

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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: James W. Campbell, Acting Planning Director

SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending December 3, 2010

ACTIONS TAKEN AT DECEMBER 3, 2010 ZONING ADMINISTRATOR HEARING

- Item 1: Duarte Modification – Modification Permit No. MD2010-022 (PA2010-157)
1729 Port Abbey Place
- This item was approved. Council District 7
- Item 2: Eat Chow Restaurant – Use Permit No. UP2010-027 (PA2010-136)
211 62nd Street
- This item was approved. Council District 2
- Item 3: 8 Via Burrone Modification – Modification Permit No. MD2010-016 (PA2010-130)
8 Via Burrone
- This item was continued to the 01/13/11 Zoning Administrator Hearing. Council District 6

ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF

- Item 4: Richard Design Poinsettia Addition – Staff Approval No. SA2010-012 (PA2010-152)
412 Poinsettia Avenue
- This item was approved on December 2, 2010 Council District 6

On behalf of James W. Campbell, Acting Planning Director:



Patrick J. Alford, Planning Manager

APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

Email Dana Smith, Assistant City Manager
Leonie Mulvihill, Assistant City Attorney
David Keely, Public Works Senior Civil Engineer
Code Enforcement Division



ZONING ADMINISTRATOR ACTION LETTER

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

Application No.	Modification Permit No. MD2010-022 (PA2010-157)
Applicant	Noel and Carrie Duarte
Site Address	1729 Port Abbey Place
Legal Description	N TR 6621 LOT 32

On **December 2, 2010**, the Zoning Administrator approved the following: a modification permit to retain an existing 12-foot 10-inch-high exterior fireplace that encroaches 6 inches into the required 5-foot side setback as well as a 14-foot 1-inch-high accessory building that encroaches 5 feet into the 10-foot rear setback. The accessory building has a floor area of 93 square feet and contains a toilet, two sinks, two refrigerators, and storage cabinets. 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.

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

- The preexisting pool located toward the rearmost portion of the backyard severely limits the area for the accessory building and fireplace structures and presents a practical difficulty in relocating the structures out of the required setbacks.
- Although the applicant has no right to retain the unpermitted structures and resulting minor encroachments, the location of existing structures on the subject property with the strict application of the Zoning Code is a practical difficulty. The subject improvements were constructed approximately 10 years earlier without benefits of permits and they were not identified when the property was sold in late 2009. The resulting reconstruction results in a physical hardship where the owner and neighbors would have to live through and endure the corrective construction effort simply to provide 6 additional inches of a side setback, 60 additional square feet of rear setback area, and strict code compliance. The physical hardship (not economic) outweighs any

tangible benefits to the abutting properties or the community given that the existing improvements have been in place for so long and have not proven to be unsafe or a nuisance.

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

Facts in Support of Finding:

- The accessory building is built into a slope in the rearmost portion of the backyard and is neither visible from the surrounding neighbors nor is it visible from the public right-of-way.
 - The fireplace is situated such that it is not visible from the adjacent neighbor as it is screened by landscaping and trees within the backyard of the applicant.
 - The fireplace encroaches only 6 inches into the required side setback and leaves a 36-inch clear walkway by leaving 54 inches between the fireplace and the side property line. A fireplace attached to the residence may project to a maximum distance of 2 feet 6 inches from any side setback line provided that such encroachment must be at least 2 feet from any side property line. The fireplace is designed similar to an attached fireplace and encroaches much less than what is permitted for an attached fireplace; therefore, it presents no negative impact to the surrounding area.
 - Several homes within the Harbor View Hills Planned Community have pools constructed within the backyard and many of those have similar accessory structures built to serve the pool area.
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 accessory building and fireplace have been in existence for nearly ten years and have been deemed as "structurally sound and competently built" by the Building Department and do not pose a threat to the health or safety of any surrounding persons.
- The accessory building and fireplace are located within the backyard of the applicant's property and are effectively surrounded by a fence along the property line. No outside individual has readily available access to the backyard portion of the property.

- The location of the accessory building and fireplace are within the property lines of the applicant and do not endanger any property or potential improvements to any neighboring property.
4. **Finding:** This project conforms to the requirements of the California Environmental Quality Act (CEQA).

Facts in Support of Finding:

- This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of CEQA Guidelines under Section 15303 Class 3 (New Construction or Conversion of Small Structures), which exempts accessory (appurtenant) structures.

CONDITIONS

(Project specific conditions are noted in italics)

1. *The revision to plans issued for building permits shall be in compliance with the site plan and details included in this approval. Any deviation to further increase the encroachment at the side yard setback or rear yard setback shall require the filing of an amendment or new modification permit application.*
2. *Prior to issuance of final building permits, this approval letter and attached revised plan shall be made a part of the Building Department set of plans issued for building permit purposes.*
3. The Planning Director or the Planning Commission may add to or modify conditions of approval to this approval or revoke this approval 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.
4. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
5. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
6. 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.

7. 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 Duarte Modification including, but not limited to, the Modification Permit No. MD2010-022 (PA2010-157). 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.
8. 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.
9. 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.

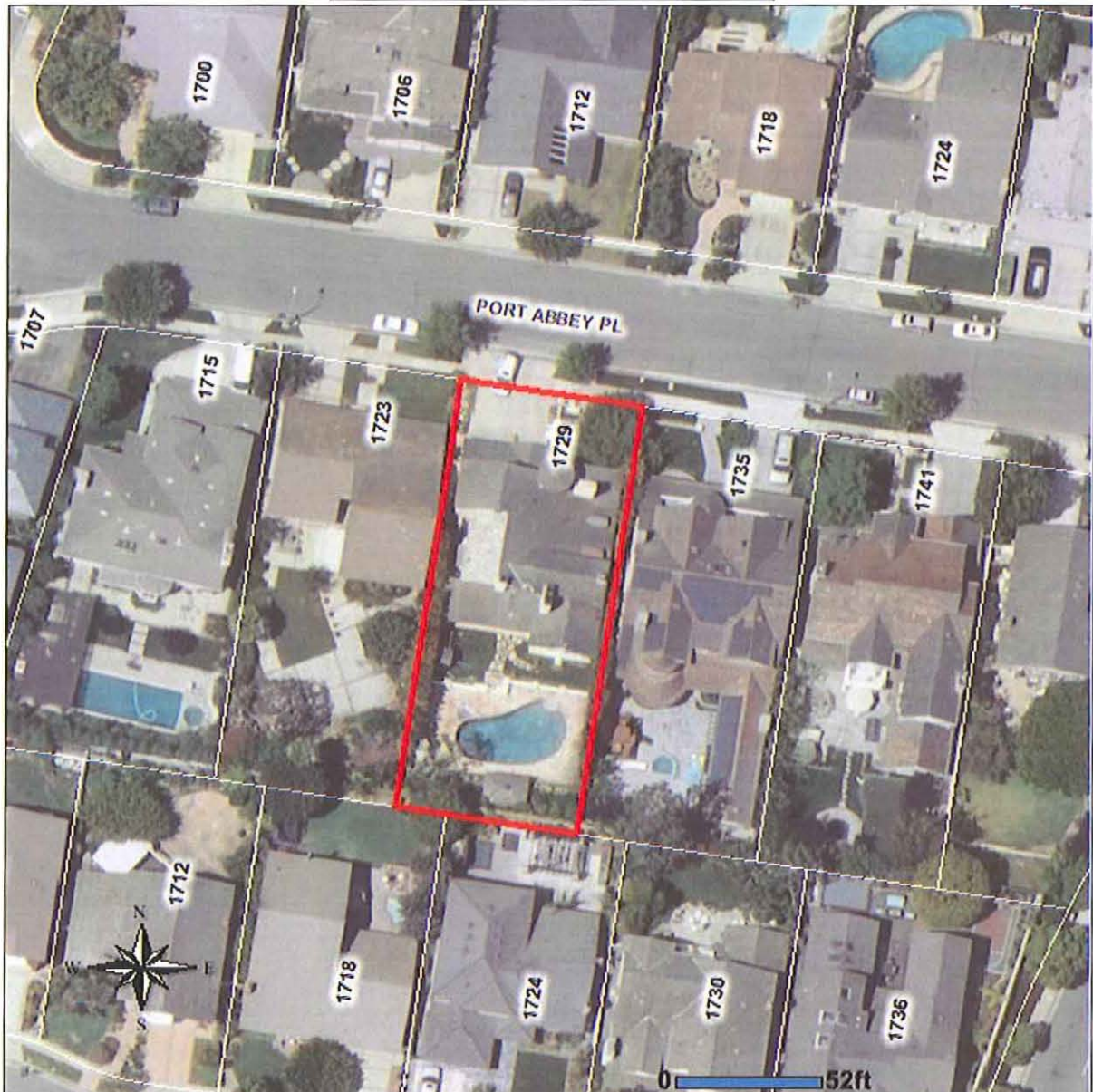
APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 
James W. Campbell, Zoning Administrator

JWC/bmz

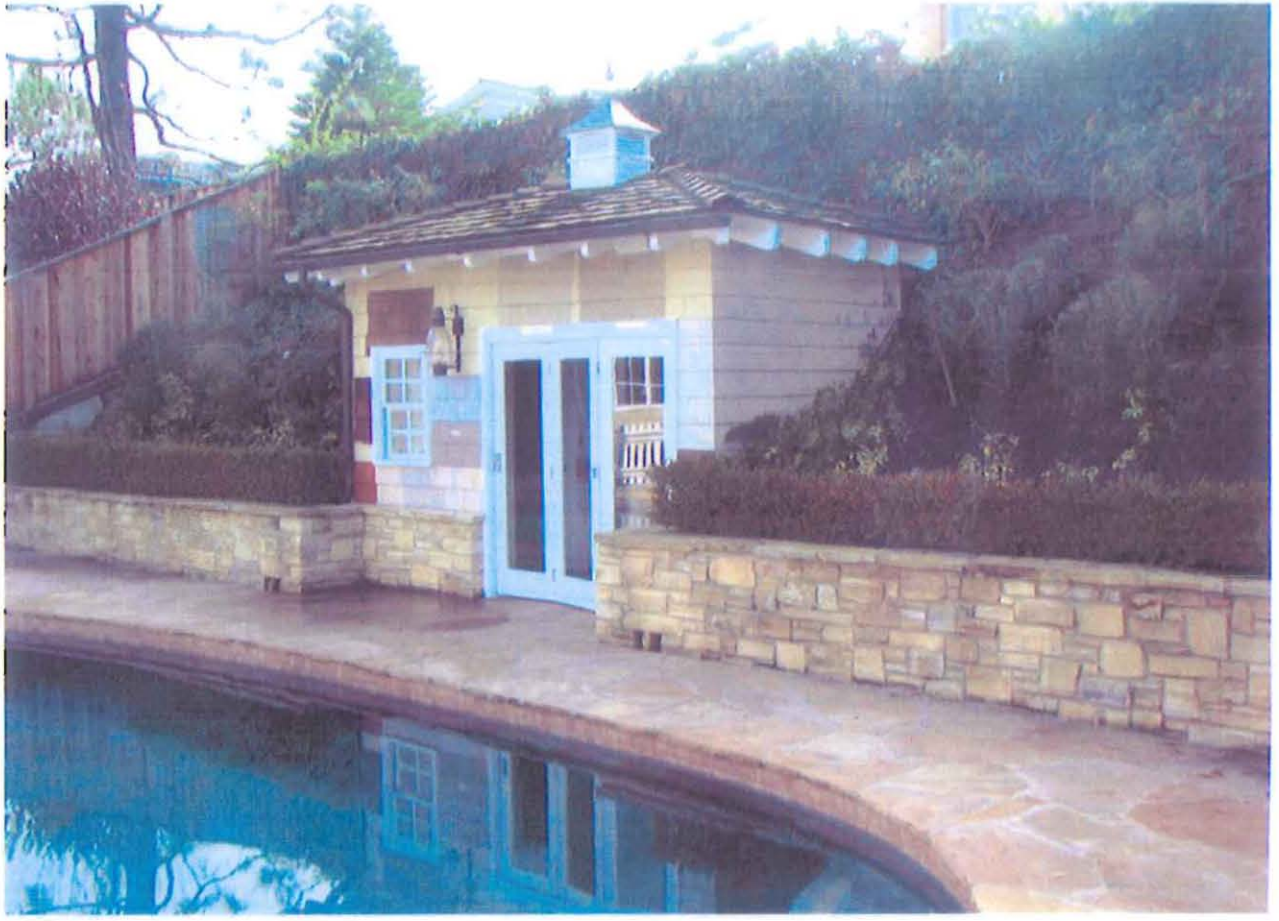
Attachments: Vicinity Map
Photos
Project Plans

VICINITY MAP

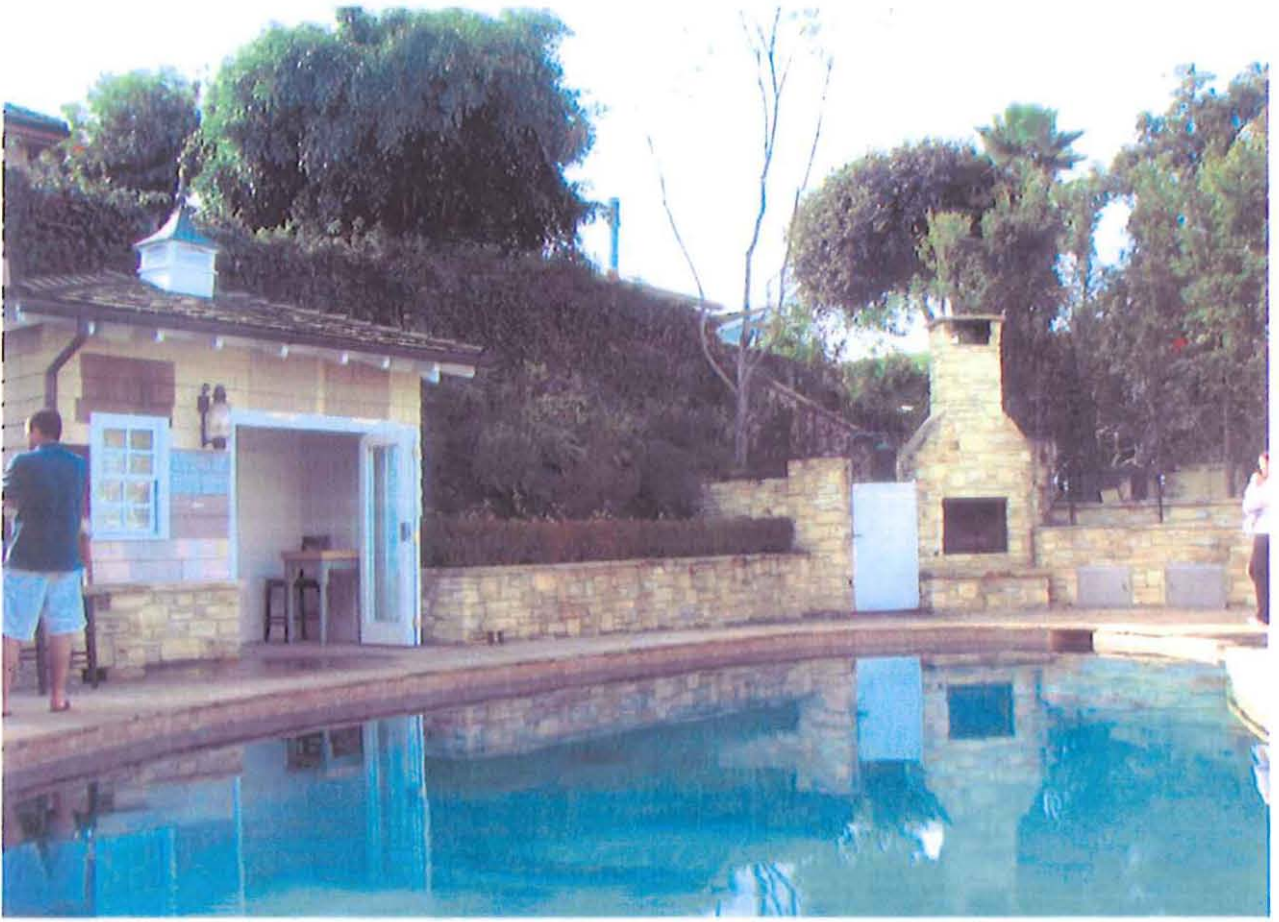


Modification Permit No. MD2010-022
PA2010-157

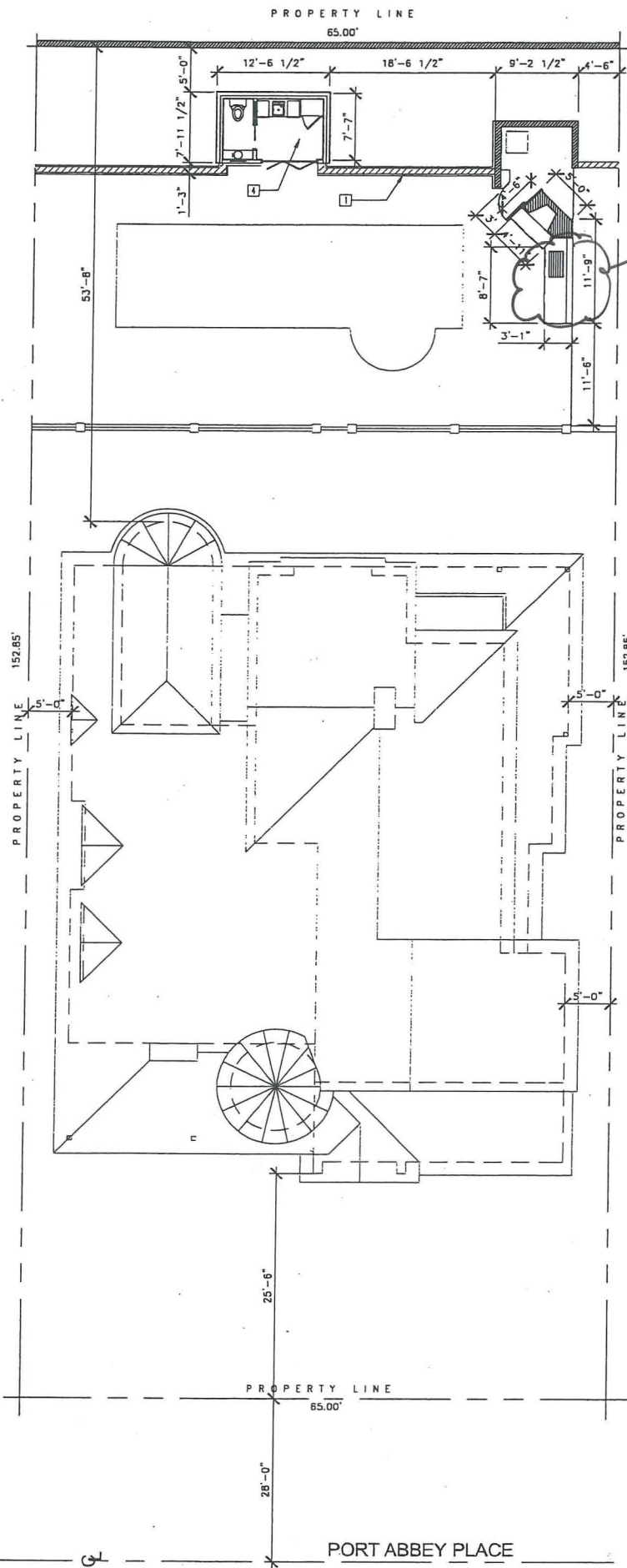
1729 Port Abbey Place



1729 Fort Abbey Place



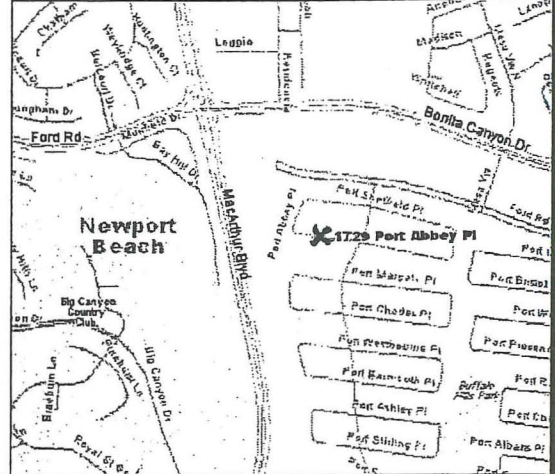
1729 Port Abbey Place



POOL CHANGING ROOM AND BBQ ADDITION

1729 PORT ABBEY PLACE
NEWPORT BEACH, CA 92660

VICINITY MAP:



OWNER

Bob and Marilyn Bendetti
1729 Port Abbey Place
Newport Beach, CA 92660
T: 949/300-8810

LEGAL DESCRIPTION:

Lot 32
Tract 6821

BUILDING AREA:

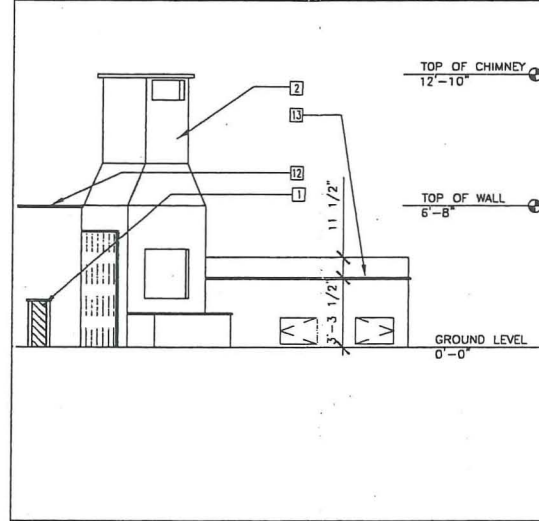
LOT AREA	9,935 S.F.
EXISTING RESIDENCE	3,178 S.F.
EXISTING GARAGE AREA	580 S.F.
EXISTING UPPER DECK	130 S.F.
NEW CHANGING ROOM	93 S.F.
NEW BBQ	56 S.F.

SCOPE OF WORK:

Addition of pool changing room, bbq and landscape retaining wall.

