November 9, 2017 Agenda Item No. 2

SUBJECT: Ginsberg Residence (PA2016-170)

SITE LOCATION: 2607 Ocean Boulevard

Variance No. VA2016-005

Coastal Development Permit No. CD2017-080

APPLICANT: Nicholson Construction

OWNER: Ginsberg Family Trust

PLANNER: Rosalinh Ung, Associate Planner

(949) 644-3208, rung@newportbeachca.gov

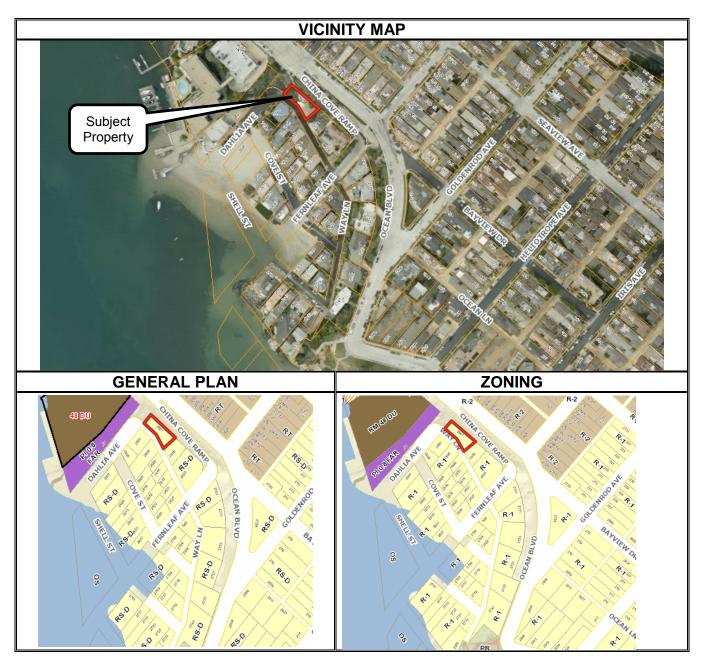
PROJECT SUMMARY

A Coastal Development Permit to allow the construction of a new 4,500 square-foot, single-family residence and a 683 square-foot, three-car garage, for a total of 5,183 square feet. The applicant requests a Variance application to allow the residence to: 1) encroach into the 10-foot rear yard setback along Way Lane, 2) encroach into the 10-foot front yard setback along Ocean Boulevard; 3) exceed the maximum floor area; 4) exceed the height limit for an elevator shaft and portions of the roof deck guardrail; and 5) provide open volume within the required setback areas. The new residence will not exceed the Ocean Boulevard top-of-curb elevation height limit.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Article 19, of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 3, (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Resolution No. 2069 approving Variance No. VA2016-005 and Coastal Development Permit No. CD2017-080 (Attachment PC 1).

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LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-Family Residence
NORTH	Two-Unit Residential (RT)	Two-Unit Residential (R-2)	Single-Unit & Two-Unit Residences
SOUTH	RS-D	R-1	Single-unit Residences
EAST	RS-D & R-T	R-2	Single-unit & Two-unit Residences
WEST	RS-D & Private Institution (PI)	R-1 & PI	Single-unit & Kerckhoff Marine Laboratory

INTRODUCTION

Project Setting

The subject property is located in Corona del Mar on a bluff within China Cove, southeast of the terminus of Ocean Boulevard at Carnation Avenue. The site is approximately 4,257 square feet in area and slopes from Ocean Boulevard down to Way Lane with approximately a 35-foot grade difference. Immediately to the west is open space and the Kerckhoff Marine Laboratory building.

The property is currently developed with an existing 2,260 square-foot, 3-story single-family home constructed at the property line immediately adjacent to Way Lane. The existing residence encroaches approximately 3 feet into the 10-foot front setback on Ocean Boulevard, 10 feet into the 10-foot rear setback along Way Lane, and 3 feet into the 4-foot side setback along the east property line. An existing freestanding wood deck encroaches into the Ocean Boulevard right-of-way. The existing residence maintains three levels from the Way Lane frontage with only one level visible from Ocean Boulevard above. The property takes vehicular access from Way Lane. An existing gated walkway from Ocean Boulevard to the home is provided. Site photos are provided in Attachment PC 3.

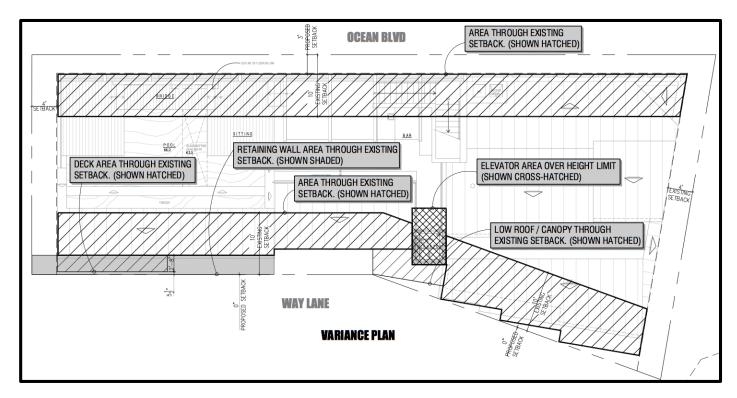
<u>Project Description</u>

The applicant proposes to demolish the existing single-family residence and construct a new 5,183 square-foot single-family residence. Vehicular access would be provided from Way Lane and a walkway would connect the proposed home to Ocean Boulevard similar to the existing home. The application includes a Variance that if approved would allow the residence to:

- 1) Encroach 10 feet into the 10-foot rear yard setback on Way Lane;
- 2) Encroach 3 feet into the 10-foot front yard setback on Ocean Boulevard for the residence;
- 3) Exceed the maximum floor area;
- 4) Exceed the 29-foot height limit for an elevator shaft by up to 14 feet and portions of the roof deck guardrail to exceed the 24-foot for a flat roof/guardrail by up to 8 feet; and
- 5) Provide open volume within the required setback areas.

The applicant's project description is provided as Attachment PC 4. The project plans (Attachment PC 8) includes additional information on the site topography, location and height of the existing structures, and proposed layout of the multi-level house. Grading for the proposed residence includes approximately 320 cubic yards of cut and 20 cubic yards of fill. The lower level includes a three-car garage (required) and a foyer for access from Way Lane. Two main levels above provide the majority of the living area, including kitchen, dining room, sitting room, bedrooms, laundry and game room. The rooftop level provides an outdoor recreation area including a pool, sitting and dining area, outdoor bar and bar-b-que. A 7-foot and 6-inch-high perforated metal screen wall is included along the northerly side of the roof level to provide some screening/privacy for the dining and pool areas. Elevator access is provided to each level. Below is an exhibit showing the type and location of the proposed Variance requests.

Variance Setback & Building Height Request Exhibit



DISCUSSION

<u>Analysis</u>

General Plan and Coastal Land Use Plan

The proposed project will not change the density or use of the subject property and is consistent with the designation "Single Unit Residential Detached" (RS-D) of the Land Use Element of the General Plan and "Single-Unit Residential Detached – 6.0-9.9 DU/AC (RSD-B) of Coastal Land Use Plan (CLUP) of the Newport Beach Local Coastal Program.

The General Plan (GP) and the Local Coastal Program (LCP) protect coastal bluffs. Bluff face development is highly restricted and must be within the predominant line of existing development and alteration must be minimized. The existing development pattern for China Cove is nearly a complete alteration. As a result, the site is not regulated by the Bluff Overlay Zone established by the Zoning Code and Local Coastal Program and development is only regulated by typical setbacks, floor area limits and building height.

General Policy NR20.3 requires the protection and enhancement of public view corridors from Ocean Boulevard. The top of the proposed residence at elevation 73.50 feet will not exceed Ocean Boulevard top-of-curb elevation at 73.81 feet, and therefore, public views of the harbor entrance and Pacific Ocean from Ocean Boulevard will not be affected.

Zoning Code

The subject property is zoned R-1 (Single-Unit Residential). The proposed new residence complies with the R-1 residential design criteria, parking, with the listed exceptions described as part of the requested variance. A complete analysis of the zoning development standards is provided as Attachment PC 5. The maximum height of the new residence will be constructed below the top of curb height from Ocean Boulevard. Below is the analysis of development standards that the applicant is requesting to deviate.

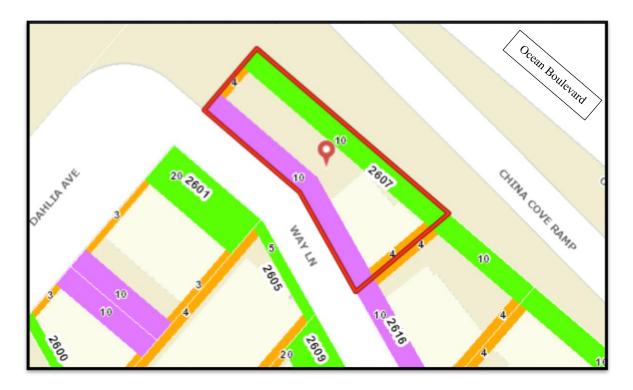
Variance Requests

A variance is a request to waive or modify certain standards when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district. A variance should be granted to maintain parity between the variance site and nearby properties in the same zoning district to avoid the granting of special privileges to one property.

1. Building Setbacks

The required setbacks for the subject property are 10 feet along the front property line on Ocean Boulevard (adjacent to the China Cove Ramp), 10 feet along the rear property line on Way Lane, and 4 feet along both the side property lines. The front setback is established by Setback Map S-10B and the rear and side setbacks are established by Section 20.18.030 (Residential Zoning Districts General Development Standards). Way Lane is a 20-foot wide public street.





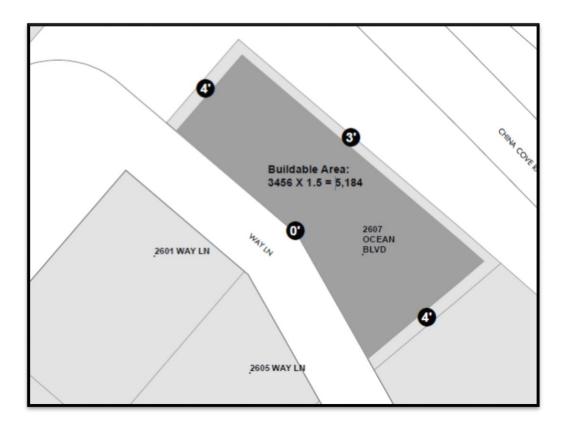
The proposed setbacks along Way Lane are from zero at the new garage to 3 feet for the living areas; and 3 feet is proposed along Ocean Boulevard/China Cove Ramp. The house would comply with both 4-foot side setback requirements.

2. Floor Area

The maximum allowed floor area is 1.5 times the buildable area of the site pursuant to Section 20.18.030 (Residential Zoning Districts General Development Standards). The buildable area is defined as the area of a site excluding the required setback areas. The buildable area of the subject property with the application of required setbacks is 1,910 square feet and the resulting maximum floor area would be 2,865 square feet. The Floor Area Ratio (FAR) for the lot is 0.67. The FARs for properties along the south side of Ocean Boulevard, between Dahlia's Abandoned Right-of-Way and Lookout Point are from 0.86 to 1.04, with the exception of the 2711 Ocean Boulevard property, which has 1.27 FAR by prior variance approval (Attachment No. PC 6).

The applicant is requesting to use the proposed setbacks (3 feet along Ocean Boulevard, zero along Way Lane and 4 feet along the east and west side property lines) to establish the buildable area of the lot and maximum floor area. By utilizing the proposed setbacks, the buildable area would be 3,456 square feet, which results in a maximum floor area of 5,184 square feet (1.5 x buildable area) or 1.22 FAR.

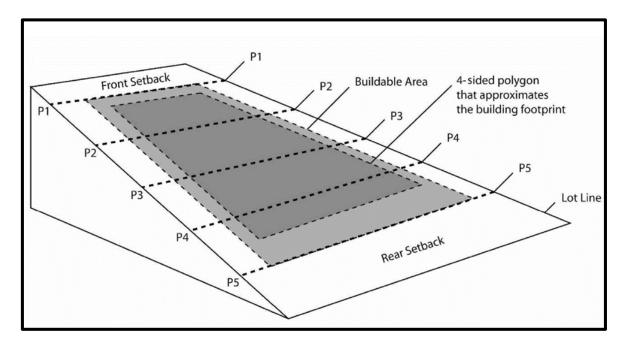
Proposed Setbacks and Floor Area Exhibit



3. Height

Pursuant to Section 20.30.060 (Height), the base height limit for structures within the R-1 Zoning District is 24 feet for a flat roof and 29 feet for a sloped roof. Pursuant to Section 20.30.050 (Grade Establishment), the building height is measured from a plane established by determining the elevation of the lot at five evenly spaced points along each of the two side property lines and connecting each of the points along a side property line with the corresponding point on the opposite side property line, as shown below.



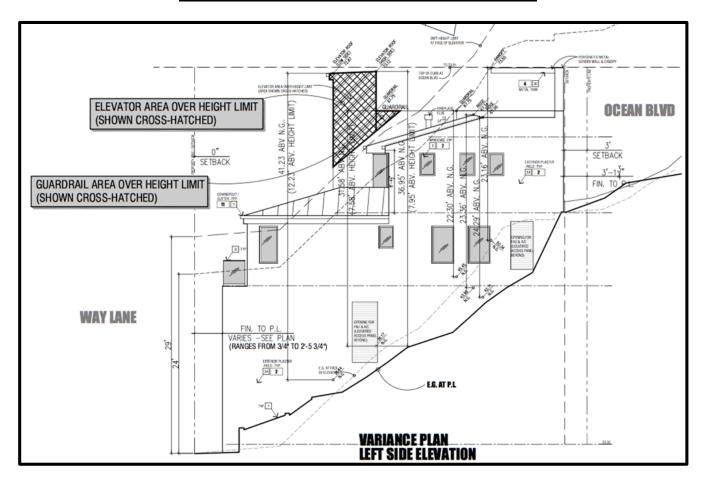


The proposed grade for the subject property is established by using the above criteria due to its extreme slope variations and unique topography. Additionally, Ocean Boulevard is designated as a Coastal View Road within the General Plan and Local Coastal Program and public views are protected. Zoning Code Section 20.30.060(B) (Height Limits and Exceptions) restricts the height of structures to below the top of curb height of Ocean Boulevard.

The applicant requests that the elevator shaft to extend above the height limit of 29 feet by up to 14 feet and a small portion of roof deck guardrail to extend above the height limit of 24 feet by up to 8 feet. The new residence including the elevator shaft and guardrail would not exceed Ocean Boulevard top-of-curb height limit.

