



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending October 30, 2015.

**ZONING ADMINISTRATOR ACTIONS
OCTOBER 29, 2015**

Item 1: Sparky's Bikes and Ice Minor Use Permit No. UP2015-031 (PA2015-116)
Site Address: 309 Palm Street, Unit 101

Action: Approved by Resolution No. ZA2015-059 4 Council District 1

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

Item 1: Bayside Drive Grade Determination Staff Approval No. SA2015-012 (PA2015-181)
Site Address: 2201 and 2209 Bayside Drive

Action: Approved Council District 6

APPEAL PERIOD: An appeal 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. ZA2015-059

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2015-031 FOR A TAKE-OUT SERVICE, LIMITED EATING AND DRINKING ESTABLISHMENT LOCATED AT 309 PALM STREET, UNIT 101 (PA2015-116)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Dale O. Head, Sr., with respect to property located at 309 Palm Street, Unit 101, and legally described as Lots 1, 2, 3, 7, 8, 9, 10, 11, 12 and a portion of Lot 4, an unnumbered lot and a portion of a vacated alley, all in Block 3 of the Balboa Bayside Tract; Lot 22 and 23, Block A of the Bayside Tract; and a portion of vacated Edgewater Place, requesting approval of a minor use permit.
2. The applicant requests to convert a portion of an existing bicycle rentals shop to a take-out service, limited eating and drinking establishment specializing in the service of shaved ice and other desserts. The proposed hours of operation are from 7:00 a.m. to 9:00 p.m., daily. No tables and/or seats are proposed. The applicant presently operates the bicycle rentals shop which is a use that is permitted by right, but would like to create a separate, adjoining tenant space within which the proposed eating and drinking establishment will operate.
3. The subject property is located within the Mixed-Use Vertical (MU-V) Zoning District and the General Plan Land Use Element category is Mixed-Use Vertical (MU-V).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Uses Vertical (MU-V).
5. A public hearing was held on October 29, 2015, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).

2. Class 1 exempts minor alterations to existing facilities involving negligible expansion of use beyond that existing at the time of the lead agency's determination. The subject application is for a new use with no expansion of the existing commercial use at the site.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code, 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 as Mixed-Use Vertical (MU-V) within the General Plan, which is intended to provide for areas appropriate for the development of mixed-use structures that vertically integrate residential dwelling units above the ground floor with retail uses including office, restaurant, retail, and similar nonresidential uses located on the ground floor or above. Standalone commercial buildings are also consistent with this designation. The proposed take-out service, limited eating and drinking establishment would be complementary to the surrounding commercial and residential uses.
2. 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 subject property is located in the Mixed-Use Vertical (MU-V) Zoning District, which is intended to provide for areas appropriate for the development of mixed-use structures that vertically integrate residential dwelling units above the ground floor with retail uses including office, restaurant, retail, and similar nonresidential uses located on the ground floor or above. Standalone commercial buildings are also permitted within this zoning district. The proposed project is designed to serve residents and visitors in the area. The proposed take-out service, limited eating and drinking establishment would be complementary to the surrounding commercial and residential uses. Nearby uses include ExplorOcean, marine-related uses, restaurants and retail stores.
2. Pursuant to Zoning Code Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements), a minor use permit is required for a take-out service,

limited eating and drinking establishment if the subject property is located within 500 feet of any residential zoning district. The subject property is located next to a residential zoning district immediately across Adams Street to the west on East Bay Avenue.

3. Pursuant to Zoning Code Section 20.40.030 (Requirements for Off-Street Parking), take-out service, limited eating and drinking establishments are required to provide one parking space for each 250 square feet of gross floor area. The parking requirement for a bicycle rentals shop (Retail Sales) is also one parking space for each 250 square feet of gross floor area; therefore, the parking requirement of the proposed use is consistent with the parking requirement for the existing use and there is no anticipated change to the parking demand.
4. The proposed project is subject to and would operate in compliance with Section 20.48.090 (Eating and Drinking Establishments). No outdoor activities, late hours, alcohol sales, or outdoor dining are proposed as part of this application, but future changes would be required to be consistent with the Municipal Code. As conditioned, 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.

