

**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, October 20, 2008

Item 1: Lot Line Adjustment No. 2008-008 (PA2008-171)
1547 and 1551 Miramar Drive

Request to approve a Lot Line Adjustment application to merge two R-1 parcels into one R-1 parcel by removing the shared lot line. The parcels are located within the Coastal Zone.

This item was approved.

Council District 1

Item 2: Lot Line Adjustment No. 2008-009 (PA2008-178)
419 and 423 Redlands Avenue

Request to approve a Lot Line Adjustment application for a lot merger to combine two existing parcels by removing the shared interior lot line. Also included in the application is a request to waive the requirement to file a parcel map.

This item was approved.

Council District 2

Item 3: Condominium Conversion No. CC2008-005, Parcel Map No. NP2008-019
and Modification No. MD2008-038 (PA2008-158)
120 A and 120 B 24th Street

Request to approve a Condominium Conversion and Parcel Map application to convert a duplex into a condominium project. Also included in the request is a modification permit to allow a nonconforming garage with a width of 18 feet 4 inches and a depth of 34 feet 8 inches where the Zoning Code requires a minimum width of 18 feet 7 inches and a depth of 35 feet.

This item was approved.

Council District 1

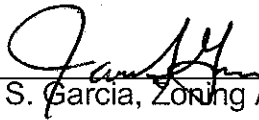
Item 4: Modification No. MD2008-036 (PA2008-176)
938 West Ocean Front

Request to allow an increase in floor area between 25 percent and 50 percent to an existing nonconforming structure. The addition is proposed above the existing garage which encroaches into the side yard. The proposed addition will conform to the development standards of the R-1 zone.

This item was continued to the 11/17/08
Zoning Administrator Hearing.

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. LA2008-008

(PA2008-171)

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

Application No. Lot Line Adjustment LA2008-008
(PA2008-171)

Applicant Gary and Lisa Jabara

Site Address 1547 and 1551 Miramar Drive

Legal Description N TR 518 BLK I LOT 34 AND LOT 35

On **October 20, 2008**, the Zoning Administrator approved the application request to merge two R-1 parcels into one R-1 parcel by removing the shared lot line. The parcels are located within the Coastal Zone. 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 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 Medium Density Residential (RM-C), which is intended to provide for a range of residential development types, including single-family (attached and detached), two-family, and multi-family residential between 15.1 and 20 units per acre. The existing single-unit development is consistent with the General Plan and 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%, 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. The lot line adjustment application to combine the two lots into a single parcel is consistent with Section 19.68.030 of the Newport Beach Municipal Code, for the following reasons:
 - The two abutting lots are under common ownership.
 - The lots as merged will be consistent with or will be more closely compatible with the applicable zone district regulations and other regulations relating to the subject property. Each lot is approximately 35 feet wide by 70 feet deep. The combined lot will be approximately 4,937 square feet in area and approximately 70 feet wide by 70 feet deep. The resulting lot does not meet the minimum 5,000 square foot lots size prescribed by the Zoning Code, however, the merged lot more closely conforms. The merged lot would exceed the minimum 50-foot lot width.
 - Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger. Access for the merged lot will be 70 feet of frontage on Miramar Drive and 71.04 feet of frontage on the rear alley.

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.

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.
8. Any party may appeal the decision of the Zoning Administrator to the Planning Commission within 14 days of the decision date. A \$600.00 filing fee must accompany the submitted appeal.

