



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Seimone Jurjis, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending January 17, 2020.

ZONING ADMINISTRATOR ACTIONS JANUARY 16, 2020

- Item 1: Monica Lisa Corporation Duplex Coastal Development Permit No. CD2019-046 (PA2019-178)
Site Address: 912 and 912 1/2 East Ocean Front
Action: Approved by Resolution No. ZA2020-001 Council District 1
- Item 2: Moore Residence Coastal Development Permit No. CD2019-058 (PA2019-230)
Site Address: 732 Via Lido Nord
Action: Approved by Resolution No. ZA2020-002 Council District 1
- Item 3: Dolphin Rental Newport Beach Boat Rental Coastal Development Permit No. CD2019-017 and Limited Term Permit No. XP2019-002 (PA2019-074)
Site Address: 2406 Newport Boulevard
Action: Approved by Resolution No. ZA2020-003 Council District 1
- Item 4: CorePower Yoga Fashion Island Minor Use Permit No. UP2019-051 (PA2019-226)
Site Address: 957 Newport Center Drive
Action: Approved by Resolution No. ZA2020-004 Council District 5

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

- Item 1: Lido House Temporary Tent Structure – Limited Term Permit No. XP2019-011 (PA2019-244)
Site Address: 3300 Newport Boulevard
Action: Approved Council District 1

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

RESOLUTION NO. ZA2020-001

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2019-046 TO DEMOLISH AN EXISTING DUPLEX AND CONSTRUCT A NEW THREE-STORY, TWO-UNIT RESIDENCE AND ATTACHED FOUR-CAR GARAGE LOCATED AT 912 AND 912 1/2 EAST OCEAN FRONT (PA2019-178)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Vevian Tawfik, with respect to property located at 912 and 912 1/2 East Ocean Front, requesting approval of a coastal development permit.
2. The lot at 912 and 912 1/2 East Ocean Front is legally described as Lot 21 of Block 14 of the Balboa Tract and a portion of the East Ocean Front right-of-way abandoned per Resolution 2013-18 recorded on 02-27-13.
3. The applicant proposes to demolish an existing duplex and the construct a new 3,413-square-foot, two-unit residence including a 726-square-foot, attached four-car garage. The proposed development also includes additional appurtenances such as walls, fences, patios, hardscape, and drainage devices. The proposed residence complies with all applicable development standards including height, setbacks, and floor area limits. No deviations are requested. .
4. The subject property is designated RT (Two-Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-D (Two-Unit Residential – 20.0-29.9 DU/AC) and it is located within the R-2 (Two-Unit Residential) Coastal Zoning District.
6. A public hearing was held on January 16, 2020, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 13503, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the demolition of an existing duplex and the construction of a new 3,413-square-foot, two-unit residence and attached 726-square-foot, four-car garage.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 3,452 square feet and the proposed floor area is 3,413 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 6 feet along the front property line abutting East Ocean Front, 3 feet along each side property line and 0 feet along the new rear property line abutting the alley dedication area.
 - c. The highest guardrail is less than 24 feet from established grade (11.45 feet NAVD88) and the highest ridge is no more than 29 feet from established grade, which comply with the maximum height requirements.
 - d. The project includes a four-car garage, complying with the minimum four-car parking requirement for duplexes.
2. The neighborhood is predominantly developed with two- and three-story, single- and two-unit residences. The proposed design, bulk, and scale of the development is 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 4, 2019, for the project. The current maximum tide water elevation is 7.7 feet NAVD88 (North American Vertical Datum of 1988 (NAVD88)). According to the report, the estimated sea level rise at the site appears to be between 3.2 and 5.1 feet over the next 75 years utilizing different probabilistic scenarios, accounting for water levels rising in the range of 10.9 to 12.8 feet NAVD88. The Newport Beach City Council approved the use of the high estimate of the “low risk aversion” scenario, which is 3.2 feet by the year 2100, or 3.1 feet by 2096. Therefore, the sea level is estimated to likely reach approximately 10.9 feet NAVD88 over the next 75 years (i.e. the life of the structure). The report concludes that the proposed project is reasonably safe from shoreline erosion due to the lack of wave or wakes that can erode sand from the beach. There is a very wide (greater than 500 feet) sandy beach in front of the property. The current mean high tide line is over 500 feet from the site and it is unlikely that over the life of the structure that the mean high tide line will reach within 300 feet of the property. The finished floor elevation of the first floor of the proposed structure is 12.4 feet (NAVD88), which complies with the minimum 9.0-foot (NAVD88) elevation standard for new structures and exceeds the future likely sea level rise scenario of 10.9 feet NAVD88.
4. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). Both requirements are included as conditions of approval that will need to be satisfied prior to final building inspection, and prior to the issuance of building permits, respectively.
5. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
6. The property is located adjacent to Peninsula Park and the beach. The subject site is approximately 560 feet from the ocean. 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 by 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 run-off on-site. Any water not retained on-site is directed to the City’s storm drain system.
7. Proposed landscaping complies with Implementation Plan Section 21.30.075. A condition of approval is included that requires drought-tolerant species. Prior to issuance

of building permits, the final landscape plans will be reviewed to verify invasive species are not planted

8. Site evaluation (per Section 21.30.100 of the NBMC) revealed that the proposed three-story design is consistent with the existing neighborhood pattern of development for one- and two-unit dwellings, and will not affect the existing views afforded from Peninsula Park. The project will replace an existing nonconforming duplex with a new two-unit residence that complies with all applicable development standards, including the third floor design requirements that restrict square footage on the third floor in terms of size and location. There are no views currently through the project site, as it is developed with an existing two-story duplex. The public viewpoint is intended to provide views of the ocean and beach.
9. Opportunities to enhance the visual quality of the coastal zone were also reviewed. The front of the proposed residence, which is visible from the boardwalk and Peninsula Park, will contain substantial architectural treatment and visual interest, in keeping with the design guidelines of the Zoning Code. The new structure would comply with required setbacks, and provide an additional setback along the front of the property beyond what is required by code. The design includes modulation of volume throughout the structure and low walls that prevent the appearance of the site being walled off from the park and streets. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to existing public views.

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 between the nearest public road and the sea or shoreline. NBMC Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact, and be proportional to the impact. In this case, the project replaces an existing legal nonconforming duplex located on a standard R-2 lot with a new two-unit residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. Vertical access to the beach is available near the site along A and B Streets. Lateral access is available on the beach and the boardwalk adjacent to the site on East Ocean Front.
3. During construction, any construction personnel will be required to utilize private property for staging and no materials can be stored off-site in the public right-of-way (including the boardwalk). The project does not include any features that would obstruct access along these routes. To ensure there are no impacts to public access, the project has been

conditioned to require the submission of a construction management plan, reviewed and approved by the Public Works Department, demonstrating the applicant will have sufficient and guaranteed access to the site through private property. This plan shall also include any areas necessary for storage of construction equipment and materials.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2019-046, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 16TH DAY OF JNAUARY, 2020.



