

**CITY OF NEWPORT BEACH
MODIFICATIONS STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Planning Department
Javier Garcia, Zoning Administrator
jgarcia@city.newport-beach.ca.us

SUBJECT: Report of the actions taken for the Modifications Hearing on Monday, April 14, 2008

Item 1: Lot Line Adjustment No. LA2008-001 (PA2008-027)
2330 & 2332 15th Street

Request to allow adjustment of the property line between two parcels of land. A portion of one parcel will be added to the second parcel. There will be no change in the number of parcels. The property is located in the R-1 District.

This item was approved. Council District 2

Item 2: Lot Line Adjustment No. LA2008-002 (PA2008-044)
1602 East Coast Highway

Request to (to allow the adjustment of the property line between two parcels of land by taking the land from one parcel and attaching it to the other. There will be no change in the number of parcels. The property is located in the PC-47 (Newport Country Club) District.

This item was continued to the 04/28/08 Modifications Hearing. Council District 5

Item 3: Condominium Conversion No. CC2008-002 and Parcel Map No. NP2008-006
(PA2008-035)
604 and 604 ½ Jasmine Avenue

Request to convert an existing duplex into a two-unit condominium project. The code required two-car parking per unit will be provided. No waivers of Title 19 development standards are proposed with this application. In addition, a Tentative Parcel map application has been submitted for two-unit condominium purposes. The existing duplex will be converted to two-unit condominiums. The code required two-car parking per unit will be provided. No exceptions to Title 19 development standards are proposed with this application. The property is located in the R-2 District.

This item was approved. Council District 6

Item 4: Modification No. MD2008-014 (PA2008-031)
507 36th Street

Request to allow a second story addition to a non-conforming duplex that is 25% to 50% of the existing structure with a new deck. The existing structure is non-conforming because it encroaches 3 inches into the required 3-foot side yard setback, 2 feet 4 inches into the required 5-foot rear yard setback, 3 inches into the required 30-foot front yard setback, and provides 2 non-conforming parking spaces where 4 parking spaces are required. The property is located in the R-2 District.

This item was approved.

Council District 1

Item 5: Modification No. MD2008-017 (PA2008-039)
8 Beacon Bay

Request to allow below grade encroachment of temporary shoring and structural elements that will provide additional structural support for a basement in conjunction with a new single family dwelling. The shoring which will remain in place, below ground upon completion of the construction project, will encroach up to 9 feet into the required 15-foot front yard setback and 6 inches into the required 3-foot rear yard setback. The property is located in the R-2 District.

This item was approved.

Council District 5

Prepared and submitted by:



Javier S. Garcia, Zoning Administrator

APPEAL: The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

c: David Lepo, Planning Director (*e-mail*)
Sharon Wood, Assistant City Manager (*e-mail*)
David Keely, Public Works Senior Civil Engineer (*e-mail*)
Kay Sims, Assistant Planner (*e-mail*)
Sgt. Ron Vallercamp, Vice/Narcotics (*e-mail*)
Code Enforcement Division(*e-mail*)
Erin Steffen, Office Assistant (*e-mail*)
Iris Lee, Public Works (*e-mail*)
Evelyn Tseng, Revenue (*e-mail*)



LOT LINE ADJUSTMENT NO. LA2008-001
(PA2008-027)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No. Lot Line Adjustment No. LA2008-001
(PA2008-027)

Applicant E. Kurt Yeager & Barbara Koehler-Yeager

Site Address 2330 & 2332 15th Street

Legal Description Newport Heights, Lot 18 portion of Lot, and Newport Heights, Lot 18 portion of Lot and Tract 1583, Lot 6 portion of lot

On **April 14, 2008**, the Zoning Administrator approved the application request to allow adjustment of the property line between two parcels of land. A portion of one parcel will be added to the second parcel. There will be no change in the number of parcels. The property is located in the R-1 District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

The Zoning Administrator makes the following required Findings in approving this lot line adjustment through a Modification Permit:

1. That the proposed lot line adjustment, as approved, is consistent with the legislative intent of Title 19 and Title 20 of the Newport Beach Municipal Code based on the following reasons:
 - The proposal is consistent with the General Plan since the lots are for single-family development, a permitted use in this area.
 - The project is categorically exempt from the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions) and Class 5 (Minor Alterations in Land Use Limitations).
 - The general exception to the Class Exemptions is not applicable in this case, since no significant environmental effects will result from this project because the traffic and parking impacts will not change from that which would result from the use of the original subdivision.

2. That the establishment, maintenance or operation of the use of the property or building will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City for the following reasons:

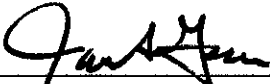
- The project site described in the proposal consists of legal building sites; and the proposed lot line adjustment will move the interior lot line between the two legal lots.
- Any land taken from one parcel will be added to the adjacent parcel and no additional parcels will result from the lot line adjustment.
- The parcels proposed to be created by the lot line adjustment comply with all applicable zoning regulations and there will be no change in the land use, density, or intensity on the property.
- The proposed lot width and lot size are consistent with the zoning requirements of Title 20 of the Newport Beach Municipal Code.
- Public improvements and infrastructure currently exist within the neighborhood; and the lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

PROCEDURAL REQUIREMENTS

3. All applicable Public Works Department plan check fees shall be paid prior to review of the lot line adjustment and grant deeds.
4. Prior to recordation of the Lot Line Adjustment, a demo permit shall be issued and a substantial portion of the carport located on 2332 ½ 15th Street shall be removed.
5. Prior to recordation of the lot line adjustment, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
6. The lot line adjustment and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
7. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed.

