



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Seimone Jurjis, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending July 24, 2020.

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**
(Non-Hearing Items)

Item 1: Snell Grade Determination Staff Approval No. SA2020-003 (PA2020-063)
Site Address: 502 Via Lido Nord

Action: Approved

Council District 1

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200
www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Subject: **Snell Grade Determination (PA2020-063)**
▪ Staff Approval No. SA2020-003

Site Location **502 Via Lido Nord**

Applicant **Brandon Architects Inc.**

Legal Description **Lot 493 of Tract 907, excluding the northwesterly 40 feet portion**

On **July 24, 2020**, the Community Development Director approved the established grade of 11.14 feet based on the North American Vertical Datum of 1988 (NAVD88) for the purposes of measuring principal structure height. An alternative grade of 10.64 feet NAVD88 was also established for the purpose of measuring accessory structure height within the 10-foot front setback area. This determination is based on the topography of the subject property and the adjoining properties (Attachment No. CD 3). No development activities are authorized under this approval. A separate coastal development permit is required for the future construction of a single-family residence and seawall modification and/or replacement.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** RS-D (Single-Unit Residential, Detached)
- **Zoning District :** R-1 (Single-Unit Residential)
- **Coastal Land Use Plan Category:** RSD-C (Single Unit Residential Detached) – (10.0 – 19.9 DU/AC)
- **Coastal Zoning District:** R-1 (Single-Unit Residential)

Section 21.30.050 Establishment of Grade by Director

If the Director finds that the existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot, the Director may establish the grade that is reasonable and comparable with the grades of adjoining lots and that will not be detrimental or injurious to property and improvements on adjoining lots.

The Community Development Director's approval is based on the following findings and conditions.

Finding:

- A. *The existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot.*

Facts in Support of Finding:

1. The subject property has not been improved since 1976, when the existing single-family residence and front yard patio were constructed. Lower natural topographic conditions have caused the site's existing grade off the Newport Bay frontage to be several feet lower than the adjoining lots. The subject property's finished surface on the Bay front is approximately 8 feet NAVD88. The Bay front patios on the adjoining lots sit over 2.5 feet higher at 10.71 feet NAVD88 (500 Via Lido Nord) and 11.40 feet NAVD88 (506 Via Lido Nord).
2. Alternative grades to determine the height of accessory structures and the principal structure are appropriate to help account for the lower existing grade at the site. Using this lower grade unfairly restricts development heights around 2.5 feet below that of neighboring properties. Considering the adjoining lots' prevailing grade points located in the Bay front patio areas, an established grade of 11.14 feet NAVD88 will be used for the baseline of measuring principal structure height. An alternative, interpolated grade of 10.64 feet NAVD88 was also established as a baseline for measuring accessory structure height within the 10-foot front setback area.

Finding:

- B. *The grade is reasonable and comparable with the grades of adjoining lots and will not be detrimental or injurious to property and improvements on adjoining lots.*

Facts in Support of Finding:

1. The purpose of this grade determination is to plan the future construction of a single-family and accessory structures. Allowing higher alternative grades in the area off the Bay frontage would provide the property with an equitable grade elevation that is compatible with the prevailing grades of the adjoining lots that are considerably higher.
2. For accessory structures, the site's proposed finished grade of 10.64 feet NAVD88 for the 10-foot front setback area does not exceed the elevation of the neighbors' finished surfaces. A higher grade of 10.64 feet NAVD88 will allow for fences and a protective guardrail to be constructed at an appropriate height that is in line with the adjoining properties.

3. The established grade determined for the principal structure will only provide up to a 0.8-foot increase (or 8 percent) above what is allowed without the grade determination. In that the grade differential for the subject area is over 2 feet, alternative grades to increase these heights are reasonable.

CONDITIONS

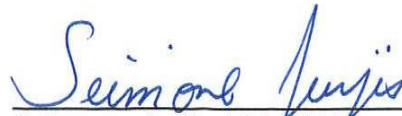
1. The established grade for the purposes of measuring principal structure height authorized by this determination shall be based on the existing grade prior to construction or 11.14 feet NAVD88, whichever is higher at the time of construction.
2. The grade for the purposes of measuring height of accessory structures in the 10-foot front setback area authorized by this determination shall be based on existing grade prior to construction or an alternate grade of 10.64 feet NAVD88, whichever is greater.
3. A copy of this action letter, including the findings and conditions, shall be copied onto the building plans.
4. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Snell Grade Determination including, but not limited to, the Staff Approval No. SA2020-003 (PA2020-063). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

By:



Patrick Achis
Assistant Planner



Seimone Jurjis, PE, CBO
Community Development Director

BMZ/pa

Attachments: CD 1 Vicinity Map
CD 2 Site Photos
CD 3 Project Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2020-003
PA2020-063