James Campbell, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Prior to the issuance of the Certificate of Occupancy, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
3. Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development. This letter shall be scanned into the plan set prior to building permit issuance.
4. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
5. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
6. The final alley design shall be approved by Public Works prior to building permit issuance. The design shall ensure that the garage finish floor (at the garage door) shall be 6-inches above the alley flow line.
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 pursuant to MBTA:

- A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
- 9. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the 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. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
 - 12. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
 - 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. Material violation of any of those laws in connection with the use may be cause for 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 is detrimental to the public health, welfare or materially injurious

to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

17. Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
18. Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
19. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
20. Prior to issuance of a building permit, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
21. 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.
22. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
23. Prior to the issuance of building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
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 No. CD2019-046 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, 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 Monica Lisa Corporation Duplex including, but not limited to, Coastal Development Permit No. CD2019-046 (PA2019-178). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

RESOLUTION NO. ZA2020-002

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2019-058 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE LOCATED AT 732 VIA LIDO NORD (PA2019-230)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Cynthia Childs, Architect, with respect to property located at 732 Via Lido Nord, and legally described as Lot 44 and southeasterly one-half of Lot 45, Tract 907 requesting approval of a coastal development permit.
2. The applicant proposes to demolish an existing single-family residence and construct a new 4,440-square-foot, single-family residence with an attached 789-square-foot, three-car garage.
3. The subject property is located within the R-1 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-C (Single Unit Residential Detached) (10.0 - 19.9 DU/AC) and the Coastal Zoning District is R1 (Single-Unit Residential).
5. A public hearing was held on January 16, 2020, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 3 includes the construction of a single-family residence in a residential zone. The proposed project includes the demolition of an existing single-family residence and construction of a new 4,440-square-foot, single-family residence with an attached 789-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.

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

Finding:

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

Facts in Support of Finding:

1. The proposed structure conforms to all applicable development standards including, but not limited to, floor area limitation, setbacks, height, and parking:
 - a. The maximum floor area limitation is 6,764 square feet and the proposed gross floor area is 5,229 square feet.
 - b. The proposed development will provide the required setbacks, which are 4 feet along the front property line abutting the street, 10 feet along the bayfront property line, and 4 feet along the side property lines.
 - c. The highest guardrail or flat roof is no more than 24 feet, measured from established grade at every point as required by Zoning Code Section 20.30.050(B)(3) and the highest ridge is no more than 29 feet from established grade, which complies with the maximum height limitation.
 - d. The project includes enclosed garage parking for three vehicles, which complies with the minimum three-space parking requirement for single-family residences having more than 4,000 square feet of livable floor area.
2. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood's pattern of development and expected future development consistent with applicable development standards as the neighborhood is predominantly developed with two-story, single-family residences.
3. A Coastal Hazards Analysis Report was prepared for the project by PMA Consulting, Inc., dated October 18, 2019. The current maximum bay water elevation is 7.7 feet North American Vertical Datum of 1988 (NAVD 88). According to the report, the estimated sea level rise at the site is between 2.8 and 4.95 feet over the next 75 years utilizing different probabilistic scenarios, accounting for the bay water level rising to between 10.5 to 12.65 feet NAVD 88. The Newport Beach City Council has approved the use of the high estimate of the "low risk aversion" scenario, which is 3.2 feet by the year 2100, or 2.9 feet by 2094. Therefore, the sea level is estimated to likely reach approximately 10.6 feet NAVD 88 over the next 75 years (i.e. the life of the structure). The report also identifies that there is a 0.5 percent chance ("medium-high risk aversion" scenario) that sea level rise (SLR) would be

greater than 2.9 feet around the year 2070 and the bay water level could be as high as 13.7 feet NAVD 88 by the year 2094. If future SLR is greater than the likely estimate of the “low risk aversion” scenario by 2094 (10.6 feet NAVD 88), then the bulkhead can be raised without further bayward encroachment. Future raising of the bulkhead height would require a separate local coastal development permit (CDP).

4. The project site is protected by an existing bulkhead that will be repaired and maintained at its current height of 11.54 feet NAVD 88, which can be raised to protect the property if needed in the future. The finished floor elevation of the first floor of the proposed living area is 12.98 feet NAVD 88, which exceeds the minimum 9.0-foot NAVD 88 elevation standard for new structures and exceeds the minimum requirements for sea level rise (10.6 feet NAVD 88) for the anticipated 75-year life of the structure.
5. Pursuant to Newport Beach Municipal Code (NBMC) Section 21.30.030(C)(3)(i)(iv), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
6. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and the CBC prior to building permit issuance.
7. Pursuant to 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 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQHP has been prepared for the project by Forkert Engineering & Surveying, Inc., dated November 1, 2019. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of a Low Impact Development (LID) approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs.
8. The project design addresses water quality with a Construction Pollution Prevention Plan (CPPP) that includes temporary best management practices (BMPs) to be implemented during construction to minimize erosion and sedimentation, and to minimize pollution of runoff derived by construction chemicals and materials. No water quality impacts to coastal waters are anticipated based upon the location and elevation of the property.
9. New landscaping will be verified for compliance with NBMC Section 21.30.075 (Landscaping). A condition of approval is included that requires drought-tolerant and

prohibits invasive species. Prior to issuance of the building permits, the final landscape plans will be reviewed to verify invasive species are not planted.

10. The property is not located near coastal view roads and is not located near any identified public viewpoints; therefore, the project will not negatively impact public coastal views.

Finding:

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

Facts in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline; however, the project will not affect the public's ability to gain access to use and/or view the coast and nearby recreational facilities. The proposed residential development neither provides nor inhibits public coastal access. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project includes the replacement of an existing single-family residence with a new single-family residence. 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.
2. The project is designed and sited so as not to block or impede existing public access opportunities and occurs within the confines of private property. Existing coastal access conditions will not be affected by the proposed development. Coastal access is currently provided and will continue to be provided by street ends throughout the neighborhood with access to the beach and water.

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 ("CEQA") pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, 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 No. CD2019-058, 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 in accordance with the provisions of Title 21 Local Coastal

Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF JANUARY, 2020.

A handwritten signature in blue ink that reads "JW Campbell". The signature is written in a cursive style with a large, sweeping initial "J".

James Campbell, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
3. Coastal Development Permit No. CD2019-058 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
4. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
5. Prior to the issuance of building permit, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
6. Prior to the issuance of a building permit, the property owner shall sign a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgements, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development. The letter shall be scanned into the plan set prior to building permit issuance.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.

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9. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
 10. Prior to the 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.
 11. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
 12. No demolition or construction materials, equipment debris or waste shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain, or result in impacts to environmentally sensitive habitat areas, streams, wetland or their buffers.
 13. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
 14. This Coastal Development Permit does not authorize any development seaward of the private property.
 15. Construction staging, storage and/or access is not allowed to occur on or from the adjacent sandy beach.
 16. 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 pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.

