

**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](mailto:jgarcia@city.newport-beach.ca.us)

SUBJECT: Report of the actions taken for the Modifications Hearing on Monday, May 12, 2008

---

Item 1: Lot Line Adjustment No. LA2008-002 (PA2008-044)  
1602 East Coast Highway

Request 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.

This item was approved.

Council District 5

Item 2: Lot Line Adjustment No. LA2008-004 (PA2008-069)  
461 Newport Center Drive

Request to adjust the lot line between two adjacent parcels, taking land from one parcel and giving it to the other. The number of parcels will remain the same.

This item was continued to the 06/09/08 Modifications Hearing. Council District 5

Item 3: Parcel Map No. NP2008-008 (PA2008-057)  
1354 and 1358 East Ocean

Request to approve a Tentative Parcel Map application to divide a parcel into its two original underlying legal lots. The existing parcel was originally established as two parcels, lot 5 and lot 6 of Tract 6466, and later merged through a lot line adjustment (LA2005-005).

This item was approved.

Council District 1

Item 4: Parcel Map No. NP2008-007 (PA2008-062)  
3201 Fourth Avenue

Request to approve a Tentative Parcel Map application to combine portions of two lots to create one parcel of land for two unit condominium purposes. The existing duplex will be demolished and replaced by a new two unit condominium structure. Each unit will be provided the Zoning Code required two-car parking. No exceptions to the development standards of Title 19 are proposed with this project.

This item was approved.

Council District 6

Item 5: Parcel Map No. NP2008-009 (PA2008-066)  
703 and 703 ½ Carnation Avenue

Request to approve a Tentative Parcel Map application for condominium purposes. The property was occupied by a duplex which was demolished. The new duplex currently under construction will become a condominium structure. The zoning code required two-car parking per unit will be provided. There are no exceptions to Title 19 development standards requested with this application.

This item was approved.

Council District 6

Item 6: Parcel Map No. NP2008-010 (PA2008-067)  
431 and 431 ½ Dahlia Avenue

Request to approve a Tentative Parcel Map application to combine portions of two lots to create one parcel of land for two unit condominium purposes. An existing duplex will be demolished and replaced with a two unit condominium project. Two-car parking per unit required by the Zoning Code will be provided. No exceptions to Title 19 are requested with this application.

This item was approved.

Council District 6

Item 7: Modification No. MD2008-018 (PA2008-041)  
1200, 1400, 1600 Newport Center Drive

Request to allow one freestanding tenant monument sign for an existing three building office complex, where the Planned Community Text permits only wall signs for tenant signage. The complex fronts two streets, East Coast Highway and Newport Center Drive.

This item was approved.

Council District 5

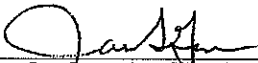
Item 8: Modification No. MD2008-024 (PA2008-061)  
1206 Blue Gum Lane

Request to permit "as-built" structures that include two 36-inch pilasters with 24 inch tall lamps on top and five 3-foot 8-inch high pilasters that exceed the 3-foot height limit within the 20-foot required front yard setback.

This item was approved.

Council District 3

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 Vallercomp, 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*)



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. The proposed lot line adjustment will move the interior lot line between 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.
  - 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.

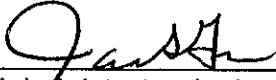
### **PROCEDURAL REQUIREMENTS**

1. All applicable Public Works Department plan check fees shall be paid prior to review of the lot line adjustment and grant deeds.
2. 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.
3. In conformance with the California Coastal Act, Coastal Commission approval shall be obtained prior to the recordation of the lot line adjustment.
4. Prior to release for recordation, the Planning Department shall verify Coastal Commission approval of the lot line adjustment.
5. 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.
6. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.

7. 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.



---

Zoning Administrator Javier S. Garcia, AICP

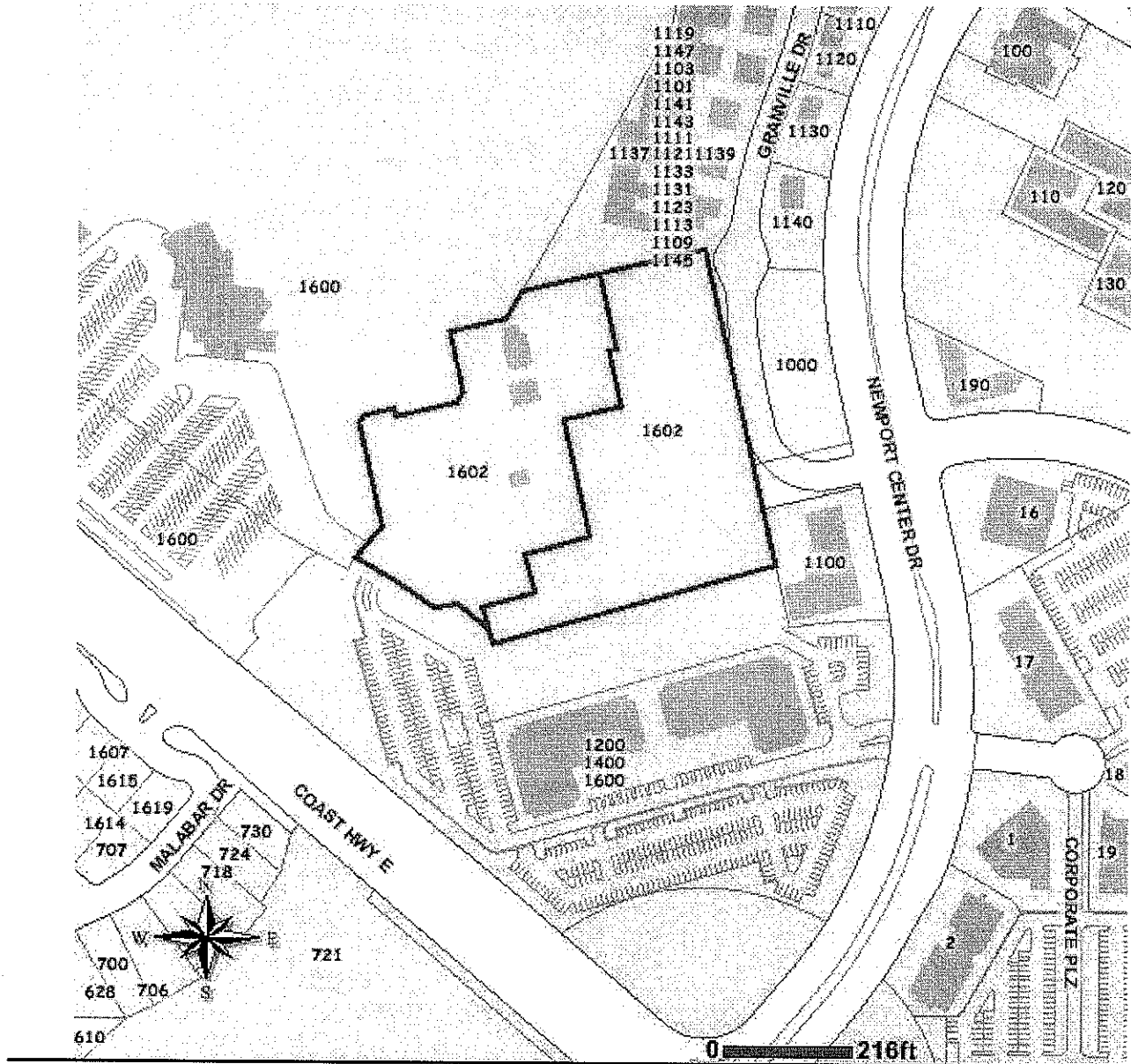
JSG:ks/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