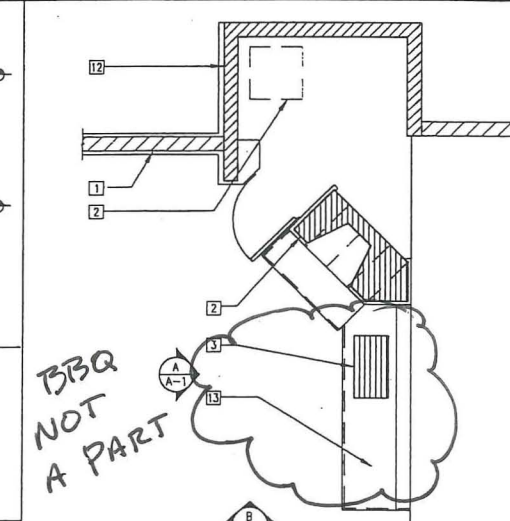
KEYNOTES:

- | | |
|---|--------------------------------|
| 1 EXISTING 27" HIGH WALL, STONE VENEER FINISH | 14 ROOF ABOVE |
| 2 OUTDOOR FIRE PLACE, CMU w/STONE VENEER FINISH | 15 BAR SINK |
| 3 OUTDOOR BBQ | 16 32" X 6'-8" POCKET DOOR |
| 4 CHANGING ROOM | 17 WATER CLOSET |
| 5 STORAGE | 18 CEMENT TILE ROOF FINISH |
| 6 BATH SINK | 19 EXISTING GRADE |
| 7 REFRIGERATOR | 20 EXISTING PROPERTY LINE WALL |
| 8 6'-0" X 6'-8" FOLDING DOOR | |
| 9 POOL EQUIPMENT BY OTHERS | |
| 10 SHINGLE SIDING | |
| 11 22" X 36" DOUBLE HUNG WINDOW | |
| 12 NEW RETAINING WALL, PER STRUCT. | |
| 13 OUTDOOR COUNTER, CMU w/STONE VENEER FINISH | |



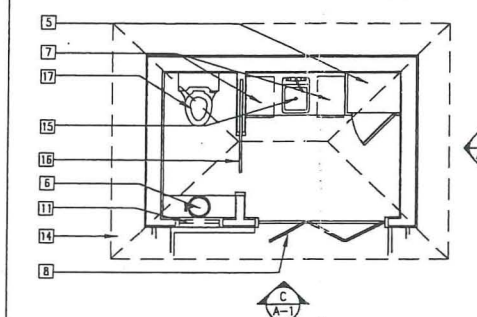
ELEVATION

SCALE: 1/4"=1'-0" (A-1)



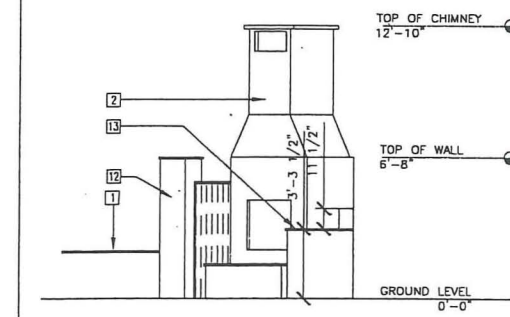
BBQ AREA PLAN

SCALE: 1/4"=1'-0" (B)



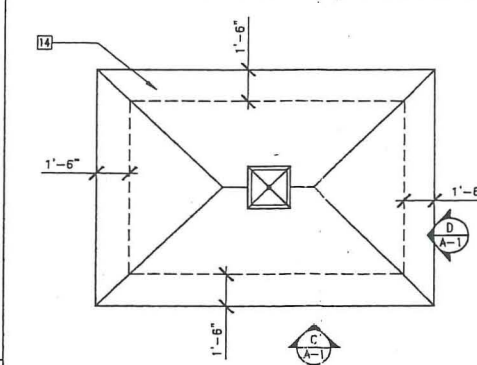
CHANGING ROOM PLAN

SCALE: 1/4"=1'-0" (C)



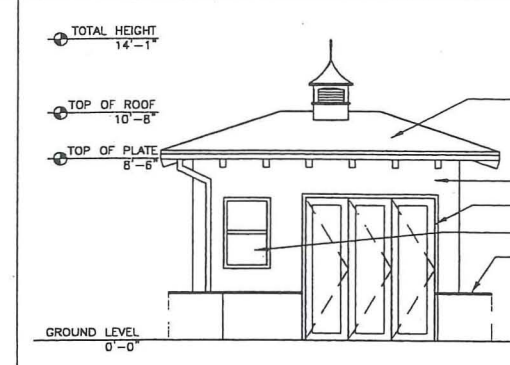
ELEVATION

SCALE: 1/4"=1'-0" (B)



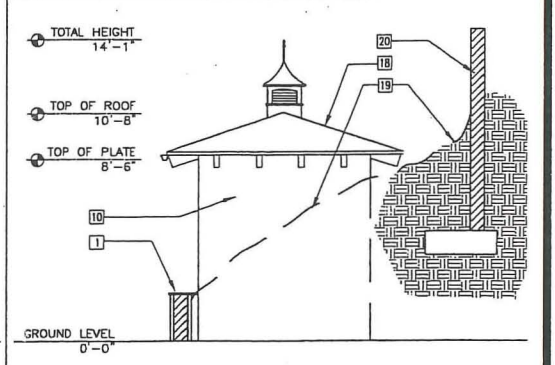
ROOF PLAN (CHANGING ROOM)

SCALE: 1/4"=1'-0" (A-1)



ELEVATION

SCALE: 1/4"=1'-0" (A-1)



SIDE ELEVATION

SCALE: 1/4"=1'-0" (A-1)

Bob and Marilyn Bendetti

POOL CHANGING ROOM AND BBQ ADDITION
1729 PORT ABBEY PLACE, NEWPORT BEACH, CA 92660

SITE, OUTDOOR BBQ PLAN
POOL CHANGING ROOM PLAN,
ELEVATIONS AND SECTIONS

DATE: 10-30-09
SCALE: AS NOTED
DRAWN BY: CAD
JOB NO.: LB20941
SHEET: A-1

LAWSON-BURKE
STRUCTURAL ENGINEERS LLC
318 OCEAN AVENUE
LAGUNA BEACH, CA 92653
(949) 498-2776



PA2010-157 for MD2010-022
1729 Port Abbey Place
Noel and Carrie Duarte

GENERAL STRUCTURAL NOTES

- Coordination: The Contractor shall verify all dimensions and conditions at the job site and shall be responsible for coordination of all work and materials including those furnished by subcontractors.
- Discrepancies: The contractor shall inform the Engineer in writing, of any discrepancies or omissions noted on the drawings that do not conform to codes, rules and regulations. Upon receipt of such information, the Engineer will send written instructions to all concerned. Any such discrepancy, omission, or variation not reported shall be the responsibility of the contractor.
- Typical Details and Notes on these sheets shall apply unless specifically shown or noted otherwise. Construction details not fully shown or noted shall be similar to details shown for similar conditions. All work or construction shall comply with all applicable building codes, regulations and safety requirements.
- Trade Names: Where an item is identified by a trade name the suffix "or approved equivalent" shall be implied unless specifically noted otherwise.
- Standards: Except where more stringent requirements are noted or shown in the plans or specifications, all phases of work shall conform to the minimum standards of the 2007 C.B.C. adopted by the City of Newport Beach.
- Building Live Loads:

Roof - Flat or Low Pitch	20 psf
Pitch 4:12 or greater	16 psf
- Inspection: Whenever special and/or continuous inspection is called for in these notes such inspection shall be performed by the Owner's Testing Laboratory. Any inspection, special or otherwise, that are required by the building codes, local building departments, or these plans shall be done by an independent company. Job site visits by the Engineer shall not constitute an official inspection, unless specifically contracted for.
- Excavation: The contractor shall be solely responsible for all excavation procedures including lagging, shoring, and protection of adjacent property, structures, streets and utilities in accordance with the standards of the City of Newport Beach and with the joining property.
- Materials and Workmanship: The contractor shall supply all labor, materials, equipment and services of every kind, including water and power, necessary for the proper execution of the work shown or indicated on these drawings. All material shall be new and materials and workmanship shall be of good quality. All workmen and subcontractors shall be skilled in their trade.
- Materials and Workmanship Warranty: The contractor shall replace any defective materials and correct poor workmanship with no additional costs to the owner, and shall remedy any defects in material or workmanship which appear in one year from the date of completion of the project. This warranty applies to the work done by the subcontractors as well as the work done by the employees on the contractor.
- Safety: The contractor shall adequately protect his work, adjacent property and the public, and be responsible for damage or injury due to his act or neglect.

FOUNDATION NOTES

- Design: Foundation designed in conformance with the California Building Code, 2007 Edition. Allowable soil bearing pressure is 1500 p.s.f.
- Footings: All footings shall extend a minimum of 18 inches below finished or natural grade into undisturbed soil.
- Retaining Walls:

Active soil pressure: Equivalent fluid density
Cantilevered walls = 25 pcf retaining level backfill
= 45 pcf retaining sloped backfill

Passive soil pressure: Equivalent fluid weight =
= 250 psf per foot

Coefficient of Friction = 0.25
- Backfill: Backfill may not be placed behind cantilevered retaining walls until at least 7 days after completion of wall construction. Backfill shall not be placed until after completion and inspection of waterproofing where waterproofing occurs.
- Waterproofing: All retaining walls of the building shall be waterproofed in accordance with Architectural Drawings and Specifications.
- Inspections: The Soils Engineer or his authorized representative shall inspect all subgrade preparation prior to the placement of any reinforcing steel or concrete and shall perform tests as necessary to verify that such work is in conformance with the recommendations given in the soils report. The geotechnical engineer shall certify the footings prior to placement of forms or reinforcing. Holdowns (where required) shall be installed and properly anchored prior to inspection.

CONCRETE NOTES

- Compressive Strength: The minimum ultimate compressive strength of all concrete unless noted otherwise shall be 2500 psi at 28 days. Refer to plans for the design strength of concrete for specific structural elements. Design of mixes shall be by an approved testing laboratory and signed by a registered engineer.
- Weight: All concrete shall be "regular weight" unless noted otherwise.
- Cement: Cement shall conform to the ASTM C150-71a, Type V and aggregate ASTM C33-71a.
- Concrete Placement and Quality: Shall be per recommendations in ACI SP-15. A copy shall be available at the construction site during construction.
- Debris: Remove all debris from forms before placing of concrete.
- Inserts: All items to be cast in concrete such as reinforcing, dowels, bolts, anchors, pipes, sleeves, etc., shall be securely positioned in the forms before placing the concrete.
- Construction Joints: shall have entire surface removed to expose clean aggregate solidly embedded. The contractor shall obtain the Owner's Representative's approval of construction joint location in all slabs, beams and shear walls.

MASONRY NOTES

- Strength: Block shall perform to standard specification for hollow concrete masonry units ASTM C90. Fm = 1500 psi. All mortar shall be type S. All grout shall be 2000 psi min at 28 day strength. Grout shall be placed at maximum 4 ft lifts.
- Reinforcement: All masonry rebar should be a minimum grade 60.
- Mortar: Cement mortar shall be freshly prepared and uniformly mixed and composed by volume of one part Portland Cement, three parts sand, and not more than 1/4 part lime putty unless otherwise noted or specified.
- Grout: Grout shall be freshly prepared, uniformly mixed, and composed of the following ratio by volume: One part Portland Cement, two parts pea gravel, three parts sand. Sufficient water should be added to produce a consistency for pouring without segregation of grout constituents. Grout mix design shall be designed by the testing laboratory.

- Grouting: All cells to be solid grouted, clean out required at opening at bottom of all cells to be filled at each pour of grout if pour exceeds 4 ft. in height. Vertical reinforcing shall be held in position at top and bottom and not exceeding 192 bar diameters.
- Reinforcing: All opening jacks, heads, and sills have two #5 bars minimum.
- Masonry Units: Masonry block joints shall have at least one adjacent open cell face. Blocks shall have at least one open end.
- Consolidation: Consolidation shall be by means of a vibrator. No puddling or tamping is allowed.

REINFORCING STEEL NOTES

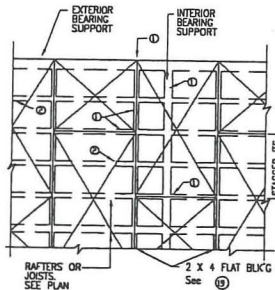
- Grade: All reinforcing steel shall be deformed bars which shall conform to the standard specifications of ASTM A-615 Grade 60.
- Minimum Cover: Reinforcing steel to have the following minimum cover:
 - Concrete against earth (not formed) - 3"
 - Concrete against earth (formed or troweled) - 2"
- Tolerance for Rebar Placement: Tolerance for longitudinal location of bends and ends of reinforcement shall be plus or minus 2 inches except at discontinuous ends of members where tolerances shall be plus or minus 1/2 inch.

WOOD NOTES

- Lumber: All lumber shall conform to the 2007 C.B.C. section 2303.
- Lumber Grading: All wood structural members shall be D.F. No. 1 per VCLIB Rule #17 (both horizontal and vertical), unad. All structural members shall be grade marked per Rule #17 VCLIB.
- Sills: All sills in contact with concrete or within 12" of soil shall be pressure treated D.F. conforming to 2007 C.B.C. section 2303.
- Preserve Treated and Fire-Retardant Lumber: Fasteners in preservative-treated and fire retardant-treated wood shall be hot dipped zinc-coated galvanized steel per ASTM A 153 or stainless steel. All other metal against shall be hot dipped zinc-coated galvanized steel or stainless steel.
- Sill Anchorage: Unless otherwise shown, all sill plates shall be anchored with 5/8" x 12" anchor bolts embedded a minimum of 9" in concrete. They shall be spaced at a maximum of 4'-0" o.c. and a maximum of 9' from the ends of sills and from corners. A minimum of 2 per sill plate is required. 3/4"x4" min. Plate washers to be used on each bolt.
- Bolts: All bolt heads and nuts bearing on wood shall have washers. All bolt holes in wood shall be drilled 1/32" to 1/16" diameter larger than the nominal bolt diameter.
- Lag Screws: All lag screws bearing on wood shall have washers. The hole for the shank shall be the same diameter and length as the shank, the lead hole for the threads shall be about 70 percent of the shank diameter and the length of thread.
- Wood Screws: The lead hole shall be about 70 percent of the root diameter of the screw and the length of the screw.
- Nails: Nailing shall conform to Table 2304.9.1 of the 2007 C.B.C. Connections shown are minimum permissible. All nails shall be common wire nails unless otherwise noted. Where possible, nails driven perpendicular to the grain shall be used instead of toenails. Pre-drill members and rerail should splitting develop due to the nature of the material or connection.
- Plywood Sheathing: Plywood sheathing shall be D.F. plywood with exterior type glue (Exposure 1) as specified by the American Plywood Association and as noted on plans. Wood structural panels shall conform to requirements of DDC PS 1 or DDC PS 2. Nail as shown on plans. If the nail head breaks the face ply, the nail shall be removed and rerailed into firm adjacent wood. Nail heads which break face ply shall be cause for rejection of vertical or horizontal diaphragm.
- OSB Sheathing: OSB sheathing shall be Exposure 1 D.F. as specified by the American Plywood Association and as noted on the plans. OSB structural panels shall conform to the requirements of DDC PS 2. Nail as shown on plans. If the nail head breaks the face ply, the nail shall be removed and rerailed into firm adjacent wood. Nail heads which break the face surface shall be cause for rejection of vertical and horizontal diaphragms.
- Roof Sheathing: Roof sheathing shall be inspected and approved prior to placing roofing and insulation.
- Wall Sheathing: Wall sheathing shall be inspected and approved prior to placing of drywall or fells.

SPECIAL INSPECTION NOTES

- General: In addition to the inspections required by section 109 of Appendix Chapter 1 of the 2007 CBC, the owner shall employ a special inspector during construction on the following types of work. All special inspections shall be performed in accordance with chapter 17 of the 2007 CBC.
- Selection of the Special Inspector: The owner shall submit to the Architect a list of 3 firms chosen to perform the special inspection duties. The special inspection firm shall have at least 5 years of experience in the work to be inspected. The Architect shall recommend a firm from those submitted.
- Field Inspection: All field inspectors shall have a minimum of 2 years experience in the specific construction being inspected.



- EDGE NAILING: ALL EDGES OF ALL PLYWOOD SHEATHING & BEARING SUPPORTS.
- INTERMEDIATE NAILING: ALL INTERMEDIATE EDGES OF ALL PLYWOOD SHEATHING & BEARING SUPPORTS.
- LONG DIMENSION OF PLYWOOD SHALL RUN ACROSS JOISTS OR RAFTERS.
- MIN. EDGE DISTANCE FOR NAILS SHALL BE 3/8\"/>

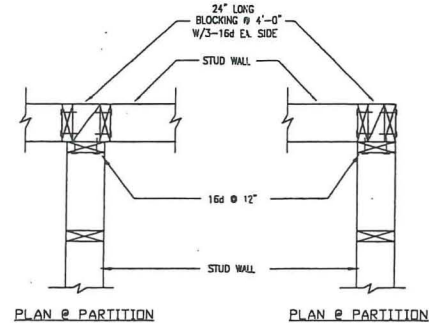
- MIN. SIZE FOR PLYWOOD SHEATHING SHALL BE 5/8\"/>

- HEAD OF NAILS SHALL NOT BE DRIVEN INTO TOP LAYER OF PLYWOOD.

CONNECTION	NAILING	LOCATION
1. Joint to sill or girder	3-8d	toe nail
2. Bridging to joint	2-8d	toe nail each end
3. 1" x 6" subfloor or less to each joint	2-8d	face nail
4. Wider than 1" x 6" subfloor to each joint	3-8d	face nail
5. 2" subfloor to joint or girder	2-16d	blind and face nail
6. Sole plate to joint or blocking	16d @ 16" o.c.	typical face nail
7. Top plate to stud	2-16d	end nail
8. Stud to sole plate	4-8d	toe nail
9. Double studs	16d @ 24" o.c.	face nail
10. Doubled top plates	16d @ 16" o.c.	typical face nail
11. Blocking between joists or rafters to top plate	3-8d	toe nail
12. Rim stud to top plate	16d @ 8" o.c.	toe nail
13. Top plates, laps and intersections	2-16d	face nail
14. Continuous header, two pieces	16d @ 16" o.c.	along each edge
15. Ceiling joists to plate	3-8d	toe nail
16. Continuous header to stud	4-8d	toe nail
17. Ceiling joists, laps over partitions	3-16d min	face nail
18. Ceiling joists to parallel rafters	3-16d min	face nail
19. Rafter to plate	3-8d	toe nail
20. 1" brace to each stud and plate	2-8d	face nail
21. 1" x 8" sheathing or less to each bearing	3-8d	face nail
22. Wider than 1" x 8" sheathing to each bearing	3-8d	face nail
23. Built-up corner studs	16d @ 24" o.c.	face nail

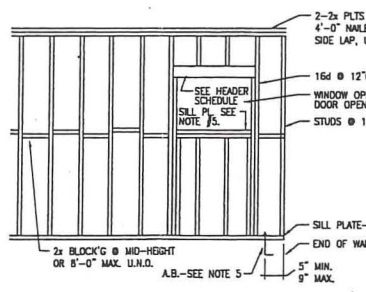
NAILING SCHEDULE

NTS 7 S-N



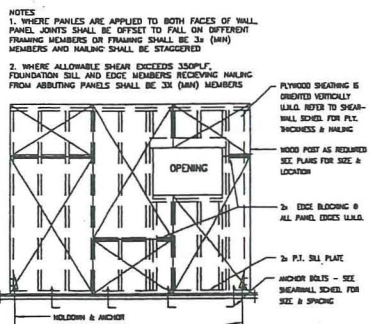
TYPICAL STUD DETAIL

NTS 8 S-N



TYPICAL STUD WALL FRAMING REQUIREMENTS

NTS 5 S-N

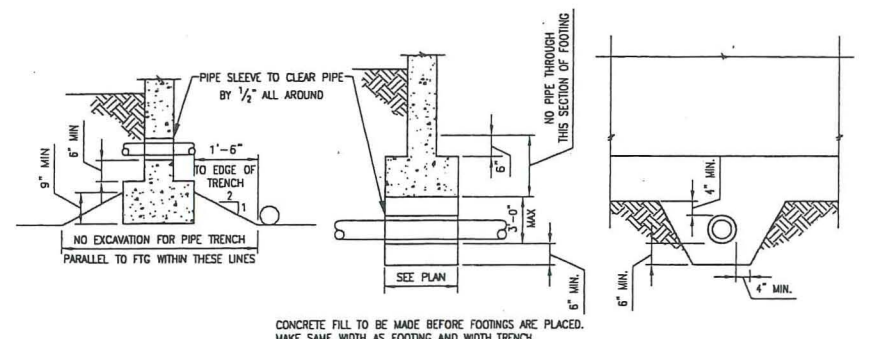


SHEARWALL SHEATHING

NTS 9 S-N

PIPES AT FOOTING DETAIL

NTS 1 S-N



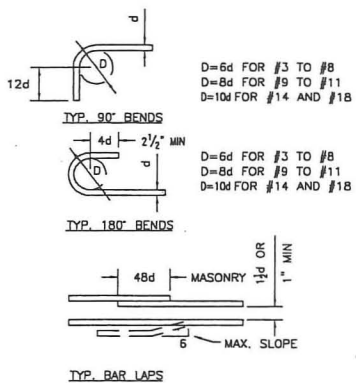
CONCRETE WALL REINFORCING

NTS 2 S-N

GENERAL NOTES

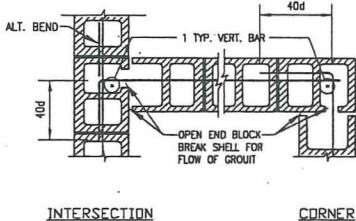
HEADER SCHEDULE	
SPAN #1	SPAN #2
3 1/2' 6'-0" OR LESS	4'-0" OR LESS
5 1/2' 6'-0" TO 9'-0"	4'-0" TO 6'-0"
7 1/2' 9'-0" TO 12'-0"	6'-0" TO 9'-0"
9 1/2' 12'-0" TO 16'-0"	9'-0" TO 12'-0"
11 1/2' 16'-0" TO 20'-0"	12'-0" TO 16'-0"

- SPAN #1 SUPPORTS ROOF ONLY. SPAN #2 SUPPORTS ROOF AND FLOOR OR FLOOR ONLY.
- WIDTH OF HEADER SAME AS SUPPORTING STUDS.
- 2-2x PLTS UNLESS OTHERWISE NOTED IS 4'-0" IN WIDTH OR LESS. IN WIDTH USE 1-2x PL. USE 2-10d TOE NAIL EA. SIDE OF PL.
- SEE NAILING SCHEDULE FOR ALL OTHER NAILING CONDITIONS.
- USE 2x SILL PL. 1/2" x 1/4" ANCHOR BOLTS x 14" LG @ 4'-0" O.C. w/ 3" 30x3/4" WASHERS TYP. U.L.O.



