

**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 14, 2009.

ACTIONS TAKEN AT AUGUST 13, 2009 ZONING ADMINISTRATOR HEARING

Item 1: Condominium Conversion Permit No. CC2009-002 and
Parcel Map No. NP2009-006 (PA2009-097)
502 and 502½ Avocado Avenue

A condominium conversion and tentative parcel map application to convert an existing two-unit dwelling into a condominium project. The Zoning Code-required parking spaces per unit will be provided, and no waivers of Title 19 development standards are proposed with this application.

This item was approved.

Council District 6

Item 2: Modification Permit No. MD2009-019 (PA2009-102)
1724 Port Margate Place

A modification permit to allow a 42-inch-high, free-standing barbeque and related countertop, which would encroach 1 foot into the required 5-foot side yard setback and 5 feet into the required 10-foot rear yard setback; a fire-pit, which would encroach 4 feet 6 inches into the required 10-foot rear yard setback; and a 9-foot 2-inch-high, free-standing, open-beamed patio cover, which would encroach 6 feet into the required 10-foot rear yard setback.

This item was approved.

Council District 7

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*)



CONDO CONVERSION and PARCEL MAP

ACTION LETTER

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

Application No. **Condo Conversion No. CC2009-002**
(PA2009-097) **Parcel Map No. NP2009-006**
 Tentative Parcel Map No. County Parcel Map No. 2009-114

Applicant **Mory Ghasemi**

Site Address **502 and 502½ Avocado Avenue**
 Ghasemi Condo Conversion

Legal Description **Lot 33, Tract 682**

On **August 13, 2009**, the Zoning Administrator approved the following: A condominium conversion application and a tentative parcel map application to convert an existing two-unit dwelling into a condominium project. The Zoning Code required two parking spaces per unit will be provided, and no waivers of Title 19 development standards are proposed with this application. The property is located in the R-2 (Two-Family Residential District). The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

Parcel Map: NP2009-006

Findings and Facts in Support of Findings

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 of Title 19:

1. **Finding:** That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.

Facts in Support of Finding:

- The proposed parcel map is for two-unit condominium purposes. An existing two-unit dwelling rental will be converted into a two-unit condominium project. The residential density on the site will remain the same. The proposed subdivision and improvements are consistent with the density of the R-2 (Two-Family Residential) Zoning District and the current RT (Two-Unit Residential) General Plan land use designation.

2. **Finding:** That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

- The lot is regular in shape, has a slope of less than 20 percent, and is suitable for development.

3. **Finding:** That the design of the subdivision or the proposed improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

- 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 5 (Minor Alterations in Land Use Limitations), Class 15 (Minor Land Divisions), and Class 3 (New Construction or Conversion of Small Structures).

4. **Finding:** That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Facts in Support of Finding:

- The proposed Parcel Map is for residential condominium purposes. All construction for the project will comply with all Building, Public Works, and Fire Codes, which are place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

5. **Finding:** That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to easements previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City

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Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Facts in Support of Finding:

- The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development as there are no public easements that are located on the property.

6. **Finding:** That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

Facts in Support of Finding:

- The property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.
- This site developed for residential use in a residentially zoned area.

7. **Finding:** That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

- The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
- The project is not located within a specific plan area.

8. **Finding:** That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

Facts in Support of Finding:

- The proposed Parcel Map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate.

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The Newport Beach Building Department enforces Title 24 compliance through the plan check and inspection process.

9. **Finding:** That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

Facts in Support of Finding:

- The proposed Parcel Map is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need. The residential density on the site will remain the same, which allows two units in the R-2 Zoning District. No affordable housing units are being eliminated based upon the fact that the previously existing units were not occupied by low or moderate income households and the proposed number of units remains the same.

10. **Finding:** That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.

Facts in Support of Finding:

- Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.

11. **Finding:** For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.

Facts in Support of Finding:

- The proposed parcel map is located in the Coastal Zone and conforms to the certified Coastal Land Use Plan. The Coastal Land Use Plan designates this site as Medium Density Residential (RM-C) which is intended to provide for a range of residential development types, including single-family (attached and detached), two-family, and multi-family residential. The existing two-unit dwelling rental and proposed conversion to two condominiums is consistent with this designation.
- The subject property does not have access to any beaches, shoreline, coastal waters, tidelands, coastal parks or trails.

