



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Seimone Jurjjs, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending March 30, 2018.

ZONING ADMINISTRATOR ACTIONS MARCH 29, 2018

- Item 1: Dean Residence Demolition Coastal Development No. CD2017-070 (PA2017-167)
Site Address: 16 Bay Island
Action: Approved by Resolution No. ZA2018-034 Council District 1
- Item 2: The LOT Minor Use Permit No. UP2017-020
(PA2017-139) Site Address: 999 Newport Center Drive
Action: Approved by Resolution No. ZA2018-035 Council District 5
- Item 3: 2100 East Balboa Boulevard Demolition Coastal Development Permit No. CD2018-018
(PA2018-041)
Site Address: 2100 East Balboa Boulevard
Action: Approved by Resolution No. ZA2018-036 Council District 1
- Item 4: Gulliver Vehicle Sales Minor Use Permit No. UP2018-001 (PA2017-264)
Site Address: 2230 Bristol Street
Action: Approved by Resolution No. ZA2018-037 Council District 3
- Item 5: Kroener Residence Coastal Development No. CD2017-101 (PA2017-237)
Site Address: 5607 Seashore Drive
Action: Approved by Resolution No. ZA2018-038 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.

Wendy Joe, Civilian Investigator, NBPD
Sgt. Brad Miller, NBPD

RESOLUTION NO. ZA2018-034

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-070 TO ALLOW THE DEMOLITION OF AN EXISTING SINGLE-FAMILY DWELLING LOCATED AT 16 BAY ISLAND (PA2017-167)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Tim Dean and Michelle Dean (“Applicant”), with respect to property located at 16 Bay Island, and legally described as S-Township 6, Range 10, Section 34, requesting approval of a coastal development permit.
2. The Applicant proposes a coastal development permit to allow the demolition of an existing two-story, 2,929-square-foot, single-family dwelling.
3. The subject Property is located within the Multi-Unit Residential (“RM”) Zoning District and the General Plan Land Use Element category is Multiple-Unit Residential Detached (“RM-D”).
4. The subject Property is located within the coastal zone. The Coastal Land Use Plan category is Multiple-Unit Residential – 10.0 – 19.9 DU/AC (“RM-C”) and the Coastal Zoning District is Multi-Unit Residential (“RM”).
5. A public hearing was held on March 29, 2018 in the Corona del Mar Conference Room (Bay E -1st Floor) located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Newport Beach Municipal Code (“NBMC”). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 under Class 1 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 1 exempts the demolition and removal of small structures including one single-family dwelling. The proposed project includes the demolition of an existing single-family dwelling located within the RM (Multi-Unit Residential) Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with NBMC Subsection 21.52.015(F) (Coastal Development Permits – Findings and Decision), the following findings and facts in support of the findings for a coastal development permit are set forth:

Finding

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

Facts in Support of Finding

1. The subject property is an island currently developed with 23 single-family dwellings and associated accessory uses on an existing lot designed for residential development by the Local Coastal Program. The project applicant requests to demolish an existing single-family dwelling located on Building Site 16 of the island. After demolition of the dwelling, the site will be landscaped to control erosion. Per Section 21.30.085 of the Implementation Plan, landscaping has been conditioned to have low water demand and drought tolerance. The planting of invasive species shall be prohibited. Subsequent construction of a replacement single-family dwelling will require a separate coastal development permit at a later date.
2. 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.
3. The property is located adjacent to coastal waters. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site.

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 in the coastal zone;*

Facts in Support of Finding

1. The project site is located between the nearest public road and the sea or shoreline in the private community of Bay Island. NBMC 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. The project involves the demolition of one of 23 single-family dwellings on the island. The demolition will not result in any significant adverse impacts to public recreation, access or views or otherwise diminish the public’s use of the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, beaches, coastal parks, trails, or coastal bluffs.

