



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 May 13, 2022.

ZONING ADMINISTRATOR ACTIONS MAY 12, 2022

- Item 1: Restore Hyper Wellness Minor Use Permit No. UP2022-004 (PA2022-023)
Site Address: 1062 Irvine Avenue
Action: Approved by Resolution No. ZA2022-033 Council District 3
- Item 2: Kulfi Me Ice Cream Shop Minor Use Permit No. UP2022-005 (PA2022-041)
Site Address: 2116 Newport Boulevard, Suite C
Action: Approved by Resolution No. ZA2022-034 Council District 1
- Item 3: Helmsman Ale House Temporary Expansion Amendment Limited Term Permit No. XP2022-004 and Coastal Development Permit No. CD2022-024 (PA2022-068)
Site Address: 2920 Newport Boulevard
Action: Approved by Resolution No. ZA2022-035 Council District 1
- Item 4: Haag Residence Coastal Development Permit No. CD2021-078 (PA2021-300)
Site Address: 4003 and 4003 ½ Marcus Avenue
Action: Approved by Resolution No. ZA2022-036 Council District 1

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

- Item 1: Thomas James Homes Setback – Staff Approval No. SA2022-001 (PA2022-028)
Site Address: 1747 Port Abbey Place
Action: Approved Council District 5

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.

RESOLUTION NO. ZA2022-033

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING MINOR USE PERMIT NO. UP2022-004 FOR A PERSONAL SERVICES, RESTRICTED LAND USE, LOCATED AT 1062 IRVINE AVENUE (PA2022-023)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Vytal Ventures, LLC dba Restore Hyper Wellness (Applicant) with respect to property located at 1062 Irvine Avenue and legally described as Lot 8 of Tract 4824, seeking approval of a minor use permit.
2. The Applicant requests approval to establish a wellness day spa offering various non-medical health services for chronic pain management, injury recovery, athletic performance and general wellness, within a 3,737-square-foot tenant space of an existing multi-tenant commercial building. The Minor Use Permit is required because the business is considered a Personal Services, Restricted land use.
3. The subject property is categorized Neighborhood Commercial (CN) by the General Plan Land Use Element and is within the Commercial Neighborhood (CN) Zoning District.
4. The subject property is not located in the coastal zone.
5. A public hearing was held on May 12, 2022, via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

A. The use is consistent with the General Plan and any applicable specific plan;

Facts in Support of Finding:

1. The CN Neighborhood Commercial land use designation is intended to provide for a limited range of retail and service uses developed in one (1) or more district centers oriented to primarily serve the needs of and maintain compatibility with residential uses in the immediate area. The proposed wellness day spa comports with this intent.
2. The wellness day spa will provide services to those who live, work, and visit the city. The project would allow for continued use of the existing commercial space in a manner consistent with the surrounding adjacent on-site commercial uses.
3. The property is not located within a specific plan area.

Finding:

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.

Facts in Support of Finding:

1. The Commercial Neighborhood (CN) Zoning District is intended to provide for areas appropriate for a limited range of retail and service uses developed in one or more distinct centers oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area.
2. The business is considered a "Personal Services, Restricted" land use because it provides specialized healing treatments ("healing arts") including IV Drip therapy, Cryotherapy, Infrared Sauna, Red Light therapy, Cryoskin treatment, Hydra facials and Hyperbaric Oxygen therapy. The Personal Services, Restricted land use category applies to service establishments that may have a blighting or deteriorating effect upon surrounding areas, such as day spas, tanning salons, and tattoo shops. The space is not considered a medical land use because none of the offered services require the presence of a physician on-site. According to Table 2-5 of NBMC Chapter 20.20 (Commercial Zoning Districts), a Personal Services, Restricted use is allowed in the Neighborhood Commercial (CN) zone, subject to the approval of a minor use permit.
3. Project implementation will consist of tenant improvements to bring the existing suite into compliance with Building and Fire Code safety and accessibility requirements.

4. A retail clothing store previously occupied the subject suite and conversion to a "Personal Services, Restricted" land use does not change parking demand. Pursuant to Table 3-10 of NBMC Section 20.40.040 (Off-Street Parking Requirements), personal services and general retail uses are parked at the same rate of 1 space per 250 square feet of gross floor area. A surface parking lot provides shared parking for the overall commercial center.
5. The operational conditions of approval will promote compatibility with the surrounding uses. The floor plan provides separate areas for various treatments and IV Drip treatments, which are considered an ancillary medical use, will constitute less than 25 percent of the floor area.
6. As conditioned, the proposed use will comply with all other applicable provisions of the NBMC.

Finding:

- C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The project is located within an existing commercial building. The design, size, location, and operating characteristics of the use are compatible with the surrounding existing land uses. The proposed wellness day spa is consistent with the surrounding restaurant, retail, and other service uses in the vicinity.
2. Based on operational characteristics, the use is not considered a medical land use. IV Drip treatments (an ancillary medical use) constitute less than 25 percent of the overall floor area, thereby limiting any potential blight or deterioration to the surrounding area. The business will have a Registered Nurse and a licensed Esthetician on duty, does not administer medications and is not required to have a physician on-site.
3. The proposed use will not require the provision of additional parking on-site, as discussed in Fact in Support of Finding B.4
4. The design of the tenant improvements will comply with all Building, Public Works, and Fire Codes.
5. As conditioned, the allowed hours of operation are from 8 a.m. to 7 p.m., Monday to Friday, and Saturday to Sunday, 8 a.m. to 6 p.m. This will help to limit any potential late night or early morning land use conflicts with allowed uses on nearby properties.

Finding:

D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.

Facts in Support of Finding:

1. All proposed tenant improvements, with the exception of signage, are limited to the inside of the existing building and will not affect pedestrian circulation, parking spaces, or access to existing tenants. Adequate public and emergency vehicle access is taken from Westcliff Drive and Irvine Avenue. Public services and utilities are adequately provided for on-site.
2. The design of the improvements will comply with all Building, Public Works, and Fire Codes, and plans will be reviewed prior to the issuance of building permits.

Finding:

E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding:

1. The proposed use is intended to serve residents and visitors to Newport Beach.
2. See Fact in Support of Finding C.5 related to hours of operation.
3. The project includes conditions of approval to ensure that potential conflicts with the surrounding land uses and City as a whole are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance within the facility, adjacent properties, or surrounding public areas, sidewalks, or parking lots, during business hours, if directly related to the patrons of the business.
4. The proposed suite is an existing commercial space within an existing multi-tenant building, which has been historically occupied by similar uses. The space has not proven unsuitable for this type of use.
5. The proposal has been reviewed by the Building Division, Public Works, Fire, and Police Departments, and recommended conditions of approval have been included to limit any detriment to the City or general welfare of persons visiting or working in the surrounding neighborhood.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2022-004, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY, 2022.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved floor plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. *The hours of operation shall be limited to between 8 a.m. and 7 p.m., Monday to Friday, and between 8 a.m. and 6 p.m. Saturday to Sunday.*
5. *IV Drip treatments (an ancillary medical use) shall constitute less than 25 percent of the overall floor area.*
6. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department.
7. All proposed signs shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of NBMC Chapter 20.42 (Signs).
8. Minor Use Permit No. UP2022-004 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 20.54.060 (Time Limits and Exceptions), unless an extension is otherwise granted.
9. This Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
10. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.

11. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
12. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
13. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
14. The exterior of the business shall always be maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
15. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
16. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.
17. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the NBMC.
18. 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 Restore Hyper Wellness including, but not limited to, Minor Use Permit No. UP2022-004 (PA2022-023). 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.

Building Division

19. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the Building Code (2019 California Code Edition). The construction plans must meet all applicable State Disabilities Access requirements. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.

Fire Department

20. The facility is a B occupancy and will not be considered an ambulatory care facility. However, the bariatric chamber (Cryotherapy) will require compliance with NFPA 99, and a fire communication system (like a fire alarm system) will be required.

RESOLUTION NO. ZA2022-034

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING MINOR USE PERMIT NO. UP2022-005 FOR A NEW TAKE OUT-SERVICE LIMITED RESTAURANT LOCATED AT 2116 NEWPORT BOULEVARD, SUITE C (PA2022-041)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kulfi Me LLC (Applicant), with respect to property located at 2116 Newport Boulevard, Suite C, and legally described as Lots 17 and 18 of Tract 814, requesting approval of a minor use permit.
2. The Applicant proposes to operate a new ice cream shop (i.e., a “take-out service, limited eating and drinking establishment” land use). The use would occupy an approximately 1,468-square-foot tenant space within an existing commercial building. Approximately 818 square feet of the space would serve as the net public area for customers with the remaining 650 square feet used for restroom, kitchen, and back of house purposes. The ice cream shop would provide a maximum of six (6) seats. The Applicant is not proposing alcohol service or late hours (after 11:00 p.m.).
3. The subject property is located within the Mixed-Use Water (MU-W2) Zoning District and the General Plan Land Use Element category is Mixed-Use Water 2 (MU-W2).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and it is located within the Mixed-Use Water (MU-W2) Coastal Zone District. The proposed ice cream shop does not result in an increase in the parking rate and therefore is not considered an intensification of use that would require a coastal development permit.
5. A public hearing was held on May 12, 2022, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Class 1 exemption includes minor alterations to existing structures involving negligible or no expansion of use. The proposed project involves alterations to the interior floor plan of an existing commercial space with no expansion in floor area.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

1. The General Plan designates the site MU-W2 (Mixed-Use Water 2). This category applies to properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The proposed eating and drinking establishment is a commercial use intended to serve nearby residents, the surrounding community, and visitors to the City of Newport Beach which is consistent with this land use category.
2. The subject property is located on the Balboa Peninsula, which is developed with a series of different neighborhoods and districts, linked by the Newport Boulevard commercial and residential corridor. The property is surrounded by a variety of commercial uses, including other eating, and drinking establishments, and would be compatible with the surrounding uses.
3. Land Use Element Goal LU 6.8 envisions “a series of commercial, visitor-serving, marine-related, civic, and residential neighborhoods that are vibrant throughout the year, differentiated by their historic and functional characteristics and architectural style, yet integrated by streetscape amenities” for the Balboa Peninsula. The project will bring a new business to a formerly vacant storefront that has been vacant for almost a decade. This use will not only provide a year-round service to residents and visitors to the Peninsula alike but will revitalize the existing building.
4. The subject property is not part of a specific plan area.

Finding:

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. The property is in the Mixed-Use Water (MU-W2) Zoning District. The proposed establishment, which includes a customer ordering area, six (6) seats or fewer, a kitchen

and prep area, storage rooms, and a restroom is a permitted use subject to the approval of a minor use permit pursuant to NBMC Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements).

2. The subject property was developed in 1927 with a single (1)-story building. It currently encroaches 5 feet into the required setbacks along both Newport Boulevard and 22nd Street. The building has a total of four (4) tenant suites and provides one (1) parking space in the rear of the building which is accessed from The Arcade. The adjacent two (2) suites (Suites A and B) are currently vacant but have been improved with commercial uses in the past. and The Crab Cooker Restaurant operates a storage and processing warehouse in the rear of the building to support their main restaurant across 22nd Street. The building is considered legal nonconforming for parking.
3. NBMC Section 20.38.060 (Nonconforming Parking) allows a change of use on sites with nonconforming parking. It specifies that an existing use may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area, or lot area) occurs and the new use requires a parking rate of no more than one space per 250 square feet of gross building area.
4. The parking requirement for a take-out service limited, eating, and drinking establishment is one (1) space per 250 square feet, and no intensification or enlargement is proposed. Therefore, no additional parking is required.
5. The proposed establishment will comply with zoning code standards for eating and drinking establishments, including those specific to the take-out service limited use classification, which includes a maximum of six (6) seats, no alcohol service, and no late hours. Conditions of Approval numbers 6, 5, and 4 ensure that the business shall operate per the aforementioned characteristics or may be required to obtain a new use permit.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The subject property can be accessed by either motorists, pedestrians, or cyclists from Newport Boulevard. While the project site has limited onsite parking, metered parking is available along Newport Boulevard and West Balboa Boulevard. A municipal parking lot is located approximately 170 feet to the southwest of the site.
2. The adjacent section of Newport Boulevard is developed primarily with eating and drinking establishments with intermittent office and retail uses. The nearest residential use is located approximately 120 feet to the east, on 21st Street. Condition of Approval no. 4 limits the allowed hours of operation from 9 a.m. to 9 p.m. Sunday through

Thursday and from 9 a.m. through 10 p.m. Friday and Saturday. The proposed hours are intended to avoid any-early morning or late-night disturbances and help ensure the establishment is compatible with the surrounding existing and allowed uses.

3. A trash enclosure is not currently provided on-site. Instead, all waste and recycling will be taken to the dumpster behind the building. Condition of Approval No. 22 requires the operator maintain the trash area such that odors are controlled appropriately. Should the existing trash area be determined by the City in the future to be inadequate, the Applicant will be required to increase the frequency of pickups.

Finding:

- D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The project site is located on Newport Boulevard. There is heavy existing vehicular traffic and pedestrian activity along the thoroughfare. The proposed ice cream shop is not anticipated to result in increased vehicular and pedestrian activity as patrons of the ice cream shop are expected to be visitors to the Balboa Peninsula or residents already in the area.
2. The Fire Department reviewed the project and site to ensure adequate public and emergency vehicle access is provided.
3. Any proposed site and tenant improvements must comply with the zoning code and all Building, Public Works, and Fire Codes for permits to be issued.

Finding:

- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.

2. The proposed take-out service, eating and drinking establishment will help revitalize the surrounding neighborhood by providing an economic opportunity for the property owner to update the tenant space and refresh the site.
3. The Applicant is required to obtain Health Department approval prior to opening for business and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.
4. The proposed use includes limited hours, no alcohol service is proposed, and there is no increased parking demand. Based upon the Zoning Code requirements, the proposed use will not result in a detriment to the surrounding community.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2022-005 subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY, 2022.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan and floor plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Minor Use Permit.
4. *The hours of operation for the establishment shall be limited to 9 a.m. to 9 p.m. Sunday through Thursday and from 9 a.m. through 10 p.m. Friday and Saturday.*
5. *There shall be no sales and/or service of alcohol permitted unless a new use permit is approved.*
6. *The maximum number of seats allowed in the eating and drinking establishment shall be six (6).*
7. *No outdoor seating is permitted unless an amendment to this Minor Use Permit or a Limited Term Permit is acquired.*
8. All proposed signs shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of Chapter 20.42 (Signs) of the NBMC.
9. This Minor Use Permit No. UP2022-005 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
10. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
11. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and an

amendment to this Minor Use Permit or the processing of a new Minor Use Permit may be required.

12. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
13. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
14. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
15. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

16. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
17. Construction activities shall comply with Section 10.28.040 of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
18. No outside paging system shall be utilized in conjunction with this establishment.
19. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.

20. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
21. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
22. All trash dumpsters and/or receptacles shall have a solid cover or lid. The lid shall remain closed when the dumpster is not in use.
23. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and 9 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Minor Use Permit.
24. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
25. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
26. 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 **Kulfi Me Ice Cream Shop including, but not limited to, Minor Use Permit No. UP2022-005 (PA2022-041)**. 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.

Building Division

27. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.

28. *Approval from the Orange County Health Department is required prior to the issuance of a building permit.*

RESOLUTION NO. ZA2022-035

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING LIMITED TERM PERMIT NO. XP2022-004 AND COASTAL DEVELOPMENT PERMIT NO. CD2022-024 TO ALLOW AN EXPANDED OUTDOOR DINING AREA LOCATED AT 2920 NEWPORT BOULEVARD (PA2022-068)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Helmsman Ale House (Applicant), with respect to property located at 2920 Newport Boulevard, described as Assessor Parcel Numbers 047-043-04 and 047-043-20, requesting to amend and supersede a previously approved limited term permit and a coastal development permit.
2. The Applicant proposes to relocate the approved 1,000-square-foot temporary outdoor dining area and to install a temporary raised wooden platform in that new location to provide a leveled seating surface. All other operational characteristics will remain the same and the temporary use, including temporary improvements, would be allowed for up to a one (1)-year term. If this request is approved and implemented, Limited Term Permit No. XP2021-026 and Coastal Development Permit No. CD2021-050 (PA2021-204) would be superseded and rendered null and void.
3. The subject property is categorized Visitor Serving Commercial (CV) by the General Plan Land Use Element and is located within the Commercial Visitor-Serving (CV) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Visitor Serving Commercial (CV-A) – (0.0 to 0.75 FAR) and it is located within the Commercial Visitor-Serving (CV) Coastal Zoning District.
5. A public hearing was held on May 12, 2022, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) and Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 3 exemption includes a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 2,500 square feet in floor area or 10,000 square feet in floor area in urbanized areas zoned for such use. The proposed scope of work is a maximum 1,000-square-foot expanded outdoor dining patio at an existing restaurant for a one (1)-year limited term and qualifies under the parameters of the Class 1 and Class 3 exemptions.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

Limited Term Permit

In accordance with Section 20.52.040(G) (Limited Term Permits) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The operation of the limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;*

Facts in Support of Finding:

1. The limited term permit will allow an extended and expanded outdoor dining patio for up to a one (1)-year term while the City reconsiders its parking requirements related to food service uses. The existing food service use is authorized through Use Permit No. 3485 and its subsequent amendments.
2. The previously larger 5,500-square-foot expanded dining area did not pose a hazard to the general welfare of persons residing in the area since it was placed during the COVID-19 pandemic in 2020 through an Emergency Temporary Use Permit. A resident filed complaints regarding operating outside of authorized hours and excessive noise. If founded, those complaints have been addressed through enforcement measures outlined in the NBMC, as they are received by the Code Enforcement Division. The operation of the expanded dining area is limited to up to one (1) year and has been reviewed and

conditioned to help preclude any detriment to the general welfare of the area. The Code Enforcement Division will continue to ensure all conditions of approval are abided by.

3. The previously approved temporary operation was authorized through Emergency Temporary Use Permit No. UP2020-143 (PA2020-246). This approval allowed a temporary patio of approximately 5,500 square feet. The proposed operation significantly reduces the patio to no more than 1,000 square feet and allows for the installation of a temporary raised platform structure. Operation of the expanded outdoor dining area is limited to up to one (1)-year.
4. Outdoor dining areas are common within the Balboa Peninsula area, have been used at the subject property during similar hours in the past, and the use has not proven to be detrimental. The existing hours of operation for the interior of the restaurant are limited from 6 a.m. to 11 p.m., Sunday through Thursday and from 6 a.m. to 1 a.m., Friday and Saturday. As previously approved, the proposed temporary outdoor dining area would close by 9 p.m., Monday through Thursday, and by 10 p.m., Friday through Sunday.
5. The proposed operation is conditioned to be accessible to all persons, including those with disabilities, in accordance with the Americans with Disabilities Act (ADA).
6. The permitted use shall adhere to applicable State of California and Orange County Health Care Agency (OCHCA) guidelines for the safe operation of the use. It is the responsibility of the permittee to implement and follow industry-specific guidance of the State of California and the OCHCA guidelines.
7. The permitted use must be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements.
8. The plan includes appropriate delineation of outdoor use spaces with temporary physical barriers or markers.

Finding:

- B. The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;*

Facts in Support of Finding:

1. The restaurant is located on a site that is comprised of two separate parcels: one with the restaurant building and one with the parking lot to serve the building. The combined two parcels are approximately 0.5-acre in size. If approved, the temporary outdoor patio would be reduced to 1,000 square feet from the previously approved 5,500 square feet and has been conditioned to have no permanent structures.
2. The project site is located on the northeast corner of Newport Boulevard and 30th Street. Surrounding uses include residential neighborhoods, which are located to the west beyond

The Landing shopping center, and a mixed-use neighborhood to the north, east and south. The temporary patio does not negatively affect surrounding uses as it is limited by the Conditions of Approval, is a reduction of the current temporarily expanded area, and serves an existing restaurant. Furthermore, the reduced temporary outdoor dining area will restore approximately ten (10) parking spaces.

Finding:

- C. *The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;*

Fact in Support of Finding:

1. The subject site has direct driveway approaches taken from 30th Street and the alley. The temporary outdoor patio is located within the private parking lot abutting the restaurant and will not impede access. The City's Public Works Department has reviewed the proposal, and there are no traffic issues anticipated.

Finding:

- D. *Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator; and*

Fact in Support of Finding:

1. The subject property has been occupied by a food service use with outdoor dining since 1993. The existing parking lot has historically accommodated the restaurant. The existing parking lot is expected to accommodate the temporary use. There have been no parking-related complaints or issues raised related to the outdoor dining area installed under the previous emergency permit.

Finding:

- E. *The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.*

Facts in Support of Finding:

1. The General Plan land use category for this site is CV (Visitor Serving Commercial). The CV category is intended to allow for a range of accommodations (e.g., hotels, motels, hostels), goods, and services intended to primarily serve visitors. Permitted uses include those permitted in the CV Zoning designation, which includes restaurants by obtaining a use permit. The expanded outdoor dining use is accessory to the existing restaurant, will be utilized for a limited duration on-site and will be in furtherance of the intention for this land use category.

2. The site is in the Commercial Visitor Serving (CV) Zoning District. The CV designation applies to areas intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors. The expanded outdoor dining use is accessory to the existing restaurant, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CV designation. The CV District also allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
3. The Limited Term Permit for expanded outdoor dining would complement and be consistent with the other commercial uses permitted within the CV Zoning District in that it provides amenities that support visitors to the area and provides a social gathering place for those who live and work in the neighborhood, consistent with General Plan Land Use Element Goal LU 2, below. Additional benefits from the proposed amendment include providing opportunities for the continuation of local businesses that generate sales tax and provide opportunities for employment, which is consistent with General Plan Land Use Element Policy LU 2.4 (Economic Development), also copied below:

Goal LU 2 *A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.*

Policy LU 2.4 Economic Development *Accommodate uses that maintain or enhance Newport Beach's fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents. (Imp 1.1, 24.1)*

4. Council Policy D-9 recognizes the need to balance economic development objectives with protection of the environment and the health and safety of the community. The policy recognizes the need to provide effective and efficient structures for implementing economic programs, utilizing staffing to provide healthy, thriving businesses, and maintain a healthy economy while preserving the unique commercial villages in Newport Beach. The proposed limited term permit would support a local business and economic prosperity while maintaining the unique character of the Balboa Peninsula.
5. The site is not located within a specific plan area.

Coastal Development Permit

In accordance with Section 21.52.015 (Coastal Development Permits, Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- F. *Conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The project site is not located adjacent to a coastal view road or public access way. The temporary patio is located on a site with an existing restaurant. The temporary outdoor dining area complies with all applicable Local Coastal Program (LCP) development standards and maintains an area consistent with the existing pattern of development on the Balboa Peninsula. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.
2. The Property is in the coastal zone and the proposed improvements require a coastal development permit in accordance with NBMC Section 21.52.035(C)(2) (Projects Exempt from Coastal Development Permit Requirements). The improvements constitute an increase of ten (10) percent or more of the internal floor area of an existing structure or a lesser improvement that has previously been undertaken pursuant to California Public Resources Code Section 30610(a). The expanded outdoor dining area and barrier has only minor detached structures. The location of these improvements does not pose a conflict to coastal resources, coastal access, or other adverse environmental effects.
3. Improvements are complementary to the area; the subject restaurant and other restaurants on the Balboa Peninsula have similar outdoor dining improvements.
4. The dining area barrier is installed within the existing private parking lot. The barrier delineates the area dedicated for outdoor dining use and alcohol service. There are no existing City utilities within the expanded outdoor dining area.
5. Development authorized by this permit is not located in any environmentally sensitive habitat area (ESHA) and public access to the coast will not be blocked. Coastal access is increased by allowing commercial establishments to re-open allowing public to visit coastal areas and provides an added amenity for visitors. The proposed operation does not contain ESHA, wetlands, or sandy beach area.
6. Development authorized is not located in an area in which the California Coastal Commission retains direct permit review authority.