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Elevator Shaft and Roof Deck Guardrail Exhibit



As illustrated above, portions of the proposed elevator shaft of approximately 36 square feet and guardrail area of 20 square feet would exceed the base height limit up to 14 feet depending on the location due to steep topography (shaded area in elevation drawing). The portion of guardrail that would exceed the height limit is located on the right side of the elevator shaft.

4. Open Volume

Pursuant to Section 20.48.180 (Residential Development Standards and Design Criteria), an open volume shall be provided in addition to required setback areas. The open area must be located within the buildable area of the lot, below 24 feet from grade and be at least 5 feet in depth and 7.5 feet high. The purpose of the standard is to ensure the massing of the residence does not completely fill the established buildable area below the height limit.

Based on the code required buildable area of 1,910 square feet, an open volume area of 287 square feet is required. By applying the proposed setbacks and resulting buildable area of 3,597 square feet, the required open volume area would be 540 square feet.

The proposed project provides a total of 648 square feet of open volume that meets the 7.5-foot vertical standard based upon the proposed setbacks. However, 393 square feet of this open volume area is proposed to be located within the required front and rear 10-foot setback areas. With the reduction in setbacks, the entire 648 square feet of open volume would be within the resulting buildable area thereby providing visual massing relief consistent with the intent of the standard.

Required Findings

Pursuant to Section 20.52.090(F) (Variances – Findings and Decision) of the Zoning Code, the Planning Commission must make the following findings in order to approve a variance.

Staff believes sufficient facts exist to support the variance requests and they are set forth in the draft resolution for project approval (Attachment PC 1). Below is a summary of facts in support of the required findings:

1. There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;

The subject property is approximately 4,257 square feet in area and slopes from Ocean Boulevard down to Way Lane with approximately a 35-foot grade difference. The subject property is shallow with a lot depth ranging from 35 feet to 53 feet. The lot is also 110 feet wide. The location, irregular configuration and site topography of the subject property have created unique circumstances and conditions that restrict the potential development area of the property that do not apply generally to other similar R-1 zoned properties in the vicinity.

The basic intent of building setbacks is to provide adequate separation between structures on private properties and the public right-of-way; proper air and ventilation; and a consistent look of the properties on the same street from the public street. The limited lot depth after applying the 10-foot front and rear results in a sloping building pad that would be 15 feet to 33 feet deep. The standard front and rear setbacks comprise approximately 51 percent of the total lot area.

The lot is disproportionately shallow relative to its width resulting in a long and narrow building envelope. The long narrow portion of the lot would allow a maximum building area only 15 feet in width and represents over 65 percent of the total area of the lot.

The proposed relief of the open volume area location is directly related to the same constraints. Although the location of the open volume area does not strictly comply, staff believes the proposed location and amount of open volume for the new residence are acceptable. Furthermore, the proposed residence is designed with articulation and modulation. For The upper levels, the residence will not affect privacy for the abutting properties beyond that of the existing residence because the design complies with the setback along the east property line where there is an abutting residence. The primary common living spaces are oriented toward the west of the property where no residence is located.

2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;

By applying the strict application of required 10-foot street setbacks on Ocean Boulevard and Way Lane would result in the buildable area that is significantly less floor area for the subject property when compared to other properties in the vicinity and same zone.

There are nine homes on the inland side of Way Lane south of Ocean Boulevard. Seven of the nine lots have building encroachments within the rear yard setback area to varying degrees with setbacks ranging from zero to 8 feet. The other two have a retaining walls, including the subject property close to the Way Lane property line. Therefore, the applicant's request is similar to the predominant development pattern along Way Lane. Staff believes the reduced setbacks are reasonable due to the site constraints and existing development pattern.

The extreme variation in grade creates the further hardship for compliance in height as it relates to the elevator and guardrail. Where the elevator and guardrail are located, the natural grade below these structures changes 23 feet from Way Lane to the China Cove ramp (over a span of just over 35 feet) thereby making it extremely difficult to comply with the building height requirement. Except for these specific features, the residence complies with the height requirements.

3. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

The granting of the variance is necessary for the preservation and enjoyment of substantial property rights by allowing a relief from the maximum floor area, height and rear setback standards allows for development on a property constrained by steep slopes, extremely narrow configuration, and building height restriction from the top of curb elevation along Ocean Boulevard. The proposed variance would allow the property owner to construct a new home that is consistent with the adjacent single-family dwellings in the neighborhood that provides the coderequired parking, and is of comparable height to other properties along Way Lane.

Staff explored design alternatives to avoid exceeding the height limit. The proposed residence could be designed without a rooftop deck thereby eliminating the guardrail and elevator (and height variance) altogether. Given the location and value of the property, staff did not pursue this option although it remains an alternative to consider. The house could be redesigned with the elevator and roof deck guardrail closer to Ocean Boulevard. This alternative design could reduce or possibly avoid the height variance. Placing the elevator closer to Ocean Boulevard increases excavation and construction costs with additional shoring. The applicant also believes such a change compromises the design.

4. Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

Without granting the variance request the property owner could only build 2,865 square-foot residence that is substantially smaller than what could be constructed on a typical rectangular R-1 lot in Corona del Mar. The variance does not constitute a grant of a special privilege as it allows the property owner to develop a residence that is consistent with the adjacent single-family dwellings in the neighborhood that provides the code-required parking, and is of comparable height to other properties along Way Lane

The floor area increase would not constitute a special privilege as it allows the property owner to build a house compatible with the development of other lots in the vicinity that are above the average of 5,000 square feet. The request for relief of the location of open volume area is directly related to the same property constraints discussed previously. Although the location of the open volume area does not strictly comply, staff believes providing relief is not granting special privilege because the project provides open volume consistent with the intent of the standard.

5. Granting of the variance will 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; and

The granting of the variance will 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. The proposed residence will not adversely impact public views from Ocean Boulevard because it complies with the top of curb height restriction and would not interfere with neighborhood compatibility, private views, and privacy with the neighboring and abutting properties. The proposed setbacks will not affect the flow of light or air to adjoining residential properties as adequate separation is provided since there are no adjacent properties along the property lines for which the encroachments are requested. The existing garage setback encroachments have not proven detrimental and the new residence would improve the existing encroachments by removing any encroachments into Way Lane.

With exception for the elevator shaft and portion of deck guardrail, the entire residence complies with the building height requirement. Additionally, the Variance request will not adversely impact public views from Ocean Boulevard as the residence adheres to the top-of-curb height restriction.

Way Lane functions similar to an alley and is 20 feet in width, providing sufficient turning width for vehicles to access the garage and for other vehicles to pass. The Public Works and Fire Departments have reviewed the proposed residence as it relates to the ground level encroachments and are supportive given the reduction of encroachments compared to current conditions and resulting increased vehicle maneuverability within Way Lane.

The construction of the proposed residence is expected to occur over approximately 26-28 months. To minimize disruption caused by demolition and construction to the nearby residents, the applicant has submitted a construction management plan for Public Works Department approval. All demolition and construction activities are proposed to be approached from Ocean Boulevard. The applicant is proposing to use the existing private pedestrian path that connects the property to Ocean Boulevard, as a ramp to transport construction materials and equipment to the site. The construction process is included in the submitted construction management plan for the project as Attachment No. PC 7. The construction management plan has been reviewed and approved by the Public Works Department.

6. Granting of the variance will not be in conflict with the intent and purpose of this section, this Zoning Code, the General Plan, or any applicable specific plan.

The granting of the applicant's request is consistent with the intent of the General Plan, Coastal Land Use Plan and Zoning Code. The subject property is designated for single-unit residential use and the granting of the variance would not increase the density beyond what is planned for the area, will not result in additional traffic, parking, or demand for other services; and will not adversely impact the designated public views from Ocean Boulevard as it adheres to the top-of-curb height restrictions.

Setbacks required by the Zoning Code govern the location of structures on a lot and provide for open areas around structures for visibility and traffic safety, access to and around structures, access to natural light and ventilation, separation of incompatible land uses, space for landscaping and recreation, protection of natural resources, and safety from fire and geologic hazards. The proposed variance request provides appropriate setbacks for the property consistent with the existing development pattern along Way Lane.

Due to the site topography, narrow shape of the property and top of curb height limit, the requested setback encroachments, buildable area for development based on the proposed setbacks to yield a comparable floor area, deviation on the location of open volume areas and height limit exceptions are appropriate for the subject property.

Coastal Development Permit

As stated above, the subject property is located within the Coastal Zone Categorical Exclusion Area. The demolition and reconstruction of a single-family home would not typically require a Coastal Development Permit (CDP) when the project is consistent with the land use plan and classification of the property and is within an area that is already developed with similar land uses and there is existing infrastructure to serve the property.

Because of the proposed residence includes a variance request, an approval of a CDP is required.

The subject property is located in the China Cove neighborhood where it is predominantly developed with two-and three-story single-family residences. The property is in an area known for

the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

Pursuant to Local Coastal Plan Implementation Plan Section 21.35.050, due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. The WQHP has been reviewed and approved by the Building Division.

Coastal Development Permit Required Findings

Pursuant to Local Coastal Program Implemental Plan Section 21.52.15 (F) (Findings and Decision), the review authority may approve or conditionally approve a coastal development permit application, only after first finding that the proposed development:

- 1. Conforms to all applicable sections of the certified Local Coastal Program (e.g. development standards, no impacts to public views, natural resources, etc.); and
- 2. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

Staff believes sufficient facts exist to support the Coastal Development Permit request, as proposed by the applicant and demonstrated in the draft Resolution (Attachment No. PC 1).

Upon granting of the requested variance, the proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, open volume, setbacks, height, and parking. The maximum floor area limitation granted by the variance is 5,184 square feet. The development complies with requested setbacks as proposed, which are 3 feet along China Cove Ramp/Ocean Boulevard; zero feet-3 feet along Way Lane; and 4 feet along the west and east property lines. The entirety of the home, with the exception of the elevator shaft and a small portion of a deck guardrail is less than 29 feet from established grade. Additionally, the entire structure is below the curb line of Ocean Boulevard, as required for development on the Bluff side of Ocean Boulevard. As the proposed development includes more than 4,000 square feet of livable floor area, a three-car garage is required. The proposed development provides a three-car garage. A minimum of 540 square feet of open volume area is required (based on proposed setbacks) and the proposed home includes 648 square feet of open volume area provided. Proposed landscaping complies with Section 21.30.075 requiring drought tolerant and non-invasive species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify compliance.

The existing residential lot does not currently provide nor inhibit public coastal access. The property is more than 200 feet from the nearest public beach and the proposed development will remain a private residential lot. Public access to the bluff top above is currently provided along Ocean Boulevard. The proposed access walkway from Ocean Boulevard to the proposed residence does not affect the existing sidewalk along Ocean Boulevard. The residence does not affect public views from Ocean Boulevard because it is designed to be below the height of the curb. Public access to the waterfront in China Cove to the south of the project site is currently provided by the China Cove pedestrian stairs and vehicle ramp, Way Lane, Fernleaf Avenue, Dahlia Avenue and Cove Street. A condition has been included to require a construction management plan to address construction access, project construction phasing and contractor parking with the goal to maintain street and emergency access in the area to avoid impacts to public access during construction.

Staff, therefore, recommends Planning Commission approval based on the discussion and facts above and findings included in the draft resolution for approval. Conditions of approval have been incorporated into the attached draft resolution (Attachment No. PC 1).

<u>Alternatives</u>

The following alternatives are available to the Planning Commission:

- 1. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. Should the Planning Commission choose to do so, staff will return with 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 must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2).

Environmental Review

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 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. Class 3 exempts the construction of limited numbers of new, small structures, including a single-family residence.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant 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:

Submitted by:

Rosalinh Ung

Associate Planner

James Campbell,

Tw Cany bell

Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution for Approval (Submit Separately)
- PC 2 Draft Resolution for Denial (Submit Separately)
- PC 3 Site Photos
- PC 4 Project Description
- PC 5 Project Development Elements
- PC 6 FAR Analysis
- PC 7 Construction Management Plan
- PC 8 Project Plans

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Attachment No. PC 1

Draft Resolution for Approval (To Be Submit Separately)

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Attachment No. PC 2

Draft Resolution for Denial (To Be Submit Separately)

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Attachment No. PC 3
Site Photos

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2607 Ocean Boulevard – Existing Site Condition

Aerial View



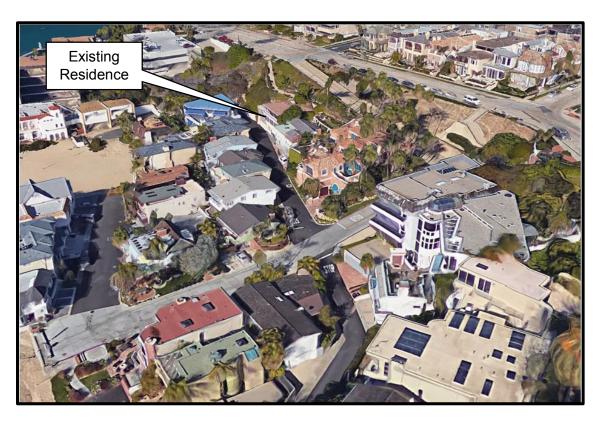
Existing Residence from Way Lane



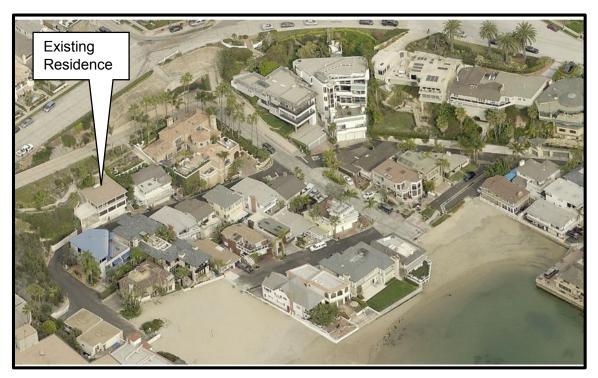
Existing China Cove Residential Development Looking East



Existing China Cove Residential Development Looking West



Existing China Cove Residential Development Looking North



View from Ocean Boulevard



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Attachment No. PC 4

Project Description

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Rosalinh Ung, AICP
Associate Planner
Community Development Department
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: Variance and Coastal Development Permit request for reconstruction of a single family home at 2607 Ocean Blvd. (APN 052 041 05)

Dear Ms. Ung:

Nicholson Construction (Applicant) is proposing to demolish an existing non-conforming single-family home and construct a new single-family home at 2607 Ocean Boulevard.