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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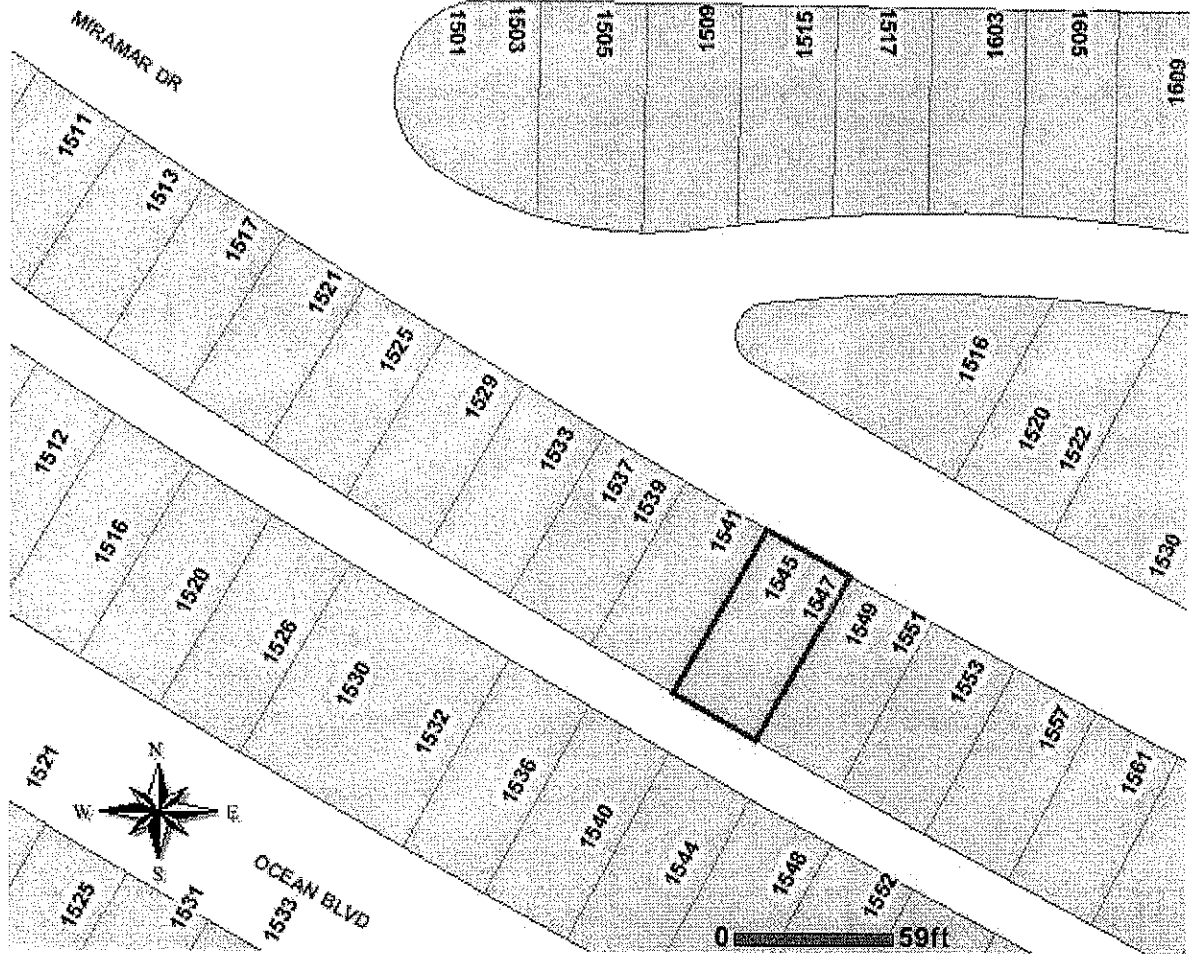
Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP

BALBOA BLVD E



Lot Line Adjustment Permit No. LA2008-008

PA2008-171

1547 and 1551 Miramar Drive



LOT LINE ADJUSTMENT NO. LA2008-009

(PA2008-178)

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

Application No.	Lot Line Adjustment LA2008-009 (PA2008-178)
Applicant	Michael and Kimberly Robertson Trustees
Site Address	419 and 423 Redlands Avenue
Legal Description	Lots 18 and 19, Block 14, First Addition of Newport Heights

On **October 20, 2008**, the Zoning Administrator approved the application request for a lot merger to combine two existing parcels by removing the shared interior lot line. Also included in the application is a request to waive the requirement to file a parcel map. 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 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 since the lots are for single-unit residential detached development, a permitted use in this area.
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.
 - The lots as merged will comply with the Zoning Code requirements for lot width and lot area as the resulting lot will be 100 feet wide and approximately 12,546 square feet in area exceeding the minimum 50 foot width and 5,000 square foot standard.

- Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger as vehicular access to and from the alley will remain unchanged.
4. The merger of the contiguous lots, under the circumstances of this 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 resulting parcel created by the lot line will comply with all applicable zoning regulations and there will be no change in the land use, density or intensity on the property.
 - The lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities as it is merely the combination of two existing lots of record.
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.

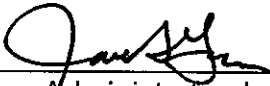
PROCEDURAL REQUIREMENTS

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. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.
5. Prior to final of the building permit for any new construction on the properties, the Planning Department shall verify recordation of the document with the County Recorder.
6. 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.
7. 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.

