

**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 17, 2010

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**ACTIONS TAKEN AT DECEMBER 16, 2010 ZONING ADMINISTRATOR HEARING**

Item 1: Block 400, Replacement Freestanding Monument Sign - Modification Permit No. MD2010-020 (PA2010-156)  
450 Newport Center Drive

This item was approved.. Council District 5

Item 2: Block 500, Alternate Landscape Wall Sign - Modification Permit No. MD2010-021 (PA2010-156)  
500 Newport Center Drive

The Zoning Administrator will render a decision within 15 days as allowed per Zone Code Section 20.93.035.B Council District 5

Item 3: Fruchbom Residence - Modification Permit No. MD2010-014 (PA2010-108)  
1132 Ebbtide Road

This item was approved as modified. Council District 6

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



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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. MD2010-020**  
    **(PA2010-156)**

**Applicant**                            **Irvine Company**

**Site Address**                        **450 Newport Center Drive**  
    **Block 400, Replacement Freestanding Monument Sign**

**Legal Description**                **P BK 61 PG 10 PAR 1**

On **December 16, 2010**, the Zoning Administrator approved the following: A modification permit to allow replacement of an existing freestanding monument sign located along San Nicholas Drive, which exceeds the maximum height and width permitted within Block 400 as specified per the North Newport Place Planned Community sign regulations. The proposed sign would be a maximum 10 feet wide by 6 feet high where the sign regulations allow a sign to a maximum 6 feet wide by 5 feet high. The property is located in the PC-56 (North Newport Center, Block 400 ) District. The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

### **FINDINGS**

1. Finding: The Land Use Element of the General Plan designates the site as CO-M (Medical Commercial Office) use. This designation is intended to provide primarily for medical-related offices, other professional offices, retail, short-term convalescent and long-term care facilities, research labs, and similar uses. The commercial office building is consistent with this designation, and the proposed sign is accessory to the primary use.
2. Finding: This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines under Section 15311 Class 11 (Accessory Structures), that exempts small accessory structures such as on-premise signs in commercial areas.
3. Finding: The granting of the application is necessary due to the practical difficulties associated with the property and the strict application of the Zoning Code would result in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

Facts in Support of Finding:

- The North Newport Center Planned Community consists of seven sub-areas, and is one of several planned communities comprising the Newport Center area (a regional center with major retail, professional office, entertainment, recreation, and residential development oriented around Newport Center Drive). Pursuant to Sections I.B (Relationship to the Municipal Code), III.F.4 (Sign Standards for Mixed-Use and Commercial Office Blocks), and IV.B (Process for New Signs) of the North Newport Center Planned Community Development Plan, and Section 20.67.110.A and B of the Zoning Code (in effect at the time of application), deviation from the size and area of a sign can be allowed within the planned community area with approval by the Zoning Administrator of a modification permit.
- The subject site, designated sub-area Block 400 within the Newport Center Planned Community, is located at the corner of Newport Center Drive and San Nicholas Drive. The existing freestanding monument sign (existing sign) is located within the landscaped median strip and is 15 feet 6 inches from the property line adjacent to San Nicholas Drive, 66 feet from the center of San Nicholas Drive, and approximately 330 feet from the center of Newport Center Drive.
- A clear view of the existing sign is precluded because of the distance from the corner of Newport Center Drive and the irregular shape of the lot between the corner of Newport Center Drive and the existing sign. A clear view of the sign is further limited because a portion of the surface parking area is located between the entry drive and Newport Center Drive, and mature landscaping on the site also limits the view of the sign from San Nicholas Drive.
- The sign standards for the sub-areas within the North Newport Center Planned Community were based on the size, number and type of signs existing within the development when the North Newport Center Planned Community Development Plan was adopted. The strict application of those sign standards and the Zoning Code would result in physical hardships inconsistent with their purpose and intent; and the practical difficulties associated with the property provide reasonable justification for the increase in size of the proposed freestanding monument sign.
- The proposed freestanding monument sign (proposed sign) would replace the existing sign in the same location.

4. Finding: The requested modification will be compatible with existing development(s) in the area.

Facts in Support of Finding:

- The proposed sign would be constructed in the same location as the existing sign, and the design would be more consistent with other freestanding signs in the North Newport Center area which serve as address and tenant signs in the "block" designated sub-areas (such as small cube signs). The size of the lettering would be consistent with requirements of the North Newport Center sign standards for Block 400.
- There is no consistency as to size or sign area for the existing freestanding monument signs located within the North Newport Center area, and the site development standards were based on the size, number and type of signs existing within the development when the North Newport Center Planned Community Development Plan was adopted.
- The size of the proposed sign (5 feet 10 inches) and overall sign area (approximately 58 square feet) would be more appropriate for the size of the site and the length of the San Nicholas street frontage. Additionally, it would not exceed the sign area allowed by the Zoning Code for a freestanding monument sign on a commercial location with a street frontage of this length (approximately 497 feet – maximum 75 square feet).

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

Facts in Support of Finding:

- The proposed freestanding monument sign would be constructed in the same location as the existing sign and would not interfere with sight distance from any street, pedestrian way or driveway.
- The proposed freestanding monument sign would provide improved visibility of the site address and tenants located within the commercial office building on the site from vehicles traveling along San Nicholas Drive and those turning from Newport Center Drive onto San Nicholas Drive.

Conditions

1. The proposed freestanding monument sign shall be in substantial conformance with the approved site plan, details, and elevations, and as noted in the following conditions.

2. In no case shall the proposed freestanding monument sign exceed the following maximums: 5 feet 10 inches in overall height, 10 feet in length, 30 inches in width.
3. Plantings surrounding the proposed freestanding monument sign shall be limited and maintained to a maximum height of 12 inches.
4. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
5. 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.
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. A building permit shall be obtained prior to construction of the proposed freestanding monument sign.
8. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
9. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
10. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
11. 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 **Block 400, Replacement Freestanding Sign including, but not limited to, the MD2010-020, PA2010-156**. 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.

12. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

**APPEAL PERIOD:** 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:   
Gregg Ramirez, Zoning Administrator

GR/ks

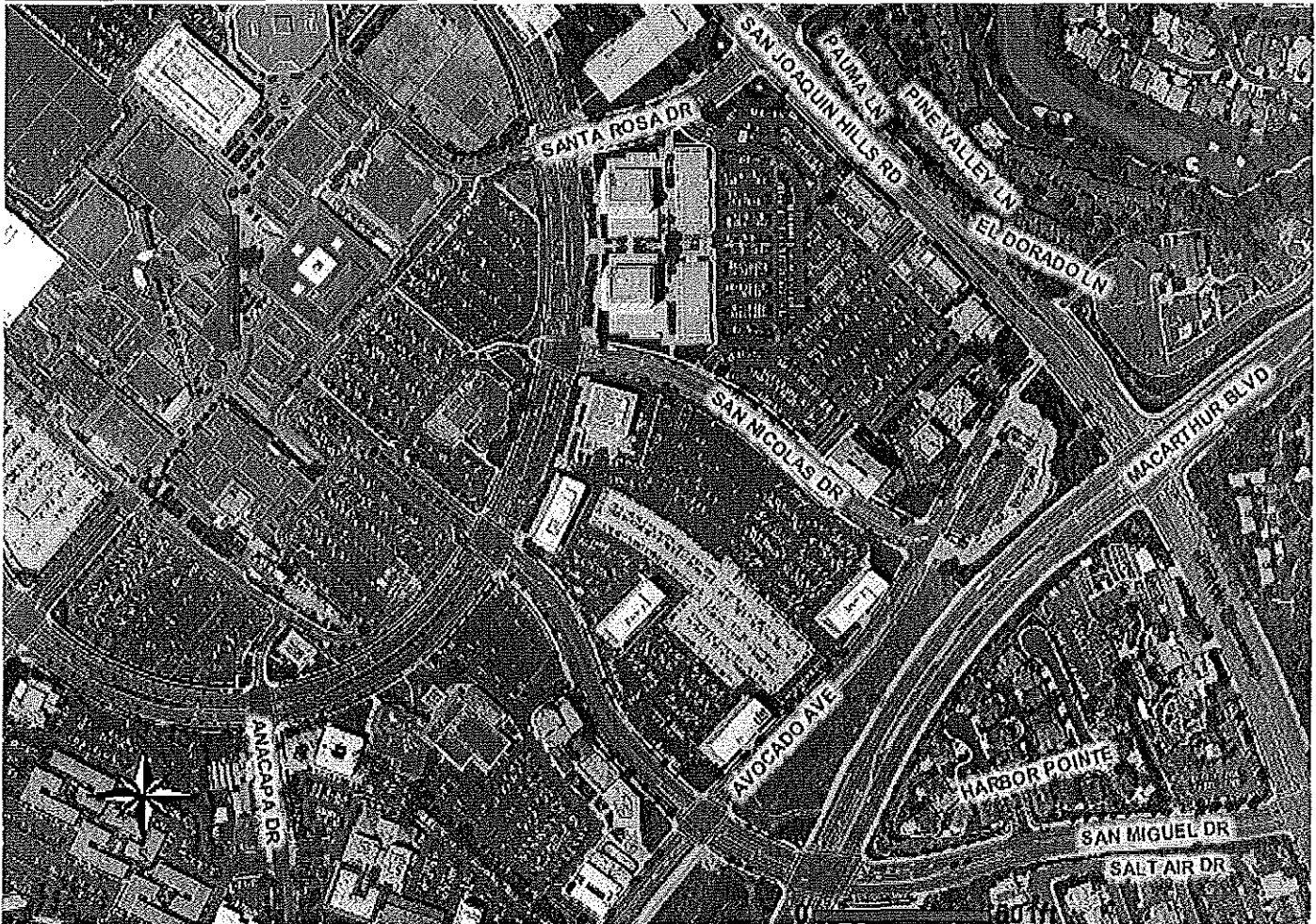
Attachments:

- ZA1 - Vicinity Map
- ZA2 - Plans
- ZA3 - Photos

# **Attachment No. ZA 1**

Vicinity Map

# VICINITY MAP



Modification Permit No. MD2010-020  
PA2010-156

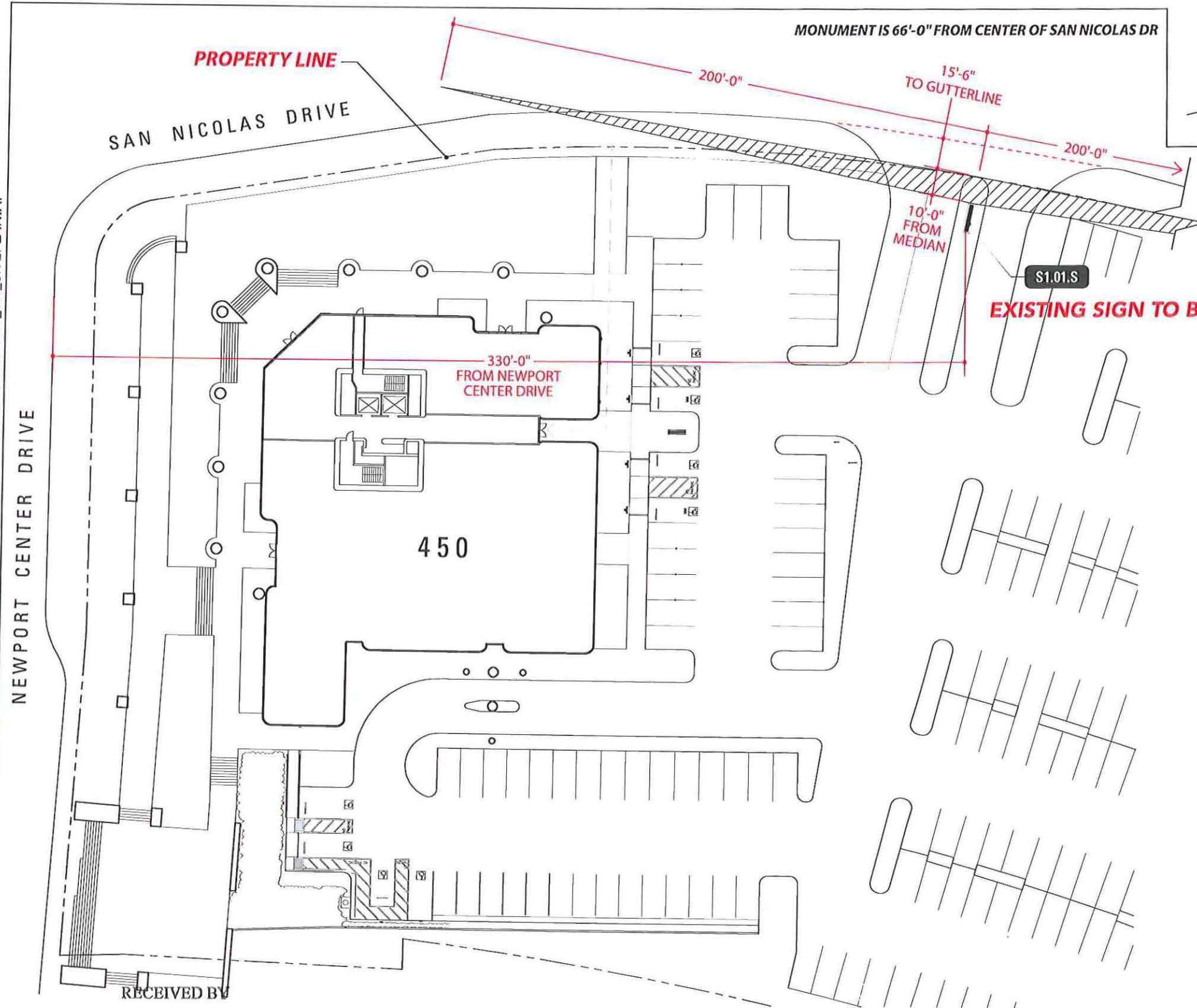
**450 Newport Center Drive**



# **Attachment No. ZA 2**

Plans

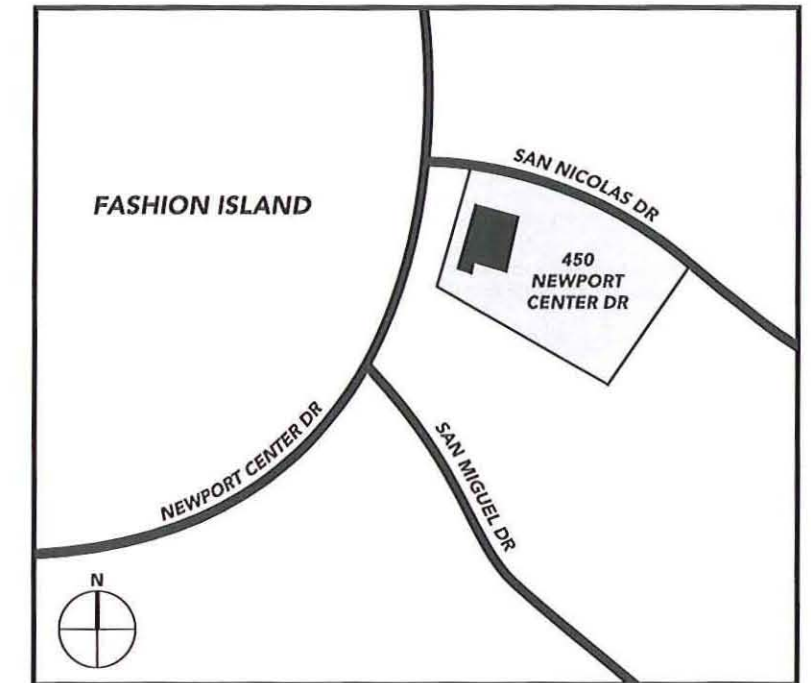
PIW/ IRVINE CO/ 450 NEWPORT CENTER DR/ 10-0297 IN EXT SIGNAGE/ OK DWGS/ EXTERIOR/ EXT\_0.1\_SITEPLAN.A1



**SIGN LEGEND**

S1	PROJECT/TENANT I.D. MONUMENT AT OFF-STREET ENTRY	1
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**SET-BACK DISTANCE FROM THE RIGHT OF WAY LINE IS 10 FEET MINIMUM**



VICINITY MAP  
 SCALE: NTS

REVISIONS/PLANNING DEPARTMENT

DEC 6 2010

**450 NEWPORT CENTER DR**

NEWPORT BEACH, CA

CLIENT  
 CUESTA CONST.

DATE  
 10.12.10

CONTACT  
 KOLIN REESE

JOB #  
 10-0297

DRAWING TITLE  
 EXTERIOR SITE PLAN

SCALE  
 NTS

DESIGNER  
 JW

SHEET #  
**Ext.0.1**

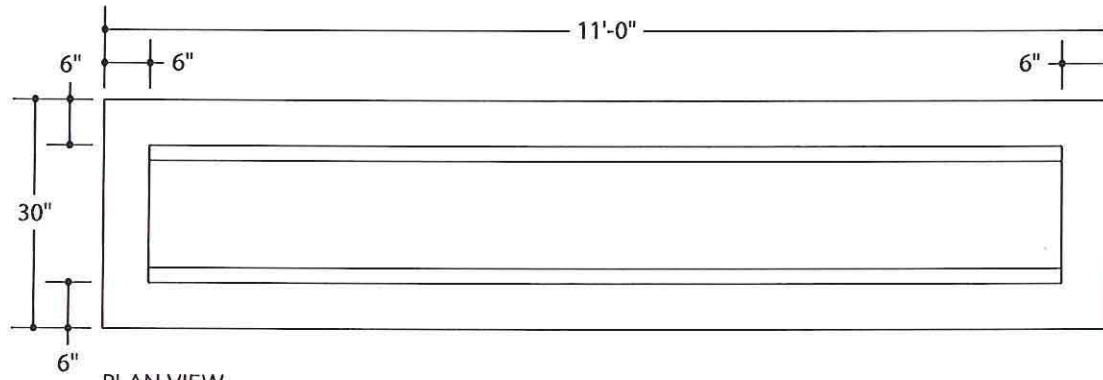
The following drawings, specifications, ideas, designs, and arrangements represented thereby, are and shall remain the property of the designer, and no part thereof shall be copied, disclosed to others or used in connection with any work or project other than the specified project for which they have been prepared and developed without the written consent of the designer. Visual contact with these plans or specifications shall constitute conclusive evidence of acceptance of these restrictions



