

**CITY OF NEWPORT BEACH
STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Planning Department
Javier Garcia, Zoning Administrator
jgarcia@city.newport-beach.ca.us

SUBJECT: Report of actions taken by Planning Director, Zoning Administrator and/or Planning Department staff for the week ending October 3, 2008.

Item 1: Precision Fitness – Planning Director’s Use Permit UP2008-047 (PA2008-130)
3421 Newport Boulevard

The Planning Director approved the applicants request to allow the establishment of a one-on-one personal fitness facility in an existing commercial retail space. The facility occupies approximately 1,384 square feet and will employ two employees at peak times. The proposed hours of operation will be between 7:00 a.m. and 9:00 p.m., daily. Conditions of approval include restricted use of the rear door to the facility for access, keeping the rear door closed during business hours, and maintaining access to management personnel to address noise issues that may arise. Employees and patrons shall be directed to park in the municipal parking lot at City Hall or on the public street in front of the facility during business hours.

Approved – October 3, 2008

Council District 1

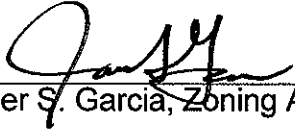
Item 2: James Candelmo, property owner – Planning Director’s Use Permit UP2008-053
(PA2008-168)
20431 SW Cypress Street

The Planning Director approved the applicants request to allow the conversion of existing living area to a granny unit in accordance with the provisions of Chapter 20.85 of the Newport Beach Municipal Code (NBMC), the unit shall be intended for the sole occupancy of 1 or 2 persons who are at least 60 years in age. The unit will be provided the Code required parking in the form of an uncovered parking space. The project as proposed will be a phased project utilizing an existing dwelling unit as the granny unit (Phase 1) until completion of a new garage/barn with attached granny unit (Phase 2) and the construction of a new primary single family dwelling (Phase 1). The approval includes a condition that requires the elimination of the hayloft area adjacent to the granny unit; or the lowering of the roof structure to provide a reduced vertical dimension as measured from the finish floor to the bottom of the structural roof elements (roof rafters or trusses).

Approved – October 3, 2008

Council District 4

Prepared and submitted by: -



Javier S. Garcia, Zoning Administrator

APPEAL:

The decision of the Planning Director and may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 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)*
- Jim Campbell, Senior Planner *(e-mail)*
- Code Enforcement Division *(e-mail)*
- Sgt. Ron Vallercamp, Vice/Narcotics *(e-mail)*
- Iris Lee, Public Works *(e-mail)*
- Evelyn Tseng, Revenue *(e-mail)*



USE PERMIT NO. UP2008-047

(PA2008-130)

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

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

Application: Planning Director's Use Permit No. UP2008-047 (PA2008-130)

Applicant: Precision Fitness

Site Address: 3421 Newport Boulevard

Legal Description: Parcel 2 of NBLLA 80-1

Request as Modified and Approved:

To allow the establishment of a one-on-one personal fitness facility in an existing commercial retail space. The facility occupies approximately 1,384 square feet and will employ two employees at peak times. The proposed hours of operation will be between 7:00 a.m. and 9:00 p.m., daily. Conditions of approval include restricted use of the rear door to the facility for access, keeping the rear door closed during business hours, and maintaining access to management personnel to address noise issues that may arise. The property is located in the RSC (Retail Service Commercial) District.

DIRECTOR'S ACTION **APPROVED – OCTOBER 3, 2008**

FINDINGS

1. The property is designated "Corridor Commercial" use by the Land Use Element of the General Plan. The instructional facility is a permitted use within that designation.
2. 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 1 (Existing Facilities).
3. The approval of Planning Director's Use Permit No. UP2008-047 (PA2008-130) will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the city for the following reasons:
 - The proposed use is a support use for the residential, office and commercial uses in the area.

- The health and fitness facility, based on its limited class size, will have a parking demand that can be adequately accommodated by the existing available pool of parking on the off site lot, on Newport Boulevard and the municipal parking lot at City Hall. The anticipated peak demand periods will not generally conflict with the peak demands of the other remaining uses on-site, more specifically the food service and commercial uses on-site.
- The noise impacts on the nearby residential uses have been addressed by the limitation on the hours of operation (opening and closing hour restrictions) and the requirement that the doors and windows remain closed during the business hours of the establishment (when noise is generated) and the performance of the individual and small group class instruction sessions, which should prevent any potential noise complaints. Additionally, patrons will be directed to park on Newport Boulevard or in the municipal parking lot at City Hall.
- The restricted use of the rear door for access to the facility will also alleviate potential noise problems.
- The prohibition on group classes before 9:00 a.m. should alleviate potential noise problems associated with the close proximity of the facility to the residential uses across the alley.

CONDITIONS

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The class size and hours of operation of the facility shall be limited as follows and any increase in the class size or hours of operation shall be subject to the approval of an amendment to this use permit:

Hours:	<u>Facility:</u> One-on-One between the hours of 7:00 a.m. and 9:00 p.m. daily (open to the public and patrons)	<u>Classes:</u> One-on-one instruction and an average class size of 2 persons and two classes at any one time (no more than 6 persons maximum) during the day after 9:00 a.m. and before 5:00 p.m. and Maximum of 10 persons after 5:00 p.m. (class size is any combination of students and instructors)
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3. The doors and windows shall remain closed at all times that the facility is open for business during periods that noise is generated by the proposed use. The rear door will be closed to general use, but will be available for emergency egress as required by the Building Department. Patrons shall be directed to utilize the front entrance only as the primary means of ingress and egress to the facility.

4. The operator of the health and fitness facility shall be responsible for the control of noise generated by the subject facility. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The sound emanating from the facility shall be limited to no more than depicted below for the specified time periods:

	Between the hours of 7:00 a.m. and 10:00 p.m.;	Between the hours of 10:00 p.m. and 7:00 a.m.
Measured at the property line of Commercially zoned property:	65 dBA	60 dBA
Measured at the property line of Residentially zoned property:	60 dBA	50 dBA

5. Employees and patrons shall be directed to park in the municipal parking lot at City Hall or on the public street in front of the facility during business hours. The business operator shall post a sign at the entry/counter directing patrons/visitors to park in the municipal parking lot at City Hall or at metered parking spaces on Newport Boulevard.
6. No outside paging system or sound system shall be utilized in conjunction with this establishment.
7. If this business is sold or otherwise comes under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current business owner, property owner or leasing company.
8. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the health and fitness facility, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code. 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.

STANDARD CITY REQUIREMENTS

1. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code and shall only advertise and identify the primary use of the facility.
2. The project shall comply with State Disabled Access requirements.
3. The facility shall be designed to meet exiting and fire protection requirements as specified by the Uniform Building Code and shall be subject to review and approval by the Building Department.

4. The facility shall provide separate sex sanitation facilities, unless otherwise approved by the Building Department.
5. The Planning Director or the Planning Commission may add to or modify conditions of approval to this use permit, or recommend to the City Council the revocation of 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.
6. 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 decision of the Planning Director may be appealed by the applicant or any interested party to the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a filing fee of \$600.00.

On behalf of Planning Director David Lepo,



Zoning Administrator Javier S. Garcia, AICP

JSG/rm

Attachments: Appendix
Vicinity Map
Applicant's Project Description
Letters of Opposition: 2 Petitions
Site Plan and Floor Plan

APPENDIX

Off-Street Parking

The commercial building in which the project is proposed provides access to an off-site parking area with 20 parking spaces. Observations of the site over the years have consistently found consistent turnover and available parking at various times during the business day. This may be attributed to the varying types of retail and commercial uses that occupy the commercial area and their varying hours of peak demand.

The Zoning Ordinance does not establish a specific off-street parking requirement for private instructional facilities or health and fitness clubs. Staff has recommended and the applicant has agreed to limit the daytime sessions to one-on-one sessions between the hours of 7:00 a.m. and 9:00 p.m., daily, and class size with an average of 2 persons during the daytime hours between 9:00 a.m. and 5:00 p.m.; after 5:00 p.m. the instruction sessions may be increased to a total of 10 persons in the tenant space for all activities (any combination of students and instructors). The pool of available parking in the municipal parking lot will adequately accommodate the facility. The business operator shall post a sign at the entry/counter directing patrons/visitors to park in the municipal parking lot at City Hall or at metered parking spaces on Newport Boulevard.

