



**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 8, 2015

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

Item 1: Gaskill Residence Grade Determination Staff Approval No. SA2014-031
(PA2014-207)
1611 Bayside Drive

Action: Approved Council District 5

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

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application No. **Staff Approval No. SA2014-031 (PA2014-207)**
Applicant **Cris Adams, Spectrum Architecture**
Site Address **1611 Bayside Drive**
 Gaskill Residence Grade Determination
Legal Description **Lot 12, Tract No. 6927**

On **May 8, 2015**, the Community Development Director approved Staff Approval No. SA2014-031 to establish a grade plane for the purpose of measuring building height. This plane is based on the subject property's original unaltered grade from 1976 and consists of elevations at five evenly spaced points along each of the two side property lines beginning at the front setback line and ending at the rear setback line. The ten elevations collectively create the base from which height shall be measured, consistent with Newport Beach Zoning Code Section 20.30.050.B.3 (Grade Establishment – Establishment of Grade – More than Five Percent Slope). This approval is based on the following findings and subject to the following conditions.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-1 (Single-Unit Residential)
- **General Plan:** RS-D (Single-Unit Residential)

DISCUSSION

The subject property is currently developed with a single-unit dwelling that was constructed in 1976 and has since undergone minimal improvements. At the time of original construction the topography was substantially altered with portions of the property excavated to allow for retaining walls. As a result, the existing grade elevations of the site no longer represent the natural topography and are not appropriate for determining the established grade from which building height shall be measured. Therefore, the applicant has prepared an exhibit based on the natural topography at the time of original construction in 1976. The elevations above mean sea level from 1976 (National Geodetic Vertical Datum of 1929) have been converted to the present standard (North American Vertical Datum of 1988) and certified by a professionally licensed land surveyor (Attachment No. CD 2). The exhibit provides a side-by-side comparison of the existing topography (left side) and the original unaltered topography from 1976 (right side) for the purpose of demonstrating the altered conditions (Attachment No. CD 5).

Topographic changes as a result of excavation at time of original construction are evident at the middle of the lot. Consequently, the purpose of this grade determination is to ensure the height of development is based on conditions that are more representative of the site's natural topography.

FINDINGS

In accordance with Zoning Code Section 20.30.050.C (Grade Establishment – Establishment by Director) if the Community Development 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 Community Development 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.

Finding:

- A. *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 the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot.*

Facts in Support of Finding:

1. The existing grade on the subject property was altered as a result of significant excavation that occurred at the time of original construction in 1976. Retaining walls located on the property severely cut into the natural topography relative to the adjoining lot, and therefore, the existing grade is not appropriate for the purpose of establishing grade.
2. Utilizing the original unaltered topography from 1976 is appropriate in this case because it allows height to be measured from grade that is more representative of the natural topography.

Finding:

- B. *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:

1. The proposed grade plane consisting of ten elevations is comparable with existing elevations on adjoining lots.

2. The proposed grade establishes elevations consistent with the natural topography of the site and requires building heights to be measured from the grade directly below each roof ridge, consistent with adjoining lots.
3. The property will be required to comply with all applicable development standards of the Zoning Code which are in place to prevent detriment or injury to the existing property and neighboring properties and improvements on adjoining lots.

CONDITIONS

1. A copy of this action letter including the findings and conditions shall be copied onto the building plans.
2. Height of principal structures shall be based on the updated 1976 topography (NAVD 88) stamped with the date of this approval and identified as Attachment No. CD 5.
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 Gaskill Residence Grade Determination including, but not limited to, the SA2014-031 (PA2014-207). 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:



Jason Van Patten, Assistant Planner

JM/jvp

Attachments: CD 1 Vicinity Map
CD 2 Applicant's Project Description
CD 3 1976 Topographic Survey (NGVD29)
CD 4 2015 Topographic Survey (NAVD88)
CD 5 Exhibit A-1.7 Grade Plane

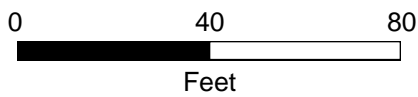
Attachment No. CD 1

Vicinity Map



Subject Property

Newport
Beach
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. CD 2

Applicant's Project Description

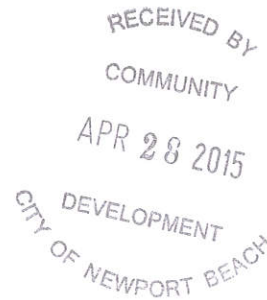


SPECTRUM ARCHITECTURE
Environmental Design

4/21/2015

City of Newport Beach
Planning department

Re:
1611 Bayside Dr.
Newport Beach, CA 92625



Staff Approval submittal

To Whom It May Concern:

This project was originally submitted and permit ready in 2010. At that time the owner had some financial obligations that required him to put this project on hold. He is now ready to move forward once again. The home is virtually the same as what was approved in 2010 with some window and door adjustments. Areas are the same. In order to comply with the new roof height regulations in Newport we've been instructed to increase the roof pitch to a minimum of 3:12. And this brings me to the point of this submittal.

The existing site conditions have a dramatic affect on our height restraints as they've cut back into the natural slope quite a bit for the home that was designed and approved in 1976. During our review in 2009/2010 we were allowed by the city to use the original topographical survey approved in 1976. PC- 61-76 approved on 6-23-76. We were required to have the original surveyor, Donald E Stevens write a letter allowing us to make copies of his work and then have him stamp and sign them as the original documents from 1976 did not have a stamp and signature on them. That was 5 years ago and Mr. Stevens was retired, but maintained his license so we were able to obtain the stamp and signature. I'm not able to find Mr. Stevens now, so I am hoping the copies of what he signed and stamped in 2009 will be sufficient this time.

