



## 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 December 16, 2022.

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### ZONING ADMINISTRATOR ACTIONS DECEMBER 15, 2022

- Item 1: Gondola Adventures Coastal Development Permit and Limited Term Permit (PA2022-0209)  
Site Address: 200 Bayside Drive
- |   |                  |    |
|---|------------------|----|
| Action: Approved by Resolution No. ZA2022-077 | Council District | 44 |
|---|------------------|----|
- Item 2: Sonil Ventures LLC Residential Condominiums Tentative Parcel Map (PA2022-0175)  
Site Address: 715 and 715 ½ Narcissus Avenue
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2022-078 | Council District | 6 |
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- Item 3: City of Newport Beach and Orange County Sanitation District Lot Line Adjustment (PA2022-0217)  
Site Address: 1514 and 1516 West Balboa Boulevard
- |   |                  |   |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2022-079 | Council District | 1 |
|---|------------------|---|
- Item 4: The Boardwalk Wine & Spirits Minor Use Permit (PA2021-266)  
Site Address: 103 Palm Street
- |   |                  |   |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2022-080 | Council District | 1 |
|---|------------------|---|
- Item 5: LA21G, LLC Residential Condominiums Tentative Parcel Map (PA2022-0200)  
Site Address: 717 and 717 ½ Poinsettia Avenue
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2022-081 | Council District | 6 |
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- Item 6: Danner Residence Coastal Development Permit (PA2022-0203)  
Site Address: 301 Lexington Circle
- |   |                  |   |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2022-082 | Council District | 4 |
|---|------------------|---|
- Item 7: Domasin Residence Coastal Development Permit (PA2022-0207)  
Site Address: 207 Tremont Drive
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2022-083 | Council District | 4 |
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**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**  
(Non-Hearing Items)

Item 1: Palmilla Restaurant Remodel Staff Approval (PA2022-0266)  
Site Address: 3110 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 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. ZA2022-077

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A COASTAL DEVELOPMENT PERMIT AND LIMITED TERM PERMIT FOR A TEMPORARY STORAGE CONTAINER, STORAGE SHED, AND POP-UP CANOPY FOR GONDOLA CRUISES LOCATED AT 200 BAYSIDE DRIVE (PA2022-0209).**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Gondola Adventures, Inc., with respect to property located at 200 Bayside Drive, and legally described as a portion of Parcel 3 of Parcel Map No. 93-111 requesting approval of a Coastal Development Permit and Limited Term Permit (More than 90 days).
2. The applicant requests a coastal development permit and limited term permit for up to one (1)-year term to remove an existing mobile office trailer and replace it with a 40-foot by 8-foot ground-level, air-conditioned storage container and an 11-foot by 7-foot storage shed for gondola cruise supplies. General business operations will be operated from a pop-up canopy that will be disassembled and stored outside of business hours.
3. A limited-term permit for the existing mobile office trailer was previously authorized through Limited Term Permit No. XP2020-006 and Coastal Development Permit No. CD2020-136 (PA2020-273) and extended for one (1) year under PA2021-275. Prior to that, Limited Term Permit No. XP2018-008 and Coastal Development Permit No. CD2018-085 was previously authorized and extended for one (1) year under PA2018-204.
4. The subject property is designated Mixed-Use Water 2 (MU-W2) by the General Plan Land Use Element and is located within the Back Bay Landing (PC9) Zoning District.
5. 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 Back Bay Landing Planned Community (PC-9) Coastal Zone District.
6. A public hearing was held on December 15, 2022, online via Zoom. A notice of the 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 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3

because it has no potential to have a significant effect on the environment. The Class 3 exemption authorizes minor alterations to the existing structures involving negligible or no expansion of use. The proposed project is temporary and is located on a developed parking lot. Since the project does not involve any alteration of land, it does not have the potential to impact the surrounding environment.

2. 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.

#### ***Limited Term Permit***

In accordance with Section 20.52.040 of the Newport Beach Municipal Code, 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 the storage of supplies in an air-conditioned storage container and storage shed pertinent to gondola cruises. General business operations will be operated from a pop-up canopy that will be disassembled and stored outside of business hours. A building permit is not required for the air-conditioned storage container as proposed.
2. The subject property contains a variety of marine-related uses, including marina parking, outside storage for recreational vehicles and trailered boats, kayak and paddle board rentals with a launch area, a floating fish market, and additional marine-related material storage. The temporary storage container and storage shed will be used for storage of supplies and the pop-up canopy will be used for general business operations to support the gondola boat tours, which is a coastal-dependent use that is compatible with the other uses within the subject property.
3. The storage container, storage shed, and the pop-up canopy is located within the Back Bay Landing Planned Community Development Plan (PC-9) zoning and coastal zoning districts. The purpose of PC-9 is to provide a vision for the land uses, set the development

standards, and establish design guidelines for the future review and approval of an integrated mixed-use waterfront development. The proposed storage container, storage shed, and pop-up canopy are located within the future bayfront promenade identified in PC-9 for the future mixed-use development; however, the storage container, storage shed, and pop-up canopy are temporary and are not part of the future development. As conditioned, if the future development is implemented prior to the expiration of the Limited Term Permit, the storage container, storage shed, and pop-up canopy shall be removed. The storage container, storage shed, and the pop-up canopy does not interfere with nearby uses.

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 storage container, storage shed, and pop-up canopy are located within Planning Area 1 (Mixed-Use Area) of PC-9, which is approximately 5 acres in area. There is adequate space to accommodate the proposed storage container, storage shed, and pop-up canopy, and existing uses without impacting vehicle circulation. The storage container, storage shed, and pop-up canopy are located in the rear of the lot, adjacent to the bay and marina access walkway.
2. The placement of the temporary storage container, storage shed, and pop-up canopy is conditioned to ensure that they will not negatively impact on-site circulation.
3. The lot is bounded by the Back Bay to the north and west, the Bayside Village mobile home park to the east, and East Coast Highway to the south. The temporary storage container, storage shed, and pop-up canopy will not affect any of the surrounding uses.
4. The temporary storage container, storage shed, and pop-up canopy are located on private property.

Finding:

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

Fact in Support of Finding:

1. The subject lot has a direct driveway approach taken from Bayside Drive. The temporary storage container, storage shed, and pop-up canopy are located at the rear of the site and will not impede access to the existing parking lot. Traffic issues are not anticipated.

Finding:

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

Fact in Support of Finding:

1. The gondola boats will be docked utilizing existing marina slips. Customer and employee parking are provided within the existing parking lot. Several existing uses draw upon the existing marina parking supply on the property such as outside storage for recreational vehicles, trailered boats, kayaks, and paddle board rentals with a launch area, a floating fish market, and additional marine-related materials storage. Although the operation of the boat tours increases parking demand at the site, the site provides approximately 141 marked and unmarked parking spaces that are underutilized. The proposed location of the storage container, storage shed, and pop-up canopy results in the temporary loss of seven (7) parking spaces, reducing the total on-site parking supply to approximately 134 spaces. According to the on-site project manager for the future Back Bay Landing project, approximately 20 vehicles are parked in the main parking area during the daytime on weekdays. Weekend parking increases to approximately 30 vehicles. There are no significant parking increases at the marina during the summer months, except during the Fourth of July special event fireworks display at the nearby Newport Dunes. This underutilization of the parking areas has been verified by staff visits on numerous occasions and a review of historical aerial photographs of the site. Therefore, the proposed storage container, storage shed, and pop-up canopy for the gondola cruises are not anticipated to negatively impact the parking availability on the site.

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 temporary (one [1]-year duration) storage container, storage shed, and the pop-up canopy are conditioned to comply with all applicable provisions of the General Plan, Municipal Code, and other City regulations. The temporary storage container, storage shed, and pop-up canopy do not require the issuance of a building permit.
2. The site is not located within a specific plan area.

***Coastal Development Permit***

In accordance with Section 21.52.015 (Findings and Decision) of the Newport Beach Municipal Code, 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 Mixed-Use Water Related 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 uses, and visitor-serving uses. The proposed gondola cruises provide visitors with boat tours along the Newport Beach Back Bay which is a coastal-dependent use that requires proximity to the bay.
2. The subject property contains a variety of uses including marina parking, outdoor storage for recreational vehicles and trailered boats, kayak and paddle board rentals with a launch area, a floating fish market, and additional marine-related material storage. The proposed boat tour use, temporary storage container, storage shed, and pop-up canopy are compatible with other marine-related uses. The development to the east is a mobile home park. The bulk and scale of the temporary storage container, storage shed, and pop-up canopy for the operation of gondola cruises is compatible with the surrounding development.
3. The gondola cruises have been operating without any issues or complaints from the public.
4. As conditioned, all outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties, and not flood light toward the shoreline, coastal waters, and coastal bluffs, and do not produce glare onto adjacent properties, roadways, the shoreline, coastal waters, or coastal bluffs. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
5. Landscaping is not proposed as a part of this project.

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. 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. A previous evaluation was conducted in 2018 by staff to determine if the existing modular office had the potential to impact the public view of the bay. A visual impact analysis was conducted from multiple public view vantage points facing the bay. Views of the bay are visible from East Coast Highway along the western portion of the subject property. The subject property is lower in topography than East Coast Highway, and the proposed

temporary storage container, storage shed, and the pop-up canopy is a single-story structure no more than 10 feet in height that will be placed in a similar footprint to the existing modular office. The portion of East Coast Highway abutting the eastern portion of the subject lot, as well as Bayside Drive, does not provide existing views of the bay.

3. Based on the visual impact analysis, the storage container, storage shed, and pop-up canopy will not impact public access or public views of the bay, as it is located a northern corner of the lot that is outside of the viewshed of the bay as seen from East Coast Highway.
4. The storage container, storage shed, and the pop-up canopy are located within a future pedestrian easement, which is a feature of a future project on the subject property. The storage container, storage shed, and the pop-up canopy are conditioned to be removed upon recordation of the pedestrian easement. Also, as conditioned, if the future development is implemented prior to the expiration of the Limited Term Permit, the storage container, storage shed, and pop-up canopy shall be removed.
5. The proposed gondola cruise use will provide an additional recreation opportunity for residents and visitors and encourage access to and usage of the bay. The proposed gondola cruise use will provide additional recreation options to residents and visitors and encourage enhanced access to and usage of the bay. The property at 200 Bayside Drive is a waterfront parcel that provides vertical access to Upper Newport Bay. Lateral access is provided on the property along the waterfront and extends along Bayfront to the north.

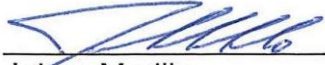
#### SECTION 4. DECISION.

#### **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 the coastal development permit and limited term permit (PA2022-0209), 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 15TH DAY OF DECEMBER, 2022.**



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Jaime Murillo  
Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL****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. A material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. The Coastal Development Permit and Limited Term Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
5. The Coastal Development Permit and Limited Term Permit shall not be effective until January 11, 2023, through January 11, 2024 (one [1]-year term), unless the circumstances under Condition Nos. 6, 7, and 8 are applicable.
6. This Limited Term Permit shall expire twelve (12) months from the issued date unless an extension of up to one (1) additional period of 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.
7. Upon recordation of a future pedestrian easement in compliance with PC-9, the temporary trailer shall be removed within 14 days.
8. If the future Back Bay Landing mixed-use development is implemented prior to the expiration of this Limited Term Permit, the modular building shall be removed.
9. The applicant shall obtain an electrical permit for the storage container within 60 days of the approval of the coastal development permit and limited-term permit.
10. This Coastal Development Permit and Limited Term Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, 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 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. The hours of operation for the modular office and the gondola boat tours shall be limited to 10:00 a.m. through 10:00 p.m., daily, except that the gondola boat tours shall be permitted to operate at 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 Years, Valentine's Day, Mother's Day, etc. The applicant shall notify Planning staff in writing prior to exercising late hours for special occasions.
13. A Marine Activities Permit (MAP) shall be obtained prior to the operation of boat tours.
14. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
15. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties, and not flood light toward the shoreline, coastal waters, and coastal bluffs, and do not produce glare onto adjacent properties, roadways, the shoreline, coastal waters, or coastal bluffs. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
16. 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 leasing agent.
17. No outside paging system shall be utilized in conjunction with this establishment.
18. All trash shall be stored within the storage shed or within dumpsters stored in the on-site trash enclosures or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
19. 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.
20. 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.
21. 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).

22. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
23. Outdoor storage in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
24. 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.
25. 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 **Gondola Adventures including, but not limited to, Coastal Development Permit and Limited Term Permit (PA2022-0209)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## RESOLUTION NO. ZA2022-078

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP FOR TWO (2)-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 715 AND 715 ½ NARCISSUS AVENUE (PA2022-0175)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by SONIL Construction, Michael Linos (Applicant), concerning property located at 715 and 715 ½ Narcissus Avenue, and legally described as the portion of Lot 15 and portion of Lot 17, Block 740, of the Corona del Mar Tract requesting approval of a tentative parcel map for condominium purposes.
2. The Applicant requests a tentative parcel map for two (2)-unit residential 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 located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two Unit Residential (RT).
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 December 15, 2022, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is 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 project meets all identified criteria; therefore, it 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 Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC:

#### 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 with a duplex and has been cleared of existing improvements. A new duplex is under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current RT General Plan Land Use category.
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 duplex.
2. The subject property is accessible from both Narcissus Avenue and the alley in the rear.
3. The site is adequately served by existing utilities, as it was previously developed with a duplex and there is no increase in density.

#### 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.*

Fact in Support of Finding:

1. The Tentative Parcel Map is for condominium purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per 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 for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

1. The Public Works Department has reviewed the proposed 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.
2. There are no existing easements either through or adjacent to 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 that requires new construction 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 residential 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, that 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 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 (PA2022-0175), 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 NBMC Title 19 Subdivisions.

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>TH</sup> DAY OF DECEMBER 2022.**



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Jaime Murillo  
Zoning Administrator

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

1. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. After the recordation of the Parcel Map and prior to building permit final, the Applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this description change permit is final.
3. Prior to the final inspection of the building permit for new construction, the parcel map shall be recorded.
4. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Tentative Parcel map.
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 19 Subdivisions of the NBMC.
6. 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 **SONIL Ventures LLC Residential Condominiums including, but not limited to Tentative Parcel Map (PA2022-0175)**. 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.

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**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, Sub-article 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 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 (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 prior to completion of construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be required for all work activities within the public right-of-way.
11. The existing broken and/or otherwise damaged concrete curb, gutter, and sidewalk panels along the Narcissus Avenue frontage and any damaged concrete panels along the alley frontage shall be reconstructed.
12. Each unit shall be served by its individual water meter and sewer lateral and cleanout.
13. All existing overhead utilities shall be undergrounded.
14. The rear 5-foot setback along the alley frontage shall be clear of all above-ground improvements.
15. All existing private, non-standard improvements within the public right-of-way and/or extension of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
16. New landscaping shall be installed within the parkway along the entire Narcissus Avenue frontage.
17. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.

