



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Seimone Jurjis, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending August 10, 2018.

ZONING ADMINISTRATOR ACTIONS AUGUST 9, 2018

- Item 1: Malek Tentative Parcel Map No. NP2018-019 (PA2018-125)
Site Address: 710 and 701-1/2 Narcissus Avenue
Action: Approved by Resolution No. ZA2018-094 Council District 6
- Item 2: Sailhouse Newport Island, LLC Residences and Tentative Parcel Map No. NP2018-017 and Coastal Development Permit No. CD2018-051 (PA2018-117)
Site Address: 411 39th Street
Action: Approved by Resolution No. ZA2018-095 Council District 1
- Item 3: Birch Street Lot Merger No. LM2018-003 (PA2018-113)
Site Address: 4301 and 4321 Birch Street
Action: Approved by Resolution No. ZA2018-096 Council District 3
- Item 4: Stupin Demolition and Parcel Map No. NP2018-012 and Coastal Development Permit No. CD2018-045 (PA2018-100)
Site Address: 3312-3318, 3322, and 3324 Via Lido
Action: Approved by Resolution No. ZA2018-097 Council District 1

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

- Item 1: Limited Term Permit – Less than 90 Days No. XP2018-004 (PA2018-127)
Site Address: **2101 Dove Street**
Action: Approved Council District 3

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. ZA2018-094

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2018-019 FOR A TENTATIVE PARCEL MAP FOR CONDOMINIUMS LOCATED AT 710 & 710 ½ NARCISSUS AVENUE (PA2018-125)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Hadi Malek with respect to property located at 710 and 710 ½ Narcissus Avenue, and legally described as Lot 12, Block 741, 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 August 9, 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 Narcissus 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. NP2018-019, 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 9th DAY OF AUGUST, 2018.



Patrick J. Alford, 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 Narcissus 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 Narcissus 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 Narcissus 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 Malek Tentative Parcel Map including, but not limited to Tentative Parcel Map No. NP2018-019 (PA2018-125). 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. ZA2018-095

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-051 AND TENTATIVE PARCEL MAP NO. NP2018-017 TO CONSTRUCT A NEW THREE-STORY, TWO-UNIT RESIDENCE WITH A TENTATIVE PARCEL MAP FOR CONDOMINIUMS AT 411 39TH STREET (PA2018-117)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sailhouse Newport Island, LLC, with respect to property located at 411 39th Street, requesting approval of a coastal development permit (“CDP”) and tentative parcel map.
2. The property is legally described as Lot 8, Block 439 of the Canal Section, in the City of Newport Beach, County of Orange, State of California.
3. The applicant proposes a coastal development permit to allow the construction of a new three-story, 3,572-square-foot, two-unit residence including two attached single-car garages and two carport parking spaces. The proposed development includes landscape, hardscape, and subsurface drainage facilities. The design complies with all applicable development standards and no deviations are requested. The request also includes a tentative parcel map for two-unit condominium purposes. The Tentative Parcel map would allow each unit to be sold individually. No waivers of Title 19 (Subdivisions) are proposed.
4. 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.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-D (Two-Unit Residential) and the property is located within the R-2 (Two-Unit Residential) Coastal Zone District.
6. A public hearing was held on August 9, 2018, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

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

Conversion of Small Structures); and Section 15315 under Class 15 (Minor Land Divisions) because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including one single-family residence in a residential zone. The proposed project consists of the construction of a new 3,572-square-foot two-family residence R-2 Zoning District. Class 15 exempts 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.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development and Tentative Parcel Map for condominium purposes complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The total proposed floor area, including the residences and enclosed parking, is 3,572 square feet, which complies with the maximum allowable floor area limit of 3,840 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line on 39th Street, 3 feet along each side property line and 5 feet along the rear property line abutting the alley.
 - c. The highest guardrail is no more than 24 feet and the highest roof ridge is no more than 29 feet, measured from the established grade level of 9.03 feet based on the North American Vertical Datum of 1988 (“NAVD88”), which complies with the maximum height limitation.

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- d. The project includes one enclosed garage for each residence parking and one covered carport for each residence for a total of four parking spaces vehicles, in compliance with the minimum parking requirement for two-family residences.
 2. The neighborhood is predominantly developed with one- and two-story, single-and-two-family residences. Newer three-story development is also present in the vicinity. The proposed design, bulk, and scale of the development is compatible with the existing neighborhood pattern of development and expected future development consistent with applicable development standards.
 3. The project site is located on Newport Island, approximately 160 feet from the Newport Harbor Channel and is separated from the water by other developed properties and the Channel Place public right-of-way. The finished first floor elevation of the proposed residence is 9.51 feet based on the North American Vertical Datum of 1988 (NAVD88) elevation standard, which complies with the minimum required 9-foot (NAVD88) elevation standard.
 4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
 5. The project design addresses water quality with a construction erosion control plan that outlines temporary Best Management Practices (BMPs) to be implemented during construction to minimize erosion and sedimentation, and to minimize pollution of runoff derived by construction chemicals and materials. No water quality impacts to coastal waters are anticipated based upon the location and elevation of the property.
 6. The property is not located on the shoreline nor is it located within 100 feet of coastal waters. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.
 7. New landscaping will be verified for compliance with NBMC Section 21.30.075 (Landscaping). Condition of Approval No. 11 is included to require drought-tolerant, and prohibits invasive, species. Prior to issuance of the building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
 8. The property is located landward of a designated public viewpoint, is not near a coastal view road as designated by the Local Coastal Plan, and will not impact public coastal views.
 9. The Tentative Parcel Map is for condominium purposes and meets all of the requirements of the Local Coastal Program, including 21.30.025 Coastal Subdivisions.

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 and Tentative Parcel Map is an inland lot and is not located between public road and the sea or shoreline. The existing residential development neither provides nor inhibits public coastal access. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) 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 garage with a new two-unit residence. Although, the lot was used only as a surplus garage for an abutting single-family development, the original configuration of the lot with the zoning designation of R-2 anticipated a two-unit residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited so as not to block or impede existing public access opportunities.
2. The residential lot does not currently provide nor does it inhibit public coastal access, and the proposed development does not alter or affect existing access conditions. Coastal access is provided along the public streets and street ends throughout the neighborhood.
3. The project site and Tentative Parcel Map 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 garage with a new two-unit dwelling that complies with all applicable Local Coastal Program development standards and maintains a building envelope consistent with the existing and anticipated 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.

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. An existing garage has been 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 39th Street 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 developed with a surplus garage that served a single-family residence on an abutting property. The garage has been demolished and will be replaced with a new two-unit duplex.
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 located within the coastal zone. The Coastal Land Use Plan category is RT-D (Two-Unit Residential) and the property is located within the R-2 (Two-Unit Residential) Coastal Zone District. The facts in support of findings for Section 21.52.015 (Coastal Development Permits, Findings and Decision) found above are hereby incorporated for reference.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2018-051 and Tentative Parcel Map No. NP2018-017, 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 9TH DAY OF AUGUST, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
3. Coastal Development Permit No. CD2018-051 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 21.54.060 (Time Limits and Extensions), unless an extension is otherwise granted.
4. Prior to the final of building permits and the recordation of the parcel map, a park fee shall be assessed for two (2) additional units.
5. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
6. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
7. 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.
8. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
9. 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.
10. Prior to issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.

11. Prior to issuance of a building permit, the applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.
12. Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species, and water efficient irrigation design. The plans shall be approved by the Planning Division.
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. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
15. 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.
16. 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.
17. 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.
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. 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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20. 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.**
 21. 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.
 22. All improvements shall be constructed as required by Ordinance and the Public Works Department.
 23. All damaged sidewalk panels, curb, gutter and street along the 39th Street property frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
 24. All existing overhead utilities shall be undergrounded.
 25. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
 26. 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.
 27. An encroachment permit is required for all work activities within the public right-of-way.
 28. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
 29. 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.
 30. 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.
 31. 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.

32. 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 **Sailhouse Newport Island LLC. Residences including, but not limited to, Coastal Development Permit No. CD2018-051 and Tentative Parcel Map No. NP2018-017 (PA2018-117)**. 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. ZA2018-096

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER NO. LM2018-003, WAIVING THE PARCEL MAP REQUIREMENT, AND COMBINING TWO LOTS INTO A SINGLE PARCEL LOCATED AT 4301 AND 4321 BIRCH STREET (PA2018-113)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by 4321 Birch Street Partners Ltd. ("Applicant"), with respect to properties located at 4301 Birch Street and 4321 Birch Street ("Properties"), and legally described as Lot 4 of Tract No. 5169 and Lot 5 of Tract No. 5169, respectively, requesting approval of a lot merger and a waiver of the parcel map requirement.
2. The Applicant proposes to merge two contiguous properties under common ownership. The Lot Merger would combine two legal lots into a single parcel ("Project").
3. The Properties are designated Airport Office and Supporting Uses ("AO") by the General Plan Land Use Element and are located within the Office Airport ("OA") Zoning District.
4. The Properties are not located within the coastal zone.
5. A public hearing was held on August 9, 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 ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 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 includes the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcel to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. This exemption includes a minor lot merger not resulting in the creation of any new parcel that complies with the conditions specified above.

SECTION 3. REQUIRED FINDINGS.

In accordance with NBMC Section 19.12.070(A) (Required Findings for Approval), the following findings and facts in support of such findings are set forth:

Finding:

A. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.

Facts in Support of Finding:

1. The Properties are developed as a single site with a single-story, multi-tenant commercial office building constructed on 4301 Birch Street and a two-story, multi-tenant commercial office building constructed on 4321 Birch Street. Currently there is a building permit review in process for alterations to the buildings and enhancements to the site.
2. The commercial office buildings are within the OA Zoning District, which is intended to provide areas appropriate for office-type uses. There is no indication that continuing use of the property consistent with the Zoning Code will be detrimental.
3. The Project is consistent with the purpose and intent of Title 19 (Subdivisions) inasmuch as it will help to protect landowners and surrounding residents, and will preserve the public health, safety, and general welfare of the City. It will also be consistent with the policies and provisions of the General Plan, as discussed under Finding C below.
4. All building alterations and improvements are required to comply with applicable NBMC regulations and City policies.