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

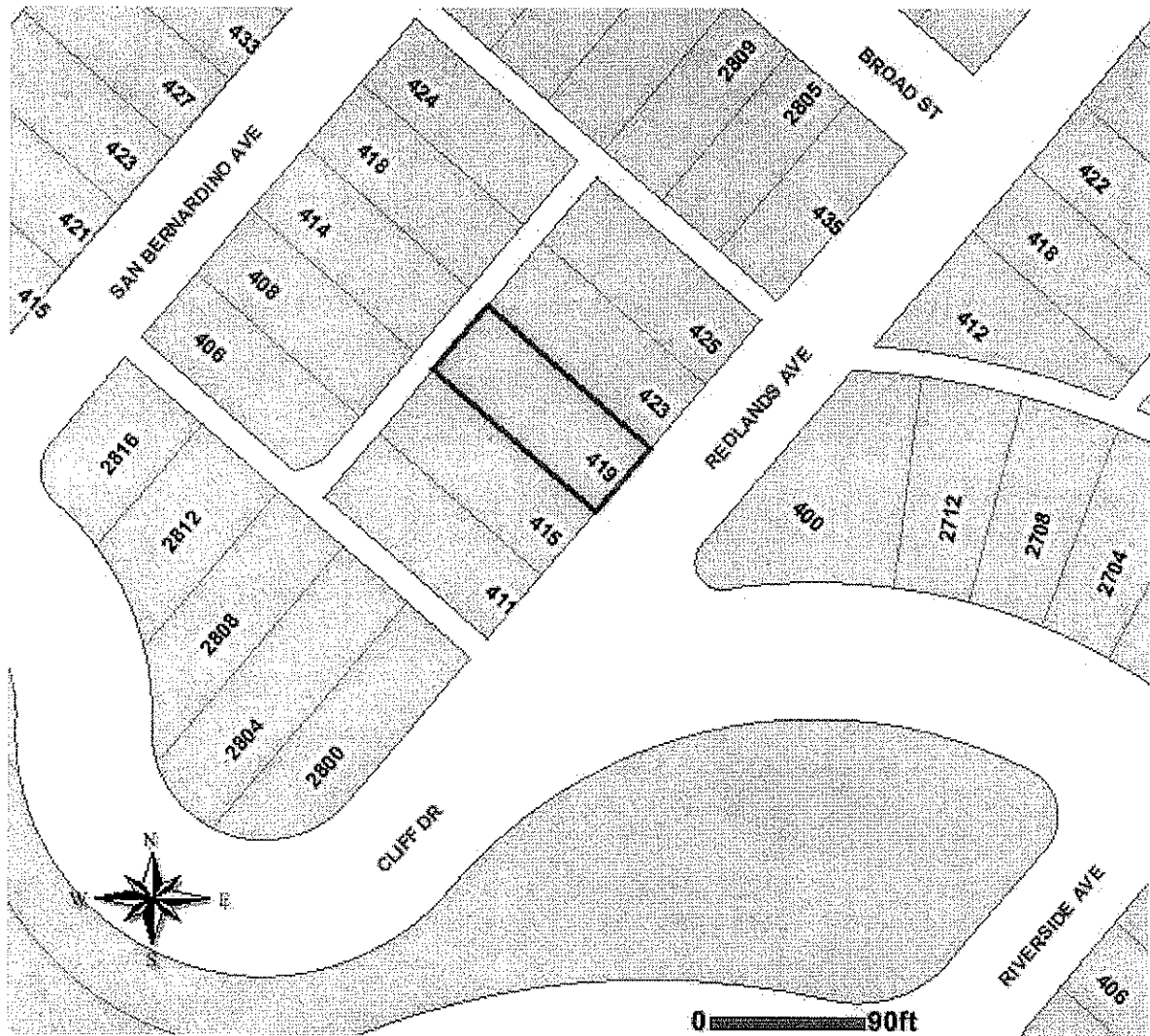
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Lot Line Adjustment Permit No. LA2008-009
PA2008-178

419 and 423 Redlands Avenue



CONDOMINIUM CONVERSION NO. CC2008-005

(PA2008-158)

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

Application No.	Condominium Conversion No. CC2008-005 (PA2008-158)
Applicant	David Stebbins
Site Address	120 A and 120 B 24th Street
Legal Description	Lot 16, Block 23, Tract 512

