



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

Council Chambers - 100 Civic Center Drive

Thursday, August 6, 2026 - 6:00 PM

Planning Commission Members:

David Salene, Chair
Jonathan Langford, Vice Chair
Greg Reed, Secretary
Curtis Ellmore, Commissioner
Michael Gazzano, Commissioner
Tristan Harris, Commissioner
Mark Rosene, Commissioner

Staff Members:

Jaime Murillo, Community Development Director
Liz Westmoreland, Deputy Community Development Director
Joshua McDonald, Principal Civil Engineer
Yolanda Summerhill, Assistant City Attorney
Clarivel Rodriguez, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's website at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours.. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at 949-644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a license, permit, or other entitlement for use is required to disclose on the record of the proceeding any contribution in an amount of more than five hundred dollars (\$500) made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record.

Please Note: You can submit your questions and comments in writing for the Planning Commission to consider by mailing or delivering them to the City of Newport Beach Planning Commission at 100 Civic Center Drive, Newport Beach CA, 92660. Alternatively, you can send them by electronic mail directly to Commissioners at planningcommission@newportbeachca.gov. Each Commissioner and staff will receive your message directly. Pursuant to Planning Commission procedures, please submit your written comments no later than 5:00 p.m. on Wednesday the day before the meeting in order to give Commissioners adequate time to review your submission.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Clarivel Rodriguez in the Community Development Department prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3232 or crodriguez@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan, Zoning, and Local Coastal Program Amendments are automatically forwarded to the City Council for final action.

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

IV. **PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. **REQUEST FOR CONTINUANCES**

VI. **CONSENT ITEMS**

1. **MINUTES OF JULY 9, 2026**

Recommended Action: Approve and file

[Draft Minutes of July 9, 2026](#)

2. **PATTON RESIDENCE ENCROACHMENT (PA2026-0123)**

Site Location: 700 ½ Jasmine Avenue

Summary:

A request to waive City Council Policy L-6 (Encroachments in Public Rights-of-Way) and to approve an Encroachment Permit to allow the relocation and retention of certain private improvements within the Fourth Avenue public right-of-way. The proposed configuration maintains a minimum 4-foot clearance measured from the back of the curb along the property frontage. Existing improvements include fences, walls, lighting, and landscaping of various heights. Existing improvements within the required 4-foot clearance area will be removed or relocated. The remaining improvements outside the 4-foot clearance area will be retained in place.

Recommended Actions:

1. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3 - New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment, and the exceptions to this categorical exemption under Section 15300.2 are not applicable; and

2. Adopt Resolution No. PC2026-022, waiving City Council Policy L-6 (Encroachments in Public Rights-of-Way) and approving Encroachment Permit No. N2026-0241.

[Item No. 2 Staff Report](#)

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - City Council Policy L-6](#)

[Attachment 3 - Site Photos](#)

[Attachment 4 - Owner's Letter](#)

3. **MORIARTY RESIDENCE ENCROACHMENTS (PA2026-0134)**

Site Location: 20462 Birch Street

Summary:

A request to waive City Council Policies L-6 (Encroachments in Public Rights-of-Way) and L-2 (Driveway Approaches) and to approve an Encroachment Permit to allow retention of certain existing, noncompliant private improvements encroaching into the 60-foot-wide Birch Street and 60-foot-wide Mesa Drive public rights-of-way, including retention of an existing third driveway approach along Birch Street. The encroachments include fencing, pedestrian and vehicular gates; electrical utility equipment and security camera posts; a concrete pad; landscaping, decorative boulders, landscape lighting, and bollards; and an existing third driveway approach along Birch Street intended to serve a future accessory dwelling unit.

Recommended Actions:

1. Find the Project Encroachments exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1 - Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment; and

2. Adopt Resolution No. PC2026-023, waiving City Council Policies L-6 (Encroachments in Public Rights-of-Way) and L-2 (Driveway Approaches), and approving Encroachment Permit No. N2026-0255.

[Item No. 3 Staff Report](#)

[3.0 Attachment 1 - Draft Resolution](#)

[3.0 Attachment 2 - City Council Policy L-2](#)

[3.0 Attachment 3 - City Council Policy L-6](#)

[3.0 Attachment 4 - Site Photos](#)

[3.0 Attachment 5 - Owner Letter](#)

[3.0 Attachment 6 - Site Plan](#)

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the

City at or before the hearing

**4. FLETCHER JONES AIRPORT SHUTTLE FACILITY PARKING LOT
(PA2023-0220)**

Site Location: 20052 Birch Street

Summary:

A request for a conditional use permit (CUP) to convert a temporary parking lot into a permanent 39-space parking lot that will function as an extension of the adjacent airport shuttle facility operated by Fletcher Jones Motorcars. The lot will serve as overflow parking to shuttle customers, improve onsite circulation and it will include concrete pavement, a driveway approach, an access gate, striping, site walls, light fixtures, electric vehicle charging infrastructure, and landscape buffers. The parking lot will operate between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday, consistent with the existing airport shuttle facility hours. Access to the parking lot will be limited to Fletcher Jones employees and it will not be open to the public. The existing CUP approved for the Fletcher Jones airport shuttle facility (PA2022-128) will not be affected by the project.

Recommended Actions:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment, and the exceptions to this exemption under Section 15300.2 do not apply; and
3. Adopt Resolution No. PC2026-024 approving the Conditional Use Permit filed as PA2023-0220.

[Item No. 4 Staff Report](#)

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - Project Description](#)

[Attachment 3 - Project Plans](#)

VIII. DISCUSSION ITEM

AIRPORT AREA SPECIFIC PLAN AND RESIDENTIAL PROJECTS OVERVIEW

Site Location: Citywide

In response to a previous Planning Commission request, Deputy Community Development Department Director Liz Westmoreland will provide an update on the Airport Area Specific Plan and the status of pending and approved residential projects in the Airport Area.

IX. STAFF AND COMMISSIONER ITEMS

5. MOTION FOR RECONSIDERATION

6. REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST
FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE
PLACED ON A FUTURE AGENDA

7. REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, JULY 9, 2026
REGULAR MEETING – 6:00 P.M.**

I. CALL TO ORDER - 6:00 p.m.

II. PLEDGE OF ALLEGIANCE – Commissioner Rosene

III. ROLL CALL

PRESENT: Chair David Salene, Vice Chair Jonathan Langford, Secretary Greg Reed, Commissioner Curtis Ellmore, Commissioner Michael Gazzano, Commissioner Tristan Harris, Commissioner Mark Rosene

ABSENT: None

Staff Present: Deputy City Manager Ben Zdeba, Principal Civil Engineer Joshua McDonald, Assistant City Attorney Yolanda Summerhill, Senior Planner Joselyn Perez, Associate Planner Oscar Orozco, Assistant Planner Daniel Kopshever, Administrative Assistant Clarivel Rodriguez, Department Assistant Beatriz Avila

IV. ELECTION OF OFFICERS

ITEM NO. 1 ELECTION OF OFFICERS

Summary:

The Planning Commission's adopted rules require the election of officers at its annual meeting, which occurs at the first meeting of July each year. Officers include the Chair, Vice Chair, and Secretary and they would serve for a one-year term.

Recommended Action:

1. Find this action not subject to the California Environmental Quality Act ("CEQA") pursuant to 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3;
2. Nominate Planning Commission officers consisting of Chair, Vice Chair, and Secretary; and
3. Appoint the officers by majority approval of a motion either individually or as one motion for all positions.

Nomination made by Commissioner Harris for Commissioner David Salene as Chair, Commissioner Jonathan Langford as Vice Chair, and Commissioner Greg Reed as Secretary.

AYES: Langford, Gazzano, Ellmore, Harris, Salene, Rosene and Reed
NOES: None
ABSTAIN: None
ABSENT: None

V. PUBLIC COMMENTS

Jim Mosher, a member of the public, requested that the Planning Commission encourage staff to continue posting and regularly update the City's cumulative project list, a citywide document tracking approved and pending development projects, noting that the current version was more than a year and a half out of date.

VI. REQUEST FOR CONTINUANCES – None**VII. CONSENT ITEMS****ITEM NO. 2 MINUTES OF JUNE 18, 2026**

Recommended Action: Approve and file

Chair Salene opened public comment, and there was none.

Motion made by Commissioner Ellmore and seconded by Chair Salene to approve the item as amended.

AYES: Langford, Gazzano, Ellmore, Harris, Salene, Rosene and Reed
 NOES: None
 ABSTAIN: None
 ABSENT: None

VIII. PUBLIC HEARING ITEMS**ITEM NO. 3 1301 DOVE STREET RESIDENTIAL DEVELOPMENT (PA2026-0046)**

Site Location: 1301 Dove Street

Summary:

A request to authorize the development of a 139-unit, for-sale residential townhome community on an existing professional office site. The dwelling units, which consist of two to four-bedroom townhomes ranging from approximately 1,425 to 2,362 square feet, would be distributed across 50 buildings with each building ranging from one to eight units. The buildings would have a maximum height ranging from approximately 33.5 feet to 39 feet above established grade. The proposal includes a two-car garage for each unit, 10 driveway parking spaces, and 42 uncovered guest parking spaces for a total of 330 on-site parking spaces. The development will also include resident-serving amenities including activity areas, outdoor gardens, and seating and walking paths throughout the site. Additionally, a publicly accessible pedestrian strada improved with landscaping and seating areas are provided along the Dove Street frontage. Vehicular access is provided by a single driveway on Dove Street. If approved, the development may occur in two phases. The first phase would include the demolition of the existing parking structure and construction of approximately 76 dwelling units on the rear half of the site. The second phase would include demolition of the existing approximately 218,000-square-foot ten-story office building and construction of the remaining approximately 63 dwelling units in the front half of the site. The following approvals are required to implement the project:

- *Major Site Development Review (SDR)*: Required for any project proposing five or more residential units with a tract map. The SDR also allows for deviations from three

objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (NBMC); and

- *Vesting Tentative Tract Map (VTTM)*: To allow for the subdivision of the existing 6.46-acre site into four parcels and to allow the airspace subdivision of the individual residential units upon two of those parcels, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC.

Recommended Actions:

- 1) Conduct a public hearing;
- 2) Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code (PRC) Section 21080.66 (enacted through Assembly Bill 130) because it has no potential to have a significant effect on the environment; and
- 3) Adopt Resolution No. PC2026-020 approving the Major Site Development Review and Vesting Tentative Tract Map, filed as PA2026-0046.

Associate Planner Oscar Orozco presented the project, a proposed 139-unit for-sale residential townhome community to replace an existing 10-story office building at 1301 Dove Street. The project is located within Airport Area (HO-1) Subarea of the Housing Opportunity (HO) Overlay Zoning District, fully complies with all applicable zoning standards, and requests deviations from three objective design standards. The project may be developed in two phases, with each phase designed to stand independently and comply with zoning requirements, confirming compliance with fire, public works, and building requirements for the phased approach. Staff recommended approval, noting the project is statutorily exempt from CEQA under AB 130.

Applicant Ryan Parkin, founder of Cress Capital, expressed appreciation for the collaborative process with City staff and described the project's importance to the community. Brian Rupp of Qtative Development Solutions elaborated on the project's coastal contemporary architectural vision, pedestrian-friendly design, and nearly one acre of open space. The applicant also requested the additional condition of approval requiring an independent pre-demolition survey of neighboring buildings at 1375 and 1401 Dove Street, as agreed with that property owner through community outreach.

In response to Chair Salene's inquiry, Mr. Parkin agreed to the Conditions of Approval as amended.

Jim Mosher raised concerns that the project lacks affordable housing, that approvals in the Airport Area are proceeding ahead of the anticipated Airport Area Specific Plan, and that the City's cumulative affordable housing obligations may become increasingly difficult to fulfill.

Associate Planner Orozco clarified for the record that the project received a deemed-complete application under Senate Bill (SB) 330 in November 2025, locking it into review under the previous General Plan policies.

Commissioner Rosene reiterated and verified with staff that each phase of the project independently satisfies all applicable zoning standards and commended the applicant for bringing a quality for-sale housing project to Newport Beach. He also suggested that the shared boundary between this project and the adjacent 1500 Quail Street project could present an opportunity to create landscaped open space rather than a wall.

Chair Salene echoed that sentiment and concurred with the quality of the architecture and site plan.

Motion made by Commissioner Ellmore and seconded by Chair Salene to approve the Item, including the amended conditions of approval and the additional condition regarding a pre-demolition survey of neighboring buildings on the adjacent property.

AYES: Langford, Gazzano, Ellmore, Harris, Salene, Rosene and Reed
NOES: None
ABSTAIN: None
RECUSED: None

ITEM NO. 4 CDM INVESTORS RESIDENCE (PA2022-0148)

Site Location: 2516 and 2518 Bayside Drive

Summary:

A request for a coastal development permit (CDP) to demolish an existing duplex and construct a new three-story, 3,037-square-foot single-unit dwelling with an attached 479-square-foot two-car garage and a 285-square-foot Junior Accessory Dwelling Unit (JADU). The applicant also requests a variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to:

1. Allow a second-floor balcony to encroach 2 feet, 6 inches into the required 5-foot rear setback abutting an undeveloped alley;
2. Allow the construction of walls, planters, and a retaining wall over 8 feet in height within the 5-foot rear alley setback;

The project also includes the removal of landscaping within the adjacent City-owned Bayside Park.

Recommended Actions:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2026-0021, approving the Coastal Development Permit and Variance filed as PA2022-0148.

Assistant Planner Daniel Kopshever presented the project, a request to demolish an existing duplex at 2516–2518 Bayside Drive in Corona del Mar and construct a new three-story, single-unit dwelling with a Junior Accessory Dwelling Unit (JADU). The application includes a variance for a second-floor balcony encroaching 2.5 feet into the required 5-foot rear alley setback, and for walls, planters, and a retaining wall within the rear alley setback. The project also includes removal of an existing hedge within the adjacent City-owned Bayside Park, to be replaced with low ground cover landscaping maintained by the property owner under an encroachment agreement. Staff recommended approval under a Class 3 CEQA exemption.

Project Architect Horst Noppenberger confirmed agreement with the conditions of approval.

Chair Salene opened the public hearing.

J. Scott Russo, attorney representing neighboring property owners Ibrahim and Sherry Harb of 405 Dahlia Avenue, Unit A, expressed concern that the new structure would be located only approximately 2.5 feet from the northern property line and would rise 29 feet within 7.5 feet of his clients' bedrooms.

Frank Bassoff, adjacent neighbor at 2514 Bayside Drive, questioned the justification for the balcony variance and requested that the condition regarding hedge maintenance specify who is responsible and at what frequency.

Danielle Miller, resident at 405 Dahlia Avenue, Unit B, expressed concern about the removal of the Bayside Park hedge impacting views and the visual character of the street.

Christine Shams, owner at 2600 Bayside Drive, raised concerns about loss of privacy resulting from hedge removal, the adequacy of access along the shared driveway, and requested a turnaround solution to address longstanding access difficulties.

Arian Shams, co-owner at 2600 Bayside Drive, echoed concerns about view obstruction, privacy, and the potential for the reconfigured garage access to worsen existing driveway access conflicts.

Jason Tung, resident at 402 Dahlia Avenue, expressed concern that the new structure may obstruct the harbor view from the end of Dahlia Avenue and encouraged commissioners to visit the site.

Kuan Tseng, resident at 402 Dahlia Avenue, echoed Mr. Tung's comments regarding the importance of the harbor view from the end of Dahlia Avenue.

Project Architect Horst Noppenberger responded to comments clarifying that the retaining walls along the northern property line would be 10 feet tall as seen from subject site; however, as viewed from the neighboring property, it would be at guardrail height (3.5 feet) due to the upward slope of the topography. He stated that the pattern of development would be preserved and no significant impact to views of neighbors as structure height is not increasing.

Assistant Planner Kopshever clarified that the sections of retaining wall requiring a variance are in the rear alley setback and are to create additional outdoor living space. He noted that sections of 10-foot-tall retaining wall are integral to the principal structure and, as such, do not require a variance.

Commissioner Ellmore noted that the requested variances are grounded in the site's unique topography and lack of conventional vehicle access. He stated he could make the required findings.

Principal Civil Engineer Joshua McDonald confirmed that the driveway in question is a public street.

Commissioner Harris asked about the extent of the encroachment agreement area and whether staff or applicant designed.

Principal Civil Engineer McDonald confirmed that the applicant designed the landscaping, which was reviewed by staff, and that the hedge in Bayside Park would be removed. He clarified that the alley hedge would remain, maintained at no greater than 20 feet, with all encroachment improvements maintained by the property owner under a recorded encroachment agreement. Assistant City Attorney Yolanda Summerhill confirmed that encroachment agreements are recorded on title and run with the property upon sale.

Motion made by Commissioner Ellmore and seconded by Commissioner Rosene to approve Item No. 4 as presented.

AYES: Langford, Gazzano, Ellmore, Harris, Salene, Rosene and Reed
 NOES: None
 ABSTAIN: None
 ABSENT: None

IX. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 MOTION FOR RECONSIDERATION - None

ITEM NO. 6 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

Deputy City Manager Ben Zdeba reported that the City's Local Coastal Program Amendment making the Housing Opportunity (HO) Overlay Coastal Zoning Districts effective was certified by the Coastal Commission earlier that day. He further noted that the City Council would consider two matters reviewed by the Commission the following week, on July 14, including the Bristol/Zenith access gate appeal and the Newport Place Planned Community Amendment related to inclusionary housing percentage. The 1300 Dove Street residential application previously recommended by the Commission is anticipated for City Council consideration on July 28, contingent on the outcome of the Airport Land Use Commission meeting on July 16.

Deputy City Manager Zdeba also announced that the July 23, 2026 meeting would be canceled due to lack of business, with the next meetings scheduled for August 6 and August 20. He confirmed that previously requested information on tandem garage parking and an Airport Area Specific Plan status update would be brought forward in August.

ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES - None

X. ADJOURNMENT – With no further business, Chair Salene adjourned the meeting at 7:20 p.m.

The agenda for the July 9, 2026, Planning Commission meeting was posted on Thursday, July 2, 2026, at 3:45 p.m. in the Chambers binder, on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive, and on the City's website on Thursday, July 2, 2026, at 3:38 p.m.

David Salene, Chair

Greg Reed, Secretary



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

August 6, 2026
Agenda Item No. 2

SUBJECT: Patton Residence Encroachment (PA2026-0123)
▪ Encroachment Permit No. N2026-0241

SITE LOCATION: 700 ½ Jasmine Avenue

APPLICANT/OWNER: Elena Patton

ENGINEER: Josh McDonald, Principal Civil Engineer
949-644-3326, jmcdonald@newportbeachca.gov

PROJECT SUMMARY

A request to waive City Council Policy L-6 (Encroachments in Public Rights-of-Way) and to approve an Encroachment Permit to allow the relocation and retention of certain private improvements within the Fourth Avenue public right-of-way. The proposed configuration maintains a minimum 4-foot clearance measured from the back of the curb along the property frontage. Existing improvements include fences, walls, lighting, and landscaping of various heights. Existing improvements within the required 4-foot clearance area will be removed or relocated. The remaining improvements outside the 4-foot clearance area will be retained in place.

RECOMMENDATION

- 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3 - New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment, and the exceptions to this categorical exemption under Section 15300.2 are not applicable; and
- 2) Adopt Resolution No. PC2026-022, waiving City Council Policy L-6 (Encroachments in Public Rights-of-Way) and approving Encroachment Permit No. N2026-0241 (Attachment No. PC 1).

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INTRODUCTION

Relevant City Council Policies

City Council Policy L-6 (Encroachments in Public Rights-of-Way) provides that public rights-of-way are to be reserved for public use or open space and that the rights of the public, in both the present and future, are not to be diminished by retaining private improvements within the public right-of-way (Attachment No. PC 2). Council Policy L-6 identifies both allowable and prohibited encroachments and the permits and/or agreements required. It prohibits private encroachments of fences, walls, patios, raised planters, etc. that encroach more than 1 foot into the public right-of-way and/or exceed 36 inches in height; however, the Planning Commission may grant a waiver of these standards.

Existing Conditions and Project Description

The subject property is located on the northeastern corner of the Jasmine Avenue and Fourth Avenue intersection. It is developed with two residential condominium units with separate ownership. This application involves only the rear condominium unit addressed as 700 ½ Jasmine Avenue (Project Site). In 2021, a Code Enforcement case was opened to review the Project Site's improvements in the public right-of-way. Although several encroachments were present prior to 2011, they were previously limited to a low brick wall and stairs along Fourth Avenue. Since 2015, the encroachments were expanded without authorization to include various taller walls, fences, planters, and landscaping. Adjacent residences do not have similar private encroachments into the public right-of-way. Figure 1 shows these existing non-compliant encroachments.

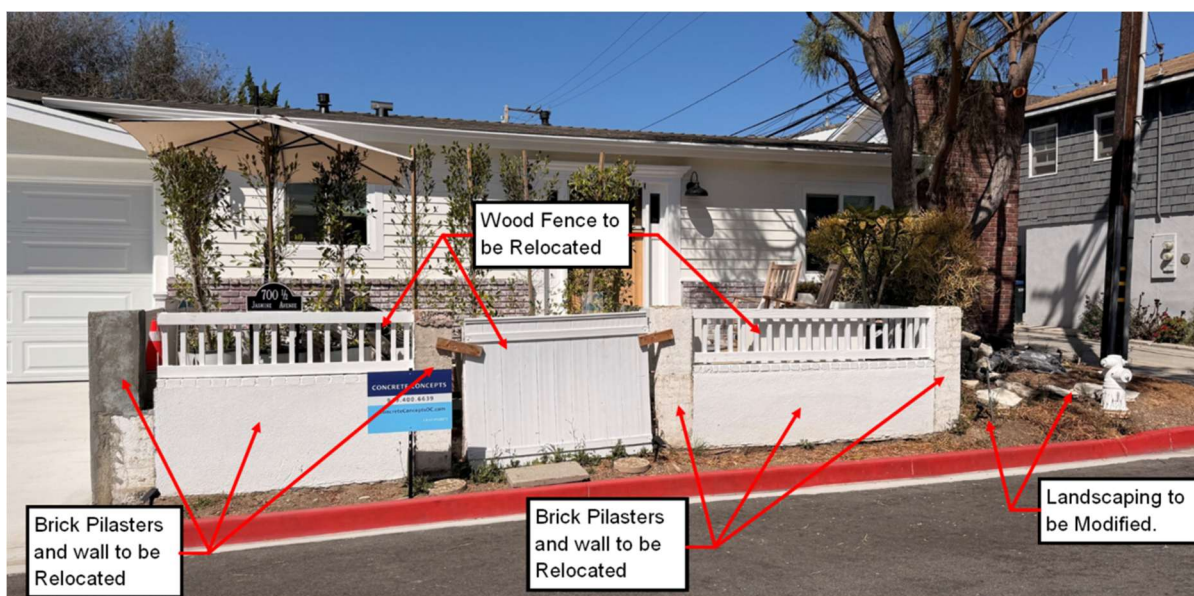


Figure 1, Existing, non-compliant encroachments into Fourth Avenue public right-of-way at the rear unit (700 ½ Jasmine)

As shown in Figure 1, there are several existing improvements encroaching into the Fourth Avenue public right-of-way, including:

- A concrete wall with an attached 1-foot-6-inch-tall wooden fence that encroaches approximately 8 feet;
- A 4-foot-tall wooden fence that encroaches approximately 8 feet;
- Four brick pilasters that encroach approximately 8 feet; and
- Landscaping of various heights that encroach up to approximately 10 feet.

To address the Code Enforcement case, the Owner is requesting a waiver of Council Policy L-6 to remove existing non-compliant private improvements and to relocate and retain private improvements within the Fourth Avenue public right-of-way, as identified in the next section of this report. Site photos, a letter from the Owner received June 18, 2026, and the proposed site plan are provided for reference as Attachment Nos. PC 3, PC 4, and PC 5, respectively.

DISCUSSION

Waiver of Council Policy L-6

The Public Works Department has reviewed the L-6 Waiver request and determined that a minimum 4-foot-wide setback from the curb is necessary to allow the future construction of a sidewalk along Fourth Avenue; therefore, the following approval is recommended, subject to conditions of approval as identified in Attachment No. PC 1:

1. The removal of all existing improvements within the Fourth Avenue public right-of-way, as necessary, to maintain a minimum 4-foot clearance measured from the back of the curb. This area shall remain free and clear of private improvements except for turf or other low ground cover not exceeding 24 inches in height to preserve area for potential future construction of a 4-foot-wide public sidewalk along Fourth Avenue; and
2. The retention and relocation of all private improvements within the Fourth Avenue public right-of-way between the minimum 4-foot clearance and the subject property line, including portions of the low wall, brick pilasters, low-voltage lighting, wood fencing, and a wood gate, consistent with the approved plans. Replacement landscaping within the public right-of-way shall be limited to turf or other low ground cover not to exceed 24 inches in height.

As the existing improvements would be modified to maintain the 4-foot clearance, the existing improvements are acceptable. They would not adversely affect public use of the right-of-way and would not interfere with traffic visibility along Fourth Avenue. The fences,

walls, pilasters, gate, and landscaping, as modified by this approval, would become compatible with the residential character of the neighborhood.

Environmental Review

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. This exemption applies to the construction, replacement, or relocation of limited-scale structures, including accessory structures, and related site improvements that would not result in a significant effect on the environment. The proposal qualifies for this exemption because it involves the removal and relocation of accessory structures, including fences, walls, and pilasters, and associated landscaping, with no anticipated significant environmental effects.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

Public Notice

Notice of this hearing was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicants and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

Prepared by:



Josh McDonald, P.E.
Principal Civil Engineer

Submitted by:



Liz Westmoreland, AICP
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 City Council Policy L-6 (Encroachments in Public Right-of-Way)
- PC 3 Site Photos
- PC 4 Owner Letter received June 18, 2026
- PC 5 Site Plan

- PC 2 City Council Policy L-6 (Encroachments in Public Right-of-Way)
- PC 3 Site Photos
- PC 4 Owner Letter received June 18, 2026
- PC 5 Site Plan

Attachment No. PC 1

Draft Resolution

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RESOLUTION NO. PC2026-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, WAIVING CITY COUNCIL POLICY L-6 (ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY) AND APPROVING ENCROACHMENT PERMIT NO. N2026-0241 TO ALLOW THE REMOVAL AND RELOCATION OF PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY FOR THE PROPERTY LOCATED AT 700 ½ JASMINE AVENUE (PA2026-0123)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Elena Patton (“Owner”), with respect to property located at 700 ½ Jasmine Avenue, Newport Beach, California and legally described as an undivided ½ interest in and to Lot 2, Block 737 of Corona Del Mar, as shown on a map recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps in the office of the County Recorder of Orange County (“Property”), requesting approval of an encroachment permit.
2. The Owner requests approval of Encroachment Permit No. N2026-0241, and a waiver of City Council Policy L-6 (Encroachments in Public Rights-of-Way) (“Policy”) to remove existing unpermitted private improvements encroaching 8 feet into the Fourth Avenue public right-of-way (“Right-of-Way”), and relocating the private improvements closer to the Property line to encroach 5 feet and 6 inches into the Public Right-of-Way. The private improvements consist of walls, fencing, pilasters, and landscaping in a configuration that maintains a minimum 4 feet wide and approximately 40 feet long clearance measured from the back of the curb along the property frontage (“Project”). Current landscaping encroaches 10 feet into the Public Right-of-Way and shall be limited to turf or other low ground cover not to exceed 24 inches in height.
3. The requested approvals are not specifically provided for within City Council Policy L-6 (Encroachments in Public Rights-of-Way). Therefore, the Project is prohibited under Subsection A of the Section titled “Private encroachments that are prohibited without a waiver and approval” of said policy. The Project may only be approved upon the waiver of the Policy with approval of the encroachment permit by the Planning Commission.
4. The Property is not located within the coastal zone.; therefore, a coastal development permit is not required.
5. A public meeting was held on August 6, 2026, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and City Council Policy L-6 (Encroachments in Public Rights-of-

Way). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), Section 15060(c)(3) (the activity is not a project as defined in Section 15378), and Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 ("CEQA Guidelines"), because the Project involves the removal and relocation of small accessory structures (including fences, walls, pilasters, and appurtenant lighting) and appurtenant landscaping within the Right-of-Way, and has no potential to result in a direct or indirect physical change or significant effect to the environment. There are no known exceptions listed in CEQA Guidelines Section 15300.2 that would apply.
2. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with City Council Policy L-6 (Encroachments in Public Rights-of-Way), the following findings and facts in support of such findings are set forth:

Finding:

- A. *The proposed private improvements within the public right-of-way, as conditioned, will not be detrimental to the health, safety, and welfare of the public.*

Facts in Support of Finding:

1. Fourth Avenue is a 50-foot-wide public right-of-way along the subject frontage. The distance between the back of the curb and the adjacent property line is approximately 10 feet. Maintaining four feet wide and approximately 40 feet long clearance measured from the back of curb reserves space for pedestrian travel and future public improvements, and reduces conflict between private improvements and the public use of the Public Right-of-Way.

2. Existing unpermitted encroachments within the Right-of-Way include walls, fences pilasters, and landscaping, 4-foot-tall wooden entry fence facing the driveway, a 25 feet wide concrete wall with an attached 1-foot and 6-inch-tall wooden fence facing the street and the alley, and landscaping of various heights all encroaching between 8 feet and 10 feet into the Public Right-of-Way. Removal and relocation of these improvements, as conditioned, reduces sight-distance obstructions and improves visibility for vehicles, bicyclists, pedestrians using Fourth Avenue, and the adjacent intersections/driveways, thereby improving public safety and welfare.
3. The Project will correct existing unpermitted conditions by requiring removal of said unpermitted improvements and the relocation/construction of these improvements closer to the property line that will remain within the Public Right-of-Way. The Project will maintain a minimum 4 feet wide and approximately 40 feet long clearance zone measured from the back of the curb, and preserve an area adjacent to the curb for pedestrian travel and future public improvements.
4. The Project will improve public safety by addressing visibility and safety concerns through the required configuration by requiring removal of any unauthorized electrical connections within the Public Right-of-Way or otherwise bringing any lighting improvements into compliance with City requirements.
5. Approval would require the Owner to enter into an encroachment agreement to allow the improvements as proposed. Any liability associated with the private improvements would be transferred to the Owner. Additionally, if the need for public improvements arises in the future, the Owner shall remove all encroachments at no cost to the City.

Finding:

- B. The individual circumstances applicable to this application and the proposed encroachment within the public right-of-way, as conditioned, are consistent with the public interest.*

Facts in Support of Finding:

1. The Project corrects existing unpermitted improvements encroaching into the Right-of-Way by relocating the improvements closer to the property line within a 4-foot-wide area (measured from the back of curb). The Project will allow a limited number of private improvements to remain within the Public Right-of-Way as conditioned and shown on the approved plans.
2. The Project's configuration includes a 4-feet wide and approximately 40 feet long clearance from the back of the curb and sets limitations on improvements within said area such as turf only landscaping or other low ground cover not to exceed 24 inches in height. The proposed configuration reserves space for pedestrian travel and future public improvements, including a sidewalk.

3. The Project does not interfere with existing public utilities, nor does it hinder the use, maintenance, or future repair/replacement of public infrastructure within the Public Right-of-Way, including the existing fire hydrant.
4. Any unauthorized electrical connections and low-voltage lighting within the Public Right-of-Way will be removed and/or modified to comply with City requirements as a condition of approval, which supports public safety.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach finds this Project is categorically exempt from CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378), and Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines because the existing improvements have no potential for resulting in direct or indirect physical change to the environment.
2. The Planning Commission of the City of Newport Beach hereby waives City Council Policy L-6 (Encroachments in Public Rights-of-Way) and approves Encroachment Permit No. N2026-0241, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution is adopted unless within such time an appeal or call for review is filed with the City Clerk in accordance with the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 6th DAY OF AUGUST 2026

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
David Salene, Chair

BY: _____
Greg Reed, Secretary

EXHIBIT A**CONDITIONS OF APPROVAL****PUBLIC WORKS DEPARTMENT**

1. The Project shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval.
2. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Owner shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Encroachment Permit and any associated Encroachment Agreements.
4. The Owner shall enter into an Encroachment Agreement within one calendar year upon receipt of approval, otherwise this approval shall automatically expire.
5. A minimum 4-foot-wide area measured from the back of curb shall be maintained free and clear of private improvements, except for turf or other low ground cover not exceeding 24 inches in height, and except as expressly shown on the approved plans.
6. Any unauthorized electrical connections and/or low-voltage lighting within the public right-of-way shall be removed or modified to comply with all applicable City requirements to the satisfaction of the City. No electrical facilities shall remain within the public right-of-way unless expressly approved and permitted by the City.
7. If the need for public improvements arises in the future, the Owner shall remove all encroachments at no cost to the City.
8. To the fullest extent permitted by law, Owner shall indemnify, defend and hold harmless the 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 Patton Residence Encroachment (PA2026-0123) including, but not limited to, Encroachment Permit No. N2026-0241**. 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 Owner, City, and/or the parties initiating or bringing such proceeding. The Owner 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 Owner shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

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Attachment No. PC 2

City Council Policy L-6

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ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY

It is the general policy of the City that the public rights-of-way shall be reserved for public use or open space; and that the rights of the public, present and future, shall not be diminished by the installation of private improvements within the public rights-of-way.

For any project located within the Coastal Zone also look to Newport Beach Municipal Code Title 21, or any successor title.

Categories of encroachments and improvements are listed below, together with the permit requirement for each category.

Permit and/or encroachment agreement required.

- A. Except as expressly set forth herein, permits and/or encroachment agreements are required for encroachments into the public rights-of-way.
- B. Application for any permit, as required by this policy, shall be filed with the Public Works Department on a form to be provided by the City and shall show the proposed planting or work and the nature thereof. Drawings for encroachment permits requiring Planning Commission review shall be prepared to scale. Plan and elevation drawings shall accurately depict location, height, and extent of the proposed encroachments.
- C. If the application is for a permit required under private encroachments that are prohibited without a waiver, it shall be submitted to the Planning Commission for consideration.
 - 1. The Planning Commission is designated to grant or deny a waiver and approve, conditionally approve, or deny applications for encroachment permits, subject to the findings in subsection (a), of this Section.
 - a. The Planning Commission may grant a waiver and may approve or conditionally approve an application for an encroachment permit if the Planning Commission finds the encroachment will not be a detriment to the health, safety, and welfare of the public.
 - b. If an application for a private encroachment that is prohibited without a waiver is part of a larger approval requiring City Council approval, then the Planning Commission shall make a recommendation to the City Council regarding whether this policy should be waived and the permit granted.
 - c. The Planning Commission shall have discretion to refer any request for a waiver or encroachment permit before the Planning Commission to the City Council for consideration.

- d. Any decision made by the Planning Commission may be appealed or called for review in accordance with Chapter 20.64.
- 2. Notice of the Planning Commission's review of a request to waive a provision of this policy shall be:
 - a. Mailed to property owners within 300 feet of the project site at least ten (10) calendar days in advance of a meeting. The notice shall contain the address of the project site, the applicant's name, a brief description of the improvements, date, time, and place of the meeting, and a statement informing the public that they have the ability to provide comments to the Planning Commission; and
 - b. Posted on or close to the subject property in a prominent location at least ten (10) calendar days before the scheduled hearing by the Planning Commission in the following manner:
 - i. One or more sign(s) shall be posted as determined by the Public Works Director.
 - ii. The size and location of the sign(s) shall be as determined by the Public Works Director.
 - iii. The applicant for the encroachment permit/waiver shall be responsible for maintaining the sign(s) in a satisfactory condition.
 - iv. The applicant for the encroachment permit/waiver shall remove all sign(s) at the end of the appeal period.

Private encroachments that are prohibited without a waiver and approval.

- A. All structural encroachments including, but not limited to, fences, walls, patios, raised planters, landscaping, etc., which encroach in excess of one (1)-foot into the public right-of-way, or exceed three (3)-feet in height, measured from the top of curb elevation/ or from sidewalk elevation where sidewalk exists.
- B. Driveway approaches not conforming to Council Policy L-2.
- C. Modifications to original design concepts approved by the City.
- D. Private signs except as provided for in the Building Code.
- E. Lighting.

- F. Parkway walkway surfacing of loose rock, gravel, or any surfacing other than standard or colored/textured concrete or flat stone/brick/ pavers installed at grade.
- G. Private dwellings and appendages including raised patios decks and bay windows, except as provided for in this section and the Building Code.
- H. Pay telephones and private mail carriers drop boxes.

General private encroachments that require an encroachment permit and if applicable, an encroachment agreement from the Public Works Department.

- A. Drive approaches conforming to Council Policy L-2.
- B. Standard sidewalks.
- C. Carriage walks (not to exceed twenty-five percent (25%) of the parkway area).
- D. Parkway surfacing (standard or colored/textured concrete or flat stone/brick) installed at grade (not to exceed twenty-five percent (25%) of the parkway area).
- E. CATV and public utility facilities.
- F. Structural encroachments including, but not limited to, fences, walls, patios, raised planters, etc., which encroach one (1) foot or less and do not exceed three (3) feet in height within the public right-of-way. If, however, in the opinion of the Public Works Department, the nature or location of this type of encroachment is such that Planning Commission review is warranted, the Department may forward the item to the Planning Commission for action in accordance with the procedures set forth for granting waivers for private encroachments that would otherwise be prohibited.
- G. Mailboxes, when required by the U.S. Postal Service. Mailboxes shall be installed per U.S. Postal Service requirements. Mailbox base construction length and width shall not exceed the length of the mailbox, or twenty-four (24) inches, whichever is less.
- H. The placement of utility pedestals shall be at the back of sidewalks on arterials and major pedestrian thoroughfares without zero setbacks. There shall be at least four (4) feet of clear sidewalk width and/ or pedestals shall be placed in the parkway outside of walk area.
- I. When connecting to or relocating public utilities.

- J. Artificial Turf (permeable) up to 100% of the required parkway landscape area. Artificial turf grass shall be installed in accordance to manufacturers' recommendations. Material must be securely anchored and maintained so as to eliminate disrepair, fading, tearing, wrinkling and or edge curling or any other type of material performance. Material shall be replaced prior to the aforementioned conditions occur. Prohibited application: Indoor and outdoor carpet, green in color or otherwise. The Director of Public Works shall from time to time update the standards for this application. See Artificial Turf Material and Installation Standards.

For artificial turf grass conversions in parkways with existing City trees:

1. Pruning of City tree roots shall be prohibited unless approved and inspected by the City Arborist.
2. Irrigation must be established or retrofitted to continue to provide automated irrigation for the City tree.
3. Openings for existing or new trees will allow for a minimum of 24-inch radius around the tree's trunk. If on existing trees a 24-inch radius cannot be achieved, the artificial turf will be discontinuous, with the area around the tree squared off to allow a minimum of 24-inches on either side.

- K. Tree and shrub planting and removal.

- L. Median landscaping.

If, in the opinion of the Public Works Departments, the approved planting is not being maintained for view, safety clearance and sight distance, Newport Beach Municipal Code Chapter 10.50, "Public Nuisance Abatement," or any successor statute, shall be used to remove offending plant material.

The permit applicant shall reimburse the City of Newport Beach for the value of any City tree removed by this process. This value shall be determined by the City Arborist using the International Society of Arboriculture's "Guide for Plant Appraisal" or a minimum forty-eight (48) inch box tree replacement value.

Area specific private encroachments requiring an encroachment permit from the Public Works Department and subject to the execution of an encroachment agreement for non-standard improvements.