# VICINITY MAP



Lot Line Adjustment Permit No. LA2008-002  
PA2008-044

**1602 East Coast Highway**



**Parcel Map No. NP2008-008**  
(PA2008-057)

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

<b>Application No.</b>	<b>Parcel Map No. NP2008-008 (PA2008-057) County Parcel Map No. 2008-128</b>
<b>Applicant</b>	<b>Allen Steiner</b>
<b>Site Address</b>	<b>1354 and 1358 East Ocean Front</b>
<b>Legal Description</b>	<b>Tract 6466 Lots 5 &amp; 6</b>

On May 12, 2008, the Zoning Administrator approved the parcel map request to divide a parcel into its two original underlying legal lots. The existing parcel was originally established as two parcels, lot 5 and lot 6 of Tract 6466, and later merged through a lot line adjustment (LA2005-005). 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 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 division of one parcel to create two parcels is consistent with General Plan policy LU4.2 which allows the parcel to be resubdivided to the original underlying legal lots. The parcel was legally merged through Lot Line Adjustment LA2005-005. The proposed map and the design or improvements of the subdivision are consistent with the General Plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.
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), Class 15 (Minor Land Divisions), and Class 3 (New Construction or Conversion of Small Structures).



4. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.
5. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
6. The proposed parcels are not subject to the Williamson Act since they are not an agricultural or open space.
7. The proposed parcels are not located within the boundaries of a specific plan and are 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 previously existing units were not occupied by low or moderate income households and the proposed number of units remains the same.
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 conforms to the certified Local Coastal Program. The site is located in a single-family residential district and is not displacing coastal-related uses, coastal-dependent uses or water-oriented recreational uses. Public access exists nearby making on-site vertical and lateral access unnecessary.

### **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.

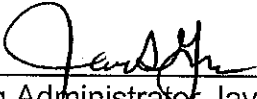
3. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
4. All applicable Public Works Department plan check fees, improvement bonds, and inspection fees shall be paid prior to processing of the map by the Public Works Department.
5. Arrangements shall 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.
6. 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.
7. 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.
8. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
9. A topographic survey, grading plan, demolition permit, and building permit application are required before any structure is demolished and the lot is graded.
10. 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.
11. In accordance with the provisions of Chapter 13 (or any other applicable chapters) of the Newport Beach Municipal Code, additional street trees may be required and existing street trees 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.
12. 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.

13. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
14. All on-site drainage shall comply with the latest City Water Quality requirements.
15. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
16. 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.
17. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
18. 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.
19. Two-car parking, including one enclosed covered space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
20. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
21. 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.
22. 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.
23. 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.
24. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.

25. 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 decision of the Zoning Administrator may be appealed to or by the Planning Commission within 14 days of the decision date. A \$600.00 filing fee shall accompany the appeal to Planning Commission upon submittal. Building permits will not be issued until the appeal period has expired.