18. In case of damage done to public improvements surrounding the development site by private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

**Fire**

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

**RESOLUTION NO. ZA2022-079**

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LOT LINE ADJUSTMENT TO ADJUST THE BOUNDARY BETWEEN TWO (2)- CONTIGUOUS PARCELS LOCATED AT 1514 AND 1516 WEST BALBOA BOULEVARD (PA2022-0217)**

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

**SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by The City of Newport Beach and Orange County Sanitation District (Applicants), with respect to properties located at 1514 and 1516 West Balboa Boulevard, and legally described as Lot 8 and Lot 9, Block 115, of Tract No. 234, requesting approval of a lot line adjustment.
2. The Applicants propose to adjust the shared lot line between two (2) contiguous properties. Approximately 1,042 square feet of land will be taken from 1516 West Balboa Boulevard (owned by the City of Newport Beach) and added to the adjacent parcel at 1514 West Balboa Boulevard (owned by the Orange County Sanitation District). There will be no change in the number of parcels and no development is currently proposed.
3. Parcel 1 (1514 West Balboa Boulevard) is zoned Park Facilities (PF) and Parcel 2 (1516 West Balboa Boulevard) is zoned Marina Park (PC51) and both parcels are designated as Public Facilities (PF) by the Land Use Element of the General Plan.
4. The properties are located within the Coastal Zone. The properties are categorized as Public Facilities (PF) by the Coastal Land Use Plan and are located within the Public Facilities (PF) and Marina Park (PC51) Coastal Zoning Districts. The proposed project does not require a Coastal Development Permit, as the Lot Line Adjustment does not result in a change to the density or intensity of the properties and is not considered development under the definition of development provided in Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC).
5. A public hearing was held on December 15, 2022, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Written and oral evidence 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 applies to projects which are minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density; including minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel. The Lot Line Adjustment will not result in a change in use or density and is consistent with the requirements of the Class 5 exemption.
3. There are no known exceptions listed in CEQA Guidelines Section 15300.2 that would invalidate the use of these exemption. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the NBMC, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the 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 line adjustment is consistent with the legislative intent of the title.*

#### Facts in Support of Finding:

1. The purpose and intent of Chapter 19.76 (Lot Line Adjustment) of the NBMC is to allow for lot line adjustments. A lot line adjustment is defined as a minor boundary adjustment involving four (4) or fewer adjacent lots or parcels where the land taken from one (1) parcel is added to an adjacent parcel with the original number of parcels remaining unchanged after the adjustment. The proposed project will modify the interior boundary between two (2) contiguous parcels to take a portion of land that is approximately 1,042 square feet from Parcel 1 and add it to Parcel 2. The adjusted boundary will allow for the enhancement of pump station operations for the Orange County Sanitation District. There will be no change to the overall number of lots and the project is consistent with the definition of a lot line adjustment and the overall purpose and intent of Chapter 19.76 (Lot Line Adjustment).
2. The project does not negatively impact surrounding land owners, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood, as the adjustment affects an interior property line between two (2) adjacent parcels. There will be no impact on surrounding neighbors.

3. Public improvements and infrastructure currently exist within the neighborhood and the lot line adjustment will not result in the need for additional improvements and/or facilities.

Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the adjustment.*

Fact in Support of Finding:

1. The proposed lot line adjustment will adjust the interior property line between two (2) adjacent parcels. The number of parcels remains the same as there will be two (2) parcels before and after the lot line adjustment.

Finding:

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth, and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

1. The properties are located within the Park Facilities (PF) and Marina Park (PC51) Zoning Districts. The applicable zoning designations do not include minimum lot width, depth, or area requirements. Therefore, the proposed lot line adjustment will not result in the creation of a lot that is nonconforming as to lot width, depth, or area. The proposed lot line adjustment will not result in a development pattern that is inconsistent with the surrounding neighborhood.
2. The resulting parcels will comply with all applicable regulations of Title 20 (Planning and Zoning) of the NBMC and there will be no change in allowed land uses density or intensity on the properties.

Finding:

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Fact in Support of Finding:

1. The proposed lot line adjustment affects the interior property lines between two (2) adjacent parcels that both abut West Balboa Boulevard. Legal access to Parcel 1 is not affected by the adjustment and is available along West Balboa Boulevard. Legal access to Parcel 2 is not affected by the adjustment and is available along an improved twenty (20)-foot-wide alley at the rear of the property.



Finding:

- E. *That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Fact in Support of Finding:

1. Vehicular access to Parcel 1 is not affected by the adjustment and is available via a driveway on West Balboa Boulevard. Vehicular access to Parcel 2 is not affected by the adjustment and is available along an improved twenty (20) foot alley at the rear of the property. The final configuration of the subject properties will not result in the loss of the existing direct vehicular access.

Finding:

- F. *That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street-side setbacks are appropriate, and consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Fact in Support of Finding:

1. The proposed lot line adjustment does not involve the reorientation of any lots. The final configuration of the proposed parcels does not involve the reduction of any street-side setbacks and does not result in a requirement for revised setbacks since the parcels are not proposed to be reoriented.

## 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 Lot Line Adjustment (PA2022-0217), 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 NBMC.

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>TH</sup> DAY OF DECEMBER, 2022.**



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Jaime Murillo  
Zoning Administrator

**EXHIBIT "A"**

## CONDITIONS OF APPROVAL

1. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. *Prior to the Recordation of the Lot Line Adjustment, the Applicant shall submit the Lot Line Adjustment exhibits to the Public Works Department for final review and approval. All applicable fees shall be paid.*
3. *At the close of escrow, the Lot Line Adjustment shall be recorded. The lot line shall not be recorded prior to the close of escrow. The Applicant shall coordinate with the Public Works Department and the Escrow Holder (Fidelity National Title, Escrow number: 30080784) regarding the recordation of the Lot Line Adjustment.*
4. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.
5. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **City of Newport Beach and Orange County Sanitation District** including, but not limited to **Lot Line Adjustment (PA2022-0217)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for the City's costs, attorney's fees, and damages which the 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. ZA2022-080

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT FOR A NEW TYPE 21 (OFF-SALE GENERAL) ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE IN CONJUNCTION WITH A RETAIL STORE LOCATED AT 103 PALM STREET (PA2021-266)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Liquor Cheaper, LLC, dba The Boardwalk Wine & Spirits (Applicant), with respect to property located at 103 Palm Street, and legally described as Lot 15 and Lot 16 of Block 6 of the Balboa Tract, requesting approval of a minor use permit (MUP).
2. The Applicant has applied for a new Type 21 (Off-Sale General) Alcoholic Beverage Control (ABC) License to establish a beer, wine, and distilled spirits retail store. The project involves minor tenant improvements to convert an approximately 886-square-foot space, last occupied by a professional office, into a retail store. The proposed hours of operation are from 9 a.m. to 10 p.m., daily, and no on-site consumption of alcohol is requested.
3. The subject property is categorized as Mixed-Use Vertical (MU-V) by the General Plan Land Use Element and is located within the Mixed-Use Vertical (MU-V) Zoning District and the Parking Management (PM) Overlay District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Vertical (MU-V) and is located within the Mixed-Use Vertical (MU-V) Coastal Zoning District with a Parking Management (PM) Overlay District designation. Due to equivalent required parking ratios and no expansion of floor area, the proposed retail store does not represent an intensification of use from the previous professional office use. The project is not considered "development" and a coastal development permit is not required.
5. A public hearing was held on December 15, 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 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 Class 1 exemption includes minor alterations to existing structures involving negligible or no expansion of use. The proposed project involves alterations to the interior floor plan of an existing commercial space with no expansion in floor area.

### SECTION 3. REQUIRED FINDINGS.

#### ***Alcohol Sales***

In accordance with Section 20.48.030 (Alcohol Sales) of the NBMC, the Zoning Administrator shall consider the following findings prior to the approval of a new or amended alcohol sales establishment:

#### Finding

- A. *The use is consistent with the purpose and intent of NBMC Section 20.48.030 (Alcohol Sales).*

#### Facts in Support of Finding

In finding that the project is consistent with Section 20.48.030 (Alcohol Sales) of the NBMC, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
  - a. The subject property is in an area the Newport Beach Police Department (NBPD) designates as Reporting District (RD) 12. RD 12 is located on the Balboa Peninsula. It begins at the intersection of West Balboa Boulevard and 7<sup>th</sup> Street and terminates approximately one (1) mile east at East Balboa Boulevard and B Street. RD 12 includes the Balboa Pier area of the Peninsula and the Balboa Fun Zone. RD 12 is abutted to the west by RD 13, with RD 15 beyond, and to the east by RD 11.
  - b. The NBPD is required to report offenses of Part One Crimes combined with all arrests for other crimes, both felonies, and misdemeanors (except traffic citations) to the California Department of Alcoholic Beverage Control (ABC). Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report: criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson. RD 12 is not considered or reported to ABC as a higher crime area, as compared to other RDs within the City. The RD 12 crime count for 2021 is 100, which is one (1) percent under the citywide average of 101 crimes per RD.
  - c. The NBPD has reviewed the project and has no objection to the new Type 21 ABC license, subject to appropriate conditions of approval which have all been incorporated into Exhibit "A" of this Resolution. These conditions include provisions such as the requirement that all owners, managers, and employees selling alcoholic beverages shall undergo and complete a certified training program in responsible methods and skills for selling alcoholic

beverages, a prohibition of the store from operating as a bar, tavern, cocktail lounge or nightclub, and the requirement that any substantial operational change require a subsequent review.

- ii. *The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
  - a. In 2021, RD 12 had a higher percentage of alcohol-related crimes than RD 11 but a lower percentage than RD 13 and RD 15. The higher number of alcohol-related crimes compared to RD 11 is expected, given that the crime figure includes driving under the influence, public intoxication, and liquor law violations. These alcohol-related crimes are typically associated with commercial establishments. RD 11, which is primarily residential, is unlikely to have similar crime incidents and the difference was not substantial enough to warrant objection from the NBPd. The alcohol-related crimes of RD 13 were 313 percent higher than that of the subject RD and the alcohol-related crimes of RD 15 were 578 percent higher than that of the subject RD.
- iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
  - a. The proposed store would be located on the ground floor of an existing mixed-use building on Palm Street. There are five (5) residential units above the ground floor. The neighborhood is characterized by residential uses near commercial and visitor-serving uses. The subject property is abutted to the west by Two-Unit Residential (R-2) District properties; however, the building's ground floor commercial spaces are oriented away from this District, toward Palm Street. The space is separated from the Multiple Residential (RM) zoned 24-unit condominium complex across Palm Street by approximately 65 feet. The subject property is bounded to the north by MU-V zoned properties and to the south by the Oceanfront Boardwalk, Balboa Pier, and the Balboa Pier Municipal Parking Lot. The Balboa Fun Zone is also within the surrounding vicinity. While minors are expected to be present in the area, the business intends to stock and sell upscale beer, wine, and spirits marketed toward adults and is not anticipated to attract minors. Both the nearest church and school are over a mile west of the subject property. The nearest park, Peninsula Park, is located 560 feet east of the subject property.
  - b. Condition of Approval no. 25 limits the hours of operation from 9 a.m. to 10 p.m. The mid-morning opening hour and reasonable closing hour should help prevent noise disturbances to the surrounding residential uses.
- iv. *The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.* There are several active On-Sale ABC Licenses within the general vicinity of the subject property with the largest concentration at the Balboa Pier area. Most of the On-Sale Licenses are for either restaurants including Type 41 (On-Sale Beer and Wine - Eating Place) and Type 47 (On-Sale General - Eating Place) or charter boats with a Type 54 - (On-Sale General Boat) License. Notable restaurants with ABC Licenses include Ruby's Diner, Cabo Cantina, Cruisers, and Great Mex Grill. There are two active Type 48 (On Sale General - Public Premises) Licenses within the general vicinity, for the Balboa

Saloon and Class of 47, and one active Type 02 (Winegrower) License that allows for onsite wine tasting at Balboa Wines. There are five (5) active Off-Sale Licenses within the general vicinity of the subject property.

License Type	Address	Distance from Subject Property
Type 20 (Off-Sale Beer and Wine)	814 Bay Ave	867 feet
Type 20 (Off-Sale Beer and Wine)	406 S Bay Front	1,540 feet
Type 21 (Off-Sale General)	510 E Balboa Boulevard	175 feet
Type 20 (Off-Sale Beer and Wine)	508 W Balboa Boulevard	1,800 feet
Type 21 (Off-Sale General)	500 S Bay Front	1,520 feet

While this location meets the Business and Professions code section §23958.4 criteria for undue concentration pertaining to ABC licenses, the project’s proximity to other establishments selling alcohol should not raise concern due to the operational characteristics of the proposed project. The store has modest hours of operation and is prohibited from serving alcohol on-site or operating as a bar or tavern. If it is determined that the operation of the store is to the detriment of the public health, welfare, or injurious to property, Condition of Approval no. 7 allows the Zoning Administrator to modify or revoke the MUP.

- v. *Whether or not the proposed amendment will resolve any current objectionable conditions.*
- a. There were 6 police dispatch events in 2021 to the 103 Palm Street vicinity. None of the events resulted in arrests.
- b. There are no objectionable conditions presently occurring at the property.

**Minor Use Permit**

In accordance with Section 20.52.020(F) (Findings and Decision) of the NBMC, the following findings and facts in support of such findings for a use permit are set forth:

Finding

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

Facts in Support of Finding:

1. The Land Use Element of the General Plan categorizes the project site as MU-V. The MU-V designation is intended to provide areas for the development of properties with mixed-use structures that vertically integrate housing with retail uses including retail, office, restaurant, and similar nonresidential uses. The proposed retail store within an existing mixed-use building is consistent with the intent of the MU-V land use designation.
2. General Plan Land Use Policy LU 5.3.2 (Mixed-Use Building Location and Size of Nonresidential Uses) requires that 100 percent of the ground floor street frontage of mixed-use buildings be occupied by retail and other compatible nonresidential uses unless otherwise specified. A retail use on the ground floor of the existing mixed-use building is consistent with this Policy.
3. General Plan Land Use Policy LU 6.8.7 (Property Improvement) suggests that the City provide incentives and work with property owners to improve their properties as well as to achieve the community's vision for the Balboa Peninsula. The proposed project will take a currently vacant and shuttered suite and replace it with an active storefront. The project will also improve the building by providing required accessibility upgrades for the suite.
4. The subject property is not a part of a specific plan area.

Finding

- C. *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 zoned MU-V. Table 2-8 of NBMC Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements) specifies that retail uses with off-sale alcohol are allowed in the MU-V District subject to the approval of an MUP. Table 21.22-1 of NBMC Section 21.22.020 (Mixed-Use Coastal Zoning Districts Land Uses and Permit Requirements) also indicates that retail uses with off-sale alcohol are allowed.
2. The subject property was originally developed in the late 1940s. The building has a total of four (4) commercial spaces on the ground floor with five (5) residential units above and provides no onsite parking for commercial uses. The building is considered legally nonconforming due to parking. Additionally, the building is considered a nonconforming structure as it encroaches into both the required front setback and the alley setback. Since the project does not involve any additional floor area or changes to the exterior envelope of the building, there are no implications with this legal nonconforming status.
3. NBMC Section 20.38.060 (Nonconforming Parking) and Section 21.38.060 (Nonconforming Parking) allow for changes in use when a property has nonconforming parking. It specifies that an existing use may be changed to a new use allowed in that



zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area, or lot area) occurs and the new use requires a parking rate of no more than one space per 250 square feet of gross building area. In this case, the parking requirement for a retail sales use is one space per every 250 square feet, and no intensification or enlargement is proposed.

4. The subject property is located within a Parking Management (PM) Overlay District. This overlay provides additional flexibility to allow intensification of use; however, in this case, the provisions of NBMC Section 20.38.060 allow the change of use without any further consideration required.