2. Vertical and lateral access to the bay front is available adjacent to the Bay Island community at the street ends along the Balboa Peninsula (approximately 400 feet from the subject property).
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. The project consists of the demolition of a single family home and this coastal development permit does not authorize the construction of a new structure. 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 Application No. CD2017-070, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
2. This Coastal Development Permit action shall become final and effective fourteen (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 NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with NBMC Section 21.64.035 and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED AND ADOPTED THIS 29TH DAY OF MARCH, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

*Project-Specific Conditions in Italics***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. Landscaping of the site shall conform to the requirements of Section 21.30.075 (Landscaping) and Section 21.30.085 (Water Efficient Landscaping) of the Local Coastal Program Implementation Plan. Plant materials shall be selected for low water-demand and drought tolerance, and the planting of invasive species shall be prohibited.
3. All landscape materials and irrigations systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing conditions 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.
4. The development (the demolition of an existing single-family dwelling and appurtenant facilities) shall be in substantial conformance with the approved demolition plan stamped and dated with the date of this approval. (Except as modified by applicable 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. Prior to issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the City's Building Division and field sets of plans.
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 sides, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.

9. 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 CPPP.
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. 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.
12. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of approval by either the current property owner or leasing agent.
13. 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.
14. Coastal Development Permit No. CD2017-070 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.
15. 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 Dean Residence Demolition including, but not limited to, Coastal Development Permit No. CD2017-070 (PA2017-167). 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.
16. Prior to issuance of a demolition permit, the applicant shall prepare a Demolition Control Plan to minimize impacts to adjacent residences on Island Avenue and Edgewater Avenue to be reviewed and approved by the Community Development Director.

RESOLUTION NO. ZA2018-035

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2017-020 FOR A THEATER AND EATING AND DRINKING ESTABLISHMENT WITH A TYPE 47 (ON-SALE GENERAL, FULL LIQUOR) ALCOHOLIC BEVERAGE CONTROL LICENSE AND LIVE ENTERTAINMENT AND DANCING AT 999 NEWPORT CENTER DRIVE (PA2017-139)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Carlos Wellman on behalf of the LOT Fashion Island, with respect to property located at 999 Newport Center Drive, and legally described as Parcel 2 of Lot Line Adjustment LA2009-001 requesting approval of a minor use permit.
2. The applicant requests approval of a minor use permit (amendment to UP No. 2016-001) to continue the operation of a food service, eating and drinking establishment, with indoor and outdoor dining areas and a movie theater with added live entertainment and dancing in conjunction with the previously approved Type 47 (On-Sale General, Full Liquor) Alcoholic Beverage Control (ABC) license for a bona fide eating and drinking establishment.
3. Amendment No. 2 to Minor Use Permit No. UP2011-029 (renumbered as UP2016-001) approved by the Zoning Administrator on April 14, 2016 allowed a change from the a Type 41 (Beer and Wine) ABC license to a Type 47 (On Sale General, Full Liquor) ABC license for a bona fide eating and drinking establishemnt within an existing theater that also included outdoor dining. Currentlty approved alcohol sales hours are 11:00 a.m. -- 1:00 a.m.
4. The subject property is located within the North Newport Center Planned Community (PC-56) Zoning District and the General Plan Land Use Element category is Regional Commercial (CR).
5. The subject property is not located within the coastal zone.
6. A public hearing was held on March 29, 2018 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed project will allow the continuation of alcohol services with the added allowance for live entertainment and dancing in an existing tenant space. Therefore, the project qualifies for a categorical exemption under Class 1.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales of the Zoning Code.*

Facts in Support of Finding:

In finding that the proposed use is consistent with Section 20.48.030 of the Zoning Code, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
 1. The establishment is located within Reporting District (RD) 39, wherein the number of crimes is higher than adjacent Reporting Districts and the City. RD's 37, 38, 43, and 47 have a lower number of crimes as they are primarily residential with few commercial uses. Due to the high concentration of commercial land uses in Fashion Island, the crime rate and the shoplifting (burglary/thievery) rate is greater than adjacent residential Reporting Districts; however, the Newport Beach Police Department does not consider the number significant given the type of development within this RD.
 2. The Police Department has reviewed the proposal, provided operating conditions of approval, and has no objection to the addition of the alcoholic beverage license subject to appropriate conditions of approval.

ii. The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.

