelling units. The Coastal Land Use Plan designates this site as Single-Unit Residential Detached (RSD-A), which provides for density ranges from 0.0-5.9 dwelling units per acre. The land use will remain the same and the merger is consistent with the land use designations of the General Plan and Coastal Land Use Plan.
3. The subject property is not located within a specific plan area.
4. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. The proposed merger would result in a 7,680-square-foot parcel that is in conformance to the minimum 6,000-square foot interior lot area standard of the Zoning Code. The proposed merger would create one approximately 60-foot wide by 128-foot deep parcel, exceeding the minimum Zoning Code standards.

Finding:

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

Fact in Support of Finding:

No adjoining parcels will be deprived of legal access as a result of the merger. Legal access is provided from Seaward Road, and will remain unchanged.

Finding:

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

- ii. *Whether the merged lots would be consistent with the character or general orientation of adjacent and/or adjoining lots.*
- iii. *Whether the merged lots would be conforming or in greater conformity with the minimum lot width and area standards for the zoning district.*

Facts in Support of Finding:

1. Any future development on the merged lots will be required to meet all applicable development standards and, therefore, will not significantly deviate from the pattern of development of adjacent and/or adjoining lots in a manner that would result in an unreasonable detriment to the use and enjoyment of other properties.
2. The proposed Lot Merger will create a parcel that is consistent with the character or general orientation of adjacent and/or adjoining lots. Although the current configuration is two lots, the property is used as a single parcel with one single-family residence. As a result, the proposed merger will not result in a visible change in character to the neighborhood and will continue to allow the property to be used for single-family purposes.
3. The proposed Lot Merger will create a parcel similar in size and configuration to those in the vicinity and neighborhood, and which conforms to the minimum lot width and area standards for the zoning district. See Fact in Support of Finding C(4) above.

Finding:

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

Facts in Support of Finding:

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

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM2018-001, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.

2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of NBMC Title 19 (Subdivisions).

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF MARCH, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The map shall be submitted to the Public Works Department for final map review and approval. All applicable fees shall be paid.
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. Prior to the issuance of building permits for any construction to cross the existing interior lot line between the two (2) lots proposed to be merged, recordation of the Lot Merger documents with the County Recorder shall be required.
4. All easements shall be plotted and all easement documents provided upon final map review.
5. Lot Merger No. LM2018-001 shall expire unless exercised within twenty-four (24) months from the date of approval as specified in NBMC Section 20.54.060, unless an extension is otherwise granted.
6. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Cooper Lot Merger including, but not limited to, Lot Merger No. LM2018-001 (PA2018-013). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION: Staff Approval No. SA2018-006 (PA2018-051)

APPLICANT: Andrew and Julie Stupin

LOCATION: 3312, 3314, 3316, and 3318 Via Lido

LEGAL DESCRIPTION Lot 1 and Portion of Lot 2, Tract 1622

On **March 16, 2018**, the Community Development Director approved Staff Approval No. SA2018-006 authorizing the demolition of a four-unit residential structure in compliance with Zoning Code Chapter 20.34 and Local Coastal Program Implementation Plan Chapter 21.34 (Conversion or Demolition of Affordable Housing).

LAND USE AND ZONING

- **General Plan:** RM (Multiple-Unit Residential)
- **Zoning District:** RM (Multi-Unit Residential)
- **Coastal Land Use Category:** RM-D (Multiple-Unit Residential)
- **Coastal Zoning District:** RM (Multi-Unit Residential)

SUMMARY

A staff approval for determination of compliance with Zoning Code Chapter 20.34, Local Coastal Program Implementation Plan Chapter 21.34, and the Mello Act (Government Code Section 65590). The property owner proposes to demolish an existing nonconforming, four-unit residential structure to accommodate the future redevelopment of the property into a single-family residence.

ANALYSIS

Pursuant to Zoning Code Section 20.34.020 (Review Authority), the Director shall make a determination as to the applicability of this chapter when a residential structure of three or more units is to be converted or demolished. If it is determined that any of the units are occupied by low- or moderate-income tenants, provisions for their replacement shall be provided, if feasible. If applicable and based on the documentation provided in compliance with Section 20.34.060 (Determining Requirements for Replacement Units), the Director shall make determinations as to:

1. *How many units were occupied by low- and moderate-income persons or families;*
2. *Whether the conversion or demolition proposes to go from residential to nonresidential and if so whether the proposed new use is coastal dependent;*
3. *Whether a feasibility analysis is required to be prepared;*
4. *The feasible number of affordable units required to be replaced, if any; and*
5. *Whether the required replacement affordable units are to be located on site or off site.*

In this particular case, the property owner has provided documentation to demonstrate the units are not or were not occupied by low- and moderate-income families or persons. The documentation shows three units are currently occupied by tenants with household incomes exceeding the low- and moderate-income limitations defined by the County of Orange. Documentation was also provided confirming the fourth unit was occupied with a household with incomes exceeding the low- and moderate-income limitations defined by the County of Orange and terminated their lease on their own accord. There is no conversion of residential to nonresidential and none of the units are and/or were occupied by low- and moderate-income families or persons; therefore, no further analysis is required.

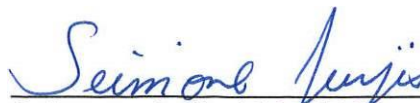
APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Approved by:



Jaime Murillo
Senior Planner



Seimone Jurjis, PE, CBO
Community Development Director

Attachments: CD 1 Vicinity Map
CD 2 Unit Occupancy Table
CD 3 County of Orange Income Limits

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2018-006
PA2018-051

3312, 3314, 3316, and 3318 Via Lido

Attachment No. CD 2

Unit Occupancy Table

**3312, 3314, 3316, and 3318 Via Lido
Unit Occupancy & Income Table**

Unit No.	Bedroom Count	Occupant(s)	Income	County of Orange Income Limits 2017	
				Low	Moderate
3312	1	One-Person Household (4/1/17 – present)	\$172,500 (yr 2017)	\$58,450	\$73,250
3314	2	Three-Person Household (9/1/15 – present)	\$264,000 (yr 2015)	\$66,800	\$83,700
3316	2	One-Person Household (8/1/17 – present)	\$240,000 (yr 2016)	\$66,800	\$83,700
3318	1	Vacant Previous Tenants: Two-Person Household (July 1999 – 3/1/18)	\$110,000 (yr 1999)	\$58,450	\$73,250

Attachment No. CD 3

County of Orange Income Limits

CITY OF NEWPORT BEACH INCOME LIMITS

FY 2017 (Using income categories defined by California Code of Regulations, Sections 6910-6932)

COUNTY	STANDARD	NUMBER OF PERSONS IN FAMILY							
		1	2	3	4	5	6	7	8
ORANGE County Area median: \$88,000	Very-low income (50% of Area Median Income)	36,550	41,750	46,950	52,150	56,350	60,500	64,700	68,850
	Low-income (80% of Area Median Income)	58,450	66,800	75,150	83,450	90,150	96,850	103,500	110,200
	Moderate-income (120% of Area Median Income)	73,250	83,700	94,200	104,650	113,000	121,400	129,750	138,150