

**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, December 8, 2008

- Item 1: Lot Line Adjustment No. LA2008-004 (PA2008-069)
401 and 461 Newport Center Drive
- Request to adjust the lot line between two adjacent parcels, taking land from one parcel and giving it the other. The number of parcels will remain the same.
- This item was approved. Council District 5
- Item 2: Parcel Map No. NP2008-023 (PA2008-194)
1100 and 1104 East Balboa Boulevard
- Request to reconfigure two portions of three lots. A portion of the East Bay Avenue abandoned right-of-way and a portion of the vacated 6-foot strip of Balboa Boulevard is to be reconfigured into two parcels for the continuation of the existing residential use. Also, the request for relief from the design standards as to lot area and width pursuant to Section 19.24.130 of the Subdivision Code was approved.
- This item was approved. Council District 1
- Item 3: Parcel Map No. NP2008-024 (PA2008-207)
2128 Mesa Drive
- Request to combine existing portions of lots and parcels into a single parcel of land for single-family development. The property is currently developed with a single-family dwelling and a related accessory building or structures.
- This item was approved. Council District 4

Item 4: Modification Permit No. MD2008-044 (PA2008-191)
430 Acacia Avenue

Request to allow retention of an open trellis that encroaches 11 feet into the required 15-foot front yard setback. The trellis structure was constructed without the benefit of permits and is approximately 11 feet in height and covers 132 square feet in area.

This item was denied.

Council District 6

Item 5: Modification Permit No. MD2008-048 (PA2008-200)
2812 Bayshore Drive

Request to allow pool protection walls to exceed the 3-foot height limit along the side property lines within the 10-foot front waterside setback. The walls will consist of approximately 2 feet of concrete block wall with 3 feet of glass wall above, totaling 5 feet in height above natural grade. The request also includes exceeding the 3-foot height limit with a 42-inch high open guardrail on top of the bulkhead along the front waterside property line. Both requests are to provide Building Code required fencing.

This item was approved.

Council District 3

Item 6: Modification Permit No. MD2008-049 (PA2008-202)
1 Beacon Bay

Request to allow future construction to encroach nine feet into the required 15-foot front setback along Newport Bay. The design of the construction will be determined at a later time.

This item was approved.

Council District 5

Item 7: Modification Permit No. MD2008-050 (PA2008-204)
1260 Bison Avenue, Suite D-3

Request to permit one additional 37.5 square-foot tenant identification wall sign on the westerly frontage and seven 7-inch-tall letters or logo awning valance signs on three frontages. The building has two existing wall signs on the southerly and easterly elevations.

This item was approved.

Council District 4

Item 8: Modification Permit No. MD2008-051 (PA2008-206)
1 Menton

Request to permit an exterior, freestanding fireplace to encroach seven feet into the required 10-foot rear yard setback and two feet into the required 5-foot side yard setback. The side yard setback requirement is 10 feet aggregate total for both sides. The existing house is 5 feet from the southerly side property line. The location of the fireplace is proposed in the southwest corner of the property. The maximum height shall be six feet from grade for the fireplace, with an additional 5 inches allowed for the spark arrestor.

This item was approved.

Council District 7

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 \$1,810.00 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. LA2008-004
(PA2008-069)

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

Application No. Lot Line Adjustment LA2008-004
(PA2008-069)

Applicant The Irvine Company

Site Address 401 and 461 Newport Center Drive

Legal Description P Book 221, Page 30, Parcel 2, and P Book 67, page 2, Parcel 4

On December 8, 2008, the Zoning Administrator approved the application request to adjust the lot line between two adjacent parcels, taking land from one parcel and giving it the other. The number of parcels will remain the same. The property is located in the North Newport Center Planned Community (PC-56) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

The following findings are required to approve a lot line adjustment, and facts are in evidence of approval.

1. That the proposed lot line adjustment, as approved, is consistent with the legislative intent of Title 19 and Title 20 of the Newport Beach Municipal Code based on the following reasons:
 - The proposal is consistent with the commercial designation of the General Plan and the Newport North Planned Community District since the lots are for commercial development, a permitted use in this area. No change in land use is proposed.
 - The project is categorically exempt from the requirements of the California Environmental Quality Act under class 15 (Minor Land Divisions), which exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels 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 are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

- The general exception to the Class exemptions is not applicable in this case, since no significant environmental effects will result from this project because the traffic and parking impacts will not change from that which would result from the use of the original subdivision.
2. That the establishment, maintenance or operation of the use of the property or building will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City for the following reasons:
- The project site described in the proposal consists of legal building sites. The proposed lot line adjustment will move the interior lot line between two legal lots.
 - Any land taken from one parcel will be added to the adjacent parcel and no additional parcels will result from the lot line adjustment.
 - The parcels proposed to be created by the lot line adjustment comply with all applicable zoning regulations and there will be no change in the land use, density, or intensity on the property.
 - The proposed lot width and lot size are consistent with the zoning requirements of Title 20 of the Newport Beach Municipal Code and the Newport North Planned Community District regulations.
 - Public improvements and infrastructure currently exist within the neighborhood; and the lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

PROCEDURAL REQUIREMENTS

1. All applicable Public Works Department plan check fees shall be paid prior to review of the lot line adjustment and grant deeds.
2. The applicant shall revise exhibits to match bearing and distance table upon final submittal of the lot line adjustment to the City Surveyor.
3. 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.
4. 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.
5. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.

6. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code.
7. Any party may appeal the decision of the Zoning Administrator to the Planning Commission within 14 days of the decision date. A \$1,810.00 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 \$1,810.00 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

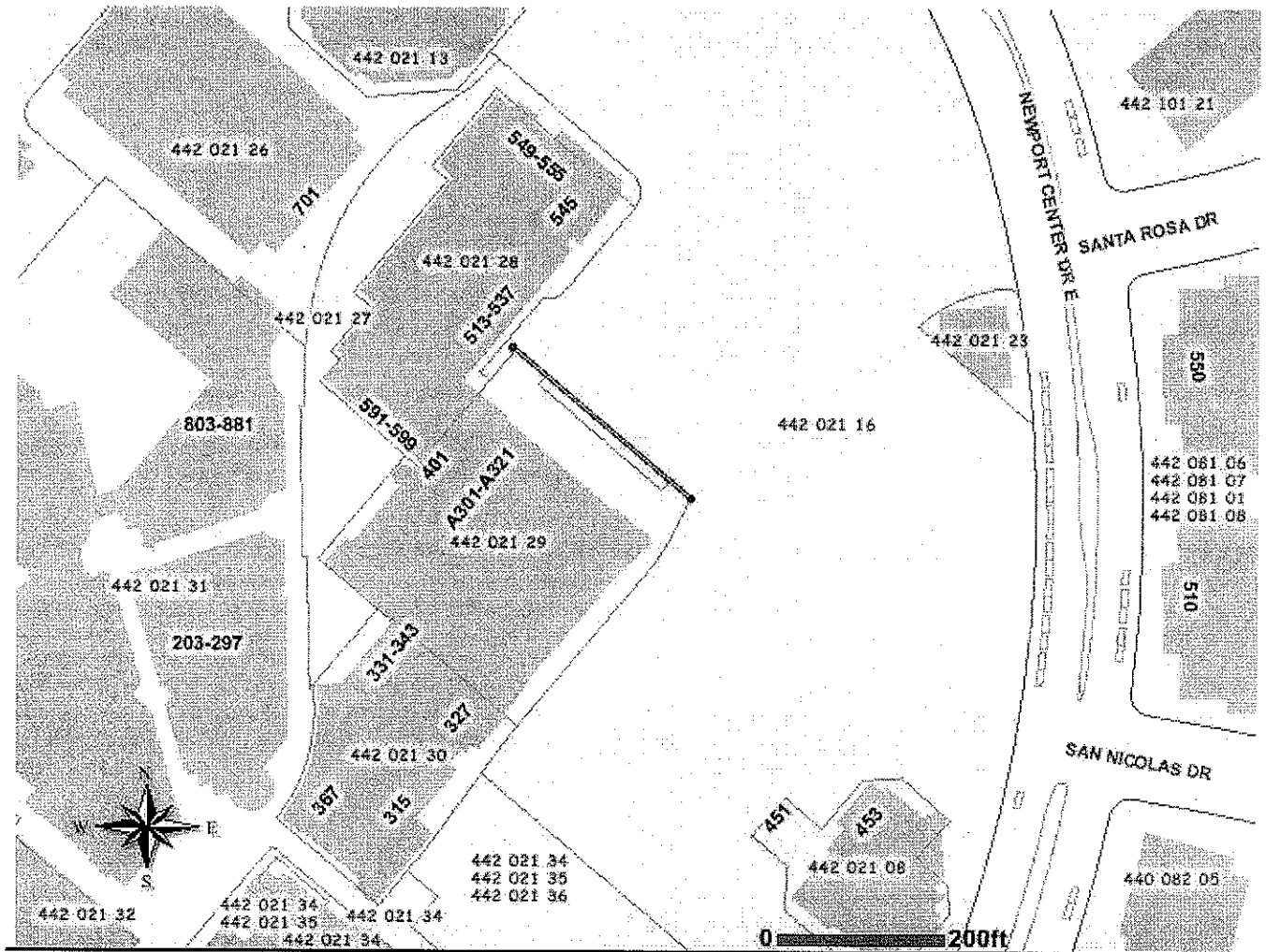
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Lot Line Adjustment Permit No. LA2008-004
PA2008-069

