



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 Planning Division staff for the week ending October 14, 2022.

ZONING ADMINISTRATOR ACTIONS OCTOBER 13, 2022

- Item 1: 716 Orchid Development, LLC Tentative Parcel Map (PA2022-0164)
Site Address: 716 and 716 ½ Orchid Avenue
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| Action: Approved by Resolution No. ZA2022-065 | Council District | 6 |
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- Item 2: Bay Shores Hotel Lot Merger (PA2022-139)
Site Address: 1800 and 1806 West Balboa Boulevard
- | | | |
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| Action: Approved by Resolution No. ZA2022-066 | Council District | 1 |
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- Item 3: DISH Wireless Coastal Development Permit (PA2021-301)
Site Address: 2865 (CS) East Coast Highway
- | | | |
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| Action: Removed from Calendar | Council District | 6 |
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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. ZA2022-065

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP FOR A TWO (2)-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 716 AND 716 ½ ORCHID AVENUE (PA2022-0164)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sumeet Srivastava of 716 Orchid Development, LLC, with respect to the property located at 716 and 716 ½ Orchid Avenue, and legally described as Lot 18, Block 742, of the Corona del Mar Tract, requesting approval of a tentative parcel map for condominium purposes.
2. The applicant proposes a tentative parcel map for two (2)-unit condominium purposes. A duplex has been demolished and a new duplex is under construction. The tentative parcel map would allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed.
3. The subject property is designated Two Unit Residential (RT) by the General Plan Land Use Element and is located within the Two-Unit Residential (R-2) Zoning District.
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 October 13, 2022, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The tentative parcel

map is for a two-unit condominium and will conform to all development standards, and therefore, is eligible for the Class 15 Exemption.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for two (2)-unit residential condominium purposes. The project site was previously developed as a duplex. The site is currently under construction with a new duplex and the proposed subdivision and improvements will continue to be consistent with the density of the R-2 Zoning District and the current RT General Plan Land Use designation.
2. The subject property is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for a duplex because it is relatively flat and rectangular. It was also previously developed with a two (2)-unit residence.
2. The subject property is accessible from Orchid Avenue and the alley in the rear.
3. The site is adequately served by existing utilities, as the site was previously developed with a two (2)-unit residence.

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California

Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. The property is located within an existing residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines. Section 2 of this Resolution is hereby incorporated by reference.

Finding:

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

Facts in Support of Finding:

1. The project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Orchid Avenue frontage and alley, as needed. A new street tree will be planted along Orchid Avenue. Utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the Newport Beach Municipal Code (NBMC).
2. The tentative parcel map is for condominium purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per NBMC Section 19.28.010 (General Improvement Requirements) and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

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

Fact in Support of Finding:

1. The Public Works Department has reviewed the proposed tentative parcel map and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development because no public easements are located on the property.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The tentative parcel map and any future improvements are subject to Title 24 of the California Building Code which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City's Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

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

Fact in Support of Finding:

1. The proposed duplex is consistent with the R-2 Zoning District, which allows up to two (2) residential units on the property. Therefore, the tentative parcel map for condominium purposes will not affect the City in meeting its regional housing needs.

Finding:

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

Fact in Support of Finding:

1. The project wastewater is designed to discharge into the existing sewer system and complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. For subdivisions lying partly or wholly within the Coastal Zone, the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter 3 of the Coastal Act.*

Fact in Support of Finding:

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

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the tentative parcel map (PA2022-0164), 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 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development an appeal is filed with the City Council in accordance with the provisions of Title 19 (Subdivisions), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF OCTOBER, 2022.



Jaime Murillo
Zoning Administrator

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

1. After the recordation of the Parcel Map, the Applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." The development shall not be condominiums available for individual sale of the units until this description change permit is final.
2. The building permit for the new construction shall not be final until after the recordation of the Parcel Map.
3. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the Conditions of Approval.
4. The applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be cause for revocation of this tentative parcel map.
5. 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.
6. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **716 Orchid Development, LLC** including, but not limited to, **Tentative Parcel Map (PA2022-0164)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

