

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR HEARING
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 Zoning Administrator Hearing on Monday, September 22, 2008

- Item 1: Lot Line Adjustment No. LA2008-006 (PA2008-159)
604 Seaward Road
- Request to approve a Lot Line Adjustment application for a lot merger. The lot merger would combine two existing parcels by removing the lot line that separates them. Also included in the application is a request to waive the requirement to file a parcel map. No exceptions to standards are proposed with this application request.
- This item was approved. Council District 6
- Item 2: Lot Line Adjustment No. LA2008-006 (PA2008-159)
616 Seaward Road
- Request to approve a Lot Line Adjustment application for a lot merger. The lot merger would combine two existing parcels by removing the lot line that separates them. Also included in the application is a request to waive the requirement to file a parcel map. No exceptions to standards are proposed with this application request.
- This item was approved. Council District 6
- Item 3: Parcel Map No. NP2008-021 (PA2008-163)
435 Carnation Avenue
- Request to approve a Parcel Map application for condominium purposes. An existing duplex was demolished and is being replaced with a new two-unit structure. No exceptions to the Zoning Ordinance or Subdivision Code Development Standards are proposed with this application. The code required two-car parking per unit will be provided.
- This item was approved. Council District 6

Item 4: Modification No. MD2008-033 (PA2008-149)
514 30th Street

Request to approve a Modification application to allow rooftop solar equipment in excess of the maximum permitted height limit. The existing building was permitted to exceed the 26-foot height limit with the approval of Use Permit No. 2001-022 on December 6, 2001. The height of the existing building is 31 feet, 11 inches and the proposed solar panels will be approximately eight inches above the existing roof plane.

This item was approved.

Council District 1

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)
- Jim Campbell, Senior Planner (e-mail)
- Sgt. Ron Vallercamp, Vice/Narcotics (e-mail)
- Code Enforcement Division (e-mail)
- Iris Lee, Public Works (e-mail)
- Evelyn Tseng, Revenue (e-mail)



LOT LINE ADJUSTMENT NO. LA2008-006
(PA2008-159)

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

Application No. Lot Line Adjustment LA2008-006
(PA2008-159)

Applicant Traci Wardy

Site Address 604 Seaward Road

Legal Description Lot 12, Tract 14795 and Lot 170, Tract 1237

On **September 22, 2008**, the Zoning Administrator approved the application request for a lot merger. The lot merger would combine two existing parcels by removing the lot line that separates them. Also included in the application is a request to waive the requirement to file a parcel map. No exceptions to standards are proposed with this application request. The property is located in the R-1-B District. The Zoning Administrator's approval is based on the following findings and subject to the following procedural requirements.

AUTHORITY

In accordance with Section 19.68.060 D., voluntary mergers of contiguous lots, under one ownership, may be initiated by the lot owner. In cases where no more than one parcel is eliminated, the Zoning Administrator may approve a waiver of the parcel map requirement and use of a lot line adjustment to combine the lots.

FINDINGS

1. The Land Use Element of the General Plan designates the site as Single-Unit Residential Detached (RS-D). The Coastal Land Use Plan designates this site as Low Density Residential, which is intended to provide for very low-density single-family detached residential development. The existing single-unit development is consistent with the General Plan and the Coastal Land Use Plan designations.
2. This project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel.

3. In accordance with Section 19.68 of the Newport Beach Municipal Code, the Planning Director has deemed the lot line adjustment application as appropriate to combine the two lots into a single parcel, based on the following:
 - The lots to be merged have the same owner.
 - The resulting merged lot will be approximately 9,053 square feet in area, exceeding the minimum area requirements of 6,000 square feet. No setback nonconformities are directly created by the proposed merger.
 - Neither the merged lot nor adjoining parcel will be deprived of legal access as a result of the merger as vehicular access to and from Seaward Road will remain unchanged.