By:   
Zoning Administrator Javier S. Garcia, AICP

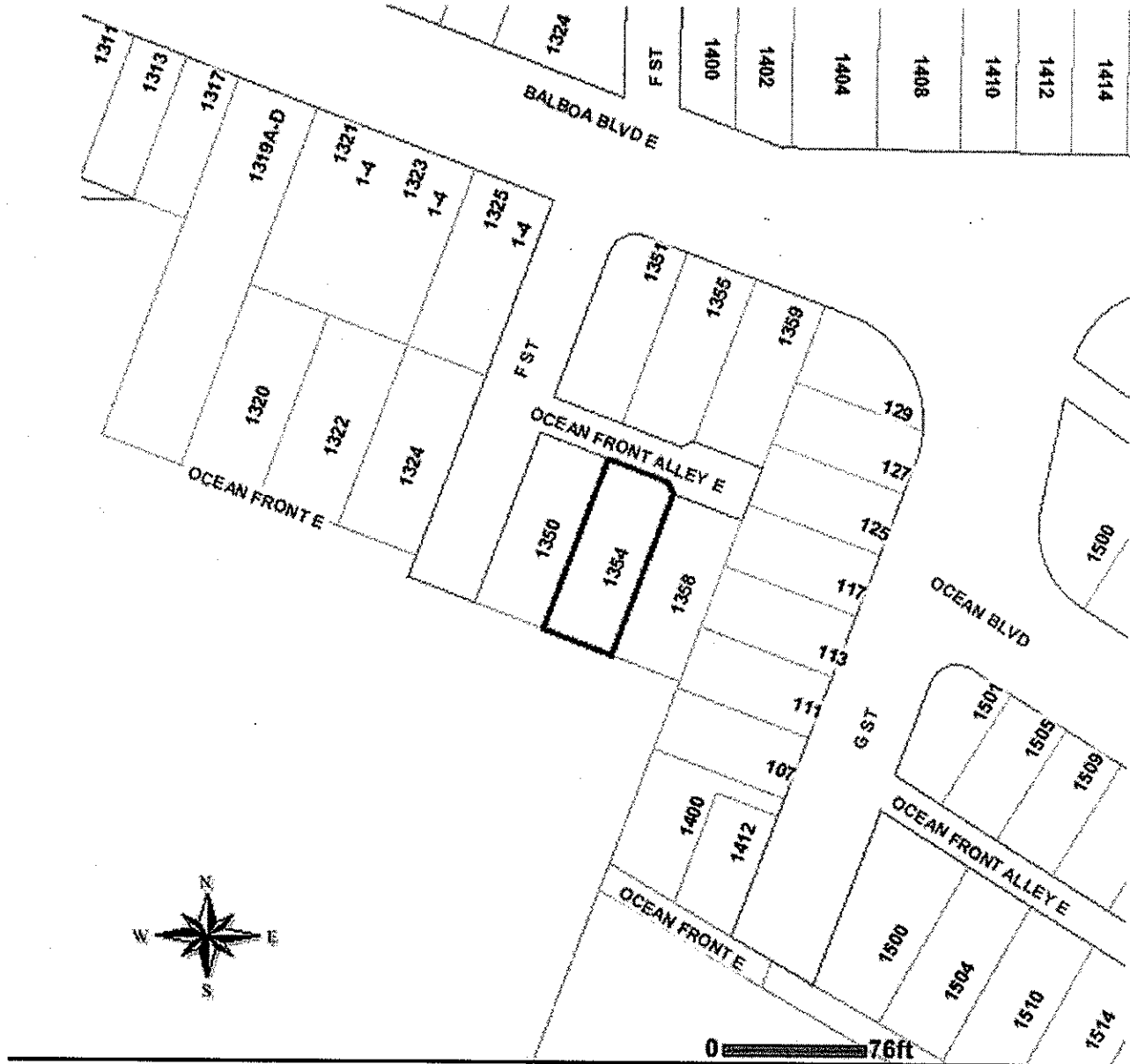
JSG:cs/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

# VICINITY MAP



Parcel Map No. NP2008-008  
PA2008-057

**1354 and 1358 East Ocean Front**



**PARCEL MAP NO. NP2008-007**  
(PA2008-062)

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

**Application No.** Parcel Map No. NP2008-007 (PA2008-062)  
County Parcel Map No. 2008-107

**Applicant** NPNB, LLC

**Site Address** 3201 Fourth Avenue

**Legal Description** Lot 22, Block 638 and the Northeasterly ½ Lot 20,  
Block 638, Corona Del Mar

On May 12, 2008, the Zoning Administrator approved the parcel map request to combine portions of two lots to create one parcel of land for two unit condominium purposes. The existing duplex will be demolished and replaced by a new two unit condominium structure. Each unit will be provided the Zoning Code required two-car parking. No exceptions to the development standards of Title 19 are proposed with this project. 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 to combine a lot and a portion of a lot for condominium purposes. An existing duplex will be demolished and replaced by a new two-unit condominium structure. The residential density on the site will remain the same. The proposed subdivision and improvements are 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), Class 15 (Minor Land Divisions), and Class 3 (New Construction or Conversion of Small Structures).

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 previously existing units were not occupied by low or moderate income households and the proposed project has the same number of units.
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. A 10-foot radius corner cut-off easement for street and public utility purposes at the Larkspur Avenue/Fourth Avenue curb return shall be recorded as part of the parcel map.
4. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
5. Reconstruct any broken and/or otherwise damaged concrete sidewalk panels along the Larkspur Avenue Frontage. Limits of reconstruction are at the discretion of the Public Works inspector.
6. Reconstruct any existing broken and/or otherwise damaged concrete in the alley. Limits of reconstruction are at the discretion of the Public Works inspector.
7. Reconstruct any broken and/or otherwise damaged concrete curb and gutter along the Larkspur Avenue and Fourth Avenue frontages. Limits of reconstruction are at the discretion of the Public Works inspector.
8. A new minimum 4-foot wide concrete sidewalk shall be constructed along the entire Fourth Avenue frontage unless otherwise approved by the Public Works Department.
9. Upon construction of new concrete sidewalk along the Fourth Avenue frontage, a new ADA compliant curb access ramp shall be constructed at the Larkspur Avenue/Fourth Avenue curb return.
10. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
11. To provide a driveway curb cut on Fourth Avenue, the proposed condominium shall comply with Council Policy L-2. An additional curb cut shall be permitted if the units are separated by a continuous vertical plane, front the ground to the rooftop, with one common wall and/or physically separated by open space. The resultant building product shall have the appearance of two distinct and separate units with a rear unit that has vehicle access from the alley and the front unit with vehicle access from the side street. No overlapping between the front unit and rear unit floor plans shall be permitted.
12. All above ground improvements shall remain out of the rear alley setback.



13. All obstructions, including landscape elements, shall be removed from the 5-foot alley setback.
14. Install new sod or low groundcovers of the type approved by the City throughout the Fourth Avenue parkway fronting the development site.
15. Larkspur Avenue is a part of the City's Moratorium List. Work performed on said roadway will require additional surfacing requirements. See City Standard 105-L-F.
16. 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.
17. 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.
18. 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.
19. 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.
20. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
21. 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.
22. In accordance with the provisions of Chapter 13 (or any other applicable chapters) of the Newport Beach Municipal Code, additional street trees may be required and existing street trees 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.
23. 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.

24. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
25. All on-site drainage shall comply with the latest City Water Quality requirements.
26. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
27. 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.
28. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
29. 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.
30. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
31. Two sewer laterals with cleanouts required per CNB STD-406-L.
32. 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.
33. 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.
34. 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.
35. Subsequent to recordation of the parcel map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this

permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.