Site Description

The existing 2,260 square foot 3-story single family home is located on a 4,257 square foot lot that is irregularly shaped and contains an extreme slope that varies from 15%-45% on most of the lot. The existing home has a (legal nonconforming) setback from 0-4 feet along Way Lane and a (legal nonconforming) setback of 7 feet along the Ocean Boulevard right of way. The property takes vehicular access from Way Lane. There are pedestrian access points to the property from Way Lane as well as from an existing gated access way and ramp from Ocean Boulevard.

Project Description

Nicholson Construction is proposing to demolish an existing 2,260 square foot non-conforming (related to setbacks) 3-story single-family home and construct a new 5,183 square foot 3-story single-family home at 2607 Ocean Boulevard. The home would comply with all the zoning/coastal development requirements of the Code, with the exception of front/rear setbacks, maximum floor area, open volume location and height. The home would have a three-foot setback along the Ocean Boulevard right of way and a 0-3 foot setback along Way Lane, where 10-foot setbacks are required for each. The home would have 4-foot setbacks on each side property line as required by code. In Newport Beach, the Code restricts the buildable area of a lot to a percentage of the lot area exclusive of required setbacks. The lot area exclusive of setbacks is 1,910 square feet. In Corona Del Mar, the percentage is 1.5 times the buildable area (1,910 square feet x 1.5) resulting in a permitted square footage of 2,865 square feet. The proposed home would be a total of 5,183 square feet (683 square feet of which is the garage area). For this property, there are two limits of height that are applicable. Structures on the bluff side of Ocean Boulevard in Corona del Mar are required to be constructed at a height not to exceed the elevation of the adjacent curb. The height is further restricted to 24 feet and 29 feet for flat and sloped roofs respectively. The home complies with these height requirements with the exception of a portion of the elevator shaft that extends above the height limit and a small portion of a safety rail. The elevator is necessary to provide access to the upper levels where most of the living area is located and the safety rail is necessary for occupant safety on the roof level. Neither the home nor the elevator shaft exceeds the elevation of the Ocean Boulevard curb line. A small portion of the required open volume area would encroach into the required front and rear setback areas (approximately 31 square feet).

Given the unique topography, size and irregular and narrow shape of the property, the new home accommodates certain design constraints to make the home both practical and livable for the future residents. The main entry level to the home on Way Lane consists only of the garage, small coat closet and landings for the elevator and stairs. No living area is located on this level. The second level contains both private and common living spaces (three of the four bedrooms, game room and bar and family sitting area). Due to the extreme topography and narrowing of the site, portions of the living space on this level are limited to less than 13 feet in width (the width of an over-sized single car garage for comparison). The third level contains the master bedroom, kitchen and living and dining areas as well as the main entry from access on Ocean Boulevard. Although larger in footprint than both 10/31/17

the first and second levels, the living space on this level is constrained and ranges from between 22-25 feet in width (about the width of a two-car garage for comparison). The roof level is a complementary living area for the home and includes a pool, sitting area, dining area, BBQ and bar area. Like the levels below, the design is constrained by topography, site size and shape, so the area is relative narrow in width (about 20 feet) and is contained within about a fourth (1/4) of the size of the roof area.

Variance Requests

These considerations are being requested due to the unique circumstances applicable to the property that make strict compliance with the development standards referenced above difficult, thereby creating a hardship that would deprive the property owner of privileges enjoyed by other property owners in the vicinity.

Height (Code Section 20.30.060) – Structures on the bluff side of Ocean Boulevard in Corona del Mar are required to be constructed at a height not to exceed the elevation of the adjacent curb. The height is further restricted to 24 ft. and 29 ft. for flat and sloped roofs respectively.

The proposed residence complies with the height requirement with the exception of the elevator shaft and a small portion of a safety handrail that extend above the height limit. The elevator is necessary to provide access to the upper levels where a majority of the living area is located. Please note that neither the home nor the elevator shaft exceed the elevation of the Ocean Boulevard curb line. The site elevation of the lot varies as much as 35 feet from the northeast property line adjacent to the Fernleaf ramp to the access from Way Lane. Moreover, the project site is wider than it is deep. Along this portion of the site, the grade changes 23 feet from Way Lane to the China Cove ramp (over a span of just over 35 feet) making it extremely difficult to comply with strict requirement of building height. As requested by staff, we studied the feasibility of pushing the elevator further back into the slope. The findings of this analysis reveal that any incremental benefit gained by taking this approach is outweighed by the extended disruption to our neighbors from the additional excavation and retaining necessary to push the elevator further into the slope. Please refer to the letter prepared by William Simpson & Associates, Structural Engineers that was submitted with the application confirming detailing extended construction impacts related to the elevator relocation (Exhibit A). Please note that even with the relocation of the elevator further into the slope, visually the height of the elevator and handrail would be identical to what is currently being proposed. The extreme variation in topography from Way Lane to the top of slope on Ocean Boulevard/China Cove Ramp combined with the narrow configuration of the lot make compliance with this height requirement extremely difficult and has dictated a design that forces the active living areas to the upper levels of the home.

Site Coverage/Buildable Area (Code Section 20.18.030, Table 2-2, Development Standards for Single-Unit Residential Zoning Districts, notes 5,6) — Code restricts the buildable area of a lot to a percentage of the lot area exclusive of required setbacks. In Corona Del Mar, the maximum building size allowed is 1.5 times the buildable area (1,910 square feet x 1.5) resulting in a permitted square footage of 2,865 square feet.

The applicant is requesting a variance from the maximum floor area limit to allow a 5,183 square foot floor area for a new single family home on this 4,257 square foot property. Due to the shape of the lot and frontage on Ocean Boulevard and Way Lane (which requires two large setbacks), the code required maximum floor area limit is significantly less for this property when compared to other properties in the vicinity and in the same zone. Specifically, the maximum floor area for this property yields a floor area ratio of 0.673, which is approximately 25-40% less than what is allowed on other lots of similar size and standard configuration in the neighborhood. Given the lot shape and orientation, which results in a lot depth ranging from 35-53 feet, the setback area affects half of the lot (50.6% of the lot area for these two setback areas alone). If this lot had a more traditional shape (longer and deeper in shape rather than wide and shallow), the setbacks would have much less of an impact to the buildable area. The subject property has a unique shape and configuration that is significantly different from other properties in the vicinity and with the same zoning classification. The remaining properties along the same portion of Ocean Boulevard are have much more depth as the shallowest property ranges from

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64.5-75 feet in depth compared to the 35-53 feet in depth of the subject property.

The proposed floor area of the new single-family residence is based on the buildable area of the lot utilizing the proposed setbacks. Utilizing the proposed setbacks to calculate the development allowance results in a buildable area of 3,597 square feet, which results in a maximum floor area of 5,395 square feet. The proposed home is 5,183 square feet and within this requirement, which is consistent with the standard applied to other similar lots in the area that are not disproportionately impacted by the setback requirements. The lot is unique when compared to the majority of other lots as it is the narrowest and has the most extreme topography of these lots. The narrow lot configuration disproportionately reduces the developable area relative to other lots in the vicinity. An examination of the lot area relative to other lots in the vicinity reveals that it is smaller, irregularly shaped, and has one of the most extreme variations in grade along this side of Way Lane. This long and shallow lot configuration "pinches" the buildable area down to a narrow rectangle. This creates a disadvantage relative to surrounding properties. As indicated on the attached FAR exhibit showing other properties in the vicinity that exceed buildable area, the requested variance would result in a development granted to other homes in the area (Exhibit B).

Rear/Front and Side Setbacks (Code Section 20.18.030, Table 2-2, Development Standards for Single- Unit Residential Zoning Districts) – Code requires both a rear and front setback of 10 feet from Way Lane and Ocean Boulevard/ Fernleaf Ramp and a side setback of 4 feet along the side property line (west).

The existing residence does not presently conform to the setback requirement as the existing garage and portions of the house either are at zero setbacks or within less than ten feet from the property line. There are several homes along Way Lane that do not meet the current code requirement. The proposed setbacks along Way Lane range from zero at the garage to 3 feet for the living areas; and 3 feet is proposed along Ocean Boulevard/ Fernleaf Ramp. The remainder of the house complies with the 4 foot required setback. As is the case for the request for the maximum buildable area detailed above, the request for relief of the minimum required front/rear and side setbacks is directly related to the same constraints. The lot is disproportionately shallow relative to its width. This irregular configuration is a disadvantage because it applies the 10-foot setback requirement along the longest portion of the lot for both frontages, resulting in a long and narrow building envelope. If complying with the setbacks, the long narrow portion of the lot would be allowed a maximum building area only 15 feet in width (the same as the depth of a compact parking space). And the area subject to this narrow condition represents over 65% of the total area of the lot. Moreover, the subject property has the narrowest lot configuration among the properties on this side of Way Lane. This condition renders a substantial portion of the lot unbuildable, creating a unique circumstance and undue hardship that disproportionately impacts this property compared to other properties in the vicinity and within the same zoning district (Exhibit C).

Open Volume Location (Code Section 20.48.180, Residential Development Standards and Design Criteria) – Code requires an open area shall be provided in addition to the required setback areas and shall be a minimum area of fifteen (15) percent of the buildable area of the lot and located anywhere on the lot within the buildable lot area and below 24 feet from grade.

Based on the code required buildable area of 1,910 square feet, an open volume area of 286.5 square feet is required. The proposed 648 square feet of open volume area is proposed to encroach within the front and rear 10-foot setback areas. Utilizing the buildable area of 3,597 based on the proposed setbacks, the open volume area would be 539.55 square feet. As proposed, the open volume provided for the site exceeds the code-required area, and the area based on the proposed setbacks. Of the open volume area, 393 square feet of area encroach into the setback areas. A total of 255 square feet do not encroach into the setback areas and are located in compliance with code. As is the case for the request for the maximum buildable area detailed above, the request for relief of the location of open volume area is directly related to the same constraints. The lot is disproportionately shallow relative to its width. This irregular configuration is a disadvantage because it applies

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the 10-foot setback requirement along the longest portion of the lot for both frontages, resulting in a long and narrow building envelope (as small as 15 feet in width). Although the location of the open volume area does not comply, the amount of open volume proposed is twice of the amount required by code.

Summary

There is a clear nexus between the analysis provided above and the findings required by State law and the City's zoning code. The analysis demonstrates that the irregular configuration and topography of the site directly relates to the development standard relief requested herein. These special circumstances are not typical of other lots in the immediate vicinity and as a result, create a hardship that deprives the applicant of privileges enjoyed by other properties in the vicinity under identical zoning classification. As further justification, the following variances that were granted in the vicinity of the project site and under identical zoning classification:

- 1. MD 3120 (2701 Ocean Blvd.) Setbacks
- 2. VA 1126 (2711 Ocean Blvd.) Buildable Area, Side Setback
- 3. VA 2014-005 (2723 Ocean Blvd.) Rear and Front Setback, Height
- 4. MD 2951 (2727 Ocean Blvd.) Rear, Front and Side Setbacks
- 5. VA876 (2735 Ocean Blvd.) Buildable Area, Height and Setbacks
- 6. VA2015-05 (2741 Ocean Blvd.) Height and Setbacks

Coastal Development Permit Request

The property is located within the City's Coastal Zone and within the Coastal Zone Categorical Exclusion Area. Since this project is located within the Coastal Zone Categorical Exclusion Area, the demolition and reconstruction of a single family home would not typically require a CDP since the project is consistent with the land use plan and classification of the property and is within an area that is already developed within similar land uses and there is existing infrastructure to serve the property. However, since this proposal includes variance requests, the development requires approval of a Coastal Development Permit by the City. Pursuant to IP Section 21.52.15 (F) (Findings and Decision), the review authority may approve or conditionally approve a coastal development permit application, only after first finding that the proposed development:

A. Conforms to all applicable sections of the certified Local Coastal Program.

The neighborhood is predominantly developed with two-and three-story single-family residences. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development. With the granting of the requested variances, the proposed development complies with applicable residential development standards and the Zoning Code, including, but not limited to, floor area limitation, setbacks, height, and parking.

B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

The existing residential lot does not currently provide nor inhibit public coastal access. The property is more than 200 feet from the nearest public beach and the proposed development will remain a residential lot. The development will not impact public access to local coastal resources and is not located between the sea or shoreline and the nearest public road. The development as proposed, would be constructed at a height below the adjacent curb line of Ocean Boulevard, as required by Code, thereby protecting any views from this public road and maintaining visual access to this coastal resource.

Nicholson Construction 1 Corporate Plaza, Suite 110 Newport Beach CA 92660 10/31/17

Attachment No. PC 5

Project Development Elements

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Attachment PC 5 Project Development Elements

