



## CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

October 11, 2018  
Agenda Item No. 2

**SUBJECT:** 505 Poppy LLC Residential Condominiums (PA2018-175)  
• Tentative Parcel Map No. NP2018-025  
• County Tentative Parcel Map No. 2018-125

**SITE LOCATION:** 505 and 505 ½ Poppy Avenue

**APPLICANT:** James “Buzz” Person

**OWNER:** 505 Poppy LLC, a California limited liability company

**PLANNER:** Benjamin M. Zdeba, AICP, Associate Planner  
949-644-3253, bzdeba@newportbeachca.gov

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### **LAND USE AND ZONING**

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

### **PROJECT SUMMARY**

The applicant requests a tentative parcel map for two-unit condominium purposes. A duplex will be demolished and replaced by a new duplex, pursuant to Zoning and Building Code requirements. Approval of the Tentative Parcel Map will allow each unit to be sold individually as condominiums. No waivers of [Title 19 \(Subdivisions\)](#) requirements are proposed.

### **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. NP2018-025 (Attachment No. ZA 1).

## **DISCUSSION**

- The project site is located on Poppy Avenue, near the southwest corner of the intersection with Second Avenue. The lot is rectangular, relatively flat, and approximately 3,542 square feet in area.
- An existing duplex will be demolished and replaced by a new duplex, which is currently under review for building permits. The design will comply with all residential condominium standards.
- The project site is located outside of the coastal zone; therefore, the issuance of building permits for demolition of the previously existing improvements and construction of the new duplex did not require a coastal development permit.
- The new duplex has been designed to provide the code-required two-car parking per unit as required by Newport Beach Municipal Code (NBMC) Section [20.40.040](#) (Off-Street Parking Spaces Required). Vehicular access will be maintained from the alley at the rear of the property. Each unit will be served by separate utility connections, including separate fire sprinkler systems.
- The property is designated for two-unit residential use by the General Plan and Zoning Code. The new duplex is consistent with this designation and a tentative parcel map for condominiums does not change the use.
- Approval of the Tentative Parcel Map will allow each unit to be sold individually.
- The new condominium project will conform to current Municipal Code requirements and will meet all Title 19 standards, as detailed in the attached draft Resolution (Attachment No. ZA 1).
- Public improvements 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 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.

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 all of the requirements of the Class 15 exemption in that it includes a single-lot parcel map for condominium purposes that complies with the conditions specified above. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project 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.

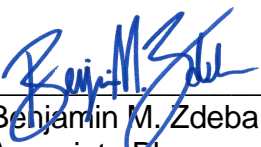
### **PUBLIC NOTICE**

Notice of this public hearing 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 NBMC. 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 or call for review 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:

  
Benjamin M. Zdeba, AICP  
Associate Planner

JM/bmz

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Applicant's Statement
	ZA 4	Tentative Parcel Map No. NP2018-025
		County Tentative Parcel Map No. 2018-125

# **Attachment No. ZA 1**

Draft Resolution

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

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. NP2018-025 (COUNTY PARCEL MAP NO. 2018-125) FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 505 AND 505 ½ POPPY AVENUE (PA2018-175)**

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

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

1. An application was filed by James “Buzz” Person (“Applicant”), on behalf of 505 Poppy LLC, a California limited liability company (“Owner”), with respect to property located at 505 and 505 ½ Poppy Avenue, and legally described as Lot 5 in Block 543 of Corona del Mar, requesting approval of a tentative parcel map for two-unit condominium purposes.
2. The Applicant requests to create a two-unit residential condominium development. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. A duplex will be demolished and will be replaced by a new duplex, pursuant to Zoning and Building Code requirements. Approval of the Tentative Parcel Map will allow each unit to be sold individually as condominiums.
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 October 11, 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 (“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, 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 all of the requirements of the Class 15 exemption in that it includes a single-lot parcel map for condominium purposes that complies with the conditions specified above.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project 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.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 19 (Subdivisions) of the Newport Beach Municipal Code (NBMC) and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps):

#### Finding:

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

#### Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. An existing duplex originally constructed in 1950 has been demolished and will be replaced with a new duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the RT General Plan Land Use Designation.
2. The proposed project site is not located within 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 two-unit development because it is rectangular in shape and relatively flat, which is typical of lots in this area.
2. A residential use has existed on this site since 1950. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.

