



## Policy Memorandum – ADMIN 105.2

**To:** Building Division Staff

**From:** Samir Ghosn  
Deputy Community Development Director/Chief Building Official

**Effective Date:** **March 10, 2020** (*Supersedes ADM 301.2 & ADM 301.2.1(2)*)  
(ADM 301.2 Original Effective Date: August 24, 1999).  
(ADM 301.2.1(2) Original Effective Date: October 1, 1997 /  
Revised June 11, 2007)

**Regarding:** **Gazebo Permits and Masonry or Concrete Wall Permits**

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### **Gazebo**

Section 105.2, “**Building**” **item 1**, of the Newport Beach Administrative Code (NBAC), exempts the requirements for a permit for “one-story detached accessory buildings used as tool and storage sheds, play-houses and similar uses, provided the floor area does not exceed 120 square feet.” Gazebos whether accessory to commercial or residential buildings, complying with the size limitation above shall be exempt from a building permit, unless a permit is required by Planning or other provisions of the code. A permit is required for a Gazebo when the structure is within the required fire separation distance from property line of other structures that requires fire rated construction or protection of openings; or when built within a slope.

### **Masonry or Concrete Walls Adjacent to or on Property Line**

Section 105.2, “**Building**” **item 2**, of the NBAC, exempts “Masonry or concrete fences not over 3.5 feet (1066.8 mm) high above lowest adjacent grade and more than 3 feet away from a property line, and all other fences not over 6 feet (1,828.8 mm) in height above lowest adjacent grade, unless the fence is for a pool barrier.”

Due to the large number of complaints and neighbor disputes involving fence/wall locations relative to the property line and due to the land value in Newport Beach, prior to foundation inspection of a fence or wall or the replacement of an existing fence or wall the contractor/ Builder shall submit to the building inspector a signed survey map that shows the located and monumented by a California Licensed Surveyor.

### **Exceptions:**

1. When a common property line agreement is filed with the city signed by two adjacent neighbors sharing the common wall
2. When the attached survey waiver form is properly completed and executed.

3. Fences constructed exclusively of materials other than concrete or masonry above grade and not used as part of a pool barrier and not exceeding 6 ft. in height.

Attachment:

Request to Waive Survey Requirement form, see link:

<https://www.newportbeachca.gov/home/showdocument?id=3195>