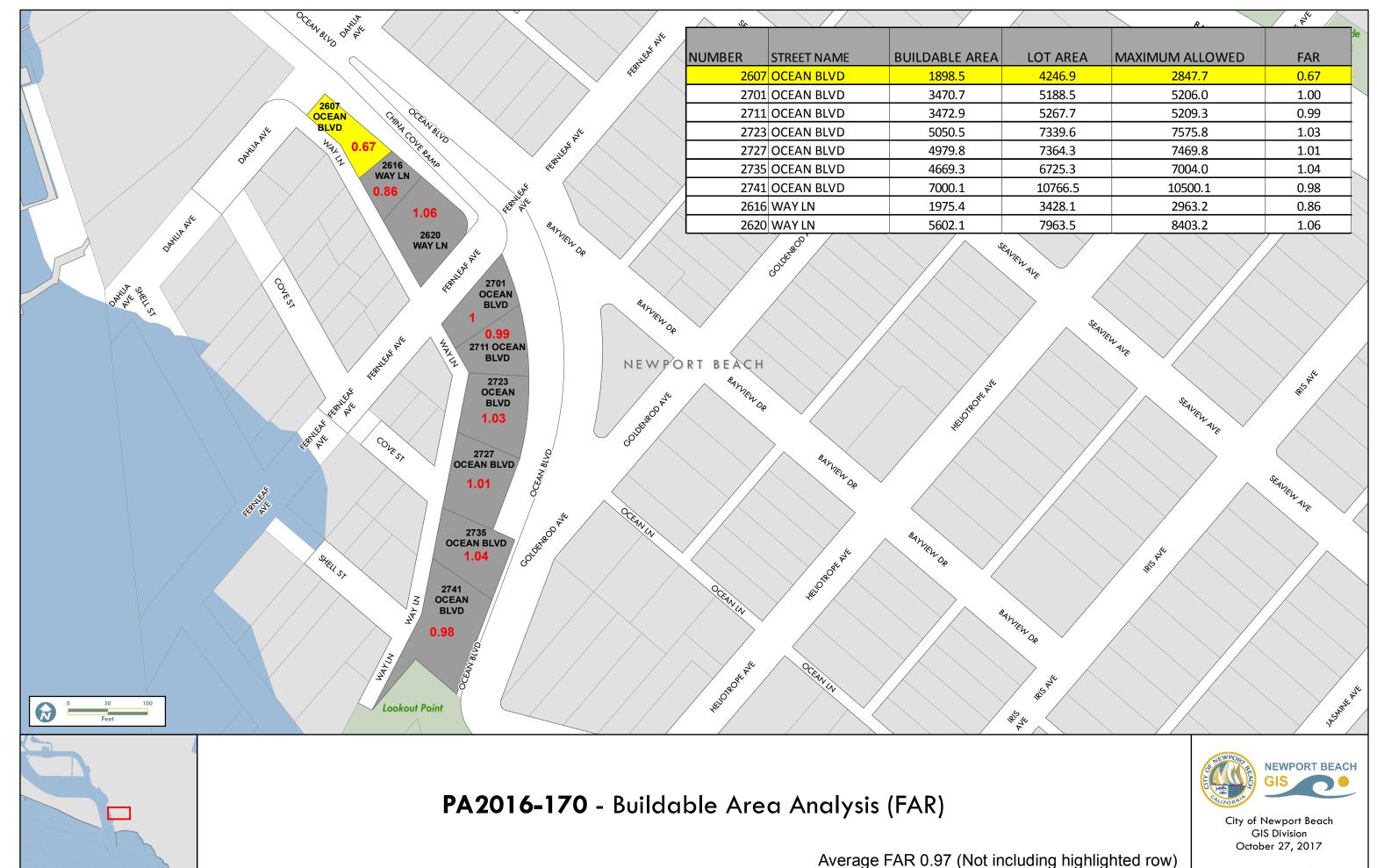
PROJECT ELEMENTS	REQUIRED OR PERMITTED	PROPOSED
Lot Size	4,257 sf.	No Change
Buildable area		
(lot minus setback	1,910 sf.	No Change
areas)		
Maximum gross floor		Variance Required.
area	2,865 sf. (1,910 x 1.5)	Total :5,183 sf.
(1.5 x buildable area)		Main Dunilling
		Main Dwelling: Upper Level: 2,395 sf.
Based on proposed	5,184 sf. (3,456 x 1.5)	Middle Level: 1,854 sf.
setbacks	3, 104 St. (3,430 X 1.3)	Lower Level: 251 sf.
SCIBUOKS		3-car garage: 683 sf.
Building Height Limits:	29 ft. pitched roof above natural	Variance Required.
	grade (NG)	Elevator and Handrail – 37 ft.
	Top of curb (TOC) @ 73.81' (Low Pt.)	Complies - Top of elevation: 73.81'
Front Setback (Ocean	10 ft.	Variance Required.
Blvd.):		Upper Level: 3 ft ¹
		Middle Level: 3 ft ¹
Side Setback:	4 ft.	Complies. 4 ft.
		The state of the s
Rear Setback (Way		Variance Required.
Lane):		Upper Level: 0 ft. ¹
		Middle Level: 0-4 ft. ¹
	10 ft.	Lower Level: 0-4 ft.1
Open Air Volume		
(Buildable Area x 0.15)		
Outside Required		
Setbacks	000 5 (/4.040 0.45)	Variance Required.
Danad on Doomans d	286.5 sf (1,910 x 0.15)	Total: 648 sf.
Based on Proposed	E40 of (2 AEC = 0 AE)	Encroaching into setback: 393 sf.
Setbacks encroaching into setbacks	518 sf (3,456 x 0.15)	Not encroaching into setback: 255 sf.
Parking		Complies.
1 arking	3 spaces	3 spaces (3-car garage)
1) ()	ο ορασσο	o opacoo (o cai gaiago)

¹Variance requested

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Attachment No. PC 6 FAR Analysis

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Attachment No. PC 7

Construction Management Plan

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2607 Ocean Boulevard Construction Management Plan

Owner: Ginsberg Family Trust

1 Corporate Plaza Drive, suite 110

Newport Beach, CA 92660

Architect: Teale Architecture

2900 Bristol Street Building A, Suite 203 Costa Mesa, CA 92626

1.0 PROJECT INTRODUCTION

Project Location

The project property (the "Site") is located at 2607 Ocean Blvd, Corona Del Mar, 92625. It is bordered by Ocean Blvd/China Cove Ramp at the top of the property and Way Lane in China Cove at the bottom of the property.

Project Description

The site is currently occupied by one single-family residence that has been remodeled over the last 40 plus years. The current residence will be demolished and a new single family residence will be built.

Scope of Work

This construction management plan is designed to minimize the Project's neighborhood impacts and construction related environmental effect and to foster public safety during project construction.

The Project applicant, Contractor, and all sub-contractors must adhere to all provisions as stated in this Construction Management Plan.

2.0 PROJECT IMPLEMENTATION

Dates of Construction

The construction of the proposed project is expected to occur over approximately 26-28 months.

Hours of Construction

The hours of construction will be Monday through Friday from 7:00 a.m. to 6:30 p.m. And Saturday from 8:00 a.m. to 6:00 p.m./ as allowed by City of Newport Beach Municipal Code Section 10.28.040. Work hours in the public right of way shall be limited to 7:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. Additional restrictions during summer months may apply and will require further coordination with the City. No Construction workers shall arrive earlier than 7:00 a.m. Monday through Friday and no earlier than 8:00 a.m. on Saturday.

Sequence (Phasing) of Construction

Project Construction is divided into four phases:

I. <u>DEMOLITION PHASE #1 – Disconnect</u> and cap off utilities. Install temporary power and install temporary water stand pipe to the existing water service and meter. Demolish the existing residence. Approximately 8 to 10 personnel on site daily during this phase and approximately 3 to 6 car/trucks.

Approx. Time: 2 months

II. <u>EXCAVATION/GRADING/FOUNDATON-PHASE #2</u>- Excavation and removal of approximately 200 cubic yards of dirt (approximately 20 truckloads). Grading and concrete placement, which consists of shoring, placement of structural slabs and walls, waterproofing, sub-slab drainage system will occur during Phase #2. In addition, site drainage, plumbing underground and electrical underground systems will be integrated. Approximately 4 to 15 personnel on the site daily during this phase and approximately 4 to 8 cars/trucks.

Approx. Time: 8 months

III. <u>ROUGH TRADES-PHASE #3- During phase #3-</u> Metal and wood floor joist systems and stud wall framing will begin on all levels and work up. Integration of rough plumbing, mechanical, and electrical systems will follow rough framing is in place. Installation of windows, doors and roof structure will also occur during Phase #3. Approximately 4 to 10 personnel on the site daily during this phase and approximately 3 to 8 cars/trucks.

Approx. Time: 8 months

IV. <u>BUILDING FINISHES -PHASE #4-</u> Finishes will be installed during Phase #4. Exterior finishes such as exterior plaster, clay roofing, stone veneer, and flooring, iron elements and guard rails will be installed. Landscaping and hardscape/ Paving, planting and irrigation, landscape lighting and drainage systems will also be installed, including drywall, painting, cabinetry, stone and tile art counters, walls and floors. Approximately 8 to 12 personnel on site Daily during this phase and approximately 5 to 10 cars/trucks

Approx. Time: 10 months

Total length of construction Time Approx. 28 months

Construction Equipment

Construction equipment will be utilized for the various stages of the project as follows:

DEMOLITION- PHASE #1:	Bulldozer
Demolition	 Excavator
	 Hauling Trucks
	 Flatbed delivery trucks
	Loader
EXCAVATION/GRADING/FOUNDATION-PHASE#2:	Concrete mixer and pumper

Caisson Drill Concrete Placement	CraneDrill rigFlatbed delivery trucks
	Compressor/ Jackhammer
ROUGH TRADES-PHASE#3: Wall Framing Mechanical, Electrical and Plumbing installation Window / Door installation Roofing	 Compressors Crane Flatbed delivery trucks Masonry saws/ Rotary Saws Roto hammer Drills Shot pin applicators Small stationary power tools
BUILDING FINISHES-PHASE #4: Exterior and interior finishes Hardscape installation Softscape installation	 Compressors Flatbed delivery trucks Masonry saws Roto Hammers Skilsaws/ Drills Small cement mixer Small hand held power tools

Construction personnel Trip Generation and Parking

The total number of construction personnel at the site will vary on the construction activity and phase. It is expected that there will be an average of 4 to 15 people workers daily at the job site. Refer to section 3.0 below (Parking management), for a discussion of construction personnel parking during construction.

Construction Process

Upon permit issuance, existing utilities will be disconnected and capped off in preparation for demolition. Temporary water standpipe will be installed on site and the existing sewer line will be capped.

After the existing building is demolished, caisson drilling will begin. The caissons will be installed along the perimeter of the building, the lagging will be installed, and then grading will begin.

Vibration monitors will be placed at the neighboring properties and any other locations per the soils engineers' recommendations to monitor construction activities. A vibration monitor program will be initiated and if found to exceed the threshold for structural damage, other construction methods will be employed to eliminate any occurrence of structural damage. Such alternative construction methods include, but are not limited to, use of different drill bits for the caisson drilling, use of less vibration-intensive construction vehicles, and /or use of lubricants for the caisson drilling.

In order to minimize disruption to Way Lane, all demolition and construction activities will be approached from Ocean Blvd. We are proposing to use the existing private pedestrian path that connects the property to Ocean Blvd., as a ramp to transport construction materials and equipment to the site. The path will be reinforced (concrete base) to provide a stable surface for construction vehicles. The path/ramp during demolition and construction will be engineered to accommodate the

weight of a variety of construction materials and equipment (skip loaders, forklifts, etc.). The design of the ramp will be reviewed and approved by the City prior to construction. The ramp will be constructed of poured concrete intended to provide a safe and stable surface during construction, and provide a foundation for the permanent pathway once the home is complete. During demolition, a flagman and pedestrian detours will be stationed at the entrance of the job site on Ocean Blvd. as needed to monitor security in and out of the gates and to redirect pedestrians safely around the construction site. If a sidewalk /street closure is needed for a short duration to move heavy equipment onto and off the site (only required during the demolition and grading phase), a street and /or sidewalk permit will be obtained as required by the City of Newport Beach. The use of Ocean Blvd. for temporary construction materials staging is necessary due to the steep topography and narrow configuration of the site, and to maintain access to Way Lane. This staging will be temporary, and any long term staging of equipment, materials or refuse containers will obtain appropriate approvals from the City prior to activity. Any temporary encroachment within the right of way will be coordinated with the City. Subcontractors will be restricted from accessing the property via Way Lane as much as possible and no large vehicles will be allowed on Way Lane. Any small construction vehicles that need to access the subject property will be instructed to not block access to Way Lane (e.g., use of garage spaces). This approach to the project is intended to minimize any impacts to the access along Way Lane, as well as any impacts to the residences adjacent and near the site during construction.

Concrete trucks, hauling and delivery trucks will follow a specific haul route (see exhibit "A"). At no time, will more than one cement or dump truck be stationed at the site. An onsite flagman will monitor this activity with radio access to incoming trucks.

3.0 PARKING MAGEMENT

Carpooling among construction workers will be encouraged throughout the project construction time frame by offering a daily stipend for those who carpool. During the off-peak season, generally between Labor Day and Memorial Day, any additional parking deemed necessary by the city of Newport Beach will be obtained from the <u>public parking lot at Big Corona</u>. During the summer peak season, generally between Memorial Day and Labor Day, workers that do not require direct vehicle access to the site will be required to park at an offsite location (to be determined). Every effort will be made to minimize impacts and use of on street parking in the vicinity of the site. There will be occasion when nearby legal parking spaces will be used by personnel, however we are strongly encouraging personnel to carpool and/or park in nearby public parking areas.

In order to maintain unobstructed access for residents and emergency responders, construction workers will be prohibited from parking on Way Lane. Compliance with this prohibition will be monitored daily by the construction management team. Carpool shall also be encouraged among professionals.

Construction Office, Materials Storage, and Waste Management

In order to minimize disruption to Way Lane, we are proposing to use the existing private pedestrian path that connects the property to Ocean Blvd., as a ramp to transport construction materials and equipment to the site. The path will be reinforced (concrete base) to provide a stable surface for construction vehicles. Post construction, the pedestrian path will be reconfigured to be consistent with our pending encroachment request currently under review by Public Works staff and pending City Council approval. In addition, landscaping will be installed within the right-of-way consistent with plans

approved by Public Works. Temporary toilet facilities will be provided on the site. Once the lower levels are constructed, dedicated storage areas and lockboxes will be provided within the structure for each trade to store their tools and materials on- site for the duration of construction.

4.0 SAFETY AND SECURITY

Project Fencing

The site will be temporarily fenced with a 6-foot-high construction fence prior the start of grading. Mesh covered chain link fencing will be installed on the side of the property facing the adjacent neighbor and will be installed along the property line on China Cove Ramp. One 20-foot-wide rolling gate will provide access into the Site and will be locked for security. This rolling gate shall open by sliding parallel to China Cove Ramp. No direct vehicle access (a driveway) is available to the site along Ocean Blvd. Vendors will need to park on Ocean Blvd. in front of the site, load and unload, then vacate this spot to allow other vendors delivery /pick up access. One 20-foot-wide rolling gate on Way Lane will be provided and will be locked for security. This access will be used sparingly as described above.

Safety and Security

Appropriate signage will be posted at the Site indicating "No Trespassing", "Authorized Personnel Only" and other visitor/delivery Information. The onsite superintendent will do regular jobsite safety inspections.

5.0 AIR QUALITY CONTROL, FUGITIVE DUST CONTROL, NOISE SUPRESSION AND VIBATION MONITORING

Construction activities will follow the 2007 Air Quality Management plan (AQMP) adopted by the South Coast Air Quality Management District to reduce air pollution and emissions impact.

Fugitive Dust Control

The project shall comply with the fugitive dust emission and control plan approved by the South Coast Air Quality Management District (under District Rule 403).

Dust will be minimized using water as control. Site and debris watering shall be performed a minimum of three times daily during all demolition activities. During grading activities, any exposed soil areas shall be watered at least four times per day. Stockpiles of crushed cement, debris, dirt, or other dusty materials shall be covered or watered three times daily. In addition, trucks carrying soil and debris shall be wetted or covered prior leaving the site. On windy days, or when fugitive dust can be observed leaving the site, additional application of water shall be applied to maintain a minimum 12 percent moisture content defined by SCAQMD rule 403. Soil disturbance shall be terminated whenever wind conditions exceed 25 miles per hour. All Diesel-powered machinery exceeding 100 horsepower shall be equipped with soot traps, unless the contractor demonstrates to the satisfaction of The City Building Official that it's infeasible.

Noise Control

Construction activities will adhere to the hours prescribed by the City of Newport Beach's Noise ordinance (municipal code section 10.28.040). Specifically, construction activities will be restricted to

non-holiday weekdays from 7:00 a.m. to 6:30 p.m. and Saturday from 8:00 a.m.to 6:00 p.m., as allowed by City of Newport Beach Municipal Code Section 10.28.040.