4. The merger of continuous lots, under the circumstances of the particular case, will not 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, and further that the proposed lot line adjustment is consistent with the legislative intent of Title 19 and Title 20 of the Newport Beach Municipal Code for the following reasons:
 - The proposed lot line adjustment will remove the interior lot line between two legal lots.
 - The lot merger to combine two existing parcels will not result in the creation of additional parcels.
 - The project is in an area with an average slope less than 20% and no changes in use or density will occur as a result of the merger.
 - The project will not result in a change in land use or density, since no additional lots are created and the single-family residential use will be maintained.
 - The lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

5. Based on the information of this particular case, the Zoning Administrator waives the requirement of a parcel map pursuant to Section 19.08.030 for the following criteria and reasons:
 - The proposed lot line adjustment combines the property into a single-parcel of land and does not result in the elimination of more than one lot.
 - The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other applicable requirements of Title 19 and Title 20 of the Newport Beach Municipal Code and the General Plan.

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. 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.
4. In conformance with the California Coastal Act, Coastal Commission approval shall be obtained prior to the recordation of the lot line adjustment.
5. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.
6. Prior to final of the building permit for any new construction on the properties, the Planning Department shall verify Coastal Commission approval of the lot line adjustment and recordation of the document with the County Recorder.
7. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code, unless otherwise approved by the Planning Department.

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.

By: 
Zoning Administrator Javier S. Garcia, AICP

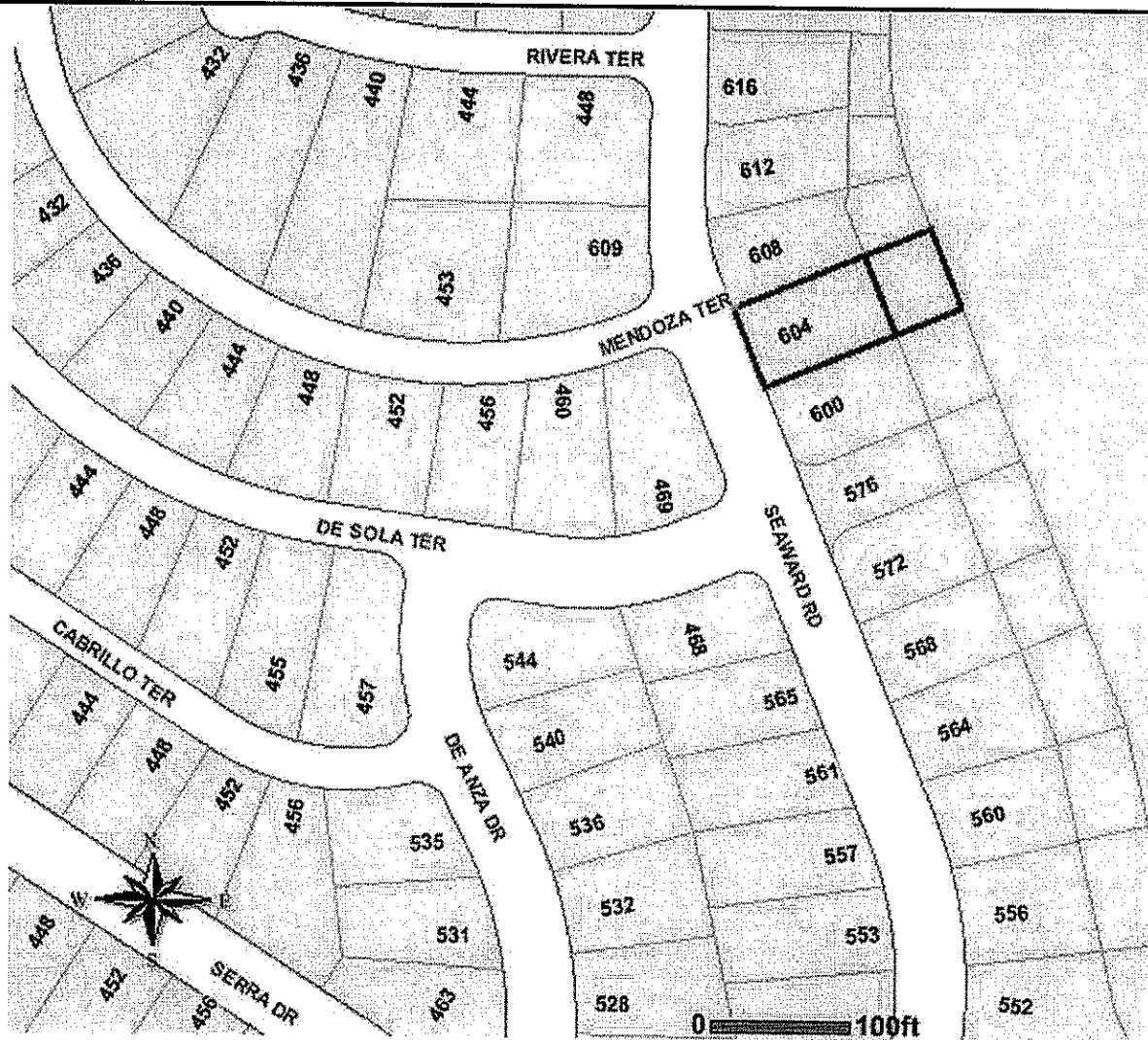
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Lot Line Adjustment Permit No. LA2008-006
PA2008-159