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CONDITIONS

1. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set **on each lot corner**, unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. The project shall be in substantial conformance with the plot plan, floor plans and elevations submitted with this application, and which were approved as Plan check No. 2198-2008 (permit no. X2008-2477). These improvements shall be completed and finalized prior to release of the parcel map for recordation
4. All applicable Public Works Department plan check fees, improvement bonds and inspection fees shall be paid prior to processing of the map by the Public Works Department.
5. County Sanitation District fees shall be paid prior to issuance of any building permits, if required by the Public Works Department or the Building Department.
6. Coastal Commission approval shall be obtained prior to recordation of the Parcel Map.
7. Reconstruct any broken and/or otherwise damaged sidewalk, alley section, concrete curb and gutter along the Avocado Avenue frontage and alley way. Limits of reconstruction will be at the discretion of the Public Works inspector.
8. If recordation of the parcel map or obtaining of a building permit prior to completion of the public improvements is desired, arrangements shall be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements.
9. The rear 5-foot alley setback shall be clear of any above ground improvements.
10. All improvements shall be constructed as required by City Ordinance and the Public Works Department.

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11. Additional Public Works improvements, including street and alley reconstruction, work may be required at the discretion of the Public Works Inspector.
12. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
13. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
14. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed unless an Encroachment Agreement is approved and issued by the Public Works Department complying with City Council Policy L-6 (Private Encroachments in Public Rights-of-Way, and L-18, Protection of Water Quality Drainage-Public Rights-of-Way).
15. Overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.28.090 of the Municipal Code unless it is determined by the City Engineer that such undergrounding is unreasonable or impractical.
16. Each unit shall be connected to its individual water meter and sewer lateral and cleanout located within the public right-of-way. If installed at a location that will be subjected to vehicle traffic, each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover.
17. Each dwelling unit shall be served with an individual water service and sewer lateral connection to the public water and sewer systems, unless otherwise approved by the Public Works Department and the Building Department.
18. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
19. A separate meter and connection shall be provided for the fire sprinkler system.
20. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
21. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
22. In accordance with the provisions of Chapter 13 (or any other applicable chapters) of the Newport Beach Municipal Code, additional street trees may be required and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services

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Department and the Public Works Department through an encroachment permit or agreement.

23. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
24. All on-site drainage shall comply with the latest City Water Quality requirements.
25. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
26. Disruption caused by construction work along roadways and by 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.
27. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Department Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
28. This Parcel Map shall expire if the map has not been recorded within three years of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

Condo Conversion: CC2009-002

Standards and Conditions

1. As conditioned, the project will substantially comply with all applicable standard plans and specifications, adopted City and State Building Codes, and zoning requirements for new buildings related to the district in which the proposed project is located at the time of original construction.
2. The project is consistent with the adopted goals and policies of the Land Use Element and other Elements of the General Plan and the Local Coastal Program Land Use Plan. The Land Use Element of the General Plan designates the site

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as Two-Unit Residential (RT), and the current development is consistent with this designation. The Coastal Land Use Plan designates this site as Medium Density Residential (RM-C), which is intended to provide for two-family residential development, and the current development is consistent with this designation.

3. The design of the development will not conflict with any easements acquired by the public-at-large for access through or use of property within the proposed development because no existing easements run through this property.
4. Public improvements may be required of the applicant per Section 19.28.010 of the Municipal Code.
5. This project has been reviewed, and it has been determined that the condominium conversion permit qualifies for a categorical exemption from environmental review pursuant to Section 15301 (Class 1 Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act, which exempts minor alteration to existing facilities.
6. The plumbing system, as approved, will be in substantial compliance with the City of Newport Beach Plumbing Code. The clean-out, as required, will be installed in such a way that it will meet the intent of the requirements of the City.
7. The establishment, maintenance or operation of the use or building applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City. The residential density on the site will remain the same. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two Unit Residential".

