



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, Hearing Officer, and/or Planning Division staff for the week ending March 2, 2012

**ZONING ADMINISTRATOR ACTIONS
FEBRUARY 29, 2012**

- Item 1: Il Barone Expansion - Minor Use Permit No. UP2012-002 (PA2012-009)
4251 Martingale Way, Suite A & G
- Action: Approved by Resolution No. ZA 2012-006 Council District 3
- Item 2: Hill Parcel Map - Parcel Map No. NP2012-001 (PA2012-005)
604 Acacia Avenue
- Action: Approved by Resolution No. ZA 2012-007 Council District 6
- Item 3: Mariner's Pointe Temporary Parking Lot - Limited Term Permit No. XP2012-001
(PA2012-013)
100 Dover Drive
- Action: Approved by Resolution No. ZA 2012-008 Council District 3
- Item 4: Betz Residence Addition - Modification Permit No. MD2012-005 (PA2012-016)
807 Ceiba Place
- Action: Approved by Resolution No. ZA 2012-009 Council District 4
- Item 5: Newport Harbor Nautical Museum Signage - Comprehensive Sign Program No.
CS2011-006 and Modification Permit No. MD2011-017 (PA2011-142)
600 East Bay Avenue
- Action: Approved as modified by Resolution No. ZA 2012-010 Council District 1

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**

Item 6: Land Rover/ Jaguar Staff Approval – Staff Approval SA2012- 005 (PA2012-002)
1540 Jamboree Road

Action: Approved

Council District 5

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Email Brian Haas, NBPD
Sgt. Chuck Freeman, NBPD

RESOLUTION NO. ZA2012- 006

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2012-002 FOR THE EXPANSION AND ADDITION OF AN OUTDOOR DINING AREA TO AN EXISTING RESTAURANT LOCATED AT 4251 MARTINGALE WAY, SUITE A (PA2012-009)

THE ZONING ADMINSTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by F&D Barone Inc. with respect to property located at 4251 Martingale Way, Suite A, and legally described as Parcel Map Book 53, Page 53, Parcel 1, requesting approval of a Minor Use Permit.
2. The applicant requests a Minor Use Permit to amend Minor Use Permit No. UP2011-008 (PA2011-047) to expand an existing 2,567-square-foot restaurant by combining and converting 810 square feet of an existing, adjoining retail space to restaurant space, which will consist of a private banquet room, restroom, server station, office and storage; and adding a 550-square-foot outdoor dining patio. The hours of operation, 10:00 a.m. to 11:00 p.m., and alcohol license, Type 47 On-Sale General (Beer, Wine, & Distilled Spirits), will remain the same. No live entertainment or dancing is proposed.
3. The subject property is located within the PC-11 (Newport Place) Planned Community and the General Plan Land Use Element category is MU-H2 (Mixed-Use Horizontal).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on February 29, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act, pursuant to Section 15301 (Class 1 – Existing Facilities).
2. Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. The proposed projects involves interior alterations to convert existing retail space to an eating and drinking establishment and the addition of an outdoor patio area for accessory dining.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020.F (Findings and decision) of the NBMC, the following findings and facts in support of the findings for a Minor Use Permit 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 General Plan land use designation for this site is MU-H2 (Mixed-Use Horizontal) which provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses in the Airport Area. The existing restaurant, including the proposed expansion and accessory outdoor dining addition, is consistent with this land use category.
2. Eating and drinking establishments are common in the vicinity and are frequented by the surrounding businesses, travelers that visit the City for business and pleasure, and residents of the City. The establishment is compatible with the land uses permitted within the surrounding neighborhood.
3. The subject property is not part of a specific plan area.

Finding

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

Facts in Support of Finding

1. The site is located within General Commercial Site 6 of the Newport Place Planned Community Zoning District. The restaurant, including the proposed expansion and accessory outdoor dining addition, is allowed subject to the approval of a Minor Use Permit in the Planned Community.
2. The proposed use complies with Section 20.48.090 (Eating and Drinking Establishments) in regards to the operating standards and the restaurant is required to adhere to those standards.
3. Pursuant to the Newport Place Planned Community regulations, the NBMC regulates the parking requirement for the project because the net floor area of all the restaurants exceeds 20% of the net floor area of the entire retail-commercial center. Section 20.40.060 (Parking Requirements for Food Service Uses) of the NBMC establishes criteria to determine the parking requirements for uses from 1 parking space for every 30-50 square feet of net public area, plus the area of the outdoor dining area that is

greater than 25% of the interior net public area or 1,000 square feet, whichever is less. Based on the low-turnover, sit-down characteristics of the restaurant with the sale of alcoholic beverages and no live entertainment or dancing, a parking requirement of 1 space for every 40 square feet of net public area is appropriate. Per existing and proposed parking tabulations the site will provide adequate parking spaces to accommodate the proposed use.

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. The restaurant is located in an existing commercial development that contains a mix of uses, including professional offices, retail stores, personal service type uses, and other restaurants.
2. A restaurant has been operated at this location since the 1970s and pursuant to Use Permit 3656 since 1999. The use has not proven detrimental to the area. This demonstrates the location's capability of operating as a compatible use with other land uses in the vicinity.
3. The proposed project involves interior alterations to an adjoining suite to convert existing retail space to a food service, eating and drinking establishment and the addition of an outdoor patio area for accessory dining. The hours of operation and type of alcohol license applicable to the existing restaurant will also apply to the new indoor and outdoor areas. Modifications will be made to the parking area fronting the building to accommodate the addition of the outdoor patio. These modifications will result in a net loss of parking spaces; however, the site will still provide a surplus of parking spaces.
4. The applicant is required to control trash and litter around the subject property.
5. The applicant has installed a grease interceptor and obtained Health Department approval. The establishment will comply with the California Building Code and requirements of the Alcoholic Beverage Control Department to ensure the safety and welfare of customers and employees within the establishment.
6. A restaurant is a typical use in this area, and the establishment, as conditioned, will not be open late or operate as a bar or nightclub.
7. The hours of operation of the restaurant, including the outdoor patio, are restricted to the hours between 10:00 a.m. and 11:00 p.m., daily.

8. The proposed project is located within a nonresidential zoning district and surrounded by other nonresidential districts and uses. The establishment will comply with exterior noise standards as outlined by the Title 10 (Offenses and Nuisances) of the NBMC.

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 existing building and parking lot have functioned satisfactory with the current configuration. The proposed project, which includes interior alterations to convert retail space to restaurant use and the addition of an outdoor patio, will not negatively affect emergency access.
2. Adequate public and emergency vehicle access, public services, and utilities are provided within the retail-commercial center.
3. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. The project will comply with all ordinances of the City and all conditions of approval.

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, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding

1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The food service, eating and drinking establishment will continue to serve the surrounding commercial, visitor serving, and business community. The proposed establishment provides dining services as a public convenience to the surrounding neighborhood. The restrictions on seating and net public area prevent adverse traffic impacts.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2012-002, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. Minor Use Permit applications do not become effective until 14 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

PASSED, APPROVED, AND ADOPTED THIS 29TH DAY OF FEBRUARY, 2012.

By: 
Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. This approval supersedes Use Permit No. UP2011-008 (PA2011-047).
2. The development shall be in substantial conformance with the approved site plan and floor plan dated with this date of approval. (Except as modified by applicable conditions of approval.)
3. This Minor Use Permit may be modified or revoked by the Zoning Administrator 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.
4. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Use Permit.
5. Minor Use Permit No. UP2012-002 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 Newport Beach Zoning Code, unless an extension is otherwise granted.
6. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified in writing of the conditions of this approval by either the current business owner, property owner or the leasing company.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. The applicant 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 Minor Use Permit.
9. 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.
10. Prior to the issuance of building permits, any applicable Fair Share Traffic Contribution Fees shall be paid in accordance with Chapter 15.38 of the Newport Beach Municipal Code.
11. The indoor net public area shall be limited to a maximum of 1,717 square feet and 100 seats.

12. The outdoor dining area shall be limited to a maximum of 550 square feet in area and 42 seats.
13. The accessory outdoor dining shall be used only in conjunction with the related adjacent establishment.
14. The proposed food service, eating and drinking establishment, shall have a parking requirement of 1 space for every 40 square feet of net public area, plus the area of the outdoor dining area that is greater than 25% of the interior net public area or 1,000 square feet, whichever is less.
15. A copy of these conditions of approval shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
16. The hours of operation, including the outdoor dining area, for the eating and drinking establishment are limited from 10:00 a.m. to 11:00 p.m., daily.
17. Any increase in the hours of operation shall be subject to the approval of an amendment to this Minor Use Permit and may be subject to approval by the Zoning Administrator or Planning Commission.
18. The use of elevated counters, tables, and barstools are prohibited in the outdoor dining area.
19. The boundary of the accessory outdoor dining area shall be marked through the use of a 36-inch-high boundary rail, unless a higher rail or other marking is otherwise approved by the Community Development Director. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.
20. Prior to issuance of building permits, plans for the outdoor dining/patio areas shall be reviewed and approved by the Planning Division. Final material, height, and location of the boundary rail shall be subject to approval by the Building and Planning Division staff.
21. No form of advertisement shall be placed on an awning, umbrella or elsewhere in the outdoor patio dining areas. The outdoor patio dining areas, including any awning or umbrella, shall be maintained in a clean orderly condition at all times.
22. The use of umbrellas for shade purposes shall be permitted. The use of any other type of overhead covering shall be subject to review and approval by the Community Development Director and may require an amendment to this permit.
23. The size, design, and location of trash enclosures shall be subject to the review and approval of the Public Works and Planning Division prior to issuance of building permits.

24. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to this use permit.
25. Any changes to the existing parking lot design require review and approval from the Public Works Department.
26. An encroachment permit is required for all work activities within the public right-of-way.
27. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
28. No live entertainment or dancing shall be permitted in conjunction with the permitted use.
29. Employees shall park on-site.
30. No amplified music, public address speakers, outside paging system, loudspeaker, sound system or other noise generating device shall be utilized in conjunction with this establishment.
31. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Il Barone Minor Use Permit, including, but not limited to, Use Permit No. UP2012-002 (PA2012-009). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
32. Kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department.
33. The applicant shall provide a Type I hood with a kitchen suppression system for cooking equipment.

34. Provide a washout area with a minimum useable area dimension of 36-inches-wide, by 36-inches-deep, by 72-inches-high shall be provided inside the facility or outside of the tenant space in a readily accessible area within a portion of the screened area or refuse containers in such a way as to allow direct drainage into the sewer system and not into the Bay or storm drains, unless otherwise approved by the Building Department and Public Works Department in conjunction with the approval of an alternative drainage plan.

Police Department Conditions

35. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 in conjunction with the service of food as the principal use of the facility. The use of the Type 47 license shall be applicable to both the existing facility and the new indoor and outdoor areas approved with this Minor Use Permit.
36. This approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Newport Beach Municipal Code.
37. There shall be no exterior advertising or signs of any type, including advertising directed to the exterior from within, promoting or indication the availability of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
38. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when offered in conjunction with food ordered from the full service menu. There shall be no reduced price alcoholic beverage promotion after 9:00 p.m.
39. The petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based up on monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
40. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on command.
41. There shall be no on-site radio television, video, film, or other electronic or media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
42. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

43. Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.
44. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
45. 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 Newport Beach Municipal Code to require such permits.
46. Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.

RESOLUTION NO. ZA 2012-007

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING TENTATIVE PARCEL MAP NO. NP2012-001 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES. (PA2012-005)

THE ZONING ADMINSTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Michael C. Hill, with respect to property located at 604 Acacia Avenue, and legally described as Lot 6, Block 629, Tract CDM requesting approval of a Tentative Parcel Map.
2. No waivers of Title 19 (Subdivisions) development standards are proposed. An existing single-family was demolished and a new duplex is being constructed and will be condominiums with the tentative parcel map.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone in the categorical exclusion zone.
5. A public hearing was held on February 29, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project has been reviewed, and it qualifies for a categorical exemption pursuant to Section 15301 of the California Environmental Quality Act under Class Class 15 (Minor Land Divisions) of the Implementing Guidelines of the California Environmental Quality Act.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 of Title 19:

Finding

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding

1. The proposed Parcel Map is for two-unit condominium purposes. An existing single-family dwelling was demolished and is being replaced with a new duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two Unit Residential".

Finding

- B. *That the site is physically suitable for the type and density of development.*

Facts in Support of Finding

1. The lot is regular in shape, has a slope of less than 20 percent, and is suitable for two unit development.

Finding

- C. *That the design of the subdivision or the proposed improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

Facts in Support of Finding

1. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions) which allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or

exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

Finding

- D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding

1. The proposed Parcel Map is for residential condominium purposes. All construction for the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to easements previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding

1. The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development as there are no public easements that are located on the property.

Finding

- F. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding

1. The property is not subject to the Williamson Act since the subject property is not designated as an agricultural preserve and is less than 100 acres.

Finding

- G. *That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding

1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
2. The project is not located within a specific plan area.

Finding

- H. *That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding

1. The proposed Parcel Map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Department enforces Title 24 compliance through the plan check and inspection process.

Finding

- I. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding

1. The allowed residential density on the site will remain the same, which allows two units in the R-2 Zoning District. Therefore, the parcel map for condominium purposes will not affect the City in meeting its regional housing need.

2. The increase in units requires the payment of an in-lieu fee for park dedication and housing.

Finding

- J. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding

1. Wastewater discharge into the existing sewer system has been designed to comply with the Regional Water Quality Control Board (RWQCB) requirements.

Finding

- K. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Facts in Support of Finding

1. The subject property is located within the Categorical Exclusion Zone of the Coastal Zone. The proposed parcel map is for a two-unit condominium project on a property with a Coastal Land Use designation of Two-Unit Residential (RT-D) therefore, it is consistent with the Local Coastal Program. The subject property is not adjacent the ocean front and access and recreation policies do not apply.

Finding

- L. *That public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.*

Facts in Support of Finding

1. The project has been conditioned to require public improvements including reconstructing existing broken or otherwise damaged sidewalks, curbs, and gutters; and the planting of a tree.

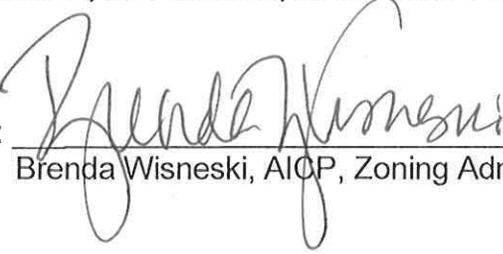
SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Parcel Map No. NP2012-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. Tentative Parcel Map applications do not become effective until 10 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

PASSED, APPROVED, AND ADOPTED THIS 29TH DAY OF February, 2012.

By: 

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Conditions

1. A parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. All existing overhead utilities shall be undergrounded in accordance with Section 19.28.090 of the Municipal Code.
5. All above ground improvements shall stay at a minimum 5-foot clear of the alley setback.
6. Acacia Avenue is part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.
7. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed and replaced with sod/lawn.
8. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and the sewer cleanout shall be located within the Public right-of-way.
9. An encroachment permit is required for all work activities within the public right-of-way.

10. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Acacia Avenue frontage. Limits of reconstruction are at the discretion of the Public Works inspector.
11. All improvements shall comply with the City's sight distance requirement (City Standard STD-110-L).
12. All on-site drainage shall comply with the latest City Water Quality requirements.
13. Per Chapter 13 of the City Municipal Code, one (1) new 36" box Tristania Laurina (Water Gum) street tree shall be planted along the Acacia Avenue frontage, unless otherwise approved by the Municipal Operations Department.
14. A Public Works Department encroachment permit inspection is required before the Building Division 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 and 100% paid by the owner. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.
15. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
16. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
17. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Division Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
18. Prior to recordation of the parcel map an in-lieu park dedication and housing fee shall be paid for the new residential unit.
19. Subsequent to recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.

20. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Acacia Avenue Parcel Map including, but not limited to, the PA2012-005. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

21. This Parcel Map shall expire if the map has not been recorded within three years of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

RESOLUTION NO. ZA2012-008

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LIMITED TERM PERMIT NO. XP2012-001 FOR THE MARINER'S POINTE TEMPORARY PARKING LOT LOCATED AT 100 DOVER DRIVE (PA2012-013)

THE ZONING ADMINSTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kraus Construction, Inc., with respect to property located at 100 Dover Drive, and legally described as Tract 1125, Portion of Lot 1 requesting approval of a Limited Term Permit to utilize the property as an off-site parking lot for construction workers of the Mariner's Pointe project located across Dover Drive at 100-300 W. Coast Highway. A maximum of 15 parking spaces are proposed for a 12-month period.
2. The subject property is located within the Castaways Marina Planned Community (PC-37) Zoning District and the General Plan Land Use Element category is CM (Recreation and Marine Commercial).
3. The subject property is located within the Coastal Zone.
4. A public hearing was held on February 29, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act, pursuant to Section 15304 (Class 4 – Minor Alterations to Land).
2. Class 4 exempts minor temporary uses of land having negligible or no permanent effects on the environment.
3. No improvements other than a temporary barricade or cones and a sign are proposed or permitted on the lot and the surrounding vegetation and environment will be maintained.

SECTION 3. REQUIRED FINDINGS.

1. In accordance with Section 20.52.040.G (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a Limited Term Permit are set forth:

Finding

- A. *The operation of the requested limited duration use at the location proposed and within the time period specified 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 requested limited duration use.*

Facts in Support of Finding

1. The eastern portion of the property is currently being utilized as a staging area for the City's bay dredging project as well as the Civic Center project. This area is fenced and will not be impacted by the proposed temporary parking lot use.
2. The limited duration use will be a temporary parking lot on the western portion of the property in which no construction staging, storage, or construction vehicles will be permitted as conditioned.
3. Providing a designated parking area for construction worker's vehicles will minimize temporary construction related disturbances to neighboring properties of the Mariner's Pointe project.

