



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 July 27, 2018.

ZONING ADMINISTRATOR ACTIONS JULY 26, 2018

- Item 1: Jabara Mixed-Use Development Coastal Development Permit No. CD2018-039 and Minor Site Development Review No. SD2018-001 (PA2018-090)
Site Address: 509 31st Street
Action: Approved by Resolution No. ZA2018-085 Council District 1
- Item 2: Lauderdale Residence Coastal Development Permit No. CD2018-034 (PA2018-082)
Site Address: 3600 Park Lane
Action: Approved by Resolution No. ZA2018-086 Council District 1
- Item 3: Coast Community College Tentative Parcel Map No. NP2016-015 (PA2016-150)
Site Address: 1700, 1730, and 1800 West Coast Highway
Action: Approved by Resolution No. ZA2018-087 Council District 3
- Item 4: PAM Capital Management, Inc. Tentative Parcel Map No. NP2018-013 (PA2018-102)
Site Address: 702 and 702-1/2 Marguerite Avenue
Action: Approved by Resolution No. ZA2018-088 Council District 6
- Item 5: Longo Condominiums Tentative Parcel Map No. NP2018-022 (PA2018-136)
Site Address: 621 and 621-1/2 Narcissus Avenue
Action: Approved by Resolution No. ZA2018-089 Council District 6
- Item 6: Engstrom Condominiums Tentative Parcel Map No. NP2018-021 and Coastal Development Permit No. CD2018-056 (PA2018-133)
Site Address: 115 and 115-1/2 29th Street
Action: Approved by Resolution No. ZA2018-090 Council District 1
- Item 7: Orchid Avenue Condominiums Tentative Parcel Map No. NP2018-020 (PA2018-132)
Site Address: 719 Orchid Avenue
Action: Approved by Resolution No. ZA2018-091 Council District 6

Item 8: Martin Residence Coastal Development Permit No. CD2018-041 (PA2018-091)
Site Address: 9 Bay Island

Action: Approved by Resolution No. ZA2018-092 Council District 1

Item 9: Sedghi Residence Coastal Development Permit No. CD2017-060 (PA2017-146)
Site Address: 2141 Seville Avenue

Action: Approved by Resolution No. ZA2018-093 Council District 1

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

RESOLUTION NO. ZA2018-085

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-039 AND MINOR SITE DEVELOPMENT REVIEW NO. SD2018-001 TO DEMOLISH AN EXISTING MIXED-USE BUILDING AND CONSTRUCT A NEW MIXED-USE DEVELOPMENT LOCATED AT 509 31ST STREET (PA2018-090)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Laidlaw Schultz Architects on behalf of Gary Jabara, with respect to property located at 509 31st Street, requesting approval of a coastal development permit and minor site development review.
2. The Property is legally described as Parcel 1 of Block 530 of Resubdivision No. 591 in the City of Newport Beach, County of Orange, State of California, as per Map recorded in Book 136, Page 8, of Miscellaneous Maps, in the Office of the County Recorder of said County.
3. The Applicant proposes the demolition of an existing two-story mixed use building and construction of a two-story mixed-use development that includes an artist's studio on the first floor and a residential unit on the second floor. The Project includes hardscape, landscape, and subsurface drainage facilities. The design complies with all applicable development standards and no deviations are requested.
4. The subject property is located within the MU-CV/15 Street (Mixed-Use Cannery Village and 15 Street) Zoning District and the General Plan Land Use Element category is Mixed Use Horizontal 4 (MU-H4).
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is MU-H (Mixed Use Horizontal).
6. A public hearing was held on July 26, 2018, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303 and Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New

Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.

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

SECTION 3. REQUIRED FINDINGS.

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area ratios, setbacks, height, open space, and parking.
 - a. The maximum gross floor area allowable for residential uses is 5,580 square feet (i.e., floor area ratio [FAR] of 1.0). The proposed gross floor area for residential use is 1,581 square feet (0.28 FAR).
 - b. The minimum gross floor area allowable for nonresidential uses is 1,395 square feet (i.e., FAR of 0.25) and the maximum allowable is 2,790 square feet (i.e., FAR of 0.50). The proposed gross floor area of the nonresidential use is 2,711 square feet (0.48 FAR).
 - c. The proposed development provides the minimum required setbacks, which are 0 feet along the front property line abutting 31st Street, 0 feet along each side property line, and 10 feet along the rear property line abutting the alley.
 - d. The highest guardrail is 26 feet from established grade (9.00 feet NAVD88) and the highest ridge is 31 feet from established grade, which comply with the maximum height requirements.
 - e. The project includes a two-car garage for residential use, and three covered guest/commercial parking spaces for the artist studio component at a ratio of one space for every 1,000 square feet of gross floor area. Therefore, the project will comply with the minimum parking requirements.

2. The neighborhood is predominantly developed with one- and two-story, commercial and mixed-use structures. There are several structures in the immediate area that are similar in height at two-stories. Additionally, the Cannery Lofts development consisting of three-story mixed-use buildings is located near the project to the southeast. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development in the Cannery Village area.
3. The Project has been designed such that it will be compatible with the scale of expected future development in the area.
4. The development is located on an inland property in a developed area more than 300 feet from the bay. The project site is separated from the bay (the nearest body of water) by Lafayette Avenue and an existing parking lot abutting the bay. The finished floor elevation of the first floor for the proposed structure is 9.00 feet based on the North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.00-foot (NAVD88) elevation standard for new structures. The identified distances from the coastal hazards areas coupled with the 9.00-foot (NAVD88) finish floor elevation, will help to ensure the project is reasonably safe for the economic life of the structure.
5. 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.
6. The project site is located more than 300 feet from the bay. 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.
7. 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 on the Balboa Peninsula within the Cannery Village area. The project site is not located between the nearest public road and the sea or shoreline. The existing site is developed with a two-story mixed-use building and private parking lot. The site does not currently provide any views or access to/along the shoreline. Vertical access to the bay front is available along 31st Street in front of the project site. Lateral access along the bay is available via the Rhine.
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 or access opportunities on the site. The project site is not located within the viewshed of distant public viewing areas. The project is located on an inland lot and will replace an existing nonresidential structure with a new mixed-use structure (i.e., nonresidential) that complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing and anticipated future neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.
3. The project will improve an underutilized property in a predominately mixed-use area, which will in turn help to enhance the visual quality of the Coastal Zone for visitors and residents.

