



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Assistant City Manager/Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator and/or Community Development Director for the week ending January 26, 2024.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS JANUARY 25, 2024

- Item 1: Irwin Residence Coastal Development Permit (PA2023-0123)
Site Address: 7 Beacon Bay
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2024-001 | Council District | 5 |
|---|------------------|---|
- Item 2: Sedrak Residence Coastal Development Permit (PA2023-0132)
Site Address: 421 Edgewater Place
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2024-002 | Council District | 1 |
|---|------------------|---|
- Item 3: Balboa Yacht Club Limited Term Permit (PA2023-0167)
Site Address: 1801 Bayside Drive
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2024-003 | Council District | 6 |
|---|------------------|---|
- Item 4: Moinfar Residence Coastal Development Permit (PA2023-0157)
Site Address: 2401 Bay Shore Drive
- | | | |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2024-004 | Council District | 2 |
|---|------------------|---|
- Item 5: Genesis Automobile Minor Use Permit, Minor Site Development Review, Modification Permit and Tentative Parcel Map (PA2023-0094)
Site Address: 320, 400, 410, 500, and 600 West Coast Highway
- | | | |
|--|------------------|---|
| Continued to February 01, 2024, Zoning Administrator Meeting | Council District | 2 |
|--|------------------|---|

**COMMUNITY DEVELOPMENT DIRECTOR
OR ZONING ADMINISTRATOR ACTIONS**

(Non-Hearing Items)

Item 1: Old Newport Office Building Parking Reduction Staff Approval (PA2023-0128)

Site Address: 326 Old Newport Boulevard

Action: Approved

Council District 2

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 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. ZA2024-001

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A COASTAL DEVELOPMENT PERMIT AND COASTAL VARIANCE TO DEMOLISH AN EXISTING SINGLE-UNIT RESIDENCE AND CONSTRUCT A NEW THREE-STORY SINGLE-UNIT RESIDENCE AND ATTACHED THREE-CAR GARAGE WITH A PATIO COVER ENCROACHMENT LOCATED AT 7 BEACON BAY (PA2023-0123)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Ian Harrison, concerning property located at 7 Beacon Bay, requesting approval of a coastal development permit. The lot at 7 Beacon Bay is legally described as Lot 7 Record of Survey Book 9 Page 42-43.
2. The applicant requests a coastal development permit to allow the demolition of an existing single-unit residence and the construction of a new, three-story, 4,595-square-foot single-unit residence including a 617-square-foot, three-car garage. The request also includes a coastal variance to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to allow an encroachment into the front setback. The encroachment consists of a patio cover that extends within six inches of the front property line on the water with half of the patio on the westerly side and up to half of the front to be enclosed by glass for sun and wind protection pursuant to an existing variance (VA342) approved in 1957 for the residential block along the water. The existing Variance (VA342) is vested pursuant to Title 20 (Planning and Zoning) of the NBMC and runs with the land. However, that variance was not carried over into Title 21 (Local Coastal Program Implementation Plan), thus requiring the variance. The proposed development includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping. The project was previously heard by the Zoning Administrator on October 26, 2023, and has since been revised to include the coastal variance to Title 21 (Local Coastal Program) of the NBMC.
3. The property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two Unit Residential (RT). The R-2 Zoning District permits single and two-unit residential dwellings.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (10.0 – 19.9 DU/AC) – (RT-C) and the Coastal Zoning District is Two-Unit Residential (R-2).
5. A public hearing was held on October 26, 2023, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the NBMC. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing. The Zoning Administrator approved the project; however, the project was later appealed due to concerns regarding the patio encroachment. The project has been revised to request

a variance to Title 21 (Local Coastal Program Implementation Plan) of the NBMC for the patio encroachment.

6. A public hearing was held on January 25, 2024, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the 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 categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition of up to three single-unit residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the demolition of one single-unit residence and the construction of a new 3,978-square-foot, single-unit residence, and attached 617-square-foot, three-car garage.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

By Section 21.52.015 (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking, except as identified in Fact 1(b) below.
 - a. The maximum floor area limitation is 5,576 square feet and the proposed floor area is 4,595 square feet.
 - b. The proposed development provides the minimum required setbacks to the principal structure, which are 15 feet along the front property line abutting the Bay, 3 feet along each side property line, and 3 feet along the front property line abutting

the street. The proposed encroachment into the front setback for the patio cover requires a coastal variance to deviate from the setback standards of Section 21.80.040 (Setback Maps) of the NBMC.

- c. The highest guardrail is less than 24 feet from the established grade (9.80 feet NAVD88) and the highest ridge is no more than 29 feet from the established grade, which complies with the maximum height requirements.
 - d. The project includes garage parking for a total of three vehicles, exceeding the minimum two-car garage parking requirement for single-unit residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two- and three-story, single-unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
 3. A Coastal Hazards Report was prepared by PMA Consulting, Inc. dated August 12, 2023. The project site is separated from the water by a small sandy beach. The report concludes that the maximum high tide elevation (currently 7.7 feet NAVD 88) will not exceed 10.9 feet (NAVD 88) using the low-risk aversion projected sea level rise (3.2-foot increase) over the 75-year design life of the structure based on estimates for sea level rise provided by the State of California Sea-Level Rise Guidance 2018. Therefore, the proposed project includes a waterproofing curb around the primary structure at 10.9 feet NAVD 88. The report states that the estimated sea level rise over the next 75 years, using the Medium-High Risk Aversion, is potentially 6.7 feet (14.4 feet NAVD 88). Due to its location, the site is not subject to typical ocean waves and associated wave runup. Bay generated waves that may arrive at this site are very small and are generally dampened by the vessels and dock systems in front of the site; therefore, the site has not historically been subject to wave overtopping, nor is overtopping waters over the next 75 years expected to reach the subject site, even under extreme conditions. However, if the 6.7 feet NAVD88 (Medium High-Risk) projection holds true for year 2100, block walls could be built along site property lines to an elevation of 14.4 feet NAVD88. Based on the data provided, the study concludes that coastal hazards will not impact the property over the next 75 years, as the proposed project has minimal risk from flooding.
 4. The finished floor elevation of the proposed single-unit residence is 10.5 feet (NAVD88), which complies with the minimum 9.00 feet (NAVD88) elevation standard. The Coastal Hazard Report concludes that the bay water elevation (currently 7.7 feet NAVD88) will not exceed the proposed flood protection curb around the single-unit residence at 10.9 feet (NAVD88 datum) for the anticipated 75-year life of the structure.
 5. Under NBMC Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection), the property owner will be required to agree 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). This requirement is included as a condition of approval that will need to be satisfied before the final building permit inspection.

6. 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) (General Site Planning and Development Standards). This requirement is included as a condition of approval that will need to be satisfied before the issuance of building permits, respectively.
7. The property is 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 before 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 before building permit issuance.
8. The property is located adjacent to of coastal waters. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
9. Under Municipal Code Section 21.35.050 (Water Quality and Hydrology Plan), due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQMP has been prepared for the project by Thomas M. Ruiz dated, June 23, 2023. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a LID approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs. Construction plans will be reviewed for compliance with the approved WQHP before building permit issuance.
10. Proposed landscaping complies with Implementation Plan Section 21.30.075 (Landscaping). A condition of approval is included that requires drought-tolerant species. Before the issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
11. The project site is not located adjacent to a coastal view road, public viewpoint, public park, or public accessway, as identified in the Coastal Land Use Plan. The project site is located adjacent to a public beach and is visible from the beach. The project may be located within the viewshed of other distant public viewing areas. Site evaluation revealed that the proposed three-story design is consistent with the existing neighborhood pattern of development and will not affect the existing views afforded on the Cape Cove or Shelter Cove Street ends. The project design includes low walls along the front property line on the beach, which prevents the appearance of the project being walled off from the beach. The project will replace an existing single-unit residence with a new single-unit residence that complies with all applicable Local Coastal Program (LCP) development standards and

maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views. Additional analysis regarding the proposed patio cover is included under Finding F below and hereby incorporated by reference.

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.*

Facts in Support of Finding:

1. The project site is located in the Beacon Bay area between the nearest public road and the sea. 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 single-unit residence with a new single-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. Vertical access to the bay and beach is available at the terminus of Cape Cove, Shell Cove, and Reef Cove. Lateral access is available along the sandy beach. The closest access is approximately 90 feet to the east of the site at Cape Cove. The project does not include any features that would obstruct access along these routes. Additional analysis regarding the proposed patio cover is included under Finding E below and hereby incorporated by reference.

By Section 21.52.090 (Relief from Implementation Plan Development Standards) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

- C. The granting of the variance is necessary due to special circumstances applicable to the property, including location, shape, size, surroundings, topography, and/or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same coastal zoning district.*

Facts in Support of Finding:

1. The location of the front yard area is south of the subject property facing the bay. Historically, additional sun protection from the waterside is required for these properties.

2. Properties facing the same direction along the bay in Lido Island, Harbor Island, and Beacon Bay hold historical Variances for sun and wind protection. The patios have thin posts with a one-story overhead structure, and glass for only half of the patio. They preserve the openness while providing the necessary protection to enjoy the front yard areas.
3. The properties have enjoyed the patio encroachments afforded by the historical variance since 1957. The majority of the dwellings have the patio encroachment and a rebuild in Beacon Bay as recent as 2018 included the patio encroachment.

Finding:

D. The variance complies with the findings required to approve a coastal development permit in Section 21.52.015(F).

Facts in Support of Finding:

1. Facts in support of Findings A and B are hereby incorporated by reference.

Finding:

E. The variance will not result in development that blocks or significantly impedes public access to and along the sea or shoreline and to coastal parks, trails, or coastal bluffs.

Facts in Support of Finding:

1. The patio cover will maintain six inches to the front property line along the beach and will not encroach onto the sand or public use areas. The patio cover will provide shade on the first floor only. The patio cover is mostly open on the sides, with only glass panels on the westerly side and half of the front (development standards of existing Variance limits the type and amount of enclosure). The glass preserves the open nature of the front yard, and no public encroachments are proposed. These design limitations ensure there is no impact to public access.
2. The proposed dwelling and patio encroachment provides more than the required side yard setback with five feet clear to the side property line where three feet is the minimum. Further, the property is an interior lot that does not currently provide public access along the sides of the property.

Finding:

F. The variance will not result in development that blocks or significantly impairs public views to and along the sea or shoreline or to coastal bluffs and other scenic coastal areas.

Facts in Support of Finding:

1. The patio encroachment does not impact coastal visual resources as it is limited in size and height. The patio cover is located on the first floor only and is approximately 10 ½ feet high.
2. Variance No. VA342 was approved in 1957 and created unique allowance for patio encroachments for all Beacon Bay properties along the bay for sun and wind protection. These patio covers are permitted to encroach to within six inches of front property line on the water and half of the patio cover on the westerly side and half of the front is permitted to be enclosed by glass. The glass maintains an open nature and reduces the appearance of bulk and scale. The posts are limited in diameter to be the minimum required to support the awning, 2 ½ inches in diameter and the fascia shall be at least seven feet clear from the patio floor level. These design requirements ensure there will be no visual or view impacts. These patios have existed within the block since 1957 without impacting public views.
3. The patio encroachment will not be visible from any public viewpoints identified under Finding A.

Finding:

G. The variance will not result in development that has an adverse effect, either individually or cumulatively, on coastal resources, including wetlands, sensitive habitat, vegetation, or wildlife species.

Facts in Support of Finding:

1. The location of the front yard area is south of the subject property facing the bay. The patio cover will maintain six inches to the front property line along the beach and will not encroach onto the sand, public use areas, or sensitive habitat areas.
2. The project is conditioned so that construction shall comply with the Migratory Bird Treaty Act to protect any native birds. The property is not adjacent to any environmental study areas or environmentally sensitive habitat areas (ESHA), and no impacts to sensitive habitat or other environmental resources is anticipated.

Finding:

H. The granting of the variance will not be contrary to, or in conflict with, the purpose of this Implementation Plan, nor to the applicable policies of the certified Local Coastal Program.

Facts in Support of Finding:

1. The Variance was approved in 1957 and predates the Coastal Act. Variance No. VA342 created a unique allowance for patio cover encroachments for all Beacon Bay properties along the bay for sun protection and to allow the enjoyment of the front yard areas.

Historically, the construction and maintenance of these patio encroachments have not been in conflict with the preservation of coastal resources.


2. The encroachment would not conflict with the purpose of the Implementation Plan nor the policies of the Local Coastal Program because it will not impact environmental resources, public access, nor the visual quality of the coastal zone. Additionally, the coastal variance will allow the subject property owner to maintain their historic property right for sun and wind protection that has existed for 67 years in this area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit (PA2023-0123), subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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 by the provisions of Title 21 Local Coastal Program (LCP) 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 (Appeal to the Coastal Commission) 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 JANUARY, 2024.



Benjamin M. Zueba, AICP, 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. *Before the final building permit inspection, a waterproofing curb or similar design feature shall be constructed around the proposed residence as an adaptive flood protection device up to a minimum of 10.9 feet (NAVD88). Flood shields (sandbags and other methods) can be deployed across the openings to protect and prevent flooding to the structure.*
3. *Should future bay water elevations exceed the proposed waterproofing curb of 10.95 feet (NAVD 88) on-site block walls shall be constructed up to 14.4 feet (NAVD 88), in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities. However, the future on-site block walls shall not be required if the City installs a structure to protect the community that meets the minimum elevation requirements.*
4. *The patio encroachment shall comply with all the development regulations found in Variance 342. Additionally, the glass panels shall provide the minimum etching necessary to prevent bird strikes to be reviewed and approved by the Planning Division during plan check.*
5. Before 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.
6. Before the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 development. This letter shall be scanned into the plan set before building permit issuance.
7. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm

drains 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.

8. This Coastal Development Permit does not authorize any development seaward of the private property. Prior to the final of building permits, all nonconforming hardscape encroachments onto the sand shall be removed.
9. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). 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 under 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.
10. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
11. 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.
12. 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.
13. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.

14. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
15. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
16. The applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.
17. 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 are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
18. *Before the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
19. *Before the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
20. *Before 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.*
21. *Before 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.*
22. *Before issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
23. All landscape materials and irrigation systems shall be maintained by 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.
24. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) 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. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.

25. 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 periods unless the ambient noise level is higher:

Location	Between the hours of 7:00 AM and 10:00 PM		Between the hours of 10:00 PM and 7:00 AM	
	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

26. Before the issuance of the building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
27. 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.
28. This Coastal Development Permit filed as PA2023-0123 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.
29. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 Irwin Residence including but not limited to, Coastal Development Permit filed as PA2023-0123. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

RESOLUTION NO. ZA2024-002

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMODEL AND ADDITION TO AN EXISTING SINGLE-UNIT DWELLING LOCATED AT 421 EDGEWATER PLACE (PA2023-0132)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Joseph Sedrak, concerning property located at 421 Edgewater Place, requesting approval of a coastal development permit. The lot at 421 Edgewater Place is legally described as Lot 4 Block 2 Balboa Bayside Tract.
2. The applicant requests a coastal development permit (CDP) to allow the remodel and addition of an existing 2,714-square-foot single-unit dwelling with an attached two-car garage. The proposed addition consists of approximately 200 square feet and includes a new third floor at 29-feet-tall, with covered and uncovered decks. The addition is greater than a 10% increase in height, therefore the proposed project requires a CDP. The proposed development includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping. The project complies with all development standards and no deviations are requested. All improvements authorized by this CDP will be located on private property.
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 located within the coastal zone. The Coastal Land Use Plan category is RT-E (Two Unit Residential – 30.0 – 39.9 DU/AC) and it is located within the R-2 (Two-Unit Residential) Coastal Zoning District.
5. A public hearing was held on January 25, 2024, online via Zoom. A notice of the time, place, and purpose of the hearing was given by 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 categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15301, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) because it has no potential to have a significant effect on the environment.
2. Class 1 exempts the minor alterations involving negligible or no expansion of use. The proposed project consists of the addition of approximately 200 square feet to an existing single-family residence and therefore qualifies within this exemption. There are no

known exceptions listed in CEQA Guidelines Section 15300.2 that would invalidate the use of this exemption. 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.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 2,956 square feet and the proposed floor area is 2,893 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 7 feet along the front property line abutting the public boardwalk and bay, 3 feet along each side property line, and 5 feet along the rear property line abutting the alley.
 - c. The highest guardrail is less than 24 feet from the established grade (8.17 feet NAVD88) and the highest ridge is no more than 29 feet from the established grade, which complies with the maximum height requirements.
 - d. The project includes garage parking for a total of two vehicles, complying with the minimum two -car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two- and three -story, single-unit and two-unit residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
3. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by GeoSoils, Inc. dated October 24, 2023, for the project. The maximum bay water elevation is 7.7 feet NAVD 88 (North American Vertical Datum of 1988 (NAVD 88) and may exceed the current top of bulkhead elevation of 7 feet (NAVD 88) during high tide or storm events. The report analyzes future sea level rise scenarios assuming a 3-foot increase in the maximum water level over the next 75 years (i.e., the life of the structure). Therefore,

the sea level is estimated to reach approximately 10.9 feet NAVD 88 (the likely range for sea level rise over the 75-year design life of the structure based on low-risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update).

4. March 23, 2021, the City Council approved updated Waterfront Project Design Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities. The guidelines require that any structure permitted within the years 2021 through 2025 must have a minimum bulkhead elevation of 10.9 feet (NAVD 88) with a design for adaptability elevation of 14.4 feet (NAVD 88). The lowest existing finished first floor elevation of the residence is approximately 9.0 feet NAVD88 and will not be altered as part of the proposed addition and remodel. The third story addition has a finished floor elevation of approximately 28 feet NAVD88. The top of the existing bulkhead is at about an elevation of 7 feet NAVD88. Raising the bulkhead to 10.9 feet NAVD88 would require a comprehensive upgrade of the shared bulkhead between all of the neighbors that own a portion of the bulkhead wall with potential impact to the public boardwalk, and potentially requiring a joint project between the City and private property owners. Pursuant to the report, the privacy wall on the landward side of the public boardwalk can protect the site from future overtopping of the bulkhead due to Sea Level Rise. The top of the existing site privacy wall on the landward side of the boardwalk is approximately 9 feet NAVD88. Pursuant to the recommendations in the Coastal Hazards Report, the project has been conditioned to raise the privacy wall to 10.9 feet NAVD88 with adaptability to raise it to 14.4 feet NAVD88 if needed and in compliance with updated guidelines.
5. Once the existing privacy wall is raised per the report's recommendations, flooding, wave run-up, and erosion will not significantly impact this property over the proposed 75-year economic life of the development. A waterproofing curb is also proposed to be constructed around the perimeter of the dwelling that would protect against flooding up to an elevation of 10.9 feet (NAVD 88). Flood shields (sandbags and other barriers) can be deployed across the openings to protect and prevent flooding to the structure. The report concludes that the proposed project will be safe from flooding hazards for the next 75 years with the raised privacy and a flood protection curb. Therefore, the project has been conditioned to raise the privacy wall and include a flood protection curb structure up to 10.9 feet (NAVD 88).
6. Under NBMC Section 21.30.030(C)(3)(i)(iv) (Development Standards – Protective Structures), the property owner will be required to agree 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). This requirement is included as a condition of approval that will need to be satisfied before the final building permit inspection.
7. 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) (Waterfront Development – Development Standards). This requirement is included as a condition of approval that will need to be satisfied before the issuance of building permits, respectively.

8. The property is 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 before 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 before building permit issuance.
9. The property is located adjacent to coastal waters. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
10. Proposed landscaping complies with Implementation Plan Section 21.30.075 (Landscaping). A condition of approval is included that requires drought-tolerant species. Before the issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
11. The project site is not located adjacent to a coastal view road or coastal viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoint is on Balboa Pier over 1,000 feet away and is not visible from the site. The site is not visible from any coastal view roads. The project does not contain any unique features that could degrade the visual quality of the coastal zone.
12. The front of the proposed residence, which is visible from Edgewater Place, contains substantial architectural treatment and visual interest, in keeping with the design guidelines of the Zoning Code. The design includes modulation of volume throughout the structure, an increased front setback beyond what is required by code (10 to 13 feet instead of the seven feet that is required), and low walls that prevent the appearance of the site being walled off from the boardwalk. Therefore, the project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts to existing public views.