401 and 461 Newport Center Drive



PARCEL MAP NO. NP2008-023
(PA2008-194)

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

Application No.	Parcel Map No. NP2008-023 (PA2008-194) County Parcel Map No. 2008-141
Applicant	Marco Bacich and VW Revocable Living Trust
Site Address	1100 and 1104 East Balboa Boulevard
Legal Description	Lot 1, 2, and 3, Block 17, East Side Addition to the Balboa Tract and Lot 1, 2, and 3, Block K of the Bayfront Section of Balboa Tract, as well as portions of vacated right-of-ways.

On December 8, 2008, the Zoning Administrator approved the parcel map request to reconfigure two portions of three lots. A portion of the East Bay Avenue abandoned right-of-way and a portion of the vacated 6-foot strip of Balboa Boulevard is to be reconfigured into two parcels for the continuation of the existing residential use. Also, the request for relief from the design standards as to lot area and width pursuant to Section 19.24.130 of the Subdivision Code was approved. The property is located in the R-1 (Single-Family Residential) 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 reconfigure two portions of three lots. A portion of the East Bay Avenue abandoned right-of-way and a portion of the vacated 6-foot strip of Balboa Boulevard is to be reconfigured into two parcels for the continuation of the existing residential use. The subdivision will allow development and improvements to the two existing single-family residences. The proposed improvements and subdivision are permitted in the R-1 Zoning District and are consistent with the Land Use Element designation "Single-Unit Residential Detached" and the Coastal Land Use Plan designation "Medium Density Residential".
2. The lot is regular in shape, has very little slope, and is suitable for the type of 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 15301, Class 1 (Existing Facilities). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, families, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
4. The proposed parcel map is for single-family residential use. Any remodel or addition to the proposed residences 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. Public improvement will be required of the Applicants per the Municipal Code and the Subdivision Map Act.
7. The property is not subject to the Williamson Act since its use is not agricultural.
8. The property is not located within the boundaries of a specific plan and is not subject to any specific plan regulations.
9. The proposed subdivision and improvements are subject to Title 24 of the California Building Code that require 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 and conforms with the certified Local Coastal Program.

13. Pursuant to Section 19.24.130 of Subdivision Code the Zoning Administrator can approve relief of design standards as to lot area and width based on the following findings:
 - The project will create a land plan compatible to the design standards and subdivisions of the surrounding area. Parcel 1 will be approximately 5,734 square feet (50' x 118'). Parcel 2 will be approximately 4,922 square feet (40' x 123'), which is typical in this neighborhood.
 - The project will neither negatively impact the carrying capacity of the local vehicular circulation network nor negatively impact pedestrian circulation as the subdivision does not increase density above current levels.
 - The proposed subdivision and improvements are consistent with the Coastal Land Use Plan "Medium Density Residential" designation of the R-1 Zoning District, and the General Plan Land Use designation "Single-Unit Residential Detached", and will conform to the Subdivision Map Act and all other provisions of the Subdivision Code.
14. The resulting subdivision design and improvements will not be materially detrimental to the residents or tenants of the proposed subdivision or surrounding properties, nor to public health or safety.

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, Sub article 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, Sub article 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 map, owner information and bearings shall be accurately identified on the map.
4. Prior to recordation of the map, the existing structure on Lot 2 shall be demolished.

5. A 10-foot radius cut-off easement for street and public utility purposes at the East Balboa Boulevard and C Street curb return shall be recorded as a part of the parcel map.
6. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
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. Reconstruct any existing broken and/or otherwise damaged concrete sidewalks, curbs, and gutters along the East Balboa Boulevard and C Street frontages. Limit of reconstruction is at the discretion of the Public Works Inspector.
10. Any unused existing driveway approach along East Balboa Boulevard frontage shall be replaced with a new driveway plug per City Standards.
11. A new ADA compliant curb access ramp shall be constructed at the East Balboa Boulevard/C Street curb return.
12. Each unit shall be served by its individual water meter and sewer lateral and cleanout within the Public right-of-way. Each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover.
13. Each unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
14. 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.
15. 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.

16. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
17. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
18. All on-site drainage shall comply with the latest City Water Quality requirements.
19. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
20. 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.
21. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
22. 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.
23. Each unit will provide the required number of parking spaces per unit as required by the Zoning Code
24. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
25. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Department Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
26. County Sanitation District fees shall be paid prior to issuance of any building permits, if required by the Public Works Department or the Building Department.

27. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.
28. 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 \$1,810.00 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