- A. Structural encroachments which do not exceed three (3) feet in height measured from the top of curb elevation/ or from sidewalk elevation where sidewalk exists, including, but not limited to fences, walls, and raised planters in public rights-of-way in areas that are more than eight (8) feet behind the face of curbs on the following streets:

1. Santa Ana Avenue from Cliff Drive to Fifteenth Street.

- B. Permitted Structural Encroachments on Balboa Island along South Bay Front, North Bay Front, Grand Canal, and East Bayfront are as follows:

1. Planters that do not exceed one (1) foot in height may be installed between the back of existing sidewalk and property line, planted with ground cover and shrubs not to exceed two (2) feet in height measured from sidewalk elevation;
 2. Fences and walls with a minimum setback of two (2) feet six (6) inches from back of sidewalk.
 - a. For patios constructed at grade elevation to one (1) foot above sidewalk grade elevation, fences and walls may be three (3) feet high above sidewalk grade.
 - b. For patios constructed greater than one (1) foot above sidewalk grade elevation, fences and walls must be set back a minimum of three (3) feet from back of sidewalk, not exceed two (2) feet six (6) inches in height above the patio, have at least forty percent (40%) visibility through them, and not to exceed four (4) feet in height above existing public sidewalk grade.
 3. Patios with a minimum setback of two (2) feet six (6) inches from the back of sidewalk.
 - a. Raised Patios are permitted provided they have a maximum height of two (2) feet six (6) inches above sidewalk grade, are set back a minimum of two (2) feet six (6) inches from back of sidewalk, and provided all bulkhead deadman and tiebacks supporting the Bay front bulkhead are replaced "If required by the Public Works Department" in conformance with the requirements of the Public Works Department; Stairs located a minimum of two (2) feet six (6) inches from back of sidewalk.
- C. Structural encroachments which do not exceed three (3) feet in height, including, but not limited to fences, walls, patios, and raised planters in public rights-of-ways in areas that are five (5) feet behind the face of curb on the following streets:
1. Southerly side of West Bay Avenue between 8th Street and 15th Street.
- D. Non-standard encroachments, including, but not limited to fences, walls, and raised planters within City easements as approved by the Public Works Director.
- E. Buena Vista Boulevard – Bay Avenue to Edgewater Avenue. The street right-of-way in this reach is ten (10) feet wide, with private property on both sides of the public way. Improvements allowed at this location shall consist of the following:
1. A minimum six (6) foot wide public sidewalk along the inland side of the right-of-way line maintained by the City.
 2. Landscaping under twenty-four (24) inches in height and park-like improvements in the remaining portion of the right-of-way shall be allowed if installed and maintained by the adjoining property owners. Private improvements such as walls, fences, gates, signs and living areas such as cabanas and other roofed structures shall not be allowed.

3. Access to existing private piers and floats shall be allowed where a harbor permit has been granted, but such access structures shall not be expanded beyond the original permit dimensions.

F. Edgewater Avenue – Buena Vista Boulevard to Island Avenue. The street right-of-way in this reach is forty (40) feet wide with private property on the inland side. bay side is improved with a privately constructed bulkhead on public property. Improvements allowed at this location shall consist of the following:

1. A minimum six (6) foot wide public sidewalk along the inland side of the right-of-way line maintained by the City.
2. Landscaping under twenty (24) inches in height and park-like improvements in the remaining portion of the right-of-way (between the sidewalk and the bulkhead) shall be allowed if installed and maintained by the adjoining property owner. Private improvements such as fences, gates, signs, and living areas shall not be allowed.
3. Access to private piers and floats shall be allowed where a harbor permit has been granted, but such access structures shall not be expanded beyond the permit dimensions.

G. Edgewater Avenue – Island Avenue to Alvarado Street. The street right-of-way in this reach is forty (40) feet wide with private property on the inland side. The bay side is improved with a sloping beach leading to the waters of the bay. Improvements allowed at this location shall consist of the following:

1. A minimum six (6) foot wide public sidewalk along the inland side of the right-of-way maintained by the City.
2. The remaining portion of the right-of-way shall be reserved as a public beach and no private improvements, impediments or boat storage shall be allowed except for access to existing piers and floats where a harbor or a mooring permit has been granted, but such access structures shall not be expanded beyond the original permit dimensions. Any existing permits to encroach on the right-of-way shall be rescinded

H. Edgewater Avenue – Alvarado Street to Fernando Street. The street right-of-way in this reach is fifty (50) feet wide. The bay side is improved with a sloping beach leading to the waters of the bay. The private lots bayward of the public right-of-way are under water and within State Tidelands. Improvements allowed at this location shall consist of the following:

1. A minimum six (6) foot wide public sidewalk along the inland side of the right-of-way maintained by the City.
2. The remaining portion of the right-of-way shall be reserved as a public beach and no private improvements, impediments or boat storage shall be allowed except for access to existing piers and floats where a harbor permit has been granted, but such access structures shall not be expanded beyond the original permit dimensions.

I. Bay Front Street Ends

1. Bay front street ends at beach level may contain two (2) foot wide planting areas bounded by redwood or concrete strips and containing hedges no more than two (2) feet in height above the adjacent surface. The planting areas may be installed:
 - a. At each side of the prolongation of the street and extending no more than fifteen (15) feet from the end of the paved street.
 - b. At the end of the paved street, except that a twelve (12) foot wide opening must be left for City emergency and maintenance equipment, and pedestrians to enter the beach area.
2. Bay front street ends where tidal flow prevents standard installation may be landscaped, subject to the prior approval by the City of specific plans prepared by the applicant. Access to beach areas shall be provided for in any such specific plans.
3. Improvements shall be installed at the expense of the adjacent property owners.
4. Landscape maintenance and watering shall be provided by the adjacent property owners to the satisfaction of the City. A sprinkler system connected to the adjacent property shall be installed in each planter.

J. Unimproved Ocean Front Street Ends

1. Improvements shall be installed at the expense of the adjacent property owners.
2. Landscape maintenance and watering shall be provided by the adjacent property owners to the satisfaction of the City. A sprinkler system connected to the adjacent property shall be installed in each planter.
3. All work shall be installed to grades established by the Public Works Department.
4. A four (4) foot wide sidewalk shall be provided on each side of the street right-of-way adjacent to the property line.
5. A minimum of twelve (12) feet of unobstructed access to the beach in the center of the right-of-way shall be surfaced with brick, asphalt, concrete or artificial turf, or an equivalent surfacing approved by the City.
 - a. Portland Cement Concrete. A minimum six (6) inches over native compacted material.
 - b. Asphalt Concrete. A minimum two (2) feet six (6) inches of asphalt concrete over a six (6) inch thick aggregate.

- c. Brick. Brick installed over four inches of imported aggregate base. A dry mix of one-to-one cement and clean plaster sand to be swept into the one-quarter (1/4) to one-half (1/2) inch space between bricks. The dry mix shall be moistened with a fine spray of water after it is in place.

- 6. Planters five (5) feet wide shall be provided between the side and the center access along a portion of each side of the street with a heavy emphasis on drought resistant plant materials. Plant materials shall be installed to City specifications. A six (6) inch to eighteen (18) inch high lip of concrete, brick or rock may be installed as part of the planter.
- 7. Special provisions shall be made in the design when garage access is required from street ends.
- 8. Where unusually large quantities of sand exist in a street end area, the City shall assist the adjacent owners by moving the sand to an area determined by the City.

K. Unimproved Alleys that End at the Ocean Front

- 1. Improvements shall be installed at the expense of the adjacent property owner.
- 2. All work shall be installed to grades established by the Public Works Department.
- 3. Landscaping of potted plants shall be permitted in the portion of the alley right-of-way that terminates at the ocean front sidewalk. A six (6) foot wide inviting passageway shall be maintained for pedestrian access.
- 4. Where vehicles or pedestrians will travel, alleys may be surfaced with brick, asphalt, concrete or equivalent surfacing.
- 5. Improvements shall extend from the nearest street of alley improvement to the northerly line of the ocean front.

If, in the opinion of the Public Works Department, the nature or location of this type of encroachment is such that Planning Commission review is warranted, the Department may forward the application to the Planning Commission for original action in accordance with the procedures set forth for granting waivers for private encroachments that would otherwise be prohibited.

The City Manager is authorized to execute, on behalf of the City, agreements for non-standard improvements, which are entered into pursuant to this section or other authorization.

Encroachments on public sidewalks

Newport Beach sidewalks are a desirable place to walk, stroll and jog and it is, therefore, the policy of the City that public sidewalks are to provide unobstructed passage whenever possible.

Sidewalks shall be reserved for public use and the rights of the public shall not be diminished by the installation of benches, planters, bicycle racks, etc., by private entities nor by the installation of facilities by public utilities or other public agencies. It is the policy of the City that encroachments on public sidewalks shall be subject to the following:

A. General

1. Permitted encroachments shall not reduce the sidewalk width available for normal pedestrian movement.
2. Permitted encroachments may be located in areas between tree wells or other existing improvements as long as they do not interfere with pedestrian travel.
3. Permitted encroachments shall be located at least eighteen (18) inches from the curb face. In areas where vehicles do not park or otherwise extend over the sidewalk, this setback may be reduced.
4. Permitted encroachments shall not be located within thirty-six (36) inches of a parking meter or street light, nor shall they be located where they will interfere with the normal use of other facilities.
5. Encroachments shall not block access from parked cars.
6. They shall not be located within ten (10) feet of a crosswalk, fire hydrant or driveway.
7. Encroachments may not be chained or otherwise anchored to any tree, streetlight, parking meter or other property.
8. Applicant shall pay all costs for City and/or the California Department of Transportation (“CalTrans”) permit processing where necessary.
9. Applicant shall pay all costs associated with the installation and maintenance of the encroachments by the City or private installer.

B. Public Benches

1. When applying the above requirements to benches, allowance shall be made for the space required for a person sitting on the bench.
2. Benches to be installed in an area where there is a theme or bench style shall conform to that theme or style.

C. Public Bicycle Racks

1. Bicycle racks shall be located to allow bicycles to extend five (5) feet from the center of the rack and comply with the above requirements.

History

Adopted I-12 – 8-25-1969 (“Ocean Front Street-End Improvement Policy”)
 Adopted L-6 – 8-25-1969 (“Private Encroachments in Public Rights-of-Way”)
 Amended I-12 – 3-9-1970
 Reaffirmed L-6 – 3-9-1970
 Reaffirmed L-6 – 2-8-1971
 Amended L-6 – 2-14-1972
 Reaffirmed I-12 – 2-14-1972
 Amended I-12 – 12-10-1973
 Reaffirmed L-6 – 12-10-1973
 Amended I-12 – 11-11-1974
 Reaffirmed L-6 – 11-11-1974
 Amended L-6 – 8-11-1975
 Adopted L-7 – 3-14-1977 (“Encroachments and Bay Access on Buena Vista Boulevard – Edgewater Avenue between Bay Avenue and Fernando Street”)
 Reaffirmed L-7 – 9-12-1977
 Amended I-12 – 2-9-1981
 Amended L-6 – 2-9-1981
 Adopted L-10 – 8-24-1981 (incorporating I-12)
 Amended L-6 – 11-23-1981
 Amended L-10 – 11-8-1982
 Amended L-6 – 10-27-1986
 Amended L-6 – 1-26-1987
 Amended L-6 – 7-13-1987
 Amended L-6 – 2-13-1989
 Amended L-6 – 8-14-1989
 Amended L-6 – 11-27-1989
 Amended L-10 – 11-27-1989
 Amended L-6 – 12-9-1991
 Amended L-6 – 12-14-1992
 Adopted L-18 – 1-11-1993 (“Encroachments on Public Sidewalks”)
 Amended L-6 – 7-12-1993
 Amended L-6 – 1-24-1994
 Reaffirmed L-7 – 1-24-1994
 Amended L-10 – 1-24-1994 (changed to L-8)
 Amended L-18 – 1-24-1994 (changed to L-15)
 Amended L-6 – 5-9-1994
 Amended L-6 – 2-27-1995
 Amended L-6 – 2-26-1996
 Amended L-15 – 2-26-1996
 Amended L-6 – 5-8-2001

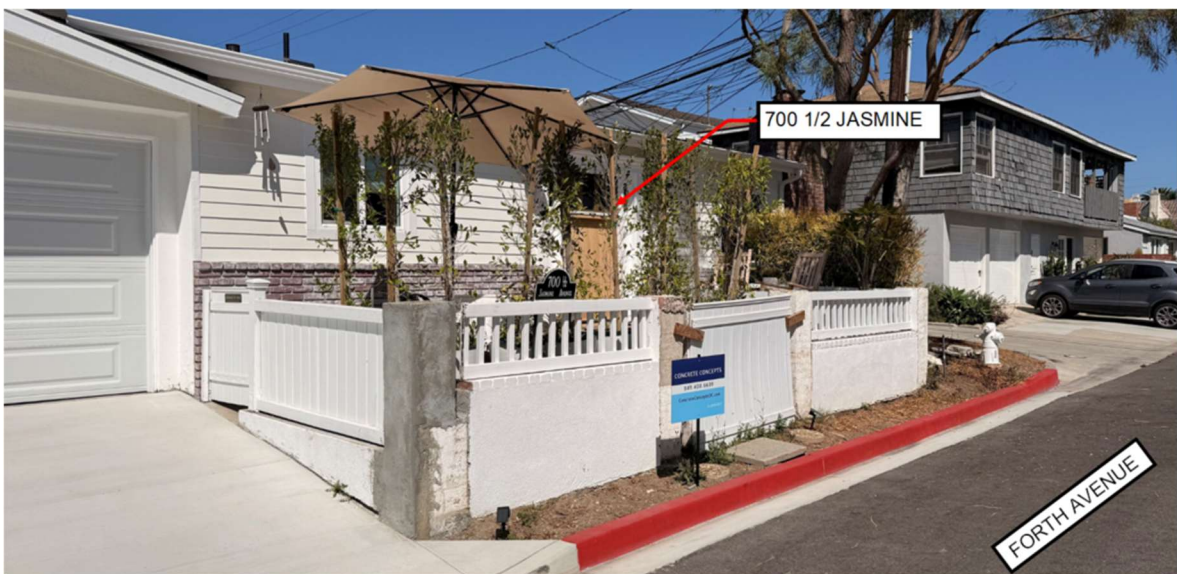
Amended L-7 – 5-8-2001
Amended L-8 – 5-8-2001
Amended L-6 – 1-27-2015
Amended L-6 – 8-14-2018 (incorporating L-7, L-8, and L-15)
Amended L-6 – 11-27-2018
Amended L-6 – 12-11-2018
Amended L-6 – 11-14-2023

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Attachment No. PC 3

Site Photos

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Attachment No. PC 4

Owner's Letter

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Hello,

Thank you for the opportunity to move forward with rebuilding my porch.

As the city is aware, speeding is a significant concern in the Village of CDM, particularly on 4th Street. This new porch will provide a critical safety buffer by creating a 10-foot space between my front door and 4th Street. As a woman living alone, this addition greatly enhances my sense of security and peace of mind.

Thank you,

Elena Patton

700 ½ Jasmin Ave



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

August 6, 2026
Agenda Item No. 3

SUBJECT: Moriarty Residence Encroachments (PA2026-0134)
▪ Encroachment Permit No. N2026-0255

SITE LOCATION: 20462 Birch Street

APPLICANT/OWNER: Richard Moriarty

ENGINEER: Josh McDonald, Principal Civil Engineer
949-644-3326, jmcDonald@newportbeachca.gov

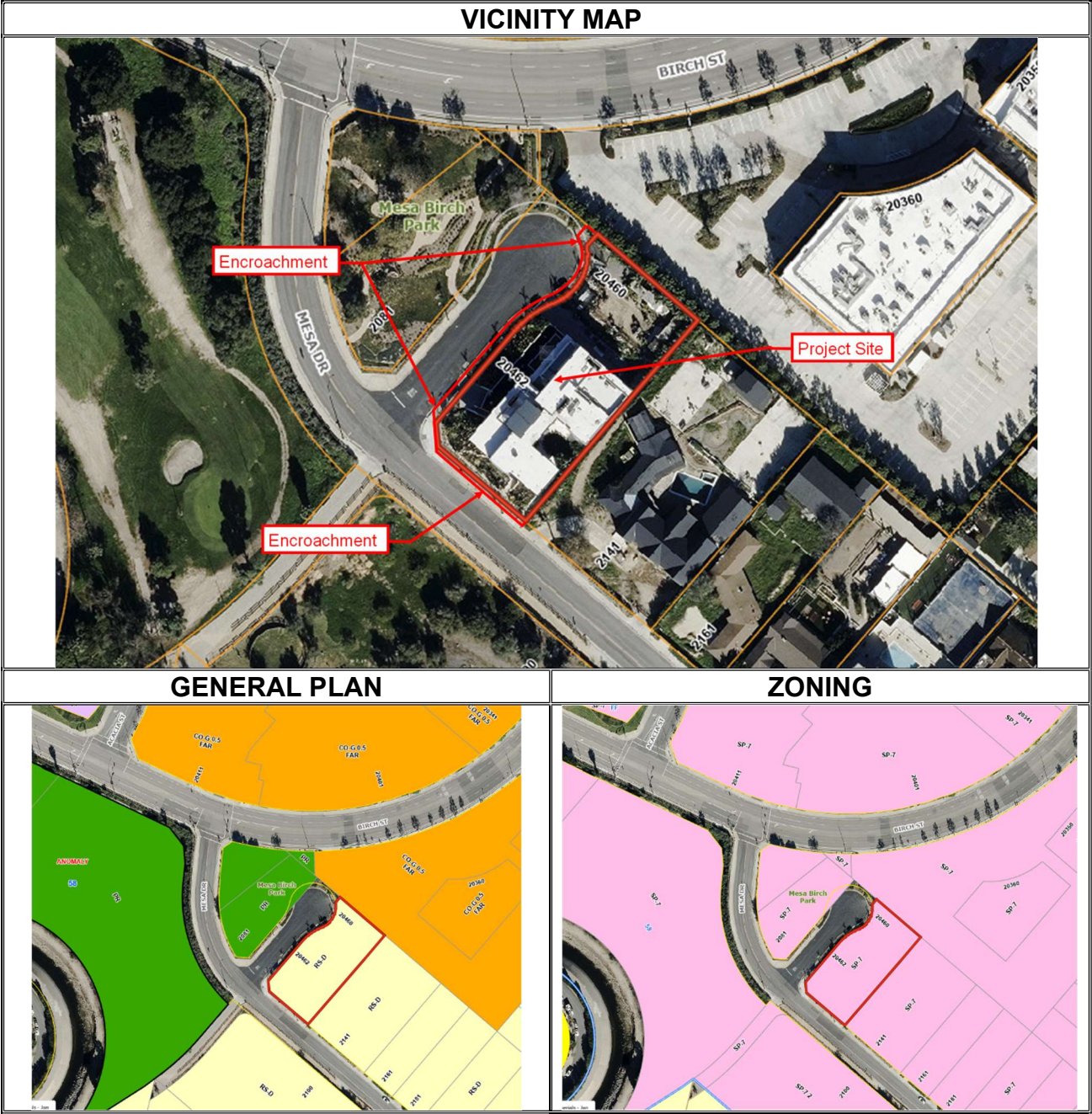
PROJECT SUMMARY

A request to waive City Council Policies L-6 (Encroachments in Public Rights-of-Way) and L-2 (Driveway Approaches) and to approve an Encroachment Permit to allow retention of certain existing, noncompliant private improvements encroaching into the 60-foot-wide Birch Street and 60-foot-wide Mesa Drive public rights-of-way, including retention of an existing third driveway approach along Birch Street. The encroachments include fencing, pedestrian and vehicular gates; electrical utility equipment and security camera posts; a concrete pad; landscaping, decorative boulders, landscape lighting, and bollards; and an existing third driveway approach along Birch Street intended to serve a future accessory dwelling unit.

RECOMMENDATION

- 1) Find the Project Encroachments exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1 - Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment; and
- 2) Adopt Resolution No. PC2026-023, waiving City Council Policies L-6 (Encroachments in Public Rights-of-Way) and L-2 (Driveway Approaches), and approving Encroachment Permit No. N2026-0255.

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LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single Unit Residential Detached (RS-D)	Santa Ana Heights Specific Plan (SP-7)	Residential
NORTHEAST	CO-G	SP-7	General Commercial Office
SOUTHEAST	RS-D	SP-7	Residential Equestrian
NORTHWEST	PR	SP-7	Parks and Recreation
SOUTHWEST	RS-D	SP-7	Residential Equestrian

INTRODUCTION

Relevant City Council Policies

City Council Policy L-2 (Driveway Approaches)

City Council Policy L-2 (Driveway Approaches) regulates driveway approaches and curb openings within the public right-of-way to protect public safety and circulation, preserve on-street parking, and minimize traffic conflict points (Attachment No. PC 2). Council Policy L-2 generally limits the number of driveway approaches serving a single residential parcel and requires appropriate permitting for work within the public right-of-way. It further prohibits retention or construction of more than two driveway approaches serving a single residential parcel. The L-2 waiver is being presented to the Planning Commission because the Commission has authority to grant encroachment waivers, and the waiver is being considered in conjunction with the related L-6 encroachment waiver.

City Council Policy L-6 (Encroachments in Public Rights-of-Way)

City Council Policy L-6 (Encroachments in Public Rights-of-Way) provides that public rights-of-way are to be reserved for public use or open space and that the rights of the public, in both the present and future, are not to be diminished by retaining private improvements within the public right-of-way (Attachment No. PC 3). Council Policy L-6 identifies both allowable and prohibited encroachments and the permits and/or agreements required. It prohibits private encroachments of fences, walls, patios, raised planters, etc. that encroach more than one foot into the public right-of-way and/or exceed 36 inches in height; however, the Planning Commission may grant a waiver of these standards.

Existing Conditions and Project Description

The subject property is located along the entire extent of a cul-de-sac on the northeastern corner of Mesa Drive and Birch Street and across the street from the City's Mesa Birch Park (Project Site). It is improved with a newly constructed single-unit residence and includes a variety of unauthorized private improvements that encroach onto both the Birch Street and Mesa Drive public rights-of-way.

The Owner requests a waiver of Council Policy L-6 to retain all the following existing improvements encroaching into the Birch Street and Mesa Drive public rights-of-way:

- A 39-inch-high electrical pedestal encroaching approximately 3 feet into the Birch Street public right-of-way;
- Three approximately 10-foot-high security camera posts encroaching between 5 feet, 9 inches and 5 feet, 1 inch into the Birch Street public right-of-way;

- A 6-foot-high fence, pedestrian gate, motorized vehicular access gates and electrical utility boxes, and utility risers encroaching at varying depths within the Mesa Drive and Birch Street public rights-of-way;
- A concrete pad serving the residence's private solid waste and recycling storage area encroaching 7 feet, 5 inches into the Birch Street public right-of-way;
- A 6-foot-high vehicular access gate, intended to serve a future accessory dwelling unit (ADU) encroaching 21 feet, 5 inches into the Birch Street public right-of-way;
- Landscaping and boulders of various heights (under 5 feet) encroaching 4 feet, 2 inches into the Birch Street public right-of-way;
- Landscape lighting encroaching approximately 2 feet into the Mesa Drive public right-of-way and 6 feet, 11 inches into the Birch Street public right-of-way;
- Three 42-inch-high bollards encroaching within the Birch Street public right-of-way; and
- Retention of an existing third driveway approach along Birch Street.

Additionally, the Owner requests a waiver of Council Policy L-2 for the retention of an existing third driveway approach on Birch Street. Site photographs (Attachment No. PC 4), the Owner's letter (Attachment No. PC 5), and Project plans (Attachment No. PC 6) are attached to this staff report.

Collectively, the waivers of Council Policies L-6 and L-2 are referred to as the "Project Encroachments."

DISCUSSION

Waiver of Council Policy L-6

Consistent with Council Policy L-6, the existing encroachments do not diminish the rights of the public, present and future, along the Birch Street and Mesa Drive public rights-of-way. There are no sidewalks on the project side of Birch Street, northeast of the property's southwesterly driveway, along the dead-end segment northeast of Mesa Drive, nor does the City currently have a plan to install sidewalks on this street. Based on the Public Works Department's review of the existing conditions, the existing encroachments do not interfere with traffic visibility for vehicles traveling along the dead-end segment of Birch Street, northeast of Mesa Drive, at the intersection of Mesa Drive. The Project Encroachments are complementary to the neighborhood. The improvements, which include fences, gates, landscaping, and utilities, are consistent with other properties along Mesa Drive, which are improved with taller fences, walls, and landscaping. The Project Site is the only residence on the southeastern side of Birch Street, as it is a deep lot that occupies the entirety of the short street. Therefore, it is visually consistent with Birch Street and Mesa Drive.

The Public Works Department is recommending approval of the L-6 Waiver for all existing improvements subject to the conditions of approval in Attachment No. PC 1.

Waiver of Council Policy L-2

As the Project Site includes an existing third driveway approach along Birch Street intended to serve a future ADU, the Owner is also requesting a waiver of Council Policy L-2.

The third driveway approach is located along the cul-de-sac frontage on Birch Street, which has a relatively low volume of traffic and lower vehicle speeds. The location of this driveway minimizes the potential for conflicts between vehicles and pedestrians, as there is no intersection of streets. Additionally, the Project Encroachments do not require relocation of public facilities or infrastructure and preserves the City's ability to maintain or improve the public right-of-way in the future.

The Public Works Department is recommending approval of the L-2 Waiver for the third driveway, subject to the conditions of approval.

The required findings are further supported by the fact that the existing encroachments do not impede public use of the Birch Street or Mesa Drive public rights-of-way, create a traffic safety hazard, or interfere with traffic visibility. There are no known existing City utilities within the encroachment areas, and approval would require the Owner to enter into an Encroachment Agreement, assume responsibility for the improvements, and remove them at no cost to the City if needed for future public improvements. These provisions preserve the City's ability to maintain or improve public rights-of-way and ensure that the encroachments are not detrimental to the health, safety, or welfare of the public. The improvements are also generally complementary to the surrounding neighborhood and consistent with the public interest.

The requested waiver of Council Policy L-2 is supported by the location of the third driveway approach along the Birch Street cul-de-sac, where traffic volumes and vehicle speeds are relatively low. The driveway does not require relocation of public facilities, is not located at a street intersection, and minimizes potential conflicts between vehicles and pedestrians. Accordingly, retention of the third driveway approach is not detrimental to public safety and is consistent with the public interest.

Environmental Review

The Project Encroachments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines), because the Project Encroachments include the retention of existing minor improvements (electrical pedestal, security cameras/posts, fencing, concrete trash bin pad, third driveway approach, motorized sliding and swinging metal gates and equipment,

swinging pedestrian gate, decorative boulders, bollards, low-voltage landscape lighting, and landscaping), that have no potential to result in a direct or reasonably foreseeable indirect physical change in the environment. The existing improvements are consistent with structures allowed under this exemption.

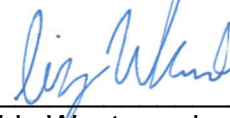
Public Notice

Notice of this hearing was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicants and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

Prepared by:


Josh McDonald, P.E.
Principal Civil Engineer

Submitted by:


Liz Westmoreland, AICP
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 City Council Policy L-2 (Driveway Approaches)
- PC 3 City Council Policy L-6 (Encroachments in Public Right-of-Way)
- PC 4 Site Photos
- PC 5 Owner Letter dated June 30, 2026
- PC 6 Project Site Plan

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Attachment No. PC 1

Draft Resolution

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RESOLUTION NO. PC2026-023

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, WAIVING CITY COUNCIL POLICIES L-6 (ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY) AND L-2 (DRIVEWAY APPROACHES), AND APPROVING ENCROACHMENT PERMIT NO. N2026-0255 TO ALLOW RETENTION OF SPECIFIC UNPERMITTED IMPROVEMENTS FOR THE PROPERTY LOCATED AT 20462 BIRCH STREET (PA2026-0134)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Richard Moriarty ("Owner"), with respect to the property located at 20462 Birch Street, Newport Beach, California and legally described as Parcel 1 of Lot Merger No. LM 2022-022, consisting of Lot 122 of Tract 706, Santa Ana Heights Harbor View Addition, in the City of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 21, Page 25 of Miscellaneous Maps, in the Office of the County Recorder of Orange County ("Property"), requesting approval of an encroachment permit.
2. The Owner requests approval of Encroachment Permit No. N2026-0255, and waivers of City Council Policies L-6 (Encroachments in Public Rights-of-Way) and L-2 (Driveway Approaches) to retain the following non-compliant improvements which are reflected in Exhibit "A," which is attached hereto and incorporated herein by reference that encroach into the Birch Street and Mesa Drive public rights-of-way ("Project Encroachments"):
 - a. A 39-inch-high electrical pedestal encroaching approximately 3 feet into the Birch Street public right-of-way;
 - b. Three approximately 10-foot-high security camera posts encroaching between 5 feet, 9 inches and 5 feet, 1 inch into the Birch Street public right-of-way;
 - c. A 6-foot-high fence, pedestrian gate, motorized vehicular access gates and electrical utility boxes, utility risers, encroaching at varying depths within the Mesa Drive and Birch Street public rights-of-way;
 - d. A concrete pad serving the residence's private solid waste and recycling storage area encroaching 7 feet, 5 inches into the Birch Street public right-of-way;
 - e. A 6-foot-high vehicular access gate, intended to serve a future accessory dwelling unit ("ADU") encroaching 21 feet, 5 inches into the Birch Street public right-of-way;
 - f. Landscaping and boulders of various heights (under 5 feet) encroaching 4 feet, 2 inches into the Birch Street public right-of-way;
 - g. Landscape lighting encroaching approximately 2 feet into the Mesa Drive public right-of-way and 6 feet, 11 inches into the Birch Street public right-of-way;
 - h. Three 42-inch-high bollards encroaching within the Birch Street public right-of-way; and
 - i. Retention of an existing third driveway approach along Birch Street.

City Council Policy L-6 limits private improvements within the public right-of-way (e.g., walls and fences) to a maximum 1-foot encroachment and a maximum height of 36 inches (3 feet) without a waiver. City Council Policy L-2 generally limits a single residential parcel to no more than two driveway approaches without a waiver.

3. The requested approvals are not specifically provided within City Council Policy L-6 (Encroachments in Public Rights-of-Way). Thus, the Project Encroachments are prohibited under Section A (Private Encroachments that are Prohibited Without a Waiver and Approval) of said Policy. Due to this prohibition, the requested encroachments may only be approved upon the waiver of City Council Policy L-6 (Encroachments in Public Rights-of-Way) with approval of the encroachments permitted by the Planning Commission. Additionally, retention of the existing third driveway approach serving a single residential parcel is not consistent with City Council Policy L-2 (Driveway Approaches) absent of a waiver. Accordingly, the third driveway approach may only be retained upon waiver of Policy L-2 as approved by the Planning Commission.
4. The Property is not located within the coastal zone; therefore, a coastal development permit is not required.
5. A public hearing was held on August 6, 2026, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and City Council Policy L-6 (Encroachments in Public Rights-of-Way). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The Project Encroachments are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, and California Code of Regulations, Title 14, Chapter 3 ("CEQA Guidelines") because the Project Encroachments consist of existing minor improvements (including electrical pedestal, security cameras/posts, fencing, concrete trash bin pad, third driveway approach, motorized sliding and swinging metal gates and equipment, swinging pedestrian gate, decorative boulders, bollards, low-voltage landscape lighting and landscaping), and has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment. The existing improvements are consistent with structures allowed under this exemption.
2. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The location of the Project Encroachments do not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage

scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with City Council Policies L-6 (Encroachments in Public Rights-of-Way) and L-2 (Driveway Approaches), the following findings and facts in support of such findings are set forth:

Finding:

- A. *The proposed private improvements are not a detriment to the health, safety, and welfare of the public.*

Facts in Support of Finding:

1. The Birch Street and Mesa Drive public rights-of-way are approximately 10 feet from the face of curb to the property line. This width provides room for public use and maintenance within the public right-of-way and reduces the likelihood that the retained improvements would adversely affect public health, safety, or welfare.
2. The Project Encroachments do not diminish the rights of the public, present and future, along the Birch Street and Mesa Drive public rights-of-way. There are no sidewalks on Birch Street adjacent to the Project Site, nor does the City currently have a plan to install sidewalks on this street. Based on the Public Works Department's review of the existing conditions, the existing encroachments do not interfere with traffic visibility for vehicles traveling along Birch Street and Mesa Drive.
3. Approval would require the Owner to enter into an Encroachment Agreement to allow the improvements. Any liability associated with the private improvements would be transferred to the Owner. Additionally, if the need for public improvements arises in the future, the Owner shall remove all encroachments at no cost to the City.

Finding:

- B. *The individual circumstances applicable to this application and the proposed encroachment are consistent with the public interest.*

Facts in Support of Finding:

1. The Project Encroachments are complementary to the neighborhood and does not interfere with traffic visibility on either Birch Street or Mesa Drive. The improvements, which include fences, gates, landscaping, and utilities, are consistent with other properties along Mesa Drive which are improved with taller fences, walls, and landscaping. The Property is the only residence on the southeastern side of Birch Street, as it is a deep lot that occupies the entirety of the short street. Therefore, it is visually consistent with Birch Street and Mesa Drive.

2. Retention of the existing improvements is consistent with the public interest because the improvements do not impede public use of the public right-of-way and do not create a traffic safety hazard.
3. There are no known existing City utilities within the encroachment area within the Birch Street and Mesa Drive public rights-of-way.

In accordance with City Council Policy L-2 (Driveway Approaches), the following findings and facts in support of such findings are set forth:

Finding:

- C. *Waiver of City Council Policy L-2 to retain the third driveway approach is not detrimental to public safety and is consistent with the public interest.*

Facts in Support of Finding:

1. The third driveway approach is located along the cul-de-sac frontage on Birch Street, which has relatively low volume of traffic and lower vehicle speeds. The location of this driveway minimizes the potential for conflicts between vehicles and pedestrians, as there are no crosswalks nor intersection of streets that interfere with the driveways.
2. The Project Encroachments do not require relocation of public facilities or infrastructure and preserves the City's ability to maintain or improve the public right-of-way in the future.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach finds the Project Encroachments categorically exempt from CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines because the existing improvements have no potential to result in direct or indirect physical change to the environment.
2. The Planning Commission of the City of Newport Beach hereby waives City Council Policies L-6 (Encroachments in Public Rights-of-Way) and L-2 (Driveway Approaches) and approves Encroachment Permit No. N2026-0255 to allow the Project Encroachments set forth in Exhibit "A", subject to the conditions set forth in Exhibit "B," both of which are attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution is adopted unless within such time an appeal or call for review is filed with the City Clerk in accordance with the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 6th DAY OF AUGUST 2026

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
David Salene, Chair

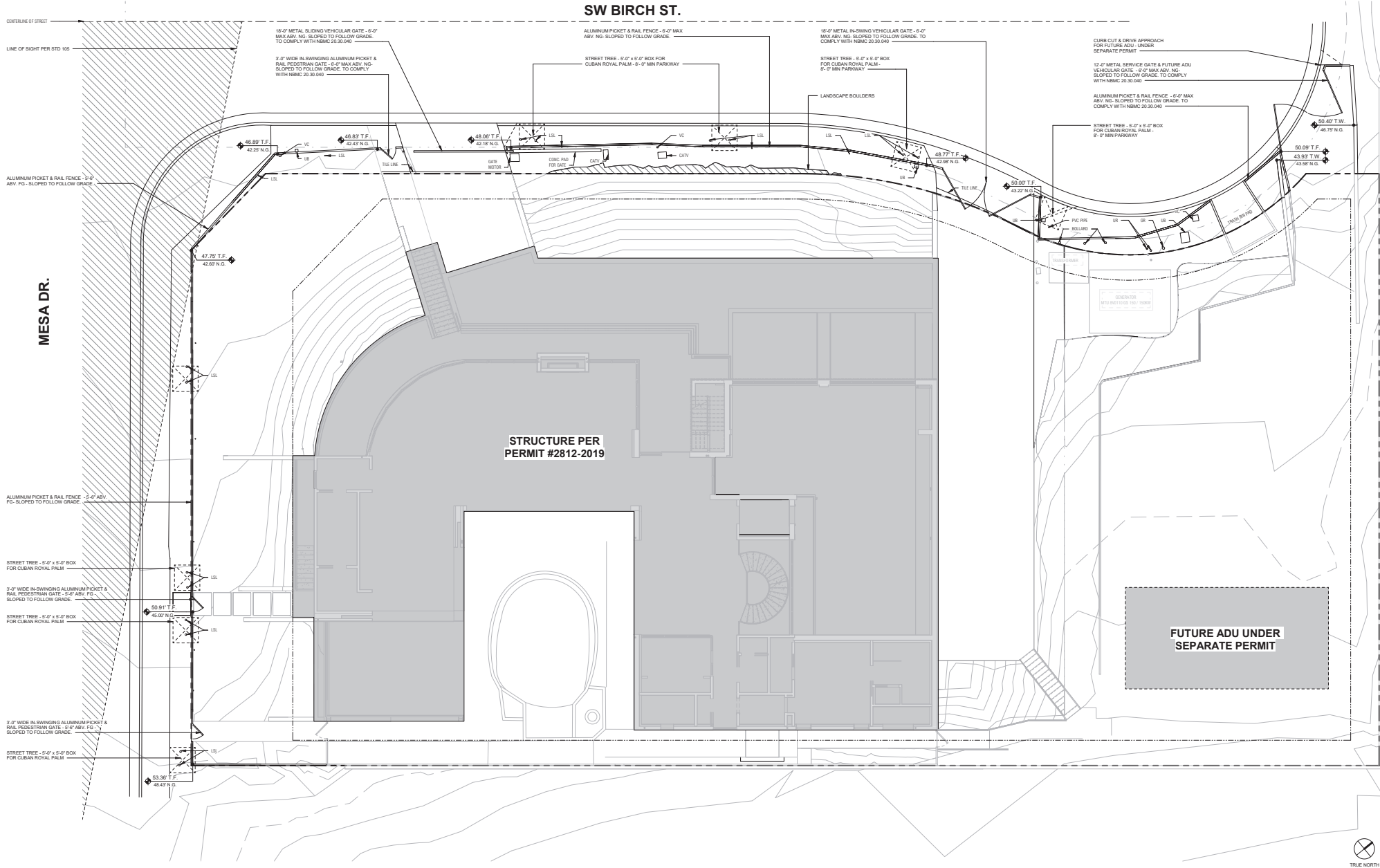
BY: _____
Greg Reed, Secretary

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EXHIBIT A

SITE PLAN AND TOPOGRAPHY PLAN

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- ABBREVIATIONS LEGEND:**
- BFP BACK FLOW PREVENTER
 - CATV CABLE TV BOX
 - EVT ELECTRICAL VAULT
 - FS FINISHED SURFACE
 - GR GAS RISER
 - GV GAS VALVE
 - IRV IRRIGATION CONTROL VALVE
 - LNL LANDSCAPING LIGHT
 - NG NATURAL GROUND GRADE
 - SDMH STORM DRAIN MAN HOLE
 - SL STREET LIGHT
 - SLPB STREET LIGHT PULL BOX
 - TDK TELEPHONE BOX
 - TR TOP OF RAIL
 - TW TOP OF WALL
 - UB UTILITY BOX
 - UR UTILITY RISER
 - VC VIDEO CAMERA
 - WM WATER METER

C.N.B. NOTES:

1. ISSUANCE OF A BUILDING PERMIT BY THE CITY OF NEWPORT BEACH DOES NOT RELIEVE APPLICANTS OF THE LEGAL REQUIREMENTS TO OBSERVE COVENANTS, CONDITIONS AND RESTRICTIONS WHICH MAY BE RECORDED AGAINST THE PROPERTY OR TO OBTAIN PLANS YOU SHOULD CONTACT YOUR COMMUNITY ASSOCIATIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION AUTHORIZED BY THIS PERMIT.
2. PRIOR TO PERFORMING ANY WORK IN THE CITY RIGHT-OF-WAY AN ENCROACHMENT PERMIT MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT.
3. A CAL-OSHA PERMIT IS REQUIRED FOR EXCAVATIONS DEEPER THAN 5' AND FOR SHORING AND UNDERPINNING.