Finding:

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

Fact in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline. 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 remodel and addition to an existing single-family residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.

2. Vertical access to the bay is available at the ends of the block, along Cypress Street and Adams Street. Lateral access is available adjacent to the subject property, along the existing public boardwalk. There is a pedestrian walkway easement along the boardwalk to ensure public access, as decided by California Superior Court Case 169606. The project does not include any features that would obstruct access along these routes and no construction is proposed bayward of the subject property.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit, subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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 by the provisions of Title 21 Local Coastal Program (LCP) 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 (Appeal to the Coastal Commission) 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 JANUARY, 2024.



Benjamin M. Zueba, AICP, 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. *Before issuance of building permits, a waterproofing curb or similar design feature shall be constructed around the proposed residence as an adaptive flood protection device up to a minimum of 10.9 feet (NAVD88). Flood shields (sandbags and other methods) can be deployed across the openings to protect and prevent flooding to the structure.*
3. *Before the final building permit inspection, the privacy wall within the front yard adjacent the boardwalk and including the returns of the wall towards the dwelling shall be raised in height up to a minimum of 10.9 feet (NAVD88) with adaptability to be raised in the future to 14.4 feet (NAVD88) if needed.*
4. Before 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 including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns.
5. Before the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 development. This letter shall be scanned into the plan set before building permit issuance.
6. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains 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.
7. This Coastal Development Permit does not authorize any development seaward of the private property.

8. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). 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 under 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.
9. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
10. 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.
11. 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.
12. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
13. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
14. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
15. The applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.

16. 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 are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
17. *Before the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
18. *Before 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.*
19. *Before 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.*
20. All landscape materials and irrigation systems shall be maintained by 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.
21. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) 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. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
22. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) 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 periods unless the ambient noise level is higher:

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

23. Before the issuance of the building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

-
24. 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.
 25. This Coastal Development Permit 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.
 26. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 Sedrak Residence including but not limited to, Coastal Development Permit (PA2023-0132). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

RESOLUTION NO. ZA2024-003

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LIMITED TERM PERMIT AND COASTAL DEVELOPMENT PERMIT TO ALLOW TEMPORARY KITCHEN TRAILERS LOCATED AT 1801 BAYSIDE DRIVE (PA2023-0167)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jennifer Orozco of the Balboa Yacht Club (“Applicant”), with respect to property located at 1801 Bayside Drive. The Balboa Yacht Club is developed over three separate parcels, legally described as Parcel 1 of Resubdivision No. 791, a portion of Block 94 of Irvine’s Subdivision, and a portion of Lots A and B, Tract No. 6927 in the City of Newport Beach, Orange County, California (“Property”).
2. The Applicant proposes to park two trailers side-by-side within a fully paved and fenced boat storage area and utilize them as a temporary kitchen while the Balboa Yacht Club’s permanent kitchen is remodeled (“Project”).
3. The Property is designated Private Institutions (PI) and Public Facilities (PF) by the General Plan Land Use Element and is located within the Private Institutions (PI) and Public Facilities (PF) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Private Institutions (PI-A) and Public Facilities (PF) and it is located within the Private Institutions (PI) and Public Facilities (PF) Coastal Zoning District.
5. A public hearing was held on January 25, 2024, online via Zoom. A notice of the time, place, and purpose of the hearing was given by 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 categorically exempt pursuant to Title 14 of the California Code of Regulations pursuant to Section 15301, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of an existing or former use. The subject application is a request to allow two kitchen trailers for a

limited term at an existing yacht club while the permanent kitchen undergoes remodeling. The request qualifies under the parameters of the Class 1 exemption.

SECTION 3. REQUIRED FINDINGS.

Limited Term Permit

In accordance with Section 20.52.040(G) (Limited Term Permits – Finding and Decision) of the Newport Beach Municipal Code (“NBMC”), the findings and facts in support of such findings are set forth as follows:

Finding:

- A. *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 the use of two temporary kitchen trailers until December 31, 2024. The kitchen trailers will be parked side-by-side in a fully paved and fenced boat storage area located entirely on private property. The Balboa Yacht Club has operated at the Property since 1949 and is entitled through Use Permit No. 1681, which includes kitchen facilities. The temporary kitchen trailers will serve as the kitchen facilities for the Balboa Yacht Club while the permanent kitchen is remodeled, therefore allowing an existing use to continue uninterrupted during construction. As conditioned, all applicable conditions of approval of Use Permit No. 1681 shall be adhered to for the temporary kitchen, unless otherwise modified by the conditions of approval contained herein.
2. The temporary kitchen trailers will be driven onto the Property and connect to existing on-site electricity, water, and sewer utilities. Upon completion of the permanent kitchen remodel, the trailers will be driven off the site. Since they are trailers, minimal restoration or cleanup will be required and the Applicant is conditioned to fully clean and restore the site to original conditions.
3. The Project is not expected to be detrimental to surrounding land uses, which include single family homes and the Newport Beach Harbor Patrol. The nearest residential property is approximately 125 feet east of the trailers’ proposed location, separated by Bayside Drive and grade separated by more than 30 feet. The nearest residential property to the north is over 230 feet away, and the nearest residential property west of Balboa Island Channel is over 400 feet away.
4. The Applicant is conditioned to adhere to applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the temporary kitchen trailers.

Finding:

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

Facts in Support of Finding:

1. The Property is approximately 90,140 square feet and is developed with a two-story club house, boat storage areas, administrative offices, and associated parking. The temporary kitchen trailers and associated access stairs, ramp and decks will displace eight boat parking spaces totaling less than 1,700 square feet of site area for full operation. Vehicle parking areas will be unaffected by the Project. Based on the site plan, there is adequate area on the Property for the proposed temporary kitchen trailers.
2. The temporary kitchen trailers will be placed in a fully paved and fenced boat storage area adjacent to the bay. The location is surrounded by the Balboa Yacht Club parking lots to the north and east and main clubhouse to the south. The location is at a lower elevation than Bayside Drive, which helps shield the trailers from street view. Existing boat docks to the west screen visibility of the trailers from the bay.

Finding:

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

Fact in Support of Finding:

1. The Property is accessed by two driveways on Bayside Drive, a two-lane street that is approximately 40 feet wide. The temporary kitchen trailers will not impede vehicular access to either driveway as it is proposed to be located in an area enclosed for boat storage.
2. The temporary kitchen trailers will not generate additional traffic. The trailers enable dining operations to continue uninterrupted during construction of the permanent kitchen remodel, thus enabling an existing use to continue. Additionally, dining services are only available to club members. No changes to the existing dining operations are proposed as a part of the Project.

Finding:

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

Fact in Support of Finding:

1. Fact 2 in support of Finding C is hereby incorporated by reference.

2. Vehicular parking areas to the north and south of the clubhouse provide adequate parking for the Balboa Yacht Club. The temporary kitchen trailers will be placed in a fully paved and fenced boat storage area and will not impact the vehicular parking areas.

Finding:

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

Facts in Support of Finding:

1. The General Plan land use category, Coastal Land Use Plan category, and Zoning District for this site are Private Institutions (PI) and Public Facilities (PF). The PF designation is intended to provide public facilities and the PI designation is intended to provide for privately owned facilities that serve the public, including yacht clubs. The proposed temporary kitchen trailers will enable the Balboa Yacht Club to continue providing dining services to club patrons while the club's permanent kitchen undergoes remodeling, therefore allowing a current use to continue. Temporary uses are permitted with the approval of a limited term permit pursuant to Table 2-14 (Allowed Uses and Permit Requirements) in Section 20.26.020 (Special Purpose Zoning Districts Land Uses and Permit Requirements) and Table 21.26-1 of Section 21.26.020 of the NBMC.
2. The Property is not located within a specific plan area.

Coastal Development Permit

In accordance with Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. Fact 1 in support of Finding E is hereby incorporated by reference.
2. The Property is not located adjacent to a coastal view road or public access way. The temporary kitchen trailers will be located on private property and will not impact the public use of roadways or parking areas, or otherwise impact public use or access to coastal waters.
3. The proposed temporary trailers are not located near coastal view roads, as designated in the Coastal Land Use Plan. The closest public view point is Irvine Terrace Park, over 1,300 feet northeast of the proposed trailer location. Due to the distance of the proposed trailers from the public view point, the project will not impact coastal views.

4. Landscaping is not proposed as a part of this project, and project approval will not result in any construction or physical alterations to the site.
5. The Property does not contain environmentally sensitive habitat areas, wetlands, or sandy beach areas.

Finding:

- G. *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 of shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding:

1. The Property is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access shall bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project entails the parking of temporary kitchen trailers to provide a continuation of dining services at the Balboa Yacht Club while the permanent kitchen is remodeled. The Project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities.
2. The temporary trailers will not block or impede existing public access opportunities. The nearest public beach is Bayside Drive County Beach, approximately 600 feet southeast of the proposed trailer location and accessible from Bayside Drive via the Orange County Harbor Patrol facility.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Limited Term Permit and Coastal Development Permit (PA2023-0167), subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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 by the provisions of Title 21 Local Coastal Program (LCP) 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 (Appeal to the Coastal Commission) 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 JANUARY 2024.



Benjamin M. Zdeba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division

1. *All conditions of approval from Use Permit No. 1681 shall be adhered to unless specifically modified by the following set of conditions.*
2. The temporary kitchen location shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval, except as modified by applicable conditions of approval.
3. *The approval of this Limited Term Permit shall be effective from the effective date of this approval until December 31, 2024, unless an extension is granted by the Zoning Administrator in compliance with Section 20.54.060 (Time Limits and Extensions) of the NBMC. A letter requesting the extension shall be submitted to the Planning Division no later than thirty (30) days before the expiration date of this permit. The Applicant shall be required to cease all permitted operations and remove any temporary improvements made to the Property as part of this approval at the end of the effective period.*
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. The Applicant shall adhere to all applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the temporary kitchen trailers.
6. The Applicant shall comply with all federal, state, and local laws, and all conditions of the Alcoholic Beverage License. Material violation of any of those laws or conditions in connection with the use may be cause for revocation of the Limited Term Permit.
7. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Care Agency is required prior to the issuance of a building permit.
8. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC. 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
Single-, two-or multiple-family residential	45dBA	55dBA	40dBA	50dBA
Residential portions of mixed-use properties	45dBA	60dBA	40dBA	50dBA
Commercial	N/A	65dBA	N/A	60dBA
Industrial or manufacturing	N/A	70dBA	N/A	70dBA

9. *No outside paging system shall be utilized in conjunction with the temporary trailers.*
10. The exterior of the trailers shall be always maintained free of litter and graffiti. 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.
11. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Limited Term Permit and Coastal Development Permit.
12. *Storage outside of the trailers shall be prohibited.*
13. A Special Events Permit is required for any event or promotional activity outside the normal operating 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.
14. *All lighting for the temporary kitchen trailers shall be shielded or positioned to not create glare onto adjacent properties.*
15. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, 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.
16. All trash shall be stored within a building or within dumpsters stored in a trash enclosure or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
17. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance

with the provisions of Title 14, including all future amendments (including Water Quality related requirements).

18. *Subsequent to the removal of the temporary trailers, the Applicant shall clean and restore the site to prior conditions within 30 days of removal.*
19. Before the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
20. 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 Balboa Yacht Club Limited Term Permit and Coastal Development Permit including, but not limited to, PA2023-0167**. 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.

Building Division

21. A Temporary Building Permit shall be required for the Project in accordance with Section 3103 of the California Building Code (2022).
22. The Modular Trailer shall be state approved for the use and occupancy (Kitchen and B Occupancy).
23. Waste pretreatment is required through an approved grease interceptor. All drainage from fixtures or equipment that produce fats oil or grease shall connect to a grease interceptor prior to connecting to sewer.
24. Type 1 hoods shall be installed at or above commercial-type deep fat fryers, broiler, grills, hot-top ranges, ovens, barbecues, rotisseries, and similar equipment that emits smoke or grease in a food-processing establishment.

Fire Department

25. Type 1 hood ventilation must be installed, pending review by the Newport Beach Building Department.

26. An NRPA 17A fixed suppression system, approved by the Newport Beach Fire Department, is required.
27. Prior to the establishment of the temporary trailers, all required approvals from the Orange County Health Care Agency shall be obtained by the Applicant.
28. The Applicant shall comply with all HSC 114323 requirements:
 - a. A first-aid kit must be provided and located conveniently in an enclosed case.
 - b. Light bulbs and tubes must be covered with a completely enclosed plastic safety shield or equivalent, installed to avoid hazards.
 - c. Liquefied petroleum equipment must meet applicable fire authority standards and gain approval from the fire authority.
 - d. A properly charged and maintained minimum 10 BC-rated fire extinguisher, specially for grease fires, must be mounted and readily accessible in mobile food facilities with heating or cooking equipment.
29. A second means of exit shall be provided on the side opposite the main door, or on the roof, or the rear of the unit, with an unobstructed passage of at least 24 inches by 36 inches. The interior latching mechanism shall be operable by hand without special tools or key. The exit shall be labeled "Safety Exit" in contrasting colors with letters at least one inch high.
30. Maintain 20 feet of unobstructed access along the fire department's path to the mobile kitchen.
31. Prior to the establishment of the temporary trailers, the Applicant shall submit a site plan indicating the location of access and a plan to maintain fire department access for approval by the Newport Beach Fire Department.

Police Department

32. The temporary kitchen trailers shall be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements. A temporary ABC license shall be obtained prior to storing alcohol in the kitchen trailers.

RESOLUTION NO. ZA2024-004

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A COASTAL DEVELOPMENT PERMIT FOR A 487 SQUARE FOOT ADDITION AND REMODEL WHICH INCLUDES CREATING A 281 SQUARE FOOT JUNIOR ACCESSORY DWELLING UNIT AT 2401 BAY SHORE DRIVE (PA2023-0157)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Pat Austin of Cynthia Childs Architects, concerning property located at 2401 Bay Shore Drive and legally described as Lot 89 of Tract No. 1140, requesting approval of a coastal development permit.
2. The applicant requests a coastal development permit (CDP) to allow a 487 square foot addition and remodel of an existing 3,764-square-foot, two-story, single-unit dwelling with an attached, 560-square-foot, two-car garage. The remodel includes converting existing habitable space on the first floor into a new, 281-square-foot Junior Accessory Dwelling Unit (JADU). A CDP is required because the proposed addition exceeds 10% of the existing gross floor area of the residence. The total gross floor area of the residence after the addition would be 4,807 square feet. The project also includes landscape, hardscape, spa and subsurface drainage improvements. All improvements authorized by this CDP will be located on private property. The project complies with all development standards and no deviations from the Newport Beach Municipal Code (NBMC) are requested.
3. The subject property is designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached (RSD-B) (6.0 – 9.9 DU/AC) and it is located within the Single-Unit Residential (R-1) Coastal Zoning District.
5. A public hearing was held on January 25, 2024, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the 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 categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures) because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition, construction, or conversion of up to three single-family residences in urbanized areas. The proposed project will remodel an existing single-unit dwelling, create a JADU, and will add 487 square feet of floor area to the existing residence.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

By Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The proposed addition and remodel project complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 6,720 square feet. The proposed floor area is approximately 4,807 square feet, which includes a 700 square foot garage and a 281 square foot JADU.
 - b. The proposed project provides the minimum required setbacks, which are 10 feet along the front property line abutting Bay Shore Drive, 4 feet along each side property line, and 10 feet along the rear property line.
 - c. The highest guardrail is less than 24 feet from the established grade (9.19 feet NAVD88) and the highest ridge is no more than 29 feet from the established grade, which complies with the maximum height requirements.
 - d. The parking standard for detached Single-Unit Dwellings with under 4,000 square feet of habitable living space is two spaces per unit, in a garage. While the project will result in a total gross floor area of 4,807 square feet, the garage makes up 700 square feet and the JADU makes up 281 square feet of this total. Garage floor area and the area of the JADU, a separate unit, do not count towards the 4,000 square foot threshold. The parking requirement will remain as two spaces in a garage.

2. The project will add 140 square feet to the existing garage, 68 square feet to the first floor of the residence, and 279 square feet to the second floor, for a total addition of 487 square feet.
3. Section 21.48.200 (Accessory Dwelling Units) of the NBMC allows for one Junior Accessory Dwelling Unit (JADU) to be developed within an existing single-unit dwelling. The project will convert the existing den on the first floor into a 281 square foot JADU. The JADU will have external access provided from the side yard and internal connection to the principal dwelling.
4. The neighborhood is predominantly developed with one-story and two-story, single-unit dwellings. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
5. The project site is located approximately 135 feet from the harbor, specifically the Lido Channel. It is separated from the water by 2400 Bay Shore Drive, which is currently developed as a sandy beach. The project is also separated from the water by Bay Shore Drive. The site is not a waterfront lot and is not protected by a bulkhead. The surrounding community is protected by private bulkheads.
6. The finished floor elevation of the existing single-unit dwelling is 9.88 feet (NAVD 88), which complies with the minimum 9.00-foot (NAVD 88) elevation standard. The identified distances from the coastal hazard areas coupled with the 9.88-foot NAVD88 finish floor elevation will help to ensure the project is reasonably safe for the economic life of the structure.
7. The property is 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. If required during plan check, geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before 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 the CBC before building permit issuance.
8. As conditioned, the project design will address 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 runoff and minor rain event runoff on-site. Any water not retained on-site will be directed to the City's storm drain system.
9. The project site is within a neighborhood that is adjacent to Coast Highway, a designated coastal view road; however, the segment of Coast Highway abutting the Bay Shores Community is excluded from this designation. The project site is not located adjacent to a public viewpoint, public park, public beach, or public accessway, as identified in the Coastal Land Use Plan. The nearest public viewpoint is approximately 1,785 feet away, Kings Road Park. The second closest public viewpoint is Castaways Park, approximately 2,500 feet from the project site. The project site may be located within the viewshed of distant public viewing areas; however, the project complies with all applicable Local Coastal Program development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the project does not

have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

10. New landscaping will be verified for compliance with NBMC Section 21.30.075 (Landscaping). Prior to issuance of the building permits, the final landscape plans will be reviewed to verify invasive species are not planted.

Finding:

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

Fact in Support of Finding:

1. The Property is located between the nearest public road and the sea or shoreline, in the private community of Bay Shores. Developed in 1941, Bay Shores is a 258-lot, single-family gated community located on the Lido Channel, southwest of Coast Highway and Newport Bay Bridge. The 39-unit Anchorage Apartment complex is also located within the community. The community is accessible from Coast Highway via Bay Shore Drive, a private street.
2. Coastal Land Use Plan Policy 3.1.5-3 requires public access consistent with public access policies for any new development in private/gated communities causing or contributing to adverse public access impacts. 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 improves an existing single-unit residence located on a coastal lot and adds one, 281 square foot JADU which is fully contained within the existing structure. While the project adds an additional unit, no significant impact to demand for public access or recreation opportunities is anticipated considering Bay Shores is a private, gated community that does not provide public access.
3. The Property does not currently provide, nor does it inhibit public coastal access. Vertical and lateral access to the bay front is available adjacent to the Bay Shores community at the Balboa Bay Club, which is immediately west of the Bay Shores Community.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment. The exceptions to this categorical exemption under Section 15300.2 of the CEQA Guidelines are not applicable.

2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit (PA2023-0157), subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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 by the provisions of Title 21 Local Coastal Program (LCP) 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 (Appeal to the Coastal Commission) 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 JANUARY, 2024.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. *Prior to issuance of building permits, the owner shall record a deed restriction prepared by the City noting, with respect to the JADU, the size of the unit, a description of the unit, prohibiting its short-term rental or separate sale, and specifying an owner-occupancy requirement.*
3. *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.*
4. *Prior to issuance of building permits, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.*
5. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains 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.
6. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). 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 under 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.

7. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
8. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
9. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. 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.
10. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
11. Revisions to the approved plans require subsequent review by the Planning Division and may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
12. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
13. The applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.
14. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
15. *Prior to issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
16. *Prior to issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
17. *Prior to 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.*

- 18. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) 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. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
- 19. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) 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 periods unless the ambient noise level is higher:

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

- 20. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
- 21. This Coastal Development Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 22. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **Moinfar Residence including but not limited to, Coastal Development Permit (PA2023-0157)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney’s fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City’s costs, attorneys’ fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Fire Department

- 23. A modification to the fire sprinkler system is required.
- 24. Fire sprinkler plans shall be listed as a deferred submittal.

Building Division

25. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code.
26. Shoring is required whenever excavation is deeper than distance to property line.
27. The foundation shall be designed for liquefaction mitigation per Building Code Policy.
28. Emergency escape and rescue openings shall be provided for Master bedroom and Bedroom 2.



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200
www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Subject: Old Newport Office Building Parking Reduction (PA2023-0128)
▪ Staff Approval

Site Location: 326 Old Newport Boulevard

Applicant: 326 Investments LLC

Legal Description: PCL 1 Resub 0660

On **January 26, 2024**, the Community Development Director approved a staff approval in accordance with Subsection 20.40.110(D)(1) of the Newport Beach Municipal Code (NBMC) to authorize a 20% reduction in required off-street parking for an existing office building that will be converted to a medical office building. The Applicant has provided a professionally prepared parking-demand analysis (i.e., a “parking study”) that was reviewed and accepted by the City Traffic Engineer. The Director’s decision is based on the following analysis of the evidence provided by the Applicant and is subject to all conditions of approval thereafter.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** CO-G (General Commercial Office)
- **Zoning District:** OG (Office General)

EXISTING CONDITIONS

The project site is developed with a 2,710-square-foot office building constructed in 1982 and permitted for general office use with 11 off-street parking spaces in a gated, basement-level garage below. Access to the parking garage and to the existing office building is provided by Old Newport Boulevard. The existing office building is attached to two residential condominiums (321 and 323 Holmwood Drive) also constructed in 1982 under a different Zoning District that allowed the residences. The residential condominiums each provide a two-car garage with access from Holmwood Drive. While this is a nonconforming aspect of the property, there is no change proposed to the condominiums or their parking.

The original parking garage provided 11 off-street spaces; however, one parking space (Stall 11 on Attachment No. CD 3 was removed upon installation of a pedestrian access gate. Project implementation will include removing the pedestrian access gate and restriping the 11th parking space to once again, provide 11 off-street spaces.

REQUESTED PARKING REDUCTION

To convert the entire general office building to a medical office use, the applicant is requesting the Director authorize a waiver of 20% of the off-street parking requirement. The Applicant retained Ganddini Group, Inc. to prepare a parking study to help justify the request. This study is attached as Attachment No. CD 2.

With project implementation as conditioned, there will be a total on-site parking supply of 11 spaces. The requested reduction in required off-street parking will bring the total requirement to 11 spaces (see Table 1 below).

Table 1: Existing and Proposed Parking

	Parking Required	Parking Provided	Surplus/Deficit
Existing	10.84	10 (previous owner removed one space without permits)	0
Existing (w/ conversion to medical office)	13.55	11 (space previously removed conditioned to be added back)	2.55-space deficit (i.e., a deficit of 18.82%)
Proposed (w/ waiver and conditions)	11	11	0

FINDINGS

Pursuant to Section 20.40.110(D) (Reduction of Required Off-Street Parking by Director) of the Newport Beach Municipal Code (NBMC), the Community Development Director may authorize a reduction of off-street parking by a maximum of 20% based on the following:

Finding:

- A. *The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available.*

Facts in Support of Finding:

1. A parking study dated November 28, 2023, was prepared by Ganddini Group, Inc. with oversight and guidance from the City’s Traffic Engineer. This study included field observation at two nearby medical office facilities. The study sites were One Health Medical and Surgical Center at 425 Old Newport Boulevard (Site 1) and Strong Families Medical Group at 136 Broadway Street in Costa Mesa (Site 2). The survey sites and observation periods were determined in consultation with the City Traffic Engineer and represent the busiest times and days of the week based on Institute of Transportation Engineers (ITE) time-of-day distribution data for medical offices. According to the ITE Parking Generation Manual, facilities typically generate peak

parking demand between 9 a.m. and 4 p.m. on weekdays. The parking counts in the study also tabulate any users that were observed parking their vehicles on-street adjacent to the study sites. The average peak parking demand observed at both sites was 3.96 spaces per 1,000 square feet. This is less than the required number of spaces in Title 20 (Planning and Zoning) of the NBMC for medical office, which is 5 spaces per 1,000 square feet.

2. The parking study forecasts the proposed 2,710-square-foot medical office will generate a peak parking demand of nearly 11 parking spaces based on the average peak parking demand ratio of 3.96 spaces per 1,000 square feet observed from the parking occupancy surveys. Therefore, the proposed on-site parking supply of 11 spaces is expected to provide sufficient on-site parking to accommodate the proposed medical office use.
3. The parking study includes recommendations for parking management. The Staff Approval is conditioned that, prior to issuance of the building permit, the medical tenant shall be required to provide a parking management plan pursuant to the project operations and parking management measures in the parking study.
4. The Staff Approval is conditioned to prohibit medical clinic, urgent care/emergency facilities, and animal hospital/veterinary clinics. The parking study identifies these land uses related to medical with higher parking demands.
5. The parking study references studies and data demonstrating the telehealth trend experiencing a sharp increase since the beginning of the COVID-19 pandemic. While some medical office roles cannot be performed remotely, other positions, such as administrative roles, or virtual screenings/visits are influencing parking needs for medical office uses. Although the parking demand of the proposed medical office conversion is speculative, any medical office tenant is likely to provide some telehealth services considering the current market trends. This anticipated virtual service further helps to reduce the projected parking demand for the proposed use.

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved parking study and site plan attached hereto as Attachment No. CD 2 and stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Staff Approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code unless an extension is otherwise granted.
3. The Community Development Director and City Traffic Engineer may add to or modify conditions to this Staff Approval, or revoke this Staff Approval upon determination that the operations, which is the subject of this staff approval, causes

injury, or is detrimental to the public health, safety, peace, or general welfare of the community or if the property is operated or maintained so as to constitute a public nuisance.

4. The Applicant is required to obtain all applicable permits from the City Building Division and Fire Department. Prior to the issuance of any building, mechanical, and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. A copy of these conditions of approval shall be incorporated into the drawings approved for the issuance of permits.
5. *A minimum of 11 parking spaces shall be maintained on-site at all times.*
6. *Prior to the issuance of building permits for the conversion of the existing office into the medical office, a parking management plan shall be reviewed and approved by the City Traffic Engineer and the Planning Division pursuant to the recommendations found in the approved parking study by the Ganddini Group, Inc. dated November 28, 2023. The parking management plan shall be applied to all future medical office tenants unless changes are reviewed and approved by the City Traffic Engineer and Planning Division.*
7. *The change of use of the general office to medical office shall require a building permit for a tenant improvement and shall meet the requirements of Building code Section 11B-202.2 and 11B202.4 This will include an elevator or ramp for accessible path of travel, as well as any other improvements identified as requirements.*
8. *The tenant improvement shall include the restriping of the 11th parking space for review and approval by the Planning Division during plan check.*
9. *Fair share fees shall be assessed during the plan check process for the change of use, in accordance with the fee schedule in effect at the time of permit issuance.*
10. 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 **Old Newport Boulevard Parking Reduction including, but not limited to, a Staff Approval (PA2023-0128)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's 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.

Prepared by:

Approved by:



Melinda Whelan
Assistant Planner



Assistant City Manager

BMZ/msw

Attachments: CD 1 Vicinity Map
CD 2 Parking Study including proposed garage floor plan
CD 3 Original plans including garage floor plan

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval
326 Old Newport Boulevard
PA2023-0128

Attachment No. CD 2

Parking Study including proposed garage
floor plan



November 28, 2023

Mr. Gerald Klein, Partner
326 INVESTMENTS, LLC
4770 Von Karman Avenue
Newport Beach, California 92660

RE: 326 Old Newport Boulevard Medical Office Parking Analysis

Project No. 19642

Dear Mr. Klein:

Ganddini Group, Inc. is pleased to provide this Parking Analysis for the proposed 326 Old Newport Boulevard Medical Office Project in the City of Newport Beach. The purpose of this study is to assess parking adequacy for the proposed conversion of the existing office building to medical office use. We trust the findings will aid you and the City in assessing the project.

PROJECT DESCRIPTION

The project site is located at 326 Old Newport Boulevard in the City of Newport Beach, California. Figure 1 shows the project location map.

The project site is currently developed with an approximately 2,710 square foot building permitted for general office use. The project site currently provides 10 off-street parking spaces in a gated, basement-level garage below the existing office building with access at Old Newport Boulevard.

Figure 2A shows the existing project site plan (1st floor) and Figure 2B shows the original basement-level parking plan. As shown on Figure 2B, the original basement plan provided 11 off-street parking spaces; however, one parking space (Stall #10 on the original plan) was removed upon installation of a pedestrian access gate. Figure 3 shows the proposed basement-level parking plan with the 11th parking space restored to the parking plan by removing the access gate.

The existing office building is attached to two residential condominiums addressed at 321 and 323 Holmwood Drive. The residential condominiums each provide a two-car garage with access at Holmwood Drive. As the residential condominiums are located on separate APNs with dedicated parking facilities, there is no direct connection and this parking analysis assumes no interaction between the residential and offices uses to provide a conservative assessment.

CITY OF NEWPORT BEACH PARKING REQUIREMENTS

The City of Newport Beach off-street parking requirements are summarized in the City of Newport Beach Municipal Code Section 20.40.040, Table 3-10: Off-Street Parking Requirements and included in Appendix A. Based on the City's Municipal Code requirements, new construction requires off-street parking be provided as follows:

- Offices – Business, Corporate, General, Governmental – First 50,000 square feet: 1 parking space per 250 square feet (net floor area);
- Offices – Medical and Dental Offices: 1 parking space per 200 square feet (gross floor area).

Table 1 (see page 6) shows the number of off-street parking spaces the proposed project is required to provide in accordance with the City of Newport Beach Municipal Code. As shown in Table 1, the existing general office requires 11 parking spaces. The proposed medical office conversion requires 14 parking spaces. Thus, the proposed medical office conversion would result in a deficiency of three (3) parking spaces per City of Newport Beach Municipal Code requirements and the 11 parking spaces proposed to be provided.

The following sections include an analysis of parking occupancy surveys conducted at comparable local facilities for a more empirical evaluation and an overview of literature documenting the changing characteristics of office and medical office operations.

PARKING OCCUPANCY SURVEYS

Parking occupancy surveys were conducted to develop an up-to-date parking demand ratio for the project based on empirical data for similarly sized medical office facilities in the area. Field observations of parking occupancy were conducted at two (2) nearby medical office facilities. Figures 4 and 5 show the survey site locations. The following two nearby medical office facilities were chosen for analysis in consultation with City staff on the basis of proximity to the project site, similar operations, and dedicated parking lots:

- Survey Site 1:
 - Tenant: One Health Medical & Surgical Center
 - Address: 425 Old Newport Boulevard, Newport Beach, CA 92663
 - Size: 4,734 square feet
 - Parking Supply: 22 parking spaces (4.65 stalls per 1,000 square feet)
 - Hours of Operation: 9:00 AM to 5:00 PM Monday to Friday
- Survey Site 2:
 - Tenant: Strong Families Medical Group
 - Address: 136 Broadway, Costa Mesa, CA 92627
 - Size: 3,402 square feet
 - Parking Supply: 14 parking spaces (4.12 stalls per 1,000 square feet)
 - Hours of Operation: 9:00 AM to 6:00 PM Monday to Friday, 9:00 AM to 1:00 PM on Saturdays

Based on peak demand periods and public hours of operation, the parking occupancy was observed at each survey site and documented in one-hour intervals from 8:00 AM to 7:00 PM. The first location was counted on Tuesday, June 6, 2023, and on Thursday, June 8, 2023. The second location was counted on Tuesday, June 20, 2023, and on Wednesday, June 21, 2023. The survey sites and observation periods were determined in consultation with City staff and represent the busiest times and days of the week based on review of ITE time-of-day distribution data for medical offices. According to the ITE *Parking Generation Manual*, these facilities typically generate peak parking demand around 9:00 AM to 4:00 PM on weekdays. The parking occupancy counts also tabulate any users that were observed to park their vehicles on-street adjacent to the survey site. Appendix B contains the parking survey count worksheets.

Tables 2 and 3 (see pages 7 and 8) show the parking occupancy survey results for each of the survey sites. Table 4 (see page 9) shows a summary of the peak parking demand ratios observed. As shown in Table 4, **the**

average peak period parking demand observed at two comparable medical offices in the project vicinity was 3.96 parking spaces per 1,000 square feet.

PROJECT PEAK PARKING DEMAND FORECAST

The proposed 2,710 square foot medical office is forecast to generate a peak parking demand of 11 parking spaces based on the average peak parking demand ratio of 3.96 parking spaces per 1,000 square feet observed from the parking occupancy surveys. Therefore, the potential future supply of 11 parking spaces is expected to provide sufficient on-site parking to accommodate the proposed medical office use.

RECENT TRENDS/CHANGES IN PARKING DEMAND

General Office

For the past decade or so, office employees have increasingly been working remotely at their personal homes instead of coming into the office. The COVID-19 pandemic accelerated this phenomenon, forcing many businesses to implement remote work schedules on a mass scale. This paradigm shift has continued beyond the lifting of health and safety restrictions, with more employees working remotely than ever before. As such, this has reduced the parking demand for office land uses.

Medical Office

While some medical office roles cannot be performed remotely, other positions, such as administrative roles, or virtual screenings/visits are influencing parking needs for medical office uses as described below.

While telecommuting has been increasing over the past decade for general office type employees, another type of technological advancement has been occurring in the medical industry. Telehealth utilization showed a sharp increase since the beginning of the COVID-19 pandemic and has allowed patients to get consultations with doctors strictly over internet-based video/audio communication without in-person consultation. Although the COVID-19 pandemic largely forced an increase in the use of telehealth, telehealth is expected to continue for the foreseeable future.

The U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation issued the following brief on April 19, 2023 entitled "Updated National Survey Trends in Telehealth Utilization and Modality (2021 - 2022)". According to this issued brief, an average of 22% of adults reported using telehealth in the last four weeks. While telehealth use was lower than previous study periods (April 14, 2021 - August 8, 2022) it continued to remain above pre-pandemic levels.

According to the American Medical Association (AMA) 2021 Telehealth Survey Report, 85% of physician respondents indicate they currently use telehealth, with 60% of clinicians agreeing or strongly agreeing that telehealth enables them to provide high quality care. Of those using telehealth, 93% are conducting live, interactive video visits with patients and 69% are doing audio-only visits. 56% of respondents are motivated (agree or strongly agree) to increase telehealth use in their practices. More than 80% of patient respondents indicate that patients have better access to care using telehealth. 62% of respondents feel patients have higher satisfaction since offering telehealth.

The technological advances that have allowed more widespread adoption of telehealth have reduced the need for in-office representation. Based on data from the U.S. Department of Health and Human Services and the American Medical Association, use of telehealth is trending upward in recent years. The increasing trend in

the use of telehealth is expected to reduce the need for in-person visits, thus lowering parking demand. These trends and their effect on parking demand are not captured in the historical parking demand ratios from publications such as the ITE *Parking Generation Manual* or the City's Municipal Code but do appear to be reflected in the parking occupancy surveys conducted for this analysis.

Although the proposed office conversion is speculative and a tenant has not been identified at this time, the project applicant believes that a future medical office tenant is likely to provide telehealth services considering the current market trends.

PARKING MANAGEMENT

To further ensure that a future medical office use does not exceed the available parking supply, future medical office tenants shall prepare a brief parking management plan that outlines the following:

Project Operations:

- Typical hours of operation.
- Total number of employees and maximum number of employees on-site during any shift.
- A typical patient appointment schedule and maximum number of patients on-site (including those in waiting room). If necessary, a staggered appointment schedule should be implemented with a minimum gap of 15-minutes between patient appointments to avoid overlapping parking demand.

Parking Management Measures:

- Requires employees to park on-site/prohibits employee parking in the public right-of-way.
- Provides employees with route and schedule information for the nearest transit routes (currently OCTA Routes 71 and 55).
- No reserved parking such that any unused parking spaces are available to all users.
- Related land uses with higher parking demand shall be prohibited, including medical clinics, urgent care/emergency facilities, and animal hospital/veterinary clinics. These uses commonly include a lab facility, supporting pharmacy, or wide range of services (compared to a typical medical office with one or more private physicians or dentists).

CONCLUSIONS

The project site currently provides 10 off-street parking spaces in a gated, basement-level garage below the existing office building with access at Old Newport Boulevard. The proposed medical office conversion requires 14 parking spaces. Thus, the proposed medical office conversion would result in a deficiency of three (3) parking spaces per City of Newport Beach Municipal Code requirements and the 11 parking spaces proposed to be provided.

The original basement plan provided 11 off-street parking spaces; however, one parking space (Stall #10 on the original plan) was removed upon installation of a pedestrian access gate. The 11th parking space will be restored to the parking plan by removing the access gate.

Studies have shown that in-person demand for medical office uses has been declining in recent years due to the increasing use of telecommuting (medical office administrative roles) and telehealth, resulting in lower parking demand compared to historical levels.

The average peak period parking demand observed at two comparable medical offices in the project vicinity was 3.96 parking spaces per 1,000 square feet.

Mr. Gerald Klein, Partner
326 INVESTMENTS, LLC
November 28, 2023

The proposed 2,710 square foot medical office is forecast to generate a peak parking demand of 11 parking spaces based on the average peak parking demand ratio of 3.96 parking spaces per 1,000 square feet observed from the parking occupancy surveys. Therefore, the proposed future supply of 11 parking spaces (with the original Stall #10 restored) is expected to provide sufficient on-site parking to accommodate an average medical office use.

To further ensure that a future medical office use does not exceed the available parking supply, future medical office tenants shall prepare a brief parking management plan that includes the recommendations detailed within this study.

It has been a pleasure to assist you with this project. Should you have any questions or if we can be of further assistance, please do not hesitate to call at (714) 795-3100.

Sincerely,

GANDDINI GROUP, INC.
Bryan Crawford | Senior Associate
Giancarlo Ganddini, PE, PTP | Principal



**Table 1
Off-Street Parking Requirements**

Land Use	Quantity	Units ¹	Parking Code Requirement ²	Parking Spaces
Current Use:				
Offices - Business, Corporate, General, Governmental - First 50,000 Square Feet	2,710	SF	1.0 Spaces : 250 SF Net Floor Area	11
Proposed Use:				
Offices - Medical and Dental Offices	2,710	SF	1.0 Spaces : 200 SF Gross Floor Area	14
Additional parking spaces required for conversion from general office to medical/dental office:				3
Existing Parking Supply				10
Medical Office Surplus (+) / Deficiency (-) Relative to Existing Parking Supply				-4

Notes:

1. SF = Square Feet
2. Source: City of Newport Beach Municipal Code Section 20.40.040, Table 3-10: Off-Street Parking Requirements.

