

**CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: David Lepo, Planning Director  
SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending August 21, 2009

---

**ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF**

Item 1: Mark Scott Associates, property owner – Use Permit No. UP2008-055 (PA2008-170)  
2022 Orchard Drive

A use permit to allow the demolition of the existing building and construction with a 3,832 square foot, two-story office building over a ground level open parking structure. The application includes a request to allow minor deviations from the development standards of the Santa Ana Heights Specific Plan Area District regulations, including but not limited to setbacks, landscape requirements and parking that encroaches into required landscape areas.

Approved – August 21, 2009

Council District 4

Item 2: Gordon Harvin Glass Architect on behalf of property owners Brian and Lynda Ellerbroek – Use Permit No. UP2009-028 (PA2009-098)  
2306 Margaret Drive

A new single-family dwelling which includes an Accessory Dwelling (Granny) Unit in accordance with Chapter 20.85 of the Municipal Code.

Approved – August 17, 2009

Council District 2

On behalf of David Lepo, Planning Director: -



---

Patrick J. Alford, Planning Manager

**APPEAL:**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

c: David Lepo, Planning Director (*e-mail*)  
Sharon Wood, Assistant City Manager (*e-mail*)  
David Keely, Public Works Senior Civil Engineer (*e-mail*)  
Code Enforcement Division (*e-mail*)  
Rick Dayton, PAC Development Subcommittee Chairman (*e-mail*)



## USE PERMIT ACTION LETTER

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

**Application No.**                    **Use Permit No. UP2008-055 (PA2008-170)**  
**Applicant**                         **Mark Scott Associates**  
**Site Address**                     **2022 Orchard Dr**  
   **Orchard Design Center**  
**Legal Description**               **TR 706 LOT 71 SELY1/2 -EXSELY 71 FT**

On **August 21, 2009**, the Planning Director approved the following: A use permit to allow the demolition of the existing building and construction of a 3,832-square-foot, two-story office building over a ground level open parking structure. The application includes a request to allow minor deviations from the development standards of the Santa Ana Heights Specific Plan District regulations, including but not limited to setbacks, landscape requirements and parking that encroaches into required landscape areas. The property is located in the SP-7 (Santa Ana Heights Specific Plan) District. The approval is based on the following findings and subject to the following conditions:

### FINDINGS

1. The proposed location of the use is in accord with the objectives of this code and the purposes of the district in which the site is located.

#### **Facts in Support of Finding:**

- The location of the proposed office use is in the "Business Park" land use designation within the Santa Ana Heights Specific Plan. The proposed office use achieves the purpose of the land use designation, which is to provide for office, commercial, specific uses related to product development, and limited light industrial uses while protecting adjacent residential uses. Protection may be achieved through regulation of building mass and height, landscape buffers, and architectural design features. The proposed office building meets the development standards of the land use designation (see Appendix A), which include a minimum 3-foot landscaping along all interior property lines and a maximum building height of 37 feet.
2. The proposed location of the use permit and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan and the purpose of the district in which the site is located; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons

residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the city.

**Facts in Support of Finding:**

- The location of the proposed use is located in the "General Commercial Office (CO-G)" designation of the Land Use Element of the General Plan. The proposed office building is consistent with this designation.
  - Protection of adjacent residential uses will be achieved through the regulation of building mass and height, landscape buffers, and architectural design features as established in the Santa Ana Heights Specific Plan. The proposed office building meets the development standards of the land use designation (see Appendix A), which are designed to protect adjacent uses.
3. The proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located.

**Facts in Support of the Finding:**

- The proposed office use is a permitted use within the "Business Park" land use designation within the Santa Heights Specific Plan with the approval of a use permit. Conditions to the use are listed below.
4. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures). Part C of the exemption includes "commercial buildings not exceeding 10,000 square feet in floor area" when not involving the use of significant amounts of hazardous substances. The proposed floor area is 3,832 square feet and the building will be used as professional offices.

**CONDITIONS**

1. Development shall be in substantial conformance with the approved site plan, floor plan and elevations, except as noted in the following conditions.
2. Prior to issuance of building permits, the subdivider, property owner or developer shall dedicate an avigation easement over the subject property to the County of Orange as approved by the Resources and Development Management Department of the County of Orange (RDMD). The form and content of the easement shall be reviewed and approved by the RDMD prior to recordation. A certified or conforming copy of the executed document shall be presented to the Planning Department prior to issuance of building permits.

3. Prior to the sale, lease or rental of any structure or portion thereof, the applicant/owner shall provide to each prospective purchaser, lessee or tenant a notice and statement of acknowledgement that the property is subject to overflight, sight, and sound of aircraft operating from John Wayne Airport. The form and method of distribution of said notice and statement of acknowledgement shall be as approved by the Planning Director. This statement shall be incorporated into each of the lease documents provided to tenants.
4. Boundary landscaping with a minimum depth of 10 feet along all property lines abutting a public street, except for the area required for street openings, shall be provided.
5. All storage of cartons, containers and trash, along with ground mounted mechanical equipment, shall be enclosed by a building or by a wall not less than 6 feet in height.
6. All trash shall be stored within the building, within the dumpsters stored in the trash enclosure (three walls and a gate), or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash dumpsters shall have a top that shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.
7. The applicant shall maintain the trash dumpsters or receptacles so as to control odors that may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department.
8. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted on-site or off-site to advertise any tenant that occupies the building, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code and addressed by separate permit or approval. Temporary signs shall be prohibited in the public right-of-way, unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
9. Employees shall park on-site at all times.
10. All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets, and shall be sound attenuated in accordance with Chapter 10.26 of the Newport Beach Municipal Code (Community Noise Control).
11. The project shall be designed to eliminate light and glare spillage onto adjacent properties or uses. This will include the use of zero cut-off outdoor light fixtures. Prior to issuance of a certificate of occupancy, the applicant shall demonstrate to the Planning Department that the exterior lighting system has been designed, directed, and maintained in such a manner as to conceal the light source and to minimize light spillage and glare to the adjacent properties, especially the residential properties at the rear of the property. The plans shall be prepared and signed by a licensed Electrical Engineer acceptable to the City, with a letter from

- the engineer stating that, in his opinion, this requirement has been met, unless otherwise approved by the Planning Department.
12. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division or the Planning Department staff to confirm control of light and glare specified in the previous condition of approval above.
  13. 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.
  14. All public improvements shall be constructed as required by Ordinance and the Public Works Department.
  15. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees shall be provided and existing street trees shall be protected-in-place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department. All work within the public right-of-way shall be approved under an encroachment agreement issued by the Public Works Department.
  16. A standard use permit agreement and accompanying surety shall be provided in order to guarantee satisfactory completion of the public improvements, if it is desired to obtain a building permit prior to completion of the public improvements.
  17. Water and sewer service shall be provided as required by Irvine Ranch Water District (IRWD). A sewer cleanout shall be provided at the property line, unless otherwise approved by the Public Works Department.
  18. The on-site parking, vehicular circulation and pedestrian circulation systems shall be subject to further review by the Traffic Engineer.
  19. The intersection of the private drive and Orchard Drive shall be designed to provide sight distance for a speed of 35 miles per hour in accordance with the City Sight Distance Standard No. 110-L. Slopes, landscape, walls and other obstructions shall be considered in the sight distance requirements. Landscaping within the sight line shall not exceed 24 inches in height. The sight distance requirement may be modified at non-critical locations, subject to approval of the Traffic Engineer.
  20. Public Works Department plan check and inspection fee shall be paid prior to issuance of building permits.
  21. A 5-foot wide easement along the property frontage shall be dedicated for street and highway purposes along the Orchard Drive frontage as required to complete the requested street widening improvements.
  22. Orchard Drive shall be widened approximately five (5) feet to match the westerly property width and will contribute to an ultimate street right-of-way of 70 feet. The