3. The subject property is located such that it is accessible from Poppy Avenue and from the alley at the rear. Vehicular access to the site will be maintained from the alley. The property 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 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. A residential use has existed on this site since 1950. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.
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 Divisions).

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:

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 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.*

Fact in Support of Finding:

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 is developed for residential use and is within 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.*
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 does not contain fifty (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:

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.*

Fact in Support of Finding:

The residential 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.*

Fact in Support of Finding:

The new duplex has been designed and will be constructed 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.*

Fact in Support of Finding:

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 approves Tentative Parcel Map No. NP2018-025, 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 NBMC Title 19 (Subdivisions).

**PASSED, APPROVED, AND ADOPTED THIS 11<sup>TH</sup> DAY OF OCTOBER, 2018.**

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Patrick J. Alford, 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. Subsequent to the recordation of the parcel map and prior to final of the building permit for construction of the new duplex, the Applicant shall apply for a building permit to change the description of the subject 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.
3. 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 NBMC Title 19 (Subdivisions).
4. 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 505 Poppy LLC Residential Condominiums including, but not limited to, Tentative Parcel Map No. NP2018-025 (PA2018-175). 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.

**Public Works Department**

5. 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 imaged will not be accepted.**
6. Prior to the recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County

Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one-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 the construction project.

7. All improvements shall be constructed as required by Ordinance and the Public Works Department.
8. The property owner shall be responsible for the reconstruction of any damaged concrete sidewalk panels, curb and gutter along the Poppy Avenue property frontage and any damaged concrete alley panels along the alley property frontage as determined by the Public Works Department.
9. All existing overhead utilities shall be undergrounded.
10. All above ground improvements are prohibited within the 5-foot rear alley setback.
11. All existing private, non-standard improvements, including but not limited to garden walls, within the public right-of-way fronting the development site shall be removed.
12. Prior to the final of building permits, the property owner shall install new sod or low groundcovers of the type approved by the City throughout the Poppy Avenue parkway fronting the development site.
13. 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.
14. An encroachment permit shall be required for all work activities within the public right-of-way.
15. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L.
16. The existing City tree along the Poppy Avenue frontage shall be protected in place.
17. 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.

### **Building Division**

18. The property owner shall provide independent utility services, including separate fire sprinkler risers, for each condominium unit.

## **Attachment No. ZA 2**

Vicinity Map





**NBGiS**  
NEWPORT BEACH



0 40 80  
Feet

Disclaimer:  
Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

10/2/2018

## **Attachment No. ZA 3**

Applicant's Statement



**ACCOMPANYING WRITTEN STATEMENT FOR TENTATIVE  
PARCEL MAP APPLICATION FOR**

**505 POPPY AVENUE, CORONA DEL MAR**

- a. The existing use of the property is residential. The purpose of the subdivision is to create a single parcel for two condominium units.
- b. A newly constructed two unit condominium building will be constructed on the property. The public utilities will be built in compliance with the building code and each unit will a separate service for water, gas, electricity and sewage.
- c. Each unit will have a separate sanitary sewage line to the main sewage line in the public right of way.
- d. No public areas are proposed unless imposed by the City of Newport Beach.
- e. No trees are to be planted except as shown on the landscape plan and/or imposed as a condition by the City of Newport Beach.
- f. There are no restrictive covenants to be imposed except for the Units' CC&R's, concerning the occupation and use of the property.

This statement was signed this 27 day of July, 2018, at Newport Beach, California.

