



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

April 11, 2012

Agenda Item 1

SUBJECT: Nguyen Residence Parking Modification - (PA2012-023)
129 24th Street
▪ Modification Permit No. MD2012-006

APPLICANT: R.A. Jeheber Residential Design, Inc.

PLANNER: Benjamin M. Zdeba, Planning Technician
(949) 644-3253, bzdeba@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

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

PROJECT SUMMARY

A modification permit to allow a partially covered carport in conjunction with a single-car garage to satisfy the off-street parking requirements for a single-family dwelling where the Zoning Code requires two garage spaces. The lot is 23 feet, 9 1/2 inches wide at the rear alley and narrows to 20 feet, 2 inches wide at the front along 24th Street.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Modification Permit No. MD2012-006 No. (Attachment No. ZA 1).

DISCUSSION

- The subject property is relatively small in size and skewed with a front property line width of 20 feet, 2 inches and a rear property line width of 23 feet, 9 1/2 inches.

- The required minimum interior garage width per Section 20.40.090 (Parking Standards for Residential Uses) for a lot less than 30 feet wide is 17 feet, 6 inches.
- The required side setbacks per Chapter 20.18 (Residential Zoning Districts) are 3 feet.
- The resulting buildable width at the alley narrows from 17 feet, 9 ½ inches to 16 feet, 2 inches at the front; thus, the buildable width is not sufficient to construct a two-car garage without encroaching into required setback areas.
- The proposed modification permit for location and access of parking does not require an encroachment into the setbacks and is the least intrusive option for redevelopment of the property.

ENVIRONMENTAL REVIEW

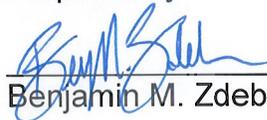
The project qualifies for Class 3 (New Construction or Conversion of Small Structures) categorical exemption, Section 15303 of the California Environmental Quality Act because this class exempts the construction and location of new, small structures including one single-family residence in a residential zoning district.

PUBLIC NOTICE

Notice of public hearing was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code. Additionally, although not required by the Municipal Code, notice of this hearing was published in the Daily Pilot.

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.

Prepared by:



Benjamin M. Zdeba, Planning Technician

BW/bmz

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Applicant's Justification Letter
	ZA 4	Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2012-DRAFT

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2012-006 FOR THE LOCATION OF REQUIRED PARKING LOCATED AT 129 24th STREET (PA2012-023)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Rod A. Jeheber on behalf of the property owner, with respect to property located at 129 24th Street, and legally described Lot 21, Block 24 of the Newport Beach City Tract requesting approval of a Modification Permit.
2. The applicant proposes to construct a new, single-family residence with one garage space and one carport space to satisfy the residential parking standard which requires two spaces within a garage.
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone in the categorical exclusion zone. The Coastal Land Use Plan category is Single Unit Residential Detached - (20.0 - 20.9 DU/AC) (RSD-D).
5. A public hearing was held on April 11, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. 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 under the requirements of the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures).
2. Class 3 provides for the construction and location of new, small structures including one single-family residence in a residential zoning district.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 E. (Required Findings, Modification Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of the finding for a Modification Permit are set forth:

Finding:

A. The requested modification will be compatible with existing development in the neighborhood.

Facts in Support of Finding:

1. The neighborhood is developed with single- and two-family residences with vehicular access from the alley.
2. The requested modification will allow the applicant to maintain vehicular access from the alley and provide two-car parking for the new single-family residence.
3. The proposed carport will be adjacent to the interior lot line and will not be visible from Balboa Boulevard.
4. As conditioned, the carport area will count towards the maximum floor area limit for the property to prevent an advantage by granting an alternative location for parking.

Finding:

B. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

Facts in Support of Finding:

1. The narrow lot dimensions present a practical difficulty and preclude the construction of a two-car garage with the required minimum clear interior width.
2. Although a two-car tandem garage is feasible, the required depth of 35 feet would result in a first floor that is constrained and unusually narrow.
3. Although granting the modification would allow deviation from the required parking standards, two usable parking spaces would be maintained for the single-family residence; thus, the purpose and intent of the Zoning Code is upheld.

Finding:

C. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.

Facts in Support of Finding:

1. The buildable width of the lot narrows from 17 feet, 9 ½ inches to 14 feet, 2 inches. Section 20.40.090 (Parking Standards for Residential Uses) of the Zoning Code requires a two-car garage with a minimum clear interior width of 17 feet, 6 inches.

2. There is no feasible method of providing the minimum clear interior width without encroaching into a required side setback area. The granting of the modification will allow the applicant to provide the required parking in a manner that is least obtrusive to the adjacent neighbor and as seen from Balboa Boulevard.

Finding:

D. There are no alternatives to the Modification Permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.

Facts in Support of Finding:

1. Section 20.52.050 (Modification Permits) of the Zoning Code specifies that a Modification Permit may be granted to allow relief from a development standard including deviations from the size, access, and/or location of parking spaces.
2. The granting of the Modification Permit allows the applicant to use one partially covered carport space in place of one enclosed garage space to satisfy the parking requirement for a single-family residence.
3. Although a two-car tandem garage is feasible for the property, its construction would create a first floor area that is constrained and unusually narrow.
4. In order to construct a two-car garage with the required clear interior width, the applicant would need to pursue a variance for encroachments into the required side setback. The encroachments would locate the garage walls either closer to the neighboring property or closer to Balboa Boulevard which could prove detrimental.

Finding

E. The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.

Fact in Support of Finding

1. The existing development on the property is a single-family residence and the proposed development is a single-family residence. As such, there is no change to the density or intensity.
2. The granting of the modification would provide relief from the residential parking requirement of a two-car garage, but would maintain the required two spaces and would preclude any detriment on nearby properties.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves PA2012-023 for MD2012-006, 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 fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF APRIL, 2012.

