

RESOLUTION NO. ZA2021-004

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2020-134 FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE LOCATED AT 2412 MESA DRIVE (PA2020-225)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kollin Altomare Architects (Applicant), with respect to property located at 2412 Mesa Drive, and legally described as Parcel 2 of Book 21, Page 8 of Parcel Maps of the County of Orange, California, requesting approval of a Coastal Development Permit (CDP).
2. The applicant proposes the demolition of an existing single-family residence and two (2) detached garage structures, and the construction of a new, three (3)-story, 9,064-square-foot single-family residence, which includes an attached two (2)-car garage. The applicant also proposes the construction of an additional 1,365-square-foot detached two (2)-car garage and a 360-square-foot detached pool house. No work will be conducted bayward of the existing property. The proposed development also includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping.
3. The subject property is located within the Santa Ana Heights Specific Plan (SP-7) Residential Equestrian Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached (0.0-5.9 DU/AC) (RSD-A) and the Coastal Zoning District is Santa Ana Heights Specific Plan (SP-7).
5. A public hearing was held online on January 14, 2021, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) Section 15303 under Class 3 (New Construction or

Conversion of Small Structures), because it has no potential to have a significant effect on the environment.

2. The Class 3 exemption includes the construction of a single-family residence. The proposed project is the demolition of an existing single-family residence and the construction of a new single-family residence.

SECTION 3. REQUIRED FINDINGS.

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:

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

Facts in Support of Finding:

1. The proposed new single-family residence conforms to all applicable development standards, including setbacks, height, and parking.
 - a. The proposed single-family residence complies with the required setbacks, which are 20 feet along the property line abutting Mesa Drive, 25 feet abutting the rear property line, and 5 feet along each side property line.
 - b. The highest ridge of the proposed addition complies with the maximum height requirement, which is 35 feet from established grade.
 - c. The proposed development provides two (2) separate two (2)-car garages, meeting the minimum garage requirement for a single-family residence exceeding 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two (2)- and three (3)-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. Per Municipal Code Section 20.90.190(E)(1) (Santa Ana Heights Specific Plan), an equestrian trail is planned to be extended east along the Mesa Drive from its current terminus at Cypress Street to the Mesa Drive street end on the south side of Mesa Drive. The proposed project will be required to grade the existing parkway to a 2-percent maximum cross slope to accommodate the future equestrian trail. The design shall be reviewed and approved by the Public Works Department.
4. Pursuant to Municipal Code Section 21.35.050, due to the proximity of the development to the shoreline and the development containing more than 2,500 square feet of impervious surface area, a Water Quality Management Plan (WQMP) is required. A

WQMP prepared by BKF Engineers, dated September 14, 2020, has been submitted and will be reviewed by the City's Engineer Geologist. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for Best Management Practices (BMPs), use of an LID approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs.

4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
5. The project site abuts Upper Newport Bay Regional Park. The project is to demolish an existing single-family residence and construct a new single-family residence that complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. The project site is located on the landward side of the park and will not obstruct any views of the bay when viewed from the park. The project site is not located adjacent to a coastal view road, public viewpoint, public beach, or public accessway, as identified in the Coastal Land Use Plan. An investigation of the project site and surrounding area identified public walking trails located south of the subject property. However, the trails are located on a slope that is lower than the subject property, and the proposed project does not disrupt any views of the bay from the public trails. The project site may be located within the viewshed of distant public viewing areas. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

Finding:

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

Fact in Support of Finding:

1. The project site is located in Santa Ana Heights between the nearest public road and the sea. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project is the redevelopment of an existing single-family residence. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited so as not to block or impede existing public access opportunities.

2. Vertical and lateral access to the back bay is available near the site through various hiking and biking trails accessible from Mesa Drive. Additionally, the project is conditioned to grade the existing parkway to a 2-percent maximum cross slope to accommodate a future equestrian trail, which will serve as an additional public access point to the bay.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2020-134, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 14TH DAY OF JANUARY, 2021.