Finding:

- G. *Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

1. The subject property is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) and Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit No. XP2022-004 and Coastal Development Permit No. CD2022-024 subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This resolution supersedes Zoning Administrator Resolution No. ZA2022-006, which upon vesting of the rights authorized by this Limited Term Permit and Coastal Development Permit, shall become null and void.
4. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning and Title 21 Local Coastal Implementation Plan, of the NBMC. The project site is not located within the appeal area of the coastal zone; therefore, final action by the City may not be appealed to the California Coastal Commission.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY, 2022.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**
*(Project-specific conditions are in italics)***Planning Division**

1. The development shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The approval of this Limited Term Permit and Coastal Development Permit shall be effective from January 11, 2022, to January 10, 2023, unless an extension is granted by the Zoning Administrator in compliance with Sections 20.52.040(J) (Extension of Limited Term Permit) and 21.54.060 (Time Limits and Extensions) of the NBMC. The Applicant shall be required to cease all permitted operations and remove any temporary improvements made to the outdoor spaces as part of this approval at the end of the effective period.
3. *The expanded dining area shall not exceed 1,000 square feet.*
4. *The existing allowed hours of operation of the establishment shall not be extended. The hours of operation of the expanded area as part of this approval shall not extend beyond 9 p.m. on Monday through Thursday, and 10 p.m. on Friday through Sunday.*
5. *There shall be no use of amplified sound and/or live entertainment in the expanded dining area.*
6. *The Applicant shall install and maintain a physical barrier between any area used and adjacent to common pedestrian walkways in accordance with the requirements of the State Department of Alcoholic Beverage Control.*
7. *There shall be no permanent structures that require building permits. All temporary structures shall be removed within 5 business days of the expiration of this permit.*
8. The Applicant shall obtain and maintain authorization from the State Department of Alcoholic Beverage Control (ABC) for all areas where the sale, service or consumption of alcohol is under the control of the Applicant. The establishment shall abide by all applicable regulations of the State Department of Alcoholic Beverage Control.
9. The sale of alcohol "to go" to patrons that dine within the expanded outdoor patios shall be prohibited.
10. The establishment shall abide by all applicable Orange County Health Care Agency requirements.

11. The permittee shall provide adequate trash receptacles within the permitted patio shall and the operator shall provide for periodic and appropriate removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
12. The Community Development Director or designee may inspect the modified area at any time during normal business hours.
13. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
14. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this approval.
15. This Limited Term Permit and Coastal Development Permit be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
16. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Limited Term Permit and Coastal Development Permit.
17. 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 this Limited Term Permit No. XP2022-004 and Coastal Development Permit No. CD2022-024 (PA2022-068) for Helmsman Ale House. 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.

Building Division

18. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.
 - a. A minimum 4-foot-wide accessible path to all functional area shall be provided.
 - b. Access to restrooms shall be provided at all times.

- c. Accessible parking stalls shall not be used for seating areas when onsite parking is provided.
 - d. At least one (1) accessible seating area shall be provided.
 - e. Detectable warnings are required when pedestrian paths cross or are adjacent to a vehicular way where no physical barrier are provided to separate the two (2).
19. All exiting paths shall be a minimum 36 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.
 20. The ramp to access the temporary raised platform shall not have a slope exceeding 8.33 percent and shall have the required edge protection and handrails in place.
 21. The finish surface of the temporary raised platform shall be slip-resistant.

Public Works Department

22. Substantial barriers (automobiles, K-rail, water-filled barrier, or other material acceptable to Public Works) shall be provided between the seating area and drive aisle and adjacent parking spaces. Substantial barriers shall not encroach into the required dimensions of the drive aisle and parking spaces.
23. There shall be a minimum of 5 feet of space around all overhead facilities, such as poles and 15 feet of space around all underground facilities, such as poles and 15 feet of space around all underground facilities, such as vault lids, manholes, vent pipes, pad-mounted transformers, etc.
24. Seating or structures below overhead conductors and/or under the 'drip line' shall be prohibited.
25. Public eating/dining at tables shall not be situated on top of energized vault lids, energized underground structures, or next to vent pipes, etc.
26. Expanded outdoor dining areas shall adhere to the SCE Clearance Decal examples.

Fire Department

27. Covered outdoor dining areas (separate or consolidated) shall comply with the following standards for tents larger than 400 square feet (two [2] or more walls) and/or canopies larger than 700 square feet (no walls or one [1] wall):
 - Post maximum occupant load.
 - Do not exceed posted occupant load inside the tent or canopy.
 - Visible and Mounted Fire Extinguishers with current service tags.
 - No Smoking Signs shall be installed.
 - Illuminated Exit Signs shall be installed.
 - Emergency Lighting shall be provided.
 - Exit doors are not to be blocked and are to remain accessible as exits while the tent is occupied.

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- All interior decorative fabrics or materials shall be flame resistant. Provide Certificates of Flame Resistance.
 - If Propane is used, a permit is required: Cooking and heating equipment shall not be located within 10 feet of exits or combustible materials.
 - LPG containers shall be located outside and be adequately protected and secured, and a permit will be required. Open flame or other devices emitting flame, such as candles, are not permitted inside or within 20 feet of the tent, canopy, or temporary membrane structure.
 - Tents and canopies shall have the State Fire Marshal tag indicating fire resistance.
 - Tents and canopies shall be designed and installed to withstand the elements of the weather and prevent collapsing through weights and ground anchorage.
28. Fire lane(s) shall be identified on the plan.
29. Parking, displays, seating or other obstacles that interfere with emergency vehicles and personnel shall not be permitted in fire lanes.
30. Vehicles are permitted to stop in fire lanes awaiting service or delivery provided that the driver remains inside the vehicle and the vehicle is ready to move immediately upon orders from emergency personnel.
31. All Fire Department devices (fire hydrants, fire department connections, water valves, etc.) shall have a 3-foot clearance in all directions.
32. Fire Department devices shall not be covered, blocked or otherwise hidden from plain view.
33. All building exits shall remain free and clear of any obstacles that would impede exiting from a building or suite and accessing the nearest public right-of-way.

Additional Conditions

34. Prior to commencing operation of the temporary outdoor dining area authorized by this approval, the Applicant shall install a vertical barrier at the southeastern portion of the temporary outdoor dining area to help attenuate sound, subject to the review and approval of the Planning Division.

RESOLUTION NO. ZA2022-036

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2021-078 FOR THE DEMOLITION OF AN EXISTING DUPLEX AND THE CONSTRUCTION OF A NEW THREE (3)-STORY, 2,894-SQUARE-FOOT, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 267-SQUARE-FOOT JUNIOR ACCESSORY DWELLING UNIT AND A 403-SQUARE-FOOT ATTACHED TWO (2)-CAR GARAGE LOCATED AT 4003 AND 4003 ½ MARCUS AVENUE (PA2021-300)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Steve and Vinnie Haag (Applicant), with respect to property located at 4003 and 4003 ½ Marcus Avenue, and legally described as Lot 2 of Block 340, requesting approval of a coastal development permit.
2. The Applicant proposes the demolition of an existing duplex and the construction of a new three (3)-story, 2,894-square-foot, single-family residence with an attached 267-square-foot junior accessory dwelling unit (JADU) and an attached 403-square-foot, two (2)-car garage. The project also includes the raising and reinforcing of an existing bulkhead for protection against coastal hazards. All improvements are located on private property and also includes appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two Unit Residential (RT). The R-2 Zoning District permits single- and two (2)-unit residential dwellings.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-D) (20.0 – 29.9 DU/AC) and the Coastal Zoning District is Two-Unit Residential (R-2).
5. A public hearing was held on May 12, 2022, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or

Conversion of Small Structures), because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the construction of limited numbers of new, small structures, including one (1) single-family residence and an attached JADU. The proposed project is a new single-family residence with an attached JADU located in the R-2 Coastal Zoning District.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015(F) (Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

A. Conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 3,648 square feet and the proposed floor area is 3,564 square feet.
 - b. The proposed development complies with the required setbacks, which are 20 feet abutting the bay, 4 feet abutting Marcus Avenue, and 3 feet along each side property line.
 - c. The highest guardrail/parapet is below 24 feet from established grade and the highest ridge is 29 feet from established grade. The proposed development complies with all height requirements.
 - d. The proposed development provides a two (2)-car garage, complying with the minimum garage requirement for a single-family residence. The proposed JADU does not require additional parking.
 - e. The maximum floor area for a one (1)-bedroom JADU is 500 square feet and the proposed ADU is 267 square feet.

- f. The proposed development complies with the minimum 9.0-foot based on the North American Vertical Datum of 1988 (NAVD 88) top of slab elevation requirement for interior living areas of new structures. Additionally, since the property is located in the AO1 Flood Zone, a minimum 10.0-foot NAVD 88 top of slab is required. The project proposes a 10.0-foot NAVD 88 top of slab, which complies with the flood zone requirements.
2. The project proposes to demolish the existing duplex on-site to construct a single-family residence and attached JADU. As a result, the project complies with the Housing Crisis Act of 2019 and Senate Bill 8 (Skinner) because it does not result in the loss of residential density. The State Department of Housing and Community Development (HCD) has verified with the City in an email dated March 23, 2022, that an ADU is considered a housing unit under Government Code Section 66300 provisions to replace existing units. The Property Owner has certified that the units are not "protected" units under Section 66330 Subdivision (d)(2). The project is consistent with the General Plan, Local Coastal Program, and Zoning designations that allow the single-family and accessory dwelling unit land uses. Under Coastal Land Use Plan Table 2.1.1-1, the Two Unit Residential (RT) category is intended to provide primarily for two (2)-family residential development such as duplexes or townhomes. Implementation Program (IP) Table 21.18-1 shows "Single-Unit Dwellings – Detached" and "Accessory Dwelling Units" as allowed uses in the R-2 Coastal Zoning District. Therefore, the project of a single-family residence and accessory dwelling unit to replace the existing duplex is consistent with the R-2 zoning and land use designations and does not result in a loss of residential density.
3. The neighborhood is predominantly developed with two (2)- and three (3)-story single- and multi-unit residences. The proposed three (3)-story structure's design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
4. The finish floor elevation of the proposed dwelling is 10.0 feet (NAVD 88), which complies with the minimum 10.0-foot (NAVD 88) elevation standard of the AO1 Flood Zone.
5. A Coastal Hazards Report were prepared by PMA Consulting, Inc. on November 30, 2021. The project site directly abuts the Newport Bay and thus may be subject to coastal hazards such as flooding, runup, and erosion. The report concludes that the highest high tide elevation (currently 7.7 feet NAVD 88) will not exceed 10.9 feet (NAVD 88) using the low-risk aversion projected sea level rise (3.2-foot increase) over the 75-year design life of the structure based on estimates for sea level rise provided by the State of California Sea-Level Rise Guidance 2018. The estimated sea level rise over the next 75 years, using the Medium-High Risk Aversion, is potentially 6 feet (13.7 feet NAVD 88). If the proposed seawall is not found to be adequate for the actual sea level rise over the next 75 years, the seawall assembly allows the increase of height to 14.4 feet (NAVD 88) without further seaward encroachment. Additionally, the site has not historically been subject to any wave overtopping, nor is overtopping waters over the next 75 years expected to reach the subject site, even under extreme conditions. Based

on the data provided, the study concludes that coastal hazards will not impact the property over the next 75 years, as the proposed project has minimal risk from flooding.

6. The project site is protected by an existing bulkhead. A bulkhead conditions report was prepared for the project by PMA Consulting, Inc., dated November 30, 2021. The report concludes that once the existing bulkhead is reinforced per the report's recommendations, flooding, wave runup, and erosion will not significantly impact this property over the proposed 75-year economic life of the development.
7. Pursuant to Municipal Code Section 21.35.050 (Water Quality and Hydrology Plan), due to the proximity of the development to the shoreline and the development containing more than 2,500 square feet of impervious surface area, a Water Quality Management Plan (WQMP) is required. A WQMP prepared by Thomas Ruiz, Civil Engineer, dated December 9, 2021, has been submitted and will be reviewed by the City's Geologist Engineer. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of a LID approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs.
8. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv) of the NBMC, the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). These requirements are included as Conditions of Approval Numbers 4 and 5, and will need to be satisfied prior to final building inspection, and prior to the issuance of building permits, respectively.
9. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and the CBC prior to building permit issuance.
10. The project site is not located adjacent to a coastal view road, or public accessway, as identified in the Coastal Land Use Plan. The project is located approximately 300 feet from Newport Island Park, which is identified as a Public View Point by the Coastal Land Use Plan. Additionally, the project may be located within the viewshed of other distant public viewing areas. Site evaluation revealed that the proposed three (3)-story design is consistent with the existing neighborhood pattern of development and will not affect the existing views afforded from the surrounding streets. The project will replace an existing duplex with a new single-family residence and attached JADU that complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

Finding:

- B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding:

1. The project site is located on the Balboa Peninsula between the nearest public road and the sea. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing duplex with a new single-family residence and attached JADU. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited so as not to block or impede existing public access opportunities.
2. Fact in Support of Finding A.2 is hereby incorporated by reference.
3. The project site is located between Channel Place and 40th Street, which are identified by the Coastal Land Use Plan as public beach access locations. The project does not interfere with the existing nearby access to the beach. Vertical access to the bay is available at the street ends of Channel Place and 40th Street. Lateral access is not available near the project site.

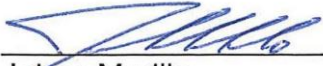
SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 under Class 3 (Conversion or Construction of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment and that the exceptions to the Class 3 Exemption do not apply.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2021-078, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code (NBMC). Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and

Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY, 2022.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
3. Coastal Development Permit No. CD2021-078 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
4. Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
5. Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify 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 development.
6. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers.
7. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
8. All proposed accessory structures located within setback areas shall comply with applicable height limits consistent with Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC.

9. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
10. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock-piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
11. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
12. Prior to the issuance of building permits, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.
13. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
14. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one (1) or two (2) short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.

15. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
16. All principal structures shall be waterproofed to a minimum height of 14.4 feet NAVD 88.
17. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
18. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
19. Prior to the issuance of building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
20. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
21. 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 **Haag Residence including, but not limited to, Coastal Development Permit No. CD2021-078 (PA2021-300)**. 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.

Building Division

22. Prior to issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall be in compliance with the WQHP/WQMP and any changes could require separate review and approval by the Building Division.
23. Prior to the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.

24. Prior to issuance of the building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
25. Prior to the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
26. Prior to issuance of building permits, the Applicant shall submit a soils report which include recommendations for construction on liquefiable soils. Additionally, the building foundation shall comply with the minimum requirements of the City of Newport Beach Building Code Policy CBC 1803.5.11-12.
27. The project shall comply with all applicable standards of Flood Zone AO1 in NBMC Section 15.50 and 15.05.100.



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: Thomas James Homes Setback (PA2022-028)
▪ Staff Approval No. SA2022-001

Site Location 1747 Port Abbey Place

Applicant Thomas James Homes

Legal Description Lot 35 of Tract 6621

On **May 13, 2022**, the Community Development Director approved Staff Approval No. SA2022-001. This approval is based on the following findings and subject to the following conditions.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** RS-D (Single Unit Residential Detached)
- **Zoning District:** PC-3 (Harbor View Hills), Sub-Area 2

I. PROJECT DESCRIPTION

The subject property is located in the Harbor View Hills Planned Community (PC3), on the southwestern corner of West Newport Hills Drive and Port Abbey Place. The lot is relatively trapezoidal in shape. The current 32-foot front setback requirement for the property was established when the Harbor View Hills tract development was constructed. The applicant proposes to modify the front yard setback to 30 feet to allow for a new single-family home to be constructed at this distance from the property line. The existing structure, also a single-family residence, is currently situated at the proposed setback.

II. BACKGROUND

The subject property is located in Sub-Area 2 of the Planned Community. Section IV (Low Medium Density Residential Areas 1, 2, 3, 4 and 7) of the Harbor View Hills Planned Community District Regulations states:

The Community Development Director shall review said map in view of setbacks listed in this ordinance and/or sound planning principles and shall either approve, modify, disapprove the setbacks shown, or refer the matter to the Planning Commission for a determination. In the case of modification or disapproval, the applicant may appeal to the Planning Commission for further consideration.

The applicant is requesting to change the setbacks of the subject property under this section.

III. Environmental Review

The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations). The project involves a change in front setback established on a Setback Map, which is consistent with this exemption.

IV. FINDINGS

A. *The project is consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. The subject property is located in the Harbor View Hills Planned Community (PC3) where specific development standards are established for this community. Development is dictated by the Harbor View Hills Planned Community District Regulations.
2. The proposed setback change is consistent with allowances made in the Harbor View Hills Planned Community District Regulations.
3. The new single-family residence that will be proposed, separately from this review, will comply with all other applicable requirements Harbor View Hills Planned Community District Regulations of the Zoning Code.

Finding:

B. *The project does not involve a feature that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report.*

Facts in Support of Finding:

1. This project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations). The Class 5 exemption allows for minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to set back variances not resulting in the creation of any new parcel. The project involves a change in the front setback established on a Setback Map, which is consistent with this exemption. Therefore, the proposed scope of work is consistent with the scope allowed under the Class 5.
2. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not

have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

3. An initial study was conducted in 1980, as part of a General Plan Amendment for the original development of the community. However, the Harbor View Hills Planned Community District Regulations, allow for setback changes through this established process (with Director's authorization) and it can be assumed that this requirement was not determined to have a significant impact on the environment, or that any negative impacts have been mitigated, as required by CEQA.

Finding:

- C. *The project does not involve a feature that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The Harbor View Hills Planned Community District Regulations specifically allows modifications to setbacks with Community Development Director approval as referenced in the Background section above. Any proposed modification of setbacks must be reviewed by the Community Development Director, individually. Therefore, the proposed setback modification has been considered and found to be acceptable with meeting the intent to provide articulation along the Port Abbey Place street frontage.
2. There have been no prior discretionary approvals at the subject property that specifically preclude the front setback from being modified.

Finding:

- D. *The project does not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The property is currently zoned PC-3 (Harbor View Hills Planned Community, Sub-Area 2) and allows for the development of a single-family residence. The development of a new single-family home is proposed in the near future. The Director's concurrence is identified as the established process to modify the setbacks in the PC-3 (Harbor View Hills Planned Community) text.
2. No change in density or the number of units is proposed as part of this project; therefore, the proposed change in setbacks will not result in an expansion or change in the characteristics of the use.

3. The proposed development will continue to maintain articulation along the Port Abbey Place street frontage. The adjacent property to the west has a front setback of 28 feet and will maintain some level of variation along the street frontage.

V. CONDITIONS

1. The development shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. *Future development of the property will conform to all other development standards of the Harbor View Hills Planned Community District Regulations, and the Zoning Code, where applicable.*
3. *Any change to the 30-foot front setback shall require an amendment to this Staff Approval.*
4. *The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.*
5. *The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this approval.*
6. *This Staff Approval may be modified or revoked by the Community Development Director if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.*
7. *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 Thomas James Homes Setback including, but not limited to, Staff Approval No. SA2022-001 (PA2022-028). 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. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:


Caitlyn Curley
Planning Technician

Approved by


Seimone Jurjis, PE, CBO
Community Development Director

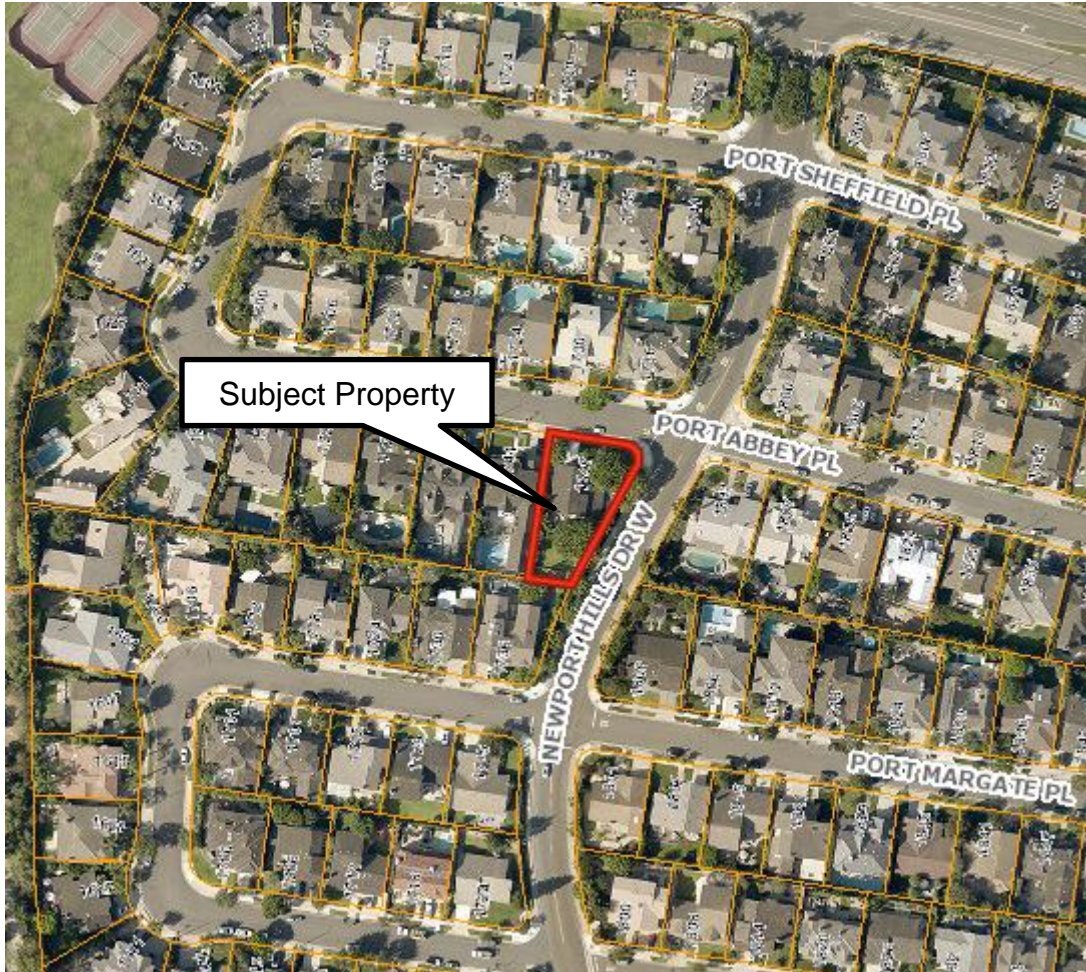
MKN/cnc

Attachments: CD 1 Vicinity Map
CD 2 Applicant's Project Description
CD 3 Existing Front Setback Map for PC-3
CD 4 Project Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2022-001
PA2022-028

1747 Port Abbey Place

Attachment No. CD 2

Applicant's Project Description



CAA PLANNING

January 31, 2022

Mr. Jim Campbell, Planning Division
City of Newport Beach
100 Civic Center Dr.
Newport Beach, CA 92660

Subject: Staff Approval for 1747 Port Abbey

Dear Mr. Campbell:

On behalf of Thomas James Homes, CAA Planning submits this application for staff/director's approval for 1747 Port Abbey. The requested staff approval is for the purpose of allowing a modified front setback at the subject site consistent with language in the Planned Community (PC). The enclosed application is accompanied by a \$982 application fee and project plans. The project plans were submitted for plan check (Plan Check No. 0181-2022) and corrections were received on January 24, 2022.