- improvements shall include new curb, gutter, sidewalk, pavement, public fire hydrant and appurtenances. The new curb and gutter will need to be installed per City Standards along the property frontage located 24 feet from the centerline of Orchard Drive. The design of the street improvements shall be reviewed and approved by the Public Works Department prior to issuance of building permits.
23. The parking lot layout shall comply with City Standard #805-L-A&B. Widths of parking spaces shall be 9 feet in width next to walls.
  24. All proposed private encroachments in the Orchard Drive right-of-way shall require an encroachment agreement and will need to comply with City Council Policy L-6, Private Encroachments in Public Rights-of-Way.
  25. Street, drainage and utility improvements shall be demonstrated with standard improvement plans prepared by a licensed civil engineer.
  26. Any Edison transformers serving the site shall be located outside the sight distance planes as described in City Standard 110-L.
  27. Disruption caused by construction work along roadways and movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
  28. Overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.24.140 of the Municipal Code, unless it is determined by the City Engineer that such undergrounding is unreasonable or impractical. The power pole located at the easterly corner of the property shall be removed as a part of the undergrounding, unless otherwise approved by the Public Works Department.
  29. Elevators shall be gurney accommodating in accordance with the International Building Code.
  30. An automatic fire sprinkler system shall be installed in compliance with the International Building Code.
  31. All signs shall conform to the provisions of Chapters 20.44 and, where applicable, 20.67 of the Newport Beach Municipal Code.
  32. The facility shall be designed to meet exiting and fire protection requirements as specified by the International Building Code and shall be subject to review and approval by the Building Department.
  33. The project shall comply with State Disabled Access requirements.
  34. The Planning Director or the Planning Commission may add to or modify the conditions of approval in this use permit, or revoke this permit upon a determination that the operation which is the subject of this approval causes injury, or is

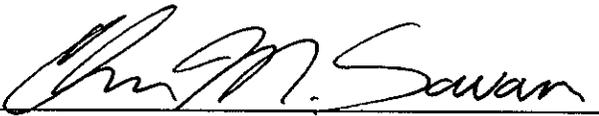
detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

35. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.91.050 of the Newport Beach Municipal Code.

**APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of David Lepo, Planning Director

By:   
Chris Savan, Planning Technician

PA/cms

Attachments: Appendix A (Site Development Standards)  
Vicinity Map  
Project Plans

**APPENDIX A**  
**(Site Development Standards)**

Site Development Standards Review:

	<b>Development Standard</b>	<b>Finding/Requirement</b>
	1. <u>Floor Area Ratio (FAR):</u> Per Chapter 20.63.	<b>Complies:</b> There is no authorization included in this approval to deviate from the Zoning Code required method of measuring the allowed floor area.
	2. <u>Building Site Area:</u> 19,800 square feet minimum, except as modified by special symbol per Subsection 20.44.025-B.	<b>Legal Nonconforming:</b> Legal existing substandard size lot or parcel established prior to adoption of the Specific Plan District Regulations.
	3. <u>Building Site Coverage:</u> 40 percent maximum.	<b>Complies,</b> the building shall not cover greater than 3,267 square feet of the site.
	4. <u>Building Height:</u> 15 feet maximum or sloping up to 18 feet maximum in the first 20 feet measured from the front property line, and then 30 feet maximum for structures located less than 75 feet from any property line abutting the REQ District and <b><u>37 feet for structures located 75 feet or more from any property line abutting the REQ District.</u></b> Roof-mounted mechanical equipment shall comply with the following:	<b>Complies:</b> The proposed building is greater than 75 feet away from and REQ District. The building shall not exceed 37 feet in height, except as granted for mechanical equipment.
	a. Mechanical roof screens may exceed the maximum 37 foot height limit by 6 feet, provided that the roof screen is set back from the outside face of the main building parapet a minimum of 10 feet.	<b>Complies:</b> Mechanical screen shall not exceed 43 feet measured from existing grade, and shall be verified at plan check.
	b. Roof screen materials and detailing must be compatible with the main building architecture.	<b>Complies:</b> Mechanical screen is consistent with the architecture of the building.
	c. Roof-mounted equipment shall not be visible from a point 5 feet above the	<b>Complies:</b> Final inspection will be