Finding:

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

Fact in Support of Finding:

The Properties, described in Section 1 of this Resolution, are under common fee ownership by 4321 Birch Street Partners Ltd, as evidenced by the Title Report submitted with the application.

Finding:

C. The lots, as merged, will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject

property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

Facts in Support of Finding:

1. The proposed parcel will continue its General Plan Land Use Element designation of AO and will remain within the OA Zoning District, which is consistent with the surrounding area. This area is intended to provide for areas appropriate for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations.
2. The Project is consistent with the following General Plan Land Use Element Policies:

- a. LU 6.15.25 – Economic Viability. Provide incentives for lot consolidation and the re-use and improvement of properties located in the “Campus Tract,” west of Birch Street.*

The Project will consolidate two lots within the Campus Tract, which is encouraged by this policy.

- b. LU 6.15.27 – Site Planning and Architecture. Encourage and, when property improvements are subject to discretionary review, require property owners within the Campus Tract to upgrade the street frontages of their properties with landscape, well-designed signage, and other amenities that improve the area’s visual quality.*

The Applicant has submitted plans for building permit review and issuance that would renovate the existing buildings and refresh the project site.

3. Both existing lots comply with Zoning Code requirements relating to minimum lot area and minimum lot width. The proposed parcel will be 58,000 square feet in area and will exceed the required minimum lot area of 25,000 square feet. The width of the parcel will be 200 feet, which exceeds the minimum required lot width of 100 feet.

Finding:

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

Fact in Support of Finding:

Neither of the merged parcels, nor the adjoining parcels, will be deprived of legal access as a result of the merger. Access to both properties is provided from Birch Street and will remain unchanged.

Finding:

E. The lots, as merged, will be consistent with the pattern of development nearby and will not result in a lot width, depth or orientation, or development site that is incompatible with nearby lots.

Facts in Support of Finding:

1. The orientation and access to the merged parcel will remain from Birch Street, a public road.
2. Properties along Birch Street consist of varying shapes and sizes. Although the proposed lot merger will create a larger parcel, it will not create an excessively large parcel in comparison to many existing lots and parcels in the Campus Tract and adjoining airport area. The width of the Birch Street frontage will appear unchanged and consistent with the widths of other properties on Birch Street.

Waiver of Parcel Map

In accordance with NBMC Section 19.08.030(A)(3) (Waiver of Parcel Map Requirement), the Zoning Administrator may approve a waiver of the parcel map requirement in cases where no more than three (3) parcels are eliminated. The following finding and facts in support of such finding are set forth:

Finding:

F. That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of Title 19, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.

Facts in Support of Finding:

1. Any future improvements on the site will be required to comply with the development standards of the NBMC and General Plan.
2. The Project combines the Properties into a single parcel of land and does not result in the elimination of more than three (3) parcels.
3. Approval of the Project would remove the existing interior lot line and allow the Properties to be used as a single site. The Lot Merger in and of itself would not change the land use or intensity at the site. The Project complies with all design standards and improvements required for new subdivisions by Title 19 (Subdivisions), Title 20 (Planning and Zoning), and the General Plan.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM2018-003, 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 9TH DAY OF AUGUST, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. Lot Merger No. LM2018-003 shall expire unless exercised within twenty-four (24) months from the date of approval as specified in NBMC Section 20.54.060 (Time Limits and Extensions), unless an extension is otherwise granted.
2. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Lot Merger exhibits shall be submitted to the Public Works Department for final review and approval. All applicable fees shall be paid.
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 Birch Street Lot Merger including, but not limited to, Lot Merger No. LM2018-003 (PA2018-113). 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. ZA2018-097

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING PARCEL MAP NO. NP2018-012 AND COASTAL DEVELOPMENT PERMIT NO. CD2018-045 TO DEMOLISH TWO STRUCTURES AND CREATE ONE PARCEL LOCATED AT 3312-3318, 3322, and 3324 VIA LIDO (PA2018-100)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Andrew and Julie Stupin, with respect to property located at 3312-3318, 3322, and 3324 Via Lido, requesting approval of a Coastal Development Permit and tentative parcel map.
2. The property at 3312-3318 Via Lido is legally described as Lots 1 and 2 of Tract 1622, in the City of Newport Beach, County of Orange, State of California, as per Map Recorded in Book 47, Miscellaneous Maps, in the Office of the County Assessor of Said County. Except the Northwesterly 28 feet of said Lot 2. The property at 3322 and 3324 Via Lido is legally described as Parcel 2 of PM2009-125, in the City of Newport Beach, County of Orange, State of California, as per Map recorded in Book 373, Pages 21 & 22 or said Parcel Maps in the Office of the County Recorder of Said County.
3. The applicant requests a Coastal Development Permit and tentative parcel map to demolish the existing two-unit residential condominium structure and four-unit residential apartment structure, and consolidate the two properties into one parcel for future use as a single-building site. No new construction is included in this application.
4. The subject properties is designated RM (Multiple-Unit Residential) by the General Plan Land Use Element and located within the RM (Multi-Unit Residential) Zoning District.
5. The subject properties are located within the coastal zone. The Coastal Land Use Plan category is RM-D (Multiple Unit Residential – 20.0 – 29.9 DU/AC) and it is located within the RM (Multi-Unit Residential) Coastal Zone District.
6. On March 16, 2018, the Community Development Director approved Staff Approval No. SA2018-006 (PA2018-051) finding the demolition of a four-unit residential structure is in compliance with the Zoning Code Chapter 20.34 and Local Coastal Program Implementation Plan Chapter 21.34 (Conversion or Demolition of Affordable Housing). The staff approval concluded that there will be no conversion of residential to nonresidential uses, and none of the units are and/or were occupied by low- and moderate-income families or persons.
7. A public hearing was held on August 9, 2018, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal

Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Sections 15301 and 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 and Class 15, because it has no potential to have a significant effect on the environment.
2. Class 1 (Existing Facilities) exempts the demolition of up to six dwelling units, where the project includes the demolition of six dwelling units on two lots. 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 to create a single lot 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 and demolition of existing structures are 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. Conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

1. The subject lots currently contain two structures with a total of six units. No new construction is currently proposed. The tentative parcel map serves to create one ownership (a single-building site) where there are currently three ownerships (two condominiums and one multi-unit complex).
2. The Tentative Parcel Map and CDP are for properties within a developed neighborhood on the shoreline of Newport Bay. The project design addresses water quality with a construction erosion control plan that includes drainage and percolation features designed to retain dry weather run-off and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.
3. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code and Building Division standards and policies.

4. This Coastal Development Permit does not include the construction of any new structures. Subsequent construction of a new residential structure (beyond the incidental construction required by the conditions for this permit), will require the approval of a separate coastal development permit.

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:

5. The project site is located between the nearest public road and the sea or shoreline. The residential lots do not currently provide nor inhibit public coastal access. 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. In this case, the project is a tentative parcel map to create a single ownership parcel and involves demolition of two existing structures containing a total of six units. Thus, 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.
6. Removal of the existing interior lot line between the two properties would allow a new structure to be built in the center of the two properties. There are currently side setbacks along the interior lot line where there are narrow views of the bay from the street. However, any existing views lost from the construction in the center of these two properties would be offset by the increase in side setbacks, which would be 8 percent of the new lot width per the RM Zoning and Coastal Zoning Standards. The new lot is approximately 100 feet wide, thus each side setback would be approximately 8 feet. Any new construction would be required to comply with current Zoning Code and Implementation Plan development standards. A more detailed analysis of potential visual impacts will be included in a coastal development permit for the new structure based on the specific design proposed.

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 the purpose of establishing a single-building site where there are currently two properties. Two structures containing a total of six units will be demolished as part of the project. No new construction is currently proposed. The proposed subdivision and improvements are consistent with the density of the RM Zoning District and the current RM 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 use as a single building site. There are currently six units on two lots. The proposed parcel map would reduce the configuration to one lot, but the maximum density would remain the same at one unit per 1,200 square feet of lot area.
2. The subject property is accessible from Via Lido 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 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 properties were previously developed with a two-unit condominium and a four-unit apartment structure that will be demolished. No new construction is currently proposed.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat on-site.
3. The project is categorically exempt under Sections 15301 and 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 1 (Existing Structures) and 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 the creation of a single building site. 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 Public Works department has reviewed the proposed parcel map and determined that 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. Any future development would require Public Works review to ensure the design does not conflict with any 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 single building site is consistent with the RM Zoning District, which allows one unit for each 1,200 square feet of lot area. Any future development on the site would require the project to comply with density and other development standards of Title 20 and Title 21 of the Municipal Code. Therefore, the Tentative Parcel Map to allow the establishment of a single ownership lot 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 future residential building will be designed to have 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 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. NP2018-012 and Coastal Development Permit No. CD2018-045, 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 19 (Subdivisions) or 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 9TH DAY OF AUGUST, 2018.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Prior to recordation of the parcel map for construction on the site, a demolition permit for the existing structures on both properties shall be issued and finalized.
3. Prior to the issuance of building permits for construction across the existing lot lines, recordation of the parcel map documents with the County Recorder shall be required.
4. A Coastal Development Permit is required for any future development on the property pursuant to Title 21 Local Coastal Program Implementation Plan.
5. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning), Title 21 (Local Coastal Program Implementation Plan) and Title 19 (Subdivisions) of the Municipal Code.
6. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
7. This Coastal Development Permit does not authorize any development seaward of the private property.
8. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of demolition activity as designated in the Construction Erosion Control Plan.
9. 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.
10. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
11. 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.

12. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
13. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
14. 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.
15. 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.
16. Prior to the issuance of demolition permits, the applicant shall submit a final construction erosion control plan and final demolition plan. The plans shall be subject to the review and approval by the Building Division.
17. Prior to issuance of a demolition permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
18. Prior to the issuance of demolition permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
19. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
20. 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 Stupin Demolition and Parcel Map including, but not limited to, Coastal Development Permit No. CD2018-045 and Parcel Map No. NP2018-100 (PA2018-100). 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

21. A Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (North American Datum 1983). 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 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted of the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.
22. 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 construction project.
23. All improvements shall be constructed as required by Ordinance and the Public Works Department.
24. All damaged sidewalk panels, curb, gutter and street along the Via Lido Street property frontage shall be reconstructed as determined by the Public Works Department.
25. 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.
26. The existing street light shall be protected in place.
27. All existing gas meters along the project frontage shall be removed from the public right-of-way.
28. All unused sewer laterals and sewer clean outs shall be abandoned at the property line and clean outs, risers, 4TT boxes and wyes shall be removed.
29. All unused water services and water meters shall be capped at the water main (corporation stop) and water meter, box and cover shall be removed.
30. Two new 36-inch box street trees shall be installed along the Via Lido frontage and all parkway hardscape shall be removed.
31. All unused or unused portion of the driveway approaches shall be abandoned per City Standard STD-165-L.
32. An encroachment permit is required for all work activities within the public right-of-way.

33. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
34. 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.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

949-644-3200

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. Limited Term Permit – Less than 90 Days No. XP2018-004
(PA2018-127)

Applicant Pendragon North America

Site Location 2101 Dove Street
Jaguar Land Rover Limited Term Permit – Less than 90 days

Legal Description Lots 20, 21, 22, 40 and 42 of Tract 3201

On **August 10, 2018**, the Zoning Administrator approved a Limited Term Permit for a duration of less than 90 days authorizing the placement of temporary modular buildings. Two modular office buildings and one modular restroom will be used by for Jaguar Land Rover employees temporarily during the renovation of the car dealership. The modular buildings will be located in the parking lot behind the existing car dealership. The property is located adjacent to John Wayne Airport on Dove Street, between Campus Drive and Birch Street. This approval is based on the following findings and subject to the following conditions.

FINDINGS

Finding:

- A. *This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).*

Facts in Support of Finding:

1. Class 11 exempts the placement of seasonal or temporary use of items such as lifeguard towers, mobile food units, portable restrooms, or similar items. The proposed temporary modular buildings will be placed within the rear of the car dealership for a temporary period of time and will be ancillary to an existing commercial development under renovation.

Finding:

- B. *The operation of the limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of*

the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;

Facts in Support of Finding:

1. The limited term permit will allow two temporary modular office buildings and one temporary modular restroom for employees to relocate during the renovation of the car dealership.
2. The operation of the temporary modular buildings are limited to 90 days from the date of permit issuance and has been reviewed and conditioned to preclude any detriment to the general welfare of the area.
3. Throughout the duration of the renovation, there is an off-site parking agreement between the car dealership and a parking structure located at 800 San Clemente Drive for inventory vehicle storage. The 400 parking spaces that will be utilized by the dealership are excess spaces that have not been allocated to any specific use. The operation at the off-site parking structure has been conditioned to restrict noise and hours of operation.
4. Adequate parking for employees are provided on-site. However, there is an off-site parking agreement between the car dealership and a parking structure located at 888 San Clemente Drive for additional employee parking. The parking structure services an existing office building that requires 255 parking spaces. A surplus of parking is available, as the parking structure provides 384 parking spaces. A shuttle service will be provided for employees between the parking structure and the car dealership.
5. Throughout the duration of the renovation, an on-demand shuttle service will be provided that runs from the dealership to nearby rental car centers for customers dropping off their vehicles for service.

Finding:

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

Facts in Support of Finding:

1. The subject lot is approximately 4.19 acres in size. Based upon the site plan, there is adequate area to accommodate the proposed modular buildings and existing uses without impacting vehicle circulation. The modular buildings will be located in the parking lot behind the existing car dealership.

2. The placement of the temporary modular buildings have been conditioned to ensure that it will not negatively impact on-site circulation.
3. The lot is bounded by Dove Street to the north, a Campus Drive to the west, Birch Street to the east, and office buildings to the south. The temporary modular buildings will not affect any of the surrounding uses.
4. The temporary modular buildings will be placed on private property.
5. Modular Building 'A' is located within the front setback abutting Campus Drive, but will be located outside of the 5-foot utilities easement which also abuts Campus Drive.
6. An existing hedge within the front setback abutting Campus Drive shall be maintained and 6 new trees shall be added in front of the modular building to screen and soften the visual bulk of the building as viewed from Campus Drive. Also, the modular buildings are not located within the rear setback abutting neighboring office buildings. However, existing trees provide a buffer between the modular buildings and the adjacent office buildings.

Finding:

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

Facts in Support of Finding:

1. The subject lot has direct driveway approaches taken from Birch Street, Dove Street, and Campus Drive. The temporary modular buildings' location in the rear parking lot will not impede access to the existing car dealership. There are no traffic issues anticipated.

Finding:

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

Facts in Support of Finding:

1. The proposed temporary modular buildings will not create additional parking demand since it will be utilized as a workspace for employees displaced during the renovation of the existing car dealership.

2. The placement of the modular buildings will displace 15 vehicle service stalls. However, the on-site parking lot will provide adequate parking for all employees and customers. Inventory vehicles will be stored inside a parking structure at 800 San Clemente Drive through an off-site parking agreement. The off-site parking structure will provide 400 parking spaces for inventory storage.

Finding:

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

Facts in Support of Finding:

1. The temporary modular buildings are conditioned to comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations.
2. The site is not located within a specific plan area.

CONDITIONS

1. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. All temporary structures shall be anchored and a building permit shall be secured for those structures as required by the Building Division.
4. All temporary structures are required to be inspected by a Building Division Inspector. The applicant shall comply with all lawful orders and requirements of the Building Inspector.
5. The operator of the limited duration use shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons and equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. If noise generation does not comply with the aforementioned provisions, the Community Development Director may require remediation measures which may include relocation of equipment.
6. No outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the facility.
7. Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No

direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. If in the opinion of the Community Development Director the existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas, the dimming of light sources or other remediation may be ordered. An electrical permit shall be secured for lighting as required by the Building Division.

8. All electrical shall be in good working order and shall be protected from pedestrian traffic. An electrical permit shall be obtained and the site inspected by the Building Division.
9. The existing accessible parking stall and path of travel adjacent to the temporary modular building must be maintained.
10. Prior to permit issuance, approval for the temporary modular building shall be obtained from the Metropolitan Water District for placement on their easement.
11. Operation of the temporary modular building shall comply with all conditions from the Metropolitan Water District.
12. The drive aisle adjacent to the ramp of the modular buildings shall be closed to vehicular traffic.
13. The dead-end drive aisle shall be accompanied by a 5-foot hammerhead/drive aisle extension
14. The applicant shall provide a 24-hour contact number for emergencies to Code Enforcement and interested parties upon request during the period of time the modular buildings are authorized.
15. The modular buildings shall not block any firefighting equipment such as fire hydrants, standpipe connections, or fire department connections.
16. The Limited Term Permit is for the operation of three temporary modular buildings on-site for 90 days after the final inspection of the building permit is issued and does not authorize the use or operation of additional storage modular buildings on-site.
17. Should the temporary modular buildings become a detriment to the public health, comfort, convenience, safety, and general welfare of the peace and quiet of the neighboring properties and their inhabitants, this permit may be revoked.
18. The approval of the requested limited term permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful granting of all required permits from any other department or governing agency.
19. Construction vehicles shall not be located in the emergency fire access roadway.

20. Health and Safety Code Section 18206 requires that all new and used commercial modular or special purpose commercial modular shall bear either a federal label or insignia when offer to sale, rent, or lease in California. Federal label is issued by the US Department of Housing and Urban Development (HUD).
21. Fire Extinguishers 2A 10BC shall be required in the temporary modular buildings.
22. The off-site parking structure located at 800 San Clemente Drive shall be used for vehicle inventory only. Only authorized employees shall have access to the parking structure. No customers shall access the parking structure.
23. The off-site parking structure located at 800 San Clemente Drive shall not operate after the hours of operation of the Jaguar Land Rover car dealership. The hours of operation shall be between 7:00 a.m. and 9:00 p.m., daily.
24. A shuttle service shall be provided for employees that park in the off-site parking structure located at 888 San Clemente Drive.
25. A shuttle service shall be provided for customers to rental car facilities located at 2222 Bristol Street and 4500 Campus Drive.
26. The inventory vehicles located at the off-site parking structure at 800 San Clemente Drive shall be monitored for any noise issues such as car alarms, which shall be shut off in a timely manner.
27. 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 **Jaguar Land Rover Temporary Modular Buildings** including, but not limited to, **Limited Term Permit No. XP2018-004 (PA2018-127)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

APPEAL PERIOD

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

On behalf of Patrick J. Alford, Zoning Administrator

By:



David S. Lee, Assistant Planner

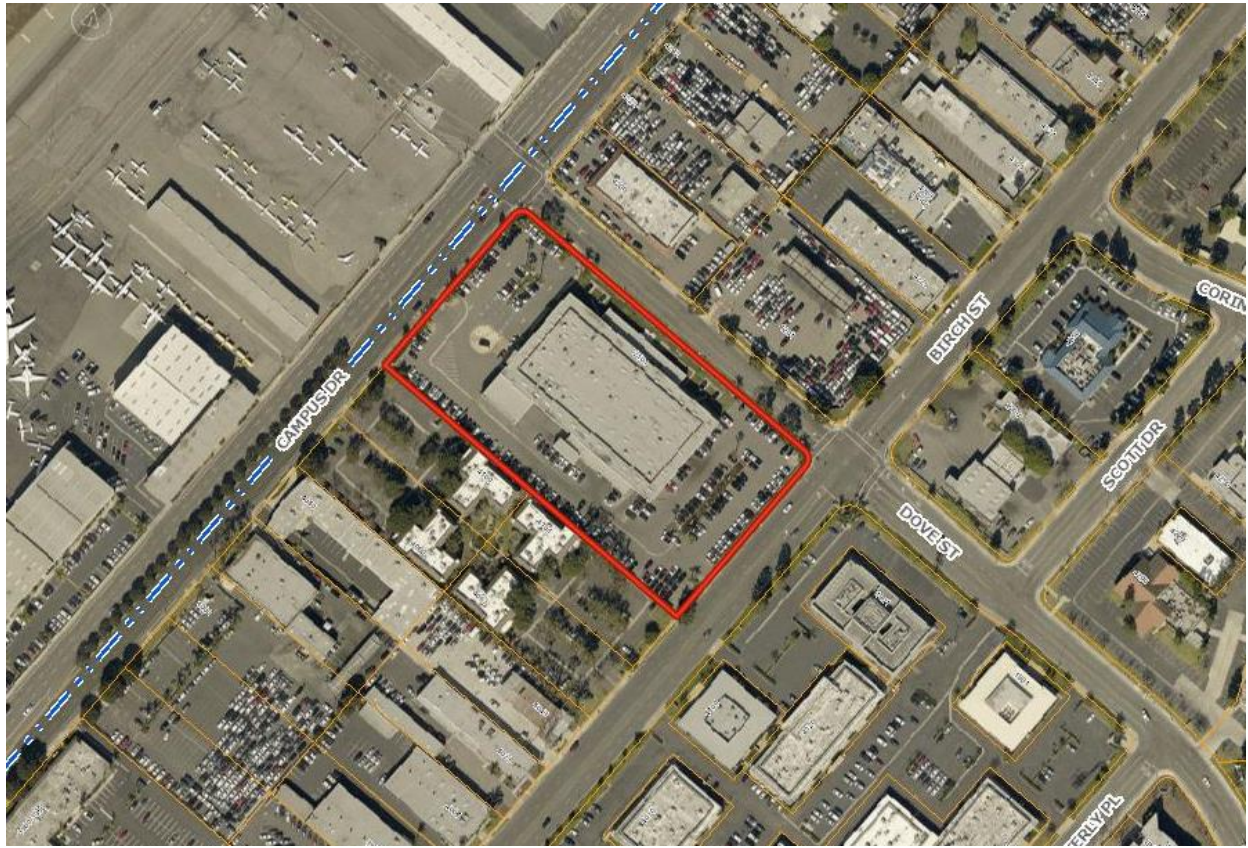
JM/dl

Attachments: ZA 1 Vicinity Map
ZA 2 Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP

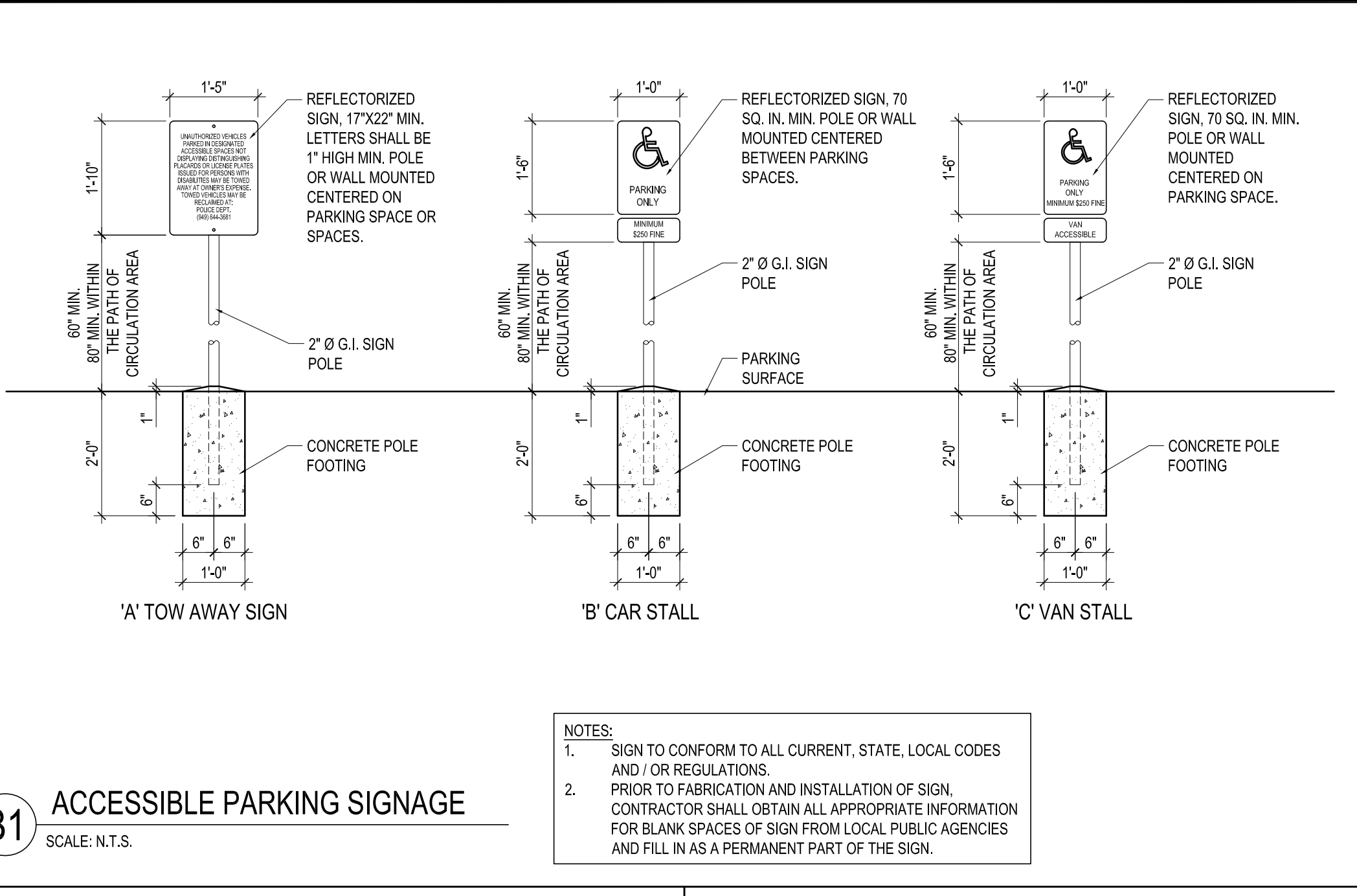


Limited Term Permit – Less than 90 Days No.
XP2018-004 (PA2018-127)