Finding

- B. *The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.*

Facts in Support of Finding

1. The subject lot is approximately four acres in size. Based upon the site plan, there is adequate area to accommodate the proposed limited duration use of a parking area for a maximum of 15 vehicles, in addition to the previously permitted 30 vehicles for the Bayshores Community, as well as the other uses.
2. The lot is bound by Coast Highway to the south and Dover Drive to the west which serve as a buffer between the nearby residential properties within the R-1 (Single-Unit Residential) Zoning District.

3. The lot is abutting a property to the north within the PC-43 (Upper Castaways) Zoning District currently utilized as a public park and walking trail and to the east is the Newport Harbor.

Finding

- C. *The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate.*

Facts in Support of Finding

1. The subject lot has one direct driveway approach taken from northbound Dover Drive.
2. The vehicles would typically access the site early morning prior to peak hour and mid-late afternoon prior to peak hour; therefore, no traffic issues are anticipated.
3. The limited duration use is a temporary parking lot for vehicles of workers participating in construction of the Mariner's Pointe project located directly across Dover Drive at 100-300 West Coast Highway. Heavy entering-and-exiting traffic is not anticipated.
4. Crosswalks are conveniently located at the signalized intersection at West Coast Highway and Dover Drive ensuring safe access for construction workers between the construction project site and the temporary parking lot.

Finding

- D. *Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator.*

Facts in Support of Finding

1. The intent of this approval is to ensure adequate parking exists for construction workers' personal vehicles of the Mariner's Pointe construction project. The proposed limited duration use will alleviate the impact of construction workers' parking personal vehicles on properties adjacent to the Mariner's Pointe construction site on along West Coast Highway.

Finding

- E. *The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, Municipal Code, and other City regulations.*

Facts in Support of Finding

1. The CM (Recreation and Marine Commercial) designation of the Land Use Element of the General Plan is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay. The proposed use is of a limited duration and will not impede use of the site consistent with the CM designation.
2. Section IV.B (Permitted Uses) of the PC-37 (Castaways Marina) Planned Community text allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
3. The site is not located within a specific plan area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit No. XP2012-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. Limited Term Permit applications do not become effective until 14 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

PASSED, APPROVED, AND ADOPTED THIS 29TH DAY OF FEBRUARY, 2012.

By: _____


Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. The limited term permit shall expire 12 months from the effective date of this permit, unless an extension of up to one additional period of 12 months is granted by the Zoning Administrator.
4. A maximum number of fifteen (15) parking spaces are permitted and each parked vehicle shall display a City-approved placard in a manner such that it is easily visible from the vehicle.
5. The applicant shall furnish and post signs designating the parking area as shown on the site plan as parking by permit only for workers of the Mariner's Pointe project located at 100-300 West Coast Highway. The sign shall be subject to the review and approval of the Community Development Director.
6. The applicant shall furnish and erect a temporary barricade or cones to designate the proposed parking area. The placement of any temporary barricade or cones shall be subject to the review and approval of the Community Development Director.
7. The Limited Term Permit is for the operation of a temporary parking lot and does not authorize the use or operation of construction storage yard or staging area. As such, no construction materials, equipment, or vehicles (i.e., heavy equipment) are permitted on the site.
8. No site improvements are permitted with the exception of the temporary barricades, cones, and signage identified in Condition Nos. 5 and 6.
9. Use of the temporary parking lot is limited to the hours between 7:00 a.m. to 5:00 p.m., Monday through Friday. No temporary parking shall be permitted on Saturday, Sundays or Federal holidays.
10. The applicant shall enter into a License Agreement with City prior to use of the property that establishes the terms of use, including duration, fees, indemnification, and insurance.
11. Operators of vehicles utilizing the site shall obey all traffic laws.
12. Workers shall use the crosswalks at the signalized intersection at West Coast Highway and Dover Drive to get to and from the construction site at 100-300 West Coast Highway.

13. The minimum parking area drive aisle shall be 26 feet minimum.
14. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Mariner' Pointe Temporary Parking Lot** including, but not limited to, the **XP2012-001 (PA2012-013)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

RESOLUTION NO. ZA2012-009

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. 2012-005 TO ALLOW AN ADDITION TO A NONCONFORMING STRUCTURE LOCATED AT 807 CEIBA PLACE (PA2012-016)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Andy and Ya-Lei Betz with respect to property located at 807 Ceiba Place, and legally described as Lot 26 of Tract 5018 requesting approval of a Modification Permit to allow an addition that exceeds 10% to a single-unit dwelling that is nonconforming because the interior width of the two-car garage is 19 feet, 1 inch where Section 20.40.090 (Parking Standards for Residential Uses) of the Zoning Code requires a minimum width of 20 feet for a lot wider than 40 feet.
2. The subject property is located within the R-1-6,000 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
3. The subject property is not located within the Coastal Zone.
4. A public hearing was held on February 29, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act, pursuant to Section 15301 (Class 1 – Existing Facilities).
2. Class 1 provides for additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet; and the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.

SECTION 3. REQUIRED FINDINGS.

1. In accordance with Section 20.52.050.E (Findings and decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a Modification Permit are set forth:

Finding

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding

1. The modification permit will allow an addition to a single-family residence within a single-family residential subdivision.
2. The applicant is proposing a 45-percent addition to the existing structure. The proposed addition will comply with all of the development standards, including lot coverage, height, and setbacks, and will not intensify or alter the existing nonconformity.
3. The resulting structure will be 2,835 square feet and similar in character and size to other homes located in the neighborhood.

Finding

- B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding

1. The dwelling units in this area were constructed with garages that were in compliance with the Zoning Code at the time of construction.
2. Given the design of the existing structure and proposed scope of work, bringing the garage into conformance would require a significant expansion in the scope and cost of the project.
3. The Zoning Code specifies minimum interior dimensions for parking space, which vary by lot width. Although, the existing garage is nonconforming in regards to the minimum width dimension required for lots greater than 40 feet wide, it is consistent with the width requirements for garages on lots less than 40 feet wide and still provides two useable garage spaces. Thereby, the existing nonconforming garage meets the intent of the Zoning Code by providing adequate parking but is deficient as to meeting the minimum width requirement. Approval of the Modification Permit to allow the 45-percent addition is reasonable given the use of the structure.

Finding

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding

1. The existing two-car garage was in compliance with the Zoning Code at the time of original construction. However, as a result of amendments to the Zoning Code, the garage is now substandard in size in regards to width, but does provide adequate space to park two vehicles.

Finding

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding

1. The alternatives would require that the applicant bring the garage into conformance by expanding the scope of the project or requesting a Variance for a setback encroachment.
2. Approval of the Modification Permit allows the applicant to the continued use of the two-car garage which has not proven detrimental to the occupants or neighbors.

Finding

- E. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding

1. Though the width of the two-car garage will be less the minimum required by the Zoning Code, it provides sufficient area for use as a two-car garage.
2. The existing driveway area is large enough to provide a single, additional parking space.
3. The project will not increase the nonconforming status and will comply with all other provisions of the R-1-6,000 Zoning District.
4. The existing nonconforming garage has not proven to be detrimental to the surrounding neighborhood.

5. The addition will result in a home similar or smaller in scale to other homes in the neighborhood.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2012-005, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. Modification Permit applications do not become effective until 14 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

PASSED, APPROVED, AND ADOPTED THIS 29TH DAY OF FEBRUARY, 2012.

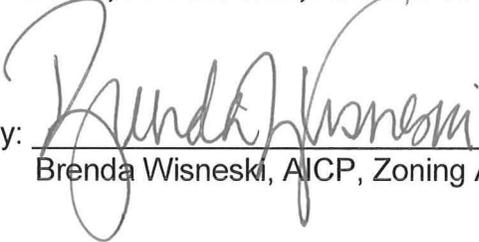
By: 
Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. If any of the existing public improvements surrounding the site are damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
3. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
4. A building permit shall be obtained prior to commencement of the construction.
5. A copy of the conditions of approval shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
6. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
7. The applicant shall reconstruct the existing broken and/or otherwise damaged concrete driveway approach along the Ceiba Place frontage per City Standard STD-162-L.
8. A new sewer cleanout shall be installed on the existing sewer lateral per City Standard STD-406-L. Said sewer cleanout shall be located within the public right-of-way.
9. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
10. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

11. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Betz Residence Addition including, but not limited to, Modification No. MD2012-005 (PA2012-016). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

RESOLUTION NO. ZA2012-010

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COMPREHENSIVE SIGN PROGRAM NO. CS2011-006 AND MODIFICATION PERMIT NO. 2011-017 FOR THE NEWPORT HARBOR NAUTICAL MUSEUM LOCATED AT 600 EAST BAY AVENUE (PA2011-142)