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17. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
 18. Prior to the issuance of building permits, the applicant shall submit a final Construction Pollution Prevention Plan (CPPP). The plan shall be subject to the review and approval by the Building Division.
 19. Prior to issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall be in compliance with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.
 20. Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
 21. Prior to issuance of a building permit, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the coastal development permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this coastal development permit.
 22. 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.
 23. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
 24. Prior to issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
 25. 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 as far away from storm drain systems or receiving waters as possible.
 26. 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.

27. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Moore Residence including, but not limited to Coastal Development Permit No. CD2019-058 (PA2019-230)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

RESOLUTION NO. ZA2020-003

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LIMITED TERM PERMIT NO. XP2019-002 AND COASTAL DEVELOPMENT PERMIT NO. CD2019-017 FOR A BOAT RENTAL OPERATION AND SHARED PARKING LOCATED AT 2406 NEWPORT BOULEVARD (PA2019-074)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Dolphin Rental Newport Beach (“Applicant”), with respect to property located at 2406 Newport Boulevard, and legally described as Parcel 1 of Resubdivision No. 375, requesting approval of a limited term permit (more than 90 days) and associated coastal development permit.
2. The Applicant proposes a temporary use (up to one [1] year) for a boat rental operation to share on-site parking with the existing restaurant. The proposed use would occupy a maximum of one (1) dock with a maximum of one (1) employee, four (4) electric boats, and two (2) electric water bicycles at any time. As conditioned, the hours of operation will be limited to between 9 a.m. and 6:30 p.m., daily. No construction or physical alterations to the site are proposed.
3. The subject property is designated Mixed-Use Water Related (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water Related (MU-W2) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and it is located within the Mixed-Use Water Related (MU-W2) Coastal Zoning District.
5. A public hearing was held on January 16, 2020, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) under Class 1 and Class 4, respectively, of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

2. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Class 4 exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. In this case, the proposal is a limited term permit and associated coastal development permit for the operation of a boat rental operation at an existing dock and results in no physical alterations.

SECTION 3. REQUIRED FINDINGS.

Limited Term Permit

In accordance with Newport Beach Municipal Code (NBMC) Section 20.52.040 (Limited Term Permits), the following findings and facts in support of such findings are set forth:

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 for the temporary operation of an electric boat rental operation for up to one (1) year. The operation is proposed to be sited at an existing dock accessible from the property and does not result in any physical site alterations.
2. The proposed boat rental operation will be used and operated independently, but complementary to, the existing restaurant establishment on-site and other uses in the vicinity that foster coastal activity for residents and visitors. As conditioned, food service or alcohol sales bayward of the property is prohibited, and the designated slip space of this approval shall not be used by patrons of the restaurant.

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 subject property is located on the east side of Newport Boulevard, south of 26th Street, on the Newport Peninsula. The site is approximately 0.34 acres in size and

presently contains a restaurant (Mr. G's Bistro at Newport Peninsula) with 2,040 square feet of net public area, a 42-space parking lot, and three (3) accessory dock slips. The Applicant proposes a temporary use (up to one [1] year) to allow a boat rental operation to share on-site parking with the existing restaurant. The parking lot is directly accessible from a driveway approach off Newport Boulevard and the dock area takes pedestrian access via an on-site gateway. The proposed use would occupy a maximum of one (1) dock with a maximum of one (1) employee, four (4) electric boats, and two (2) electric water bicycles at any time. Hours of operation are conditioned to occur between 9 a.m. to 6:30 p.m., daily.

2. The subject lot is surrounded by mixed-use properties to the north and south, Newport Boulevard to the west, and the bayfront to the east. The boat rental operation use is commensurate with others in the vicinity and will provide additional coastal recreational opportunities
3. Approval of this project will not result in any construction or physical alterations to the site.

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;*

Facts in Support of Finding:

1. The subject lot has a direct driveway approach taken from Newport Boulevard, a four-lane street that is approximately 70 feet wide. The existing dock to be used by the operation is located at the rear of the lot through a walkway from the restaurant parking lot. The proposed temporary boat rental operation will not impede access to the existing lot. There are no anticipated traffic issues.
2. The limited duration use is for shared on-site parking configuration for marine activities.

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*

Facts in Support of Finding:

1. Table 3-10 of NBMC Section 20.40.040 (Off-Street Parking Spaces Required) requires one (1) parking space for every 1,000 square feet of lot area for a "Boat Rentals and Sales" land use. As the subject site measures 14,746 square feet in size, 15 parking spaces are required (14,746 sq. ft. / 1,000 sq. ft. = 14.75 parking spaces). The 15 spaces needed for the proposed operation is in addition to the existing 51-space requirement

for the restaurant use (2,040 sq. ft. of net public area / 40 sq. ft. per parking space), which together totals a 66-space parking requirement for the site with both operations.

2. The existing development is nonconforming due to parking, as only 42 parking spaces are provided on-site to serve the restaurant. The restaurant has been in operation since late 2016, and parking has not been identified as an issue. As detailed in the staff report, the Applicant and City staff have both conducted surveys of the parking usage at various times on several different day. The surveys conclude that sufficient parking exists to accommodate the boat rental operation. The Applicant recorded, on average, nearly 80 percent of the lot (around 34 spaces) in the 42-space lot were vacant during varied times on weekdays and weekends. The site's maximal parking usage was observed on a Sunday at 4 p.m. to be under 50 percent (22 vacant spaces). Staff's observation over seven (7) site visits during November and December 2019, substantiates the excess parking findings.
3. The operational characteristics of the proposed use are limited by Conditions of Approval Nos. 6 and 13, which limit the hours of operation for the electric boat rental operation from 9 a.m. to 6:30 p.m., daily, and also limit the operation to a maximum of one (1) employee, four (4) electric boats, two (2) electric water bicycles, and one (1) dock shall be utilized at any time.. These Conditions will help ensure there is adequate parking for both the proposed use and the existing restaurant use at any time.
4. The Applicant expressed the anticipation that patrons of the proposed rental operation will rely on carpooling or ride-share services for transportation to the site, which may further assist to minimize the potential for parking impacts on-site.
5. Given the information provided by the Applicant, the site survey conducted by City staff, and the limited operation, staff finds the proposal to share parking on-site acceptable for this limited duration use.

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 designation for this site is MU-W2 (Mixed-Use Water Related). The MU-W2 designation is applied to waterfront locations in which marine-related uses may be intermixed with buildings that provide residential uses on the upper floors. Pursuant to NBMC Section 20.52.040(D)(2), off-site parking for uses requiring a marine activities permit is permissible with the approval of a limited term permit. The proposed shared parking arrangement for the boat rental (marine activity) is a visitor-serving use dependent on the harbor, is authorized for a limited duration, and will not impede use of the site consistent with the MU-W2 designation.

2. The Mixed-Use Water Related (MU-W) Coastal Land Use of the subject site is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent, coastal-related, and visitor-serving uses. The proposed boat rental use is a coastal-dependent use that requires close proximity to the bay.
3. The site is not located within a specific plan area.