By: 
 Zoning Administrator Javier S. Garcia, AICP

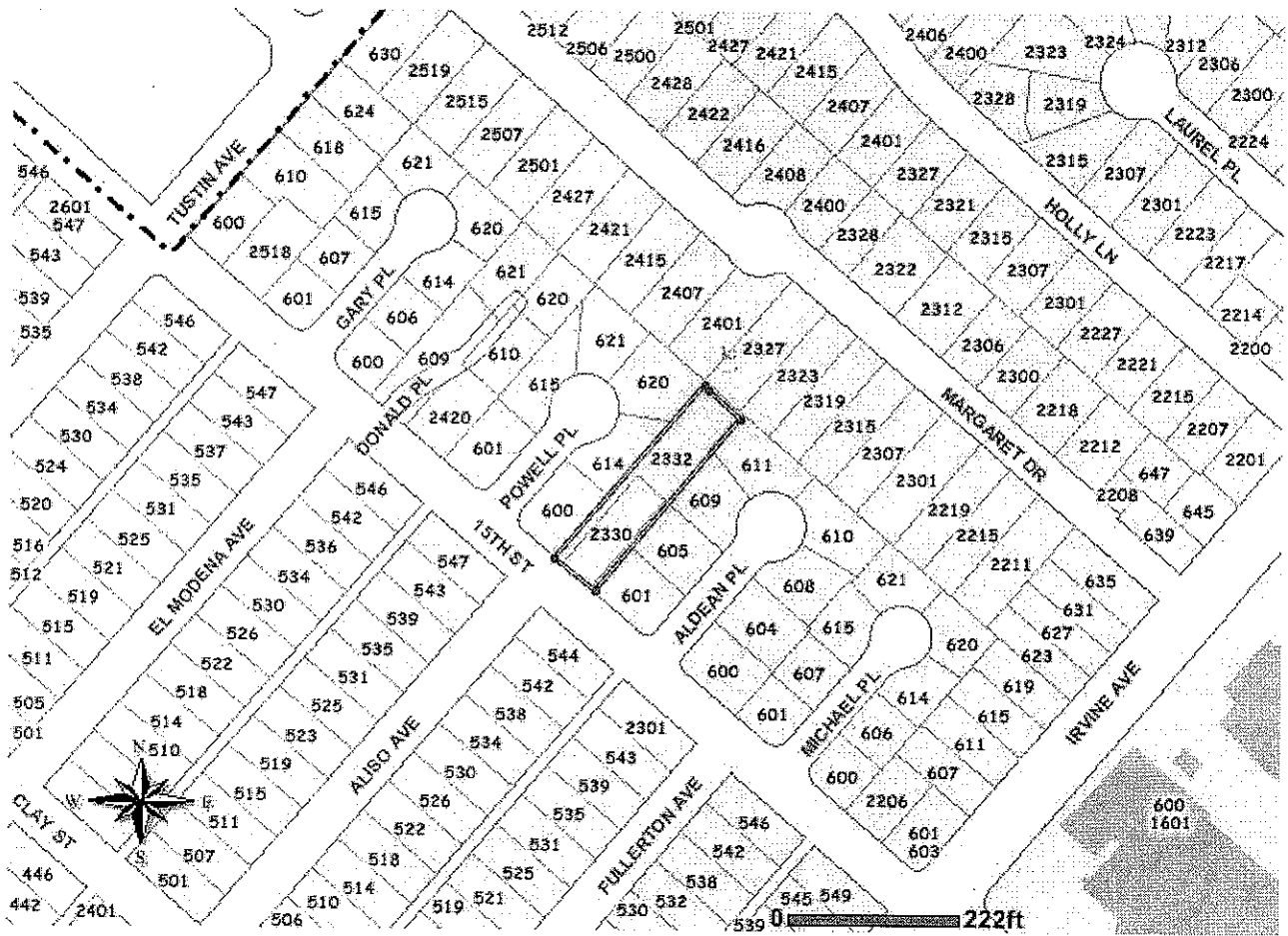
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Lot Line Adjustment Permit No. LA2008-001
PA2008-027

2330 & 2332 15th Street

6. The plumbing system, as approved, will be in substantial compliance with the City of Newport Beach Plumbing Code. The clean-out, as required, will be installed in such a way that it will meet the intent of the requirements of the City.
7. The establishment, maintenance or operation of the use or building applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