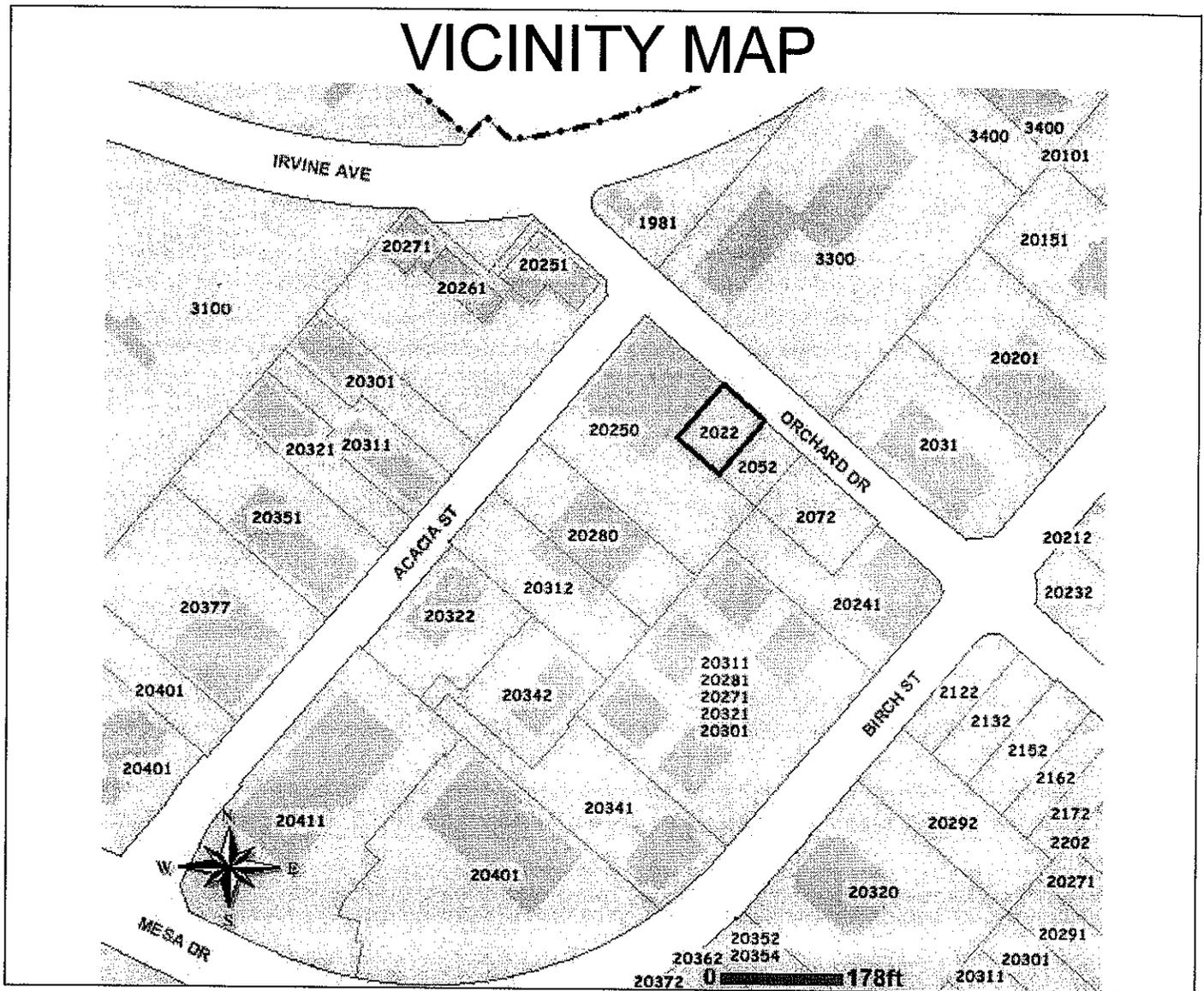
	<b>Development Standard</b>	<b>Finding/Requirement</b>
	centerline of the adjacent street(s) and from abutting lots in the REQ District, as calculated from a point 5 feet above existing grade level at a distance of 300 feet or less from the subject building site.	required prior to final of the building permit.
	<b>5. Building Setbacks.</b>	
	a. Front setback: 10 feet minimum.	<b>Complies:</b> Building maintains minimum setback. This shall be measured from the ultimate right-of-way line after the required dedication for street purposes.
	b. Side setback: 0 feet minimum one side only and 10 feet minimum other side, except where the <u>side property line</u> abuts the REQ District, in which case the following shall apply:	<b>Complies:</b> The parcel does not abut a REQ District.
	(1) For structures 30 feet or less in height (including roof-mounted mechanical equipment): 45 feet minimum, to include a 10-foot wide landscape buffer adjacent to the property line.	<b>Does not apply</b>
	(2) For structures greater than 30 feet in height: 75 feet minimum, to include a 10-foot wide landscape buffer adjacent to the property line.	<b>Does not apply</b>
	c. Rear setback: 0 feet minimum, except where the rear property line abuts the REQ District, in which case the following shall apply:	<b>Complies:</b> The parcel does not abut a REQ District.
	(1) For structures 30 feet or less in height: 45 feet minimum, to include a 10-foot wide landscape buffer adjacent to the property line.	<b>Does not apply</b>
	(2) For structures greater than 30 feet in height: 75 feet minimum, to include a 10-foot wide landscape buffer adjacent to the property line.	<b>Does not apply</b>
	<b>6. Off-Street Parking.</b> Per Chapter 20.66, 1 parking space per 250 square feet of net floor area shall be provided. One level of parking is permitted below any floor with office/commercial space.	<b>Complies:</b> The parking ratio is 1 space per 250 square feet of net floor area for business and professional office. The

	Development Standard	Finding/Requirement
		proposed net floor area is 3,330 square feet. The proposed development provides the required 14 parking spaces.
	<p><b>7. <u>Trash, Storage and Ground-Mounted Mechanical Equipment.</u></b> All storage of cartons, containers and trash, along with ground mounted mechanical equipment, shall be enclosed by a building or by a wall not less than 6 feet in height. No such structure shall be located within 10 feet of any property line abutting the REQ District. If unroofed, no such structure shall be located within 40 feet of any property line abutting the REQ District and no closer than 10 feet from any side property line abutting the BP District. (Refer to Section 20.44.020 for design guidelines.)</p>	<p><b>Complies:</b> The trash enclosure and ground mounted mechanical equipment is screened or enclosed by a wall not less than 6 feet in height. The parcel does not abut a REQ District.</p>
	<p><b>8. <u>Enclosed Uses.</u></b> All office and commercial uses and their related products shall be contained entirely within a completely enclosed structure except for parking and loading areas and outdoor uses expressly permitted by an approved use permit.</p>	<p><b>Complies:</b> The proposed development demonstrates that the office and commercial uses are completely contained within enclosed area.</p>
	<p><b>9. <u>Landscaping.</u></b> A minimum landscaped area shall be provided as follows:</p>	
	<p>a. Boundary landscaping with a minimum depth of 10 feet along all property lines abutting a public street, except for the area required for street openings.</p>	<p><b>Complies:</b> A minimum of 16-feet of landscaping is proposed along Orchard Drive.</p>
	<p>b. Boundary landscaping with a minimum depth of 3 feet along all property lines not abutting a public street, except property lines abutting the REQ District where a minimum depth of 10 feet is required.</p>	<p><b>Complies:</b> Landscaping ranging from 3 feet to 10 feet is provided along all property lines not abutting a public street. The parcel does not abut a REQ District.</p>
	<p>c. Landscaping shall be provided in conformance with the landscape guidelines of Section 20.44.020 (<i>Design Guidelines</i>).</p>	<p><b>Complies:</b> Landscape Plan submittal with construction drawings required to comply with</p>

	Development Standard	Finding/Requirement
		this requirement and will be reviewed during plan check prior to issuance of building permits.
	<u>10. Building Design.</u> All development shall be in conformance with the guidelines of Section 20.44.020 ( <i>Design Guidelines</i> ) and the following:	Will be reviewed during plan check of construction drawings.
	a. On properties abutting the REQ District, a direct line of sight to abutting properties within the REQ District from second story openings, windows, usable balconies, open stairways, stairway landings or other architectural features shall be prohibited. In addition, all windows above the first floor facing the REQ District shall have a minimum height of 6½ feet of permanent window treatment. This treatment may include integrally-obscured glass, permanently positioned window louvers or other equally effective treatment as approved by the Planning Commission. Applying films to windows is prohibited.	<b>Not Applicable</b> , property does not abut REQ District.
	b. Usable balconies, open stairways and landings or other architectural features shall be permitted on the sides and the front of the building, not facing the REQ District.	<b>Complies:</b> Property does not abut REQ District.
	c. All roof structures, such as air conditioning units, ventilation devices or other roof-mounted appurtenances, shall be screened from view from a point 5 feet above the centerline of any adjacent street and from the REQ District or abutting lots in the REQ District, as calculated from a point 5 feet above existing grade level from a distance of 300 feet or less from the subject building site.	<b>Complies:</b> Project shall be verified at plan check and inspected in the field prior to final of the building permit.
	<u>11. Lighting.</u> All lighting, exterior and interior, shall be designed and located so that direct light rays are confined to the premises. (Refer to Section 20.44.020 for design guidelines.)	<b>Complies:</b> Project shall be verified at plan check and nighttime field inspection by Code Enforcement Supervisor or his designee prior to final of the building permit.