604 Seaward Road



LOT LINE ADJUSTMENT NO. LA2008-007
(PA2008-160)

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

Application No. **Lot Line Adjustment LA2008-007
(PA2008-160)**

Applicant **Amen and Traci Wardy**

Site Address **616 Seaward Road**

Legal Description **Lot 167 and 168, Tract 1237 and Lot 15, Tract 14795**

On **September 22, 2008**, the Zoning Administrator approved the application request for a lot merger. The lot merger would combine two existing parcels by removing the lot line that separates them. Also included in the application is a request to waive the requirement to file a parcel map. No exceptions to standards are proposed with this application request. The property is located in the R-1-B District. The Zoning Administrator's approval is based on the following findings and subject to the following procedural requirements.

AUTHORITY

In accordance with Section 19.68.060 D., voluntary mergers of contiguous lots, under one ownership, may be initiated by the lot owner. In cases where no more than one parcel is eliminated, the Zoning Administrator may approve a waiver of the parcel map requirement and use of a lot line adjustment to combine the lots.

FINDINGS

1. The proposal is consistent with the General Plan and the Local Coastal Program Land Use Plan since the lots are for single-family development, a permitted use in this area. The Coastal Lane Use Plan designates this site as Low Density Residential, which is intended to provide for very low-density single-family detached residential development.
2. The project is categorically exempt from the requirements of the California Environmental Quality Act under Class 5 (Minor Alterations in Land Use Limitations) because the lot line adjustment is minor and does not result in the creation of any new parcel.

3. In accordance with Section 19.68 of the Newport Beach Municipal Code, the Planning Director has deemed the lot line adjustment application as appropriate to combine the two lots into a single parcel, based on the following:
 - The lots to be merged have the same owner: Amen and Traci Wardy.
 - The merged lot will be more closely compatible with the applicable zone district regulations and other regulations relating to the subject property. The resulting lot will be approximately 7,980 square feet in area exceeding the minimum area requirements of 6,000 square feet. No setback nonconformities are directly created by the proposed merger.
 - Neither the merged lot nor adjoining parcel will be deprived of legal access as a result of the merger as vehicular access to and from Seaward Road will remain unchanged.

4. The merger of continuous lots, under the circumstances of the particular case, will not 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, and further that the proposed lot line adjustment is consistent with the legislative intent of Title 19 and Title 20 of the Newport Beach Municipal Code for the following reasons:
 - The proposed lot line adjustment will remove the interior lot line between two legal lots.
 - The lot merger to combine two existing parcels will not result in the creation of additional parcels.
 - The project is in an area with an average slope less than 20% and no changes in use or density will occur as a result of the merger.
 - The project will not result in a change in land use or density, since no additional lots are created and the single-family residential use will be maintained.
 - The lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

5. Based on the information of this particular case, the Zoning Administrator waives the requirement of a parcel map pursuant to Section 19.08.030 for the following criteria and reasons:
 - The proposed lot line adjustment combines the property into a single-parcel of land and does not result in the elimination of more than one lot.
 - The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other applicable requirements of Title 19 and Title 20 of the Newport Beach Municipal Code and the General Plan.

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. 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.
4. In conformance with the California Coastal Act, Coastal Commission approval shall be obtained prior to the recordation of the lot line adjustment.
5. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.
6. Prior to final of the building permit for any new construction on the properties, the Planning Department shall verify Coastal Commission approval of the lot line adjustment and recordation of the document with the County Recorder.
7. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code, unless otherwise approved by the Planning Department.

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.