THE ZONING ADMINSTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Dee Kelly and Glenn Baaten, Newport Harbor Nautical Museum, with respect to property located at 600 East Bay Avenue, and legally described as a Resubdivision of Lots 1 through 6, Inclusive, and a Portion of Lot 7 in Block B of Bayside per a Map Recorded in Book 3, Page 38 of Miscellaneous Maps, Records of Orange County, California, Together with a Portion of Washington Street and a Portion of Section 35, Township 6 South, Range 10 West, San Bernardino Base and Meridian requesting approval of a Comprehensive Sign Program and Modification Permit.
2. The applicant requests a Comprehensive Sign Program for an existing, multi-tenant development located on a roughly 34,000 square-foot lot. The center is developed with four (4) multi-tenant buildings currently comprised of a total of thirteen commercial tenants and the museum. All buildings are interconnected by a common courtyard area.
3. The applicant also requests a Modification Permit to allow four exhibition wall signs and a freestanding directory kiosk that both exceed the maximum sign area and are not a sign type permitted by the Zoning Code.
4. The subject property is located within the CV (Commercial Visitor-Serving) Zoning District and the General Plan Land Use Element category is CV (Visitor Serving Commercial).
5. The subject property is located within the Coastal Zone.
6. A public hearing was held on February 29, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.
7. At the public hearing the Zoning Administrator determined there was not adequate information to consider the proposed freestanding directory kiosk in the Comprehensive Sign Program application. As such, the applicant opted to remove consideration of the freestanding directory kiosk from the application.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act, pursuant to Section 15311 (Class 11 – Accessory Structures).
2. Class 11 exempts construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.

SECTION 3. REQUIRED FINDINGS.

Modification Permit to allow four exhibition wall signs in excess of the sign area allowed by the Zoning Code.

In accordance with Section 20.52.050.E (Findings and decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a Modification Permit are set forth:

Finding

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding

1. The subject property is located in the CV (Commercial Visitor-Serving) District and is designated CV (Visitor Serving Commercial) by the Land Use Element of the General Plan. This district is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. The existing commercial development and existing and proposed signage is consistent with this land use designation. The proposed signage is accessory to the primary use.
2. The property, historically known as the “Balboa Fun Zone”, is a multi-tenant development that is a use consistent with the Zoning and General Plan Land Use Designation in that it is an eclectic mix of visitor-serving commercial within a festive atmosphere. The signage proposed with the comprehensive sign program and modification permit will add to the character and charm of the development while improving the visibility and wayfinding of the site.
3. The larger exhibition wall signs are in scale with the building frontages in that the maximum permissible size as denoted in the sign program matrix (Exhibit B) is 1.5 times the linear frontage.
4. The neighborhood includes properties with wall signs, nonconforming roof signs, and additional tenant signs that provide visibility from the public right-of-way.

5. The illumination of signage is conditioned to prevent excessive glare spillage onto or visible from the adjacent right-of-way and any nearby properties

Finding

- B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding

1. The museum use is unique in that there could be several different exhibitions held at the museum within a year and the proposed signs will provide better visibility from on-site and off-site vantage points.
2. As conditioned, upon redevelopment of the property, this modification permit and associated comprehensive sign program will be rendered null and void. Consideration of the proposed entitlements was made in anticipation that the property is to be redeveloped and that signage should reflect the City and property owners desire a well maintained environment, but significant investment in new signage is not applicable.
3. The proposed sign type and sign area are necessary due to the expansive configuration of the property and the numbers of tenants within the development since several tenants are located interior to the property.

Finding

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding

1. The property is developed with four large buildings that are interconnected by an open patio area. The four buildings have an aggregate total frontage of approximately 500 lineal feet.
2. The modification permit will allow signage that is in scale with the building and that provides visibility from each of the four frontages.

Finding

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding

1. The granting of a modification permit allows the proposed exhibition signs to be established as an allowed sign type and also provides an appropriate size that will ensure adequate visibility. No similar provision could be granted within the parameters of Section 20.42.120 (Comprehensive Sign Program) of the Zoning Code.
2. No foreseeable detriment will result from the approval of the modification permit as conditioned.

Finding

- E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding

1. The existing signage has not proven to be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City.
2. The signage is for commercial uses in a commercial district and is not in or adjacent to a residential district.

Comprehensive Sign Program

Pursuant to Section 20.42.120 of the Zoning Code, approval of a Comprehensive Sign Program is required whenever a structure has more than three hundred (300) linear feet of frontage on a public street. In accordance with Section 20.67.120.E, a Comprehensive Sign Program shall comply with a number of standards. The following standards and facts in support of such standards are set forth:

Standard:

- A. The proposed sign program shall comply with the purpose and intent of this Chapter [Chapter 20.42: Signs], any adopted sign design guidelines and the overall purpose and intent of this Section [Section 20.42.120].*

Facts in Support of Standard:

1. In compliance with the purpose and intent of the Sign Code, the proposed Sign Program provides the uses with adequate identification without excessive proliferation of signage. Furthermore, it preserves community appearance by regulating the type, number, and design of signage.

Standard:

- B. *The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify, and to surrounding development when applicable.*

Facts in Support of Standard:

1. The site is for use of multiple tenants and the signage has been designed integral with the design and character of the building.
2. Each tenant will be permitted up to three signs which will ensure adequate visibility is provided.
3. The proposed exhibition wall signs will allow the museum to effectively advertise events.

Standard:

- C. *The sign program shall address all signs, including permanent, temporary, and exempt signs.*

Facts in Support of Standard:

1. The Sign Program submitted for the project addresses all project signage. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42.

Standard:

- D. *The sign program shall accommodate future revisions that may be required because of changes in use or tenants.*

Facts in Support of Standard:

1. The project site is for the use of multiple commercial tenants and the Newport Harbor Nautical Museum and has been designed to be effective for such a use.
2. It is not anticipated that future revisions will be necessary to accommodate constant changes in tenants or uses. However, flexibility has been incorporated into the Sign Program Matrix to allow minor deviations from the proposed signs.
3. Consistent with Chapter 20.42, the Director [or his/her designee] may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Standard:

- E. *The program shall comply with the standards of this Chapter, except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter.*

Facts in Support of Standard:

1. The Sign Program requests deviation in the number of signs and location.
2. The sign code normally allows one wall sign up to 75 square feet in area on the primary frontage; however, due to the building's multiple frontages and multiple tenants, one large wall sign in a single location does not provide adequate visibility.
3. The placement of the proposed signage does not provide the required separation from other signage; however, the amount of tenants coupled with the multiple frontages creates a unique situation in which the required separation cannot be accomplished.

Standard:

- F. *The Approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter.*

Facts in Support of Standard:

1. The program does not authorize the use of new prohibited signs.

Standard:

- G. *Review and approval of a Comprehensive Sign Program shall not consider the signs' proposed message content.*

Facts in Support of Standard:

1. The program contains no regulations affecting sign message or content.

SECTION 4. DECISION.

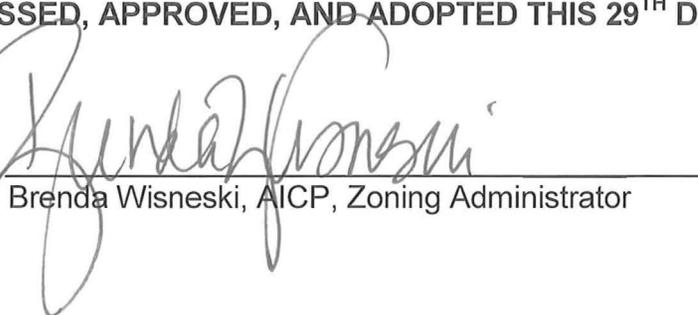
NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Comprehensive Sign Program No. CS2011-006 and Modification Permit No. MD2011-017, subject to the conditions set forth in Exhibit A and the parameters denoted in Exhibit B, which are attached hereto and incorporated by reference.

2. Comprehensive Sign Program and Modification Permit applications do not become effective until 14 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

PASSED, APPROVED, AND ADOPTED THIS 29TH DAY OF FEBRUARY, 2012.

By: _____



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, details, and elevations, except if noted in the following conditions.
2. A building permit shall be obtained for all existing, unpermitted signage associated with the Nautical Museum.
3. Prior to obtaining a building permit, all existing signage shall be brought into compliance with the Comprehensive Sign Program attached as Exhibit "B".
4. Upon demolition of the current development, this Comprehensive Sign Program and Modification Permit shall be rendered nullified and a new Comprehensive Sign Program shall be obtained for the new development in accordance with the Zoning Code Provisions in effect at the time the new development is approved.
5. Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Exhibit "B" and any applicable sight distance provisions of Chapter 20.42 of the Newport Beach Municipal Code.
6. All signs must be maintained in accordance with Section 20.42.170 (Maintenance Requirements) of the Newport Beach Municipal Code.
7. Signs not specifically approved by this Comprehensive Sign Program and Modification Permit shall be removed, unless approved through separate and subsequent review.
8. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
9. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Planning file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Staff Approval and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
10. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
11. A copy of the conditions of approval shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.

12. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Newport Nautical Museum Sign Program** including, but not limited to **Comprehensive Sign Program No. CS2011-006 and Modification Permit No. MD2011-017 (PA2011-202)** and the determination that the project is exempt under the requirements of the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

EXHIBIT “B”

SIGN PROGRAM MATRIX

- Frontages:** 1) East Bay Avenue
 2) Washington Street
 3) Palm Street
 4) Edgewater Place

(LF = Linear Feet / SF = Square Feet)

Sign Type	Frontages Size limitations where applicable
<p>A. Exhibition Wall Signs <i>(Non-rigid material)</i></p>	<p>1) East Bay Avenue</p> <hr/> <p>Number of Signs: One Sign Area: 1.5 times linear frontage of building (Maximum of 150 SF) Maximum Letter/Logo Height: 36 inches</p> <p>2) Washington Street 3) Palm Street or Edgewater Place 4) Edgewater Place</p> <hr/> <p>Number of Signs: Three, one per frontage or one on Washington Street and two on Edgewater Place Sign Area: 1.5 times linear frontage of building (Maximum of 150 SF) Maximum Letter/Logo Height: 36 inches</p>
<p>B1. Tenant Wall Signs</p>	<p>1) East Bay Avenue 2) Washington Street 3) Palm Street 4) Edgewater Place</p> <hr/> <p>Number of Signs: One sign per street frontage of each tenant space (maximum three per any one tenant with multiple frontages) Maximum Sign Area: 25 SF for single tenant or 50 SF for multi-tenant Maximum Letter/Logo Height: 36 inches</p>
<p>B2. Museum Wall Signs</p>	<p>1) East Bay Avenue 2) Washington Street 3) Palm Street 4) Edgewater Place</p> <hr/> <p>Number of Signs: Eight, with no more than three signs per street elevation Maximum Sign Area: 25 SF Maximum Letter/Logo Height: 36 inches</p>

Sign Type	Frontages Size limitations where applicable
C. Entry Canopy Signs	<p>1) East Bay Avenue 4) Edgewater Place</p> <hr/> <p>Number of Signs: One allowed on framework at entry to building complex Maximum Sign Area: 50 SF Maximum Letter/Logo Height: 36 inches</p>
D. Directory Signs <i>(Manual, changeable copy permitted)</i>	<p>1) East Bay Avenue 2) Washington Street 3) Palm Street</p> <hr/> <p>Number of Signs: Two per frontage Location: Entrance between buildings or on wall plane Sign Area: 20 SF Maximum Letter/Logo Height: 6 inches</p>
E. Flags	<p>1) East Bay Avenue 2) Washington Street 3) Palm Street 4) Edgewater Place</p> <hr/> <p>Number of Flags: One flag per building corner, not to exceed 11 total Location: Mounted such that top of flag is no more than two feet above the eave of the roofline Sign Area: 20 SF Maximum Letter/Logo Height: 6 inches</p>
F. Projecting Signs	<p>2) Washington Street</p> <hr/> <p>Number of Signs: One Sign Area: 5 SF Maximum Letter/Logo Height: 6 inches</p> <p>3) Palm Street</p> <hr/> <p>Number of Signs: Three Sign Area: 5 SF Maximum Letter/Logo Height: 6 inches</p> <p>4) Edgewater Place</p> <hr/> <p>Number of Signs: Two Sign Area: 5 SF Maximum Letter/Logo Height: 6 inches</p>

Sign Type	Frontages Size limitations where applicable
G. Awning Signs (Including Marine Boat Rental structure)	1) East Bay Avenue 2) Washington Street 3) Palm Street 4) Edgewater Place <hr/> Number of Signs: One sign per frontage of each tenant space (not to be used in addition to wall signage on same frontage) Sign Area: 5 SF, limited to center 50% of valance or lower 18 inches of a barrel awning Maximum Letter/Logo Height: 12 inches
H. Tenant Window Signs	1) East Bay Avenue 2) Washington Street 3) Palm Street 4) Edgewater Place <hr/> Number of Signs: One sign per window, not to exceed 20% of window area Locations: Limited to upper <u>or</u> lower 12 inches of window only
I. Freestanding Directory Kiosk Sign	4) Edgewater Place <hr/> Final location to be determined – subject to Community Development Department approval and Public Works Department approval (if in public right-of-way)
J. Roof Sign (Existing nonconforming)	4) Edgewater Place <hr/> Existing, nonconforming sign – cannot be replaced or reconstructed without a variance

NOTES:

If frontage is not listed within a sign-type row, then the sign type is not permitted on that frontage. Once the existing building has been demolished and a new building is constructed, this comprehensive sign program shall be deemed void and must be amended.

Sign area is the area measured by two perpendicular sets of parallel lines that surround the proposed logo and sign copy. All signs shall substantially conform to the approved set of plans stamped and dated February 29, 2012.

Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Signs not visible from the public right-of-way shall not be limited in type, area, height, and/or location.

Existing nonconforming signs (such as roof signs like Sign Type J) are subject to 20.42.140.

A minimum of 8 feet of clearance between the lowest part of a sign/awning and the grade below shall be provided.

Temporary Banners* are limited to the regulations of Chapter 20.42



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR **ACTION LETTER**

Application No. **Staff Approval SA2012- 005 (PA2012-002)**
Applicant **Sign Industries**
Site Address **1540 Jamboree Road**
 Land Rover/ Jaguar Staff Approval
Legal Description **PCL 1, Resub 0460**

On **March 1, 2012**, the Zoning Administrator approved the following: A minor change to an existing Comprehensive Sign Program CS2007-002 to allow a new "Range Rover" wall sign.

I. Project Description

The applicant proposes a new 22-square-foot "Range Rover" wall sign. The sign will be located on the green tower portion of the building façade facing Jamboree Road below an existing "Land Rover" sign.

II. Background

The building is occupied by multiple automobile dealerships (Land Rover/Jaguar) and a sign program was approved in 2007 (CS2007-002) for wall signs and monument signs for project identification from Jamboree Road. The property is located in the PC-20 (Land Rover) District.

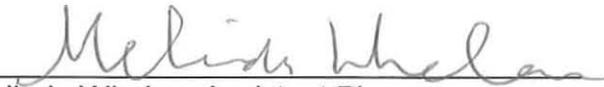
III. Proposed Changes

The addition of the wall sign is a minor change and the determination has been made that the proposed sign is in substantial conformance with Comprehensive Sign Program No. CS2007-002. The new sign will be added to the existing sign matrix as "Sign F" and all other signs permitted by the existing sign matrix remain. All findings and conditions of CS2007-002 remain in effect. A building permit will be obtained for the new sign and updated plans to reflect the sign matrix will be retained in the sign program file.

APPEAL PERIOD

The applicant or any interested party may appeal the decision of the Community Development Director and division staff to the Planning Commission by submitting a written appeal application to the Community Development Director within 14 days of the action date. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

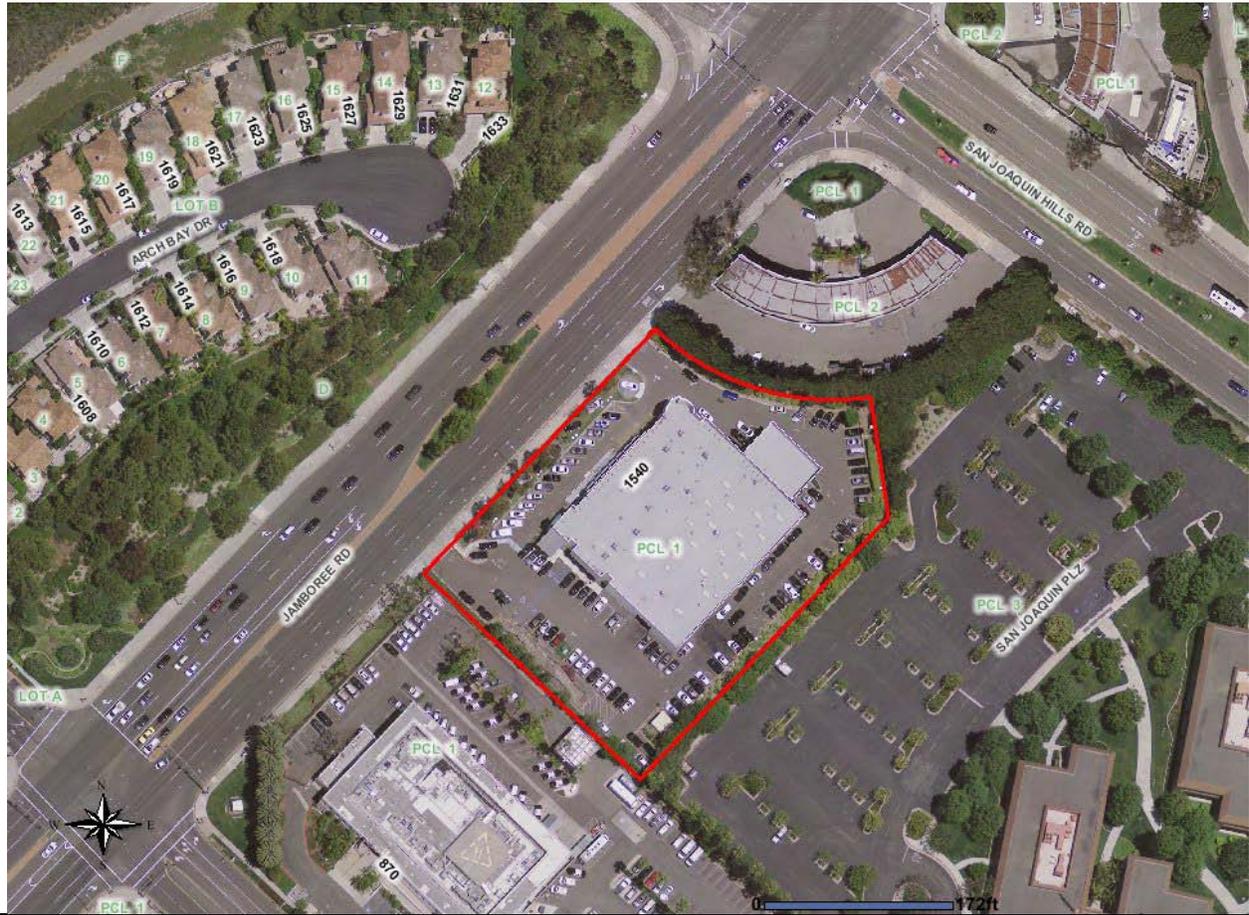
On behalf of Brenda Wisneski, Zoning Administrator

