

**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION 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 April 8, 2011

ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF

Item 1: Establishment of Grade – Staff Approval No. SA2011-003 (PA2011-065)
2112 E. Ocean Front

This item was approved on April 8, 2011

Council District 1

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



Gregg Ramirez, Senior Planner

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



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

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PLANNING DIRECTOR ACTION LETTER

Application No. **Staff Approval No. SA2011-003 (PA2011-065)**

Applicant **Keith Fallen for Ron Kent**

Site Address **2112 East Oceanfront**
Establishment of Grade by Director

Legal Description **Tract, 518, Block E, Lot 4**

On **April 8, 2011**, the Planning Director approved the following: the establishment of an alternate grade for the purpose of measuring building height that is based on the existing slope of the subject lot and the topography of surrounding properties instead of establishing an average grade based solely on the existing grade of the subject property.

Section 20.30.050C Establishment of grade by Director

If the director finds that the existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot, the director may establish the grade that is reasonable and comparable with the grades of adjoining lots and that will not be detrimental or injurious to property and improvements on adjoining lots.

The Planning Director's approval is subject to the following finding and conditions:

Findings

- 1. Finding:** The existing grade on the subject lot has been previously altered, or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot.

Facts in Support of Finding:

- The grade on the subject property has previously been altered by past construction activities.
- The subject property is located in a block of beach-front lots that terraces in an westerly to easterly direction. The existing grade elevation of the beach-facing yard of the lot to

the west is approximately 6 inches higher than that of the subject lot and the existing grade elevation of the beach-facing yard of the lot to the east is approximately 6 inches lower than that of the subject lot.

- The existing grade elevations at the rear (alley) of the subject lot and adjoining lots is generally the same.
- The slope of the subject lot, as determined by the zoning code, is approximately 4.2 percent. Since the slope is less than 5 percent, an average grade is used for the purpose of measuring structure height.
- Using the average grade method, consistent with section 20.30.050B2, would result in an grade elevation of approximately 12.08 (NAVD). The result is a grade at the beach-front setback of the subject lot that would be two feet lower than the lot to the west and approximately one foot lower than the lot to the east, thereby interrupting the existing terraced development pattern.
- Development consistent with the application of the average grade method would result in a home that would not be consistent with the homes developed on the adjoining lots.
- Establishing a grade using the existing elevations and slope of the subject property and by examining the topography of the surrounding properties instead of using an average based strictly on the existing grade will maintain the existing terraced development pattern.

2. **Finding:** The grade is reasonable and comparable with the grades of adjoining lots and will not be detrimental or injurious to property and improvements on adjoining lots.

Facts in Support of Finding:

- Establishing a grade for the purpose of measuring height that slopes from front (beach) to back (alley) instead of a flat plane based strictly on the existing grade will maintain the existing terraced development pattern on the beach-front side of the subject property and adjoining properties.
- Future development is required to comply with all applicable development standards.

Conditions

1. The development authorized by this staff approval shall be in substantial conformance with the approved project plans.
2. A building permit shall be obtained prior to commencement of the construction.
3. 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 **Establishment of Grade by the Director** including, but not limited to, the

Staff Approval No. SA2011-003 (PA2011-065). 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: 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.