CONDITIONS

1. The project shall be in substantial conformance with the plot plan, floor plans and elevations submitted and approved with this application, and which were approved as Plan check No. 2198-2008 (permit no. X2008-2477). These improvements shall be completed and finalized prior to release of the parcel map for recordation.
2. No more than 2 dwelling units shall be permitted on the site.
3. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees may be required and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services

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Department and the Public Works Department through an encroachment permit or agreement.

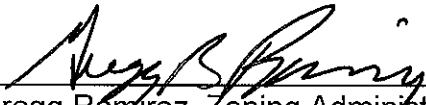
4. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
5. Each of the tenants of the proposed condominium shall be given 180 days' written notice of intention to convert, prior to the termination of tenancy due to the proposed conversion.
6. Each of the tenants of the proposed condominium shall be given written notification within 10 days of the approval of the condominium conversion permit establishing the proposed condominium conversion. Proof of said notification shall be provided to the Planning Department.
7. Each of the tenants of the proposed condominium shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. Such right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report (Section 11018.2 of the Business and Professions Code), unless the tenant gives prior written notice of his or her intention not to exercise the right. Prior to final of the condominium conversion permit, the applicant shall provide a copy of the written verification forwarded to the tenants and said verification shall be presented to the Planning Department.
8. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
9. Each dwelling unit shall be served with an individual water service to the public water system, and shall maintain a separate water meter and water meter connection. This work shall be completed prior to final of the condominium conversion permit.
10. The applicant shall separate the building sewers within the building from each unit.
11. The sewer service shall be separated so that each unit is served with a sewer lateral connection to the public sewer system with a clean-out to grade at the property line. If there is evidence that sewage is leaking from the facility or if it is substandard, the existing sewer lateral shall be replaced. Said work shall be completed under an encroachment permit issued by the Public Works Department, unless otherwise approved by the Utilities Department and the Building Department. This work shall be completed prior to final of the condominium conversion permit.

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12. All improvements shall be constructed as required by Ordinance and the Public Works Department.
13. Smoke detectors shall be provided in each bedroom.
14. The exterior wall surfacing shall be made weather-tight as required by the Uniform Housing Code.
15. The property owner shall provide information to the Building Department that the roof is a Class C fire retardant roof as certified by a roofing contractor.
16. The building permit obtained from the Building Department in order to convert the subject residential units into condominiums **shall be finalized after the Parcel Map for Condominium Purposes has been recorded with the County of Orange and all conditions of approval have been completed and verified by the Planning Department.**
17. Any corrections listed by the Building Department in the special inspection report shall be made prior to final of the condominium conversion permit.
18. This approval shall expire unless exercised within 24 months from the date of approval, as specified in Section 20.93.050 of the Newport Beach Municipal Code.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission 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.