REBAR LAPS AND BEND

NTS 3 S-N



MASONRY WALL REINF.

NTS 4 S-N

GENERAL STRUCTURAL NOTES

PLYWOOD BLOCKING/NAILING

NTS 10 S-N

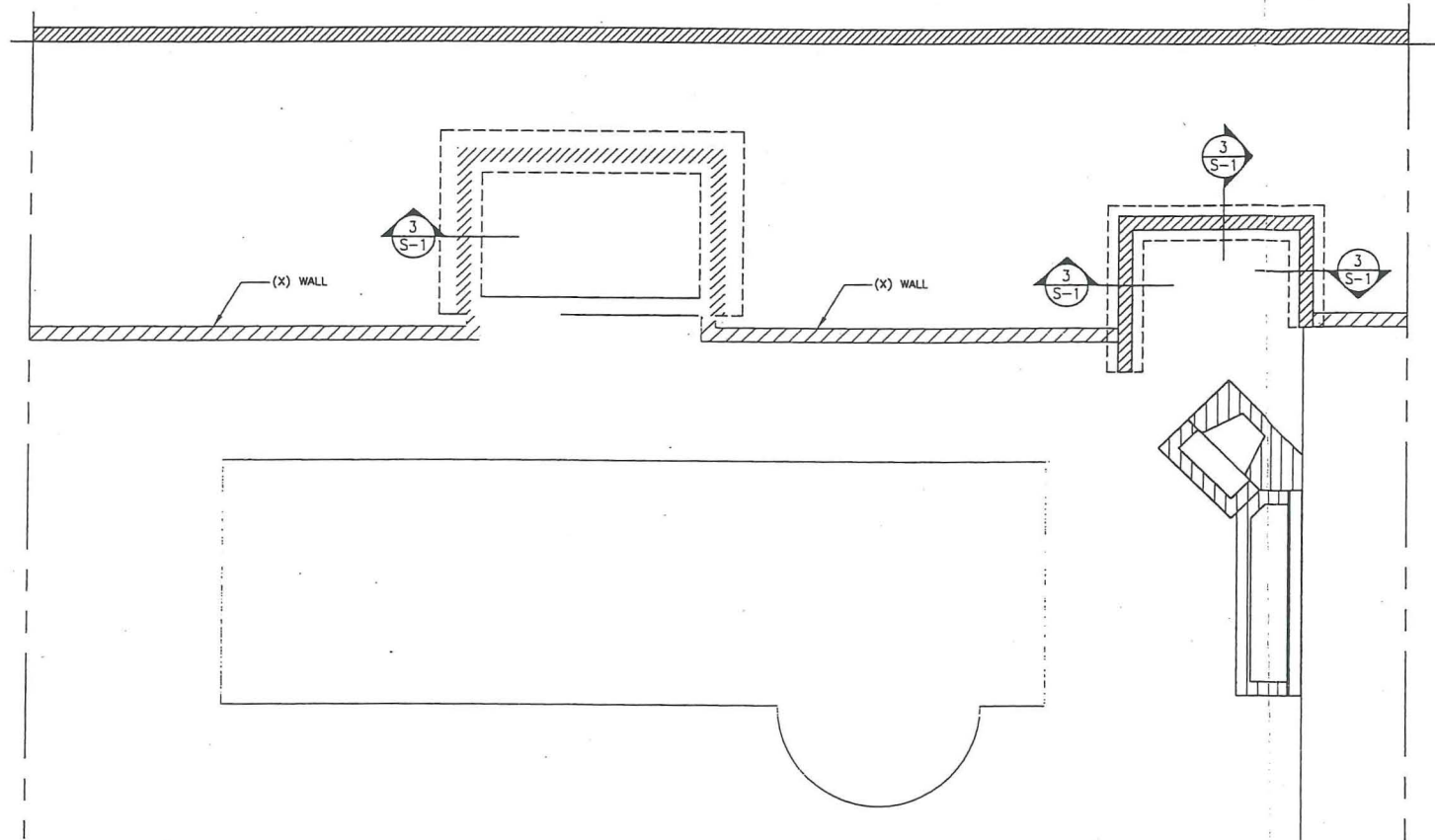
Bob and Marilyn Bendetti

POOL CHANGING ROOM AND BBQ ADD 'N
1729 PORT ABBEY PLACE, NEWPORT BEACH, CA 92660

GENERAL STRUCTURAL
NOTES AND DETAILS

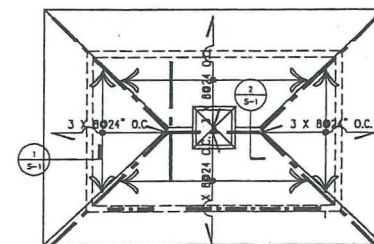
DATE 10-30-09
SCALE AS NOTED
DRAWN BY CAD
JOB NO. LB20941
SHEET

S-N
OF SHEETS



FOUNDATION PLAN

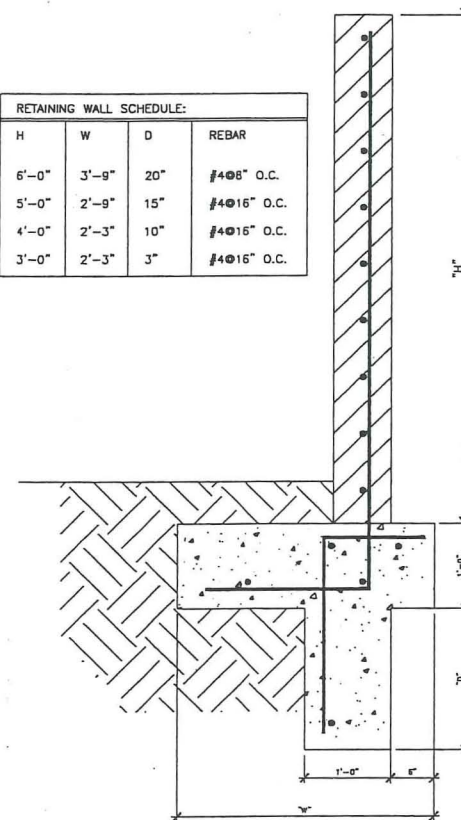
scale 1/4"=1'-0"



ROOF FRAMING PLAN

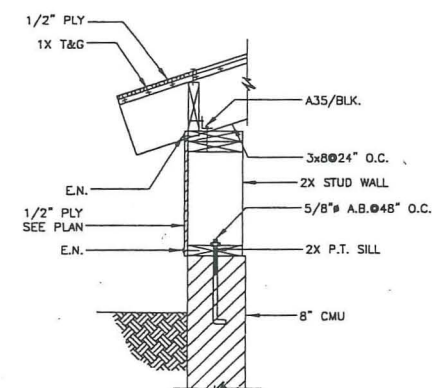
scale 1/4"=1'-0"

RETAINING WALL SCHEDULE:			
H	W	D	REBAR
6'-0"	3'-9"	20"	#4@8" O.C.
5'-0"	2'-9"	15"	#4@16" O.C.
4'-0"	2'-3"	10"	#4@16" O.C.
3'-0"	2'-3"	3"	#4@16" O.C.



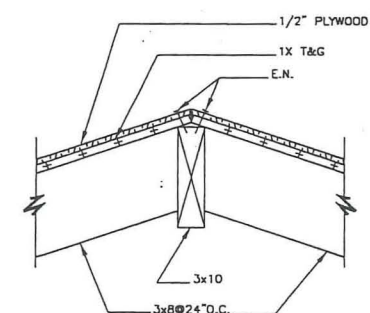
RET. WALL DET.

scale 1"=1'-0"



DETAIL

scale 1"=1'-0"



DETAIL

scale 1 1/2"=1'-0"

Bob and Marilyn Bendetti

POOL CHANGING ROOM AND BBQ ADD'N
1729 PORT ABBEY PLACE, NEWPORT BEACH, CA 92660

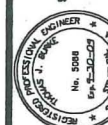
POOL CHANGING ROOM
ROOF FRAMING PLAN
AND DETAILS

DATE 10-30-09
SCALE AS NOTED
DRAWN BY CAD
JOB NO. LB20941

SHEET S-1

OF SHEETS

LAWSON-BURKE
STRUCTURAL ENGINEERS LLC
10000 JENSEN DRIVE
LAGUNA BEACH, CA 92653
(949) 454-0778





ZONING ADMINISTRATOR ACTION LETTER

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

Application No.	Modification Permit No. MD2010-022 (PA2010-157)
Applicant	Noel and Carrie Duarte
Site Address	1729 Port Abbey Place
Legal Description	N TR 6621 LOT 32

On **December 2, 2010**, the Zoning Administrator approved the following: a modification permit to retain an existing 12-foot 10-inch-high exterior fireplace that encroaches 6 inches into the required 5-foot side setback as well as a 14-foot 1-inch-high accessory building that encroaches 5 feet into the 10-foot rear setback. The accessory building has a floor area of 93 square feet and contains a toilet, two sinks, two refrigerators, and storage cabinets. 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.

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

- The preexisting pool located toward the rearmost portion of the backyard severely limits the area for the accessory building and fireplace structures and presents a practical difficulty in relocating the structures out of the required setbacks.
- Although the applicant has no right to retain the unpermitted structures and resulting minor encroachments, the location of existing structures on the subject property with the strict application of the Zoning Code is a practical difficulty. The subject improvements were constructed approximately 10 years earlier without benefits of permits and they were not identified when the property was sold in late 2009. The resulting reconstruction results in a physical hardship where the owner and neighbors would have to live through and endure the corrective construction effort simply to provide 6 additional inches of a side setback, 60 additional square feet of rear setback area, and strict code compliance. The physical hardship (not economic) outweighs any

tangible benefits to the abutting properties or the community given that the existing improvements have been in place for so long and have not proven to be unsafe or a nuisance.

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

Facts in Support of Finding:

- The accessory building is built into a slope in the rearmost portion of the backyard and is neither visible from the surrounding neighbors nor is it visible from the public right-of-way.
 - The fireplace is situated such that it is not visible from the adjacent neighbor as it is screened by landscaping and trees within the backyard of the applicant.
 - The fireplace encroaches only 6 inches into the required side setback and leaves a 36-inch clear walkway by leaving 54 inches between the fireplace and the side property line. A fireplace attached to the residence may project to a maximum distance of 2 feet 6 inches from any side setback line provided that such encroachment must be at least 2 feet from any side property line. The fireplace is designed similar to an attached fireplace and encroaches much less than what is permitted for an attached fireplace; therefore, it presents no negative impact to the surrounding area.
 - Several homes within the Harbor View Hills Planned Community have pools constructed within the backyard and many of those have similar accessory structures built to serve the pool area.
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 accessory building and fireplace have been in existence for nearly ten years and have been deemed as "structurally sound and competently built" by the Building Department and do not pose a threat to the health or safety of any surrounding persons.
- The accessory building and fireplace are located within the backyard of the applicant's property and are effectively surrounded by a fence along the property line. No outside individual has readily available access to the backyard portion of the property.

- The location of the accessory building and fireplace are within the property lines of the applicant and do not endanger any property or potential improvements to any neighboring property.
4. **Finding:** This project conforms to the requirements of the California Environmental Quality Act (CEQA).

Facts in Support of Finding:

- This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of CEQA Guidelines under Section 15303 Class 3 (New Construction or Conversion of Small Structures), which exempts accessory (appurtenant) structures.

CONDITIONS

(Project specific conditions are noted in italics)

1. *The revision to plans issued for building permits shall be in compliance with the site plan and details included in this approval. Any deviation to further increase the encroachment at the side yard setback or rear yard setback shall require the filing of an amendment or new modification permit application.*
2. *Prior to issuance of final building permits, this approval letter and attached revised plan shall be made a part of the Building Department set of plans issued for building permit purposes.*
3. The Planning Director or the Planning Commission may add to or modify conditions of approval to this approval or revoke this approval 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.
4. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
5. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
6. 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.

7. 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 Duarte Modification including, but not limited to, the Modification Permit No. MD2010-022 (PA2010-157). 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.
8. 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.
9. 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.

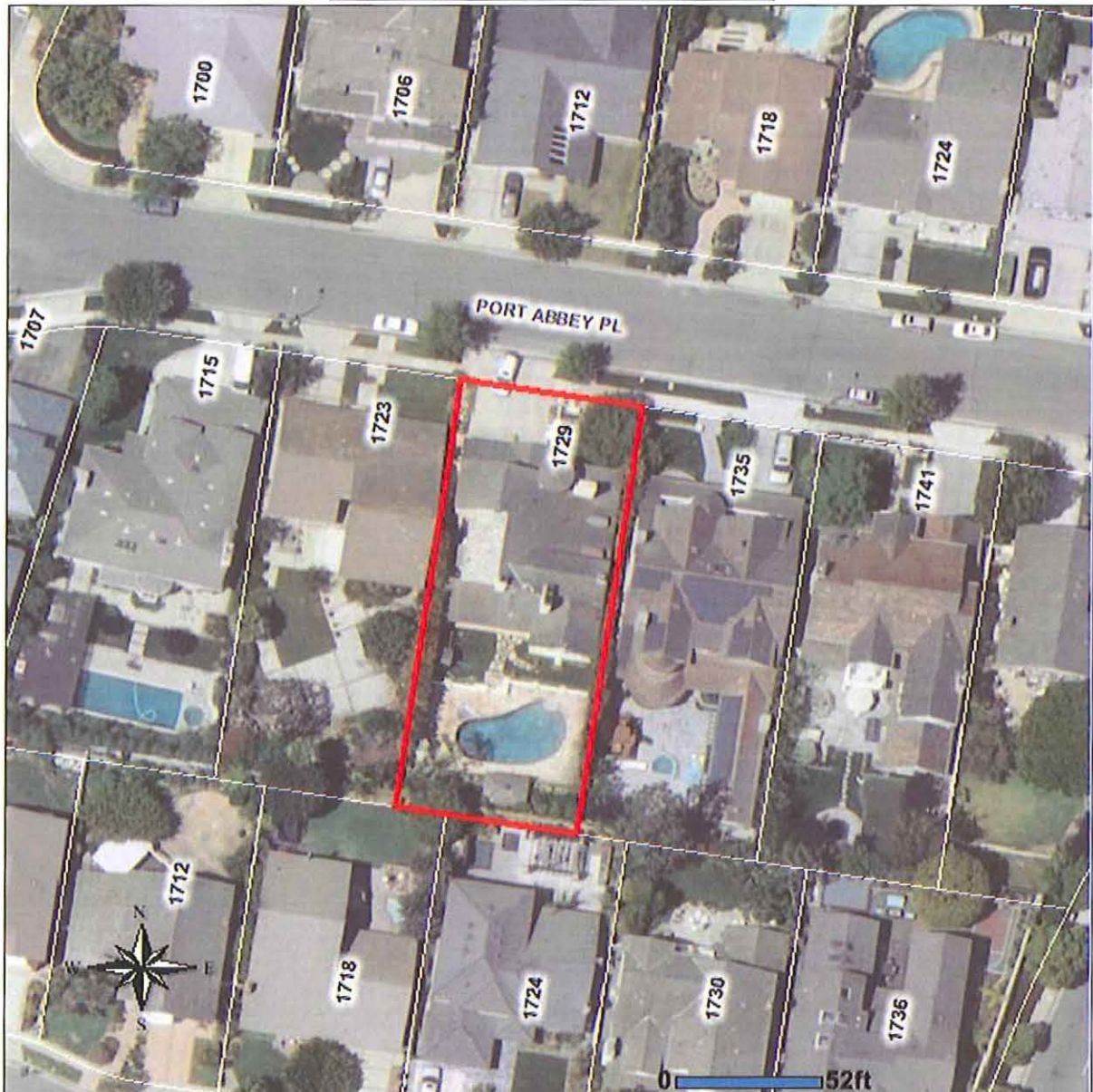
APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 
James W. Campbell, Zoning Administrator

JWC/bmz

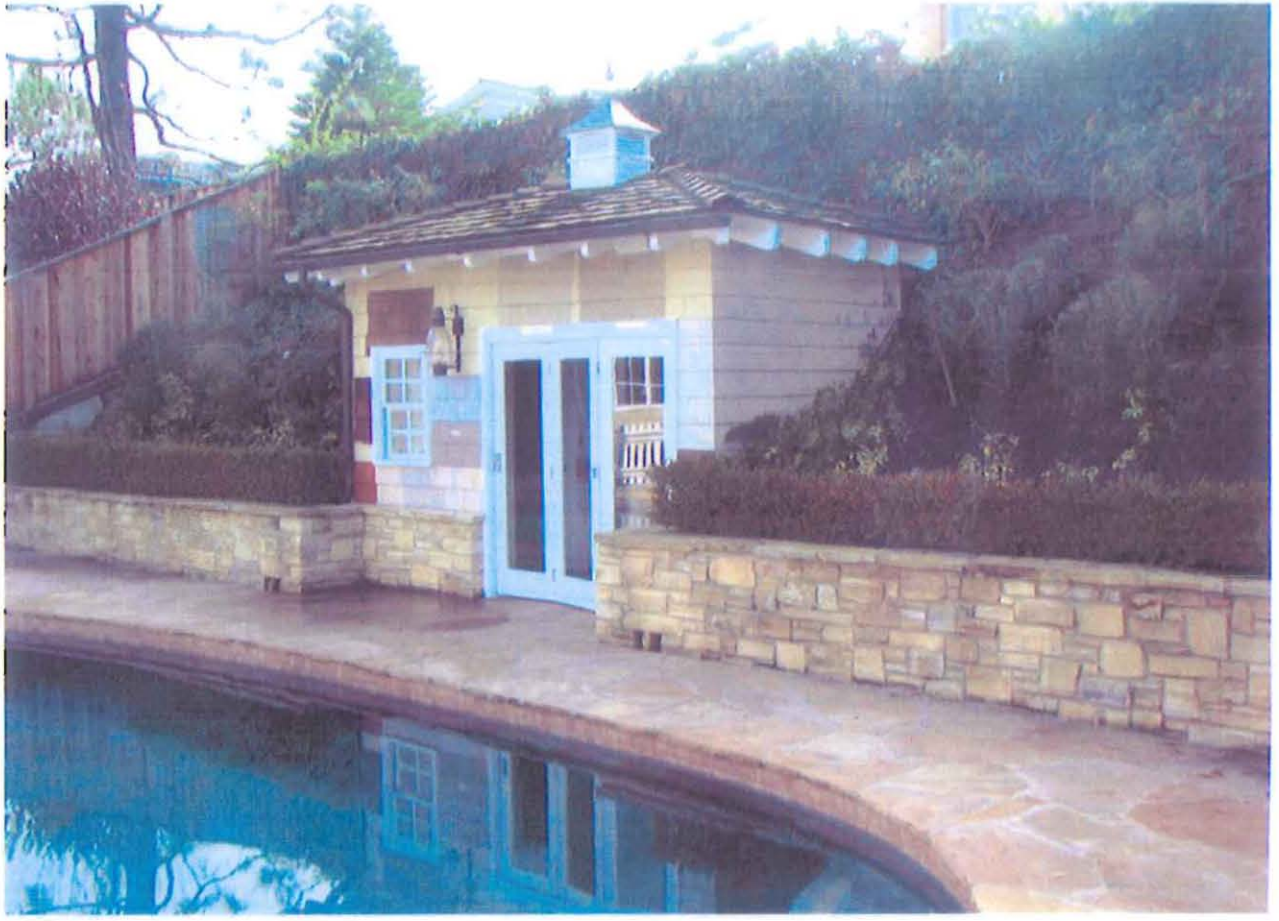
Attachments: Vicinity Map
Photos
Project Plans