By: 
Melinda Whelan, Assistant Planner

GR/msw

Attachments: Vicinity Map
Revised Sign Matrix Table
Plans

VICINITY MAP



Comprehensive Sign No. CS2012-001
PA2012-002-

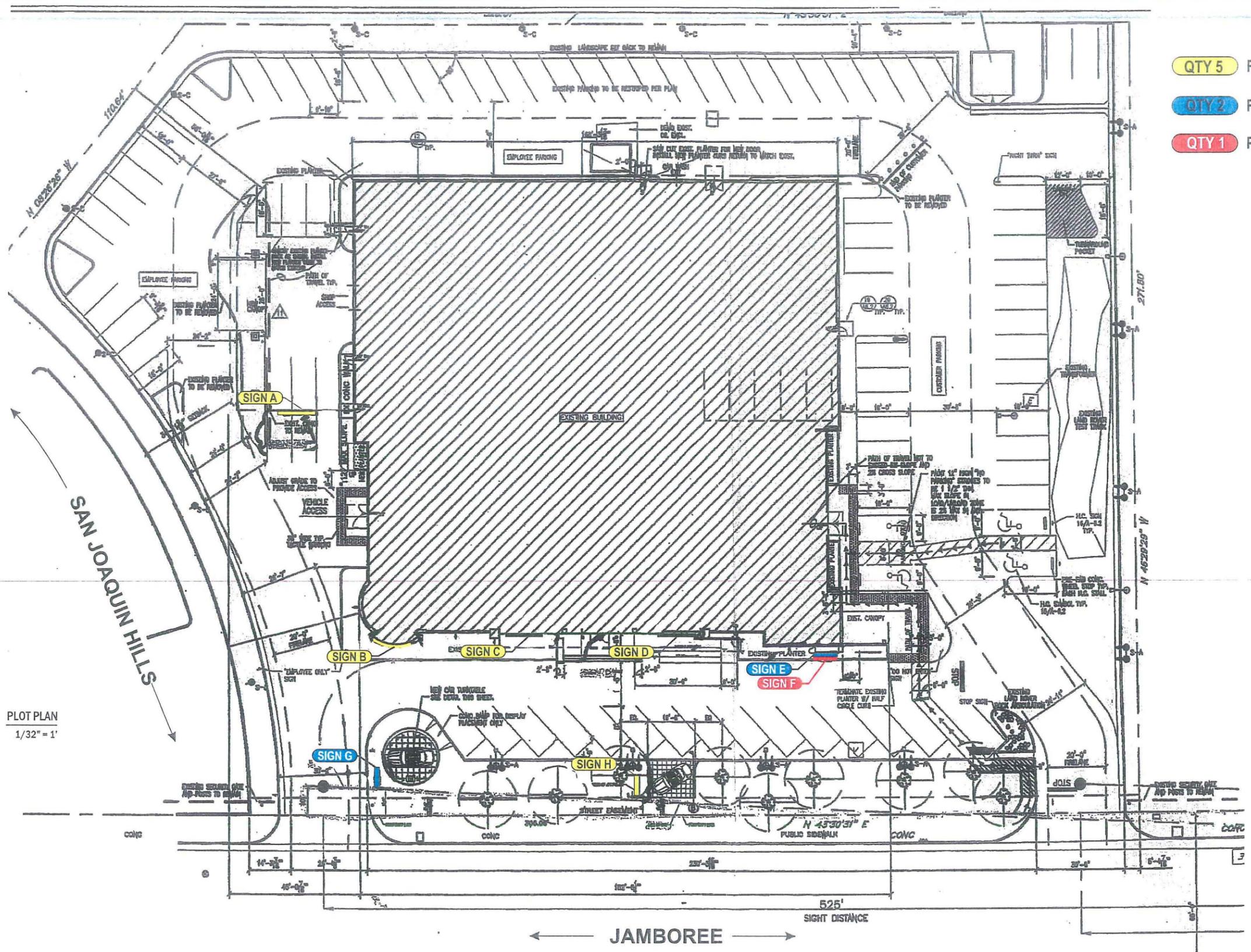
1540 Jamboree Road

**JAGUAR/LAND ROVER AUTO CENTER
 1540 JAMBOREE
 TABLE/MATRIX SIGN PROGRAM**

Sign Number	Dealer Name	Sign Type	Maximum Sign Size & Maximum Sign Area (Sq.Ft.)*	Status
1	Jaguar\Land Rover Newport Beach	Sign A – Aston Martin Service Letters	Maximum vertical dimension, letters or logos, 18-inches. Maximum area 33 square feet. Minimum distance shall be 25 linear feet from the nearest wall sign. Proposed 15" H x 21'9" (overall)	New
2	Jaguar/Land Rover Newport Beach	Sign B – Jaguar Leaper Jaguar Letters	Maximum vertical dimension, letters or logos, 36-inches. Maximum area 42 square feet. Minimum distance shall be 25 linear feet from the nearest wall sign. Proposed 110" x 4' 2" (overall)	New
3	Jaguar\Land Rover Newport Beach	Sign C – Aston Martin Jaguar/Land Rover Newport Beach Letters	Maximum vertical dimension, letters or logos, 24-inches. Maximum area 33 square feet. Minimum distance shall be 25 linear feet from the nearest wall sign. Proposed 21" x 17'8.75" (overall)	New
4	Jaguar\Land Rover Newport Beach	Sign D – Newport Beach Letters	Maximum vertical dimension, letters or logos, 24-inches. Maximum area 36 square feet. Minimum distance shall be 25 linear feet from the nearest wall sign. Proposed 21" x 20'-1-1/2" (overall)	New

5	Jaguar\Land Rover Newport Beach	Sign E – Land Rover Oval Logo Sign F – Range Rover Cabinet	Maximum vertical dimension, sign or logos, 50-inches. Maximum area 33 square feet. Minimum distance shall be 25 linear feet from the nearest wall sign. Proposed 4'2" x 7'10" Maximum vertical dimension, sign or logos, 36-inches. Maximum area 22 square feet. Minimum distance shall be 25 linear feet from the nearest wall sign. Proposed 2'8" 5/16"x 7'10 5/8"	New
6	Jaguar\Land Rover Newport Beach	Sign G – Jaguar\ Land Rover Monument	Maximum vertical dimension 96-inches. Maximum area 64 square feet. Location subject to approval by the Public Works Department for sight distance. Proposed 8'0" x 6'10-11/16"	New
7	Jaguar\Land Rover Newport Beach	Sign H – Aston Martin Pylon	Maximum overall vertical dimension 96-inches. Maximum area 64 square feet. Location subject to approval by the Public Works Department for sight distance. Proposed 8'0" x 6'9-5/16"	New
Temporary Signs	All	Per approved plans included in the comprehensive Sign Program (will be removed and replaced by these permanent signs)		

* The maximum vertical dimensions and sign area represent the controlling limitations.