36. 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 decision of the Zoning Administrator may be appealed to or by the Planning Commission within 14 days of the decision date. A \$600.00 filing fee shall accompany the appeal to Planning Commission upon submittal. Building permits will not be issued until the appeal period has expired.

By:   
Zoning Administrator Javier S. Garcia, AICP

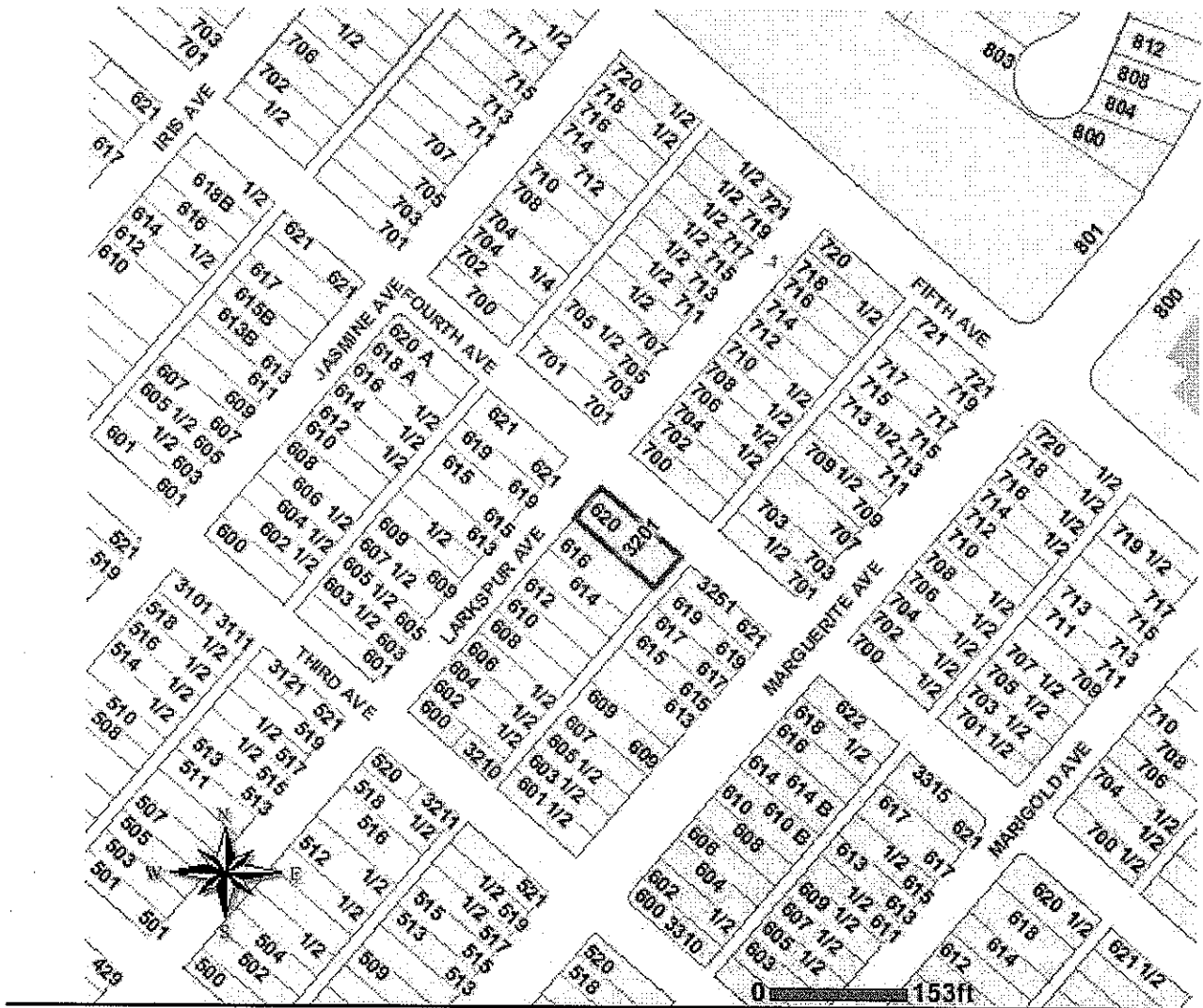
JSG:ks/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

# VICINITY MAP



Parcel Map No. NP2008-007  
PA2008-062

**3201 Fourth Avenue**



**PARCEL MAP NO. NP2008-009**  
(PA2008-066)

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

**Application No.** Parcel Map No. NP2008-009 (PA2008-066)  
County Parcel Map No. 2008-112

**Applicant** NSC Enterprises Inc.

**Site Address** 703 and 703 ½ Carnation Avenue

**Legal Description** Corona Del Mar, Lot 3, Block 730

On May 12, 2008, the Zoning Administrator approved the parcel map request for condominium purposes. The property was occupied by a duplex which was demolished. The new duplex currently under construction will become a condominium structure. The zoning code required two car parking per unit will be provided. There are no exceptions to Title 19 development standards requested 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. A previously existing duplex was demolished and a new duplex, currently under construction, will become a two-unit condominium structure. The residential density on the site will remain the same. The proposed subdivision and improvements are 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), and Class 3 (New Construction or Conversion of Small Structures).

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 previously existing duplex was 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 located within 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 Carnation Avenue frontage. Limits of reconstruction are at the discretion of the Public Works inspector.
  5. All above ground improvements shall remain outside of the rear alley setback.
  6. Install new sod or low groundcovers of the type approved by the City throughout the Carnation Avenue parkway fronting the development site.
  7. 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.
  8. 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.
  9. 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.
  10. 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.
  11. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
  12. 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.
  13. In accordance with the provisions of Chapter 13 (or any other applicable chapters) of the Newport Beach Municipal Code, additional street trees may be required and existing street trees 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.

14. 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.
15. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
16. All on-site drainage shall comply with the latest City Water Quality requirements.
17. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
18. 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.
19. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
20. 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.
21. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
22. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
23. Two sewer laterals with cleanouts required per CNB STD-406-L.
24. An unapproved sewer lateral cleanout box exists and there is no record of an encroachment permit. There is new concrete in the alley. Excavation will be required for approval on the present cleanout.
25. 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.
26. 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.