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. Commercial and residential uses are allowed in the vicinity, including retail sales, personal service, restaurant, and office. The nearest residential dwellings are approximately 40 feet away from the subject property across East Bay Avenue. The subject tenant space is located among other commercial uses along East Bay Avenue and Palm Street.
2. The existing building is not changing other than the proposed remodel for the subject tenant space as a result of this project. The newly created tenant space will be approximately 584 square feet in gross floor area with approximately 46 square feet proposed as net public (customer serving) area. The remaining bicycle rentals shop will be approximately 500 square feet in gross floor area. Adequate trash storage facilities for the commercial tenant are provided in an enclosed area, thereby preventing any odor or related issues for the nearby residential and commercial uses.
3. The operational characteristics of the proposed establishment would be that of a typical take-out service, limited eating and drinking establishment that would serve residents, visitors, and employees. Customers would order and pay at a counter and primarily take the food to go. The proposed use would not have late hours of operation, include alcohol sales, nor create any adverse noise impacts outside of the

establishment. Therefore, the operating characteristics would be compatible with the allowed commercial and residential uses in the vicinity.

4. As conditioned, the allowed hours of operation will be 7:00 a.m. to 10:00 p.m. daily, which will minimize any disturbance to residences near the property.

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 lot is approximately 27,024 square feet in area and located in a commercial area. The site has street access along Adams Street, East Bay Avenue and Palm Street, including private alley access through the lot, and has pedestrian access along the waterfront via Edgewater Place. The street frontages and alley site access allows for the provision of public and emergency vehicle access.
2. The site is developed with a three-story multi-tenant commercial building and parking structure. The Public Works Department, Building Division, and Fire Department reviewed and approved the plans for the building prior to construction. The subject tenant space is located on the ground floor and is approximately 584 square feet in gross floor area with approximately 46 square feet proposed as net public (customer serving) area. The tenant space is positioned away from the residences and is fronting Palm Street facing the ExplorOcean property.
3. The Public Works Department, Building Division, and Fire Department have reviewed the application. The project is required to obtain all applicable permits from the City Building and Fire Departments and must comply with the most recent, City-adopted version of the California Building Code.

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 similar to and compatible with other commercial uses in the vicinity, and will serve nearby residents, employees, and visitors.
2. The proposed use would involve the sale of food and beverages primarily for off-site consumption with no seats provided for customers.

3. As conditioned, the proposed use could operate with up to six (6) seats provided for patrons which is consistent with the definition of a take-out service, limited land use.
4. The limitation on seating will provide flexibility for the operation while preventing adverse traffic impacts for the surrounding residential and commercial uses.
5. The proposed use would not increase the parking demand, have late hours of operation, nor include alcohol sales.
6. The proposed use would not create any adverse noise impacts outside the establishment, and would be subject to the noise standards within the Municipal Code.
7. Adequate trash storage facilities for the commercial tenant are provided in an enclosed area, thereby preventing any odor or related issues for nearby properties.
8. 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.
9. The applicant is required to obtain Health Department approval prior to opening for business, and to comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2015-031, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
2. 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 29TH DAY OF OCTOBER, 2015.



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

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. 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 Newport Beach Municipal Code.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. 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.
5. 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.
6. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require separate review by the Planning Division and may require an amendment to this Minor Use Permit or the processing of a new Use Permit.
7. 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.
8. All proposed signs shall be in conformance with Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code.
9. 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. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
10. 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.

11. The hours of operation for the establishment shall be limited to the hours between 7:00 a.m. and 10:00 p.m., daily.
12. The sale, service, or consumption of alcohol shall not be permitted.
13. The maximum number of seats allowed shall be six (6). No outdoor seating is permitted without review and approval by the Planning Division and Public Works Department, as applicable.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
16. 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.
17. 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.
18. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this Minor Use Permit.
19. Storage outside of the building shall be prohibited.
20. 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.
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 Sparky's Bikes and Ice MUP including, but not limited to, Minor Use Permit No. UP2015-031 (PA2015-116). 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.