Also the original topographical survey was put together using NGVD 29 and we've updated it based on NAVD 88 which was required of us in '09/'10 and that brought the numbers up 2.34' from what was on the originally topo. This difference between the two Datum points was properly converted and certified by a licensed land surveyor. Please see attached certification letter.

We've included copies of the original topo from 1976 and the updated version with the proposed roof overlaid adjacent to the same roof overlaid on a topo showing existing site conditions. The 10 points grid is shown on both overlays so you can see what affect this will have on the project.



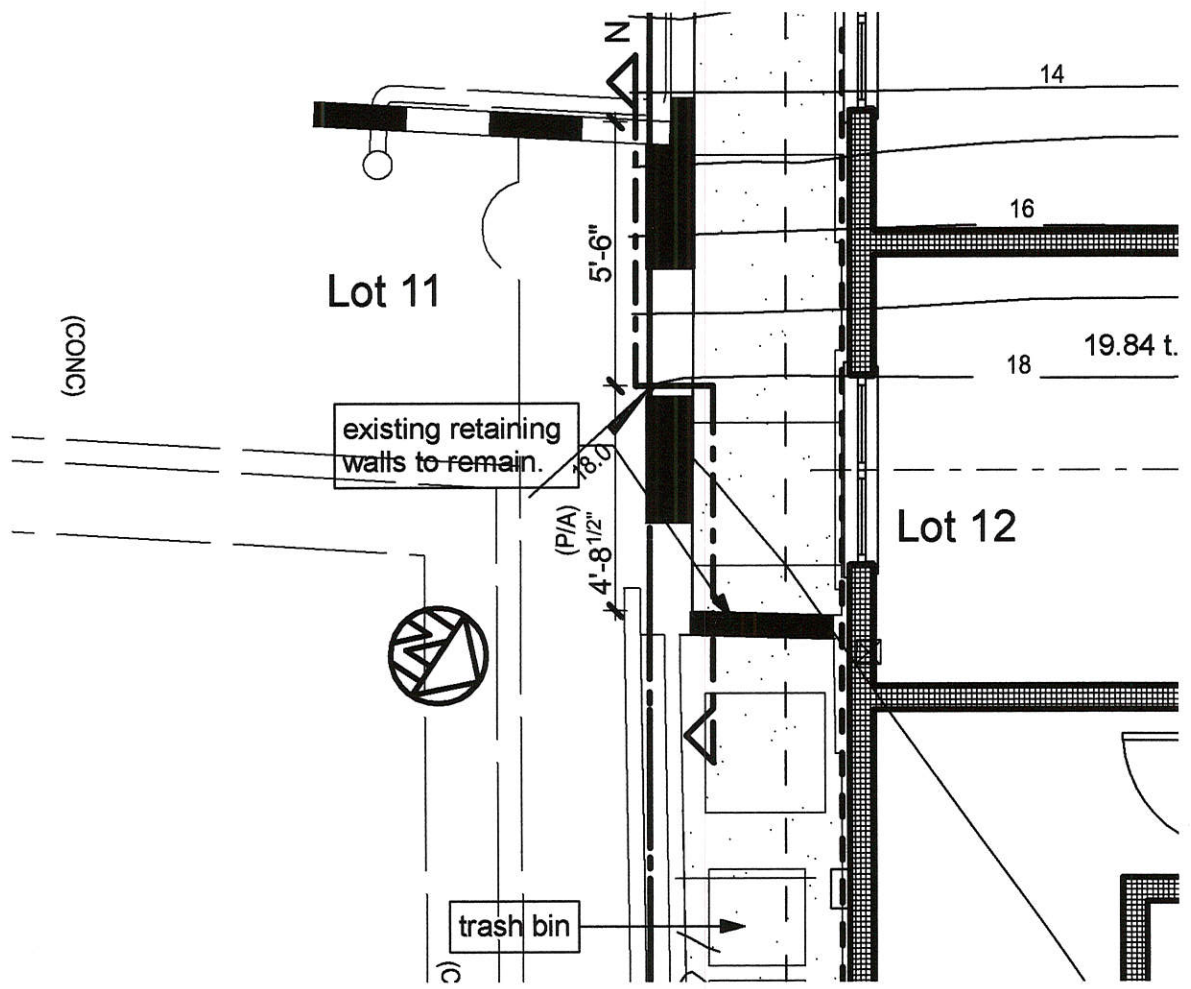
SPECTRUM ARCHITECTURE
Environmental Design