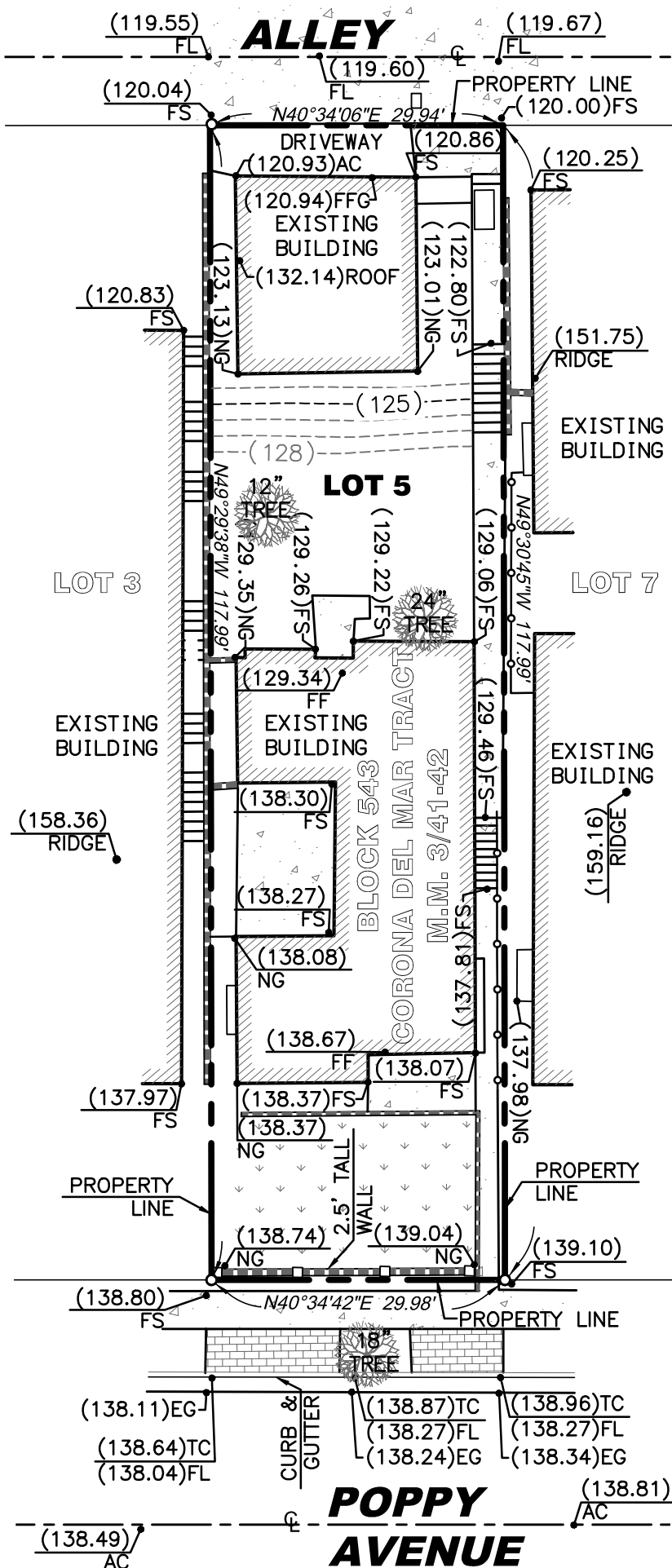
X

  
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Jamshid Bahrami, Manager



## **Attachment No. ZA 4**

Tentative Parcel Map No. NP2018-025  
County Parcel Map 2018-125



# TENTATIVE PARCEL MAP NO. 2018-125

JUNE 2018

SITE ADDRESS  
505 POPPY AVENUE  
CORONA DEL MAR, CA 92625  
(APN: 459-222-18)

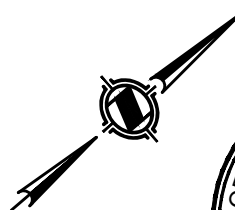
LOT 5,  
BLOCK 543  
CORONA DEL MAR TRACT  
M.M. 3/42

THE LAND REFERRED TO HEREIN BELOW IS  
SITUATED IN THE COUNTY OF ORANGE, STATE  
OF CALIFORNIA, AND DESCRIBED AS  
FOLLOWS:

LOT 5 IN BLOCK 543 OF CORONA DEL MAR IN  
THE CITY OF NEWPORT BEACH, COUNTY OF  
ORANGE, STATE OF CALIFORNIA, AS PER MAP  
RECORDED IN BOOK 3, PAGE 42 OF  
MISCELLANEOUS MAPS, IN THE OFFICE OF  
THE COUNTY RECORDER OF SAID ORANGE  
COUNTY.

OWNER/DEVELOPER:

**505 POPPY LLC**  
**A CALIFORNIA LIMITED LIABILITY COMPANY**



SCALE = 1" = 16'



PREPARED BY: A. R. H.

7/26/2018

PAUL D. CRAFT, P.L.S. 8516      DATE  
 LICENSE EXPIRES 12/31/18  
 JN: 17139

**APEX LAND SURVEYING  
INC.**  
HUNTINGTON BEACH, CALIFORNIA 92646  
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