



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Seimone Jurjis, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending October 4, 2019.

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

Item 1: Campbell Grade Determination Staff Approval No. SA2019-005 (PA2019-142)
Site Address: 605 Via Lido Soud

Action: Approved

Council District 1

APPEAL PERIOD: An appeal or call for review 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
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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION: Campbell Grade Determination (PA2019-142)
• Staff Approval No. SA2019-005

APPLICANT: South Coast Architects

LOCATION: 605 Via Lido Soud

LEGAL DESCRIPTION Lot 2 of Tract No. 907

On **October 3, 2019**, the Community Development Director approved a staff approval for the establishment of an alternate grade pursuant to Newport Beach Municipal Code (NBMC) Subsections 20.30.050(C) and 21.30.050(C) (Grade Establishment by Director) at 605 Via Lido Soud. In this case, the Director established that the height of a proposed deck and railing within the waterfront setback area may be measured from the finish surface of the existing patio rather than from the sand below.

The property is located in the R-1 (Single-Unit Residential) Zoning District. It is also located in the Coastal Zone and is designated R-1 (Single-Unit Residential).

NBMC 20.30.050(C) and 21.30.050(C)

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 Director's approval is based on the review of the topography of the subject and adjoining properties (Attachment No. CD 2), as it relates to the following findings, and is subject to the following 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:

1. The Applicant is constructing a new single-family residence and appurtenant structures (walls, fences, decks). The grades within the waterfront setback include depressed areas which, if used as the point of measuring height for the proposed new deck, would not allow the property to enjoy a finish deck surface elevation similar to adjoining properties. This would create design constraints and unfairly restrict the heights of accessory structures below those enjoyed by the adjoining properties.
2. The applicant proposes to construct a new deck with a finish surface elevation of approximately 12.74 feet North American Vertical Datum of 1988 (NAVD 88), similar to the finish elevation of existing decks and patios on adjoining properties. The average finish surface elevation of the patio located at 601 Via Lido Soud is approximately 12.49 feet, and the average finish surface elevation of the patio at 609 Via Lido Soud is approximately 12.73 feet. If the proposed deck and railing height were to be measured from grade (sand), the finish deck surface would be approximately 5 feet lower than the finish surface of similar improvements on the adjacent properties. The sand is, therefore, not appropriate for the purposes of measuring the height of the proposed deck.

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.*

Fact in Support of Finding:

1. Allowing a finish deck surface similar to adjoining properties would facilitate construction of a deck similar to and compatible with those located on the adjoining properties.

Finding:

- C. The project is exempt from environmental review under the requirements of the California Environmental Quality Act Guidelines pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures).*

Fact in Support of Finding:

1. Class 3 exempts the demolition and construction of limited numbers of new, small facilities or structures including a single-family residence and appurtenance structures in a residential zone. The proposed project consists of the construction of a new deck within the R-1 Zoning District, in conjunction with the construction

of a new single-family residence. The subject grade determination is consistent with this exemption, as it is related to the construction of the residence and associated deck.

CONDITIONS

1. A copy of this action letter, including the findings and conditions, shall be copied onto the building plans.
2. 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 Campbell Grade Determination including, but not limited to the SA2019-005 (PA2019-142). 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.

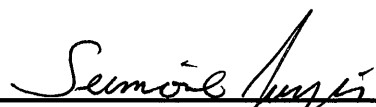
APPEAL PERIOD

An appeal or call for review 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.

Prepared by:

Approved by:


Liane Schuller
Planning Consultant


Seimone Jurjis, PE/CBO
Community Development Director

SJ/ls

Attachments: CD 1 Vicinity Map
CD 2 Topographic Survey

Attachment No. CD 1
Vicinity Map

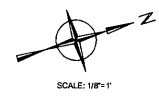
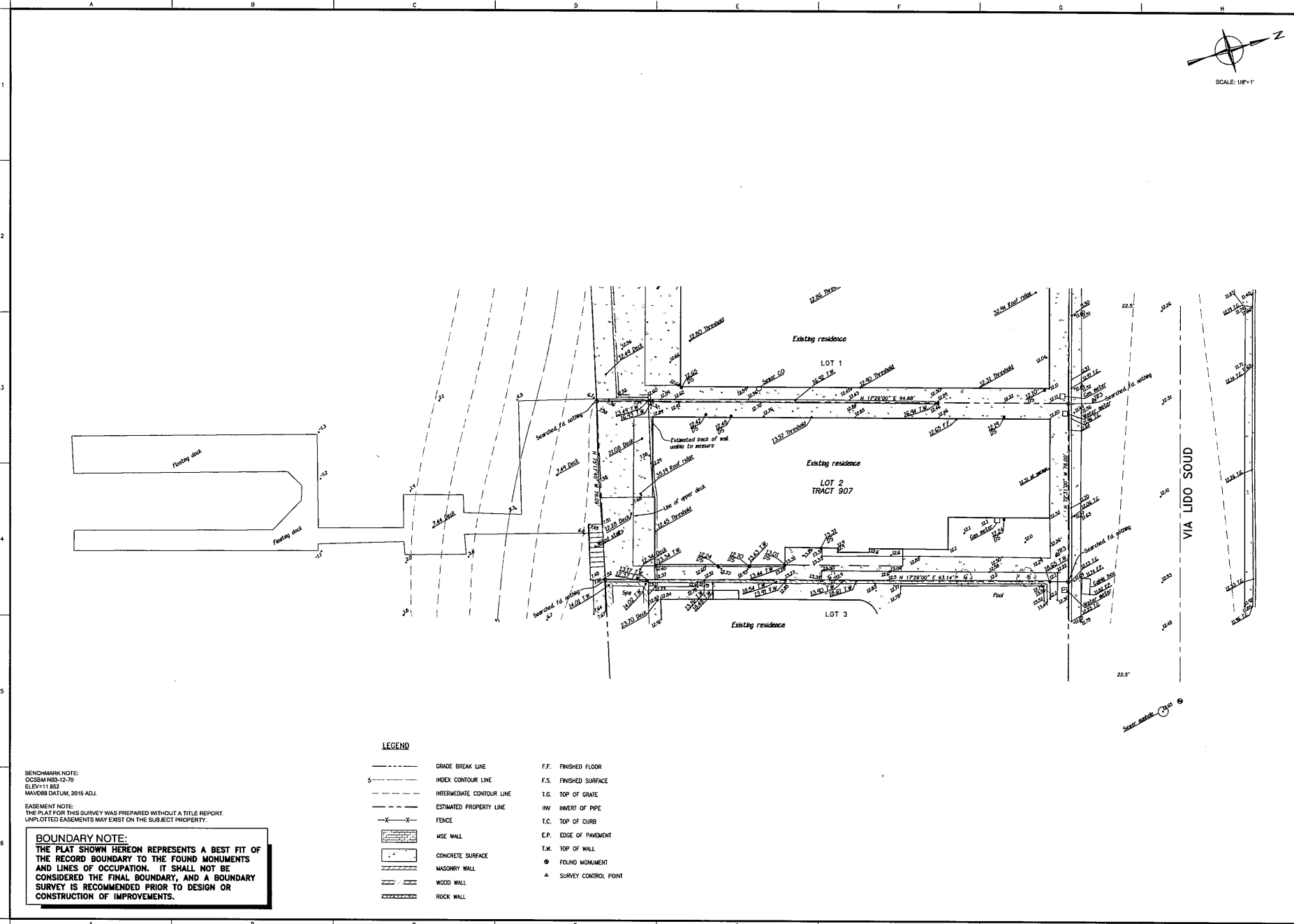
VICINITY MAP



Staff Approval No. SA2019-005
PA2019-142

605 Via Lido Soud

Attachment No. CD 2
Topographic Survey



PLANS PREPARED BY:
TOAL
ENGINEERING, INC.
 CIVIL ENGINEERING
 LAND SURVEYING
 STORMWATER QUALITY
 138 Avenida Navarro
 San Clemente, CA 92672
 P O B 452, 92684
 www.toalengineering.com



VIKTOR P. MEUM
 P.L.S. 5662
 DATE

PREPARED FOR
 MICHAEL GRAY

NO.	DATE	BY	REVISIONS

TOPOGRAPHIC SURVEY
 LOT 1, TRACT 907
 606 VIA LIDO SOUD, NEWPORT BEACH, CALIFORNIA

DATE	1-17-19	H. SCALE	1/8"=1'
SURVEY DATE	1-15-19	V. SCALE	
DRN.	MCH	DWG. NO.	
CHK.	MSF		
APP'D.	VM		
	18234	SHEET	1 OF 1

BENCHMARK NOTE:
 OCCSM NBS-12-70
 ELEV=111.882
 MAVORS DATUM, 2015 ADJ.

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

BOUNDARY NOTE:
 THE PLAT SHOWN HEREON REPRESENTS A BEST FIT OF THE RECORD BOUNDARY TO THE FOUND MONUMENTS AND LINES OF OCCUPATION. IT SHALL NOT BE CONSIDERED THE FINAL BOUNDARY, AND A BOUNDARY SURVEY IS RECOMMENDED PRIOR TO DESIGN OR CONSTRUCTION OF IMPROVEMENTS.

LEGEND

	GRADE BREAK LINE	F.F. FINISHED FLOOR
	INDEX CONTOUR LINE	F.S. FINISHED SURFACE
	INTERMEDIATE PROPERTY LINE	T.G. TOP OF GRATE
	ESTIMATED PROPERTY LINE	INV. INVERT OF PIPE
	FENCE	T.C. TOP OF CURB
	MSE WALL	E.P. EDGE OF PAVEMENT
	CONCRETE SURFACE	T.W. TOP OF WALL
	MASONRY WALL	⊙ FOUND MONUMENT
	WOOD WALL	△ SURVEY CONTROL POINT
	ROCK WALL	