2101 Dove Street

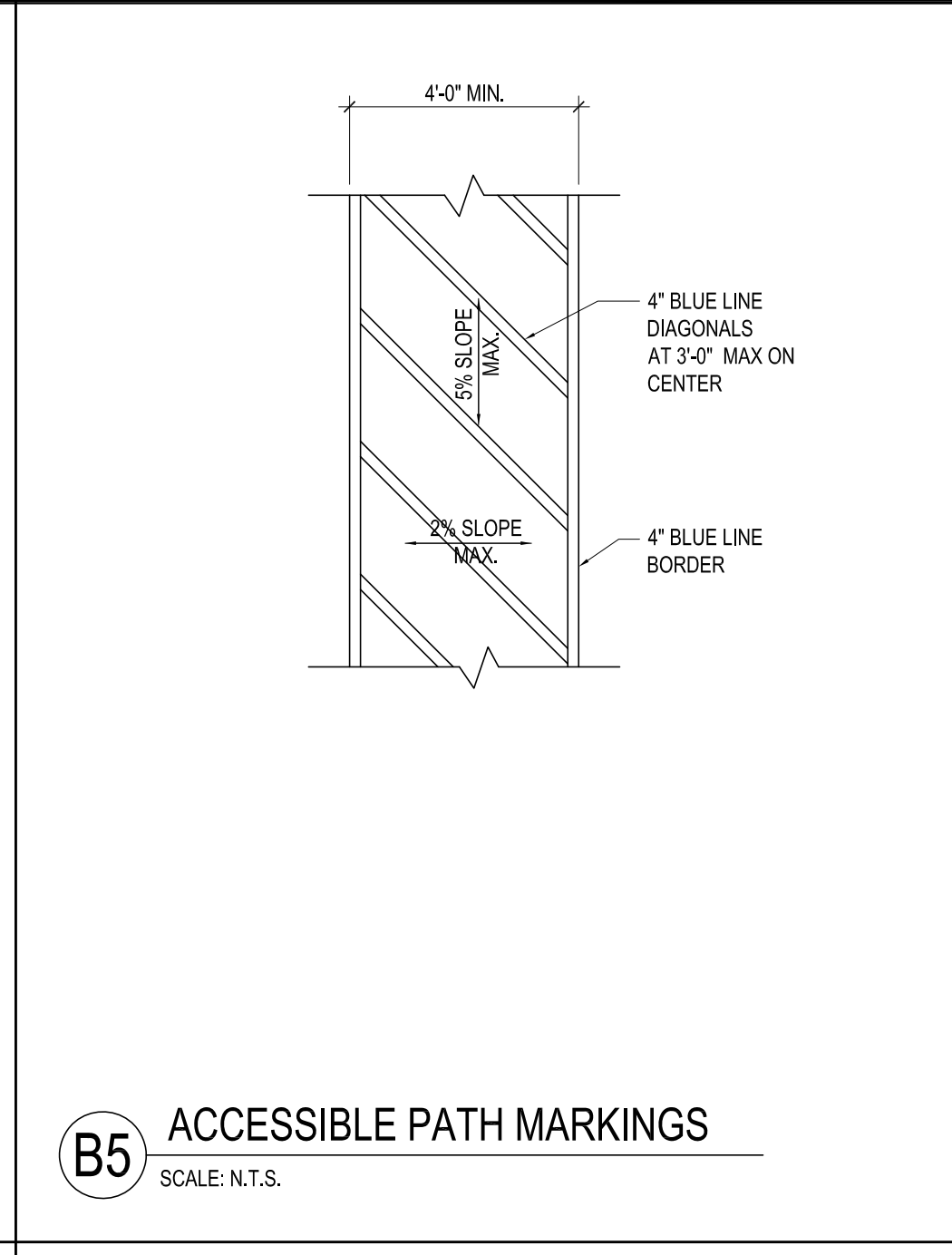
Attachment No. ZA 2

Plans

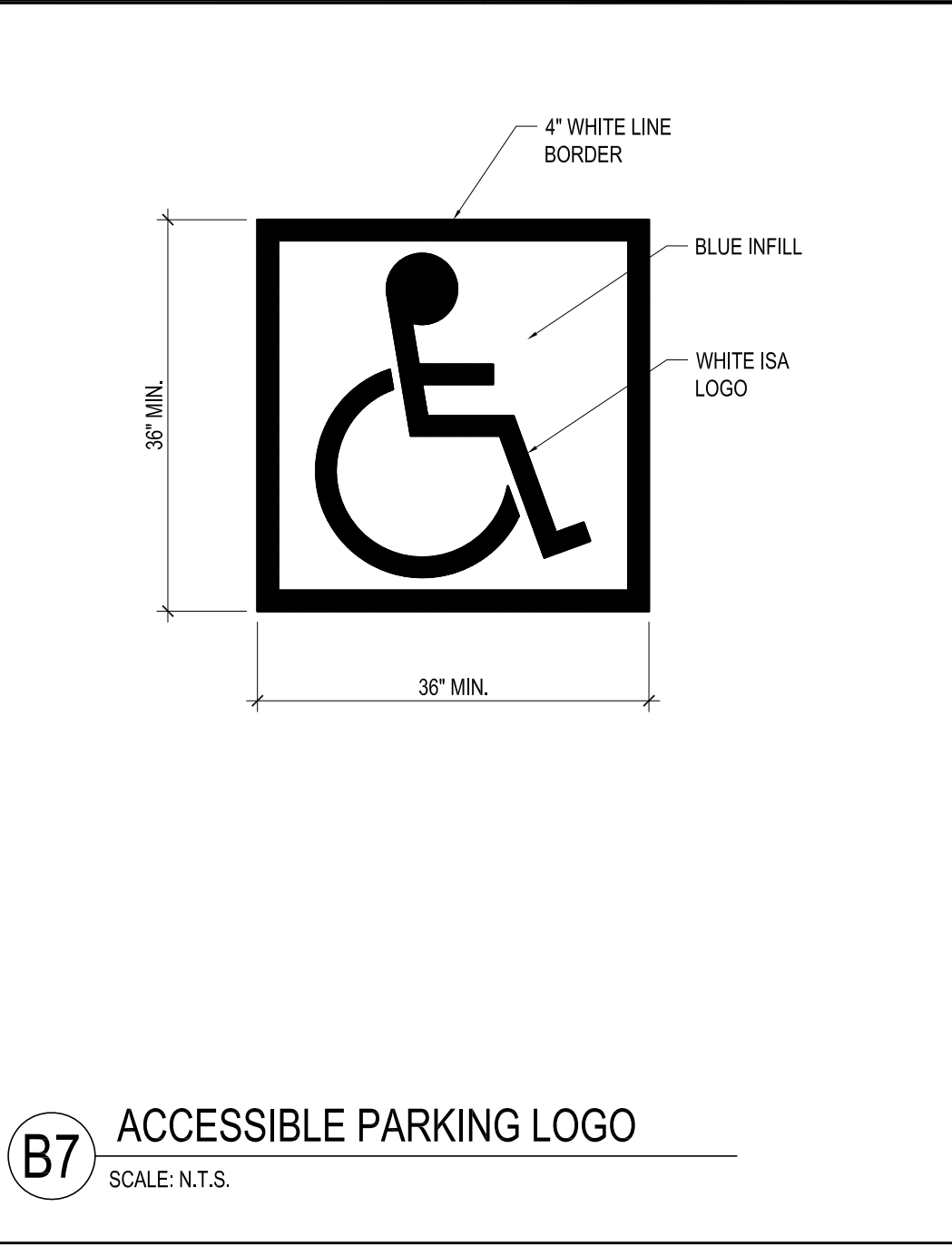


B1 ACCESSIBLE PARKING SIGNAGE
SCALE: N.T.S.

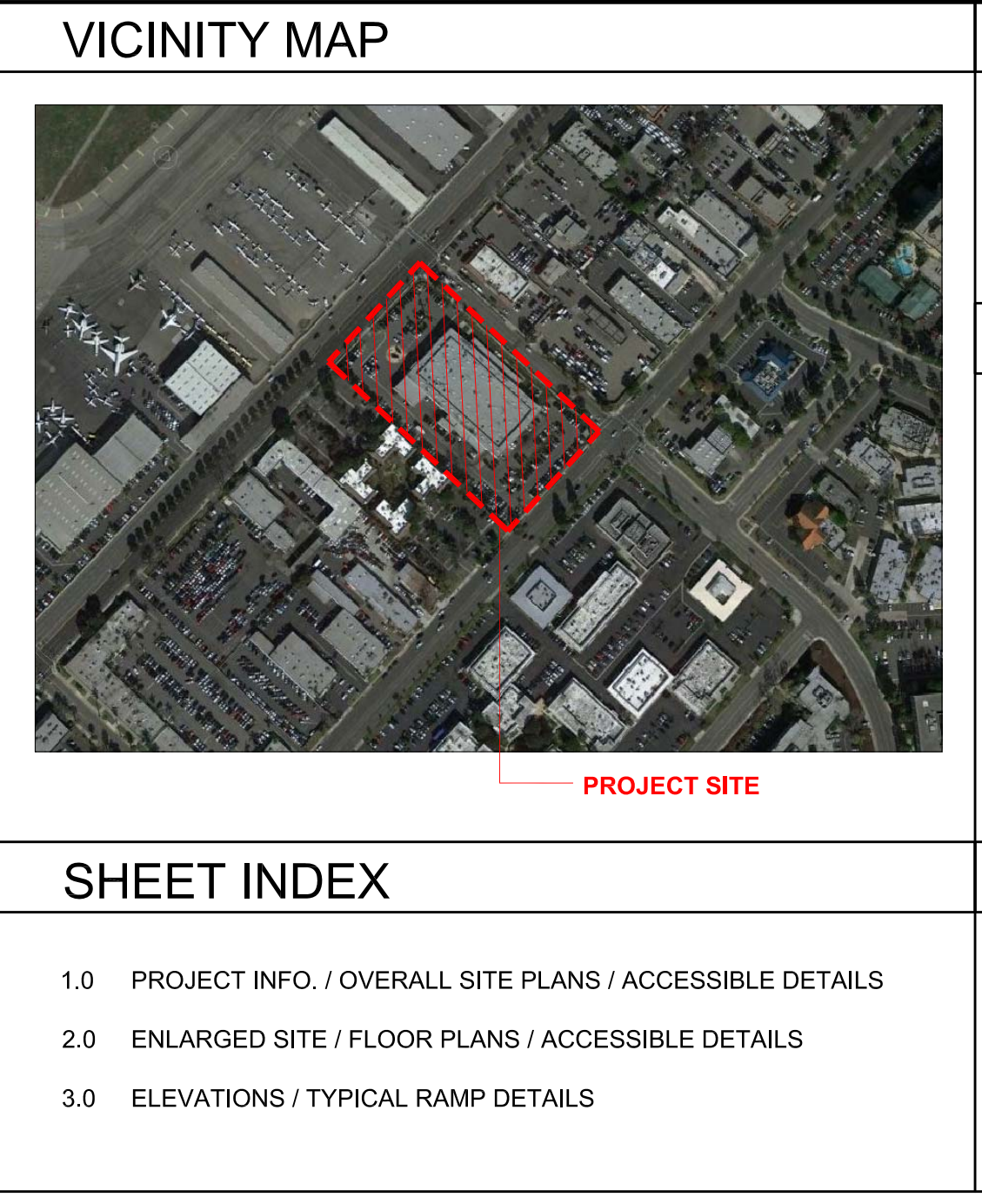
NOTES:
1. SIGN TO CONFORM TO ALL CURRENT, STATE, LOCAL CODES AND/OR REGULATIONS.
2. PRIOR TO FABRICATION AND INSTALLATION OF SIGN, CONTRACTOR SHALL OBTAIN ALL APPROPRIATE INFORMATION FOR BLANK SPACES OF SIGN FROM LOCAL PUBLIC AGENCIES AND FILL IN AS A PERMANENT PART OF THE SIGN.



B5 ACCESSIBLE PATH MARKINGS
SCALE: N.T.S.



B7 ACCESSIBLE PARKING LOGO
SCALE: N.T.S.



VICINITY MAP

DESCRIPTION OF WORK
TEMPORARY MODULAR BUILDINGS FOR USE AS SERVICE ADVISOR AND SALES OFFICES, CUSTOMER AMENITIES, CUSTOMER TOILETS, AND ADMINISTRATION OFFICES DURING FACILITY REMODEL.

