



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 July 26, 2019.

ZONING ADMINISTRATOR ACTIONS JULY 25, 2019

- Item 1: Narcissus Waterpointe, LLC Residential Condominiums Tentative Parcel Map No. NP2019-005 (PA2019-068)
Site Address: 613 and 613 1/2 Narcissus Avenue
Action: Approved by Resolution No. ZA2019-048 Council District 6
- Item 2: Pleasantville Road Partners, LLC Residential Condominiums Coastal Development Permit No. CD2019-022 and Tentative Parcel Map No. NP2019-007 (PA2019-071)
Site Address: 319 Jasmine Avenue
Action: Continued to 08/15/19 Council District 6
- Item 3: Harbor View Broadmoor Community Association Clubhouse Minor Use Permit No. UP2019-024 (PA2019-091)
Site Address: 1234 Sand Point Way
Action: Approved by Resolution No. ZA2019-049 Council District 6
- Item 4: Matthews Residence Lot Merger No. LM2018-002 and Coastal Development Permit No. CD2018-017 (PA2018-040)
Site Address: 1712 and 1718 Galaxy Drive
Action: Approved by Resolution No. ZA2019-050 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. ZA2019-048

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2019-005 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 613 and 613 ½ NARCISSUS AVENUE (PA2019-068)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Waterpointe Custom Home Builders, with respect to property located at 613 and 613 ½ Narcissus Avenue, and legally described as Lot 13, Block 640 of the Corona Del Mar Tract requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map for condominium purposes. No waivers of development standards are requested. A duplex has been demolished and a new duplex is currently under construction. The Tentative Parcel Map would allow each unit to be sold individually. No waivers of Title 19 (Subdivisions) are proposed.
3. The subject property is designated RT (Two-Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on July 25, 2019, 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.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. Therefore, the proposed parcel map is eligible for the Class 15 exemption.
3. The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a

significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

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 has been demolished and a new duplex is currently under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation (Two-Unit Residential).
2. The subject property is not located within a specific plan area.
3. The project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Narcissus Avenue frontage, as needed, as well as the undergrounding of utilities, consistent with the Subdivision Code (Title 19).

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.
2. The subject property is accessible from Narcissus Avenue and the alley in 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 nor substantially and avoidably injure fish or wildlife*

or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. A duplex has been demolished and a new duplex is currently under construction.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat on-site.
3. 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.

Finding:

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

Fact in Support of Finding:

1. The Tentative Parcel Map is for 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.

Fact 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 because no public easements are 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.

Facts in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The residential building under construction has been designed to have wastewater discharge into the existing sewer system and 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.*

Fact in Support of Finding:

1. The subject property is not located within the coastal zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2019-005, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 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 25th DAY OF JULY, 2019.



Rosalinh Ung
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Subsequent to the recordation of the Parcel Map, 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 final. The building permit for the new construction shall not be final until after recordation of the parcel map.
3. 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 Tentative Parcel Map.
4. 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.
5. 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 Narcissus Waterpointe LLC Residential Condominiums including, but not limited to Tentative Parcel Map NP2019-005 (PA2019-068). 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

6. A Parcel Map shall be recorded. The map shall be prepared on the California coordinate system (North American Datum of 1983, 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 Subdivisions 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.**

7. 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.
8. All improvements shall be constructed as required by Ordinance and the Public Works Department.
9. 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.
10. All existing overhead utilities shall be undergrounded.
11. No above ground improvements shall be permitted within the 5-foot rear alley setback. Smooth transitions between neighboring properties shall be provided.
12. New sod or low groundcovers of the type approved by the City shall be installed throughout the Narcissus parkway fronting the development site.
13. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
14. The existing street tree along the Narcissus Avenue frontage shall be protected in place.
15. An encroachment permit shall be required for all work activities within the public right-of-way.
16. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
17. In case of damage done to public improvements surrounding the development site by private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