VICINITY MAP

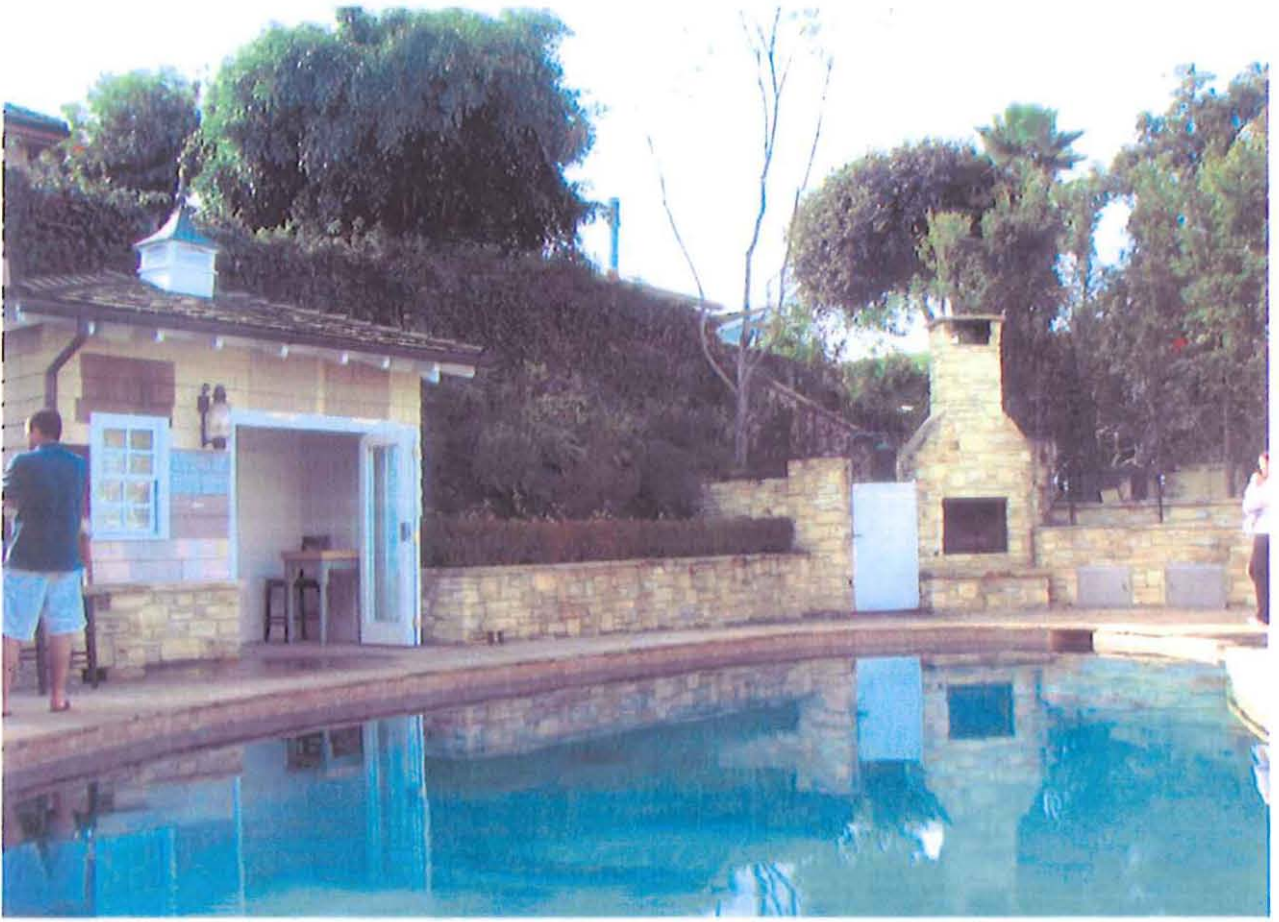


Modification Permit No. MD2010-022
PA2010-157

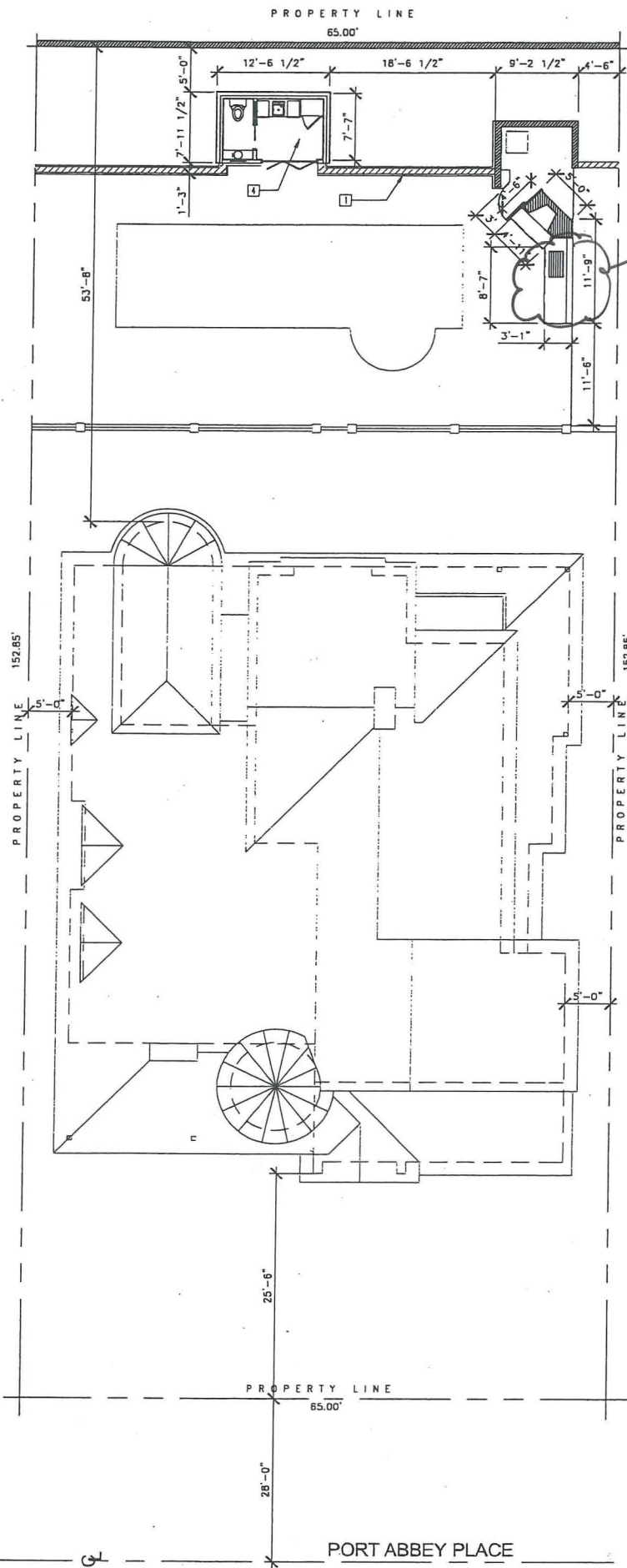
1729 Port Abbey Place



1729 Fort Abbey Place



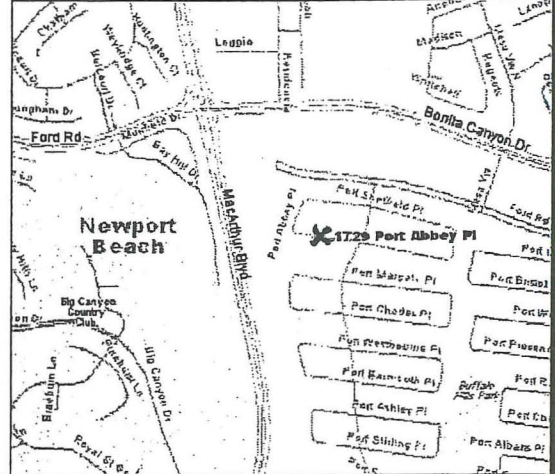
1729 Port Abbey Place



POOL CHANGING ROOM AND BBQ ADDITION

1729 PORT ABBEY PLACE
NEWPORT BEACH, CA 92660

VICINITY MAP:



OWNER

Bob and Marilyn Bendetti
1729 Port Abbey Place
Newport Beach, CA 92660
T: 949/300-8810

LEGAL DESCRIPTION:

Lot 32
Tract 6821

BUILDING AREA:

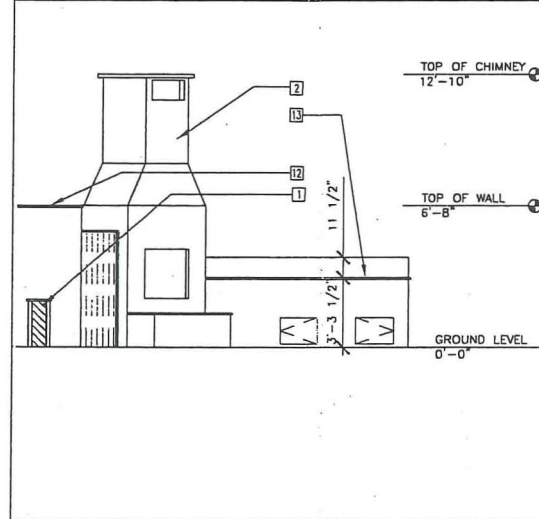
LOT AREA	9,935 S.F.
EXISTING RESIDENCE	3,178 S.F.
EXISTING GARAGE AREA	580 S.F.
EXISTING UPPER DECK	130 S.F.
NEW CHANGING ROOM	93 S.F.
NEW BBQ	56 S.F.

SCOPE OF WORK:

Addition of pool changing room, bbq and landscape retaining wall.

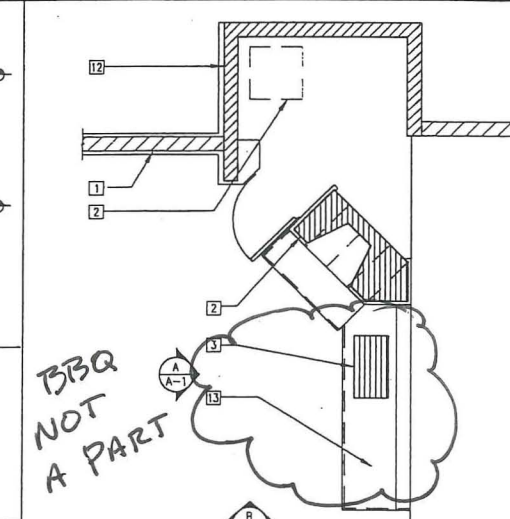
KEYNOTES:

- | | |
|---|--------------------------------|
| 1 EXISTING 27" HIGH WALL, STONE VENEER FINISH | 14 ROOF ABOVE |
| 2 OUTDOOR FIRE PLACE, CMU w/STONE VENEER FINISH | 15 BAR SINK |
| 3 OUTDOOR BBQ | 16 32" X 6'-8" POCKET DOOR |
| 4 CHANGING ROOM | 17 WATER CLOSET |
| 5 STORAGE | 18 CEMENT TILE ROOF FINISH |
| 6 BATH SINK | 19 EXISTING GRADE |
| 7 REFRIGERATOR | 20 EXISTING PROPERTY LINE WALL |
| 8 6'-0" X 6'-8" FOLDING DOOR | |
| 9 POOL EQUIPMENT BY OTHERS | |
| 10 SHINGLE SIDING | |
| 11 22" X 36" DOUBLE HUNG WINDOW | |
| 12 NEW RETAINING WALL, PER STRUCT. | |
| 13 OUTDOOR COUNTER, CMU w/STONE VENEER FINISH | |



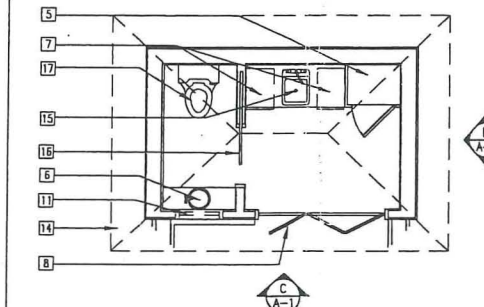
ELEVATION

SCALE: 1/4"=1'-0" (A-1)



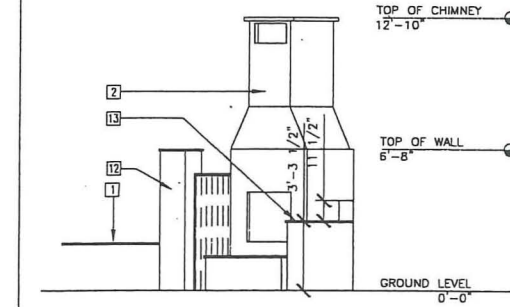
BBQ AREA PLAN

SCALE: 1/4"=1'-0" (A-1)



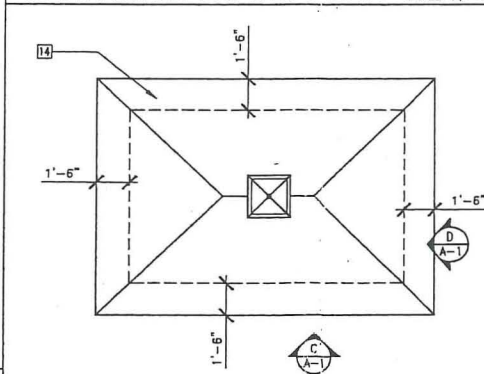
CHANGING ROOM PLAN

SCALE: 1/4"=1'-0" (A-1)



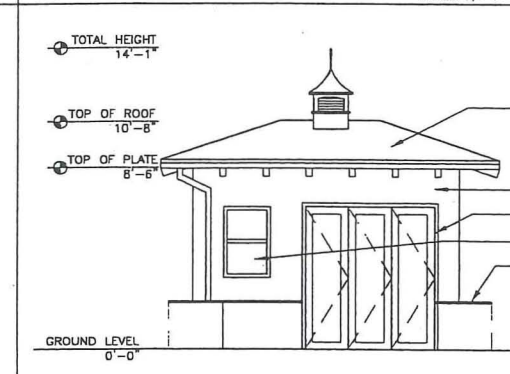
ELEVATION

SCALE: 1/4"=1'-0" (A-1)



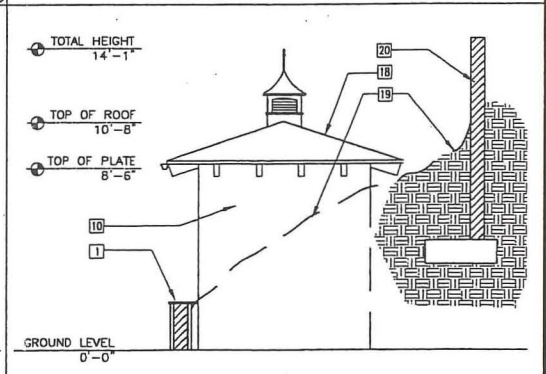
ROOF PLAN (CHANGING ROOM)

SCALE: 1/4"=1'-0" (A-1)



ELEVATION

SCALE: 1/4"=1'-0" (A-1)



SIDE ELEVATION

SCALE: 1/4"=1'-0" (A-1)

Bob and Marilyn Bendetti

POOL CHANGING ROOM AND BBQ ADDITION
1729 PORT ABBEY PLACE, NEWPORT BEACH, CA 92660

SITE, OUTDOOR BBQ PLAN
POOL CHANGING ROOM PLAN,
ELEVATIONS AND SECTIONS

DATE: 10-30-09
SCALE: AS NOTED
DRAWN BY: CAD
JOB NO.: LB20941
SHEET: A-1

LAWSON-BURKE
STRUCTURAL ENGINEERS LLC
318 OCEAN AVENUE
LAGUNA BEACH, CA 92653
(949) 498-2775



PA2010-157 for MD2010-022
1729 Port Abbey Place
Noel and Carrie Duarte

GENERAL STRUCTURAL NOTES

- Coordination: The Contractor shall verify all dimensions and conditions at the job site and shall be responsible for coordination of all work and materials including those furnished by subcontractors.
- Discrepancies: The contractor shall inform the Engineer in writing, of any discrepancies or omissions noted on the drawings that do not conform to codes, rules and regulations. Upon receipt of such information, the Engineer will send written instructions to all concerned. Any such discrepancy, omission, or variation not reported shall be the responsibility of the contractor.
- Typical Details and Notes on these sheets shall apply unless specifically shown or noted otherwise. Construction details not fully shown or noted shall be similar to details shown for similar conditions. All work or construction shall comply with all applicable building codes, regulations and safety requirements.
- Trade Names: Where an item is identified by a trade name the suffix "or approved equivalent" shall be implied unless specifically noted otherwise.
- Standards: Except where more stringent requirements are noted or shown in the plans or specifications, all phases of work shall conform to the minimum standards of the 2007 C.B.C. adopted by the City of Newport Beach.
- Building Live Loads:

Roof - Flat or Low Pitch	20 psf
Pitch 4:12 or greater	16 psf
- Inspection: Whenever special and/or continuous inspection is called for in these notes such inspection shall be performed by the Owner's Testing Laboratory. Any inspection, special or otherwise, that are required by the building codes, local building departments, or these plans shall be done by an independent company. Job site visits by the Engineer shall not constitute an official inspection, unless specifically contracted for.
- Excavation: The contractor shall be solely responsible for all excavation procedures including lagging, shoring, and protection of adjacent property, structures, streets and utilities in accordance with the standards of the City of Newport Beach and with the joining property.
- Materials and Workmanship: The contractor shall supply all labor, materials, equipment and services of every kind, including water and power, necessary for the proper execution of the work shown or indicated on these drawings. All material shall be new and materials and workmanship shall be of good quality. All workmen and subcontractors shall be skilled in their trade.
- Materials and Workmanship Warranty: The contractor shall replace any defective materials and correct poor workmanship with no additional costs to the owner, and shall remedy any defects in material or workmanship which appear in one year from the date of completion of the project. This warranty applies to the work done by the subcontractors as well as the work done by the employees on the contractor.
- Safety: The contractor shall adequately protect his work, adjacent property and the public, and be responsible for damage or injury due to his act or neglect.

FOUNDATION NOTES

- Design: Foundation designed in conformance with the California Building Code, 2007 Edition. Allowable soil bearing pressure is 1500 p.s.f.
- Footings: All footings shall extend a minimum of 18 inches below finished or natural grade into undisturbed soil.
- Retaining Walls:

Active soil pressure: Equivalent fluid density
Cantilevered walls = 25 pcf retaining level backfill
= 45 pcf retaining sloped backfill

Passive soil pressure: Equivalent fluid weight =
= 250 psf per foot

Coefficient of Friction = 0.25
- Backfill: Backfill may not be placed behind cantilevered retaining walls until at least 7 days after completion of wall construction. Backfill shall not be placed until after completion and inspection of waterproofing where waterproofing occurs.
- Waterproofing: All retaining walls of the building shall be waterproofed in accordance with Architectural Drawings and Specifications.
- Inspections: The Soils Engineer or his authorized representative shall inspect all subgrade preparation prior to the placement of any reinforcing steel or concrete and shall perform tests as necessary to verify that such work is in conformance with the recommendations given in the soils report. The geotechnical engineer shall certify the footings prior to placement of forms or reinforcing. Holdowns (where required) shall be installed and properly anchored prior to inspection.

CONCRETE NOTES

- Compressive Strength: The minimum ultimate compressive strength of all concrete unless noted otherwise shall be 2500 psi at 28 days. Refer to plans for the design strength of concrete for specific structural elements. Design of mixes shall be by an approved testing laboratory and signed by a registered engineer.
- Weight: All concrete shall be "regular weight" unless noted otherwise.
- Cement: Cement shall conform to the ASTM C150-71a, Type V and aggregate ASTM C33-71a.
- Concrete Placement and Quality: Shall be per recommendations in ACI SP-15. A copy shall be available at the construction site during construction.
- Debris: Remove all debris from forms before placing of concrete.
- Inserts: All items to be cast in concrete such as reinforcing, dowels, bolts, anchors, pipes, sleeves, etc., shall be securely positioned in the forms before placing the concrete.
- Construction Joints: shall have entire surface removed to expose clean aggregate solidly embedded. The contractor shall obtain the Owner's Representative's approval of construction joint location in all slabs, beams and shear walls.

MASONRY NOTES

- Strength: Block shall perform to standard specification for hollow concrete masonry units ASTM C90. Fm = 1500 psi. All mortar shall be type S. All grout shall be 2000 psi min at 28 day strength. Grout shall be placed at maximum 4 ft. lifts.
- Reinforcement: All masonry rebar should be a minimum grade 60.
- Mortar: Cement mortar shall be freshly prepared and uniformly mixed and composed by volume of one part Portland Cement, three parts sand, and not more than 1/4 part lime putty unless otherwise noted or specified.
- Grout: Grout shall be freshly prepared, uniformly mixed, and composed of the following ratio by volume: One part Portland Cement, two parts pea gravel, three parts sand. Sufficient water should be added to produce a consistency for pouring without segregation of grout constituents. Grout mix design shall be designed by the testing laboratory.

- Grouting: All cells to be solid grouted, clean out required at opening at bottom of all cells to be filled at each pour of grout if pour exceeds 4 ft. in height. Vertical reinforcing shall be held in position at top and bottom and not exceeding 192 bar diameters.
- Reinforcing: All opening jacks, heads, and sills have two #5 bars minimum.
- Masonry Units: Masonry block joints shall have at least one adjacent open cell face. Blocks shall have at least one open end.
- Consolidation: Consolidation shall be by means of a vibrator. No puddling or tamping is allowed.

REINFORCING STEEL NOTES

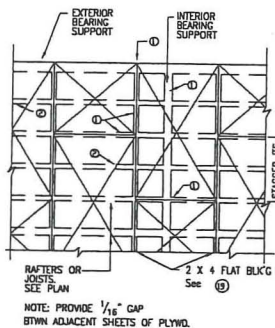
- Grade: All reinforcing steel shall be deformed bars which shall conform to the standard specifications of ASTM A-615 Grade 60.
- Minimum Cover: Reinforcing steel to have the following minimum cover:
 - Concrete against earth (not formed) - 3"
 - Concrete against earth (formed or troweled) - 2"
- Tolerance for Rebar Placement: Tolerance for longitudinal location of bends and ends of reinforcement shall be plus or minus 2 inches except at discontinuous ends of members where tolerances shall be plus or minus 1/2 inch.

WOOD NOTES

- Lumber: All lumber shall conform to the 2007 C.B.C. section 2303.
- Lumber Grading: All wood structural members shall be D.F. No. 1 per VCLIB Rule #17 (both horizontal and vertical), unad. All structural members shall be grade marked per Rule #17 VCLIB.
- Sills: All sills in contact with concrete or within 12" of soil shall be pressure treated D.F. conforming to 2007 C.B.C. section 2303.
- Preserve Treated and Fire-Retardant Lumber: Fasteners in preservative-treated and fire retardant-treated wood shall be hot dipped zinc-coated galvanized steel per ASTM A 153 or stainless steel. All other metal against shall be hot dipped zinc-coated galvanized steel or stainless steel.
- Sill Anchorage: Unless otherwise shown, all sill plates shall be anchored with 5/8" x 12" anchor bolts embedded a minimum of 9" in concrete. They shall be spaced at a maximum of 4'-0" o.c. and a maximum of 9' from the ends of sills and from corners. A minimum of 2 per sill plate is required. 3/4"x4" min. Plate washers to be used on each bolt.
- Bolts: All bolt heads and nuts bearing on wood shall have washers. All bolt holes in wood shall be drilled 1/32" to 1/16" diameter larger than the nominal bolt diameter.
- Lag Screws: All lag screws bearing on wood shall have washers. The hole for the shank shall be the same diameter and length as the shank, the lead hole for the threads shall be about 70 percent of the shank diameter and the length of thread.
- Wood Screws: The lead hole shall be about 70 percent of the root diameter of the screw and the length of the screw.
- Nails: Nailing shall conform to Table 2304.9.1 of the 2007 C.B.C. Connections shown are minimum permissible. All nails shall be common wire nails unless otherwise noted. Where possible, nails driven perpendicular to the grain shall be used instead of toenails. Pre-drill members and rerail should splitting develop due to the nature of the material or connection.
- Plywood Sheathing: Plywood sheathing shall be D.F. plywood with exterior type glue (Exposure 1) as specified by the American Plywood Association and as noted on plans. Wood structural panels shall conform to requirements of DGC PS 1 or DGC PS 2. Nail as shown on plans. If the nail head breaks the face ply, the nail shall be removed and rerailed into firm adjacent wood. Nail heads which break face ply shall be cause for rejection of vertical or horizontal diaphragm.
- OSB Sheathing: OSB sheathing shall be Exposure 1 D.F. as specified by the American Plywood Association and as noted on the plans. OSB structural panels shall conform to the requirements of DGC PS 2. Nail as shown on plans. If the nail head breaks the face ply, the nail shall be removed and rerailed into firm adjacent wood. Nail heads which break the face surface shall be cause for rejection of vertical and horizontal diaphragms.
- Roof Sheathing: Roof sheathing shall be inspected and approved prior to placing roofing and insulation.
- Wall Sheathing: Wall sheathing shall be inspected and approved prior to placing of drywall or fells.