PROJECT INFORMATION
PROJECT ADDRESS:
2101 DOVE STREET
NEWPORT BEACH, CA 92660
ASSOCIATED PERMITS:
BUILDING PC #2422-2017
PLANNING SA2012-003

CONSTRUCTION DURATION:
ESTIMATED START DATE: 7-1-2018
ESTIMATED COMPLETION: 4-30-2019

CONTACT INFORMATION
APPLICANT
PENDRAGON NORTH AMERICA
CONTACT: DERMOT BRENNAN
2171 CAMPUS DR. SUITE 260
IRVINE, CA 92612

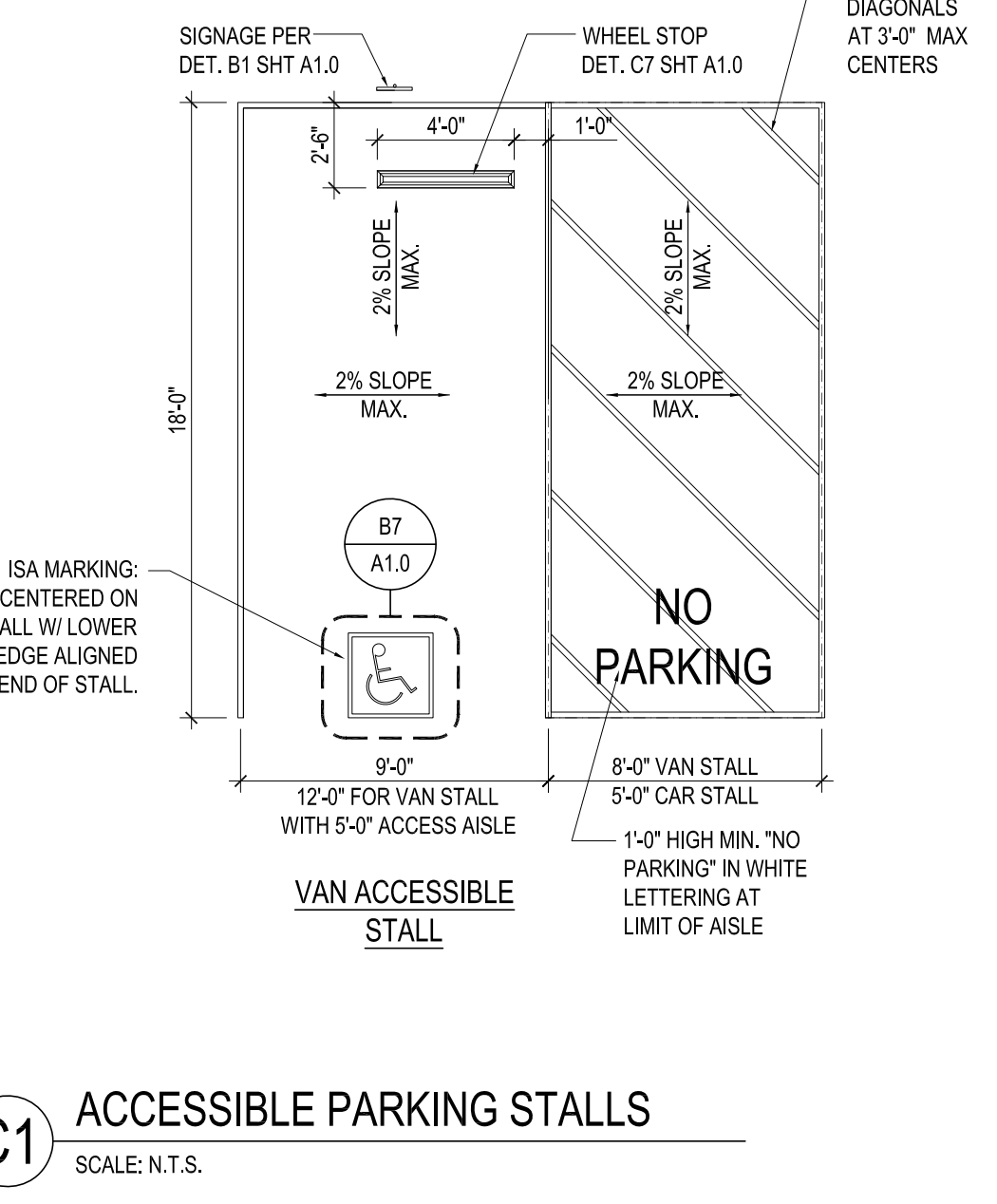
ARCHITECT
SDA PARTNERSHIP USA, INC.
CONTACT: ANNA MARIE BARD
3161 MICHELSON DRIVE, STE. 420
IRVINE, CA 92612
(949) 754-0450 X105

EXISTING BUILDING

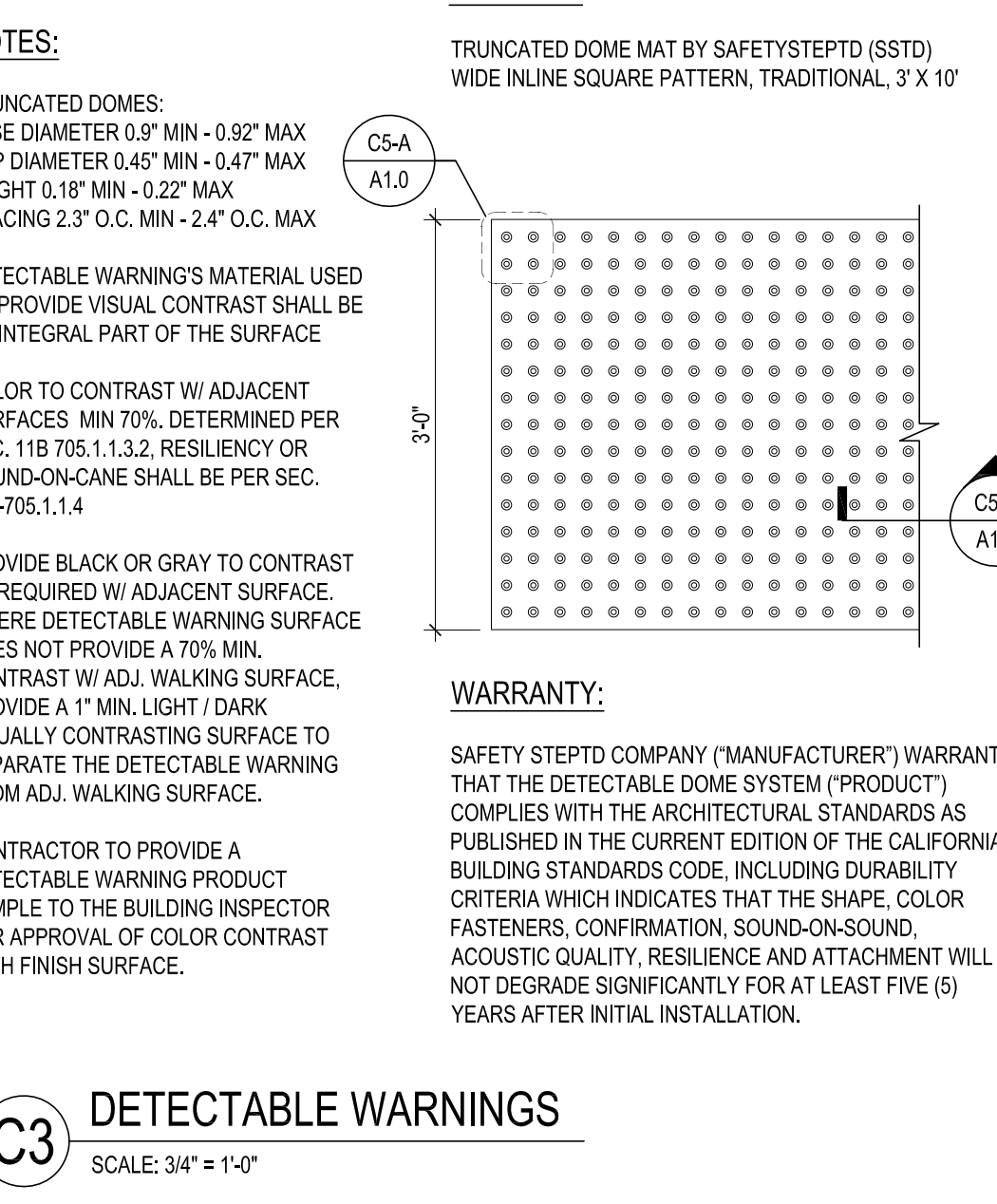
OCC	USE	AREA	RATE	REQUIRED	PROVIDED
B	OFFICES, CUSTOMER AREAS	7,013.1 SF	1/250	29	29
S-1	PARTS STORAGE, EQUIPMENT	8,998.0 SF	1/500	18	18
S-1	AREA 1 - EXIST. VEHICLE SERVICE	17,996.4 S.F.	1/300	60	60
S-1	PROPOSED VEHICLE SERVICE (CHANGED FROM S-2 STORAGE)	24,053.4 S.F.	1/300	81	89
TOTAL PARKING STALLS				168	196
ACCESSIBLE PARKING STALLS PROVIDED (INCLUDES 2 VAN STALLS)				6	6