BY: _____
Brenda Wisneski, AICP, Zoning Administrator

DRAFT

EXHIBIT "A"

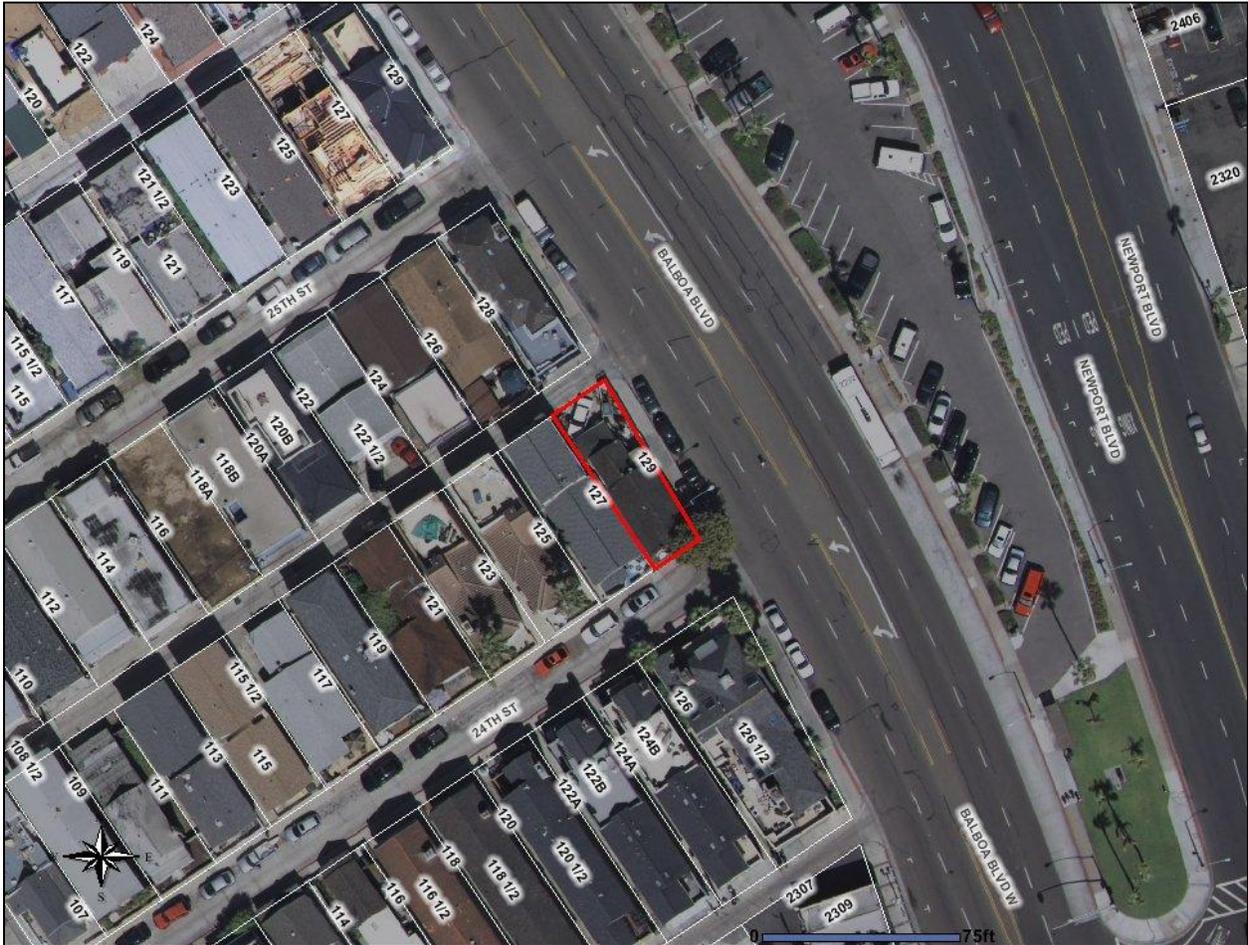
CONDITIONS OF APPROVAL

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 unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.
3. The area of the covered carport shall be included in the square footage calculations and shall count towards the maximum floor area limitation of the property.
4. A copy of the resolution with conditions of approval shall be incorporated into the Building Division and field sets of plans prior to the issuance of building permits.
5. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
6. 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 Nguyen Residence Parking Mod including, but not limited to, the PA2012-023 for MD2012-006. 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.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Modification Permit No. MD2012-006
PA2012-023

129 24th Street

Attachment No. ZA 3

Applicant's Justification Letter

R.A. JEHEBER RESIDENTIAL DESIGN, INC.

February 16th, 2012

City of Newport Beach
Community Development Department
3300 Newport Boulevard
Newport Beach, CA 92663

PA2012-023 for MD2012-006
129 24th Street
R.A. Jeheber Residential Design, Inc.

Re: 129 24th Street, Modification Permit Application

To whom it may concern,

We respectfully are requesting a Modification Permit for relief from the Parking Standards for Residential Uses – section 20.40.090 which requires a two-car garage with the minimum clear dimensions of 17'-6" in width and 19'-0" in depth.

Our lot size is only 23'-9-1/2" at the rear / alley side of the property and 20'-2" at the front / 24th street side and 70'-0" in length on the interior side. The lot was originally 25'-0" x 70'-0" however in the late sixties or early seventies a portion of our property was removed to widen Balboa Boulevard. At that time there was also another 25'-0" x 70'-0" lot to the north east as well. That entire piece of property was dedicated to the widening of Balboa Boulevard as well.

Due to the current size of our property, we are unable to provide a standard two-car garage with the required minimum interior dimensions of 17'-6" x 19'-0" anywhere on the property without encroaching into the 3'-0" side yard setbacks.