CONDITIONS

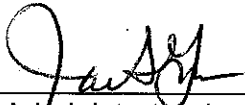
1. The project shall be in substantial conformance with the submitted plot plan, floor plans and elevations, except as noted below.
2. No more than two dwelling units shall be permitted on the site.
3. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, the existing street tree within the Jasmine Avenue right-of-way shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement.
4. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
5. Each of the tenants of the proposed condominium shall be given 180 days' written notice of intention to convert, prior to the termination of tenancy due to the proposed conversion.
6. Each of the tenants of the proposed condominium shall be given written notification within 10 days of the approval of the condominium conversion permit establishing the proposed condominium conversion. Proof of said notification shall be provided to the Planning Department.
7. Each of the tenants of the proposed condominium shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. Such right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report (Section 11018.2 of the Business and Professions Code), unless the tenant gives prior written notice of his or her intention not to exercise the right. Prior to final of the condominium conversion permit, the applicant shall provide a copy of the written verification forwarded to the tenants and said verification shall be presented to the Planning Department.

8. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
9. The existing electrical service connection shall comply with the requirements of Chapter 15 of the Newport Beach Municipal Code; specifically, that each unit will have a minimum 100-amp service.
10. Each dwelling unit shall be served with an individual water service to the public water system, and shall maintain a separate water meter and water meter connection. This work shall be completed prior to final of the condominium conversion permit.
11. The applicant shall separate the building sewers within the building from each unit.
12. The sewer service shall be separated so that each unit is served with a sewer lateral connection to the public sewer system with a clean-out to grade at the property line. If there is evidence that sewage is leaking from the facility or if it is substandard, the existing sewer lateral shall be replaced. Said work shall be completed under an encroachment permit issued by the Public Works Department, unless otherwise approved by the Utilities Department and the Building Department. This work shall be completed prior to final of the condominium conversion permit.
13. All improvements shall be constructed as required by Ordinance and the Public Works Department.
14. Smoke detectors shall be provided in each bedroom.
15. The corrections listed by the Building Department in the special inspection report shall be made prior to final of the condominium conversion permit.
16. The exterior wall surfacing shall be made weather-tight as required by the Uniform Housing Code.
17. The property owner shall provide information to the Building Department that the roof is a Class C fire retardant roof as certified by a roofing contractor.
18. The building permit obtained from the Building Department in order to convert the subject residential units into condominiums **shall be finalized after the Parcel Map for Condominium Purposes has been recorded with the County of Orange and all conditions of approval have been completed and verified by the Planning Department.**

19. This approval shall expire unless exercised within 24 months from the date of approval, as specified in Section 20.93.050 of the Newport Beach Municipal Code.

APPEAL PERIOD

The decision of the Zoning Administrator may be appealed to or by the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a \$600.00 filing fee. No building permits may be issued until the appeal period has expired.

By: 
Zoning Administrator Javier S. Garcia, AICP

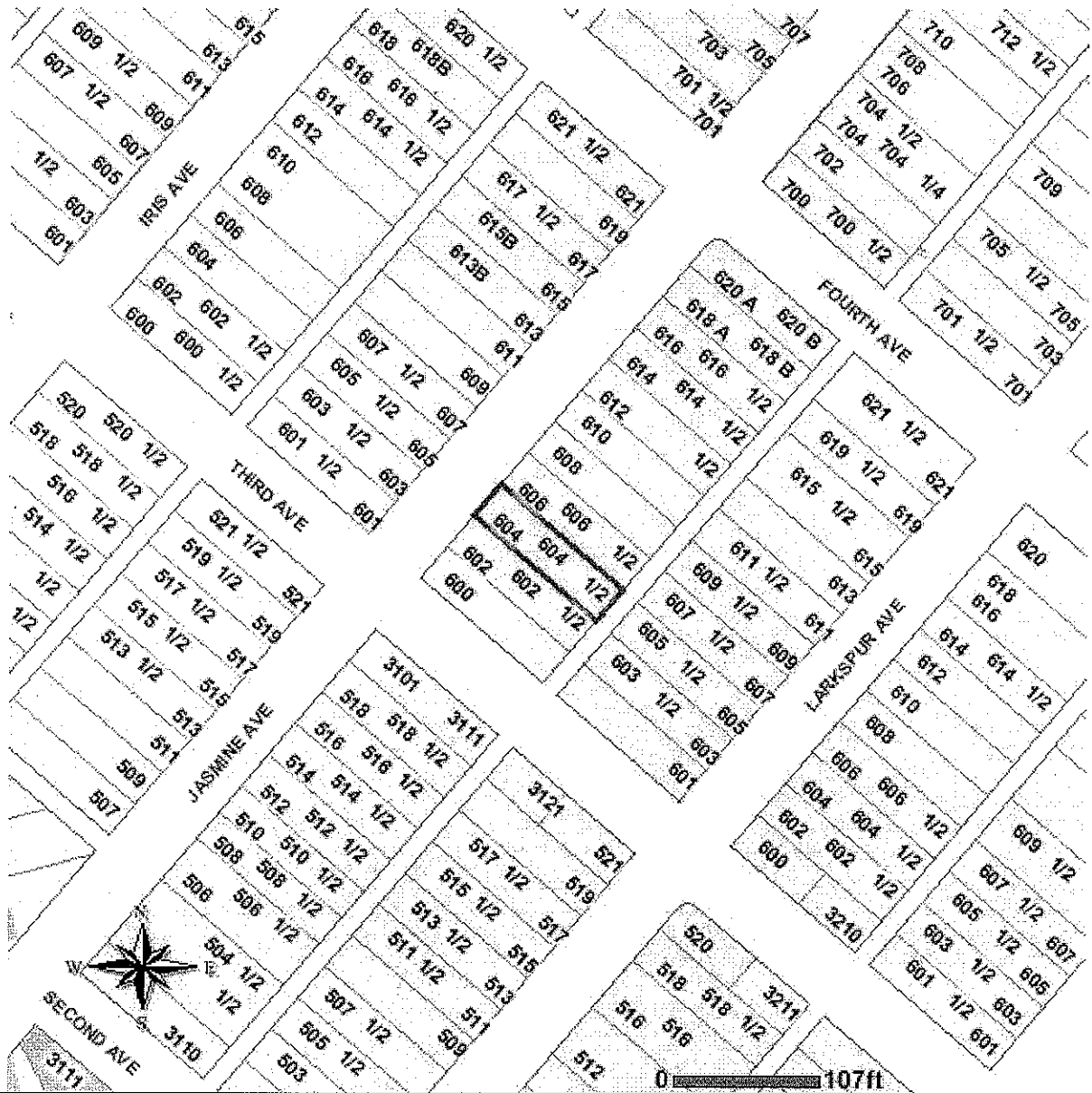
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Condominium Conversion No. CC2008-002
PA2008-035

