



## **CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT**

August 9, 2018  
Agenda Item No. 2

**SUBJECT:** Malek Tentative Parcel Map (PA2018-125)  
▪ Tentative Parcel Map No. NP2018-019  
▪ County Tentative Parcel Map No. 2018-143  
**SITE LOCATION:** 710 and 710 ½ Narcissus Avenue  
**APPLICANT:** Hadi Malek  
**OWNER:** Hadi Malek  
**PLANNER:** Melinda Whelan, Assistant Planner  
949- 644-3221, mwhelan@newportbeachca.gov

---

### **ZONING DISTRICT/GENERAL PLAN**

- **General Plan:** RT (Two-Unit Residential)
- **Zoning District :** R-2 (Two-Family Residential)

### **PROJECT SUMMARY**

A Tentative Parcel Map for two-unit condominium purposes. An existing duplex has been demolished and a new two-unit dwelling is currently under construction. No waivers of Title 19 (Subdivisions) are proposed. The Tentative Parcel map would allow each unit to be sold individually.

### **RECOMMENDATION**

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315, Class 15 (Minor Land Divisions) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Draft Zoning Administrator Resolution No. \_ approving Tentative Parcel Map No. NP2018-019 (Attachment No. ZA 1).

### **DISCUSSION**

- An existing duplex has been demolished and a two-unit dwelling is currently under construction, which will provide the Code-required two-car parking per unit. Vehicular access will be maintained from the alley at the rear of the property.
- The subject property is generally flat and measures 3,540 square feet in area.

- Approval of the Tentative Parcel Map will allow each unit to be sold individually.
- The property is designated for two-unit residential use by the General Plan and Zoning Code. The new two-unit dwelling is consistent with this designation and a tentative parcel map for condominiums does not change the use.
- The new condominium project will conform to current Municipal Code requirements and meet all Title 19 standards.
- Public improvements such as broken and/or otherwise damaged concrete and curb along Narcissus Avenue will be required of the applicant per the Municipal Code and Subdivision Map Act.

### **ENVIRONMENTAL REVIEW**

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

### **PUBLIC NOTICE**

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

### **APPEAL PERIOD:**

An appeal may be filed with the Director of Community Development within 10 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Melinda Whelan  
Assistant Planner

JM/msw

Attachments:      ZA 1      Draft Resolution  
                         ZA 2      Vicinity Map  
                         ZA 3      Tentative Parcel Map No. NP2018-019  
                                      County Tentative Parcel Map No. 2018-143

# **Attachment No. ZA 1**

Draft Resolution

## **RESOLUTION NO. ZA2018-###**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2018-019 FOR A TENTATIVE PARCEL MAP FOR CONDOMINIUMS LOCATED AT 710 & 710 ½ NARCISSUS AVENUE (PA2018-125)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Hadi Malek with respect to property located at 710 and 710 ½ Narcissus Avenue, and legally described as Lot 12, Block 741, in Corona del Mar Tract requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map for two-unit condominium purposes. An existing duplex has been demolished and a new two-unit dwelling is currently under construction. No waivers of Title 19 (Subdivisions) are proposed. The Tentative Parcel map would allow each unit to be sold individually.
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 (RT) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on August 9, 2018 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

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

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel Map is for condominium purposes and is consistent with all of the requirements of 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 Title 20 (Planning and Zoning) of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

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-unit residential condominium purposes. A duplex was demolished and will be replaced with a new two-unit duplex. 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 Tentative Parcel Map does not apply to any 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 two-unit development because it is regular in shape and is relatively flat.
2. The subject property is accessible from Narcissus Avenue and an alley at the rear, and is adequately served by existing utilities.

Finding:

- C. That the design of the subdivision or the proposed improvements, are not likely to cause substantial environmental damage or 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 site was previously developed with a duplex that has been demolished and a new two-unit duplex is under construction.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations).

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for residential 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 Section 19.28.010 (General Improvement Requirements) of the Municipal Code 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 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 there are no public easements located on the property.

Finding:

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

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site, developed for residential use, lies in a zoning district that 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.*

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.*

Facts 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 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.*

Facts in Support of Finding:

1. The proposed two-unit duplex is consistent with the R-2 Zoning District, which allows two (2) residential units on the property. Therefore, the Tentative Parcel Map for condominium purposes will not affect the City in meeting its regional housing 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.*

Facts in Support of Finding:

1. The new two-unit duplex will be designed so that wastewater discharge into the existing sewer system 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 Three of the Coastal Act.*

Facts in Support of Finding:

1. The subject property is not located within the Coastal Zone.
2. The project is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone; therefore, the public access and recreation policies of Chapter 3 of the Coastal Act are not applicable.

## SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2018-019, 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 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 9<sup>th</sup> DAY OF AUGUST, 2018.**

---

Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. A parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to 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 said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. 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 (one 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.
3. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. All damaged sidewalk panels, curb, gutter and street along the Narcissus Avenue property frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
5. All existing overhead utilities shall be undergrounded.
6. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
7. All existing private improvements, including the existing fence, within the public right-of-way fronting the development site shall be removed.
8. New sod or low groundcovers of the type approved by the City shall be installed throughout the Narcissus Avenue parkway fronting the development site.
9. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
10. An encroachment permit is required for all work activities within the public right-of-way.
11. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
12. The existing street tree along the Narcissus Avenue frontage shall be protected in place.

13. 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.
14. Subsequent to the recordation of the Parcel Map, the applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium.” **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
15. 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 Newport Beach Municipal Code.
16. 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 Malek Tentative Parcel Map including, but not limited to Tentative Parcel Map No. NP2018-019 (PA2018-125). 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.

# **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



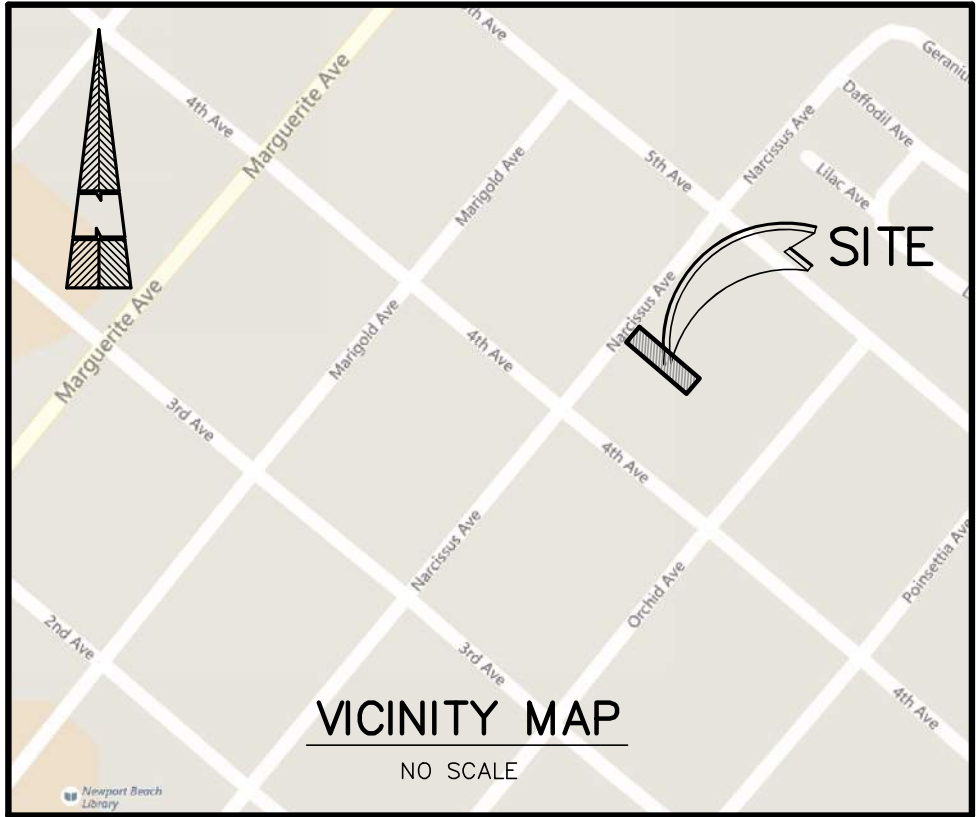
Tentative Parcel Map No. NP2018-019  
PA2018-125

**710 and 710 1/2 Narcissus Avenue**

# **Attachment No. ZA 3**

Project Plans





LEGEND

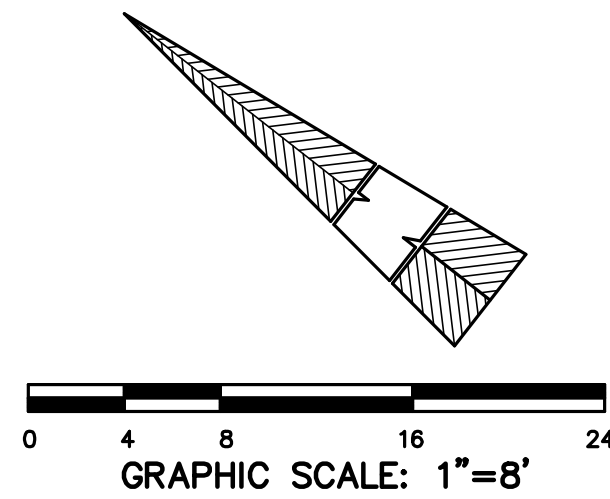
- FF - FINISHED FLOOR
- TW - TOP OF WALL
- FS - FINISHED SURFACE
- TG - TOP OF GRATE
- FG - FINISHED GROUND
- TF - TOP OF FOOTING
- BW - BOTTOM OF WALL
- W.F. - WATER FEATURE
- T.P. - TOP OF PILASTER
- H.P. - HIGH POINT
- OFF - GARAGE FINISHED FLOOR
- INV. - INVERT OF PIPE
- CONC. - CONCRETE
- CL - CENTERLINE SYMBOL