RESOLUTION NO. ZA2019-049

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2019-024 FOR THE DEMOLITION OF AN EXISTING CLUBHOUSE AND CONSTRUCTION OF A NEW CLUBHOUSE TO SERVE THE HARBOR VIEW BROADMOOR COMMUNITY ASSOCIATION AT 1234 SAND POINT WAY (PA2019-091)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Smith Architects, with respect to property located at 1234 Sand Point Way, and legally described as Lot A of Tract 6113, requesting approval of a minor use permit.
2. The applicant proposes to demolish an existing 672-square-foot, single-story clubhouse and construct a new 1,078-square-foot, single-story clubhouse. The new clubhouse will include a multi-purpose room, restrooms, and a patio shade structure to serve the Harbor View Broadmoor Community Association. The development also includes hardscape, drainage, and accessory structures. The proposed development complies with all applicable development standards and no deviations are requested.
3. The subject property is designated Parks and Recreation (PR) by the General Plan Land Use Element and is located within the Parks and Recreation (PR) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on July 25, 2019 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 3 (New Construction or Conversion of Small Structures).
2. Class 3 exempts the construction and location of limited numbers of new, small facilities or structures including accessory structures to serve residential dwellings. The proposed project consists of the demolition of an existing 672-square-foot clubhouse and the construction of a new 1,078-square-foot clubhouse to serve the Harbor View Broadmoor Community Association.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020.F (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

Finding:

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

Facts in Support of Finding:

1. The General Plan Land Use Element designates the site as Parks and Recreation (PR), which is intended for active public or private recreational uses.
2. The lot currently consists of a clubhouse and swimming pool that serves residents of the Harbor View Broadmoor Community Association and their guests. The proposed project is a demolition of the existing 672-square-foot clubhouse and construction of a new 1,078-square-foot clubhouse, which includes a multi-purpose room, restrooms, and patio shade structure. The existing pool will remain and be replastered. The project will remain consistent with the General Plan designation, as it will provide an upgraded clubhouse for the Harbor View Broadmoor Community Association.
3. The proposed community center is compatible with the surrounding neighborhood, which is comprised of single-family residences. The clubhouse will continue to serve the residents of the association and their guests.
4. The subject property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The zoning designation for the subject property is Parks and Recreation (PR), which is intended for active public or private recreational uses. Pursuant to Zoning Code Section 20.26.020 (Special Purpose Zoning Districts Land Uses and Permit Requirements), assembly or meeting facilities are permitted subject to the approval of a minor use permit.
2. The Zoning Code does not require off-street parking for Parks and Recreational facilities. The clubhouse is within walking distance for residents of Harbor View Broadmoor Association. Additionally, there is on-street parking available in the vicinity on Wavecrest Drive, Sand Point Way, Blue Water Drive and Lighthouse Lane.

Finding:

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

Facts in Support of Finding:

1. The subject lot is located within the Harbor View Broadmoor Community Association, which is a residential community comprised of single-family residences. The proposed clubhouse is to be used by the residents of Harbor View Broadmoor Community Association and their guests. A separate residential community, Jasmine Creek, is located across North Crown Drive and will not have access to the proposed clubhouse.
2. The proposed clubhouse will continue to have operating hours from 6:00 a.m. to 10:00 p.m., daily and has been conditioned to comply with the City's noise ordinance.
3. The proposed clubhouse is approximately 11 feet and 3 inches in height, measured from the finished floor to the top of the flat roof, where the Zoning Code allows for a maximum height of 32 feet for flat roofs.

Finding:

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

Facts in Support of Finding:

1. The project site currently consists of a clubhouse, swimming pool and seating area. The proposed project is to replace the existing clubhouse with a clubhouse that includes a multi-purpose room, restrooms, and a covered patio area. The existing swimming pool will be re-plastered and remain in place. The proposed location of the new structures is similar to the location of the existing structure.
2. The proposed community center has been reviewed to ensure adequate public and emergency vehicle access, public services, and utilities were provided for on-site. The construction plans were reviewed for compliance with applicable building and fire codes.

