



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending May 30, 2014

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS
(Non-Hearing Items)**

Item 1 : Establishment of Grade by Director Staff Approval No. SA2014-013 (PA2014-077)
533 Via Lido Soud

Action: Approved

Council District 1

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION: Staff Approval No. SA2014-013 (PA2014-077)
Establishment of Grade by Director

APPLICANT: Craig Hampton, Gray Stone Custom Builders

LOCATION: 533 Via Lido Soud

LEGAL DESCRIPTION Lot 442, Tract 0907

On **May 28, 2014**, the Community Development Director approved the establishment of an alternate grade of 11.38 NAVD88 for the purpose of measuring height of accessory structures and fences within the ten-foot front yard setback based on the topography of the subject property and the adjoining properties. The property is located in the R-1 (Single-Unit Residential) Zone.

Section 20.30.050 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 Staff Approval is based on the following findings and conditions.

Finding:

- A. 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

Facts in Support of Finding:

- A-1. The applicant is proposing to redevelop the property with a new single-unit dwelling; however, the existing bulkhead wall and patio grades along the front setback area (waterfront) are not representative of the prevailing grades on the two adjoining properties. This grade differential creates design constraints and unfairly restricts the heights of accessory structures below those of the neighboring properties.
- A-2. The subject property is currently developed with a bulkhead wall at an elevation of approximately 10 feet NAVD88 and a patio elevation of 10.18 feet. These elevations are approximately 1 foot lower than the property to the east (531 Via Lido Soud) and 1 foot 9 inches lower than the property to the west (535 Via Lido Soud) and, therefore, not appropriate for the purposes of measuring height of the accessory structures.

Finding:

- B. The grade 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.

Facts in Support of Finding:

- B-1. Allowing a higher grade of 11.38 feet NAVD88 (average elevation of two adjoining bulkhead walls) would provide the property with a grade elevation that is compatible with those of the neighboring properties and equitable for the purposes of measuring heights of accessory structures within the front setback. The new grade elevation 11.38 feet would allow for a bulkhead and patio that is approximately 5 inches higher than the property to the west and approximately 5 inches lower than the property to the east.

CONDITIONS

1. The grade for the purposes of measuring height of accessory structures authorized by this determination shall be existing grade prior to construction or 11.38 NAVD88 whichever is greater.
2. The height of fences and walls within required side yard setback areas may be increased provided the height does not exceed six feet as measured from the proposed finished grade and nine feet as measured from the existing grade prior to construction. Additionally, the height of fences or walls shall not exceed nine feet as measured from the existing grade of an abutting lot. The portion of the fence or wall above six feet in height from the existing grade prior to construction shall be constructed of open grillwork, wrought iron, latticework, pickets, or similar materials so that at least sixty (60) percent of the fence or wall is open or is constructed of a transparent material.

3. A copy of this action letter, including the findings and conditions, shall be copied onto the building plans.
4. 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 Director including, but not limited to, the SA2014-013 (PA2014-077). 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: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Debbie Drasler, Contract Planner
JM/dad