SPECIAL INSPECTION NOTES

- General: In addition to the inspections required by section 109 of Appendix Chapter 1 of the 2007 CBC, the owner shall employ a special inspector during construction on the following types of work. All special inspections shall be performed in accordance with chapter 17 of the 2007 CBC.
- Selection of the Special Inspector: The owner shall submit to the Architect a list of 3 firms chosen to perform the special inspection duties. The special inspection firm shall have at least 5 years of experience in the work to be inspected. The Architect shall recommend a firm from those submitted.
- Field Inspection: All field inspectors shall have a minimum of 2 years experience in the specific construction being inspected.



- EDGE NAILING: ALL EDGES OF ALL PLYWOOD SHEATHING & BEARING SUPPORTS.
- INTERMEDIATE NAILING: ALL INTERMEDIATE EDGES OF ALL PLYWOOD SHEATHING & BEARING SUPPORTS.
- LONG DIAGONAL OF PLYWOOD SHALL RUN ACROSS JOISTS OF RAFTERS.
- MIN. EDGE DISTANCE FOR NAILS SHALL BE 3/4\"/>

- MIN. SIZE FOR PLYWOOD SHEATHING SHALL BE 5/8\"/>

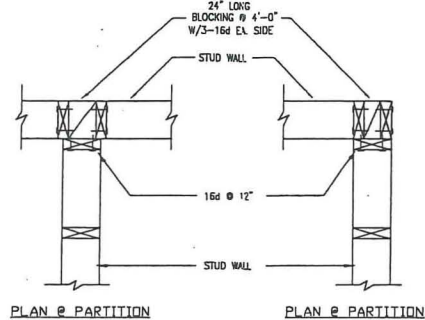
- HEAD OF NAILS SHALL NOT BE DRIVEN INTO TOP LAYER OF PLYWOOD.

NOTE: THE NAIL HEAD SHALL NOT BREAK THE FACE PLY. IF THE NAILS BREAKS THE FACE PLY, THE NAIL SHALL BE REMOVED, AND RERAILLED INTO FIRM ADJACENT WOOD.

CONNECTION	NAILING	LOCATION
1. Joint to sill or girder	3-8d	toe nail
2. Bridging to joint	2-8d	toe nail each end
3. 1" x 6" subfloor or less to each joint	2-8d	face nail
4. Wider than 1" x 6" subfloor to each joint	3-8d	face nail
5. 2" subfloor to joint or girder	2-16d	blind and face nail
6. Sole plate to joint or blocking	16d @ 16" o.c.	typical face nail
7. Top plate to stud	2-16d	end nail
8. Stud to sole plate	4-8d	toe nail
9. Double studs	16d @ 24" o.c.	face nail
10. Doubled top plates	16d @ 16" o.c.	typical face nail
11. Blocking between joists or rafters to top plate	3-8d	toe nail
12. Rim stud to top plate	16d @ 16" o.c.	toe nail
13. Top plates, laps and intersections	2-16d	face nail
14. Continuous header, two pieces	16d @ 16" o.c.	along each edge
15. Ceiling joists to plate	3-8d	toe nail
16. Continuous header to stud	4-8d	toe nail
17. Ceiling joists, laps over partitions	3-16d min	face nail
18. Ceiling joists to parallel rafters	3-16d min	face nail
19. Rafter to plate	3-8d	toe nail
20. 1" brace to each stud and plate	2-8d	face nail
21. 1" x 8" sheathing or less to each bearing	3-8d	face nail
22. Wider than 1" x 8" sheathing to each bearing	3-8d	face nail
23. Built-up corner studs	16d @ 24" o.c.	face nail

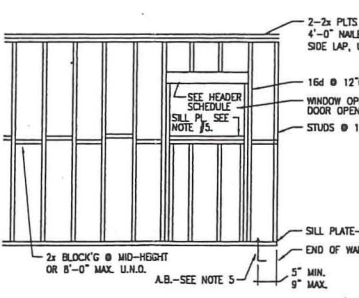
NAILING SCHEDULE

NTS 7 S-N



TYPICAL STUD DETAIL

NTS 8 S-N

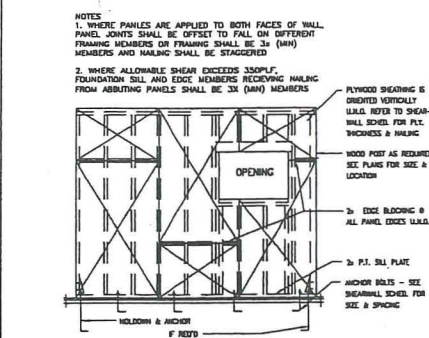


TYPICAL STUD WALL FRAMING REQUIREMENTS

NTS 5 S-N

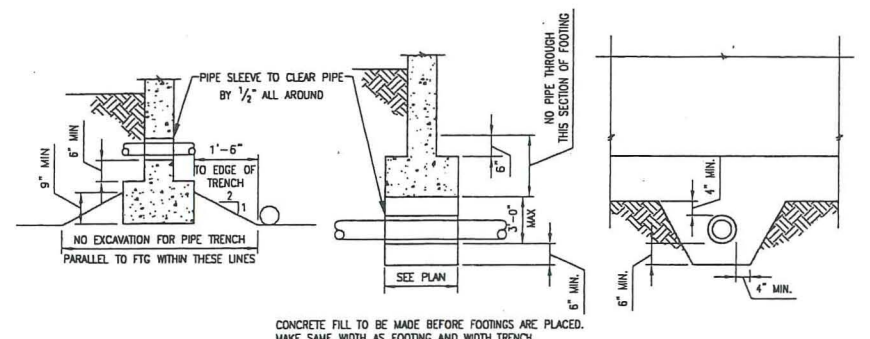
GENERAL NOTES		
HEADER SCHEDULE		
SPAN #1	SPAN #2	
3 1/2'	6'-0" OR LESS	4'-0" OR LESS
5 1/2'	6'-0" TO 9'-0"	4'-0" TO 6'-0"
7 1/2'	9'-0" TO 12'-0"	6'-0" TO 9'-0"
9 1/2'	12'-0" TO 15'-0"	9'-0" TO 12'-0"
11 1/2'	15'-0" TO 20'-0"	12'-0" TO 15'-0"

- SPAN #1 SUPPORTS ROOF ONLY
- SPAN #2 SUPPORTS ROOF AND FLOOR OR FLOOR ONLY
- WIDTH OF HEADER SAME AS SUPPORTING STUDS
- 2-2x PLTS UNLESS OTHERWISE NOTED IS 4'-0" IN WIDTH OR LESS. IN WIDTH USE 1-2x PL. USE 2-10d TOE NAIL EA. SIDE OF PL.
- SEE NAILING SCHEDULE FOR ALL OTHER NAILING CONDITIONS.
- USE 2x SILL PL. 1/2" x 1/4" ANCHOR BOLTS x 14" LG @ 4'-0" O.C. w/ 3" 30x3/4" WASHERS TYP. U.L.O.



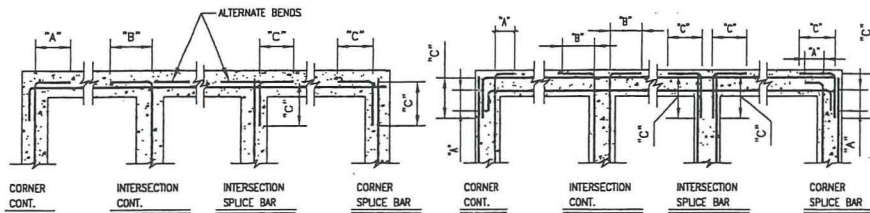
PLYWOOD SHEATHING

NTS 9 S-N



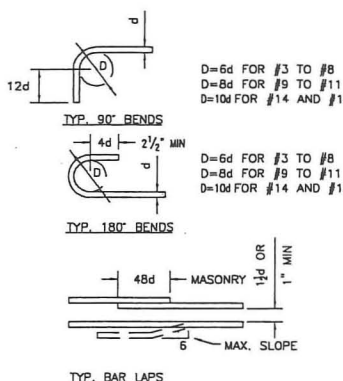
PIPES AT FOOTING DETAIL

NTS 1 S-N



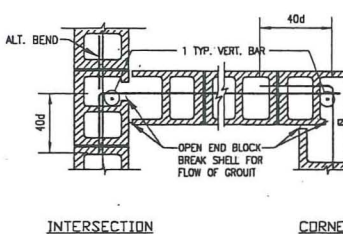
CONCRETE WALL REINFORCING

NTS 2 S-N



REBAR LAPS AND BEND

NTS 3 S-N



MASONRY WALL REIN.

NTS 6 S-N

GENERAL STRUCTURAL NOTES

PLYWOOD BLOCKING/NAILING

NTS 10 S-N

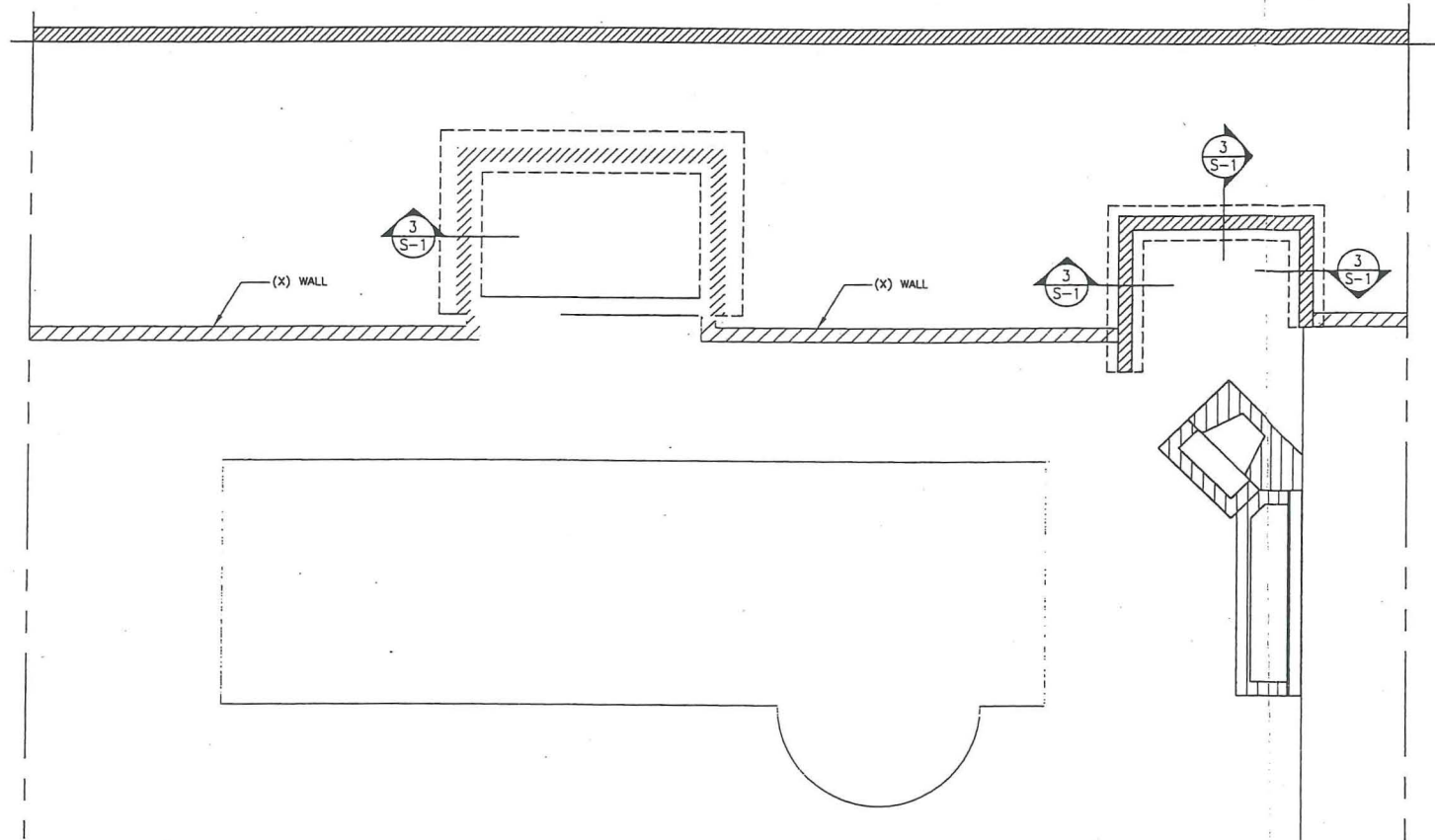
Bob and Marilyn Bendetti

POOL CHANGING ROOM AND BBQ ADD 'N
1729 PORT ABBEY PLACE, NEWPORT BEACH, CA 92660

GENERAL STRUCTURAL
NOTES AND DETAILS

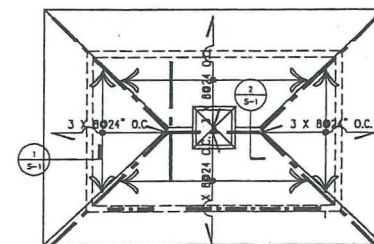
DATE 10-30-09
SCALE AS NOTED
DRAWN BY CAD
JOB NO. LB20941
SHEET

S-N



FOUNDATION PLAN

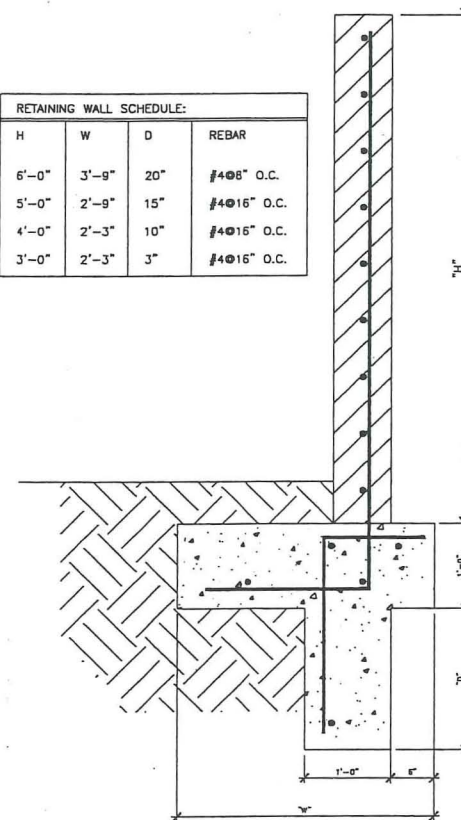
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ROOF FRAMING PLAN

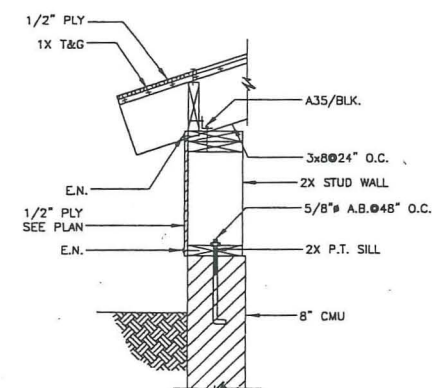
scale 1/4"=1'-0"

RETAINING WALL SCHEDULE:			
H	W	D	REBAR
6'-0"	3'-9"	20"	#4@8" O.C.
5'-0"	2'-9"	15"	#4@16" O.C.
4'-0"	2'-3"	10"	#4@16" O.C.
3'-0"	2'-3"	3"	#4@16" O.C.



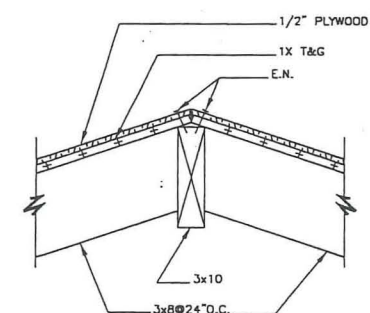
RET. WALL DET.

scale 1"=1'-0"



DETAIL

scale 1"=1'-0"



DETAIL

scale 1 1/2"=1'-0"

Bob and Marilyn Bendetti

POOL CHANGING ROOM AND BBQ ADD'N
1729 PORT ABBEY PLACE, NEWPORT BEACH, CA 92660

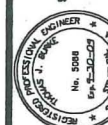
POOL CHANGING ROOM
ROOF FRAMING PLAN
AND DETAILS

DATE 10-30-09
SCALE AS NOTED
DRAWN BY CAD
JOB NO. LB20941

SHEET S-1

OF SHEETS

LAWSON-BURKE
STRUCTURAL ENGINEERS LLC
10000 JENSEN DRIVE
LAGUNA BEACH, CA 92653
(949) 454-0778





ZONING ADMINISTRATOR ACTION LETTER

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

Application No.	Use Permit No. UP2010-027 (PA2010-136)
Applicant	Eat Chow Restaurant
Site Address	211 62nd Street Eat Chow Restaurant
Legal Description	Lot 8, Block 2 , Seashore Colony Tract

On **December 2, 2010**, the Zoning Administrator approved the following: A use permit application for the expansion of an existing restaurant with a Type 41 ABC License (Beer and Wine). The hours of operation are from 7:00 a.m. to 11:00 p.m., Friday and Saturday, and 7:00 a.m. to 10:00 p.m., Sunday through Thursday. The restaurant is expanding into the adjacent suite (213A), which was previously a nail salon. The existing Use Permit No. UP 2081 allowed for a restaurant with alcohol sales and a parking waiver of 20 spaces. The property is located in the Commercial Visitor-Serving (CV) District. The approval is based on the following findings and subject to the following conditions.

FINDINGS

1. This project conforms to the requirements of the California Environmental Quality Act (CEQA).

Facts in support of finding:

The project is categorically exempt from the requirements of the CEQA under Class 1 (Existing Facilities), which exempts the ongoing use of existing commercial buildings where there is negligible or no expansion of use. The proposed project involves interior alterations and the change in use of one suite.

2. The use is consistent with the General Plan and any applicable specific plan.

Facts in support of finding:

- The project site is designated as Visitor Serving Commercial (CV) by the Land Use Element of the General Plan. The proposed project is consistent with the CV land use category, which is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City. The proposed restaurant

use is a visitor-serving use that will serve visitors as well as part-time and full-time residents.

- The subject property is not part of a specific plan area.
3. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.

Facts in support of finding:

- The subject property is located in the Commercial Visitor-Serving (CV) Zoning District. Subject to the approval of a minor use permit by the Zoning Administrator, a Food Service use is permitted within this district pursuant to Chapter 20.20 (Commercial Zoning Districts) of the Zoning Code. Use permits enable the City to control certain uses which could have detrimental effects if not compatible with uses on adjoining properties and in the surrounding area. The proposed restaurant is compatible and complements the uses in this district, including the other restaurants, hotels/motels, and retail stores in the West Newport area. The proposed application does not present any conflicts with the purpose and intent of this district.
 - The proposed use complies with Section 20.48.090 (Eating and Drinking Establishments) in regards to the operating standards. If approved, this Use Permit will be conditioned to maintain the requirements of Section 20.48.090.
 - Section 20.40.060 (Parking Requirements for Food Service Uses) establishes criteria to determine the parking requirement for food uses from 1 parking space for every 30-50 square feet of net public area. Based on the physical design characteristics, operational characteristics, and location of the establishment, a parking requirement of 1 space for every 50 square feet of net public area is sufficient. The gross floor area of the proposed use is approximately 1,600 square feet. The proposed use will not have live entertainment, dancing, a bar, or pool tables. The potential for walk-in customers is high based on the proximity to other commercial uses, residential uses, and the beach. Furthermore, West Coast Highway has parking metered spaces in the vicinity.
4. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.

Facts in support of finding:

- The proposed project is located within a nonresidential zoning district, but is adjacent to residential uses across Newport Shores Drive. The parking lot and primary openings to the restaurant are not oriented toward the residential properties. The operational characteristics are that of a coffee shop and

restaurant, and the establishment will not be open late or act as a bar or nightclub.

5. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities.

Facts in support of finding:

- The lot is 60 feet by 90 feet (5,400 square feet in area), and is developed with a three-tenant building and surface parking lot containing 7 parking spaces. The existing building and parking lot have functioned satisfactorily with the current configuration. The proposed project includes interior alterations and a change in use of one suite and will not negatively affect emergency access. The lot is a corner lot and has doors on two sides of each suite.
6. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in support of finding:

- The hours of operation of the facility of 7:00 a.m. to 11:00 p.m., Friday and Saturday, and 7:00 a.m. to 10:00 p.m., Sunday through Thursday, will limit any late-night noise impacts on the neighboring residential uses.
- The conditions imposed on the use will reduce any possible detriment to the community by ensuring continued consistency with the intent and purpose of the Municipal Code.
- The restrictions on seating and net public area prevent adverse traffic impacts for the surrounding residential and commercial uses, and patrons who are nearby residents or visitors to the area will likely walk or ride a bicycle to the restaurant. Bus stops are also located in the vicinity.
- The existing parking lot provides seven (7) parking spaces, including one ADA accessible parking space. The subject property is nonconforming due to deficient off-street parking; however the nonconforming status is not intensified by the proposed use. Pursuant to Section 20.38.060 (Nonconforming Uses and Structures – Nonconforming Parking) of the Municipal Code, nonconforming uses in nonresidential districts may be changed to a new use provided no intensification occurs. Suite 211 is currently approved for a restaurant use and is expanding into Suite 213A. When Use Permit No. UP2081 was approved, the parking requirement for that use (located in Suite 211) was twenty two (22) parking spaces. In conjunction with the restaurant approval, a waiver of 20

parking spaces was approved. The previous use of the suite that the restaurant use is expanding into (213A) was a nail salon that required 1 parking space per 80 square feet of gross floor area (seven parking spaces). The proposed restaurant with the expansion does not require any more parking than what was previously approved for the restaurant in Suite 211. The proposed restaurant, including the expansion, requires twelve (12) parking spaces at the rate of one space per 50 square feet of net public area.

7. The project is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales).

Facts in support of finding:

- The subject property is located in Reporting District 17 (RD 17). The Part One Crimes crime rate in RD 17 is lower than in the adjacent reporting districts (RD 15 and RD 16), and higher than the City overall.