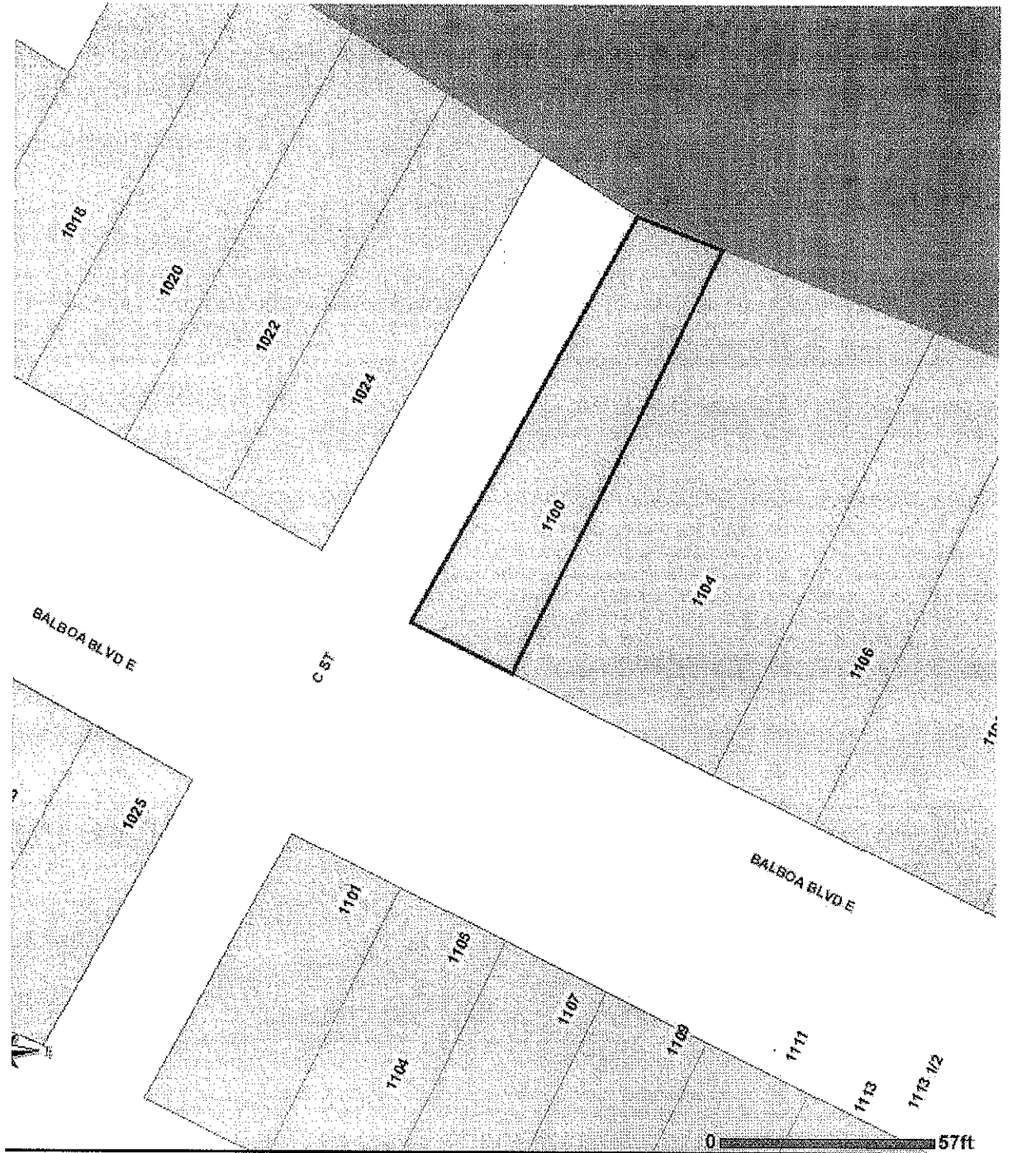
JSG:es/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2008-023
PA2008-194

1100 and 1104 East Balboa Boulevard



PARCEL MAP NO. NP2008-024
(PA2008-207)

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

Application No. Parcel Map No. NP2008-024 (PA2008-207)
County Parcel Map No. 2003-177

Applicant Richard Moriarty

Site Address 2128 Mesa Drive

Legal Description Portion of Lot 152, Block 51 Irvine's Subdivision,
Portions of Lots 104-115 inclusive and Lots 120 and
121, Tract 706

On **December 8, 2008**, the Zoning Administrator approved the parcel map request to combine existing portions of lots and parcels into a single parcel of land for single-family development. The property is currently developed with a single-family dwelling and a related accessory building or structures. The property is located in the R-A (Residential Agricultural) 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. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.
 - The proposed parcel map is to combine portions of 14 lots to create one parcel of land for single family residential purposes. The residential density on the site will remain the same. The proposed subdivision and improvements are consistent with the density of the R-A (Residential-Agricultural) Zoning District and the current General Plan Land Use Designation "Single-Unit Residential Detached".

2. That the site is physically suitable for the type and density of development.
 - The lot is regular in shape, has a slope of less than 20 percent, and is suitable for development.
3. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
 - This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 5 (Minor Alterations in Land Use Limitations). The project consists of minor alteration 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 but not limited to minor lot line adjustments not resulting in the creation of any new parcel.
4. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.
 - The construction of the proposed single family residence 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.
 - That the public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.
5. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to easements previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

- 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.
6. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.
 - The property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.
 7. That, in the case of a “land project” as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.
 - The property is not a “land project” as defined in Section 11000.5 of the California Business and Professions Code.
 8. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.
 - The proposed parcel map 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. That the 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 and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.
 - The proposed parcel map 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, which allows one unit for the R-A Zoning District. 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. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.
 - Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
11. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.
 - The proposed parcel map is located in the Coastal Zone and conforms to the certified Local Coastal Program. The Coastal Land Use Plan designates this site as Estate Residential (RE), which is intended to provide for very low-density single-family detached residential development on large lots, and the current development is consistent with this designation.

CONDITIONS

1. A parcel map shall be recorded with the Orange County Clerk-Recorder Department. 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. In addition, improvements for domestic water and sanitary sewer service connections shall be constructed as required by the Irvine Ranch Water District and the Costa Mesa Sanitary District respectively.
4. No permanent structures can be built within the limits of any easement within the property.
5. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
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. 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.
8. 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.
9. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
10. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
11. All on-site drainage shall comply with the latest City Water Quality requirements.
12. Additional Public Works improvements, including street and alley reconstruction work may be required at the discretion of the Public Works Inspector.
13. 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.

14. 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.
15. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
16. All vehicular access to the property shall be from the ingress/egress easement to Mesa Drive, unless otherwise approved by the City Council. Reference to recorded instruments covering rights for ingress, egress, and utility services to the property shall be shown on the final parcel map. The easement shall be approved by the Planning Department, City Attorney's Office, the Department of Fish and Game, the County of Orange Parks and Recreation Commission, and the Orange County Flood Control District prior to recordation of the Parcel Map.
17. The ingress/egress and utilities easement to the subject property shall be improved to the satisfaction of the Public Works Department prior to recordation of the Parcel Map.
18. Utilities shall be connected to the satisfaction of the Irvine Ranch Water District and the Costa Mesa Sanitary District prior to recordation of the Parcel Map.
19. 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.
20. 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.
21. 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.
22. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.

23. 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 \$1,810.00 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:mn/rm

Attachments:

Vicinity Map

Orange County Public Works correspondence:

Letter dated December 4, 2008 - Request to delay Hearing

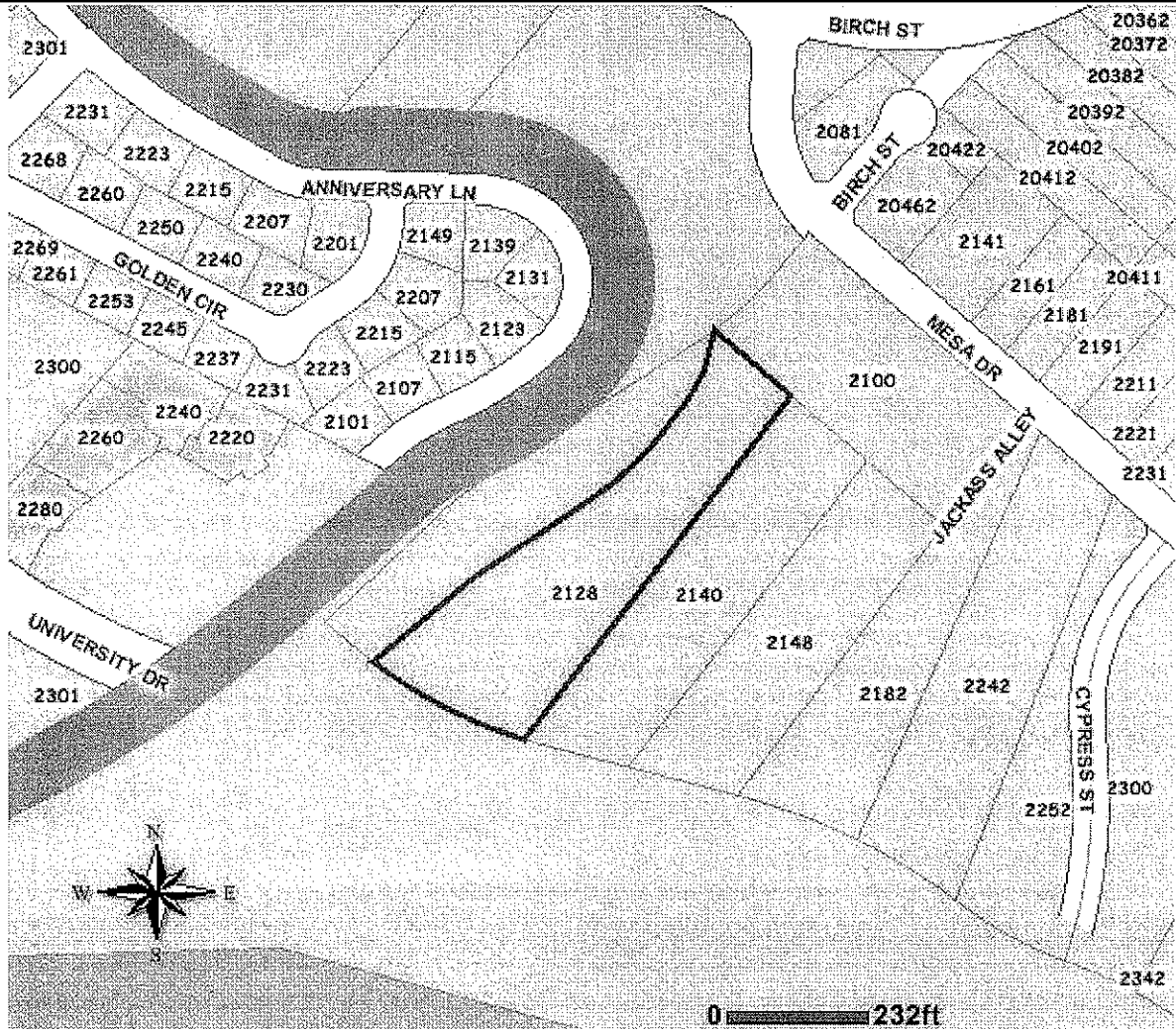
Letter dated December 5, 2008 – Transmittal of Title Documentation

“Exhibit A” (71 pages) on file in the Planning Department

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Parcel Map No. NP2008-024
PA2008-207

2128 Mesa Drive

December 4, 2008

RECEIVED BY
PLANNING DEPARTMENT

Makana Nova, Assistant Planner
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

DEC 08 2008

CITY OF NEWPORT BEACH

**MESA DRIVE RECREATIONAL TRAIL (TR47C-102)
REQUEST TO DELAY MORIARTY'S PARCEL MAP HEARING
NP2008-024 (PA2008-207)**

Dear Ms. Nova:

Thank you for meeting with me yesterday to discuss Mr. Moriarty's Tentative Parcel Map application to combine existing portions of lots and parcels into a single parcel of land for single-family development. I understand that Mr. Moriarty might be pursuing the parcel map for purposes of obtaining an ABC License (Alcoholic beverage license for internet wine sales), and to obtain the certificate of occupancy.

During our meeting, I explained to you, Rodi Almendralo (Associate Engineer), and Rosalinh Ung (Associate Planner) that based upon our extensive title research (with the assistance the First American Title Company), it seems that Mr. Moriarty does not have ingress or egress easement rights to access his property (2242 Mesa Drive) from Mesa Drive through the abandoned portion of Birch Street (access road). This access road lies within Carla Brockman's property (2100 Mesa Drive). Ms. Brockman's retained attorney, David Cosgrove, conducted an independent title search as well and also concluded that Mr. Moriarty does not have legal access through that access road.

I understand that based on your limited documentation on-hand and the documentation provided by Mr. Moriarty, you had the understanding that Mr. Moriarty's main access was through said access road, and his secondary access was through the emergency access easement on the east side of Ms. Brockman's property. As agreed, we will provide you with the documentation by which we reached our determination that Mr. Moriarty does not have access to his property through the access road. We urge you that perform your own independent investigation, and inform us of your findings.

Mesa Drive Recreational Trail (TR47C-102)
Makana Nova
December 4, 2008
Page 2

I also explained to you that our negotiations to acquire the access road from Ms. Brockman have been delayed because of Mr. Moriarty's unwillingness to work with Ms. Brockman and the County on an acceptable mutual design for the access road. It is also our understanding that Mr. Moriarty has run his sewer line through County and Ms. Brockman's without permission and, at one point, the County needed to stop him from paving the access road.

Please consider this the County's formal request to delay Mr. Moriarty's Parcel Map hearing (December 8, 2008) in consideration of the outstanding issues. In the meantime, based upon our discussion and information within this letter, please consider incorporating into your list of conditions for the approval of Mr. Moriarty's application, that Mr. Moriarty provide the City proof of his legal access through the access road.

Thank you for providing me with a copy of Mr. Moriarty's Parcel Map (No. 2003-177), the Hearing Memorandum, and the Findings and Conditions draft.

If you have any questions, please call me at (714) 834-3733.

Sincerely,



Guadalupe Y. Velásquez,
Real Property Agent
OC Public Works/Real Estate Services

c: Harry Huggins, OC Parks
David Kiff, City of Newport Beach

December 5, 2008

Makana Nova, Assistant Planner
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

RECEIVED BY
PLANNING DEPARTMENT

DEC 08 2008

CITY OF NEWPORT BEACH

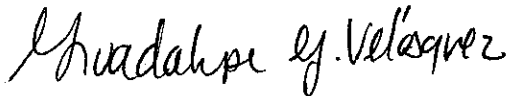
**MESA DRIVE RECREATIONAL TRAIL (TR47C-102)
CITY OF NEWPORT BEACH APPLICATION NO. NP2008-024 (PA2008-207)
TRANSMITAL OF TITLE DOCUMENTATION**

Dear Ms. Nova:

Enclosed is the documentation (Exhibit A) by which we reached our determination that Mr. Moriarty does not have ingress or egress easement rights to access his property (2242 Mesa Drive) through the access road (abandoned portion of Birch Street) for your consideration in your own independent title investigation. Please inform us of your findings.

If you have any questions, please call me at (714) 834-3733.

Sincerely,



Guadalupe Y. Velásquez,
Real Property Agent
OC Public Works/Real Estate Services

Enclosures

c: Harry Huggins, OC Parks (w/o encl.)
David Kiff, City of Newport Beach (w/o encl.)
Rodi Almendralo, City of Newport Beach (w/o encl.)

EXHIBIT A

TITLE DOCUMENTATION

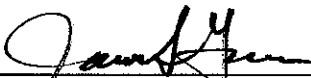
- County of Orange – Mesa Drive Right of Way Map
- Tract Map No. 706
- Depiction map of the grant of easement from The Irvine Company to the State of California.
- Document recorded in Book 297, Page 147 of Official Records.
- Document recorded in Book 1229, Page 238 of Official Records.
- Notice of Abandonment of Highway
- “Proceedings Had Before the Board of Supervisors of the County of Orange, State of California” recorded July 17, 1951 in Book 2145, Page 618 of Official Records.
- Corporation Joint Tenancy Deed recorded in Book 2207, Page 196 of Official Records.
- “Declaration of Establishment of Restrictions, Easement, Conditions, Covenants and Reservations” recorded in Book 2207, Page 206 of Official Records.
- Joint Tenancy Grant Deed recorded January 11, 1952 in Book 2273, Page 175 of Official Records.
- Declaration of annexation recorded in Book 3459, Page 193 of Official Records.
- Corporation Quitclaim Deed recorded July 20, 1959 in Book 4805, Page 240 of Official Records.
- Record of Survey No. 88-1081 filed in Book 121, Page 37 of Record of Survey.
- “Extension of Declaration of Restrictions, Easements, Conditions, Covenants and Reservations recorded March 4, 1992 as Instrument No. 92-129934 of Official Records.
- Final Order of Condemnation recorded May 22, 2003 as Instrument No. 2003000592265 of Official Records.
- The Irvine Company letter dated November 17, 2006.