	<b>Development Standard</b>	<b>Finding/Requirement</b>
	<p><u>12. Buffer Area.</u> A minimum 6-foot high slump block wall shall be constructed along property lines abutting the REQ District, except within the front setback area, where the height shall be no greater than 3½ feet. Landscaping adjacent to this wall shall be in conformance with the provisions of Section 20.44.020 and Exhibit 20.44-7 (<i>Design Guidelines</i>).</p>	<p><b>Complies:</b> Landscape Plan submittal with construction drawings required to comply with this requirement.</p>
	<p><u>13. Utility poles and Overhead Wires.</u> All Public utility wires and lines shall be undergrounded within the 10-foot setback area adjacent to any public street.</p>	<p><b>Complies:</b> There are currently no utility poles or overhead wires at site and neither are proposed.</p>
	<p><u>14. Signs.</u> The following signs shall be permitted, subject to the restrictions specified and the provisions of Chapter 20.67:</p>	<p>Review and approval by separate permit.</p>
	<p><u>a. Ground Signs:</u> 1 double-faced ground sign per building site within the required front setback area, containing only the address of the property. Ground signs shall not exceed 6 feet in height including any earth berm, pedestal, base or similar structure upon which the sign may be mounted. Height to top of sign shall be measured from the top of curb for the adjacent public street. Each sign shall not exceed 6 square feet in area and shall be externally lighted. External lighting fixtures used to illuminate ground signs shall be concealed within plant materials or attached to and designed as an integral part of the sign. The sign and sign structure shall be designed and located so as not to create a sight distance safety problem for vehicle or pedestrian traffic.</p>	<p><b>Complies:</b> No freestanding signs shown on plans. Additionally, a note on the plans indicates that signs are addressed by separate permit.</p>
	<p><u>b. Wall Signs.</u></p>	
	<p>(1) 1 identification sign placed on each wall facing a public street, relating only to the name and use of the building up to a maximum of 40 square feet, and comprising no more than 10 percent of the area of the wall, including windows and door area, upon which the sign is located.</p>	<p><b>Complies:</b> Signs will require submittal of separate building permit or sign permit (issued by the Planning Department).</p>

	<b>Development Standard</b>	<b>Finding/Requirement</b>
	Such signs shall be non-illuminated.	
	(2) Additionally, in multiple tenancy office buildings, each individual tenant may have a wall sign over their entrance to identify only the name of the business. Each sign shall not exceed 6 square feet in area. Such signs shall not be located above the roof fascia, shall not have internal lighting, and shall be made of a material compatible with the materials of the building.	<b>Complies:</b> Note on plans indicates signs by separate permit.
	<u>c. Building Directory Signs.</u> 1 building directory at each main entrance to the building. Such directory shall have letters not exceeding 2 inches in height containing only the name of the tenants, the suite or office number, and the nature of the use or service rendered.	<b>Complies:</b> Note on plans indicates signs by separate permit.
	<u>d. Real Estate Signs.</u> 1 unlighted sign not to exceed 12 square feet in area, pertaining only to the sale, lease or hire of the particular building, property or premises upon which displayed, and including no institutional advertising.	<b>Complies:</b> Note on plans indicates signs by separate permit.
	<u>e. Internal Signs.</u> All signs located within structures are permitted, provided such signs are not visible from any point on the boundary of the building site.	<b>Complies:</b> Note on plans indicates signs by separate permit.
	15. <u>Drainage Plan.</u> A drainage plan shall be submitted and approved as part of the use permit for each development showing the method for control and disposal of all waters flowing into, across and from the building site and a statement setting forth the method by which facilities shall be maintained.	<b>Complies:</b> Plan Check of construction drawing shall include grading and drainage plans as a part of the submittal and issuance of building permits.



**Planning Director's Use Permit UP2008-055**  
**Project No. PA2008-170**

**Site Address: 2022 Orchard Drive**

**Project Data**

**SITE AREA: GROSS**  
 6,058 sf (18 AC)  
 7,002 sf (18 AC)  
**NET**  
 3,002 sf (8.6 AC)  
 3,832 sf (11 AC)

**SITE COVERAGE:** 64% of Net sf  
 (includes: 1st floor office, 2nd floor office, 1st floor retail, 1st floor parking, 1st floor landscaping, 1st floor site work)

**F.A.R. = 0.6 of Net sf =**  
 (includes: 1st floor office, 2nd floor office, 1st floor retail, 1st floor parking, 1st floor landscaping, 1st floor site work)

**LANDSCAPE AREA:** Office, 1st floor retail, 1st floor parking, 1st floor landscaping, 1st floor site work

**BUILDING AREA:** Office, 1st floor retail, 1st floor parking, 1st floor landscaping, 1st floor site work

**GROUND FLOOR:** 1,885 sf  
**FIRST FLOOR:** 1,885 sf  
**SECOND FLOOR:** 1,885 sf  
**TOTAL AREA:** 3,770 sf  
**TOTAL ENCLOSED AREA:** 3,770 sf  
 \* Elevator and stairs between floors omitted

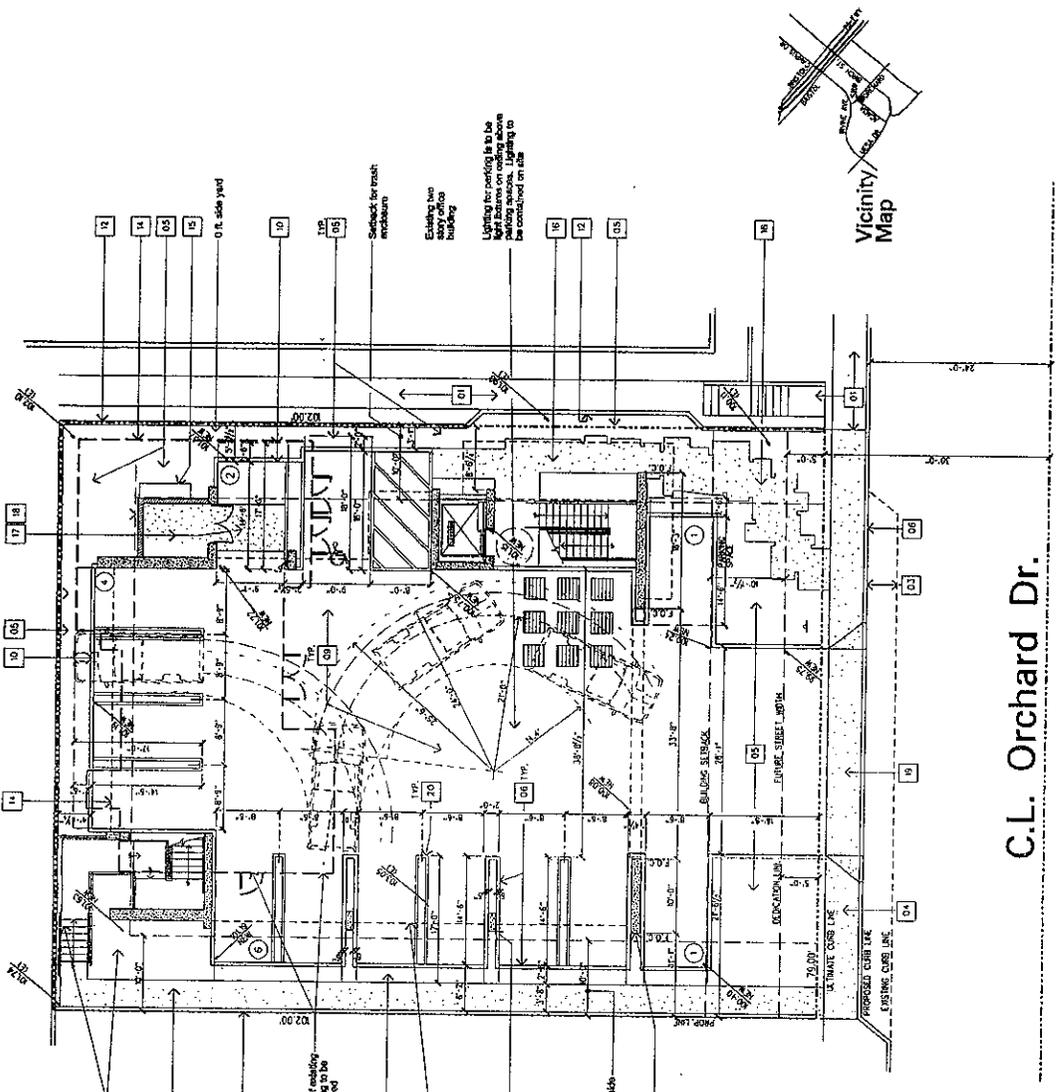
**PARKING REQUIRED:** 13.22 Spaces @ 17.25 sq ft of Office Area, 3,330 sq ft =  
 14 Spaces  
**PARKING PROVIDED:** 14 Spaces  
**STANDARD:** @ 8'6" x 19'7"  
**ACCESSIBLE:** @ 8'0" x 19'0"  
**TOTAL:** 14 Spaces