1. Due to the high concentration of commercial land uses, the calls for service and number of arrests are greater than adjacent residential Reporting Districts. In 2017, alcohol related arrests made up 18% of the all arrests (70 of 389) in RD 39. The Police Department does not consider the rate high because of the concentration of restaurants and commercial uses within Fashion Island and the surrounding Newport Center area. The Newport Beach Police Department reported 1 arrest at the subject establishment in 2017.

iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.

1. The establishment is located within the interior of Fashion Island, a regional shopping mall containing over 1.6 million square feet of commercial, retail, service and restaurant uses.
2. Fashion Island does not directly abut sensitive land uses and is separated from other uses by parking lots, roadways and other commercial uses. The proposed use is not located in close proximity to residential districts, day care centers, park and recreation facilities, places of religious assembly, or schools. The Police Department has reviewed the Minor Use Permit application and recommended conditions of approval to ensure that the design and security of the establishment are properly addressed.

iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.

1. There are several other restaurants within the Fashion Island Shopping Center. These include tenants such as the Red O, Yard House, True Food Kitchen, Whole Foods, Cheesecake Factory, P.F. Chang's, etc. These establishments have Type 41 (On Sale Beer and Wine) or Type 47 (On Sale General) alcohol licenses and there is no evidence suggesting these uses have been detrimental to the neighborhood.
2. The per capita ratio of one license for every 13 residents is higher than the adjacent districts in the City and the average ratio for Orange County. This is due to the higher concentration of commercial land uses relative to the low residential population in and around Newport Center. While the area does have a high concentration of alcohol licenses, the proposed change of operational characteristics to add dancing, live entertainment and extend the hours of operation will not increase the number of alcohol licenses as the previous tenant had approval for and held a valid Type 47 ABC license.

v. Whether or not the proposed amendment will resolve any current objectionable conditions.

1. The existing establishment has been authorized to serve alcohol since 2011 and there is no evidence of a pattern of objectionable conditions.

2. The project has been reviewed and conditioned to help ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the establishment. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol-related impacts.
3. The resolution includes conditions of approval to limit objectionable conditions related to noise and trash from the establishment. All employees serving alcohol will be required to be at least 21 years of age and receive ABC-required Licensee Education on Alcohol and Drugs (LEAD) or Responsible Beverage Service (RBS) training.

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

Finding:

B. The use is consistent with the General Plan and any applicable specific plan;

Facts in Support of Finding:

1. The property is designated as Regional Commercial (CR) by the Land Use Element of the General Plan. The theater and eating and drinking establishment with ancillary live entertainment and dancing is consistent with that designation as it is a supporting use that is integrated as part of a retail multi-tenant commercial center, and an allowed use under the CR designation.
2. The food and alcohol concessions for the existing theater, which also included interior and exterior dining areas, have proven compatible with the existing and allowed land uses in Fashion Island and the historical use of the theater. Additionally, eating and drinking establishment uses within Fashion Island are historically allowed uses and have been proven compatible with the existing and allowed uses within Fashion Island.

Finding:

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

Facts in Support of Finding:

1. The project is located in the Fashion Island Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District. Fashion Island is intended to be a regional retail and entertainment center and a day and evening destination with a wide variety of uses that serve visitors, residents, and employees of the area. The theater/eating and

drinking establishment with alcoholic beverage sales, live entertainment and dancing is a commercial use that is intended to serve visitors, residents, and employees in the broader regional area and, therefore, is consistent with the purposes of the North Newport Center Planned Community District for the Fashion Island Sub-Area.

2. The theater and eating and drinking establishments are permitted uses within the Fashion Island Sub-Area of the North Newport Center Planned Community Zoning District. Pursuant to the Planned Community Text, live entertainment falls beneath the definition of "Commercial Recreation and Entertainment" which is also a permitted use within the Fashion Island subarea. Pursuant to the Planned Community Text, a minor use permit is required to allow the on premise sale of alcohol in conjunction with the theater, eating and drinking establishment and the addition of live entertainment and dancing requires a minor use permit.
3. The 420-seat movie theater is within the limits of the 680 seat limit allocated for the Fashion Island portion of the North Newport Center Planned Community. Additionally, the interior alterations are within the same footprint as previous tenant space. The outdoor areas occupy historical outdoor dining areas and common shared outdoor areas and walkways of in the shopping center. The proposed changes to operations characteristics do not affect the development limit because the area occupied by the establishment is within the existing tenant space and shopping center development areas.
4. Fashion Island has a Regional Commercial parking requirement of 3 spaces per 1,000 square feet. The proposed amendment does not change or increase the parking requirement.