The only other alternative would be to design a tandem two-car garage space which requires a minimum interior dimension of 9'-3" x 35'-0" by doing so, this design will severely limit actual living space on the first floor to only a bed and bathroom and a set of stairs to the upper floors. The extra space alongside of the two-car tandem garage is not usable for living space at all. It is 5'-8" wide by 29'-5" or 166.671 square feet of unusable space. I have provided a drawing on sheet A1.A which outlines the tandem garage scheme. The owners did not like this layout at all. They have young children and do not wish for one of their children to sleep on the first floor of their new home alone.

I have met with Jaime Murillo several times prior to starting my design work. Once completed I emailed Jaime several design schemes and we have come to the conclusion that this would be the best design for this property for both the owners and the city. We will provide a one-car garage space with interior dimensions of 9'-3" x 19'-0" and along side of the garage we will provide a 9'-5" x 19'-0" carport space. Under the old zoning code this would have been acceptable. Because we are required by the new zoning code to have a two-car enclosed garage, we have added the area of the carport space (159.157 square feet) to the Floor Area Ratio as if we were building a two-car garage in the first place. This is indicated on the Sheet A1.0.

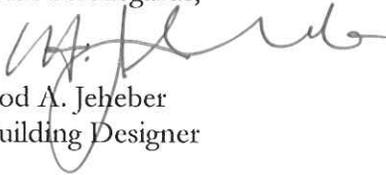
We feel that the request modification will be compatible with existing development in the neighborhood as the carport space will be located on the interior side of the property instead of the Balboa Boulevard side which will provide increased curb appeal from the Boulevard. We have also provided enough space to construct a 6'-0" tall concrete block wall on the property line to shield the neighbors view of the carport space as well. The design we are providing was acceptable under the old zoning code as well. We were required to only have one covered parking space along with a carport space under the old zoning code.

Granting the modification is necessary due to the irregular shape of our lot due to the widening of Balboa Boulevard.

The only alternative would be to construct a two-care tandem garage, but I also have to look into the future for my clients as well. The tandem car garage design with a child's bed and bathroom downstairs is not a feature a new buyer will take interest to should my client ever decide to place their home on the market to sale. I am sure if you asked 100 people if they would like their kitchen, dining and living room on the second floor of their house and I would bet 95% would say no!

The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood or the City, or result in a change in density or intensity that would be inconsistent with the provisions of the Zoning code.

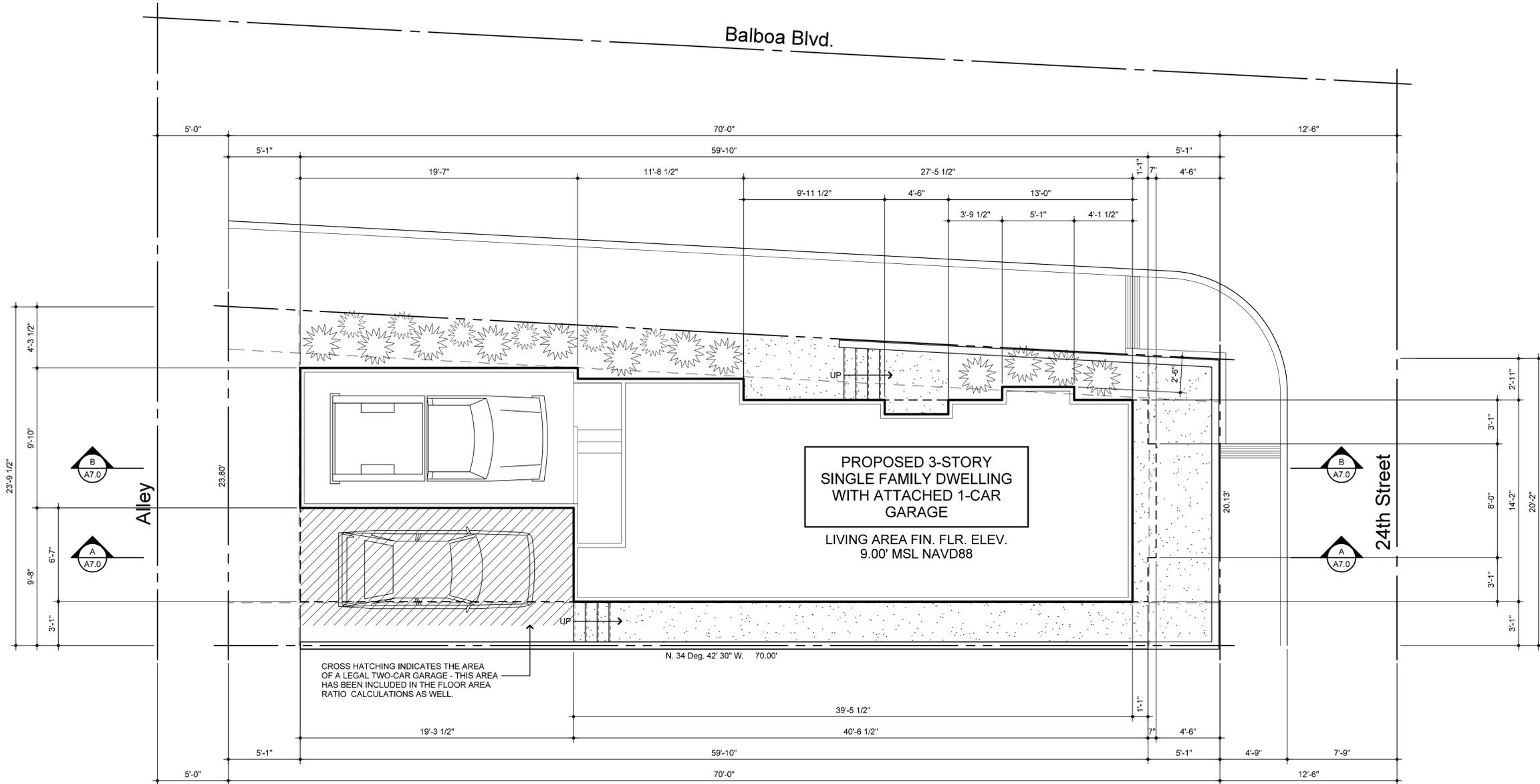
With best regards,



Rod A. Jeheber
Building Designer

Attachment No. ZA 4

Project Plans



SITE PLAN

A LICENSED SURVEYOR SHALL COMPLETE FEMA ELEVATION CERTIFICATE AND SUBMIT IT TO THE BUILDING DEPARTMENT INSPECTOR DURING FINAL INSPECTION