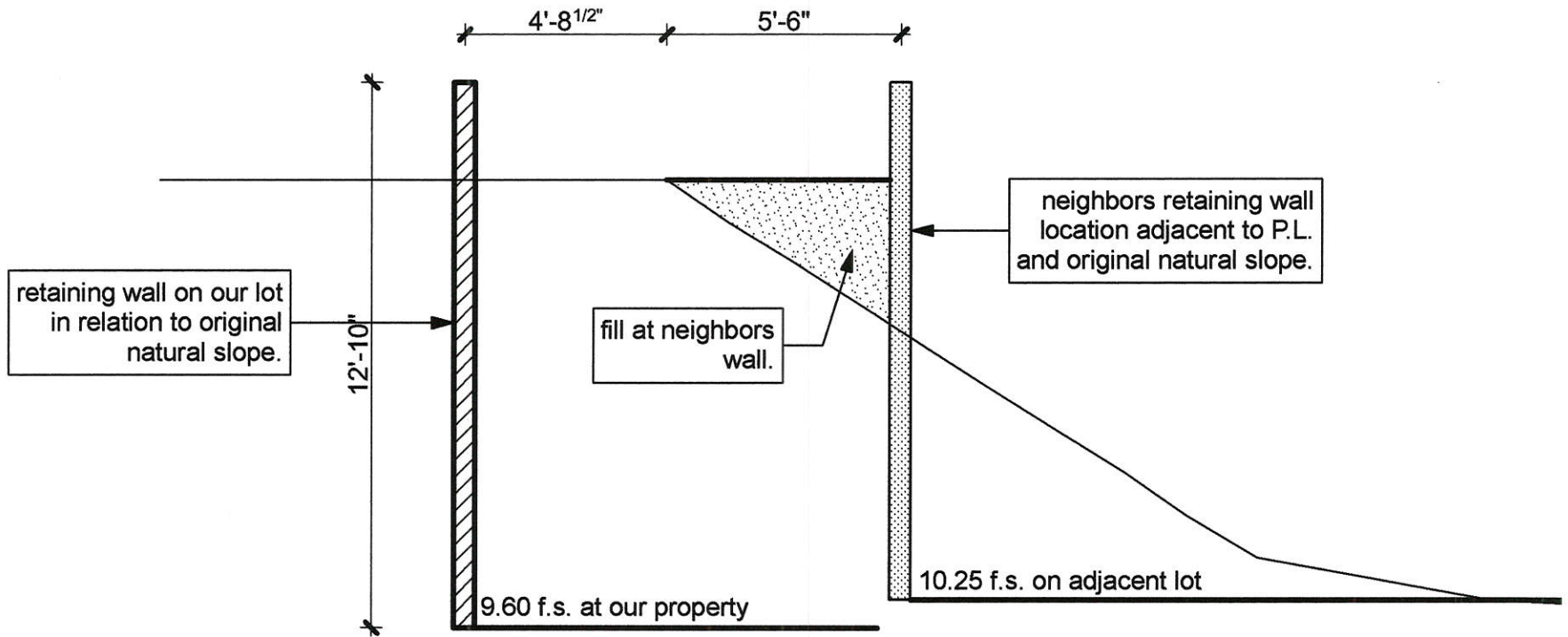
We've also included a site section which compares our retaining wall location to the adjacent neighbors retaining wall location in relation to the natural grade that existed in 1976. This shows a significant advantage the neighbor has in height verification under the existing guidelines. Their retaining wall is 10'-2.5" further towards the rear of the properties. This pushes it beyond the middle point used in the height determining grid while our middle point is at the lower graded level. Please see attached document Exhibit A1.

If you have any further questions please call us at your earliest convenience and we will address them immediately. Thank you very much for your consideration.

Sincerely,

John D. Henderson
Spectrum Architecture





natural grade @ property line overlayed
with existing retaining walls on our property
and adjacent property.

Exhibit 1A

CERTIFICATION

34 Georgetown, Irvine, California, 92612, Phone(949) 509-0909, Fax(949) 509-0901

April 10, 2015

City of Newport Beach
Community Development Department
Planning Division
100 Civic Center Drive
P.O. Box 1768
Newport Beach, CA 92658-3229

RECEIVED BY
COMMUNITY
APR 28 2015
DEVELOPMENT
CITY OF NEWPORT BEACH

Attention: Jason Van Patten

Subject: Surveyor's Datum Certification

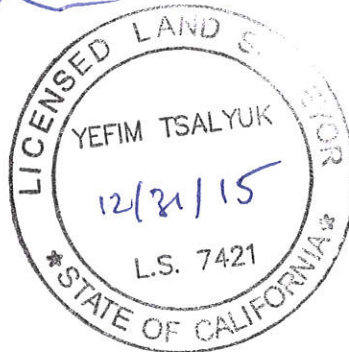
Reference Project: Plan Check No. **0765-2010**
Address: **1611 Bayside Drive**
Tract No. **6927, Lot 12**

I hereby certify that the elevations shown on the topographic survey prepared by Donald E. Stevens, Inc., dated 5-5-76 have been converted from NGVD29 Datum into NAVD 88 Datum by adding 2.34'. The vertical Control Data Sheet is attached for your reference.

Adjusted elevations are shown on the right side of sheet A-1.7, dated 2/17/2015, of the building plans for the above referenced project.

Sincerely,

Yefim Tsalyuk, L.S. 7421



Designation: TIDAL-L

Date Destroyed:

Date Revised: 6/27/2011

GPS #:

OCS Index Map: Q11-20

Page/Grid: 919/D-1

City / Location: Newport Beach

Line #/SSN: 406/0130

Established By: USC & GS 1977

Monument Type: Stainless Steel Rod

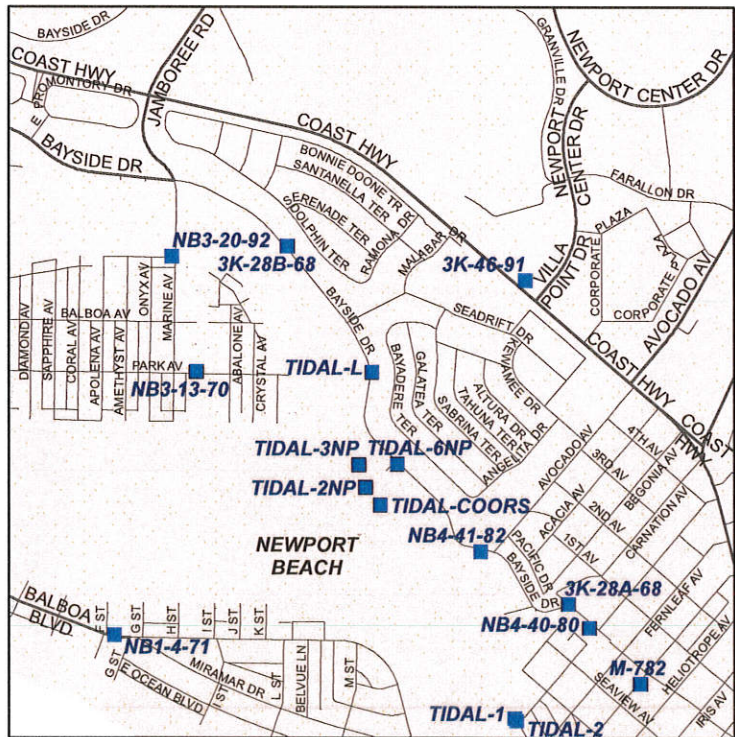


NAVD88 (ft)	NGVD29 (ft)	Year Levelled
20.823	18.473	2011
20.797	18.466	1994

For Reconnaissance Only!	
Latitude (30' +/-)	Longitude (30' +/-)
33 36 20.88	117 53 01.63