Finding:

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

Facts in Support of Finding:

1. A theater has operated in this location since 1989 and the use has not proven detrimental to the area. The theater has provided beer and wine service since 2012 and full liquor and dining service since 2016. The use has demonstrated the location's capability of operating as a compatible use with other land uses in the vicinity.
2. The establishment is located within the center of the Fashion Island Mall on the second floor near other eating and drinking establishments. The expansion of hours (7 a.m. - 1:30 a.m.) and the addition of live entertainment and dancing (until 11 p.m.) are intended to provide an additional entertainment venue to residents and visitors to the City.
3. Fashion Island does not directly abut sensitive land uses and is separated from other uses by parking lots, roadways and other commercial uses. The proposed use is not located in

close proximity to residential districts, day care centers, park and recreation facilities, places of religious assembly, or schools.

4. The outdoor dining area with late hours is located within the existing shopping center. The shopping contains a mix of uses that include multiple outdoor dining areas. The outdoor dining area associated with this project is located on the second floor among other vibrant and busy uses. Outdoor dining is expected to found in these type of shopping, service and entertainment environments.
5. The Police Department is familiar with the security plan in place for the overall shopping center and conditions of approval, including the requirement for a customized security plan for establishment is proposed to adequately manage the late hour component of the proposed restaurant.
6. The establishment is required to adhere to all applicable municipal code standards related to lighting and noise.

Finding:

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

Facts in Support of Finding:

1. The project site is located in a tenant space historically used as movie theater with interior and exterior dining areas.
2. Adequate public and emergency vehicle access, public services, and utilities are provided within the existing infrastructure. Fashion Island is an outdoor and indoor mall with wide and open walkways. Fashion Island is encircled by Newport Center Drive and is developed with several surface parking lots, parking structures, and loading areas.
3. The design of the tenant improvements will comply with all Building, Public Works, and Fire Codes, and will be approved by the Orange County Health Department.

Finding:

- F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The

operator is required to take reasonable steps to discourage and correct objectionable conditions including discontinuing service to intoxicated patrons. The operator must also correct conditions that constitute nuisance areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the movie theater.

2. The proposed alcohol service is provided as a public convenience to establishment patrons. The service of alcoholic beverages in addition to live entertainment and dancing will provide an economic opportunity to maintain a successful business at this location in a way that best serves the quality of life for the surrounding community.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2017-020, 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 filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This Resolution supersedes Minor Use Permit No. UP2006-001 (PA2016-001) which upon vesting of the rights authorized by this application, shall become null and void.

PASSED, APPROVED, AND ADOPTED THIS 29th DAY OF MARCH, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

PLANNING

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Minor Use Permit No. UP2017-020 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. 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 Minor Use Permit.
5. This Minor Use Permit may be modified or revoked by the Zoning Administrator should they determine 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.
6. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
8. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
9. 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 Conditional Use 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 Minor Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

10. *Alcohol may be served within the interior of the establishment and on the outdoor dining patio ("licensed premises"). Alcoholic beverages served by the establishment shall only be consumed on the licensed premises and shall not be consumed on any adjacent property.*
11. *The hours of operation for the establishment (interior and exterior) including the sales, service and consumption of alcoholic beverages shall be limited between 7 a.m. to 1:30 a.m., daily.*
12. The accessory outdoor dining shall be used only in conjunction with the related adjacent establishment. The size and location of the outdoor dining areas shall be in substantial conformance with approved plans.
13. The height of the boundary wall of the accessory outdoor dining area shall be marked on the approved plans. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.
14. The outdoor dining patio shall be separated from the main mall corridor with a decorative barrier (subject to ADA compliance and ABC requirements) which may include gates at least 36 inches high placed around the perimeter of the consumption area. The barrier and gates shall meet egress requirements and shall be installed to the satisfaction of the Building Division. Final barrier design subject to the review and approval of the Community Development Director.
15. *Live entertainment and dancing are allowed between the hours of 7 a.m. and 11 p.m., daily. The operator is required to obtain live entertainment permit and café dance permit pursuant to the Newport Beach Municipal Code*
16. A special event permit is required for any event or promotional activity outside the normal operational characteristics of this business that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
17. All proposed signs shall be in conformance with the provisions of the PC-56 (North Newport Center Planned Community), Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code, or an approved Comprehensive Sign Program for the project site.
18. All lighting shall conform with the standards of Section 20.30.070 (Outdoor Lighting). The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
19. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control