By: 
Gregg Ramirez, Zoning Administrator

GBR/ks

Attachments: Vicinity Map

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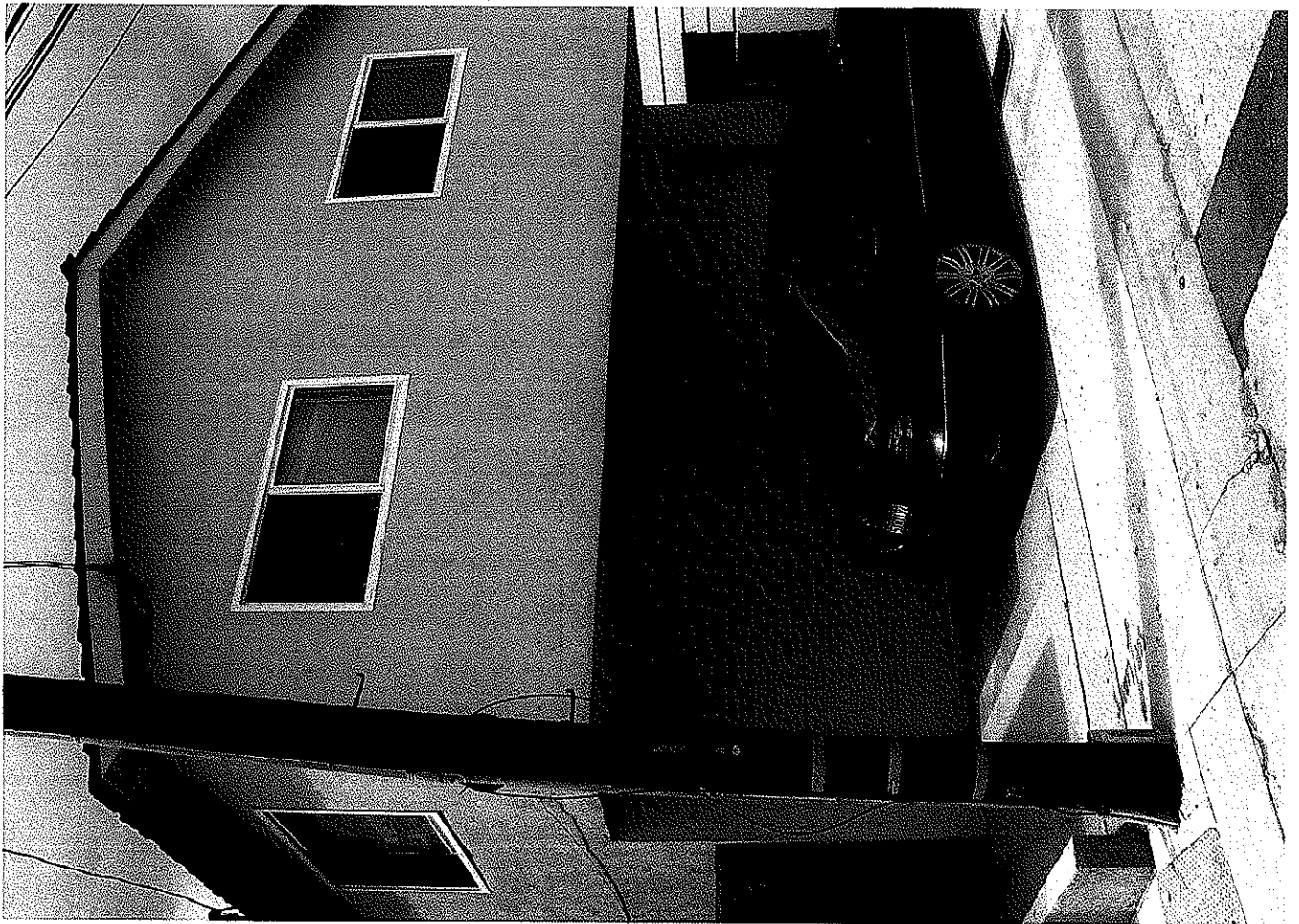
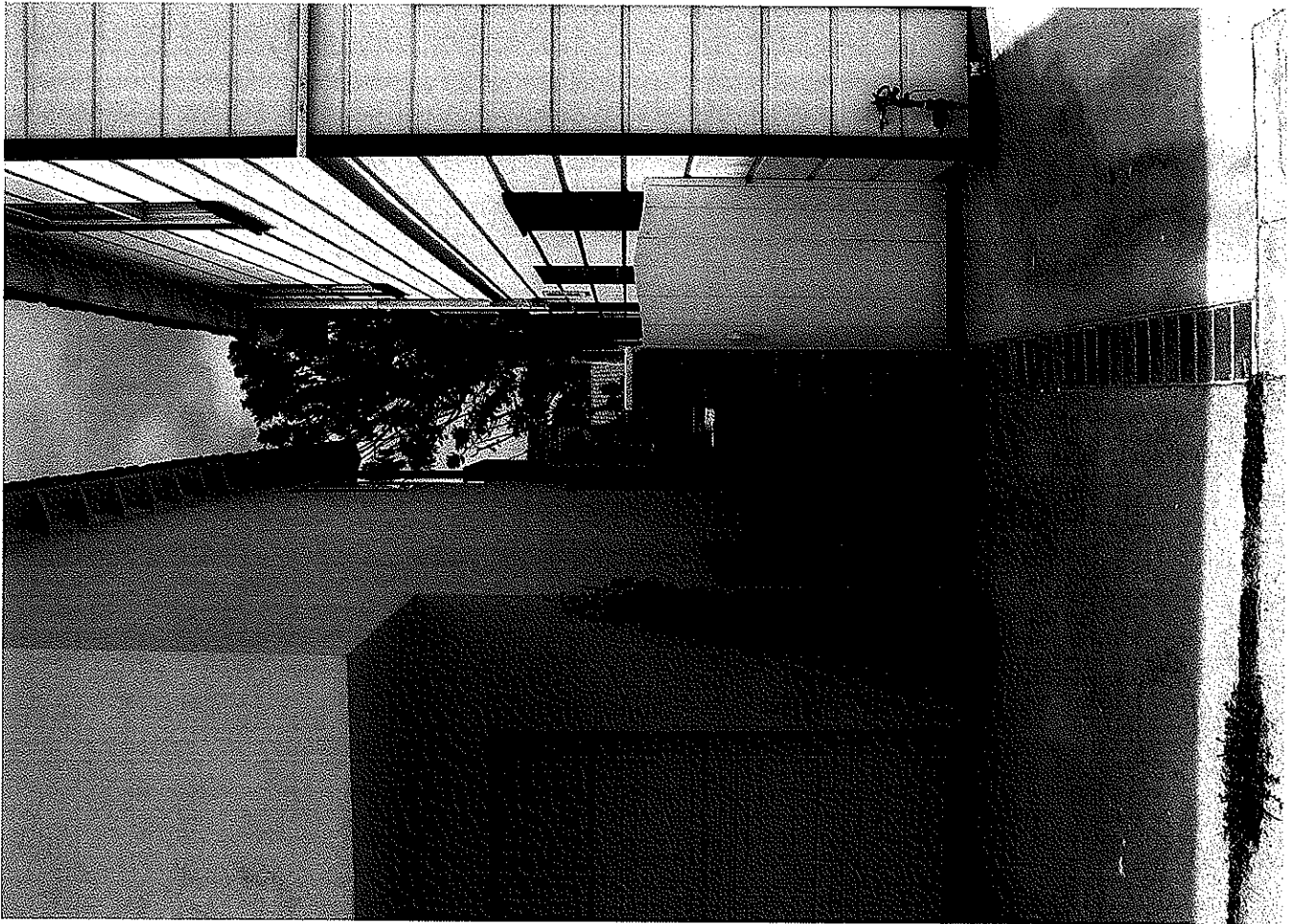
VICINITY MAP