The subject site is located within the Harbor View Hills PC developed with a single-family residence that has a 29 ft. front yard setback and the house is proposed to be rebuilt with the same 29 ft. setback. However, a Harbor View Hills Front Yard Setbacks Map dated 2014 was incorporated into the PC after construction of the existing home, where the minimum setback for the subject property is identified as 32 ft. on the map.

Regulations in the PC text provide for review and approval by staff related to proposed setbacks from streets. The subject site is located in Area 1, and PC Section IV. Low Medium density Residential Areas 1, 2, 3, 4 and 7 regulates permitted uses and development standards for the subject site.

Section IV. D. Setbacks from Streets

...

Prior to the issuance of building permits, a map shall be submitted to the Community Development Director indicating the setbacks of all structures proposed in the development. The Community Development Director shall review said map in view of setbacks listed in this ordinance and/or sound planning principles and shall either approve, modify, disapprove the setbacks shown, or refer the matter to the Planning Commission for a determination. In the case of modification or disapproval, the applicant may appeal to the Planning Commission for further consideration.

The attached plan set identifies the current front setback of 29 ft., and the existing front setback condition would be maintained. The proposed house would maintain the existing setback of 29 ft.



Jim Campbell
January 31, 2022
Page 2 of 2

consistent with review of the Community Development Director and staff approval as provided for in the PC regulations. No change to the existing setback is proposed.

We appreciate your consideration of the application. Please contact our office with any questions.

Sincerely,
CAA PLANNING

A handwritten signature in blue ink that reads "Shawna L. Schaffner".

Shawna L. Schaffner
Chief Executive Officer

Attachments: Planning Application
Authorization Letter
Application Fee
Project Plans

Attachment No. CD 3

Existing Front Setback Map for PC-3

Attachment No. CD 4

Project Plans

GRADING NOTES

- ALL WORK SHALL CONFORM TO CHAPTER 15 OF THE NEWPORT BEACH MUNICIPAL CODE (NBMC), THE PROJECT SOILS REPORT AND SPECIAL REQUIREMENTS OF THE PERMIT.
- DUST SHALL BE CONTROLLED BY WATERING AND/OR DUST PALLIATIVE.
- SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE DURING THE CONSTRUCTION PERIOD.
- WORK HOURS ARE LIMITED FROM 7:00 AM TO 6:30 PM MONDAY THROUGH FRIDAY; 8:00 AM TO 6:00 PM SATURDAYS; AND NO WORK ON SUNDAYS AND HOLIDAYS PER SECTION 10-28 OF THE NBMC.
- NOISE, EXCAVATION, DELIVERY AND REMOVAL SHALL BE CONTROLLED PER SECTION 10-28 OF THE NBMC.
- THE STAMPED SET OF APPROVED PLANS SHALL BE ON THE JOB SITE AT ALL TIMES.
- PERMITTEE AND CONTRACTOR ARE RESPONSIBLE FOR LOCATING AND PROTECTING UTILITIES.
- APPROVED SHORING, DRAINAGE PROVISIONS AND PROTECTIVE MEASURES MUST BE USED TO PROTECT ADJOINING PROPERTIES DURING THE GRADING OPERATION.
- CESSPOOLS AND SEPTIC TANKS SHALL BE ABANDONED IN COMPLIANCE WITH THE UNIFORM PLUMBING CODE AND APPROVED BY THE
- HAUL ROUTES FOR IMPORT OR EXPORT OF MATERIALS SHALL BE APPROVED BY THE CITY TRAFFIC ENGINEER AND PROCEDURES SHALL CONFORM WITH CHAPTER 15 OF THE NBMC.
- POSITIVE DRAINAGE SHALL BE MAINTAINED AWAY FROM ALL BUILDING AND SLOPE AREAS.
- FAILURE TO REQUEST INSPECTIONS AND/OR HAVE REMOVABLE EROSION CONTROL DEVICES ON-SITE AT THE APPROPRIATE
- ALL PLASTIC DRAINAGE PIPES SHALL CONSIST OF PVC OR ABS PLASTIC SCHEDULE 40 OR SDR 35 OR ADS 3000 WITH GLUED JOINTS.
- NO PAINT, PLASTER, CEMENT, SOIL, MORTAR OR OTHER RESIDUE SHALL BE ALLOWED TO ENTER STREETS, CURBS, GUTTERS OR STORM DRAINS. ALL MATERIAL AND WASTE SHALL BE REMOVED FROM THE SITE.

EROSION CONTROL

- TEMPORARY EROSION CONTROL PLANS ARE REQUIRED FROM OCTOBER 15 TO MAY 15.
- EROSION CONTROL DEVICES SHALL BE AVAILABLE ON-SITE BETWEEN OCTOBER 15 AND MAY 15.
- BETWEEN OCTOBER 15 AND MAY 15, EROSION CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHENEVER THE FIVE-DAY PROBABILITY OF RAIN EXCEEDS 30 PERCENT. DURING THE REMAINDER OF THE YEAR, THEY SHALL BE IN PLACE AT THE END OF THE WORKING DAY, WHENEVER THE DAILY RAINFALL PROBABILITY EXCEEDS 50 PERCENT.
- TEMPORARY DESILTING BASINS, WHEN REQUIRED, SHALL BE INSTALLED AND MAINTAINED FOR THE DURATION OF THE PROJECT.

REQUIRED INSPECTIONS

- A PRE-GRADING MEETING SHALL BE SCHEDULED 48 HOURS PRIOR TO START OF GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOILS ENGINEER, GEOLOGIST, CITY BUILDING INSPECTOR OR THEIR REPRESENTATIVES. REQUIRED FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.
- A PRE-PAVING MEETING SHALL BE SCHEDULED 48 HOURS PRIOR TO START OF THE SUB-GRADE PREPARATION FOR THE PAVING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, PAVING CONTRACTORS, DESIGN CIVIL ENGINEER, SOILS ENGINEER, CITY BUILDING INSPECTOR OR THEIR REPRESENTATIVES. REQUIRED FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.

GRADING FILLS/CUTS

- GRADED SLOPES SHALL BE NO STEEPER THAN 2 HORIZONTAL TO 1 VERTICAL.
- FILL SLOPES SHALL BE COMPACTED TO NO LESS THAN 90 PERCENT RELATIVE COMPACTION OUT TO THE FINISHED SURFACE.
- ALL FILLS SHALL BE COMPACTED THROUGHOUT TO A MINIMUM OF 90 PERCENT RELATIVE COMPACTION AS DETERMINED BY ASTM TEST METHOD 1557, AND APPROVED BY THE SOILS ENGINEER. COMPACTION TESTS SHALL BE PERFORMED APPROXIMATELY EVERY TWO FEET IN VERTICAL HEIGHT AND OF SUFFICIENT QUANTITY TO ATTEST TO THE OVERALL COMPACTION EFFORT APPLIED TO THE FILL AREAS.
- AREAS TO RECEIVE FILL SHALL BE CLEARED OF ALL VEGETATION AND DEBRIS, SCARIFIED AND APPROVED BY THE SOILS ENGINEER PRIOR TO PLACING OF THE FILL.
- FILLS SHALL BE KEYED OR BENCHED INTO COMPETENT MATERIAL.
- ALL EXISTING FILLS SHALL BE APPROVED BY THE SOILS ENGINEER OR REMOVED BEFORE ANY ADDITIONAL FILLS ARE ADDED.
- ANY EXISTING IRRIGATION LINES AND CISTERNS SHALL BE REMOVED OR CRUSHED IN PLACE AND BACKFILLED AND APPROVED BY THE SOILS ENGINEER.
- THE ENGINEERING GEOLOGIST AND SOILS ENGINEER SHALL, AFTER CLEARING AND PRIOR TO THE PLACEMENT OF FILL IN CANYONS, INSPECT EACH CANYON FOR AREAS OF ADVERSE STABILITY AND DETERMINE THE PRESENCE OF, OR POSSIBILITY OF FUTURE ACCUMULATION OF, SUBSURFACE WATER OR SPRING FLOW. IF NEEDED, DRAINS WILL BE DESIGNED AND CONSTRUCTED PRIOR TO THE PLACEMENT OF FILL IN EACH RESPECTIVE CANYON.
- THE EXACT LOCATION OF THE SUBDRAINS SHALL BE SURVEYED IN THE FIELD FOR LINE AND GRADE.
- ALL TRENCH BACKFILLS SHALL BE COMPACTED THROUGHOUT TO A MINIMUM OF 90 PERCENT RELATIVE COMPACTION, AND APPROVED BY THE SOILS ENGINEER. THE BUILDING DIVISION MAY REQUIRE CORING OF CONCRETE FLAT WORK PLACED OVER UNTESTED BACKFILLS TO FACILITATE TESTING.
- THE STOCKPIILING OF EXCESS MATERIAL SHALL BE APPROVED BY THE BUILDING DIVISION.
- LANDSCAPING OF ALL SLOPES AND PADS SHALL BE IN ACCORDANCE WITH CHAPTER 15 OF THE NBMC.
- ALL CUT SLOPES SHALL BE INVESTIGATED BOTH DURING AND AFTER GRADING BY AN ENGINEERING GEOLOGIST TO DETERMINE IF ANY STABILITY PROBLEM EXISTS. SHOULD EXCAVATION DISCLOSE ANY GEOLOGICAL HAZARDS OR POTENTIAL GEOLOGICAL HAZARDS, THE ENGINEERING GEOLOGIST SHALL RECOMMEND AND SUBMIT NECESSARY TREATMENT TO THE BUILDING DIVISION FOR APPROVAL.
- WHERE SUPPORT OR BUTTRESSING OF CUT AND NATURAL SLOPES IS DETERMINED TO BE NECESSARY BY THE ENGINEERING GEOLOGIST AND SOILS ENGINEER, THE SOILS ENGINEER WILL OBTAIN APPROVAL OF DESIGN, LOCATION AND CALCULATIONS FROM THE BUILDING DIVISION PRIOR TO CONSTRUCTION.
- THE ENGINEERING GEOLOGIST AND SOILS ENGINEER SHALL INSPECT AND TEST THE CONSTRUCTION OF ALL BUTTRESS FILLS AND ATTEST TO THE STABILITY OF THE SLOPE AND ADJACENT STRUCTURES UPON COMPLETION.
- WHEN CUT PADS ARE BROUGHT TO NEAR GRADE THE ENGINEERING GEOLOGIST SHALL DETERMINE IF THE BEDROCK IS EXTENSIVELY FRACTURED OR FAULTED AND WILL READILY TRANSMIT WATER. IF CONSIDERED NECESSARY BY THE ENGINEERING GEOLOGIST AND SOILS ENGINEER, A COMPACTED FILL BLANKET WILL BE PLACED.
- THE ENGINEERING GEOLOGIST SHALL PERFORM PERIODIC INSPECTIONS DURING GRADING.
- NOTIFICATION OF NONCOMPLIANCE: IF, IN THE COURSE OF FULFILLING THEIR RESPONSIBILITY, THE CIVIL ENGINEER, THE SOILS ENGINEER, THE ENGINEERING GEOLOGIST OR THE TESTING AGENCY FINDS THAT THE WORK IS NOT BEING DONE IN CONFORMANCE WITH THE APPROVED GRADING PLANS, THE DISCREPANCIES SHALL BE REPORTED IMMEDIATELY IN WRITING TO THE PERSON IN CHARGE OF THE GRADING WORK AND TO THE BUILDING INSPECTOR. RECOMMENDATIONS FOR CORRECTIVE MEASURES, IF NECESSARY, SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT FOR APPROVAL.

**PRECISE GRADING PLAN
1747 PORT ABBEY PLACE,
NEWPORT BEACH,
CALIFORNIA**

TOPOGRAPHY SOURCE

FIELD SURVEY BY SWS ENGINEERING, INC. DATED 10-28-2021

BASIS OF BEARING

THE CALIFORNIA SPATIAL REFERENCE SYSTEM (CSRS) ZONE 6, EPOCH 2017.50 AS DETERMINED LOCALLY BY G.P.S. MEASUREMENTS TAKEN ON 09/17/21 FROM CONTINUOUSLY OPERATING REFERENCE STATIONS (P473) AND (JAS1) OF THE CALIFORNIA REAL TIME NETWORK.

BENCHMARK

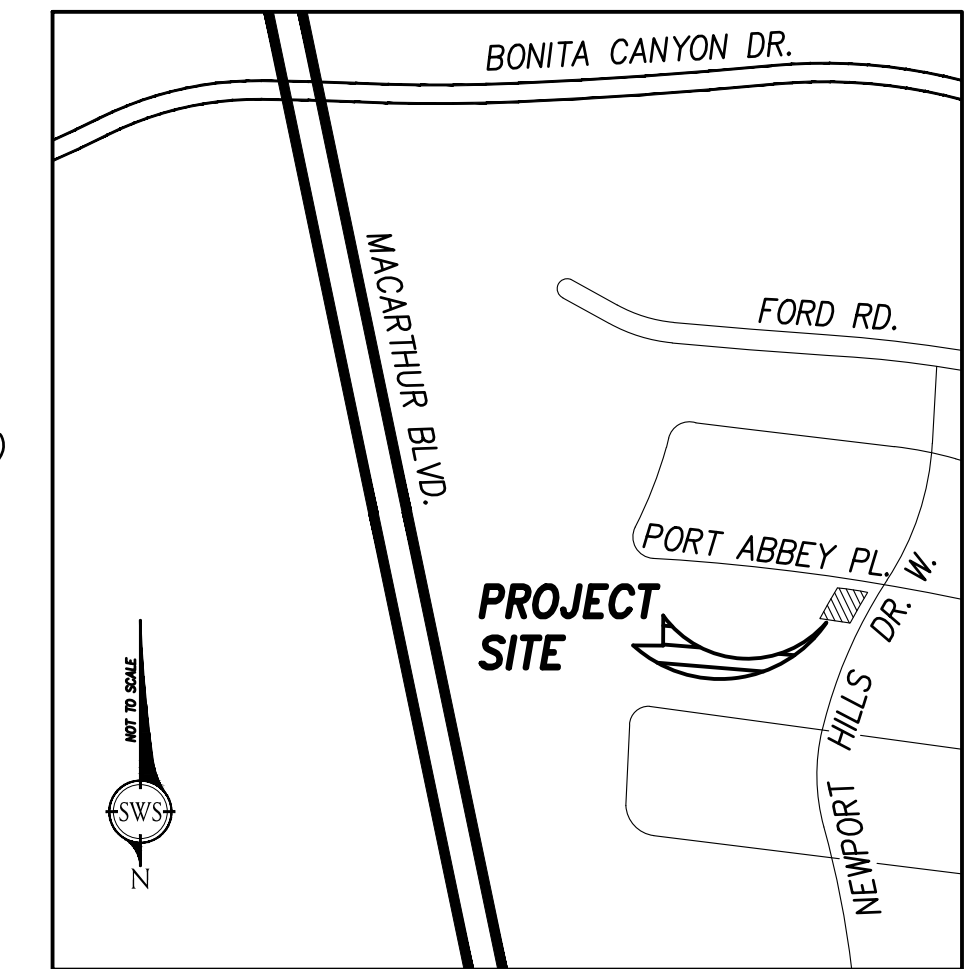
FOUND 3 3/4" OCS ALUMINUM BM DISC STAMPED "3S-41-91" IN SE COR. CATCH BASIN AT NW COR. OF MACARTHUR BLVD. AND FORD RD. ELEV = 203.548 (NAVD88)

GEOTECHNICAL

REFERENCE REPORT:
GEOTECHNICAL INVESTIGATION
PROPOSED SINGLE FAMILY RESIDENCE
1747 PORT ABBEY PLACE, NEWPORT BEACH, CALIFORNIA
DATED NOVEMBER 23, 2021
J.N. 21-425
PREPARED BY DON OBERT, PETRA GEOSCIENCES, INC.

ABBREVIATIONS

- A.B. --AGGREGATE BASE
- A.C. --ASPHALT CONCRETE
- ARCH. --ARCHITECTURAL
- ⊕ --CENTERLINE
- C.F. --CURB FACE
- C.M.B. --CRUSHED MISC. BASE
- CONC. --CONCRETE
- DWY --DRIVEWAY
- (0) --EXISTING ELEVATION
- E.P. --EDGE OF PAVEMENT
- EXIST. --EXISTING
- F.H. --FIRE HYDRANT
- F.G. --FINISH GRADE
- F.S. --FINISH SURFACE
- F.F. --FINISH FLOOR
- F.B. --FINISH FLOOR
- F.L. --FLOW LINE
- G.B. --GRADE BREAK
- H.C. --HANDICAP
- H.P. --HIGH POINT
- M.H. --MANHOLE
- N.G. --NATURAL GRADE
- P.P. --POWER POLE
- ℙ --PROPERTY LINE
- R/W --RIGHT OF WAY
- ST.L.T. --STREET LIGHT
- S.D. --STORM DRAIN
- T.C. --TOP OF CURB
- W.M. --WATER METER
- BCR --BEGIN CURB RETURN
- ECR --END CURB RETURN



VICINITY MAP

NOT TO SCALE

LEGEND

- SDMH EXISTING STORMDRAIN MANHOLE
- SMH EXISTING SEWER MANHOLE
- EXIST. EDGE OF A.C. PAVEMENT
- EXIST. CURB AND GUTTER
- E — EXIST. ELECTRICAL
- S — EXIST. SANITARY SEWER
- EXIST. STORM DRAIN
- G — EXIST. GAS LINE
- EXIST. TELEPHONE CONDUIT
- RW — EXIST. RECYCLED WATER
- W — EXIST. WATER LINE
- WM EXIST. WATER METER
- 240' EXIST. CONTOUR
- 240.08 EXIST. GRADE ELEVATION
- 24' EXIST. STREET LIGHT
- 24' CONSTRUCTION NOTES BUBBLE
- ⊕ HYDRANT
- ⊕ BLOWOFF
- SAWCUT

DOCUMENTATION

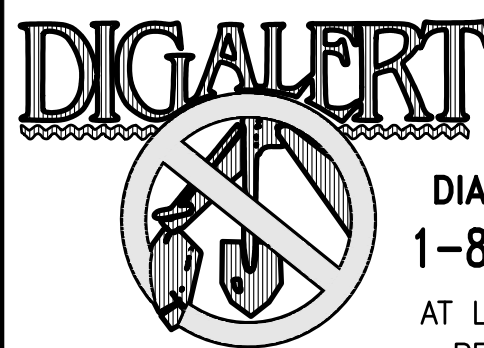
- AN AS-BUILT GRADING PLAN SHALL BE PREPARED BY THE CIVIL ENGINEER INCLUDING ORIGINAL GROUND SURFACE ELEVATIONS, AS GRADED GROUND SURFACE ELEVATIONS, LOT DRAINAGE PATTERNS AND LOCATIONS, AND ELEVATIONS OF ALL SURFACE AND SUBSURFACE DRAINAGE FACILITIES. HE/SHE SHALL PROVIDE WRITTEN APPROVAL THAT THE WORK WAS DONE IN ACCORDANCE WITH THE FINAL APPROVED GRADING PLAN AND STATE THE NUMBER OF YARDS OF CUT AND/OR FILL MOVED DURING THE OPERATION.
- A SOILS GRADING REPORT PREPARED BY THE SOILS ENGINEER, INCLUDING LOCATIONS AND ELEVATION OF FIELD DENSITY TESTS, SUMMARIES OF FIELD AND LABORATORY RESULTS AND OTHER SUBSTANTIATED DATA AND COMMENTS ON ANY CHANGES MADE DURING GRADING AND THEIR EFFECT ON THE RECOMMENDATIONS MADE IN THE SOILS ENGINEERING INVESTIGATION REPORT. HE SHALL PROVIDE WRITTEN APPROVAL AS TO THE ADEQUACY OF THE SITE FOR THE INTENDED USE AND COMPLETION OF WORK IN ACCORDANCE WITH THE JOB SPECIFICATIONS.
- A GEOLOGIC GRADING REPORT PREPARED BY THE ENGINEERING GEOLOGIST, INCLUDING A FINAL DESCRIPTION OF THE GEOLOGY OF THE SITE, INCLUDING ANY NEW INFORMATION DISCLOSED DURING THE GRADING AND THE EFFECT OF SAME ON RECOMMENDATIONS INCORPORATED IN THE APPROVED GRADING PLAN. HE/SHE SHALL PROVIDE WRITTEN APPROVAL AS TO THE ADEQUACY OF THE SITE FOR THE INTENDED USE AS AFFECTED BY GEOLOGIC FACTORS.

PRIVATE ENGINEERS NOTICE TO CONTRACTOR(S)

- THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES AND/OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. APPROVAL OF THESE PLANS BY THE CITY DOES NOT CONSTITUTE A REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF THE LOCATION OR THE EXISTENCE OR NONEXISTENCE OF ANY UTILITY AND/OR STRUCTURE WITHIN THE LIMITS OF THIS PROJECT. THE CONTRACTOR IS REQUIRED TO TAKE ALL DUE PRECAUTIONARY MEANS TO PROTECT THE UTILITIES OF RECORD OR NOT SHOWN ON THESE PLANS.
- THE CONTRACTOR SHALL SATISFY HIMSELF AS TO THE QUANTITIES SHOWN ON THESE PLANS AS PART OF HIS BID AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES FOUND.
- ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF NEWPORT BEACH BUILDING CODE OF THE LATEST EDITIONS, AS AMENDED TO DATE, UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF GRADING OPERATIONS.
- CONTRACTOR SHALL NOTIFY "UNDERGROUND SERVICE ALERT" AT 1-800-422-4133 FORTY EIGHT (48) HOURS PRIOR TO CONSTRUCTION.