27. 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.
28. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.
29. Subsequent to recordation of the parcel map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
30. 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 decision of the Zoning Administrator may be appealed to or by the Planning Commission within 14 days of the decision date. A \$600.00 filing fee shall accompany the appeal to Planning Commission upon submittal. Building permits will not be issued until the appeal period has expired.

By:  \_\_\_\_\_  
Zoning Administrator Javier S. Garcia, AICP

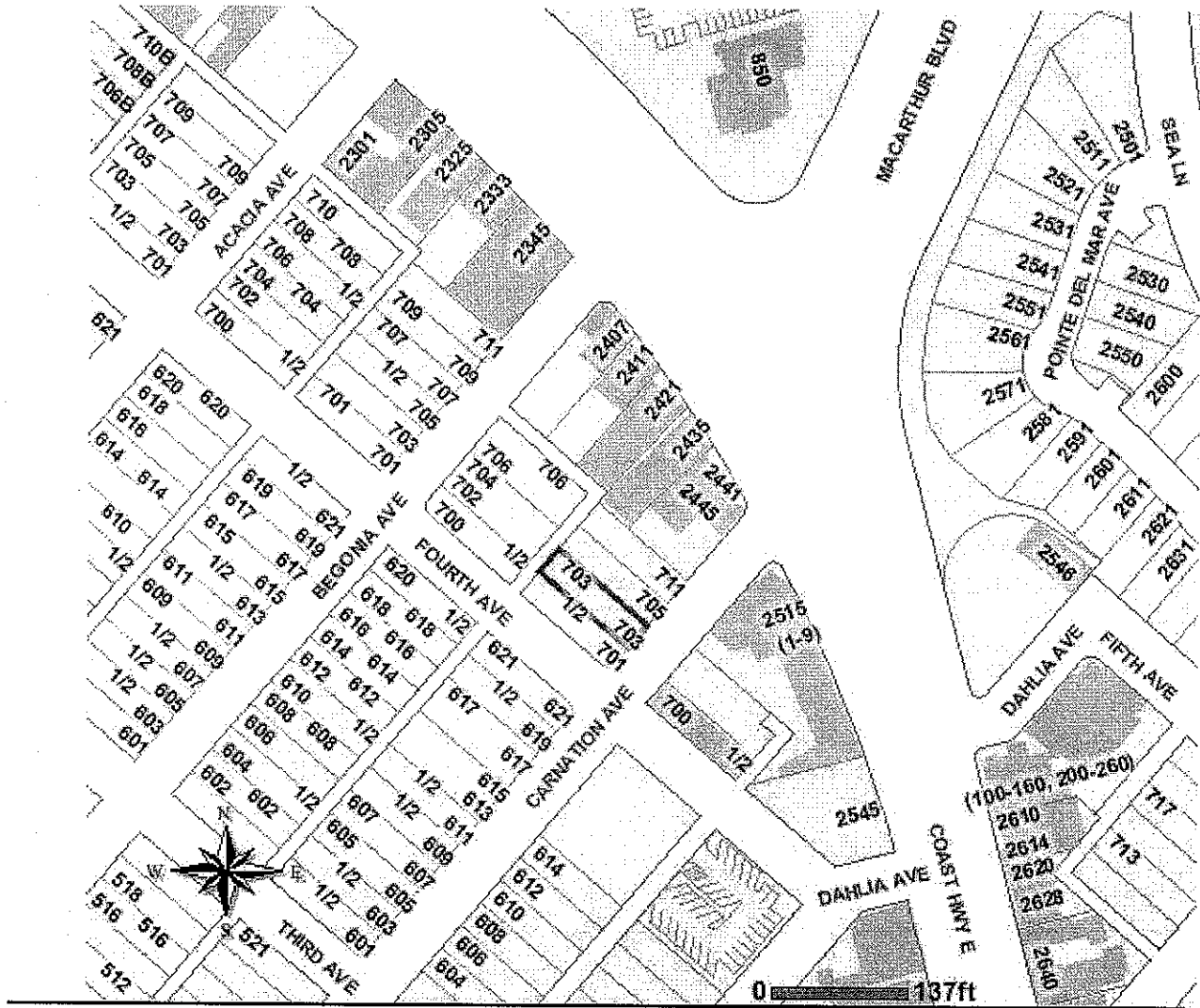
JSG:ks/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

# VICINITY MAP



Parcel Map No. NP2008-009  
PA2008-066

**703 and 703 1/2 Carnation Avenue**



**Parcel Map No. NP2008-010**  
(PA2008-067)

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

**Application No.** Parcel Map No. NP2008-010  
(PA2008-067)  
County Parcel Map No. 2004-295

**Applicant** NSC Enterprises

**Site Address** 431 and 431 ½ Dahlia Avenue

**Legal Description** Lot 11 (except the Northeasterly 3 feet of the  
Northwesterly 28 feet) and Lot 9, Block 431, Corona  
Del Mar

On **May 12, 2008**, the Zoning Administrator approved the parcel map request to combine portions of two lots to create one parcel of land for two unit condominium purposes. An existing duplex will be demolished and replaced with a two unit condominium project. Two-car parking per unit required by the Zoning Code will be provided. No exceptions to Title 19 are requested 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 to combine portions of two lots to create one parcel of land for two unit condominium purposes. An existing duplex will be demolished and replaced with a two unit condominium project. The residential density on the site will remain the same. The proposed subdivision and improvements are 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), Class 15 (Minor Land Divisions), and Class 3 (New Construction or Conversion of Small Structures).