- 133.20 FS - PROPOSED ELEVATION
- PROPOSED IMPROVEMENTS
- PROPOSED PARCEL LINES
- 8"SS - APPROXIMATE LOCATION OF 8" SEWER LINE
- 6"W - APPROXIMATE LOCATION OF 6" WATER MAIN
- NEW STRUCTURE
- EXISTING CONTOUR

BENCH MARK:

COUNTY OF ORANGE BM #3K-29-68  
DESCRIBED BY OCS 2002 - FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "3K-29-68", SET IN THE NORTHERLY CORNER OF A 4 FT. BY 7 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE SOUTHERLY CORNER OF THE "T" INTERSECTION OF PACIFIC COAST HIGHWAY AND IRIS AVENUE, 45 FT. SOUTHERLY OF THE CENTERLINE OF IRIS TO THE WEST AND 36 FT. SOUTHWESTERLY OF THE CENTERLINE OF PCH. MONUMENT IS SET LEVEL WITH THE SIDEWALK.

ELEVATION = 84.166 (NAVD88, YEAR LEVELED 2011)



LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 12 IN BLOCK 741 OF CORONA DEL MAR, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 41 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

APN: 459-072-05

THIS DESCRIPTION DESCRIBES ALL THAT REAL PROPERTY DESCRIBED IN TITLE REPORT IDENTIFIED AS NORTH AMERICAN TITLE COMPANY, ORDER NO. 92002-1558408-18, DATED MARCH 12, 2018 AT 7:30 A.M.

EASEMENT NOTES:

NO EXISTING EASEMENTS OF RECORD PER TITLE REPORT PROVIDED BY NORTH AMERICAN TITLE COMPANY, ORDER NO. 92002-1558408-18, DATED MARCH 12, 2018.

PROPERTY OWNER/APPLICANT:

HADI MALEK  
3131 MICHELSON DRIVE #1804  
IRVINE, CALIFORNIA 92612

SITE ADDRESS:

710 NARCISSUS AVENUE  
CORONA DEL MAR, CA 92625

UTILITY COMPANIES:

WATER: CITY OF NEWPORT BEACH  
SEWER: CITY OF NEWPORT BEACH  
STORM DRAIN: CITY OF NEWPORT BEACH  
ELECTRIC: SOUTHERN CALIFORNIA EDISON  
GAS: SOUTHERN CALIFORNIA GAS COMPANY  
TELEPHONE: AT&T  
CABLE: SPECTRUM

NOTE: PROPOSED UTILITIES TO BE PROVIDED SEPARATELY TO EACH PROPOSED CONDOMINIUM DWELLING.

PROPOSED PARCEL 1 (LAND AREA)

3,539 SQUARE FEET  
0.081 ACRES

OWNERS STATEMENT:

WE HEREBY STATE THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SUBDIVIDED AS SHOWN ON THE ANNEXED MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP.

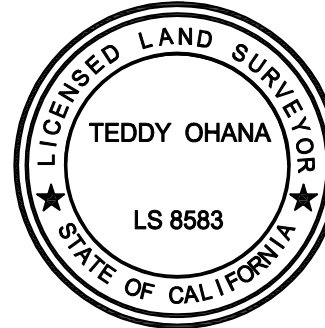
LAND SURVEYOR:

OHANA LAND SURVEYING

9 SPRINGTIDE  
LAGUNA NIGUEL, CA 92677  
(949)233-0739

CONTACT: TEDDY Y. OHANA, PLS 8583

*Teddy Ohana* 5/10/18  
TEDDY Y. OHANA, P.L.S. 8583 DATE  
LICENSE EXPIRES: 12/31/19



TENTATIVE PARCEL MAP NO. 2018-143

PROJECT: LOT 12, BLOCK 741, M.M. 3/41  
710 NARCISSUS AVENUE, CORONA DEL MAR, CA  
APN: 459-072-05

SCALE: 1"=8'

DRAWN BY: T.Y.O.

DATE: 5/09/2018

REVISED:

**OHANA LAND SURVEYING**

9 SPRINGTIDE

LAGUNA NIGUEL, CA 92677

Email: Teddy@OhanaPLSLand.com Phone: 949-233-0739

SHEET 1 OF 1