TEMPORARY USE

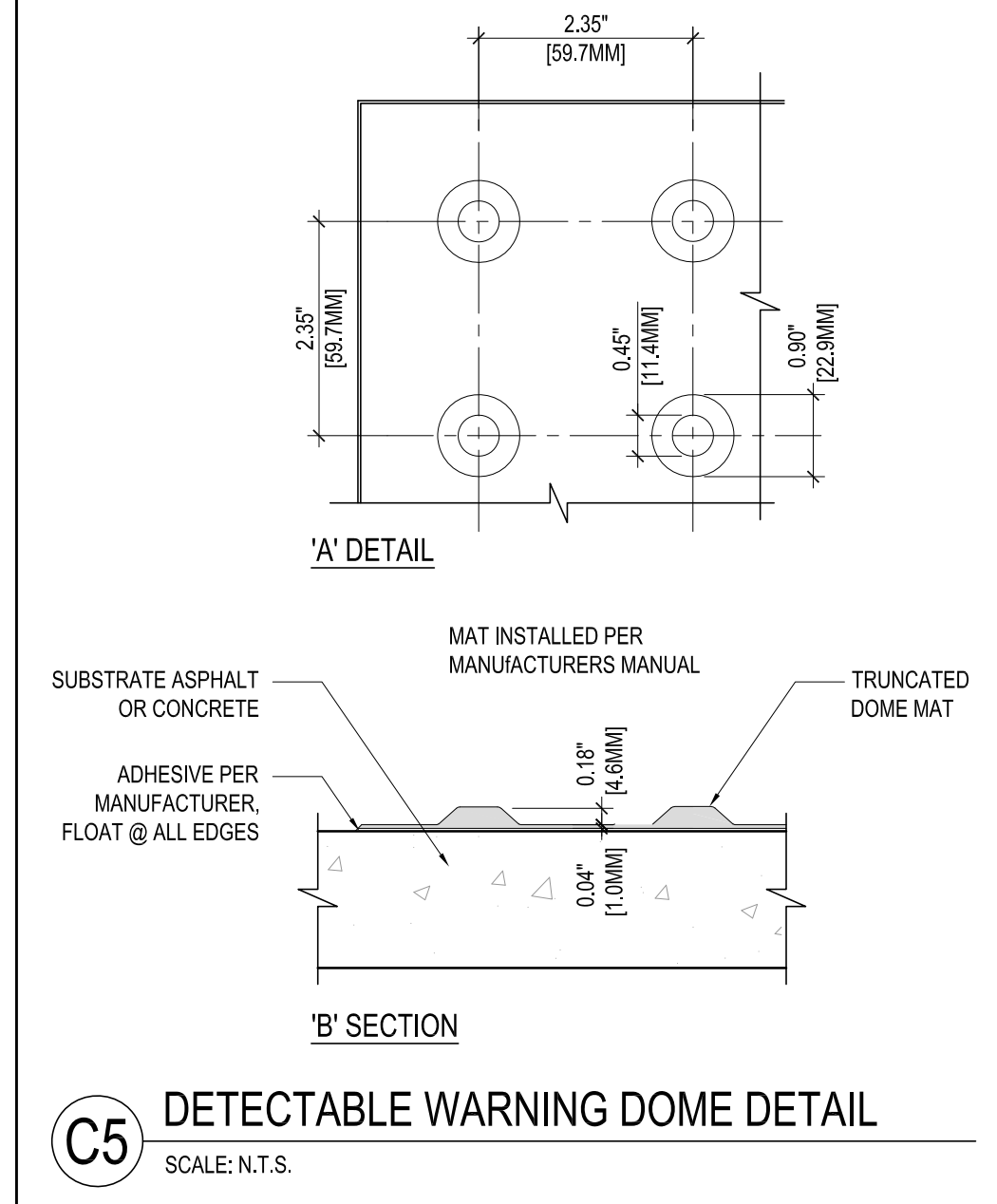
OCC	USE	AREA	RATE	REQUIRED	PROVIDED
B	EXIST. EMPLOYEE AREAS, ADMIN.	3,852 SF	1/250	16	16
B	TEMP. MODULAR BLDGS.	3,546 SF	1/250	15	15
S-1	PARTS STORAGE, EQUIPM. (REDUCED DURING CONSTRUCTION)	6,862.7 SF	1/500	14	14
S-1	AREA 1 - EXIST. VEHICLE SERVICE	17,996.4 S.F.	1/300	60	60
S-1	AREA 2 - EXIST. VEHICLE SERVICE	11,762 S.F.	1/300	40	40
S-1	AREA 3 - TEMPORARY PARTS STORAGE DURING CONSTRUCTION	12,291.4 S.F.	1/500	25	27
TOTAL PARKING STALLS				170	172
ACCESSIBLE PARKING STALLS PROVIDED (INCLUDES 2 EXIST. VAN STALLS, 1 TEMP. VAN STALL)				7	7



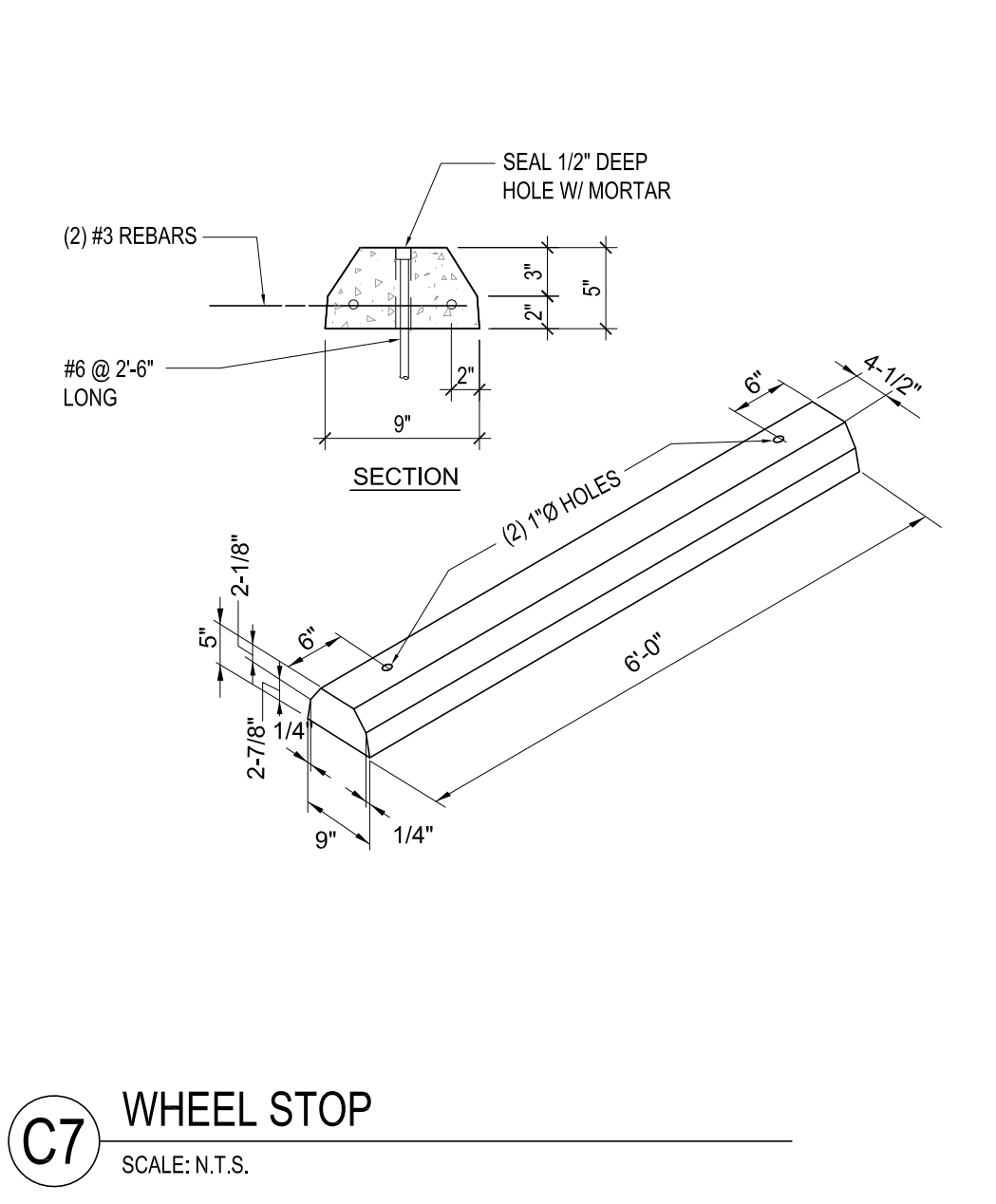
C1 ACCESSIBLE PARKING STALLS
SCALE: N.T.S.



C3 DETECTABLE WARNINGS
SCALE: 3/4" = 1'-0"



C5 DETECTABLE WARNING DOME DETAIL
SCALE: N.T.S.



C7 WHEEL STOP
SCALE: N.T.S.

MODULAR BUILDING NOTES

DEFERRED SUBMITTALS ARE TO BE REVIEWED BY PROJECT ARCHITECT AND/OR ENGINEER OF RECORD, AND CERTIFIED FOR CONFORMANCE WITH BUILDING DESIGN CRITERIA PRIOR TO SUBMITTAL FOR PLAN REVIEW BY BUILDING DIVISION.

DEFERRED SUBMITTAL ITEMS ARE AS FOLLOWS:

- MODULAR BUILDINGS (TRAILERS) FOR HCD AND 2016 CBC 11B COMPLIANCE.
- RAMPS, LANDINGS, STAIR AND TRAILER ANCHORING
- MECHANICAL (CONDENSATE WASTE), TEMPORARY POWER AND SANITARY SEWER CONNECTIONS.