- No practical difficulty associated with the property that when combined with the strict application of the 3-foot height limit for structures in the front yard setback results in a physical hardship. The lot is regular in shape and similar to other properties in the area. The topography of the front yard and existing patio along the front property line adjacent to the street are similar to other properties along Acacia Avenue.
 - While the orientation of structures on the subject lot provides for the front yard as the most effective open space area for use by the homeowner, the patio cover exceeding the height allowed by the Zoning Code is not a necessary amenity for the enjoyment of the front yard space as suggested by the applicant.
 - The only difficulty is that strict application of the Code without the approval of this application and a building permit would require the removal of the illegal structure, which are not grounds in support of this finding.
4. In accordance with the provisions of Chapter 20.93, the requested modification will not be compatible with existing development(s) in the neighborhood for the following reasons:
- No other lots along this block of Acacia Avenue have similar trellis structures in the front yard setback, thus the proposed patio cover would not be compatible with the character of the neighborhood.
 - Approval of the trellis structure to exceed the 3-foot height limit within the required front yard setback would create an obstruction along the street and an encroachment that is inconsistent with the intent of the Zoning Code standards.
 - The encroachment would have a detrimental effect on the neighborhood by changing the open character of the front yard and if allowed could set a precedent for neighbors to request similar patio cover structures that would exacerbate the effect over time, if allowed.
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, but will be detrimental to the general welfare or injurious to property or improvements in the neighborhood based on the following:
- The purpose of the required front yard setback is to provide open areas to separate building mass from the street. This is not accomplished with structures as large as that of the proposed trellis structure even though the structure is "open".
 - Allowing an obstruction adjacent to the street is not consistent with General Plan Policy LU 5.1.5 that requires "entries and windows on street facing elevations to visually "open" the house to the neighborhood".

- The design of the trellis structure does not work to preserve adequate light, air, and open space in the front yard setback.
- The granting of the application may be detrimental to the general welfare of the area if a precedent is established by approval of the project. Thus, allowing the patio cover in the front yard setback would not be compatible with other lots in the area.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 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

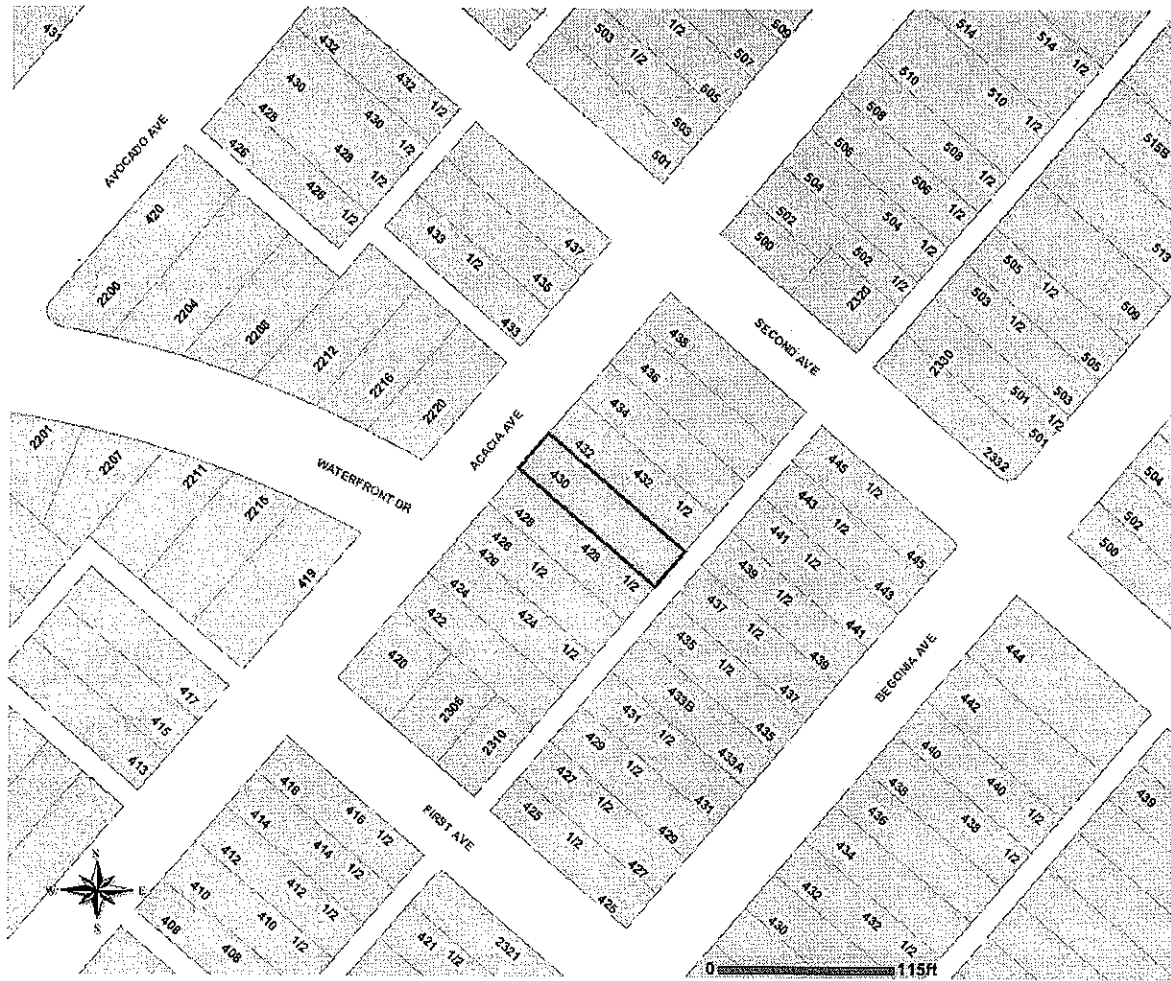
JSG:mn/rm

Attachments: Vicinity Map
Letter of Opposition – R. Johnson, 504 Begonia Avenue

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-044
PA2008-191

430 Acacia Avenue

Corona Del Mar, Calif
14 November 2008

RECEIVED BY
PLANNING DEPARTMENT

NOV 14 2008

City of Newport Beach
Attn: Planning Commission

CITY OF NEWPORT BEACH

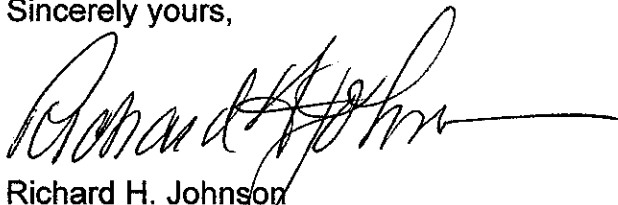
Reference: Modification Permit No. MD2008-044

I have personally viewed the "open patio cover" at 430 Acacia Avenue and find it totally unacceptable for the following reasons.

1. To design, fabricate and install a non conforming addition and then request a modification permit is not in compliance with the building regulations.
2. The "open patio cover" is an unattractive addition to the property.
3. If relief is given for this project how many more requests will be received for a similar modification?
4. What's next - a modification permit for the flooring that will be added as a roof to allow access from the second floor to a second floor patio?