SCALE: 1/4" = 1'-0"



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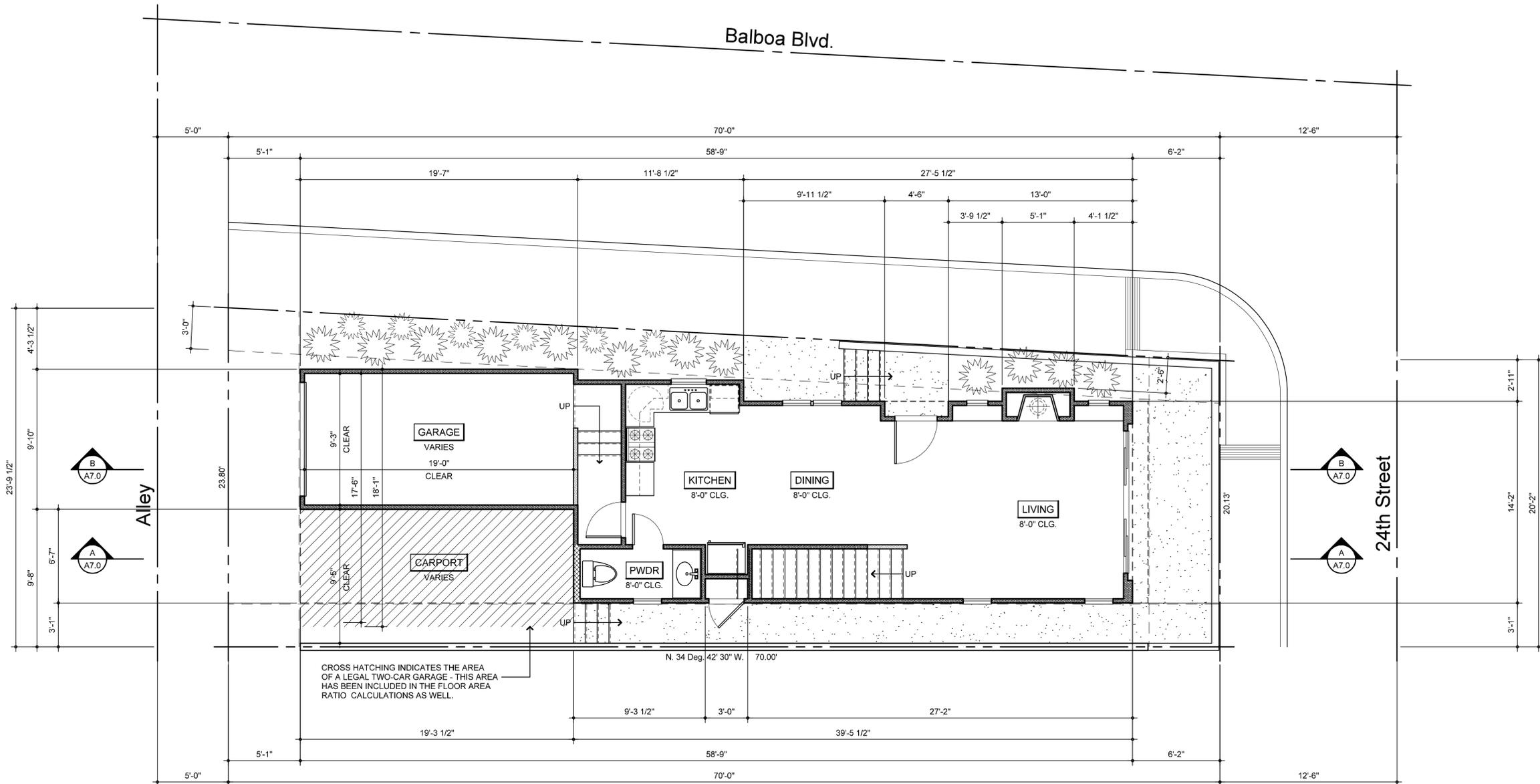
SITE PLAN

CUSTOM HOME PLANS FOR:
ANTHONY A. NGUYEN
 PROJECT ADDRESS:
 129 24th STREET
 NEWPORT BEACH, CALIFORNIA

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RAJ Project #	2011-46
REVISIONS	
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Sheet

A0.0



FIRST FLOOR PLAN

767,496 sq. feet (Building)
926,652 sq. feet (Planning)

Scale: 1/4" = 1'-0"