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application No. **Staff Approval No. SA2015-012 (PA2015-181)**
Applicant **Christopher Brandon, Brandon Architects, Inc.**
Site Addresses **2201 and 2209 Bayside Drive**
 Bayside Drive Grade Determination
Legal Description **Parcel 2, in City of Newport Beach, County of Orange, State of California, as shown on a map filed in Book 47, Page 32 of Parcel Maps, in the Office of the County Recorder of Orange County, California**

On **October 30, 2015**, the Community Development Director approved Staff Approval No. SA2015-012 to establish a grade plane for the purpose of measuring building height on two newly created lots. Tentative Parcel Map No. NP2003-017 was approved in 2003 and the parcel is in the process of being subdivided into two separate lots for single-family residential development. The proposed grade plane is based on the lowest elevation points of the adjoining neighboring properties and consists of eight elevation points located at the corners of the proposed building footprints for each newly created lot. The elevation points create the base from which height shall be measured, consistent with Newport Beach Zoning Code Section 20.30.050(B)(2) (Grade Establishment – Establishment of Grade – Five Percent or Less Slope). This approval is based on the following findings and subject to the following conditions.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-1 (Single-Unit Residential)
- **General Plan:** RS-D (Single-Unit Residential)

DISCUSSION

The subject property is not currently developed and has been vacant since the previous single-family residence was demolished in 1990. At the time of demolition the topography was substantially altered with portions of the property graded to prepare for new construction. The existing topographic elevations have been surveyed using the North American Vertical Datum of 1988 and certified by a professionally licensed land surveyor (Attachment No. CD 3). As a result of the previous work, the existing grade elevations of the site no longer represent the previously existing natural topography and are not appropriate for determining the established grade from which building height shall be

measured. Therefore, the applicant has prepared an exhibit to determine an appropriate grade plane for development of the two new lots while providing a side-by-side comparison of the existing topography of the subject property and its relation to the topography of the adjoining lots. Topographic discrepancies as a result of grading at time of demolition and erosion are evident, especially as the property nears the waterfront (Attachment No. CD 4). Consequently, the purpose of this grade determination is to ensure the height of development is based on conditions that are more representative of the site's natural topography and is in character with the surrounding area.

FINDINGS

In accordance with Zoning Code Section 20.30.050(C) (Grade Establishment – Establishment by Director) if the Community Development Director finds that the existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot, the Community Development Director may establish the grade that is reasonable and comparable with the grades of adjoining lots and that will not be detrimental or injurious to property and improvements on adjoining lots.

Finding:

- A. *The existing grade on the subject lot has been previously altered or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot.*

Facts in Support of Finding:

1. The existing grade on the subject property was altered as a result of significant grading that occurred at the time of demolition in 1990. The site has been vacant since demolition with erosion and natural elements substantially affecting the topography. The existing grade is, therefore, not appropriate for the purpose of establishing grade and would result in a grade that is inconsistent with the surrounding area.
2. Utilizing the lowest existing grade elevation points of the two adjoining properties (10.4, 12.48, 13.02 and 13.3) is appropriate in this case because it allows height to be measured from grade that is more representative of the natural topography and more in character with the neighborhood.

Finding:

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

Facts in Support of Finding:

1. The proposed grade plane consisting of eight elevations is based on the existing grade of the adjoining lots; therefore, it is compatible with the adjoining lots.
2. The proposed grade establishes elevations consistent with the previously existing natural topography of the site and requires building heights to be measured from an established grade, a methodology consistent with the neighboring lots.
3. The property will be required to comply with all applicable development standards of the Zoning Code which are in place to prevent detriment or injury to the existing property and neighboring properties and improvements on adjoining lots.