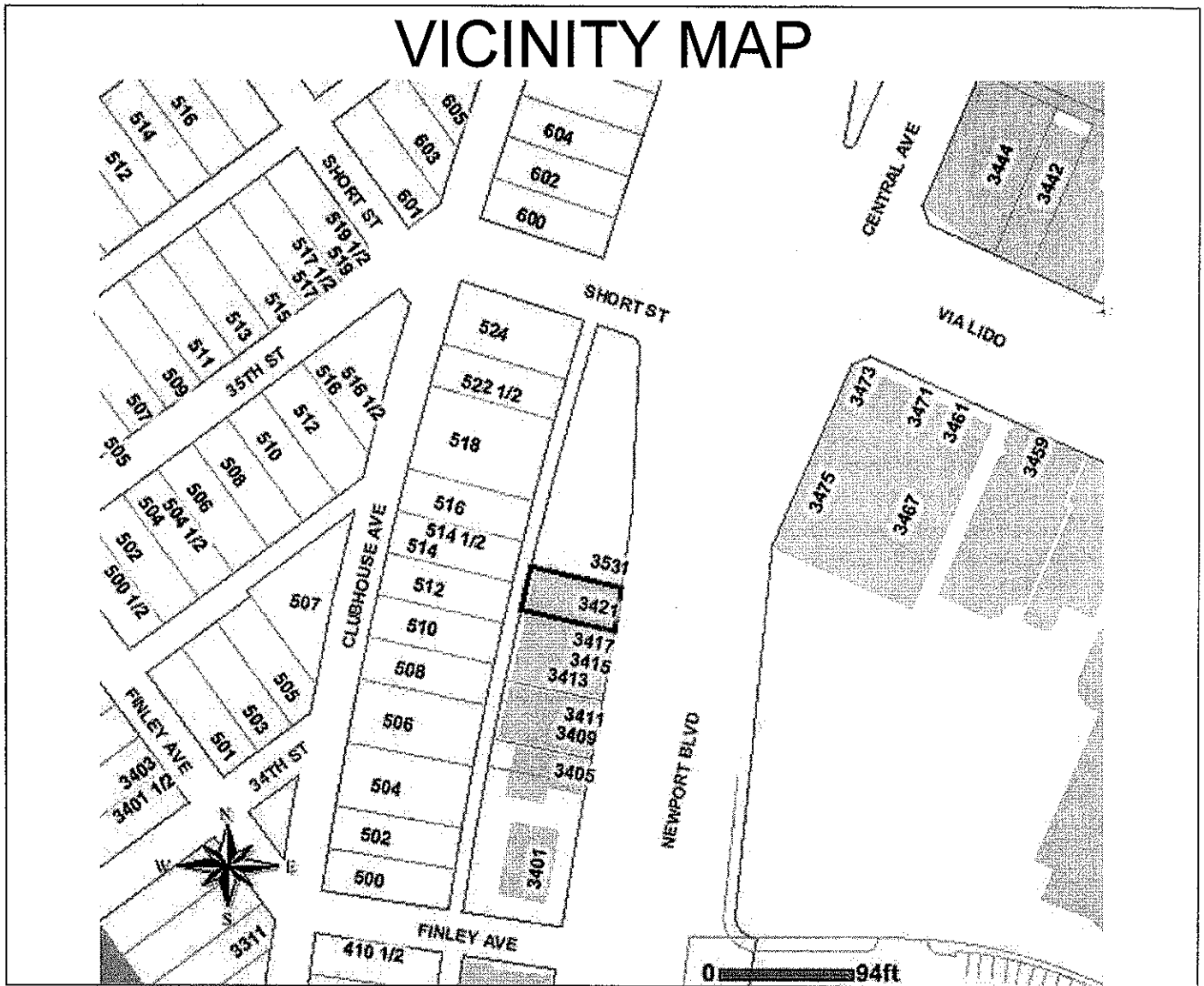
Hours of Operation

The applicant has indicated that the proposed hours of operation are 5:00 a.m. to 8:30 p.m., daily. The latest sessions are generally finished by 9:00 p.m. Staff has recommended a closing hour of 9:00 p.m. for the facility. Additionally, to alleviate potential noise impacts has included conditions that require the use of parking on the public street in front of the facility and in the municipal parking lot. Staff is concerned that the early hours will create noise that will adversely impact the neighboring residential properties at the rear of the subject property across the alley and that abut the commercial parking lot across the alley. Therefore, staff has recommended an opening hour of 7:00 a.m. and parking restrictions to limit the adverse noise potential on the neighboring residents. This will adequately address the needs of the facility and any potential noise issues.

Noise Concerns

The early sessions have the greatest potential to create adverse noise impacts with neighboring or nearby residential uses. In order to prevent potential noise problems, staff has recommended an opening hour of 7 a.m. and a condition of approval that the doors of the facility remain closed at all times during periods that noise is generated by the proposed use. This is especially critical during the early morning sessions. Music is generally not utilized during training sessions, but if utilized the volume will be limited. Staff believes that the noise issues are adequately addressed by the recommended conditions of approval which include strict compliance with the Noise Ordinance of the Municipal Code and restricted hours of operation, restricted use of the rear door and direction to patrons to park on the street and municipal parking lot in the early and evening hours of the operation to alleviate potential noise problems. Should noise complaints occur, Standard Requirement No. 5 allows the Planning Director or the Planning Commission to add or modify conditions of approval to address the problem.

VICINITY MAP



Planning Director's Use Permit UP2008-047
Project No. PA2008-130

Site Address:

3421 Newport Boulevard

GET N WET,L.L.C.

GET N DIRTY,L.L.C.

SAND & SEA TOYZ,L.L.C.

RENTALS ★ SALES ★ REPAIRS
QUADS • JET SKIS • WARRIOR TOY HAULERS

SEPT. 18, 2008

UP2008-047 3421 NEWPORT BLVD. PRECISION FITNESS

DEAR JAY GARCIA;

THANK YOU FOR YOUR TIME YESTERDAY MORNING REGARDING
PRECISION FITNESS AND OUR NOISE ISSUES.

I WOULD LIKE TO HIGHLIGHT THE POINTS OF OUR DISCUSSION :

WE NEED TO BE ABLE TO OPEN AT 5:00 A.M.

TO ACCOMMODATE THE NEIGHBORS NOISE ISSUES, WE WILL NOT USE THE
REAR PARKING FOR PATRONS, ONLY STAFF

WE WILL NOT USE THE REAR DOOR/ENTRANCE FOR ANYTHING OTHER
THAN THE REQUIRED FIRE DOOR. AND IT WILL REMAIN CLOSED AT ALL
TIMES.

WE WILL INSTALL THE SECOND BATH, PER FAISEL'S DIRECTIVES.

I GREATLY APPRECIATE THE EXTRA TIME AND ENERGY SPENT ON MY
BEHALF.

LOOKING FORWARD TO THE AMICABLE RESOLUTION OF THIS MATTER.

SINCERELY,


MIKY SALERNO
PRECISION FITNESS

YOUR ONE STOP RECREATIONAL RENTAL TOY SHOP!

www.sandandseatoyz.com • www.getndirty.com • www.getnwet.com

877.GETNWET • 866.SEATOYZ
950 N. Tustin Ave. • Anaheim, CA 92807

Tuesday July 8, 2008

To Whom It May Concern:

As homeowners and residents of properties located behind the planned fitness center at 3421 Newport Blvd. we are writing to state that we oppose the hours of operation that is being proposed. 5 AM is too early for a business to have cars coming and going, slamming car doors, playing loud music and setting and disarming car alarms in a residential area.

The parking for this new business would be in the two parking lots located right next to our properties and one of entrances is in the back of the building that opens into the alley at the back of our properties.

