



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

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Assistant City Manager/Community Development Director
SUBJECT: Report of actions taken by the Community Development Director for the week ending June 7, 2024.

**COMMUNITY DEVELOPMENT DIRECTOR
OR ZONING ADMINISTRATOR ACTIONS**
(Non-Hearing Items)

Item 1: Goetz Grade Determination Staff Approval (PA2023-0126)
Site Address: 700 and 700 ½ and 702 and 702 ½ Iris Avenue

Action: Approved

Council District 6

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 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
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COMMUNITY DEVELOPMENT DIRECTOR
ACTION LETTER

Subject: Goetz Grade Determination (PA2023-0126)
▪ Staff Approval

Site Location 700 and 700 ½ and 702 and 702 ½ Iris Avenue

Applicant Andrew Goetz

Legal Description Lot 2 and Lot 4 of Block 736 CDM

On **June 6, 2024**, the Community Development Director approved the alternate established grades for the purpose of measuring the height of future principal structures on two properties. Additionally, the alternate established grades are approved for the purpose of interpolating existing grades for the height of accessory structures within the side yard setbacks of the two properties. The alternate established grades are based on the topography and prevailing grades of adjacent properties, public right-of ways, and alleys as identified in the attached exhibit created by Staff (Attachment No. CD 3).

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** RT (Two Unit Residential)
- **Zoning District:** R-2 (Two-Unit Residential)

Newport Beach Municipal Code Section 20.30.050(C) Grade Establishment - 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 Community Development 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:

1. The subject properties were developed jointly in the 1950s. Each was developed with two units, a front unit and a unit above a garage towards the rear of the property adjacent the alley. During original construction of the two properties, the lots were excavated, and the grade was altered with perimeter retaining walls along the side yards to create a level pad. This resulted in lower pads that extend into the side yards. The front units appear to be in a hole as viewed from the street level. This type of mass excavation is not typical of surrounding properties. Attachment CD 2 provides views of the subject properties from Iris Avenue and Fourth Avenue.
2. Specifically, the street level along Fourth Avenue ranges from approximately 97 feet to 94 feet as it slopes towards the alley. Whereas the finished grade on the subject properties ranges from approximately 93 feet to slightly less than 92 feet. Further, the existing grades along Iris Avenue in the front of the properties are approximately 100 feet and 101 feet. The front yard setbacks of the subject properties start at 101 feet near the property line and suddenly drop to 93 feet within the buildable area.
3. The lower pads are not indicative of prevailing grades surrounding the properties or the public rights of way, alley, or adjacent property nor are they an accurate representation of typical grades of the lots within the neighborhood. Using these pads to establish grade would require the homes to maintain the existing excavated grade which would create design constraints and unfairly restrict the height of new structures on the subject properties.
4. Using the pads to measure the height of future accessory structures such as site walls would also create design constraints and unfairly restrict the heights of accessory structures within the side yards. Therefore, the alternate established grades will also be used to interpolate and establish existing grade points for purposes of measuring the height of accessory structures such as site walls within the side yard setbacks.

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. Allowing the subject lots to use existing grades from the adjacent property to the north at 704 Iris, adjacent public right of ways, and alley would provide the properties with grade elevations that are compatible with those of the neighboring properties and equitable for the purposes of measuring heights on each property. These grades provide points to interpolate between to establish the grade across both properties to measure the height of future principal structures. The established grades and interpolation will correct the unintended consequences of the lower pads for future development on each lot.
2. Additionally, these alternate established grades provide points to interpolate between, to establish existing grades below future accessory structures within the side yard setbacks. This is necessary as the pads extend into these areas creating significant design impacts.

CONDITIONS

1. The grades for the purposes of measuring height of principal structures and accessory structures authorized by this determination shall be based on the attached exhibit for 700 and 700 ½ and 702 and 702 ½ Iris Avenue (Attachment CD 3).
2. A copy of this action letter, including the findings and conditions, shall be copied onto the building plans for each property.
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 **Goetz Grade Determination including, but not limited to, the Staff Approval (PA2023-0126)**. 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:



Melinda Whelan
Assistant Planner



Assistant City Manager

LAW/msw

- Attachments:
- CD 1 Vicinity Map
 - CD 2 Street Views
 - CD 3 Staff Exhibit of Alternate Grades