Description:

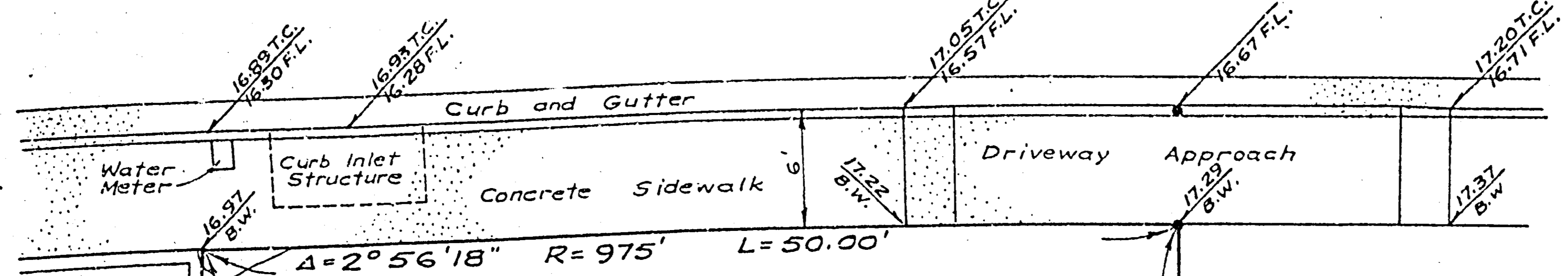
RECOVERY NOTE BY OCS 2001 - FOUND 3 3/4" NATIONAL OCEAN SURVEY BENCHMARK BRASS DISK STAMPED "0580L 1977" DOWN 0.5' IN WHITE 8" DIAMETER PVC PIPE WHICH IS UP 0.8' FROM GROUND. MONUMENT IS LOCATED 0.10 MILES SOUTHERLY ALONG BAYSIDE DRIVE FROM ITS INTERSECTION WITH EL PASEO, ON THE OUTSIDE AND NEAR THE SOUTH END OF A CURVE, EAST AND ACROSS THE DRIVE FROM A HOUSE NUMBERED 1645, 22' EAST OF THE DRIVE CENTERLINE, 11' SOUTH OF A STREET LIGHT POLE, 0.7' EAST OF THE EAST EDGE OF A SIDEWALK. THE ROD IS FLUSH WITH GROUND LEVEL AND DRIVEN TO A DEPTH OF 4.9 METERS.



Attachment No. CD 3

1976 Topographic Survey (NGVD29)

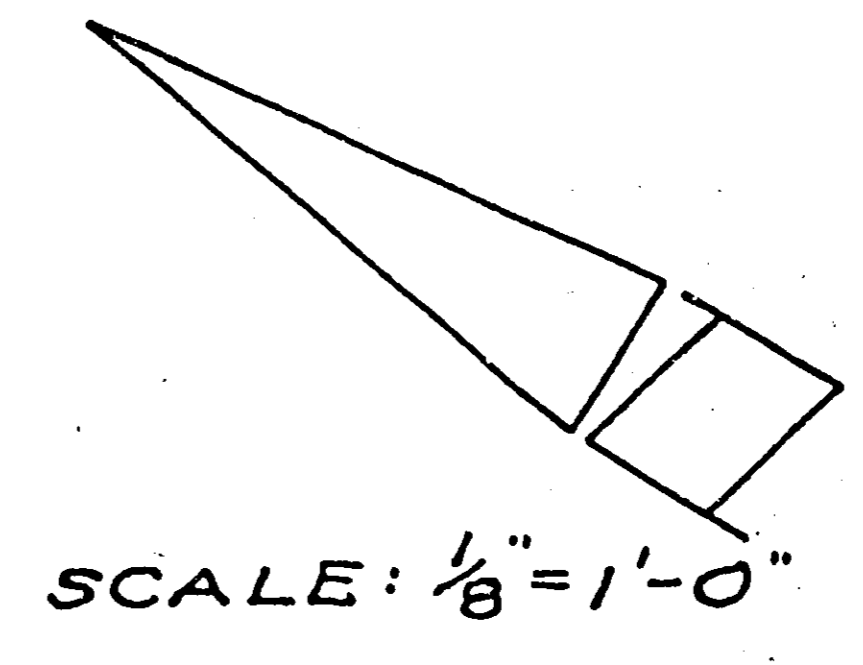
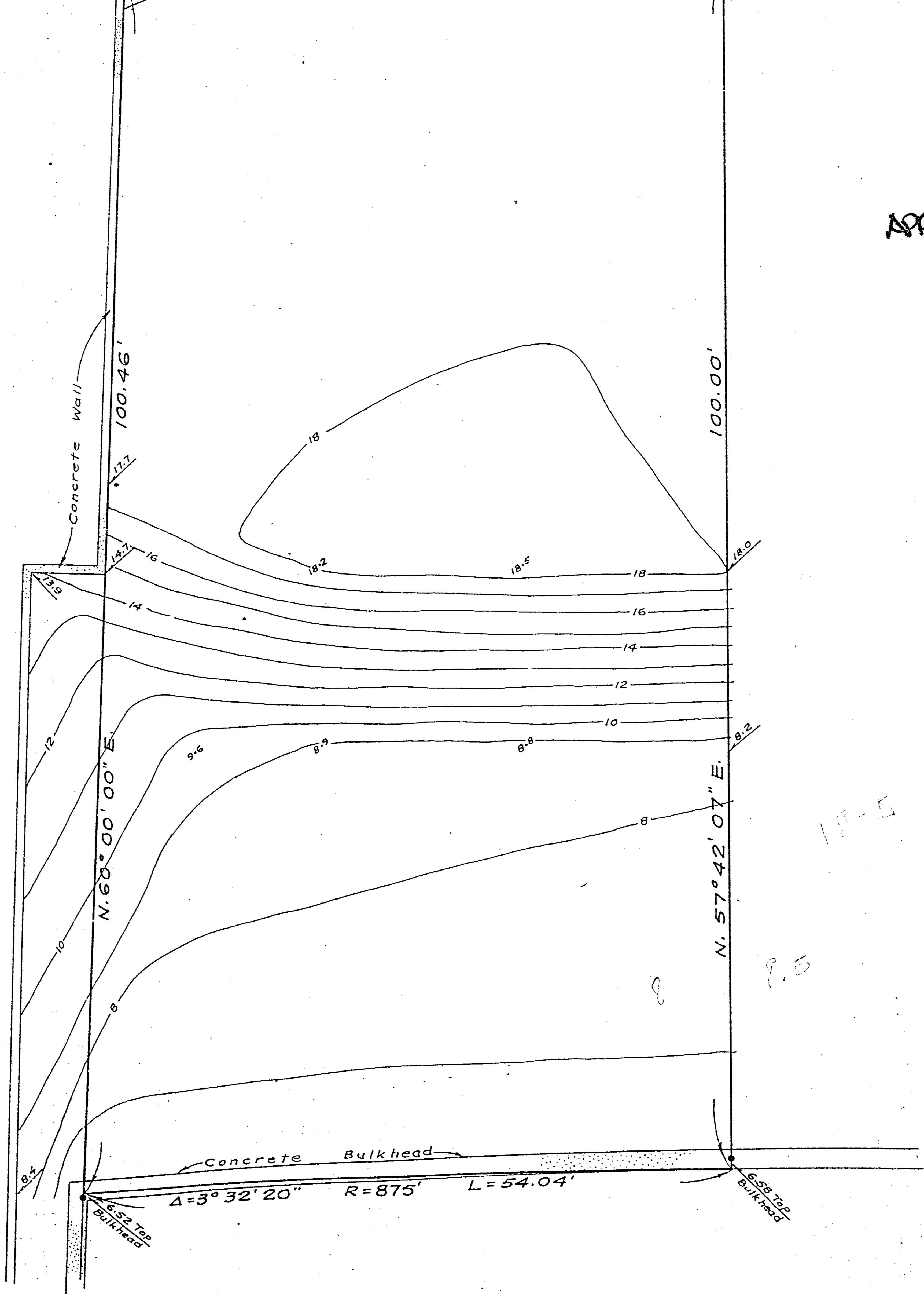
BAYSIDE DRIVE