As it is the restaurant next door to this proposed fitness center creates noise i.e. dumping trash, music, loitering and smoking at the back door from 8 am to after closing. This new business at the proposed hours will only add to the problems we are having.

We appreciate your considering our concerns.

R. Wayne Brown 307 Clubhouse Ave, N.B.
Linda Schilling 512 Clubhouse N.B. CA
~~Robert~~ 516 Clubhouse ave. NB. CA
Stephane Lawson 514 1/2 Clubhouse Ave. NB CA
Jim Lawson 514 1/2 CLUBHOUSE AVE. NB CA.
Norrene Tighe 516 Clubhouse Ave, N.B. CA 92663

RECEIVED BY
PLANNING DEPARTMENT

JUL 15 2008

CITY OF NEWPORT BEACH

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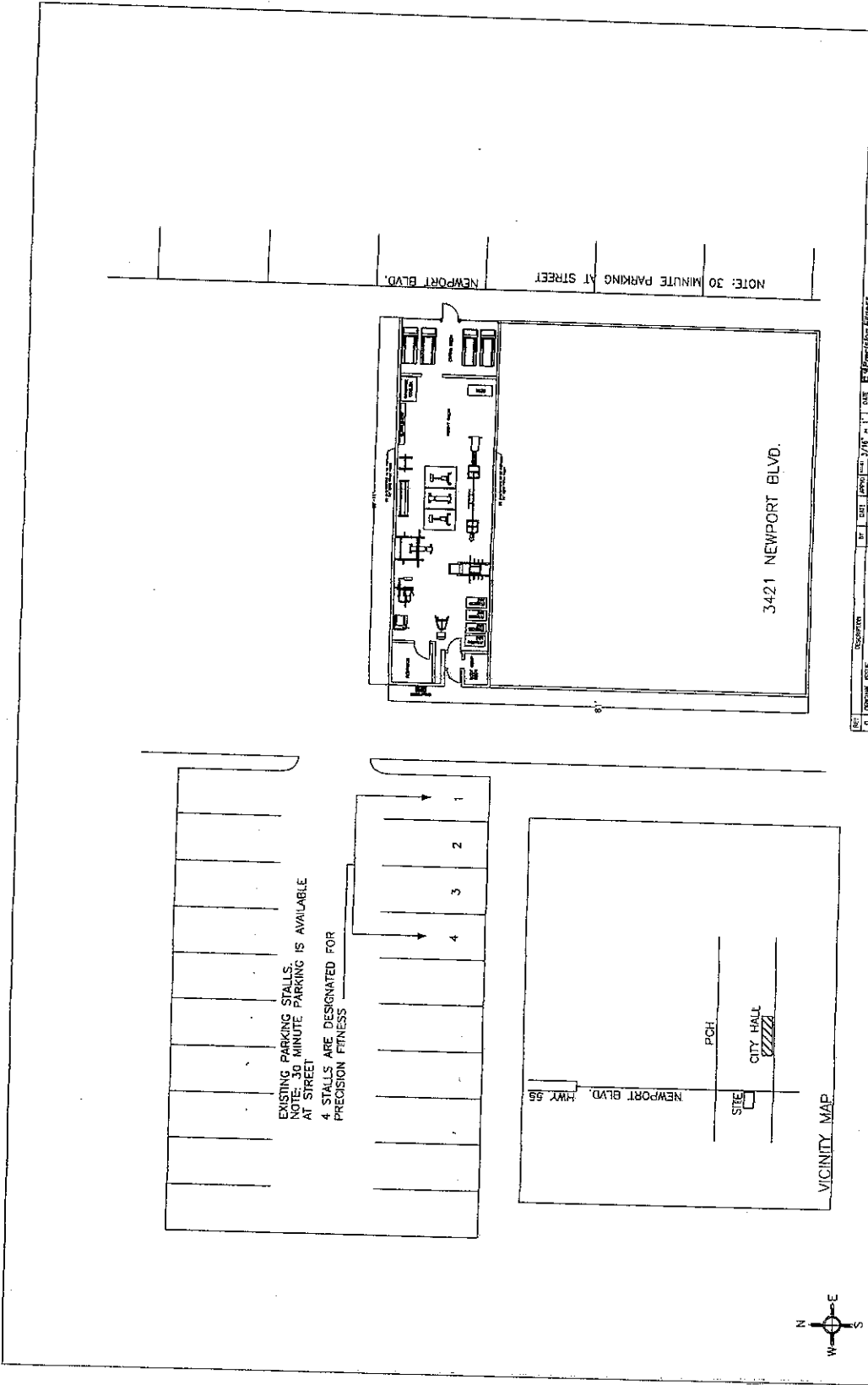
We appreciate your considering our concerns.

[Signature] 600 CLUBHOUSE AVE Newport Beach
Jim Chesure 614 36TH ST NB. 92663
Gare Porter 508 CLUBHOUSE AVE 92663
FRED SMITH 512 Clubhouse NB 92663
John Hobbs
507 clubhouse AVE.
Newport Beach, CA. 92663

RECEIVED BY
PLANNING DEPARTMENT

JUL 15 2008

CITY OF NEWPORT BEACH



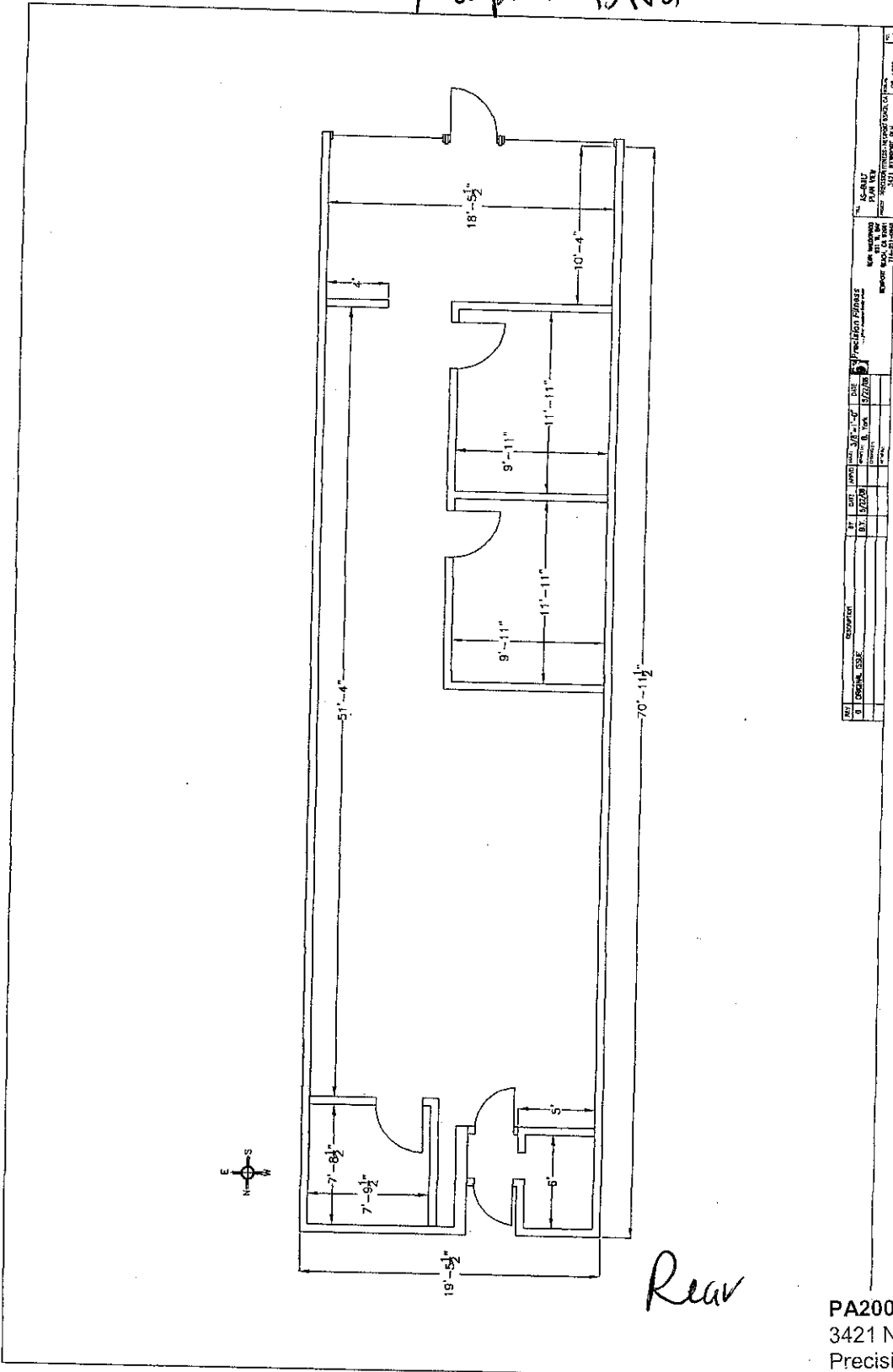
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NO. 1000