**Project Contacts**  
 Owner: Mark Scott  
 2022 Orchard Drive  
 Newport Beach, CA 92660  
 (949) 852-7277

Architect: Bundy Finkel Architects  
 20231 Trow Ave, Suite T  
 Newport Beach, CA 92707  
 (949) 852-7277  
 Tim Bundy, Mike Wepprich

**Plan Notes**

- 01 Existing office stairwell-provide in place
- 02 New monument sign per separate permit
- 03 Area of sidewalk abutment-provide new sidewalk and widened street per City standards
- 04 New concrete sidewalk
- 05 New landscape stone
- 06 New concrete curb and gutter or curb only, typical
- 07 Parking striping per City std.
- 08 Enhanced parking at HC stall & loading zone. Provide 6' curb @ sidewalk, access
- 09 Asphalt parking, typical
- 10 Line of vehicle overhang, typ.
- 11 Structural column, typical
- 12 Existing 4-5 ft. high CMU retaining wall-protect in place
- 13 New 6 ft. high CMU property line wall-spf base
- 14 Line of building stone
- 15 Existing electrical equipment enclosure
- 16 New concrete walk per landscape plan
- 17 Concrete trash enclosure floor and apron
- 18 New CMU trash enclosure
- 19 New driveway
- 20 New painted parking striping
- 21 Concrete building wall



**BUNDY FINKEL ARCHITECTS**  
 20231 TROW AVE., STE. 7  
 NEWPORT BEACH, CA 92707  
 TEL: 949.852.7277  
 FAX: 949.852.7278

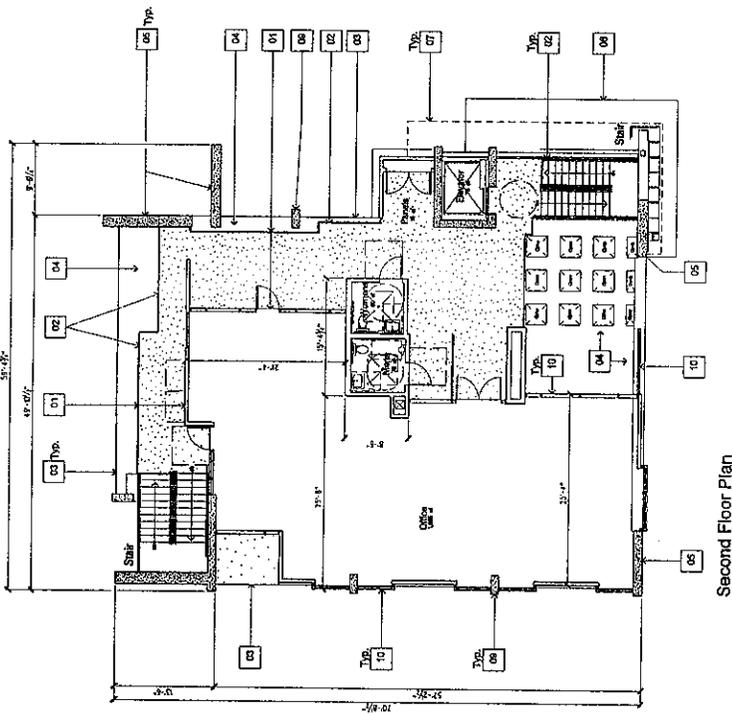
**Conceptual Site Plan**

PA2008-170 for UP2008-055  
 2022 ORCHARD DRIVE  
 Bundy Finkel Architects

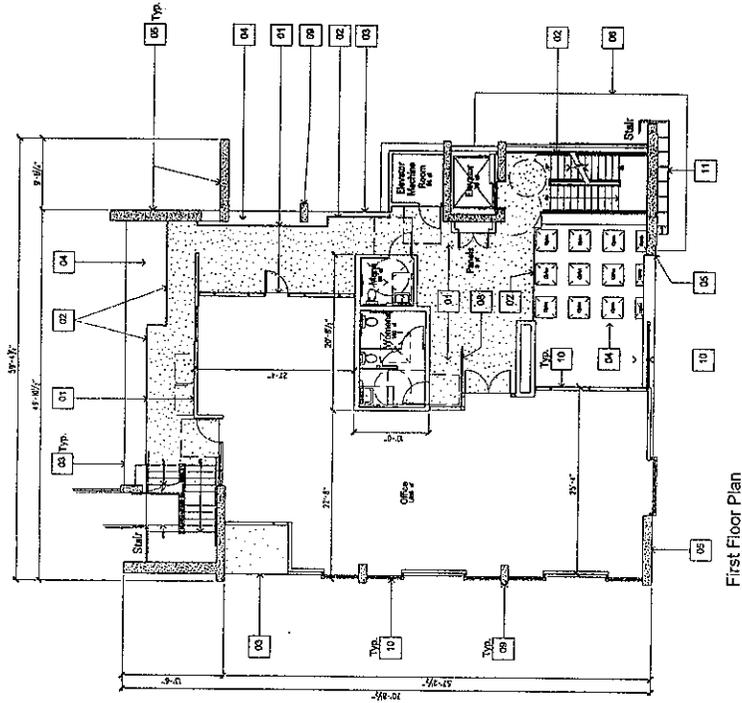
18" = 1'-0"



**Orchard Design Center**  
 2022 Orchard Drive, Newport Beach, CA  
 Prepared By: MSA, Inc.  
 2 Orchard Drive, Newport Beach, CA 92660



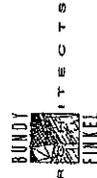
Second Floor Plan



First Floor Plan

**Plan Notes**

- 01 Walkable deck area
- 02 Painted steel guardrail
- 03 Edge of exterior deck
- 04 Deck area for plant shelf
- 05 Cold in place concrete wall
- 06 Line of roof overhang below
- 07 Line of roof overhang above
- 08 Translucent screen
- 09 Precast concrete column
- 10 Anodized aluminum storefront
- 11 Decorative perforated aluminum screen