requirements of the Newport Beach Municipal Code. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time period 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 7:00 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. An outdoor sound system shall be permitted within the outdoor dining areas for music played at a background level. Sound shall adhere to Chapter 10.26 of the Newport Beach Municipal Code.
21. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
22. The alcoholic beverage outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the alcoholic beverage outlet and adjacent properties, if directly related to the patrons of the subject alcoholic beverage outlet.
23. The area outside of the establishment shall be maintained in a clean and orderly manner. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting walkways within 20 feet of the premises. The operator of the movie theater use shall be responsible for the clean-up of all on-site and off-site trash, garbage, and litter generated by the use.
24. The operator shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
25. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.

26. 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).
27. Storage outside of the building shall be prohibited.
28. 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 **The LOT Fashion Island Minor Use Permit** including, but not limited to, **Minor Use Permit No. UP2017-020 (PA2017-139)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Police Department Conditions

29. The approval is for a theater and accessory eating and drinking establishment with on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 (On Sale General) license.
30. The primary use of the establishment shall be a theater. Approval does not permit the premises to operate as a "bar, tavern, cocktail lounge or nightclub" as defined by the Newport Beach Municipal Code.
31. The applicant shall comply with all federal, state, and local laws, and all conditions of the Alcoholic Beverage License. Material violation of any of those laws or conditions in connection with the use may be cause for revocation of the use permit.
32. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training must be updated every 3 years regardless of certificate expiration date. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The

- establishment shall comply with the requirements of this section within 60 days of approval. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
33. Strict adherence to maximum occupancy limits is required. Permittee must be able to produce an occupancy count for the restaurant area upon request.
 34. Management shall maintain an operational log of daily activities related to the sale and service of alcoholic beverages, as well as any additional security actions. Management shall make this log available to the Police Department upon request.
 35. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
 36. All sales or service of alcoholic beverages in the licensed premises shall be made only from the areas specifically licensed by the Department of Alcohol Beverage Control, or by trained servers within the general spectator areas. The alcohol beverages must be personally delivered to the patron by the employee who took the order.
 37. Servers shall not carry a supply of unordered alcoholic beverages for sale.
 38. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
 39. No off-sales of alcohol shall be permitted.
 40. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
 41. Security personnel with guard cards must patrol the premises to alleviate police problems including excessive noise, abusive behavior, disturbances, and other violations. This area shall include a 100 square feet perimeter and the parking area.
 42. Security personnel with guard cards must be present when live entertainment or dancing are being conducted.
 43. The permittee shall maintain a security recording system with a 30-day retention and make those recordings available to police upon request.
 44. The permittee must submit a security plan to the Police Department for approval. The Police Department shall be notified of any changes to the approved plan.