CONDITIONS

1. A copy of this action letter including the findings and conditions shall be copied onto the building plans.
2. The height of principal structures shall be based on the grade plane exhibit provided, stamped with the date of this approval and identified as Attachment No. CD 4.
3. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Bayside Drive Grade Determination including, but not limited to, the SA2015-012 (PA2015-181). 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 may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at (949)644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Benjamin M. Zdeba, AICP, Associate Planner

GR/bmz

Attachments: CD 1 Vicinity Map
 CD 2 Applicant's Project Description
 CD 3 2015 Topographic Survey (NAVD88)
 CD 4 Grade Plane Exhibit

Attachment No. CD 1

Vicinity Map



Attachment No. CD 2

Applicant's Project Description



To: Ben Zdeba

City of Newport Beach
Building Department
100 Civic Center Drive
Newport Beach, CA 92658
949.644.3253

From: Chris Brandon

Brandon Architects, Inc.
3001 Red Hill Ave.
Building 01, Suite 102
Costa Mesa, CA 92626
714.754.4040

Grade Plane Determination

Project Description and Justification Letter

Mr. Zdeba,

Thank you for taking the time to review our Grade Plane Determination Application. This letter serves as a brief description and history of 2209 Bayside as well as an expanded overview as to our justifications for submitting a Grade Plane Determination.

It's clear at some point in time a previous owner of 2209 Bayside Drive demolished an existing home and rough graded the lot in anticipation of a proposed development. It's unknown to us when this work took place but it predates a 2001 aerial photograph available on the city's GIS website. It appears the lot has been left in its current condition for some time. A recently completed topographic map largely indicates an overall lower elevation on the property and most severely on the southwesterly portion of the lot where the original house and any improvements probably sat. There's also a discernable depression likely left by the removal of the old foundation. For reasons unknown to our office, the previous owner abandoned any development and sold the property to our clients 2209 Bayside, LP and Collcain Ltd.

Due to the rough grading and demolition of the previously existing improvements the current lot has obviously been altered or damaged. Our justification for seeking a Grade Plane Determination is threefold: (1) We know that preexisting improvements were demolished and some rough grading was done which negatively affects the property in its current condition, and (2) when looking at the adjacent properties it's obvious that most of the grade at 2209 is much lower and not representative of what's prevailing and (3) we believe our application will create a more consistent and harmonious pattern of development for these lots and the surrounding area. What we seek is fairness in establishing a grade that is more consistent with the prevailing grades and the local area. This is evident from our recently completed Topographic Survey (provided with this application) which shows a significant difference in grade from the neighboring lots 2317 & 2223 Bayside Drive. The differential between 2317 and 2209 Bayside is approximately 5' at the rear line of development (8.7 NG & 13.37 FS), and 2' at the front setback (11.3 NG & 13.41 FS). The differential between 2209 and 2223 Bayside is approximately 2' at the rear line of development (8.0 NG & 10.4 NG), and relatively equal at the front setback (12.9 NG & 12.48 FS). In addition, if you look at the Supplemental Grade Plane Exhibit (also included) which shows survey points on the adjacent lots and an estimate of what each neighboring property owner would likely receive as a Grade Plane if they were to redevelop you can clearly see that they would both be

Grade Plane Determination – 2209 Bayside

significantly higher than our existing grades. What's more, if you interpolate the grades between 2215 and 2137 and base a Grade Plane on that (see exhibit) you can see a gradual progression from 11.51', to 13.33' rather than an abrupt drop to something closer to 9.5' at 2209. We feel strongly that the grade planes granted by this request would create a more harmonious pattern for development.

In conclusion based on our exhibits and our findings we ask for your assistance in granting this Grade Plane Determination. Our proposed grade plane elevations are conservative (being interpolated based on the lowest points of the neighboring properties located along our shared property lines) and we feel they better represent the original and natural grade of the adjoining lots located along Bayside Drive.

Please feel free to contact me if you would like further clarification or discussion. Thank you for your time.