Coastal Development Permit

In accordance with NBMC Section 21.52.015 (Findings and Decision), 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. The MU-W Coastal Land Use is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent, coastal-related and visitor-serving uses. The proposed boat rental use is a coastal-dependent use that requires close proximity to the bay.
2. Reference Fact in Support of Finding E.2.
3. As demonstrated in Finding D.1 of this resolution, sufficient available parking exists on-site to accommodate the addition of the proposed use for its limited duration. That being the case, public parking availability for coastal access will not be affected by project implementation in accordance with NBMC Section 21.40.110(A) (Impact to Coastal Access Prohibited.).
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.

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 or shoreline of any body of water located within the coastal zone.

Facts in Support of Finding:

1. While the project site is located between the nearest public road and the sea or shoreline; the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.
2. The closest coastal public access opportunity is located less than 80 feet northward from the subject site at the east end of 26th Street. Approximately 1,300 feet northeastward, on Lido Park Drive, lies the closest public viewpoint. The dock location to site the rental operation is existing and no construction or physical alterations are proposed; consequently, the proposal bears no impact on coastal access, views, or recreational opportunities.
3. The proposed boat rental operation will provide additional recreation options to residents and visitors and encourage enhanced access to and usage of the bay.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) under Class 1 and Class 4, respectively, of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit No. XP2019-002 and Coastal Development Permit No. CD2019-017, 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 in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF JANUARY, 2020.

James Campbell, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**
*(Project-specific conditions are in italics)***PLANNING**

1. *The development shall be in substantial conformance with the approved site plan, floor plans, and parking plan of PA2016-203 (except as modified by applicable conditions of approval).*
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Limited Term Permit and/or Coastal Development Permit.
4. *The restaurant and the boat rental operations are to remain independent uses. Food service or alcohol sales bayward of the property is prohibited.*
5. *The designated slip shall be exclusively for the boat rental operation and shall not be used for the watercraft of restaurant patrons.*
6. *The boat rental operation shall be limited to one (1) employee, four (4) electric boats, two (2) electric water bicycles, and usage of one (1) dock at any time.*
7. *The existing dock system shall not be improved or otherwise modified without review and approval from the City of Newport Beach and/or the California Coastal Commission, including, but not limited to, the acquisition of a new coastal development permit.*
8. *A marine activities permit (MAP) shall be obtained prior to the operation of boat rentals.*
9. Limited Term Permit No. XP2019-002 and Coastal Development Permit No. CD2019-017 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 20.91.050, unless an extension is otherwise granted.
10. This Limited Term Permit and Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
11. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and may require an amendment to this Coastal Development Permit and Limited Term Permit or the processing of a new Coastal Development Permit and Limited Term Permit.

12. This Limited Term Permit shall expire twelve (12) months from the issued date of the Marine Activity Permit approval, unless an extension of up to one (1) additional period of twelve (12) months is granted by the Zoning Administrator in compliance with Section 20.54.060 (Time Limits and Extensions) of the Zoning Code. A letter requesting the extension shall be submitted to the Planning Division no later than thirty (30) days prior to the expiration date of this permit.
13. *The hours of operation for the electric boat rental operation shall be limited to 9 a.m. to 6:30 p.m., daily, except that the boat rental operation shall be permitted to operate to later hours with the prior approval of the Planning Division for up to six (6) special occasions per calendar year. Examples of special occasions include New Year’s Day, Valentine’s Day, Mother’s Day, etc.*
14. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 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
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

15. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
16. No outside paging system shall be utilized in conjunction with this establishment.
17. Trash receptacles for patrons shall be conveniently located to serve the boat rental patrons, however, not located on or within any public property or right-of-way.
18. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
19. 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).

20. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of a required trash container enclosure.
21. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
22. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
23. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Dolphin Rental Newport Beach Boat Rental including, but not limited to, Limited Term Permit No. XP2019-002 and Coastal Development Permit No. CD2019-017 (PA2019-074). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

FIRE

24. Multiple Berthing will not be allowed as per Amendment 9.04.400 to California Fire Code Section 3603.6.1 which states: "All vessels in marinas shall be arranged such that a vessel occupying a slip can be readily removed in an emergency without the necessity of moving other vessels."

RESOLUTION NO. ZA2020-004

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING MINOR USE PERMIT NO. UP2019-051 FOR A HEALTH AND FITNESS FACILITY LOCATED AT 957 NEWPORT CENTER DRIVE (PA2019-226)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by CorePower Yoga (“Applicant”), with respect to property located at 957 Newport Center Drive, and legally described as Parcel 2 of Lot Line Adjustment No. LA2009-001, requesting approval of a minor use permit.
2. The Applicant requests a minor use permit to allow a 3,302-square-foot indoor yoga fitness facility within an existing commercial tenant space in the Fashion Island Regional Center. The tenant space was previously occupied by a restaurant operation (Lark Creek). As proposed, the space will be renovated and improved with two yoga rooms, a reception/retail area, administrative office, and restroom with storage lockers for patrons. Classes are proposed to be held from 5 a.m. to 10:30 p.m., daily.
3. The subject property is designated Regional Commercial (CR) by the General Plan Land Use Element and is located within the North Newport Center Planned Community (PC56).
4. The subject property is not located within the coastal zone; therefore, a coastal development permit is not required.
5. A public hearing was held on January 16, 2020, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. In this case, the proposal is a

minor use permit to allow a fitness and health facility in an existing tenant suite and improvements are limited to minimal construction in the form of a tenant improvement.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The subject property has a General Plan Land Use designation of CR (Regional Commercial), which is intended to provide for a wide variety of commercial activities to serve citywide and regional needs. The proposed yoga studio is in conformance with the applicable goals and policies of the General Plan because the project provides a service use that is compatible with the retail, dining, and commercial entertainment of this area that serve local and regional residents.
2. The site is not within a specific plan.

Finding:

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

Facts in Support of Finding:

1. The subject property is within the North Newport Center Planned Community (PC56), specifically Fashion Island Sub-Area A, which is intended to provide a vibrant regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees on a local and regional scale. The proposed yoga studio is a service use permitted within this zoning designation through the approval of a minor use permit.
2. Abundant parking availability exists on-site to provide for the proposed yoga studio at the required three parking spaces per every 1,000-square-foot of floor area parking rate prescribed for regional commercial land uses in the North Newport Center Planned Community Text. The proposed project does not include any additional floor area and, therefore, does not increase the parking requirement.

Finding:

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

Facts in Support of Finding:

1. The existing tenant space where the yoga studio will be located is within a building that contains various commercial retail, entertainment, and service uses.
2. Yoga studios and similar health and fitness facilities currently operate in existing spaces on-site and in the immediate area, providing a service for residents and employees.
3. The health and fitness facility will operate between the hours of 5 a.m. and 10:30 p.m., daily, which will provide flexibility to serve a wide variety of patrons beyond typical work hours while still maintaining compatibility with the adjoining uses.

Finding:

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

Facts in Support of Finding:

1. The health and fitness facility will be located in an existing 3,302-square-foot tenant space in the Fashion Island Regional Center ("Fashion Island").
2. Adequate public and emergency vehicle access, public services, and utilities are provided within the existing infrastructure. Fashion Island is an outdoor and indoor mall with wide and open walkways. Fashion Island is encircled by Newport Center Drive and is developed with several surface parking lots, parking structures, and loading areas. Access from Newport Center Drive to all Fashion Island structures is provided by several private drives.
3. The design of the tenant improvements will comply with all Building, Public Works, and Fire Codes.