LANDSCAPE NOTES:

1. ENCROACHMENT PERMIT REQD. FOR ANY WORK PROPOSED IN THE PUBLIC R.O.W.
2. IF APPLICABLE, REF. PRELIMINARY LANDSCAPE PLAN FOR ALL HARDSCAPE & PLANTING AREAS WITH RESPECTIVE HEIGHTS AND MATERIALS.

ENCROACHMENT PERMIT NOTE:

1. A PUBLIC WORKS DEPARTMENT ENCROACHMENT PERMIT INSPECTION IS REQUIRED BEFORE THE BUILDING DEPARTMENT PERMIT FINAL CAN BE ISSUED. AT THE TIME OF PUBLIC WORKS DEPARTMENT INSPECTION, IF ANY OF THE EXISTING PUBLIC IMPROVEMENTS SURROUNDING THE SITE IS DAMAGED, NEW CONCRETE SIDEWALK, CURB AND GUTTER, AND ALLEY STREET PAVEMENT WILL BE REQUIRED. ADDITIONALLY, IF EXISTING UTILITIES INFRASTRUCTURE ARE DEEMED SUBSTANDARD, A NEW 1-INCH WATER SERVICE, WATER METER BOX, SEWER LATERAL AND/OR CLEANOUT WITH BOX AND LID WILL BE REQUIRED. 100% OF THE COST SHALL BE BORNE BY THE PROPERTY OWNER (MUNICIPAL CODES 14.24.020 AND 14.08.020). SAID DETERMINATION AND THE EXTENT OF THE REPAIR WORK SHALL BE MADE AT THE DISCRETION OF THE PUBLIC WORKS INSPECTOR. CONTRACTOR IS RESPONSIBLE TO MAINTAIN THE PUBLIC RIGHT OF WAY AT ALL TIMES DURING THE CONSTRUCTION PROJECT. A STOP WORK NOTICE MAY BE ISSUED FOR ANY DAMAGE OR UNMAINTAINED PORTION OF THE PUBLIC RIGHT OF WAY.

PROJECT NAME
MORIARTY RESIDENCE

STATUS
PERMIT

BRANDON ARCHITECTS
151 Kaimosi Drive, Suite E-1 | Costa Mesa, CA 92626
714.734.4363 | www.brandonarchitects.com

OWNER INFORMATION:
RICHARD MORIARTY
2128 MESA DRIVE,
NEWPORT BEACH, CA
92660

PROJECT ARCHITECT:
TYLER WILSON

DOCUMENT VALID UPON

ORIGINAL SIGNATURE

PLANNING COMMISSION SITE
PLAN EXHIBIT

REVISIONS
NO. REVISION DATE

JOB NO.
201825

DATE
06/23/26

SHEET NO.
PC-0.0

20462 BIRCH STREET, NEWPORT BEACH,
CA 92660

19

67

- LEGEND
- BFP — BACK FLOW PREVENTER
 - CATV — CABLE TV BOX
 - FS — FINISHED SURFACE
 - GR — GAS RISER
 - ICV — IRRIGATION CONTROL VALVE
 - LSL — LANDSCAPING LIGHT
 - NG — NATURAL GROUND
 - TBX — TELEPHONE BOX
 - TF — TOP OF FENCE
 - TP — TOP OF CAMERA POLE
 - TR — TOP OF ROCK
 - TW — TOP OF WALL
 - UB — UTILITY BOX
 - UR — UTILITY RISER
 - TRNF. — TRANSFORMER PAD
 - GEN. — GENERATOR PAD
 - WROUGHT IRON FENCE (WIF)
 - ROCKS

LEGAL DESCRIPTION

REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:
LOT 122 OF TRACT NO. 706, SANTA ANA HEIGHTS HARBOR VIEW ADDITION, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 21, PAGE 25 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPT THAT PORTION OF SAID LOT 122 DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MESA DRIVE WITH THE CENTERLINE OF BIRCH STREET, AS SAID CENTERLINES ARE SHOWN ON RECORD OF SURVEY 92-1098 FILED IN BOOK 138 PAGES 28 THROUGH 32 OF RECORDS OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE N40°37'46"E, 150.31 FEET ALONG LAST SAID CENTERLINE; THENCE S49°22'14"E, 30.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT; SAID POINT BEING THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 92.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID POINT BEARS N49°22'14"W, THENCE LEAVING SAID NORTHWESTERLY LINE, NORTHWESTERLY 44.74 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°51'51" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 46.00 FEET; THENCE NORTHEASTERLY, NORTHERLY, AND NORTHWESTERLY 61.95 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 77°09'31" TO SAID NORTHWESTERLY LINE THENCE; S40°37'46"W, 99.37 FEET ALONG SAID NORTHWESTERLY LINE TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION OF SAID LOT 122, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 122; THENCE N40°37'46"E, 14.62 FEET ALONG THE NORTHWESTERLY LINE OF SAID LOT; THENCE S5°13'14"E, 20.99 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT; THENCE N49°22'19"W, 15.06 FEET ALONG SAID SOUTHWESTERLY LINE TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

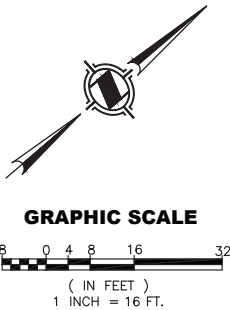
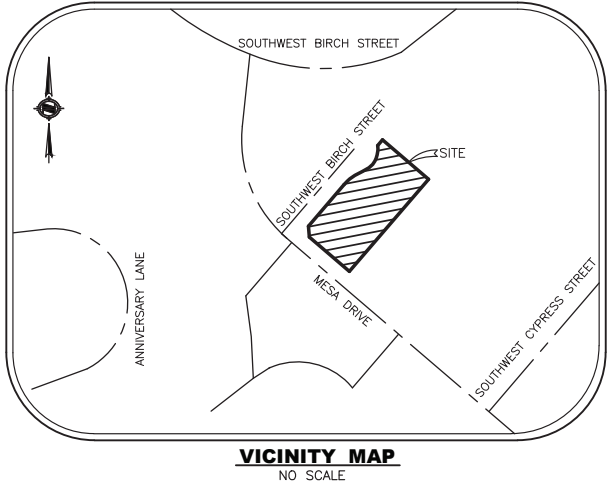
THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF MESA DRIVE, BEING N49°22'19"W PER P.M.B. 393/44-47, RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

BENCHMARK INFORMATION

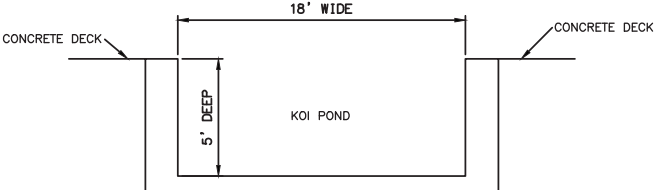
BENCHMARK NO: CM-21-71

DESCRIBED BY OCS 2001 - FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "CM-21-71", SET IN THE TOP OF A 4 IN. BY 4 IN. CONCRETE POST. MONUMENT IS LOCATED IN THE SOUTHERLY CORNER OF THE INTERSECTION OF MESA DRIVE AND CYPRESS, 21 FT. WESTERLY OF THE CENTERLINE OF MESA DRIVE AND 27 FT. SOUTHERLY OF THE CENTERLINE OF CYPRESS, 3 FT. SOUTHERLY OF POWER POLE #1788402E AND IN LINE WITH GUY WIRES. MONUMENT IS SET 0.2 FT. BELOW TOP OF CURB.

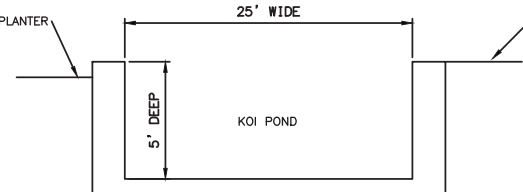
ELEVATION: 66.007 FEET (NAVD88), YEAR LEVELED 1989



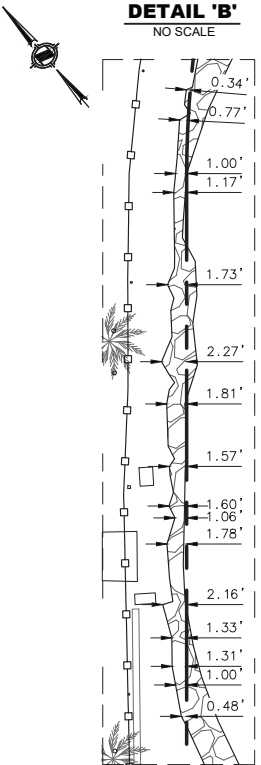
DETAIL 'A'
NO SCALE



CROSS SECTION "A"
NOT TO SCALE



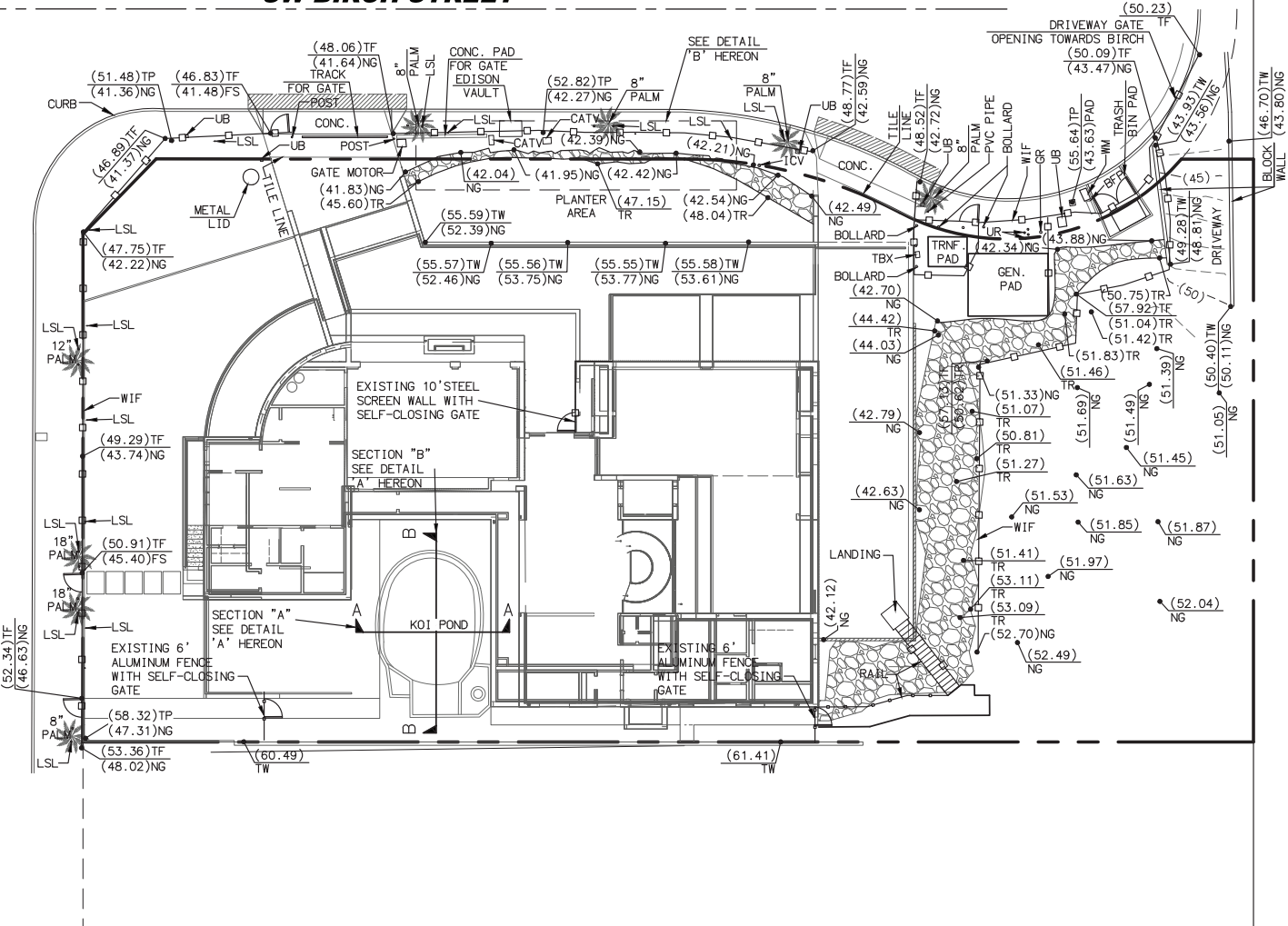
CROSS SECTION "B"
NOT TO SCALE



DETAIL 'B'
NO SCALE

MESA DRIVE

SW BIRCH STREET



PAUL D. CRAFT, P.L.S. 8516
LICENSE RENEWAL DATE 12/31/26

DATE

NOTE: SECTION 8770.6 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE STATES THAT THE USE OF THE WORD CERTIFY OR CERTIFICATION BY A LICENSED LAND SURVEYOR IN THE PRACTICE OF LAND SURVEYING OR THE PREPARATION OF MAPS, PLATS, REPORTS, DESCRIPTIONS OR OTHER SURVEYING DOCUMENTS ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

REVISIONS		NO.	DESCRIPTION	DATE	APP'D
		1	---	---	P. D. C.

APEX LAND SURVEYING INC.
NEWPORT BEACH, CALIFORNIA
PHONE (714) 489-5000
APEXLSINC@GMAIL.COM

TOPOGRAPHIC MAP		DATE	SCALE	DRAWN	CHECKED
20462 SW BIRCH STREET		7/27/2026	1" = 16'	A. R. H.	P. D. C.
NEWPORT BEACH, CA 92660					
(APN: 439-382-42)					
PROJECT					
SHEET NO.					
1 OF 1					

EXHIBIT B
CONDITIONS OF APPROVAL

PUBLIC WORKS

1. The Project Encroachments shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval.
2. The Project Encroachments shall be subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Owner shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Encroachment Permit and any associated Encroachment Agreements.
4. The Owner shall enter into an Encroachment Agreement addressing all encroachments within the public right-of-way within one calendar year upon receipt of approval, otherwise this approval shall automatically expire.
5. This Encroachment Permit shall authorize the retention of the existing electrical pedestal, utility risers, security camera posts, fencing, concrete trash bin pad, third driveway approach, motorized metal gates and equipment, pedestrian gate, decorative boulders, landscaping, bollards, and landscape lighting within the Birch Street and Mesa Drive public rights-of-way, with waivers of City Council Policy L-6, Section A (Private Encroachments that are Prohibited Without a Waiver and Approval), and City Council Policy L-2 (Driveway Approaches) to allow retention of more than two driveway approaches serving a single residential parcel.
6. If the need for public improvements arises in the future, Owner shall remove all encroachments at no cost to the City.
7. To the fullest extent permitted by law, Owner shall indemnify, defend and hold harmless the 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 **Moriarty Residence Encroachments (PA2026-0134) including, but not limited to, Encroachment Permit No. N2026-0255**. 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 Owner, City, and/or the parties initiating or bringing such proceeding. The Owner 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 Owner shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

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Attachment No. PC 2

City Council Policy L-2

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DRIVEWAY APPROACHES

General

- A. An encroachment permit shall be required prior to any driveway construction within the street right-of-way. All construction shall conform with the Standard Plans and Specifications of the City of Newport Beach, which may be amended from time-to-time. Brick, textured concrete or flat stone surfacing may be used subject to Public Works Department approval. Such brick, textured concrete or flat stone surfacing may not be used on Bayside Drive.
- B. The number and width of driveway openings shall be kept to a minimum allowed by City standards so as to preserve on-street parking and to reduce the points of traffic conflict.
- C. The term "Curb Opening" shall mean the total width of the approach including the slope distances on the curb. The term "Approach Bottom" shall mean the total width of the approach less the slope distances on the curbs.
- D. Curb openings shall not be constructed closer than five (5) feet to the beginning of the curvature of a curb return, crosswalk, fire hydrant, traffic signal/street light, utility pole/ anchor/ pedestal or trees, unless approved by the Public Works Department.
- E. The entire curb opening shall be within the prolongation of the property lines except when cross easements provide for a common driveway along the mutual property line.
- F. No permit shall be issued for driveways on Clubhouse Drive, Glen Drive, Balboa Island or on the ocean side of Ocean Boulevard without City Council approval. No curb openings shall be permitted on Ocean Boulevard when access is available from an existing alley, street or improved private roadway.
- G. No permit shall be issued if the driveway encroaches on a crosswalk area.
- H. No permit shall be issued if the driveway construction requires the relocation of any public facility such as fire hydrants utility pole/ anchor/ pedestal, street tree, vault, vent pipes, or street lights without prior written approved of the Public Works Department and a deposit has been made to cover the cost of relocation. The property owner shall pay all costs for the relocation of any public facilities.
- J. No permit shall be issued unless the applicant agrees to remove any existing driveway opening that is or will be abandoned, and reconstruct curb, gutter and sidewalk (if applicable) to City Standards at no cost to the City.

- K. Where practical, difficulties or hardships may result from the strict application of this policy, minor dimensional variances may be granted with prior written approval of the Public Works Director.
- L. Nothing herein shall be construed as preventing any person from appealing to the City Council for relief from the applications of this policy.
- M. No building permit shall be issued on a parcel whose access requires City Council review for an encroachment permit on public property, until said encroachment permit has been issued.

Residential Zones and Residential Uses - Special Requirements

- A. The width of the driveway approach bottom shall not exceed twenty (20) feet except when the driveway is to serve an enclosed three (3) or four (4) car garage, in which case the driveway approach bottom may be increased to twenty-five (25) feet or thirty-two (32) feet, respectively.
- B. One (1) additional curb opening may be permitted to a single parcel subject to the following conditions:
 - 1. The total width for all openings shall not exceed fifty percent (50%) of the total frontage of the parcel; and
 - 2. The curb openings shall be separated by at least twenty (20) feet to retain maximum street parking.
- C. For new developments, proposed new street curb openings or retention of existing street curb openings shall not be permitted for residential property which abuts an alley. All vehicle access shall be from the alley.

An exception may be made in the case of corner lots where the street on which the proposed new or existing curb opening is not located on an arterial street and the street frontage is available for the full depth of the lot, subject to the one of the following conditions:

- 1. A new curb opening from the street shall be permitted where existing utility conditions, that cannot be removed/relocated, prevent alley access and one (1) additional covered non-tandem off-street parking space beyond code required amount is being provided. The proposed new curb opening shall be located to maximize the remaining on-street parking; or

2. An existing curb opening can be maintained or relocated when one (1) additional covered non-tandem off-street parking spaces beyond code required amount is being provided and no loss of on-street parking is proposed.

In no case shall there be more than one (1) street curb opening on a residential property that abuts an alley.

- D. Driveway grades must not exceed the listed applicable maximum slope depending on application. Driveways to lowered or entrances to subterranean parking must rise above the flood level or a minimum of six (6) inches above the flow line of the street or alley, whichever is greater, before transitioning to a downward slope. Slope transitions shall be a minimum of five (5) feet in length and the change of slope cannot exceed eleven percent (11%).

Driveways providing only parking access – Fifteen percent (15%) maximum slope. Must have access directly from garage into residence.

Driveways providing vehicle and pedestrian access – Eight percent (8%) maximum slope.

Driveways providing required parking spaces on the driveway itself – Five percent (5%) maximum slope.

Minor variations from the listed maximum slopes and slope changes may be granted by the Public Works Director when unusual site conditions are encountered.

Commercial Uses

- A. The width of the driveway approach bottom shall not exceed thirty-five (35) feet.
- B. The total width of all driveways shall not exceed fifty (50%) of the frontage of the parcel.
- C. Commercial driveway approaches may use a curb return design with a maximum curb radius of twenty-five (25) feet and a driveway approach bottom of greater than thirty-five (35) feet if the following conditions are satisfied:
 1. The driveway serves as an entrance to a parking area or structure for 200 or more vehicles.

2. The number of driveways serving the parcel are at a minimum.
- D. The curb return commercial driveway approach may incorporate a divided exit and entrance if the separation structure (median island) is continued on-site in such a manner as to provide proper traffic design.

Closure of Abandoned Driveway Approaches By City

The City may close any abandoned driveway approaches at locations where two (2) or more of the following criteria exist:

- A. The abandoned driveway approach is adjacent to a parcel of property where redevelopment and possible subsequent closure of the approach is not believed imminent;
- B. The driveway approach is at a location where there is a shortage of available on-street parking;
- C. The removal of the driveway approach is needed for safe pedestrian and/or bicycle passage;
- D. The closure of the abandoned driveway approach benefits not so much to the property owner as the pedestrian and vehicular traffic in the area;
- E. The parcel is adjacent to and can take access from a public alley.

When in the opinion of the Public Works Department, a curb cut or abandoned driveway approach should be closed, and the adjoining property owner protests the closing, the protester shall be notified that he shall have two (2) weeks to appeal the staff decision to the City Council. That appeal must be in writing and may be filed through the mail. If an appeal is not made, the City shall proceed with the closure. If an appeal is made, a hearing shall be held by the City Council, and the decision of the Council shall be final.

History

(1966, 01/24) - L-2 - Adopted
 (1968, 02/26) - L-2 - Amended
 (1970, 03/09) - L-2 - Amended
 (1972, 02/14) - L-2 - Reaffirmed
 (1972, 07/24) - L-2 - Amended
 (1977, 11/14) - L-2 - Amended
 (1982, 10/12) - L-2 - Amended

(1982, 10/25) - L-2 - Amended
(1987, 07/13) - L-2 - Amended
(1989, 11/27) - L-2 - Amended
(1992, 12/14) - L-2 - Amended
(1994, 01/24) - L-2 - Amended
(1996, 02/26) - L-2 - Amended
(2001, 05/08) - L-2 - Amended
(2006, 10/10) - L-2 - Amended
(2018, 08/14) - L-2 - Amended

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Attachment No. PC 3

City Council Policy L-6

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ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY

It is the general policy of the City that the public rights-of-way shall be reserved for public use or open space; and that the rights of the public, present and future, shall not be diminished by the installation of private improvements within the public rights-of-way.

For any project located within the Coastal Zone also look to Newport Beach Municipal Code Title 21, or any successor title.

Categories of encroachments and improvements are listed below, together with the permit requirement for each category.

Permit and/or encroachment agreement required.

- A. Except as expressly set forth herein, permits and/or encroachment agreements are required for encroachments into the public rights-of-way.
- B. Application for any permit, as required by this policy, shall be filed with the Public Works Department on a form to be provided by the City and shall show the proposed planting or work and the nature thereof. Drawings for encroachment permits requiring Planning Commission review shall be prepared to scale. Plan and elevation drawings shall accurately depict location, height, and extent of the proposed encroachments.
- C. If the application is for a permit required under private encroachments that are prohibited without a waiver, it shall be submitted to the Planning Commission for consideration.
 - 1. The Planning Commission is designated to grant or deny a waiver and approve, conditionally approve, or deny applications for encroachment permits, subject to the findings in subsection (a), of this Section.
 - a. The Planning Commission may grant a waiver and may approve or conditionally approve an application for an encroachment permit if the Planning Commission finds the encroachment will not be a detriment to the health, safety, and welfare of the public.
 - b. If an application for a private encroachment that is prohibited without a waiver is part of a larger approval requiring City Council approval, then the Planning Commission shall make a recommendation to the City Council regarding whether this policy should be waived and the permit granted.
 - c. The Planning Commission shall have discretion to refer any request for a waiver or encroachment permit before the Planning Commission to the City Council for consideration.

- d. Any decision made by the Planning Commission may be appealed or called for review in accordance with Chapter 20.64.
- 2. Notice of the Planning Commission's review of a request to waive a provision of this policy shall be:
 - a. Mailed to property owners within 300 feet of the project site at least ten (10) calendar days in advance of a meeting. The notice shall contain the address of the project site, the applicant's name, a brief description of the improvements, date, time, and place of the meeting, and a statement informing the public that they have the ability to provide comments to the Planning Commission; and
 - b. Posted on or close to the subject property in a prominent location at least ten (10) calendar days before the scheduled hearing by the Planning Commission in the following manner:
 - i. One or more sign(s) shall be posted as determined by the Public Works Director.
 - ii. The size and location of the sign(s) shall be as determined by the Public Works Director.
 - iii. The applicant for the encroachment permit/waiver shall be responsible for maintaining the sign(s) in a satisfactory condition.
 - iv. The applicant for the encroachment permit/waiver shall remove all sign(s) at the end of the appeal period.

Private encroachments that are prohibited without a waiver and approval.

- A. All structural encroachments including, but not limited to, fences, walls, patios, raised planters, landscaping, etc., which encroach in excess of one (1)-foot into the public right-of-way, or exceed three (3)-feet in height, measured from the top of curb elevation/ or from sidewalk elevation where sidewalk exists.
- B. Driveway approaches not conforming to Council Policy L-2.
- C. Modifications to original design concepts approved by the City.
- D. Private signs except as provided for in the Building Code.
- E. Lighting.

- F. Parkway walkway surfacing of loose rock, gravel, or any surfacing other than standard or colored/textured concrete or flat stone/brick/ pavers installed at grade.
- G. Private dwellings and appendages including raised patios decks and bay windows, except as provided for in this section and the Building Code.
- H. Pay telephones and private mail carriers drop boxes.

General private encroachments that require an encroachment permit and if applicable, an encroachment agreement from the Public Works Department.

- A. Drive approaches conforming to Council Policy L-2.
- B. Standard sidewalks.
- C. Carriage walks (not to exceed twenty-five percent (25%) of the parkway area).
- D. Parkway surfacing (standard or colored/textured concrete or flat stone/brick) installed at grade (not to exceed twenty-five percent (25%) of the parkway area).
- E. CATV and public utility facilities.
- F. Structural encroachments including, but not limited to, fences, walls, patios, raised planters, etc., which encroach one (1) foot or less and do not exceed three (3) feet in height within the public right-of-way. If, however, in the opinion of the Public Works Department, the nature or location of this type of encroachment is such that Planning Commission review is warranted, the Department may forward the item to the Planning Commission for action in accordance with the procedures set forth for granting waivers for private encroachments that would otherwise be prohibited.
- G. Mailboxes, when required by the U.S. Postal Service. Mailboxes shall be installed per U.S. Postal Service requirements. Mailbox base construction length and width shall not exceed the length of the mailbox, or twenty-four (24) inches, whichever is less.
- H. The placement of utility pedestals shall be at the back of sidewalks on arterials and major pedestrian thoroughfares without zero setbacks. There shall be at least four (4) feet of clear sidewalk width and/ or pedestals shall be placed in the parkway outside of walk area.
- I. When connecting to or relocating public utilities.

- J. Artificial Turf (permeable) up to 100% of the required parkway landscape area. Artificial turf grass shall be installed in accordance to manufacturers' recommendations. Material must be securely anchored and maintained so as to eliminate disrepair, fading, tearing, wrinkling and or edge curling or any other type of material performance. Material shall be replaced prior to the aforementioned conditions occur. Prohibited application: Indoor and outdoor carpet, green in color or otherwise. The Director of Public Works shall from time to time update the standards for this application. See Artificial Turf Material and Installation Standards.

For artificial turf grass conversions in parkways with existing City trees:

1. Pruning of City tree roots shall be prohibited unless approved and inspected by the City Arborist.
2. Irrigation must be established or retrofitted to continue to provide automated irrigation for the City tree.
3. Openings for existing or new trees will allow for a minimum of 24-inch radius around the tree's trunk. If on existing trees a 24-inch radius cannot be achieved, the artificial turf will be discontinuous, with the area around the tree squared off to allow a minimum of 24-inches on either side.

- K. Tree and shrub planting and removal.

- L. Median landscaping.

If, in the opinion of the Public Works Departments, the approved planting is not being maintained for view, safety clearance and sight distance, Newport Beach Municipal Code Chapter 10.50, "Public Nuisance Abatement," or any successor statute, shall be used to remove offending plant material.

The permit applicant shall reimburse the City of Newport Beach for the value of any City tree removed by this process. This value shall be determined by the City Arborist using the International Society of Arboriculture's "Guide for Plant Appraisal" or a minimum forty-eight (48) inch box tree replacement value.

Area specific private encroachments requiring an encroachment permit from the Public Works Department and subject to the execution of an encroachment agreement for non-standard improvements.

- A. Structural encroachments which do not exceed three (3) feet in height measured from the top of curb elevation/ or from sidewalk elevation where sidewalk exists, including, but not limited to fences, walls, and raised planters in public rights-of-way in areas that are more than eight (8) feet behind the face of curbs on the following streets:

1. Santa Ana Avenue from Cliff Drive to Fifteenth Street.

- B. Permitted Structural Encroachments on Balboa Island along South Bay Front, North Bay Front, Grand Canal, and East Bayfront are as follows:

1. Planters that do not exceed one (1) foot in height may be installed between the back of existing sidewalk and property line, planted with ground cover and shrubs not to exceed two (2) feet in height measured from sidewalk elevation;
 2. Fences and walls with a minimum setback of two (2) feet six (6) inches from back of sidewalk.
 - a. For patios constructed at grade elevation to one (1) foot above sidewalk grade elevation, fences and walls may be three (3) feet high above sidewalk grade.
 - b. For patios constructed greater than one (1) foot above sidewalk grade elevation, fences and walls must be set back a minimum of three (3) feet from back of sidewalk, not exceed two (2) feet six (6) inches in height above the patio, have at least forty percent (40%) visibility through them, and not to exceed four (4) feet in height above existing public sidewalk grade.
 3. Patios with a minimum setback of two (2) feet six (6) inches from the back of sidewalk.
 - a. Raised Patios are permitted provided they have a maximum height of two (2) feet six (6) inches above sidewalk grade, are set back a minimum of two (2) feet six (6) inches from back of sidewalk, and provided all bulkhead deadman and tiebacks supporting the Bay front bulkhead are replaced "If required by the Public Works Department" in conformance with the requirements of the Public Works Department; Stairs located a minimum of two (2) feet six (6) inches from back of sidewalk.
- C. Structural encroachments which do not exceed three (3) feet in height, including, but not limited to fences, walls, patios, and raised planters in public rights-of-ways in areas that are five (5) feet behind the face of curb on the following streets:
1. Southerly side of West Bay Avenue between 8th Street and 15th Street.
- D. Non-standard encroachments, including, but not limited to fences, walls, and raised planters within City easements as approved by the Public Works Director.
- E. Buena Vista Boulevard – Bay Avenue to Edgewater Avenue. The street right-of-way in this reach is ten (10) feet wide, with private property on both sides of the public way. Improvements allowed at this location shall consist of the following:
1. A minimum six (6) foot wide public sidewalk along the inland side of the right-of-way line maintained by the City.
 2. Landscaping under twenty-four (24) inches in height and park-like improvements in the remaining portion of the right-of-way shall be allowed if installed and maintained by the adjoining property owners. Private improvements such as walls, fences, gates, signs and living areas such as cabanas and other roofed structures shall not be allowed.

3. Access to existing private piers and floats shall be allowed where a harbor permit has been granted, but such access structures shall not be expanded beyond the original permit dimensions.

F. Edgewater Avenue – Buena Vista Boulevard to Island Avenue. The street right-of-way in this reach is forty (40) feet wide with private property on the inland side. bay side is improved with a privately constructed bulkhead on public property. Improvements allowed at this location shall consist of the following:

1. A minimum six (6) foot wide public sidewalk along the inland side of the right-of-way line maintained by the City.
2. Landscaping under twenty (24) inches in height and park-like improvements in the remaining portion of the right-of-way (between the sidewalk and the bulkhead) shall be allowed if installed and maintained by the adjoining property owner. Private improvements such as fences, gates, signs, and living areas shall not be allowed.
3. Access to private piers and floats shall be allowed where a harbor permit has been granted, but such access structures shall not be expanded beyond the permit dimensions.

G. Edgewater Avenue – Island Avenue to Alvarado Street. The street right-of-way in this reach is forty (40) feet wide with private property on the inland side. The bay side is improved with a sloping beach leading to the waters of the bay. Improvements allowed at this location shall consist of the following:

1. A minimum six (6) foot wide public sidewalk along the inland side of the right-of-way maintained by the City.
2. The remaining portion of the right-of-way shall be reserved as a public beach and no private improvements, impediments or boat storage shall be allowed except for access to existing piers and floats where a harbor or a mooring permit has been granted, but such access structures shall not be expanded beyond the original permit dimensions. Any existing permits to encroach on the right-of-way shall be rescinded

H. Edgewater Avenue – Alvarado Street to Fernando Street. The street right-of-way in this reach is fifty (50) feet wide. The bay side is improved with a sloping beach leading to the waters of the bay. The private lots bayward of the public right-of-way are under water and within State Tidelands. Improvements allowed at this location shall consist of the following:

1. A minimum six (6) foot wide public sidewalk along the inland side of the right-of-way maintained by the City.
2. The remaining portion of the right-of-way shall be reserved as a public beach and no private improvements, impediments or boat storage shall be allowed except for access to existing piers and floats where a harbor permit has been granted, but such access structures shall not be expanded beyond the original permit dimensions.

I. Bay Front Street Ends

1. Bay front street ends at beach level may contain two (2) foot wide planting areas bounded by redwood or concrete strips and containing hedges no more than two (2) feet in height above the adjacent surface. The planting areas may be installed:
 - a. At each side of the prolongation of the street and extending no more than fifteen (15) feet from the end of the paved street.
 - b. At the end of the paved street, except that a twelve (12) foot wide opening must be left for City emergency and maintenance equipment, and pedestrians to enter the beach area.
2. Bay front street ends where tidal flow prevents standard installation may be landscaped, subject to the prior approval by the City of specific plans prepared by the applicant. Access to beach areas shall be provided for in any such specific plans.
3. Improvements shall be installed at the expense of the adjacent property owners.
4. Landscape maintenance and watering shall be provided by the adjacent property owners to the satisfaction of the City. A sprinkler system connected to the adjacent property shall be installed in each planter.

J. Unimproved Ocean Front Street Ends

1. Improvements shall be installed at the expense of the adjacent property owners.
2. Landscape maintenance and watering shall be provided by the adjacent property owners to the satisfaction of the City. A sprinkler system connected to the adjacent property shall be installed in each planter.
3. All work shall be installed to grades established by the Public Works Department.
4. A four (4) foot wide sidewalk shall be provided on each side of the street right-of-way adjacent to the property line.
5. A minimum of twelve (12) feet of unobstructed access to the beach in the center of the right-of-way shall be surfaced with brick, asphalt, concrete or artificial turf, or an equivalent surfacing approved by the City.
 - a. Portland Cement Concrete. A minimum six (6) inches over native compacted material.
 - b. Asphalt Concrete. A minimum two (2) feet six (6) inches of asphalt concrete over a six (6) inch thick aggregate.

- c. Brick. Brick installed over four inches of imported aggregate base. A dry mix of one-to-one cement and clean plaster sand to be swept into the one-quarter (1/4) to one-half (1/2) inch space between bricks. The dry mix shall be moistened with a fine spray of water after it is in place.

- 6. Planters five (5) feet wide shall be provided between the side and the center access along a portion of each side of the street with a heavy emphasis on drought resistant plant materials. Plant materials shall be installed to City specifications. A six (6) inch to eighteen (18) inch high lip of concrete, brick or rock may be installed as part of the planter.
- 7. Special provisions shall be made in the design when garage access is required from street ends.
- 8. Where unusually large quantities of sand exist in a street end area, the City shall assist the adjacent owners by moving the sand to an area determined by the City.

K. Unimproved Alleys that End at the Ocean Front

- 1. Improvements shall be installed at the expense of the adjacent property owner.
- 2. All work shall be installed to grades established by the Public Works Department.
- 3. Landscaping of potted plants shall be permitted in the portion of the alley right-of-way that terminates at the ocean front sidewalk. A six (6) foot wide inviting passageway shall be maintained for pedestrian access.
- 4. Where vehicles or pedestrians will travel, alleys may be surfaced with brick, asphalt, concrete or equivalent surfacing.
- 5. Improvements shall extend from the nearest street of alley improvement to the northerly line of the ocean front.

If, in the opinion of the Public Works Department, the nature or location of this type of encroachment is such that Planning Commission review is warranted, the Department may forward the application to the Planning Commission for original action in accordance with the procedures set forth for granting waivers for private encroachments that would otherwise be prohibited.

The City Manager is authorized to execute, on behalf of the City, agreements for non-standard improvements, which are entered into pursuant to this section or other authorization.

Encroachments on public sidewalks

Newport Beach sidewalks are a desirable place to walk, stroll and jog and it is, therefore, the policy of the City that public sidewalks are to provide unobstructed passage whenever possible.

Sidewalks shall be reserved for public use and the rights of the public shall not be diminished by the installation of benches, planters, bicycle racks, etc., by private entities nor by the installation of facilities by public utilities or other public agencies. It is the policy of the City that encroachments on public sidewalks shall be subject to the following:

A. General

1. Permitted encroachments shall not reduce the sidewalk width available for normal pedestrian movement.
2. Permitted encroachments may be located in areas between tree wells or other existing improvements as long as they do not interfere with pedestrian travel.
3. Permitted encroachments shall be located at least eighteen (18) inches from the curb face. In areas where vehicles do not park or otherwise extend over the sidewalk, this setback may be reduced.
4. Permitted encroachments shall not be located within thirty-six (36) inches of a parking meter or street light, nor shall they be located where they will interfere with the normal use of other facilities.
5. Encroachments shall not block access from parked cars.
6. They shall not be located within ten (10) feet of a crosswalk, fire hydrant or driveway.
7. Encroachments may not be chained or otherwise anchored to any tree, streetlight, parking meter or other property.
8. Applicant shall pay all costs for City and/or the California Department of Transportation (“CalTrans”) permit processing where necessary.
9. Applicant shall pay all costs associated with the installation and maintenance of the encroachments by the City or private installer.

B. Public Benches

1. When applying the above requirements to benches, allowance shall be made for the space required for a person sitting on the bench.
2. Benches to be installed in an area where there is a theme or bench style shall conform to that theme or style.

C. Public Bicycle Racks

1. Bicycle racks shall be located to allow bicycles to extend five (5) feet from the center of the rack and comply with the above requirements.