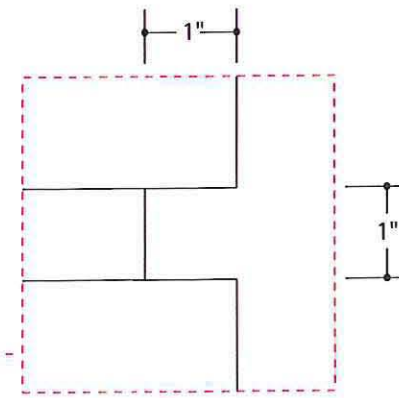
10-0297

J B 3 D  
Architectural Graphics & Branding

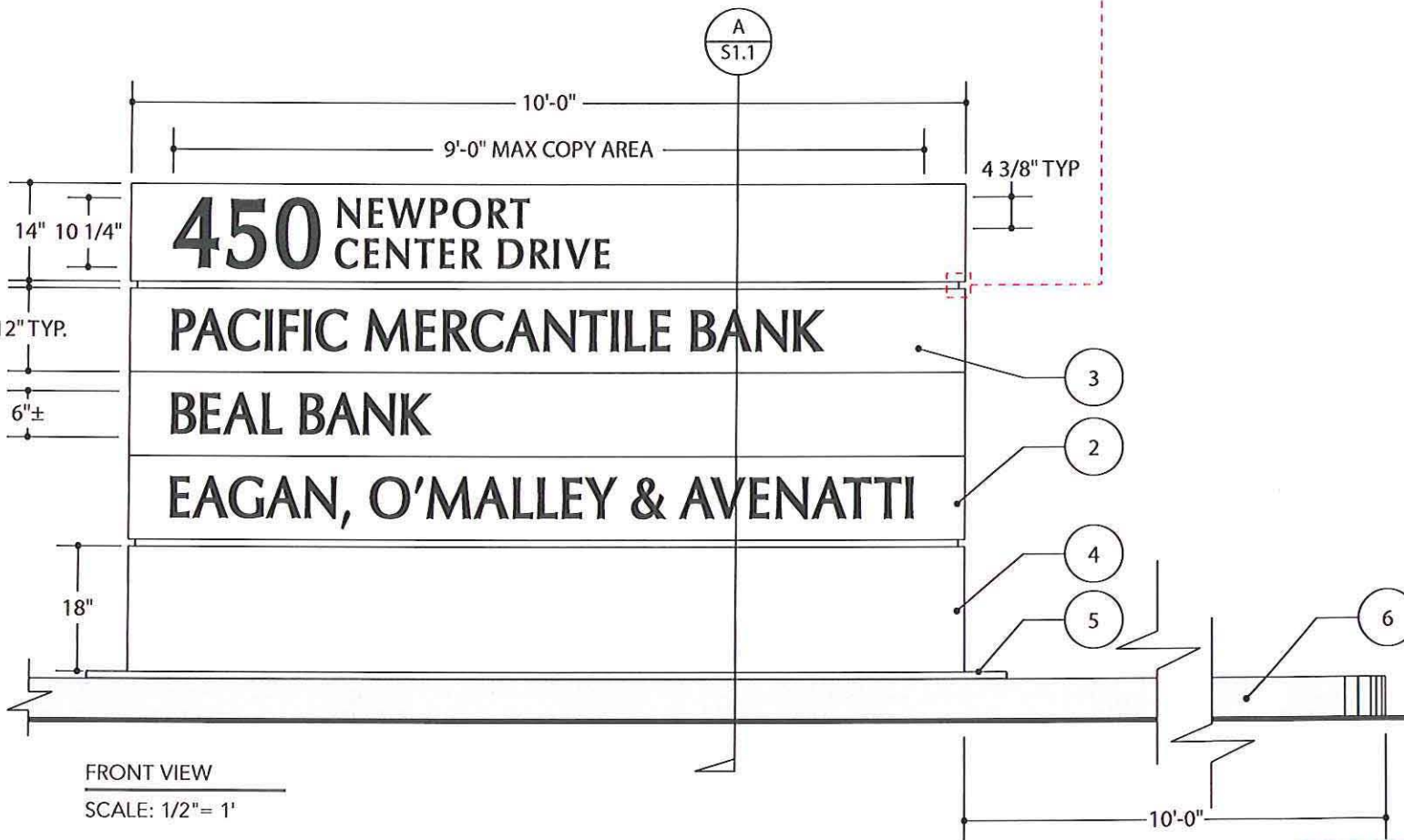
731 N. Main Street • Orange, California 92868  
714.744.2300 • 714.744.8061 fax • jb3d.com



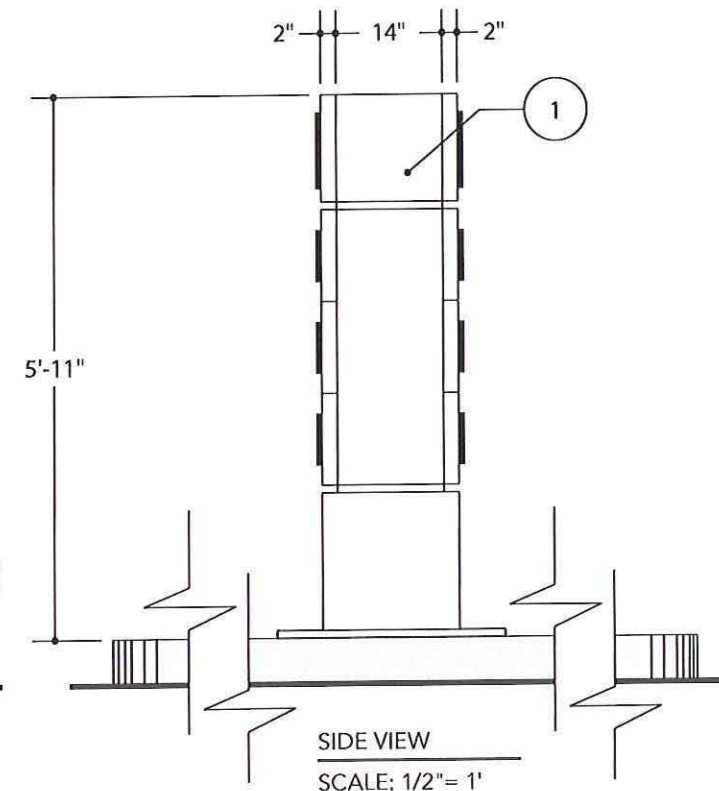
PLAN VIEW  
SCALE: 1/2" = 1'



REVEAL DETAIL  
SCALE: HALF SIZE



FRONT VIEW  
SCALE: 1/2" = 1'



SIDE VIEW  
SCALE: 1/2" = 1'

DESIGN NOTES:

1. INTERNALLY ILLUMINATED 1/8" THICK FABRICATED ALUMINUM CABINET PAINTED MATTHEWS 38A-3P "BONE".
2. 1/8" FABRICATED ALUMINUM TENANT PANEL W/ 2" DEEP RETURNS PAINTED MATTHEWS 38A-3P "BONE". ATTACH W/ COUNTERSUNK SCREWS ON END OF SIGN.
3. 1/2" THICK PUSH THRU DAY/NIGHT LETTERS W/ RETURNS PAINTED MATTHEWS SATIN BLACK.
4. POURED IN PLACE INTEGRAL COLOR CONCRETE BASE. FINISH TO MATCH: QUICKCRETE SRC. CUSTOM COLOR/CUSTOM MIX NO. 6539. T2 - LIGHT SANDBLAST FINISH. NO SEALER. CUT BASE TO GRADE.
5. 6" CONTINUOUS CONCRETE MOW-STRIP 1" ABOVE GRADE, FOOTING BELOW GRADE AS REQUIRED
6. EXISTING ENTRY MEDIAN