GENERAL NOTES

- AN ENCROACHMENT AGREEMENT IS REQUIRED FOR ALL NON-STANDARD IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY. ALL NON-STANDARD IMPROVEMENTS SHALL COMPLY WITH CITY COUNCIL POLICY L-6.
- A PUBLIC WORKS DEPARTMENT ENCROACHMENT PERMIT INSPECTION IS REQUIRED BEFORE THE BUILDING DEPARTMENT PERMIT FINAL CAN BE ISSUED. AT THE TIME OF PUBLIC WORKS DEPARTMENT INSPECTION, IF ANY OF THE EXISTING PUBLIC IMPROVEMENTS SURROUNDING THE SITE IS DAMAGED, NEW CONCRETE SIDEWALK, CURB AND GUTTER, AND ALLEY/STREET PAVEMENT WILL BE REQUIRED. ADDITIONALLY, IF EXISTING UTILITIES INFRASTRUCTURE ARE DEEMED SUBSTANDARD, A NEW 1-INCH WATER SERVICE, WATER METER BOX, SEWER LATERAL AND/OR CLEANOUT WITH BOX AND LID WILL BE REQUIRED. 100% OF THE COST SHALL BE BORNE BY THE PROPERTY OWNER (MUNICIPAL CODES 14.24.020 AND 14.08.030). SAID DETERMINATION AND THE EXTENT OF THE REPAIR WORK SHALL BE MADE AT THE DISCRETION OF THE PUBLIC WORKS INSPECTOR. CONTRACTOR IS RESPONSIBLE TO MAINTAIN THE PUBLIC RIGHT OF WAY AT ALL TIMES DURING THE PROJECT. A STOP WORK NOTICE MAY BE ISSUED FOR ANY DAMAGE OR UNMAINTAINED PORTION OF THE PUBLIC RIGHT OF WAY.
- PRIOR TO PERFORMING ANY WORK IN THE CITY RIGHT-OF-WAY AN ENCROACHMENT PERMIT MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT.
- ALL WORK RELATED TO WASTEWATER IN THE PUBLIC RIGHT-OF-WAY SHALL BE PERFORMED BY AN C-42 LICENSED SANITATION SEWER CONTRACTOR OR AN A LICENSED GENERAL ENGINEERING CONTRACTOR.
- ALL WORK RELATED TO WATER IN THE PUBLIC RIGHT-OF-WAY SHALL BE PERFORMED BY A C-34 LICENSED PIPELINE CONTRACTOR OR AN A LICENSED GENERAL ENGINEERING CONTRACTOR.
- SEPARATE PERMIT FOR WALLS AND FENCES SHALL BE OBTAINED AT THE SAME TIME AS THE BUILDING PERMIT.
- ISSUANCE OF A BUILDING PERMIT BY THE CITY OF NEWPORT BEACH DOES NOT RELIEVE APPLICANTS OF THE LEGAL REQUIREMENTS TO OBSERVE COVENANTS, CONDITIONS AND RESTRICTIONS WHICH MAY BE RECORDED AGAINST THE PROPERTY OR TO OBTAIN PLANS. YOU SHOULD CONTACT YOUR COMMUNITY ASSOCIATIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION AUTHORIZED BY THIS PERMIT.

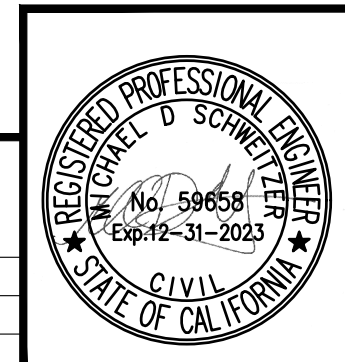


DIAL TOLL FREE
1-800-422-4133
AT LEAST TWO DAYS
BEFORE YOU DIG

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

No.	CITY APPROVED CHANGES	App'd By	Date
	Description		

ENGINEER OF WORK	
By:	Date:
Name: MICHAEL SCHWEITZER	
R.C.E.: 59658	exp: 12-31-23



SWS ENGINEERING, INC.
CIVIL ENGINEERING • LAND PLANNING • SURVEYING
1635 Lake San Marcos Drive, Suite 200
San Marcos, CA 92078
P: 760-744-0011
SAN DIEGO • NASHVILLE • PHOENIX

DATE: Mar 21, 22 3:13pm by:Mike.Hobbs
FILE: Z:\Projects\2021\21-279\PROJ\Construct\GP\21-279 GP-SHT-1.dwg

OWNER/DEVELOPER
THOMAS JAMES HOMES
26880 ALISO VIEJO PARKWAY,
SUITE 100
ALISO VIEJO, CA 92656

SOILS ENGINEER/GEOLOGIST
PETRA GEOSCIENCES
3186 AIRWAY AVENUE,
SUITE K
COSTA MESA, CA 92626

BENCHMARK
FOUND 3 3/4" OCS ALUMINUM BM DISC STAMPED
"3S-41-91" IN SE COR. CATCH BASIN AT NW COR. OF
MACARTHUR BLVD. AND FORD RD.
Elev.: 203.548 Datum: NAVD 88

CITY OF NEWPORT BEACH
IMPROVEMENT PLANS FOR:
PORT ABBY PLACE
TITLE SHEET & GENERAL NOTES

SHEET
1

Sheet 1 of 9

INDEX OF SHEETS:

SHEET No.	DESCRIPTION
1	TITLE SHEET, INDEX MAP, ABBREVIATIONS & NOTES
2	DEMO PLANS
3	PRECISE GRADING PLAN
4	SECTIONS
5	EROSION CONTROL PLAN
6	EROSION CONTROL DETAILS
7	SOILS REPORT RECCOMENDATIONS
8	SOILS REPORT RECCOMENDATIONS
9	SOILS REPORT RECCOMENDATIONS

DEMOLITION REQUIREMENTS

CERTIFIED MAIL NOTIFICATION:
A NOTICE OF INTENT TO DEMOLISH SHALL BE SENT VIA CERTIFIED MAIL TO ADJACENT PROPERTY OWNER(S). SIGNED RETURNED RECEIPT MUST BE PROVIDED TO THE BUILDING DIVISION AT THE TIME OF PERMIT ISSUANCE. DEMOLITION MAY COMMENCE 30 DAYS AFTER THE DATE OF NOTIFICATION PER NEWPORT BEACH MUNICIPAL CODE SECTION 15.02.120.

- PLANS SHALL INCLUDE THE FOLLOWING:
- PROPERTY LINES WITH DIMENSIONS.
 - LOCATION AND DESCRIPTION OF EACH STRUCTURE.
 - SITE TO BE FENCED AT A HEIGHT BETWEEN 72 AND 84 INCHES USING A CHAIN LINK OVERLAID ON THE EXTERIOR WITH AN OPAQUE VINYL FENCE. (STRUCTURES WITHIN HIGH DENSITY AREAS MUST COMPLY WITH CITY ORDINANCE 2019-9. SEE "CONSTRUCTION ACTIVITY ORDINANCE" ON CITY WEBSITE.
 - SQUARE FOOTAGE AND BEDROOM COUNT PER STRUCTURE.
 - TOPOGRAPHIC SURVEY, STAMPED AND SIGNED BY A LICENSED SURVEYOR (OR CIVIL ENGINEER WITH LICENSE NUMBER 33965 OR LOWER), AS REQUIRED PER THE PLANNING DIVISION.
 - NOTE ON THE PLANS:
 - ALL DEBRIS SHALL BE WET AT TIME OF HANDLING TO PREVENT DUST.
 - SEWER LINE SHALL BE CAPPED.
 - ALL BASEMENT FILLS SHALL BE CLEAN AND UNIFORM.
 - STREETS AND SIDEWALKS ARE TO REMAIN CLEAN AND FREE OF ANY OBSTRUCTIONS.
 - PLANS ARE TO BE STAMPED AND SIGNED BY A LICENSED ENGINEER OR ARCHITECT. IF PLANS DONE BY A CONTRACTOR, THEN CONTRACTOR TO SIGN AND INDICATE HIS OR HER LICENSE NUMBER (LEGIBLY).
 - PEDESTRIAN CANOPY PROTECTION REQUIRED IF DEMOLITION IS WITHIN 10 FEET OF PUBLIC SIDEWALK.
 - NOTE THE FOLLOWING ON THE PLANS:
 - EROSION CONTROL DEVICES SHALL BE AVAILABLE ON-SITE BETWEEN OCTOBER 15 AND MAY 15.
 - BETWEEN OCTOBER 15 AND MAY 15, EROSION CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHENEVER THE FIVE-DAY PROBABILITY OF RAIN EXCEEDS 30 PERCENT. DURING THE REMAINDER OF THE YEAR, THEY SHALL BE IN PLACE AT THE END OF THE WORKING DAY, WHENEVER THE DAILY RAINFALL PROBABILITY EXCEEDS 50 PERCENT.
 - TEMPORARY DESILTING BASINS, WHEN REQUIRED, SHALL BE INSTALLED AND MAINTAINED FOR THE DURATION OF THE PROJECT.

ADDITIONAL REQUIREMENTS FOR PROPERTIES IN COASTAL ZONE:

- IF THE DEMOLITION IS PROPOSED WITHIN THE COASTAL ZONE AND WITHIN THE CATEGORICAL EXCLUSION ORDER (CEO) AREA, A CEO NOTICE SHALL BE SENT TO THE COASTAL COMMISSION BY A PLANNER. THE CEO NOTICE BECOMES EFFECTIVE AFTER 25 BUSINESS DAYS, UNLESS CALLED UP FOR REVIEW BY THE COASTAL COMMISSION. ONCE EFFECTIVE, A DEMOLITION PERMIT CAN BE ISSUED. PLEASE MEET WITH A PLANNER TO DETERMINE IF PROPERTY IS ELIGIBLE AND TO START THE CEO NOTIFICATION PROCESS.
- IF THE DEMOLITION IS PROPOSED WITHIN THE COASTAL ZONE AND NOT WITHIN THE CATEGORICAL EXCLUSION AREA, A COASTAL DEVELOPMENT PERMIT (CDP) IS REQUIRED. PLEASE MEET WITH A PLANNER TO DISCUSS THE APPLICATION REQUIREMENTS FOR A CDP.

HOUSING CRISIS ACT (SB330/SB 8) DEMOLITION COMPLIANCE:

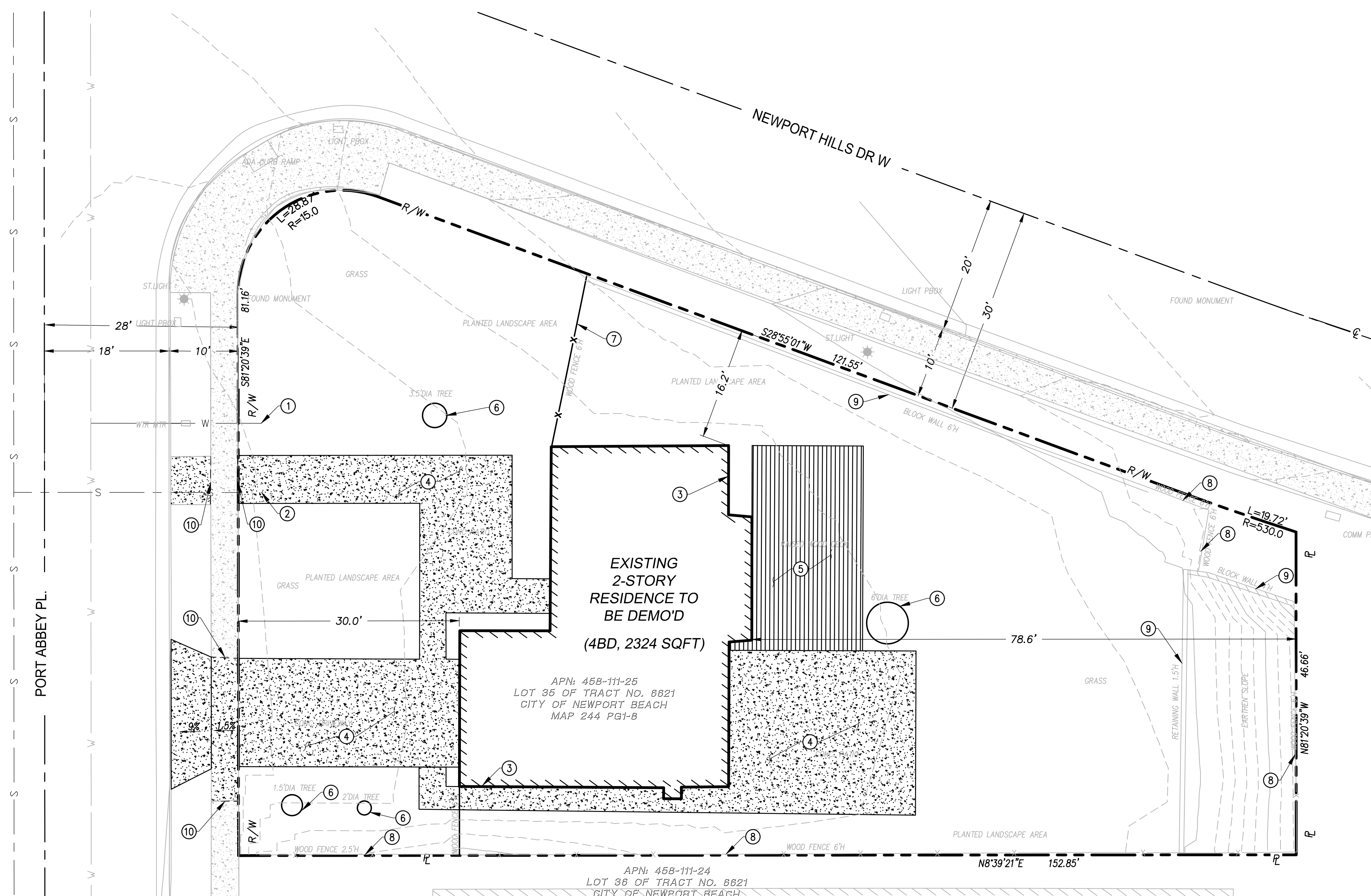
- THE HOUSING CRISIS ACT COMPLIANCE FOR DEMOLITIONS CERTIFICATION FORM SHALL BE COMPLETED AND SIGNED BY THE PROPERTY OWNER OF A PROPOSED "HOUSING DEVELOPMENT PROJECT" (DEFINED AS ONE OR MORE RESIDENTIAL UNITS, OR A MIXED-USE PROJECT WITH TWO-THIRDS RESIDENTIAL FLOOR AREA) THAT INVOLVES DEMOLITION OF ANY RESIDENTIAL UNITS. THE FORM SHALL BE COPIED INTO PLAN SET PRIOR TO ISSUANCE OF BUILDING PERMIT.

DEMOLITION NOTES

- WATER POINT OF CONNECTION - VERIFY LOCATION IN FIELD AND CAP
- SEWER POINT OF CONNECTION - VERIFY LOCATION IN FIELD AND CAP
- DEMO EXISTING STRUCTURE
- DEMO EXISTING CONCRETE
- DEMO EXISTING WOOD DECK
- REMOVE EXISTING TREE
- DEMO EXISTING WOOD FENCE
- EXISTING WOOD FENCE PROTECT IN PLACE
- EXISTING RETAINING WALL PROTECT IN PLACE
- SAWCUT AND PROTECT EXISTING SIDEWALK

ADDITIONAL NOTES:

ALL DEBRIS SHALL BE WET AT TIME OF HANDLING TO PREVENT DUST
SEWER LINE SHALL BE CAPPED
ALL BASEMENT FILLS SHALL BE CLEAN AND UNIFORM
STREETS AND SIDEWALKS ARE TO REMAIN CLEAN AND FREE OF ANY OBSTRUCTIONS
EROSION CONTROL DEVICES SHALL BE AVAILABLE ON-SITE BETWEEN OCTOBER 15 AND MAY 15
BETWEEN OCTOBER 15 AND MAY 15, EROSION CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHENEVER THE FIVE-DAY PROBABILITY OF RAIN EXCEEDS 30 PERCENT. DURING THE REMAINDER OF THE YEAR, THEY SHALL BE IN PLACE AT THE END OF THE WORKING DAY, WHENEVER THE DAILY RAINFALL PROBABILITY EXCEEDS 50%.
TEMPORARY DESILTING BASINS, WHEN REQUIRED, SHALL BE INSTALLED AND MAINTAINED FOR THE DURATION OF THE PROJECT



Housing Crisis Act Compliance for Demolitions
Community Development Department
Planning Division
100 Civic Center Drive / P.O. Box 1798 / Newport Beach, CA 92658-4915
(949) 644-3204 / TDD: (949) 644-3209 / Fax: (949) 644-3209
www.newportbeach.gov

General Information
The Housing Crisis Act of 2019 (SB 330 (Chapter 654, Statutes of 2019) and SB 8 (Chapter 161, Statutes of 2021)) sets a temporary 10-year prohibition on reducing residential density when associated with the approval of a "housing development project" beginning January 1, 2020 and concluding on January 1, 2030. A "housing development project" is defined as: a residential project of one or more units; a mixed-use project with two-thirds of the floor area designated for residential use; or a transitional or supportive housing project. In addition, existing units that are defined as "protected" under the law (see below for qualifications) must be replaced with new units that have an equivalent number of bedrooms, rents affordable at the same income category as the displaced tenant(s) (or if income are unknown, according to the proportion of lower income renter households in the jurisdiction), and displaced tenants must be provided relocation benefits. Therefore, concurrent with the application of a housing development project that involves the demolition of any residential unit(s), the property owner shall answer the questions below for Housing Crisis Act compliance.

Site Address: 1747 Port Abby Ave. Legal Description: 458-111-25

1) Are you proposing to redevelop the site with a "housing development project"? Yes No
If no, stop here and sign certification.

2) Units proposed for demolition: 1 Units proposed for construction: 1
If a reduction in density is proposed, a demolition permit cannot be issued.

3) If you answer yes to any of the following questions, the unit(s) are considered "protected":
a. Currently, or within the last 5 years, are any of the units subject to a recorded occupancy agreement, or low-renting rents to tenants affordable to low- or very-low-income households? Yes No
b. Currently, or within the last 5 years, are any of the units occupied by low- or very-low-income households (see attachment for current income limits)? Yes No

If any of the units proposed for demolition meet the "protected" criteria, please provide a summary of units (i.e., apartment number, size, number of bedrooms, household size, and income level of tenant) and schedule a meeting with a planner to discuss replacement requirements. A demolition permit cannot be issued until an agreement is executed with the City guaranteeing the replacement of the protected units and tenant relocation benefits.

Property Owner Certification (required):
I, Kelli Burton, hereby certify that I am the property owner of the above described property. I declare under the penalty of perjury, the facts, statements and information presented in this document are true and correct to the best of my knowledge and belief.

Kelli Burton
Signature: _____ Date: 3/17/2022 Phone Number: 949-293-3018

*The City of Newport Beach does not have a local rent control ordinance. As such, the categories of "protected units" are limited to those stated above. Updated 1/2022

ATTACHMENT A

2021 Orange County Income Limits
If any units proposed for demolition are, or within the last 5 years, occupied by a very low- or low-income household, units are considered "protected" and require replacement. Please use the following table to determine income category of tenants occupying units. Responsibility of acquiring required information is that of property owner.

Household Size	Income Categories Protected Unit		Income Category Non-Protected Units
	Very Low	Low	Moderate or Above
1	Up to \$47,100	\$47,101 - \$75,300	\$75,301 or Above
2	Up to \$53,800	\$53,801 - \$86,050	\$86,051 or Above
3	Up to \$60,550	\$60,551 - \$96,800	\$96,801 or Above
4	Up to \$67,250	\$67,251 - \$107,550	\$107,551 or Above
5	Up to \$72,650	\$72,651 - \$116,200	\$116,201 or Above
6	Up to \$78,050	\$78,051 - \$124,900	\$124,901 or Above

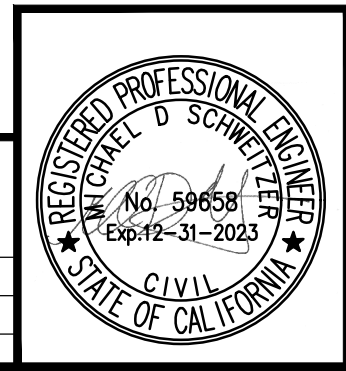
If incomes are unknown, assume a proportion of units are "protected" in accordance to the proportion of lower-income renter households in the City. For example, for a 5-unit apartment building, assume 1 unit was occupied by a very-low income household and 1 unit was occupied by low-income households based on the proportions below. The HUD database can be accessed at the following link: <https://www.huduser.gov/portal/datasets/lending.html>

Income Level	Proportion of Renter Households by Income Level - Newport Beach Comprehensive Housing Affordability Strategy (CHAS) 2013-2017	
	Renter Households	Percentage of Total Renter Households
Very Low Income	4,240	26%
Low Income	2,550	16.6%
Moderate Income	1,310	8%
Above Moderate Income	8,230	50.4%
Total	16,328	100%

Updated 1/2022

CITY APPROVED CHANGES			
No.	Description	App'd By	Date

ENGINEER OF WORK
By: _____ Date: _____
Name: MICHAEL SCHWEITZER
R.C.E.: 59658 exp: 12-31-23



SWS ENGINEERING, INC.
CIVIL ENGINEERING • LAND PLANNING • SURVEYING
1635 Lake San Marcos Drive, Suite 200
San Marcos, CA 92078
P: 760-744-0011
SAN DIEGO • NASHVILLE • PHOENIX

DATE: Mar 31, 22 11:10am by: Mike Hodo
FILE: Z:\Projects\2021\21-279\PR00\Construct\GP\21-279-GP-SHT-2.dwg

OWNER/DEVELOPER
THOMAS JAMES HOMES
26880 ALISO VIEJO PARKWAY,
SUITE 100
ALISO VIEJO, CA 92656

SOILS ENGINEER/GEOLOGIST
PETRA GEOSCIENCES
3186 AIRWAY AVENUE,
SUITE K
COSTA MESA, CA 92626

BENCHMARK
FOUND 3 3/4" OCS ALUMINUM BM DISC STAMPED
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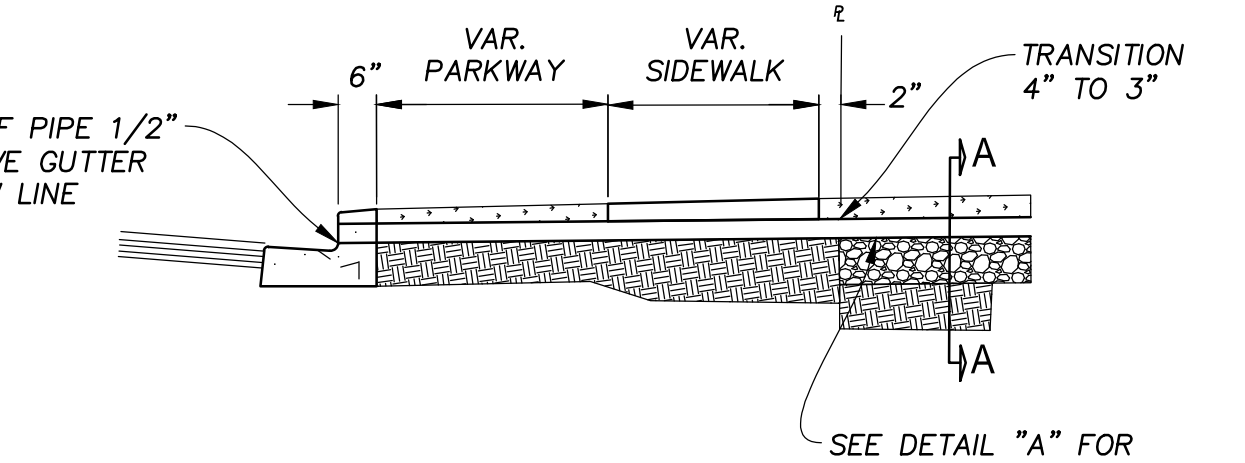
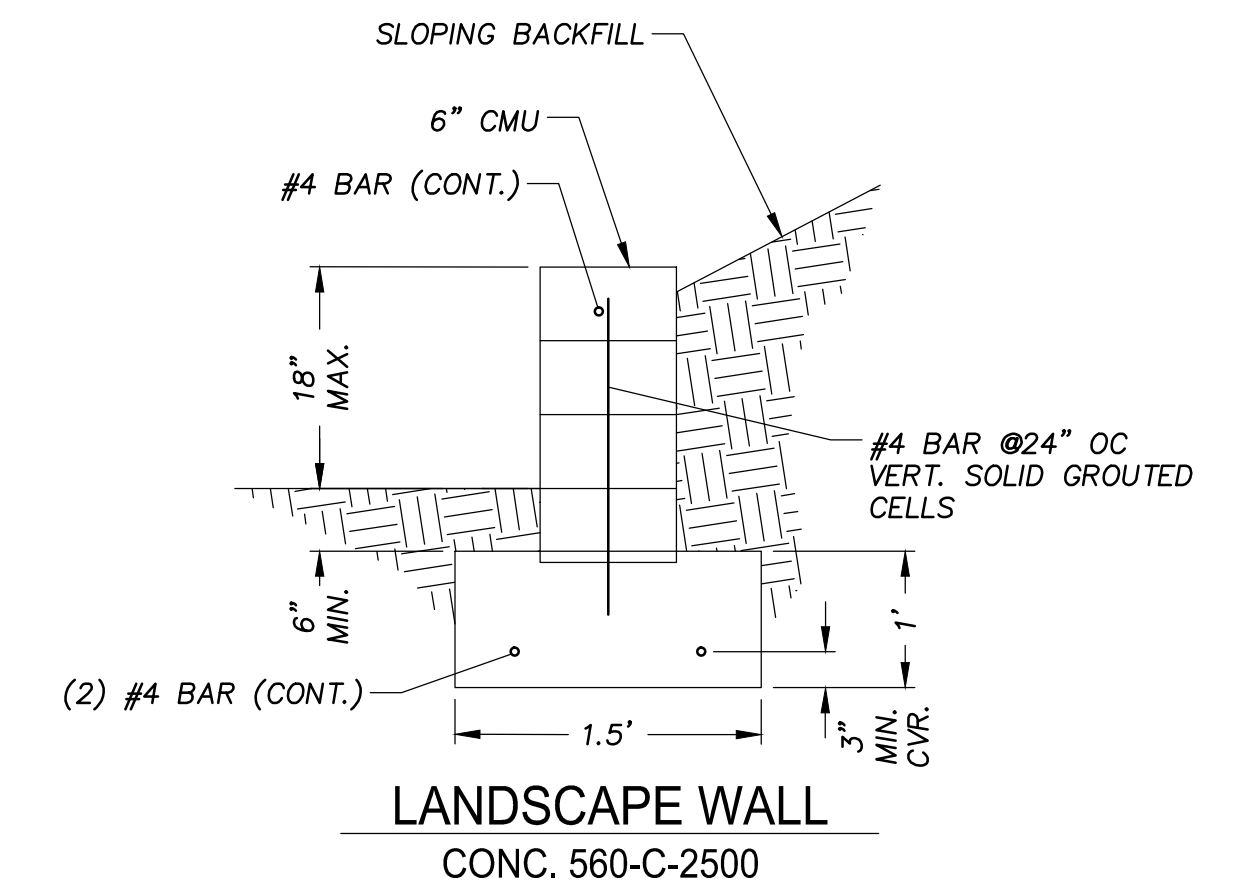
CITY OF NEWPORT BEACH
IMPROVEMENT PLANS FOR:
PORT ABBY PLACE
DEMO PLANS

CONSTRUCTION NOTES

NOTES (CONT.)