7. Prior to the issuance of final building permits, a Parcel Map shall be recorded. The Map shall be prepared on the California Coordinate System (North American Datum of 1983, NAD83). Before the recordation of the Map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of the said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.
8. Prior to the recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one (1)-inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed before completion of the construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit is required for all work activities within the public right-of-way.
11. Prior to the recordation of the parcel map, the applicant shall reconstruct the existing broken and/or otherwise damaged concrete curb, gutter, sidewalk along the Orchid Avenue frontage, and any damaged concrete panels along the alley frontage.
12. Prior to the recordation of the parcel map, overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.24.140 of the Municipal Code.
13. The rear five (5)-foot setback along the alley frontage shall be clear of all above-ground improvements.
14. Prior to the recordation of the parcel map, all existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed, including parkway hardscape.
15. Prior to the recordation of the parcel map, the parkway along Orchid Avenue shall be landscaped with turf or drought-tolerant groundcover landscaping.
16. Prior to the recordation of the parcel map, the applicant shall install a 36-inch box street tree along the Orchid Avenue frontage. Tree species shall be per City County G-6. Show on the Plans exactly the species/size and location where the new street tree will be planted.

Final approval shall be with the Municipal Operation Department, General Services Division, before installation.

17. Each unit shall be served by its water service/meter and sewer lateral/cleanout.
18. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
19. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

Fire Department

20. A separate fire sprinkler system shall be provided for each unit.
21. A three (3)-foot wide walkway shall be provided on at least one side of the lot(s) from Orchid Avenue to the alley for Fire Department access.

Building Division

22. Separate utility services are required for each unit.

RESOLUTION NO. ZA2022-066

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LOT MERGER LOCATED AT 1800 AND 1806 WEST BALBOA BOULEVARD (PA2022-139).

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Spencer Samuelian and Stephen Marriott representing BayshoreRE, LLC, with respect to property located at 1800 and 1806 West Balboa Boulevard, and legally described as Lots 1, 2, 3, and 4 of Block 118, Section B, Newport Beach Tract, requesting approval of a lot merger.
2. The applicant requests a lot merger to merge four (4) underlying parcels into a single 10,000-square-foot building site.
3. The subject property is designated CV (Visitor Serving Commercial) and RT (Two Unit Residential) by the General Plan Land Use Element and is located within the CV (Commercial Visitor Serving) and R-2 (Two-Unit Residential) Zoning Districts.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan categories are CV-A (Visitor Serving Commercial - 0.0-0.75 FAR) and RT-D (Two Unit Residential - 20.0 – 29.9 DU/AC) and the property is located within the CV (Commercial Visitor-Serving) and R-2 (Two-Unit Residential) Coastal Zoning Districts. The lot merger does not result in a change of land use density/intensity that would require a coastal development permit as the resulting FAR limitations remain the same.
5. A public hearing was held on October 13, 2022, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) 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 Class 5 exemption includes minor alterations in land use limitations in areas with an average slope of 20 percent or less, which do not result in any changes in land use or density including minor lot line adjustments. This exemption includes a minor lot merger not resulting in the creation of any new parcel or change in density that complies

with the conditions specified above. The proposed lot merger is consistent with the parameters described above and therefore, qualifies for the Class 5 exemption.

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, and is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

Lot Merger

In accordance with Sections 19.68.030 (Lot Mergers) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The proposed lot merger to combine four (4) existing parcels by removing the interior lot lines between them will not result in the creation of additional parcels.
2. The project is a relatively flat site in an area with an average slope of less than 20 percent.
3. The lot merger is consistent with the purpose and intent of Title 19 (Subdivisions).
4. Any future development on the proposed parcel will be subject to the Zoning Code development standards, which are intended to promote orderly development, protect neighborhood character, and preserve public health, safety, and general welfare of the City.

Finding:

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

Fact in Support of Finding:

1. The four (4) lots to be merged are under common fee ownership.

Finding:

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

Facts in Support of Finding:

1. In 1998, General Plan Amendment No. 98-1, Local Coastal Program Amendment No. 50, Use Permit No. UP3629, and Coastal Development Permit No. 5-18-149 were approved to change the land uses at 1806 West Balboa Boulevard from an R-2 designation to RSC (Retail Service Commercial). While the land use change was approved and adopted by the City and the Coastal Commission at the time, the General Plan and Zoning land use maps were never updated. The correct land use and zoning categories will be updated for consistency as a part of the upcoming General Plan Land Use update. For the time being, one 25-foot by 100-foot lot will retain its existing residential land use designation until the land use maps can be updated for consistency.
2. The Land Use Element of the General Plan designates the subject site as RT (Two Unit Residential), which provides for a range of two (2) family residential dwelling units such as duplexes and townhomes. The CV (Visitor Serving Commercial) land use designation is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach. The existing hotel land use will remain the same and the land uses will be updated at the next citywide opportunity for consistency with the previously approved discretionary applications.
3. The merged parcels will retain the CV (Commercial Visitor-Serving) and R-2 (Two-Unit Residential) zoning designations. The R-2 zoning district is intended to provide for a maximum of two (2) residential dwelling units (i.e., duplexes) located on a single legal lot. The CV zoning district is intended to provide areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. Pursuant to Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements), Visitor Accommodations, Hotels, and Motels, are a principal permitted use subject to the approval of a conditional use permit. The project will maintain the existing uses on-site consistent with the existing Use Permit No. UP3629, which authorized a two (2)-unit residential structure to be converted to five (5) additional rooms in addition to the existing 21-room hotel.
4. The project site includes Lots 1-4, of Block 118 in Section B of the Newport Beach Tract, where the existing hotel is developed across the underlying lot lines. The consolidation of the lots into one (1) parcel will clean up the underlying lot lines to match the development site owned in common.

5. The existing parcels are consistent with the original tract development pattern at 25-foot in width and 2,500 square feet each. Merging the four (4) lots would create one (1) approximately 100-foot by 100-foot, 10,000-square-foot parcel and reflect the existing development pattern of the site.
6. The Public Works Department has reviewed the proposed lot merger and has concluded it is consistent with the Subdivision Code.

Finding:

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

Facts in Support of Finding:

1. Legal access will continue to be provided from West Balboa Boulevard, 18th Street, and the rear alley.
2. The site does not currently provide access to any other properties. Thus, no adjoining parcels will be deprived of legal access as a result of the merger.

Finding:

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

Facts in Support of Finding:

1. Orientation and access to the parcel will be provided via West Balboa Boulevard, 18th Street, and the alley to the rear. Thus, the resulting lot configuration will not change the existing pattern of development in the area.
2. Properties in the vicinity consist of a relatively consistent tract of 25-wide lots. Marina Park, located to the east across 18th street breaks this development pattern with a large park and community center totaling 7.22 acres. The merged lots will reflect the existing

development pattern of the site and integrate it into the area as intended by Use Permit No. UP3629.

3. The proposed parcel size is 10,000 square feet in area, which meets the R-2 requirement for lot size (6,000 square feet for a corner lot). The CV zoning district does not have a minimum lot width or depth.

Waiver of Parcel Map

In accordance with Section 19.08.30.(A).(3) (Waiver of Parcel Map Requirement) of the Newport Beach Municipal Code, the Zoning Administrator may approve a waiver of the parcel map requirement in cases where no more than three (3) parcels are eliminated. The following finding and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. Approval of the proposed lot merger would remove the existing interior lot lines and allow the property to be used as a single site. The proposed parcel would comply with all design standards and improvements required for new subdivisions by Title 19, General Plan, Coastal Land Use Plan, and Zoning Code.
2. The proposed lot merger combines the properties into a single parcel of land and does not result in the elimination of more than three (3) parcels.
3. The subject property is accessible from East Balboa Boulevard, 18th Street, and the alley. The site is served by all necessary public utilities.
4. The subject property is not subject to a Specific Plan.

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 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Zoning Administrator of the City of Newport Beach hereby approves the requested lot merger (PA2022-139), 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 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 (Subdivisions), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF OCTOBER, 2022.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

SEE PC STANDARD CONDITIONS.DOC

*(Project-specific conditions are in italics)***Planning Division**

1. The development shall be in substantial conformance with the approved lot merger exhibits 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 lot merger.
4. *Prior to the issuance of building permits for construction across the existing interior lot lines, a lot merger shall be recorded with the County recorder.*
5. All easements shall be plotted, and all easement documents provided upon final map review.
6. 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.
7. 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.
8. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **Bay Shores Hotel**, including, but not limited to, **Lot Merger (PA2022-139)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing

the such proceeding. The applicant shall indemnify the City for all of the 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.