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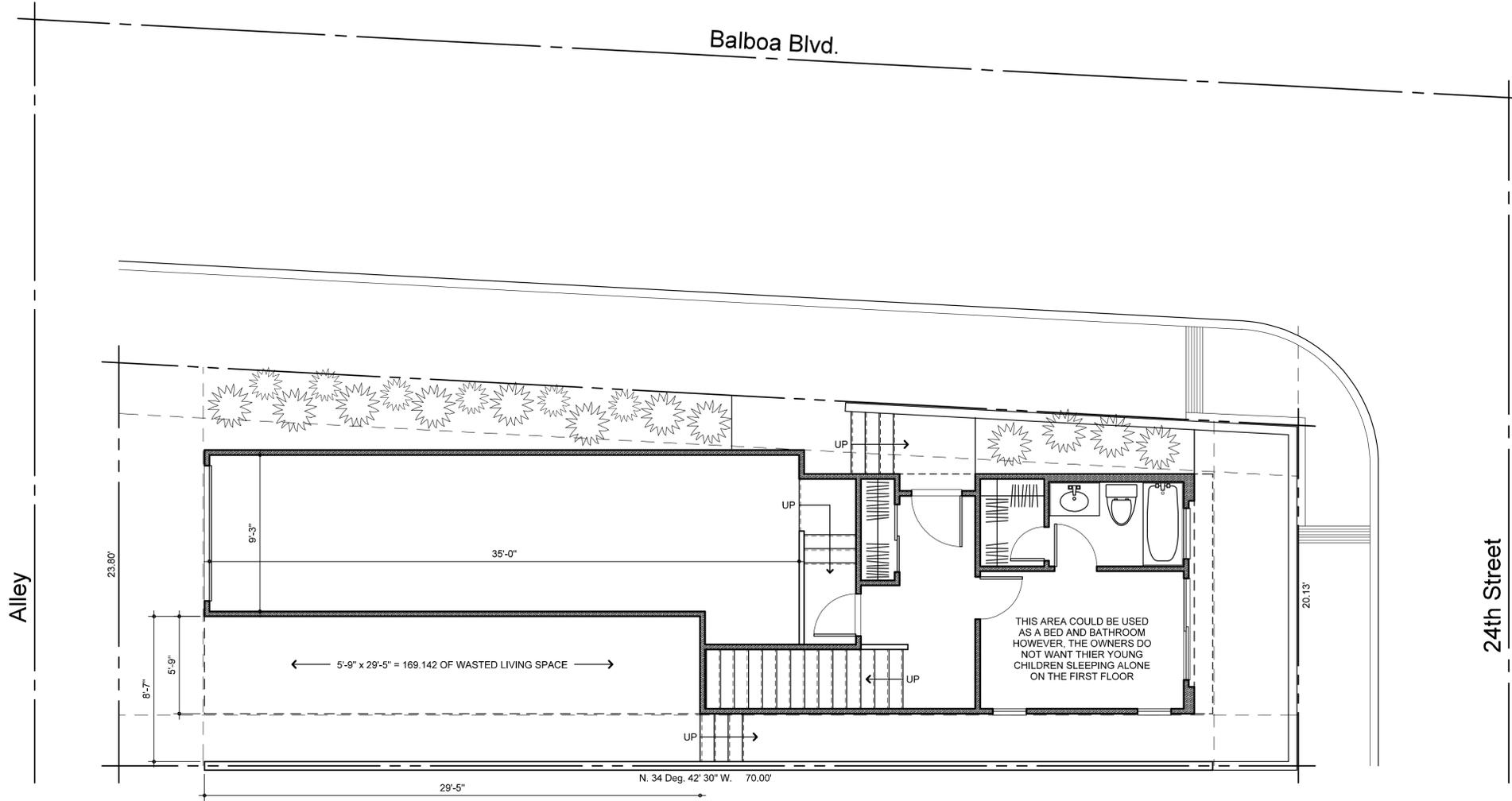
FIRST FLOOR PLAN

CUSTOM HOME PLANS FOR:
ANTHONY A. NGUYEN
PROJECT ADDRESS:
129 24th STREET
NEWPORT BEACH, CALIFORNIA

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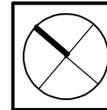
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A1.0



TANDEM GARAGE - FIRST FLOOR PLAN

Scale: 1/4" = 1'-0"



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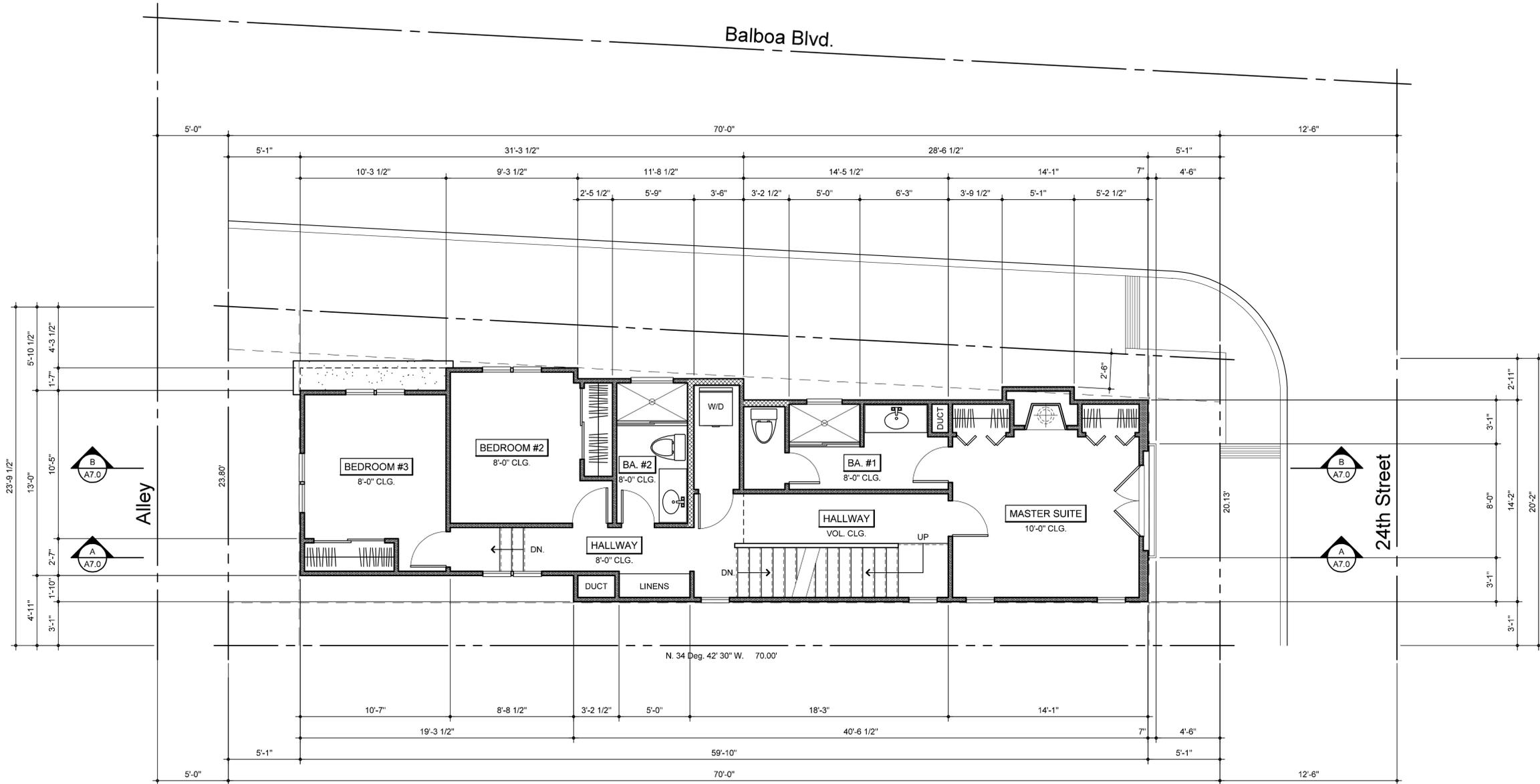
**TANDEM GARAGE
 FIRST FLOOR PLAN**