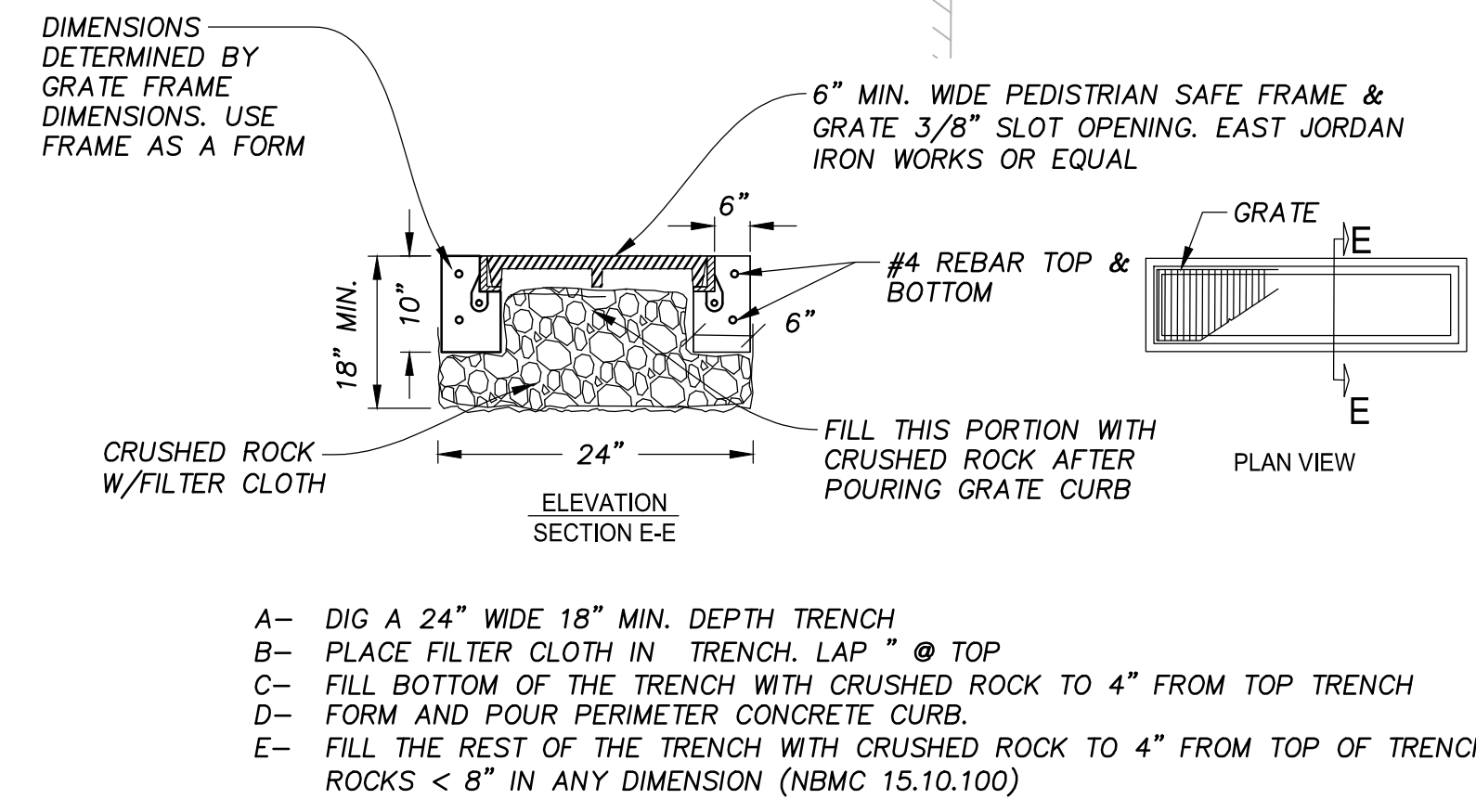
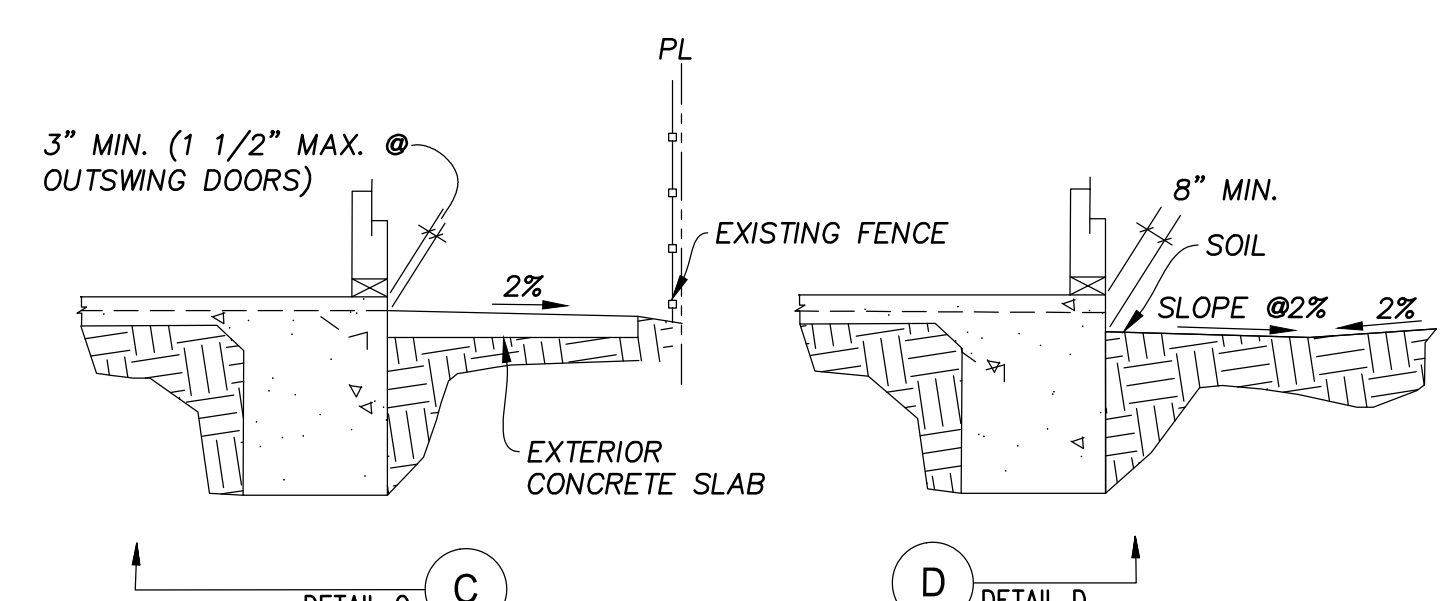
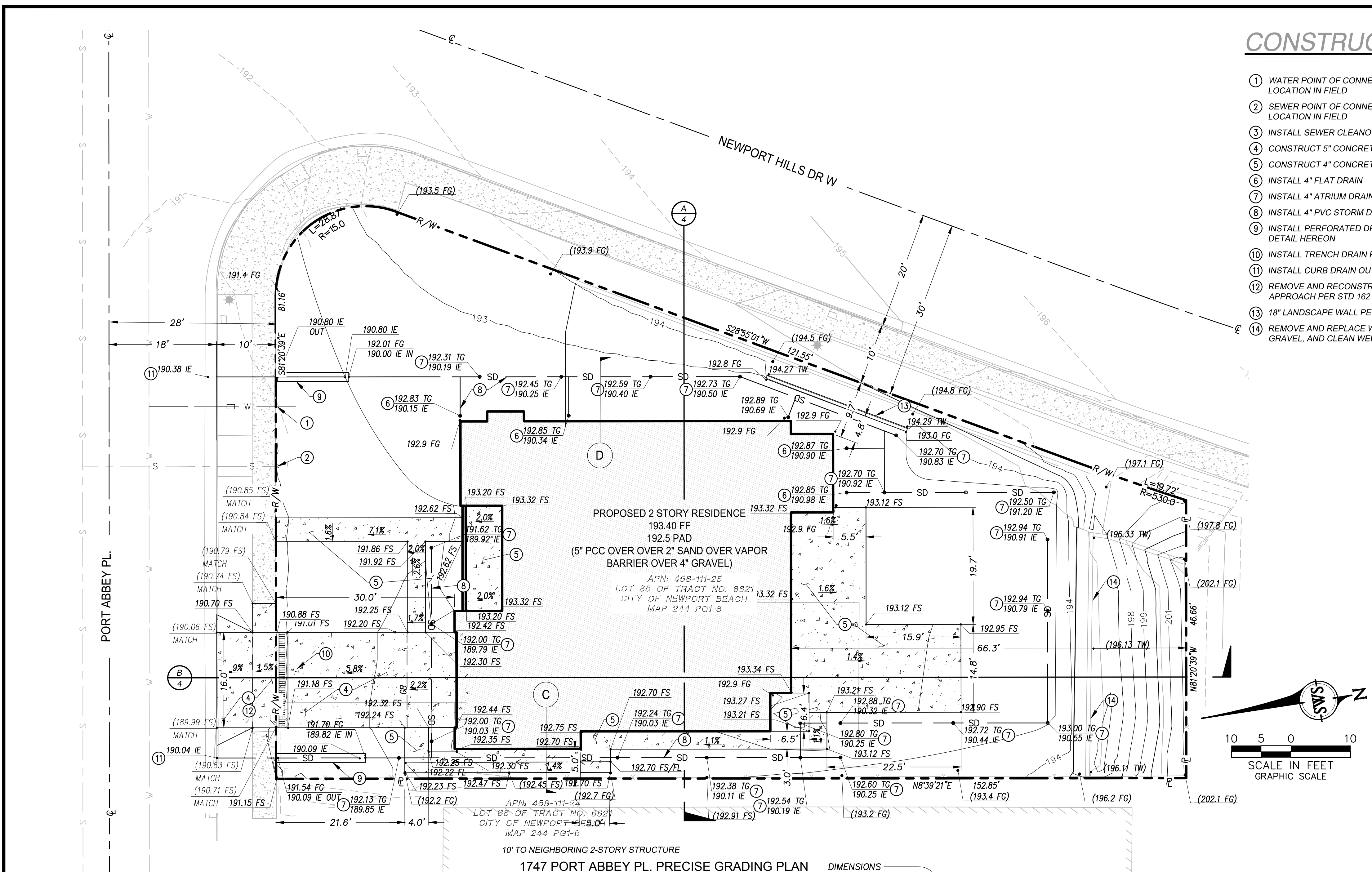
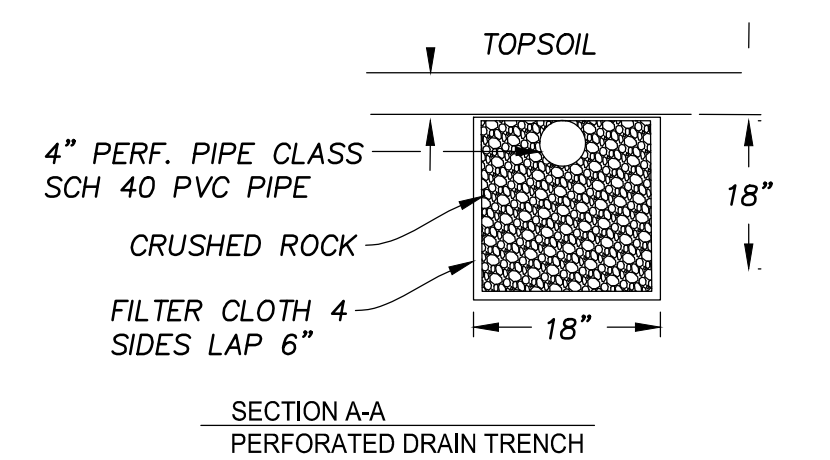
- 1 WATER POINT OF CONNECTION - VERIFY LOCATION IN FIELD
- 2 SEWER POINT OF CONNECTION - VERIFY LOCATION IN FIELD
- 3 INSTALL SEWER CLEANOUT PER STD 406
- 4 CONSTRUCT 5" CONCRETE DRIVEWAY
- 5 CONSTRUCT 4" CONCRETE HARDSCAPE
- 6 INSTALL 4" FLAT DRAIN
- 7 INSTALL 4" ATRIUM DRAIN
- 8 INSTALL 4" PVC STORM DRAIN
- 9 INSTALL PERFORATED DRAIN TRENCH PER DETAIL HEREON
- 10 INSTALL TRENCH DRAIN PER DETAIL HEREON
- 11 INSTALL CURB DRAIN OUTLET PER STD 184
- 12 REMOVE AND RECONSTRUCT DRIVEWAY APPROACH PER STD 162
- 13 18" LANDSCAPE WALL PER DETAIL HEREON
- 14 REMOVE AND REPLACE WALL BACKFILL, DRAIN, GRAVEL, AND CLEAN WEEP HOLES IN CMU

1. SURVEYOR OR ENGINEER SHALL PERMANENTLY MONUMENT PROPERTY CORNERS OR OFFSETS BEFORE STARTING GRADING.
2. CUT/FILL
CUT: 1.73 CY
FILL: 0.05 CY
NET: 1.68 CY EXPORT
3. SEE GEOTECHNICAL REPORT FOR ADDITIONAL GRADING RECOMMENDATIONS. REPORT NOTED ON TITLE SHEET



1- DRAINS WITH SLOPE GREATER THAN 10% MAY REQUIRE AN ENERGY REDUCER.
2- ALL DRAINS MUST BE INSTALLED 90° TO THE CURB FACE UNLESS APPROVED BY THE CONSTRUCTION ENGINEER.

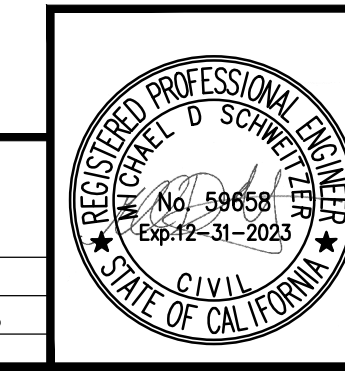
NOTE: IF CURB/GUTTER IS REMOVED JOIN TO THE NEAREST JOINT WITHIN TWO FEET STD 184-L



A- DIG A 24" WIDE 18" MIN. DEPTH TRENCH
B- PLACE FILTER CLOTH IN TRENCH, LAP " @ TOP
C- FILL BOTTOM OF THE TRENCH WITH CRUSHED ROCK TO 4" FROM TOP TRENCH
D- FORM AND POUR PERIMETER CONCRETE CURB.
E- FILL THE REST OF THE TRENCH WITH CRUSHED ROCK TO 4" FROM TOP OF TRENCH. ROCKS < 8" IN ANY DIMENSION (NBMC 15.10.100)

CITY APPROVED CHANGES		ENGINEER OF WORK	
No.	Description	App'd By	Date

By: MICHAEL SCHWEITZER Date: 12-31-23
R.C.E.: 59658 exp: 12-31-23



SWS ENGINEERING, INC.
CIVIL ENGINEERING • LAND PLANNING • SURVEYING
1635 Lake San Marcos Drive, Suite 200
San Marcos, CA 92078
P: 760-744-0011
SAN DIEGO • NASHVILLE • PHOENIX

DATE: Mar 31, 22 11:05am By: Mike Hodo
FILE: Z:\Projects\2021\21-279\PRD\Construct\GP\21-279 GP-SH1-3.dwg

OWNER/DEVELOPER
THOMAS JAMES HOMES
26880 ALISO VIEJO PARKWAY,
SUITE 100
ALISO VIEJO, CA 92656

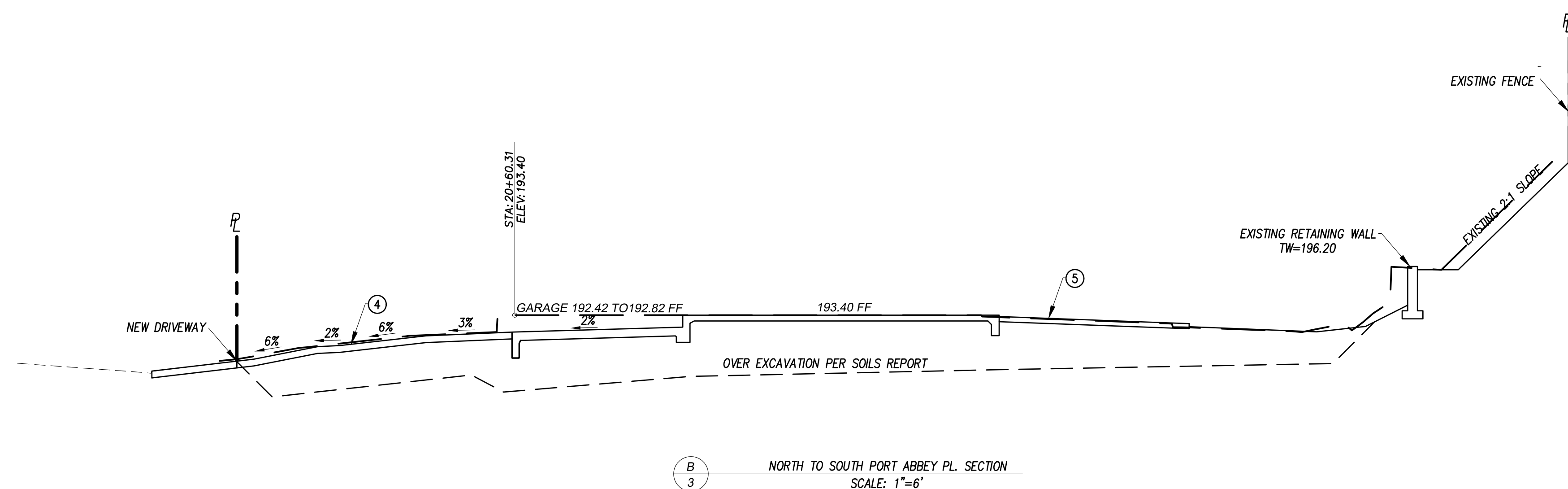
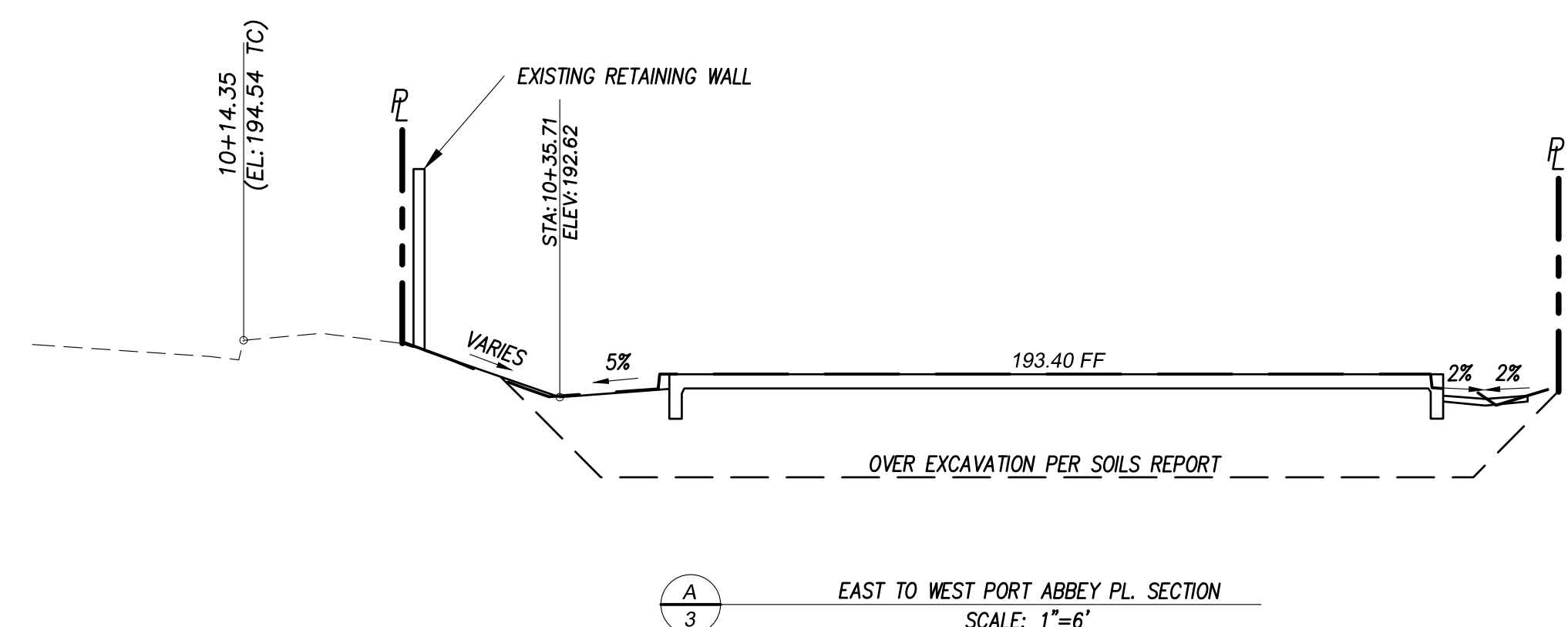
SOILS ENGINEER/GEOLOGIST
PETRA GEOSCIENCES
3186 AIRWAY AVENUE,
SUITE K
COSTA MESA, CA 92626

