



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

May 28, 2020  
Agenda Item No. 2

**SUBJECT:** Youssef Land Eight, LLC Condominiums (PA2020-039)  
▪ Tentative Parcel Map No. NP2020-002  
▪ County Tentative Parcel Map No. 2020-123

**SITE LOCATION:** 612 and 612 ½ Goldenrod Avenue

**APPLICANT:** Pro Builders Enterprise Inc.

**OWNER:** Youssef Land Eight, LLC

**PLANNER:** Melinda Whelan, Assistant Planner  
949-644-3221 or mwhelan@newportbeachca.gov

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### **LAND USE AND ZONING**

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

### **PROJECT SUMMARY**

A request for a tentative parcel map for two-unit condominium purposes. A duplex has been demolished and a new duplex 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 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; and
- 3) Adopt Draft Zoning Administrator Resolution No. \_ approving Tentative Parcel Map No. NP2020-002 (Attachment No. ZA 1).

## **DISCUSSION**

- A duplex has been demolished and a new duplex is currently under construction, which will provide the Zoning Code-required, two-car parking per unit. Vehicular access will be maintained from the alley.
- 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 Newport Beach Municipal Code (NBMC) requirements and will meet all Title 19 (Subdivisions) standards.
- Public improvements, such as repairing and replacing broken and/or otherwise damaged sidewalk panels and curb/gutter along the Goldenrod Avenue property frontage and alley, will be required of the applicant per the NBMC and Subdivision Map Act.

## **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Section 15315 under Class 15 (Minor Land Divisions) of the State CEQA Guidelines. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four 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 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.

## **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 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 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

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Tentative Parcel Map

# **Attachment No. ZA 1**

Draft Resolution

## **RESOLUTION NO. ZA2020-###**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. NP2020-002 FOR TWO (2)-UNIT CONDOMINIUM PURPOSES LOCATED AT 612 and 612 ½ GOLDENROD AVENUE (PA2020-039)**

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

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

1. An application was filed by Youssef Land Eight, LLC (Applicant), with respect to property located at 612 and 612 ½ Goldenrod Avenue, and legally described as Lot 14, Block 634 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 condominium purposes. A duplex has been demolished and a new two-unit dwelling is under construction. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed. The tentative parcel map would allow each unit to be sold individually.
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 May 28, 2020, in the Council Chambers at 100 Civic Center Drive, Newport Beach. 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 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 NBMC Title 20 (Planning and Zoning) and is approved based on the following findings per NBMC Section 19.12.070 (Required Findings for Action on Tentative Maps):

#### Finding:

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

#### Facts in Support of Finding:

1. The Tentative Parcel Map is for two (2)-unit residential condominium purposes. An existing duplex has been demolished, and a new two-unit dwelling is under construction. 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 subject property is not located within a specific plan area.
3. The project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Goldenrod Avenue frontage and any damaged concrete alley panels consistent with NBMC Title 19.

#### 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 (2)-unit residential development because it is regular in shape. An existing duplex has been demolished and a new two-unit dwelling is under construction.
2. The subject property is accessible from the alley and is adequately served by all 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. An existing duplex has been demolished and a new two (2)-unit dwelling 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 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.*

Fact 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 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:

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 property was previously developed with a residential use and is located 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.*

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 Code of Regulations (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:

1. The two (2)-unit dwelling that is under construction is consistent with the intended uses of 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:

1. The new two (2)-unit dwelling 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.*

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 Tentative Parcel Map No. NP2020-002, subject to the conditions set forth in Exhibit "A," which is attached here to 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 28<sup>th</sup> DAY OF MAY, 2020.**

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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. 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 final.
3. The building permit for the new construction shall not be final until after recordation of the parcel map.
4. 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.
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 Youssef Land Eight, LLC Condominiums including, but not limited to, Tentative Parcel Map No. NP2020-002 (PA2020-039). 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**

7. 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.**

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. All damaged curb, gutter and sidewalk along the Goldenrod Avenue frontage and all damaged alley panels along the alley frontage shall be reconstructed per City Standard.
11. The existing street tree along the Goldenrod Avenue frontage shall be protected in place.
12. 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.
13. The existing sewer easement shall be maintained. No structural encroachments, including but not limited to stairs, foundations, walls, caissons are permitted within the limits of the existing easement.
14. All existing overhead utilities shall be undergrounded.
15. No above ground improvements are permitted within the 5-foot rear alley setback area.
16. New sod or low groundcovers of the type approved by the City shall be installed throughout the Goldenrod Avenue parkway fronting the development site.
17. An encroachment permit is required for all work activities within the public right-of-way.
18. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
19. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

### **Building Division**

20. Independent utility services shall be provided for each unit.
21. Independent fire risers shall be required for each unit.
22. Construction shall comply with the California Code of Regulations.