CUSTOM HOME PLANS FOR:
ANTHONY A. NGUYEN
 PROJECT ADDRESS:
 129 24th STREET
 NEWPORT BEACH, CALIFORNIA

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A1.A



SECOND FLOOR PLAN

797.234 square feet

Scale: 1/4" = 1'-0"



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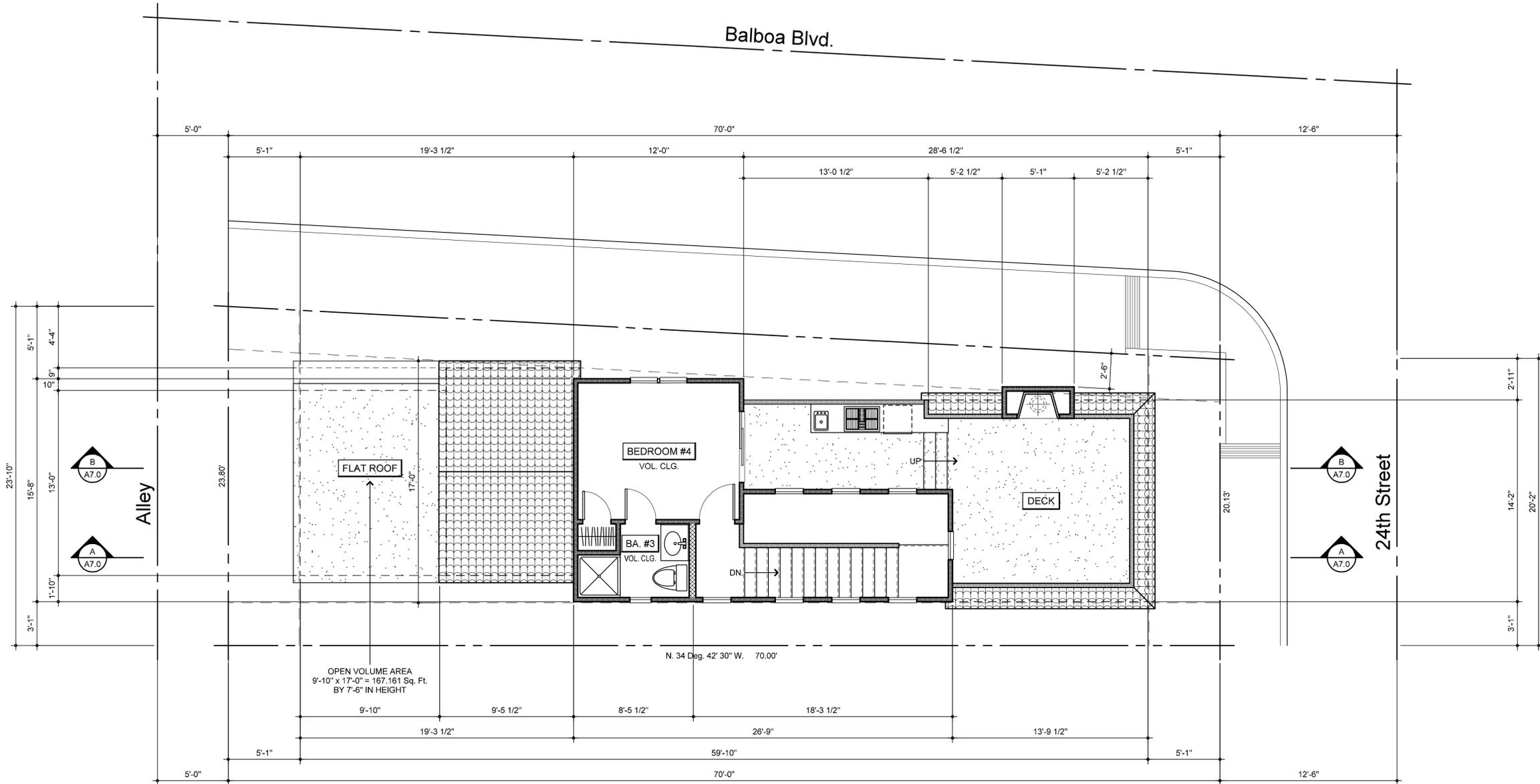
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SHEET TITLE
SECOND FLOOR PLAN