BENCHMARK
FOUND 3 3/4" OCS ALUMINUM BM DISC STAMPED
"35-41-91" IN SE COR. CATCH BASIN AT NW COR. OF
MACARTHUR BLVD. AND FORD RD.
Elev.: 203.548 Datum: NAVD 88

CITY OF NEWPORT BEACH
IMPROVEMENT PLANS FOR:
PORT ABBY PLACE
PRECISE GRADING PLANS & DETAILS

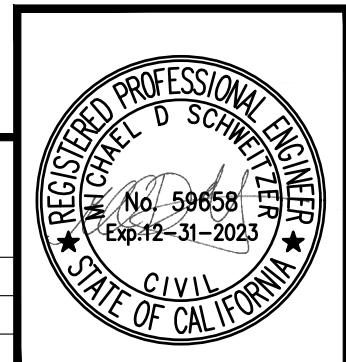
CONSTRUCTION NOTES

- ④ CONSTRUCT 5" CONCRETE DRIVEWAY
- ⑤ CONSTRUCT 4" CONCRETE HARDSCAPE



CITY APPROVED CHANGES			
No.	Description	App'd By	Date

ENGINEER OF WORK
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DATE: Mar 21, 22 3:13pm by: Mike Hodo
 FILE: Z:\Projects\2021\21-279\PR00\Construct\GP\21-279 GP-SH1-4.dwg

OWNER/DEVELOPER
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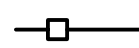
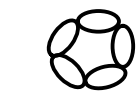
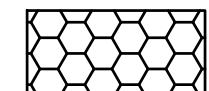





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BENCHMARK
 FOUND 3 3/4" OCS ALUMINUM BM DISC STAMPED
 "35-41-91" IN SE COR. CATCH BASIN AT NW COR. OF
 MACARTHUR BLVD. AND FORD RD.
 Elev.: 203.548 Datum: NAVD 88

CITY OF NEWPORT BEACH
 IMPROVEMENT PLANS FOR:
PORT ABBY PLACE
 SECTIONS

SHEET
 4
 Sheet 4 of 9

EROSION CONTROL NOTES

-  GRAVEL BAG BARRIER (SE-6) PER DETAIL C-6.0
-  SILT FENCE (SE-1) PER DETAIL C-6.0
-  STORM DRAIN INLET PROTECTION (SE-10) PER DETAIL C-6.0
-  CONSTRUCTION ENTRANCE (TC-1) PER DETAIL C-6.0
-  MATERIAL DELIVERY STORAGE (WM-1)
-  SOLID WASTE MANAGEMENT (WM-5)
-  HAZARDOUS WASTE MANAGEMENT (WM-6)
-  CONCRETE WASTE MANAGEMENT (WM-8)
-  SANITARY/SEPTIC WASTE MANAGEMENT (WM-9)

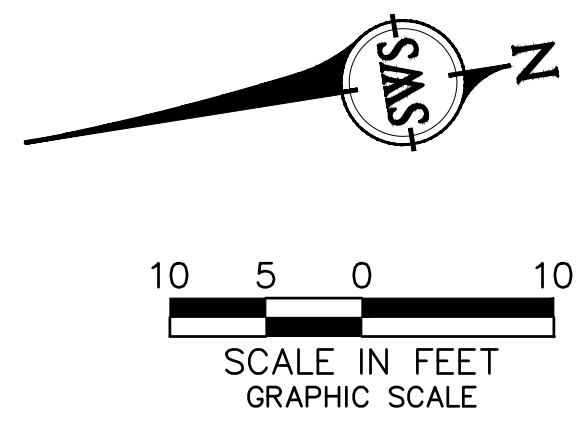
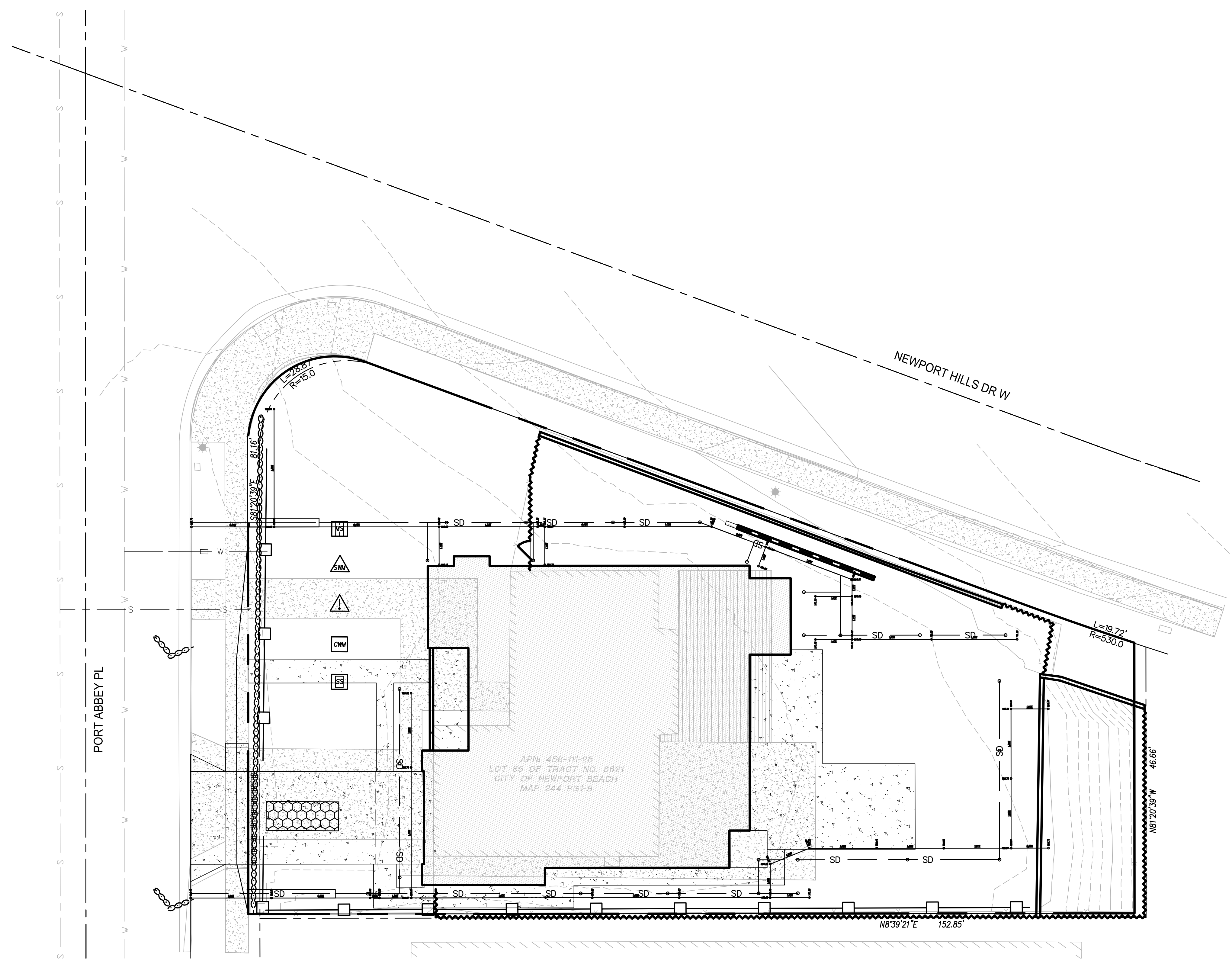
NOTE:

BMP DRAWING NUMBERS IN () REFER TO THE CALIFORNIA STORMWATER QUALITY ASSOCIATION'S BEST MANAGEMENT PRACTICES HANDBOOK, CONSTRUCTION.

EROSION CONTROL DEVICES SHALL BE AVAILABLE ON-SITE BETWEEN OCTOBER 15 AND MAY 15

BETWEEN OCTOBER 15 AND MAY 15, EROSION CONTROL MEASURES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHENEVER THE FIVE-DAY PROBABILITY OF RAIN EXCEEDS 30 PERCENT. DURING THE REMAINDER OF THE YEAR, THEY SHALL BE IN PLACE AT THE END OF THE WORKING DAY, WHENEVER THE DAILY RAINFALL PROBABILITY EXCEEDS 50%.

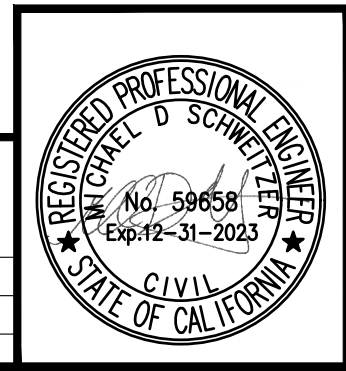
TEMPORARY DESILTING BASINS, WHEN REQUIRED, SHALL BE INSTALLED AND MAINTAINED FOR THE DURATION OF THE PROJECT



CITY APPROVED CHANGES			
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ENGINEER OF WORK

By: _____ Date: _____
 Name: MICHAEL SCHWEITZER
 R.C.E.: 59658 exp: 12-31-23



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DATE: Mar 21, 22 3:14pm by: Mike Hodo
 FILE: Z:\Projects\2021\21-279\PRDD\Construct\GP\21-279 GP-SHT-5.dwg

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BENCHMARK

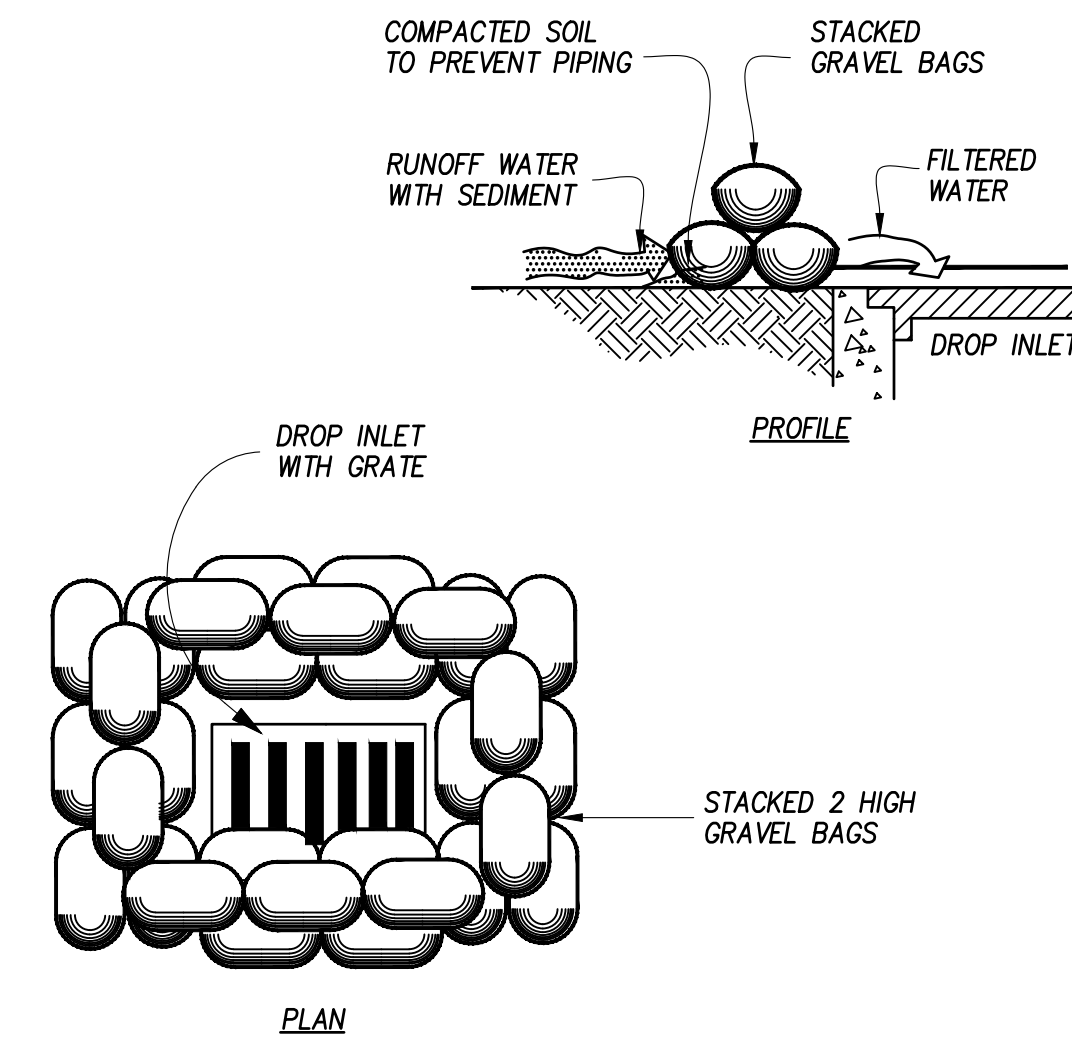
FOUND 3 3/4" OCS ALUMINUM BM DISC STAMPED
 "35-41-91" IN SE COR. CATCH BASIN AT NW COR. OF
 MACARTHUR BLVD. AND FORD RD.
 Elev.: 203.548 Datum: NAVD 88

CITY OF NEWPORT BEACH

IMPROVEMENT PLANS FOR:

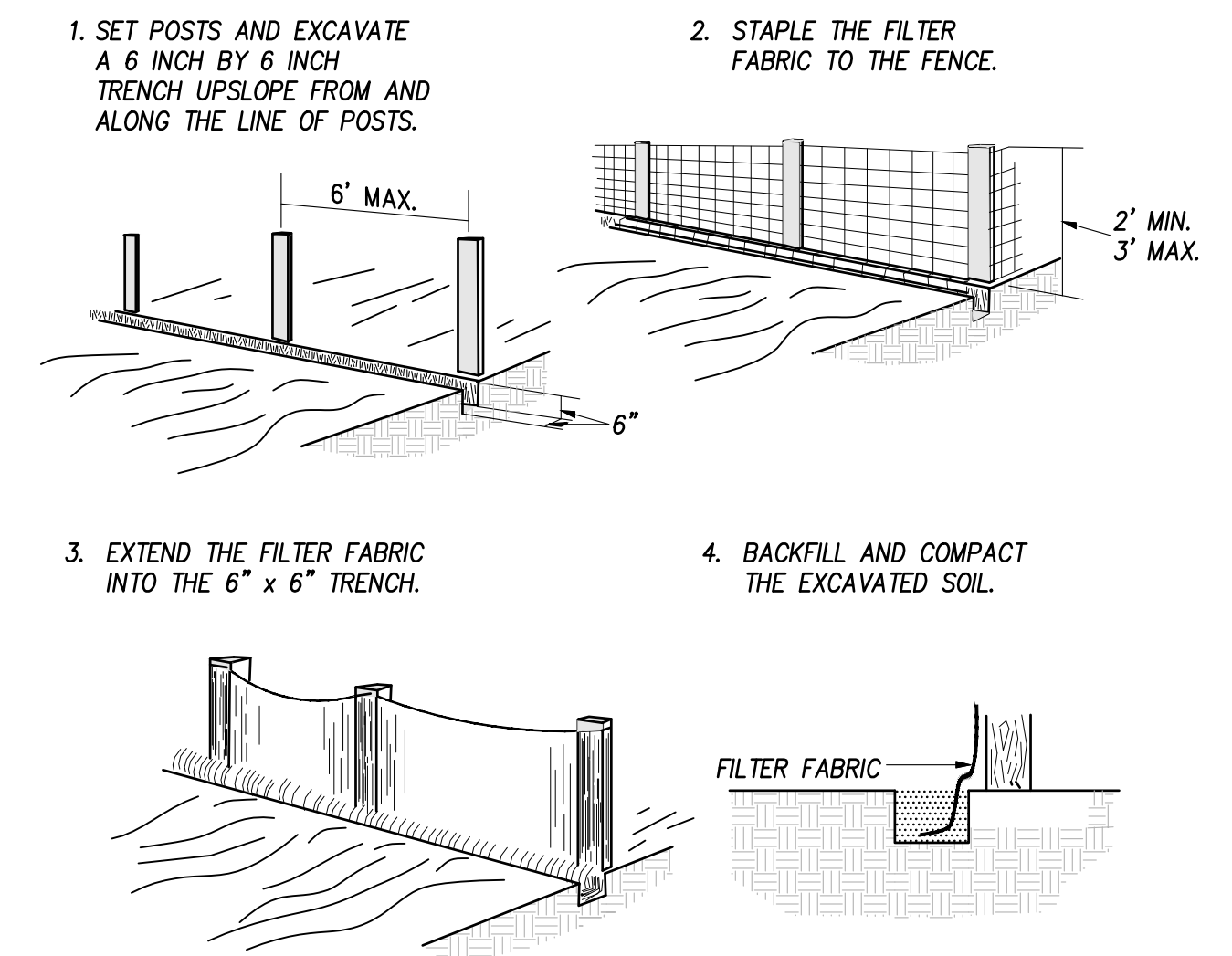
PORT ABBY PLACE
EROSION CONTROL PLAN

SHEET
5
 Sheet 5 of 9



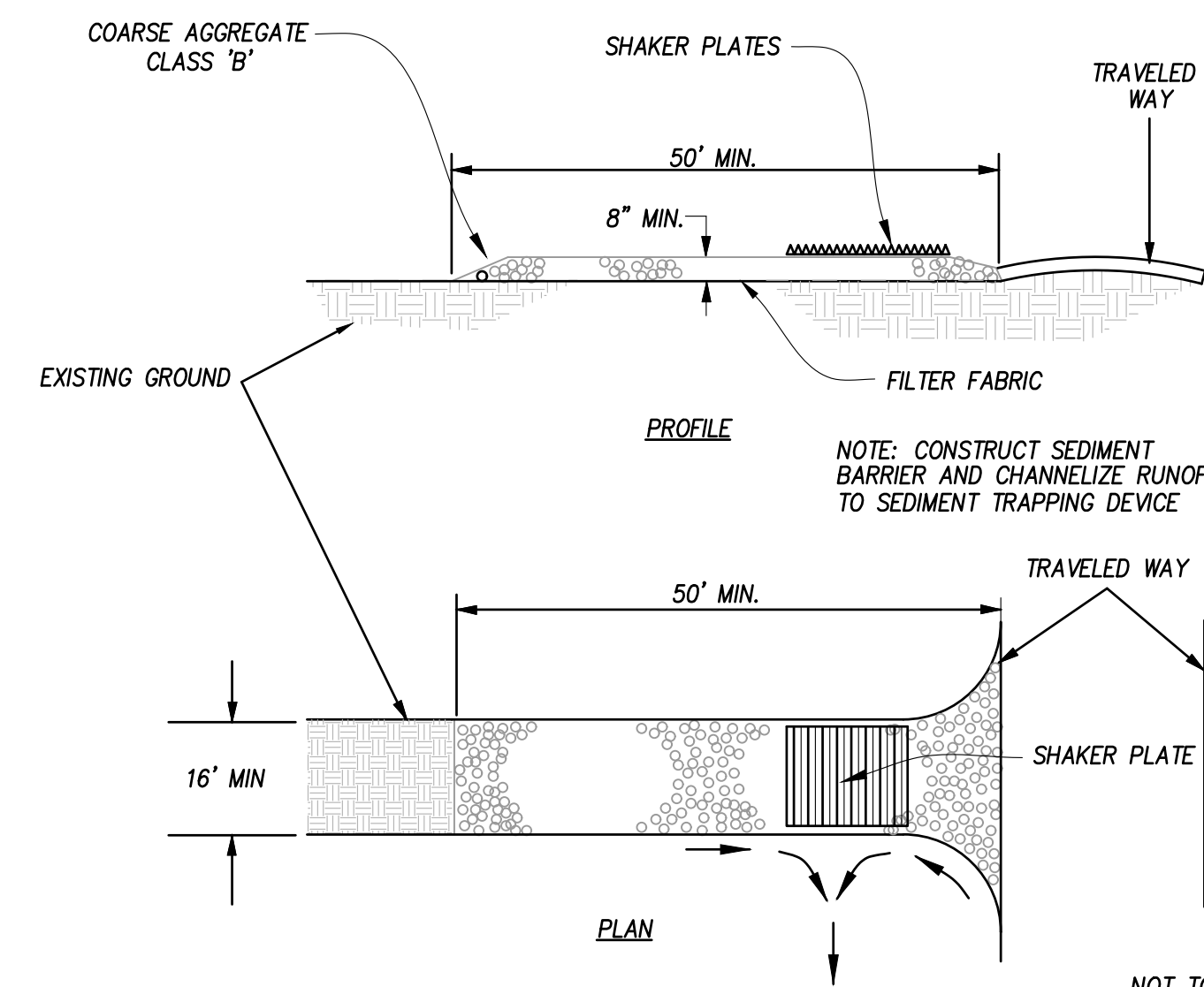
INLET PROTECTION DETAIL

NOT TO SCALE



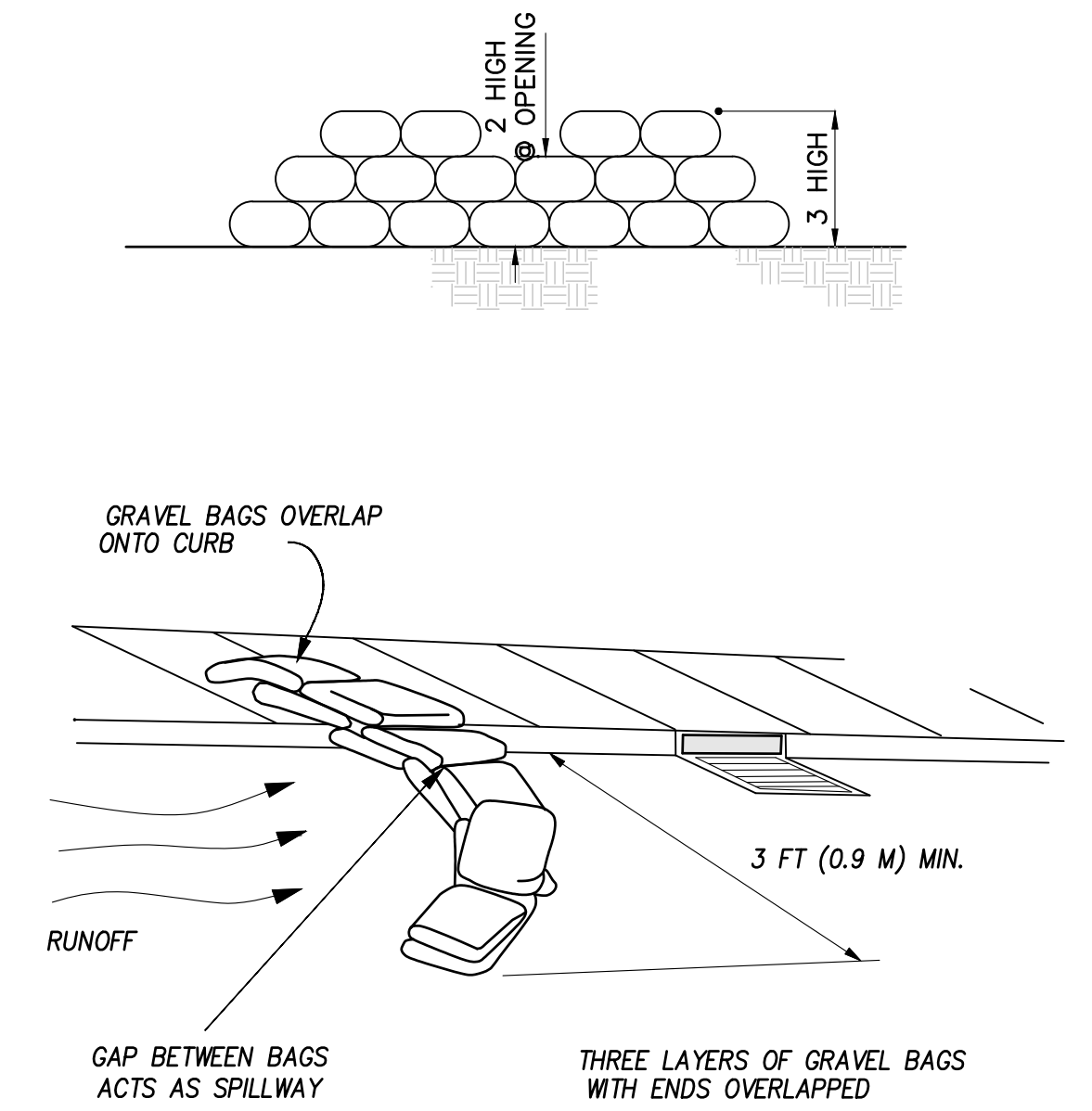
SILT FENCE DETAIL

NOT TO SCALE



CONSTRUCTION ENTRANCE DETAIL

NOT TO SCALE



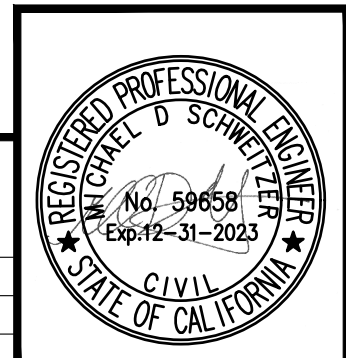
GRAVEL BAG DETAIL

NOT TO SCALE

NOTE: THE SILT FENCE SHOULD BE SUPPORTED BY A WIRE MESH IF THE FILTER FABRIC DOES NOT HAVE SUFFICIENT STRENGTH AND BURSTING STRENGTH CHARACTERISTICS (AS RECOMMENDED BY THE FABRIC MANUFACTURER)