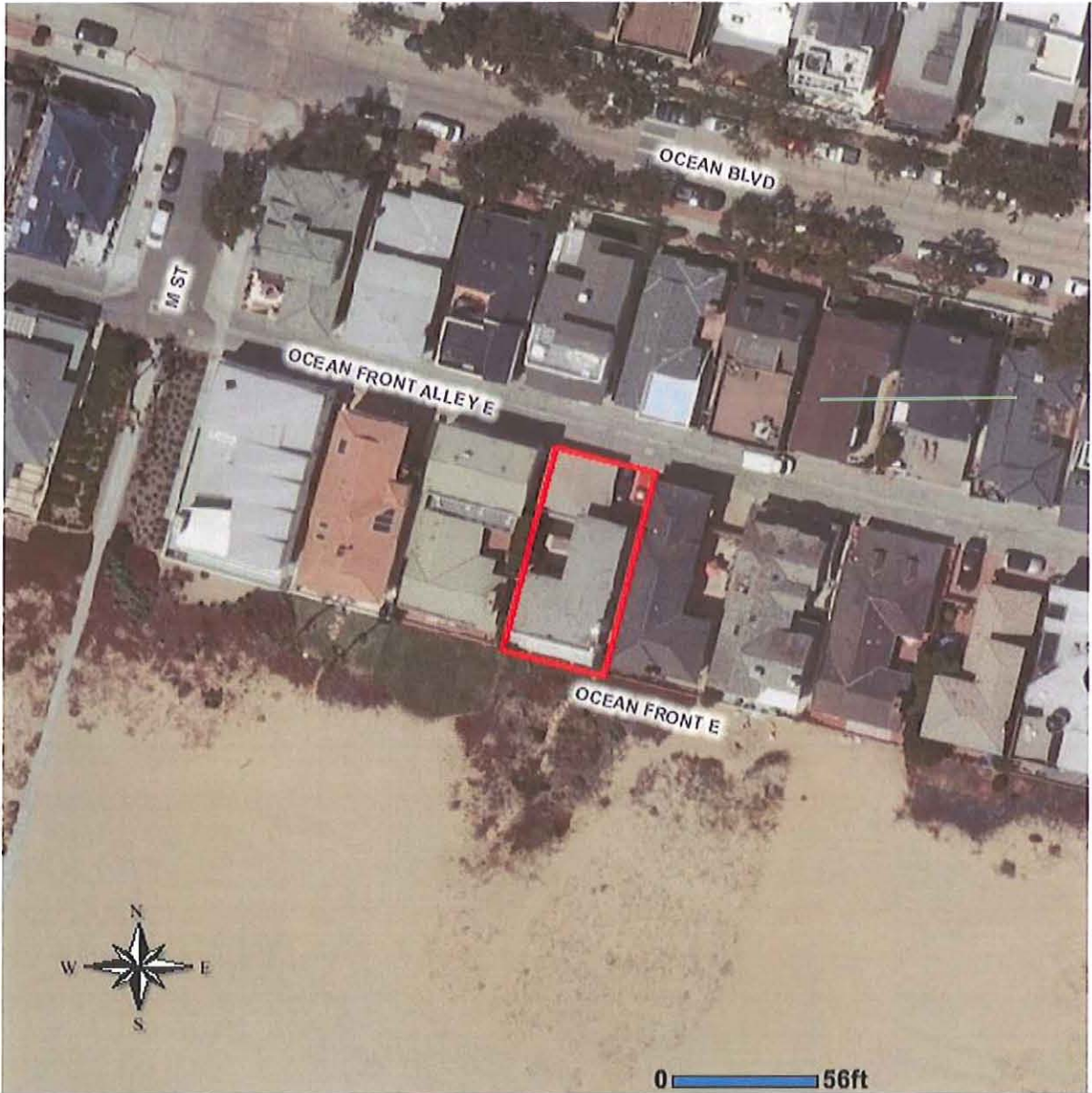
On behalf of James W. Campbell, Acting Planning Director

By: 
Gregg Ramirez, Senior Planner

GR/gr

Attachments: PD 1 Vicinity Map
PD 2 Establishment of Grade/Building Height Determination Plans
PD 3 Topographic Survey

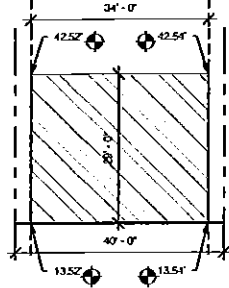
VICINITY MAP



Staff Approval No. 2011-003
PA2011-065

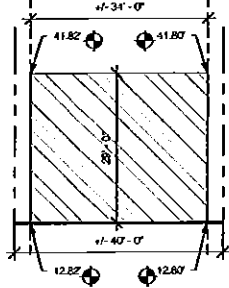
2112 East Ocean Front

EAST P1 P1 WEST



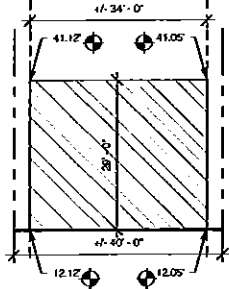
6 P1 SECTION
1/16" = 1'-0"