History

Adopted I-12 – 8-25-1969 (“Ocean Front Street-End Improvement Policy”)
 Adopted L-6 – 8-25-1969 (“Private Encroachments in Public Rights-of-Way”)
 Amended I-12 – 3-9-1970
 Reaffirmed L-6 – 3-9-1970
 Reaffirmed L-6 – 2-8-1971
 Amended L-6 – 2-14-1972
 Reaffirmed I-12 – 2-14-1972
 Amended I-12 – 12-10-1973
 Reaffirmed L-6 – 12-10-1973
 Amended I-12 – 11-11-1974
 Reaffirmed L-6 – 11-11-1974
 Amended L-6 – 8-11-1975
 Adopted L-7 – 3-14-1977 (“Encroachments and Bay Access on Buena Vista Boulevard – Edgewater Avenue between Bay Avenue and Fernando Street”)
 Reaffirmed L-7 – 9-12-1977
 Amended I-12 – 2-9-1981
 Amended L-6 – 2-9-1981
 Adopted L-10 – 8-24-1981 (incorporating I-12)
 Amended L-6 – 11-23-1981
 Amended L-10 – 11-8-1982
 Amended L-6 – 10-27-1986
 Amended L-6 – 1-26-1987
 Amended L-6 – 7-13-1987
 Amended L-6 – 2-13-1989
 Amended L-6 – 8-14-1989
 Amended L-6 – 11-27-1989
 Amended L-10 – 11-27-1989
 Amended L-6 – 12-9-1991
 Amended L-6 – 12-14-1992
 Adopted L-18 – 1-11-1993 (“Encroachments on Public Sidewalks”)
 Amended L-6 – 7-12-1993
 Amended L-6 – 1-24-1994
 Reaffirmed L-7 – 1-24-1994
 Amended L-10 – 1-24-1994 (changed to L-8)
 Amended L-18 – 1-24-1994 (changed to L-15)
 Amended L-6 – 5-9-1994
 Amended L-6 – 2-27-1995
 Amended L-6 – 2-26-1996
 Amended L-15 – 2-26-1996
 Amended L-6 – 5-8-2001

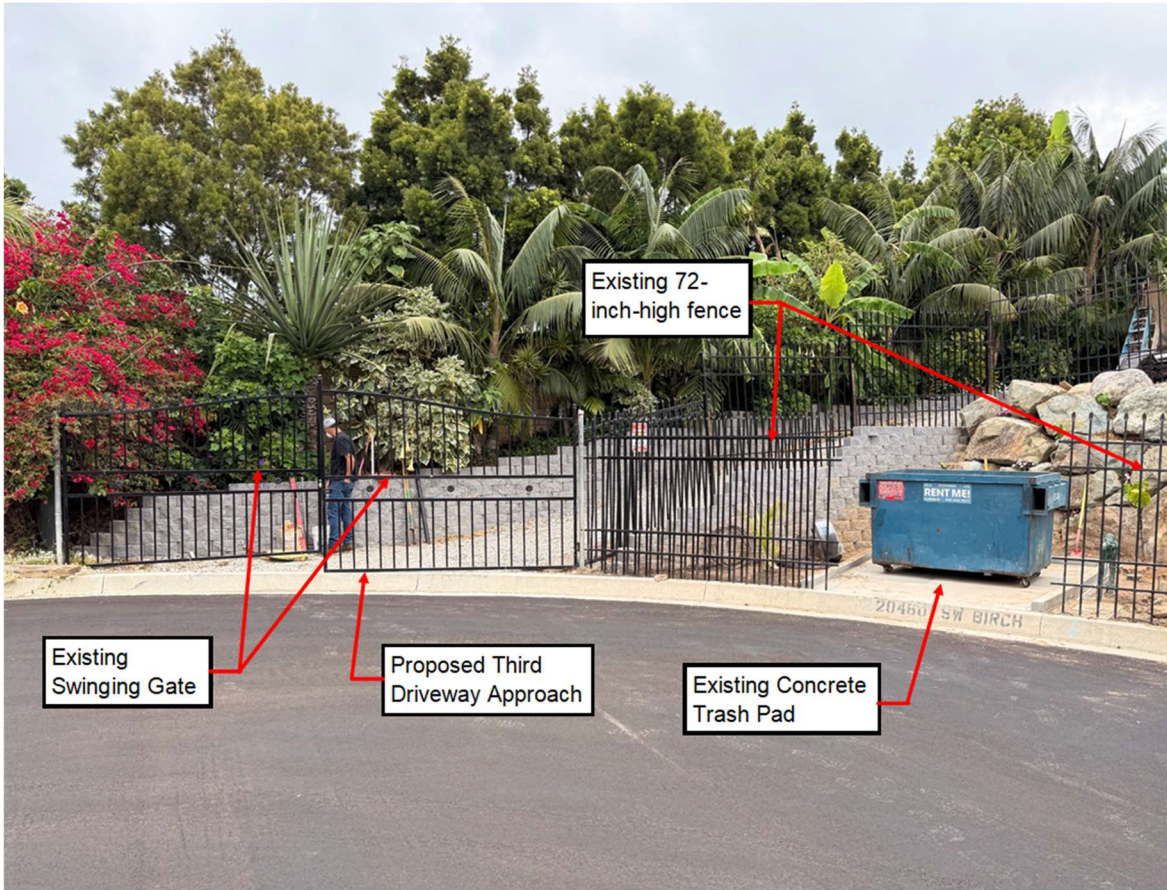
Amended L-7 – 5-8-2001
Amended L-8 – 5-8-2001
Amended L-6 – 1-27-2015
Amended L-6 – 8-14-2018 (incorporating L-7, L-8, and L-15)
Amended L-6 – 11-27-2018
Amended L-6 – 12-11-2018
Amended L-6 – 11-14-2023

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Attachment No. PC 4

Site Photos

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Attachment No. PC 5

Owner Letter

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July 24, 2026

Chair and Members of the Planning Commission
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Attention: Public Works Department — Encroachment Permit Application:

Re: Request for Waiver of City Council Policy L-6 — Encroachment Permit Application
Property Address: 20462 SW Birch Street, Newport Beach, CA 92660
Applicant / Owner: Richard Moriarty
General Contractor: Corbin Reeves Construction (Blair Liggatt)

Dear Chair and Members of the Planning Commission:

Nevertheless, in the spirit of good faith and cooperation, Applicant seeks to apply for six (6) residential encroachment items described in Part II below, remaining in the public right-of-way along the property's Birch Street frontage. The application is filed concurrent with the Worksheet for Encroachment Permit, fully dimensional Site Plan, current grant deed, application fee, and mailing label per the procedures outlined by Deputy City Attorney Yolanda Summerhill's 5/19/26 correspondence following the 5/18/26 site walk-through. Each item is supported by item-specific findings under Council Policy L-6, § C.1.a — the operative standard being that the encroachment "will not be a detriment to the health, safety, and welfare of the public." Part III below identifies additional general private encroachments included in this permit application that qualifies for administrative approval by the Public Works Department under L-6 without Planning Commission waiver review.

Part I — General Justification Framework

1. Crime Prevention & Neighborhood Safety-

The property sits at the corner of Mesa Drive and SW Birch Street — one of the main entrances into Santa Ana Heights. Anyone entering or exiting the neighborhood via Mesa or Birch passes directly past this corner. The security-related items in this application (Camera Posts, Birch Fencing, and ADU Gate) provide perimeter-grade detection, controlled access, and NBPD-integrated surveillance at the neighborhood's edge, benefiting the broader community as well as the property. Documented conditions on and around this street include:

Page 1 of 9L-6 WAIVER LETTER — 6 ITEMS + PART III — DRAFT FOR REVIEW

- COVID-era burglary pattern on Mesa Drive — every adjacent house on Mesa Drive was

burglarized during the pandemic period, several multiple times.

- Active casing within the last 30 days — organized crime tourism groups observed casing the neighborhood, consistent with regional patterns targeting Orange County coastal communities.
- Park-adjacent activity — the adjacent park was previously used for narcotics dealing; that activity decreased only after the property's security system was installed and police complaints filed.
- City's own subsequent response — a homeowner-initiated police complaint resulted in the City's first installation of a flock camera in the neighborhood, independently validating the documented public-safety threat.

2. Architectural and Site Constraints Not Created by the Applicant

The property is a corner lot with the Birch Street cul-de-sac terminating at the property line. The corner-lot geometry restricts viable surveillance vantage points and safe fence placement to Birch Street frontage. The original architectural plans did not provide compliant on-site locations for several items. The Power Pedestal location was approved by the City under E2020-0067 (subsequently deleted from CiViC — a City record-keeping event for which the applicant bears no responsibility). The encroachments are corrective safety measures necessitated by pre-existing design and site conditions, do not expand the home footprint or intensify land use, and represent the only feasible locations for the required security and utility infrastructure.

3. Neighborhood Precedent and Consistency

On June 27, 2023, the City Council unanimously approved a pilot program expressly authorizing private security cameras in the public right-of-way; Spyglass Hill (8 cameras), Shore Cliffs (4), and Eastbluff (8) currently operate private security cameras in the PROW coordinated with NBPD. The Council has therefore categorically determined that private security cameras in the PROW are not a detriment to public health, safety, and welfare when coordinated with NBPD. The Santa Ana Heights Specific Plan (SP-7, codified at NBMC Chapter 20.90) does not specify a maximum fence height for side or rear yards within the REQ District (SAHSP pp. IV-5 through IV-8). SAHSP § IV.D.8.f(11) (p. IV-24) MANDATES a 6-foot concrete block wall along Business Park property lines abutting the REQ District — establishing 6 feet as the City's own expected boundary-condition standard at the BP/REQ boundary where this property sits. The City cannot enforce a Specific Plan mandating a 6-foot wall at this boundary while denying a 6-foot fence at that same boundary.

4. Minimal Impact on the Public Right-of-Way

Each of the proposed encroachments is limited in width and height, does not obstruct or alter pedestrian pathways, does not compromise public access, utilities, or emergency routes, and preserves full use of the right-of-way for the City and the general public.

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Part II — Item-by-Item Findings The following six items each receive findings under L-6, § C.1.a. The Planning Commission is respectfully requested to make a finding as to each item that the encroachment will not be a detriment to the health, safety, and welfare of the public.

Item 1 — Power Pedestal (ADU)

Description: Power pedestal in PROW serving the originally approved ADU and supporting the property's electrical service infrastructure, including security lighting and the Connect Newport

Beach camera systems. L-6 Basis: Structural encroachment exceeding 1 ft into the PROW or 3 ft in height (L-6, § A); utility connection in the PROW. Permit History: Originally permitted under E2020-0067 (subsequently deleted from CiViC). Related permits E2019-0515 (withdrawn) and X2020-0942 (deleted) document the same infrastructure. Brandon Architects' 09/2019 site plan shows the originally approved location. The CiViC deletion is a City record-keeping event for which the applicant bears no responsibility. Public Safety, Operational, and Minimal-Impact Findings: The pedestal is the upstream power source for the operating security lighting, Connect Newport Beach camera infrastructure, and emergency systems. Relocation would require PROW trenching, degrading coordinated public-safety infrastructure and creating new public-safety exposures during reconstruction. Utility pedestals are expressly contemplated under L-6, and the footprint is minimal with no obstruction to pedestrian travel, sight distance, drainage, or ADA passage. Primary Request: Reinstatement of E2020-0067 as the cleanest administrative resolution. L-6 waiver requested in the alternative. L-6 Finding Requested: The Planning Commission finds that Item 1 (Power Pedestal) will not be a detriment to the health, safety, and welfare of the public, and the waiver of Council Policy L-6 is granted.

Item 2 — Security Camera Posts on Birch Street (PROW)

Description: Three security-camera posts total: two located in the PROW along the Birch Street frontage (one at the Mesa Drive/Birch Street corner, one at the Birch Street cul-de-sac end); the third post relocated by the owner to private property as a good-faith accommodation.

Operationally integrated with NBPD via the Connect Newport Beach (Axon Fusus) camera-sharing program. L-6 Basis: Lighting (L-6, § E); structural encroachment exceeding 1 ft into the PROW or 3 ft in height (L-6, § A). Public Safety and Strategic Location: The PROW camera posts provide the only feasible camera coverage of the actual gateway intersection where anyone entering or exiting Santa Ana Heights via Mesa

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or Birch must pass. Combined with the camera on the Mesa Drive frontage, the system covers all primary approach vectors at the neighborhood's edge, directly benefiting the broader community. NBPD opt-in access to relevant footage in active investigations formalizes the public-safety benefit. The City's subsequent installation of flock cameras in this neighborhood — following a homeowner-initiated police complaint — independently validates the underlying threat the owner's system addresses. Precedent, Constraints, and Minimal Impact: Corner-lot geometry places the only viable surveillance vantage points within the PROW; no on-private-property location provides equivalent coverage. Each post occupies less than 1 sq ft of footprint; placement is outside the corner visibility triangle; no interference with utilities, drainage, or ADA passage. Cameras are fixed to view the PROW only and do not capture private-property areas of adjacent residences. The June 27, 2023 Council pilot program cited in Part I categorically supports approval. L-6 Finding Requested: The Planning Commission finds that Item 2 (Security Camera Posts on Birch Street, PROW) will not be a detriment to the health, safety, and welfare of the public, and the waiver of Council Policy L-6 is granted.

Item 3 — Birch Street Fencing (6 ft Height in PROW) Residential Security Fence + Dog-Run Containment Description: Six-foot residential security fence along the Birch Street (side-street) boundary of the corner lot. The fence performs two integrated public-safety functions: (i)

residential security barrier discouraging trespass, and (ii) controlled containment enclosure for the homeowner's planned on-site guard dog, preventing accidental egress into the public sidewalk and street. Currently installed as a temporary structure pending Commission determination; permanent (poured-concrete-footing) installation deferred out of respect for the review process. L-6 Basis: Fences exceeding 3 ft in height encroaching into the PROW (L-6, § A). Public Safety — Security + Guard-Dog Containment: The fence is not a discretionary amenity but the physical infrastructure required to safely operate the guard-dog component of the site security program. Without a fenced dog-run, the guard dog cannot be safely contained on the property — potentially endangering pedestrians, children, and cyclists. With the fence as designed, the dog remains secure and controlled, pedestrians are protected from unexpected animal contact, and accidental egress is eliminated. The fence also provides physical and visual barrier discouraging trespass at one of the main entrances into Santa Ana Heights (see Part I). Corner-Lot Configuration and SP-7 REQ District Code Justification: The home's primary frontage orients to Mesa Drive (front yard); Birch Street is the side-street elevation. The Mesa-side fence is on private property only and does not encroach into the PROW (its height is a separate zoning matter, not part of this L-6 request). As to the Birch fence: (a) the SP-7 REQ District regulations do NOT specify a maximum fence height for side or rear yards (SAHSP pp. IV-5 – IV-8), meaning the proposed 6-foot height is not in conflict with the Specific Plan; and (b) SAHSP § IV.D.8.f(11) MANDATES a 6-foot concrete.

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block wall along the BP/REQ boundary where this property sits — establishing 6 feet as the City's own expected boundary-condition standard at this precise location. Neighborhood Consistency and Minimal Impact: Existing properties across the street and along the frontage maintain similar frontage conditions; there is no sidewalk on this segment of Birch Street. The fence terminates outside the corner visibility triangle, does not block pedestrian access, does not reduce corner line-of-sight, and does not interfere with utilities, ADA passage, drainage, or traffic operations. L-6 Finding Requested: The Planning Commission finds that Item 3 (Birch Street Fencing, 6 ft height in PROW) will not be a detriment to the health, safety, and welfare of the public, and the waiver of Council Policy L-6 is granted.

Item 4 — Trash Pad (PROW Portion Only, After Owner Extension)

Description: Residual concrete pad in the PROW serving the residential trash-collection point at the Birch Street cul-de-sac. **The owner has voluntarily extended the concrete pad onto private property and relocated the rolling trash bin entirely to private property — the bin is no longer in the PROW.** Only the residual concrete access pad remains, providing a level, anchored rolling surface for CR&R commercial waste collection. L-6 Basis: Structural encroachment (L-6, § A); modification to original design (L-6, § C). Pre-Existing Condition (Approximately 50 Years) and Precedent: The bin and pad have been at this location, in substantially this configuration, for approximately 50 years. The owner has voluntarily *reduced* a long-standing pre-existing condition. A neighborhood-precedent photo exhibit (attached) shows comparable installations at multiple nearby properties (2598 Mesa Drive, 20262/20473/20152/20112 Cypress, and adjacent residential properties). Residential trash-collection pads at or near the PROW are a near-universal condition citywide. Operational Need and Minimal Impact: The anchored pad provides stable, level placement during collection; without it, bins staged on parkway turf can shift, tip, or roll into the travel way — creating a public-safety hazard. Residual PROW footprint is the minimum necessary; the pad sits flush with grade; no obstruction of pedestrian travel, sight

distance, drainage, utilities, or ADA passage. L-6 Finding Requested: The Planning Commission finds that Item 4 (Trash Pad, PROW portion only) will not be a detriment to the health, safety, and welfare of the public, and the waiver of Council Policy L-6 is granted.

Item 5 — Curb Cut Approach / Driveway Approach Serving the Future ADU

Description: Curb cut and driveway approach in the PROW at the end of the SW Birch Street cul-de-sac, serving the future ADU on the merged parcel. Comprises three physical components within the PROW: (i) the curb cut at the back-of-curb line, (ii) the driveway approach apron, and (iii) the driveway itself extending onto the parcel. Page 5 of 9L-6 WAIVER LETTER — 6 ITEMS + PART III — DRAFT FOR REVIEW L-6 Basis — Planning Commission Jurisdiction: Council Policy L-6 expressly designates the procedural path. Under "Private encroachments that are prohibited without a waiver and approval," Item B lists "Driveway approaches not conforming to Council Policy L-2," and Section C.1 designates the Planning Commission as the waiver authority, subject to the L-6 § C.1.a "no detriment" finding. Because the proposed driveway approach is a third approach on the merged parcel — not conforming to L-2's two-approach standard — Item 5 is properly within Planning Commission L-6 waiver jurisdiction. Recorded Access Easement and City-Directed Lot Merger: On August 3, 2021, Richard and Marilyn Moriarty recorded with the Orange County Recorder a Declaration of Easements, Restrictions and Covenants Running with the Land ("Recorded Easement," recorded 8/5/2021), creating a 30-foot Road and Utility Easement along the western border of the then-Servient Tenement at 20460 SW Birch, for the benefit of the Dominant Tenement at 20462 SW Birch and expressly granted "for the purposes of constructing, Developing, and maintaining gas, water, electric and other utilities, as well as for access purposes." The City had constructive notice of this recorded access intent since 8/5/2021. The City had additionally acknowledged both parcels as legal lots with separate City-assigned addresses in the September 18, 2020, address-assignment letter from Newport Beach Senior Planner Makana Nova. Subsequently, the Owner was directed by the City to merge the two parcels as a condition related to project generator placement. Lot

Line Adjustment / Lot Merger LM 2022-022, prepared by Paul D. Craft, P.L.S. 8516, was reviewed, approved, and signed by the City Engineer on August 27, 2024. Under California Civil Code § 811(1), the merger extinguished the Recorded Easement by operation of law. At no point in the merger process was the Owner advised that compliance with the City's merger directive would extinguish the Recorded Easement or trigger the L-2 two-driveway-per-parcel standard as to the future ADU access. State ADU Preemption: The future ADU is subject to Government Code §§ 66310 et seq. (effective 1/1/2025, formerly § 65852.2). Section 66317 provides that "No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit" for an ADU. Section 66321(b) (3) and the March 2026 HCD Handbook further prohibit local actions rendering an ADU "infeasible or unusable." The proposed driveway approach is the only feasible vehicular access to the future ADU given corner-lot geometry and the cul-de-sac terminus at the property line; application of L-2's two-approach standard to preclude this access would not survive preemption analysis. Constraints, Operational Need, and Minimal Impact: The two-driveway-per-parcel constraint arises from the city-directed lot merger administered without disclosure of its consequence on the Recorded Easement. The 30-foot recorded easement strip remains the only feasible vehicular access location on the merged parcel. The proposed approach complies with standard City design specifications, does not obstruct pedestrian travel or utilities, and falls entirely outside the corner visibility triangle.

L-6 Finding Requested: The Planning Commission finds that Item 5 (Curb Cut Approach / Driveway Approach Serving the Future ADU) will not be a detriment to the health, safety, and welfare of the public, and the waiver of Council Policy L-6 is granted.

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Item 6 — Metal Service / ADU Gate (PROW) Residential Security Entry Gate with Lighting and Cameras Description: Metal service / ADU gate at the SW Birch Street cul-de-sac terminus, in the PROW, serving as the controlled entrance to the future ADU. Designed as a wrought-iron / open-grillwork structure with at least forty percent (40%) of the gate face open. Integrated with a residential security entry system, security lighting, and security cameras consistent with the Connect Newport Beach infrastructure described in Item 2. Anticipated to exceed the standard 3.5-foot front-setback fence height. L-6 Basis: Structural encroachment exceeding 1 ft into the PROW or 3 ft in height (L-6, § A); Lighting (L-6, § E). The Recorded Easement described in Item 5 above (recorded 8/5/2021) expressly contemplated access control improvements appurtenant to the access easement use. Front-Setback Height Exception and Fire-Apparatus Compliance: The proposed gate qualifies for the front-setback fence-height exception under NBMC § 20.30.040(3)(b)(i) wrought-iron design with at least 40% of the gate face open. The gate is set back at least thirty (30) feet from the SW Birch Street roadway (CFC Appendix D), provides at least twenty (20) feet clear width in the open position, and is equipped with a Knox-approved emergency override per CFC § 503.6. The gate is therefore a fire-apparatus-supportive improvement, not fire-apparatus-impeding. Crime Prevention, Operational Need, and Minimal Impact: The gate is a primary crime-prevention improvement complementing Items 2 (Cameras) and 3 (Fencing) at one of the main entrances into Santa Ana Heights (see Part I). Controlled access manages occupant, guest, delivery, and service-provider entry to the ADU; integrated lighting provides PROW illumination; integrated cameras extend NBPD-coordinated coverage to the cul-de-sac terminus. The 30-foot setback stores vehicles on private property rather than queuing in the roadway. The 40%-open wrought-iron design preserves sightlines into the cul-de-sac for both pedestrians and cameras.

L-6 Finding Requested: The Planning Commission finds that Item 6 (Metal Service / ADU Gate with Integrated Security Entry System, Lighting, and Cameras) will not be a detriment to the health, safety, and welfare of the public, and the waiver of Council Policy L-6 is granted.

Part III — General Private Encroachments (Direct Public Works Approval).

The following additional items are included in the accompanying Encroachment Permit Application. Each item encroaches one (1) foot or less into the public right-of-way and does not exceed three (3) feet in height. Under Council Policy L-6, these items fall within the category of "General private encroachments that require an encroachment permit" (L-6, § F) and qualify for administrative approval by the Public Works Department. No Planning Commission waiver is required for these items; they are listed here for completeness so that the entire encroachment scope on this property is captured in a single unified application:

- Bollards — four (4) total in front of the Transformer / Generator, in PROW; ~2" to ~1 ft encroachment.

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- Decorative Driveway Tile — two (2) driveways; ~3" to ~1 ft in PROW.
- Boulders on Birch — three (3) total; ~2" to ~1 ft in PROW.
- Landscape Security Uplights — recessed in-ground lighting; ~4" to ~11" in PROW.

- Mesa Electrical Underground Conduit / Wiring — from landscape lighting in PROW to main dwelling, below grade; ~4" to ~11".

The Public Works Department is respectfully requested to administratively approve the general private encroachment items above without Planning Commission waiver, in accordance with the categorical treatment under Council Policy L-6, § F. Conclusion and Requested Action

Each of the six items in Part II is supported by item-specific findings under L-6, § C.1.a establishing that the encroachment will not be a detriment to the health, safety, and welfare of the public. The owner has voluntarily reduced the PROW footprint where possible (relocating the third security camera post to private property; extending the trash pad onto private property and removing the bin from the PROW). The general private encroachment items in Part III qualify for direct Public Works Department approval without Planning Commission waiver.

The Planning Commission is respectfully requested to:

- Grant the waiver of City Council Policy L-6 as to Items 1 through 6 above; and
- Approve, or conditionally approve, the accompanying Encroachment Permit Application (which includes the Part III general private encroachment items for administrative Public Works approval).

Thank you for your consideration. On a final note, this office reserves the right on behalf of the Applicant to supplement any issues and/or property rights that may arise. This office respectfully submits this formal request for a waiver of City Council Policy L-6, without waiving Applicant's right to contest and/or determine if the cul-de-sac located at 20462 SW Birch Street, Newport Beach and pursuant to the terms and condition of the Final Order of Condemnation filed on May 14th, 2003 in Orange County Superior Court in County of Orange v. Guity-Mehr et al Case No. 76-53-26 and recorded at the County of Orange Recorder's Office dated 5/22/2003 document number 2003-0000592265, which provides certain requirements to be completed in order for this sector to qualify for public use — and that Applicant may have certain reversionary property rights and specifically pertaining to the Cul-de-sac at 20462 SWE Birch Street, Newport Beach. In addition to any court remedy rendered by the Orange County Superior Court in case #30-2026-01557138- CU-EK-CXC. Nevertheless, in the spirit of good faith and cooperation, Applicant seeks to apply for above six (6) residential encroachment items and auxiliary requests described herein in the furtherance to expedite the approval of the occupancy permit for the residence located at 20462 SW Birch Street, Newport Beach, California.

Respectfully submitted,
/s/ Dictated But Not Read
Leon Alexander, Esq.
Briggs Alexander, APLC

cc: Richard Moriarty, Applicant
Jeffrey Weber, Esq.
Sara Oliver

Enclosures (filed concurrently with this letter):

- EP Worksheet for Encroachment Permit (City of Newport Beach, Public Works Department)
- Fully Dimensional Site Plan to Scale (PC As-Built drawing — Brandon Architects)

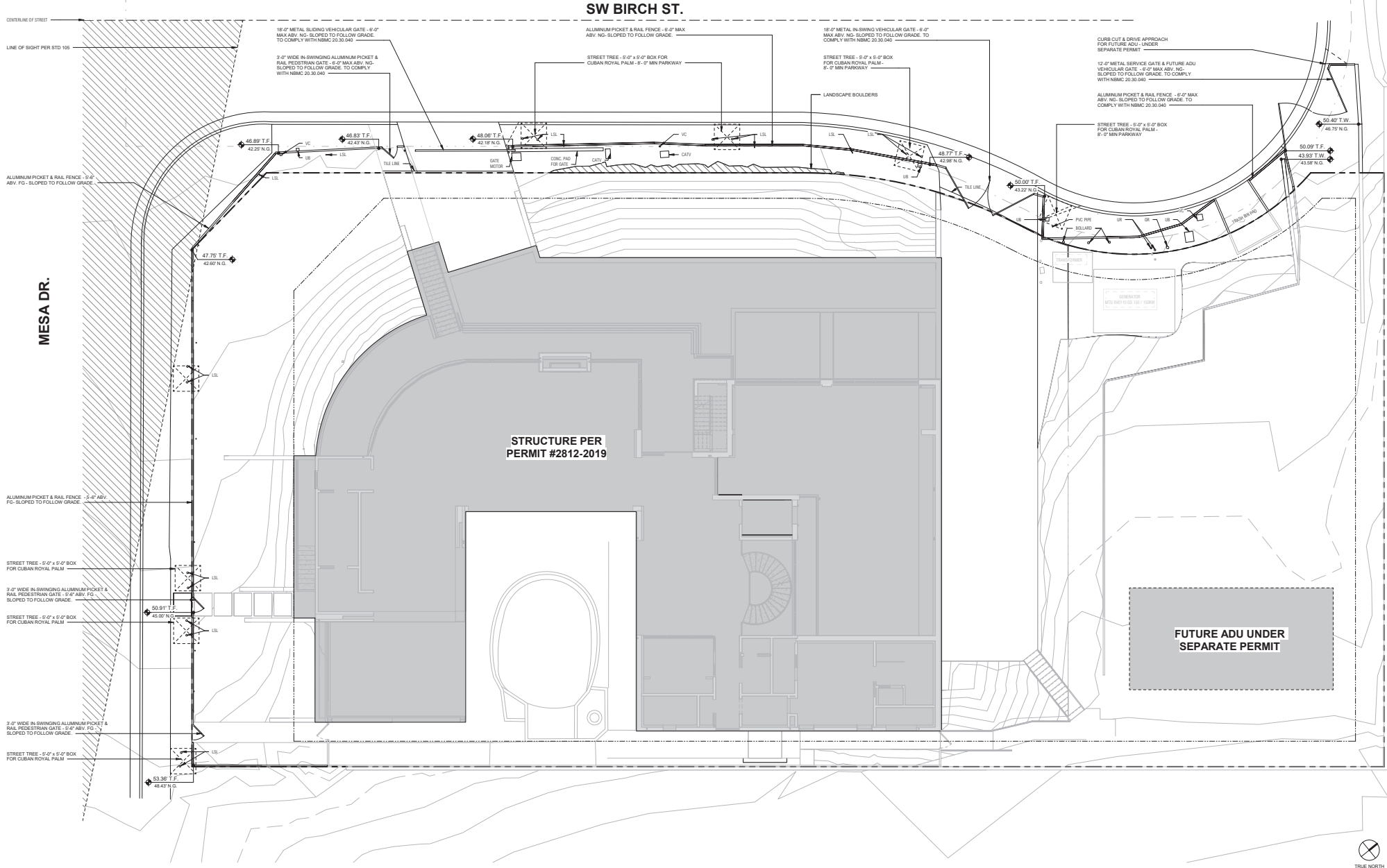
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- Copy of the current Grant Deed
- Mailing Label for Public Notice (per L-6, § C.2)
- Application Fee — \$4,594
- Photo Exhibit — Commercial Dumpsters and Trash Collection Pads in the PROW, Neighborhood Surrounding 20462 SW Birch Street (Updated 6/2/26)
- Declaration of Easements, Restrictions and Covenants Running with the Land (executed 8/3/2021; recorded 8/5/2021)
- Lot Line Adjustment / Lot Merger LM 2022-022 (approved and signed by the City Engineer on 8/27/2024)
- September 18, 2020 address-assignment letter from Newport Beach Senior Planner Makana Nova

Attachment No. PC 6

Site Plan

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- ABBREVIATIONS LEGEND:**
- BFP BACK FLOW PREVENTER
 - CATV CABLE TV BOX
 - EVT ELECTRICAL VAULT
 - FS FINISHED SURFACE
 - GR GAS RISER
 - GV GAS VALVE
 - IRV IRRIGATION CONTROL VALVE
 - LNL LANDSCAPING LIGHT
 - NG NATURAL GROUND GRADE
 - SDMH STORM DRAIN MAN HOLE
 - SL STREET LIGHT
 - SLPB STREET LIGHT PULL BOX
 - TBX TELEPHONE BOX
 - TR TOP OF RAIL
 - TF TOP OF FENCE
 - TW TOP OF WALL
 - UB UTILITY BOX
 - UR UTILITY RISER
 - VC VIDEO CAMERA
 - WM WATER METER

C.N.B. NOTES:

1. ISSUANCE OF A BUILDING PERMIT BY THE CITY OF NEWPORT BEACH DOES NOT RELIEVE APPLICANTS OF THE LEGAL REQUIREMENTS TO OBSERVE COVENANTS, CONDITIONS AND RESTRICTIONS WHICH MAY BE RECORDED AGAINST THE PROPERTY OR TO OBTAIN PLANS YOU SHOULD CONTACT YOUR COMMUNITY ASSOCIATIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION AUTHORIZED BY THIS PERMIT.
2. PRIOR TO PERFORMING ANY WORK IN THE CITY RIGHT-OF-WAY AN ENCROACHMENT PERMIT MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT.
3. A CAL-OSHA PERMIT IS REQUIRED FOR EXCAVATIONS DEEPER THAN 5' AND FOR SHORING AND UNDERPINNING.

LANDSCAPE NOTES:

1. ENCROACHMENT PERMIT REQD. FOR ANY WORK PROPOSED IN THE PUBLIC R.O.W.
2. IF APPLICABLE, REF. PRELIMINARY LANDSCAPE PLAN FOR ALL HARDSCAPE & PLANTING AREAS WITH RESPECTIVE HEIGHTS AND MATERIALS.

ENCROACHMENT PERMIT NOTE:

1. A PUBLIC WORKS DEPARTMENT ENCROACHMENT PERMIT INSPECTION IS REQUIRED BEFORE THE BUILDING DEPARTMENT PERMIT FINAL CAN BE ISSUED. AT THE TIME OF PUBLIC WORKS DEPARTMENT INSPECTION, IF ANY OF THE EXISTING PUBLIC IMPROVEMENTS SURROUNDING THE SITE IS DAMAGED, NEW CONCRETE SIDEWALK, CURB AND GUTTER, AND ALLEY/STREET PAVEMENT WILL BE REQUIRED. ADDITIONALLY, IF EXISTING UTILITIES INFRASTRUCTURE ARE DEEMED SUBSTANDARD, A NEW 1-INCH WATER SERVICE, WATER METER BOX, SEWER LATERAL AND/OR CLEANOUT WITH BOX AND LID WILL BE REQUIRED. 100% OF THE COST SHALL BE BORNE BY THE PROPERTY OWNER (MUNICIPAL CODES 14.24.020 AND 14.08.020). SAID DETERMINATION AND THE EXTENT OF THE REPAIR WORK SHALL BE MADE AT THE DISCRETION OF THE PUBLIC WORKS INSPECTOR. CONTRACTOR IS RESPONSIBLE TO MAINTAIN THE PUBLIC RIGHT OF WAY AT ALL TIMES DURING THE CONSTRUCTION PROJECT. A STOP WORK NOTICE MAY BE ISSUED FOR ANY DAMAGE OR UNMAINTAINED PORTION OF THE PUBLIC RIGHT OF WAY.

PROJECT NAME
MORIARTY RESIDENCE

STATUS
PERMIT

BRANDON ARCHITECTS
151 Kaimosi Drive, Suite E-1 | Costa Mesa, CA 92626
714.734.4363 | www.brandonarchitects.com

OWNER INFORMATION:
RICHARD MORIARTY
2128 MESA DRIVE,
NEWPORT BEACH, CA
92660

MORIARTY RESIDENCE
20462 BIRCH STREET, NEWPORT BEACH,
CA 92660

PROJECT ARCHITECT:
TYLER WILSON

DOCUMENT VALID UPON

ORIGINAL SIGNATURE

PLANNING COMMISSION SITE
PLAN EXHIBIT

REVISIONS
NO. REVISION DATE

JOB NO.
201825

DATE
06/23/26

SHEET NO.
PC-0.0

LEGEND

- BFP — BACK FLOW PREVENTER
CATV — CABLE TV BOX
FS — FINISHED SURFACE
GR — GAS RISER
ICV — IRRIGATION CONTROL VALVE
LSL — LANDSCAPING LIGHT
NG — NATURAL GROUND
TBX — TELEPHONE BOX
TF — TOP OF FENCE
TP — TOP OF CAMERA POLE
TR — TOP OF ROCK
TW — TOP OF WALL
UB — UTILITY BOX
UR — UTILITY RISER
TRNF. — TRANSFORMER PAD
GEN. — GENERATOR PAD
□-□-□ — WROUGHT IRON FENCE (WIF)
- ROCKS

LEGAL DESCRIPTION

REAL PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:
LOT 122 OF TRACT NO. 706, SANTA ANA HEIGHTS HARBOR VIEW ADDITION, AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 21, PAGE 25 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPT THAT PORTION OF SAID LOT 122 DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MESA DRIVE WITH THE CENTERLINE OF BIRCH STREET, AS SAID CENTERLINES ARE SHOWN ON RECORD OF SURVEY 92-1098 FILED IN BOOK 138 PAGES 28 THROUGH 32 OF RECORDS OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE N40°37'46"E, 150.31 FEET ALONG LAST SAID CENTERLINE; THENCE S49°22'14"E, 30.00 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT; SAID POINT BEING THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 92.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID POINT BEARS N49°22'14"W, THENCE LEAVING SAID NORTHWESTERLY LINE, NORTHWESTERLY 44.74 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°51'51" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 46.00 FEET; THENCE NORTHEASTERLY, NORTHERLY, AND NORTHWESTERLY 61.95 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 77°09'31" TO SAID NORTHWESTERLY LINE THENCE; S40°37'46"W, 99.37 FEET ALONG SAID NORTHWESTERLY LINE TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION OF SAID LOT 122, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 122; THENCE N40°37'46"E, 14.62 FEET ALONG THE NORTHWESTERLY LINE OF SAID LOT; THENCE S5°13'14"E, 20.99 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT; THENCE N49°22'19"W, 15.06 FEET ALONG SAID SOUTHWESTERLY LINE TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

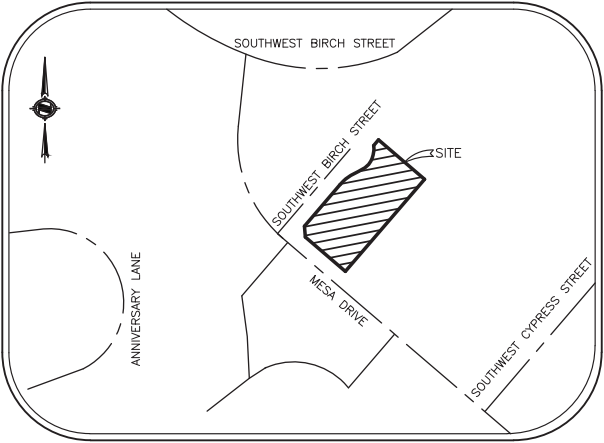
THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF MESA DRIVE, BEING N49°22'19"W PER P.M.B. 393/44-47, RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

BENCHMARK INFORMATION

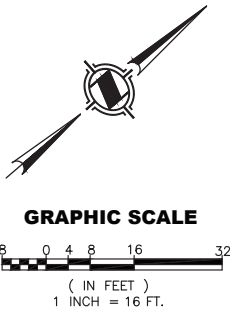
BENCHMARK NO: CM-21-71

DESCRIBED BY OCS 2001 - FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "CM-21-71", SET IN THE TOP OF A 4 IN. BY 4 IN. CONCRETE POST. MONUMENT IS LOCATED IN THE SOUTHERLY CORNER OF THE INTERSECTION OF MESA DRIVE AND CYPRESS, 21 FT. WESTERLY OF THE CENTERLINE OF MESA DRIVE AND 27 FT. SOUTHERLY OF THE CENTERLINE OF CYPRESS, 3 FT. SOUTHERLY OF POWER POLE #1788402E AND IN LINE WITH GUY WIRES. MONUMENT IS SET 0.2 FT. BELOW TOP OF CURB.