PC 61-76

APPR. 6-23-76

1 of 13



BENCH MARK: 3K-28 B-68
Aluminum cap in the top of the southwest corner of a concrete catch basin, 18 ft. northeast of the drive at 1317 Bayside.
Elev. = 12.30

TOPOGRAPHY		
LOT 12, TRACT No 6927 NEWPORT BEACH, CALIF.		
DONALD E. STEVENS, INC. CIVIL ENGINEER 1828 FULLERTON AVENUE COSTA MESA, CALIF. Tel. (714) 646-8915		
JOB No 1714	DATE 5-5-76	FIELD BK. 23-54

Attachment No. CD 4

2015 Topographic Survey (NAVD88)

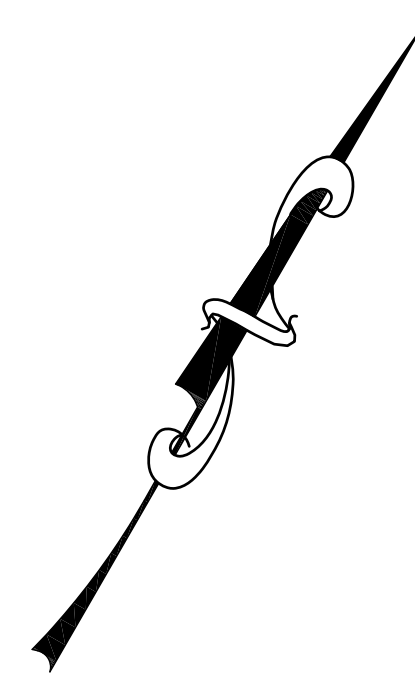
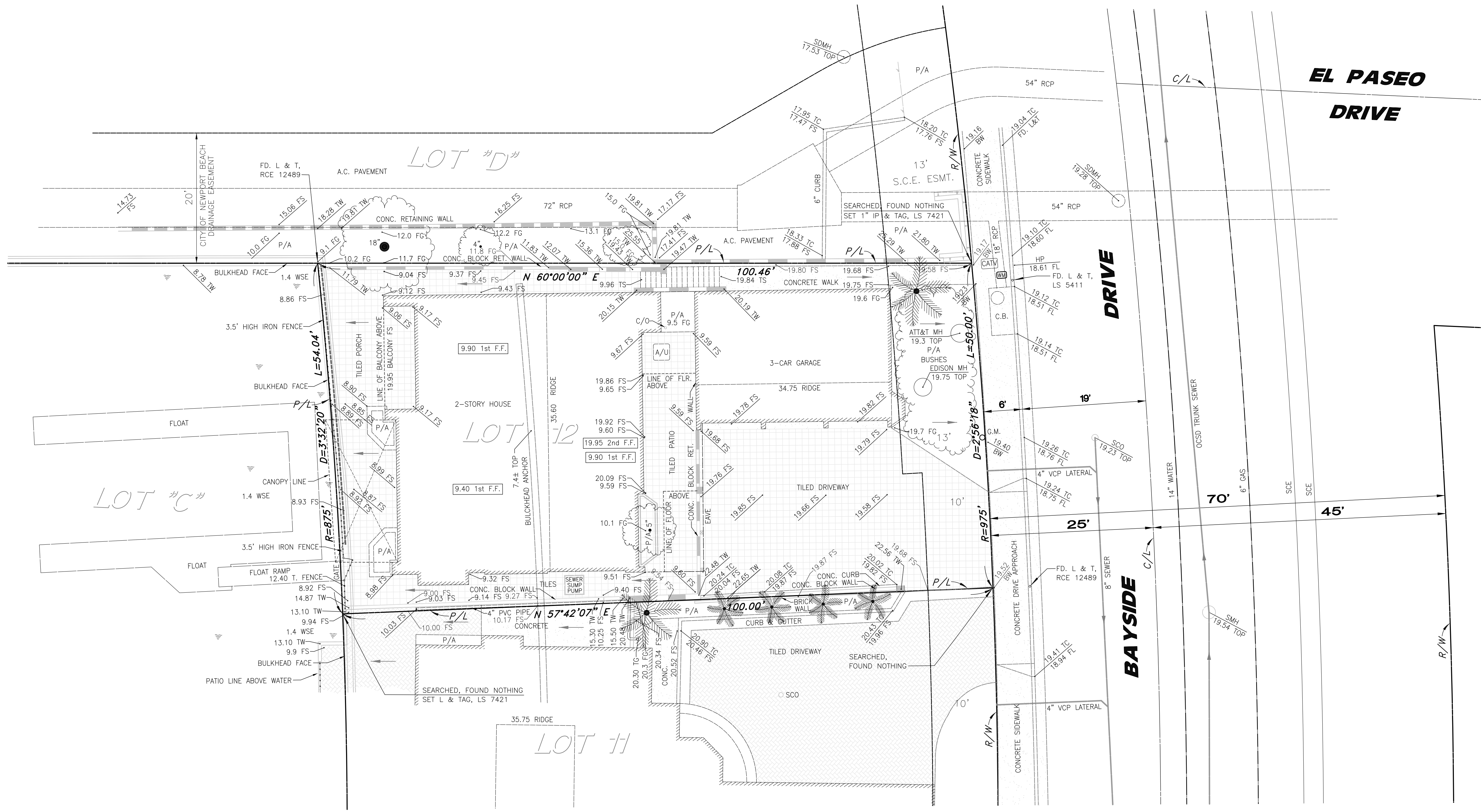
TOPOGRAPHIC SURVEY

1611 BAYSIDE DRIVE
LOT 12, TRACT 6927, M.M. 265/18-19
 IN THE CITY OF NEWPORT BEACH,
 COUNTY OF ORANGE,
 STATE OF CALIFORNIA

LEGEND

A.C.	ASPHALT CONCRETE
A.P.W.A.	AMERICAN PUBLIC WORKS ASSOCIATION
A.U.	AIR-CONDITIONING UNIT
B.C.	BEGIN CURVE
B.F.F.	BASEMENT FINISH FLOOR ELEVATION
B.F.S.	BASEMENT FINISH SURFACE ELEVATION
B.M.	BENCH MARK
B.O.F.	BOTTOM OF FOOTING ELEVATION
B.O.S.	BOTTOM OF SLOPE ELEVATION
B.V.C.	BEGIN VERTICAL CURVE
B.W.C.	BACK OF WALK ELEVATION
C.B.	CATCH BASIN
C.F.	CURB FACE
C.I.P.	CAST IRON PIPE
C/L	CENTERLINE
C.L.F.	CHAIN LINK FENCE
C. & G.	CURB & GUTTER
C.O.	CLEANOUT
CONC.	CONCRETE
D/A	DRIVEWAY APPROACH
D.L.	DAYLIGHT LINE
D.S.	DOWN SPOUT
D.S.C.O.	DOWN SPOUT CLEAN-OUT
D.W.Y.	DRIVEWAY
E.C.	END CURVE