EAST P2 P2 WEST



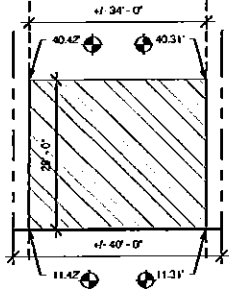
7 P2 SECTION
1/16" = 1'-0"

EAST P3 P3 WEST



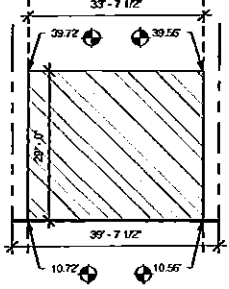
8 P3 SECTION
1/16" = 1'-0"

EAST P4 P4 WEST



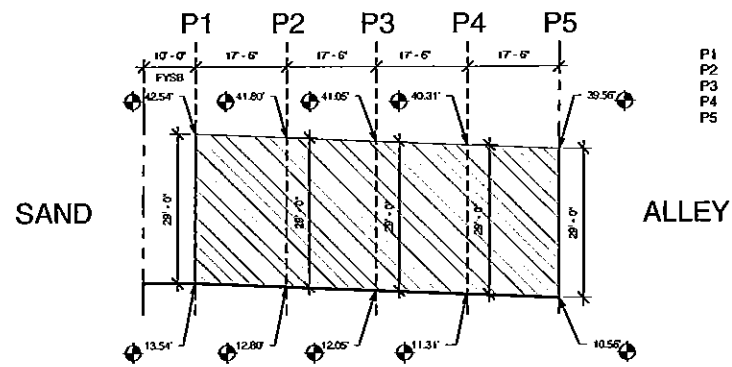
9 P4 SECTION
1/16" = 1'-0"