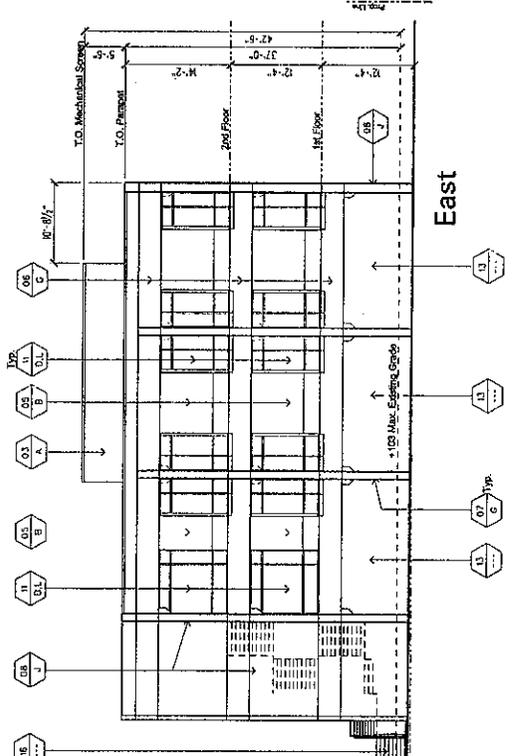
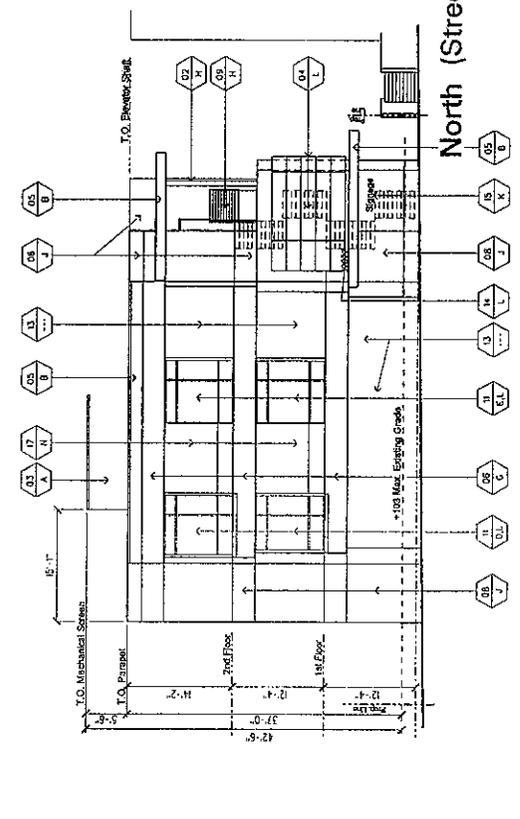
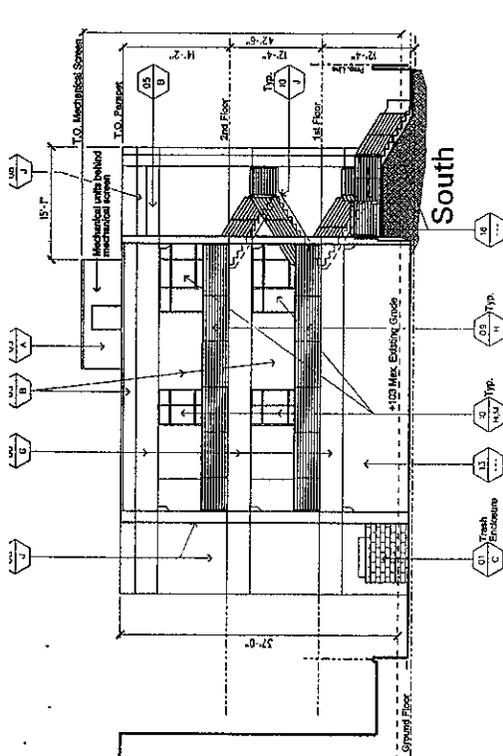
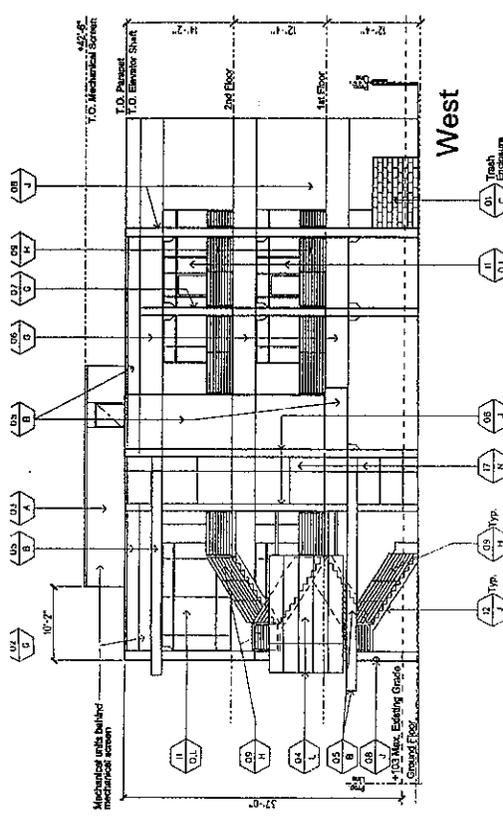


20325 IRVINE AVE. SUITE 7  
 NEWPORT BEACH, CA 92707  
 TEL 949 714 8560  
 FAX 949 714 8574

**Orchard Design Center**  
 2022 Orchard Drive, Newport Beach, CA  
 Developed By: MSA, Inc.  
 2022 Orchard Drive, Newport Beach, CA 92660

**Floor Plans**

1/8" = 1'-0"



### Plan Notes

- 01 Concrete block wall at trash enclosure
- 02 Steel column with 1 hour protection
- 03 Exterior plaster-sand finish
- 04 Perforated aluminum panel
- 05 Exterior plaster-sand towel finish
- 06 Precast concrete beams
- 07 Precast concrete columns
- 08 Cast in place concrete wall
- 09 Steel pipe gutters, handrails point
- 10 Hollow metal window frame paint
- 11 Anodized aluminum storefront
- 12 Precast concrete stair risers
- 13 Open to beyond
- 14 Metal building street address numbers
- 15 Future exterior building signage
- 16 Concrete stair on grade at exterior walk
- 17 Sheet metal awning over entrance

### Finish

- A. Paint-Color 1
- B. Paint-Color 2
- C. GULU-SPLY/ST 481 2oz flkhd, gray
- D. Green tinted dual glazing
- E. Green tinted framing glazing
- F. Not Used
- G. Paint-Color 3
- H. Paint-Color 4
- I. Stacked finish
- J. Factory finish
- K. Clear enodbed finish
- L. Clear metal glaze
- N. Galvalume finish sheet metal sheathing