CUSTOM HOME PLANS FOR:
ANTHONY A. NGUYEN
 PROJECT ADDRESS:
129 24TH STREET
NEWPORT BEACH, CALIFORNIA

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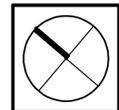
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THIRD FLOOR PLAN

188.0 square feet

Scale: 1/4" = 1'-0"



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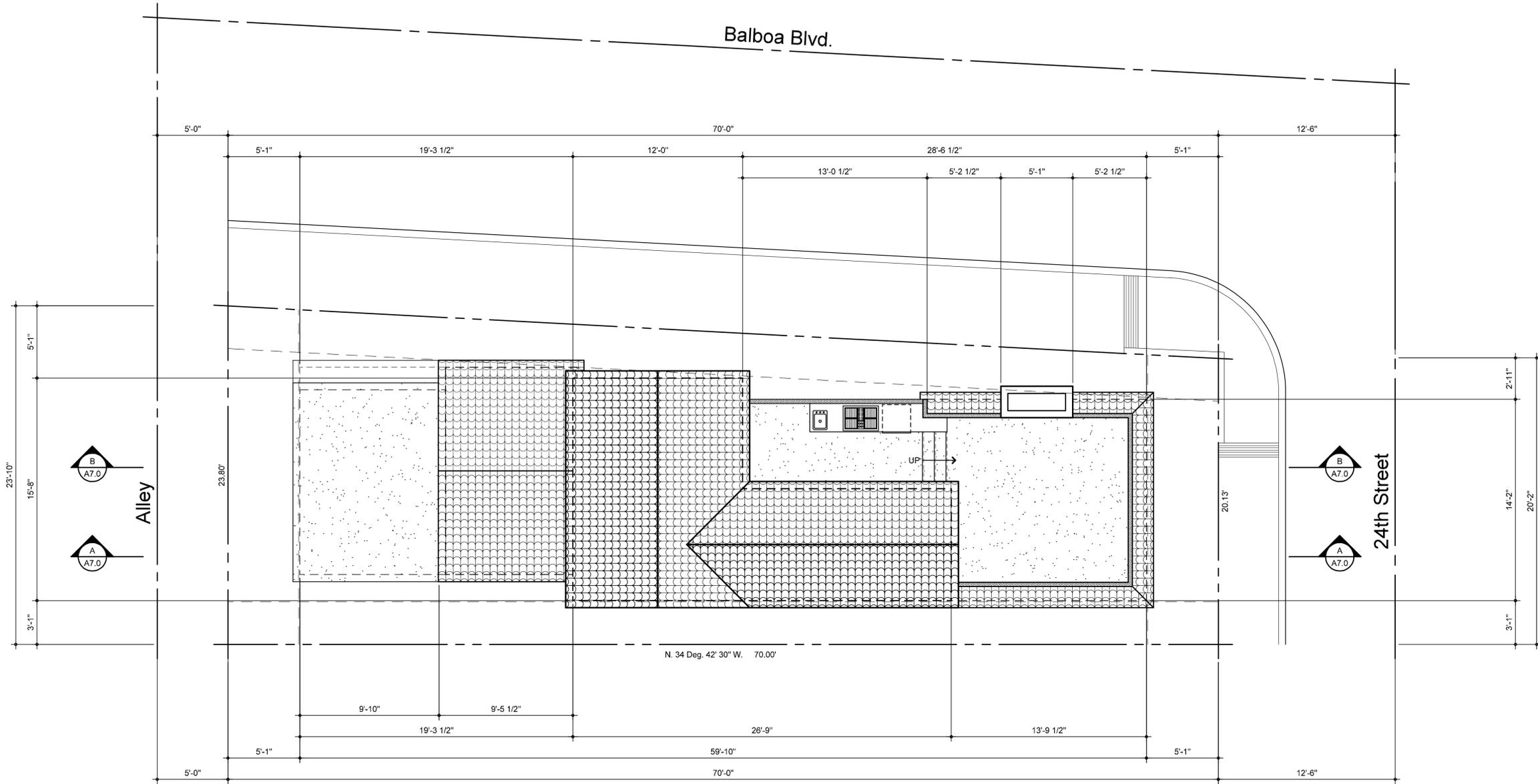
THIRD FLOOR PLAN

CUSTOM HOME PLANS FOR:
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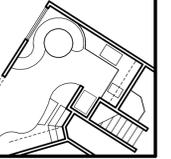


ROOF PLAN

Scale: 1/4" = 1'-0"