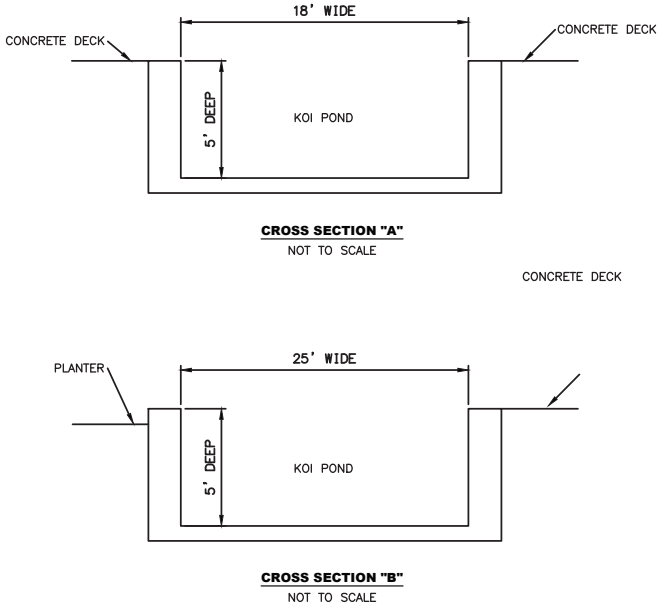
ELEVATION: 66.007 FEET (NAVD88), YEAR LEVELED 1989



VICINITY MAP
NO SCALE



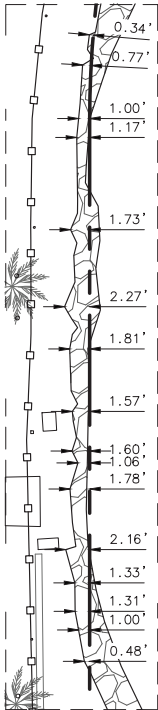
GRAPHIC SCALE
NO SCALE



CROSS SECTION "A"
NOT TO SCALE

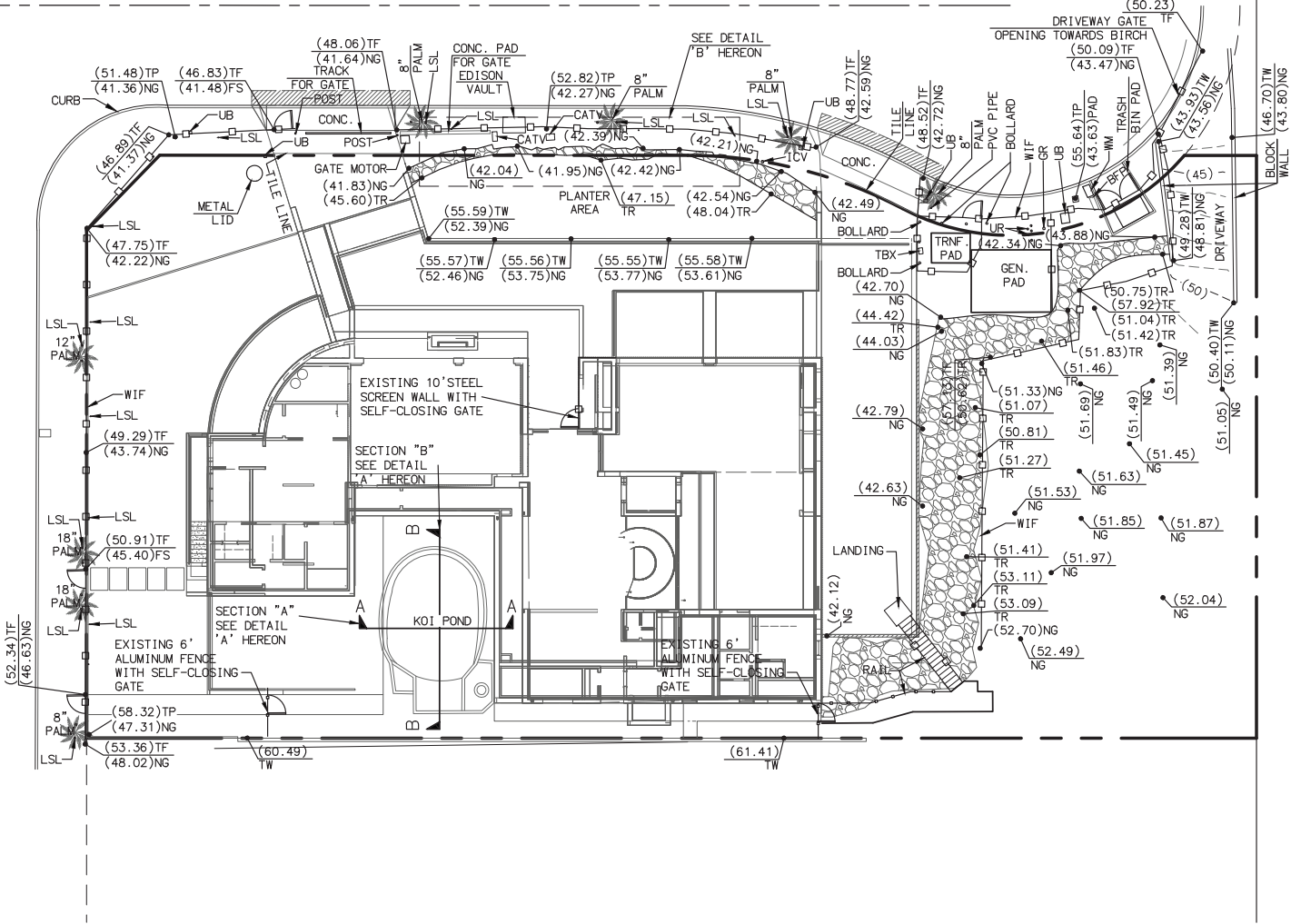
CROSS SECTION "B"
NOT TO SCALE

DETAIL 'B'
NO SCALE



MESA DRIVE

SW BIRCH STREET



PAUL D. CRAFT, P.L.S. 8516
LICENSE RENEWAL DATE 12/31/26
DATE
NOTE: SECTION 8770.6 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE STATES THAT THE USE OF THE WORD CERTIFY OR CERTIFICATION BY A LICENSED LAND SURVEYOR IN THE PRACTICE OF LAND SURVEYING OR THE PREPARATION OF MAPS, PLATS, REPORTS, DESCRIPTIONS OR OTHER SURVEYING DOCUMENTS ONLY CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

NO.	DESCRIPTION	REVISIONS		
		DATE	APP'D	P. D. C.
1	AS SHOWN	-		

APEX LAND SURVEYING INC.
NEWPORT BEACH, CALIFORNIA
PHONE (714) 489-5000
APEXLSINC@GMAIL.COM

SHEET TITLE		DATE	
TOPOGRAPHIC MAP		7/27/2026	
PROJECT		SCALE	
20462 SW BIRCH STREET NEWPORT BEACH, CA 92660 (APN: 439-382-42)		1" = 16'	
SHEET NO.		DRAWN	
1 OF 1		A. R. H.	
		CHECKED	
		P. D. C.	

JECT NO. 19020



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

August 6, 2026
Agenda Item No. 4

SUBJECT: Fletcher Jones Parking Lot (PA2023-0220)
▪ Conditional Use Permit

SITE LOCATION: 20052 Birch Street

APPLICANT: Austin Hahn, Allegro Civil Engineers

OWNER: Jones Bristol Parcel, LLC

PLANNER: Jerry Arregui, Assistant Planner
949-644-3249, jarregui@newportbeachca.gov

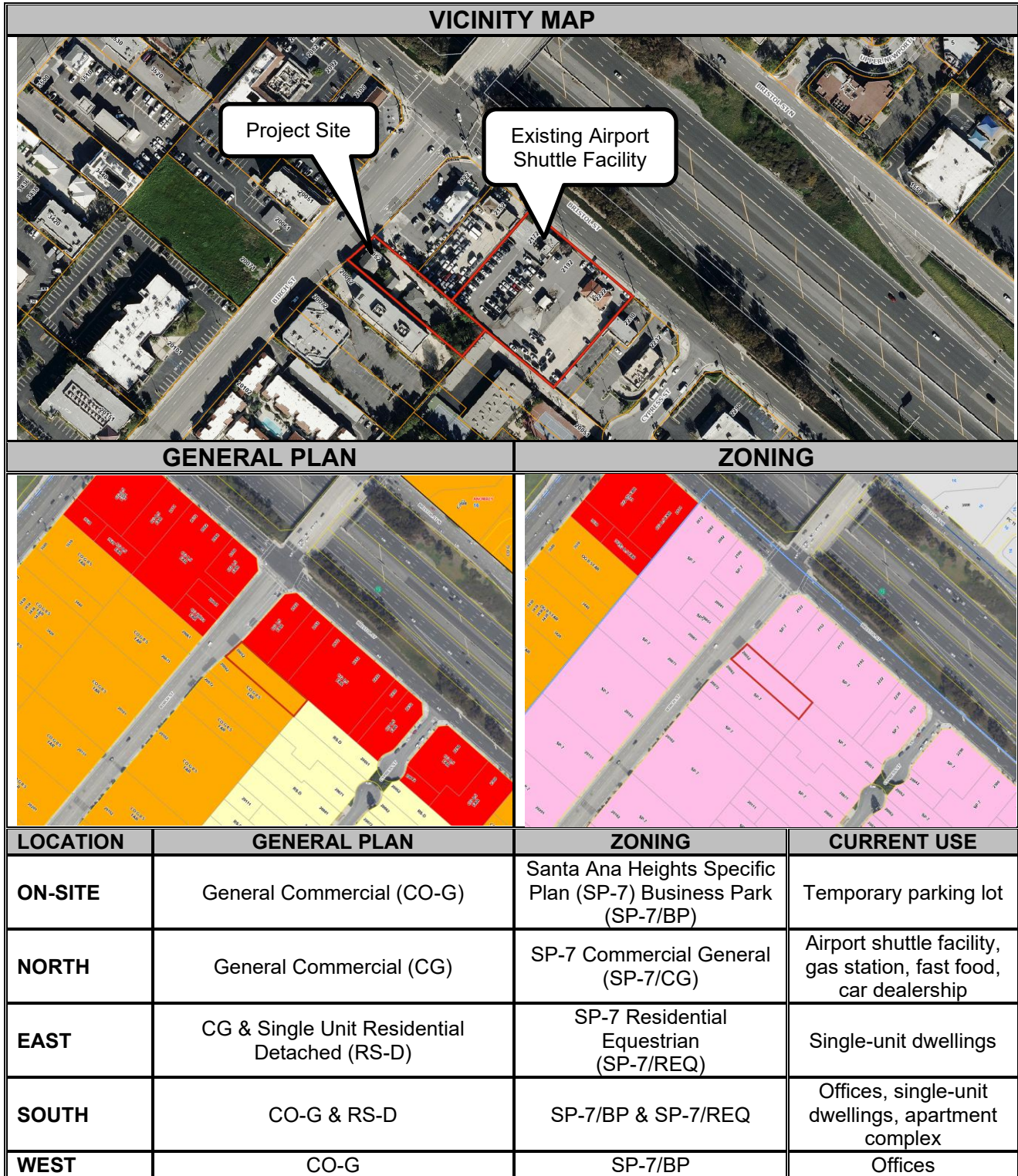
PROJECT SUMMARY

A request for a conditional use permit (CUP) to convert a temporary parking lot into a permanent 39-space parking lot that will function as an extension of the adjacent airport shuttle facility operated by Fletcher Jones Motorcars. The lot will serve as overflow parking to shuttle customers, improve onsite circulation and it will include concrete pavement, a driveway approach, an access gate, striping, site walls, light fixtures, electric vehicle charging infrastructure, and landscape buffers. The parking lot will operate between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday, consistent with the existing airport shuttle facility hours. Access to the parking lot will be limited to Fletcher Jones employees and it will not be open to the public. The existing CUP approved for the Fletcher Jones airport shuttle facility (PA2022-128) will not be affected by the project.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment, and the exceptions to this exemption under Section 15300.2 do not apply; and
- 3) Adopt Resolution No. PC2026-024 approving the Conditional Use Permit filed as PA2023-0220 (Attachment No. PC 1).

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INTRODUCTION

Project Setting and Background

The property is located at 20052 Birch Street within the Santa Ana Heights neighborhood near the intersection of Birch Street and Bristol Street (Project Site). The Project Site is approximately 1,100 feet south of John Wayne Airport (JWA) and 400 feet south of State Highway 73. This portion of the Santa Ana Heights area was originally developed under the jurisdiction of the County of Orange (County) and was annexed into the City in 2003. Properties along Birch Street are primarily developed with multi-tenant professional and medical office buildings; however, there are also nonconforming residential uses, including an apartment complex and several single-unit dwellings to the south of the Project Site. The Project Site is adjacent to a single-unit residential neighborhood to the rear along Cypress Street. The abutting property to the rear, however, is developed with a storage building and private recreational amenities.

The Project Site is rectangular, flat, and consists of approximately 18,041 square feet. Vehicular access is provided from Birch Street. It was historically developed with three nonconforming residential dwelling units; however, the units were demolished in March 2026.¹

Existing Airport Shuttle Facility

Fletcher Jones Motorcars (Fletcher Jones) currently operates an airport shuttle facility on the adjacent property to the north, addressed as 2172, 2192, and 2222 Bristol Street (Shuttle Facility). The Shuttle Facility provides Fletcher Jones preferred customers with vehicle parking and shuttle service to and from JWA. The Shuttle Facility has operated for over 20 years since it was originally authorized by the County in 2002. Historically, the shuttle's path of travel has been to exit onto Bristol Street, a one-way street, and travel east, turn left at Jamboree Road, and head back towards JWA along North Bristol Street. The shuttle has always been prohibited from traveling on residential streets.

In 2020, Fletcher Jones purchased the former Enterprise Rent-a-Car properties (2192 and 2222 Bristol Street) to expand the Shuttle Facility. On February 23, 2023, the Planning Commission approved a CUP and Lot Merger (PA2022-128), authorizing the merging of three lots and expansion of the Shuttle Facility. The CUP also authorized the construction of a new, private carwash with detailing bays and authorized the shuttle service to operate between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday. The Shuttle Facility expansion is currently under construction at this location.

On May 24, 2023, the Planning Commission approved a CUP (PA2023-0172) authorizing Fletcher Jones to relocate the Shuttle Facility to 20071 Birch Street. That approval was not

¹ The nonconforming residential units were demolished pursuant to Building Permit Nos. U2025-0470 and U2025-0520 through U2025-0522, in conformance with the Housing Crisis Act of 2019.

exercised and subsequently superseded by PA2025-0220, which proposed a new medical building.

Temporary Parking Lot

In anticipation of the Shuttle Facility's redevelopment, Fletcher Jones purchased the Project Site to provide additional area for parking and construction material staging. On December 11, 2025, the City's Zoning Administrator approved the Limited Term Permit (LTP) filed as PA2025-0141, authorizing a temporary parking lot and material staging use, as shown in Figure 1 below. The LTP authorizes these temporary uses from January 26, 2026, through January 26, 2027, allowing the Shuttle Facility to remain in operation during construction.



Figure 1: Photos of Temporary Parking Lot from Interior of Lot (Top) and the Birch Street Frontage (Bottom)

Project Description

The Applicant proposes converting the temporary parking lot and materials staging area into a permanent, 39-space, parking lot that will operate as an extension of the existing Shuttle Facility. As shown in Figure 2 below, the Project Site will provide overflow parking for the Shuttle Facility as well as direct northbound access to JWA, avoiding the one-way travel eastbound on Bristol Street.

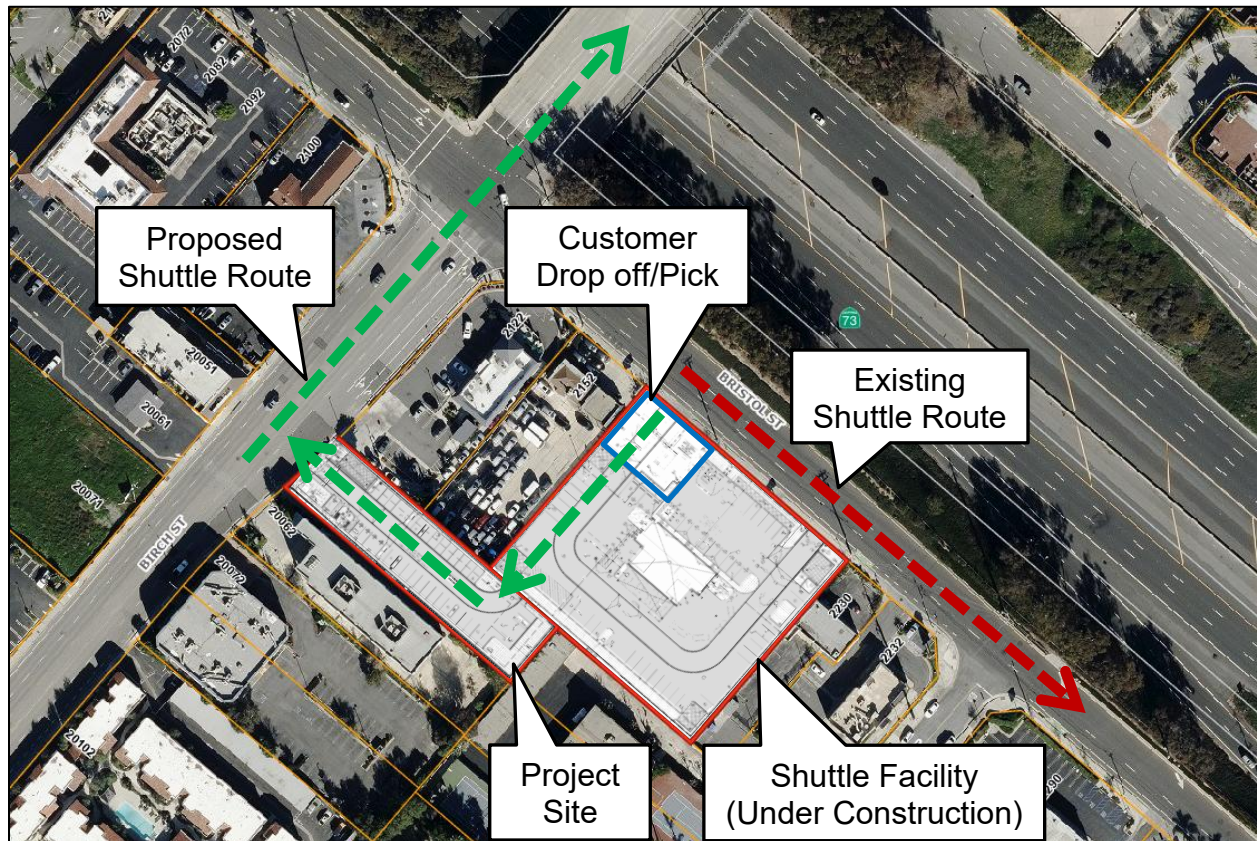


Figure 2: Aerial View of Fletcher Jones Airport Shuttle Facility and Proposed Parking Lot

Consistent with the existing CUP, customers will continue to access the Shuttle Facility using Bristol Street, where they will temporarily park in the designated customer drop-off/pick-up area and check in. Customers will then be transported via shuttle to JWA. Fletcher Jones employees will park customer vehicles in either the Shuttle Facility parking lot or the Project Site.

The shuttle also provides a return service, and vehicles will be ready for customer pick-up upon arrival. Customers will not have access to the Project Site and will continue to enter and exit the Shuttle Facility using Bristol Street. The Project Site will operate between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday, consistent with the Shuttle Facility, consistent with the approved Shuttle Facility hours and the approved temporary parking lot hours. The customer experience will remain the same.

As illustrated in Figure 3 below, the parking lot includes a commercial driveway approach, a 6-foot tall wrought iron access gate along Birch Street, 6-foot-tall concrete site walls, six 18-foot-tall light standards, vehicle charging stations, and perimeter landscape buffers.

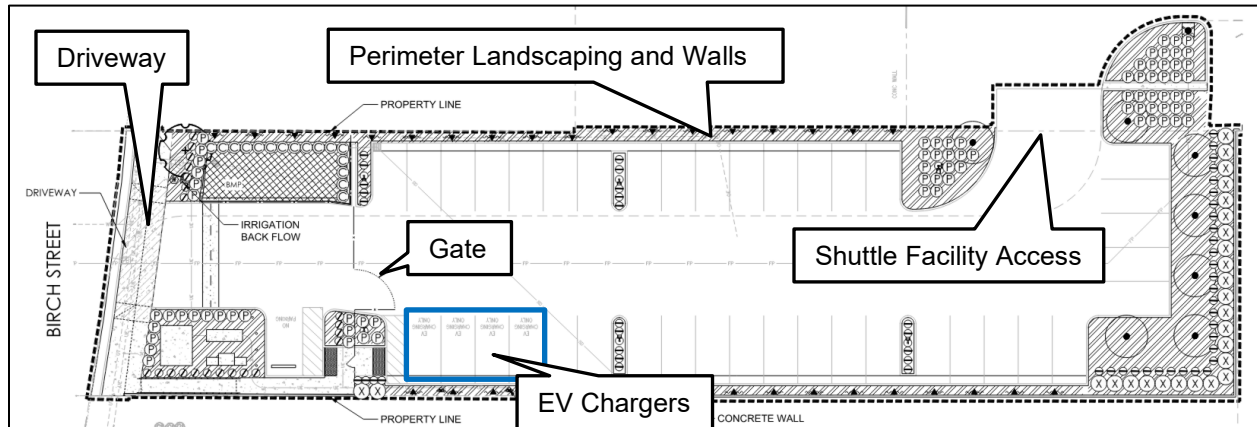


Figure 3: Parking Lot Site Plan

Collectively, the parking lot improvements and operating characteristics are referred to as the "Project." The Applicant's project description and project plans are available as Attachment Nos. PC 2 and PC 3, respectively.

DISCUSSION

Analysis

General Plan Consistency

The Project Site is categorized as General Commercial Office (CO-G) by the Land Use Element of the General Plan. The CO-G category is intended to provide areas appropriate for the development of administrative, professional, and medical offices with limited accessory retail and service uses. Hotels, motels, and convalescent hospitals are explicitly prohibited. The Project is consistent with the CO-G categorization because the parking lot will be used as an extension of the existing authorized Shuttle Facility, a commercial use that provides transportation services for City residents and Fletcher Jones customers in the region.

While not an exhaustive list, the Project is in furtherance of the following General Plan policies for the implementation of new uses:

- **Land Use Element Policy LU-3.4 (Buffering Residential Areas).** *Require buffers between non-residential and residential areas to minimize potential impacts using landscaping, decorative walls, and other features.*

To soften the transition between the Project Site and the single-unit residential properties to the rear along Cypress Street, the Project includes a 6-foot-tall block wall and a 17-foot rear landscape buffer.

- **Land Use Element Policy LU-7.5 (Parking Location).** Locate open parking lots away from streets with screening such as landscaping and architectural walls.

The Project includes an approximately 50-foot-wide landscape buffer along the front property line abutting Birch Street and a 6-foot wrought iron gate which serve to visually screen the parking lot from Birch Street.

- **Land Use Element Policy LU-17.4 (Community-Serving Uses).** Support community-serving commercial uses that help create a balance of land uses and increase resident access to make Newport Beach a self-sustaining community with essential resources.

The Project will support the continued operation of the Shuttle Facility, which provides residents with convenient and essential transportation to and from JWA.

- **Safety Element Policy S-9.1 (Land Use Compatibility).** Participate in the planning process for projects related to the Airport, including any future updates to its Airport Environs Land Use Plan (AELUP). Continue to ensure new development land use intensity and compatibility align with the most currently available AELUP for the Airport to minimize potential safety impacts on residents.

The Project is located within Safety Zone 3 (Inner Turning Zone) of the AELUP, which is an area where aircraft are typically turning when departing or arriving. The AELUP prohibits buildings with more than three habitable floors and recommends avoiding moderate and high intensity non-residential uses such as major shopping centers, theaters and meeting halls within Safety Zone 3. The Project is for a surface parking lot and does not include any buildings. It is not classified as a moderate or high intensity use and is consistent with the AELUP.

A full General Plan consistency analysis is in the draft resolution provided as Attachment No. PC 1.

Santa Ana Heights Specific Plan and Zoning Code Consistency

The Project Site is located within the Santa Ana Heights Specific Plan (SP-7) Business Park (SP-7/BP) Zoning District. Section 20.90.120 (Business Park District: SP-7[BP]) of the NBMC neither permits nor prohibits parking lot uses; however, it authorizes the Planning Commission to review uses not otherwise addressed and to allow such uses if found to be consistent with the purpose and intent of the SP-7/BP Zoning District through approval of a CUP.

The SP-7/BP Zoning District is intended for professional and administrative offices, commercial uses, specific uses related to product development, and limited light industrial uses. The Project is to redevelop a property previously developed with nonconforming residential uses into a parking lot associated with the Shuttle Facility. Several properties along Birch Street have similarly been redeveloped from nonconforming residential uses into multi-story medical and professional office buildings that range in size from 10,000 to 33,000 square feet, providing between 40 and 130 space surface parking lots. The Project's parking lot is within the smaller range of parking lots serving properties on Birch Street. The Project will continue the ongoing transformation of Birch Street into a non-residential, business park area by establishing a parking lot use that is compatible with the surrounding development and consistent with the purpose and intent of the SP-7/BP Zoning District.

The Project complies with the applicable site development standards including, but not limited to, landscape setbacks as illustrated in Table 1 below.

Table 1: Development Standards

Development Standard	Standard	Proposed
Landscape Setbacks (min.)		
Front (Birch Street)	10 feet	50 feet
Side (north)	3 feet	3 feet
Side (south)	3 feet	3 feet
Rear (south east)	10 feet	17 feet
Parking	0 spaces	39 spaces
Lot Coverage	40 %	Not Applicable
Floor Area Ratio	0.5	Not Applicable
Height (max.)	37 feet – Building	Not Applicable

The Project does not include any buildings; therefore, the development standards for floor area ratio (FAR), building setbacks, site coverage, minimum parking, building height, and solid waste storage are not applicable.

In addition to site development standards, Section 20.90.030 (Design Guidelines) of the NBMC establishes design guidelines for business park uses located in the SP-7 area. The Project does not include any buildings so many of the design guidelines are also not applicable. The Project landscape buffers comply with the design guidelines by including the required pallet of trees, shrubs, and ground cover, which soften the view of the parking lot from Birch Street. Additionally, the Project provides a 6-foot concrete masonry wall along the side and rear property lines, consistent with the design guidelines.

Conditional Use Permit Findings

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits) of the NBMC, the Planning Commission must make the following findings to approve a CUP:

- 1. The use is consistent with the General Plan and any applicable specific plan;*
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*
- 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*
- 4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*
- 5. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Staff believes there are sufficient facts in support of the findings required to approve the CUP. These facts are discussed in detail in the attached draft resolution provided as Attachment No. PC 1 and the key facts in support of findings are summarized in the following paragraphs.

A temporary parking lot has existed on the Project Site since early 2026 and has operated successfully without incident or code enforcement complaints suggesting the site is both suitable and appropriate for continued use as a parking lot. The Project will support the continued operation of the Shuttle Facility and will provide a high-quality parking lot design that is adequately landscaped, ensuring it is compatible and sufficiently buffered from the surrounding business park and residential uses along Cypress Street.

The Project is not anticipated to generate any public inconveniences such as noise, light, odors, traffic, or other detrimental conditions. The Project includes conditions of approval to ensure that potential conflicts with surrounding land uses are minimized to the greatest extent possible, including limiting the parking lot for use by Shuttle Facility employees, prohibiting self-parking, prohibiting the parking lot from being used as an employee break or smoking area, requiring stored vehicles to be maintained in working order, allowing the Community Development Director to require the dimming of lighting, and requiring the hours of operation to be consistent with the Shuttle Facility. Additionally, in the event of a delayed evening flight, customer vehicles located on the Project Site shall be relocated to the Shuttle Facility pick up area prior to 10 p.m. to limit activity during later evening hours.

The Project has been reviewed by the City's Fire and Public Works Departments and Building Division, which have determined that the Project's design will provide adequate public and emergency vehicle access and that adequate public services and utilities are available to serve the Project Site. The Applicant is required to comply with all City ordinances, as well as the California Building Code to ensure the safety and welfare of employees that operate and access the parking lot.

While not a listed land use, staff believes the Project is consistent with the purpose and intent of the SP-7/BP Zoning District by redeveloping a property previously developed with a nonconforming residential use, into a parking lot associated with the Shuttle Facility which will continue to provide residents with convenient and essential transportation to and from JWA.

Although a CUP is a vested land use right that runs with the land, compliance with the conditions of approval is required, including Condition of Approval No. 10 that prohibits future use of the Project Site as an independent parking lot use. Therefore, the Project Site shall only be used in conjunction with the Shuttle Facility and separate use of the Project Site for self-parking or another use would require a new CUP.

Alternatives

Should the Planning Commission feel the facts are not in evidence of support for the Project, the following alternative actions are available:

1. The Planning Commission may require changes to the Project to alleviate any concerns related to the design or the ability to make the required findings. If the changes are substantial, the Planning Commission should continue the item to a future meeting to allow the Applicant to make the necessary adjustments and to allow staff to prepare a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission may deny the application and provide facts in support of denial and allow staff to prepare a revised resolution for denial of the Project.

Environmental Review

This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

The Class 11 (Accessory Structures) exemption authorizes the construction or replacement of minor structures which are accessory and appurtenant to existing commercial, industrial or institutional facilities, including small parking lots. The Project is

for a small parking lot which is accessory and appurtenant to the Shuttle Facility and only includes minor structures including site walls, gates, lighting and electric vehicle charging stations. Therefore, the Class 11 exemption is applicable.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project Site does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all residential occupants of property within 300 feet of the boundaries of the Project Site (excluding intervening rights-of-way) including the Applicant and posted on the Project Site at least 10 days before the scheduled meeting, consistent with the provisions of the NBMC. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City's website.

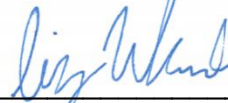
Prepared by:



Jerry Arregui
Assistant Planner

JP/ja

Submitted by:



Liz Westmoreland, AICP
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Applicant's Project Description
- PC 3 Project Plans

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Attachment No. PC 1

Draft Resolution

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RESOLUTION NO. PC2026-024

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO AUTHORIZE A PRIVATE PARKING LOT LOCATED AT 20052 BIRCH STREET (PA2023-0220)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Austin Hahn of Allegro Civil Engineers, PC (“Applicant”), on behalf of Jones Bristol Parcel, LLC (“Owner”), with respect to property located at 20052 Birch Street (“Property”). The Property is legally described as the northeasterly one half of Lot 140, Tract 706, City of Newport Beach, as shown on a map recorded in Book 21, Page 25 of Miscellaneous Maps, in the Office of the County Recorder of Orange County, California.
2. On December 11, 2025, the Zoning Administrator approved the Limited Term Permit (“LTP”) filed as PA2025-0141, authorizing the Property to operate as a temporary parking lot to provide additional parking for an existing airport shuttle and car washing facility (“Shuttle Facility”) operated by Fletcher Jones Motorcars (“Fletcher Jones”), which is located immediately north of the Property at 2172 – 2222 South Bristol Street. The temporary parking lot is approved to operate from January 26, 2026, through January 26, 2027.
3. The Applicant requests a Conditional Use Permit (“CUP”) to convert the temporary parking lot into a permanent, 39-space, private, parking lot that will operate as an extension of the Shuttle Facility. The Property will provide overflow parking for Shuttle Facility customer vehicles and connectivity from Bristol Street to Birch Street for the shuttle van. The Property will be improved with concrete pavement, a commercial driveway approach, an access gate along Birch Street, striping, site walls, light fixtures, electric vehicle charging infrastructure, and landscape buffers. The parking lot will operate between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sundays, consistent with the approved Shuttle Facility operating hours. The parking lot will not be open to the public and will only be accessed by Fletcher Jones employees. The existing approval for the Shuttle Facility (PA2022-128) will not be affected (“Project”).
4. The Property is categorized as General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan (SP-7) Business Park (SP-7/BP) Zoning District.
5. The Property is not located within the coastal zone; therefore, a coastal development permit is not required.

6. A public hearing was held on August 6, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”) and Chapters 20.62 (Public Hearings) of the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 11 (Accessory Structures) exemption authorizes the construction or replacement of minor structures which are accessory and appurtenant to existing commercial, industrial or institutional facilities, including small parking lots. The Project is for a small parking lot which is accessory and appurtenant to the Shuttle Facility and only proposes minor structures such as site walls, gates, lighting and four electric vehicle charging stations. Therefore, the Class 11 exemption is applicable.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

Conditional Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable Specific Plan.*

Facts in Support of Finding:

1. The Property is categorized as General Commercial Office (CO-G) by the Land Use Element of the General Plan. Table LU 1 (Land Use Plan Categories) specifies that the CO-G category is intended to provide areas for the development of administrative, professional, and medical offices with limited accessory retail and service uses. Hotels, motels, and convalescent hospitals are explicitly prohibited. The Project proposes a parking lot to be used as an extension of the Shuttle Facility. While the Project will maintain

slightly later hours than typical administrative or professional offices, it will not maintain overnight hours common to hotels, motels, or hospitals.

2. The Property was historically developed with three residential dwelling units, which were demolished in March 2026. Residential uses are not intended for areas categorized as CO-G.
3. The Property is one of 25 properties within the 20000 block of Birch Street which are categorized as CO-G by the Land Use Element of the General Plan. Many of these properties have been redeveloped from nonconforming residential uses to multi-story medical and professional office buildings. Similarly, a nonconforming residential use has been eliminated, and the Project will establish parking lot use that is appropriate within the CO-G land use category and maintains the continuous effort to transform Birch Street into a business park area.
4. The Project is consistent with General Plan Land Use, Noise, and Safety Element policies, including, but not limited to the following:

- a. **Land Use Element Policy LU-3.4 (Buffering Residential Areas).** *Require buffers between non-residential and residential areas to minimize potential impacts using landscaping, decorative walls, and other features.*

The Property abuts a single-unit residential neighborhood to the rear; however, a 6-foot-tall block wall and a 17-foot rear landscape buffer is proposed to soften the transition between the Project and the residential area.

- b. **Land Use Element Policy LU-4.9 (Ambient Lighting).** *Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.*

The Project includes the installation of six, 18-foot tall, light standards which directs light within the Property. A photometric study has been provided demonstrating that lighting does not exceed one footcandle at all property lines. Additionally, Condition of Approval No. 14 authorizes the Community Development Director the ability to order the dimming of light sources or other remediation upon finding that the Property is excessively illuminated.

- c. **Land Use Element Policy LU-7.5 (Parking Location).** *Locate open parking lots away from streets with screening such as landscaping and architectural walls.*

The Project includes an approximately 50-foot landscape buffer along the front property line abutting Birch Street and a 6-foot wrought iron gate which both serve to visually screen the parking lot from Birch Street.

- d. **Land Use Element Policy LU-17.4 (Community-Serving Uses).** *Support community-serving commercial uses that help create a balance of land uses and increase resident access to make Newport Beach a self-sustaining community with essential resources.*

The Project will ensure the continued operation of the Shuttle Facility, which provides residents with convenient and essential transportation to and from the Airport.

- e. **Noise Element Policy N-1.1 (Noise Compatibility of New Development).** *Require all proposed projects to be compatible with the noise environment according to standards presented in Table N-2, and enforce the interior and exterior noise standards in the NBMC.*

The Project is located approximately 1,100 feet south of the Airport and within the 65-70 dBA Community Noise Equivalent Level (“CNEL”) noise contour area. Pursuant to Table N2 (Land Use Noise Compatibility Matrix) of the Noise Element, a wide range of commercial activities are normally compatible with this level of noise, whereas the former residential uses were incompatible. The Project does not include any buildings; therefore, there is no applicable ambient noise mitigation for the Project.

- f. **Safety Element Policy S-9.1 (Land Use Compatibility).** *Participate in the planning process for projects related to John Wayne Airport, including any future updates to its Airport Environs Land Use Plan (AELUP). Continue to ensure new development land use intensity and compatibility align with the most currently available AELUP for the Airport to minimize potential safety impacts on residents.*

The Project is located within Safety Zone 3 (Inner Turning Zone) of the AELUP which is an area where aircraft are typically turning when departing or arriving. The AELUP prohibits buildings with more than three habitable floors and recommends avoiding moderate and high intense non-residential uses such as major shopping centers, theaters and meeting halls within Safety Zone 3. The Project is for a surface parking lot and does not include any buildings. It is not classified as a moderate or high intensity use and is consistent with the AELUP.

- 5. Facts 1, 2 and 3 in support of Finding B are hereby incorporated by reference.

Finding:

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions in the Zoning Code and Municipal Code.*

Facts in Support of Finding:

- 1. The Property is located within the SP-7/BP Zoning District, which is intended for professional and administrative offices, commercial uses, specific uses related to product development, and limited light industrial uses. Section 20.90.120 (Business Park District: SP-7[BP]) of the NBMC neither permits nor prohibits parking lot uses; however, it authorizes the Planning Commission to review uses not otherwise addressed and to allow such uses if found to be consistent with the purpose and intent of the SP-7/BP Zoning District. Therefore, a CUP is required for the Project.

2. The Project is to redevelop a property previously developed with prohibited residential uses into a vehicle parking lot associated with the Shuttle Facility, which is consistent with the purpose and intent of the SP-7/BP Zoning District.
3. The Project complies with applicable site development standards as specified in subsection 20.90.120(F) (Business Park District: SP-7 (BP) - Site Development Standards) and Section 20.90.030 (Design Guidelines) of the NBMC including, but not limited to lighting, landscape setbacks and site walls.
 - a. Fact 4.B in Support of Finding B is hereby incorporated by reference.

The Project requires minimum landscape buffers including a 10-foot front, 3-foot side, and 10-foot rear landscape buffers as there is property within the Residential Equestrian (SP-7/REQ) Zoning District to the rear. The Project provides 50-foot front landscape buffer along Birch Street, 3-foot landscape buffer along the side property lines, and 17-foot landscape buffer along the rear property line.
 - b. The SP-7 includes design guidelines which require a specific planting pallet for all landscaping. The Project landscape buffers include the required pallet of trees, shrubs, and ground cover, which soften the view of the parking lot from Birch Street.
 - c. Consistent with the design guidelines, the Project will provide the minimum required site fencing, including a 6-foot concrete masonry wall along the side and rear property lines and a 6-foot wrought-iron gate along the front property
 - d. The Project does not propose any buildings; therefore, the development standards for floor area ratio (FAR), site coverage, building height, building design, building setbacks, and solid waste storage are not applicable.
 - e. As no commercial floor area is proposed on the Property, the Project is not subject to a minimum parking requirement. The proposed parking spaces are intended to function as overflow for the Shuttle Facility.
4. The Project complies with all applicable development standards specified within Section 20.40.070 (Development Standards for Parking Areas) of the NBMC, including but not limited to, parking lot surfacing, location of parking, and size of spaces.
 - a. The Project complies with the required parking lot surfacing by providing concrete pavement within the entire parking lot, including the parking spaces and maneuvering areas.
 - b. The Project complies with the minimum required parking space dimension of 8-foot, 6-inch wide by 17-foot-deep parking spaces and minimum drive isle width of 26 feet.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. Fact 3.C in Support of Finding B is hereby incorporated by reference.
2. The Property is located on Birch Street, which is primarily developed with multi-story, medical and professional office buildings also located within the SP-7/BP Zoning District. The Property is bounded by the Shuttle Facility and a Starbucks Café to the north, a storage facility and single-family residential neighborhood to the east, and a multi-tenant, medical and professional office building to the south. There is a multi-unit residential development approximately 200 feet south of the Property along Birch Street followed by four single-unit dwellings further south. Residential uses are not allowed within SP-7/BP District and are considered legal nonconforming. These residential uses are intended to be redeveloped into nonresidential buildings over time.
3. Although the Project is adjacent to a storage facility to the rear, that property is located within the SP-7/REQ Zoning District which allows for single-unit residential development. However, as discussed in Fact 3.B Support of Finding B, the Project includes a 17-foot rear landscape buffer that includes trees, shrubs, and ground cover, which provides an adequate visual and physical separation between the Project and the SP-7/REQ zoned property.
4. The Project is not anticipated to generate any public inconveniences such as noise, light, odors, traffic, or other detrimental conditions that would negatively impact or prove to be incompatible with the other uses in the area. Customers will arrive to the adjacent Shuttle Facility from Bristol Street and are transported to the airport by a shuttle van. While the Property includes a 6-foot perimeter wall, there is a 26-foot-wide gap near the rear of the Property which provides connectivity to the Shuttle Facility for shuttle vans to access Birch Street. Only employees will have access to the parking lot.
5. Condition of Approval No. 9 limits parking lot access and operation between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday, consistent with the hours of the Shuttle Facility. In the event of a delayed evening flight, customer vehicles shall be relocated to the Shuttle Facility pick up area prior to 10 p.m. to the extent feasible to limit activity on the Property during later hours.
6. The parking lot will include six, 18-foot tall light standards which include full-cut off fixtures that are designed, shielded, aimed, located and maintained to shield adjacent properties from any glare. The lighting will include motion sensors ensuring that the parking lot is only illuminated when in use. Additionally, the lighting also includes a dimming function, ensuring that illumination can be reduced.
7. The parking lot will not be used as an area for detailing vehicles. Additionally, Condition of Approval No. 10 requires the parking lot to only be used by employees of the Shuttle Facility and prohibits the parking lot from being operated as a self-parking or independent parking lot. Condition of Approval No. 11 prohibits the parking lot from

being used as an employee break or smoking area. These conditions ensure that there is not an overconcentration of activity within the parking lot.