### Finding

- D. 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 surrounding vicinity is characterized by residential, commercial, and visitor-serving uses. The Oceanfront Boardwalk and the Balboa Municipal Parking Lot are located to the south of the subject property, the Balboa Pier is approximately two blocks to the east, and the Balboa Fun Zone is less than a quarter of a mile away to the north. The neighborhood sees considerable visitor traffic both by vehicle and on foot during tourist season and is busy and vibrant. The retail store will likely only serve patrons already within the area and is not anticipated to generate additional traffic or congestion.
2. The nearest retail store with an off-sale ABC license is located approximately 175 feet to the north of the subject property, across East Balboa Boulevard. The existing store has operated with an off-sale use for decades. Given the successful and harmonious operation of the nearby store, the new off-sale use should not be incompatible with the vicinity.
3. The proposed use will provide additional shopping options and convenience for both residents living nearby and visitors staying in the surrounding area.
4. Condition of Approval No. 3 explicitly prohibits the onsite consumption of alcohol which should help prevent disorderly conduct, nuisances, or other disruptions from occurring at the store.
5. The project does not include late hours which may otherwise be disruptive to the surrounding residential uses. Condition of Approval No. 25 limits the hours of operation to 9 a.m. to 10 p.m., daily. Any change to open the store earlier or close the store later will require subsequent review and may require an amendment to the MUP.
6. Condition of Approval No. 20 prohibits deliveries and refuse collection for the facility 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. This limitation should help minimize disturbance to the surrounding residential uses.

### Finding

- E. 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 retail store is proposed within an existing commercial space of an existing building that is located within a fully developed neighborhood. The neighborhood is adequately served by existing emergency services and utilities. Access to the subject property is provided by Palm Street, the alley in the rear of the property, and the Oceanfront Boardwalk.
2. As a trash enclosure is not currently provided on-site, Condition of Approval no. 17 has been included to require more frequent pick-up of trash should the existing trash storage prove to be inadequate.
3. The proposed project was reviewed by relevant City departments including the Building Division, Public Works Department, and Fire/Life Safety Services. Comments have been incorporated into the project through design and conditions of approval. There are no objections to the project.

### Finding

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

### Facts in Support of Finding

1. According to the Applicant, the tenant space was last occupied by a professional office and has sat empty for many years. The proposed project will help revitalize the 100 block of Palm Street with tenant improvements to the space and the establishment of a new store to serve visitors and residents in the surrounding area.
2. Although the commercial space is proximate to residential uses with dwelling units above and directly west, it is oriented toward Palm Street, which provides direct access to the space for patrons. The proposed use is not anticipated to be detrimental, especially with the Conditions of Approval included in Exhibit "A" to narrow the operational characteristics.

3. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance within the facility, adjacent properties, or surrounding public areas, sidewalks, or parking lots of the store.
4. The project includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible and no impacts to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood are expected.

**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 the Minor Use Permit (PA2021-266), 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 20 Planning and Zoning, of the NBMC.

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>TH</sup> DAY OF DECEMBER, 2022.**



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Jaime Murillo  
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 and floor plans 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. *Any tastings and/or the onsite consumption of alcohol are not permitted as part of this MUP and are expressly prohibited.*
4. 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 MUP.
5. *All proposed signs shall be in conformance the provisions of Chapter 20.42 (Signs) of the NBMC. With the exception of tenant identification sign, no additional public facing signage advertising the availability of alcohol or specific brands shall be permitted. t*
6. Minor Use Permit No. PA2021-266 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
7. This MUP may be modified or revoked by Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
8. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and potential amendment of this MUP.
9. 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.
10. Prior to the 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 MUP 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.

11. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
12. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
13. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the 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

14. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
15. Construction activities shall comply with Section 10.28.040 of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays or Holidays.
16. No outside paging system shall be utilized in conjunction with this establishment.
17. *Trash shall be stored within the building or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. Should existing trash storage areas be inadequate for the increased level of trash generation, the Applicant shall increase the frequency of trash collection service.*
18. 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).

19. 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.
20. 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 MUP.
21. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of trash containers on pick-up days.
22. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **The Boardwalk Wine & Spirits including, but not limited to, Minor Use Permit (PA2021-266)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorney's 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.

### **Police Department**

23. *The ABC License shall be limited to a Type 21 (Off-Sale General). Any substantial change to the ABC license type shall require subsequent review and potential amendment of the MUP.*
24. *The Applicant shall comply with all federal, state, and local laws, and all conditions of the ABC License. Material violation of any of those laws or conditions in connection with the use may be cause for revocation of the MUP.*
25. *The hours of operation shall be limited to 9 a.m. to 10 p.m. daily.*
26. *Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the NBMC.*
27. *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, and debris from the*

*premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.*

28. *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 NBMC to require such permits.*
29. *The Applicant shall maintain a security recording system with a 30-day retention and make those recordings available to the Police Department upon request.*
30. *All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible beverage service within 60 days of hire. The certified program must meet the standards of the State of California. Records of each owner's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.*
31. *Wine, champagne, and distilled spirits shall not be sold in containers less than 350 ml in size.*
32. *Beer or Malt Liquor alcoholic beverages shall not be sold by single container and must be sold in manufacturer pre-packaged multi-unit quantities of four or more. Exception: Craft Beer may be sold in single units. Craft Beer is defined by the Brewers Association as beer produced by small independent breweries with an annual production of 6 million barrels of beer or less, and less than 25% of the brewery is owned or controlled by an alcoholic beverage industry member that is not a craft brewer.*

### **Building Division**

33. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.

### **Public Works Department**

34. A new sewer cleanout shall be installed on the existing sewer lateral in accordance with City Standard 406.
35. All deliveries shall park legally. No double parking or parking in red curb areas shall be allowed.

## RESOLUTION NO. ZA2022-081

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP FOR TWO (2)-UNIT CONDOMINIUM PURPOSES LOCATED AT 717 AND 717 ½ POINSETTIA AVENUE (PA2022-0200).**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Forkert Engineering & Surveying Inc, Michael Forkert, with respect to property located at 717 and 717 ½ Poinsettia Avenue, legally described as Lot 17, Block 742 or Tract A, Corona Del Mar requesting approval of a tentative parcel map.
2. The applicant requests a tentative parcel map for two (2)-unit residential condominium purposes. No waivers of development standards are requested. An existing 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 December 15, 2022, via Zoom. A notice of the 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 project is consistent with and 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 Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC:

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 with a duplex and has been cleared of existing improvements. A new duplex is under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current RT General Plan Land Use designation.
2. The subject property is not located within a specific plan area.
3. The project is conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Poinsettia Avenue frontage, as needed, as well as the undergrounding of utilities and the installation of new landscape and a new street tree along the Poinsettia Avenue parkway, consistent with Title 19 (Subdivisions).

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 duplex.
2. The subject property is accessible from both Poinsettia Avenue and the alley in the rear.
3. The site is adequately served by existing utilities, as the site was previously developed with a duplex that is being replaced.

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.*

Fact in Support of Finding:

1. The Tentative Parcel Map is for condominium purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per 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 easements established by the judgment of a court of competent jurisdiction. No authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

1. The Public Works Department has reviewed the proposed 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.
2. There are no existing easements either through or adjacent to 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 for up to two (2) units.

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 Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

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

Fact in Support of Finding:

1. The proposed duplex is consistent with the R-2 Zoning District, which allows up to two (2) residential units on the property. Additionally, this property has historically been occupied by a duplex and a new duplex is currently under construction, thus there is no increase in density proposed. Therefore, this tentative parcel map for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

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

Fact in Support of Finding:

1. The residential building under construction has been designed to have wastewater discharge into the existing sewer system and complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Fact in Support of Finding:

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

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby 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 (PA2022-0200), 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 15 DAY OF DECEMBER, 2022.**



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Jaime Murillo  
Zoning Administrator

**EXHIBIT “A”****CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

**Planning Division**

1. After the recordation of the Parcel Map and prior to the final building permit, the Applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium”. The development will not be condominiums until this description change is final.
2. The parcel map shall be recorded before the final inspection of the new construction building permit.
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 Use Permit.
5. 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.
6. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
7. 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 leasing agent.
8. 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.
9. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney’s fees, disbursements, and court costs) of

every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **LA21G, LLC Residential Condominiums including, but not limited to, Tentative Parcel Map (PA2022-0200)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that the 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**

10. Prior to the recordation of the parcel map, a separate fire sprinkler system shall be installed for each dwelling unit.
11. A three (3)-foot wide walkway shall be provided on at least one side of the lot(s) from Poinsettia Avenue to the alley for Fire Department access.

### **Building Division**

12. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
13. Separate utility services are required for each unit.

### **Public Works Department**

14. 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, Sub-article 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.
15. 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 Sub article 18. Monuments (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 prior to completion of a construction project.

16. All improvements shall be constructed as required by Ordinance and the Public Works Department.
17. An encroachment permit shall be required for all work activities within the public right-of-way.
18. Prior to the recordation of the parcel map, the applicant shall reconstruct all damaged curbs, gutter, and sidewalks along the Poinsettia Avenue frontage per City Standard and all alley panels per City Standard.
19. Each unit shall be served by an individual water service meter, sewer lateral, and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
20. Prior to the recordation of the parcel map, the applicant shall underground all existing overhead utilities.
21. Prior to the recordation of the parcel map, the applicant shall install new sod or low groundcovers of the type approved by the City throughout the Poinsettia Avenue parkway fronting the development site.
22. Prior to the recordation of the parcel map, the applicant shall install a new 36-box tree within the Poinsettia Avenue frontage. The City street tree shall be compliant with City Council Policy G-6.
23. No above-ground improvements will be permitted within the 5-foot rear alley setback area.
24. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
25. All on-site drainage shall comply with the latest City Water Quality requirements.
26. 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.



## RESOLUTION NO. ZA2022-082

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT TO REMOVE AN EXISTING SINGLE-STORY, SINGLE-FAMILY MANUFACTURED HOME AND INSTALL A NEW SINGLE-STORY, SINGLE-FAMILY MANUFACTURED HOME LOCATED AT 301 LEXINGTON CIRCLE (PA2022-0203).**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Steve Almquist ("Applicant") on behalf of Susan Hoffman ("Manufactured Home Owner"), with respect to property located at 301 Lexington Circle, legally described as Parcel 1 of Resub-division No. 0995 (Parcel Map No. 91-111) requesting approval of a coastal development permit.
2. The Applicant proposes the removal of an existing single-story, single-family manufactured home and the installation of a new single-story, single-family manufactured home. The development also includes a single-car carport, entry stairs and landings, hardscape, and landscape. The development complies with all applicable Municipal Code Standards and no deviations are requested. All improvements are shown on the attached project plans.
3. The subject property is designated Multiple-Unit Residential ("RM") by the General Plan Land Use Element and is located within the Bayside Village Mobile Home Park Planned Community ("PC-1") Zoning District.
4. The subject site is located within the coastal zone. The Coastal Land Use Plan category is Multiple-Unit Residential – 10.0 – 19.9 DU/AC ("RM-C") and it is located within the Bayside Village Mobile Home Park ("PC-1") Coastal Zone District.
5. A public hearing was held on December 15, 2022, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act ("CEQA") under Class 3 (New Construction or Conversion of Small Structures) because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the removal of one single-family manufactured home and the installation of a new single-family manufactured home with accessory structures and improvements.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding:

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

#### Facts in Support of Finding:

1. The proposed development complies with applicable development standards identified by the PC-1 Development Plan and the proposed design is in substantial conformance with the approved site plan.
  - a. The project is within the confines of the manufactured home site lines.
  - b. The project has been reviewed and approved by the Manufactured Homeowner, as evidenced by the Application for a Permit to Construct included with the application.
  - c. The project includes a parking area for one vehicle, complying with the minimum parking requirement per site.
2. The Bayside Village Mobile Home Park is predominantly developed with single- and two-story, mobile/manufactured homes. The proposed design, bulk, and scale of the development are consistent with the existing pattern of development and expected future development consistent with applicable development standards.
3. The Bayside Village Mobile Home Park is comprised of Parcel 1 (south) and Parcel 2 (north) of Parcel Map No. 93-111. The project site is centrally located within the south parcel, surrounded by other homes, and more than 700 feet from Newport Bay. The project site is at an approximate elevation of 15 feet based on the North American Vertical Datum of 1988 (NAVD 88).
4. The project design addresses water quality with a construction erosion control plan and a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.

5. The building codes for the construction and installation of a manufactured home are contained within the California Health and Safety Code. The State of California Department of Housing and Community Development (“HCD”) issues all construction permits. The applicant has provided evidence of approval from the State, as well as the Manufactured Home Owner.

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, and the existing residential development neither provides nor inhibits public coastal access. NBMC Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project’s impact and be proportional to the impact. In this case, the project replaces an existing single-family manufactured home within an existing mobile/manufactured home park with a new single-family manufactured home. Therefore, the project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities.
2. Bayside Drive bisects the northern and southern parcels of the Bayside Village Mobile Home Park and provides access to the Newport Dunes, which houses several coastal recreational opportunities for the public’s use.
3. The mobile/manufactured home park abuts Coast Highway, a public coastal view road. It is separated from the public right-of-way by an existing site wall that is approximately 7 feet tall and provides limited views across. An investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project will replace an existing single-family manufactured home with a new single-family manufactured home that complies with all applicable Local Coastal Program development standards and maintains a building envelope consistent with the existing pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts on public views.

**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 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 the coastal development permit ( PA2022-0203), 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 15 DAY OF DECEMBER, 2022.**



---

Jaime Murillo  
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. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or a storm drains or results in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands, or their buffers.
3. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
4. 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 claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the development. The letter shall be scanned into the plan set prior to building permit issuance.
5. 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.
6. 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.
7. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
8. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.

- 
9. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
  10. 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 Coastal Development Permit.
  11. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
  12. 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.
  13. 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.
  14. This Coastal Development Permit No. PA2022-0203 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 21.54.060 (Time Limits and Extensions) unless an extension is otherwise granted.
  15. 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 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 **Danner Residence including, but not limited to, Coastal Development Permit (PA2022-0203)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions 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. ZA2022-083

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT TO INSTALL A NEW SINGLE-STORY, SINGLE-FAMILY MANUFACTURED HOME ON A VACANT MANUFACTURED HOME PAD LOCATED AT 207 TREMONT DRIVE (PA2022-0207).**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Steve Almquist ("Applicant") on behalf of Susan Hoffman ("Manufactured Home Owner"), with respect to property located at 207 Tremont Drive, legally described as Parcel 1 of Resub division No. 0995 (Parcel Map No. 91-111) requesting approval of a coastal development permit.
2. The Applicant proposes the installation of a new single-story, single-family manufactured home on a vacant manufactured home pad. The development also includes a single-car carport, entry stairs and landings, hardscape, and landscape. The development complies with all applicable Municipal Code Standards and no deviations are requested.
3. The subject property is designated Multiple-Unit Residential ("RM") by the General Plan Land Use Element and is located within the Bayside Village Mobile Home Park Planned Community ("PC-1") Zoning District.
4. The subject site is located within the coastal zone. The Coastal Land Use Plan category is Multiple-Unit Residential – 10.0 – 19.9 DU/AC ("RM-C") and it is located within the Bayside Village Mobile Home Park ("PC-1") Coastal Zone District.
5. A public hearing was held on December 15, 2022, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act ("CEQA") under Class 3 (New Construction or Conversion of Small Structures) because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition of up to three (3) single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the

installation of a new single-family manufactured home with accessory structures and improvements on a vacant manufactured home pad.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding:

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

#### Facts in Support of Finding:

1. The proposed development complies with applicable development standards identified by the PC-1 Development Plan and the proposed design is in substantial conformance with the approved site plan.
  - a. The project is within the confines of the manufactured home site lines.
  - b. The project has been reviewed and approved by the Manufactured Homeowner, as evidenced by the Application for a Permit to Construct included with the application.
  - c. The project includes a parking area for one (1) vehicle, complying with the minimum parking requirement per site.
2. The Bayside Village Mobile Home Park is predominantly developed with single- and two (2)-story, mobile/manufactured homes. The proposed design, bulk, and scale of the development are consistent with the existing pattern of development and expected future development consistent with applicable development standards.
3. The Bayside Village Mobile Home Park is comprised of Parcel 1 (south) and Parcel 2 (north) of Parcel Map No. 93-111. The project site is centrally located within the south parcel, surrounded by other homes, and more than 500 feet from Newport Bay. The project site is at an approximate elevation of 15 feet based on the North American Vertical Datum of 1988 (NAVD 88).
4. The project design addresses water quality with a construction erosion control plan and a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.
5. The building codes for the construction and installation of a manufactured home are contained within the California Health and Safety Code. The State of California Department of Housing and Community Development ("HCD") issues all construction permits. The



applicant has provided evidence of approval from the State, as well as the Manufactured Home Owner.