Reporting District	Part One Crimes (Serious offenses)	Part Two Crimes (All other offenses)	Part One Crimes Rate (per 100,000 people)
17	106	55	4,956.25
15	343	242	11,506.43
16	167	107	6,003.49
Newport Beach	2,884	3,350	3,297.31

- The number of alcohol-related calls for service, crimes, or arrests in RD 17 is lower than in the adjacent reporting districts (RD 15 and RD 16). RD 17 amounts to 2.68% of the DUI/Drunk arrests made in the entire City.

Reporting District	DUI/Drunk Arrests	Total Arrests	Calls for Service
17	34	126	1,991
15	361	796	6,663
16	110	323	3,261
Newport Beach	1,270	3,595	69,294

- The subject property is located near residential, but the building is oriented towards the parking lot. The nearest park and recreation facility is across from West Coast Highway, which is a major road with six (6) lanes. No day care centers, hospitals, places of worship, schools, other similar uses, or any uses that attract minors are located near the subject property.
- The subject property is located in the West Newport area, which contains restaurants and retail stores that sell alcoholic beverages. There are six (6) active ABC Licenses in RD 17.

- The subject use does not have any current objectionable conditions, including any recent violations or complaints.

CONDITIONS

1. Development shall be in substantial conformance with the approved site plan, floor plan and elevation(s), except as noted in the following conditions.
2. This approval shall supersede any previous use permits at this location, including Use Permit No. UP 2081.
3. The counter located within the coffee sales side of the restaurant is limited to 45 inches in height.
4. Any addition of seats and/or stand-up counter space for customers shall be subject to the approval of an amendment to this use permit. Any patron seating or stand-up counter located inside or outside of the facility on the subject property or on public property (including sidewalks, streets and/or park property) is prohibited.
5. The net public area shall be limited to a maximum of 600 square feet. The number of seats shall be limited to a maximum of 36.
6. The hours of operation shall be limited to between the hours of 7:00 a.m. and 11:00 p.m., Friday and Saturday, and of 7:00 a.m. and 10:00 p.m. Sunday through Thursday; and any increase in the hours of operation shall be subject to the approval of an amendment to this use permit.
7. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
8. The facility shall comply with the provisions of Chapter 14.24 of the Newport Beach Municipal Code for Sewer Connection, Permits, as determined by the Building Department and the Utilities Department. Cleanout shall comply with Public Works Standard-406-L regarding sewer lateral cleanouts.
9. The project requires the installation of a grease interceptor.
10. A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep and 72-inches high, shall be provided inside of the establishment, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Director and Public Works Director in conjunction with the approval of an alternate drainage plan.

11. Any changes to the existing parking lot design require review and approval from the Public Works Department.
12. An encroachment permit is required for all work activities within the public right-of-way.
13. 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.
14. The kitchen hood shall be a Type 1 with UL 300 compliant kitchen suppression system.
15. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
16. All owners, managers, and employees selling, serving, or giving away alcoholic beverages shall successfully complete a Licensee Education on Alcohol and Drugs (LEAD) program sponsored by the Department of Alcoholic Beverage Control. The establishment shall comply with the requirements of this section within 180 days of the effective date of this use permit. Records of each owner's, manager's, and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
17. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.
18. No alcoholic beverages shall be consumed on any property adjacent to licensed premises under the control of the licensee.
19. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when served in conjunction with food ordered for the full service menu. There shall be no reduced price alcoholic beverage promotion after 9 p.m.
20. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
21. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records,

which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.

22. There shall be no on-site radio, television, video, film, or other electronic media broadcast, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit issued by the City of Newport Beach.
23. No live entertainment shall be permitted in conjunction with the permitted use.
24. No dancing shall be permitted in conjunction with the permitted use.
25. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
26. Food service from the regular menu must be available to patrons until the close of the restaurant.
27. Strict adherence to maximum occupancy limits is required.
28. The use of private (enclosed) "VIP" rooms or any other temporary or permanent enclosures separate from public areas are prohibited.
29. No outside paging or sound system shall be utilized in conjunction with this food service establishment.
30. Storage outside the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
31. Trash receptacles for patrons shall be conveniently located both inside and outside of the proposed facility; however shall not be located on or within any public property or right-of-way.
32. The area outside of the food establishment, including the public sidewalks, walkways or common walkways, shall be maintained in a clean and orderly manner. The operator of the food service establishment shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use. The proprietor shall direct his/her employees to actively monitor the public sidewalk and street immediately adjacent to the subject food use facility in addition to the on-site parking lot for any trash or litter. All trash or litter generated by the subject establishment shall be picked up on a regular basis, and during the summer months may require hourly policing of the area outside of the building.
33. All trash shall be stored within the building or within public dumpsters provided for the convenience of businesses in the area, or otherwise screened from view of

neighboring properties except when placed for pick-up by refuse collection agencies. The trash dumpsters shall have a top which shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.

34. The tenant shall maintain the trash dumpsters or receptacles so as to control odors which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department. Trash generated by the establishment shall be adequately contained in sealed plastic bags to control odors prior to placement in the trash dumpster.
35. Prior to the issuance of building permits, the trash enclosure design shall be approved by the Planning Department in conformance with Zoning Code Section 20.30.120. The trash enclosure shall be enclosed by masonry walls; a self closing, self latching, metal gate; landscaping; and a decorative, solid roof for aesthetic and screening purposes. The design of the enclosure shall be integrated with the design of the other on-site buildings and structures.
36. Use of the facility's rear door for deliveries shall be prohibited. During the end of the business day, the rear door may be utilized to access the trash enclosure for disposing the remaining refuse accumulated by the facility. The rear doors of the facility shall remain closed at all times. The use of the rear door shall be limited to employee use only. Ingress and egress by patrons is prohibited in unless there is an emergency.
37. All deliveries shall be conducted on-site through the front entrance. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., daily, unless otherwise approved by the Planning Director.
38. All graffiti shall be removed within 48 hours of notification from the City.
39. All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets, and shall be sound attenuated in accordance with Chapter 10.26 of the Newport Beach Municipal Code (Community Noise Control).
40. All signs shall conform to the provisions of Chapter 20.42 of the Municipal Code (Sign Standards) or any applicable comprehensive sign program that is applicable to the subject property.
41. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the proposed food establishment, 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.

42. Window signs shall not obstruct the view of the interior of the premises (e.g., sales counter, cash register, employees, customers, etc.) from the exterior.
43. Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the ABC.
44. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, the leasing company, or property owner.
45. The owner/operator shall maintain a copy of the most recent City permit conditions of approval on the premises and shall post a notice that these are available for review on the premises. The posted notice shall be signed by the permittee.
46. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
47. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
48. 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.
49. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Department.
50. 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 Eat Chow Restaurant including, but not limited to, the Use Permit No. UP2010-027. 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.

51. The Zoning Administrator and/or Planning Commission may add to or modify conditions to this approval, or revoke this approval upon a finding of failure to comply with the conditions set forth in Chapter 20.48 of the Municipal Code or other applicable conditions and regulations governing the eating and drinking establishment.
52. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.54.060 of the Newport Beach Municipal Code.

APPEAL PERIOD

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 \$4,280.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 
Gregg B. Ramirez, Zoning Administrator

PJA/fm

Attachments: ZA 1 Vicinity Map
 ZA 2 Applicant's Project Description
 ZA 3 Project Plans

VICINITY MAP



Use Permit No. UP2010-027
PA2010-136

211 62nd Street

Newport Beach Planning Department
Attn: Jim Campbell, Director

9/27/10

RE: 211 62nd Street remodel – Eat Chow Cafe
Project description and justification for Directors Use Permit

Project Description:

Request to build Eat Chow Cafe at 211 62nd Street in Newport Shores in the same space that was previously approved for the Salud Mexican restaurant in 2005. The new Eat Chow café will be located in units 211 & 213B in the commercial strip mall at the above address. The new Eat Chow will offer breakfast, lunch, and dinner. Our proposed hours of operation are 7 am to 11 pm. We will also be applying for an ABC class 41 wine & beer license, which was approved for the last 4 occupants of the 211 space. Our café is neighborhood oriented and pedestrian friendly, it will not generate any more traffic demands than would have the 2005 plan and perhaps even less.

Justification:

When the location at 211 62nd Street in Newport Beach became available my business partner and I knew it would be a perfect place to open an Eat Chow. We already had loyal clientele who lived in the area, so it's a great fit. But we had no idea how much support we would receive from the residence in Newport Shores and the excitement it would create. On numerous occasions excited Newport Shores residences have called our primary location just to tell us they can't wait for us to open in their neighborhood. When talking to our regular customers from Newport they also bristle with excitement for our arrival to their neighborhood.

From the feedback we have received, Eat Chow will be filling a much needed gap in the area's foodservice. When "The Kind Grind" was open the bulk of their business was morning coffee To Go and small food items. We will fill that need. We will also be offering a full breakfast menu for people in the neighborhood to ride their bikes down in the morning and leisurely eat their breakfast while reading a newspaper. Lunch and dinner will be fantastic as well. We serve an extensive New American menu with a wide range of food choices for all ages and tastes.

Also, families of Newport Shores are working hard to keep up with the high cost of living and as a result one or both parents work long hours and often do not have the time to cook meals. During the time we have owned Eat Chow we have had many substantive conversations with our Newport Shores customers and found a tremendous desire on their part to have a local restaurant that is within walking distance. Also, many locals have small children and cannot easily transport them to have their meals; we will be within baby carriage distance for these families. We will service this market with the same great food and service that has been a tradition at Eat Chow.

In addition to the aforementioned justifications I offer these additional points:

- 1) Building orientation. The building faces away from all homes. All parking, traffic and business will be transacted in the front of the building. The only time a residential neighbor will see our operations will be during small deliveries to the rear door.
- 2) We are primarily a restaurant. We will not have live or loud music, events or anything else that would draw a large and concentrated crowd. Eat Chow will be an excellent neighbor, well aware of its responsibility to the residents.
- 3) We will remodel the interior tastefully. There will be no ad space facing the homes. The additional benefit will be a rise in property values for homeowners as a result of our renovation.
- 4) Since Eat Chow is owner operated we will make sure our café is clean, well-managed, and attentive to the needs of the neighborhood.
- 5) Seating & Parking. In addition to required parking onsite, we will have full use of Spaghetti Bender's parking lot from 7am-4:30pm during the bulk of our most busy time and therefore will have more actual parking than we will realistically need. We can provide you with confirmation of this from Spaghetti Bender's property owner. We have spoken to Ethan Wayne who owns the adjacent building and parking lot about allowing us to use his empty lot after 5pm.

In closing, this project will not only benefit Newport Shores, by offering new services, and our business, by increasing revenue, but it will also benefit the City, by generating new revenue and keeping the demand for traffic counts low.

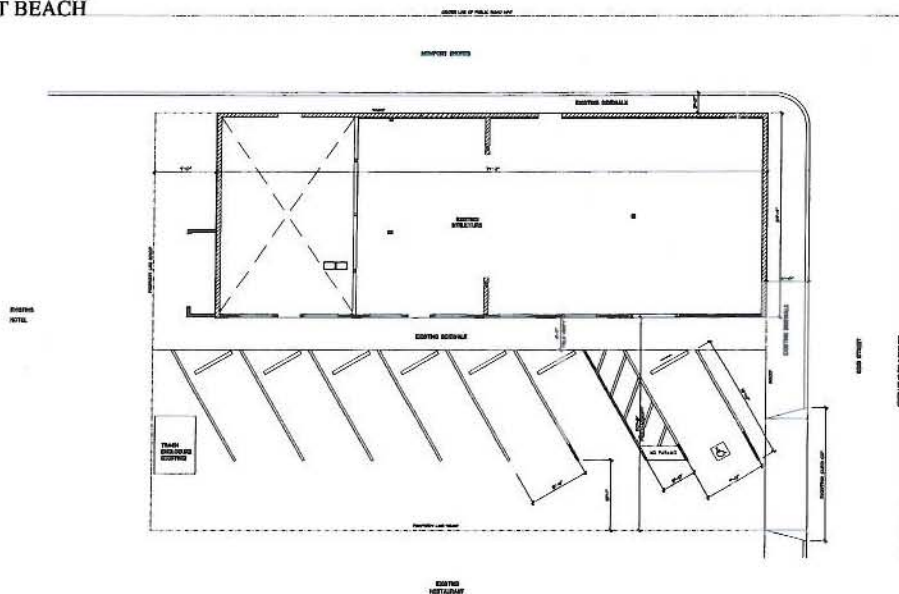
I appreciate your time and attention in awarding my project a swift approval.

Yours truly,

Brian McReynolds & Eric Doran
Eat Chow Café

211 62nd STREET
NEWPORT BEACH, CA 92663

CITY OF NEWPORT BEACH



PA2010-136 for UP2010-027
211 62nd Street
Eat Chow Restaurant



PLANNING DIRECTOR ACTION LETTER

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

Application No.	Staff Approval No. SA2010-012 (PA2010-152)
Applicant	Richard Design
Site Address	412 Poinsettia Avenue (412 Poinsettia Addition)
Legal Description	P.M. 298-49 PAR. 1 OF PROJECT 938-01 LOCATED ON A.P. 459-221-22

On **December 2, 2010**, the Planning Director waived the requirement for a new modification permit and determined that the proposed project is in substantial conformance with Modification Permit No. 4534, approved February 18, 1997 that permitted development of two, new, detached condominium units and a detached four-car garage structure located at the rear of the property. The detached condominium units were permitted 3-foot side yard setbacks, where the Zoning Code requires 4-foot side yard setbacks, and a minimum 6-foot separation between detached structures, where the Zoning Code requires a minimum of 10 feet. The proposed project is an addition over the two-car garage area of unit no. 1 which is part of the detached four-car garage structure. The addition includes an enclosed hallway which attaches the proposed addition to the second floor of unit one. The property is located in the R-2 (Two-Family Residential) District.

Section 20.93.055.A (Amendments and New Applications) of the Newport Beach Municipal Code provides that the Planning Director may waive the requirement for a new modification application if the changes to the previous modification permit are minor, do not involve substantial alterations or addition to the plan or the conditions of approval and are consistent with the intent of the original approval.

In this case, the Planning Director has determined that the proposed addition is in substantial conformance with the originally approved modification permit (Modification Permit No. 4534) and waived the requirement for a new modification permit for the following reasons:

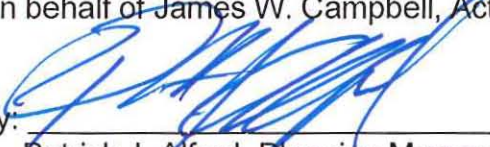
- The proposed project is a minor addition to the condominium unit (510 square feet, less than 25%) and does not involve substantial alterations to the original plan approved with Modification Permit No. 4534.
- Required parking is provided by the existing detached four-car garage.

- The proposed addition complies with all setback, height, and other applicable development standards for the zoning district.
- The facts making the finding which states that "*the proposed setbacks and distance between buildings is a logical use of the property*" indicates that the intent of the approval of Modification Permit No. 4534, allowing narrower side yard setbacks and a 6-foot separation of the detached structures, was for the purpose of providing additional open space and a back yard area as part of the design of the condominium development. The proposed addition over the detached four-car garage structure does not impact the size or usability of the outdoor living area of the subject detached condominium development, and ample open space is provided on the property.
- The proposed addition does not affect the flow of air or light to adjoining residential properties because neighboring properties are two stories in height at the rear of the properties.
- The proposed addition will impact public views from adjoining residential properties.
- The subject property will remain a two-unit condominium development.

CONDITIONS

1. The project shall be constructed in substantial conformance with the previously approved modification permit and all applicable findings and conditions of that approval shall remain in force.
2. The proposed structure shall be constructed as shown on the plans submitted and approved with this Staff Approval. Any change may require additional review and approval by the Planning Director or a new modification permit approval.

On behalf of James W. Campbell, Acting Planning Director

By: 
Patrick J. Alford, Planning Manager

PJA/ks

Attachments: PD 1 Vicinity Map
PD 2 Plans
PD 3 Modification Permit No. 4534
PD 4 Photos

Attachment No. PD 1

Vicinity Map

VICINITY MAP



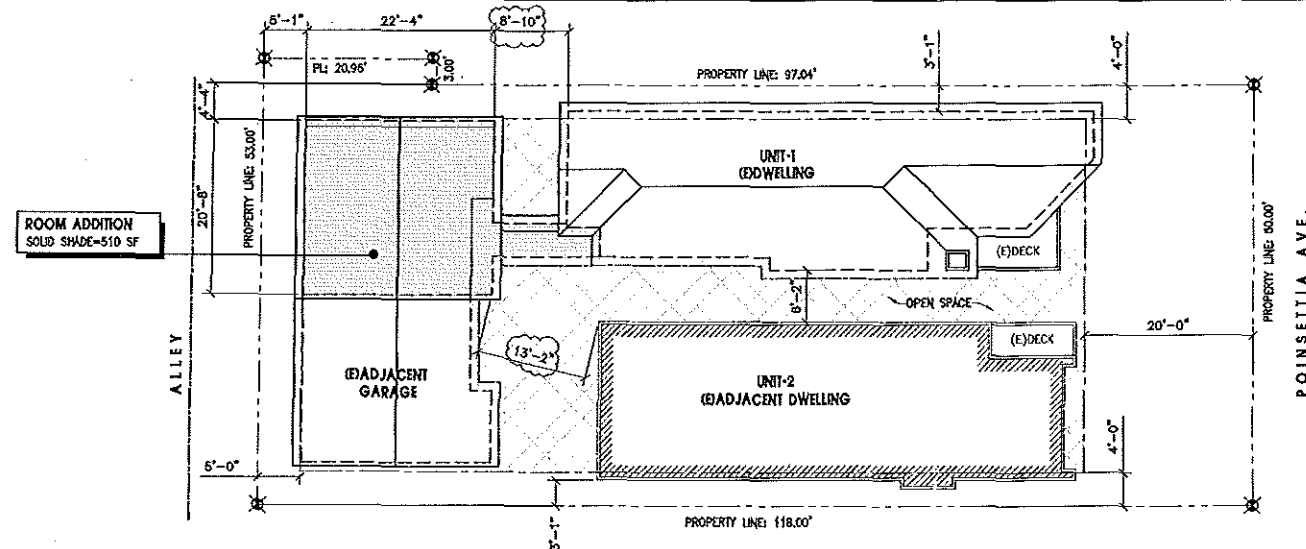
Staff Approval No. SA2010-012
PA2010-152

412 Poinsettia Avenue

FOOTNOTE: REVIEWED PER 2008 ZONING CODE

Attachment No. PD 2

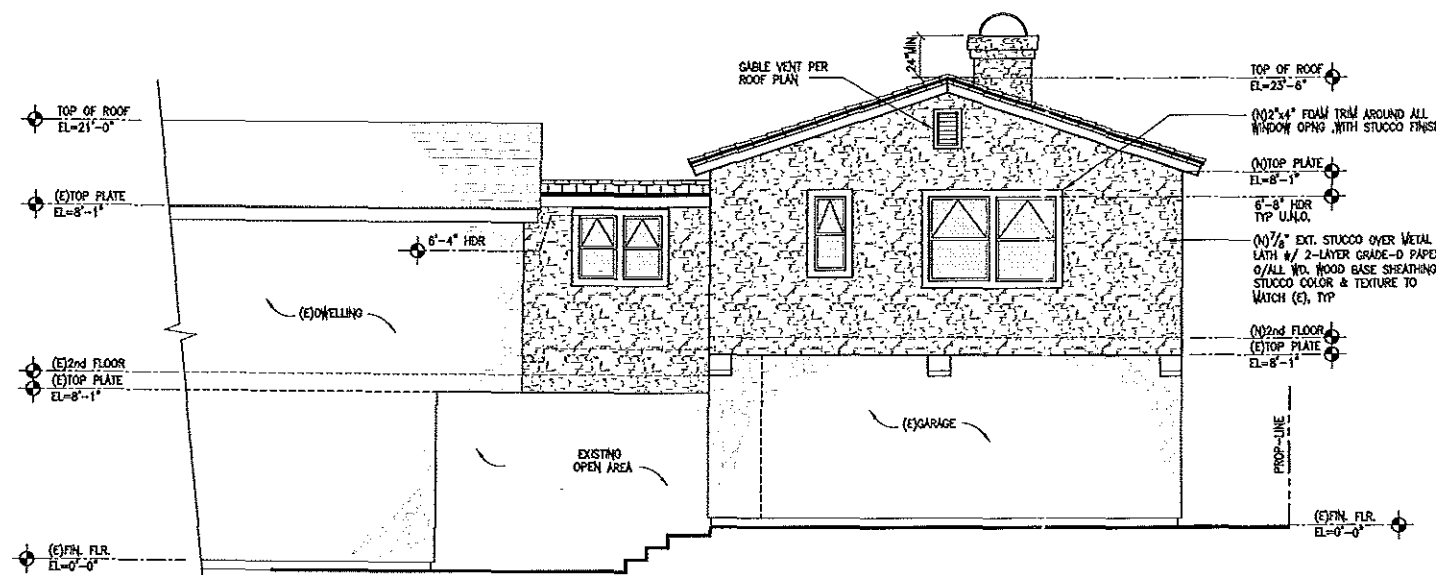
Plans



SITE PLAN

SCALE:
1"=20'-0"

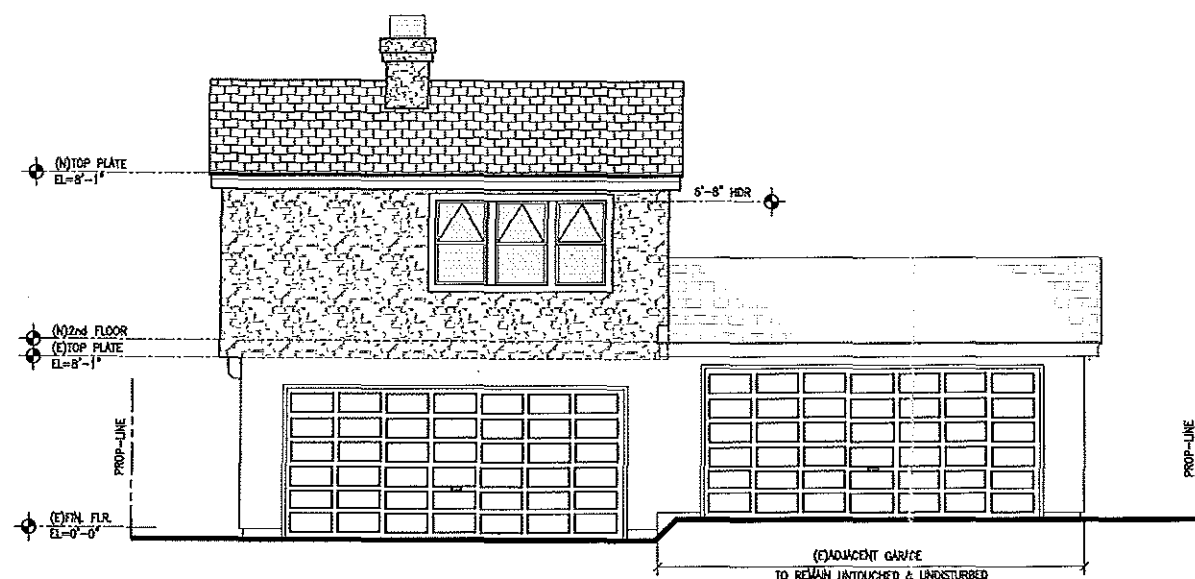
1



RIGHT ELEVATION

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

2



REAR ELEVATION

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

3

PROJECT INFORMATION

OWNER: JACQUELYN MITCHELL
949-244-0242

PROPERTY ADDRESS: 412 POINSETTIA AVE
NEWPORT BEACH, CA

CONSULTANTS: DESIGNER: RICHART DESIGN (JASON RICHART)
14 SAND DOLLAR CT.
NEWPORT BEACH, CALIF. 91663
949-422-9191

BUILDING CODE REQUIREMENTS: CALIFORNIA BUILDING CODE 2007 (C.B.C.)
CALIFORNIA PLUMBING CODE 2007 (C.P.C.)
CALIFORNIA MECHANICAL CODE 2007 (C.M.C.)
CALIFORNIA ELECTRICAL CODE 2007 (C.E.C.)
CALIFORNIA ENERGY CODE 2008 (C.E.C.)