604 and 604 1/2 Jasmine Avenue

March 24, 2008

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PARCEL MAP NO. NP2008-006

(PA2008-035)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No. Parcel Map No. NP2008-006 (PA2008-035)
Applicant County Parcel Map No. 2008-109
Tim Doran
Site Address 604 and 604 ½ Jasmine Avenue
Legal Description Corona Del Mar, Block 637, Lot 6

On April 14, 2008, the Zoning Administrator approved the parcel map request for two-unit condominium purposes. The existing duplex will be converted to two-unit condominiums. The code required two-car parking per unit will be provided. No exceptions to Title 19 development standards are proposed with this application. The property is located in the R-2 District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 of Title 19:

1. The proposed parcel map is for condominium purposes. An existing duplex will become a two-unit condominium structure. The residential density on the site will remain the same. The proposed subdivision is consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two Unit Residential".
2. The lot is regular in shape, has very little slope and is suitable for development.
3. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 5 (Minor Alterations in Land Use Limitations) and Class 15 (Minor Land Divisions).
4. The proposed parcel map is for residential condominium purposes. The construction of the proposed condominiums will comply with all Building, Public Works, and Fire Codes. Public improvements will be required of the developer per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

5. The design of the subdivision will not conflict with any easements acquired by the public-at-large for access through or use of the property within the proposed subdivision. Currently, there are no public easements located on the property.
6. The property is not subject to the Williamson Act since its use is not agricultural.
7. The property is not located within the boundaries of a specific plan and is not subject to any specific plan regulations.
8. The proposed subdivision and 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 Department enforces Title 24 compliance through the plan check and inspection process.
9. The proposed 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. The residential density on the site will remain the same. No affordable housing units are being eliminated based upon the fact that the existing duplex is not occupied by low or moderate income households.
10. Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
11. The proposed parcel map is not located in the Coastal Zone.

CONDITIONS

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 City Ordinance and the Public Works Department.


4. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, concrete curb and gutter along the Jasmine Avenue frontage. Extent of reconstruction shall be determined by the Public Works Inspectors.
5. All above ground improvements shall stay a minimum 5 foot clear of the alley setback.
6. Jasmine Avenue is part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.
7. Eliminate the tripping hazard (lip) at the back of wall to the front entry area. This area shall be standard concrete and shall be flush with the adjacent sidewalk, unless otherwise approved by the Public Works Department.
8. All applicable Public Works Department plan check fees, park dedication fees, improvement bonds and inspection fees shall be paid prior to processing of the map by the Public Works Department.
9. Arrangements shall be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements if it is desired to record a parcel map or obtain a building permit prior to completion of the public improvements.
10. Each dwelling unit shall be served with an individual water service and sewer lateral connection to the public water and sewer systems, unless otherwise approved by the Public Works Department and the Building Department.
11. Each unit shall be connected to its individual water meter and sewer lateral and cleanout located within the public right-of-way. If installed at a location that will be subjected to vehicle traffic, each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover.
12. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
13. Overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.28.090 of the Municipal Code unless it is determined by the City Engineer that such undergrounding is unreasonable or impractical.
14. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section of chapter, the existing street tree within the Jasmine Avenue right-of-way shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement.

15. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
16. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
17. All on-site drainage shall comply with the latest City Water Quality requirements.
18. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
19. In case of damage 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.
20. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
21. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed unless an Encroachment Agreement is applied for and approved by the Public Works Department.
22. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
23. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
24. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with State and local requirements.
25. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Department Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.