8. A temporary parking lot has existed on the Property since early 2026 and has operated successfully without incident or code enforcement complaints, suggesting that the Property is both suitable and appropriate for continued use as a parking lot. The Project will serve as an opportunity to establish a permanent parking lot with a higher quality design that is anticipated to remain compatible with the adjacent uses.

Finding:

- D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The Property measures 18,041 square feet in area, is rectangular in shape, and is located within a developed business park that is adequately served by existing public services and utilities. The Project has been reviewed by the City's Fire, Public Works, and Building Departments and have determined that adequate public and emergency vehicle access, public services, and utilities are provided to the Property.
2. Vehicular access to the Property will continue to be provided along Birch Street via a new commercial driveway approach, which connects to the 26-foot-wide drive aisle, ensuring adequate public and emergency vehicle access. The gate along Birch Street will allow access to both shuttle vehicles and Shuttle Facility employees.
3. The Project does not include any buildings, therefore, compliance with the minimum refuse storage area as specified in Section 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC is not required.
4. The Building Division, Fire Department, and Public Works Department have reviewed the Project and provided conditions of approval which require the Applicant to obtain all applicable building permits and comply with the applicable Building, Fire, and Public Works Codes.

Finding:

- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. Facts 5, 6, 7, and 8 in Support of Finding C are hereby incorporated by reference.

2. The Project supports the Shuttle Facility by providing an area available for overflow parking and vehicle access for the shuttle to access Birch Street. The parking lot is not anticipated to endanger, jeopardize, or otherwise constitute a hazard to the public.
3. The Project also includes Condition of Approval No. 12 to only allow vehicles to be stored within the parking lot and requires them to be maintained in working order. This ensures that the parking lot use does not result in automobile junk and salvage yard, which is prohibited within the SP-7/BP Zoning District.
4. The Project has been reviewed and includes conditions of approval to help minimize potential conflicts with the surrounding land uses to the greatest extent possible. Condition of Approval No. 13 requires the business operator to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the operation of the business. Based on the NBMC requirements and the proposed conditions of approval, the Project is expected to be compatible with the surrounding area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Planning Commission of the City of Newport Beach hereby approves the Conditional Use Permit filed as PA2023-0220, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution is adopted unless within such time an appeal or call for review is filed with the City Clerk in accordance with the provisions of Chapter 20.64 (Appeals) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 6TH DAY OF AUGUST, 2026.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
David Salene, Chair

BY: _____
Greg Reed, Secretary

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EXHIBIT “A”

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

PLANNING DIVISION

1. The Project shall be in substantial conformance with the approved site plan and landscape plan stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Any substantial change to the operational characteristics, expansion in area, or other modification shall require subsequent Planning Division review and may require an amendment to this approval or the processing of a new application.
3. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
4. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this Conditional Use Permit.
5. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
6. This approval may be modified or revoked by the Planning Commission or City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.
7. Prior to issuance of the building permits, a copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans.
8. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. to 6:30 p.m., Monday through Friday, and 8 a.m. to 6:30 p.m. on Saturday. Noise-generating construction activities are not allowed on Sunday or federal holidays.
9. *The parking lot access and operation shall be limited to between the hours of 5 a.m. to 10 p.m., Monday through Saturday, and 6 a.m. to 10 p.m. on Sunday. In the event of a delayed evening flight, customer vehicles shall be relocated to the Shuttle Facility pick up area prior to 10 p.m. to the extent feasible.*

10. *The parking lot shall only be accessed by employees of the Shuttle Facility and shall not operate as a self-parking or independent parking lot.*
11. *The parking lot shall not be used as an employee break or smoking area.*
12. *Storage in the front or at the rear of the Property shall be prohibited, apart from vehicles. Vehicles on the Property shall be maintained in working order.*
13. The business operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the operation of the business.
14. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
15. The Property shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the Property is excessively illuminated.
16. All proposed signs shall comply with the provisions of Chapter 20.42 (Sign Standards) of the NBMC.
17. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and 9 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Conditional Use Permit.
18. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the NBMC to require such permits.
19. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
20. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

21. To the fullest extent permitted by law, the Applicant and Owner shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **Fletcher Jones Parking Lot, but not limited to, a Conditional Use Permit filed as PA2023-0220**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant and Owner shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The Applicant and Owner shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

22. *The Applicant shall obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent City-adopted version of the California Building Code (CBC).*
23. *Prior to issuance of a building permit, a water quality management plan (WQMP) shall be submitted for review and approval.*
24. *Number of exits and exit travel distances shall comply with Chapter 10 of CBC.*
25. *An accessible path from public right-of-way shall be provided.*
26. *Clear width of sidewalks and walks shall be a minimum of 48 inches.*
27. *Circulation paths contiguous to vehicular traffic shall be physically separated from vehicular traffic.*

Fire Department

28. *Means of Fire Department access to the parking lot shall be provided by a knox key switch for the gate or knox pad lock.*
29. *Fire Department access lanes through the parking lot shall be maintained at a minimum of 20 feet wide and clearly identified.*

Public Works Department

30. *All improvements shall be constructed as required by Ordinance and the Public Works Department.*

31. *A Public Works Department encroachment permit shall be obtained for all work activities within the public right-of-way.*
32. *Prior to building permit final, an easement for street and utility purposes along the Birch Street property frontage shall be dedicated to the City and recorded.*
33. *The proposed parking lot layout shall comply with City Standard 805.*
34. *The proposed street improvements for the Project shall comply with City Standards.*
35. *The proposed water improvements for the Project shall be reviewed and approved by the Irvine Ranch Water District (IRWD).*
36. *In case of damage done to public improvements surrounding the Property by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.*

Attachment No. PC 2

Project Description

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Project Description

To: Mr. Jerry Arregui, Assistant Planner
City of Newport Beach
100 Civic Center Dr
Newport Beach, CA 92660

From: Austin Hahn, Allegro Civil Engineers, P.C.

CC:

Date: 01.23.2026

Re: Conditional Use Permit: Fletcher Jones – Non-Revenue Parking Lot - 20052 SW Birch
Street **PA2023-0220 – Submittal #3**

Dear Mr. Arregui,

Allegro Civil Engineers, PC, is working with Fletcher Jones Management Group (FJMG) to develop, in cooperation with City of Newport Beach staff, a non-revenue parking lot located at 20052 SW Birch Street. The parking lot shall have direct access to 2172, 2192 and 2222 Bristol (PA2022-128). The services provided by this project are limited to:

- Vehicle charging
- Customer Vehicle Parking/Inventory (no customer access to this property will be provided)

These functions are not specifically designated in City of Newport Beach Municipal Code Section 20.90.120, but the nearest published use would most likely be:

- Any other uses which the Planning Commission finds consistent with the purpose and intent of this district.

The services provided do not include:

- All uses not listed in this section as permitted.
- Outdoor storage of any equipment, materials, apparatus or vehicles greater than one ton unless allowed by a use permit under subsection (C) of this section (Temporary Uses Permitted).
- Adult entertainment businesses and adult-oriented businesses.
- Educational institutions.
- Hospitals and nursing homes.
- Residential uses.
- Manufacturing uses, unless allowed by a use permit under subsection (C) of this section (Temporary Uses Permitted).
- Day nurseries.
- Automobile wrecking, junk and salvage yards.
- Vehicle engine/transmission rebuilding as a primary use.

- Any use which the Community Development Director finds would result in conditions or circumstances contrary to public health, safety and general welfare.

The above uses are prohibited within the Business Park (BP) land use designation of Santa Ana Heights Specific Plan. Vehicle inventory and EV charging uses are not prohibited. As such, the proposed facility does not support a prohibited use.

The site information requested in the City of Newport Beach Conditional & Minor Use Permit Information document is listed below:

Table 1: Project Site Information

Lot Area	18,041 SF	Building Height	N/A – No Building
Lot Width	66.02'	Landscaping (%)	4,417 SF (24.5%)
Lot Depth	300.24'	Paving (%)	13,624 SF (75.5%)
Required Setbacks		Parking	39 stalls on-site
• Front	10-foot landscape setback	Number of Employees	4 (Maximum, per shift)
• Sides	3-foot landscape setback	Number of Seats	N/A
• Rear	10-foot landscape setback	Dwelling Units	N/A
Gross Floor Area	N/A	Hours of Operation	5:00 AM to 10:00 PM Monday through Saturday; 6:00 AM to 10:00 PM Sunday to match Conditions of Approval (PA 2022-0128)
Floor Area Ratio	N/A	Use	Parking lot
Building/Lot Coverage	0%	Disturbed Area	19,229 SF

The parking lot shall have direct access to Birch Street. There is a proposed fence along Birch Street to limit access to the lot to private use for temporary storage parking of motor vehicles using the Fletcher Jones Airport Shuttle Service. There are 39 proposed parking spaces on the Birch lot, 4 of which shall provide EV charging. Due to the proposed cross-access between the Birch and Bristol lots, the following parking summary is provided, which includes combined parking stall counts for both sites. Note that there is no proposed permanent structure on the subject area (Birch lot). Delivery trucks may access the site via the northern entrances on Bristol Street or the gated western entrance on Birch Street, but this is not expected to be a regular route for deliveries. Delivery times, car drop-offs, and car pickups will occur during the hours of operation specified in Table 1.

Table 2: Parking Summary

	Stalls Provided	Stalls Required
Proposed parking at 20052 SW Birch		
Standard Stalls (9'x17')*	35	0
EV Stalls (9'x17')*	4	0
ADA Stalls (9'x18')	0	0
Total	39	0
Total Proposed Parking for Bristol and Birch lots		
Standard Stalls (9'x17')*	59 (3 employee)	3
EV Stalls (9'x17')*	13	9
ADA Stalls (9'x18')**	3 (1 ex)	1
Total	114	4

*Note: 2 feet less length if adjacent to landscape buffer.

**Note: Vehicle storage 1/500 sf of office (0 REQ'D), Auto washing 1/200 SF of Office (3 REQ'D)

Per the meeting on 02/24/2025, as discussed with city staff, it is assumed that the subject property shall comply with the required landscaping buffers via incorporation of the standard 6' tall slump wall. Per the DRC meeting on 04/17/2025, as discussed with city staff, there is a required 10-foot landscape setback along the rear setback abutting the SP-7 Santa Ana Heights Specific Plan – Residential Equestrian District and along the front yard abutting the public right-of-way.

Fletcher Jones is also aware that the proposed use is not explicitly permitted under the SP-7 Business Park District and that the Planning Commission shall hold a public hearing in order to make a determination on the proposed use based on the intent of the zoning district. We believe that a non-revenue generating parking lot associated with a passenger shuttle service provides a use more consistent with the spirit of the Specific Plan than multiple non-confirming single family homes on a lot intended for General Commercial Uses. Fletcher Jones is also aware of the direction of city staff to amend the existing PA2023-0220 application with the updated proposed use and to submit materials such as the updated site plan and other required materials.

Thank you for your assistance on this project,



Austin Hahn

President

Allegro Civil Engineers, PC

(872) 270-3682

aj@allegroeng.com

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Attachment No. PC 3

Project Plans

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FLETCHER JONES
BIRCH INVENTORY LOT

20052 SW BIRCH STREET
NEWPORT BEACH, CA 92660
702.739.9800

Gensler

5005 Greenville Ave.
Dallas, TX 75206
United States

Tel 214.273.1500
Fax 214.273.1505

razorblade engineering

Office: 619.333.6703
2014 Avenida Pineda, Ste. 180
Escondido, CA 92029
Email: info@razorbladeengineering.com
www.razorbladeengineering.com

John Bristol Parcel, LLC
7300 W. Sahara Ave.
Las Vegas, NV 89117
702.735.6502

Date	Description
11/20/2023	ISSUE FOR USE PERMIT - CONDITIONAL
07/28/2025	RESPONSE TO CITY COMMENTS
01/23/2026	RESPONSE TO CITY COMMENTS
04/02/2026	RESPONSE TO CITY COMMENTS
05/26/2026	RESPONSE TO CITY COMMENTS

Seal / Signature

Project Name

FJ BIRCH INVENTORY LOT

Project Number

027-6664016

Description

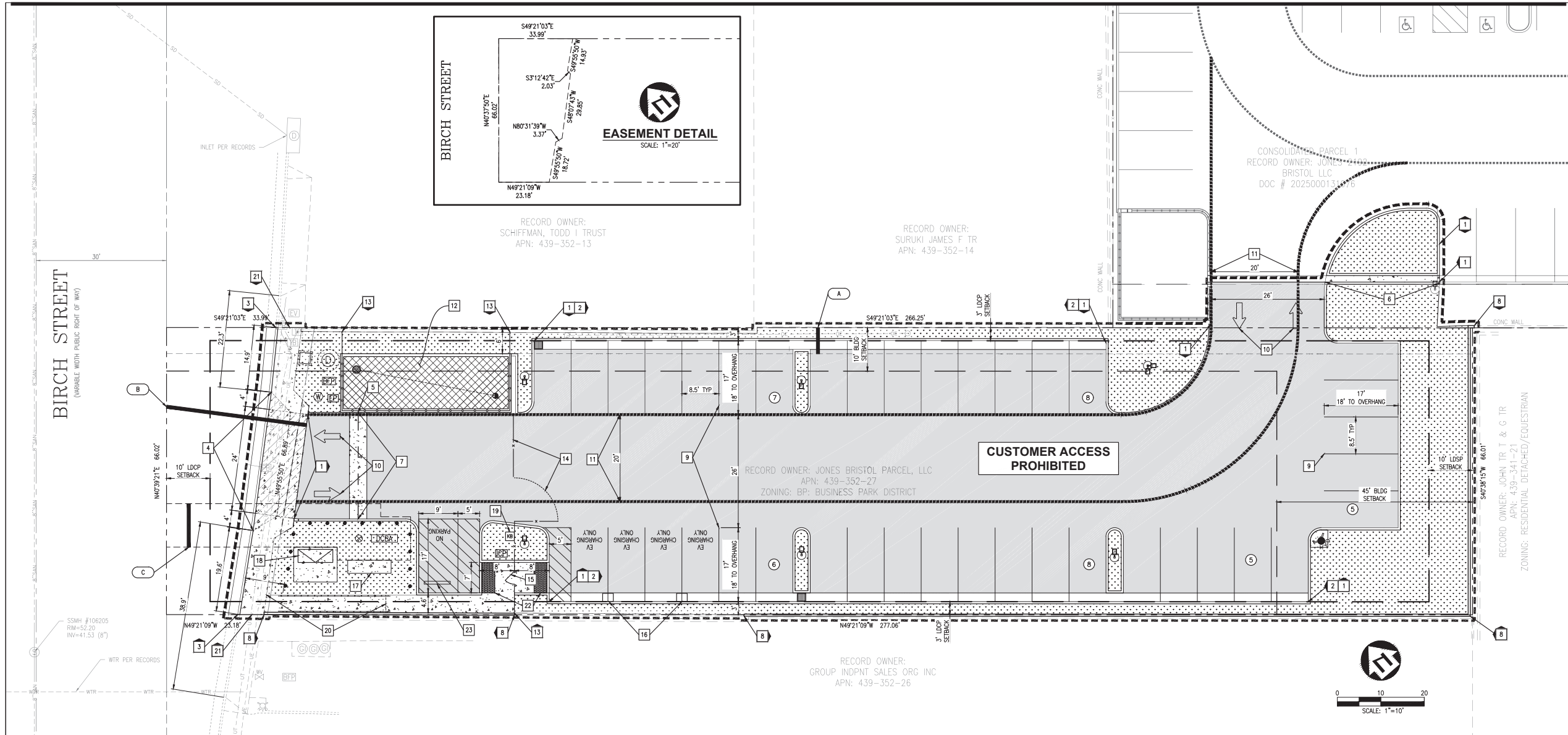
CITY OF NEWPORT BEACH
PLOT PLAN

Scale

SHEET SIZE: 30" x 42"

C1.0

30 151



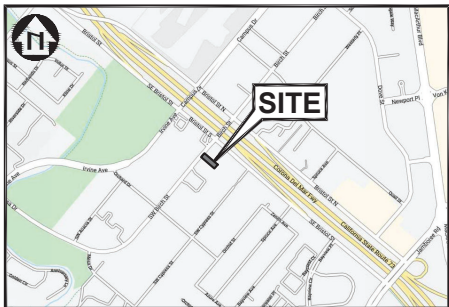
SITE INFORMATION:

APN: 439-352-27
ZONING: SP-7 (BP) SANTA ANA HEIGHTS SPECIFIC PLAN - BUSINESS PARK DISTRICT
FLOOD ZONE: THE PROPERTY LIES WITHIN FLOOD ZONE 'X' PER FIRM MAP NO. 06059C0267J, WITH AN EFFECTIVE DATE OF DECEMBER 3, 2009. ZONE X IS DEFINED AS 'AREA SUBJECT TO MINIMAL FLOODING'

SUMMARY:	EXISTING	PROPOSED
TOTAL PARCEL AREA	±18,041 SF (±0.41 ACRES)	
TOTAL DISTURBED AREA	±19,227 SF (±0.44 ACRES)	
DISTURBED AREA SUMMARY:		
IMPERVIOUS AREA	±12,556 SF	±14,654 SF
PERVIOUS AREA	±6,671 SF	±4,573 SF
CHANGE IN IMPERVIOUS AREA		±2,098 INCREASE
SETBACKS:		
FRONT (BIRCH ST)	10' (FROM P/L)	NONE
SIDE (NE/SW)	3'	10'
REAR (SE)	10' (REQ)	45' (REQ)
LANDSCAPE:		
TOTAL IRRIGATED LANDSCAPE AREA	4,937 SF	
EXISTING BUILDING INVENTORY:		
2-BEDROOM RESIDENCE	1,097 SF*	
GARAGE	448 SF*	
2-BEDROOM RESIDENCE	2,285 SF*	
GARAGE	201 SF*	
*TO BE DEMOLISHED		

PARKING SUMMARY

	REQUIRED	PROVIDED
EMPLOYEE SPACES	0	0
CUSTOMER SPACES	0	0
INVENTORY/SECURED SPACES (REGULAR)	0	35
EV SPACES	0	4 EVSE
ADA SPACES	0	0
TOTAL	0	39



VICINITY MAP
NOT TO SCALE

SHEET INDEX:

C1.0	CITY OF NEWPORT BEACH PLOT PLAN
C2.0	PRELIMINARY GRADING AND DRAINAGE PLAN
C3.0	PRELIMINARY STORMWATER CONTROL PLAN
C4.0	PRELIMINARY UTILITY PLAN
A0.21	SITE DETAILS
L-1	PLANTING CONCEPT
L-2	PLANTING CONCEPT IMAGES
E0.1	GENERAL NOTES, SYMBOL LIST, ABBREVIATIONS, SHEET INDEX
E0.2	SINGLE LINE DIAGRAM 'MSB', LIGHTING FIXTURE SCHEDULE, LIGHTING CONTROL DIAGRAM, PANEL SCHEDULES
E0.3	EXTERIOR TITLE 24 FORMS
E0.11	SITE POWER PLAN EV CHARGER SPECIFICATIONS
E0.12	SITE LIGHTING PLAN, SITE PHOTOMETRIC PLAN

SURVEY NOTES:

- TOPOGRAPHIC SURVEY PROVIDED BY RICHTIG, INC.; DATED NOVEMBER 28, 2021 AND UPDATED JULY 19, 2023.
- BASIS OF BEARINGS: THE NORTH 40°37'50" EAST ALONG THE CENTERLINE OF BIRCH ST., AS SHOWN ON RECORD OF SURVEY NO. 2004-1100, RECORDED IN BOOK 207, PAGE 41.
- DATUM: NAVD83.
- BENCHMARK: GRANGE COUNTY BM #3N-61-89; DESCRIBED BY OCS 2003; FOUND 3/4" OCS ALUMINUM BENCHMARK (DSK STAMPED '3N-61-89', SET IN NORTHERLY CORNER OF A 4.5 FT. BY 8 FT. CONCRETE CATCH BASIN, MONUMENT IS LOCATED ALONG THE SOUTHWESTERLY SIDE OF BRISTOL, 450 FT. NORTHERLY OF THE CENTERLINE OF JAMBOREE, 33 FT. SOUTHWESTERLY OF THE CENTERLINE OF SOUTH BRISTOL, AND 28 FT. NORTHERLY OF A SINGLE LIGHT STANDARD, MONUMENT IS SET LEVEL WITH THE SIDEWALK ELEVATION: 56.989
- ALL EXISTING INFORMATION PRESENTED IN THESE PLANS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR. ANY DISCREPANCIES IN THE PLANS SHALL BE MADE AWARE TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

GENERAL NOTES:

- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF NEWPORT BEACH, GRANGE COUNTY, CALTRANS, AND CALIFORNIA STANDARDS AND SPECIFICATIONS.
- ANY EXISTING INFRASTRUCTURE OR SITE ITEMS (ABOVE OR BELOW GRADE, READILY VISIBLE OR NOT) OR PROPERTY DAMAGED AS A RESULT OF CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE APPROPRIATE AGENCY.
- ALL CONSTRUCTION SHALL CONFORM TO APPLICABLE STATE AND LOCAL CODES. WHEN CODES ARE IN CONFLICT, THE MORE STRINGENT SHALL APPLY. THE CONTRACTOR SHALL CAUSE A CURRENT COPY OF SAID CODES TO BE MAINTAINED ON SITE AT ALL TIMES.
- ALL SIGNAGE AND PAINT MARKINGS SHALL COMPLY WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), OR AS OTHERWISE SPECIFIED. INSTALLATION OF SIGNS SHALL BE GOVERNED BY LOCAL CODES.
- THE CONTRACTOR IS RESPONSIBLE TO LOCATE AND PROTECT ALL EXISTING UTILITIES DURING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER AT LEAST THREE DAYS PRIOR TO ANY SITE WORK FOR PROPER IDENTIFICATION OF EXISTING UTILITIES.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING ITEMS AND DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

ACCESSIBILITY NOTES:

- ALL SITE WORK SHALL BE IN CONFORMANCE WITH THE LATEST CALIFORNIA ACCESSIBILITY CODE, AND WITH THE AMERICANS WITH DISABILITIES ACT (ADA), LATEST EDITION.
- RAMPS SHALL NOT EXCEED A RUNNING SLOPE OF 1:12 (8.33%).
- RAMPS ARE DEFINED AS ANY WALKWAY BETWEEN SLOPES 1:20 (5%) AND 1:12 (8.33%) AND SHALL HAVE A MINIMUM WIDTH OF 4 FEET AND A MAXIMUM CROSS-SLOPE OF 2%. RAMPS EXCEEDING 30 INCHES VERTICAL CHANGE SHALL HAVE INTERMEDIATE (2% MAX SLOPE) LANDINGS HAVING A MINIMUM LENGTH IN THE DIRECTION OF TRAVEL OF 60 INCHES. BOTTOM LANDINGS AT CHANGES IN RAMP DIRECTION SHALL HAVE A MINIMUM LENGTH OF 72 INCHES. MAXIMUM CROSS-SLOPE ON ANY WALK OR RAMPS SHALL BE 2%. ALL ACCESSIBLE PARKING SPACES AND LOADING ZONES SHALL HAVE A MAXIMUM SLOPE OF 2% IN ANY DIRECTION.
- ALL WALKS SHALL HAVE A MINIMUM 4 FOOT CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.

UTILITY LOCATION NOTE:

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES, PIPES AND/OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM A SEARCH OF CITY OF NEWPORT BEACH RECORDS, AS WELL INFORMATION PROVIDED BY OTHERS. THE CONTRACTOR SHALL INVESTIGATE AND VERIFY THE TRUE VERTICAL AND HORIZONTAL LOCATION AND SIZE OF ANY UNDERGROUND UTILITIES SHOWN OR NOT SHOWN HEREON.

SITE PLAN KEY NOTES

- PROPOSED PRIVATE PCC 6" TALL VERTICAL BARRIER CURB.
- PROPOSED PRIVATE PCC 6" TALL CURB WITH 24" GUTTER.
- PROPOSED PUBLIC 'TYPE A' PCC CURB AND GUTTER, PER CITY OF NEWPORT BEACH STD. DWG. NO. 182.
- PROPOSED COMMERCIAL DRIVEWAY APPROACH TYPE L, PER CITY OF NEWPORT BEACH STD. DWG. NO. 160. PLUG EXISTING DRIVEWAY, PER CITY OF NEWPORT BEACH STD. DWG. NO. 165.
- PROPOSED CURB CUT FOR STORMWATER CONVEYANCE.
- PROPOSED 12" WIDE GUTTER.
- PROPOSED 4' WIDE VALLEY GUTTER.
- PROPOSED 6' TALL CONCRETE SLUMP PRIVACY WALL TO MATCH EXISTING.
- PROPOSED 4" PARKING STALL STRIPE, TRAFFIC WHITE PAINT, MINIMUM TWO COATS, PER CAMUTO STANDARDS. (TYP).
- PROPOSED PAVEMENT DIRECTIONAL MARKING/TEXT, TRAFFIC WHITE PAINT, MINIMUM TWO COATS. (TYP).
- PROPOSED 20 FOOT WIDE FIRE LANE.
- PROPOSED WALLED BIORETENTION BMP. WALLS ARE 8" WIDE EXCEPT ADJACENT TO DRIVE AISLES WHICH ARE 10" WIDE.
- PROPOSED SECURITY FENCE. SEE ARCHITECTURAL PLANS FOR DETAILS.
- PROPOSED COMBINATION 6' TALL, 15.5' WIDE SLIDING GATE, AND 10' WIDE SWING GATE. SEE ARCHITECTURAL PLANS FOR DETAILS.
- PROPOSED MAN DOOR. SEE ARCHITECTURAL PLANS FOR DETAILS.
- PROPOSED EV CHARGING STATION AND PARKING STALLS. EACH EV STALL SHALL HAVE 'EV CHARGING ONLY' PAINTED ON SURFACE IN 12" STENCILED LETTERS. SEE ARCHITECTURAL PLANS FOR DETAILS.
- PROPOSED EV SWITCHBOARD AND CHARGING EQUIPMENT ON PCC PAD WITH PROTECTIVE BOLLARDS. SEE MEP PLANS.
- PROPOSED 8'X10' TRANSFORMER SLAB BOX WITH PROTECTIVE BOLLARDS, PER SCE SPECIFICATIONS. SEE MEP PLANS.
- PROPOSED KNOX BOX.
- PROPOSED RAMP WITH ADA HANDRAILS.
- PROPOSED PUBLIC SIDEWALK, PER CITY OF NEWPORT BEACH STD. DWG. NO. 180.
- PROPOSED ADA DETECTABLE WARNINGS.
- PROPOSED PCC WHEELSTOP.

EASEMENT KEY NOTES

- EXISTING 6' WIDE SCE EASEMENT PER BOOK 3877, PAGE(S) 383.
- PROPOSED EASEMENT DEDICATION. SEE EASEMENT DETAIL ON THIS SHEET.
- PROPOSED 10' WIDE WATER EASTMENT

PROPOSED	LEGEND	EXISTING
---	PROPERTY LINE	---
---	APPROXIMATE LIMIT OF DISTURBANCE	---
---	1-FOOT CONTOUR	---
---	5-FOOT CONTOUR	---
---	WATER LINE	---
---	IRRIGATION WATER LINE	---
---	FIRE PROTECTION WATER LINE	---
---	SANITARY SEWER LINE	---
---	STORM DRAIN LINE	---
---	UNDERGROUND ELECTRIC	---
---	OVERHEAD ELECTRIC	---
---	GAS LINE	---
---	TREE	---
---	FENCE	---
---	SIGN/BOLLARD	---
---	WATER VALVE/METER	---
---	FIRE HYDRANT/BACKFLOW PREVENTER	---
---	SEWER MANHOLE/CLEANOUT/GREASE TRAP	---
---	STORM MANHOLE/RAIN INLET/CLEANOUT	---
---	LIGHT POLE/UTILITY POLE	---
---	ELECTRICAL METER/VAULT/PULL BOX	---
---	TELECOMM MANHOLE/PEDESTAL/PULL BOX	---
---	GAS METER/VALVE	---
---	STANDARD PCC PAVEMENT/SIDEWALK	---
---	HEAVY-DUTY PCC PAVEMENT	---
---	STANDARD AC PAVEMENT	---
---	LANDSCAPE AREA	---
---	WALLED BIORETENTION PLANTER	---



ENGINEERS NOTE TO CONTRACTOR

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES, PIPES AND/OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL ASCERTAIN THE TRUE VERTICAL AND HORIZONTAL LOCATION AND SIZE OF ANY UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR DAMAGE TO PUBLIC OR PRIVATE UTILITIES SHOWN OR NOT SHOWN HEREON.

CALL 811 TWO WORKING DAYS BEFORE YOU DIG

Date	Description
11/20/2023	ISSUE FOR USE PERMIT - CONDITIONAL
07/28/2025	RESPONSE TO CITY COMMENTS
01/23/2026	RESPONSE TO CITY COMMENTS
04/02/2026	RESPONSE TO CITY COMMENTS
05/26/2026	RESPONSE TO CITY COMMENTS

Seal / Signature

Project Name
FJ BIRCH INVENTORY LOT

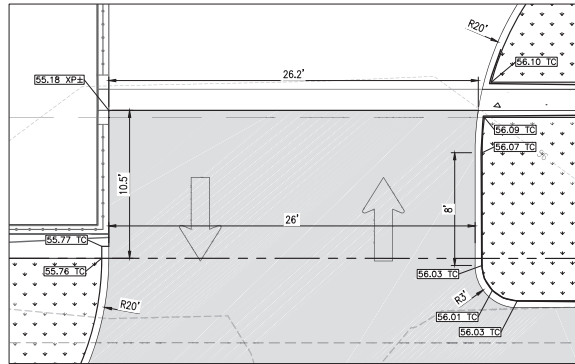
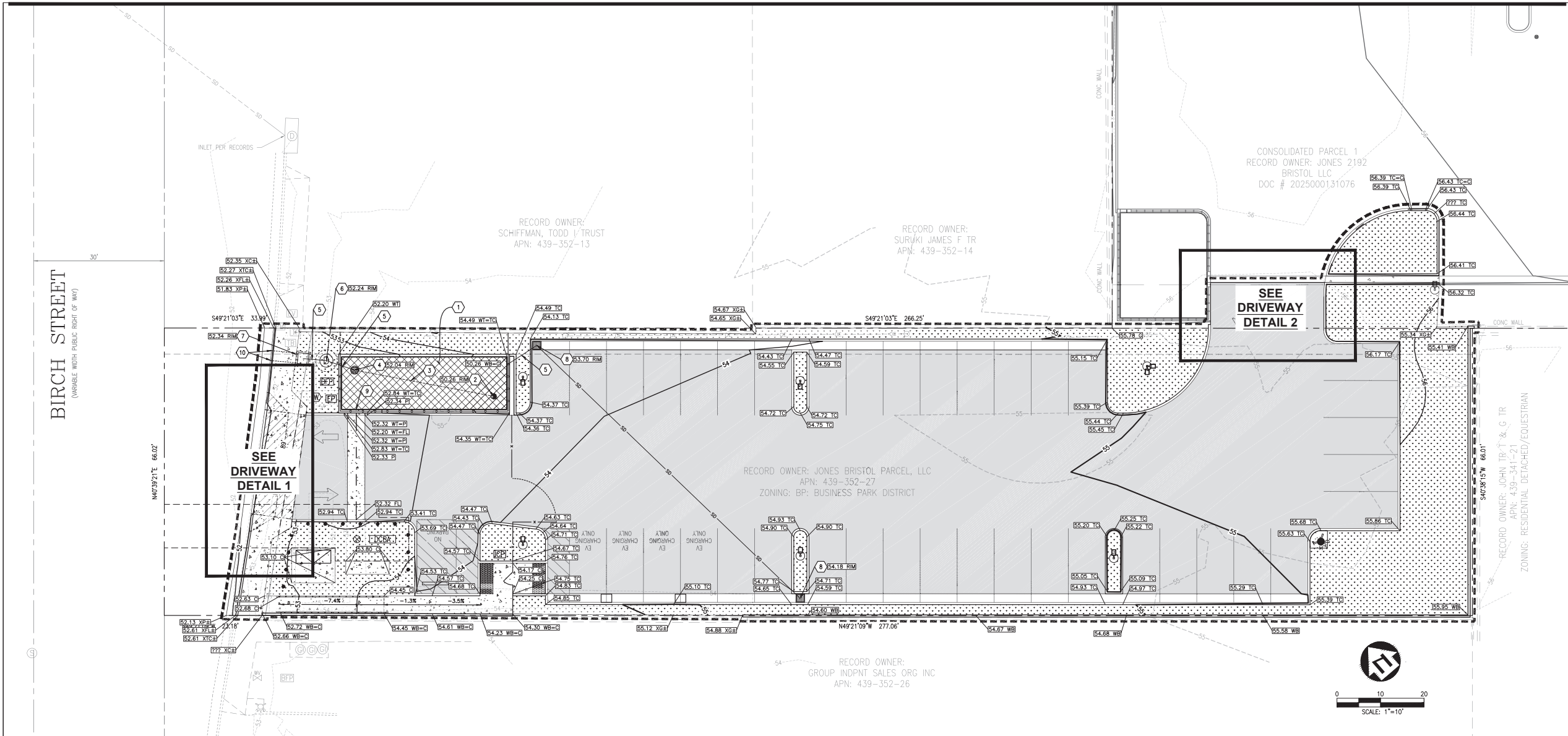
Project Number
027-6664016

Description
PRELIMINARY GRADING AND
DRAINAGE PLAN

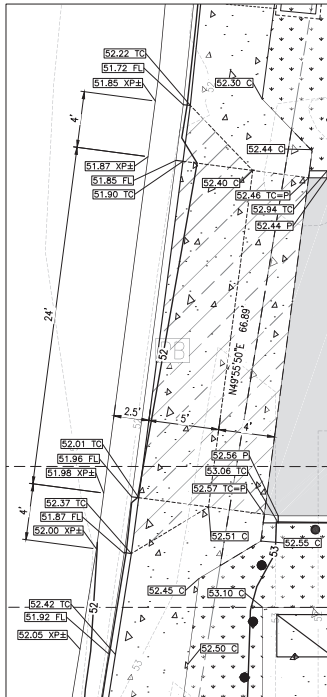
Scale SHEET SIZE: 30" x 42"

C2.0

4C152



DRIVEWAY DETAIL 2
SCALE: 1"=5'



DRIVEWAY DETAIL 1
SCALE: 1"=5'

SURVEY NOTES:

1. TOPOGRAPHIC SURVEY PROVIDED BY RICHTIG, INC.; DATED NOVEMBER 28, 2021 AND UPDATED JULY 19, 2023.
2. BASIS OF BEARINGS: THE NORTH 40°37'50" EAST ALONG THE CENTERLINE OF BIRCH ST., AS SHOWN ON RECORD OF SURVEY NO. 2004-1100, RECORDED IN BOOK 207, PAGE 41.
3. DATUM: NAVD83.
4. BENCHMARK: GRANGE COUNTY RM #3N-61-89; DESCRIBED BY OGS 2003; FOUND 3/4" OCS ALUMINUM BENCHMARK (DISK STAMPED "3N-61-89", SET IN NORTHERLY CORNER OF A 4.5 FT. BY 8 FT. CONCRETE CATCH BASIN, MONUMENT IS LOCATED ALONG THE SOUTHWESTERLY SIDE OF BRISTOL, 450 FT. NORTHERLY OF THE CENTERLINE OF JAMBOREE, 33 FT. SOUTHWESTERLY OF THE CENTERLINE OF SOUTH BRISTOL, AND 28 FT. NORTHERLY OF A SINGLE LIGHT STANDARD, MONUMENT IS SET LEVEL WITH THE SIDEWALK ELEVATION: 56.989
5. ALL EXISTING INFORMATION PRESENTED IN THESE PLANS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR. ANY DISCREPANCIES IN THE PLANS SHALL BE MADE AWARE TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF NEWPORT BEACH, GRANGE COUNTY, CALTRANS, AND CALIFORNIA STANDARDS AND SPECIFICATIONS.
2. ANY EXISTING INFRASTRUCTURE OR SITE ITEMS (ABOVE OR BELOW GRADE, READILY VISIBLE OR NOT) OR PROPERTY DAMAGED AS A RESULT OF CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE APPROPRIATE AGENCY.
3. ALL CONSTRUCTION SHALL CONFORM TO APPLICABLE STATE AND LOCAL CODES. WHEN CODES ARE IN CONFLICT, THE MORE STRINGENT SHALL APPLY. THE CONTRACTOR SHALL CAUSE A CURRENT COPY OF SAID CODES TO BE MAINTAINED ON SITE AT ALL TIMES.
4. ALL STORAGE AND PAINT MARKINGS SHALL COMPLY WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), OR AS OTHERWISE SPECIFIED. INSTALLATION OF SIGNS SHALL BE GOVERNED BY LOCAL CODES.
5. THE CONTRACTOR IS RESPONSIBLE TO LOCATE AND PROTECT ALL EXISTING UTILITIES DURING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER AT LEAST THREE DAYS PRIOR TO ANY SITE WORK FOR PROPER IDENTIFICATION OF EXISTING UTILITIES.
6. THE CONTRACTOR SHALL VERIFY ALL EXISTING ITEMS AND DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

ACCESSIBILITY NOTES:

1. ALL SITE WORK SHALL BE IN CONFORMANCE WITH THE LATEST CALIFORNIA ACCESSIBILITY CODE, AND WITH THE AMERICANS WITH DISABILITIES ACT (ADA), LATEST EDITION.
2. RAMP SLOPES SHALL NOT EXCEED A RUNNING SLOPE OF 1:12 (8.33%).
3. RAMP SLOPES ARE DEFINED AS ANY WALKWAY BETWEEN SLOPES 1:20 (5%) AND 1:12 (8.33%) AND SHALL HAVE A MINIMUM WIDTH OF 4 FEET AND A MAXIMUM CROSS-SLOPE OF 2%. RAMP SLOPES EXCEEDING 30 INCHES VERTICAL CHANGE SHALL HAVE INTERMEDIATE (2% MAX SLOPE) LANDINGS HAVING A MINIMUM LENGTH IN THE DIRECTION OF TRAVEL OF 60 INCHES. BOTTOM LANDINGS AT CHANGES IN RAMP DIRECTION SHALL HAVE A MINIMUM LENGTH OF 72 INCHES.
4. MAXIMUM CROSS-SLOPE ON ANY WALK OR RAMP SHALL BE 2%. ALL ACCESSIBLE PARKING SPACES AND LOADING ZONES SHALL HAVE A MAXIMUM SLOPE OF 2% IN ANY DIRECTION.
5. ALL WALKS SHALL HAVE A MINIMUM 4 FOOT CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.

GRADING NOTES:

1. ALL GRADE BREAKS SHALL BE CONSTRUCTED AS A VERTICAL CURVE TO AVOID ANY DEFINED CRESTS OR SAGS.
2. UNLESS OTHERWISE NOTED, PAVEMENT ELEVATION (P) IS 6" BELOW THE TOP OF CURB (TC) ELEVATION.