Best Regards,

A handwritten signature in black ink, appearing to read 'Chris Brandon', with a long horizontal flourish extending to the right.

Christopher Brandon, AIA
President, Brandon Architects

Attachment No. CD 3

2015 Topographic Survey (NAVD88)

Attachment No. CD 4

Grade Plane Exhibit

LEGEND

- WOOD FENCE (WDF)
- BLOCK WALL
- AC --- ASPHALT PAVEMENT
- AD --- AREA DRAIN
- BS --- BOTTOM STEP
- CATV --- CABLE TV BOX
- CL --- CENTERLINE
- DO --- DRAIN OUTLET
- EG --- EDGE OF GUTTER
- TF --- TOP OF FOOTER
- EPB --- ELECTRICAL PULL BOX
- FF --- FINISH FLOOR
- FFG --- GARAGE FINISHED FLOOR
- FL --- FLOWLINE
- TSPB --- TRAFFIC SIGNAL PULL BOX
- CB --- CALL BOX
- TR --- TOP OF RAIL
- SLPB --- STREET LIGHT PULL BOX
- PT --- PALM TREE
- SP --- STAND PIPE
- GP --- GUARD POST
- ML --- METAL LID
- SL --- STREET LIGHT
- SM --- SEWER MANHOLE
- FS --- FINISHED SURFACE
- GM --- GAS METER
- NG --- NATURAL GROUND
- PA --- PLANTER AREA
- PP --- POWER POLE
- SCO --- SEWER CLEANOUT
- TC --- TOP OF CURB
- TMH --- TELEPHONE MANHOLE
- TS --- TOP STEP
- TWD --- TOP WOOD DECK
- WDF --- WOOD FENCE
- WH --- WATER HEATER
- WM --- WATER METER
- GM --- GAS METER
- WV --- WATER VALVE
- WM --- WATER METER
- EX --- EXISTING ELEVATION
- FM --- FOUND MONUMENT
- MT --- MONUMENT TO BE SET
- TBM --- TEMPORARY BENCHMARK
- WV --- WATER VALVE
- GH --- GAS VALVE
- PH --- FIRE HYDRANT
- PP --- POWER POLE
- TS --- TRAFFIC SIGNAL
- T --- TREE
- BPV --- BACKFLOW PREVENTION VALVE

TITLE REPORT/EASEMENT NOTES

2209 BAYSIDE DRIVE
CITY OF NEWPORT BEACH, CA
APN: 052-012-11

THE EASEMENT LISTED BELOW IS PER A TITLE REPORT PREPARED BY LAWYERS TITLE INSURANCE COMPANY, POLICY NO. 09308273 DATED MAY 27, 2015.

ITEM 2: STREET & HIGHWAY EASEMENT RECORDED IN BOOK 10630, PAGE 319, O.R., NOT PLOTTED, DOCUMENT WAS NOT PROVIDED.

ITEM 3: WATER LINE EASEMENT RECORDED IN BOOK 10630, PAGE 324, O.R., NOT PLOTTED, DOCUMENT WAS NOT PROVIDED.

ITEM 4: ROAD & PUBLIC UTILITY EASEMENT AS SHOWN ON PARCEL MAP RECORDED IN BOOK 47, PAGE 32 OF PARCEL MAPS. PLOTTED AS SHOWN.

LEGAL DESCRIPTION

PARCEL 2, IN CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 47, PAGE 32 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

(APN: 052-012-11)