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. An existing storm drain easement runs through the property. The applicant has applied for the easement to be vacated since the storm drain is abandoned. If the easement vacation is approved, the design of the development will not conflict with any easements acquired by the public at large or access through or use of property within the proposed development.
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 previously existing units were not occupied by low or moderate income households and the proposed number of units remains the same.
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 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 any existing broken and/or otherwise damaged concrete sidewalk panels, concrete curb, and gutter along Dahlia Avenue frontage. Limits of reconstruction are at the discretion of the Public Works inspector.
5. 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.
6. All above ground improvements shall remain out of the alley setback.
7. Install new sod or low groundcovers of the type approved by the City throughout the Dahlia Avenue parkway fronting this development site.
8. A City street tree shall be planted along the frontage of Dahlia Avenue. Size, species and location of the required street tree shall be approved by the General Services 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

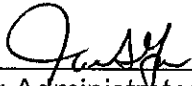
unless it is determined by the City Engineer that such undergrounding is unreasonable or impractical.

14. In accordance with the provisions of Chapter 13 (or any other applicable chapters) of the Newport Beach Municipal Code, additional street trees may be required and existing street trees 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 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.
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. Two sewer laterals with cleanouts required per CNB STD-406-L.
25. 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.

26. 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.
27. 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.
28. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.
29. Subsequent to recordation of the parcel map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
30. 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 decision of the Zoning Administrator may be appealed to or by the Planning Commission within 14 days of the decision date. A \$600.00 filing fee shall accompany the appeal to Planning Commission upon submittal. Building permits will not be issued until the appeal period has expired.

By:   
Zoning Administrator Javier S. Garcia, AICP

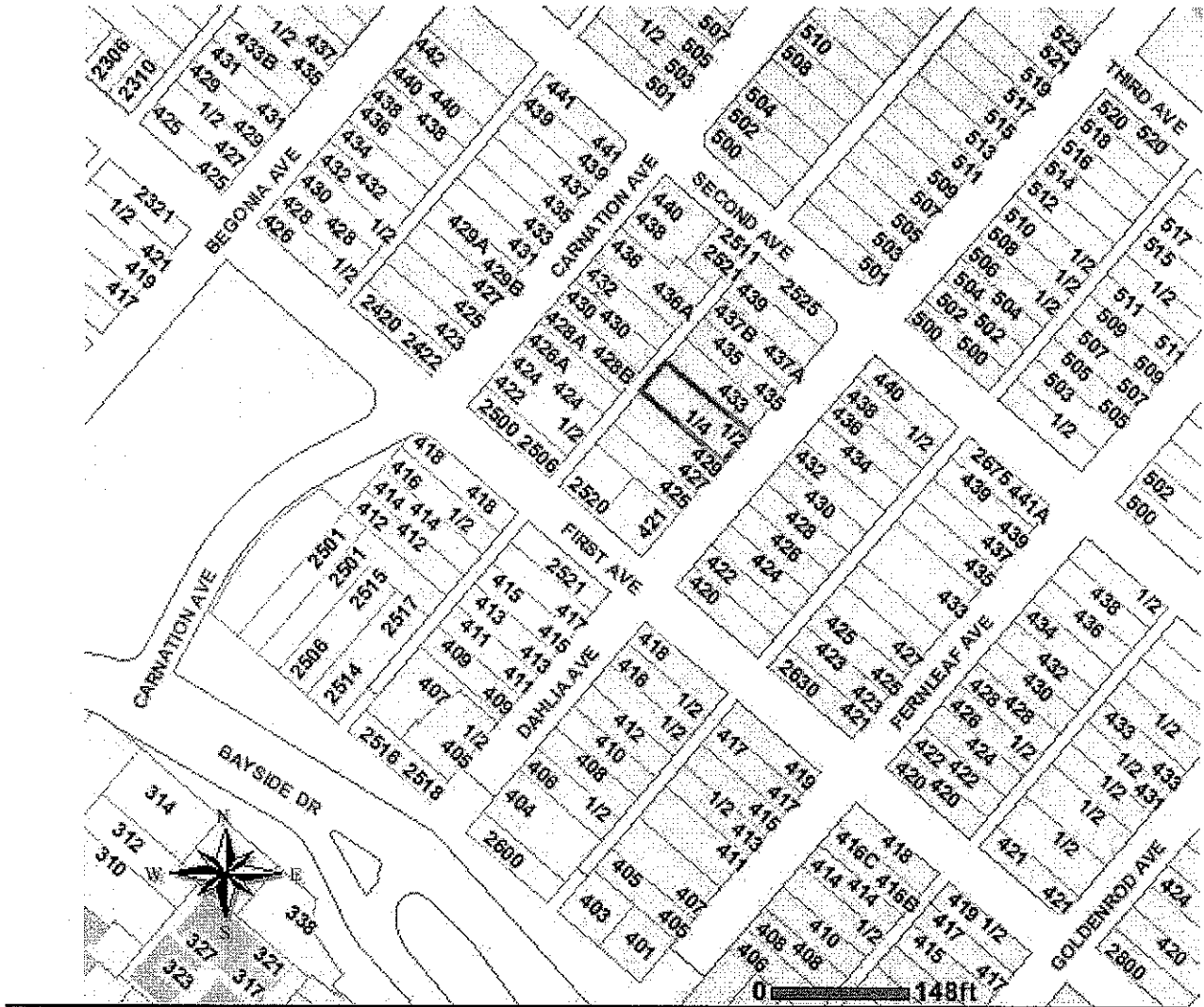
JSG:ks/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

# VICINITY MAP



Parcel Map No. NP2008-010  
PA2008-067

**431 and 431 1/2 Dahlia Avenue**





- The secondary tenant signage at the northeasterly building elevation is not readily visible due to the location of the building next door and the orientation of the building to the property line and the street which contribute to limit the visibility. The proposed monument sign will provide better visibility for tenant identification in this particular case.
  - Tenant signage is only permitted on the building walls per the Corporate Plaza West Planned Community Text and the lower portion of the building wall is visually blocked from view from the public right-of-way by curvature of the roadway and the building orientation to the property line.
4. 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 proposed monument sign is compatible in size and design with other monument signs on the neighboring property and in the surrounding commercial area.
  - The use of monument signs is common in other zoning districts of Newport Center and Fashion Island.
  - The Newport Center and Fashion Island commercial development covers a large geographic area and is generally characterized by wide landscape setbacks and strategically placed freestanding signs. The proposed sign is 3 feet in height with a maximum sign area of 24 square feet within a large landscape area and does not constitute or contribute to a significant proliferation of signs which would be inconsistent with the neighborhood character.
5. 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 sign does not interfere with sight distance from any street, alley or driveway and is not excessive in height and area.
  - The sign is located within a large landscape area and the presence of the sign will not significantly diminish the open space character of the landscaped street setback.