RESOLUTION NO. ZA2018-036

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-018 TO DEMOLISH AN EXISTING SINGLE-FAMILY DWELLING LOCATED AT 2100 EAST BALBOA BOULEVARD (PA2018-041)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Shawna L. Schaffner, with respect to property located at 2100 East Balboa Boulevard and legally described as Parcel 4 of Resubdivision No. 250 requesting approval of a coastal development permit.
2. The applicant requests a coastal development permit to demolish an existing 6,300-square-foot, single-family dwelling and 600-square-foot, detached garage.
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 – 6.0 – 9.9 DU/AC (RSD-B) and the Coastal Zoning District is Single-Unit Residential (R-1).
5. A public hearing was held on March 29, 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 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Existing Facilities).
2. Class 1 includes the demolition and removal of small structures including one single-family dwelling. The proposed project includes the demolition of an existing single-family dwelling located in the R-1 Coastal Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits) 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 subject property is currently developed with a single-family dwelling on an existing lot designated for residential development by the Local Coastal Program. The project applicant requests to demolish the existing single-family dwelling. After the demolition of the existing dwelling, the site will be landscaped to control erosion. Per Section 21.30.085 of the Local Coastal Program, landscaping has been conditioned to have low water demand and be drought tolerant. The planting of invasive species shall be prohibited. Subsequent construction of a replacement dwelling will require a separate coastal development permit at a later date.
2. 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 and Building Division standards and policies.
3. The property is located within 100 feet of coastal waters. The project design addresses water quality with a construction erosion control plan 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 demolishes an existing single-family residence. A future single-family dwelling will be constructed under a separate coastal development permit. 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 site is sited so as not to block or impede existing public access opportunities. Vertical access to the bay front is available approximately 520 feet west of the subject property on K Street.

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 for a demolition of an existing single-family dwelling. The future development of the site with a replacement dwelling will be required to comply with all applicable LCP development standards. 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. CD2018-018, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 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 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 29TH DAY OF MARCH, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. Landscaping of the site shall conform to the requirements of Section 21.30.075 (Landscaping) and Section 21.30.085 (Water Efficient Landscaping) of the Local Coastal Program Implementation Plan. Plant materials shall be selected for low water-demand and drought tolerance, and the planting of invasive species shall be prohibited.
2. All landscape materials and irrigations systems shall be maintained in accordance with the approved erosion control plan. All landscaped areas shall be maintained in a healthy and growing conditions 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.
3. 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.
4. The development (the demolition of an existing single-family dwelling, detached garage, and appurtenant facilities) shall be in substantial conformance with the approved demolition plan stamped and dated with the date of this approval, (except as modified by applicable conditions of approval).
5. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
6. Coastal Development Permit No. CD2018-018 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. 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.
9. 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.

10. 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.
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. 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.
13. 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).
14. 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.
15. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
16. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
17. 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 Bay House Demolition including, but not limited to, Coastal Development Permit No. CD2018-018 (PA2018-041). 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. ZA2018-037

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2018-001 FOR A VEHICLE SALES USE LOCATED AT 2230 BRISTOL STREET (PA2017-264)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sohhei Moribe / Gulliver USA, Inc., with respect to property located at 2230 Bristol Street, and legally described as Parcel 1 of Parcel Map No. 96-165 requesting approval of a minor use permit.
2. The applicant proposes to operate a vehicle sales facility within an existing commercial building. No vehicle repair or maintenance will occur at the site.
3. The subject property is designated CG (General Commercial) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan (SP-7) – General Commercial Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on March 29, 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 exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment.
2. This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The proposed project involves minor alterations to the interior floor plan of an existing commercial space with no expansion in use.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The General Plan designates the site as General Commercial (CG), which is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs. The proposed establishment is a commercial use intended to serve nearby residents, the surrounding community, and greater region. Thus, the vehicle sales use is consistent with the CG land use category.
2. The property is located within the Santa Ana Heights Specific Plan, General Commercial Zoning District. The district is established to provide regulations for the commercial areas along South Bristol Street and to ensure the continuation of commercial uses, which offer a wide range of goods and services to both the surrounding residential and business communities. It is intended to promote the upgraded aesthetic image of the community and reduce conflicts between commercial and residential uses. The project scope does not include any physical improvements that would result in increased floor area, height, or permanent structures onsite. The use would provide a commercial service to serve local residents and business community. Thus, the proposed use would comply with the standards contained within Section 20.90.110 (General Commercial District: SP-7 (GC)).
3. The existing commercial building on-site is setback from the rear property line approximately 144 feet, exceeding the required 10-foot minimum rear setback for commercial buildings abutting a residential district. The site is also separated from the adjacent residential property by a 6-foot-high slump block wall, consistent with the Specific Plan buffer requirements. Therefore, the proposed use provides an adequate buffer to the adjacent residential property and is consistent with the intent of the district to reduce conflicts between commercial and residential uses.

