

**PROJECT REVIEW REQUEST**  
Planning Department

**Please Distribute to:**

Building – Jurdi  
Public Works – Fong Tse

Date: June 28, 2007

**Staff Planner:** Kay Sims, Assistant Planner  
ksims@city.newport-beach.ca.us  
(949) 644-3237

**Please return PRR and Plans to Ruby Garciamay**

Applicant: **Barry Walker Architect**

Contact: **Barry Walker**  
**(949)246-4085**

Address: **18 Swift Court**

Application: **Modification Permit No. MD2007-052 (PA2007-117)**

Proposal: Request to exceed the 3 foot height limit allowed for decks in a required front yard setback. The proposed combination deck/guardrail will be constructed to a maximum height of 9 feet 6 inches. Also included in the request is to allow the proposed combination deck/guardrail to encroach a maximum 2 feet 6 inches into the required 3-foot 6-inch front yard setback adjacent to the exterior boundary of the tract. The setbacks were originally established by the Planning Commission in conjunction with the approval of Use Permit No. 1585 for Tract No. 7817.

**REPORT REQUESTED BY: July 3, 2007**

**MODIFICATIONS HEARING: July 9, 2007**

**Check all that apply:**

- No comments on the project as presented.
- Application of Standard Code requirements are not expected to alter the project design.
- Recommended conditions of approval are attached.
- Application of Standard Code requirements or the attached conditions of approval will substantially impact or alter the design of the project.
- I contacted the applicant on \_\_\_\_\_
  - To schedule an appt. for Code review
  - To discuss the following (see notes)

**Notes:**

*1. Deck and Guardrail within 3 ft from the common wall (with adjacent unit) or within 3 ft from rear property line to be of 1HR rated construction. (see attached policy)*

*Fausal Jurdi*  
Signature

*7/5/07*  
Ext. Date

City of Newport Beach - Building Department

BUILDING CODE POLICY

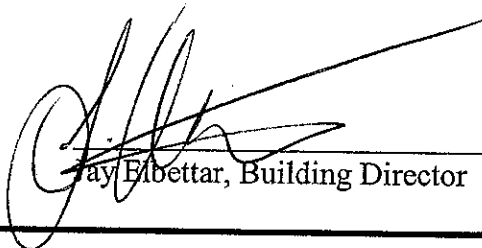
Effective Date	Subject	Policy No.
January 13, 2005	Newport Crest Balcony Repair and Extension	UBC 705

Upon research of record drawings for the Newport Crest Condominiums project, it was determined that the project was designed as a series of single-family dwellings (R3) with an imaginary property line between the units with zero setbacks from the property line.

Some units have cantilevered balconies, which are closer than 3 ft. from the imaginary property line between the units. Some units share a common entrance balcony which crosses the property line. These existing balconies do not comply with Section 705 of the 2001 California Building Code, which requires 1-Hr. construction or heavy timber.

Therefore, the following approach shall be used when reviewing drawings for repairs, additions or alterations to existing balconies of the Newport Crest condominiums:

1. Repairs which do not involve addition or replacement of joist will be permitted without requiring compliance with CBC Section 705.
2. Addition or replacement of joists are required to comply with CBC Section 705, or record with the Orange County Recorder Office on property title a 'Declaration' that such repairs have been made without providing one-hour fire-rated construction within 3 ft. from the property line as required by the California Building Code. Declaration to be written by the Home Owners Association's attorney and approved by the City of Newport Beach Building Director prior to recording.  
EXCEPTION: First floor balconies with floor elevation less than 30" above adjacent grade.
3. Extensions of existing balconies to within 3 ft. from the imaginary property line and all new balconies shall comply with all applicable code requirements.

  
Jay Elbettar, Building Director