By: 
Zoning Administrator Javier S. Garcia, AICP

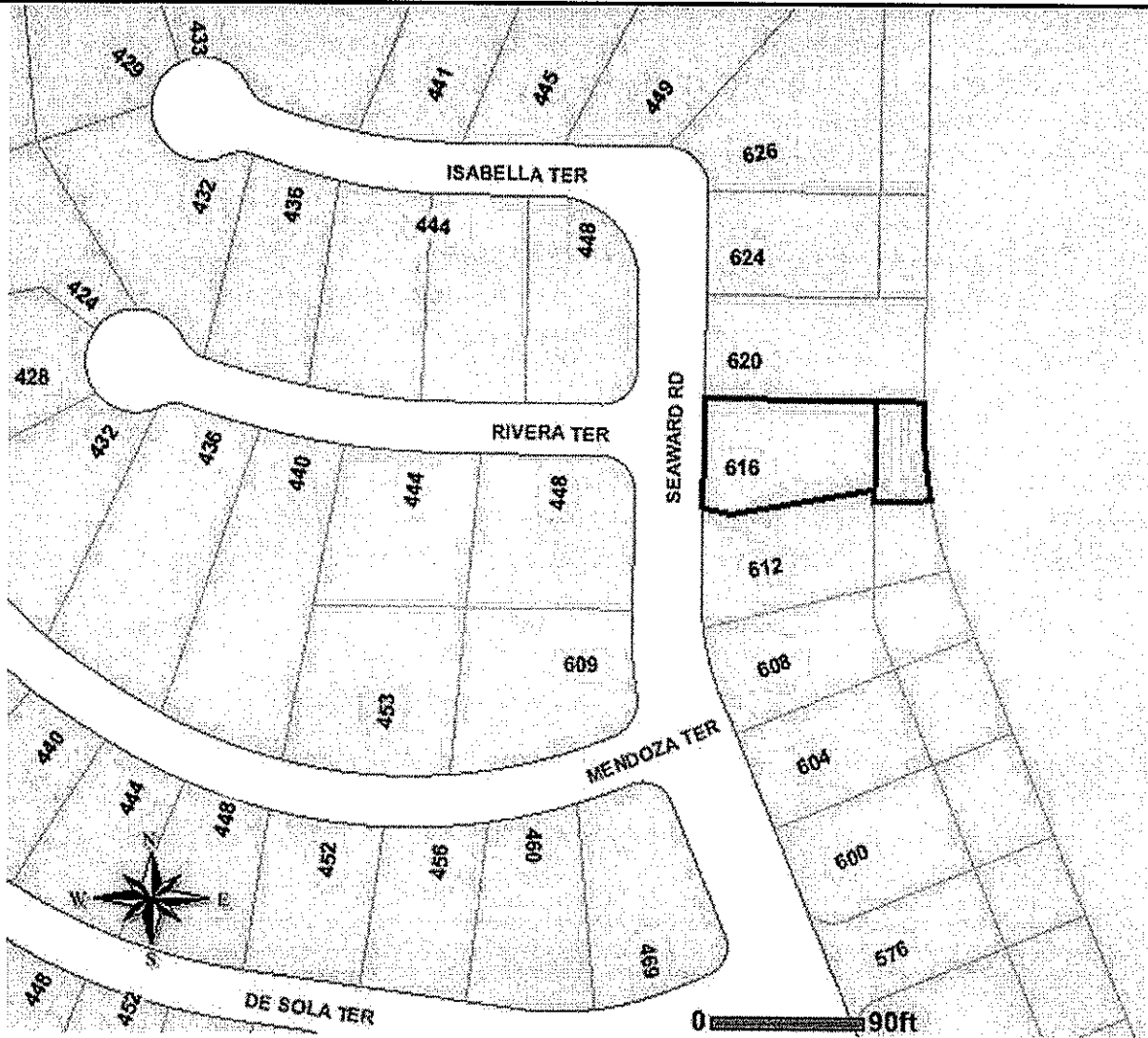
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Lot Line Adjustment Permit No. LA2008-007
PA2008-160

616 Seaward Road



PARCEL MAP NO. NP2008-021
(PA2008-163)

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

| | |
|--------------------------|---|
| Application No. | Parcel Map No. NP2008-021 (PA2008-163) |
| Applicant | County Parcel Map No. Andrew Patterson |
| Site Address | 435 Carnation Avenue |
| Legal Description | Lot 15 , Block 430 , Corona Del Mar |