Table 2
Parking Occupancy Survey - Site #1

Tuesday, June 6, 2023					
Time Period	Number of Parked Vehicles				
	Regular	Disabled	Customer	Street	Total
8:00 AM - 9:00 AM	5	0	0	0	5
9:00 AM - 10:00 AM	6	0	2	0	8
10:00 AM - 11:00 AM	8	0	1	0	9
11:00 AM - 12:00 PM	10	0	2	0	12
12:00 PM - 1:00 PM	12	1	5	0	18
1:00 PM - 2:00 PM	11	0	4	0	15
2:00 PM - 3:00 PM	8	0	2	0	10
3:00 PM - 4:00 PM	5	1	3	0	9
4:00 PM - 5:00 PM	6	0	1	0	7
5:00 PM - 6:00 PM	5	0	0	0	5
6:00 PM - 7:00 PM	7	0	0	0	7
Inventory	15	2	5	--	22
Peak Demand	18				
Building Square Footage	4,734				
Peak Demand per Thousand Square Feet	3.80				

Thursday, June 8, 2023					
Time Period	Number of Parked Vehicles				
	Regular	Disabled	Customer	Street	Total
8:00 AM - 9:00 AM	1	0	0	0	1
9:00 AM - 10:00 AM	3	0	0	0	3
10:00 AM - 11:00 AM	8	0	2	0	10
11:00 AM - 12:00 PM	10	0	1	0	11
12:00 PM - 1:00 PM	9	0	1	0	10
1:00 PM - 2:00 PM	7	0	2	0	9
2:00 PM - 3:00 PM	10	0	2	0	12
3:00 PM - 4:00 PM	9	0	2	0	11
4:00 PM - 5:00 PM	5	0	1	0	6
5:00 PM - 6:00 PM	8	0	1	0	9
6:00 PM - 7:00 PM	6	0	1	0	7
Inventory	15	2	5	--	22
Peak Demand	12				
Building Square Footage	4,734				
Peak Demand per Thousand Square Feet	2.53				

Survey Site #1 Address:
425 Old Newport Boulevard, Newport Beach, CA 92663

Table 3
Parking Occupancy Survey - Site #2

Tuesday, June 20, 2023				
Time Period	Number of Parked Vehicles			
	Regular	Disabled	Street	Total
8:00 AM - 9:00 AM	1	0	4	5
9:00 AM - 10:00 AM	4	0	7	11
10:00 AM - 11:00 AM	7	2	4	13
11:00 AM - 12:00 PM	8	1	3	12
12:00 PM - 1:00 PM	8	2	4	14
1:00 PM - 2:00 PM	8	1	2	11
2:00 PM - 3:00 PM	7	0	1	8
3:00 PM - 4:00 PM	5	1	1	7
4:00 PM - 5:00 PM	4	1	1	6
5:00 PM - 6:00 PM	2	0	0	2
6:00 PM - 7:00 PM	2	0	0	2
Inventory	12	2	--	14
Peak Demand	14			
Building Square Footage	3,402			
Peak Demand per Thousand Square Feet	4.12			

Wednesday, June 21, 2023				
Time Period	Number of Parked Vehicles			
	Regular	Disabled	Street	Total
8:00 AM - 9:00 AM	1	0	1	2
9:00 AM - 10:00 AM	2	0	1	3
10:00 AM - 11:00 AM	2	1	1	4
11:00 AM - 12:00 PM	5	2	2	9
12:00 PM - 1:00 PM	4	1	1	6
1:00 PM - 2:00 PM	6	1	1	8
2:00 PM - 3:00 PM	6	2	2	10
3:00 PM - 4:00 PM	5	1	0	6
4:00 PM - 5:00 PM	4	1	0	5
5:00 PM - 6:00 PM	1	0	0	1
6:00 PM - 7:00 PM	0	0	0	0
Inventory	12	2	--	14
Peak Demand	10			
Building Square Footage	3,402			
Peak Demand per Thousand Square Feet	2.94			

Survey Site #2 Address:
136 Broadway, Costa Mesa, CA 92627

Table 4
Summary of Peak Parking Demand Ratios

Location	Peak Parking Demand Ratio
Survey Site 1	3.80
Survey Site 2	4.12
Average	3.96



Figure 1
Project Location Map

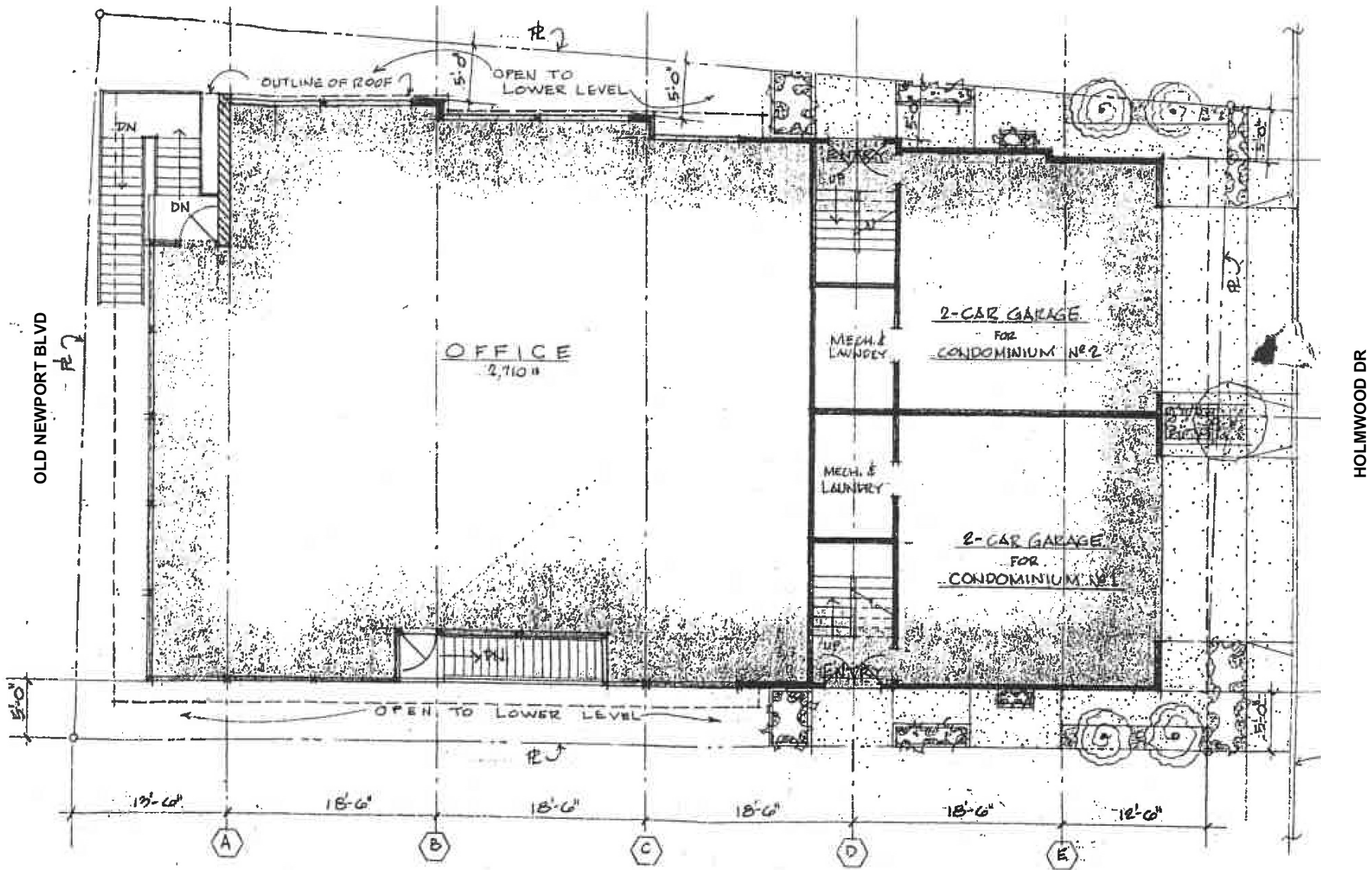


Figure 2A
Existing Project Site Plan

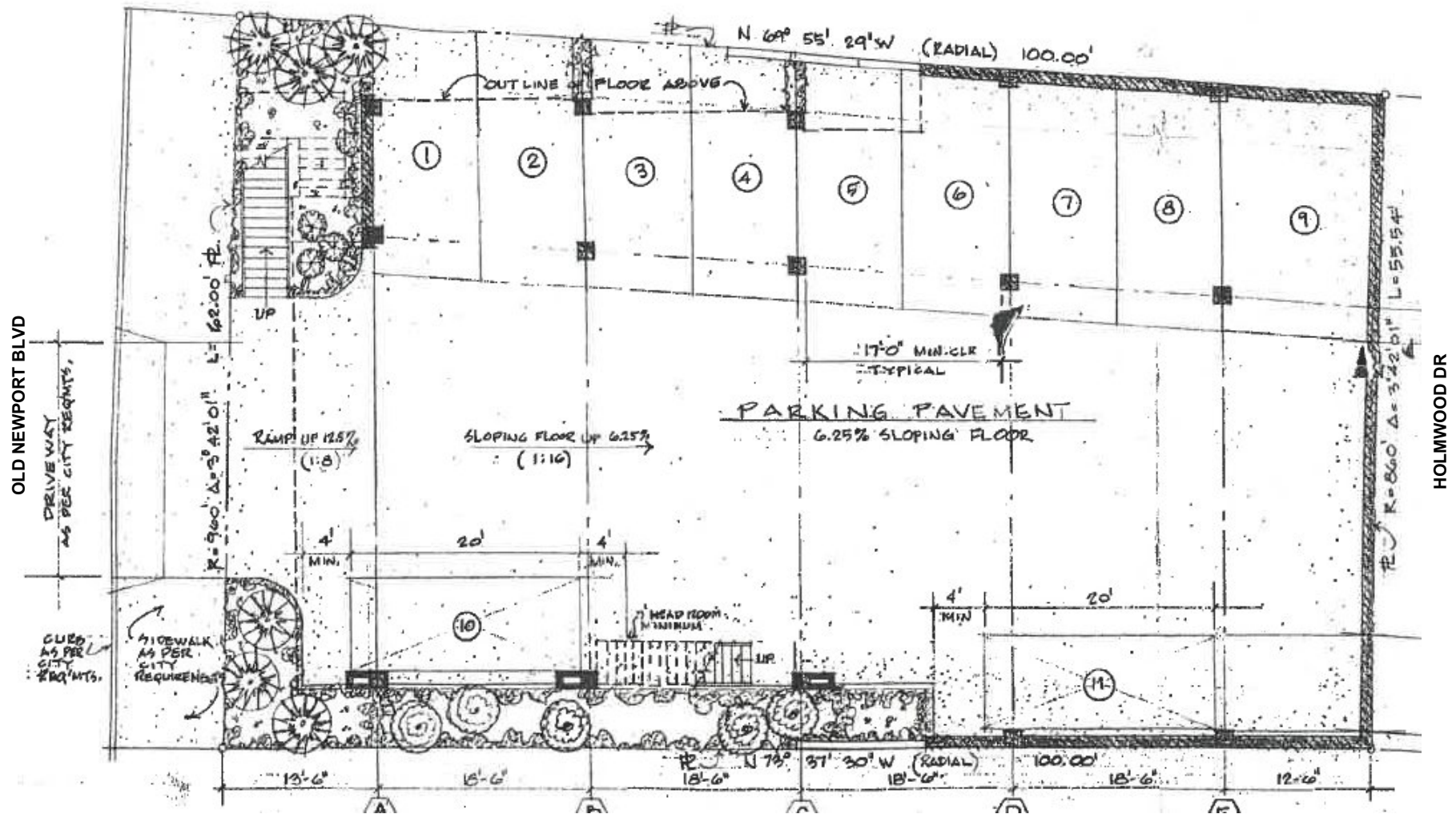


Figure 2B
Original Basement-Level Parking Plan

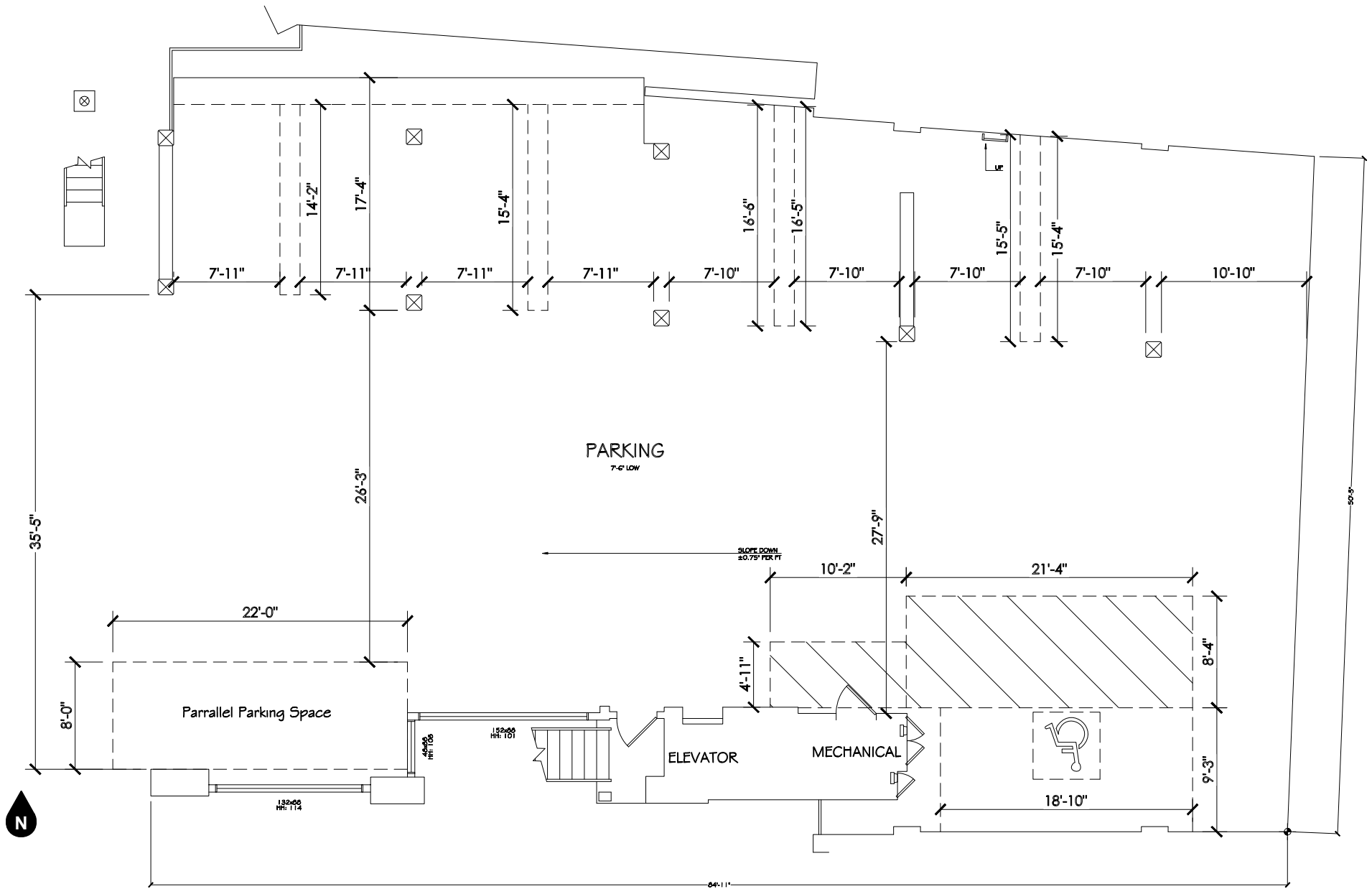


Figure 3
Proposed Parking Plan

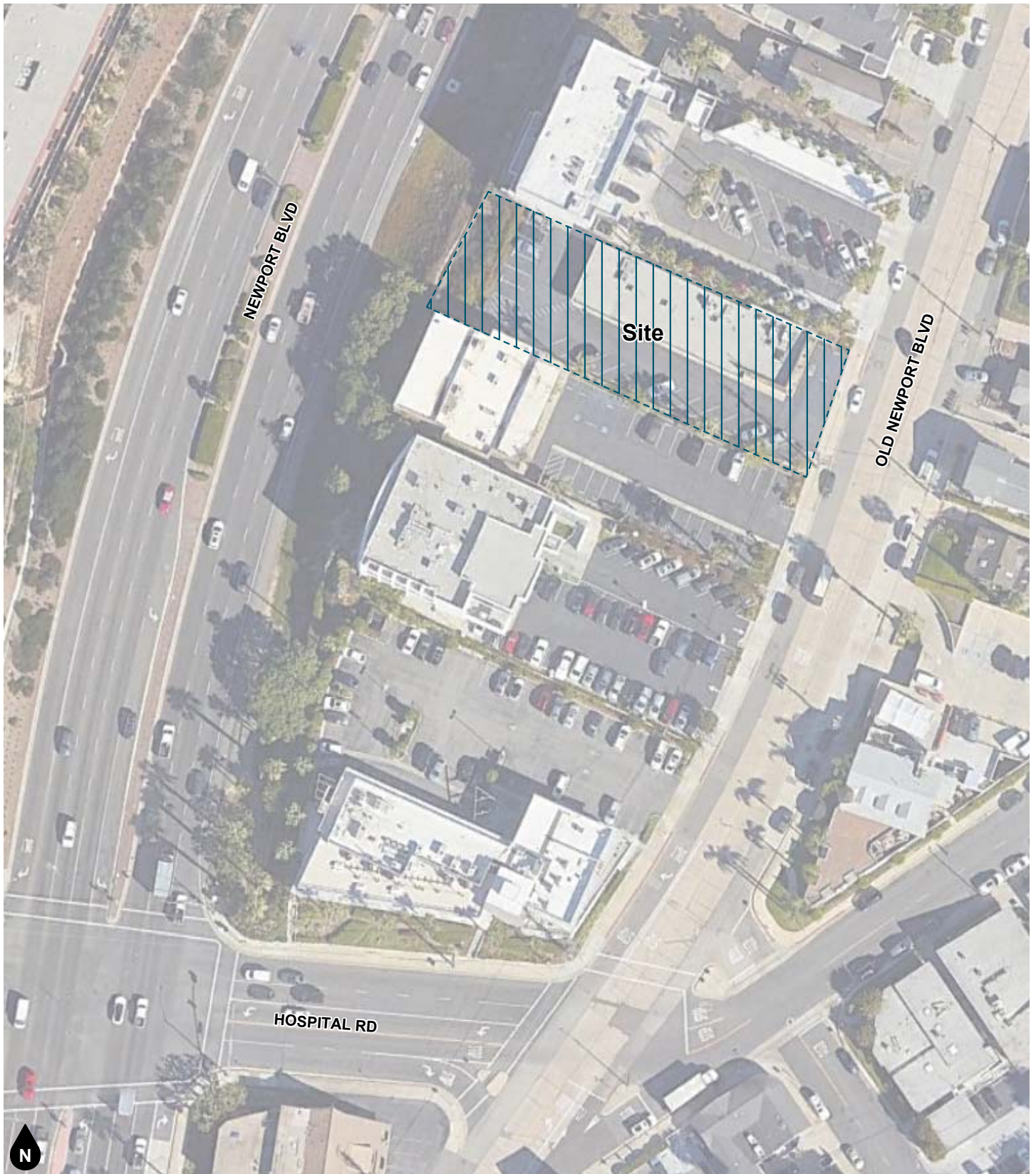


Figure 4
Survey Site #1 Location Map (425 Old Newport Boulevard)