EAST P5 P5 WEST



10 P5 SECTION
1/16" = 1'-0"

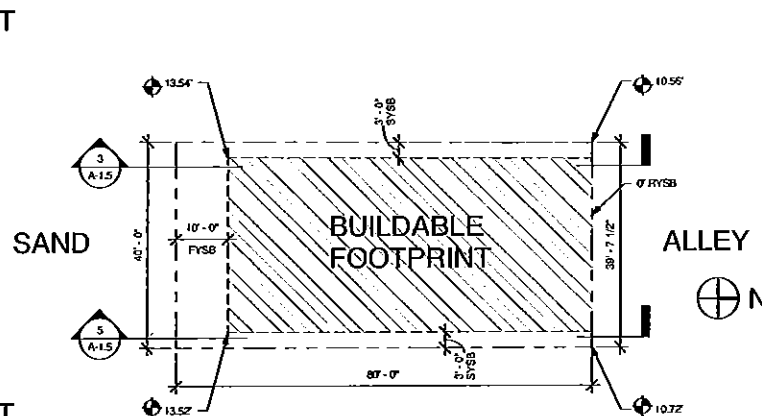
NEW STRUCTURE LIMITS



3 WEST ELEVATION
1/16" = 1'-0"

WEST

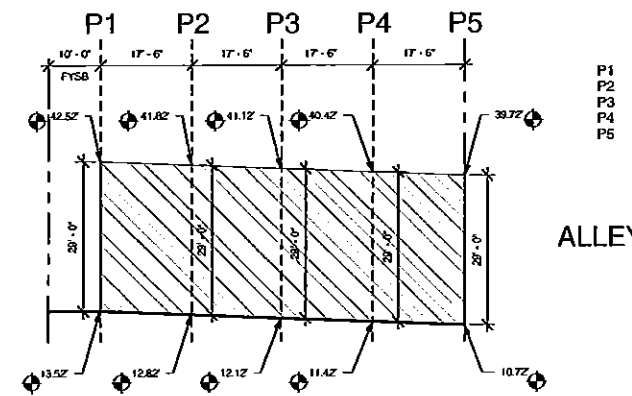
	GRADE	MAX BLDG HT
P1	ESTABLISHED 13.54'	42.54'
P2	PROJECTED 12.80'	41.80'
P3	PROJECTED 12.05'	41.05'
P4	PROJECTED 11.31'	40.31'
P5	ESTABLISHED 10.56'	39.56'



4 BUILDABLE FOOTPRINT
1/16" = 1'-0"

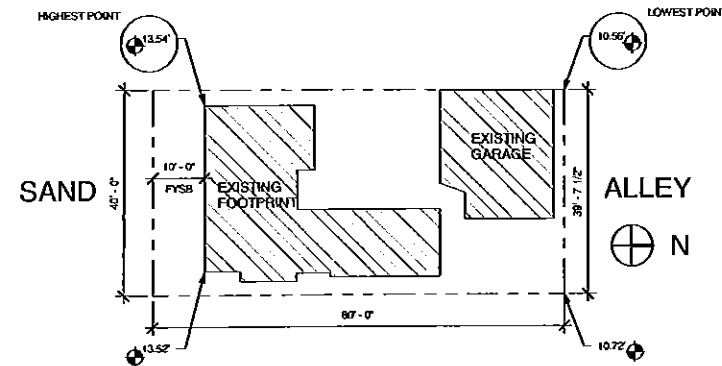
EAST

	GRADE	MAX BLDG HT
P1	ESTABLISHED 13.52'	42.52'
P2	PROJECTED 12.82'	41.82'
P3	PROJECTED 12.12'	41.12'
P4	PROJECTED 11.42'	40.42'
P5	ESTABLISHED 10.72'	39.72'



5 EAST ELEVATION
1/16" = 1'-0"

ESTABLISHMENT OF GRADE

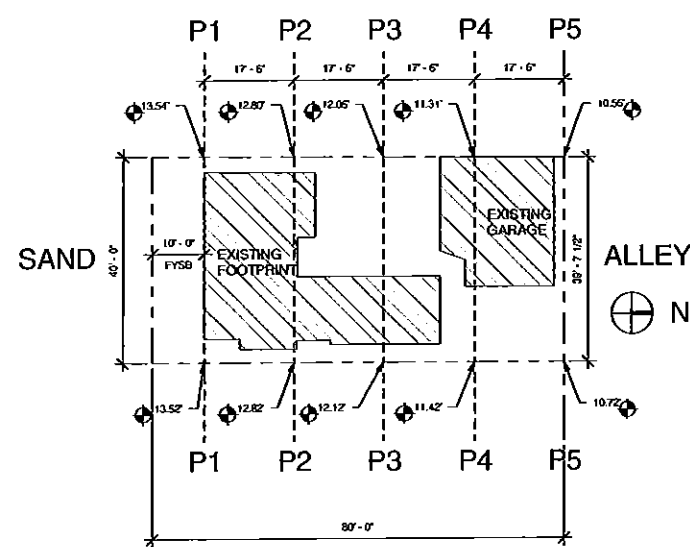


1 SURVEY DIAGRAM
1/16" = 1'-0"

NOTES

- GRADE HAS BEEN ESTABLISHED BY THE PLANNING DIRECTOR
- THE HIGH POINT 13.54' IS ESTABLISHED ON THE SITE AND WILL BE MAXIMUM HIGH POINT OF PROPOSED BUILDING + 24' / 29'
- THE LOW POINT 10.56' IS ESTABLISHED ON THE SITE AND WILL BE MAXIMUM LOW POINT OF PROPOSED BUILDING + 24' / 29'
- GRADE FROM WHICH BUILDING HEIGHT IS MEASURED IS DEFINED BY CONSTANT SLOPE BETWEEN HIGH POINT AND LOW POINT
- HEIGHT OF BUILDING SHALL BE MAXIMUM 24' / 29' ABOVE SLOPED GRADE LINE
- FOR PURPOSES OF DIAGRAMS, ALL MEASUREMENTS OF 29' SHOWN ARE MAXIMUM ALLOWABLE FOR SLOPED ROOFS; 24' ARE APPLICABLE FOR ALL FLAT ROOFS