I ask that the Planning Department deny this Modification Permit and order removal of the existing structure.

Sincerely yours,



Richard H. Johnson
504 Begonia Ave.
Corona Del Mar, CA 92625

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:
 - Walls and fences are limited to 3 feet in height within the required rear yard setback, so the strict application of the Zoning Code would significantly limit the useable area of the required 10-foot rear yard setback along the bay front.
 - The usable yard space adjacent to Newport Bay is currently the most feasible location for a proposed pool, however the pool cannot be constructed without the Building Code required pool protection fencing.

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:
 - A pool and pool protection fencing are accessory structures that are enjoyed by other single family residences throughout the City.
 - Granting the request to encroach into the required rear yard setback with the proposed 5-foot high block and glass wall is consistent with modified and conditioned approvals granted by the Zoning Administrator and the former Modifications Committee within the neighborhood and 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 proposed block and glass walls will provide pool protection for a proposed pool to be located in the 10-foot rear yard setback adjacent to the bay.
 - The proposed glass walls will not obstruct public or private views of adjacent properties along Newport Bay.
 - The proposed guardrail along the eastern property line will be open to allow visibility along the waterfront.

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. The proposed pool security wall along the side property lines within the rear setback must be less than five feet tall, including the handrail. The glass portion of

the wall shall be no less than three feet in height, unless otherwise approved by the Building Department.

3. The height of the guardrail and glass/concrete pool security wall shall be measured from the bulkhead grade, which will be raised to meet minimum Building Code requirements.
4. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
5. 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 City wide, constitute a precedent for future approvals or decisions.
6. No permanent structures (this includes seawall/bulkhead) shall be constructed within the drainage easement located along the northerly property line, 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. All work performed within the public right-of-way and drainage easement shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
9. 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.
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.

12. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 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

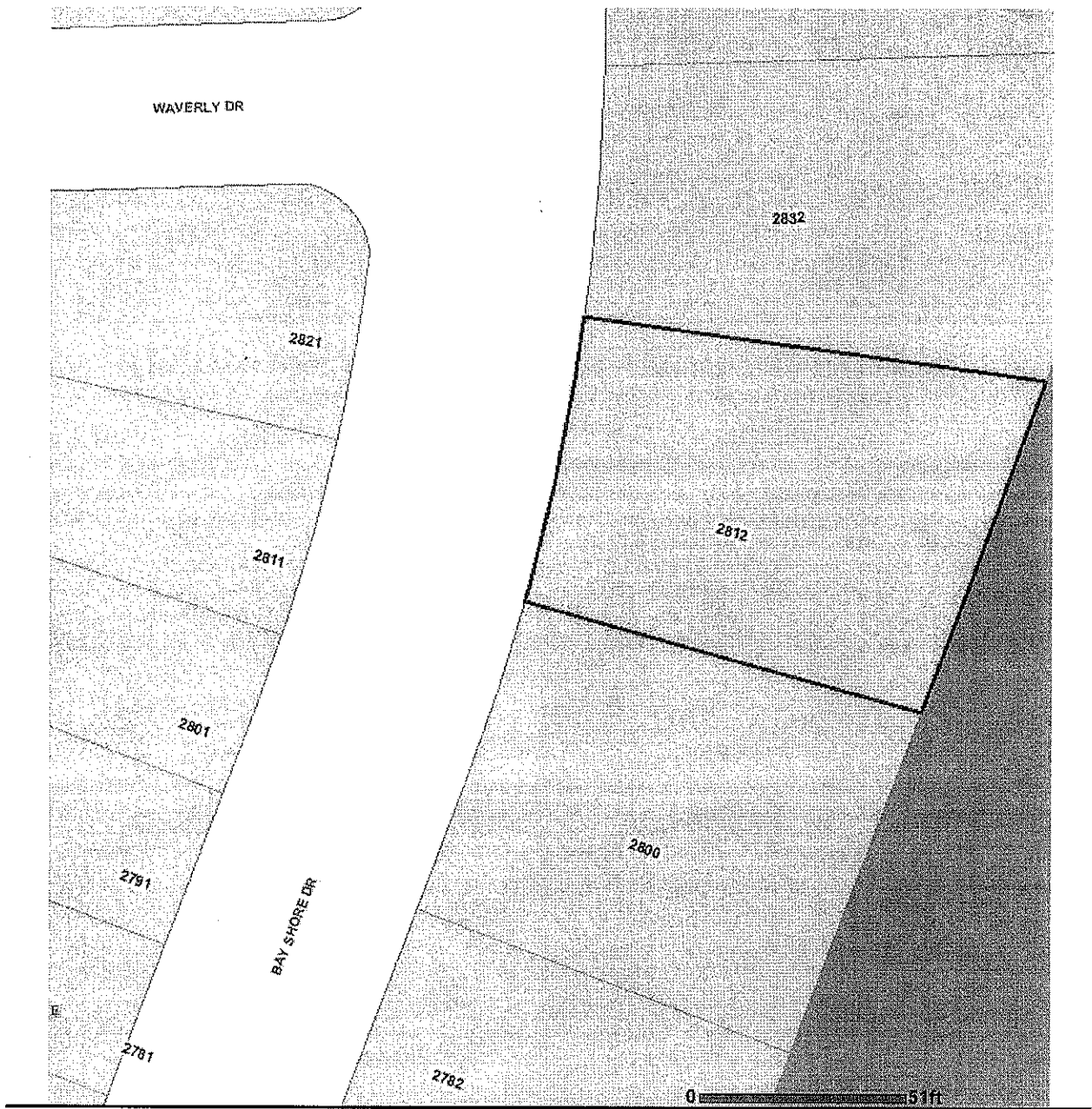
JSG:fn/ts

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-048
PA2008-2008

2812 Bayshore Drive

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 reason:
 - Some properties on the block have authorized encroachments and some are nonconforming because they encroach into the rear setback, thus a 9-foot encroachment into the setback will be compatible with 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:
 - The proposed encroachments are not detrimental because the property is located at the end of the block adjacent to the vehicle bridge to Harbor Island and there is only one neighboring property. The encroachments will be in line with other encroachments on the block. Furthermore, the previous improvements on the lot encroached 9 feet into the required 15-foot setback.

CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. In addition to the 9-foot encroachment into the 15-foot setback, architectural features (e.g., eaves) may encroach 2 feet 6 inches into the rear (waterside) setback, provided that such features shall not project any closer than 2 feet from any side property line. All such features shall maintain a clearance above grade vertically of at least 8 feet. No vertical support posts or second or third floor decks/balconies shall encroach farther than 9 feet into the rear 15-foot setback.
3. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
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. No permanent structures shall be constructed within the 8-foot wide utility easement on Lot I along the Newport Bay frontage, unless otherwise approved by the Public Works Department.
6. 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.

