

**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,
August 11, 2008

Item 1: 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 09/08/08
Modifications Hearing.

Council District 5

Item 2: Condominium Conversion No. CC2008-004 and
Parcel Map No. NP2008-014 (PA2008-132)
608 and 608 ½ Jasmine Avenue

Request to approve a Condominium Conversion and Parcel Map application to convert a duplex into a condominium project. The code required two-car parking is provided and no waivers of Title 19 development standards are proposed with this application.

Parcel Map Application - Approved
Condominium Conversion Application - Continued
to 09/08/08 Modifications Hearing

Council District 6

Item 3: Parcel Map No. NP2008-015 (PA2008-133)
419 and 419 ½ Marigold Avenue

Request to approve a Parcel Map application to initiate the condominium process. The property was occupied by a duplex, which was demolished and is being replaced by a new two-unit structure that may become condominiums in the future. 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

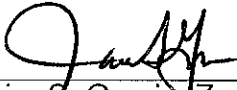
Item 4: Modification No. MD2008-032 (PA2008-134)
4607 Orrington Road

Request to permit encroachment of a portion of a proposed 111 square foot addition to an existing closet of a single-family residence into the westerly side yard setback. The request also includes retention of a portion of an existing addition to the original kitchen that encroaches into the easterly side yard setback.

This item was approved.

Council District 6

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*)



PARCEL MAP NO. NP2008-014
(PA2008-132)

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

Application No. Parcel Map No. NP2008-014 (PA2008-132)
County Parcel Map No. 2008-154

Applicant Mary Smallwood

Site Address 608 and 608 ½ Jasmine Avenue

Legal Description Corona Del Mar Blk 637 Lot 10

On **August 11, 2008**, the Zoning Administrator approved the parcel map request to allow for two-unit condominium purposes. 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. An existing duplex will be converted to 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 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 property is not subject to the Williamson Act since its use is not agricultural.
6. The property is not located within the boundaries of a specific plan and is not subject to any specific plan regulations.
7. 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.
8. 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.
9. Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
10. The subdivision conforms to the certified Local Coastal Program.

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 as 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. Prior to recordation of the parcel map, the In-Lieu Park Dedication Fee approved by City Council Resolution No. 2007-30 shall be paid to the City.

4. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
5. An encroachment agreement will be required for all existing private, non-standard improvements within the Jasmine Avenue public right-of-way fronting the development site. All private encroachments in the public right-of-way shall comply with City Council policy L-6, Private Encroachments in Public Rights-of-Way.
6. 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.
7. 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.
8. 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.
9. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
10. 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.
11. Remove and replace any damaged concrete sidewalk, curb and gutter and concrete alley pavement on or adjacent to the development. Said limits of work shall be determined by the Public Works Inspector.
12. Per Chapter 13 of the City Municipal Code, street trees shall be planted along the Jasmine Avenue frontage. The designated street tree for this segment of Jasmine Avenue is the Coral Gum (*Eucalyptus torquata*).
13. All on-site drainage shall comply with the latest City Water Quality requirements prior to release for recordation of the Parcel Map. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
14. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.

15. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
16. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
17. An encroachment permit is required for all work activities within the public right-of-way. 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. At least two parking spaces shall be provided for each dwelling unit on the subject property.
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. Subsequent to recordation of the parcel map, the applicant shall apply for a building permit for a condominium conversion of the subject project development. **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.

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



PARCEL MAP NO. NP2008-015

(PA2008-133)

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

Application No. Parcel Map No. NP2008-015 (PA2008-133)
Applicant County Parcel Map No. 2008-135
Robert J. and Suzanne Steinbroner
Site Address 419 and 419 ½ Marigold Avenue
Legal Description Lot 11, Block 9, Corona del Mar

On August 11, 2008, the Zoning Administrator approved the parcel map request to initiate the condominium process. The property was occupied by a duplex, which was demolished and is being replaced by a new two-unit structure that may become condominiums in the future. 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 initiate the condominium process. The property was occupied by a duplex, which was demolished and a new two-unit structure is under construction. 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 qualifies for an exemption from environmental review pursuant to Section 15315 (Class 15) of the Implementing Guidelines of the California Environmental Quality Act (CEQA). The division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels is exempt when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

4. The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
5. 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.
6. The property is not subject to a Williamson Act contract as it is not an agricultural use.
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 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.