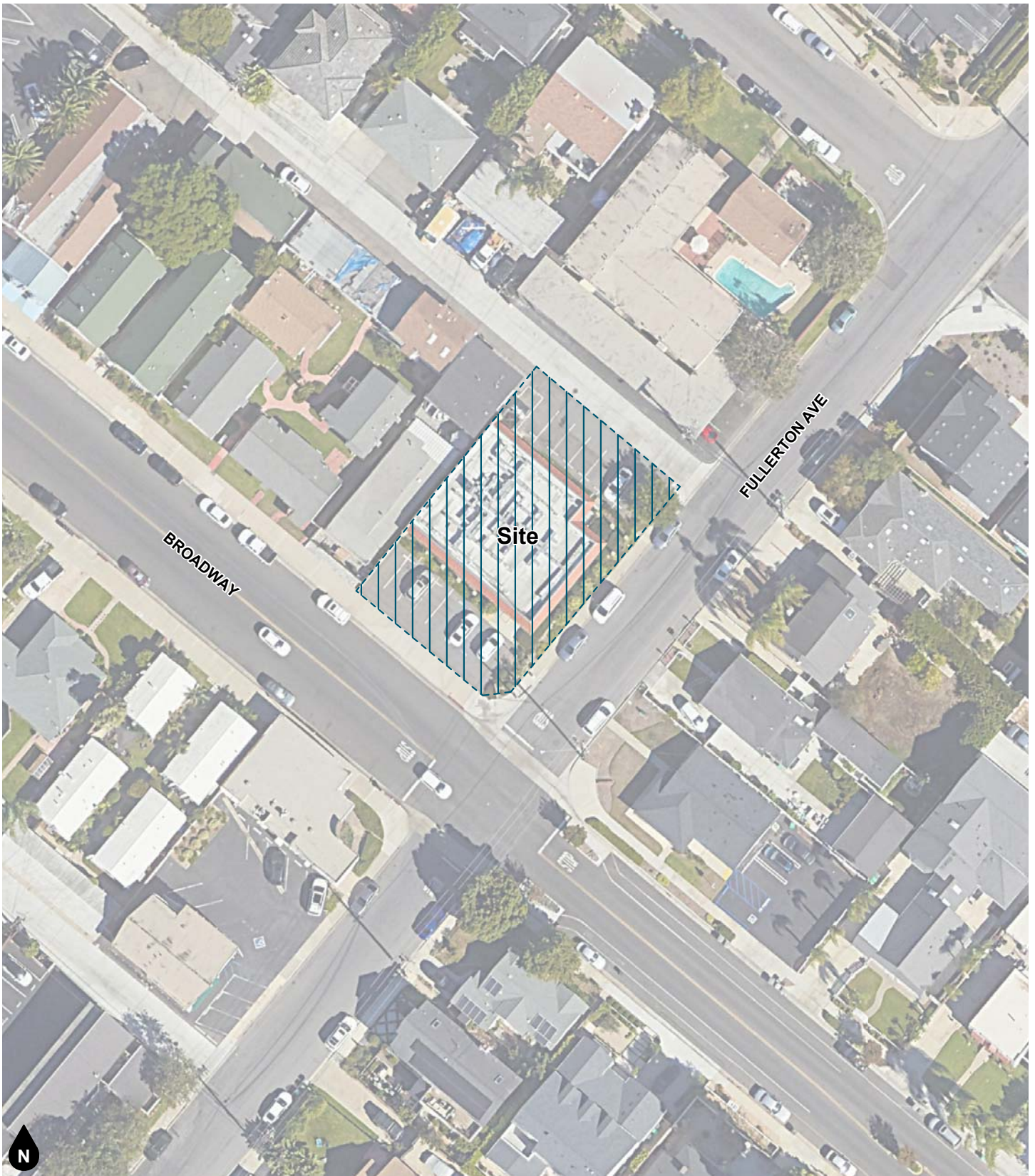


Figure 5
Survey Site #2 Location Map (136 Broadway)

APPENDIX A

CITY OF NEWPORT BEACH PARKING CODE REQUIREMENTS

Chapter 20.40 OFF-STREET PARKING

Sections:

20.40.010 Purpose.

20.40.020 Applicability.

20.40.030 Requirements for Off-Street Parking.

20.40.040 Off-Street Parking Spaces Required.

20.40.050 Parking Requirements for Shopping Centers.

20.40.060 Reserved.

20.40.070 Development Standards for Parking Areas.

20.40.080 Parking for Nonresidential Uses in Residential Zoning Districts.

20.40.090 Parking Standards for Residential Uses.

20.40.100 Off-Site Parking.

20.40.110 Adjustments to Off-Street Parking Requirements.

20.40.120 Parking Management Districts.

20.40.130 In-Lieu Parking Fee.

20.40.010 Purpose.

The purpose of this chapter is to provide off-street parking and loading standards to:

- A. Provide for the general welfare and convenience of persons within the City by ensuring that sufficient parking facilities are available to meet the needs generated by specific uses and that adequate parking is provided, to the extent feasible;
- B. Provide accessible, attractive, secure, and well-maintained off-street parking and loading facilities;

- C. Increase public safety by reducing congestion on public streets and to minimize impacts to public street parking available for coastal access and recreation;
- D. Ensure access and maneuverability for emergency vehicles; and
- E. Provide loading and delivery facilities in proportion to the needs of allowed uses. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.020 Applicability.

- A. **Off-Street Parking Required.** Each use, including a change or expansion of a use or structure, except as otherwise provided for in Chapter [20.38](#) (Nonconforming Uses and Structures) shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this chapter are satisfactorily completed.
- B. **Change, Enlargement, or Intensification of Use.** Changes in use and enlargement or intensification of an existing use shall require compliance with the off-street parking requirements of this chapter, except as allowed in Chapter [20.38](#) (Nonconforming Uses and Structures). (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.030 Requirements for Off-Street Parking.

- A. **Parking Required to Be On-Site.** Parking shall be located on the same lot or development site as the uses served, except for the following:
 - 1. **Townhouses and Multi-Tenant Uses.** Where parking is provided on another lot within the same development site, the parking shall be located within two hundred (200) feet of the units they are intended to serve.
 - 2. **Off-Site Parking Agreement.** Parking may be located off-site with the approval of an off-site parking agreement in compliance with Section [20.40.100](#)(C) (Parking Agreement).
- B. **Permanent Availability Required.** Each parking and loading space shall be permanently available and maintained for parking purposes for the use it is intended to serve. The Director may authorize the temporary use of parking or loading spaces for other than parking or loading in conjunction with a seasonal or intermittent use allowed in compliance with Section [20.52.040](#) (Limited Term Permits).
- C. **Maintenance.** Parking spaces, driveways, maneuvering aisles, turnaround areas, and

landscaping areas shall be kept free of dust, graffiti, and litter. Striping, paving, walls, light standards, and all other facilities shall be permanently maintained in good condition.

D. **Vehicles for Sale.** Vehicles, trailers, or other personal property shall not be parked upon a private street, parking lot, or private property for the primary purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is appropriately zoned, and the vendor is licensed to transact a vehicle sales business at that location.

E. **Calculation of Spaces Required.**

1. **Fractional Spaces.** Fractional parking space requirements shall be rounded up to the next whole space.

2. **Bench Seating.** Where bench seating or pews are provided, eighteen (18) linear inches of seating shall be considered to constitute a separate or individual seat.

3. **Gross Floor Area.** References to spaces per square foot are to be calculated on the basis of gross floor area unless otherwise specified.

4. **Net Public Area.** "Net public area" shall be defined as the total area accessible to the public within an eating and/or drinking establishment, excluding kitchens, restrooms, offices pertaining to the use, and storage areas.

5. **Spaces per Occupant.** References to spaces per occupant are to be calculated on the basis of maximum occupancy approved by the City of Newport Beach Fire Department.

6. **Spaces Required for Multiple Uses.** If more than one use is located on a site, the number of required off-street parking spaces shall be equal to the sum of the requirements prescribed for each use.

F. **Nonconforming Parking and Loading.** Land uses and structures that are nonconforming due solely to the lack of off-street parking or loading facilities required by this chapter shall be subject to the provisions of Section [20.38.060](#) (Nonconforming Parking). (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.040 Off-Street Parking Spaces Required.

Off-street parking spaces shall be provided in compliance with Table 3.10. These standards shall be considered the minimum required to preserve the public health, safety, and welfare, and more

extensive parking provisions may be required by the review authority in particular circumstances. Unless otherwise noted parking requirements are calculated based on gross floor area.

TABLE 3-10**OFF-STREET PARKING REQUIREMENTS**

Land Use	Parking Spaces Required
Industry, Manufacturing and Processing, Warehousing Uses	
Food Processing	1 per 2,000 sq. ft.
Handicraft Industry	1 per 500 sq. ft.
Industry	
Small—5,000 sq. ft. or less	1 per 500 sq. ft.
Large—Over 5,000 sq. ft.	1 per 1,000 sq. ft.
Industry, Marine-Related	1 per 750 sq. ft.
Personal Storage (Mini Storage)	2 for resident manager, plus additional for office as required by minor use permit
Research and Development	1 per 500 sq. ft.
Warehousing and Storage	1 per 2,000 sq. ft., plus one per 350 sq. ft. for offices. Minimum of 10 spaces per use
Wholesaling	1 per 1,000 sq. ft.
Recreation, Education, and Public Assembly Uses	
Assembly/Meeting Facilities	1 per 3 seats or one per 35 sq. ft. used for assembly purposes
Commercial Recreation and Entertainment	As required by conditional use permit
Cultural Institutions	1 per 300 sq. ft.
Schools, Public and Private	As required by conditional/minor use permit
Residential Uses	
Accessory Dwelling Units	As required per Section 20.48.200
Single-Unit Dwellings—Attached	2 per unit in a garage

Land Use	Parking Spaces Required
Single-Unit Dwellings—Detached and less than 4,000 sq. ft. of floor area	2 per unit in a garage
Single-Unit Dwellings—Detached and 4,000 sq. ft. or greater of floor area	3 per unit in a garage
Single-Unit Dwellings—Balboa Island	2 per unit in a garage
Multi-Unit Dwellings—3 units	2 per unit covered, plus guest parking; 1—2 units, no guest parking required 3 units, 1 guest parking space
Multi-Unit Dwellings—4 units or more	2 per unit covered, plus 0.5 space per unit for guest parking
Two-Unit Dwellings	2 per unit; 1 in a garage and 1 covered or in a garage
Live/Work Units	2 per unit in a garage, plus 2 for guest/customer parking
Senior Housing—Market rate	1.2 per unit
Senior Housing—Affordable	1 per unit
Retail Trade Uses	
Appliances, Building Materials, Home Electronics, Furniture, Nurseries, and Similar Large Warehouse-type Retail Sales and Bulk Merchandise Facilities	1st 10,000 sq. ft.—1 space per 300 sq. ft. Over 10,000 sq. ft.—1 space per 500 sq. ft. Plus 1 per 1,000 sq. ft. of outdoor merchandise areas
Food and Beverage Sales	1 per 200 sq. ft.
Marine Rentals and Sales	
Boat Rentals and Sales	1 per 1,000 sq. ft. of lot area, plus 1 per 350 sq. ft. of office area
Marine Retail Sales	1 per 250 sq. ft.
Retail Sales	1 per 250 sq. ft.
Shopping Centers	1 per 200 sq. ft. See Section 20.40.050

Land Use	Parking Spaces Required
Service Uses—Business, Financial, Medical, and Professional	
Convalescent Facilities	1 per 3 beds or as required by conditional use permit
Emergency Health Facilities	1 per 200 sq. ft.
Financial Institutions and Related Services	1 per 250 sq. ft.
Hospitals	1 per bed; plus 1 per resident doctor and 1 per employee.
Offices*—Business, Corporate, General, Governmental First 50,000 sq. ft. Next 75,000 sq. ft. Floor area above 125,001 sq. ft. * Not more than 20% medical office uses.	1 per 250 sq. ft. net floor area 1 per 300 sq. ft. net floor area 1 per 350 sq. ft. net floor area
Offices—Medical and Dental Offices	1 per 200 sq. ft.
Outpatient Surgery Facility	1 per 250 sq. ft.
Service Uses—General	
Adult-Oriented Businesses	1 per 1.5 occupants or as required by conditional use permit
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces.
Animal Sales and Services	
Animal Boarding/Kennels	1 per 400 sq. ft.
Animal Grooming	1 per 400 sq. ft.
Animal Hospitals/Clinics	1 per 400 sq. ft.
Animal Retail Sales	1 per 250 sq. ft.
Artists' Studios	1 per 1,000 sq. ft.
Catering Services	1 per 400 sq. ft.
Care Uses	
Adult Day Care—Small (6 or fewer)	Spaces required for dwelling unit only

Land Use	Parking Spaces Required
Adult Day Care—Large (7 or more)	2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit)
Child Day Care—Small (6 or fewer)	Spaces required for dwelling unit only
Child Day Care—Large (9 to 14)	2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit)
Day Care—General	1 per 7 occupants based on maximum occupancy allowed per license
Residential Care—General (7 to 14)	1 per 3 beds
Eating and Drinking Establishments	
Accessory (open to public)	1 per each 3 seats or 1 per each 75 sq. ft. of net public area, whichever is greater
Bars, Lounges, and Nightclubs	1 per each 4 persons based on allowed occupancy load or as required by conditional use permit
Food Service with/without alcohol, with/without late hours	1 per 100 sq. ft., and 1 per 150 sq. ft. for outdoor dining areas
Food Service—Fast Food	1 per 50 sq. ft., and 1 per 100 sq. ft. for outdoor dining areas
Take-Out Service—Fast-Casual (up to 20 seats)	1 per 250 sq. ft., including outdoor dining areas
Wine Tasting Room	1 per each 4 persons based on allowed occupancy load or as required by conditional use permit
Emergency Shelter	1 per 4 beds plus 1 per staff; and if shelter is designed with designated family units then 0.5 parking space per bedroom designated for family units
Funeral Homes and Mortuaries	1 per 35 sq. ft. of assembly area
Health/Fitness Facilities	
Small—2,000 sq. ft. or less	1 per 250 sq. ft.

Land Use	Parking Spaces Required
Large—Over 2,000 sq. ft.	1 per 200 sq. ft.
Laboratories (medical, dental, and similar)	1 per 500 sq. ft.
Maintenance and Repair Services	1 per 500 sq. ft.
Marine Services	
Boat Storage—Dry	0.33 per storage space or as required by conditional use permit
Boat Yards	As required by conditional use permit
Dry Docks	2 per dry dock
Entertainment and Excursion Services	1 per each 3 passengers and crew members
Marine Service Stations	As required by conditional use permit
Sport Fishing Charters	1 per each 2 passengers and crew members
Water Transportation Services—Office	1 per 100 sq. ft., minimum 2 spaces
Personal Services	
Massage Establishments	1 per 200 sq. ft. or as required by conditional use permit
Nail Salons	1 per 80 sq. ft.
Personal Services, General	1 per 250 sq. ft.
Studio (dance, music, and similar)	1 per 250 sq. ft.
Postal Services	1 per 250 sq. ft.
Printing and Duplicating Services	1 per 250 sq. ft.
Recycling Facilities	
Collection Facility—Large	4 spaces minimum, but more may be required by the review authority
Collection Facility—Small	As required by the review authority
Visitor Accommodations	
Bed and Breakfast Inns	1 per guest room, plus 2 spaces
Hotels and accessory uses	As required by conditional use permit
Motels	1 per guest room or unit

Land Use	Parking Spaces Required
Recreational Vehicle Parks	As required by conditional use permit
Time Shares	As required by conditional use permit
Transportation, Communications, and Infrastructure Uses	
Communication Facilities	1 per 500 sq. ft.
Heliports and Helistops	As required by conditional use permit
Marinas	0.75 per slip or 0.75 per 25 feet of mooring space
Vehicle Rental, Sale, and Service Uses	
Vehicle/Equipment Rentals	
Office Only	1 per 250 sq. ft.
Limited	1 per 300 sq. ft., plus 1 per rental vehicle (not including bicycles and similar vehicles)
Vehicle/Equipment Rentals and Sales	1 per 1,000 sq. ft. of lot area
Vehicles for Hire	1 per 300 sq. ft., plus 1 per each vehicle associated with the use and stored on the same site
Vehicle Sales, Office Only	1 per 250 sq. ft., plus 1 as required by DMV
Vehicle/Equipment Repair (General and Limited)	1 per 300 sq. ft. or 5 per service bay, whichever is more
Vehicle/Equipment Services	
Automobile Washing	1 per 200 sq. ft. of office or lounge area; plus queue for 5 cars per washing station
Service Station	1 per 300 sq. ft. or 5 per service bay, whichever is more; minimum of 4
Service Station with Convenience Market	1 per 200 sq. ft., in addition to 5 per service bay
Vehicle Storage	1 per 500 sq. ft.
Other Uses	

Land Use	Parking Spaces Required
Caretaker Residence	1 per unit
Special Events	As required by Chapter 11.03
Temporary Uses	As required by the limited term permit in compliance with Section 20.52.040

(Ord. 2023-6 § 1 (Exh. A), 2023; Ord. 2021-6 § 2, 2021; Ord. 2017-11 § 5, 2017; Ord. 2015-15 § 8, 2015; Ord. 2013-4 § 3, 2013; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.050 Parking Requirements for Shopping Centers.

A. An off-street parking space requirement of one space for each two hundred (200) square feet of gross floor area may be used for shopping centers meeting the following criteria:

1. The gross floor area of the shopping center does not exceed 100,000 square feet; and
2. The gross floor area of all eating and drinking establishments does not exceed fifteen (15) percent of the gross floor area of the shopping center.

B. Individual tenants with a gross floor area of ten thousand (10,000) square feet or more shall meet the parking space requirement for the applicable use in compliance with Section [20.40.040](#) (Off-Street Parking Spaces Required).

C. Shopping centers with gross floor areas in excess of 100,000 square feet or with eating and drinking establishments occupying more than fifteen (15) percent of the gross floor area of the center shall use a parking requirement equal to the sum of the requirements prescribed for each use in the shopping center. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.060 Reserved.

(Ord. 2023-6 § 1 (Exh. A), 2023; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.070 Development Standards for Parking Areas.

A. Access to Parking Areas. Access to off-street parking areas shall be provided in the following manner:

1. Nonresidential and Multi-Unit. Parking areas for nonresidential and multi-unit uses:
 - a. Adequate and safe maneuvering aisles shall be provided within each parking area so that vehicles enter an abutting street or alley in a forward direction.

b. The Director may approve exceptions to the above requirement for parking spaces immediately adjoining a public alley, provided not more than ten (10) feet of the alley right-of-way is used to accommodate the required aisle width, and provided the spaces are set back from the alley the required minimum distances shown in Table 3-11.

TABLE 3-11

PARKING SETBACK FROM ALLEY

Alley Width	Minimum Setback
15'0" or less	5'0"
15'1" to 19'11"	3'9"
20'0" or more	2'6"

c. The first parking space within a parking area accessed from a public street shall be set back a minimum of five feet from the property line.

2. Access Ramps. Ramps providing vehicle access to parking areas shall not exceed a slope of fifteen (15) percent. Changes in the slope of a ramp shall not exceed eleven (11) percent and may occur at five-foot intervals. Refer to Public Works Standard 160L-B, C and 805L-B. The Director of Public Works may modify these standards to accommodate specific site conditions.

B. Location of Parking Facilities.

1. Residential Uses. Parking facilities serving residential uses shall be located on the same site as the use the parking is intended to serve. Additional requirements are provided in Section [20.40.090](#) (Parking Standards for Residential Uses).

2. Nonresidential Uses. Parking facilities for nonresidential uses shall be located on the same site as the use the parking is intended to serve, except where an off-site parking facility is approved in compliance with Section [20.40.100](#) (Off-Site Parking).

3. Parking Structures. When adjacent to a residential zoning district, the development of structured parking, including rooftop parking, shall require the approval of a conditional use permit to address potential impacts to adjacent residential uses.

4. Parking on Slopes. Parking shall not be allowed on slopes greater than five percent. This

shall not apply to parking spaces located within a parking structure. The Director of Public Works may adjust these standards to accommodate specific site conditions.

C. Parking Space and Lot Dimensions.

1. Minimum Parking Space and Drive Aisle Dimensions. Each parking space, drive aisle, and other parking lot features shall comply with the minimum dimension requirements in Tables 3-13 and 3-14 and as illustrated in Figure 3-6.

2. Width of Parking Aisle. The width of parking aisles may be reduced by the Public Works Director in unique situations arising from narrow lots or existing built conditions when traffic safety concerns have been addressed.

TABLE 3-12

MINIMUM STANDARD PARKING SPACE SIZE

Minimum Standard Space Requirements	
Width	Length
8 ft. 6 in.	17 ft.