502 Via Lido Nord

Attachment No. CD 2

Site Photos

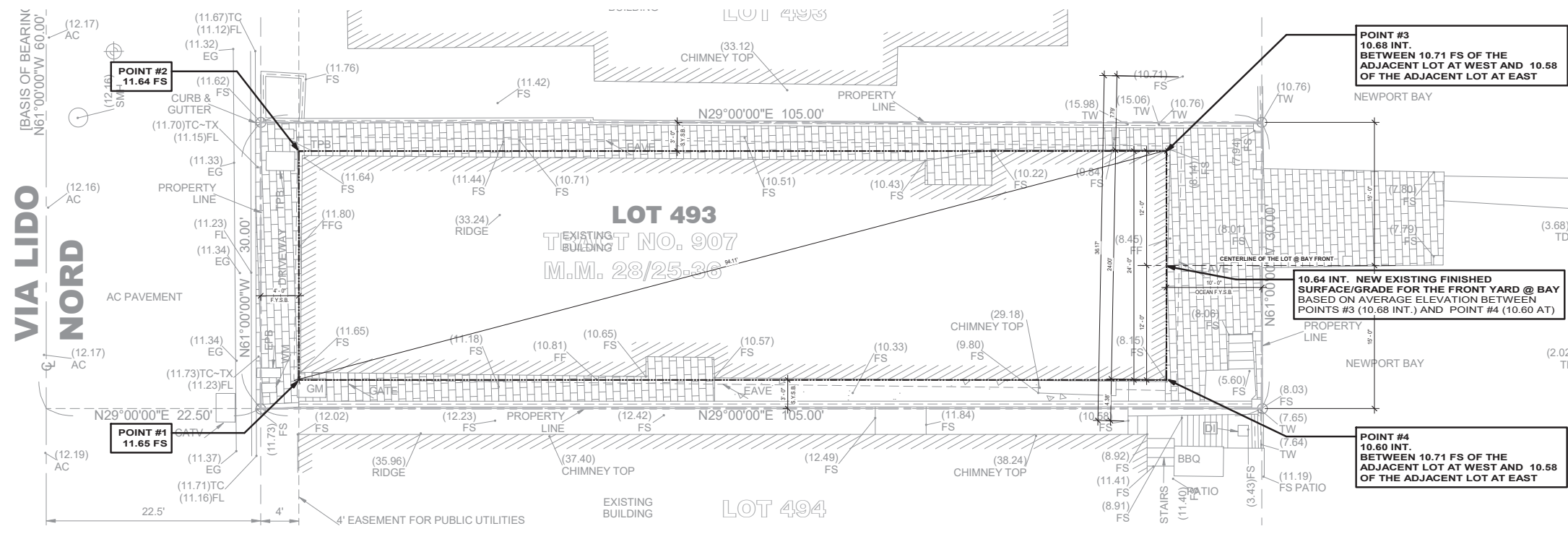






Attachment No. CD 3

Project Plans



1 GRADE DETERMINATION PLAN
3/16" = 1'-0"

GRADE PLANE DETERMINATION

- POINT #1 11.65 FS
- POINT #2 11.64 FS
- POINT #3 10.68 INT
- POINT #4 10.60 INT

GRADE PLANE = $44.57/4 = 11.14$

AVERAGE SLOPE = $11.65' - 10.68' / 94.11' = 1.03 \%$

FINISHED SURFACE/GRADE FOR THE FRONT YARD @ BAY = 10.64 INT.

LEGAL DESCRIPTION:
APN: 423 191 04
LOT 493, TRACT NO. 907, CITY OF NEWPORT BEACH,
COUNTY OF ORANGE, STATE OF CALIFORNIA
M.M. 28/25-36

LOT INFORMATION:
ZONED: R-1
SITE AREA: 3,190 S.F. BUILDABLE AREA: 2,184 S.F.
TOTAL ALLOWABLE AREA (IDA): 1' X 2,184 S.F. = 3,712 S.F.
TOTAL ALLOWABLE AREA (CITY): 2' X 2,184 S.F. = 4,368 S.F.
TOTAL OPEN AREA REQUIRED: 0.18 X 2,184 S.F. = 397.80 S.F.
TOTAL OPEN AREA PROVIDED: XXXX S.F.
TOTAL LANDSCAPE AREA: XXXX S.F.

EXISTING BUILDING INFORMATION:
EXISTING SINGLE FAMILY W/ GARAGE TO BE DEMOLISHED
EXISTING S.F. = 2,540 S.F. GARAGE (4 BEDS, TTL)

ZONING INFORMATION:
FRONT SETBACK: 4 FT.
FRONT SETBACK: 10 FT. (OCEAN FRONT)
LEFT SETBACK: 3 FT.
RIGHT SETBACK: 3 FT.

PROJECT NAME: SNELL RESIDENCE
STATUS: GRADE DETERM.
BRANDON ARCHITECTS
151 KIMMIE DRIVE, SUITE G-1, COSTA MESA, CA 92626
714.754.4640 | www.brandonarchitects.com

A SITE INFORMATION

OWNER INFORMATION:
MARK & TERI SNELL
502 VIA LIDO NORD
NEWPORT BEACH
CA 92663

B VICINITY MAP

SNELL RESIDENCE
502 VIA LIDO NORD
NEWPORT BEACH, CA 92663

PROJECT MANAGER: JUSTIN JOHNTSON
DOCUMENT VALID UPON:

GRADE DETERMINATION PLAN

This document is the property of BRANDON ARCHITECTS. It contains the design, drawings, and specifications for the project. It is not to be reproduced, copied, or distributed in any way without the written consent of BRANDON ARCHITECTS. The user of this document is limited to the specific project and location for which it was prepared. Any use of this document for any other purpose is strictly prohibited. The user of this document is advised to verify the accuracy of the information contained herein and to consult with BRANDON ARCHITECTS for any questions or concerns. Use of these documents by any third party, whether intended or unintended, is prohibited.

REVISIONS

NO.	REVISION	DATE

JOB NO.: 202012
DATE: 06/09/2020
SHEET NO.: A-0.5