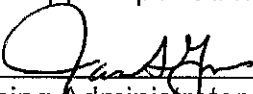
3. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
4. All applicable Public Works Department plan check fees, improvement bonds and inspection fees shall be paid prior to processing of the map by the Public Works Department.
5. Arrangements shall be 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. 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.
10. 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, including the tree in the Marigold 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 (including replacement of trees, species and size to be determined).
11. If required by the Public Works Department, all existing drainage facilities in the public right-of-way adjacent to the subject property 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.

12. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
13. All on-site drainage shall comply with the latest City Water Quality requirements.
14. Remove and replace any damaged concrete sidewalk, curb and gutter and concrete alley pavement fronting the development. Said limits of work shall be determined by the Public Works Inspector
15. 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.
16. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
17. 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.
18. Remove and replace any damaged concrete sidewalk, curb and gutter and concrete alley pavement fronting the development. Said limits of work shall be determined by the public works inspector.
19. The rear 5-foot alley setback shall be clear of any above grade improvements.
20. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
21. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
22. 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.
23. 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.

24. 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.
25. 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.
26. 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

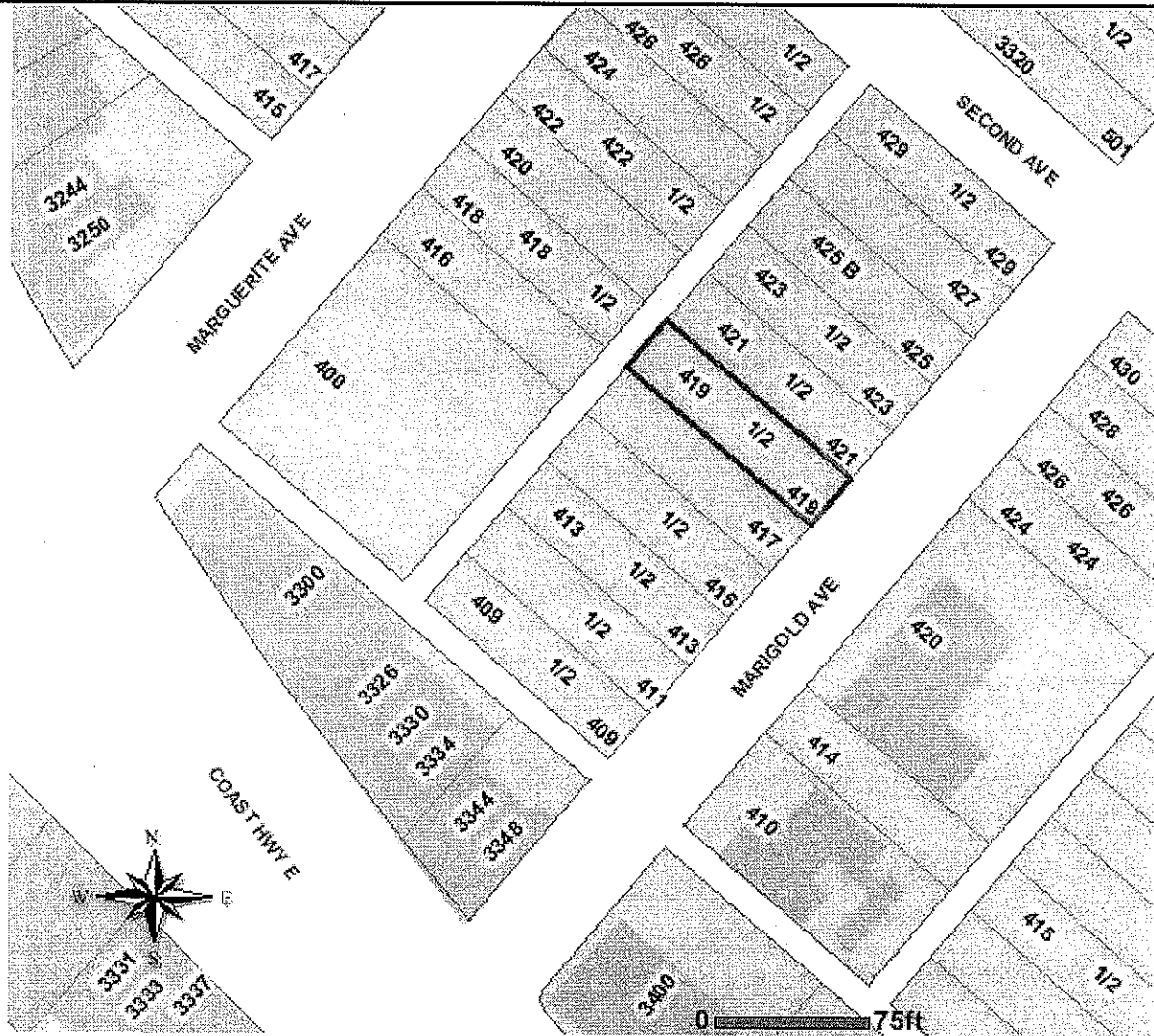
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2008-015
PA2008-133