The construction contractor shall provide residents living within 100 feet of the project site with a construction schedule for the project prior the commencement of construction and shall keep them informed of any material changes to the schedule. The notification shall also identify the name and the phone number of a contact person with whom to register complaints.

Noise Control Considerations

Noise from construction activities on this project will be a function of the noise generated by individual construction equipment items (as listed in construction equipment), the equipment location, and the timing and duration of noise generated activities. It is important to note that all equipment is not generally operated continuously or used simultaneously. The number, type, distribution, and usage of construction equipment will differ from phase to phase. The noise generated is both temporary in nature and limited by the City's Noise Ordinance (section 10.28.040).

Vibration Monitoring

Vibration monitoring will be conducted as part of the construction management plan. Vibrations probes will be placed at adjacent properties along Ocean Blvd. and any other locations per soil engineer's recommendations to monitor activities.

A vibration-monitoring program will be initiated and if found to exceed the threshold for structural damage, other methods will be employed to eliminate any occurrence of structural damage. Such alternative construction methods include, but are not limited to, use of different drill bits to change levels of torque for the caisson drilling, use of less vibration-intensive construction vehicles, and use of drilling, and /or insertion of expansive grout to fracture rock.

6.0 ENVIROMENTAL COMPLIANCE/ PROTECTION

Storm water Pollution Prevention Plan

A storm water pollution prevention plan (SWPPP) will be prepared. The SWPPP is designed to comply with California's General permit for storm water discharges associated with construction and land Disturbance Activities (General Permit) order No.2009-0009-DWQ as amended by order No. 2010-0014-DWQ (NPDES No. CAS00002) issued by the State Water Resources Control Board on the California Storm Water Quality Association Storm Water Best Management Handbook Portal: Construction (CASQA,2010). In accordance with the general permit, section XI, This SWPPP is designed to address the following:

Pollutants and their sources, including sources of sediment associated with construction, construction site erosion and other activities associated with construction activity are controlled;

Where not otherwise required to be under Regional Water Quality Control Board (Regional Water Board) permit, all non-Storm water discharges are identified and either eliminated, controlled or treated; and,

Site BMP's are effective and result in the reduction or elimination of pollutants in storm water discharge and authorized non-storm water discharges from construction activity to the best available technology/best control technology (BAT/BCT) standards.

Water Quality Management Plan

A water quality management plan (WQMP) will be prepared. The WQMP is intended to comply with requirements of the local National Pollutant Discharge Elimination System (NPDES) Storm water program requiring the preparation of the plan.

Exhibit "A" Trucking Haul Route



Attachment No. PC 8

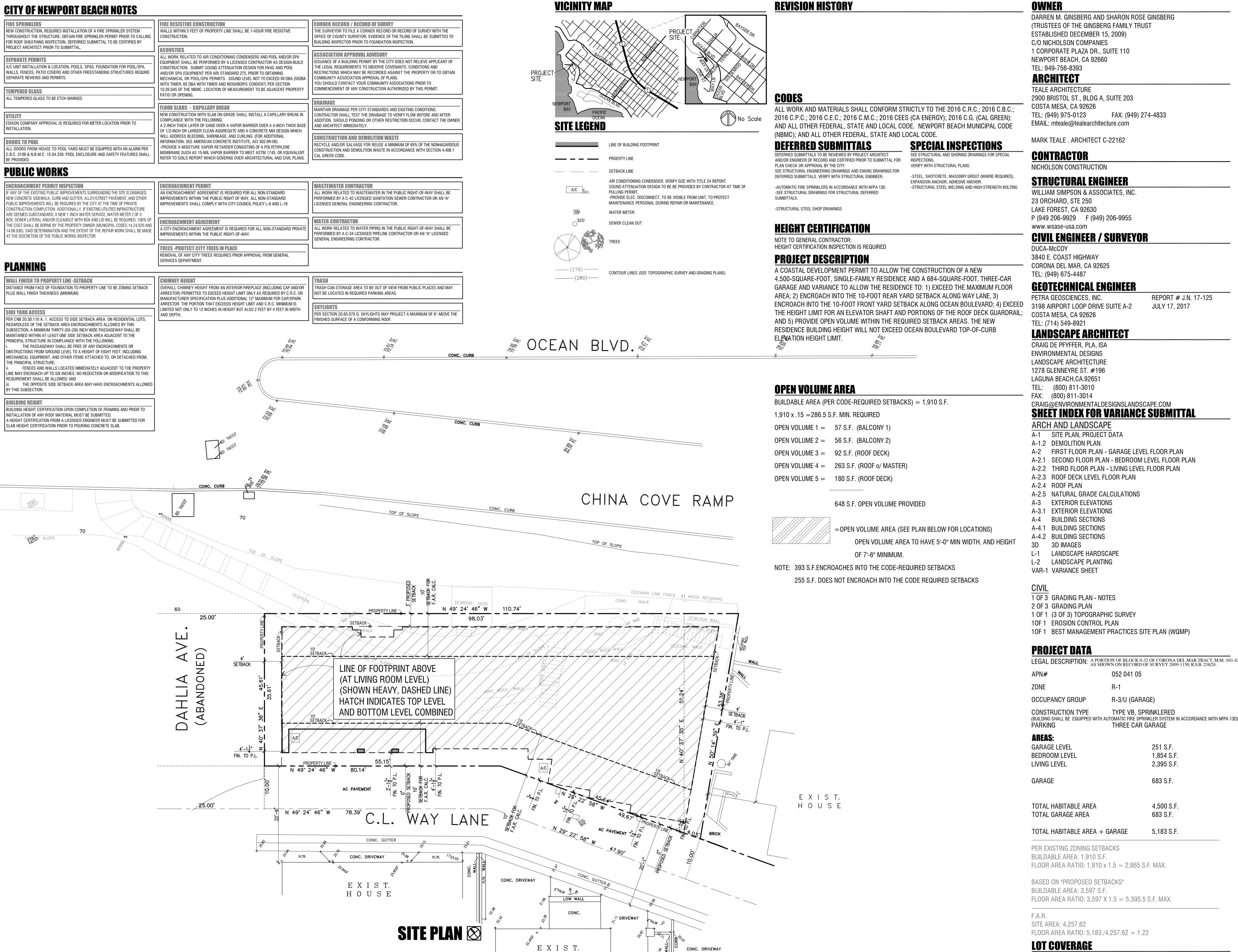
Project Plans

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OWNER DARREN M. GINSBERG AND SHARON ROSE GINSBERG (TRUSTEES OF THE GINSBERG FAMILY TRUST ESTABLISHED DECEMBER 15, 2009) C/O NICHOLSON COMPANIES 1 CORPORATE PLAZA DR., SUITE 110 NEWPORT BEACH, CA 92660 TEL: 949-756-8393 **ARCHITECT** TEALE ARCHITECTURE 2900 BRISTOL ST., BLDG A, SUITE 203 COSTA MESA, CA 92626 TEL: (949) 975-0123 FAX: (949) 274-4833 EMAIL: mteale@tealearchitecture.com MARK TEALE . ARCHITECT C-22162 **CONTRACTOR** NICHOLSON CONSTRUCTION STRUCTURAL ENGINEER WILLIAM SIMPSON & ASSOCIATES, INC. 23 ORCHARD, STE 250 LAKE FOREST, CA 92630 P (949 206-9929 F (949) 206-9955 www.wsase-usa.com **CIVIL ENGINEER / SURVEYOR** DUCA-McCOY 3840 E. COAST HIGHWAY CORONA DEL MAR, CA 92625 TEL: (949) 675-4487 **GEOTECHNICAL ENGINEER** PETRA GEOSCIENCES, INC. REPORT # J.N. 17-125 3198 AIRPORT LOOP DRIVE SUITE A-2 JULY 17, 2017 TEL: (714) 549-8921 LANDSCAPE ARCHITEC CRAIG DE PFYFFER, PLA, ISA **ENVIRONMENTAL DESIGNS** LANDSCAPE ARCHITECTURE 1278 GLENNEYRE ST. #196 LAGUNA BEACH, CA. 92651 FAX: (800) 811-3014 CRAIG@ENVIRONMENTALDESIGNSLANDSCAPE.COM SHEET INDEX FOR VARIANCE SUBMITTAL ARCH AND LANDSCAPE A-1 SITE PLAN, PROJECT DATA A-1.2 DEMOLITION PLAN A-2 FIRST FLOOR PLAN - GARAGE LEVEL FLOOR PLAN A-2.1 SECOND FLOOR PLAN - BEDROOM LEVEL FLOOR PLAN A-2.2 THIRD FLOOR PLAN - LIVING LEVEL FLOOR PLAN A-2.3 ROOF DECK LEVEL FLOOR PLAN A-2.4 ROOF PLAN A-2.5 NATURAL GRADE CALCULATIONS A-3 EXTERIOR ELEVATIONS A-3.1 EXTERIOR ELEVATIONS A-4 BUILDING SECTIONS A-4.1 BUILDING SECTIONS A-4.2 BUILDING SECTIONS 3D 3D IMAGES L-1 LANDSCAPE HARDSCAPE L-2 LANDSCAPE PLANTING VAR-1 VARIANCE SHEET

1 OF 3 GRADING PLAN - NOTES 2 OF 3 GRADING PLAN

1 OF 1 (3 OF 3) TOPOGRAPHIC SURVEY 10F 1 EROSION CONTROL PLAN 10F 1 BEST MANAGEMENT PRACTICES SITE PLAN (WQMP)

PROJECT DATA

LEGAL DESCRIPTION: A PORTION OF BLOCK 0-32 OF CORONA DEL MAR TRACT, M.M. 3/41-4 AS SHOWN ON RECORD OF SURVEY 2009-1150, R.S.B. 238/24. 052 041 05 R-3/U (GARAGE) OCCUPANCY GROUP

TYPE VB, SPRINKLERED

683 S.F.

THREE CAR GARAGE

251 S.F. **GARAGE LEVEL** 1,854 S.F. **BEDROOM LEVEL** 2,395 S.F. LIVING LEVEL

4,500 S.F. TOTAL HABITABLE AREA TOTAL GARAGE AREA 683 S.F.

TOTAL HABITABLE AREA + GARAGE 5,183 S.F.

PER EXISTING ZONING SETBACKS BUILDABLE AREA: 1,910 S.F. FLOOR AREA RATIO: $1,910 \times 1.5 = 2,865 \text{ S.F. MAX}$.

BASED ON "PROPOSED SETBACKS" BUILDABLE AREA: 3,597 S.F. FLOOR AREA RATIO: $3,597 \times 1.5 = 5,395.5 \text{ S.f. MAX}$.

SITE AREA: 4.257.62 FLOOR AREA RATIO: 5,183 /4,257.62 = 1.22

LOT COVERAGE

BUILDING FOOTPRINT (AT EAVES)

LOT COVERAGE (AT EAVES)

SITE AREA

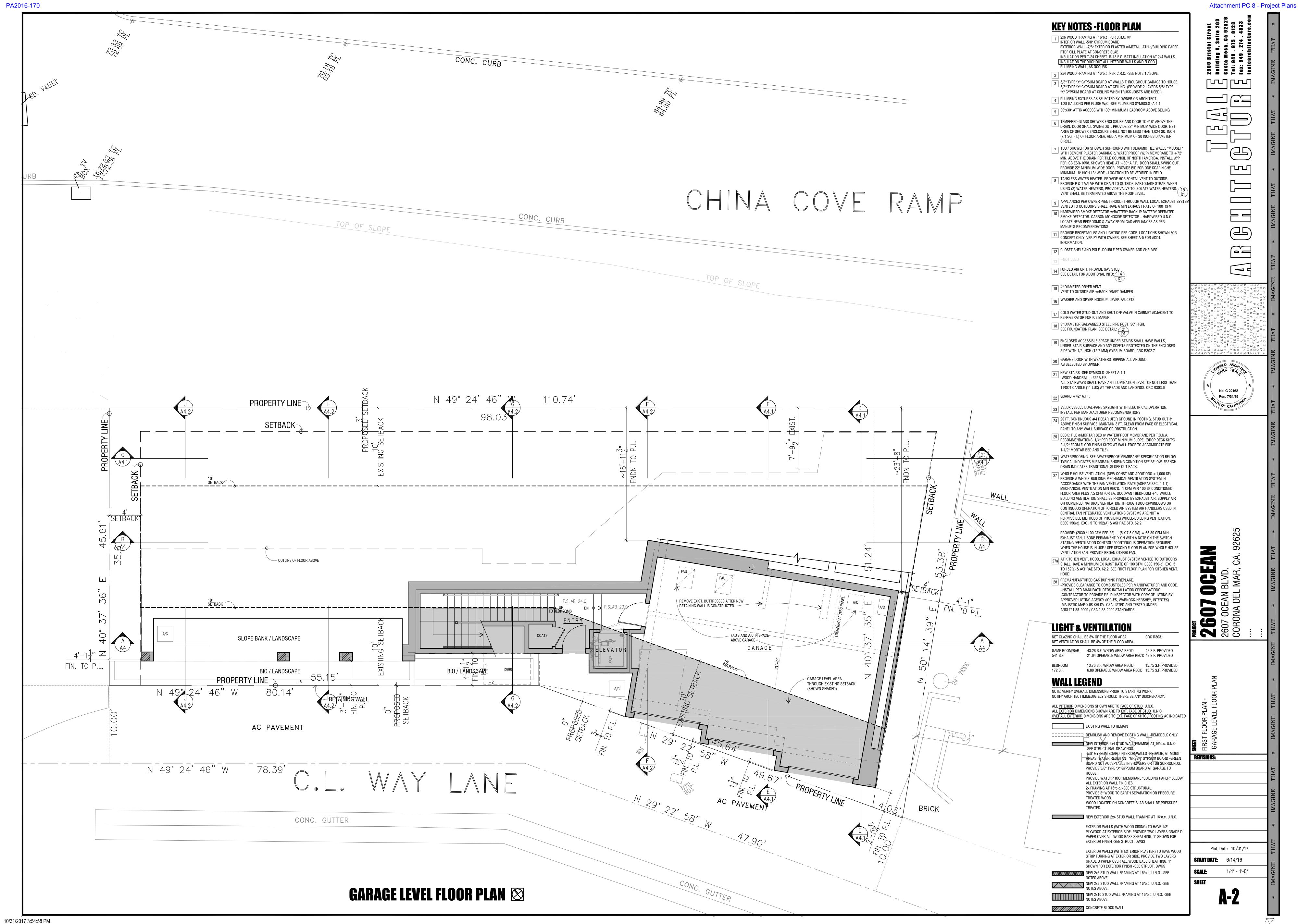
4,257.62 S.F.