Site Development Review

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

Finding:

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

Fact in Support of Finding:

1. The subject property is located within the MU-CV/15 Street Zoning District, which allows multi-unit dwelling units, nonresidential uses and/or mixed-use (commercial/residential) structures; where the ground floor is restricted to nonresidential uses along the street frontage. Residential uses and overnight accommodations are allowed above the ground floor and to the rear of uses along the street frontage. Mixed uses or nonresidential structures are required on lots at street intersections. The proposed development is a mixed-use development with commercial use on the ground floor, residential use on the second floor, and is allowed within the subject-zoning district.

Finding:

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

Facts in Support of Finding:

1. The Land Use Element of the General Plan designates the subject property as Mixed Use Horizontal 4 (MU-H4), which is intended to provide for multi-family residential, general or neighborhood commercial, and/or mixed-use structure; where the ground floor shall be restricted to nonresidential uses along the street frontage and the rear and upper floor uses for residential, including senior residential units and overnight accommodations. Mixed-use or commercial buildings shall be required on parcels at street intersections. The mixed-use development shall have floor area to land area (FAR) ratio of 1.5; where a minimum FAR ratio of 0.25 and maximum 0.5 shall be used for retail uses and a maximum of 1.0 for residential. The proposed development is consistent with the General Plan designation in that:
 - a. The proposed project is designed as a vertically-integrated mixed-used structure, located on 31st Street between Villa Way and Lafayette Avenue. The Project will be occupied by a nonresidential use on the ground floor and a residential use will be located above the ground floor.
 - b. The proposed development has 0.48 FAR for nonresidential uses and 0.28 FAR for residential uses totaling 0.76 FAR for a mixed-use development consistent with the MU-H4 land use category.
2. The proposed development complies with the MU-CV/15 Street Zoning District development standards of FAR, building setbacks, public and private open spaces, building height, and parking in that:
 - a. The proposed development has 0.48 floor area ratio (FAR) for commercial use and 0.28 FAR for residential use. The commercial FAR meets the minimum 0.25 FAR and is less than the maximum 0.50 FAR. The residential FAR is less than

- the maximum 1.0 FAR. Together, the proposed project has 0.76 FAR for mixed-use development.
- b. The proposed development complies with the required setbacks of 0 feet for the front, 10 feet for the rear and 0 feet for each side.
 - c. The proposed development consists of a 2-story building at 31 feet in height which is in compliance with the 26/31 height allowance.
 - d. The proposed development provides a total of 225 square feet of common open space, where a minimum of 75 square feet is required per residential unit; and a total of 225 square feet of private open space where a minimum of 86 square feet (5% of gross floor area) is required per residential unit.
 - e. A total of five parking spaces are provided. Two spaces would be within a 478-square-foot garage accessed from the alley. Three covered parking spaces (including one disabled parking space) will also be provided that are accessed from the alley. Parking for the proposed development complies with the parking requirements of two enclosed parking spaces for the single-residential unit and three guest/customer parking spaces for the artist studio component at a ratio of one space for every 1,000 square feet of gross floor area.
3. The proposed site layout provides efficient and direct vehicular access from an existing alleyway. Adequate pedestrian access and path of travel to the building will be provided from the existing sidewalk abutting 31st Street. The Public Works Department has reviewed and approved the site plan, proposed improvements, and parking configuration subject to the conditions of approval.
 4. The subject property is not located at or near a public view point or corridor as identified in the General Plan Figure NR3 (Coastal Views); and therefore, is in compliance with Section 20.30.100 (Public View Protections).
 5. The proposed project has been designed to be compatible with the surrounding architecture in terms of bulk, scale, and aesthetic treatment. The subject property is located within Cannery Village, which includes other two-story mixed use developments that are similar in bulk and scale to the proposed two-story development. Also, Cannery Village is comprised of older industrial buildings. The proposed mixed-use development incorporates the industrial style into its design by using materials such as masonry, metal siding, stucco, and industrial wire glass.

Finding:

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

Facts in Support of Finding:

1. The proposed development will comply with all Building, Public Works, and Fire Codes, as well as all City ordinances and conditions of approval.
2. The Project has been conditioned to ensure that potential conflicts with surrounding land uses are minimized to the extent possible to maintain a healthy environment for both businesses and residents.
3. The proposed project includes two enclosed parking spaces for the residential unit and three open parking spaces for the nonresidential use, which comply with the parking requirements for mixed-use, pursuant to the Municipal Code Section 20.40.040 (Off-Street Parking).
4. The proposed project design includes more than the minimum required private open spaces for the residential unit as required by the MU-CV/15 Street Zoning District Mixed-Use zoning district.
5. There are two existing street parking spaces along the frontage of the project site. Vehicular access to the project site will remain from the alley. Therefore, construction of the project would not result in the loss of street parking for public use.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2018-039 and Minor Site Development Review No. SD2018-001, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF JULY, 2018.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. *Coastal Development Permit No. CD2018-039 and Minor Site Development Review No. SD2018-001 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
3. *A total of five parking spaces which consist of a two-car garage and three covered parking spaces shall be provided and maintained at all time.*
4. *The applicant shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit in the proposed mixed-use development consistent with Section 20.48.130.H (Notification to Owners and Tenants) of the Municipal Code.*
5. *The finished first floor elevation for interior living areas (commercial area on the ground floor) shall be raised to at least 9.00 (NAVD 88) as the proposed development is located in a low-lying area prone to flooding.*
6. *The non-residential space shall be utilized for an artist's studio or any use with an equivalent parking ratio of 1 space per 1,000 square feet or less.*
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 and Minor Site Development Review.
9. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Site Development Review or the processing of a new Site Development Review.
10. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of building permits.

