



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Thursday, March 09, 2023**, at **6:30 p.m.** or soon thereafter as the matter shall be heard, a public hearing will be conducted in the Council Chambers at 100 Civic Center Drive, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

Mason Encroachment - A request to waive City Council Policy L-6 - Encroachments in Public Rights-of-Way ("Policy") for private as-built improvements consisting of the retention of stairs that encroach up to five (5) feet and nine (9) inches into the 60-foot-wide Tustin Avenue public right-of-way and a two (2)-foot and seven (7)-inch high block wall that encroaches up to eight (8) feet into the Tustin Avenue right-of-way. The Tustin Avenue parkway within the public right-of-way is approximately 12 feet from face of curb to the property line. The Policy prohibits the existing stairs and wall as structures are limited to a one (1)-foot projection into the right-of-way with heights not to exceed three (3) feet as measured from the top of curb elevation.

This Project is categorically exempt under Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the State CEQA (California Environmental Quality Act) Guidelines because it has no potential to have a significant effect on the environment.

All interested parties may appear and present testimony regarding this application. If you challenge this project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City, at, or prior to, the public hearing. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapter 20.64. The application may be continued to a specific future meeting date, and if such an action occurs, additional public notice of the continuance will not be provided.

The agenda, staff report, and corresponding documents will be available by end of business day on the Friday preceding the public hearing, and may be reviewed at the Community Development Department Permit Center (Bay C-1st Floor), at 100 Civic Center Drive, Newport Beach, CA 92660 or at the City of Newport Beach website at www.newportbeachca.gov/planningcommission. Individuals not able to attend the meeting may contact the Planning Division or access the City's website after the meeting to review the action on this application. All mail or written communications (including email) from the public, residents, or applicants regarding an agenda item must be submitted by 5:00 p.m. on the business day immediately prior to the meeting. This allows time for the Planning Commission to adequately consider the submitted correspondence.

For questions regarding this public hearing item please contact Brad Sommers, City Traffic Engineer, at 949-644-3326 or bsommers@newportbeachca.gov, 100 Civic Center Drive, Newport Beach, CA 92660.

Project File No.: PA2022-0265

Activity No.: N2022-0520

Zone: R-1 (Single Unit Residential)

General Plan: RS-D (Single Unit Residential Detached)

Location: 410 Tustin Avenue

Applicant: Gary and Linda Mason

Sarah Klaustermeier, Secretary, Planning Commission, City of Newport Beach