PA2008-130 for UP2008-047
3421 NEWPORT BOULEVARD
Precision Fitness

Newport Blvd

PA2008-130 for UP2008-047
 3421 NEWPORT BOULEVARD
 Precision Fitness



Rear

PA2008-130 for UP2008-047
 3421 NEWPORT BOULEVARD
 Precision Fitness



USE PERMIT NO. UP2008-053

(PA2008-168)

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

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

Application: Planning Director's Use Permit No. UP2008-053 (PA2008-168)

Applicant: James Candelmo

Site Address: 20431 SW Cypress Street

Legal Description: Portion of Lot 162 (northeasterly 66 feet), Tract 706

Request as Modified and Approved:

To allow the conversion of existing living area to a granny unit in accordance with the provisions of Chapter 20.85 of the Newport Beach Municipal Code (NBMC), the unit shall be intended for the sole occupancy of 1 or 2 persons who are at least 60 years in age. Prior to issuance of building permits, the applicant shall provide revised plans to the Planning Department that accurately depict and verify the floor area of the granny unit compliance with the maximum area of 640 square feet allowed by the Zoning Code, in accordance with the provisions of Chapter 20.85 of the NBMC. The unit will be provided the Code required parking in the form of an uncovered parking space. The project as proposed will be a phased project utilizing an existing dwelling unit as the granny unit (Phase 1) until completion of a new garage/barn with attached granny unit (Phase 2) and the construction of a new primary single family dwelling (Phase 1). The approval includes a condition that requires the elimination of the hayloft area adjacent to the granny unit; or the lowering of the roof structure to provide a reduced vertical dimension as measured from the finish floor to the bottom of the structural roof elements (roof rafters or trusses). The property is located in the SP-7 (Santa Ana Heights Specific Plan Area) District.

DIRECTOR'S ACTION APPROVED – OCTOBER 3, 2008

Application Request

In approving this use permit, the Planning Director analyzed the proposed phase construction, compliance with the provisions of Chapter 20.85 of the Newport Beach Municipal Code for granny units, and the ability to provide on site parking in accordance with the provisions of the Newport Beach Municipal Code. The phased construction as proposed will require separate building permits for each of the two building structures proposed, one for the main dwelling unit and one for the barn and granny unit above.

FINDINGS

1. The Land Use Element of the General Plan designates the site for "Single-Family Detached" uses. The proposed granny unit is a permitted use within this designation as the General Plan recognizes that certain provisions of State law supersede local land use regulations, including the ability to add "granny units" in single-family residential areas.
2. 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).
3. Public Improvements may be required per the Newport Beach Municipal Code.
4. The subject property will be developed with a new single-family dwelling and attached garage/barn with granny unit above. The granny unit will be located above the garage/barn portion of the building at the rear of the property, based on the ultimate build out of the final phase of construction.
5. The project, as conditioned, will comply with all applicable development regulations specified by the Santa Ana Heights Specific Plan District.
6. The proposed location of the granny unit is in accord with the objectives of this code, specifically Chapter 20.85 (Accessory Dwelling Units) and the purposes of residentially designated Santa Ana Heights Specific Plan District in which the site is located.
7. The use of the existing dwelling unit identified as the interim granny unit, although nonconforming with the minimum size requirement of 600 square feet, will be replaced by the new granny unit above the garage/barn structure and will comply with both the minimum and maximum areas specified by Chapter 20.85 of the NBMC.
8. The elimination of the hayloft/attic area located immediately adjacent to the second floor granny unit or the lowering of the structural roof elements to maintain a maximum vertical clearance of 6 feet 11 inches or less, as measured from finished floor to bottom of structural roof elements, is necessary to reduce and maintain the floor area of the granny unit in accordance with the maximum area of 640 square feet allowed by the Zoning Code.
9. The Planning Director's approval of **Use Permit No. 2008-053**, 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. Since the project is a residential use located within a residentially designated area and the granny unit dwelling is limited to a maximum of two occupants, it 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, except that the revised plans shall be submitted in accordance with Conditions of Approval 3 and 4 below.
2. The overall size of the granny unit shall be reduced to comply with the maximum floor area of 640 square feet allowed by Chapter 20.85 of the Newport Beach Municipal Code. This may require relocation of the entry door or change to the access stairway and will also require the inclusion of the elevator area on one of the levels.
3. The elimination of the hayloft/attic area located immediately adjacent to the second floor granny unit or the lowering of the structural roof elements to maintain a maximum vertical clearance of 6 feet 11 inches or less, as measured from finished floor to bottom of structural roof elements, shall be reflected in the plans issued for permit to reduce and maintain the floor area of the granny unit in accordance with the maximum area of 640 square feet allowed by the Zoning Code.
4. Prior to issuance of building permits, the applicant shall provide a copy of the revised architectural plans to be issued by the Building Department for the proposed construction that accurately depicts the reduction in the maximum floor area to comply with the Zoning Code limitation of 640 square feet. At no time is the granny unit allowed to exceed 640 square feet of superficial floor area.
5. Prior to final of the building permit for the Phase 1 construction of the new dwelling unit, issuance of a demolition permit and substantial demolition of the Phase 1 granny unit shall be accomplished or completed. The applicant shall contact the Planning Department to schedule a site inspection to verify compliance or provide evidence of final of the permit(s) for demolition.
6. The granny unit (second dwelling unit) shall be limited to the use of one or two persons at least 60 years in age.
7. 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 the Planning Director. This deed restriction shall remain in effect so long as the granny unit exists on the property.


8. 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.
9. At least one person having an ownership interest in the property shall continuously occupy the primary residence or Granny Unit.
10. The open 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. The project shall provide adequate turnaround space on-site to eliminate the necessity for vehicles to back out of the subject property.
11. The independent accessible parking space provided for the granny unit shall meet the minimum size requirements specified by Chapter 20.85 of the Zoning Code.
12. 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.
13. All improvements shall be constructed as required by Ordinance and the Public Works Department.
14. An encroachment permit shall be obtained prior to the performance of any work activities within the public right-of-way.
15. Prior to the final of building permits, per City water quality requirements, bottomless trench drains shall be installed behind the back of sidewalk along the width of the driveway to retain on-site runoff, unless otherwise approved by the Public Works Department.
16. 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.

17. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

APPEAL PERIOD

The decision of the Planning Director may be appealed by the applicant or any interested party to the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a filing fee of \$600.00.