Attachments: CD 1 Vicinity Map
 CD 2 Photos
 CD 3 Topographic Survey Plan

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No 2014-013
PA2014-077

533 Via Lido Soud

Attachment No. CD 2

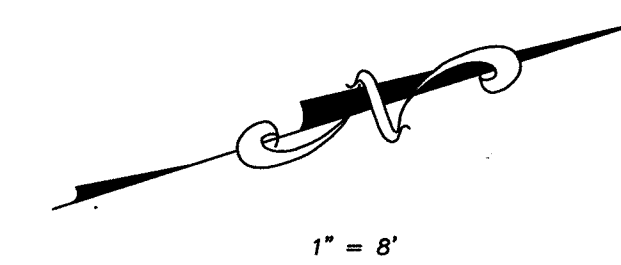
Photos



531, 533, and 535 Via Lido Soud

Attachment No. CD 3

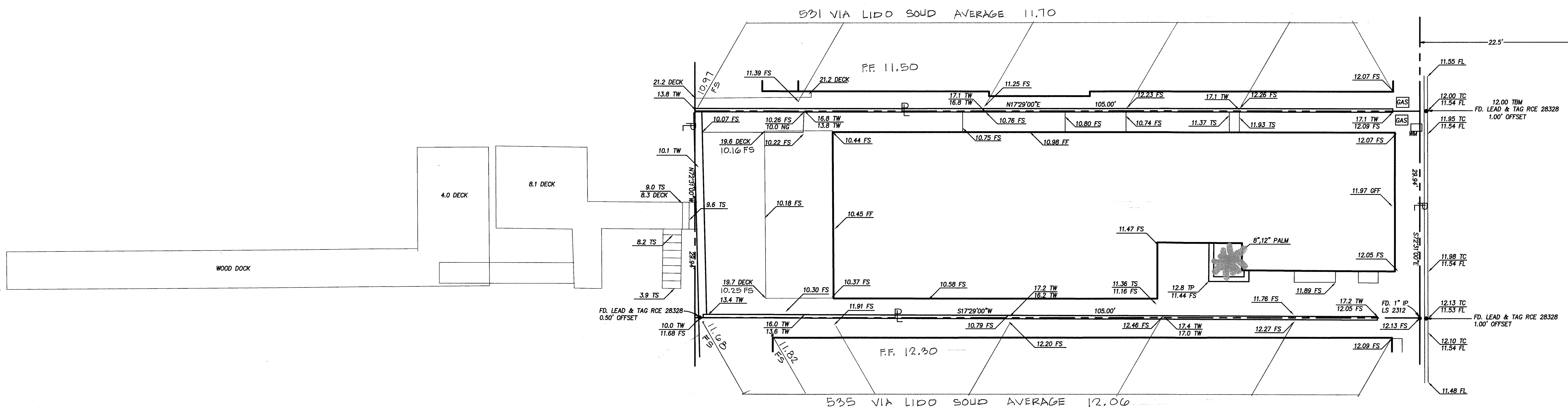
Topographic Survey Plan



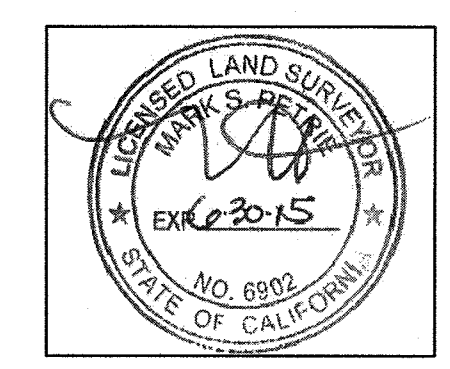
1" = 8'

LEGEND

- TC = TOP CURB
- FL = FLOW LINE
- FS = FINISH SURFACE
- TS = TOP STEP
- NG = NATURAL GROUND
- TW = TOP WALL
- TP = TOP PLANTER
- TOP = TOP SLOPE
- TOE = TOE SLOPE
- FF = FINISH FLOOR
- OFF = GARAGE FINISH FLOOR
- TOR = TOP ROOF
- BW = BACK WALK
- SCO = SEWER CLEANOUT
- PP = POWER POLE
- WV = WATER VALVE
- WM = WATER METER
- TBM = TEMPORARY BENCHMARK
- S.F.N. = SEARCHED FOUND NOTHING
- CL = CENTERLINE
- PL = PROPERTY LINE



VIA LIDO SOUD



TOPOGRAPHIC MAP		
8 SCALE	LOT 442 TRACT NO. 907	
DECEMBER 2013		
533 VIA LIDO SOUD NEWPORT BEACH CA		
OCS BENCHMARK NBS-12-70 ELEV. = 11.784 NAVD88 DATUM		
SOUTH COAST SURVEYING 3214 CLAY ST. NEWPORT BEACH CA. (949)631-8840		

EASEMENT NOTE:
THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT.
UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.