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, and the existing residential development neither provides nor inhibits public coastal access. NBMC 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 will construct a new single-family manufactured home on a vacant manufactured home pad, which has historically been occupied by a manufactured home, within an existing mobile/manufactured home park. Therefore, the project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities.
2. Bayside Drive bisects the northern and southern parcels of the Bayside Village Mobile Home Park and provides access to the Newport Dunes, which houses several coastal recreational opportunities for the public's use.
3. The mobile/manufactured home park abuts Coast Highway, a public coastal view road. It is separated from the public right-of-way by an existing site wall that is approximately 7 feet tall and provides limited views across. An investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project will construct a new single-family manufactured home on a vacant manufactured home pad, that complies with all applicable Local Coastal Program development standards and maintains a building envelope consistent with the existing pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts on public views.

**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 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 the coastal development permit (PA2022-0207), 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 15 DAY OF DECEMBER, 2022.**



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Jaime Murillo  
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. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or a storm drains or results in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands, or their buffers.
3. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
4. 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 claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the development. The letter shall be scanned into the plan set prior to building permit issuance.
5. 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.
6. 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.
7. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
8. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.

9. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
10. 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 Coastal Development Permit.
11. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
12. 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.
13. 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.
14. This Coastal Development Permit No. PA2022-0207 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 21.54.060 (Time Limits and Extensions) unless an extension is otherwise granted.
15. 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 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 **Domasin Residence including, but not limited to, Coastal Development Permit (PA2022-0207)**. 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 the City's costs, attorneys' fees, and damages, which the 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.



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
949-644-3200  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**COMMUNITY DEVELOPMENT DIRECTOR**  
**ACTION LETTER**

**Subject:** **Palmilla Restaurant Remodel (PA2022-0266)**  
▪ Staff Approval for Substantial Conformance

**Site Location:** **3110 Newport Boulevard**

**Applicant:** **Maria Hallimore, Robinson Hill Architects**

**Legal Description:** **Lots 3-8 in Block 431 of Lancaster's Addition**

On **December 15, 2022**, the Community Development Director approved Staff Approval (PA2022-0266) to allow interior and exterior design changes to an existing restaurant building and found said changes to be minor and in substantial conformance with Use Permit No. 2004-049 (as amended) and Modification Permit No. 2007-092.

**LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** Visitor Serving Commercial (CV)
- **Zoning District:** Commercial Visitor-Serving (CV)
- **Coastal Land Use Plan Category:** Visitor Serving Commercial – (0.0 – 0.75 FAR) (CV-A)
- **Coastal Zoning District:** Commercial Visitor-Serving (CV)

**I. BACKGROUND**

The subject property has been developed with a restaurant since 1970. The following is a brief chronology of all discretionary approvals:

- In 1978, the Planning Commission approved Use Permit No. 1853 to allow the remodel of the original building and to authorize the sale of alcoholic beverages for on-site consumption. In 1979, the Planning Commission approved an amendment to Use Permit No. 1853 to allow live entertainment.
- On March 3, 2005, the Planning Commission approved a new use permit (UP2004-049) to allow an addition and alterations to the existing structure. Alterations included the installation of a retractable roof over a portion of the main dining area and bar, and substantial changes to the interior of the building. A front outdoor dining patio was also added along Newport Boulevard, and an office addition was approved on the second floor. UP2004-049 included the waiver of various restaurant development standards, including a reduction of one off-street parking space. The project was approved with 27 parking spaces on-site.

- On April 17, 2008, the Planning Commission approved an amendment to Use Permit No. UP2004-049 (UP2004-049A) and Modification Permit No. MD2007-092 to permit the addition of 243 square feet of storage area on the first floor and the enclosure of an existing 135-square-foot patio on the second floor for office use that encroached 4 feet into the required 10-foot alley setback. Applicable conditions of approval from the original use permit (UP2004-049) were carried over to the new resolution, which is the latest entitlement granted to the property (see Attachment No. CD 2).

The prior restaurant operator vacated the space, and the building has been vacant for several years. In 2021, the applicant submitted plans to remodel the existing restaurant to accommodate their new business, "Palmilla". As described below, the proposed renovation of the building represents a significant investment into a currently underutilized property.

## **II. PROPOSED CHANGES**

The proposed project is the remodel of the existing restaurant structure and an addition of 372 square feet, which was previously authorized by UP2004-049A. No changes are proposed to the interior or exterior net public area of the restaurant (see Attachment CD 3).

The project also includes restriping the parking lot and installing new landscaping. The applicant requests to widen the walkway that connects the public sidewalk to the restaurant building entry. This would serve to improve pedestrian accessibility and to allow for patrons to safely gather outside of the restaurant entry without impeding on vehicular circulation and parking. Under current conditions, the waiting area is very limited and can spill over into the adjacent parking spaces.

Because of the design of the wider walkway, the main project driveway along Newport Boulevard no longer meets the City's Public Works Department's standards for width and it would need to be relocated. Shifting the drive aisle away from the building results in the loss of one parking stall (see Attachment No. CD 3).

Condition of Approval No. 44 of UP2004-049A requires 27 parking spaces on-site to serve the business. Therefore, as an equivalent measure, the applicant proposes to construct a new bike rack under the outdoor stairs that can accommodate up to five bicycles to replace the single displaced parking space. The proposed net public area of 1,349 square feet complies with the existing net public area authorized under UP2004-049A and there would be no increase in parking demand because of the project.

## **III. FINDINGS**

Per Section 20.54.070 (Changes to an Approved Project) of the Newport Beach Municipal Code (NBMC), the Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, where the Director first finds that the changes:

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. The project is located within the CV (Commercial Visitor Serving) Zoning District, which allows eating and drinking establishments with the approval of a use permit. The prior restaurants at the site operated under UP2004-049 and UP1853 and so too will the proposed restaurant.
2. Remodeling of the existing structure would not introduce any nonconformities to the site that were not specifically authorized through UP2004-049 and MD2007-092. The proposed addition and remodel would not exceed floor area or height limits. The areas of addition are in the back-of-house section of the restaurant and would not result in an increase in net public area that would increase the demand for parking at the property.
3. Adequate parking is provided on-site to serve the restaurant. UP2004-049 requires parking at a rate of one space per 50 square feet of net public area, or 27 parking spaces. The proposed project would provide the equivalent of 27 parking spaces through the provision of automobile parking spaces and bike parking spaces.
4. No new encroachments into the rear alley setback are proposed as part of this project and the enclosure of the upstairs office area would comply with allowed encroachments authorized under MD2007-092.

Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Fact in Support of Finding:

1. The proposed changes and addition to the existing restaurant will not compromise the original Class 1 (Existing Facilities) exemption under the California Environmental Quality Act (CEQA) Guidelines since the request involves minor alterations to an existing commercial building.

Finding:

C. *Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed changes do not involve a feature that was specifically addressed in the public hearing or staff report prepared for UP2004-049A.
2. Condition of Approval No. 44 of UP2004-049A requires 27 parking spaces on-site to serve the business. Due to the relocation of the existing two-way driveway to meet minimum dimensions, the parking space adjacent to the existing driveway was removed. There are no feasible locations on the site to replace the automobile parking space. As an equivalent measure, the applicant proposes to construct a new bike rack under the exterior stairs that can accommodate up to five bicycles. The proposed net public area of 1,349 square feet complies with the existing net public area authorized under UP2004-049A and there would be no increase in parking demand because of the project. Further, the project is in an area of the City with significant bike and pedestrian activity. Therefore, the Director has determined in this case that the bike parking area is equivalent to one automobile stall and the project is in substantial conformance with Condition of Approval No. 44.
3. Condition of Approval No. 2 has been included in this action letter to require that five bike parking spaces are maintained on site to serve patrons of the business.
4. Building permits are required for any construction at the project site and plans must comply with disabled access requirements.
5. The proposed project would not result in an addition greater than 378 square feet as authorized by UP2004-049 and MD2007-092.
6. The project does not include any operational changes that would conflict with the existing use permit conditions of approval, such as hours of operation or the Type of Alcoholic Beverage Control License.

Finding:

- D. Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The project results in the same floor area ratio and gross floor area authorized under UP2004-049.
2. The applicant proposes modifications and a minor increase in height to the façade of the building, however, the improvements would not exceed the maximum height limit of 26-feet for flat roofs in the CV Zoning District. Additionally, the improvements would not result in an increase in height of more than 10 percent and is exempt from coastal development permit requirements.



3. No operational changes are proposed, and the project would comply with all conditions of approval for UP2004-049. Pursuant to Condition of Approval No. 9, the operator submitted a statement to staff that they understand and will comply with all conditions of approval for UP2004-049.
4. Circulation on the site will be similar to existing conditions with enhanced pedestrian access from Newport Boulevard.

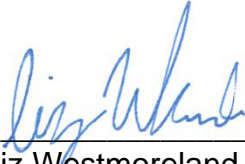
#### **IV. CONDITIONS OF APPROVAL**

All previous findings and conditions of approval of Use Permit No. UP2004-049 shall remain in full force and effect as stated in Attachment No. CD 2. The following conditions that are specific to this determination:

1. All applicable conditions of approval for use Permit No. UP2004-049 shall remain in effect.
2. The applicant shall maintain at least one bike rack that accommodates at least five bikes on site. The bike rack shall be maintained in good condition and remain available for use by patrons during all business hours.
3. The development shall be in substantial conformance with the conceptual site plan, floor plans, and building elevations attached to this Determination (CD 3).
4. This approval does not relieve the applicant of compliance with other City or State requirements. A building permit shall be required for any improvements.
5. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Palmilla Restaurant Remodel including, but not limited to, the PA2022-0266. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

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

Prepared by:

  
\_\_\_\_\_  
Liz Westmoreland, Senior Planner

Approved by:

  
\_\_\_\_\_  
Seimone Jurjis, PE, CBO  
Community Development Director

BMZ/law

Attachments: CD 1 Vicinity Map  
CD 2 Resolution No. 1754  
CD 3 Plans

# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



Staff Approval

(PA2022-0266)

Palmilla Restaurant Remodel

**3110 Newport Boulevard**

# **Attachment No. CD 2**

Resolution No. 1754

## RESOLUTION NO. 1754

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING AN AMENDMENT TO USE PERMIT NO. 2004-049 AND APPROVING MODIFICATION PERMIT NO. 2007-092 FOR AN EATING AND DRINKING ESTABLISHMENT LOCATED AT 3110 NEWPORT BOULEVARD (PA2007-255)**

**WHEREAS**, an application was filed by Rudy's Pub & Grill (Eric D. Aust, applicant) with respect to property located at 3110 Newport Boulevard, and legally described as Lot 3, 4, 5, 6, 7 and 8 in Block 431, Lancaster's addition to Newport Beach, as per Map Recorded in Book 5, page 14 of Miscellaneous Maps in the office of the Orange County Recorder, requesting approval of an amendment to Use Permit No. 2004-049 to permit the addition of 243 square feet of storage area on the first floor and to enclose an existing 135-square-foot patio on the second floor for office use, and approval of a modification permit to allow the enclosure of a second floor patio that encroaches 4 feet into the required 10-foot alley setback; and

**WHEREAS**, on April 17, 2008, the Planning Commission held a noticed hearing in the City Hall Council Chambers, at 3300 Newport Boulevard, Newport Beach, California at which time the project application was considered. Notice of time, place and purpose of the public hearing was given in accordance with law and testimony was presented to, and considered by, the Planning Commission at the hearing; and

**WHEREAS**, an amendment to Use Permit UP 2004-049 for the proposed changes to the existing eating and drinking establishment has been prepared in accordance with Section 20.91.035 of the Municipal Code based on the following findings and facts in support of such findings:

1. Finding: That the proposed location of the use is in accord with the objectives of this code and the purposes of the district in which the site is located.

Facts in Support of Finding: The project is located within the Cannery Village/McFadden Square Specific Plan District (SP-6) with a land use designation of Specialty Retail (SR). The Cannery Village area is intended to serve as an active pedestrian-oriented specialty retail area with a wide range of visitor-serving, neighborhood commercial, and marine-related uses. Eating and drinking establishments are a permitted use in the Specialty Retail land use designation subject to the approval of a use permit. The use of the site will remain consistent with the SP-6/SR designation.

2. Finding: That the proposed location of the use permit and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan and the purpose of the district in which the site is located; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the City.

**Facts in Support of Finding:** The existing restaurant is consistent with the Visitor Serving Commercial land use designation of the General Plan, and with the SP-6/SR designation. The conditions under which the existing establishment shall continue to be operated and maintained are consistent with the land use designations, and comply with the applicable zoning regulations of the SP-6 District.

The proposed increase of 378 square feet of gross floor area to the existing eating and drinking establishment will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of the use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city for the following reasons:

- The project site is located in a commercially designated area and surrounded by visitor-serving, retail and commercial uses, with some mixed residential/commercial uses to the east of the site. Restaurant uses, with appropriate conditions, are compatible with the surrounding uses.
- The project site has been maintained for restaurant uses since 1970 and has not proven to be a public nuisance or detriment to the neighborhood or community.
- The additional square footage on the first floor will provide for more storage space and a new trash enclosure, which will alleviate storage overflow and will aesthetically improve the undeveloped side yard area.
- Existing conditions of approval will be carried forward from Use Permit No. 2004-049 with this amendment that address public safety, noise regulations, water quality, and property maintenance.

3. **Finding:** That the proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located.

**Facts in Support of Finding:** The proposed increase of 378 square feet of gross floor area to the existing eating and drinking establishment would comply with the land use and development regulations of the SP-6/SR District, and would substantially comply with the restaurant design and development standards for a full-service, high turnover eating and drinking establishment. The reduction of one surplus parking space was granted by Use Permit No. 2004-049 due to the availability of metered parking adjacent to City Hall, metered parking in the municipal parking lot located at Villa Way and 30<sup>th</sup> Street, and street parking in the area, and the fact that patrons in the area tend to walk or ride bicycles to the establishment.

**WHEREAS**, Modification Permit No. 2007-092 to allow the enclosure of an existing 135-square-foot patio located on the second floor that encroaches 4-feet into the required 10-foot alley setback has been prepared in accordance with Section 20.93.030 of the Municipal Code based on the following findings and facts in support of such findings:

1. Finding: The granting of the application is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

Facts in Support of Finding: A modification permit was originally granted in 1970 to allow relief of a 10-foot wide street dedication for Newport Boulevard. On March 3, 2005, the Planning Commission approved Modification Permit No. 2004-089 to allow the existing second floor office space and patio areas to encroach 4 feet into the required 10-foot alley setback. The granting of this Modification Permit is a minor revision to the previously approved modifications to allow encroachments into the required 10-foot alley setback.