**DOUBLE-FACED**

**PROPOSED ENTRY MONUMENT SIGN TO REPLACE EXISTING MONUMENT SIGN** END OF MEDIAN

PIW/ IRVINE CO/ 450 NEWPORT CENTER DR/ 10-0297 IN EXT SIGNAGE/ OK DWGS/ EXTERIOR/ S1\_ENTRYMONUMENT.AI

REVISIONS:	<h1>450 NEWPORT CENTER DR</h1> <p>NEWPORT BEACH, CA</p>	CLIENT CUESTA CONST.	CONTACT KOLIN REESE	DRAWING TITLE ENTRY MONUMENT		
		DATE 10.5.10	JOB # 10-0297	SCALE NOTED	DESIGNER JW	SHEET # <b>S1.0</b>

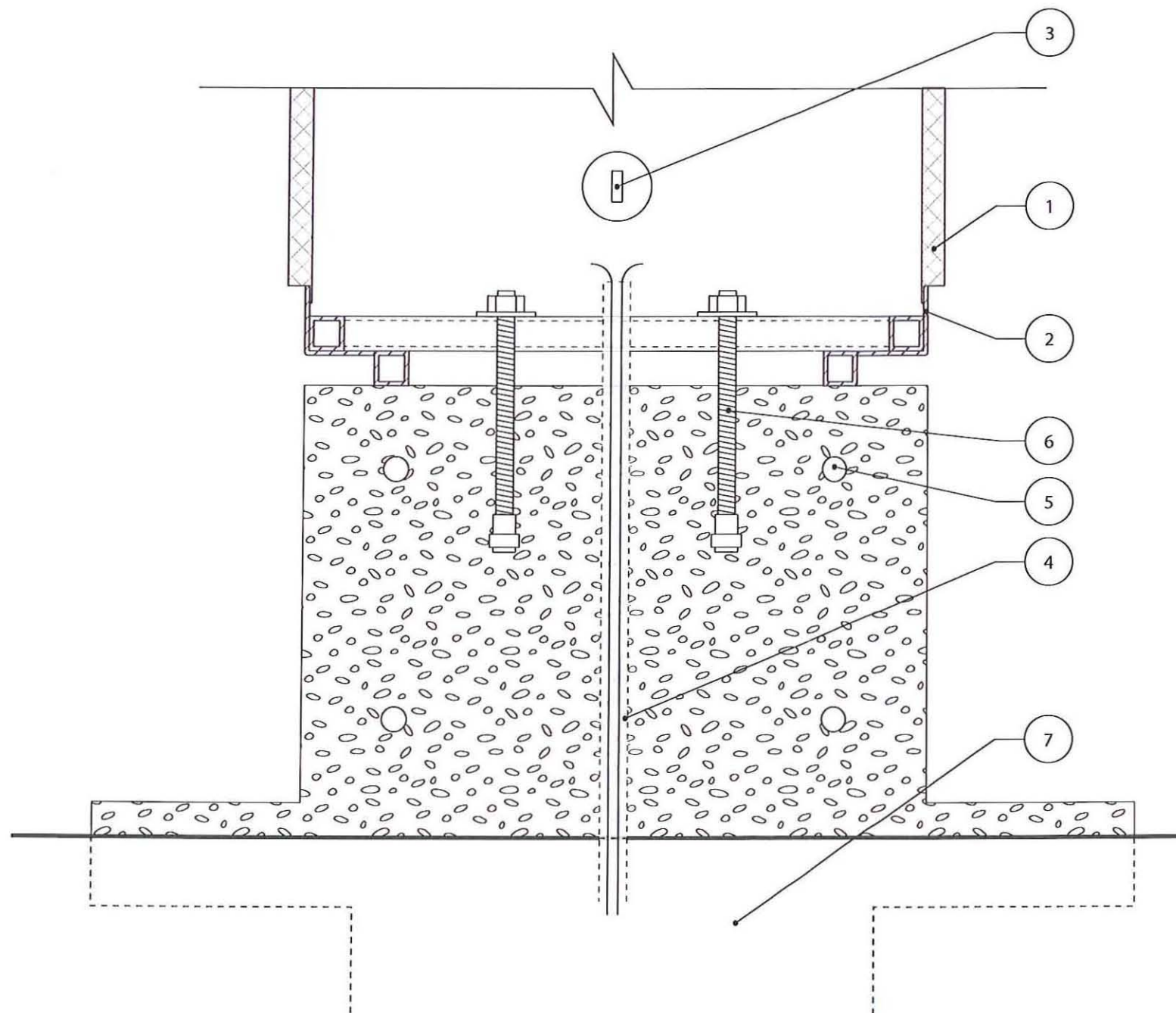
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10-0297

731 N. Main Street • Orange, California 92868  
714.744.2300 • 714.744.8061 fax • jb3d.com

PIW/ IRVINE CO/ 450 NEWPORT CETNER DR/ 10-0297 IN EXT SIGNAGE/ OK DWGS/ EXTERIOR/ S1\_ENTRYMONUMENT.AI



A SECTION DETAIL  
SCALE: 3" = 1'

DESIGN NOTES:

1. 1/2" THICK PUSH THRU DAY/NIGHT LETTERS W/ RETURNS PAINTED MATTHEWS SATIN BLACK.
2. 1/8" FABRICATED ALUMINUM TENANT PANEL W/ 2" DEEP RETURNS PAINTED MATTHEWS 38A-3P "BONE". ATTACH W/ COUNTERSUNK SCREWS ON END OF SIGN.
3. F-54 CWHO T-12 LAMPS, AS REQUIRED FOR EVEN ILLUMINATION.
4. 120 V. 20 AMP DEDICATED CIRCUIT, **PULLED TO LOCATION BY OTHERS (WITHIN 5' OF LOCATION)**
5. #4 REBAR, AS REQUIRED IN CONCRETE BASE
6. 1/2" X 4" MINIMUM EMBEDMENT, HILTI KWIK BOLT
7. CONCRETE FOOTING BELOW GRADE AS REQUIRED

REVISIONS:

450 NEWPORT CENTER DR  
NEWPORT BEACH, CA

CLIENT  
CUESTA CONST.