7. 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.
8. A building permit shall be obtained prior to commencement of the construction.
9. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
10. 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.
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 \$1,810.00 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

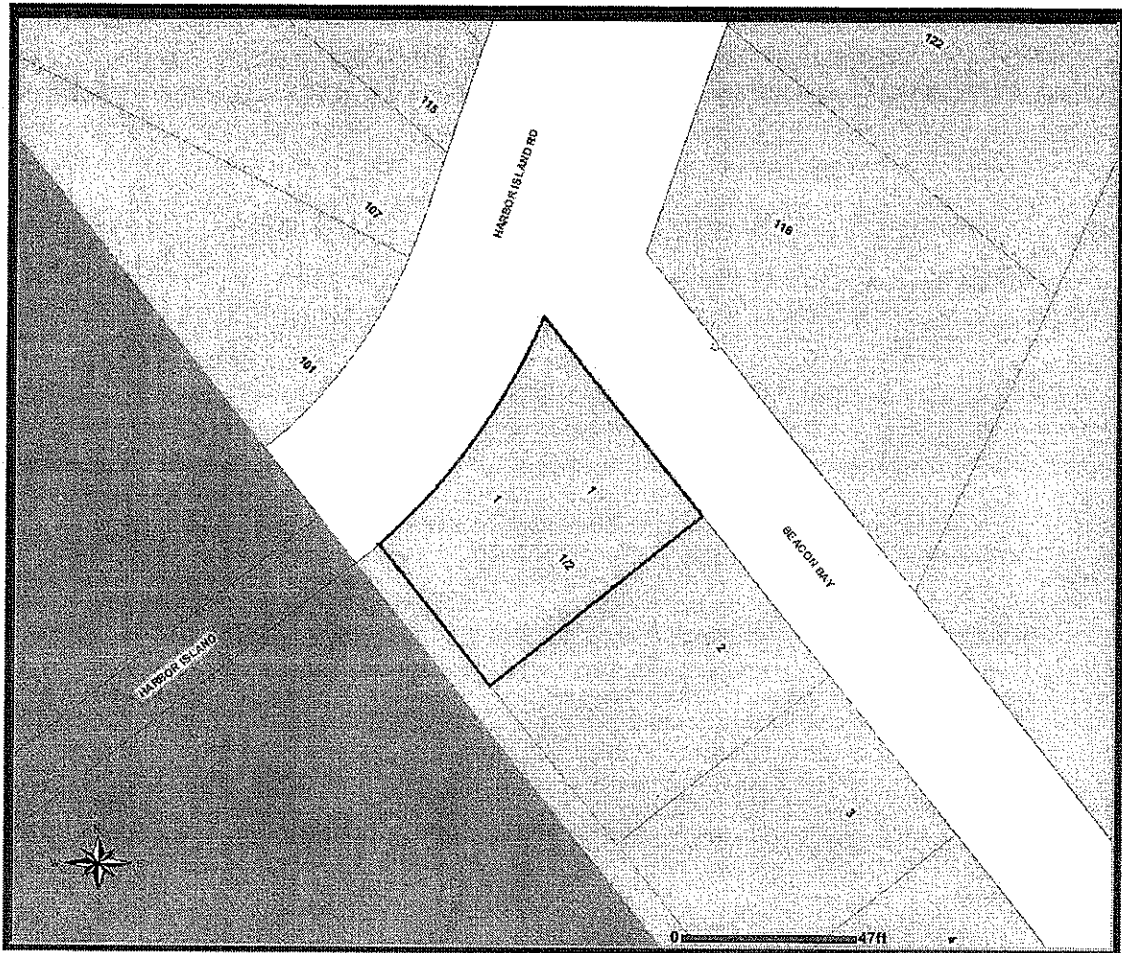
JSG:fn/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: P. Ward, 2 Beacon Bay

VICINITY MAP



Modification Permit No. MD2008-049
PA2008-202

1 Beacon Bay



MODIFICATION PERMIT NO. MD2008-050
(PA2008-204)

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

Application No.	Modification No. MD2008-050 (PA2008-204)
Applicant	Tony Carrillo
Site Address	1260 Bison Avenue, Suite D-3
Legal Description	Lot 6, Tract 12309

On **December 8, 2008**, the Zoning Administrator approved the application request to permit one additional 37.5 square-foot tenant identification wall sign on the westerly frontage and seven 7-inch-tall letters or logo awning valance signs on three frontages. The building has two existing wall signs on the southerly and easterly elevations. The property is located in the PC-5 (North Ford Planned Community) 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 for "General Commercial." The North Ford Planned Community designates the site as "Area 3 - Commercial." The existing commercial structures are consistent with these designations.
2. The project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures). Class 11 consists of construction or placement of minor structures accessory to existing commercial, industrial, or institutional facilities, including on-premise signs.
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 line-of-sight for the signage on the southerly elevation is not adequate due to the existing site development along Bison Avenue. The addition of a wall sign on the westerly elevation in conjunction with minimal awning signs on three elevations shall compensate for inadequate visibility along the southerly elevation.
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 reason:
- The addition of a wall sign on the westerly elevation adds greater visibility for tenant identification purposes similar to visibility of other tenants in the retail center. Also, the Planned Community District contains no specified language or standards for awning signs. Section 20.93 of the Zoning Code grants the Zoning Administrator discretionary capacity to establish standards for the area, number, and height of signs for signs not limited by the Planned Community District. The Zoning Administrator determined that the inclusion of awning signs is compatible with the unique *stand-alone* nature of the building site within the retail center.
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 wall signs and awning signs do not limit sight distance. They will not create excessive light pollution that may adversely affect the general welfare or may be injurious to property or improvements in the neighborhood.

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. 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. No signage or structure with affixed signage shall be located in the public right-of-way.
9. The existing and future alterations to the wall signs on the south and east building elevations shall not exceed 50 square feet in area except that minor changes not to exceed an additional 20 percent may be reviewed and approved by the Planning Director or his assignee. Any further amendments to this modification permit require written staff approval and/or a separate modification as determined by the Planning Director.
10. The lettering on the awning signs shall be limited to a maximum of 7-inch tall letters or logo and shall be located on the center 50 percent of the valance length. Six awning signs are permitted in conjunction with this modification permit: one awning sign on the east elevation (facing MacArthur Boulevard), three awning signs on the south elevation (facing Bison Avenue), and two awning signs on the two awnings closest to Bison Avenue on the west elevation. Backlighting of the awnings is prohibited.
11. The wall sign on the west elevation shall not exceed 37.5 square feet in area and 36 inches in letter or logo height. The wall sign shall be centered above the two awnings closest to Bison Avenue, unless otherwise approved by the Planning Department. The wall sign shall be utilized for tenant identification purposes.
12. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

13. 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 \$1,810.00 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