On **October 20, 2008**, the Zoning Administrator approved the application request to convert a duplex into a condominium project. The code required two-car parking per unit will be provided. No exceptions to the Title 19 development standards are proposed with this application. 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. As conditioned, the project will substantially comply with all applicable standard plans and specifications, adopted City and State Building Codes, and zoning requirements for new buildings related to the district in which the proposed project is located at the time of original construction.
2. The project is consistent with the adopted goals and policies of the Land Use Element and other Elements of the General Plan and the Local Coastal Program Land Use Plan. The project site is designated as RT (2-Unit Residential) by the Land Use Element of the General Plan and as RH-A (Medium Density Residential) by the Coastal Land Use Plan (CLUP). The proposed project is consistent with the RT land use category, which is intended to provide for a range of two-family dwelling units such as duplexes and townhomes.
3. 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.
4. Public improvements may be required of a developer per Section 19.28.010 of the Municipal Code.

5. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1, Existing Facilities. The project involves negligible or no expansion of the existing use including interior and exterior alterations involving a new interior partition.
6. The plumbing system, as approved, will be in substantial compliance with the City of Newport Beach Plumbing Code. The clean-out, as required, will be installed in such a way that it will meet the intent of the requirements of the City.
7. The establishment, maintenance or operation of the use or building applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

CONDITIONS

1. The project shall be in substantial conformance with the submitted plot plan, floor plans and elevations, except as noted below.
2. No more than two dwelling units shall be permitted on the site.
3. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, 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.
4. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
5. Each of the tenants of the proposed condominium shall be given 180 days' written notice of intention to convert, prior to the termination of tenancy due to the proposed conversion.
6. Each of the tenants of the proposed condominium shall be given written notification within 10 days of the approval of the condominium conversion permit establishing the proposed condominium conversion. Proof of said notification shall be provided to the Planning Department.
7. Each of the tenants of the proposed condominium shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. Such right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report

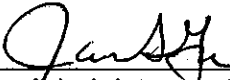
(Section 11018.2 of the Business and Professions Code), unless the tenant gives prior written notice of his or her intention not to exercise the right. Prior to final of the condominium conversion permit, the applicant shall provide a copy of the written verification forwarded to the tenants and said verification shall be presented to the Planning Department.

8. Two-car parking, including two enclosed garage spaces, shall be provided on site for each dwelling unit per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
9. Prior to final of the building permit for Condominium Conversion, the existing four-car garage shall be separated by a partition wall into individual tandem garages each with an individual roll-up or sectional garage door. Since the resultant parking spaces do not meet the code required interior clear dimensions, approval of Modification Permit No. MD2008-038 is required. The proposed wall to separate the existing garage shall be designed to a minimum width with a solid drywall or combination wrought iron type fence and drywall construction. Future separation of the four-car garage into two, tandem garages shall require the approval and issuance of a building permit.
10. The existing electrical service connection shall comply with the requirements of Chapter 15 of the Newport Beach Municipal Code; specifically, that each unit will have a minimum 100-amp service.
11. Each dwelling unit shall be served with an individual water service to the public water system, and shall maintain a separate water meter and water meter connection. This work shall be completed prior to final of the condominium conversion permit.
12. The applicant shall separate the building sewers within the building from each unit.
13. The sewer service shall be separated so that each unit is served with a sewer lateral connection to the public sewer system with a clean-out to grade at the property line. If there is evidence that sewage is leaking from the facility or if it is substandard, the existing sewer lateral shall be replaced. Said work shall be completed under an encroachment permit issued by the Public Works Department, unless otherwise approved by the Utilities Department and the Building Department. This work shall be completed prior to final of the condominium conversion permit.
14. All improvements shall be constructed as required by Ordinance and the Public Works Department.
15. Smoke detectors shall be provided in each bedroom.

16. The corrections listed by the Building Department in the special inspection report shall be made prior to final of the condominium conversion permit.
17. The exterior wall surfacing shall be made weather-tight as required by the Uniform Housing Code.
18. The property owner shall provide information to the Building Department that the roof is a Class C fire retardant roof as certified by a roofing contractor.
19. The building permit obtained from the Building Department in order to convert the subject residential units into condominiums shall be finalized after the Parcel Map for Condominium Purposes has been recorded with the County of Orange and all conditions of approval have been completed and verified by the Planning Department.
20. This approval shall expire unless exercised within 24 months from the date of approval, as specified in Section 20.93.050 of the Newport Beach Municipal Code.