CONTACT  
KOLIN REESE

DRAWING TITLE  
DETAILS

DATE  
10.5.10

JOB #  
10-0297

SCALE  
NOTED

DESIGNER  
JW

SHEET #  
**S1.1**

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**1** MONUMENT SIGN - TYPE S1 - THREE TENANT PANELS - OPTION 2 (PROPOSED REPLACEMENT MONUMENT MEETS CURRENT NNCPDP REQUIREMENTS)  
NOT TO SCALE



**Davies Associates**

Environmental Graphics  
Davies Associates, Inc.  
9424 Dayton Way  
Suite 217  
Beverly Hills, CA 90210  
tel 310.247.9572  
fax 310.247.9590  
www.daviesla.com

This drawing and the designs included therein as instruments of service are and shall remain the property of Davies Associates, Inc. whether or not the project for which they are made is executed. They are not to be used by the Owner/Client on other projects or extensions of this project except by agreement in writing with Davies Associates, Inc.

**450 Newport Center Drive**

Signage and Graphics Program  
Newport Beach, California  
Project No. 10003

Irvine Company  
Office Properties

Construction Documents 8.3.10 KK

**Monument Sign**

Elevations and Details

**G3.1**





(DIMENSIONS OF SIGN AND LETTERS (LOGO ARE INCORRECT - SEE PC TEXT FOR CORRECT INFO)

**1** MONUMENT SIGN - TYPE S1 - EXISTING CONDITION - (5' HIGH X 6' WIDE)  
SCALE: NTS



**Davies Associates**

Environmental Graphics  
Davies Associates, Inc.  
9424 Dayton Way  
Suite 217  
Beverly Hills, CA 90210  
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fax 310.247.9590  
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**450 Newport Center Drive**

Signage and Graphics Program  
Newport Beach, California  
Project No. 10003

Irvine Company  
Office Properties

Construction Documents 8.3.10 KK

**Sign Type S1**

Project/Tenant I.D. Monument at  
Off-Street Entry - Existing Condition

**G3.2**



**Sign C - Freestanding Signs**



**Sign C1**  
 Sign: 6'-6" high; 15'-4" wide  
 Letters: 13 inches high max.  
 Symbol: 18 inches high



**Sign C2**  
 Sign: 4'-4" high; 9'-3" wide  
 Letters: 11 inches high max.



**Sign C3**  
 Sign: 4'-2" high; 7'-0" wide  
 Letters: 4 inches high max.



**Sign C4**  
 Sign: 5'-3" high; 11'-0" wide  
 Letters: 11 inches high



**Sign C5**  
 Sign: 4'-9" high; 12'-0" wide  
 Letters: 12 inches high



**Sign C6**  
 Sign: 5'-3" high; 11'-0" wide  
 Letters: 11 inches high



**Sign C7**  
 Sign: 5'-3" high; 11'-0" wide  
 Letters: 11 inches high



**Sign C8**  
 Sign: 6'-10" high; 6'-0" wide  
 Letters: 5 inches high max.  
 Numerals: 11 inches high max.



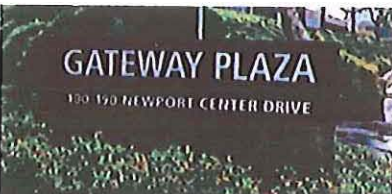
**Sign C9**  
 Sign: 6'-2" high; 20'-6" wide  
 Letters: 17 inches high max.



**Sign C10**  
 Sign: 4'-2" high; 5'-0" wide  
 Letters: 6 inches high max.  
 Symbol: 13 inches high max.



**Sign C11**  
 Sign: 4'-4" high; 9'-6" wide  
 Letters: 10 inches high max.



**Sign C12**  
 Sign: 4'-4" high; 9'-6" wide  
 Letters: 10 inches high max.



**Sign C13**  
 Sign: 4'-4" high; 9'-6" wide  
 Letters: 10 inches high max.



**Sign C14**  
 Sign: 9' high; 4'-9" wide  
 Letters: 6 inches high max



**Sign C15**  
 Sign: 9' high; 4'-9" wide  
 Letters: 6 inches high max

Existing Signs  
 Block 100, 400, 500, 600, 800; and  
 San Joaquin Plaza  
 North Newport Center



# **Attachment No. ZA 3**

Photos















## 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. MD2010-014  
(PA2010-108)**

**Applicant**                         **Paul Fruchbom**

**Site Address**                    **1132 Ebbtide Road  
Fruchbom Residence**

**Legal Description**            **Lot 77, Tract 2202**

On December 16, 2010, the Zoning Administrator approved a modification permit to allow the retention of an existing hedge that exceeds the maximum permissible height of 3 feet for hedges located in front setback areas and 6 feet for hedges located in side and rear setback areas. More specifically, the existing hedge was approved to encroach into the setback areas as follows:

- 74 feet into the required 86-foot front setback area and measuring between 5 and 10 feet in height.
- 6 feet into the required 6-foot southerly side setback area and measuring between 8 and 12 feet in height.
- 6 feet into the required 6-foot rear setback area and measuring 8 feet in height.

The property is located in the R-1-6000 District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions:

### **FINDINGS:**

#### **Required Findings for Action and Facts in Support of Findings**

The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Single-Unit Residential Detached" use. The existing residential structure is consistent with this designation. The existing hedge is accessory to the primary use.

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines under Section 15301 Class 1 (Existing Facilities). The exemption includes the addition of accessory structures to an existing structure.

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

1. **Finding:** The granting of the application is necessary due to the practical difficulties 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 property is significantly impacted by an 86-foot front setback requirement, which is disproportionately larger than any other front setback in the community and equates to approximately 46 percent of the total lot area.
- Front setbacks within the project's community (Harbor View Hills Community Association) range from 6 feet to 86 feet, with no apparent consistency in their application with respect to lot size or lot orientation. The application of an 86-foot front setback on this property disproportionately impacts this property, not only by limiting the percentage of the lot area that can be built on, but also resulting in a front yard area significantly greater than that of other properties.
- Given the subject property's large front setback and the 3-foot height limitation for fences, walls and hedges within this setback, the property is significantly and unreasonably limited to the types of improvements that can be constructed, including protective fencing or screening hedges. As a result, the property is afforded less privacy and subject to increased noise and headlight impacts from vehicles than the other properties similarly situated adjacent to Crown Drive or similar roadways. This is inconsistent with the purpose and intent of the Zoning Code; therefore, the existing hedge, which is setback 12 feet from the front property line, is considered appropriate in this case.
- The subject property is also located adjacent (east) to the Jasmine Creek Community Association maintenance yard where staging of landscaping crews and storage of landscaping equipment and vehicles occur. This maintenance yard is approximately 10 feet higher in elevation than the subject property. The difference in grade and activity occurring throughout the day on the maintenance yard offers the subject property less privacy to the side and rear yard areas and results in additional noise impacts than would otherwise occur if it were adjacent to another residential property. This is inconsistent with the purpose and intent of the Zoning Code; therefore, the existing hedge limited to a maximum height of 12 feet is considered appropriate in this case to provide increased privacy and shielding from the maintenance activities occurring at the adjacent maintenance yard.