26. County Sanitation District fees shall be paid prior to issuance of any building permits, if required by the Public Works Department or the Building Department.
27. This parcel map shall expire if the map has not been recorded within 3 years of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. Building permits will not be issued until the appeal period has expired

By: 

Zoning Administrator Javier S. Garcia, AICP

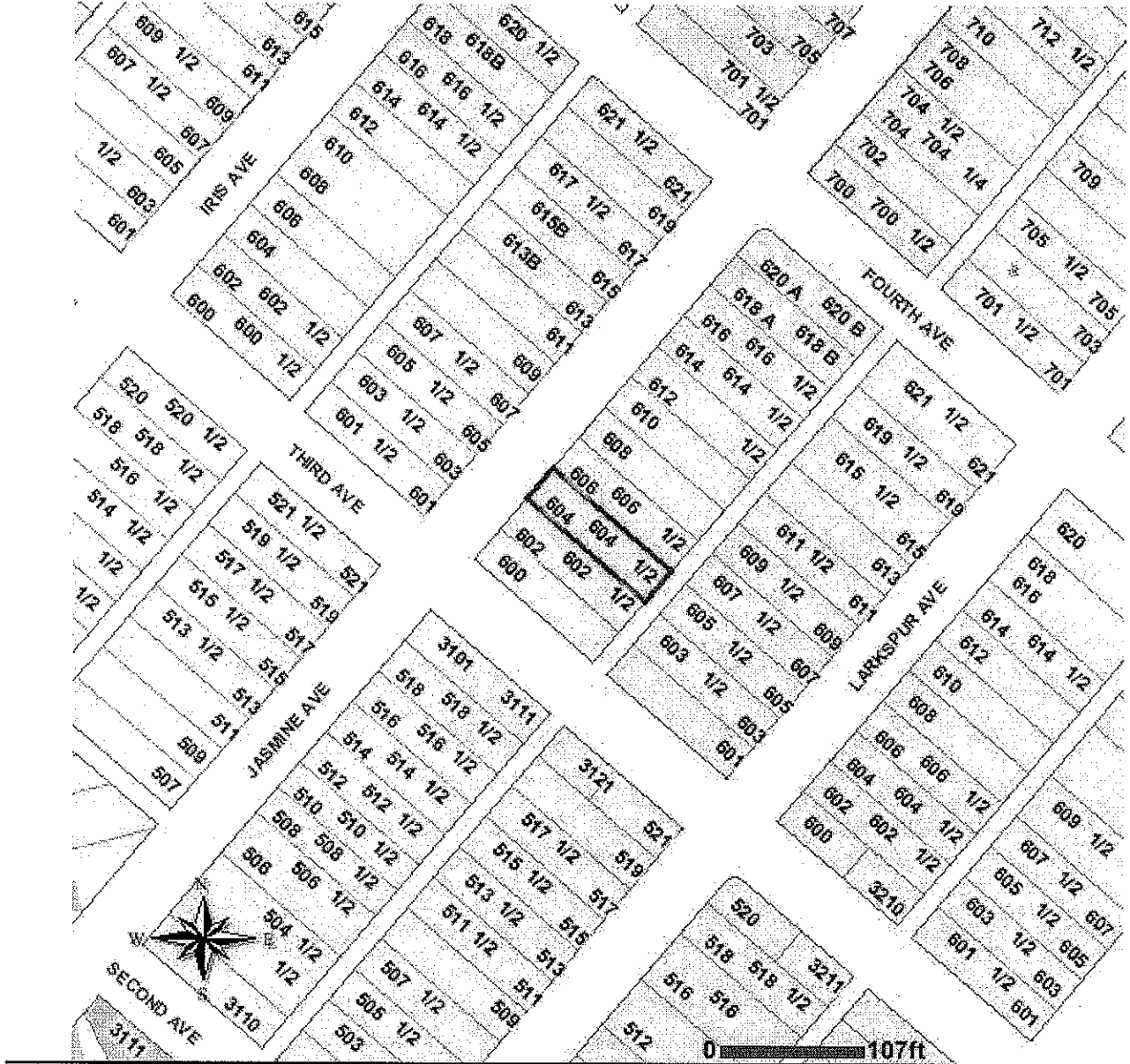
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2008-006
PA2008-035

604 and 604 1/2 Jasmine Avenue

April 14, 2008

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MODIFICATION PERMIT NO. MD2008-014
(PA2008-031)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No. **Modification Permit No. MD2008-014**
 (PA2008-031)

Applicant **D-Workz**

Site Address **507 36th Street**

Legal Description **Lot 4, Block 536, Tract 164**

On **April 14, 2008**, the Zoning Administrator approved the application request to allow a second story addition to a non-conforming duplex that is 25% to 50% of the existing structure with a new deck. The existing structure is non-conforming because it encroaches 3 inches into the required 3-foot side yard setback, 2 feet 4 inches into the required 5-foot rear yard setback, 3 inches into the required 30-foot front yard setback, and provides 2 non-conforming parking spaces where 4 parking spaces are required. The property is located in the R-2 District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions:

FINDINGS

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Two-Unit Residential" use. The existing residential structure is consistent with this designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
3. The modification to the Zoning Code, as proposed, is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code. It is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reasons:
 - The existing duplex is nonconforming due to the encroachment of the structure into the required 3-foot side yard setback and 5-foot rear yard setback, 30-foot front yard setback, and substandard number and size of parking spaces within the garage.