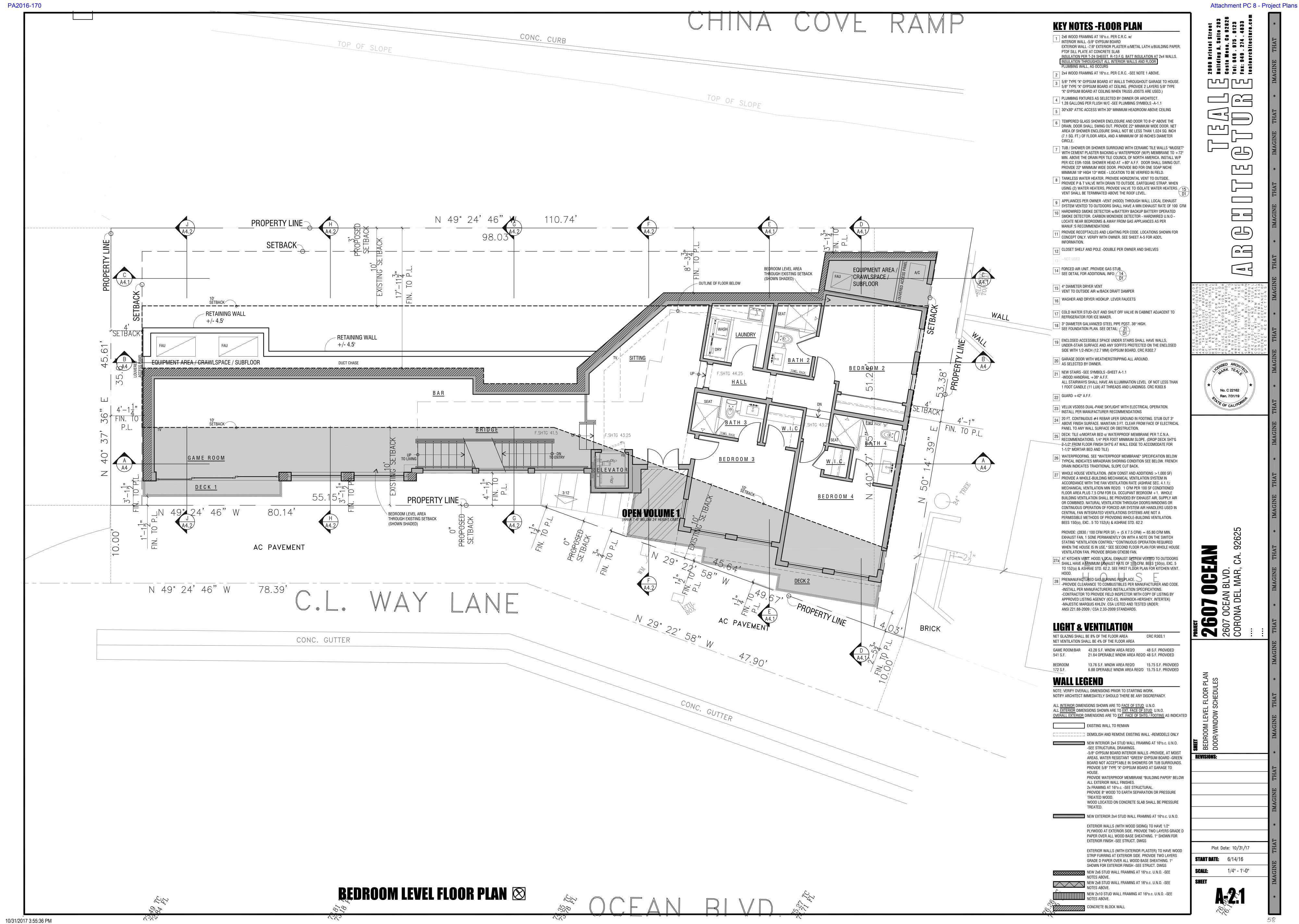
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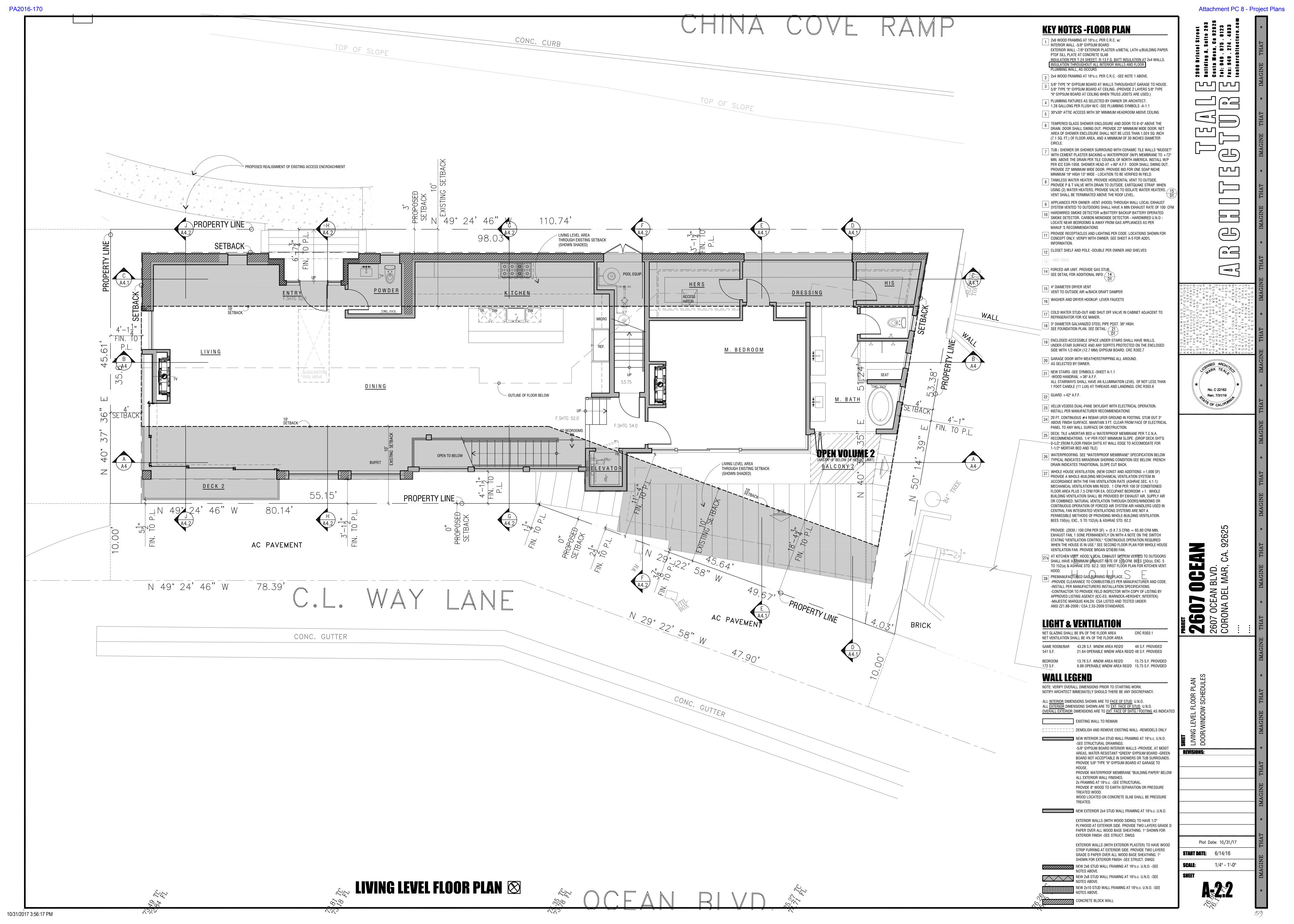
81.50%

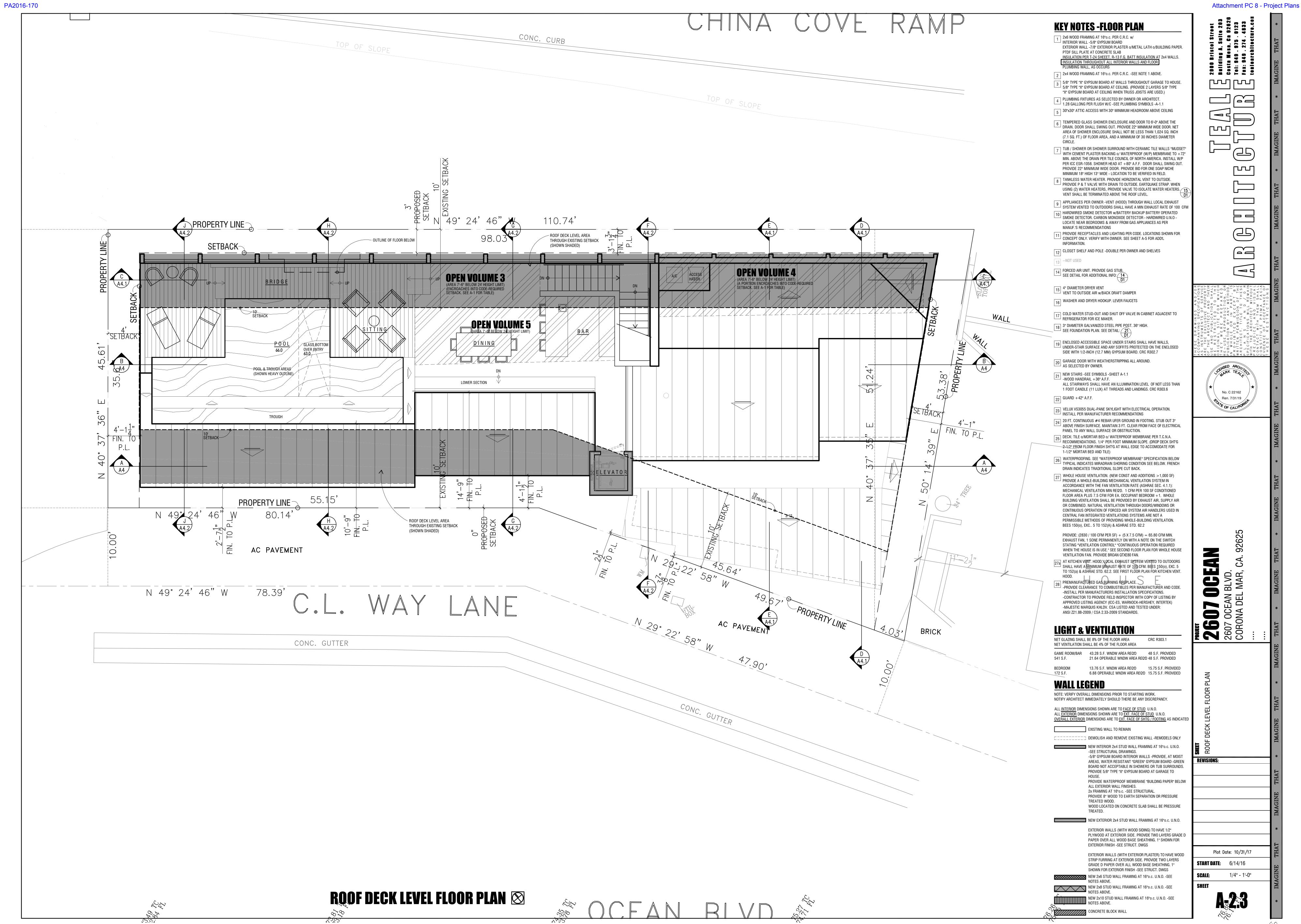
START DATE: 6/14/16 1/8" - 1'-0" **A-1**