Jaime Murillo
Zoning Administrator

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

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
3. Coastal Development Permit No. CD2020-134 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
4. Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney’s fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City’s approval of development.
5. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers.
6. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
7. 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.
8. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock-piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.

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9. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
 10. 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.
 11. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
 12. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
 13. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
 14. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained 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.
 15. Prior to issuance of the building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.

16. Prior to the issuance of building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
17. 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.
18. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Meadows Residence including, but not limited to, Coastal Development Permit No. CD2020-134 (PA2020-225). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building

19. Prior to issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall be in compliance with the WQHP/WQMP and any changes could require separate review and approval by the Building Division.
20. Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
21. Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.
22. All site drainage shall be diverted towards Mesa Drive. Drainage shall not be diverted towards the rear slope abutting Upper Newport Bay Regional Park.
23. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only

and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.

24. Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.

Public Works

25. All improvements shall be constructed as required by Ordinance and the Public Works Department.
26. An encroachment permit is required for all work activities within the public right-of-way.
27. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
28. The proposed driveway approach shall be installed per City Standard STD-162-L.
29. All proposed encroachments within the public right-of-way shall be consistent with City Council Policy L-6.
30. The proposed storm water discharge to the Mesa Drive public right-of-way shall be further reviewed and approved by the Public Works Department.
31. Prior to the issuance of a building permit, the applicant shall obtain approval from Irvine Ranch Water District for water service and any required upgrades.
32. Prior to the issuance of a building permit, the applicant shall obtain approval from Costa Mesa Sanitary District for sewer service and any required upgrades.
33. Low ground cover or low drought tolerant planting shall be installed within the Mesa Drive right-of-way.
34. Per Municipal Code section (Santa Ana Heights Specific Plan) 20.90.190 (E)(1), an equestrian trail is planned to be extended east along the Mesa Drive from its current terminus at Cypress Street to the Mesa Drive street end on the south side of Mesa Drive. The proposed project will be required to grade the existing parkway to a 2-percent maximum cross slope to accommodate the future equestrian trail. Design shall be reviewed and approved by the Public Works Department.
35. Existing rocks from the Mesa Drive public right-of-way shall be removed.

Fire

36. Residential fire sprinklers shall be installed in accordance with the California Fire Code (CFC) and NFPA 13D.

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37. The travel distance from the entrance of the driveway to the structure exceeds 150 feet. This shall require a turn around that meets the requirements of Newport Beach Fire Guideline C.01. An option is available to avoid the turnaround, if the fire sprinkler system exceeds the requirements of NFPA 13D and additional spaces are sprinklered. This would include small closets, restrooms and other areas not typically sprinklered in a NFPA 13D system.
 38. The driveway shall be a minimum of 20 feet wide and have a minimum of 13 feet 6 inches of vertical clearance. The driveway shall meet the requirements of Newport Beach Fire Guideline C.02.
 39. Roads shall be constructed of a material that provides an all-weather driving surface, capable of supporting 72,000 pounds-imposed load for fire apparatus, and truck outrigger loads of 75 pounds per square inch over a 2-foot area. Calculations stamped and signed by a Registered Professional Engineer (RPE) shall certify that the proposed surface meets the criteria of an all-weather driving surface and is capable of withstanding the weight of 72,000 pounds. See Newport Beach Fire Guideline C.02.
 40. Vehicle access gates or barriers installed across streets shall be in accordance with Guideline C.02 and the CFC and NBMC. Three site plans are required for gate/barrier plan review and approval. Plans shall indicate measurements, location, type of gate/barrier, and type of locking device, approved opening devices, and gate swing direction. The minimum width of any gate or opening required as a point of access shall not be less than 14 feet unobstructed width. The minimum width may be increased depending on the length of the approach. All emergency vehicle access gates, private gated communities, chains across fire lanes, and gates that provide access to the beach and/or wildland areas, shall have a lock approved by Life Safety Services. Where gates are electrically operated, an approved key switch and an approved remote opening device shall be installed and maintained operational at all times or the gate shall be locked in the open position until operational. See Newport Beach Fire Guideline C.02.