11. Prior to issuance of building permits, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Site Development Review file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this action and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
12. Prior to the issuance of building permits, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These landscape plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.
13. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
14. The site shall be in compliance with Zoning Code Section 20.30.070. If in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources, the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
15. 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.
16. All noise generated by the proposed development shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

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

17. 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.

18. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
19. All trash shall be stored within the designated areas as approved by Community Development Department and screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
20. 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).
21. Storage outside of the building, in the front, side or at the rear of the property shall be prohibited.
22. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Jabara Mixed-Use Development including, but not limited to Coastal Development Permit No. CD2018-039 and Minor Site Development Review No. SD2018-001 (PA2018-090). 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

23. *Fire sprinkler system shall be required to be a NFPA 13 system due to the mixed occupancy.*
24. *Dumpsters with an individual capacity of 200 gallons or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines per California Fire Code (CFC) Section 304.3.4.*

25. *Vertical or horizontal separations between occupancies will be required as per CBC 508.4.4.*
26. *Garages shall be separated from the dwelling unit and its attic area by means of gypsum board, not less than ½ inch in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8 inch Type X gypsum board or equivalent and ½ inch gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door opening between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 in thickness, or doors in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes. Doors shall be self-closing and self-latching per CBC Sec. 406.3.4.1.*
27. *A fire flow needs to be determined for the structure. Refer to Fire Department Guideline (available on city web site) B.01.CFC 507.3.*
28. *Solar photovoltaic system must be installed as per Newport Beach Guideline D.04. The guideline establishes solar tile placement to allow for safe walking surfaces for firefighters on roofs to provide ventilation opportunities in the event of a fire.*

Building Division

29. 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.
30. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

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

Emissions

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

Off-Site Impacts

- Encourage carpooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.

- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

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

Public Works

32. All improvements shall be constructed as required by Ordinance and the Public Works Department.
33. Reconstruct the concrete sidewalk, curb and gutter along the 31st Street project frontage per City Standard.
34. Curb drains shall be installed per City Standard STD-184-L.
35. No above ground improvements shall be installed within the 10-foot alley setback. The 10-foot alley setback shall be constructed of a drivable surface.
36. Each unit (residential and commercial) shall be served by its individual water meter, sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and the sewer cleanout shall be located within the Public right-of-way.
37. An encroachment permit is required for all work activities within the public right-of-way.
38. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
39. All on-site drainage shall comply with the latest City Water Quality requirements.
40. All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at property line. If the sewer lateral to be abandoned has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box and the wye. Sewer lateral shall then be capped where the wye used to be.
41. The existing public on-street parking spaces shall be protected in place.
42. Parking is prohibited on slopes greater than 5 percent.

43. No encroachments shall be permitted within the public right of way.

RESOLUTION NO. ZA2018-086

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-034 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 3600 PARK LANE (PA2018-082)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Eric Aust, with respect to property located at 3600 Park Lane, requesting approval of a coastal development permit.
2. The lot at 3600 Park Lane is legally described as Lot 1 of Block 136 of the River Section.
3. The applicant proposes to demolish an existing single-family residence and construct a 1,865-square-foot, three-story single-family residence and a 372-square-foot, two-car garage. The design includes hardscape, walls, landscaping, and drainage facilities. The project complies with all applicable development standards and no deviations are requested.
4. The subject property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached (RSD-D) – (20.0 – 29.9 DU/AC) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
6. A public hearing was held on July 26, 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, 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 1,865-square-foot single-family residence and attached 372-square-foot 2-car garage.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 2,244 square feet and the proposed floor area is 2,237 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 6 feet along the front property line abutting Park Lane, 3 feet along each side property line and 5 feet along the rear property line abutting the alley. Portions of the existing residence that currently encroach into the side and rear setbacks are proposed to be demolished and the new structure modified for setback conformance.
 - c. The highest guardrail is less than 24 feet from established grade (9.00 feet NAVD88) and the highest ridge is no more than 29 feet from established grade, which comply with the maximum height requirements.
 - d. The project includes garage parking for a total of two vehicles, complying with the minimum two-car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with one- and two-story, single-family residences with some scattered three-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.

3. The development is located on an inland property in a developed area approximately 180 feet from the bay. The project site is separated from the bay (the nearest body of water) by a row of residences and Lake Avenue. The finished floor elevation of the first floor of the proposed structure is 9.00 feet based on the North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.0-foot (NAVD88) elevation standard for new structures. The identified distances from the coastal hazard areas coupled with the 9.00-foot NAVD88 finish floor elevation will help to ensure the project is reasonably safe for the economic life of the structure.
4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
5. Pursuant to Municipal Code Section 21.35.050, due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQHP has been prepared for the project by Forkert Engineering & Surveying Inc. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of an LID approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs.
6. The project design also 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.
7. 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 on the Balboa Peninsula near Newport Island. It is not located between the nearest public road and the sea or 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-1 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 nearest coastal viewpoint is on Newport Island and is not visible from the site. The site is located adjacent to 38th Street Park, which is accessible to the public and provides some limited opportunities to view the bay through 37th Street. As currently developed, the existing property and other residences along Park Lane 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. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.
3. The front and side of the proposed residence, which are visible from the 38th Street Park and 36th Street, contain substantial architectural treatment and visual interest, in-keeping with the design guidelines of the Zoning Code. The new structure would comply with required setbacks, whereas the existing building encroaches into the rear and side setbacks. Lastly, the design includes modulation of volume throughout the structure, an increased front setback beyond what is required by code, and low walls that prevent the appearance of the site being walled off from the park and streets. 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.
4. Vertical access to the bay and beach is available adjacent to the site along 36th street. Lateral access is available on the beach to the west and the 36th Street end to the east where there is a small access point. The project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2018-034, 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 26TH DAY OF JULY, 2018.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers.
3. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
4. This Coastal Development Permit does not authorize any development seaward of the private property.
5. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
6. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
7. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
8. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
9. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
10. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
11. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.

12. This 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.
13. Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
14. Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
15. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
16. Prior to issuance of a building permit, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
17. Prior to issuance of building permits, the preliminary WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall be in compliance with the approved WQHP/WQMP and any changes could require separate review and approval by the Building Division.
18. 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.
19. 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.
20. 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.
21. 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.