BENCHMARK INFORMATION

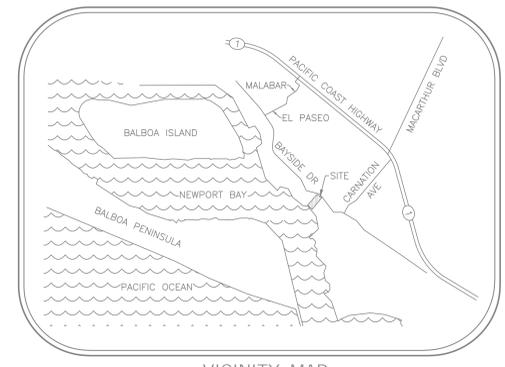
BENCHMARK NO: O.C.S. BM. # NB4-41-82

FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "NB4-41-82", SET IN THE NORTHWESTERLY CORNER OF A 7.4 FT. BY 3.3 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED ALONG THE SOUTHERLY SIDE OF BAYSIDE DRIVE, 24 FT. SOUTHEASTERLY OF A PRIVATE DRIVEWAY FOR #2137 BAYSIDE DRIVE AND 17.2 FT. SOUTHWESTERLY OF THE CENTERLINE OF BAYSIDE. MONUMENT IS SET LEVEL WITH THE SIDEWALK.

ELEVATION: 12.182 FEET (NAVD88), YEAR LEVELED: 2011

BASIS OF BEARINGS

THE BASIS OF BEARINGS SHOWN HEREON IS THE CENTERLINE OF BAYSIDE DRIVE BEING N80°37'07"W AS SHOWN ON PARCEL MAP RECORDED IN BOOK 47 PAGE 32, RECORDS OF ORANGE COUNTY.



GRADE PLANE EXHIBIT

LINE 1 - INTERPOLATION BETWEEN POINTS 13.02 FS & 12.48 FS

TOTAL DISTANCE BTWN. POINTS - 105' - 0"

TOTAL DIFFERENCE IN ELEVATION - 0.54'

RISE/FALL PER LINEAL FOOT - .005'

LINE 2 - INTERPOLATION BETWEEN POINTS 13.3 NG & 10.40 FS

TOTAL DISTANCE BTWN. POINTS - 110' - 10"

TOTAL DIFFERENCE IN ELEVATION - 2.9'

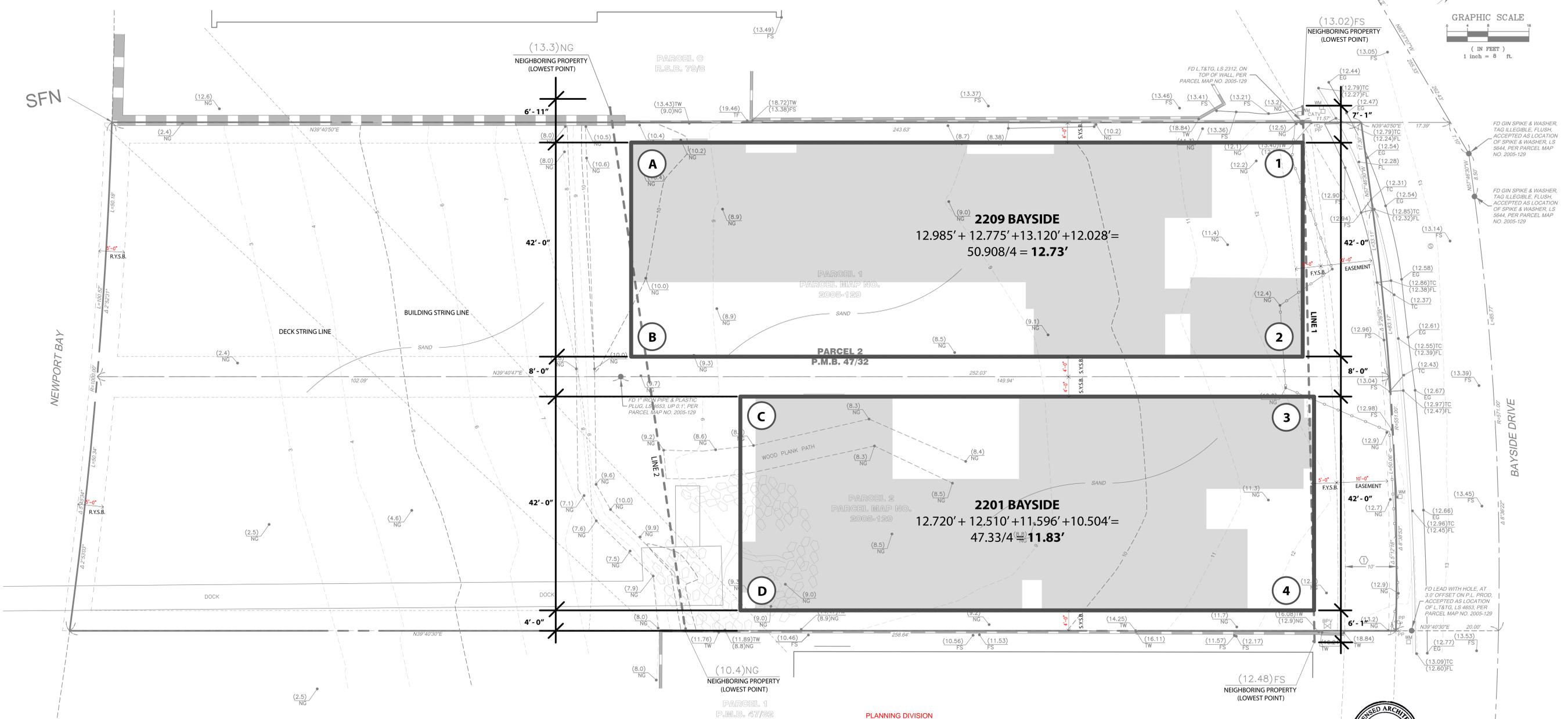
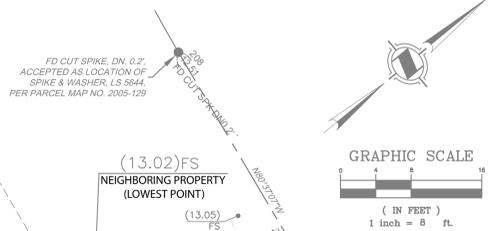
RISE/FALL PER LINEAL FOOT - .026'