On **September 22, 2008**, the Zoning Administrator approved the parcel map request for condominium purposes. An existing duplex was demolished and is being replaced with a new two-unit structure. No exceptions to the Zoning Ordinance or Subdivision Code Development Standards are proposed with this application. The code required two-car parking per unit will be provided. 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 two unit condominium purposes. A previously existing duplex was demolished and a new two-unit condominium 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 has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under 15315 (Class 15, Minor Land Divisions). 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 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 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 within the Coastal Zone and is consistent with 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 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 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.
11. All existing drainage facilities in the public right-of-way, including the existing curb drains along Carnation Avenue frontage 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. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of 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 (i.e. low wall) 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. Install new sod or low groundcovers of the type approved by the City throughout the Carnation Avenue parkway fronting the development site.
19. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
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. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.
26. 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.
27. This parcel map shall expire if the map has not been recorded within 3 years of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

APPEAL PERIOD

The 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

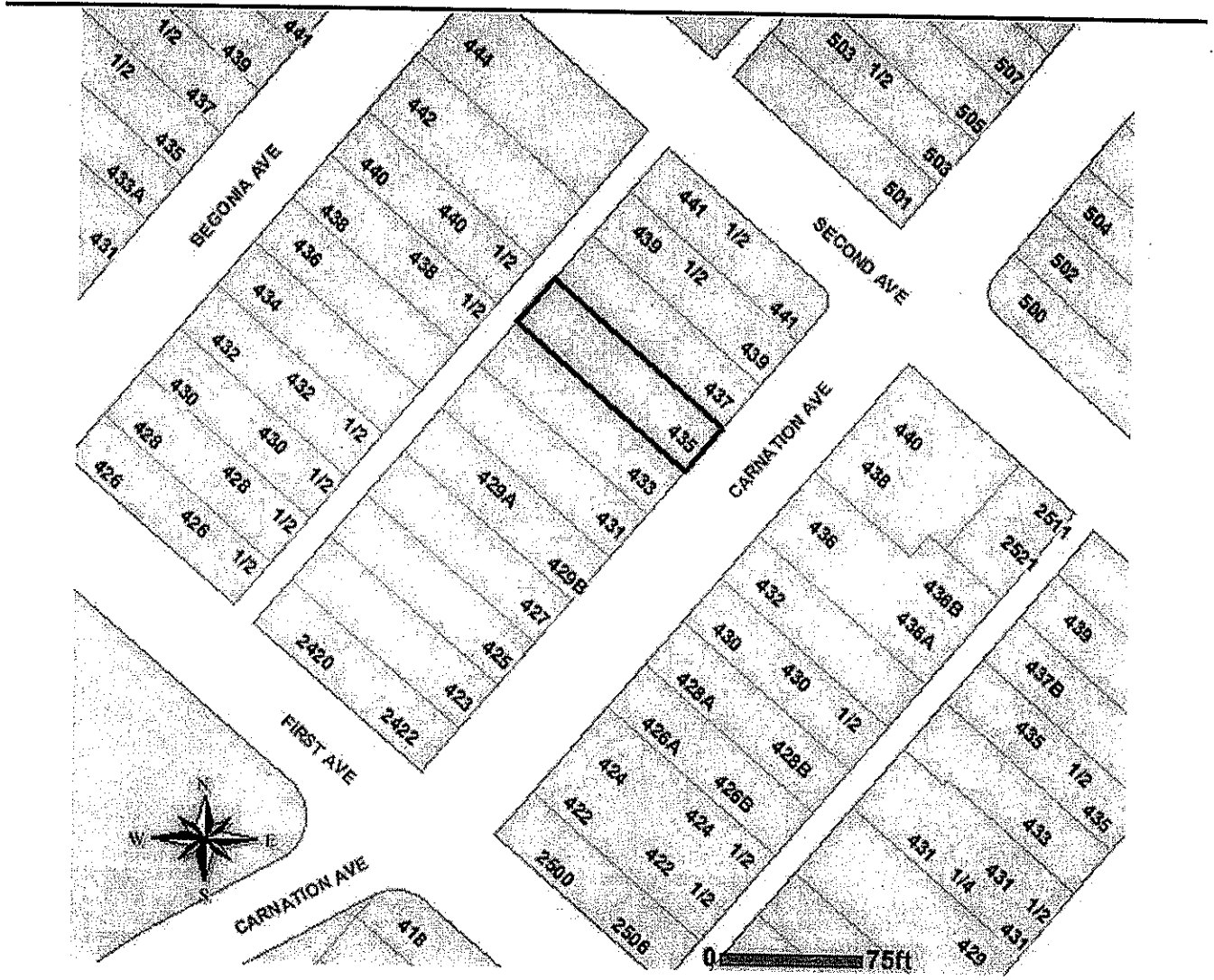
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2008-021
PA2008-163