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22. This Coastal Development Permit No. CD2018-082 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.
23. 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 Lauderdale Residence including, but not limited to, Coastal Development Permit No. CD2018-034 (PA2018-082). 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. ZA2018-087

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2016-015 TO CONSOLIDATE THREE LOTS AND A PORTION OF A PARCEL INTO A SINGLE PARCEL LOCATED AT 1700, 1730, AND 1800 WEST COAST HIGHWAY (PA2016-150)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Coast Community College District, with respect to property located at 1700, 1730, and 1800 West Coast Highway, and legally described as Lots 61, 62, and 63 of Tract No. 1210 and a portion of existing Parcel 1 requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map to consolidate three existing lots and a portion of a parcel into a single parcel for a future development by Coast Community College District.
3. The lots located at 1700 West Coast Highway are designated General Commercial (CG) by the General Plan Land Use Element and are located within the Commercial General (CG) Zoning District. The parcel located at 1730 and 1800 West Coast Highway is designated Public Facilities (PF) by the General Plan and is located within the Public Facilities (PF) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on July 26, 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 the State CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel

Map is for a future project by the Coast Community College District and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is to consolidate lots for a future Coast Community College District project. The future development would be consistent with the existing General Plan land use designations of PF and CG; however, pursuant to Government Code Section 53094, the State Board has exempted itself from local zoning.
2. The Tentative Parcel Map does not apply to any specific plan area.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for the future Coast Community College building and parking with its regular shape and relatively flat development area.
2. The property is accessible from West Coast Highway.
3. In general, the property is adequately served by existing utilities. There are specific conditions included in the resolution that requires additional analysis to confirm the utilities are adequate and requires the applicant to improve them if necessary.

Finding:

- C. That the design of the subdivision or the proposed improvements, are not likely to neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report*

was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. Los 61, 62, and 63 are vacant and adjacent the existing Orange County Sanitation pump station. Parcel 1 includes the Orange County Sanitation Rocky Point pump station. The portion of Parcel 1 included in the Tentative Parcel Map includes a portion of the access driveway from West Coast Highway to the pump station.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Divisions).

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.
2. Easements are included on the Tentative Parcel Map to maintain access and pipeline purposes for the Orange County Sanitation District Rocky Point pump station.

Finding:

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

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site lies in zoning districts that permit school uses.

Finding:

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

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

Finding:

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

Facts in Support of Finding:

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

Finding:

- I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding:

1. The parcel will not be for residential purposes.

Finding:

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

Facts in Support of Finding:

1. The future Coast Community College development will be designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Facts in Support of Finding:

1. The subject property is not located within the Coastal Zone.
2. The project is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone; therefore, the public access and recreation policies of Chapter 3 of the Coastal Act are not applicable.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2016-015), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development an appeal is filed with the City Council in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26th DAY OF JULY, 2018.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

CONDITIONS:

1. *Construction surety in a form acceptable to the City, guaranteeing the completion of the various required public improvements, shall be submitted to the Public Works Department prior to approval of the Final Parcel Map and release for recordation.*
2. A parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
3. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
4. All improvements shall be constructed as required by Ordinance and the Public Works Department.
5. The existing broken and/or otherwise damaged concrete sidewalk panels along the West Coast Highway frontage shall be reconstructed. A CalTrans permit is required. The sidewalk shall be located adjacent to the future property line (along the northerly side of the 12-foot dedication area). Sidewalk width shall be a minimum of 6 feet at all locations (including areas adjacent to tree wells, etc.) and shall accommodate for sight distance at both project driveways, per STD-110-L. See attached exhibit/option B.
6. The existing broken and/or otherwise damaged concrete curb and gutter (at current location) along the West Coast Highway frontage shall be reconstructed. A CalTrans permit is required.
7. All existing overhead utilities servicing the project site shall be undergrounded.
8. All existing drainage facilities in the West Coast Highway right-of-way, including the existing curb drains shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements.

9. All existing private, non-standard improvements the CalTrans right-of-way and/or extensions of private, non-standard improvements into the CalTrans right-of-way fronting the development site shall be removed.
10. New low groundcover of the type approved by the City shall be installed throughout the West Coast Highway parkway fronting the development site.
11. A CalTrans encroachment permit is required for all work activities within the West Coast Highway right-of-way.
12. A City of Newport Beach encroachment permit is required for all work activities on or around the City's utilities infrastructure.
13. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130.
14. In case of damage done to public improvements and infrastructure surrounding the development site by the private construction, additional reconstruction could be required at the discretion of the Public Works Inspector.
15. All on-site drainage shall comply with the latest City Water Quality requirements.
16. All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at property line. If the sewer lateral to be abandoned has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box and the wye. Sewer lateral shall then be capped where the wye used to be.
17. All new and existing domestic water services shall be protected by a City approved reduced pressure backflow assembly.
18. All new and existing landscaping services shall be protected by a City approved reduced pressure backflow assembly.
19. All new and existing fire services shall be protected by a City approved double check detector assembly.
20. Evidence of adequate fire flow shall be provided to the City. In the event that the existing water main cannot provide sufficient fire flow to the project, said main shall be reconstructed, at no cost to the City. Extent of repair shall be determined by the City Engineer or his/her representative, with maximum reconstruction limited to the property's frontage. Based on previous discussions, a connection between the City's 6-inch and 24-inch water mains may be required in order for the project to obtain the required fire flow as determined by the Fire Department.
21. All new and existing sewer services shall have a new sewer cleanout per City standards.