E.V.C.	END VERTICAL CURVE
EX.	EXISTING
F.F.	FINISH FLOOR ELEVATION
F.H.	FIRE HYDRANT
F.L.	FLOWLINE ELEVATION
F.S.	FINISHED SURFACE ELEVATION
FTN.	FOUNTAIN
G.B.	GRADE BREAK
G.F.S.	GARAGE FINISH SURFACE ELEVATION
G.M.	GAS METER
H.L.	HOUSE LATERAL
H.P.	HIGH POINT ELEVATION
INV.	INVERT ELEVATION
L.P.	LOW POINT ELEVATION
M.B.	MAIL BOX
M.H.	MANHOLE
M.O.C.	MIDDLE OF CURVE
O.H.W.	OVERHEAD WIRE(S)
O.C.S.D.	ORANGE COUNTY SANITATION DISTRICT
P/A	PLANTER AREA
P.B.	PULL BOX
PKWY.	PARKWAY
P/L	PROPERTY LINE
P.P.	POWER POLE
P.R.C.	POINT OF REVERSE CURVE
P.W.M.	PAVEMENT
R.D.	ROOF DRAIN
R.L.	RIDGE LINE
R/W	RIGHT-OF-WAY
R.W.M.	RECLAIMED WATER METER
S.C.O.	SEWER CLEAN-OUT
S.D.	STORM DRAIN
S.D.M.H.	STORM DRAIN MANHOLE
S.G.	SUB-DRAIN ELEVATION
S.M.H.	SEWER MANHOLE
S.S.	SANITARY SEWER
STA.	STATION
SUBP	STREET LIGHT PULL BOX
STL	STREET LIGHT
S/W	SIDEWALK
T/A	TRASH AREA
T.B.	TOP OF BERM ELEVATION
T.B.M.	TEMPORARY BENCH MARK
T.C.	TOP OF CURB ELEVATION
T.F.	TOP OF FOOTING ELEVATION
T.G.	TOP OF GRATE ELEVATION
T.O.C.	TOP OF CHIMNEY ELEVATION
T.O.G.	TOP OF GLASS ELEVATION
T.P.	TOP OF PLASTER ELEVATION
T.R.P.	TOP OF ROOF PARAPET ELEVATION
T.S.	TRAFFIC SIGNAL
T.W.	TOP OF WALL ELEVATION
V.C.	VERTICAL CURVE
V.P.	VINE POCKET
W.I.	WROUGHT IRON
W.M.	WATER METER
W.V.	WATER VALVE
H.O.A.	HOMEOWNERS' ASSOCIATION