LEGAL DESCRIPTION: P.M. 298-49, PAR. 1 OF PR

PARCEL NUMBER: 938-013-21

USE OF STRUCTURE: SFA

OCCUPANCY GROUP: R3/U

CONSTRUCTION TYPE: TYPE VB

No. OF STORIES: 2

DESCRIPTION OF WORK: 1. ROOM ADDITION OVER GARAGE

GROSS AREA:

UNIT-1	
LEVEL-1:	974 SF
LEVEL-2:	979 SF
GARAGE:	416 SF
TOTAL:	2,369 SF
PROPOSED ROOM ADDITION:	510 SF
TOTAL:	2,879 SF

UNIT-2	
LEVEL-1:	1,073 SF
LEVEL-2:	980 SF
GARAGE:	416 SF
TOTAL:	2,469 SF

LOT INFORMATION:

LOT AREA: 6,750 SF

MAX BSC: 68%

OPEN SPACE: 6,048 SQ. FT. REQ'D
26,344 PROVIDED

MAXIMUM BUILDABLE AREA: 3,908 SF (118.00' - 5' REAR - 20' FRONT)
(50.00' - 4' x 2 SIDES)
3,908 SF x 1.5= 5,862 SF ALLOWED
6,348 SF PROVIDED

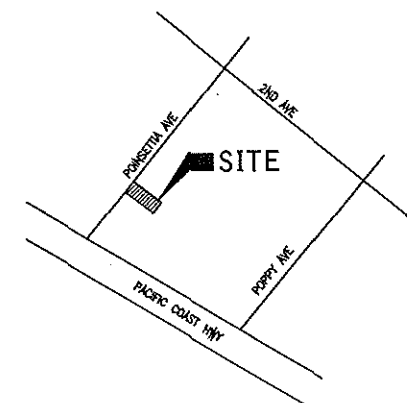
PROJECT INDEX

ARCHITECTURAL

A-1 SITE PLAN / PROJECT INFO. & ELEVATIONS

A-2 FLOOR PLAN, ROOF PLAN AND DEMO PLAN

VACINITY MAP



RECEIVED BY
PLANNING DEPARTMENT

NOV 17 2010

CITY OF NEWPORT BEACH

Revised

RICHART DESIGN
ARCHITECTURE • PLANNING • INTERIORS
1041 W. 18th Street, Suite A-106, Costa Mesa, CA 92627
(714) 442-2191 • (714) 442-2707
www.richartdesign.net • richartdesign@richartdesign.net

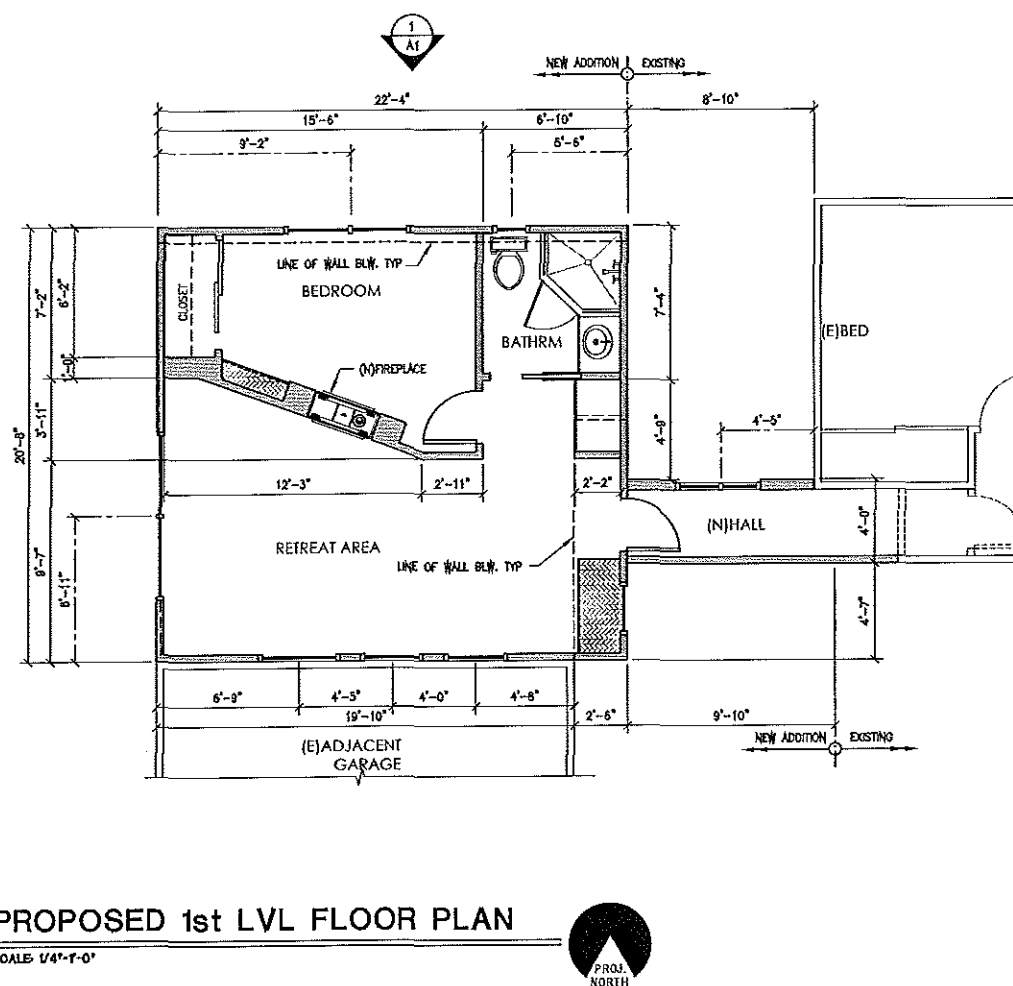
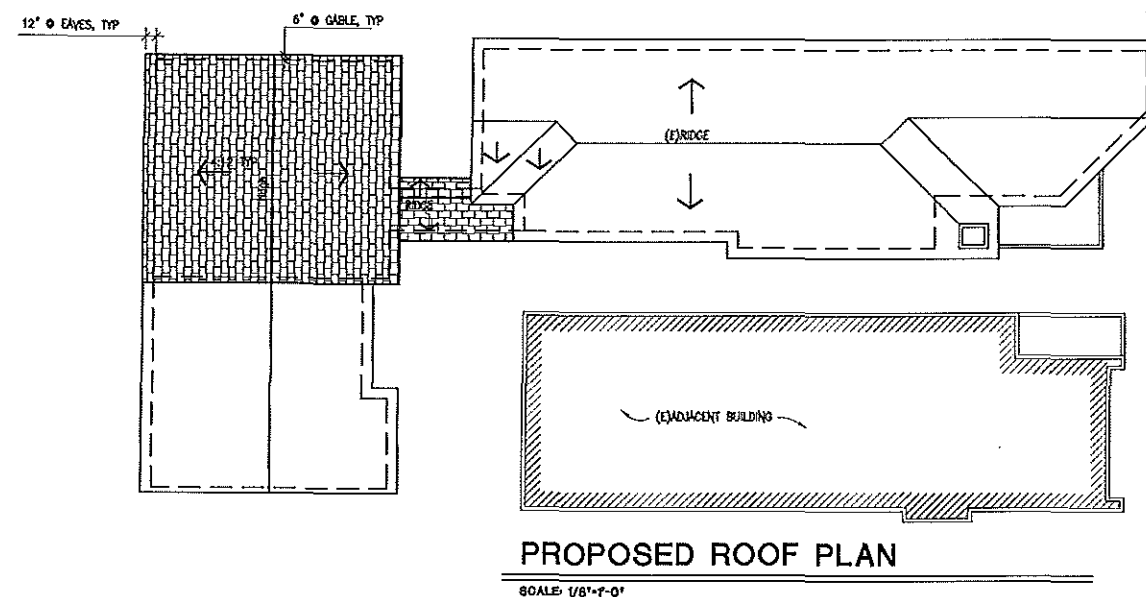
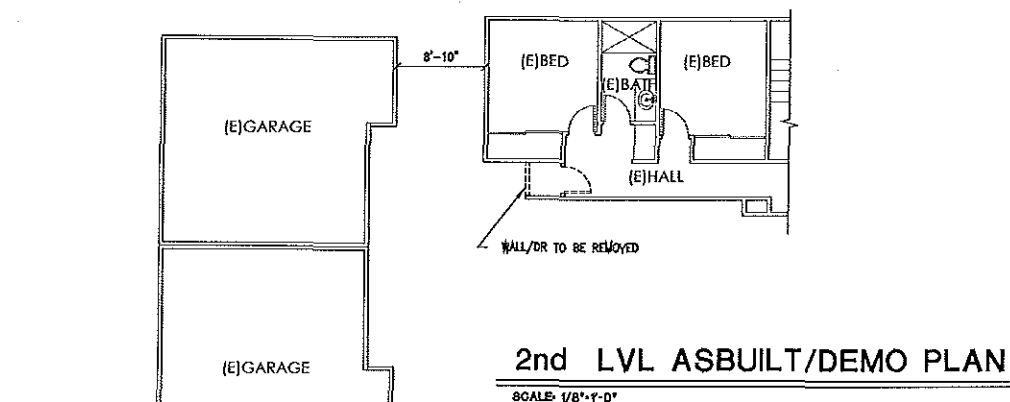
MITCHELL RESIDENCE
412 POINSETTIA AVE.
NEWPORT BEACH, CA 92625

DATE: 10.15.10
BY: JRM
CHECKED BY: JRM
APPROVED BY: JRM
STATUS: APPROVAL SUBMITTAL

SITE PLAN / PROJECT INFORMATION

A-1

PA2010-152 for SA2010-012
412 Poinsettia Avenue
Newport Beach, CA

[illegible]

Attachment No. PD 3

Modification Permit No. 4534



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
PLANNING DEPARTMENT (714) 644-3200

MODIFICATION PERMIT

February 19, 1997

Tod Schooler
359 San Miguel Drive, Ste. 304
Newport Beach, Ca 92660

Application No: 4534

Applicant: Tod Schooler

Address of Property Involved: 412 and 414 Poinsettia Avenue

Legal Description: Lot 10 and a Portion of Lot 8, Block 443, Corona del Mar Tract

Modification Requested: To allow 3 foot side yard setbacks where the Zoning Code requires 4 foot side yard setbacks, in conjunction with the construction of a new two-unit condominium. Also requested is to allow a 6 foot separation between detached structures where the Zoning Code requires a minimum of 10 feet between structures.

The Modifications Committee on, February 18, 1997, unanimously approved the application subject to the following conditions:

1. That development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following condition.
 - That four spaces shall be maintained for the parking of vehicles at all times.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

1. That the proposed setbacks and distance between buildings is a logical use of the property that would be precluded by strict application of the zoning requirements for this District because:

3300 Newport Boulevard, Newport Beach

MODIFICATION APPLICATION
CITY OF NEWPORT BEACH
PLANNING DEPARTMENT
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915
(714) 644-3200

No. 14534
Application Rec'd by: QJ
Fee: \$ 216

Applicant (Print) Todd Schooler Phone 714/640-2616
Address of Property Involved 412 and 414 Poinsettia Avenue, Corona del Mar, CA
Mailing Address 359 San Miguel Drive, Suite 304, Newport Beach, CA 92660
Property Owner Todd Schooler Phone 714/640-2616
Mailing Address 359 San Miguel Drive, Suite 304, Newport Beach, CA 92660
Work to be done Demolish existing duplex and construction two new homes with detached garages.

Existing Nonconformities _____

Proposed Nonconformities 1) To allow 3'-0" sideyard setbacks on each side where 4'-0" is required. 2) To allow a minimum 6'-0" separation between buildings where 10'-0" is required.

Present Use Duplex Proposed Use Two single family dwelling Zone R-2

	Code Requirement	Existing	Proposed
Front setback	20'-0"		20'-0"
Right side setback	4'-0"		3'-1"
Left side setback	4'-0"		3'-1"
Rear setback	5'-0"		5'-1"
Main building area	5859		3750 liveable
Garage area	-----		828 garage
Open spac	6048	greater than	6048
Parking spaces	3		4
Building height	24/29		23'-6"/27'-6"

Previous Modifications, Use Permits, Variances, etc. None

Legal Description of Property Involved (if too long, attach separate sheet)
See Attached plat 10, tract 8, block 443, CDM

OWNER'S AFFIDAVIT

(I) (We) Todd Schooler depose and say that (I am) (we are) the owner(s) of the property(ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s) Todd Schooler

NOTE: An agent may sign for the owner if written authorization from the record owner is filed with the application.

DO NOT COMPLETE APPLICATION BELOW THIS LINE

Date Filed 1-21-97 Fee Pd. \$278 Receipt No. 177100
Hearing Date 2-18-97 Posting Date 2-7-97 Mail Date 2-7-97
Modifications Committee Action Not Approved
Date 2-8-97 Appeal _____
P.C. Hearing _____ P.C. Action _____
Date _____ Appeal _____
C.C. Hearing _____ C.C. Action _____

PAID

JAN 21 1997

CITY OF NEWPORT BEACH

February 19, 1997

Page - 2

- the proposed distance between buildings is sufficient to meet the Uniform Building Code requirements, and the design provides back yards which contributes to additional open space on the property.
2. That the proposed setback encroachments and decreased distance between buildings will not be detrimental to the surrounding area or increase any detrimental effect of the existing use because:
 - the proposed setbacks and distance between buildings will not affect the flow of air or light to adjoining residential properties.
 - the proposed setbacks and distance between buildings will not obstruct views from adjoining residential properties.
 3. That this project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures).
 4. That the surrounding property owners have no objections to the proposed construction.

NOTE: This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.81.090 of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$876.00. No building permits may be issued until the appeal period has expired.

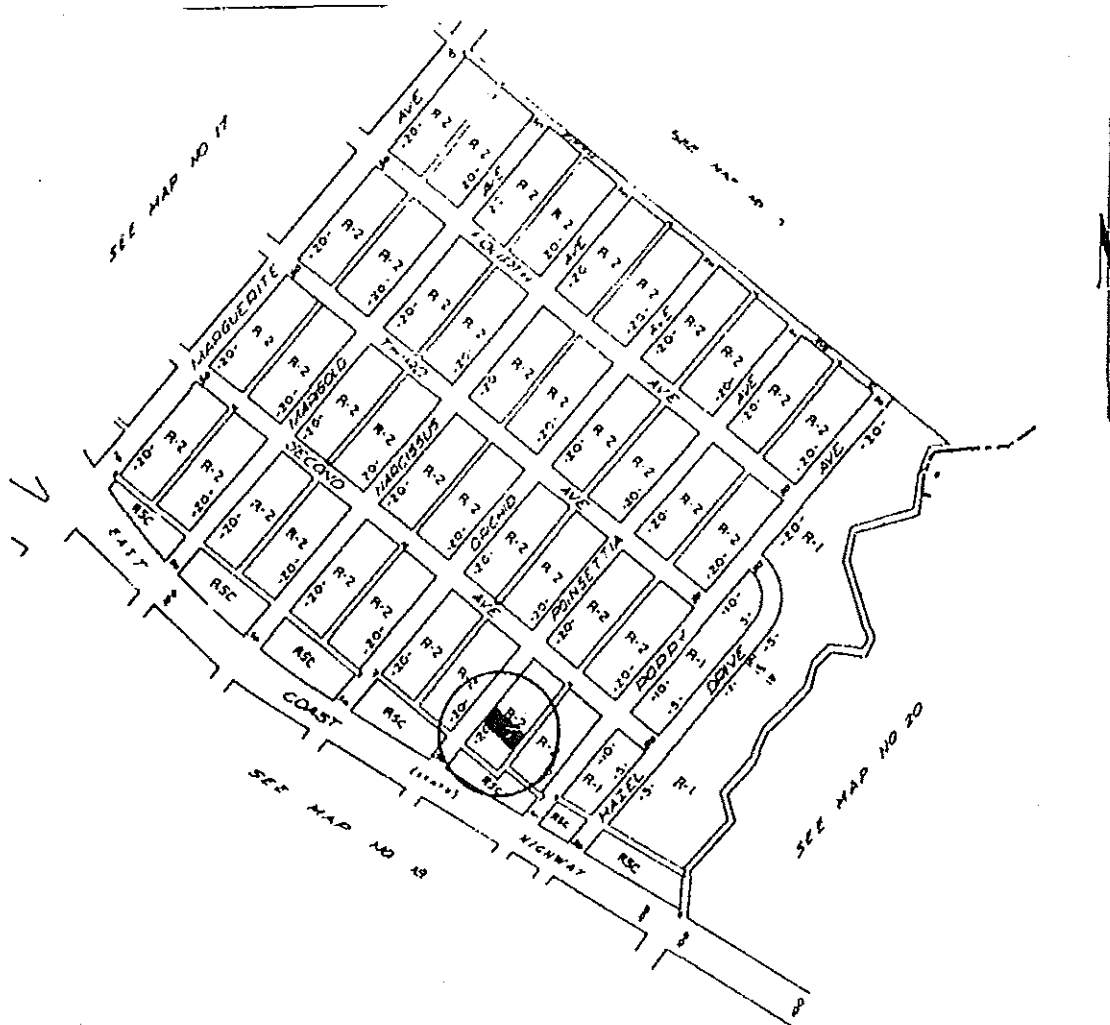
MODIFICATIONS COMMITTEE

By Eugenia Garcia
Eugenia Garcia
Associate Planner

cc:

Tod Schooler
359 San Miguel Drive, Ste. 304
Newport Beach, Ca 92660

VICINITY MAP



MODIFICATION No 4534

PUBLIC NOTICE

Modification No. 4534

Notice is hereby given that **Todd Schooler, applicant and owner**, is requesting a Modification of the Zoning Ordinance to allow 3 foot side yard setbacks where the Zoning Code requires 4 foot side yard setbacks in conjunction with a new two-unit condominium. Also requested is to allow a 6 foot separation between detached structures where the Zoning Code requires a minimum of 10 feet between structures.

Property located at **414 Poinsettia Avenue**

A public hearing will be held by the Modifications Committee at 3:00 p.m. on Tuesday, **February 18, 1997**, in the City Council Chambers, City Hall, 3300 Newport Boulevard. All interested persons will be heard and all correspondence read at that time. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, at, or prior to, the public hearing.

For further information contact the Newport Beach Planning Department, Current Plans and Projects Division, (714) 644-3200.

NOTE: The expense of this notice is paid from a filing fee collected from the applicant.