Plot Date: 10/31/17

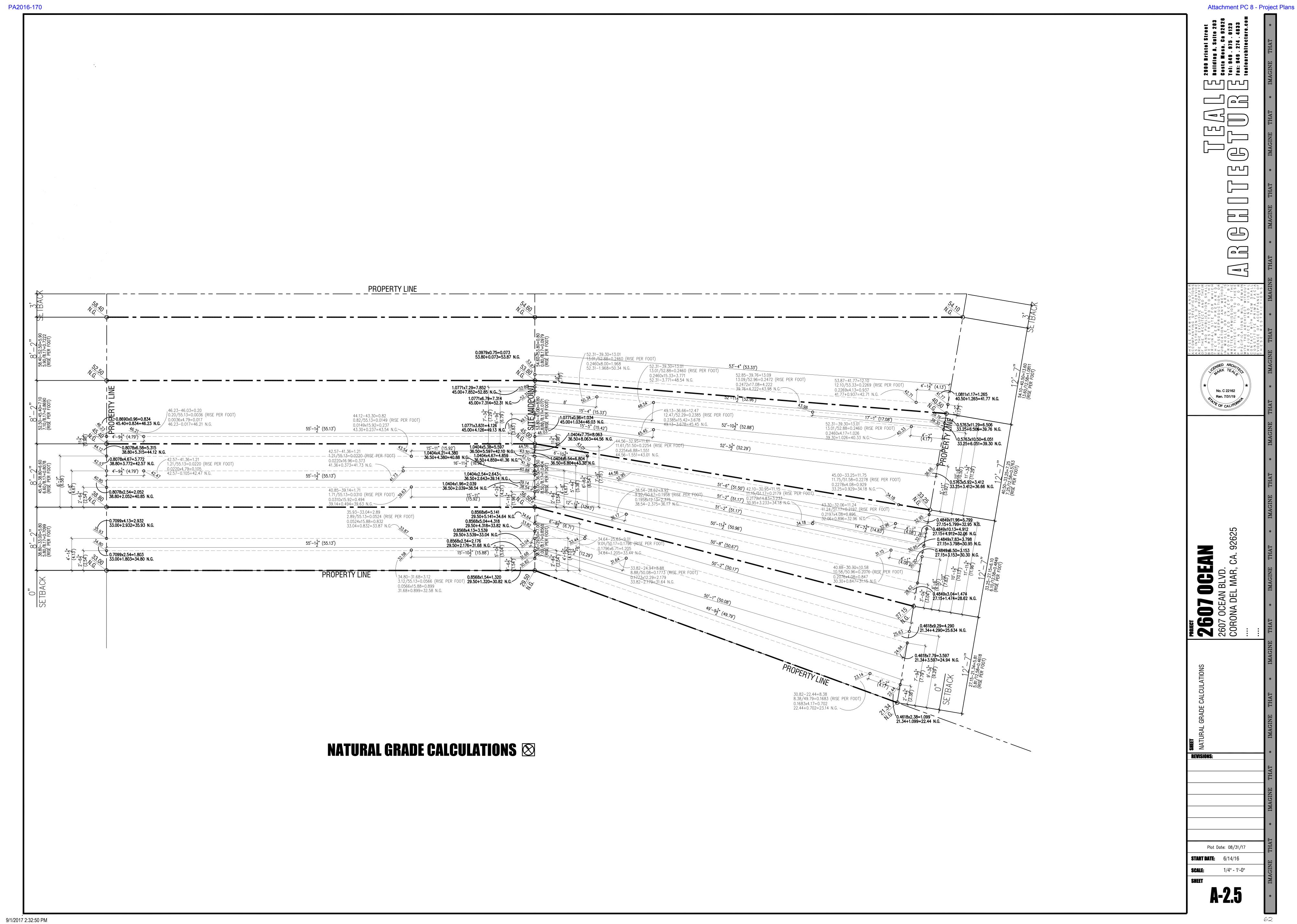


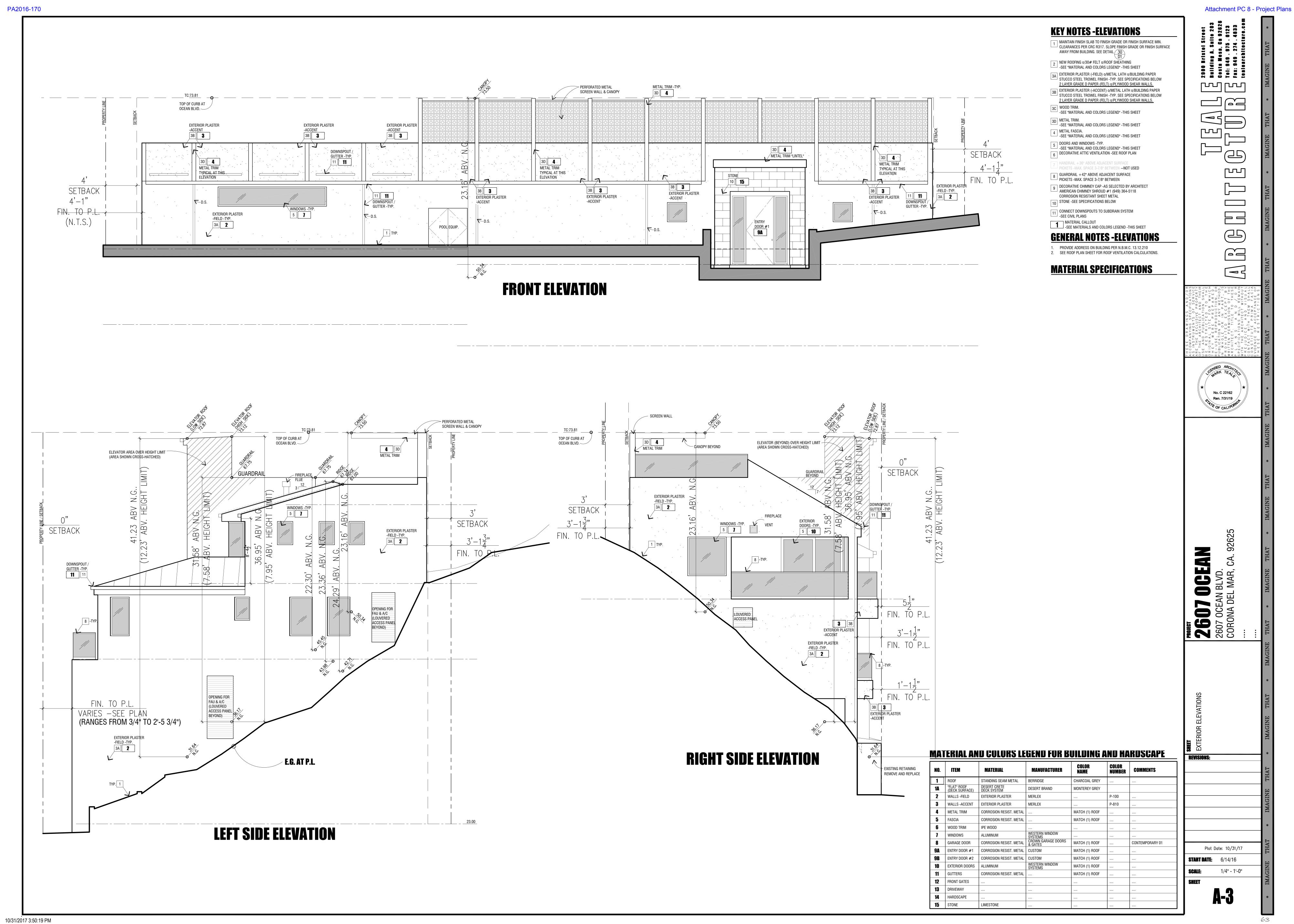


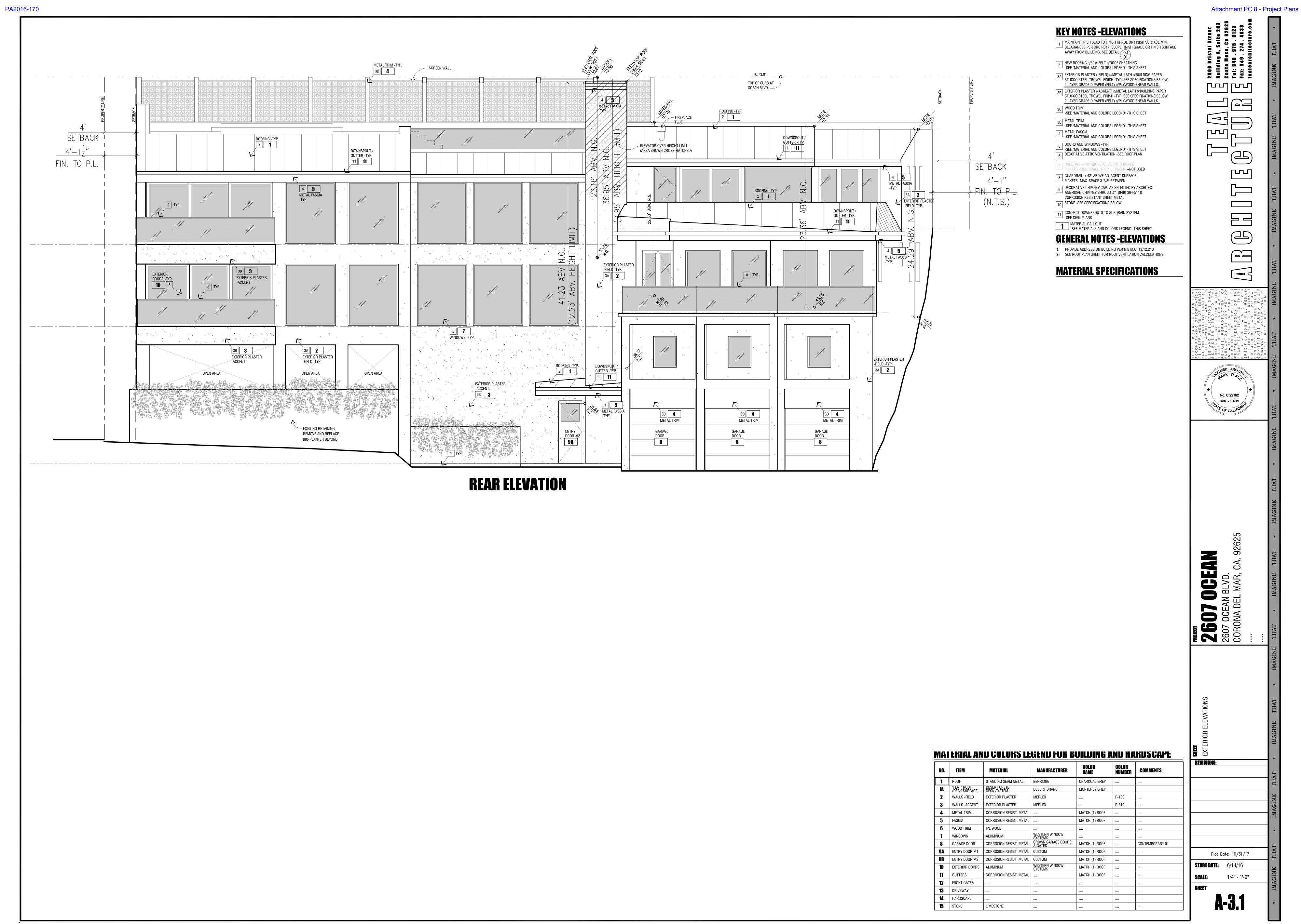




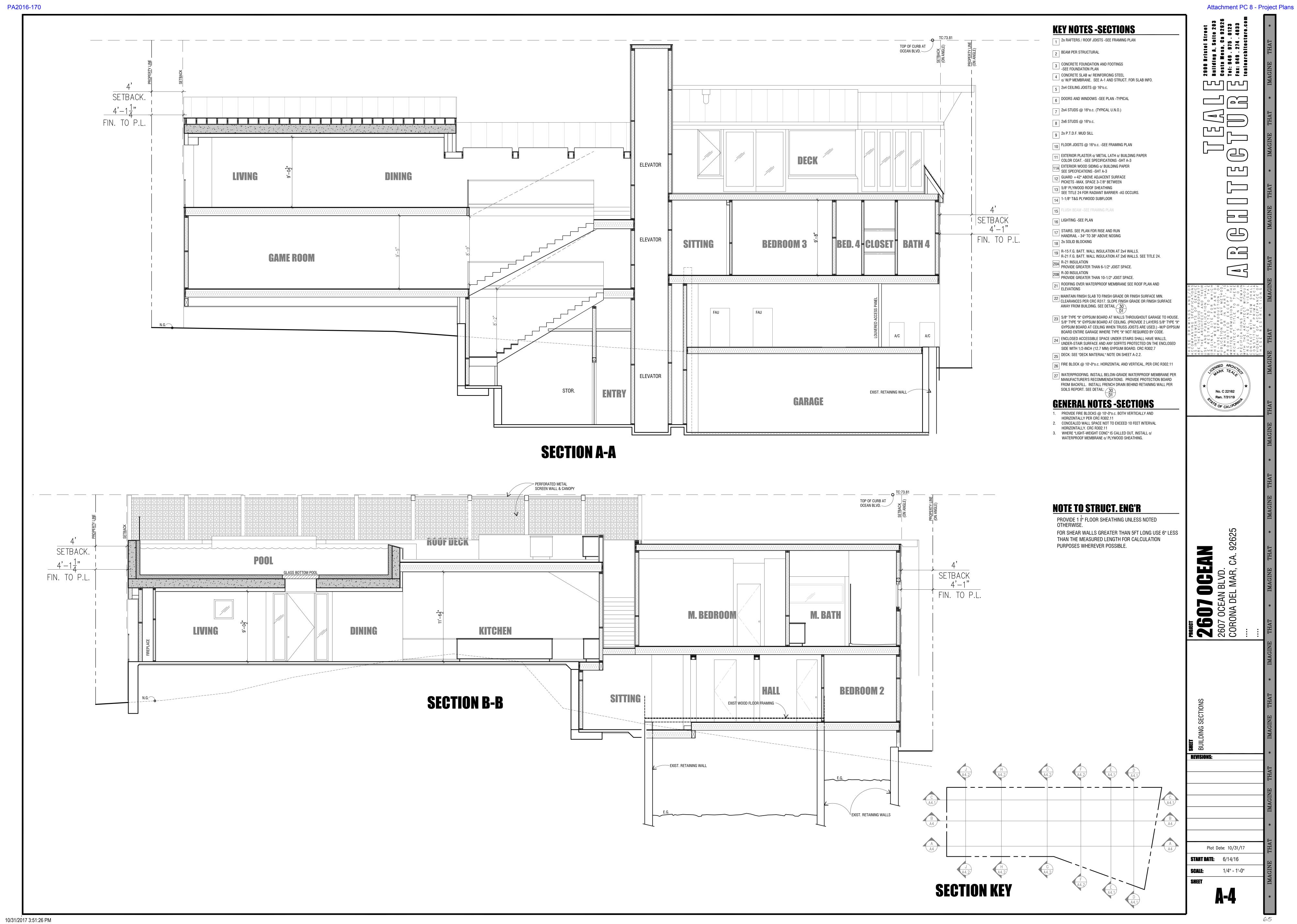
Attachment PC 8 - Project Plans

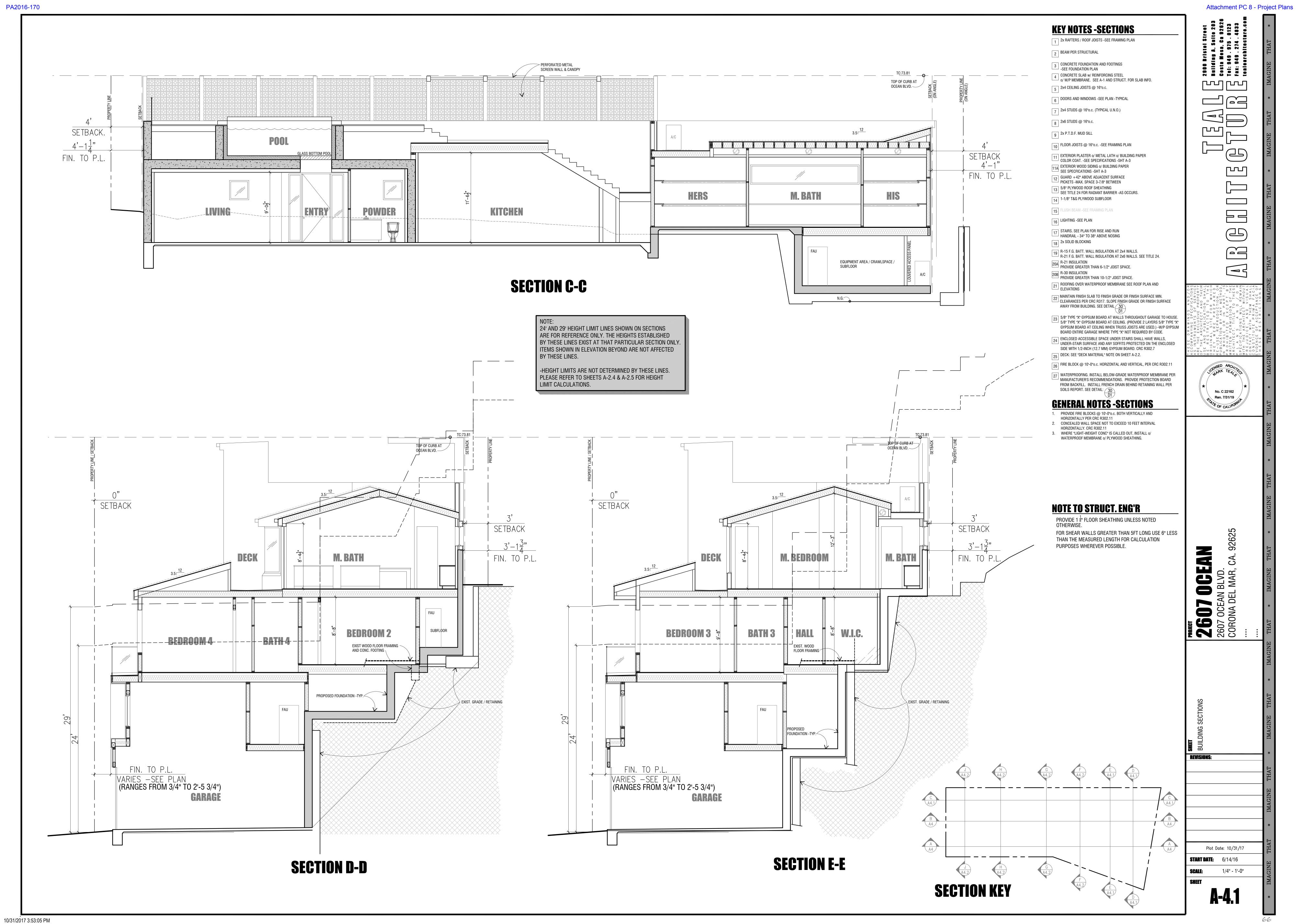


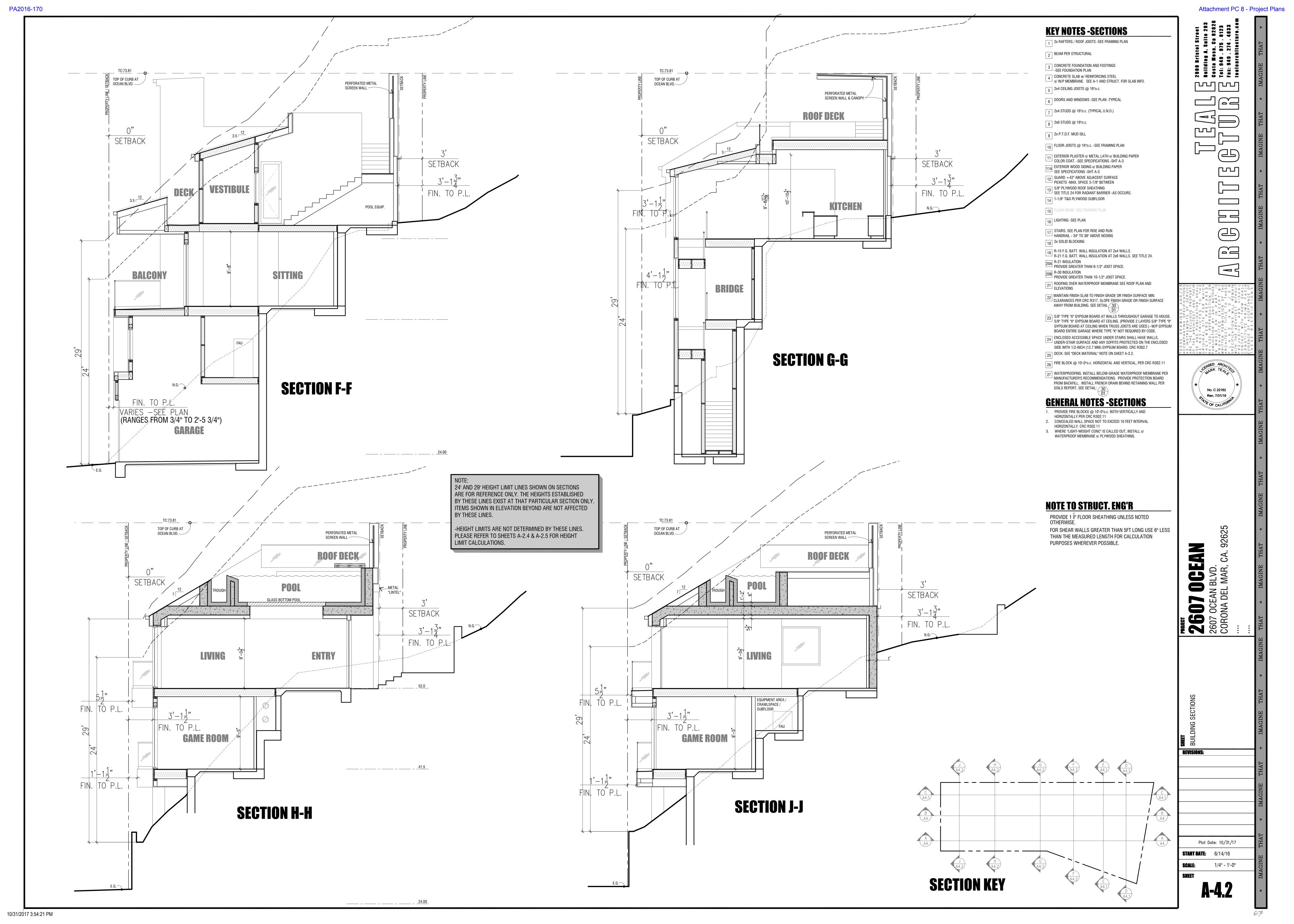




10/31/2017 3:50:48 PM







PA2016-170

Plot Date: 10/31/17

3D

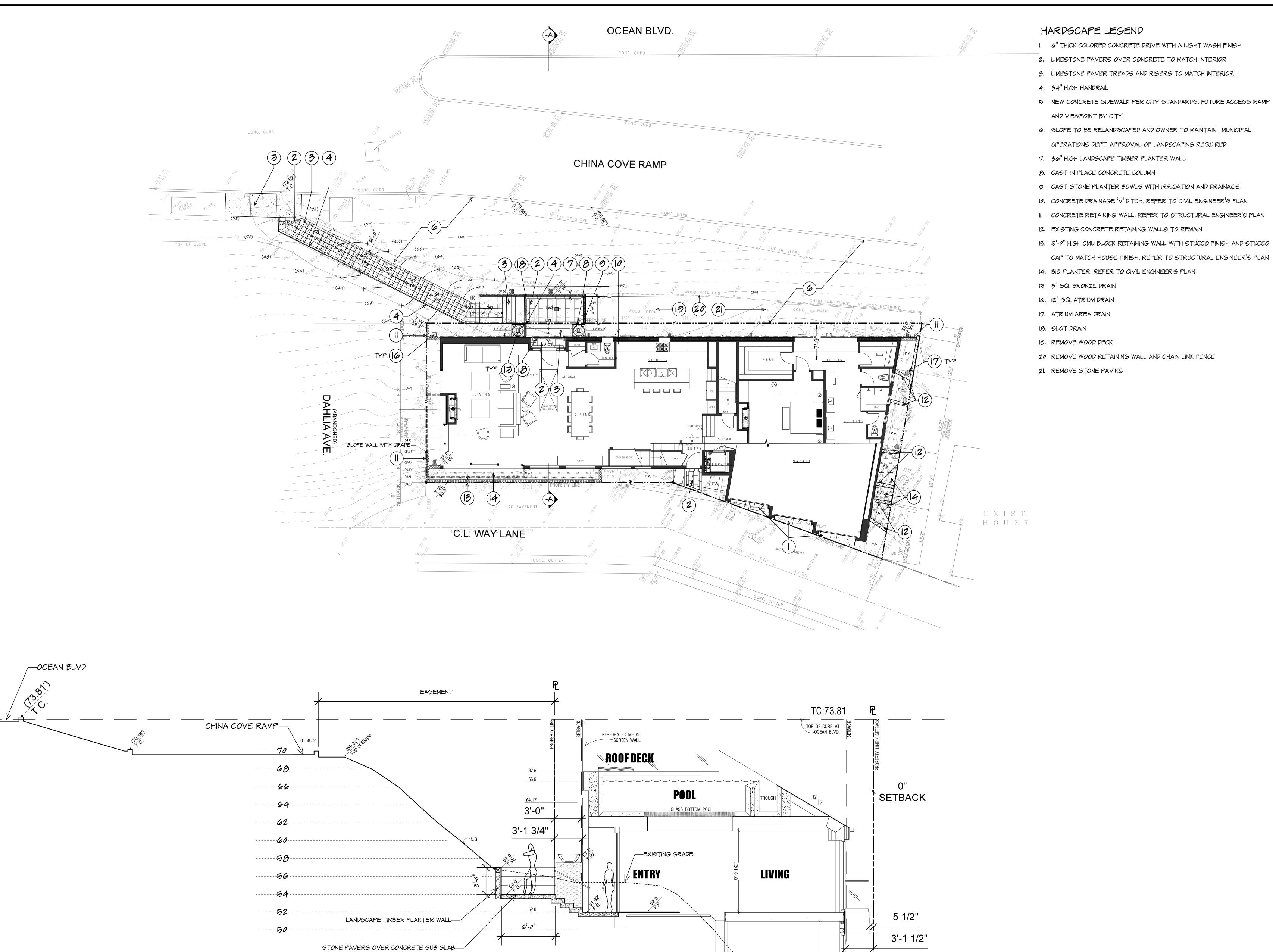
START DATE: DATE NO SCALE



FROM ABOVE WAY LANE



PA2016-170 Attachment PC 8 - Project Plans



SECTION A-A

SCALE: 1/4" = 1'-0"

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GAME ROOM 5

1'-1 1/2"

5. NEW CONCRETE SIDEWALK PER CITY STANDARDS, FUTURE ACCESS RAMP

6. SLOPE TO BE RELANDSCAPED AND OWNER TO MAINTAIN. MUNICIPAL

9. CAST STONE PLANTER BOWLS WITH IRRIGATION AND DRAINAGE

CAP TO MATCH HOUSE FINISH, REFER TO STRUCTURAL ENGINEER'S PLAN

7-10-17 9-1-17 10-30-17