Finding:

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

Facts in Support of Finding:

1. The improvements to accommodate the health and fitness facility are minor in nature and will not impact the overall operation of the building and the surrounding commercial tenants.
2. Fashion Island does not directly abut sensitive land uses and is separated from other uses by parking lots, roadways and other commercial uses.

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 pursuant to 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 Minor Use Permit No. UP2019-051, 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 is filed with the City Clerk in accordance with the provisions of NBMC Title 20 Planning and Zoning.

PASSED, APPROVED, AND ADOPTED THIS 16TH DAY OF JANUARY, 2020.



James Campbell, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. *The use shall be limited to operate during the hours between 5 a.m. to 10:30 p.m., daily.*
5. Minor Use Permit No. UP2019-051 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 20.91.050, unless an extension is otherwise granted.
6. This Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
7. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review and approval by the Planning Division and may necessitate an amendment to this Use Permit or the processing of a new Use Permit.
8. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
9. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

10. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 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
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

11. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
12. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
13. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
14. 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.
15. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and 9 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
16. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
17. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of NBMC Title 20 Planning and Zoning.
18. 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 CorePower Yoga Fashion Island including, but not limited to, Minor Use Permit No. UP2019-051 (PA2019-226). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department

19. Rooms with an occupant load of 50 or more persons will require two (2) or more exit doors.

Building Division

20. Restrooms, showers, changing rooms, and reception must comply with the State accessibility requirements in Chapter 11B of the California Building Code (CBC).
21. All doors and entry must comply with Chapter 11B (CBC).



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

(949) 644-3200

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. Lido House Temporary Tent Structure (PA2019-244)
Limited Term Permit No. XP2019-011

Applicant R.D. Olson Development

Site Address 3300 Newport Boulevard

Legal Description Portion of APN 423-111-09

On **January 16, 2020**, the Zoning Administrator approved a limited term permit to allow one 2,400-square-foot temporary tent structure for a less than 90-day duration at the rooftop deck venue area (Topside) at the Lido House Hotel. The tent structure is intended to provide protection from light rain and wind for a limited period within the colder weather months (January 31, 2020 through April 24, 2020). The property is located in the CV-LV (Commercial Visitor-Serving - Lido Village) Zoning District. The approval is based on the following findings and subject to the following conditions:

FINDINGS

Finding:

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

Fact in Support of Finding:

1. Class 11 exempts the placement of seasonal or temporary use of items such as lifeguard towers, mobile food units, portable restrooms, or similar items. The proposed temporary tent structure will be placed on the existing roof deck of the Lido House Hotel for a temporary time period (less than 90 days) and will be ancillary to an existing hotel use. The proposed structure will partially enclose an existing outdoor event space and it will not intensify the overall hotel use authorized.

Finding:

- B. *The operation of the limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;*

Facts in Support of Finding:

1. The limited term permit will allow one temporary tent structure to provide weather protection to the rooftop deck as conditioned. The tent structure will comply with all conditions of approval from the Building Division and Fire Department, including no fire appliances operable when the tent is present and no heating devices within the tent area. Application of Building Code standards will ensure proper emergency exiting. The tent structure will require a building permit and it must meet applicable structural requirements.
2. The placement of the tent structure is limited from January 31, 2020, through April 24, 2020, and is made of a clear material to reduce the visual conflicts with surrounding residents and businesses. Additionally, the height of the tent structure is 18 feet 6 inches above the existing rooftop venue area and it will be below the roofline of the existing hotel.
3. The temporary tent structure will provide weather protection only to the existing rooftop deck and will not alter any operational characteristics of the rooftop use (Topside) or the hotel. The rooftop venue has been in operation since April 2018 and the use has not proven to be detrimental.
4. The location of the temporary tent structure at the existing rooftop deck will not displace any use or activities existing at the hotel.
5. Based upon the provided plans, there is adequate area on the roof deck to accommodate the tent structure. There will be no change to the site plan or existing uses at the hotel and there will therefore be no impact to vehicle circulation.

Finding:

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

Facts in Support of Finding:

1. The subject lot is approximately 3.78 acres in size. The tent structure will be located on the rooftop deck venue at the Lido House Hotel for a limited duration (less than 90 days) and it will not conflict with any landscape or parking/circulation areas. Based

upon the provided plans, there is adequate area on the roof deck to accommodate the tent structure.

2. The lot is bounded by Newport Boulevard to the west, Via Oporto to the east, 32nd Street to the south, and the Via Lido Plaza shopping center to the north. The lot is separated from nearby mixed-use properties (Mixed-Use Cannery Village and 15th Street Zoning District) by 32nd Street, and Via Oporto separates the lot from residential properties (Planned Community No. PC59, Lido Villas Zoning District). All other immediately surrounding uses are commercial. The proposed temporary tent will not contribute to increased noise levels.

Finding:

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

Facts in Support of Finding:

1. The subject lot primarily takes access from Finley Avenue. The temporary tent structure will be located on the existing roof deck and will have no impact to vehicular or pedestrian access to the lot. No traffic or site circulation issues are anticipated.
2. The tent structure will be located on the existing roof deck with the purpose of providing weather protection to the existing rooftop venue. There is no change in the operational characteristics or allowed occupancy of the rooftop venue or the hotel proposed. The tent structure therefore will not generate additional traffic or impede access to parking or loading areas.

Finding:

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

Fact in Support of Finding:

1. The tent structure will be located on the existing roof deck with the purpose of providing weather protection to the existing rooftop venue. There is no change in the operational characteristics of the rooftop venue or the hotel proposed. The tent structure therefore will not generate additional traffic or require additional parking.

Finding:

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

Facts in Support of Finding:

1. The General Plan land use designation for this site is Visitor-Serving Commercial – Lido Village (CV-LV). The CV-LV designation is intended to allow for a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach. The proposed structure is accessory to the existing hotel and rooftop venue use, will be utilized for a limited duration onsite, and will not impede the use of the site consistent with the CV-LV designation. The temporary tent structure does not change the characteristics of the existing rooftop venue or hotel uses. The weather protection provided by the tent structure will allow the rooftop venue to be utilized during colder winter months.
2. The site is located in the Commercial Visitor-Serving – Lido Village (CV-LV) Zoning District. The CV-LV designation is intended to provide a range of accommodations (e.g. hotels, motels, hostels), goods, and services intended to primarily serve visitors to the City of Newport Beach and a fire station. The proposed use is ancillary to the existing retail use, will be utilized for a limited duration onsite, and will not impede use of the site consistent with the CV-LV designation. The proposed structure is accessory to the existing hotel and rooftop venue use, will be utilized for a limited duration onsite, and will not impede the use of the site consistent with the CV-LV designation. The temporary tent structure does not change the characteristics of the existing rooftop venue or hotel uses. The weather protection provided by the tent structure will allow the rooftop venue to be utilized during colder winter months.
3. The site is not located within a specific plan area.