TABLE 3-13

STANDARD VEHICLE SPACE REQUIREMENTS

Angle (degrees)	Stall Width (1)(3)	Stall Depth (2)	Stall Length (3)	Aisle Width	
				One-Way	Two-Way
Parallel	8 ft.	N/A	22 ft.	14 ft.	24 ft.
30	8 ft. 6 in.	16 ft.	17 ft.	14 ft.	N/A
45	8 ft. 6 in.	18 ft.	17 ft.	14 ft.	N/A
60	8 ft. 6 in.	19 ft.	17 ft.	18 ft.	N/A
90	8 ft. 6 in.	17 ft.	17 ft.	26 ft.	26 ft.

(1) When the length of a parking space abuts a wall, or similar obstruction, the required width of the space shall be increased to nine feet.

- (2) Measured perpendicular to aisle.
- (3) Structural elements shall not encroach into the required stall, with the exception of a one square foot area at the front corners.

3. Bumper Overhang Areas. A maximum of two and one-half feet of the parking stall depth may be landscaped with low-growing, hearty materials in lieu of paving or an adjacent walkway may be increased, allowing a two and one-half foot bumper overhang while maintaining the required parking dimensions.

4. Compact Parking. Compact parking spaces shall not be allowed. However, where they exist at the time of adoption of this Zoning Code they may remain and shall not be considered a nonconforming condition.

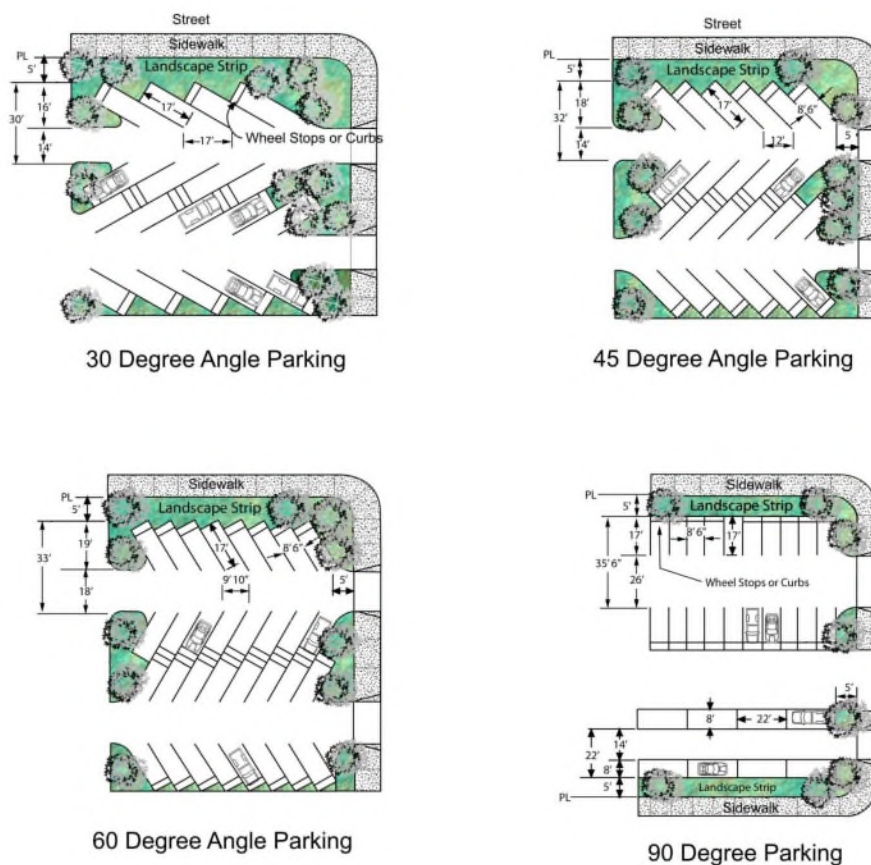


Figure 3-6

Parking Lot Dimensions

D. Required Parking Area Improvements. Off-street parking areas shall have the following improvements:

1. Curbing and Wheel Stops.
 - a. Continuous concrete curbing shall be installed a minimum of five feet from a wall, fence, building, or other structure. Curbs shall be a minimum of four inches high.
 - b. The minimum standard curb radius shall be six feet at all aisle corners. Alternative curb radii may be approved by the Director of Public Works.
 - c. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area, and the parking area drainage is directed to the landscaped area subject to the approval of the Director of Public Works. Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. Wheel stops shall not be used in conjunction with continuous curbing, including adjacent to raised walkways.
2. Drainage. Parking lots shall be designed in compliance with the stormwater quality and quantity standards of the City's best management practices and the City's Standard Specifications and Plans.
3. Landscaping. Landscaping for new surface parking lots with ten (10) or more spaces shall be provided as indicated below. These requirements do not apply to routine maintenance and restriping of existing parking lots.
 - a. Perimeter Parking Lot Landscaping.
 - i. Adjacent to Streets.
 - (A) Parking areas abutting a public street shall be designed to provide a perimeter landscape strip a minimum five feet wide between the street right-of-way and parking area. The Director may grant an exception to this requirement if existing structures, substandard lots, or unique site conditions preclude its implementation. In this case, the maximum feasible planting strip area shall be provided based on site conditions.
 - (B) Landscaping, other than trees, shall be designed and maintained to screen cars from view from the street and shall be maintained at approximately thirty-six (36) inches in height.

(C) Screening materials may include a combination of plant materials, earth berms, raised planters, low walls, or other screening devices that meet the intent of this requirement as approved by the Director.

(D) Plant materials, walls, or structures within a traffic sight area of a driveway shall not exceed thirty-six (36) inches in height in compliance with Section [20.30.130](#) (Traffic Safety Visibility Area).

ii. Adjacent to Residential Use.

(A) Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer yard with a minimum of five feet in width between the parking area and the common property line bordering the residential use. A solid masonry wall and landscaping in compliance with Section [20.30.020](#)(D) (Screening and Buffering Between Different Zoning Districts) shall be provided along the property line.

(B) Trees shall be provided at a rate of one for each thirty (30) square feet of landscaped area and shall be a minimum twenty-four (24) inch box container at time of planting.

b. Interior Parking Lot Landscaping.

i. Trees Required.

(A) Number and Location. Trees shall be evenly spaced throughout the interior parking area at a rate of one tree for every five parking spaces. Trees shall be located in planters that are bounded on at least two sides by parking area paving. Planters shall have a minimum exterior dimension of five feet.

(B) Size. All trees within the parking area shall be a minimum twenty-four (24) inch box container at time of planting.

ii. Ends of Aisles. All ends of parking aisles shall have landscaped islands planted with trees, shrubs, and groundcover.

iii. Larger Projects. Parking lots with more than one hundred (100) spaces shall provide an appropriate entry feature consisting of a concentration of landscape

elements, including specimen trees, flowering plants, enhanced paving, and project identification.

4. Lighting. Parking lots shall be lighted so that there is a minimum illumination over the entire lot of 1.0 footcandle and an average over the entire lot of 2.5 footcandles. Lighting shall comply with the standards in Section [20.30.070](#) (Outdoor Lighting).

5. Stall Markings, Directional Arrows, and Signs.

a. Parking spaces shall be clearly outlined with four-inch-wide lines painted on the surface of the parking facility. Carpool and vanpool spaces shall be clearly identified for exclusive use of carpools and vanpools.

b. Parking spaces for the disabled shall be striped and marked so as to be clearly identified in compliance with the applicable Federal, State, and City standards.

c. Driveways, circulation aisles, and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.

d. The Director of Public Works may require the installation of traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.

6. Surfacing. Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or interlocking paving stones or other City-approved surfaces.

E. Enclosed Parking. The following regulations shall apply to enclosed commercial off-street parking:

1. Doors shall remain open during regular business hours;

2. A sign shall be posted on the business frontage that advises patrons of the availability and location of parking spaces;

3. Signs shall be posted on the site containing the following information:

a. Doors are to remain open during business hours; and

b. A number to call for Code Enforcement.

4. The location, size, and color of the signs required above shall be approved by the Department. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.080 Parking for Nonresidential Uses in Residential Zoning Districts.

Where parking lots for nonresidential uses are allowed in residential zoning districts in compliance with Chapter [20.18](#) (Residential Zoning Districts), they shall be developed in compliance with the following requirements in addition to other applicable standards provided in this chapter.

- A. **Conditional Use Permit Required.** Approval of a conditional use permit shall be required in order to locate a parking lot intended for nonresidential use within a residential zoning district.
- B. **Location of Parking Area.** The parking area shall be accessory to, and for use of, one or more abutting nonresidential uses allowed in an abutting commercial zoning district. The Commission may grant a waiver for noncontiguous parking lots, but only under all of the following conditions:
 1. The parking lot is designed to be compatible with the neighborhood;
 2. There are no residential uses between the parking lot and the commercial zoning district;
 3. The location of the parking lot does not fragment the adjacent neighborhood;
 4. The parking lot is not detrimental or injurious to property and improvements in the neighborhood; and
 5. The parking lot is located within a reasonable walking distance of the use to which it is an accessory.
- C. **Access.** Access to parking lots shall be from commercial streets or alleys. An exception may be granted by the Commission if no commercial streets are available for access.
- D. **Passenger Vehicle Parking Only.** Parking lots shall be used solely for the parking of passenger vehicles.
- E. **Signs.** No signs, other than signs designating entrances, exits, and conditions of use shall be maintained in parking areas. Signs shall not exceed four square feet in area and five feet in height. The number and location shall be approved by the Director before installation.
- F. **Perimeter Wall.** The parking lot shall have a solid masonry wall six feet in height along all interior property lines adjacent to residential zoning districts and thirty-six (36) inches in height

adjacent to streets and the front setback area of an abutting residential use.

G. **Development Standards.** The parking lot shall be developed in compliance with the development standards of this chapter and the outdoor lighting standards in Section [20.30.070](#) (Outdoor Lighting).

H. **No Overnight Parking.** Overnight parking shall be prohibited and the parking lot shall be secured after business hours to prevent any use of the facility. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.090 Parking Standards for Residential Uses.

A. **Parking Space and Driveway Dimensions.**

1. **Minimum Interior Dimensions.** The minimum interior dimensions for parking spaces in residential zoning districts shall be as provided in Table 3-14. The Director may approve a reduced width for duplex units when two separate single car garages are proposed side by side and the applicant has proposed the maximum width possible.

TABLE 3-14

MINIMUM INTERIOR DIMENSIONS

Lot Width	Single Car/Tandem*	Two Car
30 feet or less	9'3" x 19' (35')*	17'6" x 19'
30.1—39.99 feet	10' x 19' (35')*	18'6" x 19'
40 feet or more	10' x 20'	20' x 20'

* The minimum depth for a two-car tandem space is thirty-five (35) feet.

2. **Tandem Parking.** Tandem parking for a maximum of two cars in depth shall be allowed in residential districts subject to the minimum interior dimensions provided in Table 3-14.

3. **Driveway Width.** Driveways visible from a public right-of-way shall not be wider than required to access an adjacent garage as follows:

a. One car garage: ten (10) feet wide.

- b. Two car garage: twenty (20) feet wide.
- c. Three car garage: twenty-five (25) feet wide.
- d. Four car garage: thirty-two (32) feet wide.

4. Vertical Clearances. The minimum unobstructed vertical clearance for parking spaces shall be seven feet, except that the front four feet may have a minimum vertical clearance of four feet.

B. Access to Parking.

1. Direct Access Required. Each parking space shall be capable of being accessed directly from an adjoining vehicular right-of-way or over an improved hard surfaced driveway, except for approved tandem parking spaces.
2. Clear Access Required. Where access to a required parking space is taken over a driveway, the driveway shall be maintained free and clear at all times except for the parking of currently registered, licensed motor vehicles, and for temporary obstructions that are incidental to the use of the property. Temporary obstructions in the driveway shall be allowed only for a period up to seventy-two (72) hours.

C. Location of Parking.

1. Allowed Parking Areas. Parking of vehicles is allowed only in permanent parking areas and on driveways leading to allowed parking areas. Under no circumstances shall landscaped areas or hardscaped areas in front yards, other than driveways, be used for the parking of vehicles.
2. Garages Facing the Street. Garages with doors that face the street that are located within twenty (20) feet of the front property line shall be equipped with automatic roll-up doors.
3. Parking Located in Required Setback Areas. The following requirements shall apply to the parking or storage of motor vehicles, recreational vehicles, watercraft, trailers, and similar items in residential zoning districts:
 - a. Front Setback Areas. Parking or storage in required front setback areas shall be prohibited, except on driveways in front of garages that set back a minimum of twenty (20) feet from the front property line.

- b. Side Setback Areas. Parking or storage in required side setback areas (behind the rear line of the required front setback area) shall be allowed.
- c. Rear Setback Areas Without Alleys. Parking or storage in required rear setback areas shall be allowed.
- d. Rear Setback Areas with Alleys. Parking or storage in required rear setback areas shall not be allowed. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.100 Off-Site Parking.

- A. Conditional Use Permit Required. Approval of a conditional use permit shall be required for a parking facility or any portion of required parking that is not located on the same site it is intended to serve.
- B. Findings. In order to approve a conditional use permit for an off-site parking facility the Commission shall make all of the following findings in addition to those required for the approval of a conditional use permit:
 - 1. The parking facility is located within a convenient distance to the use it is intended to serve;
 - 2. On-street parking is not being counted towards meeting parking requirements;
 - 3. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area; and
 - 4. The parking facility will be permanently available, marked, and maintained for the use it is intended to serve.
- C. Parking Agreement. A parking agreement, which guarantees the long-term availability of the parking facility for the use it is intended to serve, shall be recorded with the County Recorder's Office. The agreement shall be in a form approved by the City Attorney and the Director.
- D. Loss of Off-Site Parking.
 - 1. Notification of City. The owner or operator of a business that uses an approved off-site parking facility to satisfy the parking requirements of this chapter shall immediately notify the Director of any change of ownership or use of the property where the spaces are located, or changes in the use that the spaces are intended to serve, or of any termination or default of

the agreement between the parties.

2. Effect of Termination of Agreement. Upon notification that the agreement for the required off-site parking has terminated, the Director shall establish a reasonable time in which one of the following shall occur:

- a. Substitute parking is provided that is acceptable to the Director; or
- b. The size or capacity of the use is reduced in proportion to the parking spaces lost.
(Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.110 Adjustments to Off-Street Parking Requirements.

The number of parking spaces required by this chapter may be reduced only in compliance with the following standards and procedures:

- A. ADA Compliance. The Director may administratively reduce parking requirements due to a loss of parking spaces because of ADA requirements associated with tenant improvements.
- B. Reduction of Required Off-Street Parking. Residential and nonresidential off-street parking requirements may be reduced with the approval of a conditional use permit in compliance with Section [20.52.020](#) (Conditional Use Permits and Minor Use Permits) and in compliance with the following conditions:
 1. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available (e.g., City parking lot located nearby, on-street parking available, greater than normal walk-in trade, mixed-use development); and
 2. A parking management plan shall be prepared in compliance with subsection (C) of this section (Parking Management Plan).
- C. Parking Management Plan. When a parking management plan to mitigate impacts associated with a reduction in the number of required parking spaces is required by this chapter, the parking management plan may include, but is not limited to, the following when required by the review authority:
 1. Restricting land uses to those that have hours or days of operation so that the same parking spaces can be used by two or more uses without conflict;

2. Restricting land uses with high parking demand characteristics;
3. Securing off-site parking in compliance with Section [20.40.100](#) (Off-Site Parking);
4. Providing parking attendants and valet parking; and
5. Other appropriate mitigation measures.

D. Reduction of Required Off-Street Parking by Director. Nonresidential off-street parking requirements may be reduced by a maximum of twenty (20) percent with the approval of the Director using any combination of the following:

1. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available (e.g., City parking lot located nearby, on-street parking available, greater than normal walk-in trade, mixed-use development).
2. On-Site Bicycle Facilities. Required nonresidential off-street parking may be reduced where there is a demonstrated use of bicycles as a mode of transportation. The Director may reduce the number of required parking spaces by one space for every three bicycle parking spaces provided on the same site they serve, up to five percent of the total requirement in compliance with the following conditions:
 - a. The applicant has provided sufficient evidence to substantiate that there exists a demand for bicycle parking; and
 - b. The bicycle parking spaces are located completely within the private property they serve.
 - c. An additional five percent reduction may be allowed when enhanced end-of-trip facilities are provided on the same site they serve, including, but not limited to, showers and locker facilities.
3. Space for Shared Mobility. Required nonresidential off-street parking may be reduced by up to ten (10) percent in compliance with the following conditions:
 - a. Exclusive of curb space needed for emergency access purposes (e.g., a fire lane), the development includes at least twenty (20) linear and contiguous feet of on-site dedicated curb-space located entirely on private property; or

b. There is one off-street parking space designated and with proper signage for the use of shared-mobility vehicles and/or pick-up/drop-off located on private property and on the same site it is intended to serve.

E. **Joint Use of Parking Facilities.** Required nonresidential off-street parking may be reduced where two or more nonresidential uses on the same site have distinct and differing peak parking demands (e.g., a theater and a bank). The Director may grant a joint use of parking spaces between the uses that results in a reduction in the total number of required parking spaces in compliance subject to the following conditions:

1. The most remote space is located within a convenient distance to the use it is intended to serve;
2. The amount of reduction is no greater than the number of spaces required for the least intensive of the uses sharing the parking;
3. The probable long-term occupancy of the structures, based on their design, will not generate additional parking demand;
4. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that there is no conflict in the peak parking demand for the uses proposing to make joint use of the parking facilities; and
5. A parking management plan shall be prepared in compliance with subsection (C) of this section (Parking Management Plan).

F. **Required Data.** In reaching a decision to allow a reduction of required parking spaces, the review authority shall consider data submitted by the applicant or collected/prepared at the applicant's expense. (Ord. 2023-6 § 1 (Exh. A), 2023; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.120 Parking Management Districts.

Properties within a parking management district, established through the Parking Management (PM) Overlay District, may be exempted from all or part of the off-street parking requirements of this chapter in compliance with the provisions of the adopted parking management district plan. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

20.40.130 In-Lieu Parking Fee.

The number of parking spaces required by Section [20.40.040](#) (Off-Street Parking Spaces

Required) may be reduced if the review authority authorizes the use of an in-lieu fee to be paid by the applicant towards the development of public parking facilities. The in-lieu fee shall be paid to the Citywide Parking Improvement Trust Fund. The amount of the fee and time of payment shall be established by Council resolution. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

The Newport Beach Municipal Code is current through Ordinance 2023-13, passed August 22, 2023.

Disclaimer: The City Clerk's office has the official version of the Newport Beach Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.newportbeachca.gov/>

City Telephone: (949) 644-3005

[Code Publishing Company](#)

APPENDIX B
PARKING SURVEY DATA

Parking Occupancy Study, Tuesday, 6/06/23

425 Old Newport Boulevard, Newport Beach, CA 92663

Prepared by AimTD LLC

cs@aimtd.com

Category	Regular*	Disabled	Customer Only**	Street
Inventory	15	2	5	
8:00 AM - 9:00 AM	5	0	0	0
9:00 AM - 10:00 AM	6	0	2	0
10:00 AM - 11:00 AM	8	0	1	0
11:00 AM - 12:00 PM	10	0	2	0
12:00 PM- 1:00 PM	12	1	5	0
1:00 PM- 2:00 PM	11	0	4	0
2:00 PM- 3:00 PM	8	0	2	0
3:00 PM- 4:00 PM	5	1	3	0
4:00 PM- 5:00 PM	6	0	1	0
5:00 PM- 6:00 PM	5	0	0	0
6:00 PM- 7:00 PM	7	0	0	0

NOTES: All personnel and visitors parked in the designated office parking lot; no visitors were observed to use on-street parking and enter the building at 425 Old Newport Boulevard.

* 15 regular parking spaces verified by Ganddini Group, Inc.