- Chapter 20.62 of the Zoning Code permits existing legal nonconforming structures to additions that increase up to 25 percent of the existing gross floor area by right.
 - Section 20.62 of the Zoning Code states that residential development having less than 2 parking spaces per unit may be altered or expanded provided there is no net increase in the number of habitable rooms upon approval of a Modification Permit.
4. In accordance with the provisions of Chapter 20.93, the granting of this application is necessary due to practical difficulties associated with the property. The strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code for the following reasons:
- The proposed addition is a reasonable design solution given the development constraints of the existing, non-conforming structure on the subject property which does not provide the opportunity to increase the depth of the garage without substantial building alteration.
 - The Zoning Code permits the addition to an existing legal nonconforming structure by up to 50 percent of the gross floor area with the approval of a Modification Permit.
 - The existing single family structure is nonconforming due to two substandard size parking spaces where the Zoning Code requires four. Additionally, Chapter 20.62 of the Zoning Code states where the dimensions of required parking spaces do not meet current standards, alteration of the structure may be permitted only upon the approval of a Modification Permit.
5. In accordance with the provisions of Chapter 20.93, the requested modification will be compatible with existing development(s) in the neighborhood for the following reasons:
- The new construction will maintain all required setbacks.
 - The proposed gross square footage of the structure conforms to the maximum square footage allowed by the Zoning Code for the subject property and is consistent with the surrounding neighborhood as well as similar land uses throughout the City.
 - Granting the request of a square footage addition of up to 50 percent of the gross floor area is a suggested option by the Zoning Code and is consistent with modified and conditioned approvals granted by the Zoning Administrator and the Modifications Committee within the neighborhood and throughout the City.
6. In accordance with the provisions of Chapter 20.93, the granting of this Modification Permit will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the

general welfare or injurious to property or improvements in the neighborhood based on the following:

- The minimum open space requirement of 3,456 cubic feet required by the Zoning Code will be provided within the buildable area of the property.
- The addition of 773 square feet to one of the two units of the existing duplex results in a total gross floor area that conforms to the maximum limits allowed by the Zoning Code.

CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
3. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
4. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit 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 Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
5. A building permit shall be obtained prior to commencement of the construction.
6. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
7. The second floor addition shall be limited to a single room and the plans approved for permits shall eliminate the hall/office room from the scope of work.
8. The additional square footage shall not exceed a 50 percent increase of the existing gross square footage and shall maintain all required setbacks.
9. The applicant shall submit a revised 11-inch by 17-inch set of plans which will eliminate the proposed hall/office on the second floor or provide a covered porch with a rod iron gate in its place.

10. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
11. This approval is for the addition of a single room on the second floor. Therefore, the building permits obtained shall include a permit for the removal of an interior wall on the first floor between the bedroom and office. The wall is shown and labeled on the existing first floor plan.
12. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.
13. All structural elements shall not encroach into the public right-of-way.
14. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
15. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. **A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.**