### **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. In no case shall the sign as depicted on the plans submitted with the application exceed an average height of 3 feet in height and the sign copy area shall not exceed 24 square feet in area. Individual letter heights shall not exceed eighteen inches.
7. Secondary wall signage (lower level) for the subject building shall not be permitted on the northeasterly building façade adjacent to the monument sign side of the property adjacent to the Newport Center Drive right-of-way.
8. Location of monument sign shall comply with City sight distance standard STD-110-L. An 11-inch by 17-inch exhibit shall be attached to the approved plans, which details the monument sign's compliance with site distance requirements.
9. Any future changes to increase the number, size or location of freestanding monument signs permitted or to increase the number and size of permitted wall signs shall require an amendment to the Corporate Plaza West Planned Community District Regulations.
10. A building permit and electrical permit shall be obtained prior to commencement of the construction.
11. 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.
12. The monument sign shall be located on private property. Any signage proposed to be located within the public right-of-way shall be prohibited, unless reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.

13. The final location of the sign shall be reviewed by the City Traffic Engineer and shall conform to City Standard 110-L to ensure that adequate sight distance is provided.
14. The proposed sign and related work shall comply with the California Building Code and all adopted local amendments.
15. 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

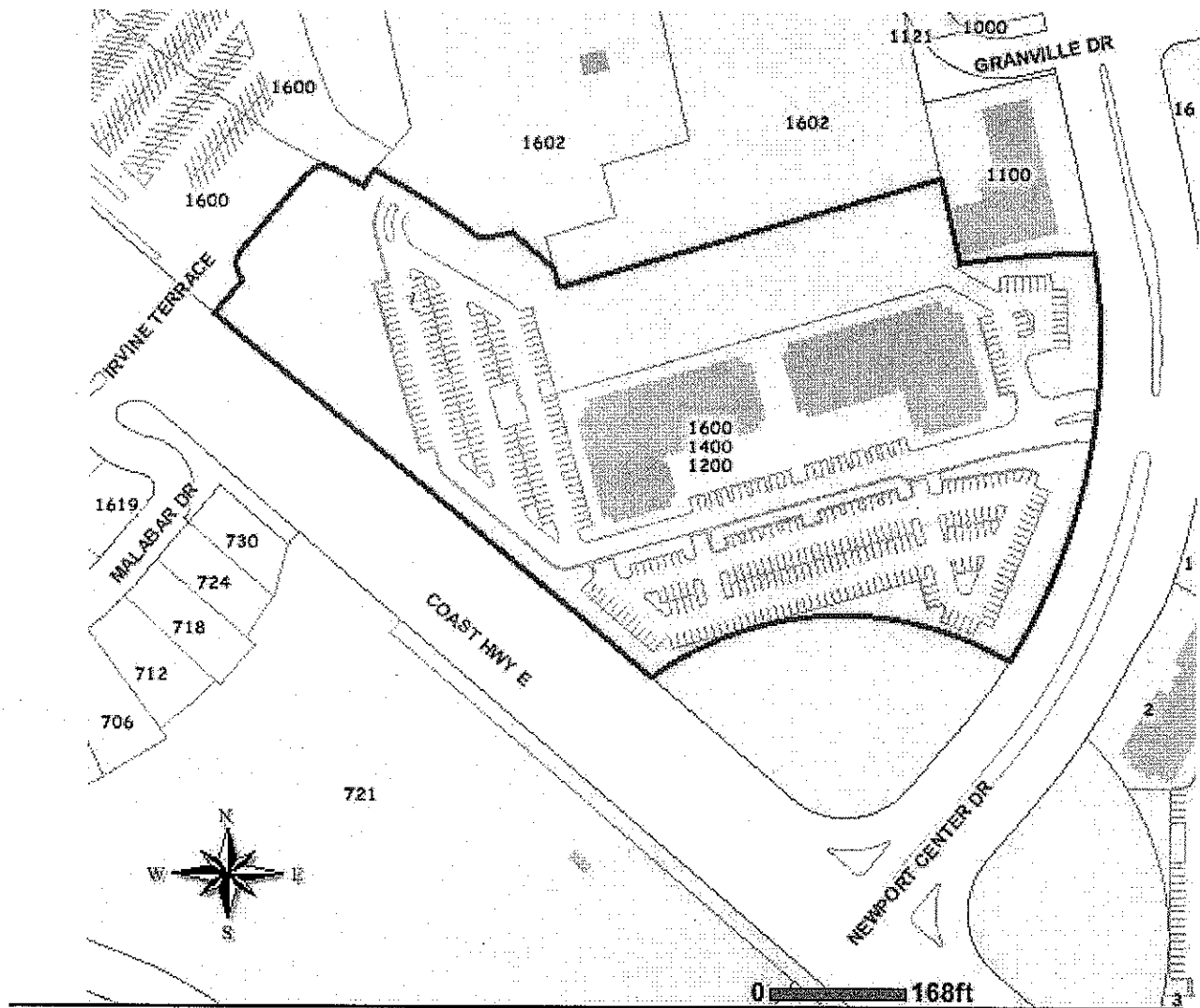
JSG:mn/rm

Attachments: Vicinity Map  
Aerial photo of site

Appeared in Opposition: None

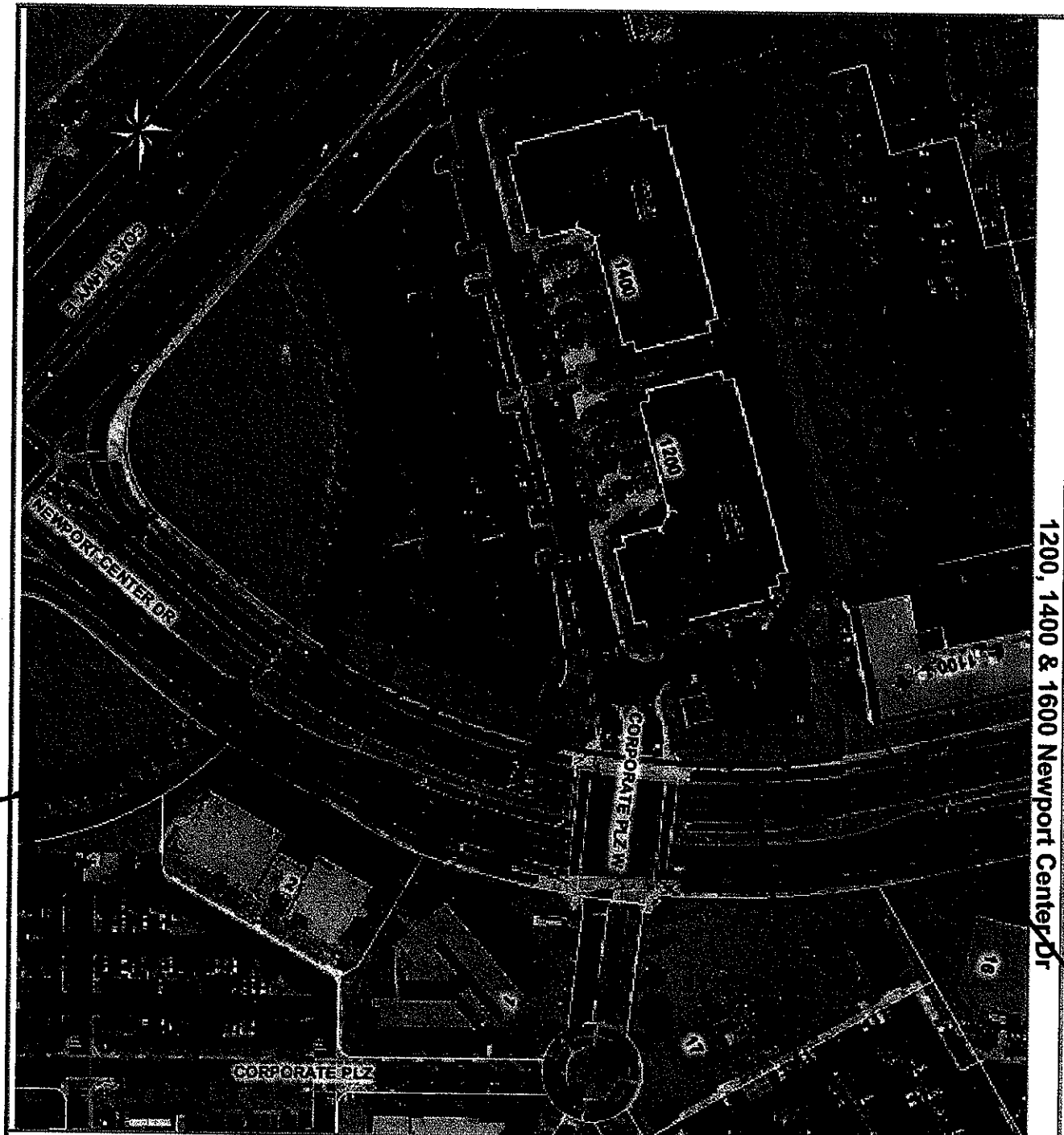
Appeared in Support: None

# VICINITY MAP



Modification Permit No. MD2008-018  
PA2008-041

**1200, 1400, 1600 Newport Center Drive**



1200, 1400 & 1600 Newport Center Dr

Line of sight

Line of sight

Selected Features  
City Boundary

Proposed Monument Sign Location

PA2008-041 for MD2008-018  
1200, 1400, 1600 NEWPORT CENTER DRIVE  
JB3D



## **MODIFICATION PERMIT NO. MD2008-024**

(PA2008-061)

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

<b>Application No.</b>	<b>Modification No. MD2008-024 (PA2008-061)</b>
<b>Applicant</b>	<b>Leroy Nonemaker</b>
<b>Site Address</b>	<b>1206 Blue Gum Lane</b>
<b>Legal Description</b>	<b>N TR 9620 LOT 14</b>

On May 12, 2008, the Zoning Administrator approved the application request to permit "as-built" structures that include two 36-inch pilasters with 24 inch tall lamps on top and five 3-foot 8-inch high pilasters that exceed the 3-foot height limit within the 20-foot required front yard setback. The property is located in the PC-22 (Westcliff Grove) 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.