On behalf of Planning Director David Lepo,



Zoning Administrator Javier S. Garcia, AICP

Attachments: Appendix
Vicinity Map
Santa Ana Heights PAC comments
Letter from Applicant Describing the Project and Construction Phasing
Phase 1- Site Plan and Floor Plan
Phase 2- Site Plan and Floor Plan

APPENDIX

Development Regulations

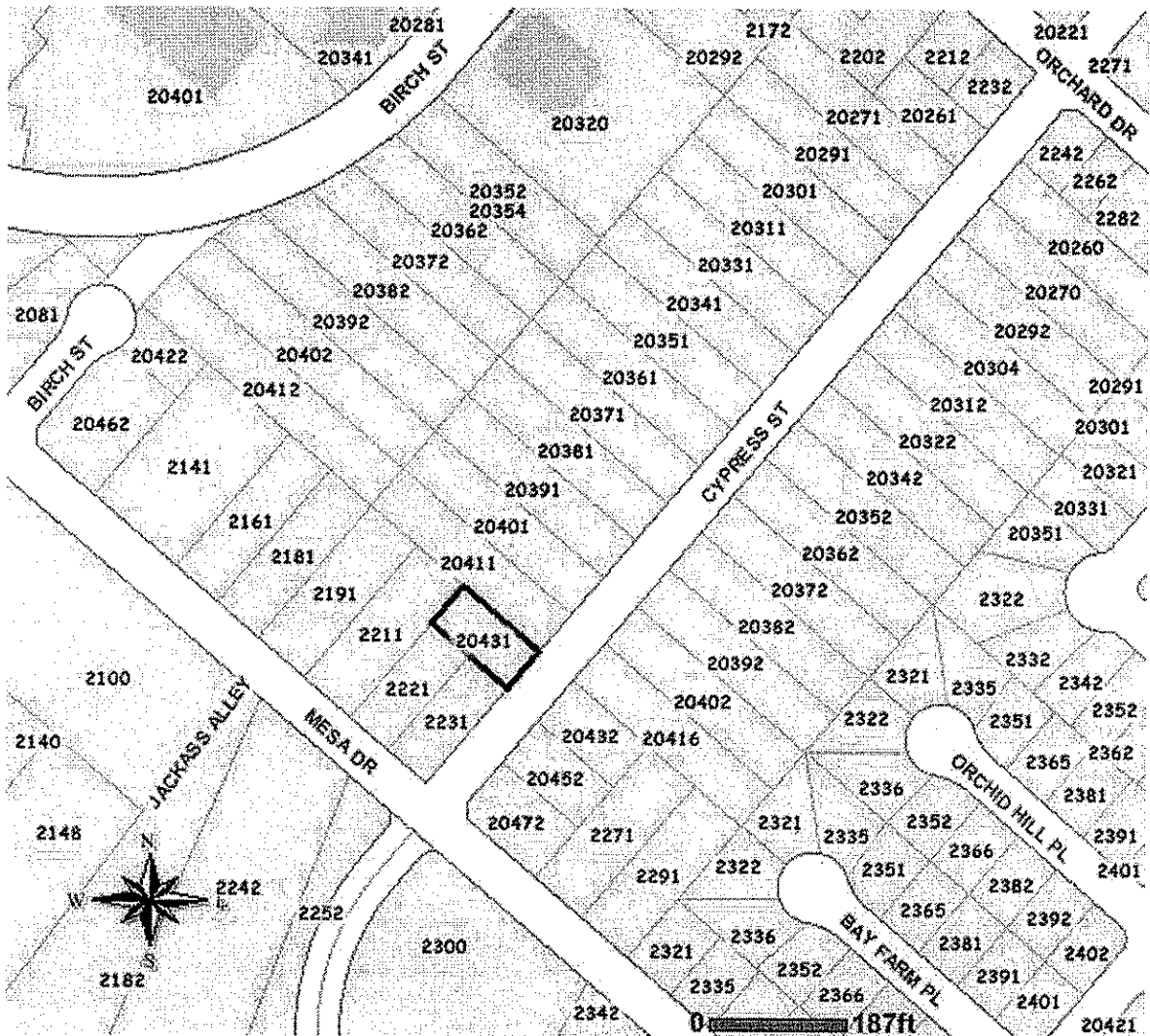
The applicant is proposing a phased project to ultimately construct a 601 square foot granny unit over a barn building that includes a living room, bedroom, kitchen and full bathroom in conjunction with the construction of a new single-family dwelling and attached garage. Although neither of the existing structures comply with the minimum 600 square foot area requirement specified by Chapter 20.85 of the NBMC, the new granny unit will be located over the barn at the rear of the property and as indicated in the Findings, the project as conditioned, will comply with all applicable granny unit regulations (Chapter 20.85) and all applicable development regulations specified by the Santa Ana Heights Specific Plan Area District Regulations for the RSF District (Residential Single Family). The table below outlines the regulations.

Granny Unit Development Standards

	REQUIREMENT	PROPOSED												
<i>A. Building Height</i>	Chapter 20.65, in accordance with the "Official Height Limitations Zone Map" incorporated within Chapter 20.65, shall regulate the building height. Granny units located in the SP-7 District, which are attached or detached from the primary residence or on the second floor of an accessory building, are required to conform to the provisions of the 35 Foot Height Limit.	Complies. The height limit for residential buildings in the Santa Ana Heights Specific Plan Area is: Ridge: 32 feet Average: 30 feet Proposed Building/Granny Unit: 30 feet (Ridge)												
<i>B. Setbacks:</i>	All building setbacks required in the district in which the granny unit is proposed shall be met.	Complies. The proposed granny unit meets the required minimum setbacks for buildings in RSF District of the SP-7 which are: <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Required</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Front:</td> <td style="text-align: center;">20</td> <td style="text-align: center;">20</td> </tr> <tr> <td>Sides:</td> <td style="text-align: center;">5</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Rear:</td> <td style="text-align: center;">25</td> <td style="text-align: center;">25</td> </tr> </tbody> </table>		Required	Proposed	Front:	20	20	Sides:	5	5	Rear:	25	25
	Required	Proposed												
Front:	20	20												
Sides:	5	5												
Rear:	25	25												
<i>C. Minimum Lot Size:</i>	A minimum lot size of 5,450 square feet shall be required in order to establish a granny unit pursuant to this chapter.	Complies. The subject property is approximately 8,908 square feet in area.												
<i>D. Minimum Floor Area</i>	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.	Complies. The proposed granny unit is 601 square feet.												
<i>E. Maximum Floor Area:</i>	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.	Conditionally Complies. The proposed granny unit shall be designed to comprise 601 square feet, but no more than 640 square feet. Revised plans drawn to scale and showing the redesign shall be forwarded to the Planning Department prior to issuance of building permits.												

	REQUIREMENT	PROPOSED
<i>F. Required Parking:</i>	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.	Complies. The proposed project provides an independent accessible uncovered parking space in the rear of the property next to the barn. The Public Works Department has also required, and has been provided in the project, that a site turnaround area be provided to eliminate the backing out of vehicles from the site.
<i>G. Owner/Occupancy Required.</i>	At least 1 person having an ownership interest in the property shall continuously occupy the primary residence or the granny unit.	Conditionally Complies. Occupancy verification will take place prior to the final of building permits.

VICINITY MAP



Planning Director's Use Permit UP2008-053
Project No. PA2008-168

Site Address: 20431 SW Cypress Street

**SANTA ANA HEIGHTS
PROJECT ADVISORY COMMITTEE**

Date: 09/15/08

Javier Garcia, AICP
Senior Planner, City of Newport Beach
3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA92658-8915
(949) 644-3206 fax: (949) 644-3229

RE: CNB UP2008-053 (PA2008-168 (20431 Cypress Street, new granny unit)

Dear Mr. Garcia:

The PAC Development Subcommittee attempted to review the PRR materials for Use Permit No. UP2008-053. Unfortunately, none of the submitted materials indicated the proposed granny unit. What we received were framing plans, framing sections, and exterior elevations for the proposed new single family residence in the front, but no materials pertinent to the detached garage/barn with granny unit. PAC requests to receive floor plans for detached garage/barn and granny unit, as well as the proposed main residence. Without these materials, PAC was unable to complete its review of the proposed project.

After conversation with the Planning Dept., PAC understands that the proposed granny unit will conform to the requirements for granny units in Zoning Code Chapter 20.85.

PAC recommends a continuation of this use permit application review until PAC has had the opportunity to receive and review the materials indicated above. Thank you for the opportunity to review this project.