APPEAL PERIOD

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

By: 
Zoning Administrator Javier S. Garcia, AICP

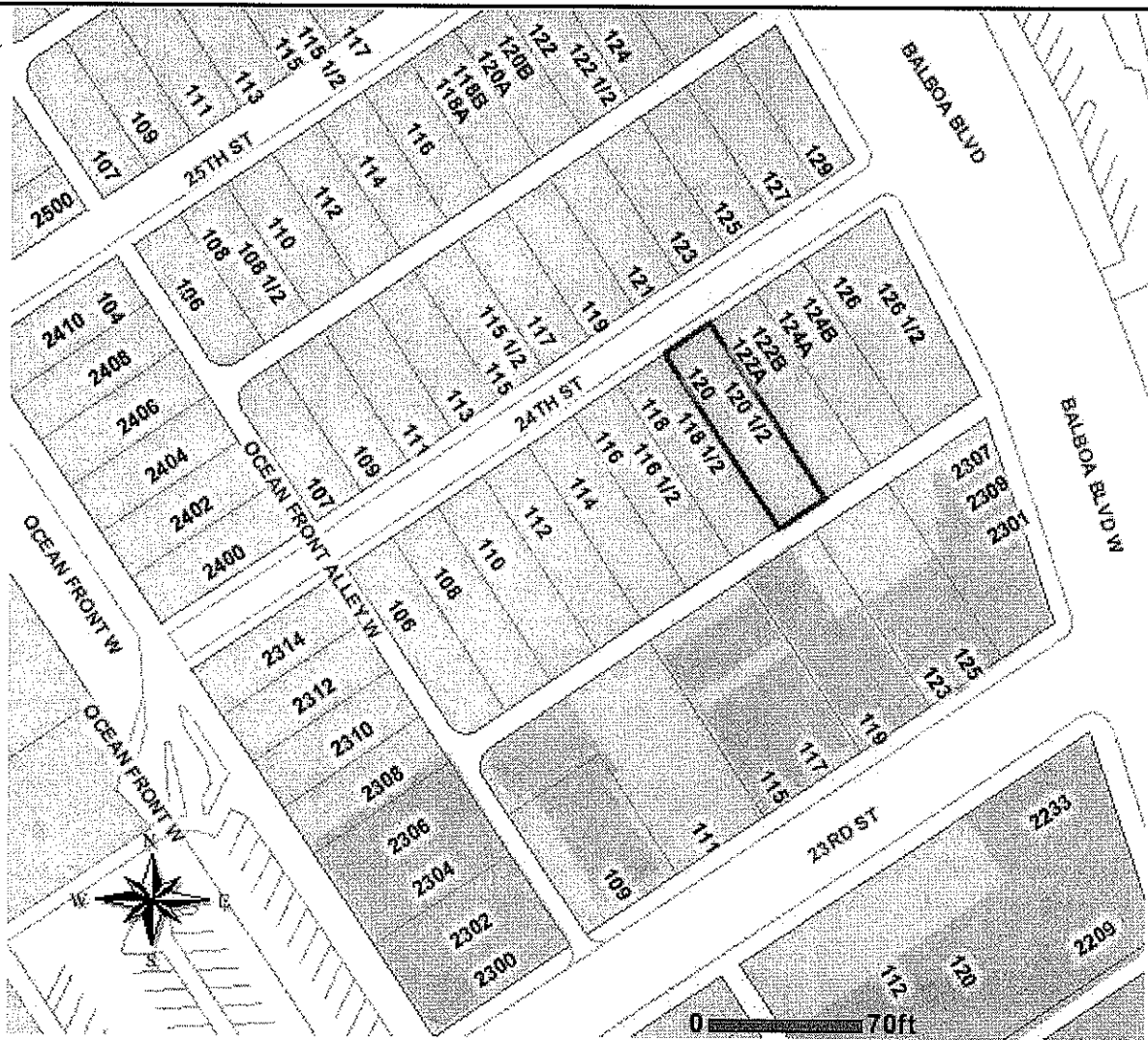
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Condominium Conversion No. CC2008-005
PA2008-158

120 A and 120 B 24th Street



PARCEL MAP NO. NP2008-019

(PA2008-158)