435 Carnation Avenue



MODIFICATION PERMIT NO. MD2008-033

(PA2008-149)

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

Application No. **Modification No. MD2008-033**
 (PA2008-149)

Applicant **HelioPower Inc.**

Site Address **514 30th Street**

Legal Description **Lot 8, Block 329, Tract 421, Lancaster's Addition**

On **September 22, 2008**, the Zoning Administrator approved the application request to allow rooftop solar equipment in excess of the maximum permitted height limit. The existing building was permitted to exceed the 26-foot height limit with the approval of Use Permit No. 2001-022 on December 6, 2001. The height of the existing building is 31 feet, 11 inches and the proposed solar panels will be approximately eight inches above the existing roof plane. The property is located in the SP-6 (Cannery Village/McFadden Square Specific Plan) 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 designates the site as Mixed-Use Horizontal 4 (MU-H4). The MU-H designation is intended to provide for a horizontally distributed mix of uses. The MU-H4 designation is a subset of MU-H and applies to properties where it is the intent to establish the character of a distinct and cohesively developed district or neighborhood, which includes the Cannery Village area. Mixed-Use structures where the ground floor is restricted to nonresidential uses along the street frontage with residential above the first floor are a permitted use.
2. The project is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities). Section 15301 (Class 1 Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act (CEQA) exempts minor alterations to existing facilities including the addition of photovoltaic modules.
3. 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 height of the existing building was approved with Use Permit No. 2001-022 on December 6, 2001 to exceed the basic 26-foot height limit. The strict application of the Zoning Code does not allow solar equipment to exceed the height limit of 26 feet; therefore it would not allow the photovoltaic modules on the roof. The roof is the most plausible location, as the panels would be visible in other locations and/or they would take away usable floor area or parking. Section 20.65.070 of the City of Newport Beach Municipal Code allows for solar equipment in excess of permitted height limits subject to the approval of a modification permit.
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 photovoltaic modules are accessory to the main building structure. They will project a maximum of eight inches above the existing roof plane and will not be visible from surrounding public right-of-ways at six feet above street level grade.
 - The height of the existing building was approved with Use Permit No. 2001-022, and this modification permit application is consistent with that approval as it will not decrease publicly visible open space or views as the solar equipment will not be visible to the public.
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 photovoltaic modules will be located on the roof of the structure, will not be accessible to the neighborhood, and will have no moving parts that will generate noise.
 - The photovoltaic modules will not be visible from surrounding public right-of-ways at six feet above street level grade.

CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
3. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
4. 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.

5. 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.
6. A building permit shall be obtained prior to commencement of the construction. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
7. 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.
8. 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.
9. 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.