  - The parcel currently contains one dwelling unit. The parcel conforms to the General Plan and the Local Coastal Program Land Use Plan in regard to number of dwelling units on the parcel.
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 reason:

- The proposed entails less overall wall area at the southeast (front) elevation than permitted by the Planned Community 22 (Westcliff Grove) District regulations by providing open wrought iron fence in-lieu of solid wall or fence structures. The proposed elements that exceed the height limit in the front yard setback have been determined to be minor architectural features consistent with the legislative intent of the Planned Community District regulations.
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 reason:
    - The proposed elements that exceed the height limit in the front yard are minor architectural features that compliment the permitted wall and are consistent with the purpose and intent of the height limitations.
  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 reason:
    - The proposed project is compatible with existing development in the neighborhood since there are other properties with lamps and other minor architectural features above pilasters.
  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 number, location, size and height of the lamps and glass blocks are not detrimental to the general welfare and are minor architectural features that in conjunction with the average height of the fence are consistent with improvements in the vicinity.

### **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

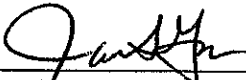


public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.

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. The total height of the two lights adjacent to the driveway shall not exceed 60 inches from the natural grade and the total height of the five pilasters adjacent to the front property line shall not exceed 44 inches from natural grade. All other wall and fence elements shall not exceed 36 inches in height from natural grade.
6. 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.
7. A building permit shall be obtained prior to commencement of the construction.
8. A building permit shall be obtained for pilasters, including glass blocks or other architectural features, exceeding 36 inches in height.
9. 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.
10. 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.
11. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
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.

**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:cs/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