** In addition, the first 5 parking spaces on the left upon entering are signed "Customer Only"

Parking Occupancy Study, Thursday, 6/08/23

425 Old Newport Boulevard, Newport Beach, CA 92663

Prepared by AimTD LLC

cs@aimtd.com

Category	Regular*	Disabled	Customer Only**	Street
Inventory	15	2	5	
8:00 AM - 9:00 AM	1	0	0	0
9:00 AM - 10:00 AM	3	0	0	0
10:00 AM - 11:00 AM	8	0	2	0
11:00 AM - 12:00 PM	10	0	1	0
12:00 PM- 1:00 PM	9	0	1	0
1:00 PM- 2:00 PM	7	0	2	0
2:00 PM- 3:00 PM	10	0	2	0
3:00 PM- 4:00 PM	9	0	2	0
4:00 PM- 5:00 PM	5	0	1	0
5:00 PM- 6:00 PM	8	0	1	0
6:00 PM- 7:00 PM	6	0	1	0

NOTES: All personnel and visitors parked in the designated office parking lot; no visitors were observed to use on-street parking and enter the building at 425 Old Newport Boulevard.

* 15 regular parking spaces verified by Ganddini Group, Inc.

** In addition, the first 5 parking spaces on the left upon entering are signed "Customer Only"

Parking Occupancy Study, Tuesday, 6/06/23

425 Old Newport Boulevard, Newport Beach, CA 92663

Prepared by AimTD LLC

cs@aimtd.com

Category	Regular	Disabled	Customer Only	Street
Inventory	10	2	5	
8:00 AM - 9:00 AM	5	0	0	0
9:00 AM - 10:00 AM	6	0	2	0
10:00 AM - 11:00 AM	8	0	1	0
11:00 AM - 12:00 PM	10	0	2	0
12:00 PM- 1:00 PM	12	1	5	0
1:00 PM- 2:00 PM	11	0	4	0
2:00 PM- 3:00 PM	8	0	2	0
3:00 PM- 4:00 PM	5	1	3	0
4:00 PM- 5:00 PM	6	0	1	0
5:00 PM- 6:00 PM	5	0	0	0
6:00 PM- 7:00 PM	7	0	0	0

NOTES: All personell and visitors parked in the designated office parking lot

Parking Occupancy Study, Thursday, 6/08/23

425 Old Newport Boulevard, Newport Beach, CA 92663

Prepared by AimTD LLC

cs@aimtd.com

Category	Regular	Disabled	Customer Only	Street
Inventory	10	2	5	
8:00 AM - 9:00 AM	1	0	0	0
9:00 AM - 10:00 AM	3	0	0	0
10:00 AM - 11:00 AM	8	0	2	0
11:00 AM - 12:00 PM	10	0	1	0
12:00 PM- 1:00 PM	9	0	1	0
1:00 PM- 2:00 PM	7	0	2	0
2:00 PM- 3:00 PM	10	0	2	0
3:00 PM- 4:00 PM	9	0	2	0
4:00 PM- 5:00 PM	5	0	1	0
5:00 PM- 6:00 PM	8	0	1	0
6:00 PM- 7:00 PM	6	0	1	0

NOTES: All personell and visitors parked in the designated office parking lot

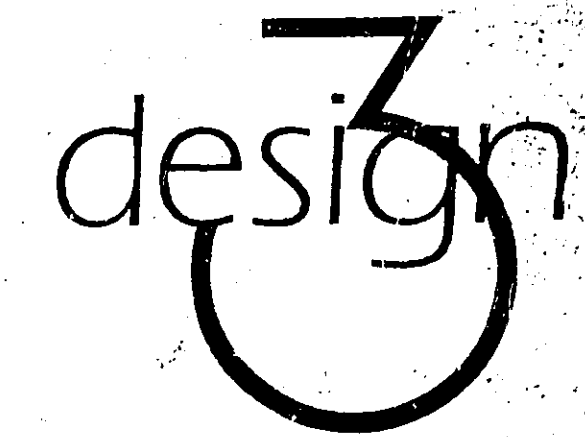
Attachment No. CD 3

Original Plans including Garage Floor Plan

KLEIN AND WILSON OFFICE TENANT IMPROVEMENT 326 N. NEWPORT BLVD. NEWPORT BEACH, CALIFORNIA

NOTICE

ASSISTANCE OF A BUILDING PERMIT BY THE CITY OF NEWPORT BEACH DOES NOT RELIEVE APPLICANT OF LEGAL REQUIREMENTS TO OBSERVE COVENANTS, CONDITIONS AND RESTRICTIONS WHICH MAY BE RECORDED AGAINST THE PROPERTY OR TO OBTAIN COMMUNITY ASSOCIATION APPROVAL OF PLANS. YOU SHOULD CONTACT YOUR COMMUNITY ASSOCIATION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION AUTHORIZED BY THIS PERMIT.



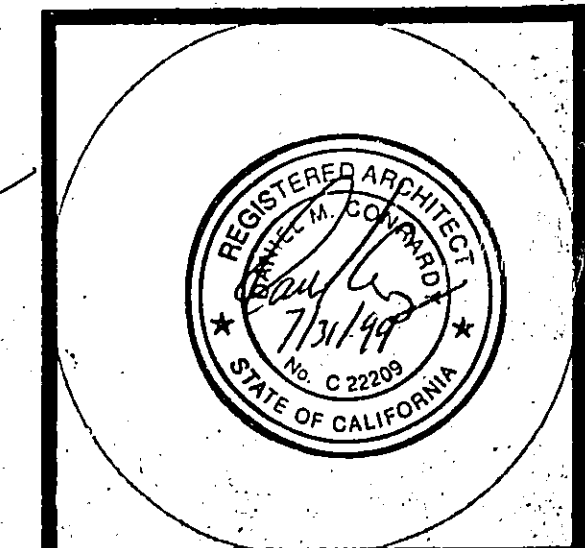
9 REINA STREET
DANA POINT, CA 92629
(714) 489-0636
FAX (714) 489-0681

These plans and specifications, as well as DESIGN 3, INC. name logo, information and designs are the exclusive property of DESIGN 3, INC. Any reproduction, modification, disclosure or use of these materials for any portion of them without DESIGN 3, INC. prior written approval is strictly prohibited.

BUILDING DEPARTMENT
CITY OF NEWPORT BEACH, CA

APPLICANT'S SIGNATURE: *[Signature]* DATE: 11/24/98

SALES: SA, DATE: 11/24/98, FOR: DG



PROJECT TEAM

OWNER: KLEIN AND WILSON ATTORNEYS AT LAW 4100 NEWPORT PLACE, SUITE 450 NEWPORT BEACH, CA. 92660 TEL: (949) 852-9800 FAX: GERALD KLINE	ARCHITECT: DESIGN 3, INC. 9 REINA STREET DANA POINT, CALIFORNIA 92629 TEL: (714) 489-0636 FAX: (714) 489-0681 DAN CONRARDY A.I.A.	CONTRACTOR C CONSTRUCTION INC. 2532 DUPONT DRIVE IRVINE CA. TEL: (949) 477-2233 GUS MACPHERSON LICENSE #706490	MECHANICAL: DESIGN BUILD BY CONTRACTOR	PLUMBING DESIGN BUILD BY CONTRACTOR	ELECTRICAL DESIGN BUILD BY CONTRACTOR
---	--	---	--	---	---

ABBREVIATIONS:

ABV. TERM	ABV. TERM	ABV. TERM	ABV. TERM
AB ANCHOR BOLT	GA GUAGE	OA OVERALL	TAB TOP AND BOTTOM
ABV ABOVE	OC GALVANIZED IRON	OC ON CENTER	T&G TONGUE AND GROOVE
AC ASPHALTIC CONCRETE	OD OUTSIDE DIAMETER	OD OUTSIDE DIAMETER	TD TOP OF BEAM
ACD AIR CONDITIONING	OF OUTSIDE FACE	OF OUTSIDE FACE	TC TOP OF CONCRETE
ACOUS ACOUSTICAL	OPG OPENING	OPG OPENING	TECH TECHNICAL
ACP ASPHALTIC CONCRETE PAVING	OPP OPPOSITE	OPP OPPOSITE	TEMP TEMPORARY
AFD ABOVE FINISHED FLOOR	ORD OVERFLOW ROOF DRAIN	ORD OVERFLOW ROOF DRAIN	TF TOP OF FINISH FLOOR
AFD ABOVE FINISHED GRADE	ORD ORIGINAL	ORD ORIGINAL	THK THICKNESS
AGR ALTERNATE	OVFL OVERFLOW	OVFL OVERFLOW	THRU THROUGH
ALT ARCHITECT (-URAL)	PC PIECE	PC PIECE	TJ TOP OF JOIST
B/B BACK TO BACK	PERM PERMETER	PERM PERMETER	TMPO TEMPERED
BLOC BUILDING	PERP PERPENDICULAR	PERP PERPENDICULAR	TMPO GL TEMPERED GLASS
BLK BLOCK	PV PLATE	PV PLATE	TN TOP OF NALER
BLNG BLOCKING	PL PROPERTY LINE	PL PROPERTY LINE	TP TOP OF NALER
BLW CLG BELOW CEILING	PLM PLASTER LAMINATE	PLM PLASTER LAMINATE	TW TOTAL
BLW FLR BELOW FINISH FLOOR	PLYD PLYWOOD	PLYD PLYWOOD	TYP TYPICAL
BM BEAM	PNL PANEL	PNL PANEL	UNO (UNO) UNLESS OTHERWISE NOTED
BOT BOTTOM	PRECAST PRECAST	PRECAST PRECAST	VAP VAPOR
BP BAE PLATE	PREFAB PREFABRICATED	PREFAB PREFABRICATED	VCT VINYL COMPOSITION TILE
BRG BEARING	PREFIN PREFINISHED	PREFIN PREFINISHED	VEN VENTILATOR
BRG PL BEARING PLATE	PRELIM PRELIMINARY	PRELIM PRELIMINARY	VERT VERTICAL
BUR BUILT-UP ROOF	PSF POUNDS PER SQUARE FOOT	PSF POUNDS PER SQUARE FOOT	VIN VINYL
C/C CENTER TO CENTER	PSI POUNDS PER SQUARE INCH	PSI POUNDS PER SQUARE INCH	VNR VENEER
CHER CERAMIC TILE	PVC POLYVINYL CHLORIDE	PVC POLYVINYL CHLORIDE	VOL VOLUME
CI CAST IRON	PWG PAWING	PWG PAWING	VT VINYL TILE
CI CAST IRON PIPE	PWT PAVEMENT	PWT PAVEMENT	W/ WITH
CL CENTER LINE	QTY QUANTITY	QTY QUANTITY	W/O WITHOUT
CLG CEILING	RD RADIUS	RD RADIUS	WC WATER CLOSET
CLG HT CEILING HEIGHT	RO ROAD	RO ROAD	WD WIDTH
CLJ CONTROL JOINT	REC RECT	REC RECT	WO WOOD
CMU CONCRETE MASONRY UNIT	REF REFERENCE	REF REFERENCE	WV WASH FOUNTAIN
CONTR COUNTER	REF REQUIRED	REF REQUIRED	WF WIRE FLANGE
CONC CONCRETE	REF (-D, INC, MENT)	REF (-D, INC, MENT)	WG WIRE GLASS
CONSTR CONNECTION	REQ REQUIRED	REQ REQUIRED	WH WALL HUNG
CONTR CONTINUOUS	RFG ROOFING	RFG ROOFING	WH WAREHOUSE
CONTR CONTRACTOR	RH RIGHT HAND	RH RIGHT HAND	WH WATER HEATER
COORD COORDINATE	RHS RIGHT HAND REVERSE	RHS RIGHT HAND REVERSE	WR WATER RESISTANT
CSK COUNTERSINK	RM ROOM	RM ROOM	WT WATER
DEPT DEPARTMENT	RO ROUND	RO ROUND	WTR WATERPROOFING
DET DETAIL	ROU ROUGH OPENING	ROU ROUGH OPENING	WTF WATERPROOFING WELDED WIRE FABRIC
DF DIFFERENCE	RWD RIGHT OF WAY	RWD RIGHT OF WAY	
DM DIMENSION	RVS REVERSE	RVS REVERSE	
DL DEAD LOAD	SC SOLID CORE	SC SOLID CORE	
DN DOWN	SECT SECTION	SECT SECTION	
DO DOWNSPOUT	SECT SHEATHING	SECT SHEATHING	
DWG DRAWING	SIM SIMILAR	SIM SIMILAR	
EF EACH FACE	SM SHEET METAL	SM SHEET METAL	
ELEV ELEVATION	SPEC SPECIFICATION	SPEC SPECIFICATION	
ENTR ENTRANCE	SQ SQUARE	SQ SQUARE	
EQUI EQUIPMENT	SQ FT SQUARE FOOT	SQ FT SQUARE FOOT	
EW EACH WAY	SQ IN SQUARE INCH	SQ IN SQUARE INCH	
EXP EXPANSION	SQ YD SQUARE YARD	SQ YD SQUARE YARD	
EXP BIT EXPANSION BOLT	ST STAINLESS STEEL	ST STAINLESS STEEL	
EXT EXISTING	ST STREET	ST STREET	
EXT EXTERIOR	STATION STATION	STATION STATION	
FFF FACE TO FACE	STAC STAGGERED	STAC STAGGERED	
FIN FINISH	STD STANDARD	STD STANDARD	
FIN FL FINISH FLOOR	STL STEEL	STL STEEL	
FIN GR FINISH GRADE	STL JST STEEL JOIST	STL JST STEEL JOIST	
FLR FLOOR (-ING)	STL PL STEEL PLATE	STL PL STEEL PLATE	
FLR FIN FLOOR FINISH	STOR STORAGE	STOR STORAGE	
FOC FACE OF CONCRETE	STR STRUCTURAL	STR STRUCTURAL	
FOM FACE OF MASONRY	STRUCT STRUCTURAL STEEL	STRUCT STRUCTURAL STEEL	
FOP FACE OF PANEL	SUSP SUSPENDED CEILING	SUSP SUSPENDED CEILING	
FOS FACE OF STUDS	SYM SYMMETRICAL	SYM SYMMETRICAL	
FS FAR SIDE			
FSR FASTENER			
FTG FOOTING			
FUT FUTURE			

FIRE DEPARTMENT

- SMOKE DETECTORS LOCATED IN ALL ROOMS
- EXTINGUISHER LOCATIONS AND RATINGS TO BE APPROVED BY FIRE INSPECTOR. (2A 10BC EVERY 75 FEET TRAVEL DISTANCE)
- BUILDING ADDRESS SHALL BE VISIBLE FROM STREET.
- EXTERIOR EXIT DOORS REQUIRED TO BE POSTED "EXIT DOORS DO NOT BLOCK"
- NOTE: THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" TO BE POSTED OVER MAIN ENTRANCE.
- EXIT HARDWARE SHALL COMPLY WITH UBC CHAPTER ON EXITING. ALL EXTERIOR HARDWARE SHALL BE ACCESSIBLE BY KNOX BOX KEY FOR FIRE DEPARTMENT ACCESS.
- EM LIGHTING SHALL BE PROVIDED AND LOCATED PER UBC
- EXIT LIGHTS AND SECURITY LIGHTS SHALL BE INTERNAL ILLUMINATED PER UBC
- UTILITY ROOM TO BE LABELED.

OCCUPANCY:

GROSS S.F.	2930 S.F.	(EXCLUDES TOILETS, MECHANICAL ROOM, AND ELEVATOR SHAFT)
NET USEABLE	2458 S.F.	
OCCUPANCY LOAD	2458/100 SQ. FT. PER PERSON = 25 PEOPLE	
PARKING REQUIREMENTS	2458/1000 = 10 PARKING SPACES	

PROJECT DIRECTORY:

PLANNING & ZONING	GAS COMPANY
TITLE	TITLE
ADDRESS	ADDRESS
PHONE:	PHONE:
FAX:	FAX:
CONTACT:	CONTACT:
SANITATION	WATER COMPANY
TITLE	TITLE
ADDRESS	ADDRESS
PHONE:	PHONE:
FAX:	FAX:
CONTACT:	CONTACT:
BUILDING SAFETY	SEWER COMPANY
TITLE	TITLE
ADDRESS	ADDRESS
PHONE:	PHONE:
FAX:	FAX:
CONTACT:	CONTACT:
FIRE SAFETY	ELECTRIC COMPANY
TITLE	TITLE
ADDRESS	ADDRESS
PHONE:	PHONE:
FAX:	FAX:
CONTACT:	CONTACT:
HEALTH DEPARTMENT	TELEPHONE COMPANY
TITLE	TITLE
ADDRESS	ADDRESS
PHONE:	PHONE:
FAX:	FAX:
CONTACT:	CONTACT:

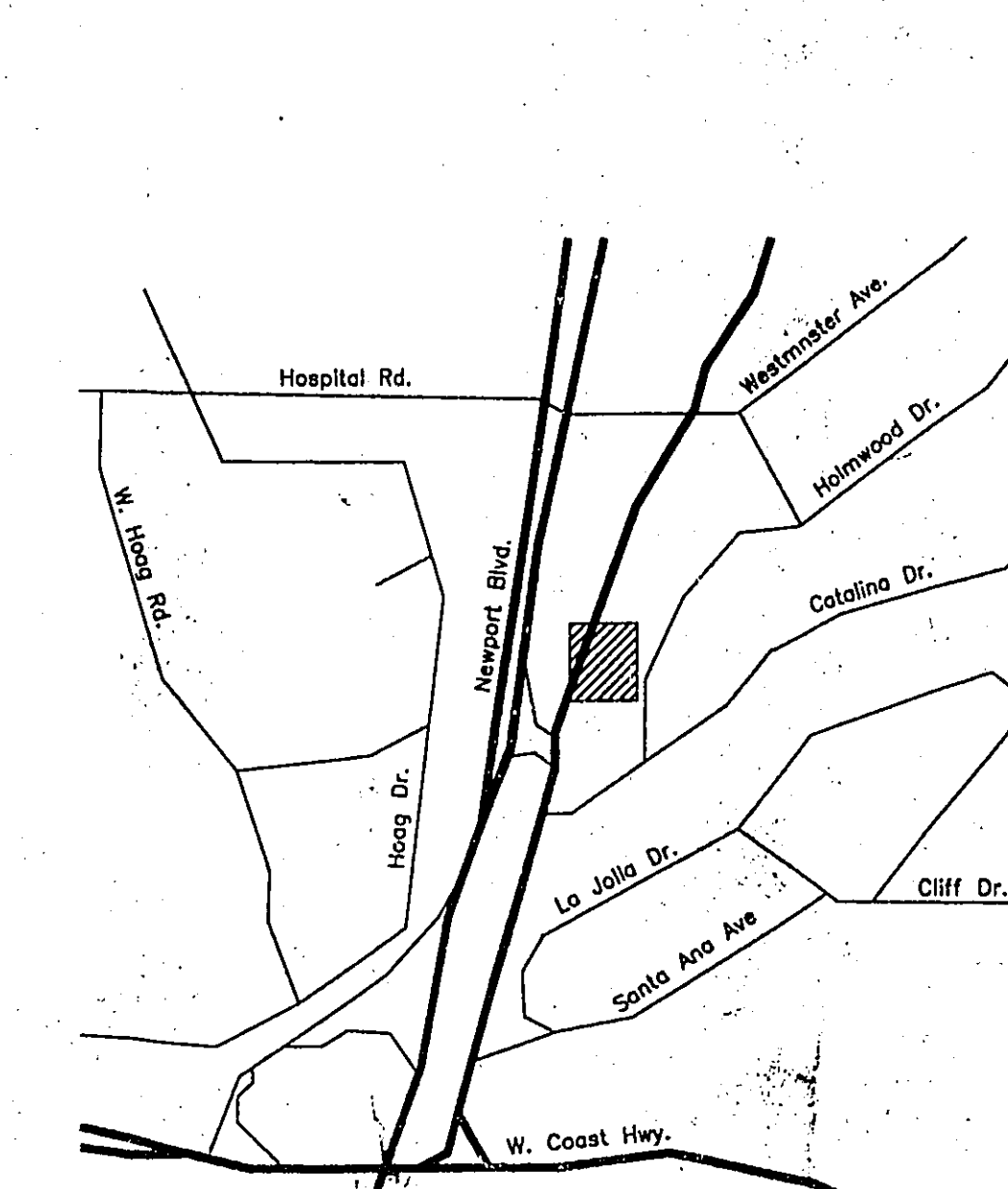
PROJECT INFORMATION

BUILDING AREA:	2609 SQ. FT.
BUILDING CODE:	1994 U.B.C.
CONSTRUCTION TYPE:	V-N (NON-SPRINKLERED)
OCCUPANCY GROUP:	B
Number of Stories:	2