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22. An offer of dedication (in fee) for street purposes along the property's southerly property line shall be executed and recorded prior to recordation of Parcel Map. Area of dedication shall vary in width from 6 feet 5 inches beginning at face of the existing pelican wall to 12 feet at the southeasterly corner of Parcel 1 of Parcel Map, in said City of Newport Beach, per map filed March 6, 1974 in Book 59, Page 6 of Parcel Maps, in said office of the County recorder.
 23. 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 19 Subdivisions of the Newport Beach Municipal Code.
 24. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Coast Community College Tentative Parcel Map including, but not limited to, Tentative Parcel Map No. NP2016-015 (PA2016-150). 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. ZA2018-088

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2018-013 FOR A TENTATIVE PARCEL MAP FOR CONDOMINIUMS LOCATED AT 702 & 702 ½ MARGUERITE AVENUE (PA2018-102)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by PAM Capital Management, Inc. with respect to property located at 702 and 702 ½ Marguerite, and legally described as Lot 4, Block 739, in Corona del Mar Tract requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map for two-unit condominium purposes. An existing duplex has been demolished and a new two-unit dwelling is currently under construction. No waivers of Title 19 (Subdivisions) are proposed. The Tentative Parcel map would allow each unit to be sold individually.
3. The subject property is designated Two-Unit Residential (RT) by the General Plan Land Use Element and is located within the Two-Unit Residential (RT) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on July 26, 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 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel

Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. A duplex was demolished and will be replaced with a new two-unit duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current RT General Plan Land Use Designation.
2. The Tentative Parcel Map does not apply to any specific plan area.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for a two-unit development because it is regular in shape and is relatively flat.
2. The subject property is accessible from Marguerite Avenue and an alley at the rear, and is adequately served by existing utilities.

Finding:

- C. That the design of the subdivision or the proposed improvements, are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

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

Finding:

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

Facts in Support of Finding:

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

Finding:

- I. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The subject property is not located within the Coastal Zone.
2. The project is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone; therefore, the public access and recreation policies of Chapter 3 of the Coastal Act are not applicable.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2018-013, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26th DAY OF JULY, 2018.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. A parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. All damaged sidewalk panels, curb, gutter and street along the Marguerite Avenue property frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
5. All existing overhead utilities shall be undergrounded.
6. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
7. All existing private improvements, including the existing fence, within the public right-of-way fronting the development site shall be removed.
8. New sod or low groundcovers of the type approved by the City shall be installed throughout the Marguerite Avenue parkway fronting the development site.
9. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
10. An encroachment permit is required for all work activities within the public right-of-way.
11. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.

12. The existing street tree along the Marguerite Avenue frontage shall be protected in place.
13. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
14. Subsequent to the recordation of the Parcel Map, the applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium.” **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
15. 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 19 Subdivisions of the Newport Beach Municipal Code.
16. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney’s fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City’s approval of the PAM Capital Management, Inc. Tentative Parcel Map including, but not limited to Tentative Parcel Map No. NP2018-013 (PA2018-102). 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. ZA2018-089

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. NP2018-022 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 621 NARCISSUS AVENUE (PA2018-136)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by James Person (“Applicant”), on behalf of Lorenzo Longo (“Owner”), with respect to property located at 621 Narcissus Avenue, and legally described as Lot 21, in Block 640 of Tract 186, requesting approval of a tentative parcel map for two-unit condominium purposes.
2. The Applicant requests a tentative parcel map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. A previously existing residence was demolished and a new residential duplex is under construction, pursuant to Zoning and Building Code requirements. Approval of the Tentative Parcel Map will allow each unit to be sold individually as condominiums.
3. The subject property is located within the R-2 (Two-Unit Residential) Zoning District and the General Plan Land Use Element category is RT (Two-Unit Residential).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on July 26, 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 exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the

parcel does not have an average slope greater than 20 percent. The project is consistent with all of the requirements of the Class 15 exemption in that it includes a single-lot parcel map for condominium purposes that complies with the conditions specified above.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. An existing dwelling originally constructed in 1948 has been demolished and replaced with a new duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the RT General Plan Land Use Designation.
2. The proposed project site is not located within any specific plan area.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for two-unit development because it is rectangular in shape and relatively flat, which is typical of lots in this area.
2. A residential use has existed on this site since 1948. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.

3. The subject property is located such that it is accessible from Narcissus Avenue and from the alley at the rear. Vehicular access to the site will be maintained from the alley. The property is adequately served by existing utilities.

Finding:

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

Facts in Support of Finding:

1. A residential use has existed on this site since 1948. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Divisions).

Finding:

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

Fact in Support of Finding:

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

Finding:

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within*

the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

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

Finding:

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

Fact in Support of Finding:

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

Finding:

- I. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The subject property is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2018-022, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26th DAY OF JULY, 2018.



Jaime Murillo
Zoning Administrator

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

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Subsequent to the recordation of the parcel map and prior to final of the building permit for construction of the new duplex, the applicant shall apply for a building permit to change the description of the subject development from "duplex" to "condominium." The development will not be condominiums until this permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the parcel map.
3. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.
4. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Narcissus Avenue Residential Condominiums including, but not limited to, Tentative Parcel Map No. NP2018-022 (PA2018-136). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

5. A Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned imaged will not be accepted.**

6. Prior to the recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one-inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of the construction project.
7. All improvements shall be constructed as required by Ordinance and the Public Works Department.
8. The property owner shall be responsible for the reconstruction of any damaged concrete sidewalk panels, curb and gutter along the Narcissus Avenue property frontage and any damaged concrete alley panels along the alley property frontage as determined by the Public Works Department.
9. All existing overhead utilities shall be undergrounded.
10. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
11. All existing private, non-standard improvements, including but not limited to garden walls, within the public right-of-way fronting the development site shall be removed.
12. Prior to the final of building permits, the property owner shall install new sod or low groundcovers of the type approved by the City throughout the Narcissus Avenue and Fourth Avenue parkways fronting the development site.
13. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
14. An encroachment permit shall be required for all work activities within the public right-of-way.
15. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L.
16. Tree removal shall be approved by the Public Works General Services Division. Prior to the final of building permits, the property owner shall install four new 48-inch box street trees along the Narcissus Avenue frontage. Tree species shall be per City Council Policy G-6. All other City street trees shall be protected in place, unless otherwise approved by the Municipal Operations Department, General Services Division.
17. The property owner shall install a new curb ramp at the corner of Fourth Avenue and Narcissus Avenue.

18. The property owner shall provide a 10-foot radius corner cut-off dedication to the City for street purposes.
19. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

Building Division

20. The property owner shall provide independent utility services, including separate fire sprinkler risers, for each condominium unit.