## Exterior Elevations

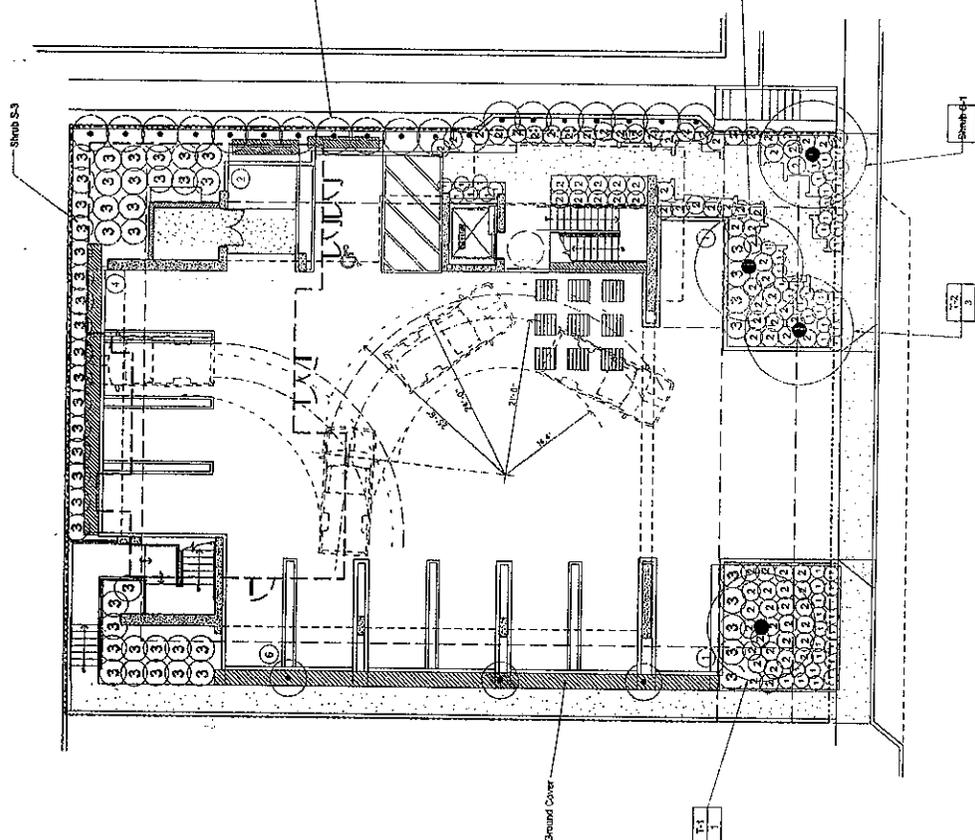
Orchard Design Center  
 2022 Orchard Drive, Newport Beach, CA  
 Developed By: MSA, Inc.  
 2 Orchard Drive, Newport Beach, CA 92660

20231 IRVINE AVE. STE 7  
 NEWPORT BEACH, CA 92707  
 TEL 714.850.7578  
 FAX 714.850.7678  
 SHEET

**Plant Legend**

Symbol	Botanical Name	Common Name	Size
T1	Thorned Cercia	Baldwin Box	30" Dia
T2	Prunus Canadensis	Common Laurel Cherry	16' Dia
S1	Neurospora "Panic"	DOG EAR	6' Dia
S2	Urtica dioica	Stinging Nettle	4' Dia
S3	Urtica dioica	Stinging Nettle	12' Dia
C1	Vernonia Canadensis	Coal Mine	5' Dia

NOTE:  
 \*Plant symbols to be installed on all trees.  
 \*Tree and shrub symbols to be installed on all primary walkways.



C.L. Orchard Dr.

**Orchard Design Center**

2022 Orchard Drive, Newport Beach, CA  
 Developed By: MSA, Inc.  
 22 Orchard Drive, Newport Beach, CA 92660

Conceptual Landscape Plan

1/8" = 1'-0"



BUNDY ARCHITECTS FINKEL  
 2033 IRVING AVENUE, SUITE 2  
 NEWPORT BEACH, CA 92660  
 OFFICE: 714.859.7513  
 FAX: 714.859.7513  
 MOBILE: 714.859.7513





Rear: 10 10

- C. *A minimum lot size of 5,450 square feet shall be required in order to establish a granny unit pursuant to this chapter.*

The subject property is approximately 6,421 square feet in area.

- D. *Each granny unit established pursuant to this chapter shall provide a minimum of 600 square feet of floor area, as measured from within the surrounding perimeter walls of the unit.*

The proposed granny unit is 640 square feet.

- E. *No granny unit established pursuant to this chapter shall have more than 640 square feet of floor area, as measured from within the surrounding perimeter walls of the unit.*

The proposed granny unit is 640 square feet.

- F. *In addition to the parking required for the primary residence, there shall be at least 1 independently accessible parking space for the granny unit, provided there are at least 2 covered parking spaces on the site. This additional parking space shall be kept free, clear, and accessible for the parking of a vehicle at all times.*

The proposed project provides an independently accessible single-car garage parking space.

- G. *At least 1 person having an ownership interest in the property shall continuously occupy the primary residence or the granny unit.*

Occupancy and ownership verification will take place prior to the final of building permits.

#### *Use Permit Findings*

Approval of a use permit by the Planning Director in accordance with the provisions of Chapter 20.91 is required for the establishment of any granny unit as defined by Chapter 20.85 of the Zoning Code. The findings and facts in support of such findings are listed and discussed below.

1. *That the proposed location of the use is in accordance with the objectives of this code and the purposes of the district in which the site is located.*

The proposed granny unit is located in the Single-Family Residential (R-1) Zoning District, which allows for accessory dwelling (granny) units. The project is designed in

accordance with the objectives of Chapter 20.85 (Accessory Dwelling Units), which establishes procedures for granny units.

2. *That the proposed location of the use permit and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan and the purpose of the district in which the site is located; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the city.*

The Land Use Element of the General Plan designates the site for "Single-Unit Residential Detached" uses. The proposed granny unit is a permitted use within this designation as General Plan Policy LU6.2.4 recognizes that certain provisions of State law supersede local land use regulations, including the ability to add "granny units" in single-family residential areas. The Planning Director's approval of **Use Permit No. 2009-028**, as conditioned and under the circumstances of this case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing and working in the neighborhood.

3. *That the proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located.*

The project, as conditioned, will comply with all applicable single-family development regulations in the Zoning Code and specified in Chapter 20.85 for granny units.

4. *If the use is proposed within a Residential District (Chapter 20.10) or in an area where residential uses are provided for in Planned Community Districts or Specific Plan Districts, the use is consistent with the purposes specified in Chapter 20.91A and conforms to all requirements of that Chapter.*

The project includes a residential use located within a residentially designated area and the granny unit is limited to a maximum of two occupants, so the project will not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

#### Conditions

1. The proposed development shall be in substantial conformance with the approved plot plan, floor plan and elevations.
2. The granny unit shall be limited to the use of one or two persons at least 60 years in age.