Sincerely,

Richard A. Dayton
PAC Development Committee Chairman
(949) 645-1717 fax: (949) 645-4243

cc. PAC Development Committee members
Barbara Venezia, PAC Chairperson
Dave Kiff, City of Newport Beach Assistant City Manager
David Lepo, Planning Director

**SANTA ANA HEIGHTS
PROJECT ADVISORY COMMITTEE**

Date: 09/22/08

Javier Garcia, AICP
Senior Planner, City of Newport Beach
3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA92658-8915
(949) 644-3206 fax: (949) 644-3229

RE: CNB UP2008-053 (PA2008-168 (20431 Cypress Street, new granny unit)
PRR Response #2

Dear Mr. Garcia:

Thank you for sending the floor plans for the proposed new residence with granny unit. After conversation with the Planning Department, PAC understands that the proposed granny unit will conform to the requirements for granny units in Zoning Code Chapter 20.85. The Development Committee has reservations about the approval of this granny unit. The consensus on the committee is that this is a thinly veiled attempt to put in an apartment unit disguised as a granny unit. What "granny" is going to climb 22 risers on a regular basis? Given the history of the Leason properties in the SAH area, there is a heightened sensitivity to the "bootlegging" of multiple living units in single family residences.

The Planning Department has successfully discouraged the abuse of the granny unit concept to put in illegal rental units in other parts of the city, specifically Newport Heights. PAC would like to see the Planning Department use the same diligence to prevent illegal rental units in the SAH area.

Sincerely,

Richard A. Dayton
PAC Development Committee Chairman
(949) 645-1717 fax: (949) 645-4243

cc. PAC Development Committee members
Barbara Venezia, PAC Chairman
Dave Kiff, City of Newport Beach Assistant City Manager
David Lepo, Planning Director

James Candelmo
20431 SW Cypress Street
Newport Beach, CA 92660

August 15, 2008

City of Newport Beach
c/o Jay Garcia
949-644-3206

To Whom It May Concern:

The project located at 20431 SW Cypress Street, Newport Beach, CA 92660 with the associated plan check number of 1042-2008 is a SFR with attached Barn and Granny Unit. This application for a Planning Directors Use Permit is for both the Granny Unit and Phased Construction. The following is a description of the phased construction and conditions;

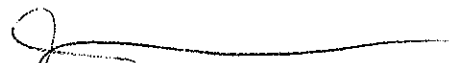
Phase 1: Construction of the SFR on the front part of the lot closest to the street including its attached two car garage and to be terminated at the wall that separates it from the stairwell of the granny unit and barn where it will be attached immediately after the demo of the existing two structures located on the rear of the lot.

Phase 2: Demo permits will be acquired through the city of Newport Beach and complete removal of both existing structures located at the rear of the lot shown on the plans as "Residence" and "Residence/Garage". Certificate of occupancy will be granted after substantial demo has been conducted on existing structures.

Phase 3: Construction of new Barn with Granny unit located above and attached to rear of new SFR structure previously completed as shown on plans approved by the City of Newport Beach.

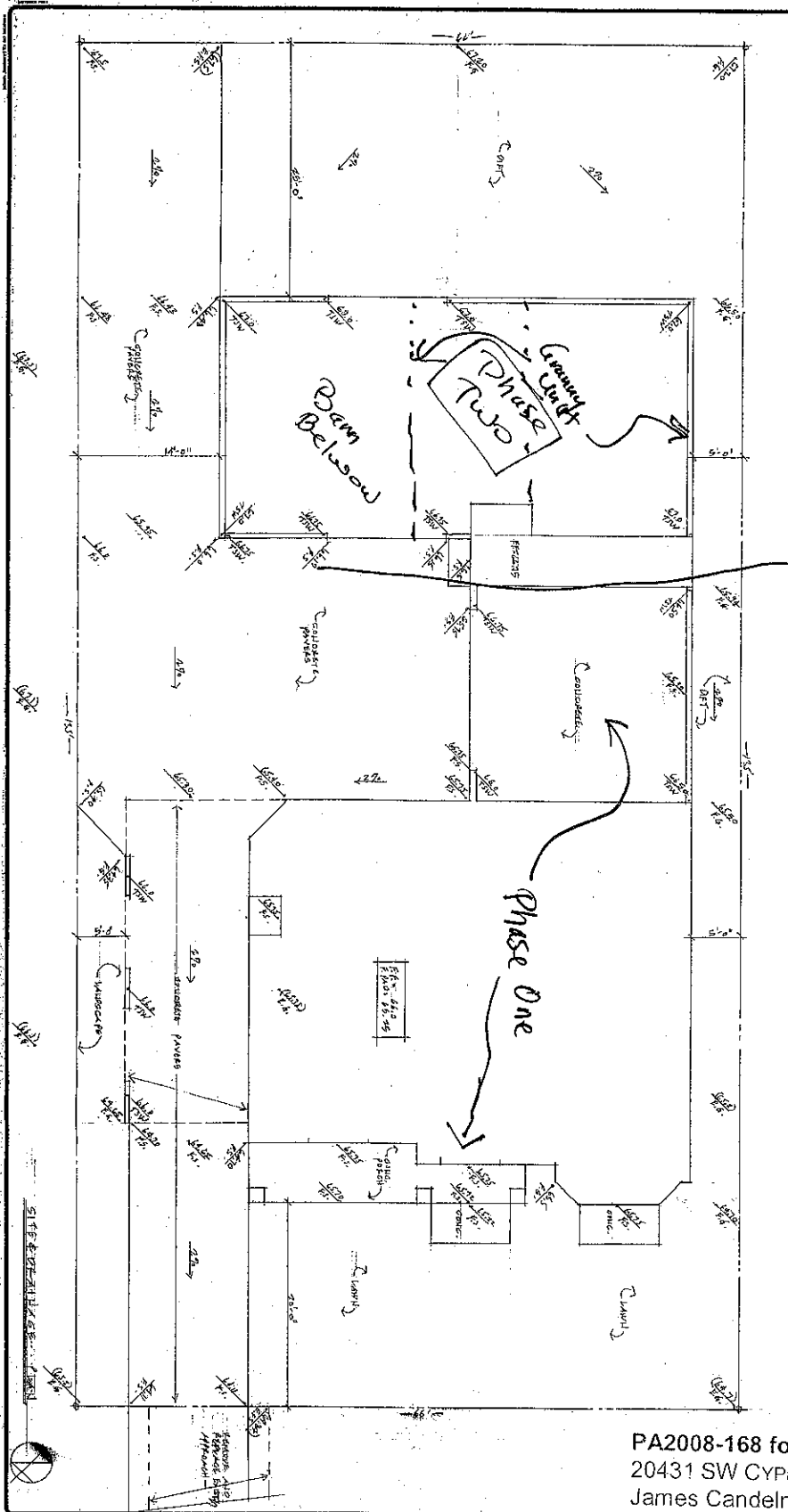
Any questions or concerns can be directed to James Candelmo at 949-370-8699 or ocdevelop@gmail.com.