Finding:

- E. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, and safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The proposed community center will be an upgrade to the existing pool house and will serve the surrounding residents. The proposed multi-purpose room, covered patio area, and restroom facilities will provide residents with additional recreational areas in addition to the existing pool, which will be re-plastered.
2. The community room has been conditioned to restrict usage to only members of the Harbor View Broadmoor Community Association residents and their guests. The community center will not be used by the public in any way.
3. Compliance with the Municipal Code standards related to noise, lighting and other performance standards will help ensure that the proposed use will be compatible with the surrounding area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit UP2019-024, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 25TH DAY OF JULY, 2019.



Rosalinh Ung
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

PLANNING

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. This Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
6. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
7. The clubhouse shall only be used by the residents of Harbor View Broadmoor Community Association and their guests. The clubhouse shall not be used by the public for events of any kind.
8. *Prior to the issuance of a building permit, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.*
9. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
10. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the

Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

11. Prior to the issuance of a building permit, the applicant shall prepare photometric study in conjunction with a final lighting plan for approval by the Planning Division. The survey shall show that lighting values are “1” or less at all property lines.
12. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
13. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

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

14. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
15. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
16. No outside paging system shall be utilized in conjunction with this establishment.
17. Trash receptacles shall be conveniently located both inside and outside of the clubhouse, however, not located on or within any public property or right-of-way.
18. The exterior of the clubhouse shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
19. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.

20. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
21. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
22. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Harbor View Broadmoor Community Association Clubhouse Minor Use Permit including, but not limited to, Minor Use Permit No. UP2019-024 (PA2019-091). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Conditions

23. All improvements shall be constructed as required by Ordinance and the Public Works Department.
24. An encroachment permit is required for all work activities within the public right-of-way.
25. A new sewer cleanout shall be installed on the existing sewer lateral serving the property per City Standard #406-L.

RESOLUTION NO. ZA2019-050

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER NO. LM2018-002, WAIVING THE PARCEL MAP REQUIREMENT UNDER COMMON OWNERSHIP AND COASTAL DEVELOPMENT PERMIT NO. CD2018-017 TO CONSOLIDATE TWO EXISTING SINGLE-FAMILY DWELLINGS INTO ONE SINGLE-FAMILY DWELLING LOCATED AT 1712 AND 1718 GALAXY DRIVE (PA2018-040)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jay Ferguson, with respect to property located at 1712 and 1718 Galaxy Drive, requesting approval of a coastal development permit.
2. The lots at 1718 Galaxy Drive are legally described as Parcel 1 of Lot Merger No. LM2011-001. The lot at 1712 Galaxy Drive is legally described as Lot 40 of Tract 4224.
3. The applicant proposes a lot merger and coastal development permit application to waive the parcel map requirement for parcels under common ownership and allow the consolidation of two existing single-family residences into a single residence. The lot merger would combine two legal lots into a single parcel. Project implementation includes permitting a 182-square-foot hallway connection between the existing 3,720-square-foot, single-family residence at 1712 Galaxy Drive and the existing 11,207-square-foot, single-family residence at 1718 Galaxy Drive. The result is a 15,109-square-foot, single-family residence with attached Code-compliant parking. The project complies with all applicable development standards and no deviations are requested. Based on the reduction in density, a coastal development permit is required pursuant to Title 21 (Local Coastal Program Implementation Plan) of the Municipal Code.
4. The subject property is designated RS-D (Single-Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1-6000 (Single-Unit Residential) Zoning District.
5. The subject properties are located within the coastal zone. The Coastal Land Use Plan category is RSD-A (Single Unit Residential Detached – (0.0 – 5.9 DU/AC)) and it is located within the R-1-6000 (Single-Unit Residential) Coastal Zone District.
6. A public hearing was held on July 25, 2019, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions). 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 lot merger not resulting in the creation of any new parcel and that complies with the conditions specified above.
2. This project is also exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) 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. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of a lot merger to consolidate two existing single-family residences into one single-family residence and proposes the addition of a 182-square-foot hallway connection.
3. The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

Lot Merger

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The merged parcel will retain the Single-Unit Residential (R-1-6000) zoning designation, consistent with the surrounding area. The R-1-6000 Zoning District is intended to provide for areas appropriate for a detached single-family residential dwelling unit located on a single lot that is 6,000 square feet or greater in area.
2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which applies to a range of single-family residential dwelling units. The Coastal Land Use Plan designates this site as Single-Unit Residential Detached (RSD-A), which provides for density ranges from 0.0 to 5.9 dwelling units per acre. The land use will remain the same and the merger is consistent with the land use designations of the General Plan and Coastal Land Use Implementation Plan.