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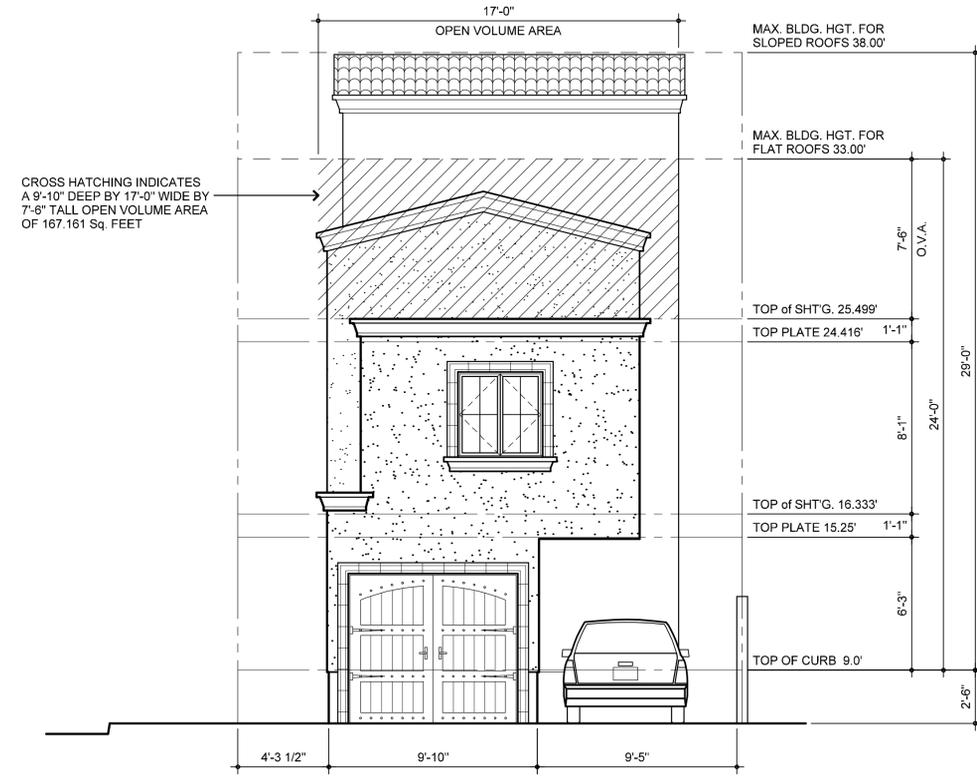
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ROOF PLAN

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NEWPORT BEACH, CALIFORNIA

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REAR ELEVATION

SCALE : 1/4" = 1'-0"



FRONT ELEVATION

SCALE : 1/4" = 1'-0"

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EXTERIOR ELEVATIONS

CUSTOM HOME PLANS FOR:
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 129 24th STREET
 NEWPORT BEACH, CALIFORNIA

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R. A. JEHEBER
RESIDENTIAL DESIGN, INC.
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SHEET TITLE

EXTERIOR ELEVATIONS

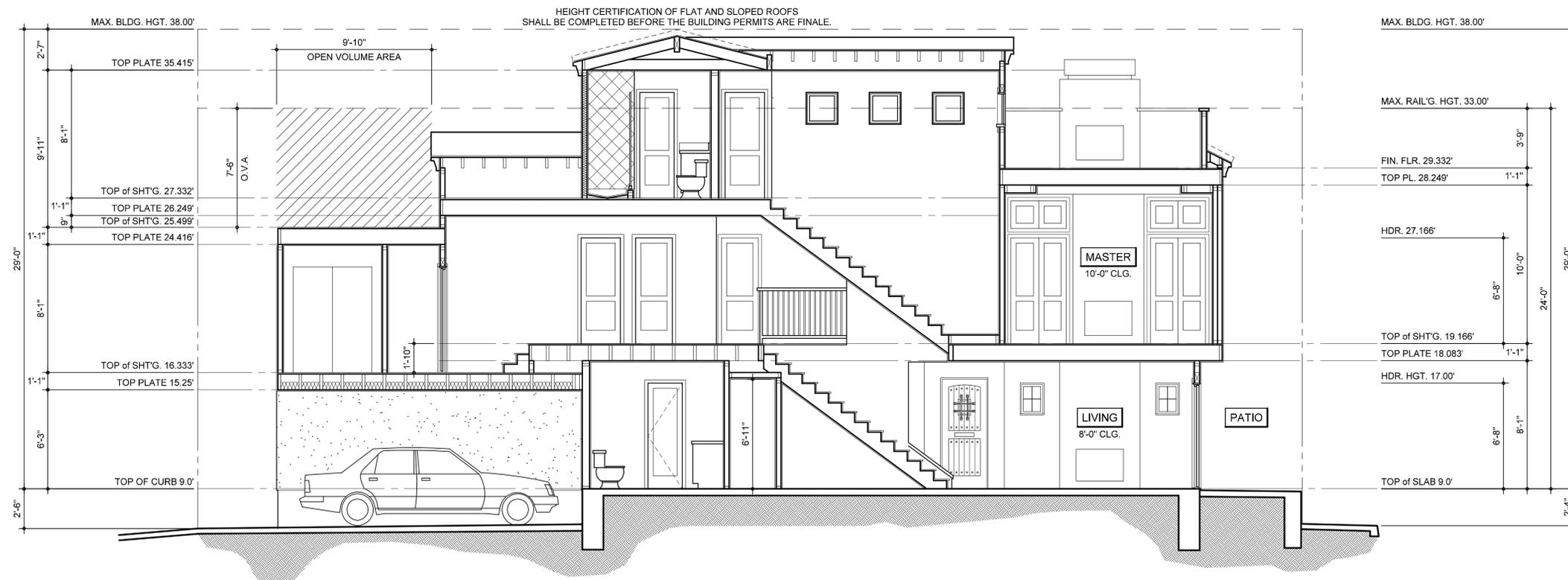
CUSTOM HOME PLANS FOR:
ANTHONY A. NGUYEN
 PROJECT ADDRESS:
 129 24TH STREET
 NEWPORT BEACH, CALIFORNIA

Rev Date	2/15/2012 1:36 PM
Rev Project #	2011-46
REVISIONS	
A	



SECTION "B"

SCALE: 1/4" = 1'-0"



SECTION "A"

SCALE: 1/4" = 1'-0"

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SHEET TITLE

BUILDING SECTIONS

CUSTOM HOME PLANS FOR:
ANTHONY A. NGUYEN
 PROJECT ADDRESS:
 129 24th STREET
 NEWPORT BEACH, CALIFORNIA

REV	DATE	DESCRIPTION