CONDITIONS

(Project-specific conditions are in italics)

1. The development shall be in substantial conformance with the approved plans except as noted in the following conditions.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. *The conditions of approval of Site Development Review No. SD2016-005 and Use Permit No. UP2016-015 (PA2016-061) shall remain in effect. The applicant shall comply with all applicable conditions of approval.*
4. *The tent structure shall be located within the existing roof deck as shown on provided plans (Attachment No. ZA 2).*
5. *The 2,400-square-foot temporary tent structure is permitted onsite from January 31, 2020, through April 24, 2020. A tent structure on the rooftop deck any time other than the dates specified is prohibited.*

6. *The applicant shall provide a 24-hour contact number for emergencies, complaints, or concerns to Code Enforcement and interested parties upon request during the time period the tent structure is authorized.*
7. *Fire appliances shall not be allowed to be operable when the tent is present. Thus, the gas, which supplies the fire appliances, shall be turned off when the tent is erected. The gas line shall be restricted with a Knox lock so that it cannot be turned back on. The Knox lock shall be placed and removed while the Fire Department is present. California Code of Regulations (CCR), Title 19, Division I, §321 Abatement of Fire or Panic Hazards and California Fire Code (CFC) Section 3104.7 applies.*
8. *Heating devices will not be allowed within the tent area. Blowers may be utilized to heat the interior of the tent area. CCR, Title 19, Division I, §321 Abatement of Fire or Panic Hazards applies.*
9. *An "F" Permit (plan check permit) and a "Tent Permit" (permit required by CFC) will be required from the Fire Department for the tent. Plans shall be submitted and approved by the Fire Department for the tent prior to installation. Upon plan approval, an "F" permit will be issued by the City. After a fire inspection is conducted of the tent, a Fire Tent Permit will be issued. CFC Section 3103.2 applies.*
10. *Tents and their appurtenances shall be adequately roper, braced and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished upon plan approval. CFC Section 3103.9 applies.*
11. *All tent fabrics and all interior decorative fabrics or materials shall be flame resistant in accordance with appropriate standards set forth in California Code of Regulations, Title 19, Division I Chapter 8. Tent tops and sidewalls shall be made either from fabric, which has been flame resistant treated with an approved exterior chemical process by an approved application concern, or from inherently flame-resistant, fabric approved and listed by the State Fire Marshal. CCR, Title 19 Division I, §332.(a) Flame Resistance.*
12. *Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the tents and their appurtenances; sidewalls, drops and tarpaulins, floor coverings, combustible decorative materials and effects, are flame resistant in accordance with the provisions set forth in CCR, Title 19 Division I Chapter 8. CFC Section 3104.2.*
13. *All tents manufactured for sale in California shall be labeled in accordance with the appropriate provisions of California Code of Regulations, Title 19, Division I, Section 335. CCR, Title 19 Division I, §334 Requirements Pertaining to All Tents.*

14. *Each section of top and sidewall in large tents shall have a durable label, permanently affixed and comply with CCR Title 19 Division I, §335.(a) and (b) Labeling of Tents.*
15. *No Smoking signs shall be required and provided as per CFC Section 3104.6.*
16. *Open or exposed flame is not allowed within the tent.*
17. *Portable fire extinguishers are required as per CFC Section 3104.12.*
18. *Exit signs, exit sign illumination, and means of egress illumination shall comply as per CFC Section 3103.12.6 & 3103.12.6.1 & 3103.12.70.*
19. *The required width of exits, aisles and passageways shall be maintained at all times to a public way. Guy wires, guy ropes and other support members shall not cross a means of egress at a height of less than eight feet. The surface of means of egress shall be maintained in an approved manner. CFC Section 3103.12.8.*
20. *Tenant shall provide certificates of insurance, per terms of lease, prior to construction.*
21. *Tenant shall provide construction bonds, per terms of lease, prior to construction.*
22. *Engineering design and plans are required for tent stability and anchorage.*
23. *Enclosure of the tent shall require doors with panic hardware. A minimum of two separate exits will be required.*
24. *The tent shall comply with California Building Code (CBC) 3102 and 3103.*
25. The Limited Term Permit is for the placement of one temporary tent structure onsite for the dates specified and does not authorize the placement of additional tents onsite.
26. Should the temporary tent structure become a detriment to the public health, comfort, convenience, safety, and general welfare of the peace and quiet of the neighboring properties and their inhabitants, this permit may be revoked.
27. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Lido House Temporary Tent Structure** including, but not limited to, **Limited Term Permit No. XP2019-011 (PA2019-244)**. This indemnification shall include, but not

be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.



James Campbell, Zoning Administrator
GBR/cc

Attachments: ZA 1 Vicinity Map
 ZA 2 Project Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Limited Term Permit No. XP2019-011
(PA2019-244)