BUILDING HEIGHT DETERMINATION



2 EXISTING PLOT PLAN
1/16" = 1'-0"

NOTES

- ESTABLISHED POINTS TAKEN FROM SURVEY
- PROJECTED POINTS CALCULATED BY SLOPE ON EACH RESPECTIVE PROPERTY LINE

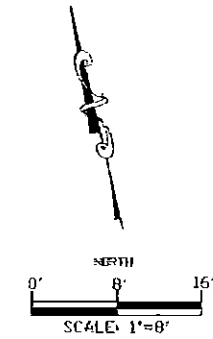
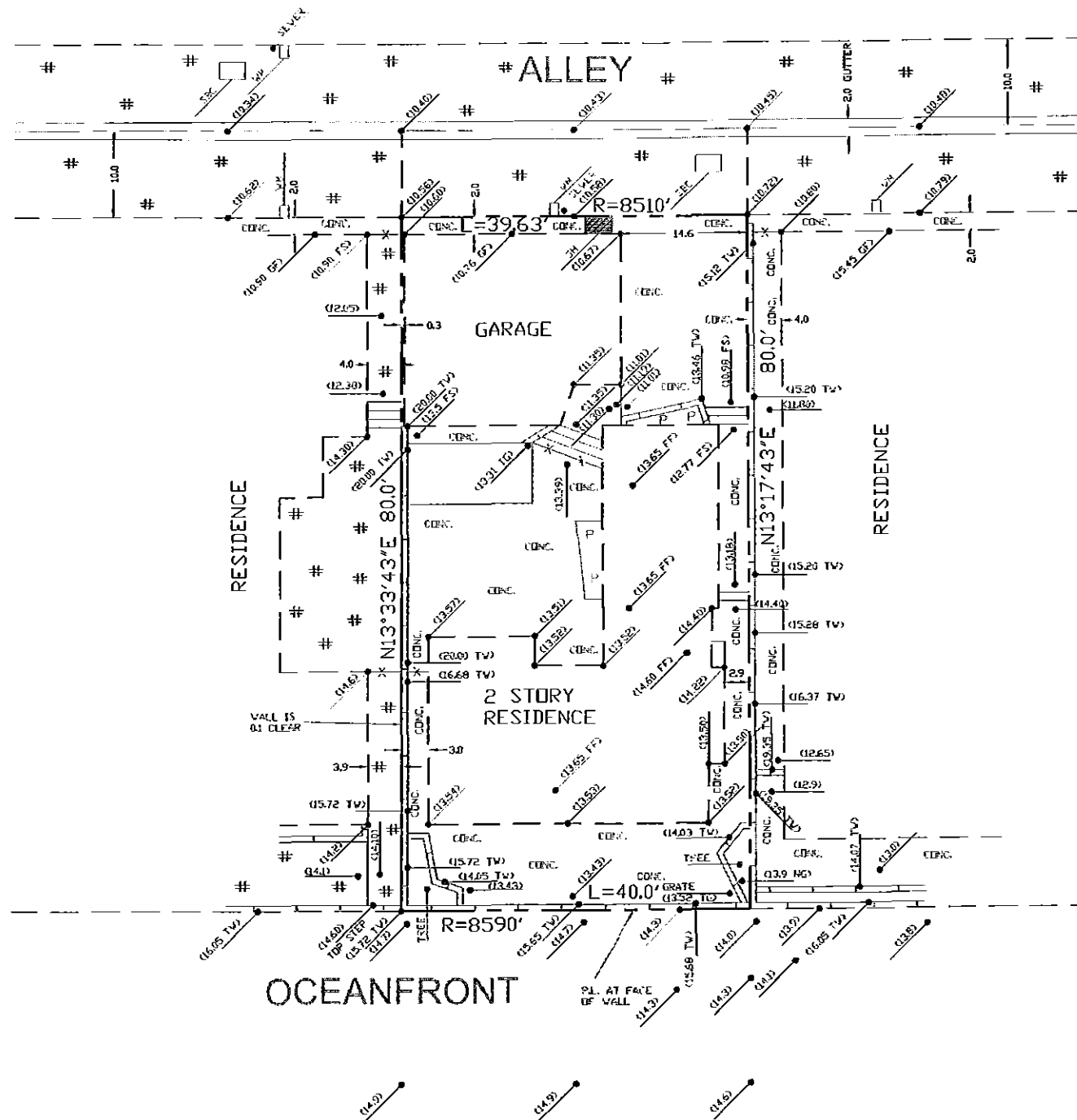
WEST POINTS