3. The subject property is not located within a specific plan area.
4. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. The proposed merger would result in a 28,910-square-foot parcel that is in conformance to the minimum 6,000-square foot interior lot area standard of the Zoning Code.

Finding:

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

Fact in Support of Finding:

1. No adjoining parcels will be deprived of legal access as a result of the merger. Legal access for the merged lot is provided from Galaxy Drive, and will remain unchanged.

Finding:

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

Facts in Support of Finding:

1. Current and future development on the merged lots is required to meet all applicable development standards and, therefore, will not significantly deviate from the pattern of development of adjacent and/or adjoining lots in a manner that would result in an unreasonable detriment to the use and enjoyment of other properties.
2. The proposed lot merger will create a parcel that is consistent with the character or general orientation of adjacent and/or adjoining lots. Although the current configuration is two parcels, the property will be used as a single parcel with one single-family residence. The general orientation of the resulting dwelling will be maintained with a rear setback adjacent to Galaxy Drive and front setback along the bluff edge.
3. The proposed lot merger will create a larger parcel than those in the immediate vicinity, but will not result in an unreasonable detriment to the use and enjoyment of other properties. Both single-family residences are existing and will continue to appear as two

separate single-story building masses from the street, with the exception of a proposed single-story, 182-square-foot hallway addition connecting the two buildings. The subject lots sit along a curved roadway of Galaxy Drive that serves to mitigate visual massing created by the consolidation. Additionally, restrictions are included in the conditions of approval that limit all future development at the site to not exceed one-story and stipulate an open space requirement be maintained in front of the proposed hallway connection to further reduce bulk.

Finding:

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

Facts in Support of Finding:

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

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, site coverage limitation, setbacks, height, and parking.
 - a. The maximum site coverage limitation is 17,346 square feet (or 60 percent) and the proposed site coverage is 15,630 square feet (54 percent).
 - b. The proposed development provides the minimum required setbacks, which are 20 feet along the property line abutting the bluff, 6 feet along each side property line and 6 feet along the rear property line abutting Galaxy Drive.

- c. The highest roof element of the project is approximately 14 feet, significantly less than the 24-foot maximum height limit requirement for the R-1-6000 Zoning District.
 - d. The project includes garage parking for a total of 8 vehicles, complying with the minimum three-car garage parking requirement for single-family residences with more than 4,000 square feet of habitable floor area.
 - e. The property is located within the Bluff Overlay District of the Local Coastal Program Implementation Plan, which establishes special development standards for identified bluff areas of the City. Pursuant to the Bluff Overlay Map B-9B (Upper Newport Bay Bluffs), the property is located on a bluff subject to marine erosion. Consistent with the Bluff Overlay standards, the proposed principal dwelling and major accessory structures are located within Development Area A and setback a minimum of 25 feet from the bluff edge. Minor accessory structures are located within Development B, a minimum of 10 feet back from the bluff edge. No accessory structures are proposed within Development Area C.
2. The neighborhood is predominantly developed with one- and two-story single-family residences. Along the bluff side of Galaxy Drive, development consists primarily of single-story, single-family dwellings. The proposed single-story design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
 3. The properties are located above a bluff top that descends to the Upper Newport Bay Ecological Reserve, approximately 90 feet above sea level. A Geotechnical Commentary report, dated May 15, 2019, was prepared by Petra Geosciences, for the project. The report regarded previous geologic evaluation of 1718 Galaxy Drive and provided additional evaluation for 1712 Galaxy Drive. The commentary summarized the findings of these studies, which include the determination of the site's stability to have a 1.5 factor of safety. Additionally indicated is that bluff erosion could occur as a result of poor drainage of the ground surface along the top of the bluff, which could result in water flowing over the slope. However, the ground surfaces above the bluff have been graded so that they flow into area drains, which then carry the water to the curb and gutter of Galaxy Drive. As such, erosion due to poor drainage is not considered to be a concern. Moreover, the bluff is part of a protected ecological reserve and, therefore, not subject to any adverse activities such as hiking or climbing. Erosion due to activities by man are also not of concern. The potential for future bluff retreat or structural damage due to adverse hazards such as sea level rise, flooding, wave attack, or slope erosion was considered negligible.
 4. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
 5. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or

destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.

6. The project design addresses water quality with a construction erosion control plan and a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.
7. Proposed landscaping complies with Implementation Plan Section 21.30.075. A condition of approval is included that requires drought-tolerant species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted and only temporary irrigation is installed within 10 feet of the bluff edge (Bluff Development Area C).

Finding:

- H. *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.*

Facts in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline; however, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities. The existing residential developments 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 is a lot merger to consolidate two single-family residences into one single-family residence. Therefore, the project does involve a change in land use, density or intensity, but will not result in increased demand on public access and recreation opportunities.
2. The project site is located on a bluff in the Upper Newport Bay and does not provide nor inhibit public coastal access opportunities. The project is designed and sited so as not block or impede existing public access opportunities and occurs within the confines of private property. Existing coastal access conditions will not be affected by the project. The nearest coastal access opportunity is currently provided by a trail off Constellation Drive, approximately 2,100 feet away from the subject site.
3. The closest public viewpoint is located at the east end of Mariners Drive abutting the edge of the Upper Newport Bay Bluff, approximately 670 feet away from the subject sites. Due to the distance of the proposed development from the public viewpoints and the project's compliance with height and setbacks, the project will not impact coastal views.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM2018-002 and Coastal Development Permit No. CD2018-017 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 25TH DAY OF JULY, 2019.



Rosalinh Ung
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The map shall be submitted to the Public Works Department for final map review and approval. All applicable fees shall be paid.
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. Prior to the issuance of building permits, for any construction to cross the existing interior lot line between the two (2) lots proposed to be merged, recordation of the Lot Merger documents with the County Recorder shall be required.
4. All easements shall be plotted and all easement documents provided upon final map review.
5. *Prior to building permit final for the hallway connection and addition, all unpermitted improvements within the Back Bay/State property shall be removed.*
6. *All development on the site shall be used for single-unit dwelling purposes only. Any reversion to underlying legal lots or use of the property for two separate dwellings shall be subject to new tentative parcel map and coastal development permit applications.*
7. *All future construction at the site shall be limited to single-story development, not to exceed the existing roofline height of 14 feet above the building pad.*
8. *The open space area located in front of the proposed connection hallway that creates a visual break between the two existing buildings shall be maintained clear to the rear setback line adjacent to Galaxy Drive. Additions or modifications to the connection hallway that would diminish this visual break shall not be allowed.*
9. 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).
10. Prior to the final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
11. Prior to the issuance of building permits, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its

boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development. This letter shall be scanned into the plan set prior to building permit issuance.

12. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
13. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
14. This Coastal Development Permit does not authorize any development bluffward of the private property.
15. The applicant is responsible for compliance with the Migratory Bird Treaty Act. In compliance with the (MBTA), grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
16. 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 Erosion Control Plan.
17. 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.

18. 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.
19. 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.
20. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
21. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
22. 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.
23. 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.
24. Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
25. Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
26. Prior to the issuance of building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
27. Prior to the issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
28. Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive

plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.

29. 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.
30. Prior to the issuance of building permits, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
31. 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.
32. This Lot Merger No. LM2018-002 and Coastal Development Permit No. CD2018-017 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
33. 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 Matthews Residence including, but not limited to, Lot Merger No. LM2018-002 and Coastal Development Permit No. CD2018-017 (PA2018-040). 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.