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

**Facts in Support of Finding:**

- Front setbacks in the community range from 6 feet to 86 feet and corner lots similarly situated along Crown Drive are only required to maintain setbacks ranging from 13 feet to 20 feet.
  - The lots on the west side of Ebbtide Road, across the street from the applicant, are reversed frontage lots with the front setbacks on the view side and the 6-foot rear setbacks fronting Ebbtide Road. This configuration permits screening of rear yards from the street with 6-foot walls, fences, and hedges located on the property line.
  - Allowing the hedge in the front setback to maintain a height of 5 feet along the Ebbtide Road frontage would be consistent with the development limitations of the other properties in the Harbor View Hills community with reduced or reversed setbacks.
  - The front yard landscaping improvements can be found consistent with General Plan Land Use Policy LU 5.1.6 (Character and Quality of Residential Properties) which requires that residential front setbacks and other areas visible from the public street be attractively landscaped.
  - The hedges located within side and rear setback areas are primarily only visible to the neighbor to south and to the maintenance yard to the east, and will not be visible to the public.
  - Hedges limited to a maximum height of 8 feet along the rear yard frontage is compatible with and consistent with the 8-foot height limitation for fences, walls, and hedges within the adjacent Jasmine Creek Community Association to the east.
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 encroachment of the hedge into the front setback will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood. The hedge is several years old and has not proven detrimental to most surrounding property owners or contributed to vehicle site distance

problems. The existing hedge that encroaches into the front setback area will not negatively impact private or public views, nor will it negatively impact the visual character of the neighborhood.

- The encroachment of the hedge into the side and rear setback will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood. The hedge will still afford the neighbor to the south adequate light and air, while still providing the subject property adequate privacy from the adjacent maintenance yard and activities.

### Conditions

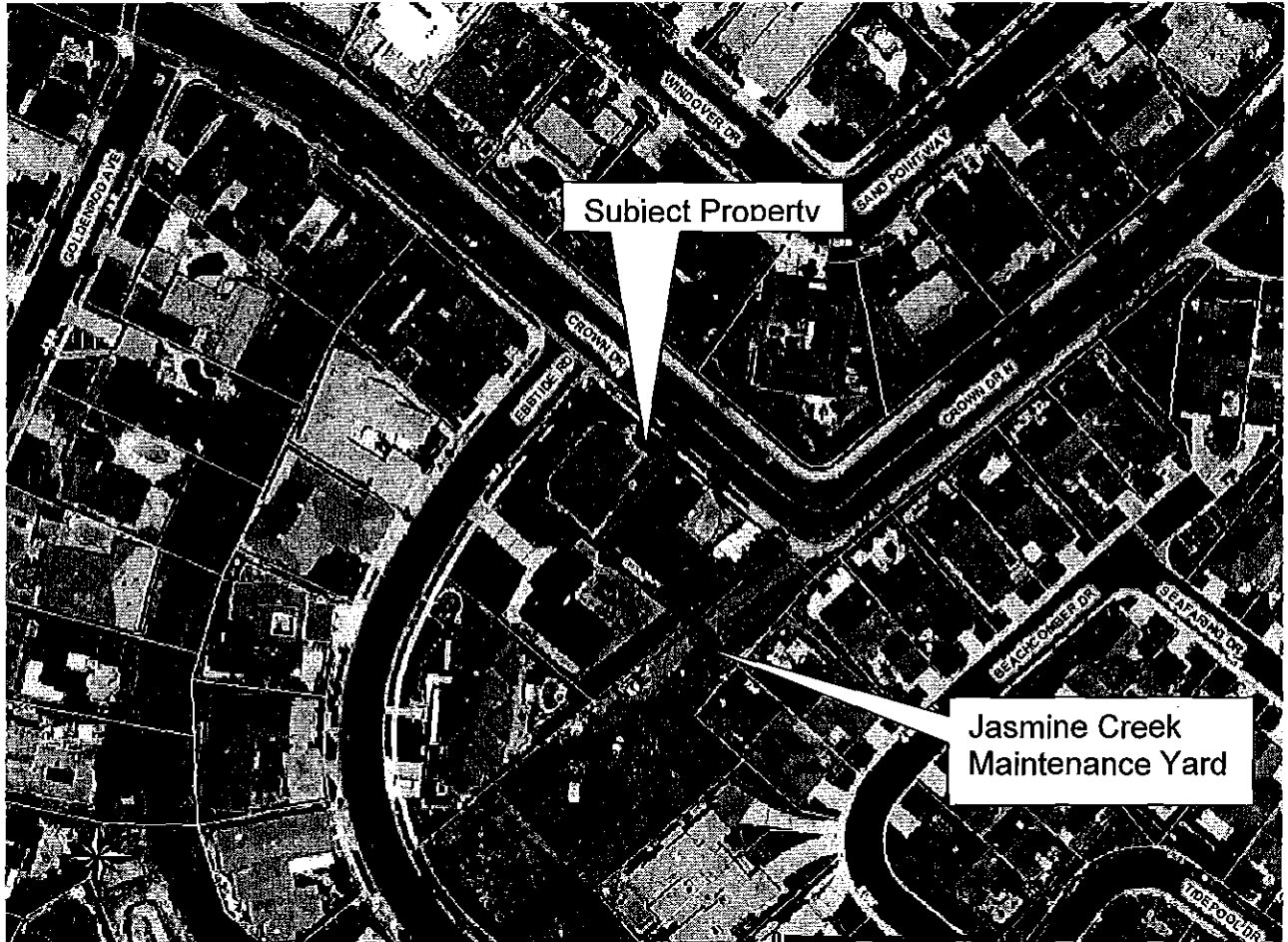
1. The development shall be in substantial conformance with the approved site plan dated September 27, 2010, except as noted in the following conditions.
2. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
3. The subject hedge may be retained and shall be regularly maintained at heights as illustrated on the approved site plan. An exception to this condition is the portion of the existing hedge located along the southerly property line and setback from the front property line between approximately 72 and 101 feet, which shall be trimmed to a maximum height of 10 feet and regularly maintained.
4. Within 30 days of the effective date of this approval, the applicant shall prepare and submit plans that accurately show compliance with Condition No. 3.
5. 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 Fruchbom Hedge Modification including, but not limited to, the Modification Permit No. MD2010-014 and the City's determination that the project is exempt under the requirements of the California Environmental Quality Act. 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.