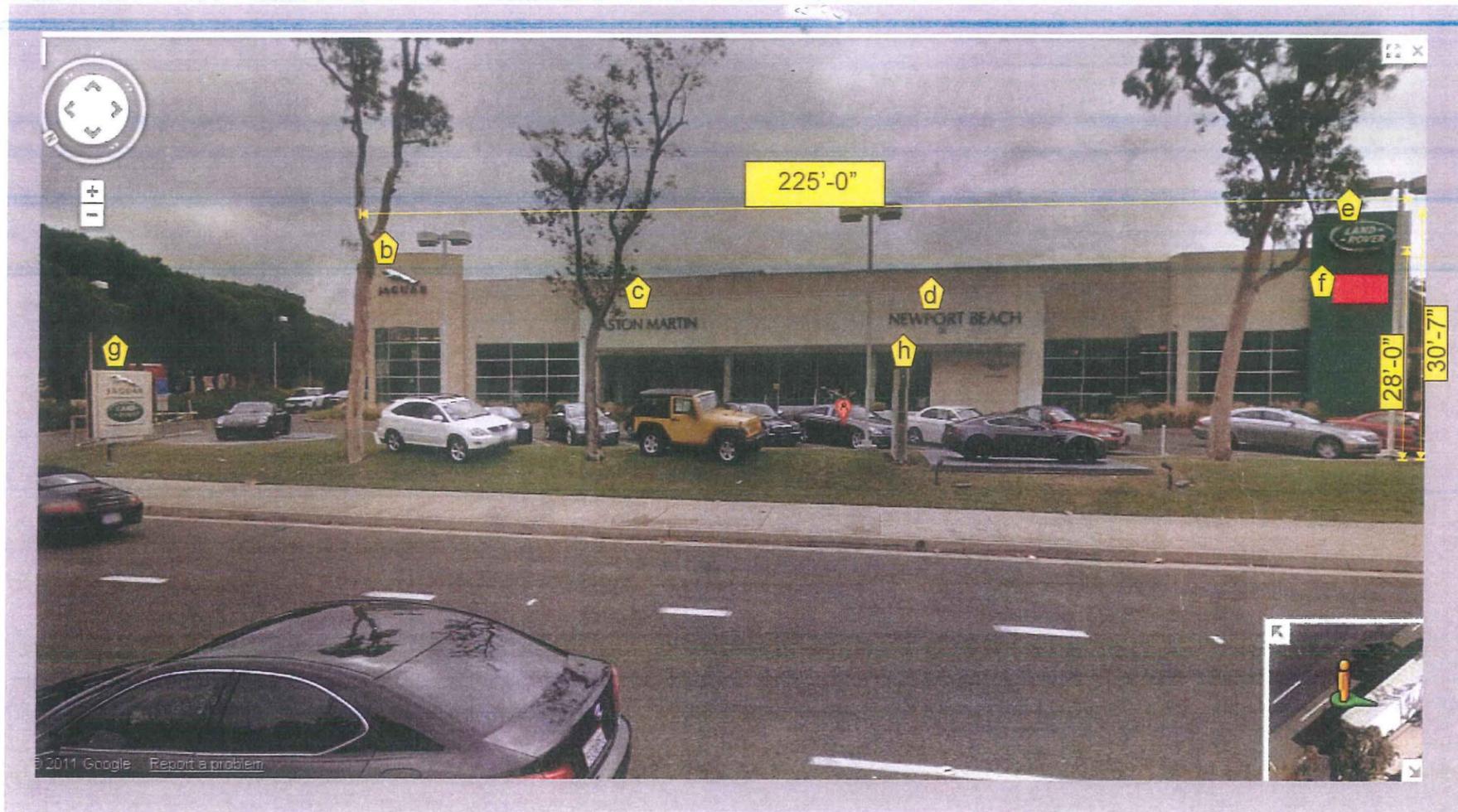


- QTY 5 REMAIN AS IS
- QTY 2 REFACE EXISTING
- QTY 1 PROPOSED NEW

PA2012-002- for CS2012-001
 1540 Jamboree Road
 Sign Industries

Maria Joonda

Drawing No G/Pattison/Jaguar Newport Beach		Project: Hornburg Jaguar Land Rover		①	⑤	All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Inc.	Electrical Requirement: <input type="checkbox"/> 120 Volts <input type="checkbox"/> 277 Volts Construct & Install using only U.L. listed components & in accordance with national electrical code U.L. LABELS REQUIRED		2101 Carrillo Privado, Ontario, CA 91761 (909) 930-0303 Fax: (909) 930-0308 E-mail: design@signindustries.tv Web: www.signindustries.tv	
Location: 1540 Jamboree Newport Beach, Ca.		②	⑥							
Date: 10.14.11	Sales Rep: ms	Drawn by: Ps	③	⑦						
Client Approval:	Date of Approval:	④	⑧							
		④	⑧							



Scope of work:

- 1.- Sign A to remain Aston Martin Service letters 15" x 21-9" (25.SQ)
- 2.- Sign B to remain "Jaguar leaper Jaguar letters 4'-2"x 9'-2" (42. SQ)
- 3.- Sign C to remain "Aston Martin" 21"x 17'-8 3/4" (30.9 SQ)
- 4.- Sign D to remain "Newport Beach" 21"x20' 1 1/2" (35. SQ)
- 5.- Sign E to be reface Land Rover Oval Logo 4'-2" x7'-10" (33. SQ)
- 6.- Sign F Proposed new sign Range Rover 2'-8 5/16" x 7'-10 5/8" (22.SQ.)
- 7.- Sign G to be reface Land Rover Monument 8'x 6'-10 11/16" (56. SQ)
- 8.- Sign H to remain Aston Martin Pylon 8'x 6'-9 5/16" (56.0 SQ)

Mania Jomeda

Drawing No G/Pattison/Jaguar Newport Beach	Project: Hornburg Jaguar Land Rover		1	5	All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Inc.	Electrical Requirement: <input type="checkbox"/> 120 Volts <input type="checkbox"/> 277 Volts			2101 Carrillo Privado, Ontario, CA 91761 (909) 930-0303 Fax: (909) 930-0308 E-mail: design@signindustries.tv Web: www.signindustries.tv
	Location: 1540 Jamboree Newport Beach, Ca.		2	6		Construct & Install using only U.L. listed components & in accordance with national electrical code U.L. LABELS REQUIRED			
	Date: 10.14.11	Sales Rep: ms	Drawn by: Ps	7					
	Client Approval:	Date of Approval:		8					

Job No.

Vantage #:
Date: 28-Apr-2011
Design #: 11-0872
Scale: N.T.S.
Sales: A. DiMarco
Designer: A. Ioannou

Rev. #:
Date:

- Vector Artwork Required
- High Resolution Image Required
- Final Colours Required
- Site Check Required

- Conceptual Artwork
- Approved for Production

Electrical Requirements
 120V 347V
 Other _____

*Voltage needs to be specified prior to customer approval
Customer Approval
Date _____

Mania Ioannou



Existing



New RR tower sign with LR face replacement

NOTE: Due to the natural effects of the environment, differences in raw materials and possible variances in the paint finish, an exact color match cannot be guaranteed between the new sign cabinet and your existing brand sign and/or tower.



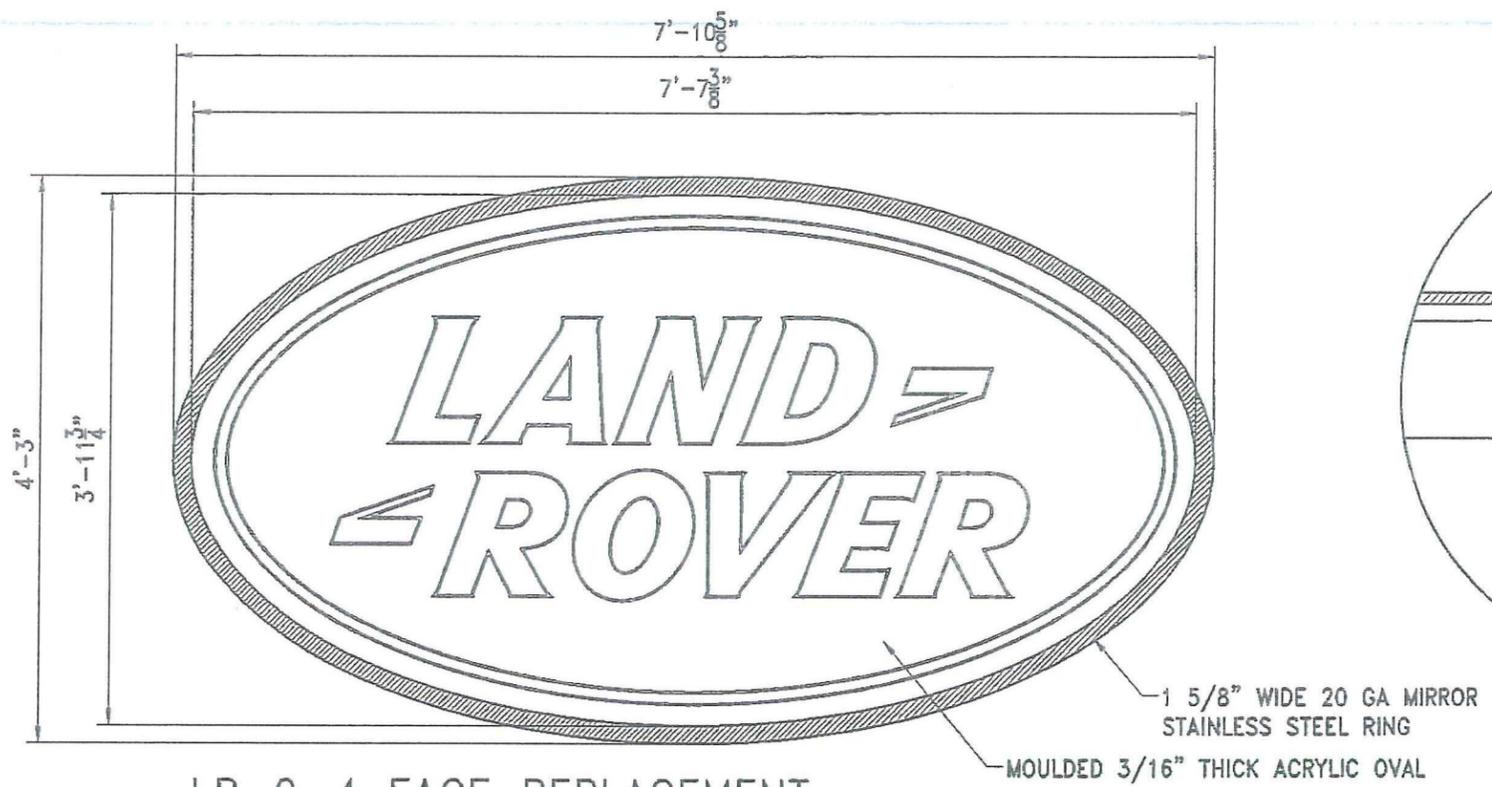
555 Ellesmere Road
Toronto, Ontario, Canada M1R 4E8
www.pattisonsign.com