419 and 419 1/2 Marigold Avenue

- Since the area homeowner's association restricts residences to one-story construction, open space available for constructing additional square footage to the residence is limited to the area within the interior courtyard area.
 - Strict application of the Zoning Code would require that the existing pool within the interior courtyard be removed, or the square footage of the proposed addition be reduced.
 - Strict application of the Zoning Code would result in a jog in the exterior westerly side wall and the approval of the addition as proposed would match the setback approved by the previous Modification Permit No. 4303.
 - Compliance with the 6-foot easterly side yard setback would necessitate demolishing the addition to the kitchen constructed in 1981. This would result in significant costs, and would create a hardship for the applicant who was not the owner of the property at the time the addition was constructed.
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 new addition will match the setback authorized in conjunction with Modification Permit No. 4303.
 - The lot coverage of the closet addition, the existing as-built addition, and existing residence do not exceed 60 percent of the square footage of the entire lot allowed for R-1-B properties per the Zoning Code.
 - The existing residence, including the proposed addition, will remain a one-story structure as required by the area home owner's association.
 - The Zoning Code would allow the proposed addition by right if the existing closet addition were part of the original residence (Section 20.50.030 B Overlay District). Staff concludes that the proposed closet addition and retention of the addition to the kitchen are not detrimental to the neighborhood.
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:
- Neighboring properties are separated from the subject property by 6-foot high block walls along the side property lines. The minor encroachment of portions of the closet addition approved by modification permit in 1995, and the addition to the original kitchen permitted in 1981 have been in place for many years without detriment to the neighboring properties.
 - The remaining area (4-feet 2-inches) within each of the required side yard setbacks is unobstructed and provides adequate light, air and passageway for emergency personnel for the subject residence.
 - The proposed addition to the existing closet will encroach less than the existing closet addition approved by Modification Permit No. 4303 due to the shape of the property.

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 and approval.
3. The proposed addition to the existing closet may encroach to a maximum 1-foot 10-inches into the 6-foot side yard setback. Encroachment of the related eave shall comply with the California Building Code requirements and shall be approved by the Building Department.
4. The as-built addition to the kitchen shall be allowed to remain in its current location as constructed.
5. All accessory structures within the side yard setbacks shall maintain a maximum height of 6 feet. The fence constructed above the block wall along the westerly side yard setback shall be removed. The wrought iron gate in the westerly side yard setback shall be removed or lowered to a height of 6 feet to comply with the Zoning Code requirements.
6. Landscaping within Orrington Road Parkway shall be limited to a maximum 24 inches high, unless otherwise approved by the Public Works Department. The first 18 inches from curb face shall be low landscaping to accommodate car door opening and individuals exiting vehicles, unless otherwise approved by the Public Works Department.
7. 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.
8. 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.
9. Prior to issuance of building permits, the applicant shall submit to the Planning Department a copy of the revised architectural plans showing the location of the encroachment of the proposed addition and eave approved by all departments 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.