RESOLUTION NO. ZA2018-090

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. NP2018-021 AND COASTAL DEVELOPMENT PERMIT NO. CD2018-056 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 115 AND 115-½ 29th STREET (PA2018-133)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by James Person (“Applicant”), on behalf of 115 29th Street LLC, a California limited liability company (“Owner”), with respect to property located at 115 and 115-½ 29th Street, and legally described as Lot 28, in Block 29 of Tract 512, requesting approval of a tentative parcel map and coastal development permit.
2. The Applicant requests a tentative parcel map and coastal development permit for two-unit condominium purposes. A previously existing residential duplex was demolished and a new residential duplex is under construction, pursuant to Zoning and Building Code requirements. Approval of the Tentative Parcel Map will allow each unit to be sold individually. No waivers of Title 19 are proposed. The Tentative Parcel Map also requires the approval of a coastal development permit (CDP) pursuant to Newport Beach Municipal Code (NBMC) Title 21 (Local Coastal Program Implementation Plan).
3. The subject property is located within the R-2 (Two-Unit Residential) Zoning District and the General Plan Land Use Element category is RT (Two-Unit Residential).
4. The subject property is located within the coastal zone and has a Coastal Land Use Designation of RT-E (Two-Unit Residential, 30.0 – 39.9 DU/AC) and a Coastal Zoning District of R-2 (Two-Unit Residential).
5. A public hearing was held on July 26, 2018 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division

is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The project is consistent with all of the requirements of the Class 15 exemption in that it includes a single-lot parcel map for condominium purposes that complies with the conditions specified above.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for a property within a developed neighborhood, on a lot that is more than 500 feet from the shoreline and is not near any natural landforms or environmentally sensitive areas.
2. A duplex designed to condominium standards is currently under construction. The project site is located within the Categorical Exclusion Area and the issuance of building permits for demolition of the previously existing improvements and construction of the new duplex was exempted from the requirement to obtain a coastal development permit under NBMC Section 21.52.045 (Categorical Exclusions). The new construction will conform to all applicable development standards including parking. Approval of the Tentative Parcel Map will allow each unit to be sold individually as condominiums.
3. The project site is located between the nearest public road and the sea or shoreline. The residential lot does not currently provide nor does it inhibit public coastal access. MBMC Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project is a parcel map for two-unit condominium purposes and involves a previously approved two-family residence on an inland lot. The project does not therefore involve a change in land use, density or

intensity that will result in increased demand on public access and recreation opportunities.

4. The project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan. Furthermore, an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project is located on an inland lot and affects a previously approved two-unit residential development that complies with all applicable MBMC Title 21 development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

Finding:

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

Fact in Support of Finding:

1. The Tentative Parcel Map is between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

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

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. An existing duplex has been demolished and a new duplex is under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and current General Plan Land Use Designation (Two-Unit Residential).
2. The subject property is not located within a specific plan area.

3. The project is conditioned to require public improvements, including the reconstruction of drains, sidewalks, curbs, and gutters along the 29th Street frontage, consistent with the requirements of NBMC Title 19.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for a two-unit development. The lot is rectangular in shape, relatively flat, and approximately 2,378 square feet in area. A previously existing duplex was demolished and a new duplex is under construction.
2. The project site will maintain vehicular access from the alley at the rear of the property and existing utility services are adequate for the two-unit development.

Finding:

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

Facts in Support of Finding:

1. The site was previously developed with a residential duplex. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Divisions) for the reasons noted in Section 2 of this Resolution.

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site is developed for residential use and is located in the Two-Unit Residential (R-2) District, which is intended for and permits residential uses.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

- K. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.*

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2018-021 and Coastal Development Permit No. CD2018-056, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of NBMC Title 21 (Local Coastal Program Implementation Plan).

PASSED, APPROVED, AND ADOPTED THIS 26th DAY OF JULY, 2018.



Jaime Murillo
Zoning Administrator

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

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Subsequent to the recordation of the parcel map and prior to final of the building permit for construction of the new duplex, the applicant shall apply for a building permit to change the description of the subject development from "duplex" to "condominium." The development will not be condominiums until this permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the parcel map.
3. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) and Title 21 (Implementation Plan) of the Newport Beach Municipal Code.
4. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Engstrom Condominiums including, but not limited to, Tentative Parcel Map No. NP2018-021 and Coastal Development Permit No. CD2018-056 (PA2018-133). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

5. A Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned imaged will not be accepted.**

6. Prior to the recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of the construction project.
7. All improvements shall be constructed as required by Ordinance and the Public Works Department.
8. The property owner shall be responsible for the reconstruction of any damaged concrete sidewalk panels, curb and gutter along the 29th Street property frontage and any damaged concrete alley panels along the alley property frontage as determined by the Public Works Department.
9. All existing overhead utilities shall be undergrounded.
10. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
11. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
12. An encroachment permit is required for all work activities within the public right-of-way.
13. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L.
14. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

Building Division

15. The property owner shall provide independent utility services, including separate fire sprinkler risers, for each condominium unit.

RESOLUTION NO. ZA2018-091

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. NP2018-020 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 719 ORCHID AVENUE (PA2018-132)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by James Person (“Applicant”), on behalf of 719 Orchid LLC, a California limited liability company (“Owner”), with respect to property located at 719 Orchid Avenue, and legally described as Lot 19, in Block 741 of Tract 186, requesting approval of a tentative parcel map for two-unit condominium purposes.
2. The Applicant requests a tentative parcel map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. A previously existing residential duplex was demolished and a new residential duplex is under construction, pursuant to Zoning and Building Code requirements. Approval of the Tentative Parcel Map will allow each unit to be sold individually as condominiums.
3. The subject property is located within the R-2 (Two-Unit Residential) Zoning District and the General Plan Land Use Element category is RT (Two-Unit Residential).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on July 26, 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 exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the

parcel does not have an average slope greater than 20 percent. The project is consistent with all of the requirements of the Class 15 exemption in that it includes a single-lot parcel map for condominium purposes that complies with the conditions specified above.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. An existing duplex originally constructed in 1951 has been demolished and replaced with a new duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the RT General Plan Land Use Designation.
2. The proposed project site is not located within any specific plan area.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for two-unit development because it is rectangular in shape, relatively flat, to the alley, which is typical of lots in this area.
2. A residential duplex has existed on this site since 1951. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.