Finding:

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

Facts in Support of Finding:

1. The property is located in the Santa Ana Heights Specific Plan (SP-7) within the General Commercial Zoning District. There are no uses permitted by right within this Zoning District. The proposed vehicle sales use, which does include vehicle repair or maintenance, is a permitted use subject to the approval of a minor use permit pursuant to Newport Beach Municipal Code Section 20.90.110 (General Commercial District: SP-7 (GC)).

2. The proposed use would also comply with Section 20.40.040 (Off-Street Parking) of the Zoning Code. The minimum parking requirement for vehicles sales uses is one space per 1,000 square feet of lot area. The property measures approximately 9,553 square feet in area. The project includes an aggregate of 18 parking spaces, inclusive of five dedicated customer spaces and 15 spaces allocated for employees and display. An additional two parking spaces would also be provided onsite for intermittent use (reserved for adjacent restaurant parking from 11:00 am to 2:00 pm Monday - Friday).

Finding:

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

Facts in Support of Finding:

1. The location of the proposed use is appropriate given that the establishment will be accessible from Bristol Street, which provides convenient access for customers visiting the site from the City and greater region.
2. A variety of commercial uses are located along Bristol Street, such as gas stations, fast food restaurants, offices, and vehicle related uses. The proposed use would be complementary to the surrounding automotive businesses and other commercial uses.
3. The existing commercial building onsite is 1,548 square feet in area. The proposed floor plan includes a show room, office/reception area, bathrooms, and mechanical rooms. There would be no vehicle repair or maintenance onsite. The use would be a small-scale vehicle sales facility that would be compatible with other allowed uses in the vicinity, including the residential uses to the rear of the property.
4. As conditioned, the allowed hours of operation will be 9:00 a.m. to 6:00 p.m. daily, which would minimize any nuisances to residents living near the rear of the property.

Finding:

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

Facts in Support of Finding:

1. The project site is located within an established commercial district that contains adequate public services and utilities.
2. The Fire Department found no deficiencies with the proposed use and adequate public and emergency vehicle access is provided.

3. Any proposed site improvements must comply with applicable provisions of the Zoning Code and all Building, Public Works, and Fire Codes.

Finding:

- E. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. Conditions of approval such as those which limit the hours of operation and deliveries, prohibit vehicle repair and maintenance, require trash receptacles, and prohibit excessive signage are included to help ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the customers of the establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2018-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 29th DAY OF MARCH, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

PLANNING

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. *All proposed signs shall be in conformance provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.*
3. *Test driving of vehicles shall be prohibited on all residential streets.*
4. *Delivery, including unloading and loading of vehicles, must be done onsite.*
5. *The use of banners, pennants, balloons, windshield signs, moving signs, or flashing or animated electrical signs is prohibited.*
6. *The hours of operation shall be limited to between 9:00 a.m. and 6:00 p.m., daily.*
7. *Discharge of waste material or paint products into the storm drain system shall be prohibited. Used oil, lubricants, and other hazardous or toxic materials shall be properly stored and collected within the vehicle service buildings. Provisions shall be made for the appropriate collection, storage, and disposal of used oil, lubricants and other hazardous or toxic materials in applicable law.*
8. *Use of the building shall be limited to motor vehicle sales only. No motor vehicle repair or service is permitted on-site.*
9. *No storage or display of motor vehicles is permitted in any of the five identified customer parking spaces or vehicle maneuvering space.*
10. *Delivery and/or transport vehicles shall not idle or stage within residential areas.*
11. *No vehicles shall be displayed with open hoods, doors, trunks, or tailgates outside. All vehicles parked onsite shall be operable; no wrecked vehicles are permitted.*
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 Use Permit.

14. This Minor Use 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. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Use Permit.
16. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
17. *Prior to the issuance of a building permits, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.*
18. 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.
19. Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets, adjacent sites and residences above, or create a public nuisance. New "Walpak" type fixtures are not permitted.
20. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
21. 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.
22. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

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

23. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
24. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
25. No outside paging system shall be utilized in conjunction with this establishment.
26. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
27. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
28. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
29. 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).
30. *Deliveries, including of vehicles, and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Minor Use Permit.*

31. *Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure and display vehicles.*
32. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
33. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
34. 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 Gulliver Vehicle Sales including, but not limited to, Minor User Permit No. UP2018-001 (PA2017-264). 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 Conditions

35. Gas-fueled vehicles, or other motor craft shall not be located indoors except as follows:
 - Batteries are disconnected.
 - Fuel in fuel tanks does not exceed one-quart tank or 5 gallons (whichever is least).
 - Fuel tanks and fill openings are closed and sealed to prevent tampering.
 - Vehicles, boats, or other motor craft equipment are not fueled or defueled within the building. (California Fire Code (CFC) Section 314.4).