Parcel Map No. NP2009-006
and
Condo Conversion No. CC2009-002
(PA2009-097)

502 and 502¹/₂ Avocado Avenue

August 13, 2009







MODIFICATION PERMIT ACTION LETTER

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

Application No. **Modification Permit No. MD2009-019 (PA2009-102)**

Applicant **John Martin and Karen Pembroke-Martin**

Site Address **1724 Port Margate Place
Pembroke Backyard Remodel**

Legal Description **Lot 38, Tract 06621**

On **August 13, 2009**, the Zoning Administrator approved the following: The application is for a modification permit to allow the following: a 42-inch-high, free-standing barbeque and related countertop, which would encroach 1 foot into the required 5-foot side yard setback and 5 feet into the required 10-foot rear yard setback; a fire-pit, which would encroach 4 feet 6 inches into the required 10-foot rear yard setback; and a 9-foot 2-inch-high, free-standing, open-beamed patio cover, which would encroach 6 feet into the required 10-foot rear yard setback. The property is located in the PC-3 (Harbor View Hills) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS AND CONDITIONS: PA2009-102 (MD2009-019)

Required Findings for Action and Facts in Support of Findings

In approving a modification permit, the decision-making body shall make all of the following findings:

The Land Use Element of the General Plan designates the site for "Single-Unit Residential Detached" (RS-D), and the existing residential unit is consistent with this designation. The proposed project consists of elements commonly constructed throughout single-unit residential detached areas.

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 Section 15303, Class 3 (New Construction or Conversion of Small Structures). Examples of this exemption include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. This project consists of a fire-pit, barbeque and related counter, and free-standing open-beamed patio cover.