3. The subject property is located such that it is accessible from Orchid Avenue and from the alley at the rear. Vehicular access to the site will be maintained from the alley. The property is adequately served by existing utilities.

Finding:

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

Facts in Support of Finding:

1. A residential duplex has existed on this site since 1951. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Divisions).

Finding:

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

Fact in Support of Finding:

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

Finding:

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within*

the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

- G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.*
1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project does not contain fifty (50) or more parcels of land.
 2. The project is not located within a specific plan area.

Finding:

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

Fact in Support of Finding:

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

Finding:

- I. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The subject property is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2018-020, 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 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26th DAY OF JULY, 2018.



Jaime Murillo
Zoning Administrator

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

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Subsequent to the recordation of the parcel map and prior to final of the building permit for construction of the new duplex, the applicant shall apply for a building permit to change the description of the subject development from "duplex" to "condominium." The development will not be condominiums until this permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the parcel map.
3. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.
4. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Orchid Avenue Condominiums including, but not limited to, Tentative Parcel Map No. NP2018-020 (PA2018-132). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

5. A Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned imaged will not be accepted.**

6. Prior to the recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of the construction project.
7. All improvements shall be constructed as required by Ordinance and the Public Works Department.
8. The property owner shall be responsible for the reconstruction of any damaged concrete sidewalk panels, curb and gutter along the Orchid Avenue property frontage and any damaged concrete alley panels along the alley property frontage as determined by the Public Works Department.
9. All existing overhead utilities shall be undergrounded.
10. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
11. All existing private, non-standard improvements, including but not limited to the existing garden wall, within the public right-of-way and/or extensions of private non-standard improvements into the public right-of-way fronting the development of the site shall be removed.
12. Prior to the final of building permits, the property owner shall install new sod or low groundcovers of the type approved by the City throughout the Orchid Avenue parkways fronting the development site.
13. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
14. An encroachment permit shall be required for all work activities within the public right-of-way.
15. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L.
16. Prior to the final of building permits, the property owner shall install a 36-inch box street tree along the Orchid Avenue frontage. Location and type shall be per City Council Policy G-6. All other City street trees shall be protected in place, unless otherwise approved by the Municipal Operations Department, General Services Division.
17. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

Building Division

18. The property owner shall provide independent utility services, including separate fire sprinkler risers, for each condominium unit.

RESOLUTION NO. ZA2018-092

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-041 TO ALLOW THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, INCLUDING AN ADJUSTMENT TO OFF-STREET PARKING REQUIREMENTS FOR THE PROPERTY LOCATED AT 9 BAY ISLAND (PA2018-091)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by R.D. Pinault Company (“Applicant”), on behalf of Brian Martin, with respect to property located at 9 Bay Island, and legally described as S-Township 6, Range 10, Section 34, requesting approval of a coastal development permit.
2. On November 24, 1997, the City Council approved Planned Residential Development (“PRD”) Use Permit No. UP3618 to implement a PRD Overlay District, which modified the Multi-Family Residential (“MFR”) zoning and development regulations for Bay Island. The purpose of the PRD Use Permit is to ensure that future development maintains the single-family detached character of Bay Island.
3. The Applicant proposes a coastal development permit to allow the demolition of an existing single-family residence and the construction of a new 4,703-square-foot, single-family residence (“Development”) and adjust the off-street parking requirements with a parking management plan.
4. 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”).
5. 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”).
6. A public hearing was held on July 26, 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 15303 under Class 3 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 3 exempts the construction of limited number of new, small structures, including one single-family residence. The proposed project is the demolition of a single-family residence and the construction of a single-family residence located within the RM (Multi-Unit Residential) Coastal 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 proposed design, bulk, and scale of the Development is consistent with the existing single-family neighborhood pattern of development and expected future development based on allowable development standards.
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. 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.
3. Pursuant to NBMC Section 21.35.050, due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A WQHP prepared by Robin B. Hamers & Associates, Inc. dated April 6, 2018 has been submitted and will be reviewed by the City’s Engineer Geologist. The WQHP includes a polluted runoff and hydrologic site characterizations, a sizing standard for BMPs, use of an LID approach to retain the storm runoff volume onsite, and documentation of the expected effectiveness of the proposed BMPs.
4. The proposed Development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and open space.

-
- a. The maximum cumulative floor area limitation for all residential development on Bay Island is 143,916 square feet and the proposed cumulative floor area is approximately 130,095 square feet.
 - b. The proposed Development complies with the required setbacks, which are 20 feet along all exterior property lines.
 - c. The highest flat elements of the roof are no more than 28 feet from established grade and the highest ridge is no more than 33 feet from established grade, which complies with the maximum height in the RM Coastal Zoning District.
 - d. The minimum required common open space on Bay Island is 1,725 square feet and the proposed common open space is approximately 452,460 square feet.
 - e. The minimum required private open space for the development is 236 square feet and the proposed private open space is 654 square feet.
5. The Development includes over 4,000 square feet of livable area and therefore requires 3 garage parking spaces pursuant to NBMC Section 21.40.040 (Off-Street Parking Spaces Required). However, the Development complies with NBMC Section 21.40.110 (Adjustments to Off-Street Parking Requirements) in that a parking management plan is being provided as follows:
- a. Bay Island is accessible by a gated pedestrian bridge and the only vehicles permitted on the Island are golf carts. The Development includes a dedicated 200-square-foot garage for on-site golf cart parking.
 - b. Off-site parking is provided in a parking structure located at 501 West Bay Avenue pursuant to Use Permit No. UP3618, previously approved by the Planning Commission in 1997. The parking structure includes 49 parking spaces designated for the 23 single-family residences on Bay Island, equating to two or more off-site spaces per residence.
6. The Development fronts the Newport Harbor with a sandy beach separating the project site and the water. A Coastal Hazards Analysis was prepared by PMA Consulting, Inc. The report concludes that the proposed project is reasonably safe from coastal hazards for the next 75 years including shoreline movement, waves and wave run-up, and flooding with moderate future sea level rise projections. The site is separated from the bay by an approximately 150-foot-wide sandy beach and grass landscape. The current highest tides have reached approximately 7.2 feet (NAVD 88). Utilizing the Community Development Department policy of a 1.25-foot sea level rise, the proposed finished floor elevation will protect the site and surrounding development from sea level rise. The proposed finished floor is 9.00 feet (NAVD 88), which is consistent with the minimum 9.00 feet (NAVD 88) standard. If sea level rise exceeds projections, an additional 4-foot concrete or masonry block garden wall may need to be constructed around the front porch of the Development in the future.