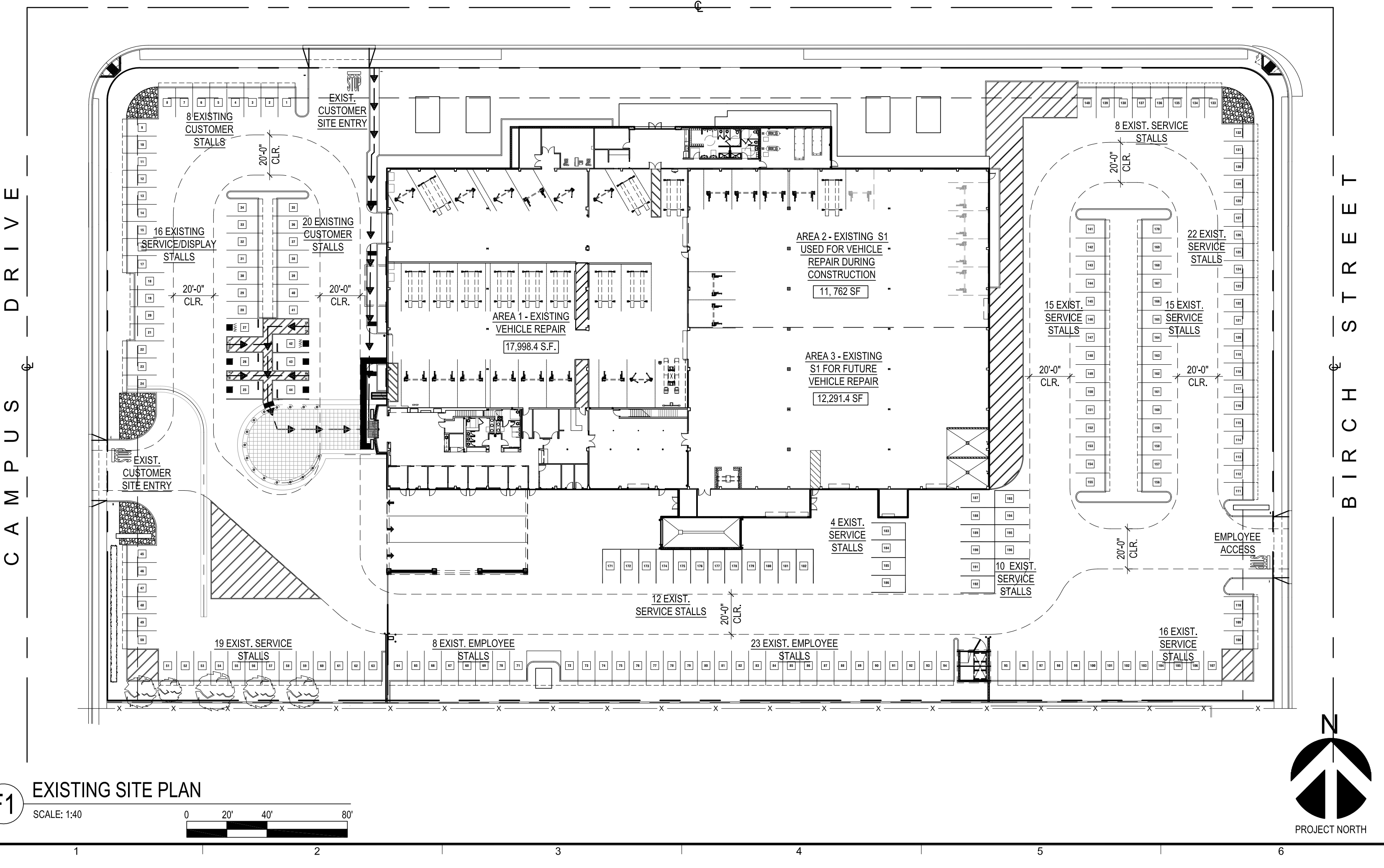
NOTE:
TRAILER, LANDING, STAIR AND TRAILER TO BE ANCHORED
TRAILER ALTERATIONS TO BE THROUGH HCD
TRAILERS TO DISPLAY CURRENT INSIGNIAS FOR ALL ALTERATIONS
TRAILERS, RAMPS, LANDINGS AND STAIRS TO BE COMPLIANT WITH 2016 CBC 11B

CONDITIONS OF APPROVAL

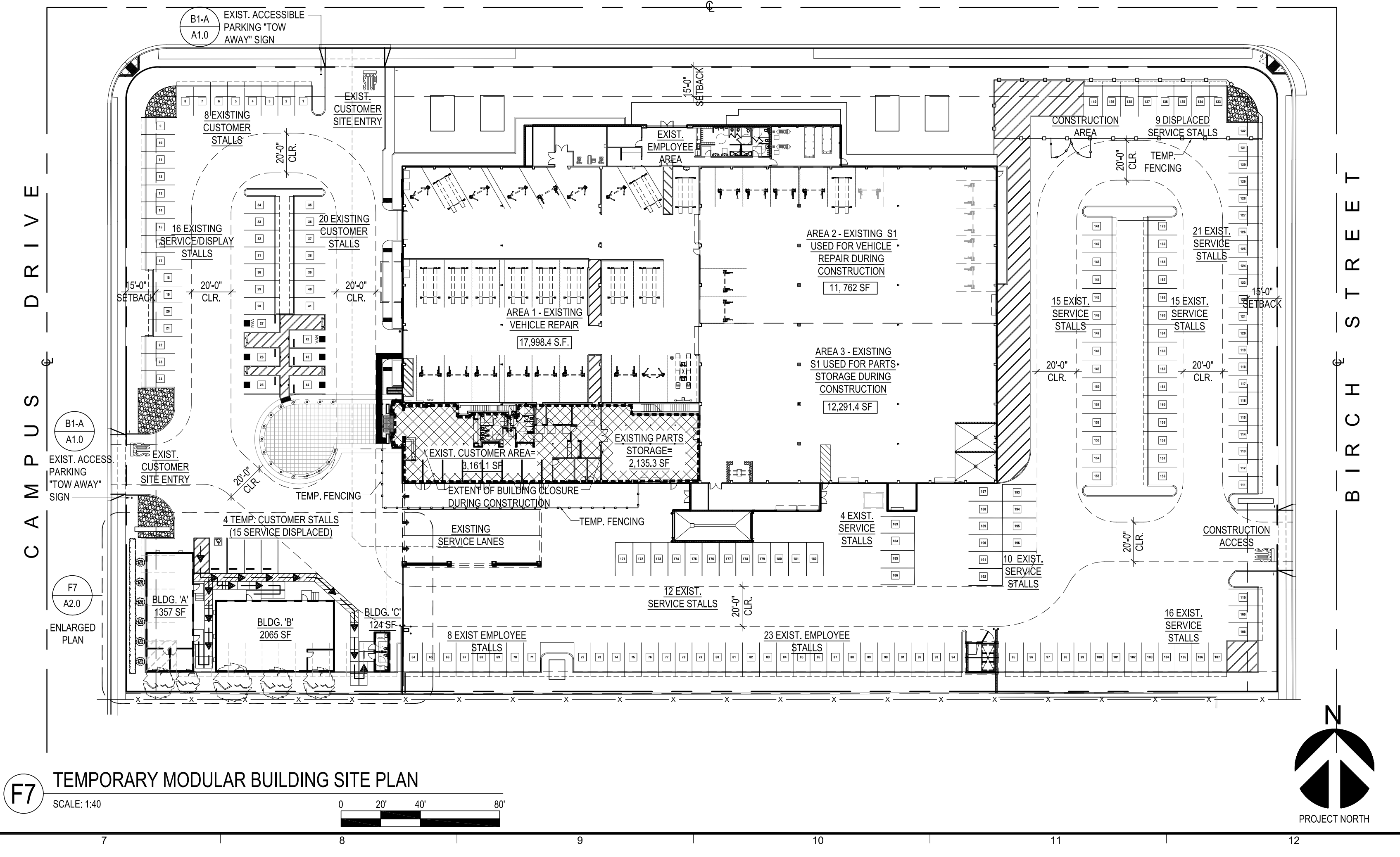
- VALET PARKING AREA OR CONSTRUCTION VEHICLES SHALL NOT BE LOCATED IN THE EMERGENCY FIRE ACCESS ROADWAY.
- HEALTH AND SAFETY CODE SECTION 14028 REQUIRES THAT ALL NEW AN UNUSED COMMERCIAL, MODULAR OR SPECIAL PURPOSE COMMERCIAL MODULAR SHALL BEAR EITHER A FEDERAL LABEL OR INSIGNIA WHEN OFFER TO SALE, RENT OR LEASE IN CALIFORNIA. FEDERAL LABEL IS ISSUED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).
- FIRE EXTINGUISHERS 2A 10BC ARE REQUIRED IN THE TEMPORARY MODULAR BUILDING.

ALLOWABLE AREAS

TYPE OF CONSTRUCTION:	EXISTING TYPE II-B, SPRINKLERED	FIRST FLOOR	SECOND FLOOR
B OCC, BASIC ALLOWABLE AREA:	57,000 SF		
FRONTAGE INCREASE PERIM. > 30':	42,750 SF		
TOTAL ALLOWABLE AREA FOR B OCC:	99,750 SF		
TYPE OF CONSTRUCTION:	EXISTING TYPE VB, NON-SPRINKLERED		
B OCC, BASIC ALLOWABLE AREA:	9,000 SF		
S1 OCC, BASIC ALLOWABLE AREA:	62,500 SF		
FRONTAGE INCREASE PERIM. > 30':	29,315 SF		
TOTAL ALLOWABLE AREA FOR S1 OCC:	91,815 SF		
		FIRST FLOOR	SECOND FLOOR
		OCC	OCC
		AREA	AREA
		RATIO	RATIO
		B EXIST.	S-1
		7,013.1 SF / 99,750	5,022.4 SF / 52,500
		.070	.095
		AREA RATIO 9.5% < 100% OF ALLOWABLE	
		TOTAL EXIST	
		53,040.5 SF	
		.570	
		TOTAL TEMP.	
		53,040.5 SF	
		.564	
		AREA RATIO 96% < 100% OF ALLOWABLE	



F1 EXISTING SITE PLAN
SCALE: 1/40



F7 TEMPORARY MODULAR BUILDING SITE PLAN
SCALE: 1/40

SDA PARTNERSHIP

SDA PARTNERSHIP USA, INC.
3161 MICHELSON DRIVE, STE. 420
IRVINE, CA 92612
TEL: 949 754 0450
FAX: 949 754 0448
WWW.SDAPARTNERSHIPUSA.COM

PROJECT NAME:
JAGUAR LAND ROVER

Newport Beach Dove Street Service Center Temporary Modular Buildings

PROJECT ADDRESS:
2101 Dove St.
Newport Beach CA, 92660

ISSUED FOR:

#	DATE	DESCRIPTION

GENERAL NOTES:

- THE DESIGN SHOWN ON THIS DRAWING IS THE PROPERTY OF SDA AND IS NOT TO BE USED OR DISCLOSED, IN WHOLE OR IN PART, EXCEPT IN ACCORDANCE WITH A CONTRACT, LICENSE OR AGREEMENT IN WRITING WITH SDA.
- DO NOT SCALE. IF IN DOUBT, CONTACT SDA.
- ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
- DO NOT DUPLICATE.

DATE: 7-30-2018

DRAWN BY:

CHECKED BY:

PROJECT #

SCALE: AS NOTED

PHASE: DESIGN DEVELOPMENT

SHEET TITLE:
TEMPORARY MODULAR BUILDING SITE PLAN

SHEET NUMBER:
A1.0

PROJECT NAME:



Newport Beach Dove Street Service Center Temporary Modular Buildings

PROJECT ADDRESS:
2101 Dove St.
Newport Beach CA, 92660

ISSUED FOR:

#	DATE	DESCRIPTION