The Zoning Administrator determined in this case that the proposed Modification Permit is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 20.93.030:

1. **Finding:** The granting of the application is necessary due to the practical difficulties associate 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:

- The dwelling unit on the subject property is the original building constructed when the neighborhood was developed. The structure is designed with the greater portion located on the rear half of the lot. Additionally, the rear wall of the structure is not stepped back to create any open space and is constructed to abut the required side yard setbacks on both sides of the property. This design and location limits the useable area of the rear yard, and creates a practical difficulty in redeveloping the rear yard area so that the applicant is able to fully enjoy the property. This results in a physical hardship inconsistent with the purpose and intent of the Zoning Code.

2. **Finding:** The requested modification will be compatible with existing development in the neighborhood.

Facts in Support of Finding:

- Per the Harbor View Hills Planned Community standards, an open-beamed patio cover would be allowed to encroach to within three feet of the side or rear property lines if it "extended" from the dwelling unit or attached a garage or carport to the dwelling unit. The columns of the proposed patio cover would be located five feet from the rear property line wall. This is two feet further from the rear property line than would be allowed if it was designed to be attached to the dwelling unit.
- The proposed project consists of elements commonly constructed and located within this residential neighborhood and throughout the City.

3. **Finding:** The granting of such an application will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood.

Facts in Support of Finding:

- The proposed free-standing patio cover is designed to be open in nature and would only be 1 foot 2 inches higher than the existing 8-foot-high rear

property line wall. Since the dwelling unit developed on the lot adjacent to the rear of the subject lot is approximately 45 feet from the rear property line wall, staff determined the proposed 5-foot encroachment into the required 10-foot rear yard setback would be considered minor, would not affect the neighboring properties, or be detrimental to the neighborhood.

- The proposed fire-pit would be located 5 feet 6 inches from the 8-foot-high wall along the rear property line, and is 12 inches high. The proposed 42-inch-high, free-standing barbeque and related countertop would be located 4 feet from the 8-foot-high, easterly- side property line wall, and approximately 9 feet from the neighboring dwelling unit. Since both structures would be required to be gas-burning only, the minor encroachments into the required side and rear setbacks would not affect neighboring properties, or be detrimental to the neighborhood.
- The proposed accessory structures would not have any affect on the air and light available to neighboring properties to the rear or side of the subject property.

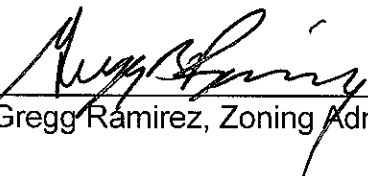
Conditions

1. The development shall be in substantial conformance with the approved site plan and elevations approved at the August 13, 2009 Zoning Administrator hearing and with the following conditions:
2. Approval of this modification permit shall allow construction of the following:
 - a 42-inch-high, free-standing barbeque and related countertop, which may encroach a maximum 5 feet into the required 10-foot rear yard setback and a maximum 1 foot into the required 5-foot side yard setback
 - a fire-pit, which may encroach a maximum 4 feet 6 inches into the required 10-foot rear yard setback
 - a free-standing, open-beamed patio cover, a maximum 9 feet 2 inches high, and a maximum 16 feet wide by 19 feet 9 inches long. The open, upper beams of the patio cover may encroach a maximum 6 feet into the required 10-foot rear yard setback, and the outside edge of the upright posts may encroach a maximum 5 feet into the required 10-foot rear yard setback. The outside edge of the upright posts on the easterly side of the patio cover shall be constructed a minimum 14 feet/maximum 16 feet from the easterly side property line.
3. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.

4. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
5. Prior to issuance of building permits, the applicant shall submit to the Planning Department 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. A building permit shall be obtained prior to commencement of the construction.
7. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
8. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
9. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
10. 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.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission 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.

By: 
Gregg Ramirez, Zoning Administrator

GR/ks

Attachments: Vicinity Map

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VICINITY MAP



Modification Permit No. MD2009-019
PA2009-102

1724 Port Margate Place

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