Corona del Mar Residents Assn
Mr. Phil Sansone, President
215 Marguerite Avenue
Corona del Mar, CA 92625

Harry C. Marsh, Jr.
414 Poinsettia Avenue
Corona del Mar, CA 92625

Jack Strcker
18 Rue Cannes
Newport Beach, CA 92660-5901

Dillon Cox
1781 Shady Crest Pl.
El Cajon, CA 92020-1335

Thelma Harwood
414 Poinsettia Avenue
Corona del Mar, CA 92625

Jeffrey & Patricia Gwin
1943 Port Trinity
Newport Beach, CA 92660

Cyprien Duhart
919 Tiller Way
Corona del Mar, CA 92625

John and Cynthia Miley
205 E. Balboa Blvd
Newport Beach CA 92661-1219

Ronald S. Park
20 Corporate Park
Irvine CA 92714-5116

Corona del Mar Chamber of Commerce
Dan Dunham, President
P.O. Box 72/2843 E Coast Hwy
Corona del Mar, CA 92625

Corona del Mar Comm. Assn
Dick Nichols, President
519 Iris Avenue
Corona del Mar, CA 92625

Gale Grant
2001 Sage Avenue
Corona, CA 91720-5684

Julian Whitaker
134 Starcrest
Irvine, CA 92715-3627

Raymond Haws
177 Riverside Avenue
Newport Beach, CA 92663-4032

Gilbert Rozadilla
1829 Redesdale Avenue
Los Angeles, CA 90026-1213

Angelita Mont
1611 Pleasant Way
Pasadena, CA 91105-2199

Don and Beverly Tobey
P.O. Box 765
Corona del Mar, CA 92625

Siegel Blossom
1924 Santiago Drive
Newport Beach, CA 92660-3833

Lisa Hicks
419 Poinsettia Avenue
Corona del Mar, CA 92625-2527

Martin Hubbard
413 Poinsettia Avenue, #413
Corona del Mar, CA 92625-2527

Lorene Homan
1832 Cockscrow Lane
Santa Ana, CA 92705-3422

Lorraine Gay Sjoberg
418 Poinsettia Avenue
Corona del Mar, CA 92625-2526

Nancy Larson
419 Poppy Avenue
Corona del Mar, CA 92625-2509

John L. Blom Custom Photo I Id
3/32 E. Coast Hwy
Corona del Mar, CA 92625-2520

Ross Levine
407 Poppy Avenue
Corona del Mar, CA 92625-2509

CORONA DEL MAR COMM ASSN
DICK NICHOLS, PRESIDENT
519 IRIS AVE
CORONA DEL MAR CA 92625

CORONA DEL MAR CHAMBER OF COMM
DAN DUNHAM PRES
2843 E COAST HWY
CORONA DEL MAR CA 92625

CORONA DEL MAR RES ASSN
PHIL SANSONE PRES
215 MARGUERITE AVE
CORONA DEL MAR CA 92625

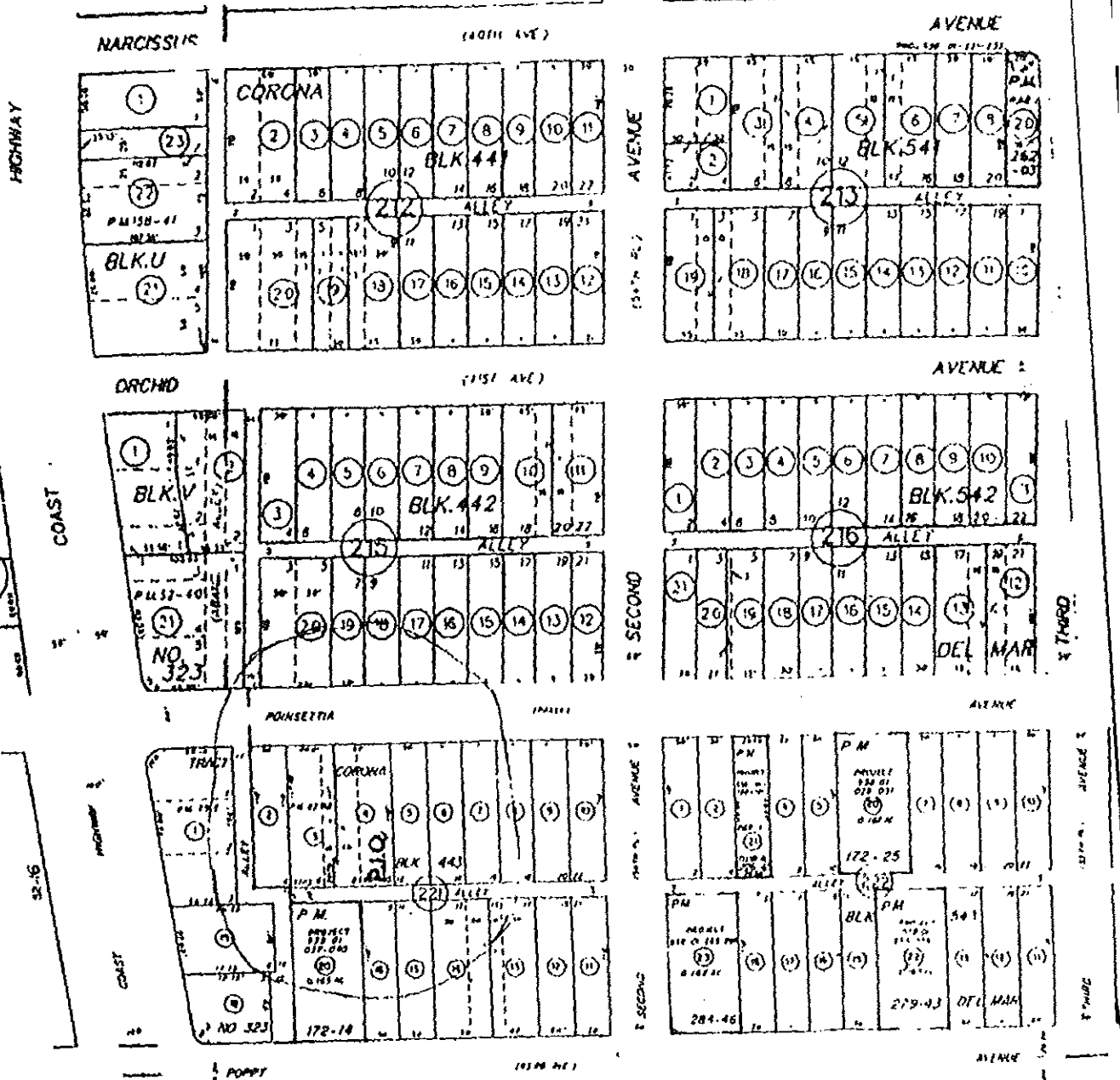
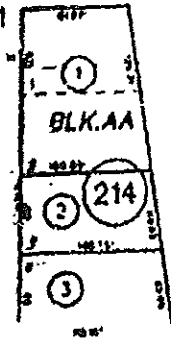
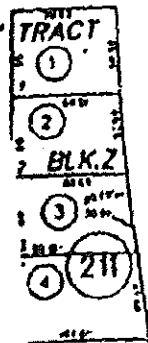
Tod Schooler
359 San Miguel Dr., #304
Newport Bch Ca 92660

PARCEL 1: The Southwesterly 5 feet of the Northeasterly 23 feet of Lot 8, in Block 443, Corona del Mar, as per Map recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps, in the office of the County Recorder of said County.

EXCEPTING the Southwesterly 3 feet of the Northwesterly 97 feet thereof.

PARCEL 2: Lot 10 and the Northeasterly 18 feet of Lot 8 of Block 443, Corona del Mar, as per Map recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps, in the office of the County Recorder of said County.

PROPERTY ADDRESS: 414 Poinsettia Avenue
(not verified) Corona del Mar, CA 92625



SCALE
1" = 100'

MARCH 1983

CORONA DEL MAR
TRACT NO. 333
PARCEL MAP

M.M. 3-42
M.M. 4-40, 41
P.M. 75-7, 172-14, 172-27, 276-45
P.M. 279-43, 284-46

12. NOTE: ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN: DE CIRCLES

ASSESSOR'S MAP
BOOK 459 PAGE 72
COUNTY OF ORANGE

"This is not a survey of the land, but is a statement of information only
and is not a part of the record or public record."

January 20, 1997

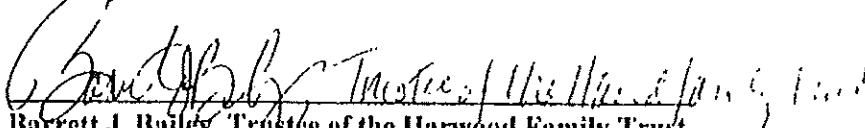
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658-8915

RE: 414 Poinsettia, Corona Del Mar

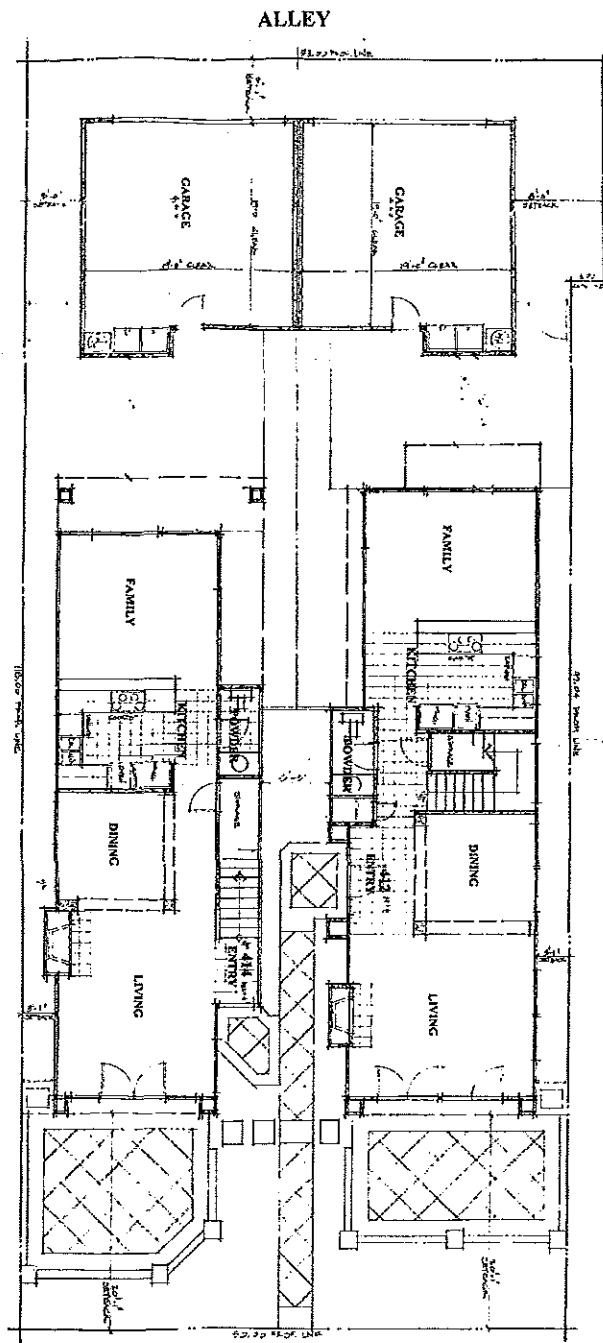
To Whom It May Concern:

Todd Schooler is hereby authorized to act on our behalf in the building permit approval process.

Sincerely,


Barrett J. Bailey, Trustee of the Harwood Family Trust
U/D/T dated November 28, 1990.

FIRST FLOOR PLAN



POINSETTIA AVENUE

UN534

Copyright Todd Schooler & Associates Architects & Planners
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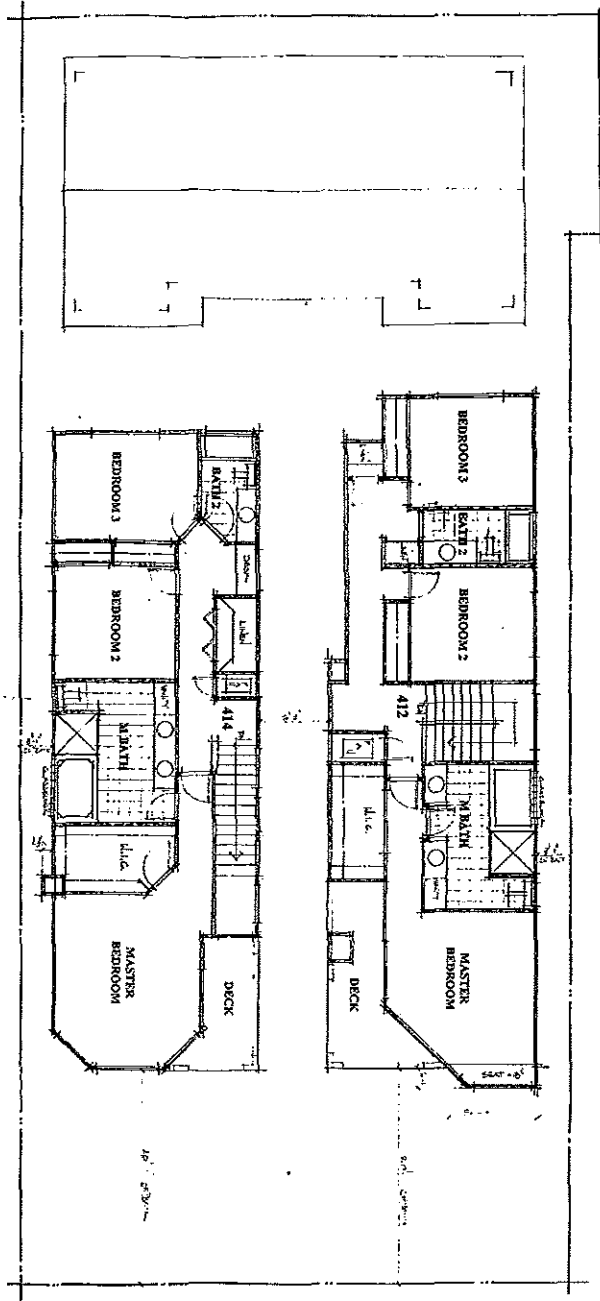
Todd Schooler
ARCHITECTS & PLANNERS

Project Location :
412 & 414 POINSETTIA AVENUE
CORONA DEL MAR, CA.

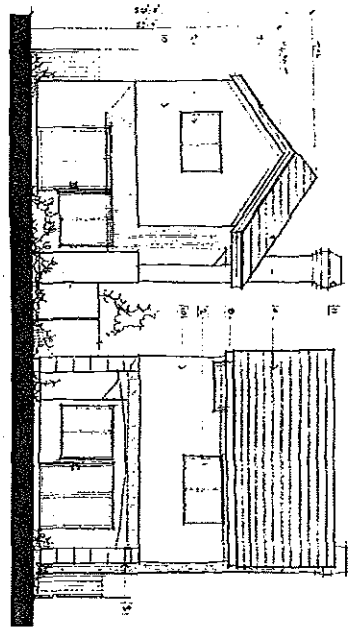
DATE
LOCATION
ITEM

TWO NEW HOMES FOR:
TODD SCHOOLER & ASSOCIATES
359 SAN MIGUEL DRIVE, SUITE 304
NEWPORT BEACH, CA. 92660

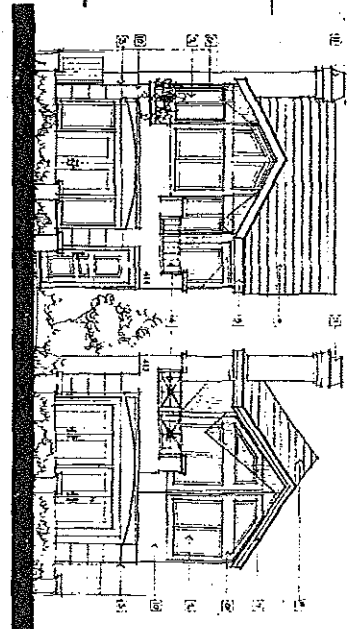
SECOND FLOOR PLAN



<p>Copyright Todd Schooler & Associates Architects & Planners</p> <p>2</p>	<p>Todd Schooler Architects & Planners</p>	<p>Project Location :</p> <p>412 & 414 POINSETTIA AVENUE CORONA DEL MAR, CA.</p>	<p>TWO NEW HOMES FOR: TODD SCHOOLER & ASSOCIATES 359 SAN MIGUEL DRIVE, SUITE 304 NEWPORT BEACH, CA. 92660</p>
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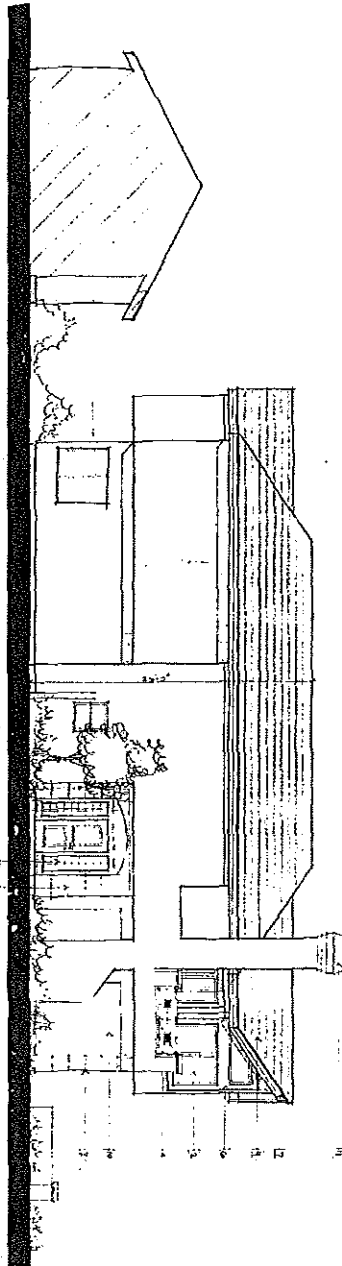


412 EAST ELEVATION SCALE 1/8" = 1'-0"

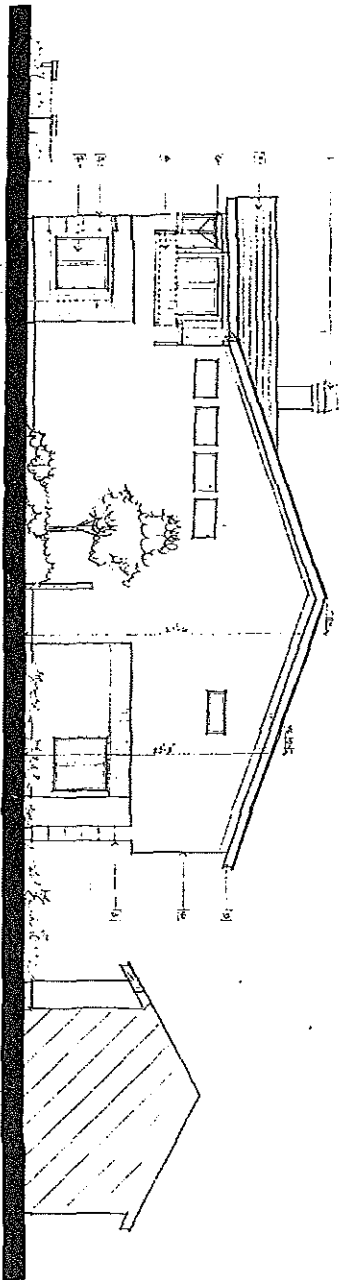


414 WEST ELEVATION SCALE 1/8" = 1'-0"

- ELEVATION KEYNOTES
1. All exterior walls
 2. Exterior wall finish
 3. All windows
 4. Window frame finish
 5. Window frame finish
 6. Window frame finish
 7. 1/2" x 4" Sill and 2" x 4" Jambs
 8. 2" x 4" Sill
 9. Window frame finish
 10. Window frame finish
 11. Window frame finish



412 NORTH ELEVATION SCALE 1/8" = 1'-0"



414 SOUTH ELEVATION SCALE 1/8" = 1'-0"

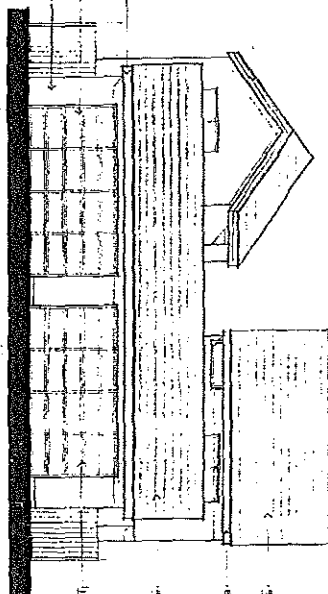
3	Copyright Todd Schooler & Associates Architects & Planners
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Todd Schooler
ARCHITECTS & PLANNERS

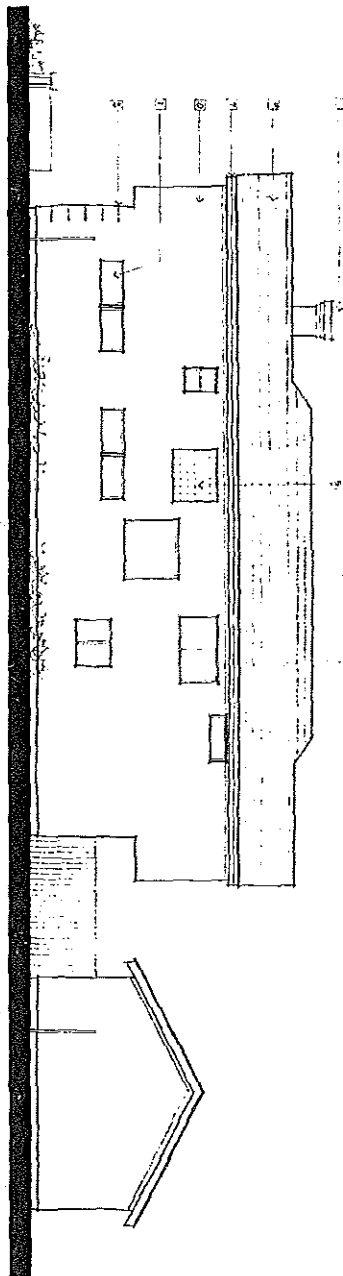
Project Location :
412 & 414 POINSETTIA AVENUE
CORONA DEL MAR, CA.

TWO NEW HOMES FOR:
TODD SCHOOLER & ASSOCIATES
359 SAN MIGUEL DRIVE, SUITE 304
NEWPORT BEACH, CA. 92660

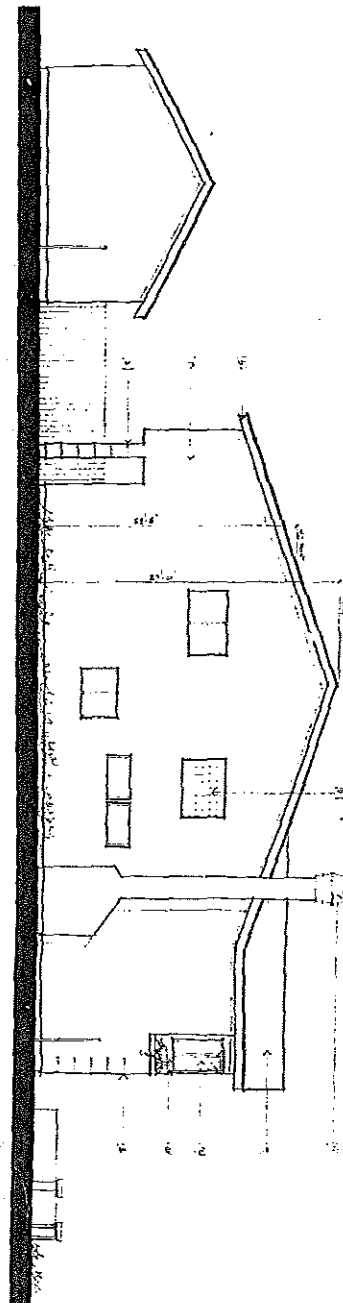
EAST ELEVATION



412 SOUTH ELEVATION



414 NORTH ELEVATION



NO.	DESCRIPTION
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2	
3	
4	

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Project Location :
412 & 414 POINSETTIA AVENUE
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TWO NEW HOMES FOR:
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NEWPORT BEACH, CA. 92660

Attachment No. PD 4

Photos