SPOT GRADING LEGEND

10.00 TC	PROPOSED ELEVATION TO MATCH EXISTING ITEM
10.00 P	PROPOSED ELEVATION EQUAL TO PROPOSED ITEM
10.00 C	PROPOSED ELEVATION AT TOP OF CONCRETE PAVEMENT
10.00 FL	PROPOSED ELEVATION AT FLOW LINE
10.00 G	PROPOSED ELEVATION AT FINISHED GROUND
10.00 P	PROPOSED ELEVATION AT TOP OF ASPHALT PAVEMENT
10.00 RM	PROPOSED ELEVATION AT TOP OF UTILITY STRUCTURE
10.00 TC	PROPOSED ELEVATION AT TOP OF CURB
10.00 WB	PROPOSED ELEVATION AT BASE OF WALL
10.00 WT	PROPOSED ELEVATION AT TOP OF WALL
1.5%	PROPOSED DRAINAGE SLOPE ARROW

GRADING PLAN KEY NOTES

1. PROPOSED WALLED BIORETENTION PLANTER
2. PROPOSED STORM DRAIN TERMINAL CLEANOUT. SEE SHEET C4.0 FOR RIM AND INVERTS.
3. PROPOSED PERFORATED UNDERDRAIN. SEE SHEET C4.0 FOR SIZE, LENGTH AND SLOPE.
4. PROPOSED OVERFLOW RISER WITH YARD DRAIN/BEEHIVE GRATE. SEE SHEET C4.0 FOR RIM AND INVERTS.
5. PROPOSED RCP STORM SEWER PIPE. SEE SHEET C4.0 FOR SIZE, LENGTH AND SLOPE. TRENCH AND BEDDING PER CITY OF NEWPORT BEACH STD. DWG. NO. 323.
6. PROPOSED 60" DIAMETER MANHOLE, PER CITY OF NEWPORT BEACH STD. DWG. NO. 400, WITH PUMP STATION. SEE SHEET C4.0 FOR RIM AND INVERTS.
7. PROPOSED 30"x30" OUTLET CONTROL STRUCTURE WITH PERFORATED BASE PER CITY OF NEWPORT BEACH STANDARDS.
8. PROPOSED SINGLE CURB OPENING CATCH BASIN, PER CITY OF NEWPORT BEACH STD. DWG. NO. 302. SEE SHEET C4.0 FOR RIM AND INVERTS.
9. PROPOSED 4" WIDE CURB CUT FOR STORMWATER CONVEYANCE
10. PROPOSED 3"x12" UNDER SIDEWALK RECTANGULAR DRAIN PIPE PER CITY STANDARD 184, ALTERNATE TO DETAIL A OPTION. SEE SHEET C4.0 FOR SIZE, LENGTH, SLOPE AND DISCHARGE INVERT.

PROPOSED	LEGEND	EXISTING
---	PROPERTY LINE	---
---	APPROXIMATE LIMIT OF DISTURBANCE	---
1	1-FOOT CONTOUR	1
5	5-FOOT CONTOUR	5
---	WATER LINE	---
IRR	IRRIGATION WATER LINE	---
FP	FIRE PROTECTION WATER LINE	---
SD	SANITARY SEWER LINE	---
UE	UNDERGROUND ELECTRIC	---
---	OVERHEAD ELECTRIC	---
---	GAS LINE	---
---	TREE	---
x	FENCE	x
+	SIGN/BOLLARD	+
+	WATER VALVE/METER	+
+	FIRE HYDRANT/BACKFLOW PREVENTER	+
+	SEWER MANHOLE/CLEANOUT/GREASE TRAP	+
+	STORM MANHOLE/RAIN INLET/CLEANOUT	+
+	LIGHT POLE/UTILITY POLE	+
+	ELECTRICAL METER/VAULT/PULL BOX	+
+	TELECOMM MANHOLE/PEDESTAL/PULL BOX	+
+	GAS METER/VALVE	+
+	STANDARD PCC PAVEMENT/SIDEWALK	+
+	HEAVY-DUTY PCC PAVEMENT	+
+	STANDARD AC PAVEMENT	+
+	LANDSCAPE AREA	+
+	WALLED BIORETENTION PLANTER	+



ENGINEERS NOTE TO CONTRACTOR

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20052 SW BIRCH STREET
NEWPORT BEACH, CA 92660
702.739.9800

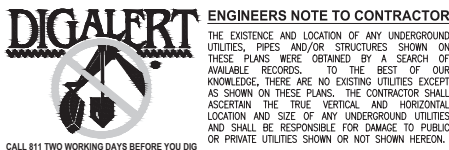
5005 Greenville Ave.
Dallas, TX 75206
United States

Office: 619.333.6703
2514 Jamacha Road, 502-182
El Cajon, CA 92019
Email: info@nazengineering.com
www.nazengineering.com

Jones Bristol Parcel, LL
7300 W. Sahara Ave.
Las Vegas, NV 89117
702.739.9800

Date	Description
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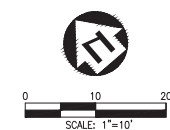


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Las Vegas, NV 89117
702.739.9800



1. TOPOGRAPHIC SURVEY PROVIDED BY RHIC INC. DATED NOVEMBER 28, 2021 AND UPDATED JULY 19, 2023.
2. BASELINE COORDINATES: THE NORTH 43°37'50" EAST ALONG THE CENTERLINE OF BRCH ST., AS SHOWN ON RECORD OF SURVEY NO. 2004-1100, RECORDED IN BOOK 207, PAGE 41.
3. DATUM: NAVD83.
4. SENSITIVE AREA COUNTY MN 43N-61-89, DESCRIBED BY OCS 2003 FOUND 3M OCS ALUMINUM BENCHMARK CATCH DAMPK "3N-61-89", SET IN NORTHERLY CORNER OF A 4.5 FT. BY 8 FT. CONCRETE CATCH BASIN MONUMENT IS LOCATED ALONG THE SOUTHERLY SIDE OF THE CENTERLINE OF SOUTH BRISTOL, 28 FT. NORTHERLY OF THE CENTERLINE OF SOUTH BRISTOL, 28 FT. NORTHERLY OF THE CENTERLINE OF SOUTH BRISTOL, 28 FT. NORTHERLY OF A SINGLE LIFT STANDARD MONUMENT IS SET LEVEL WITH THE SIDEWALK.
5. ELEVATION: 16.69
6. ALL EXISTING INFORMATION PRESENTED IN THESE PLANS SHALL BE VERIFIED IN THE FIELD BY THE ENGINEER, ANY DISCREPANCIES BETWEEN THE PLANS SHALL BE MADE AWARE TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

1. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF NEWPORT BEACH, ORANGE COUNTY, CALTRANS, AND CALIFORNIA STANDARDS AND SPECIFICATIONS.
2. ANY EXISTING INFRASTRUCTURE OR SITE ITEMS ABOVE OR BELOW GRADE, READILY VISIBLE OR OTHERWISE, SHALL BE PROTECTED AND MAINTAINED. ANY DAMAGE SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE APPROPRIATE AGENCY.
3. ALL CONSTRUCTION SHALL CONFORM TO APPLICABLE STATE AND LOCAL CODES. WHEN CODES ARE IN CONFLICT, THE MORE STRINGENT SHALL APPLY. THE CONTRACTOR SHALL CAUSE ALL SURFACING AND SIGNAGE TO BE IN ACCORDANCE WITH THE CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), OR AS OTHERWISE SPECIFIED. INSTALLATION OF SIGNS SHALL BE GOVERNED BY LOCAL CODES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE TO LOCATE AND PROTECT ALL EXISTING UTILITIES DURING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER AT LEAST THREE DAYS PRIOR TO ANY SITE WORK FOR PROPER IDENTIFICATION OF EXISTING UTILITIES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

1. EXISTING OFF-SITE UTILITY LOCATIONS ARE APPROXIMATE AND BASED ON RECORD DRAWINGS AND/OR AS-BUILT INFORMATION.
2. EXISTING ON-SITE UTILITY LOCATIONS UNDERGROUND UTILITIES HAVE NOT BEEN SURVEYED AND ARE SHOWN BASED ON LOCATIONS OF EXISTING VISIBLE UTILITY STRUCTURES SURVEYED IN THE FIELD, EXACT LOCATIONS OF ALL UTILITIES MUST BE DETERMINED IN THE FIELD BY THE CONTRACTOR AND ANY DISCREPANCY REPORTED TO THE OWNER PRIOR TO STARTING CONSTRUCTION.
3. ANY EXISTING INFRASTRUCTURE OR SITE ITEMS ABOVE OR BELOW GRADE, REASILY VISIBLE OR OTHERWISE DETECTABLE BY VISUAL MEANS, SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR TO THE SATISFACTION OF THE APPROPRIATE AGENCY.
4. ALL CONSTRUCTION SHALL CONFORM TO APPLICABLE STATE AND LOCAL CODES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND SHALL MAINTAIN ALL EXISTING UTILITY RECORDS. THE CONTRACTOR SHALL MAINTAIN CURRENT COPY OF SAID CODES TO BE MAINTAINED ON SITE AT ALL TIMES.
5. THE CONTRACTOR IS RESPONSIBLE TO LOCATE AND PROTECT ALL EXISTING UTILITIES DURING CONSTRUCTION OF THE CONTRACTOR'S WORK. THE CONTRACTOR SHALL MAINTAIN A CENTER LINE DISCREPANCY LOG TO BE MAINTAINED ON SITE AT ALL TIMES. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO ANY SITE WORK FOR PROPER IDENTIFICATION OF EXISTING UTILITIES.
6. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO ANY DISCREPANCIES TO THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.

- 1 PROPOSED 12"x12"x10" DI FLANGED CUT-IN TEE, PER IRWD STD. DWG. W-19.
- 2 PROPOSED PVC C900 DR14 8" DOMESTIC FIRE PROTECTION WATER PIPE. TRENCH AND BACKFILL PER IRWD STD. DWG. W-17.
- 3 PROPOSED 12" BUTTERFLY VALVE (FeFeE) AND BOX, PER IRWD STD. DWG. W-22.
- 4 PROPOSED 8" RESILIENT WEDGE GATE VALVE AND BOX, PER IRWD STD. DWG. W-5.
- 5 PROPOSED 8"x8" DI BEND (FeXPO). THRUST BLOCK PER IRWD STD. DWG. W-16.
- 6 PROPOSED COMMERCIAL FIRE HYDRANT ASSEMBLY WITH BLUE REFLECTIVE PAVEMENT MARKERS PER OSHA GUIDELINES, PER IRWD STD. DWG. W-8. THRUST BLOCK PER IRWD STD. DWG. W-16.
- 7 PROPOSED 8" DOUBLE CHECK BACKFLOW ASSEMBLY, PER IRWD STD. DWG. W-6. INSTALL REMOVABLE GUARD POSTS, PER IRWD STD. DWG. G-1.
- 8 450' FIRE HYDRANT SPACING
- 9 EXISTING FIRE HYDRANT

10	PROPOSED 2" SERVICE CONNECTION, PER IRWD STD. DWG. W-2.
11	PROPOSED 2" COPPER IRRIGATION WATER PIPE, PER IRWD STD. DWG. W-2. TRENCH AND BEDDING PER IRWD STD. DWG. W-17. SEE LANDSCAPE PLANS FOR CONTINUATION.
12	PROPOSED 2" RPPB, PER IRWD STD. DWG. W-7. INSTALL REMOVABLE GUARD POSTS, PER IRWD STD. DWG. G-1.
13	PROPOSED 3/4" IRRIGATION WATER METER AND METER BOX, PER IRWD STD. DWG. W-2.
14	PROPOSED IRRIGATION CONTROL PEDESTAL. SEE LANDSCAPE PLANS FOR DETAILS.

- 1 PROPOSED STORM DRAIN TERMINAL CLEANOUT, RIM AND INVERT PER PLAN.
- 2 PROPOSED PERFORATED UNDERDRAIN, SIZE, LENGTH AND SLOPE PER PLAN.
- 3 PROPOSED OVERFLOW RISER WITH YARD DRAIN/BEEHIVE GRAPE. RIM AND INVERTS PER PLAN.
- 4 PROPOSED RCP STORM SEWER PIPE, SIZE, LENGTH AND SLOPE PER PLAN, TRENCH AND BEDDING PER CITY OF NEWPORT BEACH STD. DWG. NO. 323.
- 5 PROPOSED 60" DIAMETER MANHOLE, PER CITY OF NEWPORT BEACH STD. DWG. NO. 400, WITH PUMP STATION, RIM AND INVERT PER PLAN.
- 6 PROPOSED 30"x30" OUTLET CATCH STRUCTURE WITH PERFORATED BASE PER CITY OF NEWPORT BEACH STANDARDS.
- 7 PROPOSED SINGLE CURB OPENING CATCH BASIN, PER CITY OF NEWPORT BEACH STD. DWG. NO. 302, RIM AND INVERT PER PLAN.
- 8 PROPOSED 12" UNDER DRAIN/GRAB PIP PER CITY OF NEWPORT BEACH STD. 184, ALTERNATE TO DETAIL A OPTION.

- ① CONNECTION POINT OF PROPOSED PRIMARY UNDERGROUND ELECTRICAL CONDUITS TO EXISTING UTILITY SERVICE. SEE ONSITE ELECTRICAL PLANS AND ELECTRIC PROVIDER PLANS FOR NUMBER OF CONDUITS, SIZE OF CONDUITS AND ROUTING DETAILS.
- ② PROPOSED ELECTRICAL CABINETS AND TRANSFORMER ON 8'x10' PRECAST SLAB-BOX WITH 12" BOLLARDS PER SPECIFICATIONS. SEE MEP PLANS FOR DETAILS AND BOLLARD PLACEMENT.
- ③ PROPOSED EV SWITCHBOARD AND ELECTRICAL CABINETS WITH PROTECTIVE BOLLARDS. SEE MEP PLANS FOR DETAILS AND BOLLARD PLACEMENT.
- ④ PROPOSED 60 KW EV CHARGER. SEE MEP PLANS FOR DETAILS.
- ⑤ PROPOSED ELECTRICAL PEDESTAL FOR LIFT STATION. SEE MEP PLANS FOR DETAILS.

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05/26/2026	RESPONSE TO CITY COMMENTS

Scale SHEET SIZE: 30" x 42"

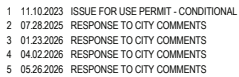
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Dallas, TX 75206
United States

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ELEVATION VIEW

REF: 13 / A0.21



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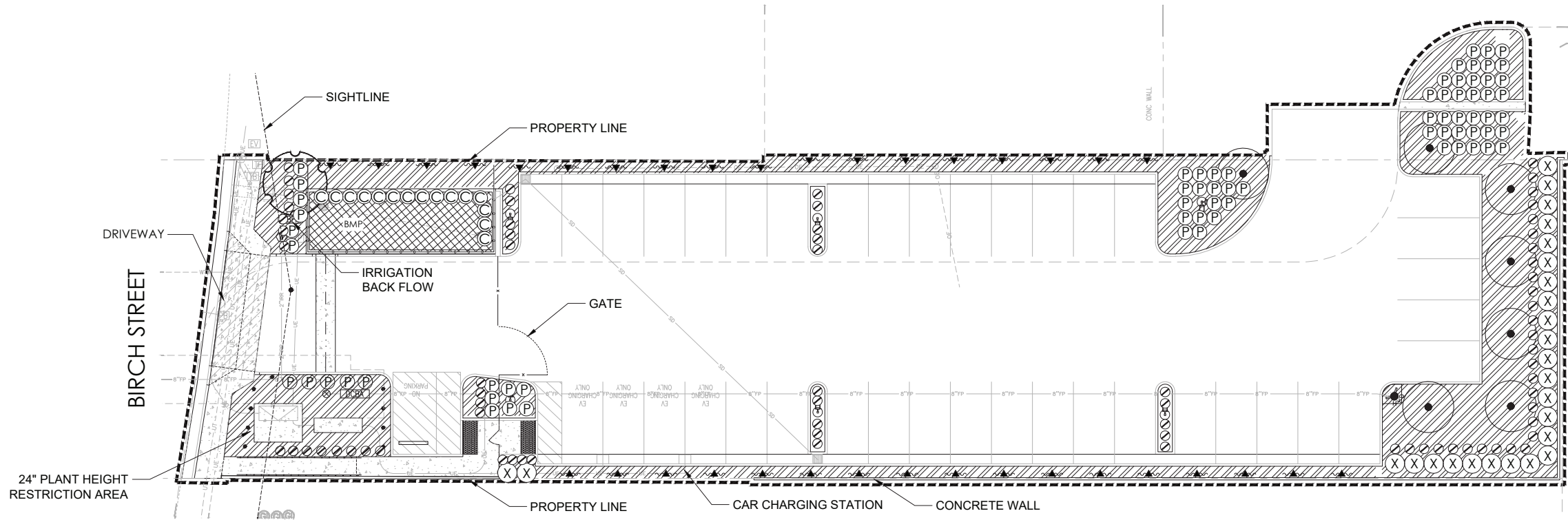
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REF: 13 / A0.21

REF: 13 / A0.21

02/04/2026

A0.21



PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE WUCOLS ZONE 3	MATURE SIZE (W X H)
TREES					
	CUPANIOPSIS ANACARDIOIDES	CARROTWOOD	24" BOX	MOD	25 x 30
	PODOCARPUS GRACILIOR	FERN PINE	24" BOX	MOD	25 x 30
SHRUBS					
	AGAPANTHUS SPP.	LILY-OF-THE-NILE	5 GALLON	MOD	2 x 2
	CHONDROPETALUM TECTORUM	CAPE RUSH	5 GALLON	LOW	3 x 2
	PITTOSPORUM TOBIRA "VARIEGATA"	VARIEGATED TOBIRA	5 GALLON	MOD	4 x 5
	XYLOSMA CONGESTUM	SHINY XYLOSMA	5 GALLON	LOW	4 x 6
GROUNDCOVERS					
	FICUS PUMILA	CREeping FIG	5 GALLON	MOD	20 x 3
GROUNDCOVERS					
	CAREX PANSA	CALIF. MEADOW SEDGE	1 GAL @ 24" O.C.	MOD	1 x 1
	CARISSA MACROCARPA 'GREEN CARPET'	LOW GROWING NATAL PLUM	1 GAL @ 24" O.C.	LOW	4 x 1
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	1 GAL @ 24" O.C.	LOW	4 x 1

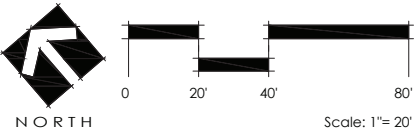
ALL SHRUB AREAS SHALL RECEIVE 3" DEPTH SHREDDED BARK MULCH

- NOTES:
1. CONTRACTOR SHALL CONTACT LANDSCAPE ARCHITECT, IF PLANT HEIGHT AND WIDTH SPECIFICATIONS INDICATED ARE NOT AVAILABLE.
 2. ALL TREES WITHIN SIX (6) FEET OF HARDSCAPE OR BUILDINGS SHALL BE INSTALLED WITH LINEAR ROOT CONTROL BARRIER FROM DEEP ROOT CORROSION (OR APPROVED SUBSTITUTION). ROOT BARRIER LENGTH SHALL BE 16 FEET MINIMUM, CENTERED ON TREE TRUNK. ROOT BARRIER SHALL BE PLACED IN A LINEAR INSTALLATION ADJACENT TO HARDSCAPE PER MANUFACTURER'S SPECIFICATIONS AND NOT ENCIRCLING ROOTBALL. ROOT CONTROL BARRIER DEPTH SHALL BE 18 INCHES MIN. ADJACENT TO FLATWORK AND 24 INCHES MIN. ADJACENT TO CURBS.
 3. ALL TREE SPECIFICATIONS & LOCATIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION FOR APPROVAL. CONTRACTOR SHALL FORWARD DIGITAL PHOTO'S OF ALL TREES WITH A PERSON OR MEASURING STICK IN THE PHOTO FOR SCALE AND WITH THE TREE SEPARATED FROM OTHER TREES FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO PURCHASE AND DELIVERY. TREES OF SAME SPECIES PLANTED NEXT TO EACH OTHER SHALL MATCH.
 4. ALL SHRUB PLANTING AREAS REQUIRE 3" DEPTH IN SHRUB AREAS AND 1 1/2" IN GROUNDCOVER AREAS. SHREDDED BARK MULCH, 1" MINUS. "LANDSCAPE MULCH" BY AGRISERVICE (740) 276-9830 OR EQUAL. A SAMPLE QUANTITY SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PURCHASE.
 5. TREES SHALL BE SET BACK 10' FROM LIGHT STANDARDS AND POWER POLES, 8' FROM HYDRANTS, 5' FROM WATER AND SEWER LINES, 5' FROM SIDEWALKS, DRIVEWAYS AND BUILDINGS.
 6. NO SUBSTITUTIONS WITHOUT PRIOR APPROVAL FROM LAND. ARCH.
 7. ALL ABOVE GROUND UTILITIES TO BE SCREEN WITH APPROPRIATE PLANT MATERIAL



BIRCH STREET ELEVATION

N.T.S.



FLETCHER JONES
BIRCH INVENTORY LOT

20052 SW BIRCH STREET
NEWPORT BEACH, CA 92660
702.739.9800

Gensler

5005 Greenville Ave.
Dallas, TX 75206
United States
Tel: 214.273.1500
Fax: 214.273.1505

racine engineering

Office: 619.333.6703
2014 Jamboree Road, Ste. 102
Escondido, CA 92029
Email: info@racineengineering.com
www.racineengineering.com
Jones Bristol Parcel, LLC
7300 W. Sahara Ave.
Las Vegas, NV 89117
702.738.9800

Date	Description
11/20/2023	ISSUE FOR USE PERMIT - CONDITIONAL
07/28/2026	RESPONSE TO CITY COMMENTS
01/23/2026	RESPONSE TO CITY COMMENTS
04/02/2026	RESPONSE TO CITY COMMENTS
05/26/2026	RESPONSE TO CITY COMMENTS



Seal / Signature

Project Name
BIRCH INVENTORY LOT

Project Number
027-6664016

Description
PLANTING CONCEPT

Scale
SHEET SIZE: 30" x 42"

L-1



CUPANIOPSIS ANACARDIOIDES
(Carrotwood)



PODOCARPUS GRACILOR
(Fern Pine)



XYLOSMA CONGESTUM
(Shiny xylosma)



RAPHIOLEPSIS INDICA
(India hawthorne)



AGAPANTHUS
(Lily of the Nile)



TRACHELOSPERMUM JASMINOIDES
(Star Jasmine)



CHONDROPETALUM TECTORUM
(Cape Rush)



CAREX PANSA
(California Meadow Sedge)



PITOSPORUM TOBIRA "VARIEGATA"
(Variegated Tobira)

FLETCHER JONES
BIRCH INVENTORY LOT

20052 SW BIRCH STREET
NEWPORT BEACH, CA 92660
702.739.9800

Gensler

5005 Greenville Ave.
Dallas, TX 75206
United States
Tel: 214.273.1500
Fax: 214.273.1505

noacore engineering

Office: 619.333.6703
2014 Jamboree Road, Ste. 102
Escondido, CA 92029
Email: info@noacoreengineering.com
www.noacoreengineering.com
Jones Bristol Parcel, LLC
7100 W. Sahara Ave.
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Seal / Signature

Project Name
BIRCH INVENTORY LOT

Project Number
027-6664016

Description
PLANTING CONCEPT
IMAGES

Scale
SHEET SIZE: 30" x 42"

L-2

GENERAL NOTES

1. THE ELECTRICAL DRAWINGS, SPECIFICATIONS AND GENERAL NOTES DESCRIBE THE RECOMMENDED SCOPE OF WORK AND THE DOCUMENTS SHALL BE USED FOR THE PURPOSE OF BIDDING, BUILDING DEPARTMENT REVIEW, AND TO SECURE THE NECESSARY CONSTRUCTION PERMIT ONLY. CONTRACTOR SHALL PROVIDE CONSTRUCTION DRAWINGS AND OBTAIN WRITTEN APPROVAL OF ALL INSPECTION AUTHORIZED GOVERNMENTAL AGENCIES, POWER & TELEPHONE COMPANIES PRIOR TO START OF AFFECTED WORK.
2. CONTRACTOR SHALL PROVIDE CONSTRUCTION AND SHOP DRAWINGS BASED ON THESE DRAWINGS, SPECIFICATIONS AND ADDITIONAL DESIGN CRITERIA FURNISHED BY OWNER AND SUBMIT TO ARCHITECT. CONTRACTOR SHALL SUBMIT CONSTRUCTION DRAWINGS TO ALL GOVERNMENTAL AGENCIES AND UTILITY COMPANIES HAVING JURISDICTION INCLUDING POLICE AND FIRE DEPARTMENT FOR THEIR REVIEW AND APPROVAL FOR CONSTRUCTION.
3. CONTRACTOR'S BID SHALL NOT BE LIMITED TO THE WORK SHOWN ON THE PLANS AND SPECIFICATIONS. ALL PREMIUM OVERTIME COSTS, UTILITY CHARGES, COST FOR TEMPORARY UTILITY SERVICES, ALTERATION, DEMOLITION AND EXTENSION WORKS, INSPECTION FEES, MISCELLANEOUS CONTINGENCY COSTS, ETC., SHALL BE INCLUDED IN THE BID.
4. ALL EQUIPMENT SHOWN IS NEW. CONTRACTOR FURNISHED AND INSTALLED, UNLESS OTHERWISE NOTED. IF CONTRACTOR PROPOSES TO SUBSTITUTE FOR EQUIPMENT SPECIFIED, HE SHALL SUBMIT HIS REQUEST FOR CONSIDERATION TO THE OWNER AND ENGINEER PRIOR TO THE BID IN WRITING. ALL SUBSTITUTIONS MUST BE REVIEWED BY THE ENGINEER. SUCH REVIEW SHALL NOT RELIEVE THE CONTRACTOR FROM COMPLYING WITH THE REQUIREMENTS OF THE DRAWINGS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE AT HIS OWN EXPENSE FOR ANY CHANGE RESULTING FROM HIS PROPOSED SUBSTITUTIONS WHICH AFFECT OTHER PARTS OF HIS OWN WORK OR THE WORK OF OTHER CONTRACTORS.
5. THE ELECTRICAL DRAWINGS, CONDUIT RUNS, WIRINGS AND ELECTRICAL INFORMATION ARE DIAGRAMMATIC ONLY. DO NOT SCALE THE ELECTRICAL DRAWINGS TO DETERMINE THE LOCATION OF EQUIPMENT.
6. REFER TO THE ARCHITECTURAL REFLECTED CEILING PLAN FOR EXACT LOCATIONS OF ALL LIGHTING FIXTURES, CEILING MOUNTED OUTLETS AND EQUIPMENT.
7. ALL RECEPTACLES AND OUTLETS MOUNTING HEIGHTS AND EXACT LOCATION SHALL BE COORDINATED WITH ARCHITECTURAL DRAWING ELEVATIONS PRIOR TO ROUGH-IN WORK AND MEET ADA REQUIREMENTS.
8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY TYPES OF CEILING SYSTEM AND TO FURNISH APPROVED LIGHTING FIXTURES OF THE TYPE REQUIRED FOR MOUNTING IN RELATED CEILINGS. FIXTURES SHALL BE COMPLETED WITH NECESSARY MOUNTING HARDWARE ACCESSORIES & LAMPS. FIXTURES LOCATED IN DAMP OR WET LOCATIONS SHALL BE LABELED FOR USE IN SUCH LOCATIONS.
9. ALL RECESSED LIGHTING FIXTURES, PANELBOARDS, SWITCHES, ETC., MOUNTED IN FIRE RATED STRUCTURES SHALL BE ENCLOSED WITH AN APPROVED ENCLOSURE CARRYING THE SAME FIRE RATING AS THE STRUCTURE.
10. PORTIONS OF THE CEILING SYSTEMS MAY BE INACCESSIBLE. THEREFORE, THE CONTRACTOR SHALL STRATEGICALLY LOCATE ACCESS BOXES, ETC., WHICH SHALL BE READILY ACCESSIBLE. ALL LIGHTING FIXTURE WIRING, BALLASTS, J-BOXES, ETC. SHALL BE ACCESSIBLE FROM FIXTURE OPENING.
11. ALL WIRING AND ELECTRICAL EQUIPMENT INSTALLED FOR MECHANICAL, PLUMBING AND KITCHEN EQUIPMENT SHALL BE IN ACCORDANCE WITH ASSOCIATED DRAWINGS. CONTRACTOR SHALL OBTAIN THE REQUIRED MECHANICAL, PLUMBING AND KITCHEN DRAWINGS AND PROVIDE ALL EQUIPMENTS, RACEWAYS, WIRINGS, ETC. TO EQUIPMENT AS INDICATED THEREON AS PROVIDED UNDER THE ELECTRICAL WORK. VERIFY AND INCLUDE ALL BID ALL CONNECTIONS TO SMOKE DETECTORS, DAMPERS AND THERMOSTATS. ALLOW 1/2" TO EACH 120V OUTLET FROM NEAREST 120V, 20A, 1P SPARE BREAKER & 1/2" C.O. TO THERMOSTATS IN EXPOSED CONDITIONS.
12. ALL FINAL CONNECTIONS TO OWNER FURNISHED EQUIPMENT SHALL BE MADE BY THE CONTRACTOR UNLESS OTHERWISE NOTED. VERIFY ELECTRICAL CHARACTERISTICS AND U.L. LISTING PRIOR TO CONNECTION.
13. THE CONTRACTOR SHALL VERIFY THE LOAD INPUT VOLTAGE OF ALL EQUIPMENT PRIOR TO INSTALLATION. ACCEPTING ANY EQUIPMENT RESULTING IN LOAD INCREASE SHALL BE THE RESPONSIBILITY OF CONTRACTOR.
14. ELECTRICAL OUTLETS ON OPPOSITE SIDES OF FIRE RATED WALLS AND PARTITIONS MUST BE SEPARATED BY DISTANCE OF 24 IN. HORIZONTAL. OPENINGS IN FIRE RATED WALLS GREATER THAN 16 SQ. IN. MUST BE FIRE STOPPED.
15. PROVIDE AN ADDITIONAL JUNCTION BOX (SIZE AS REQUIRED) WHERE THE NUMBER OF CONDUITS & CONDUCTORS EXCEEDS THE MAXIMUM ALLOWED FOR A GIVEN JUNCTION POINT OR OUTLET.
16. CONDUCTORS SHALL BE COPPER THHN/THWN 600 VOLT INSULATION UNLESS OTHERWISE NOTED. USE PROPER TEMPERATURE RATING OF CONDUCTORS BASED ON THE AMBIENT AIR TEMPERATURE WHERE CONDUCTORS ARE BEING USED. HIGHER AMPACITY CONDUCTOR AND LARGER RACEWAY SHALL BE PROVIDED TO OFFSET THE AMPACITY CORRECTION FACTORS AS INDICATED IN NEC TABLE 310 AND ELSEWHERE IN CODE.
17. ALL FLUORESCENT BALLASTS AND LAMPS SHALL BE CALIFORNIA ENERGY COMMISSION (CEC) CERTIFIED ENERGY SAVING TYPE. ALL FLUORESCENT FIXTURES HAVE ELECTRONIC BALLASTS
18. DO ALL DRILLING, CUTTING, CHANNELING AS REQUIRED TO ELECTRICAL WORK AND INDICATED OR HEREIN SPECIFIED. ALL HOLES, CURBS, ETC., IN FLOORS, CEILINGS AND WALLS SHALL BE PATCHED, UNLESS AUTHORIZED OTHERWISE. PAINT ALL EXPOSED ELECTRICAL RACEWAYS, CABINETS, ENCLOSURES AND FITTING TO MATCH IN COLOR ADJACENT SURFACES IN FINISHED AREAS.
19. SEAL ALL PENETRATIONS THROUGH FIRE RATED WALLS, CEILINGS, FLOORS, ETC., TO MAINTAIN THE FIRE RATING. FURNISH AND INSTALL FIRE RATED ENCLOSURE FOR ALL EQUIPMENTS PENETRATING INTO FIRE RATED ENVELOPES, SPACES ETC.
20. EMERGENCY LIGHTING SHALL BE PROVIDED PER C.B.C. AND SHALL BE DESIGNED PER PROVIDE MINIMUM REQUIRED FOOTCANDLES AND LUMENS. PROVIDE ADDITIONAL EMERGENCY ILLUMINATION AS REQUIRED BY INSPECTION AUTHORITIES HAVING JURISDICTIONS.
21. ALL ELECTRICAL EQUIPMENT SHALL BE BRACED OR ANCHORED TO RESIST A HORIZONTAL FORCE ACTING IN ANY DIRECTION. CONDUIT, BUSDUT, CABLE TRAY, WIREWAYS, ETC., SHALL BE BRACED IN ACCORDANCE WITH LOCAL CODE. ANGLE IRON SUPPORTS & WALL BRACKETS AS REQUIRED
22. BRANCH CONTROL CIRCUITING AND WIRE COUNT MAY NOT BE INDICATED ON THESE PLANS. CONTRACTOR IS RESPONSIBLE TO COMPLETE THE BRANCH CIRCUIT WIRING IN ACCORDANCE WITH PLAN NOTES AND AS PERMITTED BY AUTHORITY. CONTRACTOR SHALL SUBMIT AS-BUILT DRAWINGS AS A PART OF RECORD DRAWING SUBMITTAL TO ARCHITECT AND AUTHORITY HAVING JURISDICTION.
23. ELECTRICAL INSTALLATION SHALL COMPLY WITH LATEST NATIONAL ELECTRICAL CODE ADOPTED BY THE JURISDICTION AND ANY LOCAL SUPPLEMENT.
24. VERIFY EXISTING SITE CONDITIONS, POWER & TELEPHONE SERVICE REQUIREMENTS, AND EXACT LOCATIONS OF SERVICE FACILITIES BEFORE SUBMITTING BID. SUBMITTAL OF BID INDICATES ELECTRICAL CONTRACTOR IS COGNIZANT OF ALL JOB SITE CONDITIONS AND WORK TO BE PERFORMED UNDER THIS CONTRACT.
25. DEVICES FOR CONCEALED WORK SHALL BE IN 4 INCH SQUARE OR LARGER BOX. FOR EXPOSED WORK USE FS OR FD CAST BOX WITH CAST COVER AND GASKET.
26. GENERAL PURPOSE SWITCHES SHALL BE "STANDARD GRADE" TOGGLE TYPE, RATED FOR 20 AMPS AT 120-277 VOLTS. GENERAL PURPOSE RECEPTACLES SHALL BE RATED FOR 15 AMPS AT 125 VOLTS, "DUBBELL" #5622 OR EQUAL. ALL WALL SWITCH, RECEPTACLE, COMPUTER AND TELEPHONE COVER PLATES SHALL BE PLASTIC, MATCHING RESPECTIVE OUTLET, UNLESS OTHERWISE NOTED. USE STAINLESS STEEL IN KITCHEN AREAS. VERIFY COLOR OF ALL COVERPLATES
27. IN NEW CONDITIONS, MAIN SWITCHBOARDS & PANELBOARDS SHALL BE BY "EATON". IN EXISTING CONDITIONS, PANELBOARDS SHALL MATCH EXISTING MANUFACTURER. PANELBOARDS SHALL BE EQUIPPED WITH BOLT-ON TYPE BREAKERS.
28. PROVIDE TYPEWRITTEN DIRECTORY CARD IN ALL PANELBOARDS.
29. ALL STARTERS SHALL HAVE 120 VOLT COIL, INTEGRAL 120 VOLT CONTROL TRANSFORMER WITH PRIMARY AND SECONDARY CONTROL FUSES, HAND-OFF-AUTO SWITCH AND MINIMUM 2 NO/NC AUXILIARY COIL CONTACTS. STARTERS SHALL BE MINIMUM NEMA 1 SIZE, UNLESS OTHERWISE NOTED.
30. ALL FUSES 0 TO 600 AMP SHALL BE U.L. CLASS RK1 "BUSSMANN" LPN (250 VOLT) AND LPS (600 VOLT). ALL FUSES 601 TO 6000 AMP SHALL BE U.L. CLASS L "BUSSMANN" KRP-C. ALL FUSES FOR MULTI-METERING SHALL BE U.L. CLASS T "BUSSMANN" JNN, UNLESS OTHERWISE NOTED.
31. FURNISH AND INSTALL ALL CONTROLS, TIME CLOCKS AND BY-PASS TIMERS REQUIRED FOR MECHANICAL, PLUMBING AND KITCHEN SYSTEMS. CONTROLS SHOWN ON PLUMBING & MECHANICAL DRAWINGS SHALL BE PART OF ELECTRICAL CONTRACT.