In this case, the practical difficulty associated with the site is the 10-foot wide street dedication, the size of the lot, and the location of the existing building, which currently encroaches 4 feet into the 10-foot alley setback on both the first and second floors. The existing patio is covered by a solid roof and supported by solid walls and columns. Strict application of the required 10-foot setback would not be practical.

Consistent with Sections 20.62.040 and 20.62.050 (Nonconforming Structures and Nonconforming Parking) of the Zoning Code, the proposed expansion to allow floor area to be added to an existing legal nonconforming structure is within the limits permitted by right.

2. Finding: The requested modification will be compatible with existing development in the neighborhood.

Facts in Support of Finding: Many of the existing properties in the neighborhood encroach to some degree into alley setbacks, including the buildings in the subject block. The enclosure of the second floor patio will not alter the footprint of the existing building. Two-story structures directly adjacent to an alley are similar to and compatible with existing development in the neighborhood.

Finding: The granting of such an application will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood.



Facts in Support of Finding: The enclosure of the second floor patio will not result in any additional encroachment into the required 10-foot alley setback or change the footprint of the existing structure. The existing second floor area has been in its present configuration since 2005 and has not proven to be detriment to the neighborhood.

**WHEREAS**, the project qualifies for a Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act, because the proposed 378-square-foot addition of gross floor area is minor in nature.

**NOW, THEREFORE, BE IT RESOLVED:**

**Section 1.** The Planning Commission of the City of Newport Beach hereby approves an amendment to Use Permit No. 2004-049, and approves Modification Permit No. 2007-092, subject to Conditions of Approvals in Exhibit "A" attached hereto and made part hereof.

**Section 2.** This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 17TH DAY OF APRIL 2008.**

AYES: Eaton, Peotter, Cole, Hawkins,

McDaniel, Toerge and Hillgren

NOES: \_\_\_\_\_ None \_\_\_\_\_

BY:   
Robert Hawkins, Chairman

BY:   
Bradley Hillgren, Secretary

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL  
AMENDMENT TO USE PERMIT NO. 2004-049  
MODIFICATION PERMIT NO. 2007-092**

*(Project-specific conditions noted in italics)*

**Planning Department**

1. *The following conditions herein replace and supersede the previous conditions of approval dated March 3, 2005, upon implementation of this amendment to Use Permit No. 2004-049, and approval of Modification Permit No. 2007-092.*
2. *The development shall be in substantial conformance with the site plan, floor plan and elevations dated February 4, 2008.*
3. *Use Permit No. 2007-030 and Modification Permit No. 2007-092 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 and Section 20.93.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
4. This Use Permit may be modified or revoked by the City Council or Planning Commission 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.
5. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
6. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code.
7. Any change in operational characteristics, hours of operation, expansion in area, or modification to the floor plan, may require an amendment to this Use Permit or the processing of a new use permit.
8. The applicant shall comply with all applicable 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.

9. Should this business be sold or otherwise come under different ownership or control, any future owners, operators or assignees shall be notified of the conditions of this approval by either the current owner/operator. Future owners, operators or assignees shall submit, within 30 days of transfer or sale of the business or alcohol license, a letter to the Planning Department acknowledging their receipt and acceptance of the limitations, restrictions and conditions of approval of this Use Permit.
10. *The second floor office space shall only be used for commercial activities associated with and in support of the eating and drinking establishment. The office area shall not be leased or rented as a separate use.*
11. *The remaining open patio area on the second floor of the building shall not be enclosed and shall remain as shown on the plans dated February 4, 2008.*
12. *The second floor patio and office areas are for use by restaurant employees and owners only. Establishment patrons are restricted from accessing or otherwise using these areas.*
13. *The exterior surface of the easterly wall of the building, located adjacent to the alley, shall be painted or resurfaced in a color or material that will compliment the existing façade of the building, and the 243-square-foot addition to the north side of the building shall be finished in a color or material that compliments the façade of the building. The applicant shall submit a color and material board for review and approval by the Planning Director prior to issuance of the building permit(s).*
14. 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.
15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a gate,) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash dumpsters shall have a top, which shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.
16. 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 Department. 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).

17. *A new trash enclosure shall be constructed as depicted on the plans dated February 4, 2008, and the design shall be approved by the Planning Department. The trash enclosure shall be enclosed by three walls, a self closing, self latching gate and have a decorative, solid roof for aesthetic and screening purposes. The design of the enclosure shall be integrated with the design of the other on-site buildings and structures.*
18. All proposed signs shall be in conformance with the provision of Chapter 20.67 of the Newport Beach Municipal Code.
19. Lighting of the parking lot shall be in conformance with Section 20.82.040.A.7 of the Municipal Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. All exterior lighting fixtures shall have zero cut-off fixtures.
20. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
21. *The authorized use of the building is an eating and drinking establishment as defined by Title 20, and full meal service shall be provided during all hours of operation. The use shall not be operated as a "bar" without full meal service or a nightclub as these uses are not authorized.*
22. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and retail sales during the same period. The licensee shall maintain records that reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Planning Department on demand.
23. *No dancing is permitted at any time.*
24. *Live entertainment is permitted upon receipt of a Live Entertainment Permit issued by the City Manager.*
25. *Live entertainment is limited to the interior of the building and shall cease to occur at 10:00 p.m.*
26. *Hours of operation for the establishment are 6:00 a.m. and 2:00 a.m. daily. The 310-square-foot outdoor dining patio located near Newport Boulevard shall be closed at 1:00 a.m. daily.*

27. *The retractable roof, retractable wall, doors and windows shall be closed and remain closed after 10:00 p.m. daily. Ingress and egress of patrons or employees through doors shall be allowed as necessary.*
28. *Should noise emanating from the establishment create an unacceptable negative impact on the surrounding area, the Planning Director may further restrict the hours when the retractable roof, retractable wall, doors or windows are permitted to be open. This provision includes the option of requiring these features to remain closed at all times except for the ingress and egress of patrons and employees. The Planning Director may also restrict the hours of operation of the exterior patio should noise generated from use of the patio create an unacceptable negative impact on the surrounding area.*
29. *No audible paging system shall be utilized in conjunction with this establishment.*
30. *No recorded music or other type of sound amplification shall be allowed within the outdoor patio area.*
31. *The operator of the facility shall be responsible for the control of noise generated by the subject facility. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code.*
32. *A Special Event 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.*
33. *Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge, including minimum drink orders or sale of drinks is prohibited.*
34. *All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets within the limits authorized by this permit, and shall be sound attenuated in accordance with Chapter 10.26 of the Newport Beach Municipal Code, Community Noise Control.*
35. *All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of*

the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

36. *The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control for the approved use shall be a Type 47 for full alcohol service for on-site consumption only, and only in conjunction with the service of food as the principal use of the facility. The consumption of alcoholic beverages shall be limited to the interior of the restaurant and the outdoor dining areas only. Any upgrade in the alcoholic beverage license shall be subject to the approval of an amendment to this application and may require the approval of the Planning Commission.*
37. *The alcoholic beverage outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the alcoholic beverage outlet and adjacent properties during business hours, if directly related to the patrons of the subject alcoholic beverage outlet.*
38. *No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under control of the ABC license.*
39. *No "happy hour" type of reduced price alcoholic beverage promotion is permitted except when served in conjunction with food ordered from the full service menu.*
40. *There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition.*
41. *The outdoor dining/patio areas shall be maintained as approved pursuant to plan check number 0761-2005. Any change to the outdoor dining/patio areas shall require the prior approval of the Public Works, Building, and Planning Departments. The material and color of any awning or umbrella located on the outdoor dining/patio areas shall be subject to review and approval by the Planning Department. No form of advertisement shall be placed on an awning, umbrella or elsewhere in the outdoor patio dining areas. The outdoor patio dining areas, including any awning or umbrella, shall be maintained in a clean orderly condition at all times.*
42. *All landscape materials and landscaped areas shall be installed and maintained in accordance with the approved landscape plan, pursuant to plan check number 0761-2005. 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.*

43. *Prior to the issuance of building permits, Fair Share Traffic Fees shall be paid in accordance with Chapter 15.38 of the Newport Beach Municipal Code.*
44. *A total of 27 parking spaces shall be maintained and available for parking at all times. The location, and dimensions of the parking spaces shall be in substantial conformance with the approved site plan dated February 4, 2008.*
45. *The covered parking stall adjacent to the alley as shown on the floor plan shall be designated and signed as employee parking only. This parking space shall not be further enclosed in any fashion or made unavailable for parking purposes.*
46. *Delivery vehicles shall not park on any public right of way while making deliveries to the site.*
47. *Outdoor storage of any kind is prohibited.*
48. *All utility connections shall be placed underground.*
49. *Prior to the issuance of a building permit, unless otherwise approved by the Building and Public Works Department, the applicant shall prepare a Water Quality Management Plan (WQMP) specifically identifying the Best Management Practices (BMP's) that will be used on site to control predictable pollutant runoff. The plan shall identify the types of structural and non-structural measures to be used. The plan shall comply with the Orange County Drainage Area Management Plan (DAMP). Particular attention should be addressed to the appendix section "Best Management Practices for New Development." The WQMP shall clearly show the locations of structural BMP's, and assignment of long term maintenance responsibilities (which shall also be included in the Maintenance Agreement). The plan shall be prepared to the format shown in "Attachment C" of the DAMP title "Water Quality Management Plan Outline" and be subject to the approval of the Building and Public Works Departments.*

#### **Building Department**

50. **All exits shall remain free of obstructions and available for ingress and egress at all times.**
51. **The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.**

52. The project will comply with the provisions of Chapter 14.30 of the Newport Beach Municipal Code for commercial kitchen grease disposal.
53. *A grease interceptor of adequate size and design shall be provided pursuant to the requirements of the Building Code and Building Department.*
54. *A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep and 72-inches high, shall be provided and maintained at all times, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Director and Public Works Director in conjunction with the approval of an alternate drainage plan. Washing of refuse containers or restaurant equipment shall be prohibited in the parking lot and public alley.*
55. Strict adherence to maximum occupancy limits is required.
56. *The location of maximum occupancy postings in sections of the building/patios shall be maintained as approved by the Newport Beach Building Department to ensure the location is readily visible to employees, patrons and public safety personnel.*
57. *The proposed use of the site shall comply with all federal, state, and local laws regulating accessibility requirements for handicapped persons, including handicapped parking spaces, to the satisfaction of the City's Traffic Engineer and Building Department. These stalls shall be properly labeled and dimensioned on the site plan. The number of handicapped parking spaces shall equal those required under California State handicapped provisions or other applicable laws or regulations.*

#### **Fire Department**

58. *Portable propane heaters are not allowed on the outdoor dining patio areas. Any heating units shall be installed under permit in accordance with the California Electrical Code or California Mechanical Code, 2007 Edition.*
59. *All commercial cooking equipment that produces grease-laden vapors must be provided with fire protection. Hood and exhaust ducts must also be protected. Separate plans and permits approved by the Newport Beach Fire Department are required for the kitchen fire suppression system.*

#### **Public Works Department**

60. *The project shall conform to sight distance standard 110-L contained within the Newport Beach Design Criteria, Standard Special Provisions & Standard Drawings for Public Works Construction. Any change to the design of the project, as depicted on the plans date February 4, 2008, shall be reviewed and approved by the City Traffic Engineer.*



61. *Any change to the final design of all on-site parking, vehicular circulation and pedestrian circulation, as depicted on the plans dated February 4, 2008, shall be subject to the prior approval of the Traffic Engineer.*

# **Attachment No. CD 3**

Plans

# Palmilla

3110 NEWPORT BLVD.  
 NEWPORT BEACH, CA 92663

SHOP DRAWINGS, SUBMITTALS AND MOCK UPS TO ARCHITECT FOR REVIEW

- SHOP DRAWINGS AND SUBMITTALS INCLUDING BUT NOT LIMITED TO:
- FIRE SPRINKLERS
- FIRE ALARM
- DOORS, FRAMES, & HARDWARE
- CONCRETE MIX DESIGN
- STRUCTURAL STEEL
- LIGHTING FIXTURES AND CONTROLS
- RESTROOM FIXTURES AND ACCESSORIES
- FINISHES
- ELECTRICAL EQUIPMENT
- WINDOWS & STOREFRONT
- MILLWORK
- WATERPROOFING
- PLANTING
- HEATERS
- KITCHEN EQUIPMENT
- WALK IN COOLER
- ADDRESS NUMBERS
- SIGNAGE

GENERAL NOTES

INTERPRETATION OF THE DOCUMENTS DISCREPANCIES IN AND OMISSIONS FROM THE PLANS, SPECIFICATIONS, OR OTHER CONTRACT DOCUMENTS, OR QUESTIONS AS TO THEIR MEANING SHALL, AT ONCE, BE BROUGHT TO THE ATTENTION OF THE ARCHITECT. ANY INTERPRETATION OF THE DOCUMENTS WILL BE MADE ONLY BY ADDENDA DULY ISSUED AND A COPY OF SUCH ADDENDA WILL BE MAILED OR DELIVERED TO EACH GENERAL CONTRACTOR/BIDDER RECEIVING A SET OF SUCH DOCUMENTS. THE OWNER WILL NOT BE RESPONSIBLE FOR ANY OTHER EXPLANATIONS OR INTERPRETATIONS, SHOULD ANYTHING IN THE SCOPE OF WORK OR ANY OF THE SECTIONS OF THE SPECIFICATIONS BE FOUND TO BE IN ERROR, HAVE CONFLICTS OR DISCREPANCIES, SUCH INFORMATION SHALL BE PROMPTLY BROUGHT TO THE ATTENTION OF THE ARCHITECT IN WRITING DURING THE BID PROCESS, UPON WHICH, THE ARCHITECT WILL ISSUE A BID CLARIFICATION BY ADDENDA. QUESTIONS RECEIVED LESS THAN 48 HOURS BEFORE THE BID OPENING CANNOT BE ANSWERED. NOTWITHSTANDING THAT DRAWINGS AND SPECIFICATIONS MAY BE INCOMPLETE IN CERTAIN DETAILS, IT IS UNDERSTOOD BY CONTRACTOR THAT ANY WORK NOT EXPLICITLY SHOWN OR EXPLICITLY SPECIFIED THEREIN, BUT NONETHELESS REQUIRED TO COMPLY WITH THE AGREED CONTRACTUAL INTENT OF PROVIDING A COMPLETE JOB, SHALL BE INCLUDED IN THE WORK.

GOVERNING CODES

CAL. BUILDING CODE	2019 EDITION
CAL. MECHANICAL CODE	2019 EDITION
CAL. PLUMBING CODE	2019 EDITION
CAL. ELECTRIC CODE	2019 EDITION
CAL. FIRE CODE	2019 EDITION
CAL. GREEN BUILDING CODE	2019 EDITION
CAL. ENERGY CODE	2019 EDITION
TITLE 24 ENERGY STANDARDS	2019

PROJECT INFORMATION

NOTE: PLANS AND CALC'S SHALL COMPLY W/ALL OF THE REQ. OF THE CBC 2019 EDITION.  
 SCOPE OF WORK- SITE MODIFICATIONS

REMOVED ONE PARKING STALL, WITH A NEW TOTAL OF 26 STALLS. REPAINT EXISTING PARKING STRIPS, NEW ADA DRIVE WAY TO MEET NEWPORT BEACH STD. 160, NEW TRIANGLE PLANTERS, REPLANTING EXISTING PLANTERS, NEW LANDSCAPE LIGHTING, NEW BIKE RACK UNDER STAIRS, NEW PATIO CANOPY AT ENTRY, NEW BUILT IN PLANTER ALONG BLDG. ENTRY, AND REPLACE EXISTING PARKING LOT LIGHT POTS FIXTURES HEADS.