Sincerely,


James Candelmo

PA2008-168 for UP2008-053
20431 SW CYPRESS STREET
James Candelmo

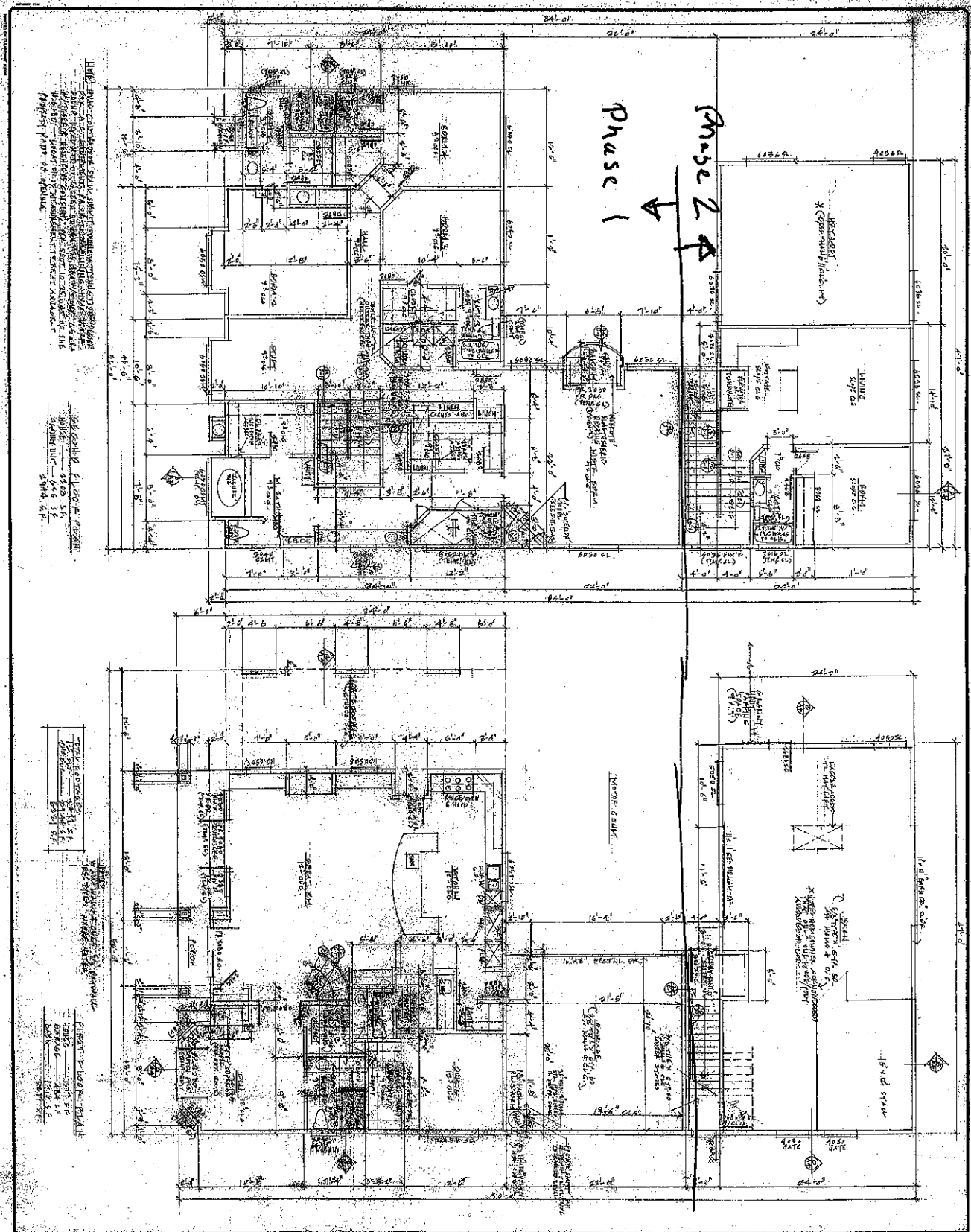
Phase Site Plan 1 & 2



15	DATE	BY

PROJECT NO. 2008-053
 20431 SW CYPRESS STREET
 HEWLETT BRACK ON DIS.

PA2008-168 for UP2008-053
 20431 SW CYPRESS STREET
 James Candelmo



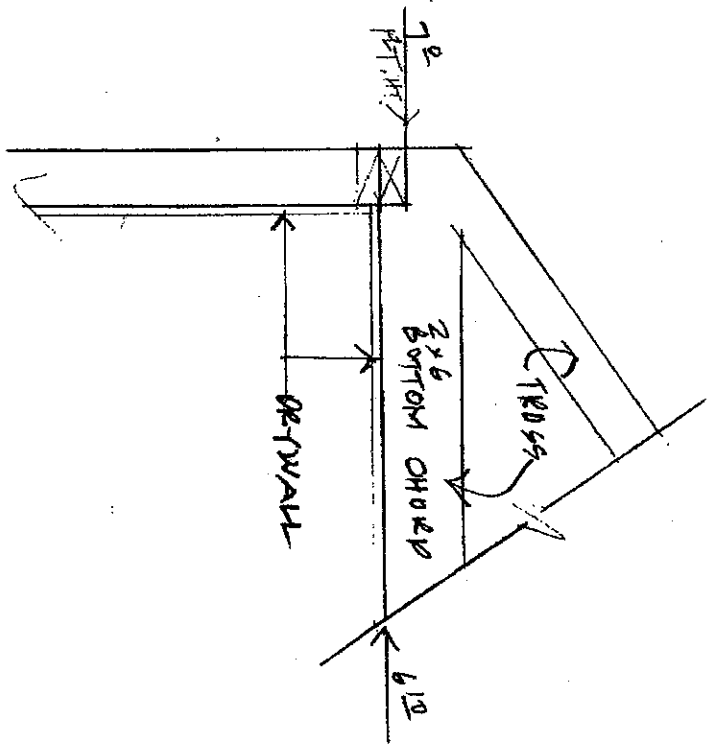
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEWPORT BEACH ORDINANCES AND SPECIFICATIONS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE CODES.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE CODES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA MECHANICAL CODE AND ALL APPLICABLE CODES.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE AND ALL APPLICABLE CODES.
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE CODE AND ALL APPLICABLE CODES.
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL CODE AND ALL APPLICABLE CODES.
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA LANDMARK PRESERVATION ACT AND ALL APPLICABLE CODES.
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA HISTORIC PRESERVATION ACT AND ALL APPLICABLE CODES.
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ANTI-SLURRY ACT AND ALL APPLICABLE CODES.

DATE: 11/11/08
 DRAWN BY: J. C. Candelmo
 CHECKED BY: J. C. Candelmo
 SCALE: AS SHOWN

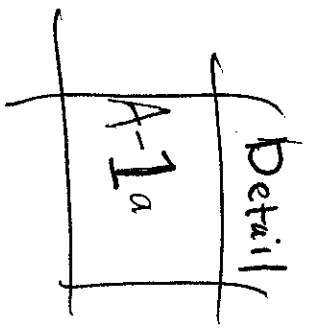
DATE: 11/11/08
 DRAWN BY: J. C. Candelmo
 CHECKED BY: J. C. Candelmo
 SCALE: AS SHOWN

DATE: 11/11/08
 DRAWN BY: J. C. Candelmo
 CHECKED BY: J. C. Candelmo
 SCALE: AS SHOWN