**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:   
Gregg Ramirez, Zoning Administrator

GR/JM

# VICINITY MAP



Modification Permit No. MD2010-014  
PA2010-108

**1132 Ebbtide Road**



**PROJECT DESCRIPTION**

**LEGAL DESCRIPTION**

PARCEL NO.: 439-081-01  
 LEGAL DESCRIPTION: N TR 2302 BLK LOT 77 UN

**OWNER**  
 PAUL AND NORMA FRUCHBOM

**PROPERTY MAILING ADDRESS**  
 1132 EBBSIDE ROAD  
 CORONA DEL MAR, CA 92625

**ZONING**  
 R-1

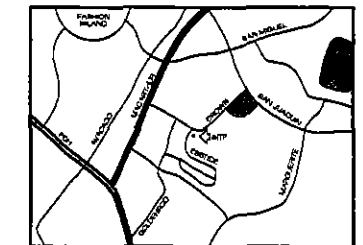
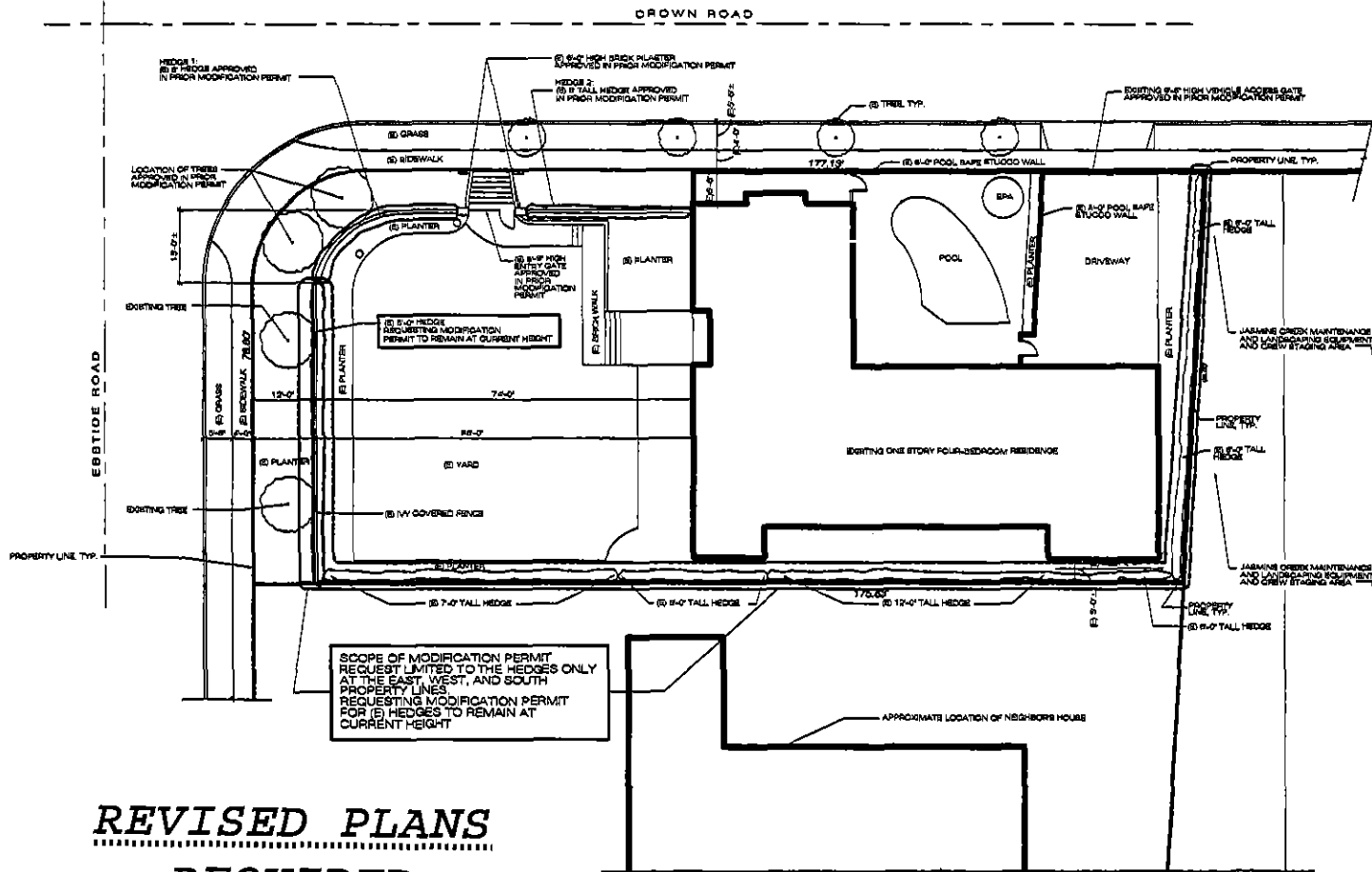
**OCCUPANCY GROUP**  
 RS (PRIVATE DWELLING)

**TYPE OF CONSTRUCTION**  
 TYPE VN

**LOT SIZE**  
 17,105 S.F.

RECEIVED BY  
 PLANNING DEPARTMENT  
 OCT - 5 2010

CITY OF NEWPORT BEACH



**REVISED PLANS  
 REQUIRED**

**SITE PLAN**

SCALE: 1/8" = 1'-0"

**VICINITY MAP**

**FRUCHBOM RESIDENCE**  
 1132 EBBSIDE ROAD  
 CORONA DEL MAR, CA

**ERIC OLSEN DESIGN**

1814 CLAREMONT BLVD. SUITE 811  
 ORANGE, CA 92668  
 TELEPHONE: 714.774.4400  
 FAX: 714.774.4400

**PROJECT NOTES  
 AND SITE PLAN**

**JOB NUMBER**

**DATE**

08-27-10

**DRAWN BY:**

E.O.

**SCALE:**

AS NOTED

**DRAWING NUMBER**

**A-1**