## **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



Tentative Parcel Map No. NP2020-002  
PA2020-039

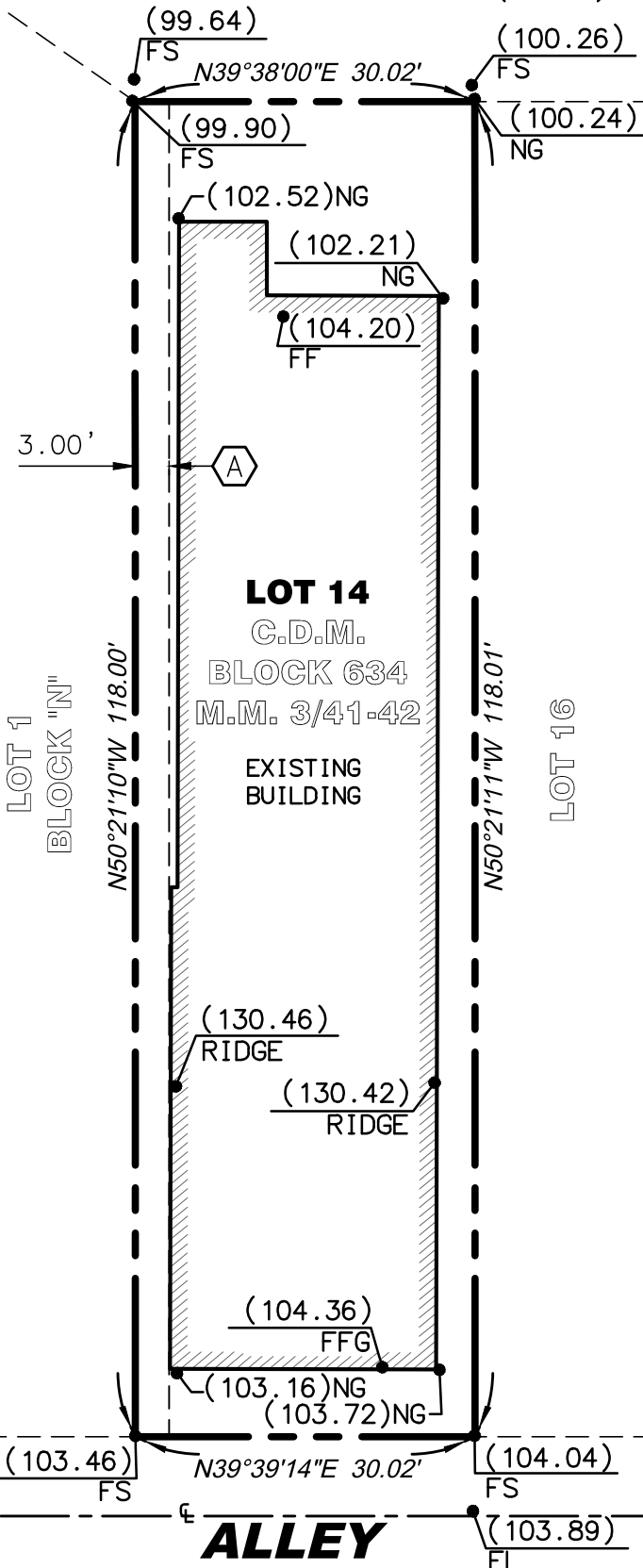
**612 and 612 ½ Goldenrod Avenue**

# **Attachment No. ZA 3**

Tentative Parcel Map

AC PAVEMENT  
**GOLDENROD AVENUE**

(99.41)TC (99.04) (99.65)  
 (98.86)FL EG CURB & GUTTER EG  
 (99.97)TC  
 (99.54)FL



# TENTATIVE PARCEL MAP NO. 2020-123

APRIL 2020

SITE ADDRESS

612 GOLDENROD AVENUE  
 CORONA DEL MAR, CA 92625  
 (APN: 459-051-05)

LOT 14

BLOCK 634

CORONA DEL MAR

M.M. 3/41-42

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

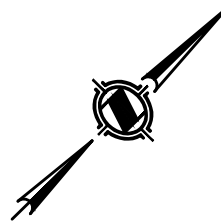
LOT 14 IN BLOCK 634 OF CORONA DEL MAR IN  
 THE CITY OF NEWPORT BEACH, COUNTY OF  
 ORANGE, STATE OF CALIFORNIA, AS PER MAP  
 RECORDED IN BOOK 3, PAGE 41 & 42 OF  
 MISCELLANEOUS MAPS, IN THE OFFICE OF  
 THE COUNTY RECORDER OF SAID ORANGE  
 COUNTY.

**EASEMENT NOTES:**

- (A) EASEMENT FOR SEWER LINE AND  
 INCIDENTAL PURPOSES IN THE DOCUMENT  
 RECORDED MARCH 21, 1947 AS BOOK 1485,  
 PAGE 505 OF OFFICIAL RECORDS.

**OWNER/DEVELOPER:**

**YOUSSEF LAND EIGHT, LLC,**  
**A CALIFORNIA LIMITED LIABILITY COMPANY**



SCALE = 1" = 16'  
 PREPARED BY: A. R. H.



4/14/2020  
 PAUL D. CRAFT, P.L.S. 8516 DATE  
 LICENSE EXPIRES 12/31/20  
 JN: 20018

**APEX LAND SURVEYING  
 INC.**

HUNTINGTON BEACH, CALIFORNIA 92646  
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