10. A building 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 or issuance of revised plans.
12. 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.
13. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
14. 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 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

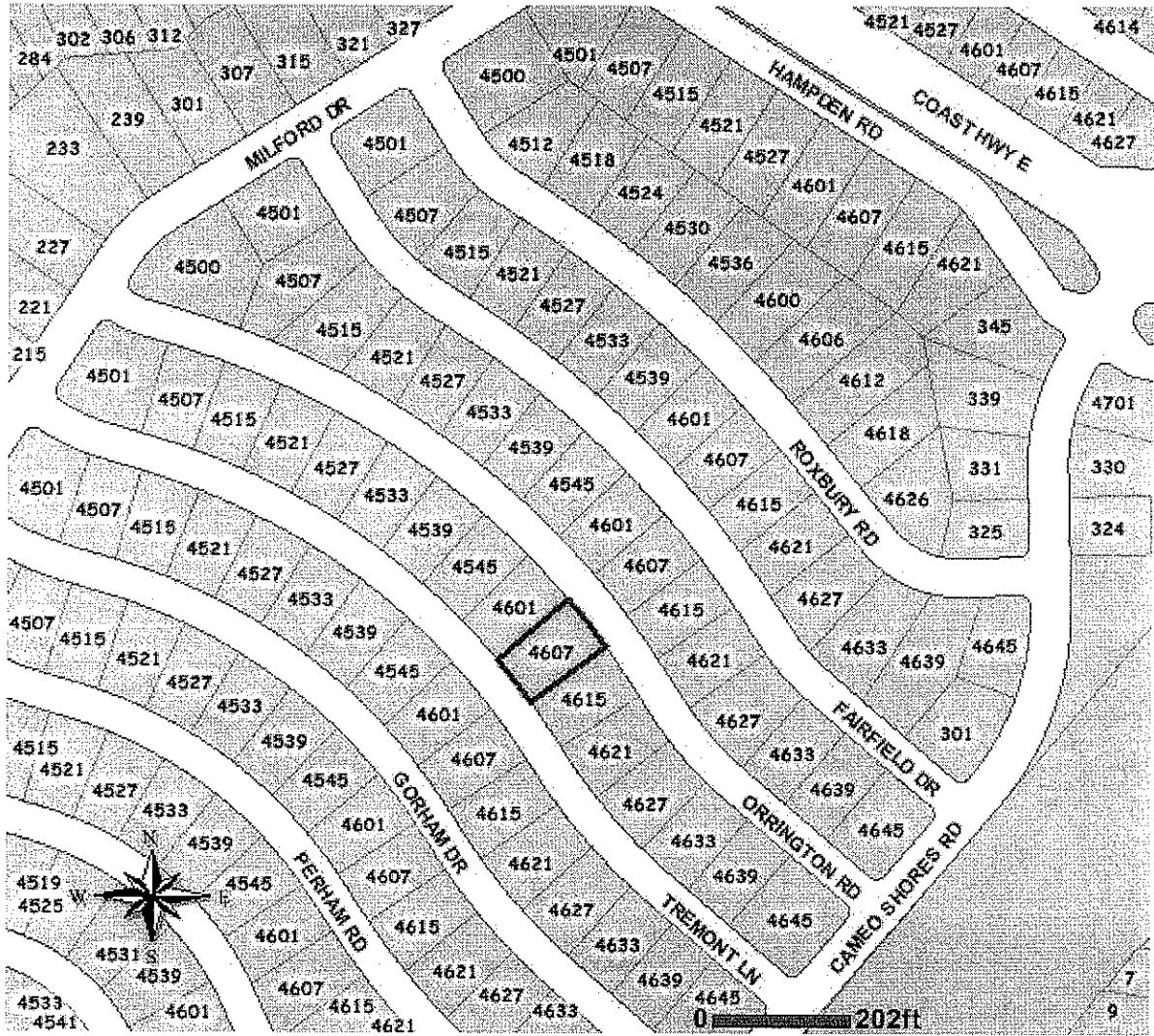
JSG:ks/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-032
PA2008-134

4607 Orrington Road