P1	ESTABLISHED	13.54'
P2	PROJECTED	12.80'
P3	PROJECTED	12.05'
P4	PROJECTED	11.31'
P5	ESTABLISHED	10.56'

EAST POINTS

P1	ESTABLISHED	13.52'
P2	PROJECTED	12.82'
P3	PROJECTED	12.12'
P4	PROJECTED	11.42'
P5	ESTABLISHED	10.72'

DATE	ISSUED TO						
<table border="1"> <tr> <td>Project Name</td> <td>Revision Code</td> <td>Scale</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		Project Name	Revision Code	Scale			
Project Name	Revision Code	Scale					
KENT RESIDENCE 2112 E. OCEANFRONT NEWPORT BEACH, CA 92661							
B A M CONSTRUCTION / DESIGN, I N C. BAM CONSTRUCTION DESIGN, INC. 150 W. CHANNEL ROAD SANTA MONICA, CA 90402 310.458.0858 fax 310.458.0858 www.baminc.com							
BUILDING HEIGHT DETERMINATION							
DATE	MARCH 25, 2011						
SCALE	1/16" = 1'-0"						
UPDATES	RF						
SHEET							
A-1.5							



LEGEND	
DESCRIPTION	
(123.45)	MEAS. ELEVATIONS
()	REC. BRG. & DIST.
#	BRICK
---	WALL
---	BUILDING
---	LOT LINE
WM	WATER METER
F.F.	FINISH FLOOR
G.F.	GARAGE FLOOR
CONC.	CONCRETE
F.S.	FINISH SURFACE
M.H.	MAN-HOLE
A.C.	ASPHALT
T.G.	TOP-GRADE

NOTE: RECORD EASEMENTS ARE NOT PLOTTED IF ANY.

SURVEYOR OR ENGINEER SHALL PERMANENTLY MONUMENT PROPERTY CORNERS OR OFFSETS BEFORE STARTING GRADING.

<p>R&M SURVEYING INC. RON MIEDEMA L.S., 4653 427 E. 17TH STREET #F-267 COSTA MESA, CA 92627 (949) 850-2924 OFFICE (949) 850-3438 FAX RDM@SURVEYINGC.COM</p>	<p>TOPOGRAPHIC SURVEY JOB: 14-28 DATE: 8/18/10</p>	<p>OWNER: RON KENT 2112 E. OCEANFRONT NEWPORT BEACH, CA</p>	<p>LEGAL DESCRIPTION: LOT 4, BLOCK E, TRACT NO. 518</p>	<p>BENCH MARK: COUNTY OF ORANGE BENCH MARK # 1-4-71 ELEVATION = 7.83 NGVD 88 DATUM</p>	<p>ADDRESS OF PROJECT: 2112 E. OCEANFRONT NEWPORT BEACH, CA</p>
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