By: 
Zoning Administrator Javier S. Garcia, AICP

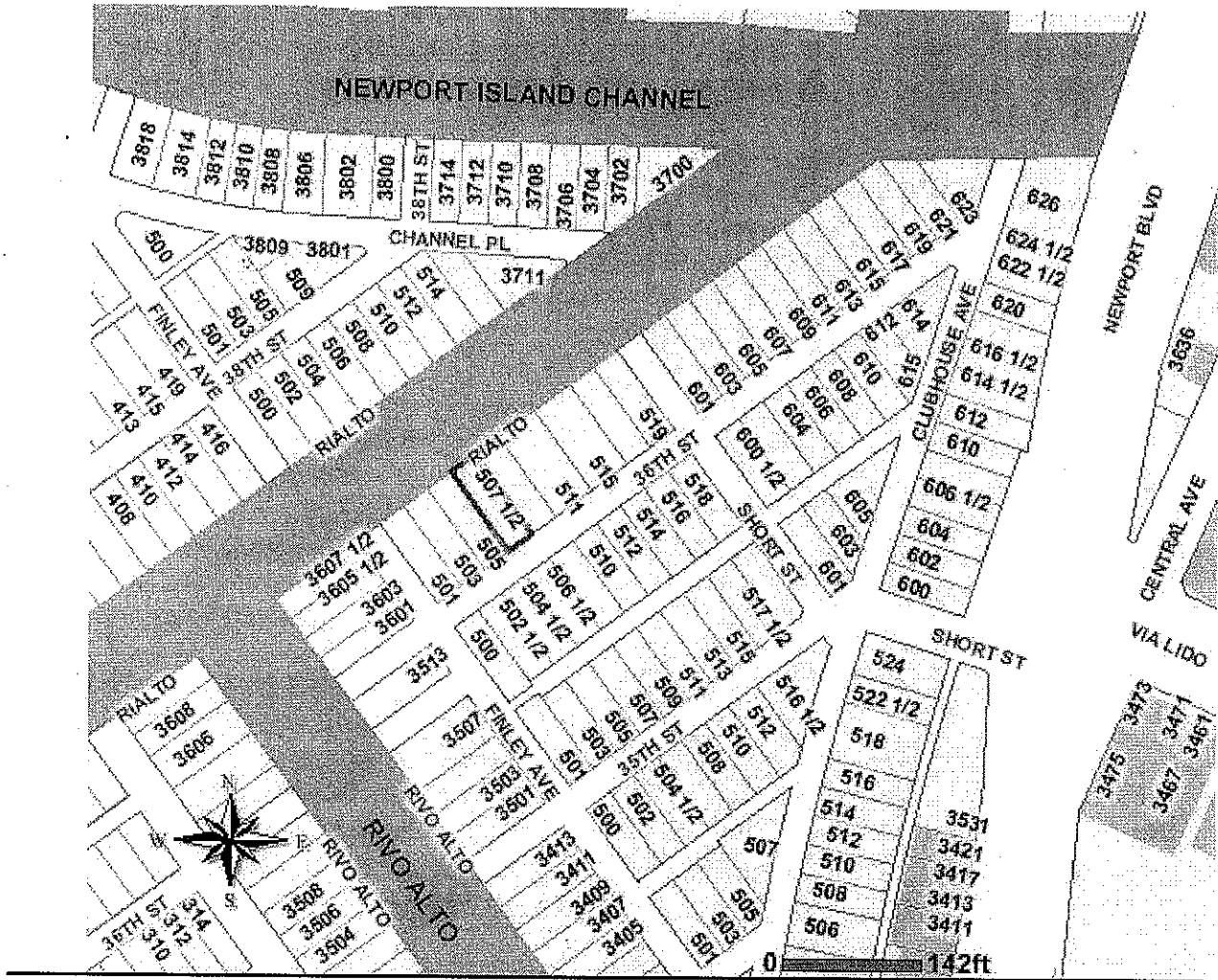
JSG:mn/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-014
PA2008-031

507 36th Street

April 14, 2008

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MODIFICATION PERMIT NO. MD2008-017

(PA2008-039)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No.	Modification Permit No. MD2008-017 (PA2008-039)
Applicant	Rodney F. Emery
Site Address	8 Beacon Bay
Legal Description	Lot 8, Block 9

On April 14, 2008, the Zoning Administrator approved the application request to allow below grade encroachment of temporary shoring and structural elements that will provide additional structural support for a basement in conjunction with a new single family dwelling. The shoring which will remain in place, below ground upon completion of the construction project, will encroach up to 9 feet into the required 15-foot front yard setback and 6 inches into the required 3-foot rear yard setback. The property is located in the R-2 District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Two-Unit Residential" use. The existing residential structure is consistent with this designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures).
3. The modification to the Zoning Code, as proposed, is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code. It is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reasons:
 - The Zoning Code allows the encroachment of architectural features such as roof overhangs, brackets, cornices, and eaves to project up to 2 feet 6 inches into any required front or rear yard setback provided that such features shall not project any closer than 2 feet from side property lines, but does not have any such provisions for below grade structural encroachments such as shoring structures or foundations.

- The proposed encroachments of caissons and steel shoring of 9 feet into the required 15-foot front yard setback and 6 inches into the required 3-foot rear yard setback are proposed to support the structural foundations for the proposed new dwelling and basement due to the existing waterfront conditions at the site which is located along the Balboa Island Channel.
4. In accordance with the provisions of Chapter 20.93, the granting of this application is necessary due to practical difficulties associated with the property. The strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code for the following reasons:
- The subject property is located along the Balboa Island Channel and requires a foundation system sensitive to the waterfront conditions to include secure waterproofing systems and caissons with steel shoring which provide support for the proposed new dwelling with a basement.
 - The proposed encroachments into the front and rear yard setbacks are minor structural elements that will address waterfront geological conditions of the subject property.
5. In accordance with the provisions of Chapter 20.93, the requested modification will be compatible with existing development(s) in the neighborhood for the following reasons:
- Granting the request to encroach into the required front and rear yard setbacks of the subject property with caissons and steel shoring is similar and consistent with modified and conditioned approvals granted by the Zoning Administrator and the Modifications Committee throughout the City.
 - The new development will maintain all required setbacks above grade and as provided through Variance 342 which permits awnings and patio covers to encroach to within 6 inches of front property line.
6. In accordance with the provisions of Chapter 20.93, the granting of this Modification Permit will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood based on the following:
- The proposed encroachments of caissons with steel shoring encroachments are below grade encroachments that will not be visible upon completion of the development project.
 - The proposed encroachments of caissons with steel shoring support a functional foundation system including secure waterproofing and will meet Building Department requirements necessary to support developments that will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood.