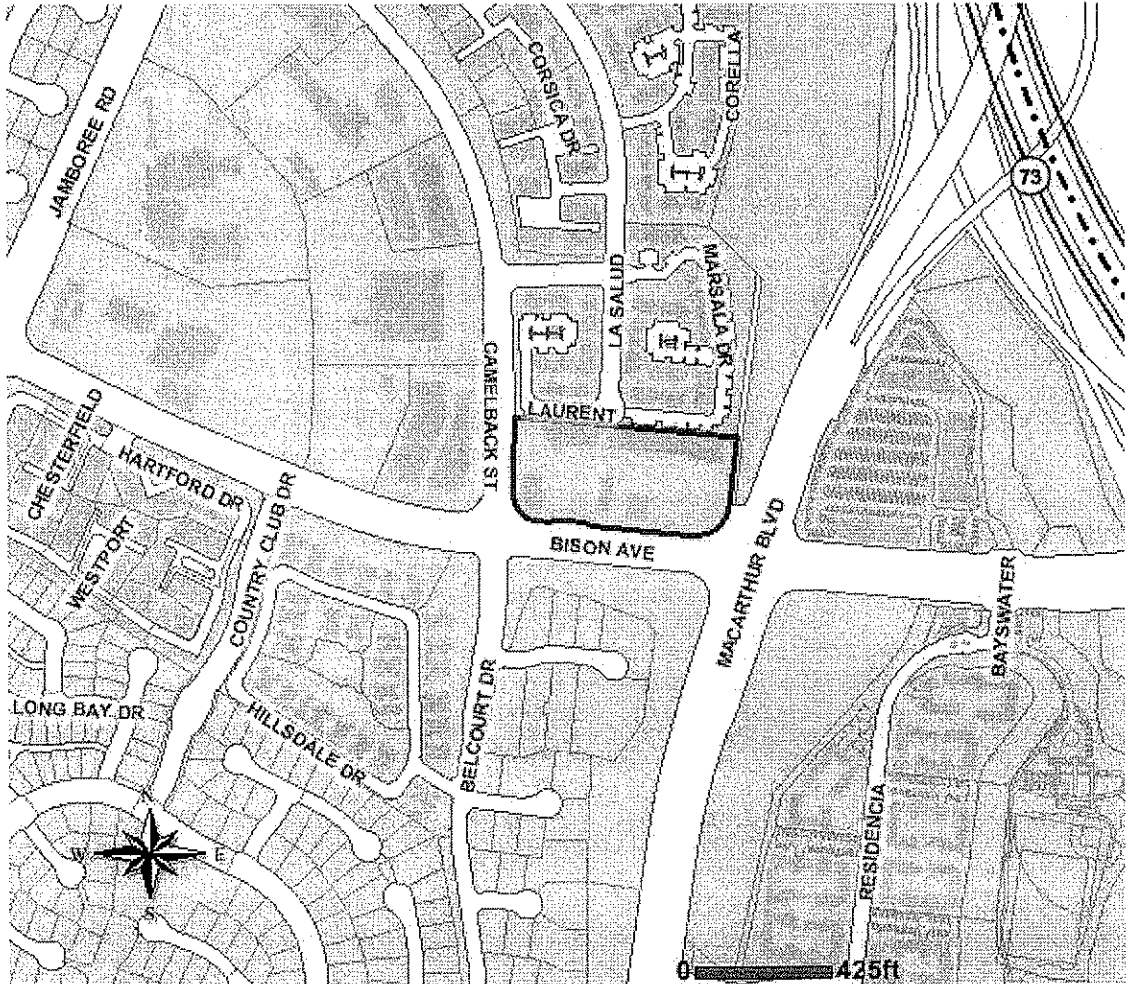
JSG:cs/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-050
PA2008-204

1260 Bison Avenue, Suite D-3

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:
 - Strict application of the Newport Ridge Planned Community District regulations would require the structure to be set back ten feet from the rear property line and five feet (ten feet aggregate total for both sides) from the side property line. This placement would result in a physical hardship that reduces the usable area of the rear yard space.
 - The freestanding fireplace is an accessory structure commonly located on residential properties. The Newport Ridge Planned Community District regulations permit accessory uses and structures when customarily associated with and subordinate to a Principal Permitted Use on the same building site, but makes no provisions for accessory structures such as fireplaces.

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 exterior, freestanding fireplace is an accessory structure and its proposed height is not abruptly out of scale with the surrounding buildings.
 - The proposed structure is a minor encroachment into the required side and rear yard setbacks.
 - The proposed structure is a common residential rear yard amenity.
 - The residence will remain a single-family home.

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 location of the fireplace has been designed to be adjacent to the rear of the neighboring lot and will neither affect the flow of air or light nor obstruct any public views.
 - The freestanding fireplace will be gas-burning only.
 - These encroachments will not add any interior square footage to the residence and all other setbacks will be maintained.

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. The exterior, freestanding fireplace shall not encroach more than seven feet into the required 10-foot rear yard setback and two feet into the required 5-foot side yard setback and have a maximum 6-foot height limit, with the exception of the spark arrestor allowed an additional height of five inches.
4. The freestanding, exterior fireplace shall be gas-burning only. The burning of wood or any other smoke-producing combustible product is strictly prohibited, unless the fireplace is relocated outside of the rear and side yard setbacks.
5. 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 City-wide, constitute a precedent for future approvals or decisions.
6. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
7. A building permit shall be obtained prior to commencement of the construction.
8. A 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. If any of the existing public improvements surrounding the site are 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.
10. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
11. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.

12. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

Appeal Period

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 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

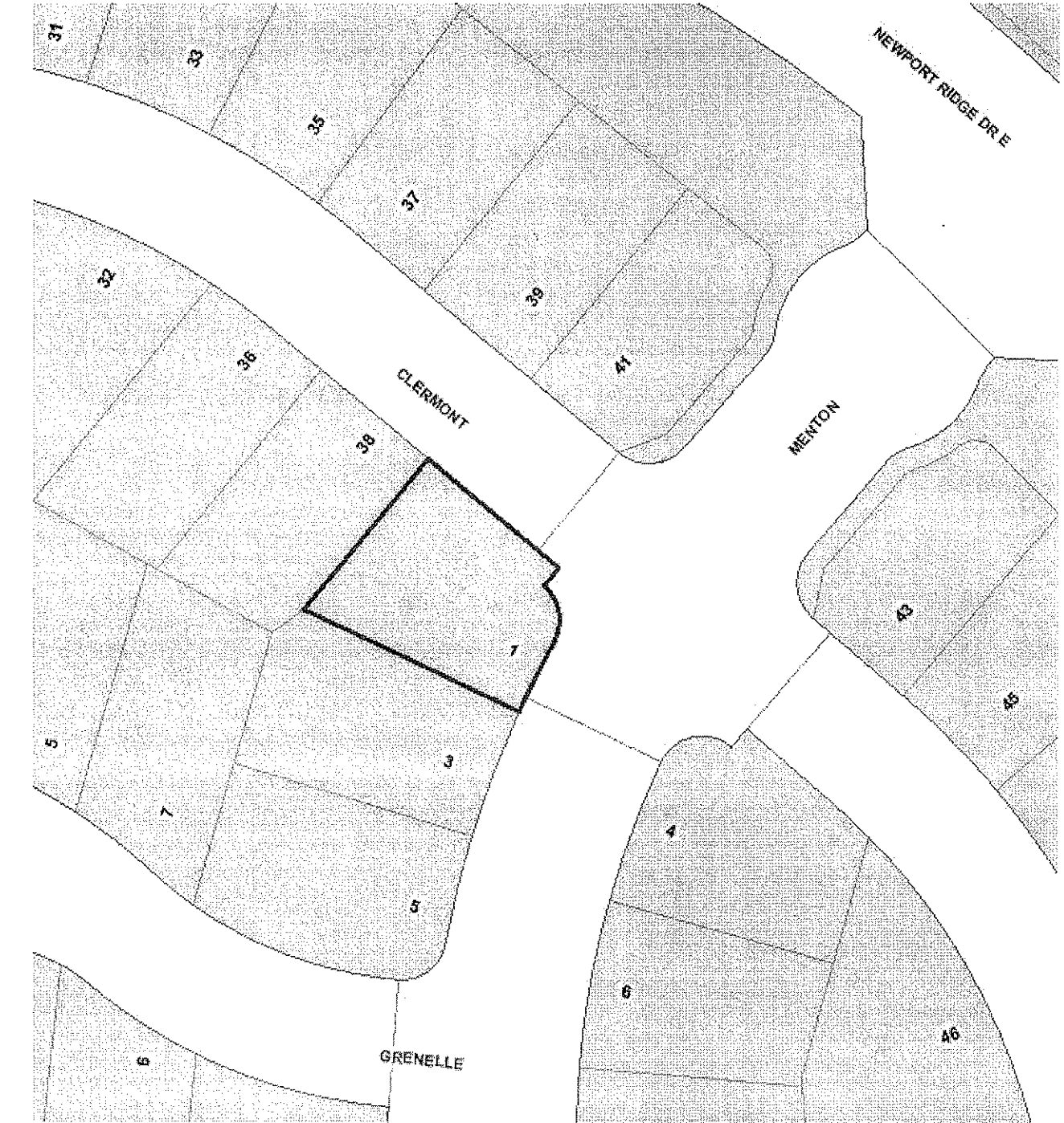
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Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-051
PA2008-206

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