3300 Newport Boulevard

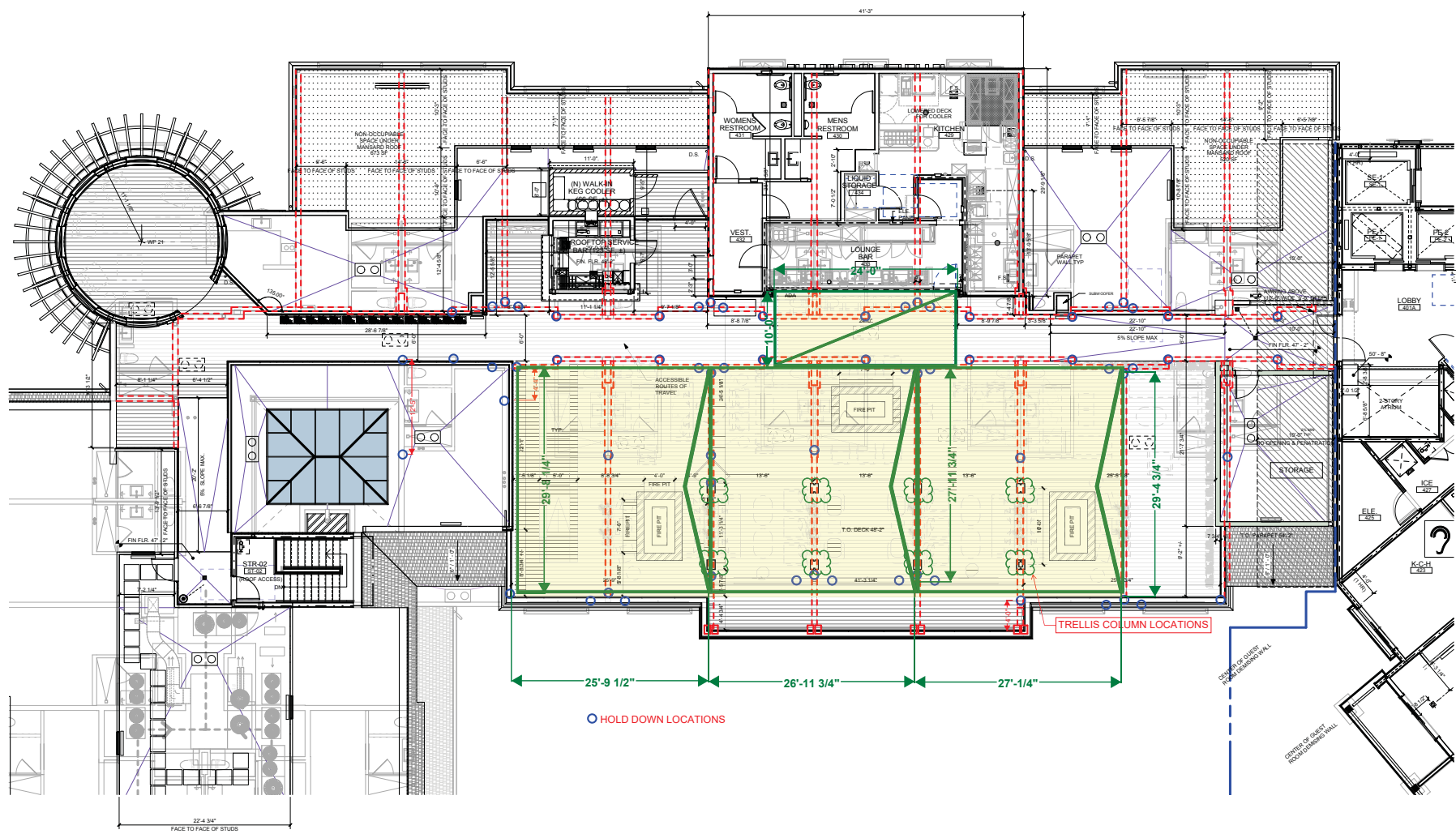
Attachment No. ZA 2

Project Plans

Lido House Hotel

Temporary tent plan

Tent area highlighted in yellow



1 LEVEL 4 FLOOR PLAN OVERLAID WITH LEVEL3, SECTOR 2
 3/16" = 1'-0"

GENERAL NOTES:
 THESE DRAWINGS ARE FINAL DESIGN DRAWINGS. THESE DRAWINGS DO NOT REPRESENT AS-BUILT DRAWINGS. CONTRACTOR SHOULD FIELD VERIFY ALL DIMENSIONS AND CONDITIONS.



SEPTEMBER 17, 2019

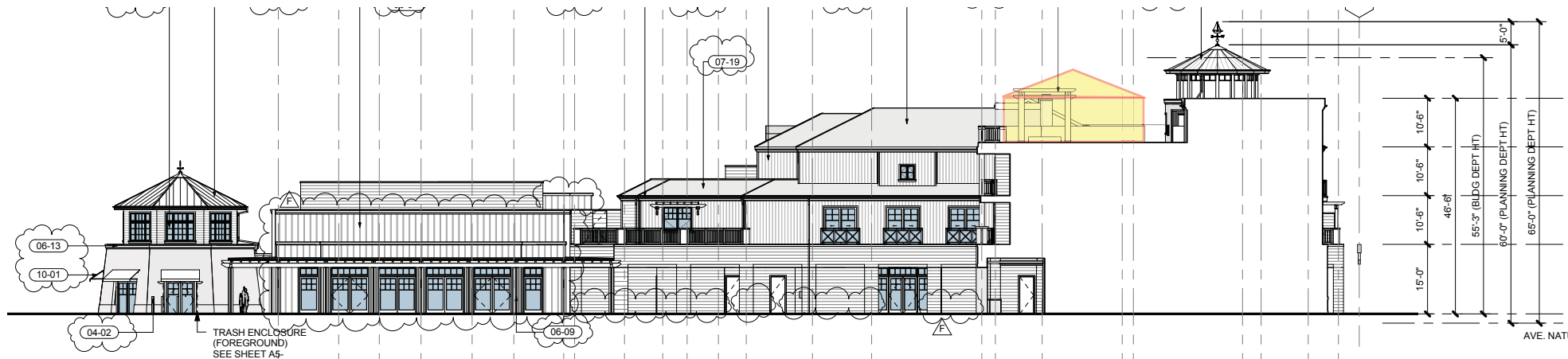
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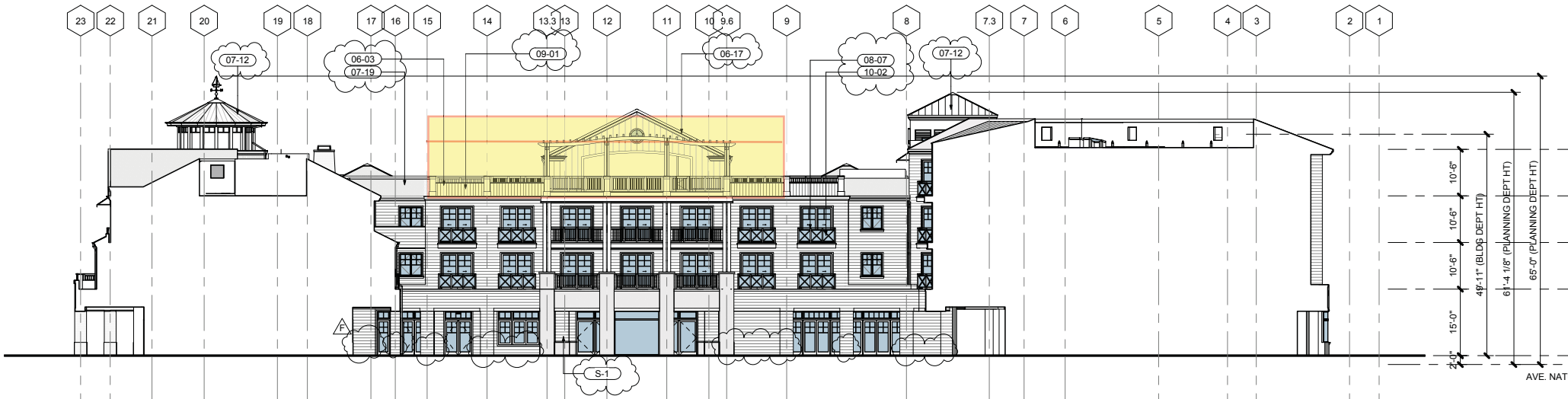
Lido House Hotel

Temporary tent elevations

Tent area highlighted in yellow



4 OVERALL WEST COURTYARD ELEVATION
1/16" = 1'-0"



3 OVERALL SOUTH COURTYARD ELEVATION
1/16" = 1'-0"

Sample Clear Tent Structure



Tent Manufacturer tent structure plan



Choura Events
 540 Hawaii Ave.
 Torrance, CA 90503
 310-320-6200

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 9m Custom

Date Drawn:
 11-14-19

Drawn By:
 JCA

Install Date:

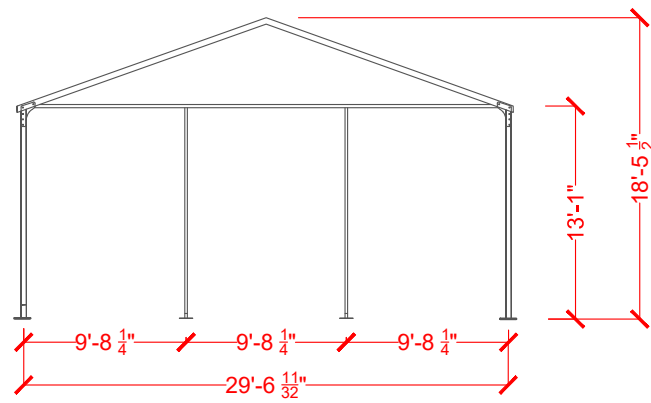
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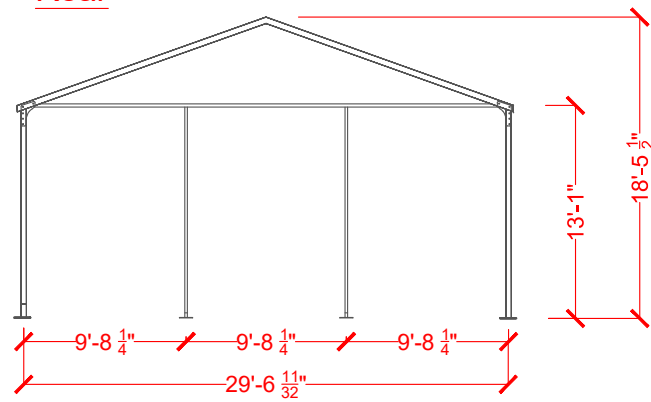
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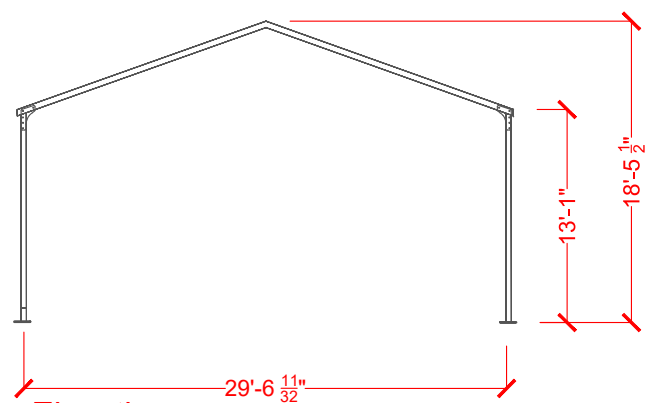
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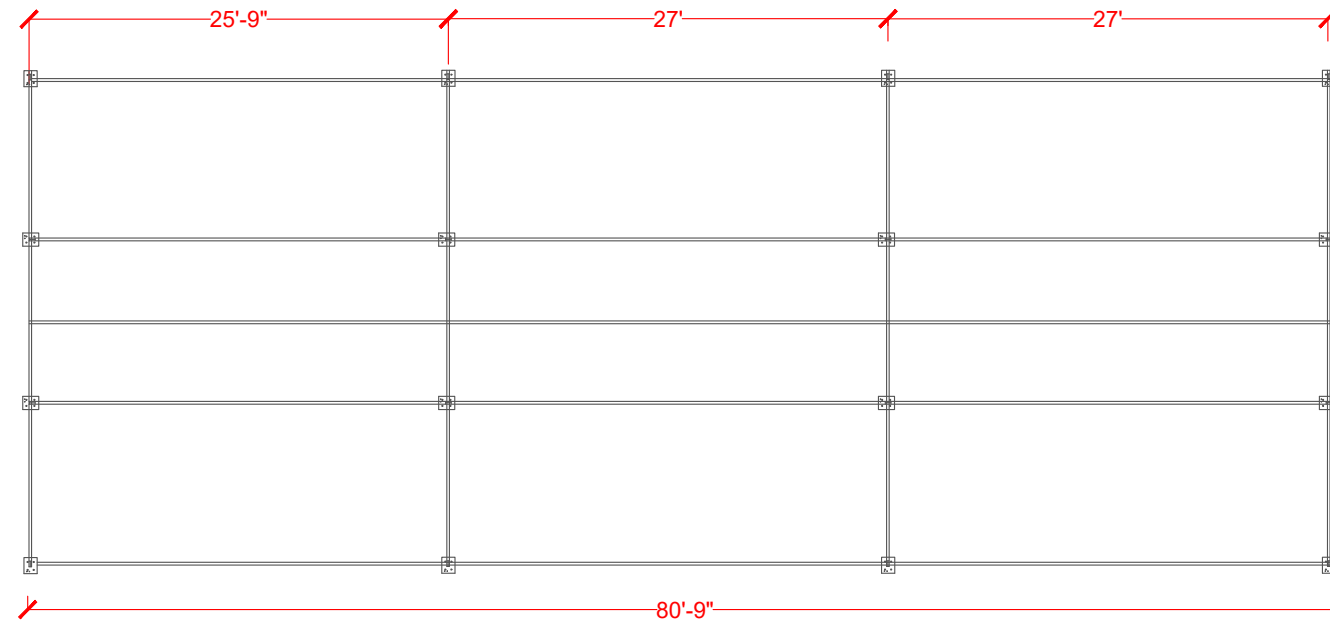
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 Gable Arch
 Rear



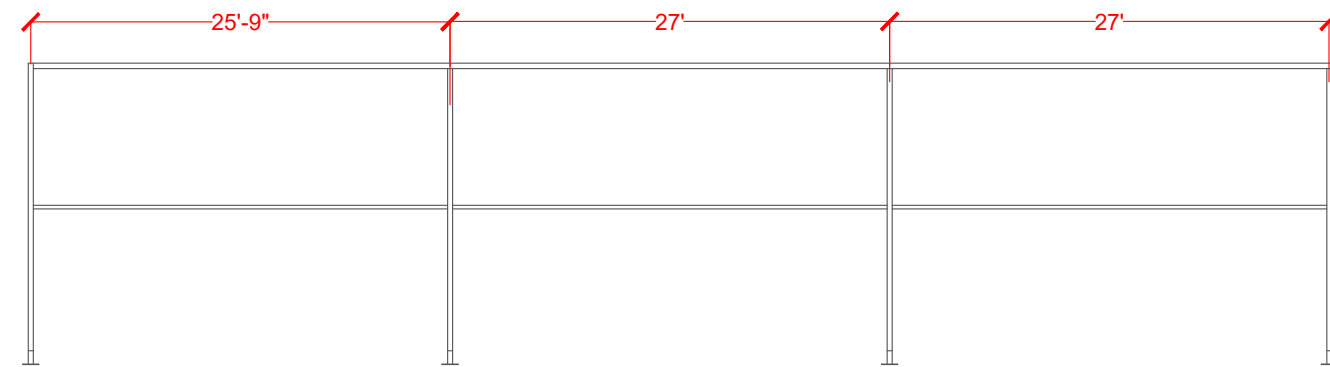
Elevation
 Gable Arch
 Front



Elevation
 Interior Arch



Plan



Elevation, Eave Side