NOTE: THIS PLAN CHECK IS A CONTINUATION OF PERMIT NUMBER 0596-2022

SITE AREA: 14,878 SF  
 BUILDING SIZE: (E) FIRST FLOOR 3,353 SF  
 (N) PROPOSED ADDITION 236 SF  
 (E) SECOND FLOOR 696 SF  
 (E) AS BUILT ADDITIONAL AREA (RES. # 1754) 135 SF  
 831 SF  
 TOTAL 4,420 SF

PATIO AREA: (E) FIRST FLOOR PATIO 310 SF  
 (E) SECOND FLOOR PATIO 521 SF

MIXED/SEPARATED OCCUPANCIES: A-2, B (2ND FLOOR OFFICE)  
 CONSTRUCTION TYPE: V-B  
 SPRINKLER SYSTEM: FIRE SPRINKLED THROUGHOUT W/ NFPA 13  
 STORIES: 2 STORY  
 ZONING: CV (COMMERCIAL VISITOR-SERVING)  
 ALLOWED FAR: 0.5  
 EXISTING FAR: 4,049 SF/14,878 SF = 0.27 (0.3)  
 PROPOSED FAR: 4,420 SF/14,878 SF = 0.29 (0.3)  
 PROPOSED GROSS SF: = 4,420 SF  
 PROPOSED ADDITION: 236 SF (WALK-IN COOLER /STORAGE RM)  
 PROPOSED ADDITION: 135 SF (AS-BUILT PATIO ENCLOSURE RES. # 1754)  
 EXISTING HEIGHT: 25'-8"  
 PROPOSED HEIGHT: 26'-0"  
 HRS OF OPERATIONS: 9:00 am 2:00 am, DAILY (PATIO CLOSES BY 1:00AM, DOORS/WINDOWS/RETRACTABLE WALLS/ROOF CLOSE BY 10:00 PM DAILY)  
 EXISTING INDOOR NET PUBLIC AREA: 1,349 SF  
 EXISTING PATIO NET PUBLIC AREA: 310 SF  
 PROPOSED INDOOR NET PUBLIC AREA: 1,349 SF  
 NEW PATIO NET PUBLIC AREA: 153 SF  
 PROPOSED LANDSCAPE: 689 SF

OCCUPANCY TABULATIONS

ROOM NO.	ROOM / AREA NAME	OCCUPANCY LOAD	LOAD FACTOR	NET S.F. LIN.	
100	PATIO	A-2	7	131 SF	19
101	BAR SEATING	A-2	15	296 SF	20
	BAR SERVICE	A-2	200	170 SF	1
102	DINING AREA	A-2	15	1,121 SF	75
	DINING BOOTH SEATING	A-2	24"=1 OCC.	360 LIN.	15
	DINING BANQUETTE SEATING	A-2	18"=1 OCC.	417 LIN.	23
103	KITCHEN	A-2	200	645 SF	4
104	WALK-IN COOLER	A-2	200	103 SF	1
108	EXISTING MEN'S RESTROOM	A-2	-	135 SF	-
109	EXISTING WOMEN'S RESTROOM	A-2	-	164 SF	-
107	EXISTING HALLWAY	A-2	100	75 SF	1
105	EXISTING STORAGE AREA	S-2	300	41 SF	1
106	EXIST. EMPLOYEE LOCKER ROOM	S-2	300	39 SF	1
111	WALK-IN COOLER	A-2	200	60 SF	1
112	NEW KITCHEN STORAGE AREA	S-2	300	114 SF	1
TOTAL FIRST FLOOR OCCUPANCY LOAD = 163					
201	EXIST. 2ND FLR. OFFICE	B	100	179 SF	2
202	EXIST. 2ND FLR. OFFICE	B	100	177 SF	2
203	EXIST. 2ND FLR. OPEN OFFICE	B	100	82 SF	1
207	EXIST. 2ND FLR. RESTROOM	B	-	54 SF	-
204	EXIST. 2ND FLR. HALLWAY	B	100	52 SF	1
200	WAITING AREA	B	100	122 SF	1
206	EXIST. 2ND FLR. STORAGE	S-1	100	51 SF	1
TOTAL SECOND FLOOR OCCUPANCY LOAD = 8					
TOTAL OCCUPANCY LOAD = 171					

PLUMBING FIXTURES CALCULATIONS

ROOM NO.	ROOM / AREA NAME	PLUMBING OCCUPANCY LOAD	PLUMBING LOAD FACTOR	NET SQUARE FOOTAGE AREA	PLUMBING OCCUPANCY LOAD
100	EXISTING PATIO	A-2	30	296 SF	10
	BAR + BAR SEATING	A-2	30	301 SF	10
102	DINING AREA	A-2	30	1,447 SF	48
	KITCHEN	A-2	200	645 SF	3
	WALK-IN COOLER	A-2	200	103 SF	1
108	MEN'S RESTROOM	A-2	ACCESSORY	135 SF N/A	N/A
109	WOMEN'S RESTROOM	A-2	ACCESSORY	164 SF N/A	N/A
	HALLWAY	A-2	30	75 SF	3
106	STORAGE	S-2	ACCESSORY	41 SF N/A	N/A
106	STORAGE	S-2	ACCESSORY	39 SF N/A	N/A
	WALK-IN COOLER	A-2	200	60 SF	1
112	NEW STORAGE	S-2	ACCESSORY	114 SF N/A	N/A
FIRST FLOOR TOTAL NUMBER OF OCCUPANTS BASED ON PLUMBING CODE 76 / 2 = 38					
MEN 38					
WOMEN 38					
SECOND FLOOR TOTAL NUMBER OF OCCUPANTS BASED ON PLUMBING CODE 9 / 2 = 4.5=5					
MEN 5					
WOMEN 5					

VICINITY MAP



PERSPECTIVE



PLUMBING OCCUPANCY FIXTURES

	REQUIRED MEN	REQUIRED WOMEN	PROVIDED MEN	PROVIDED WOMEN	PROVIDED UNISEX
FIRST FLOOR					
WC	1:1-150	2:26-50	1	3	0
LAVATORIES	1:1-150	1:1-150	2	2	0
URINALS	1:1-200	N/A	2	N/A	0
SECOND FLOOR					
WC	1:1-150	1:1-75	0	0	1
LAVATORIES	1:1-150	1:1-50	0	0	1
URINALS	1:1-100	N/A	0	N/A	0

PROJECT TEAM

PROJECT	TENANT	ARCHITECT	INTERIOR DESIGNER	CIVIL ENGINEER	MEP ENGINEER
PALMILLA 3110 NEWPORT BLVD NEWPORT BEACH, CA 92663	GREG NEWMAN 36 13TH CT. HERMOSA BEACH, CA 92627 PHONE: 310.374.3964 CONTACT: GREG NEWMAN	ROBINSON HILL ARCHITECTURE, INC. 3195-B AIRPORT LOOP DRIVE COSTA MESA, CA 92626 PHONE: 714.825.8888 CONTACT: ALEX ARIE- PRINCIPAL MARIA HALLIMORE- PM	ATELIER GULLA JONSDOTTIR 666 N ROBERTSON BLVD. WEST HOLLYWOOD, CA 90063 PHONE: 323.822.5061 CONTACT: GULLA JONSDOTTIR	ANACAL ENGINEERING COMPANY 1211 N. TUSTIN AVE. ANAHEIM, CA 92807 PHONE: 714.774.1763 x106 CONTACT: GLEN A. GWATNEY	LINWOOD ENGINEERING, INC. 2301 DUPONT DR., SUITE 150 IRVINE, CA 92612 PHONE: 714.424.0001 CONTACT: ADAM FRANKLIN
STRUCTURAL ENGINEER	KITCHEN CONSULTANT	LIGHTING CONSULTANT	LANDSCAPE ARCHITECT		
FICCADENTI WAGGONER AND CASTLE STRUCTURAL ENGINEERS 16969 VON KARMAN AVE. SUITE 240 IRVINE, CA 92606 PHONE: 949.474.0502 CONTACT: MARK SCHROEDER	CLAY ENTERPRISES FOOD SERVICE DESIGN 2961 W MACARTHUR BLVD., SUITE 126 SANTA ANA, CA. 92704 PHONE: 714.429.9914 CONTACT: ALBERT YANEZ	LIGHTING DESIGN ALLIANCE, INC. 2830 TEMPLE AVE. LONG BEACH, CA 90806 PHONE: 562.989.3843 CONTACT: KYLLENE JONES	LANDCREATIVE, INC. 3195-B AIRPORT LOOP DRIVE COSTA MESA, CA 92626 PHONE: 714.352.7573 CONTACT: DAVID B. SALKOWITZ		

DEFERRED SUBMITTALS- UNDER PC#0596-2022

SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OR ENGINEER OF RECORD WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND THAT THEY HAVE BEEN FOUND TO BE IN GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. THE DEFERRED SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THEIR DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL.

- SIGNAGE
- FIRE ALARM
- FIRE SPRINKLERS
- WALK-IN COOLER
- STAIR SIGN PANELING
- HOOD FIRE SUPPRESSION SYSTEM
- UNDERGROUND FIRE LINE
- STRUCTURAL MOD TUBE STEEL BY ROLLAMATIC
- GAS DETECTION SYSTEM FOR BEVERAGE DISPENSING SYSTEM
- DUMPSTER WILL HAVE A FIRE SPRINKLER

NOTES

- AN APPROVED ENCROACHMENT PERMIT IS REQUIRED FOR ALL WORK ACTIVITIES WITHIN THE PUBLIC RIGHT-OF-WAY.
- AN ENCROACHMENT AGREEMENT IS REQUIRED FOR ALL NON-STANDARD IMPROVEMENTS WITHIN THE PUBLIC RIGHT OF WAY.

Owner

Consultant



Submittal Dates  
 PC SUBMITTAL 11.04.22

Rev. Description Date

Project Info. Address

PROJECT INFORMATION  
 3110 NEWPORT BLVD  
 NEWPORT BEACH, CA 92663

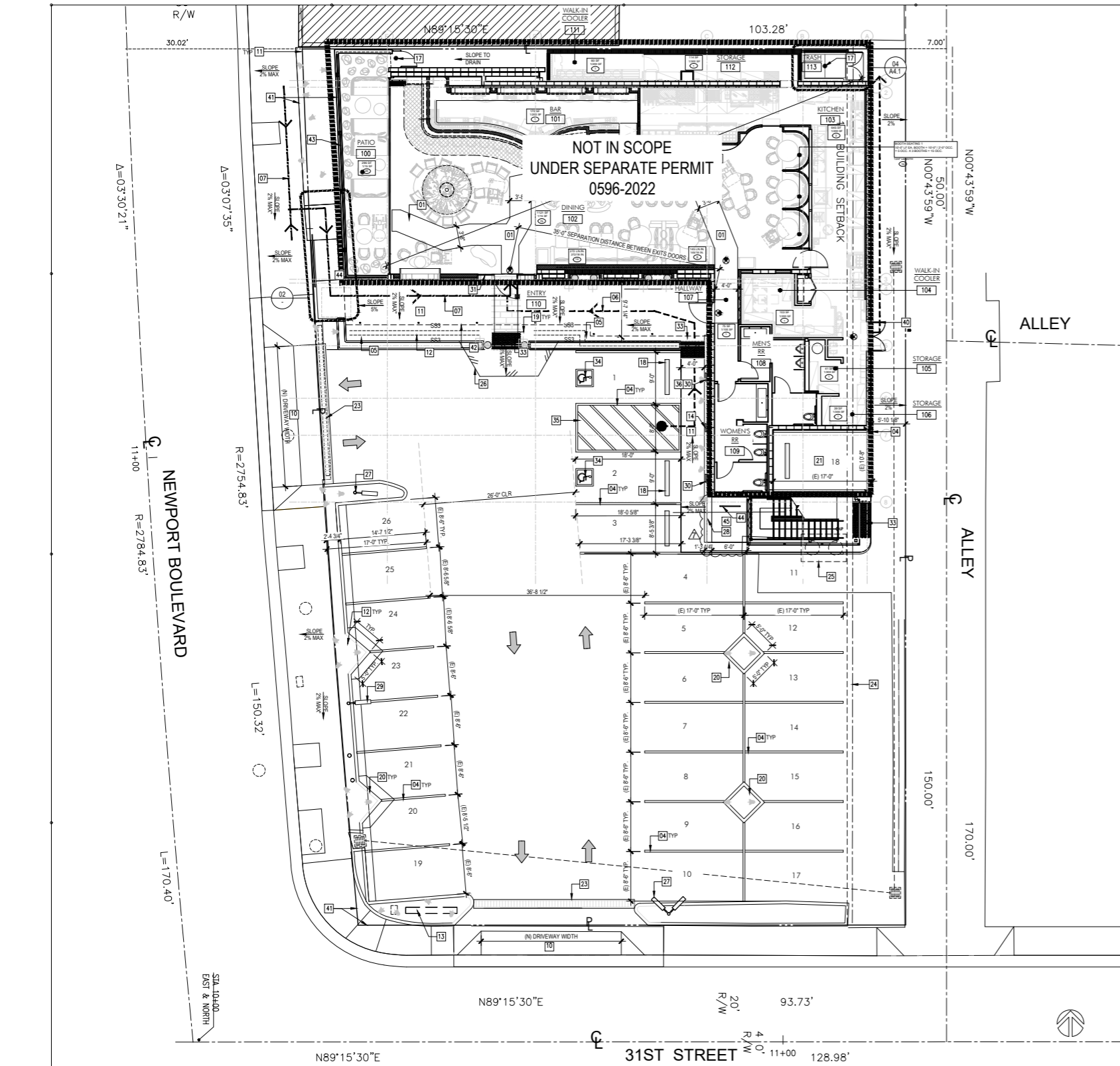
Sheet Title

Job Number:  
 20RH4982.C6

Date:  
 10.26.22

Sheet No.:

T0.1



- (N) LED EXIT SIGN WITH POWER BACK UP SUPPLY. SHALL BE INSTALLED AND COMPLY PER CBC 1013.3 & 1013.3.3
- ACCESSIBLE PATH OF TRAVEL FROM THE PUBLIC RIGHT OF WAY
- ACCESSIBLE PATH OF TRAVEL FROM HC STALLS
- (N) TREE UPLIGHT FIXTURE. REFER TO LANDSCAPE & ELECTRICAL DWGS. FOR MORE INFO.
- (N) PATHWAY LIGHT FIXTURE. REFER TO LANDSCAPE & ELECTRICAL DWGS. FOR MORE INFO.
- (N) RECESSED IN GROUND LIGHT FIXTURE. REFER TO LANDSCAPE & ELECTRICAL DWGS. FOR MORE INFO.
- (N) STRIP LIGHTING FIXTURE. REFER TO ELECTRICAL DWGS. & LIGHTING FOR REF. ONLY.
- (N) FLOOR DRAIN. REFER TO LANDSCAPE & PLUMBING DWGS. FOR MORE INFO.