DESIGNS 1278 Glenneyre St. #106 Laguna Beach California 02651 Tel:800 811-3010 Fax:800 811-3014

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PRELIMINARY

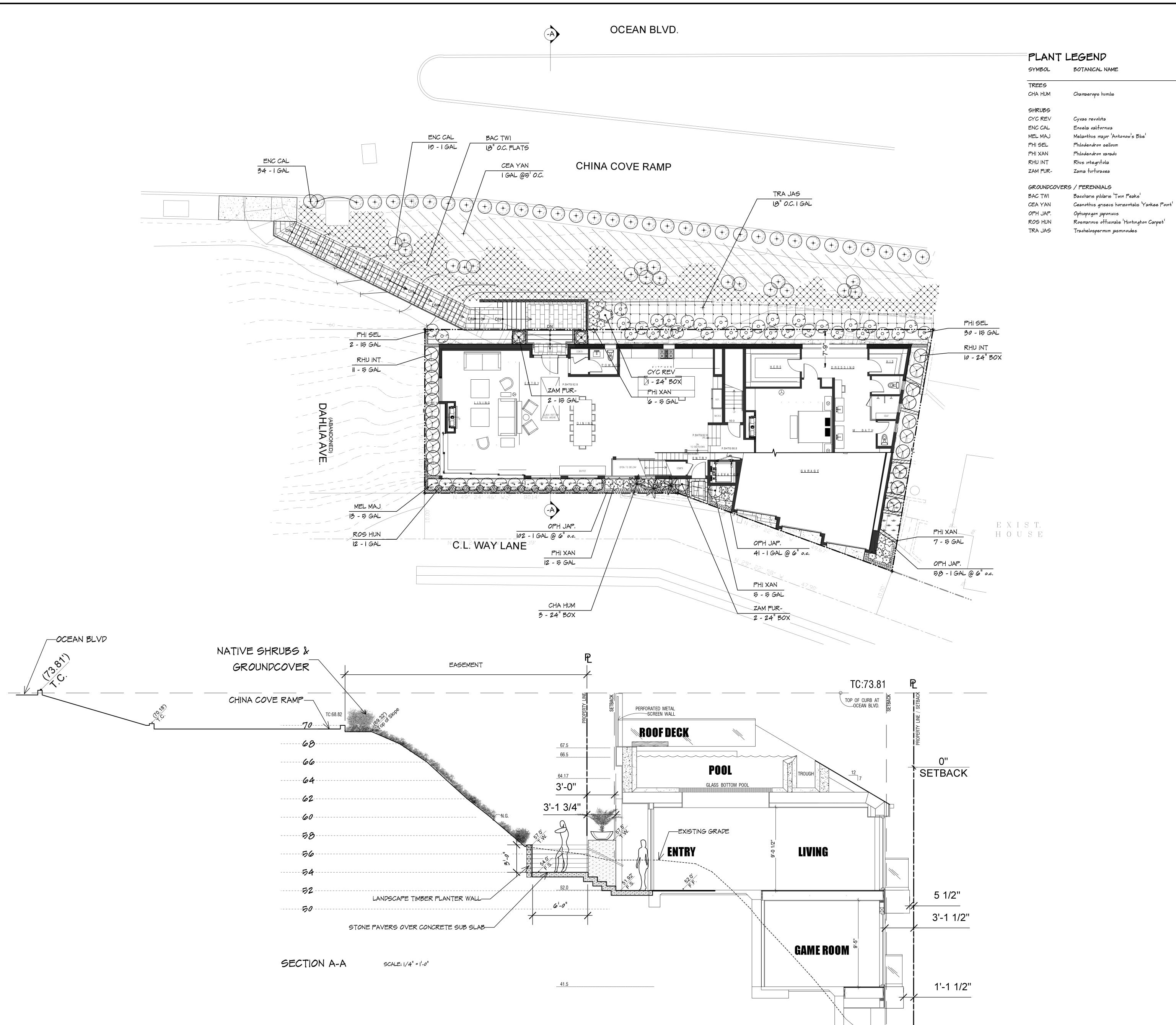
HARDSCAPE PLAN

DRAWN CRAIG DE PFYFFER

MAY 11, 2017

1/8" = 1' - 0" 2607 Ocean_Preliminary_10-30-17.vwx

PA2016-170 Attachment PC 8 - Project Plans



6-28-17 7-10-17 9-1-17 10-30-17

COMMON NAME

Sago Palm

N.C.N.

Lemonade Berrry

Dwarf Coyote Brush

Huntington Carpet Rosemary

Mondo Grass

Cardboard Palm

Mediterranean Fan Palm

Antonow's Blue Honey Bush

MATURE SIZE

12'H×8'W

3'Hx3'W

31H x 41W

8'H x 8'W

プH×プW

 $2^{1}H \times 2^{1}W$

5'Hx5'W

3'Hx3'W

18"Hx3'W

2'H × 8'W

6"H × 6"W

1'Hx7'W

1'H × 3'W



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PRELIMINARY PLANTING PLAN

DRAWN CRAIG DE PFYFFER

MAY 11, 2017

1/8" = 1' - 0"

2607 Ocean_Preliminary_10-30-17.vwx