7. Proposed landscaping complies with the Implementation Plan Section 21.30.075. A condition of approval is included that requires drought-tolerant, and prohibits invasive, species. Final landscape plans will be reviewed to verify invasive species are not planted.
8. Pursuant to NBMC Subsections 21.30.030(C)(3)(i) and (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.
9. 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. 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 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 a single-family residence and the construction of a new single-family residence. Therefore, there is no change in land use and the proposed increases in floor area, height and bulk 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 150 feet from the subject property).
3. The project site is not located adjacent to a coastal view road, public viewpoint, or public accessway, as identified in the Coastal Land Use Plan. The project is located within the viewshed of public beaches at the nearby streetends on the Balboa Peninsula. The project site is also located within the viewshed of distant public viewing areas. However, the project will replace an existing single-family residence with a new single-family residence that complies with all applicable Local Coastal Program development standards and maintains a

building envelope consistent with the existing neighborhood pattern of development. Further, the proposed project maintains a maximum height of 29 feet where the Local Coastal Program development standards allow a maximum height up to 33 feet. 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 Planning Commission of the City of Newport Beach hereby approves Coastal Development Permit Application No. CD2018-041 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 26TH DAY OF JULY, 2018.



Jaime Murillo
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. Prior to the issuance of a building permit, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns.
3. Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development.
4. *Prior to issuance of a building permit, the applicant shall prepare a construction management plan to minimize impacts to adjacent residences on Island Avenue and Edgewater Avenue to be reviewed and approved by the Community Development Director.*
5. *A minimum of two parking spaces, including one covered, shall be maintained for the dwelling unit at the parking structure located at 501 West Bay Avenue (Lots 2, 3, 4, 5, 6 Block 3, East Newport Tract).*
6. *A minimum of one enclosed parking space, with minimum dimensions 9 feet wide by 12 feet 6 inches deep, shall be maintained onsite for golf cart parking.*
7. 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).

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. 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 prior to issuance of building permits.
10. Prior to the issuance of a building permit, the Applicant shall submit a final 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 City's Planning Division.
11. 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.
12. 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 City's Planning Division.
13. Prior to the issuance of a building permit, the Applicant shall submit to the City's Planning Division an additional copy of the approved architectural plans for inclusion in the application 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 application.
14. Prior to the issuance of a building permit, the approved Construction Pollution Prevention Plan ("CPPP") and Water Quality and Hydrology Plan ("WQHP") shall be submitted with the Building Permit plans. Implementation shall be in compliance with the approved CPPP and WQHP and any changes could require separate review and approval by the City's Building Division.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. This approval 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.
23. 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 Martin Residence Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2018-041 (PA2018-091). 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. ZA2018-093

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-060 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE WITH ATTACHED GARAGE LOCATED AT 2141 SEVILLE AVENUE (PA2017-146)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by SDK Atelier Inc., with respect to property located at 2141 Seville Avenue, and legally described as Lot 106 of Tract 948, requesting approval of a Coastal Development Permit.
2. The applicant proposes the demolition of an existing single-family residence and the construction of a new 3,778-square-foot, single-family residence with an attached garage. The proposed development also includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping. The proposed residence complies with all applicable development standards including height, setbacks, and floor area limits. No deviations are requested.
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential – (10.0 - 19.9 DU/AC) (RSD-C) and the Coastal Zoning District is Single-Unit Residential (R-1).
5. A public hearing was held on July 26, 2018, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the construction of limited numbers of new, small structures, including one single-family residence. The proposed project is a new single-family residence located in the R-1 Coastal Zoning District.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 4,142 square feet and the proposed floor area is 3,778 square feet.
 - b. The proposed development complies with the required setbacks, which are six feet along the property line abutting Seville Avenue and three feet along each side of the property line. There is no required setback abutting the alley.
 - c. The highest guardrail/parapet is 24 feet from established grade and the highest ridge is 29 feet from established grade. The proposed development complies with all height requirements.
 - d. The proposed development provides a two-car garage, meeting the minimum parking requirement for a single-family residence.
 - e. The proposed development exceeds the minimum 9.0 (North American Vertical Datum of 1988) top of slab elevation requirement for interior living areas of new structures.
2. The neighborhood is predominantly developed with two- and three-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The development is set back approximately 250 feet from the nearest bulkhead. Due to the large distance from coastal waters, a Water Quality Management Plan and a Construction Pollution Prevention Plan are not required. A post-construction drainage system will be installed that includes drainage and percolation features designed to retain dry weather and minor rain run-off on-site to ensure the project does not impact water quality. Any water not retained on-site is directed to the City's storm drain system.

4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

Finding:

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

Fact in Support of Finding:

1. The project site is located on the Balboa Peninsula between the nearest public road and the sea. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-family residence located on an inland lot with a new single-family residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited so as not to block or impede existing public access opportunities. Vertical access to the bay front is available near the site on Channel Road where there is a public park and beach with access to the water.
2. The project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan. Furthermore, an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project is located on an inland lot and will replace an existing single-family home with a new single-family home that complies with all applicable 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 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. CD2017-060, 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 26TH DAY OF JULY, 2018.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
3. Coastal Development Permit No. CD2017-060 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
6. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
7. Prior to issuance of the building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
8. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
9. Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
10. Prior to the issuance of building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

11. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
12. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 21 Planning and Zoning of the Newport Beach Municipal Code.
13. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Sedghi Residence Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-060 (PA2017-146). 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.