CITY APPROVED CHANGES			
No.	Description	App'd By	Date

ENGINEER OF WORK
 By: _____ Date: _____
 Name: MICHAEL SCHWEITZER
 R.C.E.: 59658 exp: 12-31-23



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DATE: Mar 21, 22 3:14pm by: Mike Hodo
 FILE: Z:\Projects\2021\21-279\PR00\Construct\GP\21-279 GP-SH1-6.dwg

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CITY OF NEWPORT BEACH
 IMPROVEMENT PLANS FOR:
PORT ABBY PLACE
 EROSION CONTROL DETAILS

PRIMARY GEOTECHNICAL CONCERNS

Existing Undocumented Fill and Unsuitable Soils

The existing undocumented fill materials and native old paralic deposits to an approximate depth of 3 feet are generally moist and loose, and in their present condition are not suitable as a bearing media for new fill or structure foundations. In addition, it is expected that existing surficial soils will be disturbed during the demolition of the existing residences, and other improvements. Therefore, the existing unsuitable surficial soils to an approximate depth of 3 feet will require complete overexcavation to competent old paralic deposits prior to replacement as engineered fill to design grade. Recommendations for remedial grading and for design and construction of foundations are provided in the "Earthwork" and "Foundation Design Guidelines" sections of this report.

Grading Next to Adjacent Properties

Grading and construction of perimeter improvements such as site walls may occur along the property boundaries where site constraints may restrict grading. Provisions to help maintain the stability of adjacent properties should be considered during grading and are described in the "Earthwork and Grading" section of this report.

Earthwork

General Earthwork and Grading Specifications

All earthwork and grading should be performed in accordance with Chapter 15 of the Municipal Code of the City of Newport Beach, the 2019 California Building Code (CBC), and in accordance with the following recommendations prepared by this firm.

Site Clearing

All structural materials associated with the existing buildings, including footings and floor slabs, should be removed from the site. Clearing operations should also include the removal of all landscape vegetation and existing structural features, such as concrete sidewalks and driveways. Trees and large shrubs, when removed, should be grubbed out to include their stumps and major root systems. Existing underground utilities lines located in sites of proposed grading should also be removed and the resultant excavations backfilled with engineered fill. Should any unusual soil conditions or subsurface structures be encountered during grading, they should be brought to the immediate attention of the project geotechnical consultant for corrective recommendations.



SEAL AS A BLOCK

owner is advised that the drainage system should be properly maintained throughout the life of the proposed development. The purpose of this drainage system will be to reduce water infiltration into the subgrade soils and to direct surface water away from building foundations, and walls. The following recommendations should be implemented during construction.

- Area drains should be installed within all planter and landscape areas that are located within 10 feet of building foundations to reduce excessive infiltration of water into the foundation soils. Per the 2019 CBC, the ground surfaces of planter and landscape areas that are located within 10 feet of building foundations should be sloped at a minimum gradient of 2 percent away from the foundations and towards the nearest area drains. The ground surfaces of planter and landscape areas that are located more than 10 feet away from building foundations may be sloped at a minimum gradient of 2 percent away from the foundations and towards the nearest area drains.
- Per the 2019 CBC, concrete flatwork surfaces that are located within 10 feet of building foundations should be inclined at a minimum gradient of 2 percent away from the building foundations and towards the nearest area drains. Concrete flatwork surfaces that are located more than 10 feet away from building foundations may be sloped at a minimum gradient of 1 percent away from the foundations and towards the nearest area drains.
- A watering program should be implemented for the landscape areas that maintain a uniform, near optimum moisture condition in the soils. Overwatering and subsequent saturation of the soils will cause excessive soil expansion and heave and, therefore, should be avoided. On the other hand, allowing the soils to dry out will cause excessive soil shrinkage. As an alternative to a conventional irrigation system, drip irrigation is strongly recommended for all planter areas. The owner is advised that all drainage devices should be properly maintained throughout the lifetime of the development.

Bottomless Trench Drains

If proposed for the project, when gravel filled bottomless infiltration systems are constructed near foundations, a potential exists for over-saturation of the foundation soils which conflicts with the intended purpose of onsite drainage facilities. In addition, it has been our experience that a leading cause of distress to buildings and foundations is due to poor management of water next to building foundations. Petra recommends a setback of at least 15 feet between any infiltration system and building foundations. If this setback distance cannot be maintained, then a modified foundation system may be required to alleviate any distress that could be caused by infiltration of water near the footing. A modified foundation system could consist of constructing deepened footings within 15 feet of the infiltration system and installing extra reinforcement. Design of a modified foundation system is referred to the project structural engineer.



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Contaminant-Affected Soils

If hydrocarbon-affected soils or soils affected by potentially hazardous materials are encountered during grading, it is recommended that the earthwork within the affected area be terminated pending further evaluation by the project environmental consultant.

Ground Preparation

Existing surficial soil materials to depths of approximately 3 feet are moist and loose and are subject to compression under the anticipated footing loads. The old paralic deposits underlying these surficial soil materials remain moist and medium dense to dense. Therefore, in order to provide suitable and relatively uniform support for the proposed structural foundations and exterior site improvements, it is recommended that all of the existing surficial soil materials be over-excavated to competent old paralic deposits (approximately 3 feet), or 18 inches below the bottoms of proposed structural footings, whichever is deeper, and the excavated material replaced as engineered fill.

It is possible that localized areas may be encountered where low-density soils extend to depths in excess of 3 feet below the surface. Where such materials are encountered during grading, deeper remedial excavation will be required to remove all low-density soils and expose competent old paralic deposits that are suitable for support of engineered fills and building loads. The actual depth of required remedial removals should be determined during grading based on field observations by a representative of this firm.

Following removal of the unsuitable surficial soils and prior to replacing these soils as engineered fill, the exposed bottom surfaces in each removal area should first be scarified to a depth of 6 inches, watered as necessary to achieve a slightly-above optimum moisture content, and then recompacted to a minimum relative compaction of 90 percent of the applicable laboratory maximum density standard as determined in accordance with the current version of ASTM Test Method No. D 1557.

In order to provide adequate support for the driveway, sidewalks, and similar perimeter improvements, overexcavation and recompaction of the existing ground should essentially extend from property line to property line within the area of proposed construction; however, consideration should be given to the protection of adjacent structures as described in the following section of this report. Further, the bottom of the overexcavation should not encroach within the area below a 45-degree angle projected from the property line, otherwise shoring will be required per City of Newport Beach Policy No. NBMC 15.10.140. In addition, any unsuitable soils exposed in the temporary overexcavation backcuts within the footprint of the proposed improvements should also be bench cut during fill placement operations.



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Utility Trench Backfill

All utility trench backfill should be compacted to a minimum relative compaction of 90 percent. Onsite soils cannot be densified adequately by flooding and jetting techniques; therefore, trench backfill materials should be placed in lifts no greater than approximately 6 inches in thickness, watered or air dried as necessary to achieve a uniform moisture content that is equal to or slightly above optimum moisture, and then mechanically compacted in-place to a minimum relative compaction of 90 percent. A representative of the project geotechnical consultant should probe and test the backfills to document that adequate compaction has been achieved.

For shallow trenches where pipe may be damaged by mechanical compaction equipment, such as under the building floor slab, imported clean sand exhibiting a sand equivalent value (SE) of 30 or greater may be utilized. The sand backfill materials should be watered to achieve near optimum moisture conditions and then tamped in place. No specific relative compaction will be required; however, observation, probing, and, if deemed necessary, testing should be performed by a representative of the project geotechnical consultant to document that the sand backfill is adequately compacted and will not be subject to excessive settlement.

Where utility trenches enter the footprint of the building, they should be backfilled through their entire depths with on-site fill materials, sand-cement slurry or concrete rather than with any sand or gravel shadings. This "plug" of less- or non-permeable materials will mitigate the potential for water to migrate through the backfilled trenches from outside of the building to the areas beneath the foundations and floor slabs.

If clean, imported sand is to be used for backfill of exterior utility trenches, it is recommended that the upper 12 inches of trench backfill materials consist of properly compacted on-site soil materials. This is to reduce infiltration of irrigation and rainwater into granular trench backfill materials.

Where an interior or exterior utility trench is proposed parallel to a building footing, the bottom of the trench should not be located below a 1:1 plane projected downward from the outside bottom edge of the adjacent footing. Where this condition exists, the adjacent footing should be deepened such that the bottom of the utility trench is located above the 1:1 projection.



SEAL AS A BLOCK

Fill Placement and Testing

All fill should be placed in lifts not exceeding 6 inches in thickness, watered or air dried as necessary to achieve at or above optimum moisture conditions, and then compacted in place to a minimum relative compaction of 90 percent of the applicable laboratory maximum dry density in accordance with ASTM Test Method D 1557. Each fill lift should be treated in a similar manner.

Imported soils, if any, should consist of clean granular materials exhibiting a Very Low expansion potential (Expansion Index less than 21) and be free of deleterious materials, oversize rock and any organic materials. Soils to be imported should be approved by the project geotechnical consultant prior to importation.

Excavation Characteristics

Based on the results of our subsurface investigation, all soils within the site are expected to be readily excavatable with conventional earthmoving equipment.

Stability of Temporary Excavation Sidewalls

During site remedial grading, temporary excavations with sidewalls of up to approximately 3 feet in height will be required to overexcavate the existing unsuitable soils. The sidewalls of these temporary excavations are expected to expose approximately 1.5 feet of fill materials that overlie old paralic deposits. Based on the physical characteristics of the on-site soil materials, temporary slopes of this height may be tentatively planned at a slope gradient no steeper than 1:1 (horizontal to vertical).

However, to protect property line structures along the property lines, a 1:1 (horizontal to vertical) cut should be excavated at an approximate distance of 1 foot away from the existing property line/structures. This 1:1 temporary backcut should be performed in two sections. A representative of the project geotechnical consultant should observe the first section of the temporary backcut to evaluate remedial grading options for removal of the remaining wedge of soil along the property line.

Temporary slopes excavated at the above slope configurations are expected to remain stable during construction; however, the temporary excavations should be observed by a representative of the project geotechnical consultant for any evidence of potential instability. Depending on the results of these observations, revised slope configurations may be necessary. Other factors that should be considered with respect to the stability of temporary slopes include construction traffic and storage of materials on or near the tops of the slopes, construction scheduling, presence of nearby walls or structures, and weather conditions at the time of construction. All applicable requirements of the California Construction and



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FOUNDATION DESIGN CONSIDERATIONS

Outline

Based on our review of the referenced geologic maps and literature, no active faults are known to project through the property. Furthermore, the site does not lie within the boundaries of an "Earthquake Fault Zone" as defined by the State of California in the Alquist-Priolo Earthquake Fault Zoning Act (CGS, 2018). The Alquist-Priolo Earthquake Fault Zoning Act (AP Act) defines an active fault as one that "has had surface displacement within Holocene time (about the last 11,000 years)." The main objective of the AP Act is to prevent the construction of dwellings on top of active faults that could displace the ground surface resulting in loss of life and property.

However, it should be noted that according to the USGS Unified Hazard Tool website and/or 2010 CGS Fault Activity Map of California, the Newport-Inglewood fault, located approximately 4 miles southwest of the site, would probably generate the most severe site ground motions and, therefore, is the majority contributor to the deterministic minimum component of the ground motion models. The subject site is located at a distance of less than 9.5 miles (15 km) from the surface projection of this fault system, which is capable of producing a magnitude 7 or larger events with a slip rate along the fault greater than 0.04 inch per year. As such, the site should be considered as a Near-Fault Site in accordance with ASCE 7-16, Section 11.4.1.

Seismic Design Parameters

Earthquake loads on earth structures and buildings are a function of ground acceleration which may be determined from the site-specific ground motion analysis. Alternatively, a design response spectrum can be developed for certain sites based on the code guidelines. To provide the design team with the parameters necessary to construct the design acceleration response spectrum for this project, we used two computer applications. Specifically, the first computer application, which was jointly developed by Structural Engineering Association of California (SEAOC) and California's Office of Statewide Health Planning and Development (OSHPD), the SEA/OSHPD Seismic Design Maps Tool website, <https://seismicmaps.org/>, is used to calculate the ground motion parameters. The second computer application, the United States Geological Survey (USGS) Unified Hazard Tool website, <https://earthquake.usgs.gov/hazards/interact/v/>, is used to estimate the earthquake magnitude and the distance to surface projection of the fault.



SEAL AS A BLOCK

General Industry Safety Orders, the Occupational Safety and Health Act of 1970, and the Construction Safety Act should also be followed.

No temporary excavations along the property lines should be left open without proper protections to mitigate safety hazards. The grading contractor is solely responsible for ensuring the safety of construction personnel and the general public, and for appointing a designated "Competent Person" to observe and classify temporary excavation sidewalls pursuant to 29 CFR Part 1926 (OSHA Safety and Health Regulations for Construction).

Monitoring of Adjacent Properties

Existing adjoining residential structures in the immediate vicinity of temporary excavations may have pre-existing damage, which go unnoticed (hairline cracks, etc.) until some construction activity draws attention to such conditions. Then, it becomes difficult to identify whether damage was pre-existing or has been caused by the construction. To help reduce the risk of such conflicts, it is advisable, though not required, to perform a pre-construction condition survey of existing structures, especially those located directly along the property lines. This would involve visual inspection and photo and video documentation.

The proposed construction is likely to create vibrations in the vicinity of adjoining structures, due to activities such as excavations into hard or dense earth materials. At your discretion, vibrations to be monitored on or near existing buildings and structures in order to reduce the risk of damage to existing buildings and defend against potential future claims.

Geotechnical Observations

Exposed bottom surfaces in each removal/overexcavation area should be observed and approved by the project geotechnical consultant prior to placing fill. No fills should be placed without prior approval from the geotechnical consultant. The project geotechnical consultant should also be present on site during grading operations to verify proper placement and adequate compaction of fill, as well as to evaluate compliance with the other recommendations presented herein.

Post-Grading Considerations

Site Drainage

Positive drainage devices such as sloped concrete flatwork, graded swales and area drains should be provided around the new construction to collect and direct all water to a suitable discharge area. Neither rain nor excess irrigation water should be allowed to collect or pond against building foundations. The



SEAL AS A BLOCK

To run the above computer applications, site latitude and longitude, seismic risk category and knowledge of site class are required. The site class definition depends on the direct measurement and the ASCE 7-16 recommended procedure for calculating average small-strain shear wave velocity, V_{s30} , within the upper 30 meters (approximately 100 feet) of site soils.

A seismic risk category of II was assigned to the proposed building in accordance with 2019 CBC, Table 1604.5. No shear wave velocity measurement was performed at the site, however, the subsurface materials at the site appear to exhibit the characteristics of stiff soils condition for Site Class D designation. Therefore, an average shear wave velocity of 600 to 1,200 feet per second for the upper 100 feet was assigned to the site based on engineering judgment and geophysical experience. As such, in accordance with ASCE 7-16, Table 20.3-1, Site Class D (D- Default as per SEA/OSHPD software) has been assigned to the subject site.

The following table, Table 1, provides parameters required to construct the seismic response coefficient, C_u , curve based on ASCE 7-16, Article 12.8 guidelines. A printout of the computer output is attached in Appendix C.



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AT LEAST TWO DAYS
BEFORE YOU DIG

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

CITY APPROVED CHANGES				ENGINEER OF WORK	
No.	Description	App'd By	Date	By	Date
				Name:	
				R.C.E.:	exp:

OWNER/DEVELOPER
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CITY OF NEWPORT BEACH
IMPROVEMENT PLANS FOR:
PORT ABBY PLACE
SOILS REPORT RECOMMENDATIONS

SHEET
7
Sheet 7 of 9

TABLE 1
Seismic Design Parameters

Table with 4 columns: Ground Motion Parameters, Specific Reference, Parameter Value, and Unit. Rows include Site Latitude (North), Site Longitude (West), Site Class Definition, Assumed Seismic Risk Category, M_a - Earthquake Magnitude, R - Distance to Surface Projection of Fault, S_a - Mapped Spectral Response Acceleration, S₁ - Mapped Spectral Response Acceleration, F_s - Short Period (0.2 second) Site Coefficient, F₁ - Long Period (1.0 second) Site Coefficient, S_{MS} - MCE Spectral Response Acceleration Parameter, S_{MS} - MCE Spectral Response Acceleration Parameter, S_{MS} - Design Spectral Response Acceleration at 1-sec, T_s = 0.2 S_{MS} / S_{MS}, T_s = S_{MS} / S_{MS}, T_s - Long Period Transition Period, PGA - Peak Ground Acceleration at MCE_E, F_{MS} - Site Coefficient (Adjusted for Site Class Effect), PGA_s - Peak Ground Acceleration, Design PGA w/ (0.4 PGA_s) - Slope Stability, Design PGA w/ (0.4 PGA_s) - Short Retaining Wall, C_{MS} - Short Period Risk Coefficient, C_{MS} - Long Period Risk Coefficient, and SDC - Seismic Design Category.

References:
California Building Code (CBC), 2019. California Code of Regulations, Title 24, Part 2, Volume 1 and 2.
American Society of Civil Engineers/Structural Engineering Institute (ASCE/SEI), 2016. Minimum Design Loads and Associated Criteria for Buildings and Other Structures, Issue No. 1-18.
USGS Unified Hazard Tool: <https://hazards.usgs.gov/faultviewer/>
SEI/OSHPD Seismic Design Map applet - <https://seismicmaps.org/>



Discussion - General

Owing to the characteristics of the subsurface soils, as defined by Site Class D-Default designation, and proximity of the site to the sources of major ground shaking, the site is expected to experience strong ground shaking during its anticipated life span. Under these circumstances, where the code-specified design response spectrum may not adequately characterize site response, the 2019 CBC typically requires a site-specific seismic response analysis to be performed. This requirement is identified/identified by the "null" values that are output using SEI/OSHPD software in determination of short period, but mostly, in determination of long period seismic parameters, see Table 1.

For conditions where a "null" value is reported for the site, a variety of design approaches are permitted by 2019 CBC and ASCE 7-16 in lieu of a site-specific seismic hazard analysis. For any specific site, these alternative design approaches, which include Equivalent Lateral Force (ELF) procedure, Modal Response Spectrum Analysis (MRSa) procedure, Linear Response History Analysis (LRHA) procedure and Simplified Design procedure, among other methods, are expected to provide results that may or may not be more economical than those that are obtained if a site-specific seismic hazards analysis is performed. These design approaches and their limitations should be evaluated by the project structural engineer.

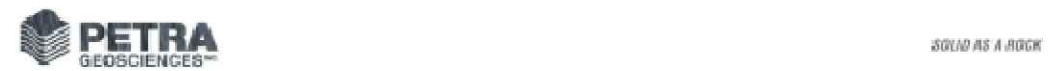
Discussion - Seismic Design Category

Please note that the Seismic Design Category, SDC, is also designated as "null" in Table 1. For conditions where the mapped spectral response acceleration parameter at 1 - second period, S₁, is less than 0.75, the 2019 CBC, Section 1613.2.5.1 allows that seismic design category to be determined from Table 1613.2.5(1) alone provided that all 4 requirements concerning fundamental period of structure, story drift, seismic response coefficient, and relative rigidity of the diaphragms are met. Our interpretation of ASCE 7-16 is that for conditions where one or more of these 4 conditions are not met, seismic design category should be assigned based on: 1) 2019 CBC, Table 1613.2.5(1), 2) structure's risk category and 3) the value of S_{MS}, at the discretion of the project structural engineer.

Discussion - Equivalent Lateral Force Method

Should the Equivalent Lateral Force (ELF) method be used for seismic design of structural elements, the value of Constant Velocity Domain Transition Period, T_s, is estimated to be 0.543 seconds and the value of Long Period Transition Period, T₁, is provided in Table 1 for construction of Seismic Response Coefficient - Period (C_s-T_s) curve that is used in the ELF procedure.