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



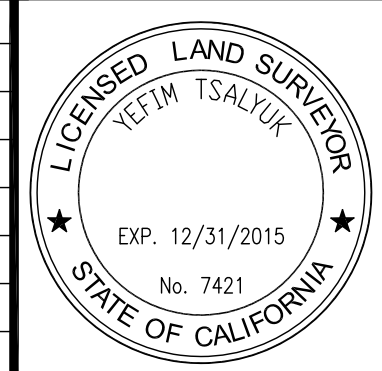
SCALE: 1/8"=1'



BENCH MARK:
 3 3/4" NATIONAL OCEAN SURVEY BENCH MARK BRASS DISK STAMPED "0580L 1977" DOWN 0.5' IN WHITE 8" PVC PIPE WHICH IS UP 0.8' FROM GROUND. MONUMENT IS LOCATED 0.10 MILE S'LY ALONG BAYSIDE DR FROM IT'S INT. WITH EL PASEO ON THE OUTSIDE AND NEAR THE SOUTH END OF A CURVE. EAST AND ACROSS THE DRIVE FROM HOUSE #1645, 22' E/O DRIVE C/L, 11' S/O A STREET LIGHT POLE, 0.7' E/O OF THE EAST EDGE OF SIDEWALK. THE ROD IS FLUSH WITH GROUND LEVEL AND DRIVEN TO A DEPTH OF 4.9 METERS. ELEVATION= 20.797 (NAVD 88, 1994)
 (ADD 2.50' TO ELEVATIONS HEREON TO ARRIVE AT BENCH MARK.)

PREPARED FOR:
JAY GASKILL
 24 FAYENCE
 NEWPORT COAST, CA 92657
 Phone (949) 302-7122

NO.	REVISIONS	APPROVED	DATE
7			
6			
5			
4			
3			
2			
1			



PREPARED BY:
RGA Consultants, Inc.
 CIVIL ENGINEERING • SURVEYING
 PHONE (949) 509 0909
 34 GEORGETOWN
 IRVINE • CALIFORNIA • 92612