3. Prior to the issuance of a building and/or grading permit for a granny unit, the property owner shall record a deed restriction with the County Recorder's Office. The form and content of which shall be satisfactory to the City Attorney and that states that under no circumstances shall the granny unit be rented to or otherwise occupied by any person or persons less than 60 years of age. Said document shall also contain all conditions of approval imposed by this use permit. This deed restriction shall remain in effect so long as the granny unit exists on the property.
4. Prior to the final inspection of building permits of the granny unit by a City Building Inspector, the property owner shall submit to the Planning Director the names and birth dates of any and all occupants of the granny unit constructed pursuant to this chapter to verify occupancy by a person or persons of at least 60 years in age. Thereafter, verification will be on an annual basis. Upon any change of tenants, the property owner shall notify the City immediately. This information shall be submitted in writing and contain a statement signed by the property owner certifying under penalty of perjury that all of the information is true and correct.
5. At least one person having an ownership interest in the property shall continuously occupy the primary residence or granny unit.
6. The single-car garage parking space as indicated on the approved plan shall be made available for the exclusive use of the occupant(s) of the granny unit and shall remain clear of any obstructions and available for the parking of a vehicle at all times.
7. The independent accessible parking space provided for the granny unit shall meet the minimum size requirements specified by Chapter 20.66 of the Zoning Code.
8. Upon completion of the private improvements on the site, the applicant shall be responsible for the repair or replacement of public improvements surrounding the subject property that are damaged by the private construction project. The extent of the remedial work includes but is not limited to the repair or reconstruction of curb, gutter, sidewalk, driveway approach, parkway landscaping, and street pavement, unless otherwise approved by the Public Works Inspector.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be obtained prior to the performance of any work activities within the public right-of-way.
11. The Planning Director or the Planning Commission may add to or modify the conditions of approval for this use permit, or revoke this permit upon a determination that the operation (which is the subject of this approval) causes

injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

12. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code.

### Environmental Review

The project will not have a significant environmental impact and is categorically exempt from CEQA review under a Class 3 exemption (New Construction or the Conversion of Small Structures).

### Appeal Period

The applicant or any interested party may appeal the decision of the Planning Director to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of David Lepo, Planning Director

By:   
\_\_\_\_\_  
Russell Bunim, Assistant Planner

Attachments: Vicinity Map  
Project Plans

# VICINITY MAP

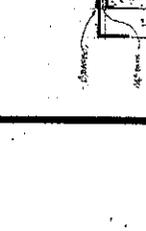
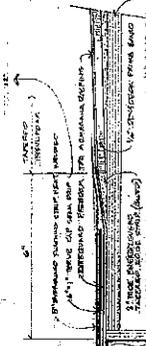
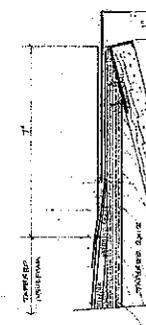
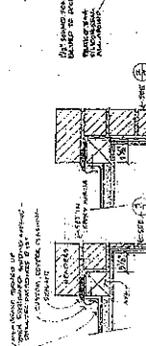
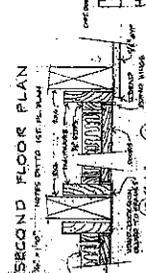
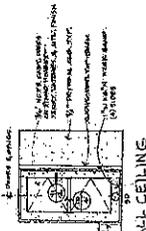
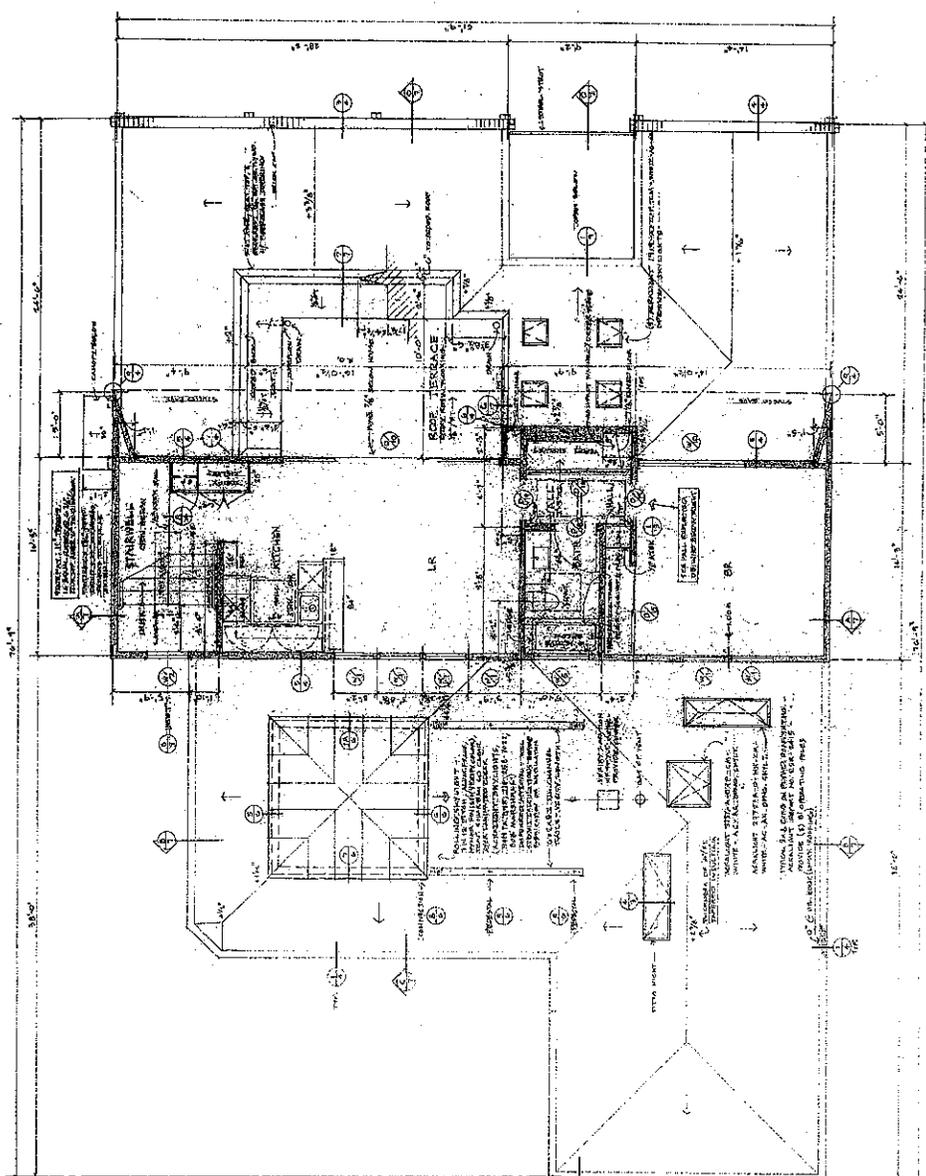


Use Permit No. UP2009-028  
PA2009-098

**2306 Margaret Drive**







1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 8" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 4" THICK UNLESS OTHERWISE NOTED.

**SECOND FLOOR ROOF PLAN**  
 1/4" = 1'-0"

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 8" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 4" THICK UNLESS OTHERWISE NOTED.

**HALL CEILING**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 8" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 4" THICK UNLESS OTHERWISE NOTED.

**SECOND FLOOR PLAN**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 8" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 4" THICK UNLESS OTHERWISE NOTED.

**SECTION 1**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 8" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 4" THICK UNLESS OTHERWISE NOTED.

**SECTION 2**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 8" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 4" THICK UNLESS OTHERWISE NOTED.

**SECTION 1**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 8" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 4" THICK UNLESS OTHERWISE NOTED.

**SECTION 2**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.  
 2. ALL WALLS ARE 8" THICK UNLESS OTHERWISE NOTED.  
 3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.  
 4. ALL CEILING ARE 8" THICK UNLESS OTHERWISE NOTED.  
 5. ALL ROOFS ARE 4" THICK UNLESS OTHERWISE NOTED.