As stated herein, the subject site is considered to be within a Site Class D-Default. A site-specific ground motion hazard analysis is not required for structures on Site Class D-Default with S₁ ≥ 0.2 provided that



uniform curing of the concrete. To reduce the potential for puncture, the membrane should be placed on a pad surface that has been graded smooth without any sharp protrusions. If a smooth surface cannot be achieved by grading, consideration should be given to lowering the pad finished grade an additional inch and then placing a 1-inch-thick leveling course of sand across the pad surface prior to the placement of the membrane. To comply with Section 1907.1.1 of the 2019 CBC, the living area concrete floor slab should also be underlaid with capillary break consisting of a minimum of 4 inches of gravel or crushed stone containing not more than 10 percent of material that passes through a No. 4 sieve. The capillary break should be placed below the 10-mil moisture vapor retarder.

At the present time, some slab designers, geotechnical professionals and concrete experts view the sand layer below the slab (blowing sand) as a place for entrapment of excess moisture that could adversely impact moisture-sensitive floor covering. As a preventive measure, the potential for moisture intrusion into the concrete slab could be reduced if the concrete is placed directly on the vapor retarder. However, if this sand layer is omitted, appropriate curing methods must be implemented to ensure that the concrete slab cures uniformly. A qualified materials engineer with experience in slab design and construction should provide recommendations for alternative methods of curing and supervise the construction process to ensure uniform slab curing. Additional steps could also need to be taken to prevent generation of the vapor retarder during concrete placement.

- Garage floor slabs should be a minimum 4 inches thick and reinforced in a similar manner as living area floor slabs. Garage slabs should also be poured separately from adjacent wall footings with a positive separation maintained using 1/2-inch-minimum felt separation joint material. To control the propagation of shrinkage cracks, garage floor slabs should be quartered with weakened plane joints. Consideration should be given to placement of a moisture vapor retarder below the garage slab, similar to that provided in Item 2 above, should the garage slab be overlain with moisture sensitive floor covering.
- Preparation of the subgrade below floor slabs will not be required, however, prior to placing concrete, the subgrade below all dwelling and garage floor slab areas should be thoroughly moistened to achieve a moisture content that is at least equal to or slightly greater than optimum moisture content. This moisture content should penetrate to a minimum depth of 12 inches below the bottoms of the slabs.
- The minimum footing dimensions and reinforcement recommended herein for building floor slabs may be modified (increased or decreased subject to the constraints of Chapter 18 of the 2019 CBC) by the structural engineer responsible for foundation design based on his/her calculations, engineering experience and judgment.

Foundation Observations

All foundation excavations should be observed by a representative of the project geotechnical consultant to verify that they have been excavated into competent materials. These observations should be performed prior to the placement of forms or reinforcement. The excavations should be trimmed neat, level and square. All loose, sloughed or moisture-soaked materials and/or any construction debris should be removed prior to the placement of concrete. Excavated soils derived from footing and utility trenches should not be placed in slab-on-grade areas unless they are compacted to at least 90 percent of maximum dry density.



the Seismic Response Coefficient, C_s, is determined in accordance with ASCE 7-16, Article 12.8 and structural design is performed in accordance with Equivalent Lateral Force (ELF) procedure.

Allowable Bearing Capacity, Estimated Settlement and Lateral Resistance

Allowable Soil Bearing Capacity

As allowable soil bearing capacity of 1,500 pounds per square foot may be utilized for design of isolated 24-inch-square footings founded at a minimum depth of 12 inches below the lowest adjacent final grade for pad footings that are not a part of the slab system and are used for support of such features as roof overhang, second-story decks, patio covers, etc. This value may be increased by 20 percent for each additional foot of depth and by 10 percent for each additional foot of width, to a maximum value of 2,500 pounds per square foot. The recommended allowable bearing value includes both dead and live loads, and may be increased by one-third for short duration wind and seismic forces.

Continuous Footings

As allowable soil bearing capacity of 1,500 pounds per square foot may be utilized for design of continuous footings founded at a minimum depth of 12 inches below the lowest adjacent final grade. This value may be increased by 20 percent for each additional foot of depth and by 10 percent for each additional foot of width, to a maximum value of 2,500 pounds per square foot. The recommended allowable bearing value includes both dead and live loads, and may be increased by one-third for short duration wind and seismic forces.

Estimated Footing Settlement

Based on the allowable bearing values provided above, total static settlement of the footings under the anticipated loads is expected to be on the order of 1/4 inch. Differential settlement is estimated to be on the order of 1/4 inch over a horizontal span of 40 feet. The majority of settlement is likely to take place as footing loads are applied or shortly thereafter.

Lateral Resistance

A passive earth pressure of 210 pounds per square foot per foot of depth, to a maximum value of 2,100 pounds per square foot, may be used to determine lateral bearing resistance for footings. In addition, a coefficient of friction of 0.35 times the dead load forces may be used between concrete and the supporting soils to determine lateral sliding resistance. The above values may be increased by one-third when designing



General Corrosivity Screening

As a screening level study, limited chemical and electrical tests were performed on samples considered representative of the onsite soils to identify potential corrosive characteristics of these soils. The common indicators associated with soil corrosivity include water-soluble sulfate and chloride levels, pH (a measure of acidity), and minimum electrical resistivity.

It should be noted that Petra does not practice corrosion engineering; therefore, the test results, opinion and engineering judgment provided herein should be considered as general guidelines only. Additional analyses would be warranted, especially, for cases where buried metallic building materials (such as copper and cast or ductile iron pipes) in contact with site soils are planned for the project. In many cases, the project geotechnical engineer may not be informed of these choices. Therefore, for conditions where such elements are considered, we recommend that other, relevant project design professionals (e.g., the architect, landscape architect, civil and/or structural engineer) also consider recommending a qualified corrosion engineer to conduct additional sampling and testing of near-surface soils during the final stages of site grading to provide a complete assessment of soil corrosivity. Recommendations to mitigate the detrimental effects of corrosive soils on buried metallic and other building materials that may be exposed to corrosive soils should be provided by the corrosion engineer as deemed appropriate.

In general, a soil's water-soluble sulfate levels and pH relate to the potential for concrete degradation; water-soluble chlorides in soils impact ferrous metals embedded or encased in concrete, e.g., reinforcing steel, and electrical resistivity is a measure of a soil's corrosion potential to a variety of buried metals used in the building industry, such as copper tubing and cast or ductile iron pipes. Table 2, below, presents a single value of individual test results with an interpretation of current code indicators and guidelines that are commonly used in this industry. The table includes the code-related classifications of the soils as they relate to the various tests, as well as a general recommendation for possible mitigation measures in view of the potential adverse impact on various components of the proposed structures in direct contact with site soils. The guidelines provided herein should be evaluated and confirmed, or modified, in their entirety by the project structural engineer, corrosion engineer and/or the contractor responsible for concrete placement for structural concrete used in exterior and interior footings, interior slabs on-ground, garage slabs, wall foundations and concrete exposed to weather such as driveways, patios, porches, walkways, ramps, steps, curbs, etc.



for transient wind or seismic forces. It should be noted that the above values are based on the condition where footings are cast in direct contact with compacted fill or competent native soils. In cases where the footing sides are formed, all backfill placed against the footings upon removal of forms should be compacted to at least 90 percent of the applicable maximum dry density.

Guidelines for Footings and Slabs on-Grade Design and Construction

The results of our laboratory tests performed on representative samples of near-surface existing fill soils within the site during our investigation indicate that these materials predominantly exhibit expansion indices that are less than 20. As indicated in Section 1803.5.3 of 2019 California Building Code (2019 CBC), these soils are considered non-expansive. As such, the design of slabs on-grade is considered to be exempt from the procedures outlined in Sections 1808.6.2 of the 2019 CBC and may be performed using any method deemed rational and appropriate by the project structural engineer. However, the following minimum recommendations are presented herein for conditions where the project design team may require geotechnical engineering guidelines for design and construction of footings and slabs on-grade the project site.

The design and construction guidelines that follow are based on the above soil conditions and may be considered for reducing the effects of variability in fabric, composition and, therefore, the detrimental behavior of the site soils such as excessive short- and long-term total and differential heave or settlement. These guidelines have been developed on the basis of the previous experience of this firm on projects with similar soil conditions. Although construction performed in accordance with these guidelines has been found to reduce post-construction movement and/or distress, they do not positively eliminate all potential effects of variability in soils characteristics and future heave or settlement.

It should also be noted that the suggestions for dimension and reinforcement provided herein are performance-based and intended only as preliminary guidelines to achieve adequate performance under the anticipated soil conditions. However, they should not be construed as replacement for structural engineering analyses, experience and judgment. The project structural engineer, architect and/or civil engineer should make appropriate adjustments to slab and footing dimensions, and reinforcement type, size and spacing to account for internal concrete forces (e.g., thermal, shrinkage and expansion) as well as external forces (e.g., applied loads) as deemed necessary. Consideration should also be given to minimum design criteria as dictated by local building code requirements.



TABLE 2
Soil Corrosivity Screening Results

Table with 4 columns: Test, Test Results, Classification, and General Recommendations. Rows include Soluble Sulfates (CaH417), pH (Ca 643), Soluble Chloride (Ca 422), and Resistivity (Ca 643).

Notes:
1. ACT 311-14, Section 19.3
2. ACT 311-14, Section 19.3
3. Pierre R. Roberts, "Handbook of Corrosion Engineering"
4. Exposure classification C3 applies specifically to retaining walls and adjacent concrete elements

Retaining Wall Design and Construction Considerations

Provided herein are geotechnical design and construction recommendations for exterior retaining walls, should they be proposed for construction onsite.

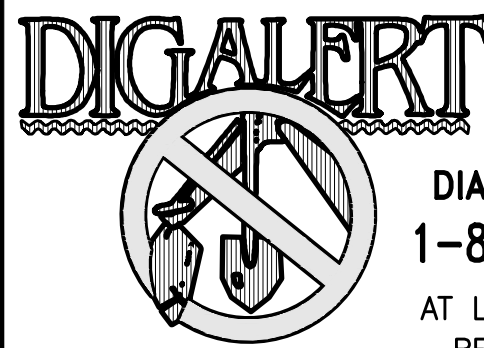
Footings for retaining walls proposed on level ground may be designed in accordance with the bearing and lateral resistance values provided previously for building footings; however, when calculating passive resistance, the resistance of the upper 6 inches of the soils should be ignored in areas where the footings will not be covered with concrete fillwork, or where the thickness of soil cover over the top of the footing is less than 12 inches.

Active and At-Rest Earth Pressures

Active and at-rest earth pressures to be utilized for design of any retaining walls to be constructed within the site will be dependent on whether on-site soils or imported granular materials are used for backfill. For this reason, active and at-rest earth pressures are provided below for both conditions.

On-Site Soils Used for Backfill

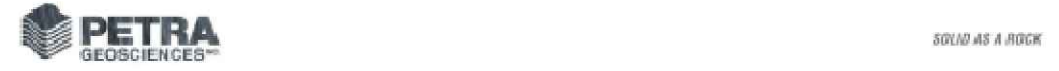
If on-site soils are used as backfill, active earth pressures equivalent to fluid having densities of 35 and 51 pounds per cubic foot should be used for design of cantilevered walls retaining a level backfill and ascending 2:1 backfill, respectively. For walls that are restrained at the top, at-rest earth pressures of 33 and 78 pounds per cubic foot (equivalent fluid pressures) should be used. The above values are for retaining walls that have been supplied with a proper subdrain system (see Figure RW-1). All walls should be designed to support any adjacent structural surcharge loads imposed by other nearby walls or footings in addition to the above recommended active and at-rest earth pressures.



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Table with 4 columns: No., CITY APPROVED CHANGES (Description), App'd By, Date, and ENGINEER OF WORK (By, Name, R.C.E., Date, exp).



OWNER/DEVELOPER

THOMAS JAMES HOMES
26880 ALISO VIEJO PARKWAY,
SUITE 100
ALISO VIEJO, CA 92656

SOILS ENGINEER/GEOLOGIST

PETRA GEOSCIENCES
3186 AIRWAY AVENUE,
SUITE K
COSTA MESA, CA 92626

BENCHMARK

FOUND 3 3/4" OCS ALUMINUM BM DISC STAMPED
"35-41-91" IN SE COR. CATCH BASIN AT NW COR. OF
MACARTHUR BLVD. AND FORD RD.
Elev.: 203.548 Datum: NAVD 88

CITY OF NEWPORT BEACH

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2. Imported Sand, Pea Gravel or Rock Used for Wall Backfill

Where imported clean sand exhibiting a sand equivalent value (SE) of 30 or greater, or pea gravel or crushed rock are used for wall backfill, the lateral earth pressures may be reduced provided these granular backfill materials extend behind the walls to a minimum horizontal distance equal to one-half the wall height. In addition, the sand, pea gravel or rock backfill materials should extend behind the walls to a minimum horizontal distance of 2 feet at the base of the wall or to a horizontal distance equal to the least width of the footing, whichever is greater (see Figures RW-2 and RW-3). For the above conditions, cantilevered walls retaining a level backfill and ascending 2:1 backfill may be designed to resist active earth pressures equivalent to fluids having densities of 30 and 41 pounds per cubic foot, respectively. For walls that are restrained at the top, at-rest earth pressures equivalent to fluids having densities of 35 and 62 pounds per cubic foot are recommended for design of restrained walls supporting a level backfill and ascending 2:1 backfill, respectively. These values are also for retaining walls supplied with a proper subdrain system. Furthermore, as with native soil backfill, the walls should be designed to support any adjacent structural surcharge loads imposed by other nearby walls or footings in addition to the recommended active and at-rest earth pressures.

Earthquake Loads Retaining Walls:

Note 1 of Section 1803.5.12 of the 2019 CBC indicates that the dynamic seismic lateral earth pressures on foundation walls and retaining walls supporting more than 6 feet of backfill height due to design earthquake ground motions be determined. It is unlikely that any wall retaining 6 or more feet of backfill will be constructed onsite. Accordingly, dynamic seismic lateral earth pressures are not considered necessary for this project.

Subdrains:

Perforated pipe and gravel subdrains should be installed behind all basement and retaining walls to prevent entrapment of water in the backfill (see Figures RW-1 through RW-3). Perforated pipe should consist of 4-inch minimum diameter PVC Schedule 40, or SDR-35, with the perforations laid down. The pipe should be encased in a 1-foot-wide column of 3/4-inch to 1 1/2-inch open-graded gravel. If on-site soils are used as backfill, the open-graded gravel should extend above the wall footings to a minimum height equal to one-third the wall height or to a minimum height of 1.5 feet above the footing, whichever is greater. If imported sand, pea gravel, or crushed rock is used as backfill, subdrain details shown on Figures RW-2 and RW-3 should be utilized. The open-graded gravel should be completely wrapped in filter fabric consisting of Mirafi 140N or equivalent. Solid outlet pipes should be connected to the subdrains and then routed to a suitable area for discharge of accumulated water.

If a limited area exists behind the walls for installation of a pipe and gravel subdrain, a geotextile drain mat such as Mirafi Miradrain, or equivalent, can be used in lieu of drainage gravel. The drain mat should extend the full height and length of the walls and the filter fabric side of the drain mat should be placed up against



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Edge Beams (Optional)

Where the outer edges of concrete flatwork are to be bordered by landscaping, it is recommended that consideration be given to the use of edge beams (thickened edges) to prevent excessive infiltration and accumulation of water under the slabs. Edge beams, if used, should be 6 to 8 inches wide, extend 8 inches below the tops of the finish slab surfaces. Edge beams are not mandatory; however, their inclusion in flatwork construction adjacent to landscaped areas is intended to reduce the potential for vertical and horizontal movement and subsequent cracking of the flatwork related to uplift forces that can develop in expansive soils.

Subgrade Preparation

Compaction

To reduce the potential for distress to concrete flatwork, the subgrade soils below concrete flatwork areas to a minimum depth of 12 inches (or deeper, as either prescribed elsewhere in this report or determined in the field) should be moisture conditioned to at least equal to, or slightly greater than, the optimum moisture content and then compacted to a minimum relative compaction of 90 percent.

Pre-Moistening

As a further measure to reduce the potential for concrete flatwork cracking, subgrade soils should be thoroughly moistened prior to placing concrete. The moisture content of the soils should be at least 1.2 times the optimum moisture content and penetrate to a minimum depth of 12 inches into the subgrade. Therefore, moisture conditioning should be achieved with sprinklers or a light spray applied to the subgrade over a period of few to several days just prior to pouring concrete. Pre-watering of the soils is intended to promote uniform curing of the concrete, reduce the development of shrinkage cracks and reduce the potential for differential expansion pressure on freshly poured flatwork. A representative of the project geotechnical consultant should observe and verify the density and moisture content of the soils, and the depth of moisture penetration prior to pouring concrete.

Drainage

Drainage from patios and other flatwork areas should be directed to local area drains and/or graded earth swales designed to carry runoff water to the adjacent streets or other approved drainage structures. The concrete flatwork should be sloped at a minimum gradient as discussed earlier in the Site Drainage section of this report, or as prescribed by project civil engineer or local codes, away from building foundations, retaining walls, masonry garden walls and slope areas.



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the backcut. The perforated pipe drain line placed at the bottom of the drain mat should consist of 4-inch minimum diameter PVC Schedule 40 or SDR-35. The filter fabric on the drain mat should be peeled back and then wrapped around the drain line.

Waterproofing

The portions of retaining walls supporting backfill should be coated with an approved waterproofing compound or covered with a similar material to inhibit infiltration of moisture through the walls.

Wall Backfill

Recommended active and at-rest earth pressures for design of retaining walls are based on the physical and mechanical properties of the on-site soil materials. On-site soil materials may be difficult to compact when placed in the relatively confined areas located between the walls and temporary backcut slopes. Therefore, to facilitate compaction of the backfill, consideration should be given to using pea gravel or crushed rock behind the proposed retaining walls. For this condition, the selected active and at-rest pressures provided previously for sand, pea gravel, or crushed rock backfill may be considered in wall design provided they are installed as shown on Figures RW-2 and RW-3.

Where the on-site soils materials or imported sand (with a Sand Equivalent of 30 or greater) are used as backfill behind the proposed retaining walls, the backfill materials should be placed in approximately 6- to 8-inch-thick maximum lifts, watered as necessary to achieve near optimum moisture conditions, and then mechanically compacted in place to a minimum relative compaction of 90 percent. Flooding or jetting of the backfill materials should be avoided. A representative of the project geotechnical consultant should observe the backfill procedures and test the wall backfill to verify adequate compaction.

If imported pea gravel or rock is used for backfill, the gravel should be placed in approximately 2- to 3-foot-thick lifts, thoroughly wetted but not flooded, and then mechanically tamped or vibrated into place. A representative of the project geotechnical consultant should observe the backfill procedures and probe the backfill to determine that an adequate degree of compaction is achieved.

To reduce the potential for the direct infiltration of surface water into the backfill, imported sand, gravel or rock backfill should be capped with at least 12 to 18 inches of on-site soil. Filter fabric such as Mirafi 140N or equivalent, should be placed between the soil and the imported gravel or rock to prevent fines from penetrating into the backfill. If a thicker cap is desired (for planting or other reasons), consultation with the project structural engineer may be required to ascertain if the wall design is appropriate for the additional lateral pressure that a thicker cap of native material may impose.



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Geotechnical Observation and Testing

All grading and construction phases associated with retaining wall construction, including backcut excavations, observation of the footing and pier excavations, installation of the subdrainage systems, and placement of backfill should be provided by a representative of the project geotechnical consultant.

Masonry Block Walls

Where the recommended remedial grading has been performed, the footings for masonry block walls may be designed in accordance with the bearing and lateral resistance values provided previously for building footings.

However, where remedial grading cannot be performed due to site constraints, a reduced bearing value of 1,000 pounds per square foot should be used for 12-inch-wide continuous footings founded at a minimum depth of 18 inches below the lowest adjacent final grade. No increase in bearing value may be used for wider or deeper footings for this condition. The recommended allowable bearing value includes both dead and live loads, and may be increased by one-third for short duration wind and seismic forces. In addition, a reduced passive earth pressure of 150 pounds per square foot per foot of depth, to a maximum value of 1,500 pounds per square foot, should be used to resist lateral loads. A coefficient of friction of 0.35 times the dead load forces may still be used between concrete and the supporting soils to determine lateral sliding resistance. The above values may be combined without reduction. An increase of one-third of the above values may also be used when designing for short duration wind or seismic forces.

As a minimum, the footings for masonry block walls should be embedded at a minimum depth of 12 inches below the lowest adjacent final grade. The footings should also be reinforced with a minimum of two No. 4 bars, one top and one bottom. In order to minimize the potential for unsightly cracking related to the possible effects of differential settlement and/or expansion, positive separations (construction joints) should also be provided in the block walls at each corner and at horizontal intervals of approximately 20 to 25 feet. The separations should be provided in the blocks and not extend through the footings. The footings should be poured monolithically with continuous rebar to serve as effective "grade beams" below the walls.

Plaster Walls

Low-height plaster walls should be supported by continuous concrete footings constructed in accordance with the recommendations presented previously for masonry block wall footings.



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EXTERIOR CONCRETE FLATWORK

General

Near-surface engineered fill soils within the site are variable in expansion behavior and are expected to exhibit very low to low expansion potential. For this reason, we recommend that all exterior concrete flatwork such as sidewalks, patio slabs, large decorative slabs, concrete subslabs that will be covered with decorative pavers, private vehicular driveways and/or access roads within the site be designed by the project architect and/or structural engineer with consideration given to mitigating the potential cracking and uplift that can develop in soils exhibiting expansion index values that fall in the low category.

The guidelines that follow should be considered as minimums and are subject to review and revision by the project architect, structural engineer and/or landscape consultant as deemed appropriate. If sufficient time will be allowed in the project schedule for verification sampling and testing prior to the concrete pour, the test results generated may dictate that a somewhat less conservative design could be used.

Thickness and Joint Spacing

To reduce the potential of unsightly cracking, concrete walkways, patio-type slabs, large decorative slabs and concrete subslabs to be covered with decorative pavers should be at least 4 inches thick and provided with construction joints or expansion joints every 6 feet or less. Private driveways that will be designed for the use of passenger cars for access to private garages should also be at least 5 inches thick and provided with construction joints or expansion joints every 10 feet or less.

Reinforcement

All concrete flatwork having their largest plan-view panel dimension exceeding 5 feet should be reinforced with a minimum of No. 3 bars spaced 24 inches on centers, both ways. The reinforcement should be properly positioned near the middle of the slabs.

The reinforcement recommendations provided herein are intended as guidelines to achieve adequate performance for anticipated soil conditions. The project architect, civil and/or structural engineer should make appropriate adjustments in reinforcement type, size and spacing to account for concrete internal (e.g., shrinkage and thermal) and external (e.g., applied loads) forces as deemed necessary.



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CITY APPROVED CHANGES				ENGINEER OF WORK	
No.	Description	App'd By	Date	By	Date

--	--

OWNER/DEVELOPER
THOMAS JAMES HOMES
26880 ALISO VIEJO PARKWAY,
SUITE 100
ALISO VIEJO, CA 92656

SOILS ENGINEER/GEOLOGIST
PETRA GEOSCIENCES
3186 AIRWAY AVENUE,
SUITE K
COSTA MESA, CA 92626

BENCHMARK
FOUND 3 3/4" OCS ALUMINUM BM DISC STAMPED
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