- DETECTABLE WARNINGS**
- CURB RAMP (11B-705.1.2.2)
    - DETECTABLE WARNING AT CURB RAMPS SHALL EXTEND 36 INCHES IN THE DIRECTION OF TRAVEL.
    - DETECTABLE WARNING SHALL EXTEND THE FULL WIDTH OF THE RAMP RUN LESS 2 INCHES MAXIMUM ON EACH SIDE, EXCLUDING ANY FLARED SIDES.
    - DETECTABLE WARNINGS SHALL BE LOCATED SO THE EDGES NEAREST THE CURB IS 6 INCHES MINIMUM AND 8 INCHES MAXIMUM FROM THE LINE AT THE FACE OF THE CURB MARKING THE TRANSITION BETWEEN THE CURB AND THE GUTTER, STREET OR HIGHWAY.
    - ON PARALLEL CURB RAMPS, DETECTABLE WARNINGS SHALL BE LOCATED ON THE TURNING SPACE AT THE FLUSH TRANSITION BETWEEN THE STREET AND SIDEWALK.
  - DETECTABLE WARNING SURFACES AT HAZARDOUS VEHICULAR AREAS SHALL BE YELLOW AND APPROXIMATE FS 3338 OF FEDERAL STANDARD 595C (11B-247.1, 11B-705.1.1.3)
  - DETECTABLE WARNING SURFACES AT OTHER LOCATIONS SHALL PROVIDE A 70% MINIMUM VISUAL CONTRAST WITH ADJACENT WALKING SURFACES. WHERE DETECTABLE WARNING SURFACE DOES NOT PROVIDE A 70% MINIMUM CONTRAST, A 1 INCH WIDE MINIMUM VISUALLY CONTRASTING SURFACE SHALL SEPARATE THE DETECTABLE WARNING FROM THE ADJACENT WALKING SURFACES AND VISUALLY CONTRAST WITH BOTH EITHER LIGHT OR DARK, OR DARK ON LIGHT. (11B-247.1, 11B-705.1.1.3)

- SIGNS & IDENTIFICATION**
- THE INTERNATIONAL SYMBOL OF ACCESSIBILITY (ISA) SHALL COMPLY WITH FIGURE 11B-703.2.1. THE SYMBOL SHALL CONSIST OF WHITE FIGURE ON A BLUE BACKGROUND. THE COLOR BLUE SHALL APPROXIMATE FS 15090 IN FEDERAL STANDARD 595C (11B-216.5.6.7.8, 11B-703.2.1)
  - DIRECTIONAL SIGN VISUAL CHARACTER SHALL BE 40 INCHES MINIMUM ABOVE THE FINISH FLOOR OR GROUND (11B-216.3, 11B-216.6, 11B-703.5.6)
  - WHERE BOTH VISUAL TACTILE CHARACTERS ARE REQUIRED, EITHER ONE SIGN WITH BOTH VISUAL AND TACTILE CHARACTERS, OR TWO SEPARATE SIGNS, ONE WITH VISUAL, AND ONE WITH TACTILE CHARACTERS, SHALL BE PROVIDED. (11B-703.1)
  - WHERE TACTILE SIGN IS PROVIDED AT A DOOR, THE SIGN SHALL BE LOCATED ALONG THE DOOR AT THE LATCH SIDE, WHERE A TACTILE SIGN IS PROVIDED AT DOUBLE DOORS WITH ONE ACTIVE LEAF, THE SIGN SHALL BE LOCATED ON THE INACTIVE LEAF. WHERE A TACTILE SIGN IS PROVIDED AT DOUBLE DOORS WITH TWO ACTIVE LEAFS THE SIGN SHALL BE LOCATED TO THE RIGHT OF THE RIGHT AND DOORS. SIGNS SHALL BE LOCATED SO THAT A CLEAR FLOOR SPACE OF 18X18 INCHES MINIMUM, CENTER ON THE TACTILE CHARACTERS, IS PROVIDED BEYOND THE ARC OF ANY DOOR SWING. (11B-703.4.2, FIGURE 11B-703.4.1)
  - TACTILE CHARACTERS ON SIGNS SHALL BE LOCATED 48" MINIMUM ABOVE FINISH FLOOR, MEASURED FROM THE BASELINE OF THE LOWEST BRILLE CELLS AND 60" MAX. ABOVE FINISH FLOOR, MEASURED FROM THE BASE LINE OF THE HIGHEST LINE OF THE RAISED CHARACTERS. (11B-703.4.1, FIGURE 11B-703.4.1)
  - CORRESPONDING BRILLE SHALL BE LOCATED BELOW CHARACTERS, 3/8"-1/2", CENTERED OR FLUSH LEFT. (11B-216, 11B-703.3.2)
  - WHEN SIGNS IDENTIFY PERMANENT ROOMS AND SPACES OF A BUILDING OR SITE, THEY SHALL COMPLY WITH CBC 11B-703.1, 11B-703.2, 11B-703.3 AND 11B-703.5. WHERE PICTOGRAMS ARE PROVIDED, IT SHALL COMPLY WITH SECTION 11B-703.6 AND SHALL HAVE TEXT DESCRIPTIONS COMPLYING WITH SECTIONS 11B-703.2 & 11B-703.5. (11B-216.2)
  - PROVIDE TACTILE EXIT SIGNAGE AND IDENTIFY LOCATIONS ON FLOOR PLAN. INCLUDE SIGN ELEVATION AND TYPICAL SIGNAGE TEXT PER CBC SECTION 1013.1 AT DOORS TO EXIT PASSAGEWAYS, EXIT DISCHARGE AND EXIT STAIRWAYS SHALL COMPLY WITH SECTIONS 11B-703.1, 11B-703.2, 11B-703.3 AND 11B-703.5. (11B-216.4.1)

ROOM NO.	ROOM / AREA NAME	OCCUPANCY OCC. LOAD	LOAD FACTOR	NET S.F.	LN.
100	PATIO	A-2	7	131 SF	19
101	BAR SEATING	A-2	15	296 SF	20
	BAR SERVICE	A-2	200	170 SF	1
102	DINING AREA	A-2	15	1,121 SF	75
	DINING BOOTH SEATING	A-2	24"-1 OCC.	360 LIN.	15
	DINING BANQUETTE SEATING	A-2	18"-1 OCC.	417 LIN.	23
103	KITCHEN	A-2	200	645 SF	4
104	WALK-IN COOLER	A-2	200	103 SF	1
108	EXISTING MEN'S RESTROOM	A-2	-	135 SF	-
109	EXISTING WOMEN'S RESTROOM	A-2	-	164 SF	-
107	EXISTING HALLWAY	A-2	100	75 SF	1
105	EXISTING STORAGE AREA	S-2	300	41 SF	1
106	EXIST. EMPLOYEE LOCKER ROOM	S-2	300	39 SF	1
111	WALK-IN COOLER	A-2	200	60 SF	1
112	NEW KITCHEN STORAGE AREA	A-2	300	114 SF	1

TOTAL FIRST FLOOR OCCUPANCY LOAD = 163

201	EXIST. 2ND FLR. OFFICE	B	100	179 SF	2
202	EXIST. 2ND FLR. OFFICE	B	100	177 SF	2
203	EXIST. 2ND FLR. OPEN OFFICE	B	100	82 SF	1
207	EXIST. 2ND FLR. RESTROOM	B	-	54 SF	-
204	EXIST. 2ND FLR. HALLWAY	B	100	52 SF	1
200	WAITING AREA	B	100	122 SF	1
206	EXIST. 2ND FLR. STORAGE	S-1	100	51 SF	1

TOTAL SECOND FLOOR OCCUPANCY LOAD = 8

TOTAL OCCUPANCY LOAD = 171

**OCCUPANT LOAD CALCULATIONS**

1ST FLR. RESTAURANT	TOTAL EXIT WIDTH: (2019 CBC 1005.3.2)	TOTAL OCC. INTERIOR = 142 TOTAL OCC. EXTERIOR = 20	(# Occ.) x (0.2) = 50.0" (# Occ.) x (0.2) = 24.8"
REQUIRED:	INTERIOR 50.0" EXIT WIDTH TOTAL EXTERIOR 24.8" EXIT WIDTH TOTAL	PROVIDED:	INTERIOR 116.00" EXTERIOR 403.00"
TOTAL NUMBER OF EXITS: (TABLE 1021.1)	REQUIRED: 1-500 OCC. = 2 EXITS	PROVIDED:	2 EXITS
MAX TRAVEL DISTANCE: (*WITH OUT SPRINKLER SYSTEM / TABLE 1016.2) REQUIRED: 200 LF (TABLE 1016.2)/MAX. DOES NOT EXCEED 250 LF			
2ND FLR. OFFICES	TOTAL EXIT WIDTH: (2019 CBC 1005.3.2)	TOTAL OCC. INTERIOR = 8	(# Occ.) x (0.2) = 1.6"
REQUIRED:	INTERIOR 1.6" EXIT WIDTH TOTAL	PROVIDED:	INTERIOR 69"
TOTAL NUMBER OF EXITS: (TABLE 1021.1)	REQUIRED: 1-500 OCC. = 2 EXITS	PROVIDED:	2 EXITS
MAX TRAVEL DISTANCE: (*WITH OUT SPRINKLER SYSTEM / TABLE 1016.2) REQUIRED: 200 LF (TABLE 1016.2)/MAX. DOES NOT EXCEED 250 LF			

**EXIT / EGRESS REQUIREMENTS**

ROOM NO.	ROOM / AREA NAME	PLUMBING LOAD	PLUMBING FOOTAGE FACTOR	NET SQUARE FOOTAGE AREA	PLUMBING OCCUPANCY LOAD
100	EXISTING PATIO	A-2	30	296 SF	10
101	BAR + BAR SEATING	A-2	30	301 SF	10
102	DINING AREA	A-2	30	1,447 SF	48
103	KITCHEN	A-2	200	645 SF	3
104	WALK-IN COOLER	A-2	200	103 SF	1
108	MEN'S RESTROOM	A-2	ACCESSORY	135 SF N/A	N/A
109	WOMEN'S RESTROOM	A-2	ACCESSORY	164 SF N/A	N/A
107	HALLWAY	A-2	30	75 SF	3
105	STORAGE	S-2	ACCESSORY	41 SF N/A	N/A
106	STORAGE	S-2	ACCESSORY	39 SF N/A	N/A
111	WALK-IN COOLER	A-2	200	60 SF	1
112	NEW STORAGE	S-2	ACCESSORY	114 SF N/A	N/A
		N/A	N/A	2,927 SF	76
FIRST FLOOR TOTAL NUMBER OF OCCUPANTS BASED ON PLUMBING CODE					76 / 2 = 38
					MEN 38
					WOMEN 38

201	OFFICE	B	200	179 SF	1
202	OFFICE	B	200	177 SF	1
203	OPEN OFFICE	B	200	82 SF	1
207	OFFICE RESTROOM	B	ACCESSORY	54 SF N/A	N/A
204	OFFICE HALLWAY	B	30	52 SF	3
200	OFFICE WAITING AREA	B	30	122 SF	4
206	OFFICE STORAGE	B	ACCESSORY	51 SF N/A	N/A
		N/A	N/A	612 SF	9
SECOND FLOOR TOTAL NUMBER OF OCCUPANTS BASED ON PLUMBING CODE					9 / 2 = 4.5 = 5
					MEN 5
					WOMEN 5

PROPOSED EGRESS, OCC. PLAN AND SITE PLAN 1/8" = 1'-0" 01

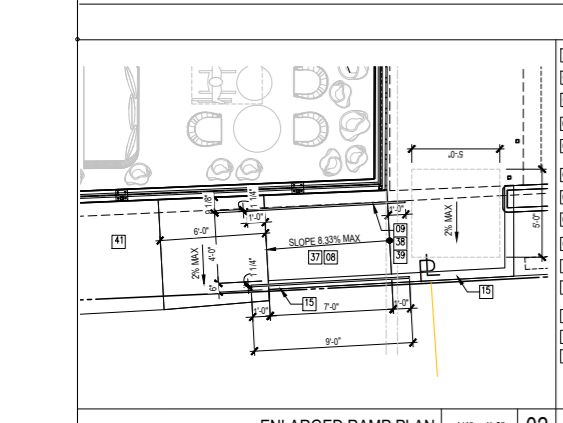
- (N) LIGHT POST AND FIXTURE HEAD. REFER TO ELECTRICAL DWGS. FOR MORE INFO.
- (N) HANICAP STALL SIGN AND UNAUTHORIZED VEHICLE SIGN TO COMPLY W/ SECTION 11B-703.2.1, 11B-502.6. REFER TO DETAIL 02HC-1
- (N) INTERNATIONAL SYMBOL OF ACCESSIBILITY SIGN AT BUILDING ENTRANCE. MOUNTED @ 48" MIN. & 72" MAX. PER CBC 11B-216.6 & 21HC-1
- (N) AREA FLOOR DRAIN. REFER TO PLUMBING DRAWINGS FOR MORE INFO.
- (E) CONCRETE WHEEL STOP TO BE REPLACED IF DAMAGED
- (N) POTTED PLANT. REFER TO LANDSCAPE DWGS FOR MORE INFO.
- (N) 6" CURB PLANTER. REFER TO LANDSCAPE DWGS FOR MORE INFO.
- (E) COVERED EMPLOYEE PARKING. THIS PARKING MUST BE MAINTAINED CLEAR FOR EMPLOYEE PARKING ONLY. NO STORAGE/ OBSTRUCTIONS ALLOWED.
- (N) NOT USED
- (N) TRENCH DRAIN. REFER TO CIVIL FOR MORE INFO.
- (E) 10' REAR YARD SETBACK
- (E) 1,500 GALLON GREASE INTERCEPTOR TO REMAIN
- (N) CURB RAMP. REFER TO CIVIL DWGS.
- (E) LIGHT POST TO REMAIN. (E) FIXTURE HEADS TO BE REMOVED AND REPLACED. REFER TO ELECTRICAL DWGS. FOR MORE INFO.
- (N) PLANTING AREA
- (N) TRUNCATED DOME DETECTABLE WARNING DEVICE. TO COMPLY PER 26HC-1. CONTRACTOR TO PROVIDE A DETECTABLE WARNING PRODUCT SAMPLE TO THE BUILDING INSPECTOR FOR APPROVAL OF COLOR WITH FINISH SURFACE.
- (N) INTERNATIONAL SYMBOL OF ACCESSIBILITY COMPLYING W/ SECTION 11B-703.2.1. REFER TO ACCESSIBILITY DETAILS NO. 05.06 & 07 SHEET HC-1.
- ACCESSIBLE PARKING ACCESS AISLES TO COMPLY W/ SECTION 11B-502.3.3. REFER TO ACCESSIBILITY DETAILS NO. 05.06 & 07 SHEET HC-1.
- VAN ACCESSIBLE PARKING SPACE SIGN TO COMPLY W/ SECTION 11B-502.6. REFER TO ACCESSIBILITY DETAILS NO. 02HC-1.
- RAMP SURFACE SHALL BE STABLE, FORM & SLIP RESISTANT AND SHALL COMPLY WITH SECTION 11B-302
- HANDRAIL EXTENSION RETURN BOTTOM SHALL BE 27" MAX AFF PER 11B-307.2
- GRIPPING SURFACES (TOP & SIDES) SHALL BE CONTINUOUS ALONG THEIR LENGTH AND SHALL BE UNINTERRUPTED BY NEWEL POSTS, OTHER CONSTRUCTION ELEMENTS, OR OBSTRUCTIONS. BOTTOM OF GRIPPING SURFACES SHALL NOT BE OBSTRUCTED FOR MORE THAN 20" OF THEIR LENGTH. ANY WALL OR OTHER SURFACE ADJACENT TO THE HANDRAIL SHALL BE FREE OF SHARP OR ABRASIVE ELEMENTS AND SHALL HAVE ROUNDED EDGES
- ACCESSIBLE PATH OF TRAVEL TO TRASH ENCLOSURE
- (E) EASEMENT TO REMAIN. REFER TO CIVIL FOR MORE INFORMATION
- (N) CANOPY ABOVE. REFER TO RCP FOR MORE INFO.
- (N) SCREEN ATTACHED TO TOP OF (E) CMU WALL. REFER TO STRUCTURAL FOR MORE INFO. (SEE 14SS-1)
- (N) BIKE RACK. CAPACITY OF 5 BIKES- MANUF. PARK-IT POWDER - COATED STEEL BIKE RACKS OR SIM.
- (E) ASPHALT TO REMAIN FOR BIKE RACK PARKING