- All above grade required setback areas of the development site will remain clear of structural encroachments.

CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
3. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
4. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
5. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit 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 Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
6. A building permit shall be obtained prior to commencement of the construction.
7. Basement shall provide an emergency egress window directly to exterior. Plans shall indicate the location of the window well and shoring around the area.
8. The caissons and steel shoring for the development shall maintain a minimum setback of 6 feet to the front property line and 2 feet 9 inches to the rear property line measured from the face of the laggings (vertical surface).
9. The proposed shoring and caisson system shall not impact public utilities in the vicinity.
10. Dewater system permit required from the Regional Water Quality Board with plans showing how dewatering will occur.
11. This project shall comply with the latest water quality standards.

12. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
13. Coastal Commission approval shall be obtained prior to issuance of the building permits and a copy of the approval letter from Coastal Commission shall be incorporated into the Building Department and field sets of plans.
14. A Parcel Map or Certificate of Compliance shall be completed prior to issuance of building permits.
15. No shoring and structural elements (caissons, shoring, etc.) are permitted within the public right of way.
16. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
17. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. **A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.**

By: 
Zoning Administrator Javier S. Garcia, AICP

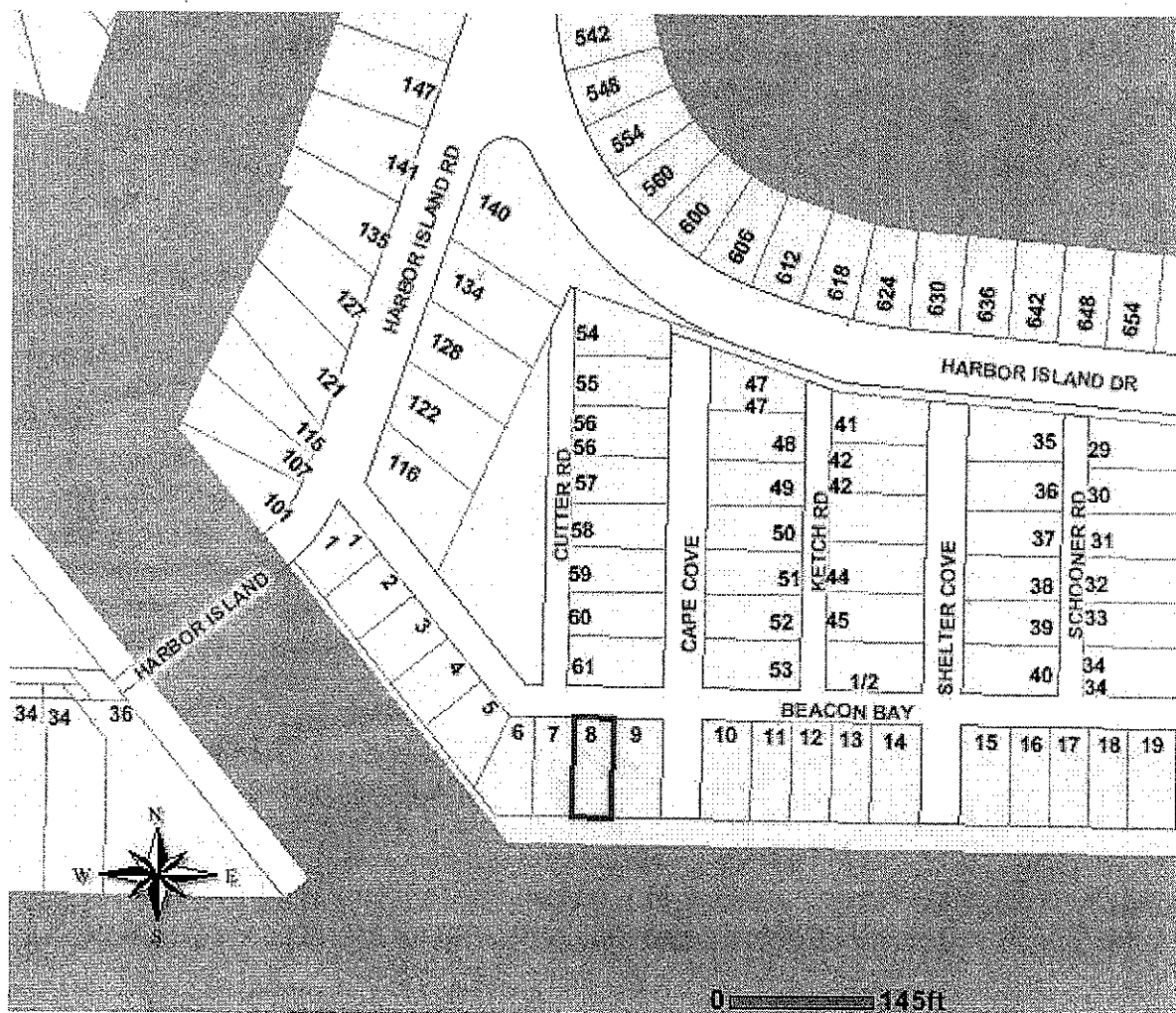
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-017
PA2008-039

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