Phase Plan/Floor Plans



TRUSS / PLATE @
HAY LOFT

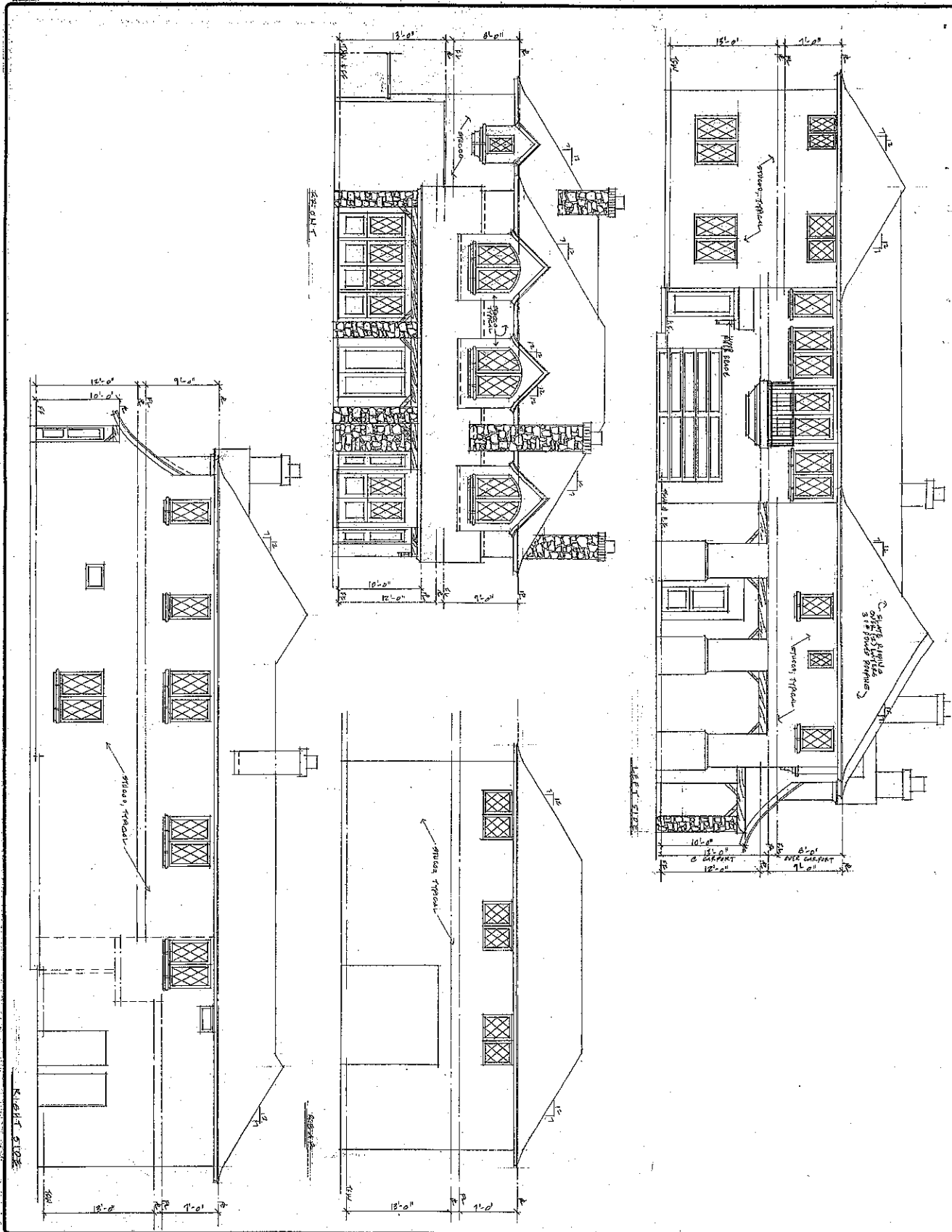


SHEAR SCHEDULE

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	2x4 SIPS	100	LF	1.50	150.00
2	2x6 SIPS	50	LF	2.50	125.00
3	2x8 SIPS	20	LF	3.50	70.00
4	2x10 SIPS	10	LF	5.00	50.00
5	2x12 SIPS	5	LF	7.00	35.00
6	2x14 SIPS	2	LF	10.00	20.00
7	2x16 SIPS	1	LF	14.00	14.00
8	2x18 SIPS	1	LF	18.00	18.00
9	2x20 SIPS	1	LF	22.00	22.00
10	2x22 SIPS	1	LF	26.00	26.00
11	2x24 SIPS	1	LF	30.00	30.00
12	2x26 SIPS	1	LF	34.00	34.00
13	2x28 SIPS	1	LF	38.00	38.00
14	2x30 SIPS	1	LF	42.00	42.00
15	2x32 SIPS	1	LF	46.00	46.00
16	2x34 SIPS	1	LF	50.00	50.00
17	2x36 SIPS	1	LF	54.00	54.00
18	2x38 SIPS	1	LF	58.00	58.00
19	2x40 SIPS	1	LF	62.00	62.00
20	2x42 SIPS	1	LF	66.00	66.00
21	2x44 SIPS	1	LF	70.00	70.00
22	2x46 SIPS	1	LF	74.00	74.00
23	2x48 SIPS	1	LF	78.00	78.00
24	2x50 SIPS	1	LF	82.00	82.00
25	2x52 SIPS	1	LF	86.00	86.00
26	2x54 SIPS	1	LF	90.00	90.00
27	2x56 SIPS	1	LF	94.00	94.00
28	2x58 SIPS	1	LF	98.00	98.00
29	2x60 SIPS	1	LF	102.00	102.00
30	2x62 SIPS	1	LF	106.00	106.00
31	2x64 SIPS	1	LF	110.00	110.00
32	2x66 SIPS	1	LF	114.00	114.00
33	2x68 SIPS	1	LF	118.00	118.00
34	2x70 SIPS	1	LF	122.00	122.00
35	2x72 SIPS	1	LF	126.00	126.00
36	2x74 SIPS	1	LF	130.00	130.00
37	2x76 SIPS	1	LF	134.00	134.00
38	2x78 SIPS	1	LF	138.00	138.00
39	2x80 SIPS	1	LF	142.00	142.00
40	2x82 SIPS	1	LF	146.00	146.00
41	2x84 SIPS	1	LF	150.00	150.00
42	2x86 SIPS	1	LF	154.00	154.00
43	2x88 SIPS	1	LF	158.00	158.00
44	2x90 SIPS	1	LF	162.00	162.00
45	2x92 SIPS	1	LF	166.00	166.00
46	2x94 SIPS	1	LF	170.00	170.00
47	2x96 SIPS	1	LF	174.00	174.00
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55	2x112 SIPS	1	LF	206.00	206.00
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58	2x118 SIPS	1	LF	218.00	218.00
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60	2x122 SIPS	1	LF	226.00	226.00
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62	2x126 SIPS	1	LF	234.00	234.00
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92	2x186 SIPS	1	LF	354.00	354.00
93	2x188 SIPS	1	LF	358.00	358.00
94	2x190 SIPS	1	LF	362.00	362.00
95	2x192 SIPS	1	LF	366.00	366.00
96	2x194 SIPS	1	LF	370.00	370.00
97	2x196 SIPS	1	LF	374.00	374.00
98	2x198 SIPS	1	LF	378.00	378.00
99	2x200 SIPS	1	LF	382.00	382.00
100	2x202 SIPS	1	LF	386.00	386.00
101	2x204 SIPS	1	LF	390.00	390.00
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133	2x268 SIPS	1	LF	518.00	518.00
134	2x270 SIPS	1	LF	522.00	522.00
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136	2x274 SIPS	1	LF	530.00	530.00
137	2x276 SIPS	1	LF	534.00	534.00
138	2x278 SIPS	1	LF	538.00	538.00
139	2x280 SIPS	1	LF	542.00	542.00
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146	2x294 SIPS	1	LF	570.00	570.00
147	2x296 SIPS	1	LF	574.00	574.00
148	2x298 SIPS	1	LF	578.00	578.00
149	2x300 SIPS	1	LF	582.00	582.00
150	2x302 SIPS	1	LF	586.00	586.00
151	2x304 SIPS	1	LF	590.00	590.00
152	2x306 SIPS	1	LF	594.00	594.00
153	2x308 SIPS	1	LF	598.00	598.00
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155	2x312 SIPS	1	LF	606.00	606.00
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157	2x316 SIPS	1	LF	614.00	614.00
158	2x318 SIPS	1	LF	618.00	618.00
159	2x320 SIPS	1	LF	622.00	622.00
160	2x322 SIPS	1	LF	626.00	626.00
161	2x324 SIPS	1	LF	630.00	630.00
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170	2x342 SIPS	1	LF	666.00	666.00
171	2x344 SIPS	1	LF	670.00	670.00
172	2x346 SIPS	1	LF	674.00	674.00
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181	2x364 SIPS	1	LF	710.00	710.00
182	2x366 SIPS	1	LF	714.00	714.00
183	2x368 SIPS	1	LF	718.00	718.00
184	2x370 SIPS	1	LF	722.00	722.00
185	2x372 SIPS	1	LF	726.00	

FA2008-168 for UP2008-053
 20431 SW CYPRESS STREET
 James Candemo

Elevations



1-5	DATE	BY	CHECKED

CANDEMO RESIDENCE
 20431 SW CYPRESS
 NEWPORT BEACH, CA 92645

DON MONTELEONE ASSOCIATES
 ARCHITECTS & INTERIORS
 210 SOUTH MOORE AVENUE - SUITE 200 - COSTA MESA, CA 92626
 TEL: 949-440-5555