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

Application No. Parcel Map No. NP2008-019 (PA2008-158)
Applicant County Parcel Map No. 2008-125
David Stebbins
Site Address 120 A and 120 B 24th Street
Legal Description Lot 16, Block 23, Tract 512

On October 20, 2008, the Zoning Administrator approved the parcel map request for two-unit condominium purposes. No exceptions to the Title 19 development standards are proposed with this application. The code required two-car parking per unit will be provided. The property is located in the SP-6 (Cannery Village/McFadden Square Specific Plan) District 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 create one parcel of land for two unit condominium purposes. 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 SP-6 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 1, Existing Facilities. The project involves negligible or no expansion of the existing use including interior and exterior alterations involving a new interior partition.
4. That 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. That public improvements will be required of the applicant per the Municipal Code and the Subdivision Map Act.
6. 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.
7. The property is not subject to the Williamson Act since its use is not agricultural.
8. The site is designated as Two Family Residential land use within the Cannery Village/McFadden Square Specific Plan Zoning District (SP-6). The property is located within the boundaries of a specific plan and complies with specific plan regulations. The site is designated as Two Family Residential land use within the Cannery Village/McFadden Square Specific Plan Zoning District (SP-6). Two unit residential uses are permitted within this district.
9. 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.
10. 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.
11. Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
12. The proposed parcel map is located in the Coastal Zone. The subdivision conforms to the certified Local Coastal Program. The project site is designated as RH-A (Medium Density Residential) by the Coastal Land Use Plan (CLUP) which allows for two unit residential use.
13. Ownership information as submitted is unclear and applicant shall verify and correct the owner information prior to submittal of the final parcel map.
14. Parking dimensions are non-conforming.

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 along the 24th Street frontage. Limits of reconstruction is at the discretion of the Public Works inspector.
5. Reconstruct any existing broken and/or otherwise damaged concrete curb along the 24th Street frontage. Limits of reconstruction is at the discretion of the Public Works inspector.
6. 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.
7. 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.
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 service/meter and sewer lateral/cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover. Water meter and the sewer cleanout will be located in the public right-of-way.
11. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
12. All existing overhead utilities shall be undergrounded.
13. All existing drainage facilities in the public right-of-way, including the existing curb drains along 24th Street frontage of the 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.
14. A 5-foot rear alley setback measured from the rear property line shall be maintained clear of all above ground improvements.
15. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
16. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
17. 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.
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 at least one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
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. 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

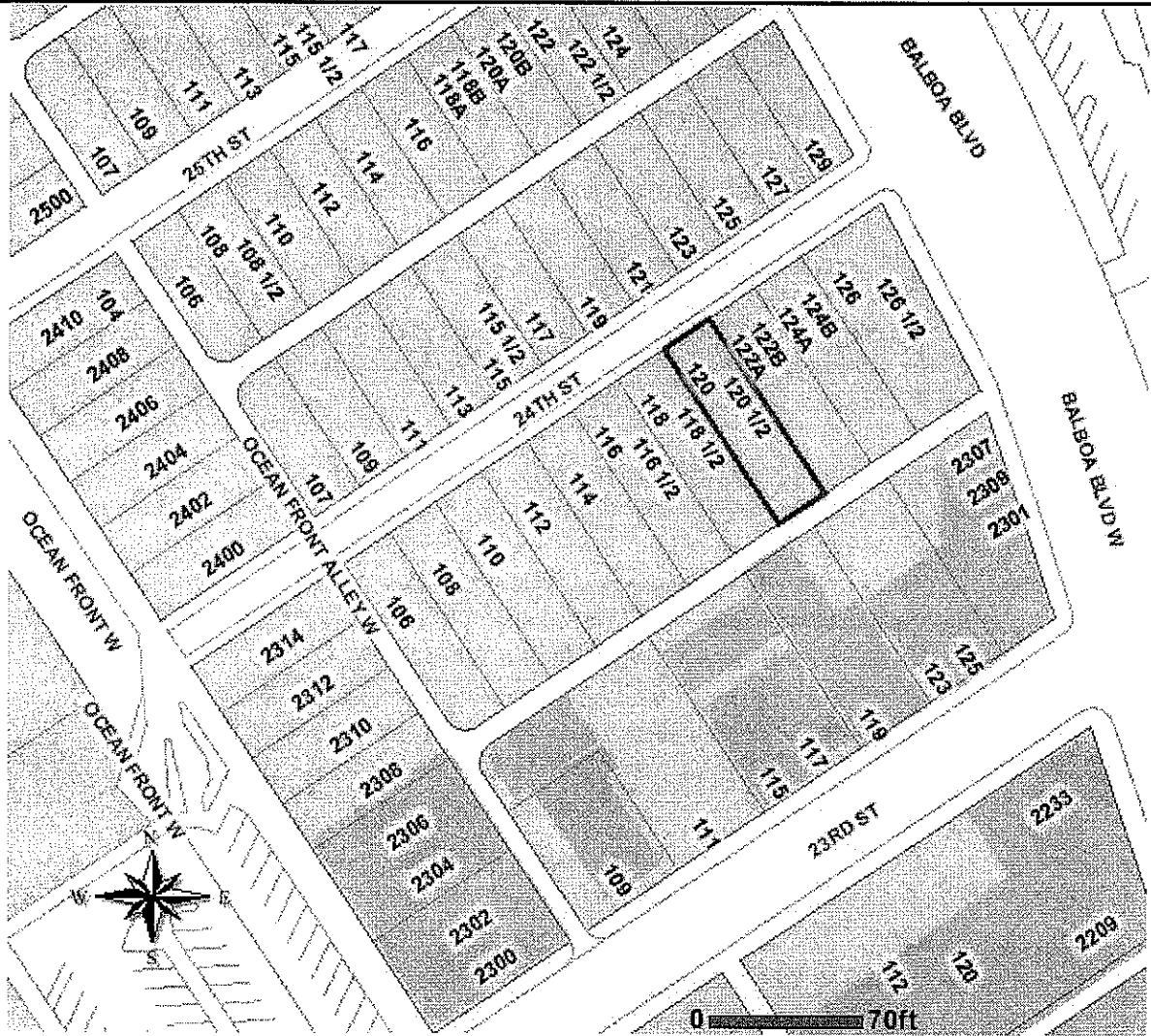
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2008-019
PA2008-158