Building Division Conditions

36. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.

37. Prior to operation, plans shall be submitted and reviewed by the Building Official to ensure compliance with accessible path of travel Code requirements. Accessibility is required for the following (IIB):
- Entry Door
 - Show Room
 - Bathroom(s)

RESOLUTION NO. ZA2018-038

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-101 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED TWO-CAR GARAGE LOCATED AT 5607 SEASHORE DRIVE (PA2017-237)

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 Kroener Family Trust, with respect to property located at 5607 Seashore Drive, requesting approval of a Coastal Development Permit (CDP).
2. The lot at 5607 Seashore Drive is legally described as Lot 4, Block 56, of the Ocean Front Tract of Newport Beach.
3. The applicant proposes a Coastal Development Permit to allow the demolition of an existing single-family residence and construction of a 3,163-square-foot, single-family residence with attached two-car garage. The design includes hardscape, walls, landscaping, and drainage facilities.
4. The subject property is designated RT (Two-Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-E (Two Unit Residential – 30.0 – 39.9 DU/AC) and it is located within the R-2 (Two-Unit Residential) Coastal Zone District.
6. A public hearing was held on March 29, 2018, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the

demolition of one single-family residence and the construction of a new 3,163-square-foot single-family residence and attached two-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 (NBMC), the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 3,216 square feet and the proposed floor area is 3,163 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 3 feet along each side property line, 5 feet along the front property line abutting the beach, and 0 feet along the other front property line abutting Seashore Drive.
 - c. The highest guardrail is less than 24 feet from established grade (per Section 21.30.050 B, 3) and the highest ridge is no more than 29 feet from established grade, which comply with the maximum height requirements.
 - d. The project includes garage parking for a two vehicles, complying with the minimum two-car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two- and three-story, single-family residences and duplexes. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The development fronts the beach and the site is not protected by a bulkhead. The finish floor elevation of the proposed dwelling is 13.39 feet North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.00 foot (NAVD88) elevation standard.
4. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by GeoSoils, Inc., dated October 9, 2017 for the project, which is located approximately 375 feet from the mean high tide line. The report concludes that the proposed project is reasonably safe from the shoreline erosion due to lack of wave or wakes that can erode sand from the

beach. The report also concludes that the proposed project is reasonably safe from sea level rise, considering a 1.25-foot sea level rise (the low range of projected sea level rise over the 75-year design life of the structure based on estimates for sea level rise provided by the National Research Council 2012 SLR).

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. 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. 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.

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 in West Newport between the nearest public road and the sea/shoreline. 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 standard R-2 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 (appropriate height, setbacks, etc.) 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 access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The site is located adjacent to West Newport Park, which is accessible to the public and provides some limited opportunities to view the beach through the 58th Street and 57th Street ends. As currently developed, the existing property and other residences along Seashore Drive are located within the view shed of the park. However, the proposed single-family residence complies with all applicable Local Coastal Program (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 existing 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. CD2017-101, 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 29TH 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 to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
3. Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development.
4. No demolition or construction materials, equipment debris, or waste shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers.
5. The proposed off-site improvements shall conform to all oceanfront encroachment policies including Appendix C of the Local Coastal Program Implementation Plan. An Encroachment Permit shall be obtained for any off-site improvements within the oceanfront encroachment area.
6. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
7. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.

8. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
9. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
10. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
11. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
12. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
13. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
14. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
15. Prior to issuance of a building permit, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
16. Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.
17. 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.

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18. 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.
 19. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
 20. This Coastal Development Permit No. CD2017-101 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
 21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Kroener Residence including, but not limited to, Coastal Development Permit No. CD2017-101 (PA2017-237). 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.