SYMBOL LIST

	LIGHT FIXTURE WITH OUTLET BOX.
	LIGHT FIXTURE WITH OUTLET BOX.
	JUNCTION BOX, MINIMUM 4S OR AS NOTED.
	120V, 15A, 3W DUPLEX RECEPTACLE, +18" OR AS NOTED.
	ABOVE COUNTER OR @+42" OR AS NOTED.
	DOUBLE DUPLEX RECEPTACLE, +18" OR AS NOTED
	GFI TYPE RECEPTACLE, +42" OR AS NOTED.
	RECEPTACLE FLUSH IN FLOOR WITH BRASS COVER RING 15A RATED UNLESS OTHERWISE NOTED
	DOUBLE DUPLEX RECEPTACLE FLUSH IN FLOOR WITH BRASS COVER RING, 15A RATED UNLESS OTHERWISE NOTED
	SPLIT WIRED DUPLEX RECEPTACLE HALF CONTROLLED BY OCCUPANCY SENSOR. REFER TO LIGHTING CONTROL DIAGRAM LEGEND/J 5262CH
	DOUBLE DUPLEX RECEPTACLE. PROVIDE (1) STANDARD DUPLEX RECEPTACLE & (1) CONTROLLED DUPLEX RECEPTACLE
	FLOOR MTD. DOUBLE DUPLEX RECEPTACLE. PROVIDE (1) STANDARD DUPLEX RECEPTACLE & (1) CONTROLLED DUPLEX RECEPTACLE
	208V/ 240V, 1Ø, RECEPTACLE. AMP RATING AS NOTED VERIFY PRONG CONFIGURATION WITH EQUIPMENT COMPATIBILITY
	120V, 1Ø RECEPTACLE. 30 AMP RATED. VERIFY PRONG CONFIGURATION PER EQUIPMENT CONNECTION
	EMERGENCY RECEPTACLE WITH RED COVER PLATE
	SINGLE POLE, 120/277 VOLT, 15A, OUTLET TYPE TOGGLE SWITCH @ +42" OR AS NOTED. α SUBSCRIPT INDICATES DEVICES CONTROLLED.
	\$P = SWITCH WITH PILOT LIGHT \$3 = 3 WAY SWITCH \$2 = 2 POLE. \$t = TIME SWITCH. MINIMUM 0-2 HOUR OR AS REQUIRED \$M = MANUAL MOTOR STARTER SWITCH. HORSEPOWER RATED. +42"
	MOTOR CONNECTION. PROVIDE LOCAL CODE SIZED DISCONNECT SWITCH.
	HORSEPOWER RATED DISCONNECT SWITCH. NONFUSED UNLESS FUSE SIZE NOTED.
	COMBINATION DISCONNECT SWITCH AND MOTOR STARTER.
	CONCEALED CONDUIT. MINIMUM 1/2"C, 2-#12 OR AS NOTED.
	3-#12, 1/2" CONDUIT.
	4-#12, 1/2" CONDUIT.
	DENOTES 3-#12 WIRES, CIRCUITS #1 AND #3 HOMERUN TO PANEL "A".
	LIGHT FIXTURE TYPE. A = FIXTURE TYPE. 100 = TOTAL WATTS.
	TELEPHONE OUTLET IN SINGLE GANG BOX WITH COVER PLATE, +18" WITH 3/4" CONDUIT INTO NEAREST ACCESSIBLE CEILING SPACE WITH NYLON PULLROPE. (OR AS NOTED). PROVIDE MUDRING AT WALL
	DATA OUTLET IN SINGLE GANG BOX WITH COVER PLATE +18" WITH 3/4" CONDUIT INTO NEAREST ACCESSIBLE CEILING SPACE WITH NYLON PULLROPE. (OR AS NOTED). PROVIDE MUDRING AT WALL
	COMBINATION TELEPHONE/DATA OUTLET IN 2GANG BOX WITH COVER PLATE, +18", WITH 3/4" CONDUIT INTO NEAREST ACCESSIBLE CEILING SPACE WITH NYLON PULL ROPE (OR AS NOTED) PROVIDE MUDRING AT WALL
	TELEPHONE OUTLET FLUSH IN FLOOR WITH BRASS COVER RING
	COMBINATION TELE/ DATA OUTLET FLUSH IN FLOOR WITH BRASS COVER RING
	LED EXIT LIGHT EQUIPPED WITH MIN. 90 MINUTE EMERGENCY BATTERY, SINGLE OR DOUBLE FACE. MOUNT ON WALL, END OR CEILING AS REQUIRED DIRECTIONAL ARROWS AS SHOWN ON PLANS. SELECTED BY CONTRACTOR
	SAME AS ABOVE, EXCEPT WITH ADDITIONAL TWO EMERGENCY POWERED HEADS. FIELD LOCATE AND AIM. SELECTED BY CONTRACTOR
	EMERGENCY 'BUG EYE' LIGHT. SELF CONTAINED WITH MINIMUM 90 MINUTE EMERGENCY BATTERY, FIELD LOCATE AND AIM. SELECTED BY CONTRACTOR
	WALL MOUNTED MOTION SENSOR WITH BI-LEVEL SWITCHING CAPACITY.
	CEILING MOUNTED MOTION SENSOR SELECTED BY CONTRACTOR PROVIDE POWERPACK & RELAYS FOR LIGHT SWITCH CONTROL AS REQUIRED.
	SMOKE DETECTOR. COORDINATE WITH MECHANICAL PLANS FOR LOCATIONS & REQUIREMENTS

REFER TO ADDITIONAL LIGHTING CONTROL SYMBOLS & SPECIFICATIONS
ON LIGHTING CONTROLS SHEET

ABBREVIATIONS

A, AMP	AMPERE(S)
AC	ALTERNATING CURRENT
AFF	ABOVE FINISH FLOOR
AFO	ABOVE FINISHED GRADE
AL	ALUMINUM
ALT	ALTERNATE
ATS	AUTOMATIC TRANSFER SWITCH
AWG	AMERICAN WIRE GAUGE
BC	BARE COPPER
BLDG	BUILDING
C	CONDUIT
CB	CIRCUIT BREAKER
CCTV	CLOSED CIRCUIT TELEVISION
CKT	CIRCUIT
CLG	CEILING
CO	CONDUIT ONLY
CT	CURRENT TRANSFORMER
CTR	COUNTER
CU	COPPER
CW	COLD WATER
(D)	DEMO, EXISTING TO BE REMOVED
DEF	DUAL ELEMENT FUSE
DISC	DISCONNECT
DN	DOWN
DP	DOUBLE POLE
DT	DOUBLE THROW
DWG	DRAWING
(E)	EXISTING TO REMAIN
EC	ELECTRICAL CONTRACTOR
EA	EACH
EC	EMPTY CONDUIT
EIA	ELECTRONIC INDUSTRIES ASSOCIATION
ELEC	ELECTRICAL OR ELECTRIC
ELEV	ELEVATOR
EM	EMERGENCY
EMT	ELECTRICAL METALLIC TUBING
EOL	END OF LINE RESISTOR
EWG	ELECTRICAL WATER COOLER
F	FUSE
FAA	FIRE ALARM REMOTE ANNUNCIATOR PANEL
FACP	FIRE ALARM CONTROL PANEL
FBO	FURNISHED BY OTHERS
FC	FOOT CANDLE
FLR	FLOOR
FT	FOOT OR FEET
GC	GENERAL CONTRACTOR
GEN	GENERATOR
GFI	GROUND FAULT INTERRUPTER
GND, GG	GROUND
HID	HIGH INTENSITY DISCHARGE
HP	HORSEPOWER
HZ	FREQUENCY CYCLES PER SECOND
IC	INTERCOM
IG	ISOLATED GROUND CONDUCTOR
IMC	INTERMEDIATE METALLIC CONDUIT
IN	INCH
J-BOX	JUNCTION BOX
K	KIRK KEY INTERLOCKED
KCM	THOUSAND CIRCULAR MIL(S)
KV	KILOVOLT
KVA	KILOVOLT AMPERE(S)
KVAR	KILOVAR(S)
KW	KILOWATT(S)
KWHR	KILOWATT HOUR
LCL	LONG CONTINUOUS LOAD
LTG	LIGHTING
MAX	MAXIMUM
MCC	MOTOR CONTROL CENTER
MH	MANHOLE
MIN	MINIMUM
MTD	MOUNTED
MTR	MOTOR
MTS	MANUAL TRANSFER SWITCH
N.C.	NORMALLY CLOSED
N.O.	NORMALLY OPEN
NF	NON FUSED
NEC	NATIONAL ELECTRICAL CODE
#	NUMBER
NTS	NOT TO SCALE
NL	NIGHT LIGHT
NIC	NOT IN CONTRACT
OC	ON CENTER
OH	OVERHEAD
OL	OVERLOAD ELEMENT
PB	PULL BOX
PF	POWER FACTOR
PH, Ø	PHASE
PNL	PANEL
PT	POTENTIAL TRANSFORMER
P	POLE
PVC	POLYVINYL CHLORIDE
(R)	EXISTING TO BE RELOCATED
RMS	ROOT MEAN SQUARE
SHT	SHEET
SMR	SURFACE METAL RACEWAY
SP	SINGLE POLE
SPEC	SPECIFICATIONS
ST	SINGLE THROW
SW	SWITCH
SWBD	SWITCHBOARD
TC	TIME CLOCK
TEL	TELEPHONE
TEMP	TEMPORARY
TSTAT	THERMOSTAT
TV	TELEVISION
TYP	TYPICAL
UG	UNDERGROUND
UH	UNIT HEATER
UN	UNLESS NOTED OTHERWISE
UPS	UNINTERRUPTED POWER SUPPLY
V	VOLT(S)
VA	VOLT AMP(S)
VL	VERIFY EXACT LOCATION
VAR	REACTIVE VOLT AMPERES
VP	VAPOR PROOF
W/	WITH
W/O	WITHOUT
W	WATT(S)
WP	WEATHERPROOF
XFMR	TRANSFORMER

SHEET INDEX

EXTERIOR LIGHTING FIXTURE SCHEDULE				
DESIGNATION	LAMP	DESCRIPTION	MANUFACTURER	MTG.
	(1) 185W LED 4000K	SINGLE HEAD POLE MOUNTED LED POLE LIGHT TYPE 2 DISTRIBUTION 0-10V DIMMING DRIVER MOTION SENSOR	CLI #VP-2-320L-185-4K7-2 -UNV-A-XXX-BC	ON POLE +18" AFF
	(2) 185W LED 4000K	DOUBLE HEAD POLE MOUNTED LED POLE LIGHT TYPE 4W DISTRIBUTION, 90" MTG. 0-10V DIMMING DRIVER MOTION SENSOR	CLI #VP-2-320L-185-4K7-4W-UNV-A-XXX-BC	ON POLE +18" AFF

VERIFY CONTROLS AND FINISH FOR ALL SITE LIGHTING FIXTURES

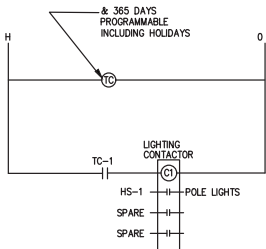
LIGHTING FIXTURE SCHEDULES NOTES

- ◇ ALL LIGHT FIXTURES TO BE UL LISTED

LIGHTING FIXTURE SCHEDULE

SCALE
N.T.S.

4



LIGHTING CONTROL DIAGRAM

SCALE
N.T.S.

3

277/480 VOLTS												PANEL "HS"			MAIN BKR: MLO			225 A. BUSSING								
3 PHASE												14KAIC SERIES RATED BRANCH BREAKER														
4 WIRE												NEMA-3R												UNISTRUT MTG.		
LOCATION		WATTAGE			LTO	REC	MIS	CIR	BKR		BKR	CIR	MIS	REC	LTO	WATTAGE			LOCATION							
		Φ A	Φ B	Φ C												Φ A	Φ B	Φ C								
SITE POLE LTS		1295			7		1	20			2								SPACE							
SPARE							3																			
							5																			
							7																			
							9																			
							11																			
							13																			
SPACE							15																			
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120/208 VOLTS 3 PHASE 4 WIRE												PANEL "LS" 10KAIC RATED BRANCH BREAKERS NEMA-3R				MAIN BKR: 100A 225 A. BUSSING UNISTRUT MTG.			
LOCATION		WATTAGE Φ A Φ B Φ C			LTO	REC	MIS	CIR	BKR	CIR	MIS	REC	LTO	WATTAGE Φ A Φ B Φ C			LOCATION		
SPARE								1	20	20							SPARE		
IRRIG. CONTROLS		300					1	5	5	4									
GATE MOTOR		950					1	5	6										
SPACE								7	8								SPACE		
								9	10										
								11	12										
								13	14										
								15	16										
								17	18										
								19	20										
								21	22										
								23	24										
								25	26										
								27	28										
								29	30										
								31	32										
								33	34										
								35	36										
								37	38										
								39	40										
								41	42										
ΦA= 0								ΦB= 300						ΦC= 950					
TOTAL CONNECTED LOAD: 1250								AMPS: 3.4						LCL: -					

PANEL SCHEDULES

SCALE
N.T.S.

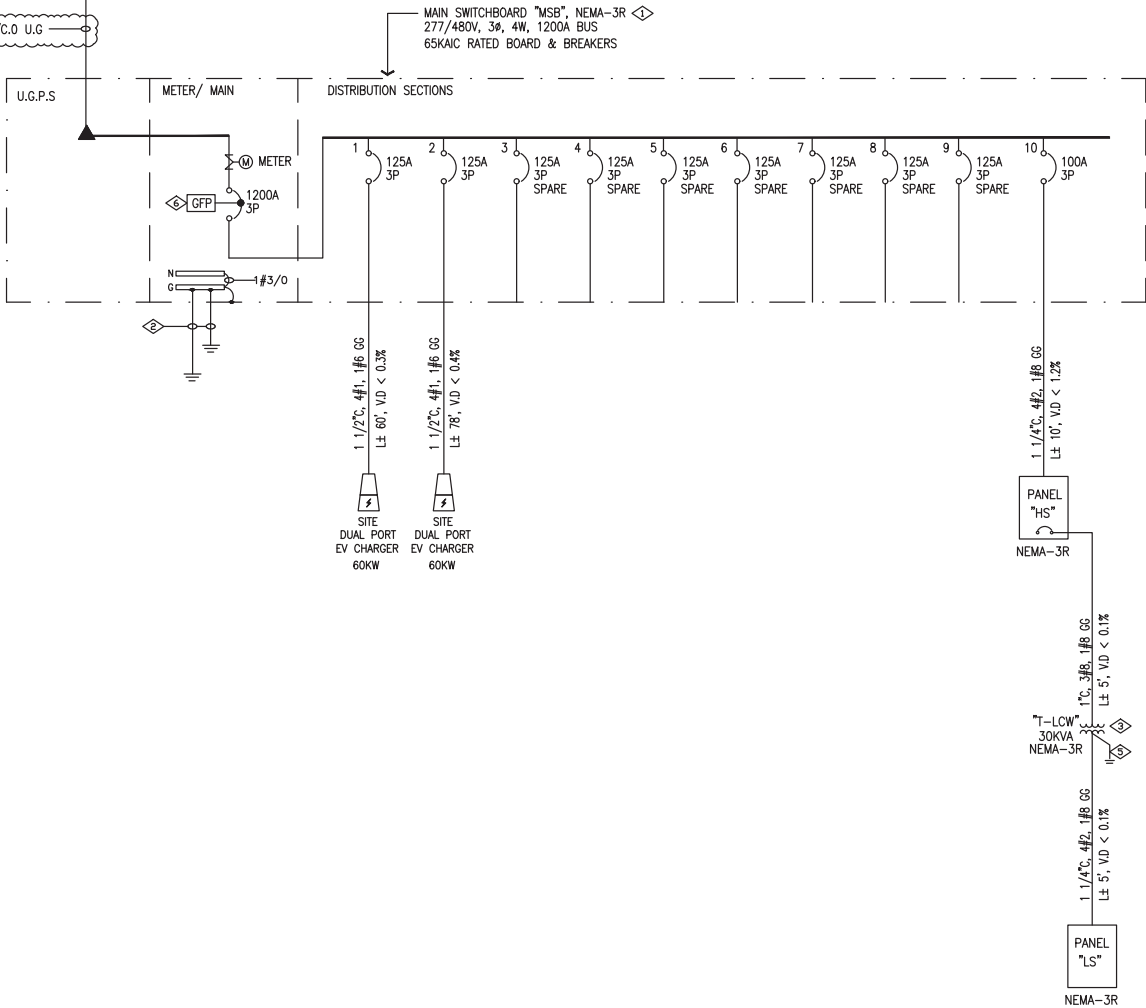
2

LOAD SUMMARY	
MAIN SWITCHBOARD "MSB"	
PANEL "HS"	2.8 KW
(2) SITE EVCS @ 60KW EACH	120.0 KW
(7) FUTURE SITE EVCS @ 60KW EACH	420.0 KW
TOTAL (KW)	542.8 KW
=652A @ 277/480V, 3Φ, 4W A NEW 1200A SERVICE IS ADEQUATE	

THE NEW ELECTRICAL SERVICE(S) IS IN THE PROCESS OF BEING COORDINATED BUT NOT FULLY DEFINED. ELECTRICAL CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY'S FINAL REQUIREMENTS PRIOR TO INSTALLATIONS.

PROVIDE LABEL @ SWITCHBOARD NOTING THE FOLLOWING INFORMATION

- A) NOMINAL SYSTEM VOLTAGE
B) AVAILABLE FAULT CURRENT AT THE SERVICE OCPD
C) CLEARING TIME OF THE SERVICE OCPD
D) DATE THE CALCULATION WAS PERFORMED



PLAN NOTES

- ◇ SWITCHBOARD TO BE MOUNTED ON A 4" HOUSEKEEPING PAD. PAD TO EXTEND 4FT IN FRONT OF SWITCHBOARD & 6 INCHES ON OTHER SIDES
- ◇ 3/4" 1#3/0 GROUND TO 20FT UFER AND (2) 3/4" DIA x 10FT GROUND RODS SPACED 6FT APART
- ◇ 480V, 3Φ, TO 120/208V, 3Φ, 4W GENERAL PURPOSE DRY TYPE TRANSFORMER, CLASS 155°C OR HIGHER
- ◇ NOT USED
- ◇ 3/4" 1#2 GROUND TO A 3/4" DIA x 10FT GROUND ROD
- ◇ GROUND FAULT PROTECTED BREAKER. PROVIDE PERFORMANCE TESTING OF GROUND FAULT PROTECTED SYSTEM BY A CERTIFIED TESTING COMPANY & PROVIDE A WRITTEN REPORT OF THE TEST TO THE ELECTRICAL INSPECTOR

FLETCHER JONES BIRCH INVENTORY LOT

20052 SW BIRCH STREET
NEWPORT BEACH, CA 92660
702.739.9800

Gensler

5005 Greenville Ave.
Dallas, TX 75206
United States

Tel 214.273.1500
Fax 214.273.1505



495 BIRCH STREET
LAKE ELSINORE, CA 92530
LICENSE # 688512
www.sierrawestelectric.com

Phone (951) 685-7811
Fax (951) 685-7788

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THESE DRAWINGS ARE DESIGNED BY THE CONTRACTOR THAT IS CONTRACTED TO PERFORM THE WORK.

Date	Description
11/20/2023	ISSUE FOR USE PERMIT - CONDITIONAL
07/28/2025	RESPONSE TO CITY COMMENTS
01/23/2026	RESPONSE TO CITY COMMENTS
04/02/2026	RESPONSE TO CITY COMMENTS
05/26/2026	RESPONSE TO CITY COMMENTS

Seal / Signature



Project Name
FJ BIRCH INVENTORY LOT

Project Number
027-6664016

Description
SINGLE LINE DIAGRAM "MSB",
LIGHTING FIXTURE SCHEDULE,
LIGHTING CONTROL DIAGRAM,
PANEL SCHEDULES

Scale
SHEET SIZE: 30" x 42"

E0.2

SINGLE LINE DIAGRAM "MSB"

SCALE
N.T.S.

1

STATE OF CALIFORNIA		CALIFORNIA ENERGY COMMISSION	
Outdoor Lighting		NRCC-LO-C	
CERTIFICATE OF COMPLIANCE			
This document is used to demonstrate compliance with requirements in 110.9, 130.0, 130.2, 140.7, and 141.0(b)(2) for outdoor lighting scopes using the prescriptive path for nonresidential and hotel/motel occupancies. It is also used to document compliance with requirements in 160.5, 170.2(e)(6), 180.1(c) and 180.2(b)(4b) for outdoor lighting scopes using the prescriptive path for multifamily and mixed-use occupancies. Multifamily includes dormitory and senior living facilities.			
Project Name: FLETCHER JONES BIRCH INVENTORY LOT		Report Page: (Page 1 of 7)	
Project Address: 20052 SW BRISTOL ST.		Date Prepared: 8/20/2025	
A. GENERAL INFORMATION			
01 Project Location (city)		NEWPORT BEACH	
02 Climate Zone		B	
03 Outdoor Lighting Zone per Title 24 Part 1		10.114 or as designated by Authority Having Jurisdiction (AHJ).	
☐ L2-0: Very Low - Undeveloped Parkland		☐ L2-2: Moderate - Urban Clusters	
☐ L2-1: Low - Rural Areas		☐ L2-4: High - Must be reviewed by CA Energy Commission for Approval	
☒ L2-3: Low - Rural Areas		☒ L2-3: Moderately High - Urban Areas	
05 Occupancy Types with n Project			
• All Other Occupancies			
B. PROJECT SCOPE			
This table includes outdoor lighting systems that are within the scope of the permit application and are demonstrating compliance using the prescriptive path outlined in 140.7 / 170.2(c)(6) or 141.0(b)(2) / 180.2(b)(4b) for alterations.			
My Project Consists of:			
01		02	
☒ New Lighting System		Must Comply with Allowances from 140.7 / 170.2(c)(6)	
☐ Altered Lighting System		Is your alteration increasing the connected lighting load (Watts)?	
		Yes No	
03		04	
% of Existing Luminaires Being Altered ¹		Sum Total of Luminaires Being Added or Altered	
		Calculator Method	
☐ < 10% ☐ > 10% and < 50% ☒ > 50%			
Please proceed to Table F, Outdoor Lighting Fixture Schedule to define the project's luminaires.			
¹ FOOTNOTES: % of Existing Luminaires Being Altered = (Sum Total of Luminaires Being Added or Altered / Existing Luminaires within the Scope of the Permit Application) x 100.			
Generated Date/Time:		Documentation Software: EnergyPro	
CA Building Energy Efficiency Standards - 2022 Nonresidential Compliance		Report Version: 2022.0.000	
		Schema Version: rev 20220101	
		Compliance ID: EnergyPro-9693-0825-0312	
		Report Generated: 2025-08-20 16:51:36	
STATE OF CALIFORNIA		CALIFORNIA ENERGY COMMISSION	
Outdoor Lighting		NRCC-LO-C	
CERTIFICATE OF COMPLIANCE			
Project Name: FLETCHER JONES BIRCH INVENTORY LOT		Report Page: (Page 4 of 7)	
		Date Prepared: 8/20/2025	
IV. OUTDOOR LIGHTING CONTROLS			
This table demonstrates compliance with controls requirements for all new or altered luminaires installed as part of the permit application. For alteration projects, luminaires which are existing to remain (ie untouched) and luminaires which are removed and reinstalled (wiring only) do not need to be included in this table even if they are within the spaces covered by the permit application.			
Outdoor lighting for nonresidential buildings, parking garages and common service areas in multifamily buildings must be documented separately from outdoor lighting attached to multifamily buildings and controlled from the inside of a dwelling unit.			
Mandatory Controls for Nonresidential Occupancies, Parking Garages & Common Areas in Multifamily Buildings			
01		02	
Area Description		Shut-Off	
		130.2(c)(1) / 160.5(c)	
03		04	
Auto-Schedule		Motion Sensor	
130.2(c)(2) / 160.5(c)		130.2(c)(3) / 150.5(c)	
		Field Inspector	
		Pass Fail	
¹ FOOTNOTE: Text has been abbreviated, please refer to Table 160.5-A to confirm compliance with the specific light source technologies listed.			
² Authority having jurisdiction may ask for cutsheets or other documentation to confirm compliance of light source.			
Selected luminaires marked for use in fire-rated installations, and recessed luminaires installed in non-insulated ceilings are exempted from I and II.			
L. LIGHTING POWER ALLOWANCE (per 140.7 / 170.2(e))			
This table includes areas using allowance calculations per 140.7 / 170.2(e). General			
Hardscape Allowance is per Table 140.7-A / Table 170.2-R while "Use it or lose it"			
allowances are per Table 140.7-B / Table 170.2-R. Indicate which allowances are being used to expand sections for user input. Luminaires that qualify for one of the "Use it or			
lose it" allowances shall not qualify for another "Use it or lose it" allowance.			
Outdoor lighting attached to multifamily buildings and controlled from the inside of a			
dwelling unit are included in Table IV, and are not included here. All other multifamily			
outdoor lighting is included here.			
01			
☐ General			
Hardscape			
Allowance			
Table I (below)			
☐ Per			
Application			
Table J			
☐ Sales Frontage			
Table K			
☐ Ornamental			
Table L			
☒ Per Specific			
Area			
Table M			
J. LIGHTING ALLOWANCE: PER APPLICATION			
This section does not apply to this project.			
K. LIGHTING ALLOWANCE: SALES FRONTAGE			
This section does not apply to this project.			
Generated Date/Time:		Documentation Software: EnergyPro	
CA Building Energy Efficiency Standards - 2022 Nonresidential Compliance		Report Version: 2022.0.000	
		Schema Version: rev 20220101	
		Compliance ID: EnergyPro-9693-0825-0312	
		Report Generated: 2025-08-20 16:51:36	

STATE OF CALIFORNIA

Outdoor Lighting

CERTIFICATE OF COMPLIANCE

Project Name: FLETCHER JONES BIRCH INVENTORY LOT

Report Page: (Page 3 of 7)

Date Prepared: 8/20/2023

CALIFORNIA ENERGY COMMISSION

NCEC-1704-

C. COMPLIANCE RESULTS

Results in this table are automatically calculated from data input and calculations in Tables F through N. Note: If any cell on this table says "COMPLIES with Exceptional Conditions" refer to Table D. Exceptional Conditions for guidance or see applicable Table referenced below.

Calculations of Total Allowed Lighting Power (Watts) 140.7 / 170.2(e)6 or 141.0(b)(2) / 180.2(b)(4)6v										Compliance Results					
01	02	03	04	05	06	07	08	09							
General Handicape Allowance 140.7(d)(1) / 170.2(e)6 (See Table I)	+	Per Application 140.7(d)(2) / 170.2(e)6 (See Table J)	+	Sales Frontage 140.7(d)(2) / 170.2(e)6 (See Table K)	+	Ornamental 140.7(d)(2) / 170.2(e)6 (See Table L)	+	Per Specific Area 140.7(d)(2) / 170.2(e)6 (See Table M)	OR	Existing Power Allowance 141.0(b)(2) / 180.2(b)(4)6v (See Table N)	=	Total Allowed (Watts)	≥	Total Actual (Watts)	07 must be >= 08
0	+	---	+	---	+	---	+	1,295	OR	---	=	1,295	≥	1,295	COMPLIES
Shielding Compliance (See Table G for Details)											N/A				
Controls Compliance (See Table H for Details)											Not applicable				

D. EXCEPTIONAL CONDITIONS

This table is auto-filled with uneditable comments because of selections made or data entered in tables throughout the form.

E. ADDITIONAL REMARKS

This table includes remarks made by the permit applicant to the Authority Having Jurisdiction.

STATE OF CALIFORNIA

Outdoor Lighting

CERTIFICATE OF COMPLIANCE

Project Name: FLETCHER JONES BIRCH INVENTORY LOT

Report Page: (Page 5 of 7)

Date Prepared: 8/20/2023

CALIFORNIA ENERGY COMMISSION

NCEC-1704-

L. LIGHTING ALLOWANCE: ORNAMENTAL

This section does not apply to this project.

M. LIGHTING ALLOWANCE: PER SPECIFIC AREA

This table includes areas using the wattage allowance per specific area from Table 140.7.8 / Table 170.2-5. More than one specific area allowance may be taken in a single project. If applicable, however, multiple specific area allowances may not be taken for the exact same area on the site.

01	02	03 CALCULATED ALLOWANCE (Watts)			06	07	08	09	10
Area Descriptor	Specific Area Type per Table 140.7-8	Specific Area (ft ²)	Allowed Density (W/ft ²)	Extra Allowance (Watts)	Luminaire Name or Item Ta	Watts per Luminaire	# of Luminaires	Design Watts	Additional Allowance (Watts)
PARKING LOT	SalesLot	19764	0.3	5533.9	EA-2	185	5	925	
					EB-4	370	1	370	1295
Total Design Watts for this Area:								1295	
Total Allowance (Watts) All Areas:								1295	

¹ FOOTNOTES: See Table 140.7.8 / Table 170.2-5 for rules for calculating the specific areas (ft²) for these additional lighting allowances.

² For luminaires indicated in Table F as linear, wattage in column 07 is W/ft instead of Watts/Luminaire. Total linear feet should be indicated in column 08 instead of number of luminaires.

N. EXISTING CONDITIONS POWER ALLOWANCE (alterations only)

This section does not apply to this project.

O. DECLARATION OF REQUIRED CERTIFICATES OF INSTALLATION

Selections have been made based on information provided in this document. If any selection has been changed by permit applicant, an explanation should be included in Table E. Additional Remarks. These documents must be provided to the building inspector during construction and can be found online

Form/Title

NRG-170-E - Must be submitted for all buildings

Generated Date/Time:

Documentation Software: EnergyPro

CA Building Energy Efficiency Standards - 2022 Nonresidential Compliance

Report Version: 2023.0.000

Schema Version: rev 20220101

Compliance ID: EnergyPro-9693-0825-0312

Report Generated: 2023-08-20 16:51:36

STATE OF CALIFORNIA		CALIFORNIA ENERGY COMMISSION							
Outdoor Lighting		NRCC-LTD-E (Page 3 of 7)							
CERTIFICATE OF COMPLIANCE		Report Page:							
Project Name: FLETCHER JONES BIRCH INVENTORY LOT		Date Prepared: 8/20/2025							
F. OUTDOOR LIGHTING FIXTURE SCHEDULE									
For new or altered lighting systems demonstrating compliance with 140.7 / 170.2(e)6 all new luminaires being installed and any existing luminaires remaining or being moved within the spaces covered by the permit application are included in the Table below. For altered lighting systems using the Existing Power method per 141.0(b)(2), only new luminaires being installed and replacement luminaires being installed as part of the project scope are included (i.e. existing luminaires remaining or existing luminaires being moved are not included). Outdoor lighting attached to multifamily buildings and controlled from the inside of a dwelling unit are included in Table H, and are not included here. All other multifamily outdoor lighting is included here.									
Designed Wattage:									
01	02	03	04	05	06	07	08	09	10
Name or Item Tag	Complete Luminaire Description	Watts per luminaire ^{1,2}	How is Wattage determined	Total Number Luminaires ²	Luminaire Status ³	Excluded per 140.7(a) / 170.2(e)6A	Design Watts	Cutoff Req. > 6,200 initial lumen output / 130.2(b) / 160.5(c) ^{1,4}	Field Inspector
EA-2	EA-2: POLE LED SINGLE HEAD	☐ Linear	Mfr. Spec	5	New	☐	925	NA: < 6200 lumens	☐ ☐
EB-4	EB-4: POLE LED DOUBLE HEAD	☐ Linear	Mfr. Spec	1	New	☐	370	NA: < 6200 lumens	☐ ☐
Total Design Watts:								1295	
* NOTES: Selections with a * require a note in the space below explaining how compliance is achieved. Ex: Luminaire is lighting a statue. (EXCEPTION 2 to 130.2(b)) 1/FOOTNOTES: Authority Having Jurisdiction may ask for Luminaire cut sheets to confirm wattage used for compliance per 130.0(c) / 160.5(b). 2/ For linear luminaires, wattage should be indicated as W/ft instead of Watts/luminaire. Total linear feet should be indicated in column 05 instead of number of luminaires. 3/ Select "New" for new luminaires in a new outdoor lighting project, or for added luminaires in an alteration. Select "Altered" for replacement luminaires in an alteration. Select "Existing to Remain" for existing luminaires within the project scope that are not being altered and are remaining. Select "Existing Reinstalled" for existing luminaires which are being removed and reinstalled as part of the project scope. 4/ Compliance with mandatory shielding requirements is required for luminaires with initial lumen output >= 6,200 unless exempted by 130.2(b) / 160.5(c)									
G. SHIELDING REQUIREMENTS (BUG)									
This section does not apply to this project.									
Generated Date/Time: Documentation Software: EnergyPro									
CA Building Energy Efficiency Standards - 2022 Nonresidential Compliance									
Report Version: 2022.0.000 Schema Version: rev 20220101									
Compliance ID: EnergyPro-9693-0825-0312 Report Generated: 2025-08-20 16:51:36									
STATE OF CALIFORNIA									
Outdoor Lighting		CALIFORNIA ENERGY COMMISSION							
CERTIFICATE OF COMPLIANCE		NRCC-LTD-E (Page 6 of 7)							
Project Name: FLETCHER JONES BIRCH INVENTORY LOT		Report Page: 8/20/2025							
Project Address:		Date Prepared:							
P. DECLARATION OF REQUIRED CERTIFICATES OF ACCEPTANCE									
There are no NRCA forms required for this project.									
Generated Date/Time: Documentation Software: EnergyPro									
CA Building Energy Efficiency Standards - 2022 Nonresidential Compliance									
Report Version: 2022.0.000 Schema Version: rev 20220101									
Compliance ID: EnergyPro-9693-0825-0312 Report Generated: 2025-08-20 16:51:36									
STATE OF CALIFORNIA									
Outdoor Lighting		CALIFORNIA ENERGY COMMISSION							
CERTIFICATE OF COMPLIANCE		NRCC-LTD-E (Page 7 of 7)							
Project Name: FLETCHER JONES BIRCH INVENTORY LOT		Report Page: 8/20/2025							
Project Address:		Date Prepared:							
DOCUMENTATION AUTHOR'S DECLARATION STATEMENT									
I certify that this Certificate of Compliance documentation is accurate and complete.									
Documentation Author Name: PANKAJ PATEL		Documentation Author Signature: P Patel							
Company: DMI Engineers		Signature Date: 8-16-245							
Address: 41002 CHAMBOARD DRIVE		CA/ HERS Certification Identification (if applicable): E-16245							
City/State/Zip: LAKE ELSDORE CA 92532		Phone: 951-907-6357							
RESPONSIBLE PERSON'S DECLARATION STATEMENT									
I certify the following under penalty of perjury, under the laws of the State of California: 1. The information provided on this Certificate of Compliance is true and correct. 2. I am eligible under Division 3 of the Business and Professions Code to accept responsibility for the building design or system design identified on this Certificate of Compliance (responsible designer) 3. The energy features and performance specifications, materials, components, and manufactured devices for the building design or system design identified on this Certificate of Compliance conform to the requirements of Title 24, Part 1 and Part 6 of the California Code of Regulations. 4. The building design features or system design features identified on this Certificate of Compliance are consistent with the information provided on other applicable compliance documents, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with this building permit application. 5. I will ensure that a completed signed copy of this Certificate of Compliance shall be made available with the building permit(s) issued for the building, and made available to the enforcement agency for all applicable jurisdictions. I understand that a completed signed copy of this Certificate of Compliance is required to be included with the documentation the builder provides to the building owner at occupancy.									
Responsible Designer Name: PANKAJ PATEL		Responsible Designer Signature: P Patel							
Company: DMI ENGINEERS		Date Signed: 2025-08-20							
Address: 41002 Chamboard Drive		License: E-16245							
City/State/Zip: Lake Elsinore CA 92532		Phone: 951-277-9109							
Generated Date/Time: Documentation Software: EnergyPro									
CA Building Energy Efficiency Standards - 2022 Nonresidential Compliance									
Report Version: 2022.0.000 Schema Version: rev 20220101									
Compliance ID: EnergyPro-9693-0825-0312 Report Generated: 2025-08-20 16:51:36									

FLETCHER JONES
BIRCH INVENTORY LOT
20052 SW BIRCH STREET
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5005 Greenville Ave.
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495 BIRCH STREET
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AND THAT I AM A LICENSED CONTRACTOR PREPAR

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ELECTRIC. THESE PLANS REPRESENT A SCHEMATIC

LAYOUT OF THE ELECTRICAL SYSTEM.

THESE DRAWINGS ARE
DESIGNED BY THE

CONTRACTOR THAT IS
CONTRACTED TO PERFORM

THE WORK.

[illegible]Seal / Signature

Project Name

Project Number
027-6664016

ID	Description	Status	Priority	Assignee	Due Date	Created At	Updated At
1	Task 1	In Progress	High	John Doe	2023-10-25	2023-10-20	2023-10-24
2	Task 2	Not Started	Medium	Jane Smith	2023-10-26	2023-10-21	2023-10-25
3	Task 3	Completed	Low	John Doe	2023-10-27	2023-10-22	2023-10-26
4	Task 4	In Progress	High	Jane Smith	2023-10-28	2023-10-23	2023-10-27
5	Task 5	Not Started	Medium	John Doe	2023-10-29	2023-10-24	2023-10-28

EXTERIOR TITLE 24 FORMSScale SHEET SIZE: 30" x 42"

E0.3

CHARGE TRONIX

60 KW DC FAST CHARGER

Specifications Sheet



CHARGE TRONIX	
Power	TP5-60-480
Maximum Power	60kW
Output Voltage	190-1000VDC
Max Output Current	Up to 200A
Input Voltage & Frequency	480VAC (3P + N + PE) 60Hz
FLA & Breaker Rating	80A @ 100A
Rated Power	60.4 kW
Power Factor	> 0.98 @ full load
Efficiency	> 94% at nominal power output
Connectors	TP5-60-480
Connector Options	CCS II CHAdemo II NACS
CCS Cable	Up to 150A - Air Cooled
CHAdemo Cable	Up to 125A - Air Cooled
NACS Cable	Up to 25CA - Air Cooled
Cycle Mode	1 x 60kW (Max 200A)
Parallel Mode	2 x 30kW (Max 200A)
Charging Protocol	Mode 4, IEC-61851, ISO-15118, DIN SPEC 70121 II, Mode 4, CHAdemo D.B. 10
Connector Cable Length	17'5.6" NACS & CHAdemo - 30' (Max) Cable Management included for all connectors
Charger Properties	TP5-60-480
Weight	617lbs (280kg)
Dimensions (L x D x H)	39.6" x 25.8" x 73.4"
Display	10" LCD touch screen
Ingress Protection	NEMA 3S (IP54), IK 10
Altitude	< 6,600ft (2,000m)
Operating Temperature	-20°C to 45°C (-4°F to 103°F)
Working & Storage Humidity	± 95% RH II ± 99% RH (Non-condensing)
Insulation (Input - output)	> 2.5kV
Interface Protocol	OCPP 1.6J
Access Control	RFID: ISO/IEC 14443A/B II Credit Card Reader - Optional
Power Electronics Cooling	Air Cooled
Compliance & Safety	TP5-60-480
Regulatory Compliance	UL 2202, IEC 62381-2 IEC 61000-6-1:2007, EN 61000-6-3:2007/AL2011AC2012
Communication Protocol	Charger, RS-485, Wi-Fi
Electrical Safety: GFCI	RCD 30mA Type A
Electrical Safety: Surge Protection	20kA
Electrical Safety: General	Over Voltage, Under Voltage, Over Current, Missing Ground
Electrical Safety: Output Short	Output power disabled when output is short circuited
Electrical Safety: Temperature	Temperature Sensors @ Charge Coupler and Power Electronics
Emergency Stop	Emergency stop button disables output power
Metering	DC kWh meter per connector

CHARGE TRONIX
ChargeTronix
3587 Harbor Blvd
Costa Mesa, CA 92626 USA

Contact Us
Visit: www.chargetronix.com
Call +1 (949) 649-1644
Email support@chargetronix.com

- PLAN NOTES:
- VERIFY EV CHARGER TO HAVE INTEGRAL OVER CURRENT PROTECTION. IN THE ABSENCE OF INTEGRAL OVER CURRENT PROTECTION, PROVIDE A 200AS, 125AF, 3P, NEMA-3R DISCONNECT ADJACENT TO EV CHARGER.
 - VERIFY LOCATION & CONNECT TO LANDSCAPE CLOCK/IRRIGATION CONTROLS.
 - 3/4", 2#8, 1#10G
 - COORDINATE REQUIREMENTS WITH GATE MANUFACTURER & CONNECT TO GATE MOTOR. PROVIDE ADDITIONAL 1" C.O TO BUILDING FOR GATE CONTROLS.

FLETCHER JONES
BIRCH INVENTORY LOT
20052 SW BIRCH STREET
NEWPORT BEACH, CA 92660
702.739.9800

Gensler
5005 Greenville Ave.
Dallas, TX 75206
United States

Tel 214.273.1500
Fax 214.273.1505



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www.serrawestelectric.com
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EV CHARGER SPECIFICATIONS

SCALE
N.T.S.

2

Date	Description
11/20/2023	ISSUE FOR USE PERMIT - CONDITIONAL
07/28/2025	RESPONSE TO CITY COMMENTS
01/23/2026	RESPONSE TO CITY COMMENTS
04/02/2026	RESPONSE TO CITY COMMENTS
05/26/2026	RESPONSE TO CITY COMMENTS

Seal / Signature

Project Name
FJ BIRCH INVENTORY LOT

Project Number
027-6664016

Description
SITE POWER PLAN
EV CHARGER SPECIFICATIONS

Scale
SHEET SIZE: 30" x 42"

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
Parking	Illuminance	Fc	6.11	17.3	0.4	43.25
Trespass lighting 1	Illuminance	Fc	0.14	0.5	0.0	N.A.
Trespass lighting 2	Illuminance	Fc	0.13	0.5	0.0	N.A.

FLETCHER JONES
BIRCH INVENTORY LOT
20052 SW BIRCH STREET
NEWPORT BEACH, CA 92660
702.739.9800

Gensler

5005 Greenville Ave.
Dallas, TX 75206
United States

Tel 214.273.1500
Fax 214.273.1505



495 BIRCH STREET
LAKE ELSINORE, CA 92530
LICENSE # 688912
www.sierrawestelectric.com

Phone (951) 682-7811
Fax (951) 682-7781

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05/26/2026	RESPONSE TO CITY COMMENTS

SITE PHOTOMETRIC PLAN

SCALE
1" = 10'-0"

2

RECORD OWNER:
SCHIFFMAN, TODD I TRUST
APN: 439-352-13

RECORD OWNER:
SURUKI JAMES F TR
APN: 439-352-14

RECORD OWNER: JONES BRISTOL PARCEL, LLC
APN: 439-352-27
ZONING: BP: BUSINESS PARK DISTRICT

RECORD OWNER:
GROUP INDPT SALES ORG INC
APN: 439-352-26

RECORD OWNER: JOHN TR T & G TR
APN: 439-341-21
ZONING: RESIDENTIAL DETACHED/EQUESTRIAN

Seal / Signature



Project Name
FJ BIRCH INVENTORY LOT

Project Number
027-6664016

Description
SITE LIGHTING PLAN,
SITE PHOTOMETRIC PLAN

Scale
SHEET SIZE: 30" x 42"

E0.12

SITE LIGHTING PLAN

SCALE
1" = 10'-0"

1