120 A and 120 B 24th Street



MODIFICATION PERMIT NO. MD2008-038

(PA2008-158)

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

Application No.	Modification No. MD2008-038 (PA2008-158)
Applicant	David Stebbins
Site Address	120 A and 120 B 24th Street
Legal Description	Lot 16, Block 23, Tract 512

On **October 20, 2008**, the Zoning Administrator approved the application request to allow the interior dimensions of the garage parking spaces to less than required width of 18-feet 4-inches and a depth of 34-feet 8-inches where the Zoning Code requires a minimum width of 18-feet 7-inches and depth of 35-feet. The property is located in the SP-6 (Cannery Village/McFadden Square Specific Plan) District District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Two-Unit Residential" use. The existing residential structure is consistent with this designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities). The project involves negligible or no expansion of the existing use including interior and exterior alterations involving a new interior partition.
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 reasons:

- The subject property is 25 feet wide and the building is 19 feet wide and maintains the minimum required 3-foot side yard setbacks.
 - The proposed garage separation is necessary to provide a clear and distinct legal description for future ownership of each unit. The proposed wall to separate the existing garage is designed to a minimum width.
 - Strict application of the minimum interior width standard of the Zoning Code for parking spaces would require an exterior wall to be moved into a required side yard.
 - The existing building maintains a minimum 5-foot setback to the alley and strict application of the minimum interior depth standard of the Zoning Code for parking spaces would require either the garage door to be in the setback or the interior wall separating the garage from the living space to be reconstructed to expand the garage by 4 inches.
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 neighborhood is characterized by large houses on narrow lots.
 - The proposed modification will not be visible from the exterior of the structure.
 - The existing structure maintains all required setbacks and the proposed substandard size parking is common on narrow lots in similar neighborhoods throughout the City.
 - The existing structure is consistent with the surrounding neighborhood as well as similar land uses throughout the City.
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 width proposed is deficient by only 1 ½ inches and the proposed depth is deficient by only 4 inches, which is not so deficient to significantly preclude their use.
 - A condition has been included requiring the garages to be free of obstructions so that they are available for the parking of vehicles.

CONDITIONS

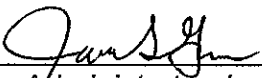
1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.

3. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
4. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
5. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
6. A building permit shall be obtained prior to commencement of the construction.
7. Prior to final of the building permit for Condominium Conversion, the existing four-car garage shall be separated by a partition wall into individual tandem garages each with an individual roll-up or sectional garage door. Since the resultant parking spaces do not meet the code required interior clear dimensions, approval of a Modification Permit is required. The proposed wall to separate the existing garage shall be designed to a minimum width with a solid drywall or combination wrought iron type fence and drywall construction. Future separation of the four-car garage into two, tandem garages shall require the approval and issuance of a building permit.
8. 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.
9. 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.
10. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.

11. 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.

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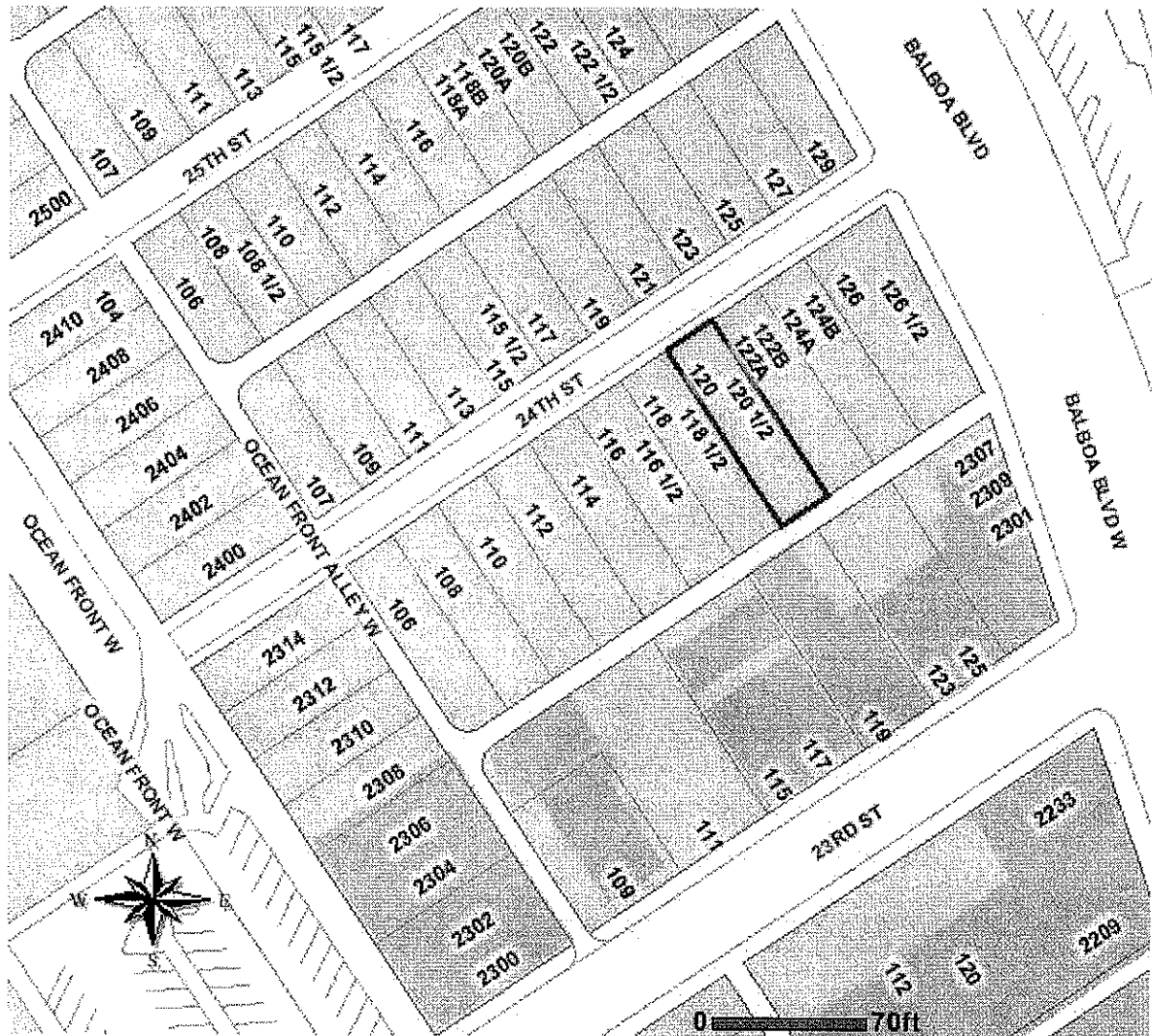
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