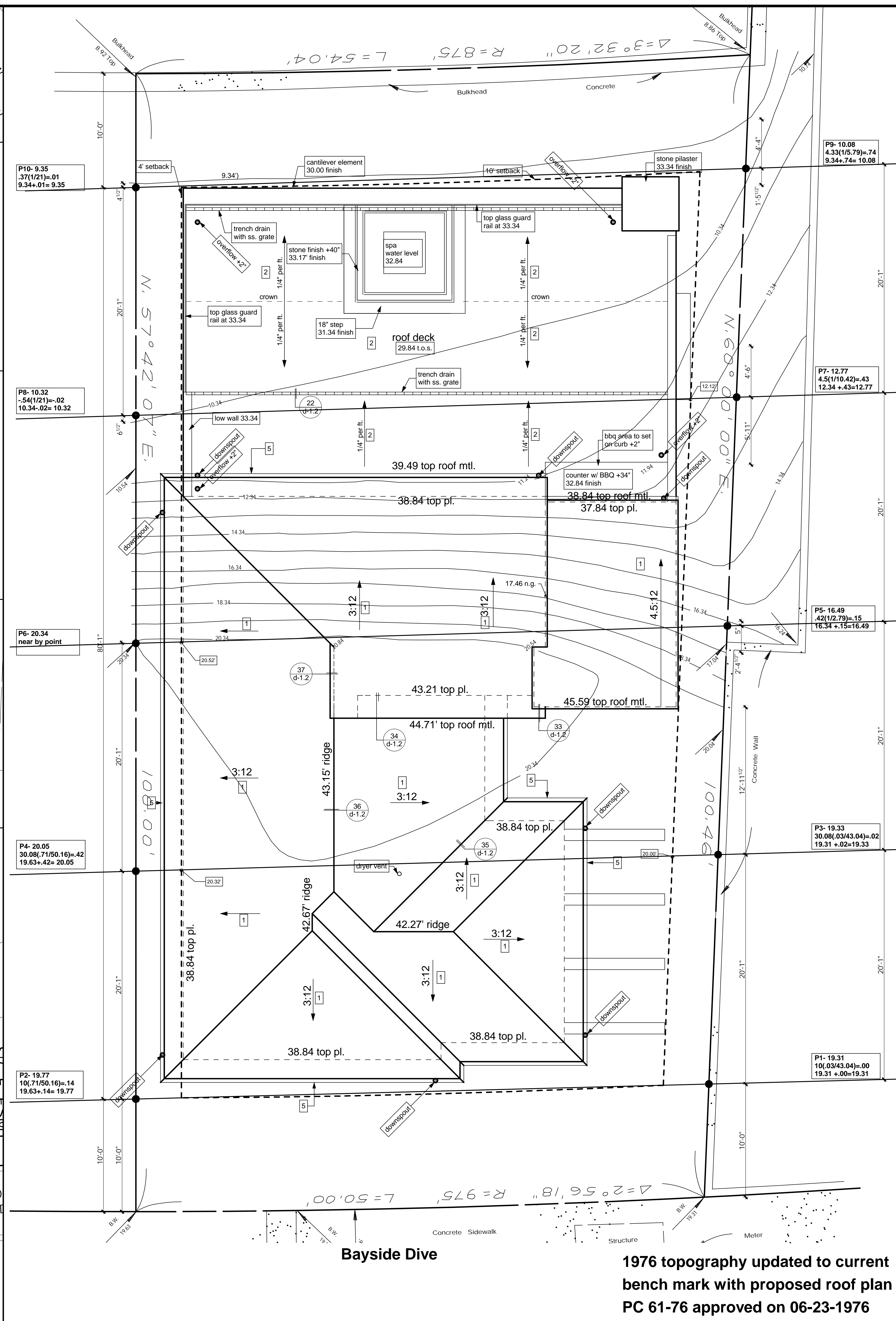
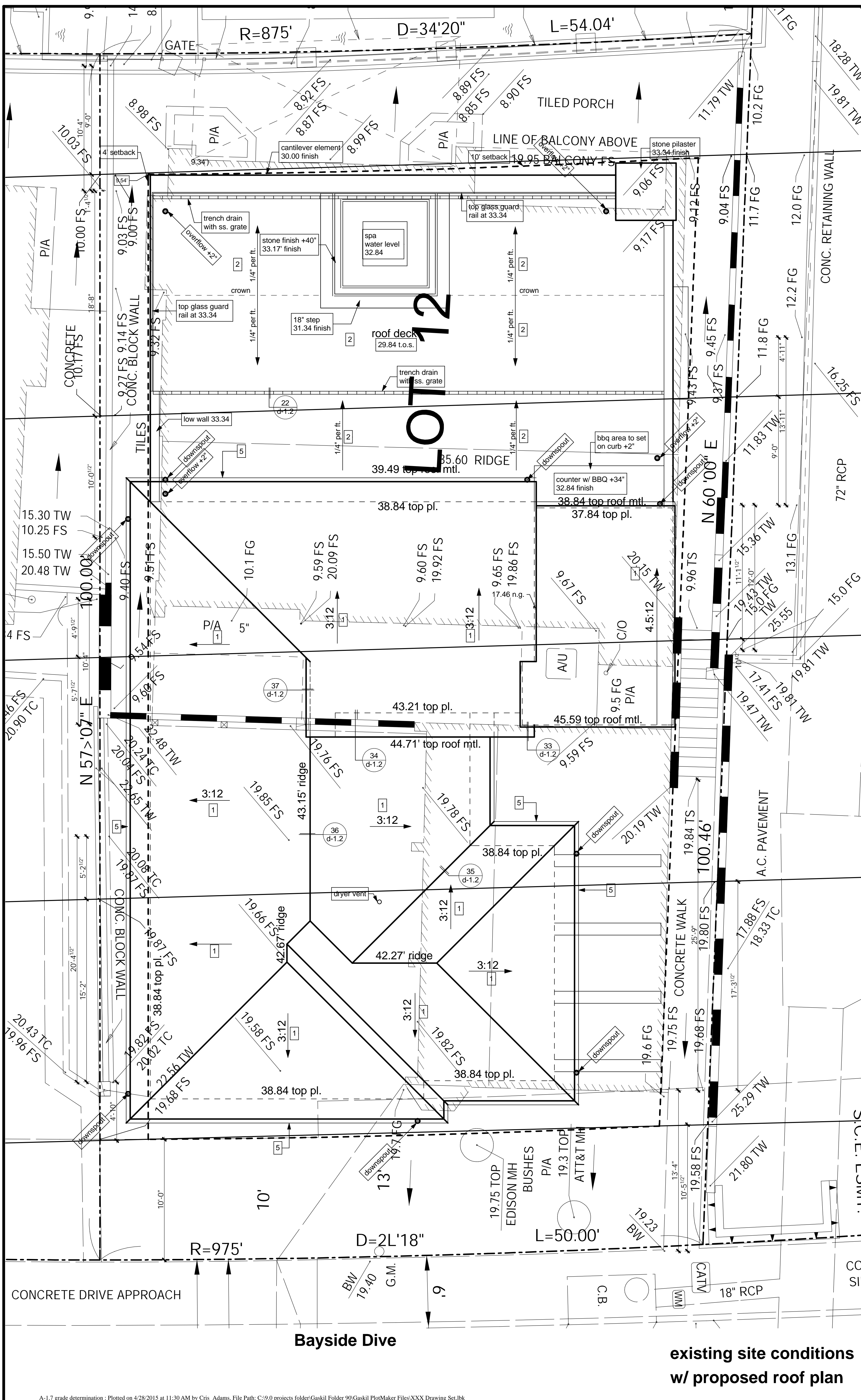
DESIGNED BY: R.G.
 DRAWN BY: R.G.
 CHECKED BY: Y.T.
 LAST UPDATED: 19 Feb 2015
 PLOT DATE: 19 Feb 2015


TOPOGRAPHIC SURVEY
1611 BAYSIDE DRIVE
LOT 12, TRACT 6927, M.M. 265/18-19
CITY OF NEWPORT BEACH

SHEET
C4
 JOB NO.
09164

Attachment No. CD 5

Exhibit A-1.7 Grade Plane





SPECTRUM ARCHITECTURE
Environmental Design
4199 Campus Drive, Suite 550
Irvine, California 92612
949-509-6567

Gaskill Residence

1611 Bayside dr.
Newport Beach, Ca


Lot #12
Tract: 6927

Revisions

plan check #: 2856-2014
 drawn by:
 issue date: 4/28/2015

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sheet title:
grade determination



Licensed Architect
No. C17283
Exp. 12/31/16
STATE OF CALIFORNIA

sheet #:
A-1.7

Total sheet count: 23

existing site conditions
w/ proposed roof plan

1976 topography updated to current
benchmark with proposed roof plan
PC 61-76 approved on 06-23-1976