Attachment No. CD 1

Vicinity Map

VICINITY MAP



**Staff Approval
(PA2023-0126)**

700 and 700 1/2 and 702 and 702 1/2 Iris Avenue

Attachment No. CD 2

Street Views

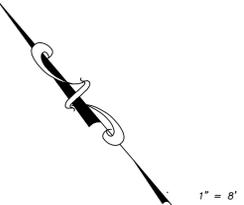
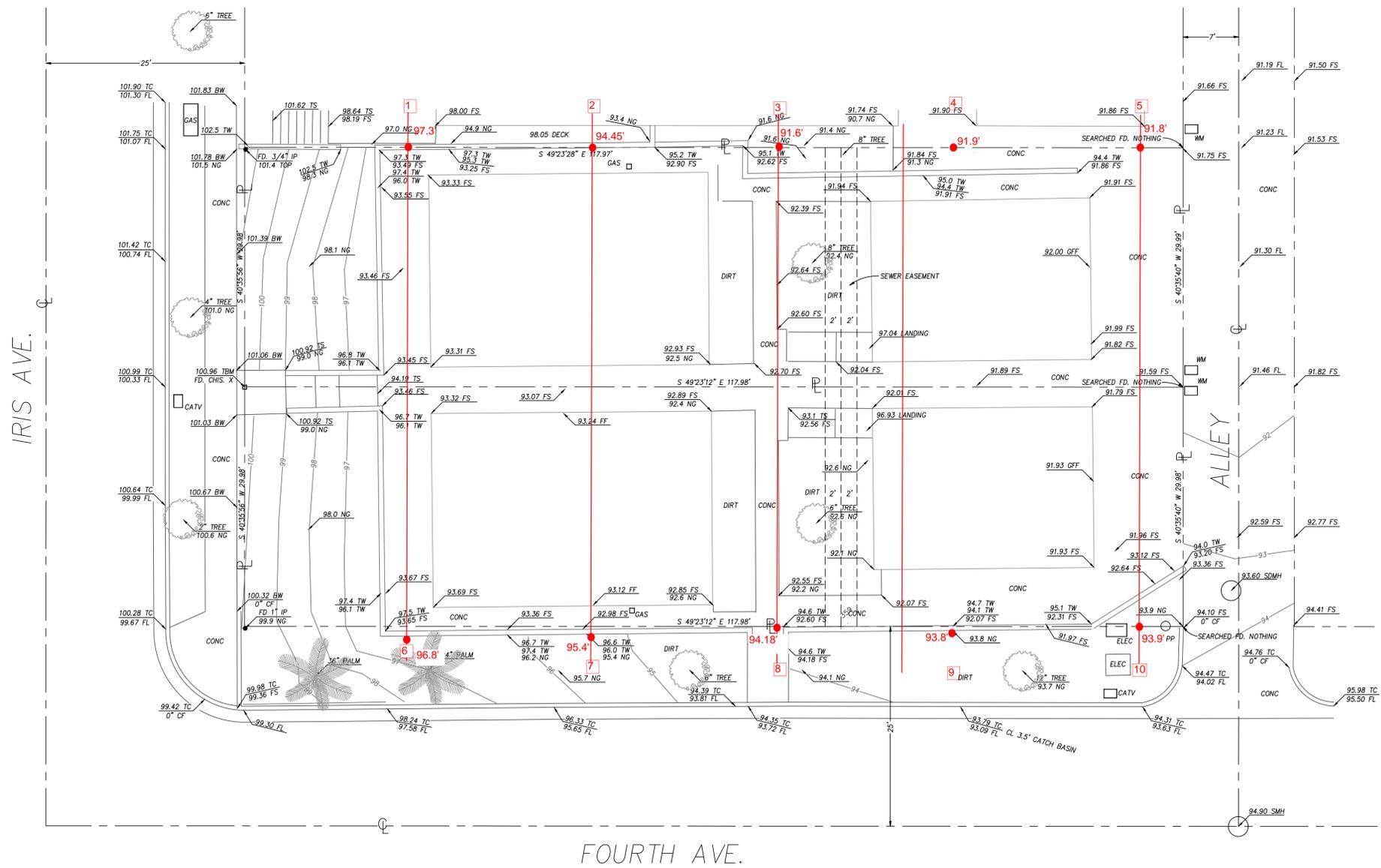






Attachment No. CD 3

Staff Exhibit of Alternate Grades



- LEGEND**
- TC = TOP CURB
 - FL = FLOW LINE
 - FS = FINISH SURFACE
 - NG = NATURAL GROUND
 - TW = TOP WALL
 - FF = FINISH FLOOR
 - GFF = GARAGE FINISH FLOOR
 - TOR = TOP ROOF
 - BW = BACK WALK
 - SCD = SEWER CLEANOUT
 - WM = WATER METER
 - TBM = TEMPORARY BENCHMARK



TOPOGRAPHIC MAP	
8 SCALE	LOTS 2 & 4 BLK 736
FEBRUARY 2012	CORONA DEL MAR TRACT
700 702 IRIS AVE. NEWPORT BEACH CA.	
ASSUMED DATUM = 100.00	
SOUTH COAST SURVEYING 3214 CLAY ST. NEWPORT BEACH CA. (949)631-8840	