LINE 2	LINE 1
A 13.30' - .180 = 13.120' INT. (6' - 11" X .026')	1 13.02' - .035 = 12.985' INT. (7' - 1" X .005')
B 13.30' - 1.272 = 12.028' INT. (48' - 11" X .026')	2 13.02' - .245 = 12.775' INT. (49' - 1" X .005')
C 10.40' + 1.196 = 11.596' INT. (46' - 0" X .026')	3 12.48 + .240 = 12.720' INT. (48' - 1" X .005')
D 10.40 + .104 = 10.504' INT. (4' - 0" X .026')	4 12.48 + .030 = 12.510' INT. (6' - 1" X .005')



PAUL D. CRAFT, P.L.S. 8516 DATE

NOTE: SECTION 8770.6 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE STATES THAT THE USE OF THE WORD CERTIFY OR CERTIFICATION BY A LICENSED LAND SURVEYOR IN THE PRACTICE OF LAND SURVEYING OR THE PREPARATION OF MAPS, PLATS, REPORTS, DESCRIPTIONS OR OTHER SURVEYING DOCUMENTS ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.



PLANNING DIVISION
APPROVED
OCTOBER 30, 2015

Signature

GRADE PLANE EXHIBIT

2201 & 2209 BAYSIDE DRIVE, CDM 1/8" = 1' - 0" S.C.



APPEL

DATE

REVISIONS

NO. DESCRIPTION

PROJECT SURVEYOR

DATE 09/13/2015

SCALE 1" = 8'

DRAWN A. P. T.

CHECKED P. D. C.

TOPOGRAPHIC MAP

2209 BAYSIDE DRIVE
NEWPORT BEACH, CA 92625
APN: 052-012-11

SHEET TITLE

PROJECT

SHEET NO. 1 OF 1

JUN 15/06

APEX LAND SURVEYING & INC.

HUNTINGTON BEACH, CALIFORNIA 92646
PHONE: (714) 488-5006 FAX: (714) 333-4440
APEXLSINC@GMAIL.COM