SHEET INDEX:

GENERAL	
T1	TITLE SHEET DRAWING INDEX
ARCHITECTURAL	
D1	DEMOLITION PLAN
A1	PARKING PLAN
A2	FLOOR PLAN
A3	REFLECTED CEILING PLAN
A4	INTERIOR ELEVATIONS/SECTIONS
A5	DETAILS
D1	DETAILED
H1	HVAC PLAN
E1	FIXTURE SCHEDULE, ENERGY CODE
E2	ELECTRICAL LIGHTING PLAN
E3	ELECTRICAL POWER PLAN

VICINITY MAP:



KLEIN AND WILSON
TENANT IMPROVEMENT
326 N. NEWPORT BLVD.
NEWPORT BEACH, CA

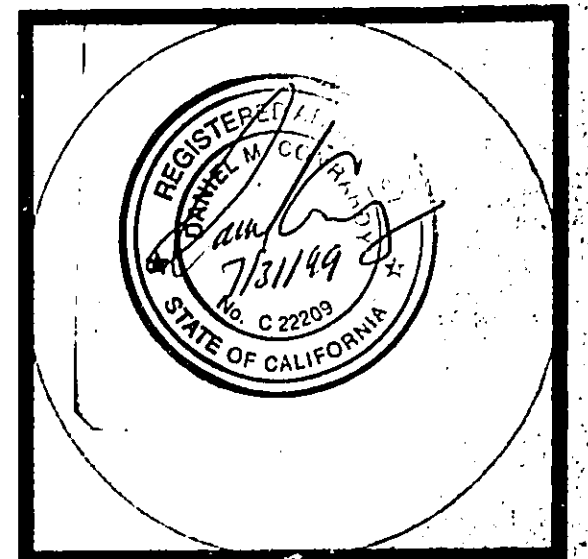
CONSULTANTS

TITLE SHEET SHEET INDEX

SCALE: AS SHOWN

Date:	Sheet No.:
Project No.:	TS
Drawn By:	
Binding Order:	1 of 7

PC 2169-98 158 R



No.	Date	Revisions

APPROVAL OF THESE PLANS BY THE CITY OF NEWPORT BEACH, CA IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY CHANGES TO THE PLANS SHALL BE MADE BY THE DESIGNER AND APPROVED BY THE CITY ENGINEER. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE PLANS. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

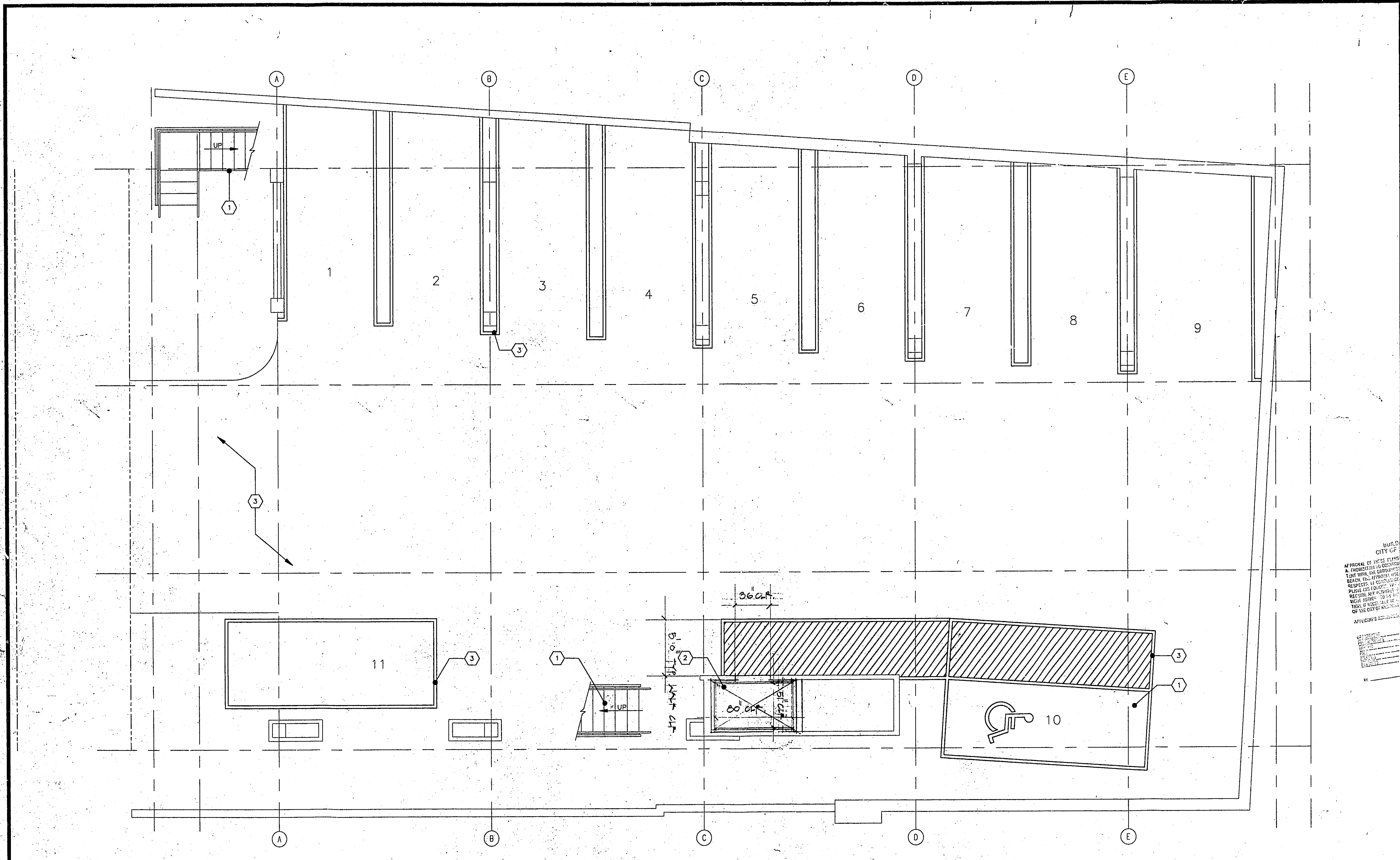
KLEIN AND WILSON
TENANT IMPROVEMENT
326 N. NEWPORT BLVD.
NEWPORT BEACH, CA

Consultants

TITLE:
PARKING PLAN

SCALE: 1/4"=1'-0"

Date:	Sheet No.:
Project No.:	A1
Drawn By:	JBB
Binding Order:	3 of 7

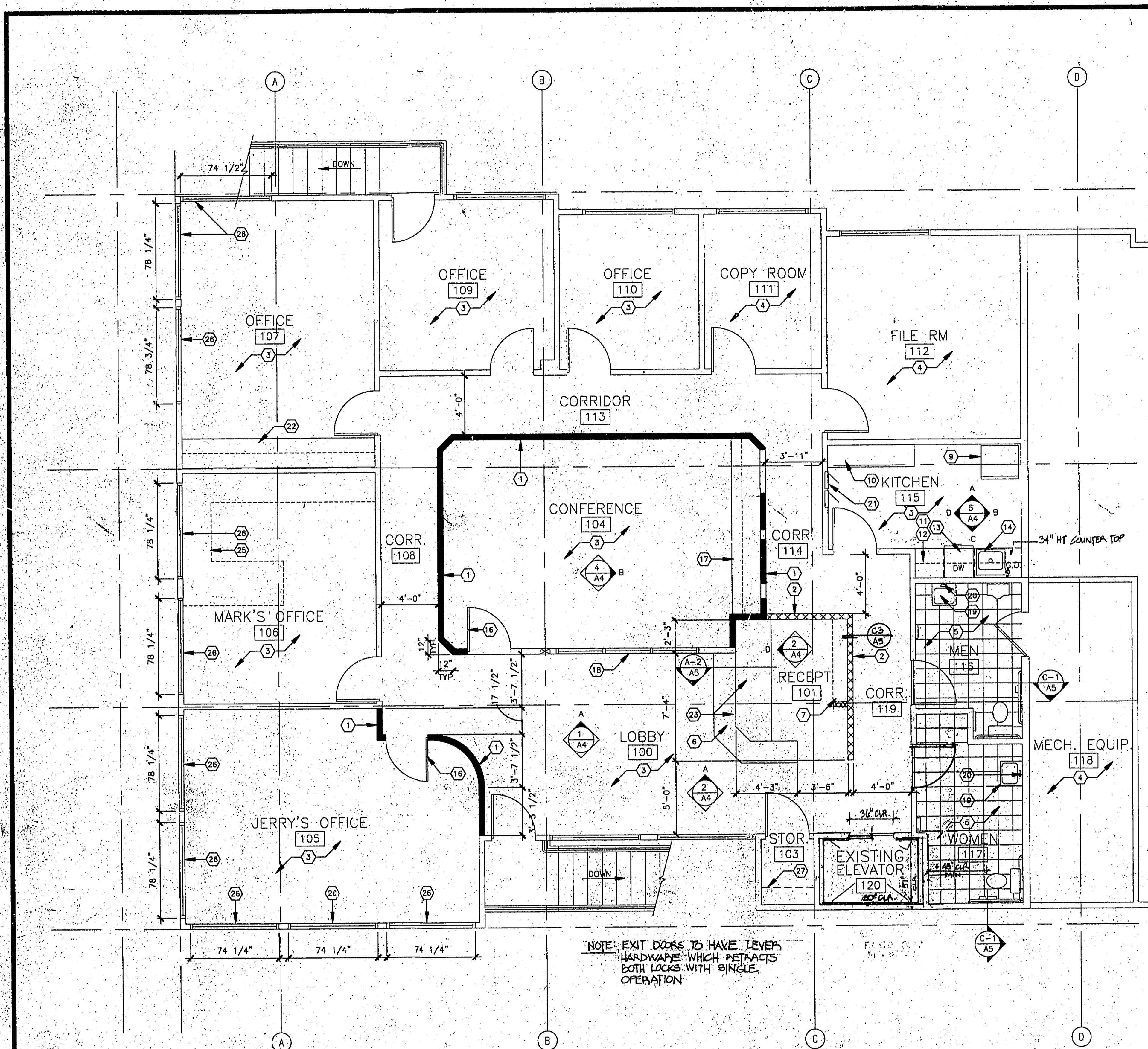


PARKING PLAN
1st STORY
1/4"=1'-0"

KEYNOTES

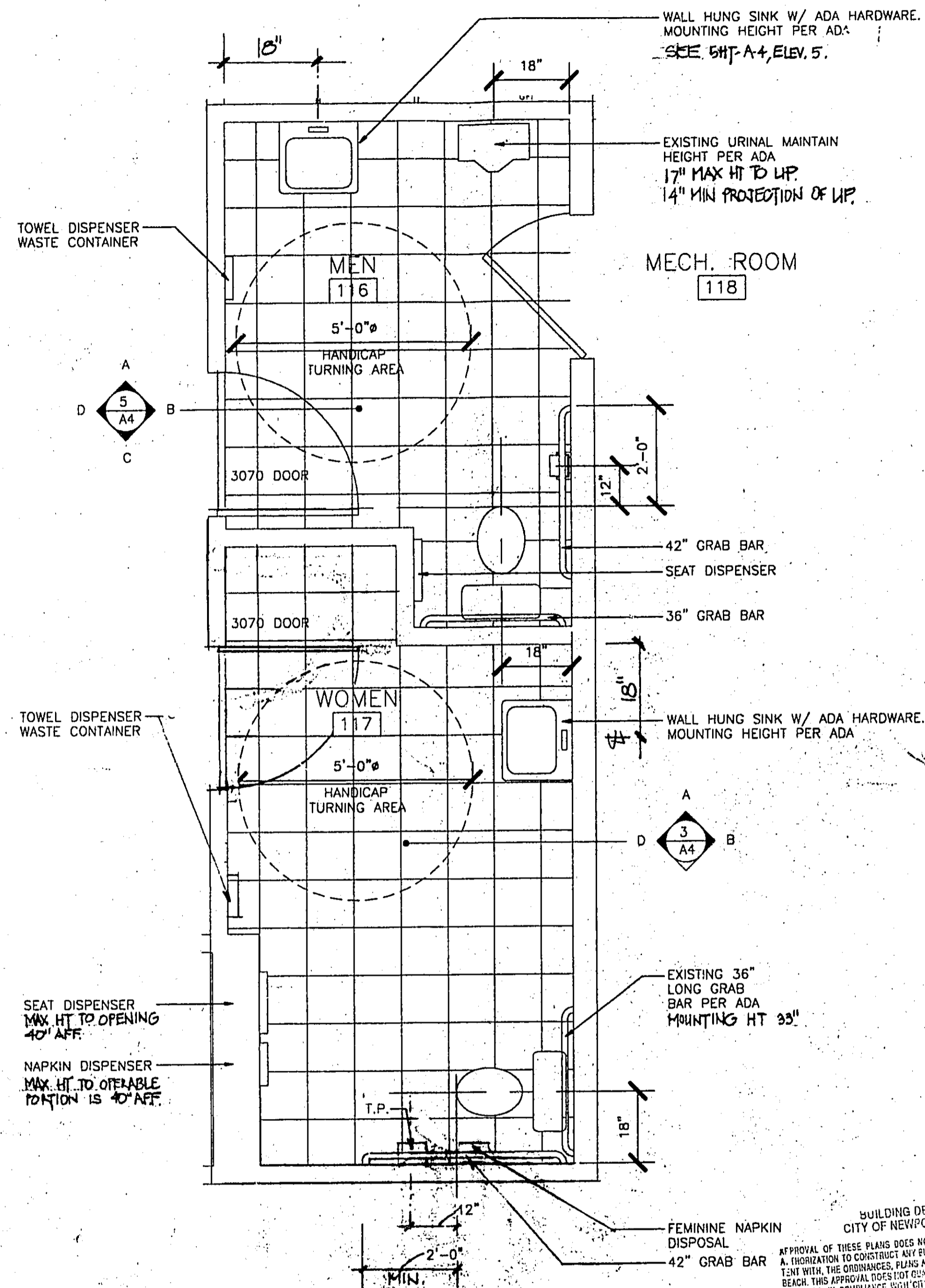
- EXISTING HANDICAP PARKING SPACE
- EXISTING ELEVATOR FROM PARKING GARAGE
- EXISTING PARKING STRIPING
- EXISTING 20'-0" WIDE DRIVE
- EXISTING STAIRS TO SECOND LEVEL

PC 2169-98 38/12



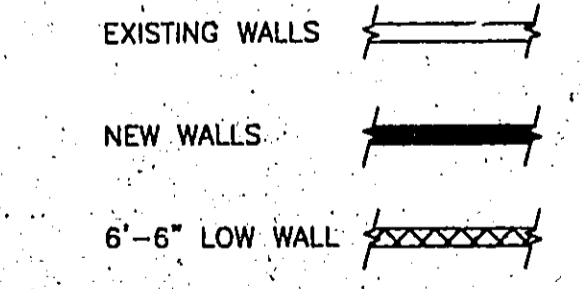
FLOOR PLAN
2nd STORY
1/4"=1'-0"

NOTE: EXIT DOORS TO HAVE LEVEL HARDWARE WHICH RETRACTS BOTH LOCKS WITH SINGLE OPERATION



ENLARGED BATHROOM PLAN
1/2"=1'-0"

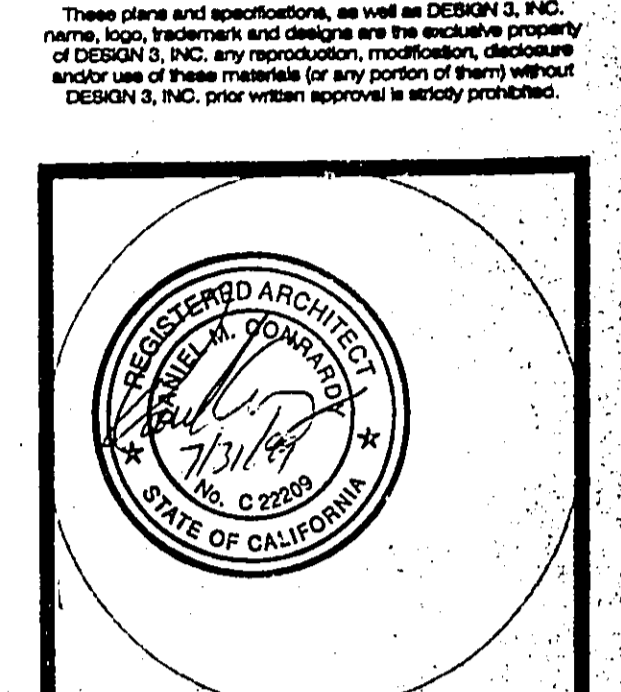
LEGEND



KEYNOTES

1. NEW WALLS FULL HEIGHT
2. NEW WALL 6'-6" A.F.F.
3. 3/4" WOOD STRIP FLOORING O/ CONC. FLOOR.
4. VOT FLOORING
5. TRAVERTINE MARBLE TILE W/ TRAVERTINE WAINSCOT TO +48" A.F.F.
6. GRANITE TO RECEPTION DESK
7. UPPER WALL MOUNTED CABINET (CHERRY PLYWOOD) 21" HIGH 4'-4" A.F.F.
8. NOT USED
9. REFRIGERATOR N.I.C. (BY OWNER)
10. PLASTIC LAMINATE COUNTER 81" x 18" DEEP 4'-8" A.F.F.
11. PLASTIC LAMINATE COUNTER TOP W/ 4" BACKSPLASH
12. NEW PLASTIC LAMINATE FACE BASE AND UPPER CABINETS
13. DISHWASHER BELOW
14. SINGLE BOWL S.S. SINK W/ 1/2" H.P. CARBIDE DISPOSAL
15. WINDOW WALL SYSTEM W/ 2"x4" ALUM. FRAM. TEMPERED GLAZING FULL HEIGHT
16. NEW 3'-0"x7'-0" SOLID CORE DOOR STAIN TO MATCH EXISTING (CONFERENCE ROOM)
17. NEW TINTED LAMINATE WINDOWS IN 2"x4" METAL FRAME
18. NEW WALL HUNG LAVATORY
19. NEW MIRROR 30"x48" ABOVE SINK
20. ELEC. PANELS (RECESSED)
21. EXISTING BASE CABINET AND BOOKCASE (OFFICE 107)
22. NEW RECEPTION DESK; GRANITE COUNTER 18" WIDE +48" AFF. PLASTIC DESK TOP 30" WIDE
23. +30" AFF PLASTIC LAMINATE VERTICAL AND CABINET/DRAWERS
24. DESK N.I.C.
25. 1/4" REFLECTIVE LAMINATED GLASS
26. 3 PLYWOOD SHELVES 14" DEEP

design
9 REINA STREET
DANA POINT, CA. 92629
(714) 489-0606
FAX (714) 489-0681



No.	Date	Revisions

KLEIN AND WILSON
TENANT IMPROVEMENT
326 N. NEWPORT BLVD.
NEWPORT BEACH, CA.

CONSULTANTS

TITLE:
FLOOR PLAN

SCALE: 1/4"=1'-0"

Date:	Sheet No.:
Project No.:	A2
Drawn By:	
Binding Order:	4 of 7

PC2169-98 4/28/12