NOTES

**PLUMBING FIXTURES CALCULATIONS**

	REQUIRED MEN	REQUIRED WOMEN	PROVIDED MEN	PROVIDED WOMEN	PROVIDED UNISEX
FIRST FLOOR					
WC	1:1-150	2:26-50	1	3	0
LAVATORIES	1:1-150	1:1-150	2	2	0
URNALS	1:1-200	N/A	2	N/A	0
SECOND FLOOR					
WC	1:1-150	1:1-75	0	0	1
LAVATORIES	1:1-150	1:1-50	0	0	1
URNALS	1:1-100	N/A	0	N/A	0

**PLUMBING OCCUPANCY FIXTURES**



ENLARGED RAMP PLAN 1/4" = 1'-0" 02

- (N) STANDARD STALL
- NOT USED
- (E) PARKING STRIP TO BE REPAINTED
- (N) BUILT IN PLANTER. REFER TO LANDSCAPE DWGS FOR MORE INFO.
- ACCESSIBLE PATH OF TRAVEL FROM ADA PARKING
- ACCESSIBLE PATH OF TRAVEL FROM PUBLIC WAY
- (N) ACCESSIBLE RAMP. REFER TO CIVIL DWGS FOR MORE INFO.
- ACCESSIBLE RAMP HANDRAIL. REFER TO DWG #24 & 18 SHEET HC-1.
- NEW TWO WAY DRIVEWAY. REFER TO CIVIL DWGS FOR MORE INFO.
- ZERO CURB, PAVED WALKWAY. REFER TO LANDSCAPE DWGS FOR MORE INFO.
- (N) PLANTER LIGHTING. REFER TO ELECTRICAL FOR MORE INFO.
- SIGN UNDER DEFERRED SUBMITTAL
- UNAUTHORIZED VEHICLE SIGN PER 11B-502.8 REFER TO 02HC-1 FOR SIGN DETAILS.
- (N) 6" CURB. REFER TO CIVIL DWGS FOR MORE INFO.
- (N) INTERNATIONAL SYMBOL OF ACCESSIBILITY SIGN AT BUILDING ENTRANCE. MOUNTED @ 48" MIN. & 72" MAX. PER CBC 11B-216.6 & 21HC-1
- (N) AREA FLOOR DRAIN. REFER TO PLUMBING DRAWINGS FOR MORE INFO.
- (E) CONCRETE WHEEL STOP TO BE REPLACED IF DAMAGED
- (N) POTTED PLANT. REFER TO LANDSCAPE DWGS FOR MORE INFO.
- (N) 6" CURB PLANTER. REFER TO LANDSCAPE DWGS FOR MORE INFO.
- (E) COVERED EMPLOYEE PARKING. THIS PARKING MUST BE MAINTAINED CLEAR FOR EMPLOYEE PARKING ONLY. NO STORAGE/ OBSTRUCTIONS ALLOWED.
- (N) NOT USED
- (N) TRENCH DRAIN. REFER TO CIVIL FOR MORE INFO.
- (E) 10' REAR YARD SETBACK
- (E) 1,500 GALLON GREASE INTERCEPTOR TO REMAIN
- (N) CURB RAMP. REFER TO CIVIL DWGS.
- (E) LIGHT POST TO REMAIN. (E) FIXTURE HEADS TO BE REMOVED AND REPLACED. REFER TO ELECTRICAL DWGS. FOR MORE INFO.
- (N) PLANTING AREA

Owner

Consultant

Stamp

Submittal Dates

PC SUBMITTAL 11.09.22

PC CORRECTION 11.21.22

Rev. Description Date

△ SITE MOD-PC CORRECTION 11.21.22

Project Info. Address

3110 NEWPORT BLVD  
 NEWPORT BEACH, CA 92663

SITE MODIFICATION

PROPOSED EGRESS,  
 OCC. PLAN & SITE PLAN

Job Number:  
 20RH982.C6

Date:  
 10.25.22

Sheet No.:

ST1.0







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Owner

Consultant



Submittal Dates

PC SUBMITTAL	03.01.22
PC RE SUBMITTAL	05.20.22
PC RE SUBMITTAL	06.27.22

Rev.	Description	Date
△	P.C. CORRECTIONS	05.20.22
△	P.C. CORRECTIONS	06.27.22

Project Info. Address

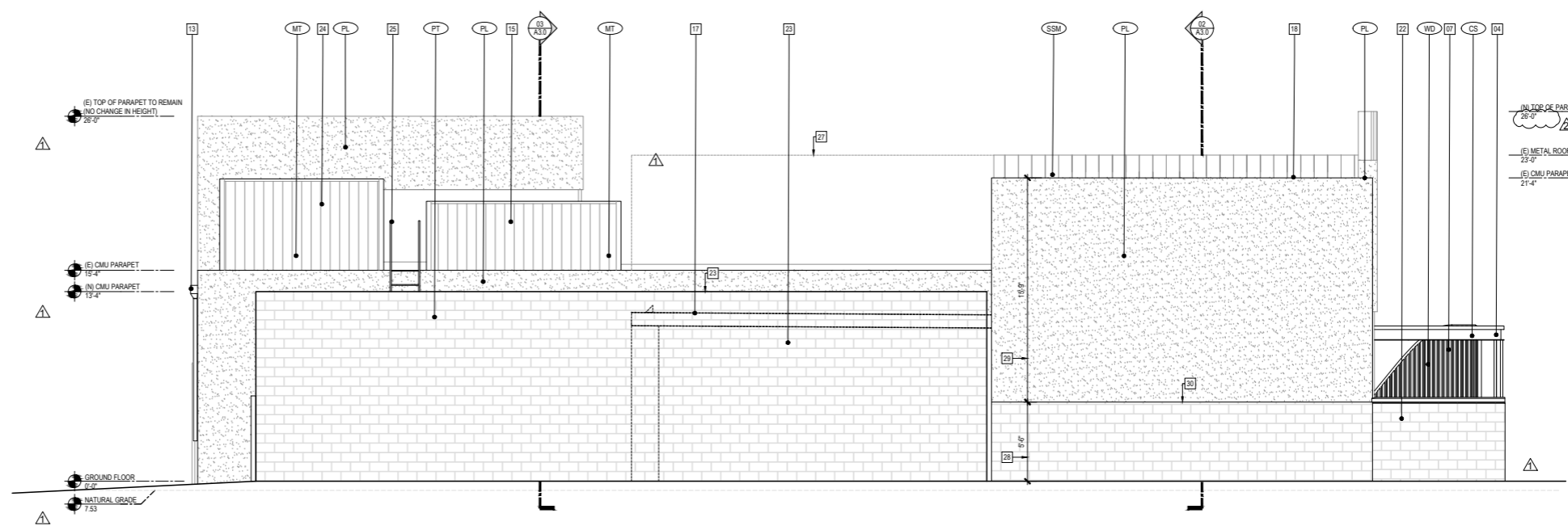
PALMILLA  
 3110 NEWPORT BLVD  
 NEWPORT BEACH, CA 92663

Sheet Title

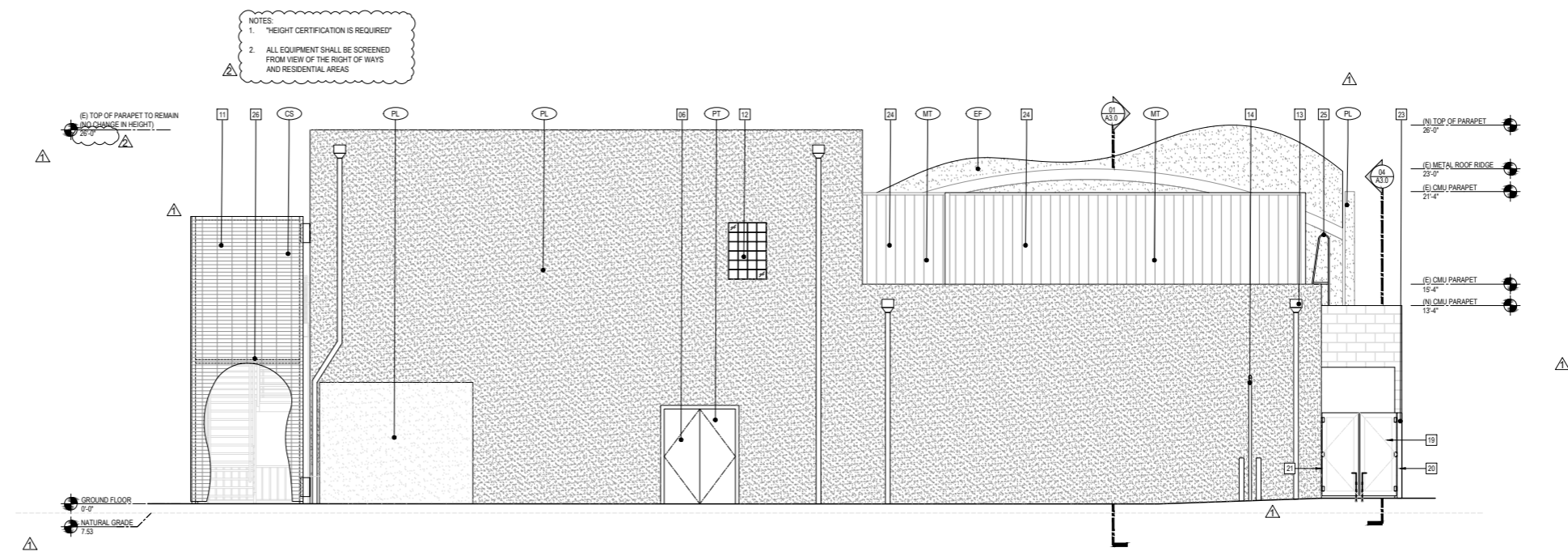
PROPOSED BUILDING ELEVATIONS

Job Number:  
20RH982  
 Date:  
03.28.2022  
 Sheet No.:

KEYNOTES



PROPOSED NORTH ELEVATION SCALE: 1/4" = 1'-0" 02



PROPOSED EAST ELEVATION SCALE: 1/4" = 1'-0" 01

SYMBOL	MATERIAL	TYPE	MANUFACTURER / SPEC	CONTACT	PRODUCT	COLOR	FINISH	SIZE	WEIGHT	THICKNESS	REMARKS
(CS)	STEEL	CORTEN	T.B.D.	T.B.D.	-	-	-	-	-	-	(N) WINDOW WITH CORTEN STEEL SCREEN REFER TO ID DRAWINGS FOR MORE INFORMATION.
(PL)	PLASTER	CHALKY WHITE EXTERIOR PLASTER	TEXSTON	SUSAN MCGARRY	T.B.D.	TERRACOTTA	SEMI-SMOOTH SANTA BARBARA STUCCO	-	-	7/8"	3-COAT EXTERIOR CEMENT STUCCO W/ ACRYLIC TEXTURE COAT SYSTEM
(GL)	GLASS	CLEAR TEMPERED	-	-	-	-	CLEAR	-	-	-	(N) WINDOW REFER TO WINDOW SCHEDULE A7.0 FOR MORE INFORMATION.
(WD)	WOOD	WOOD STICKS SCREEN	-	-	T.B.D.	NATURAL	T.B.D.	-	-	-	(N) STL COLUMN REFER STRUCTURAL DRAWINGS FOR MORE INFORMATION.
(MT)	STEEL	T.B.D.	-	-	T.B.D.	NATURAL	T.B.D.	-	-	-	(N) STL BEAM SEE STRUCTURAL DRAWINGS FOR MORE INFORMATION.
(PT)	PAINT	T.B.D.	-	-	-	-	-	-	-	-	(N) CUSTOM GLASS AND CORTEN STEEL FRAME DOOR REFER TO ID DRAWINGS FOR MORE INFORMATION.
(EF)	EIPS	-	-	-	-	-	-	-	-	-	(E) DOOR TO REMAIN PAINT TO MATCH BLDG. REFER TO DOOR SCHEDULE A7.0 FOR MORE INFORMATION.
(SSM)	STANDING SEAM METAL	EXISTING	-	-	-	-	-	-	-	-	(N) WOOD VINE SCREEN REFER TO ID DRAWINGS FOR MORE INFORMATION.
											(N) PLANTER REFER TO ID DRAWINGS FOR MORE INFORMATION.
											(E) GLASS PARTITION TO REMAIN.
											(N) FRAMELESS GLASS NANA WALL SYSTEM.
											(N) CORTEN STEEL STAIR SCREEN UNDER SEPARATE SUBMITTAL. REFER TO STRUCTURAL FOR FRAMING.
											(E) WINDOW TO REMAIN REFER TO WINDOW SCHEDULE A7.0 FOR MORE INFORMATION.
											(E) ROOF DOWNSPOUT TO REMAIN. PAINT TO MATCH (N) STUCCO.
											(E) PIPE TO REMAIN. PAINT TO MATCH (N) STUCCO.
											(E) METAL EQUIPMENT SCREEN TO REMAIN AND MODIFIED.
											LINE OF (E) CMU COLUMN TO REMAIN.
											LINE OF EXTENT OF (E) RETRACTABLE ROOF.
											LINE OF (E) STEEL BEAM RAIL FOR RETRACTABLE CANOPY ROOF BEYOND.
											(E) METAL ROOF TO REMAIN.
											(N) TRASH ENCLOSURE METAL DOOR.
											(N) 4X4 POST FOR METAL DOOR. PAINT TO MATCH BLDG. REFER TO STRUCTURAL FOR MORE INFORMATION.
											HINGE TO BLOCK. REFER TO STRUCTURAL FOR MORE INFORMATION.
											(E) CMU WALL NOT ACCESSIBLE FOR REFINISHING DUE TO ADJACENT BUILDING.
											(N) CMU WALL TO BE PAINTED. MATCH TEXSTON SANTA BARBARA PLASTER.
											(N) 8" HIGH METAL EQUIPMENT SCREEN PAINT TO MATCH BLDG.
											(N) WALK-THRU WELDED STEEL DOOR LADDER BY FS INDUSTRIES OR SIM, PAINTED TO MATCH BUILDING. GC TO VERIFY NUMBER OF REQUIRED STEPS.
											LINE OF STRUCTURE BEYOND. REFER TO STRUCTURAL DRAWINGS FOR MORE INFO.
											LINE OF EXTENT OF (E) RETRACTABLE ROOF.
											(E) CMU WALL TO BE LEFT EXPOSED. DO NOT STUCCO OR PAINT.
											(E) CMU WALL TO BE STUCCO.
											GC TO CONFIRM TERMINATION OF PLASTER FROM PUBLIC VIEW

MATERIAL & FINISH SCHEDULE

KEYNOTES

A2.1