By: 
Zoning Administrator Javier S. Garcia, AICP

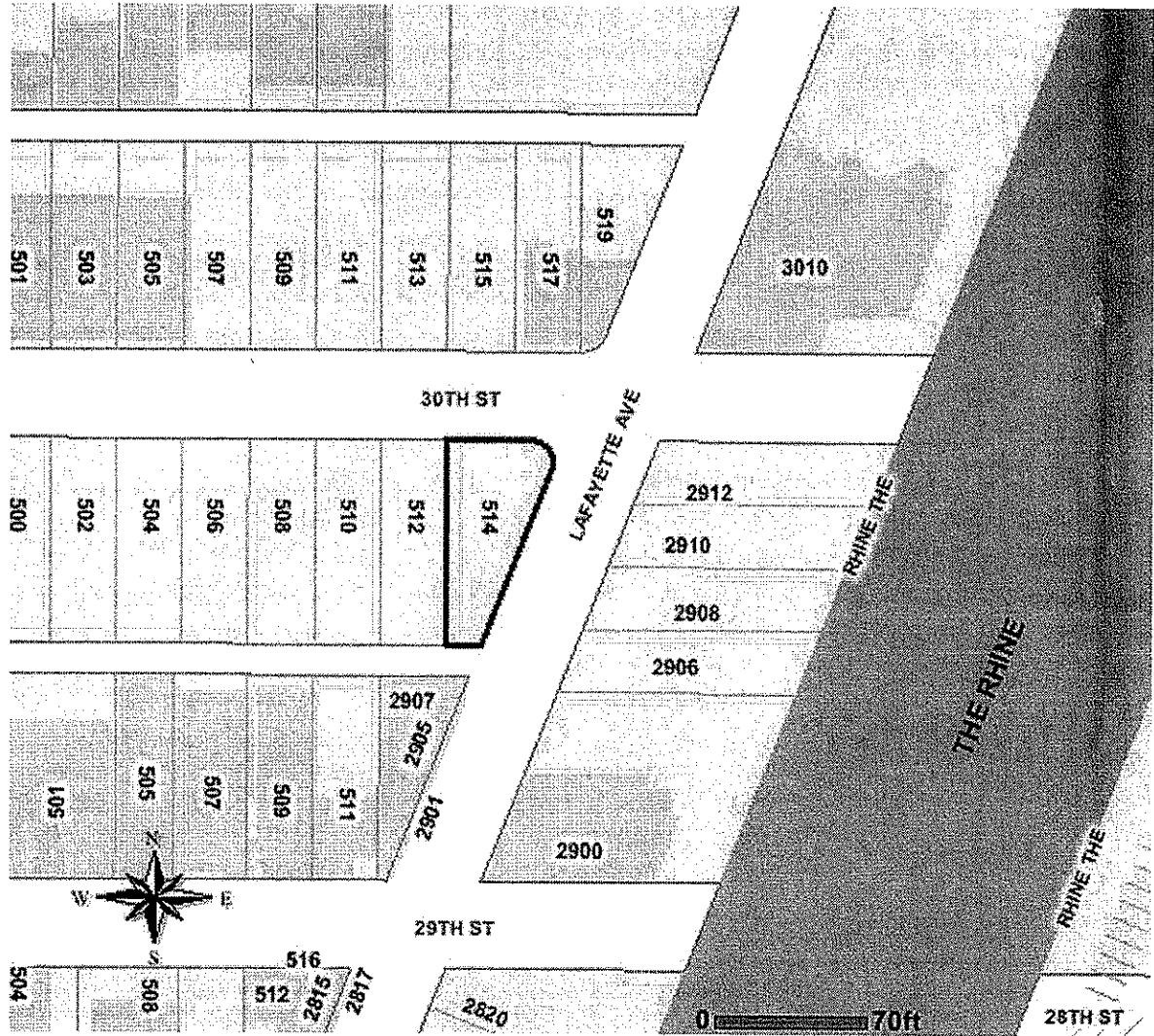
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Attachments: Vicinity Map
Letter of Support – M. Schattinger, 30th Street

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-033
PA2008-149

514 30th Street

9-22-08
ZA Hearing

MJSDesign Group

Landscape Architecture + Planning + Design

Cannery Lofts 511 30th Street Newport Beach, CA 92663
(949) 675-9964 Fax (949) 675-9974 mjsdesigngroup.com

September 15, 2008

RECEIVED BY
PLANNING DEPARTMENT - email

SEP 15 2008

Ms. Fern Nueno, Ass't. Planner
City of Newport Beach
Planning Department
3300 Newport Blvd.
Newport Beach, CA 92663

CITY OF NEWPORT BEACH

re: **Public Hearing for Modification Permit No. 2008-033**
Installation of Solar Panels at 514 30th St.

Dear Ms. Nueno,

As the property owner of 507 & 511 30th Street I am in support of the decision to approve administrative relief to exceed the maximum permitted height limit for the installation of rooftop solar equipment and it is my desire that many more of these request come before you.

Sincerely,

Mark Schattinger
507 & 511 30th Street
Newport Beach, CA 92663
949-675-9964

cc: **Zoning Administrator**