Tel (416) 759-1111
Fax (416) 759-4965
Toll Free 1-800-268-6536

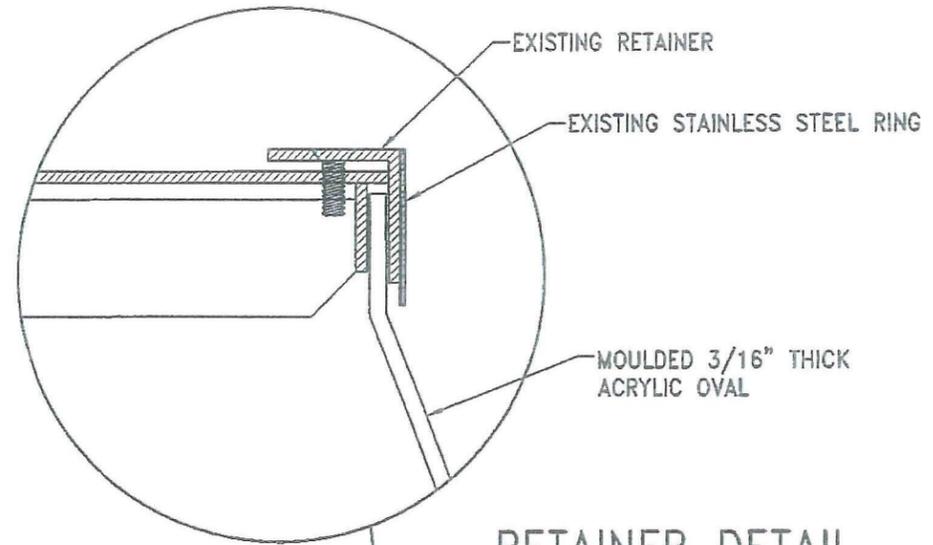
The artistic works depicted herein are copyright and are the exclusive property of Pattison Sign Group and as such cannot be reproduced in whole or in part without prior written consent.

Fluorescent, Neon and HID lamps contain Mercury. Dispose of these lamps according to Local, Provincial, State, or Federal Laws.

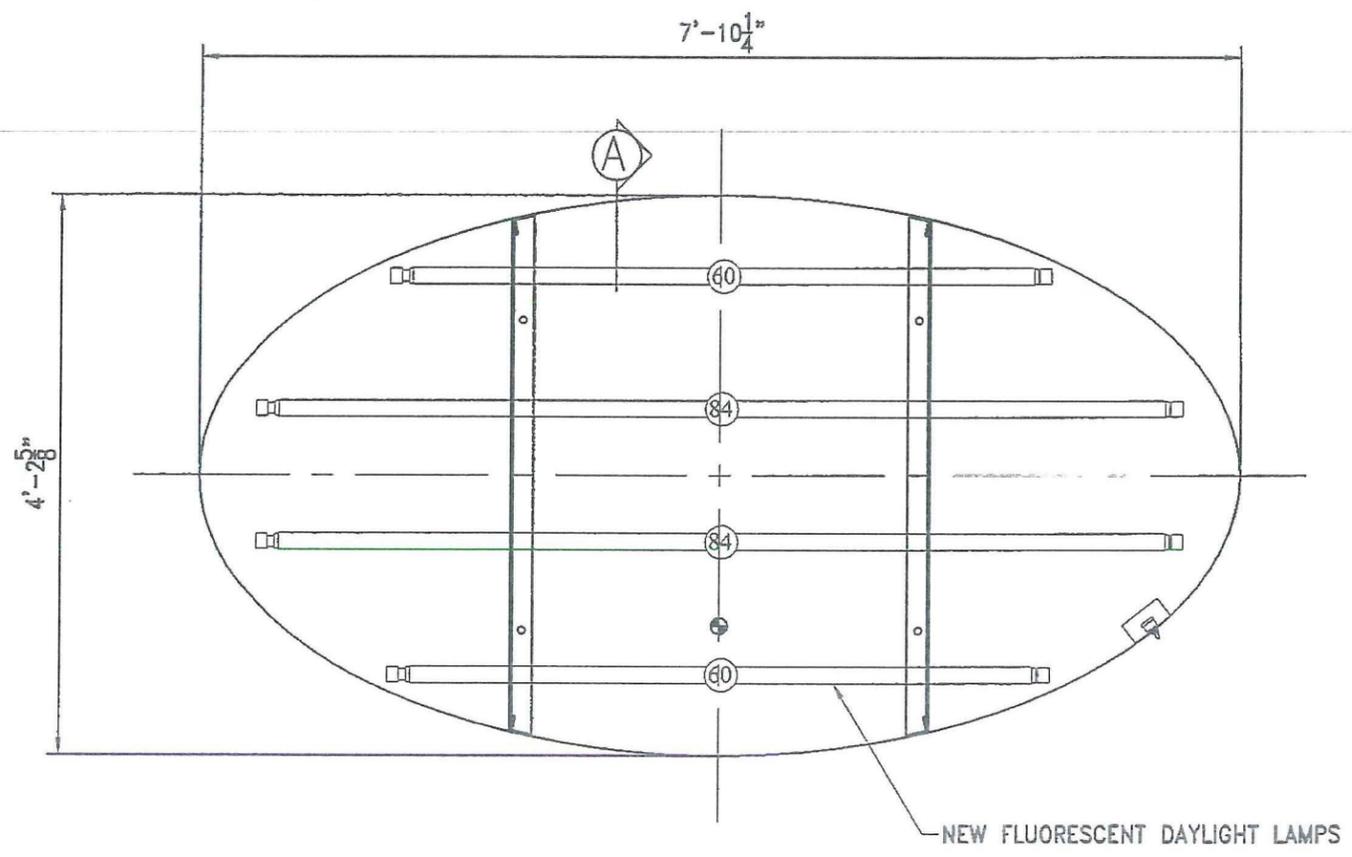




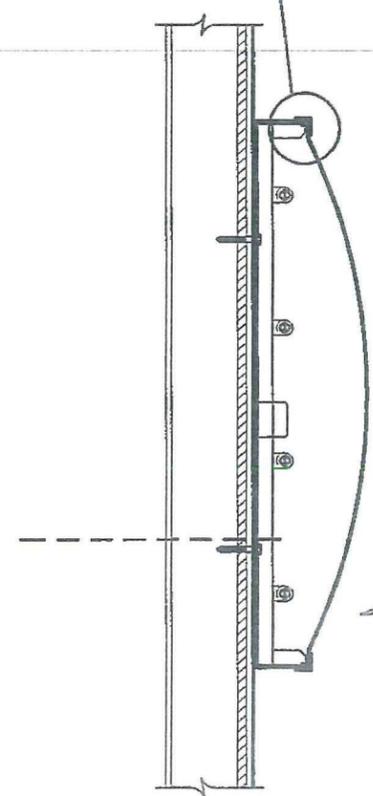
LR-0-4 FACE REPLACEMENT
SCALE 3/4" = 1'-0"



RETAINER DETAIL



LR-0-4 EXISTING SIGN BOX



SECTION

Mania Cooreder

Sign E

NOTES

- MOULD #14 TO BE USED TO FORM ACRYLIC FACE c/w 47.750 X 91.375 OPENING
- 1 5/8" WIDE MIRROR FINISH STAINLESS STEEL RING

ELECTRICAL

- 2 - F60 T12 HO DAYLIGHT LAMPS
 - 2 - F84 T12 HO DAYLIGHT LAMPS
 - 1 - EESB832-16L ELECTRONIC SIGN BALLAST @ 1.70 AMPS / 120 VOLT
- TOTAL ELECTRICAL LOAD**
= 1.70 AMPS / 120 VOLT

 Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or HID lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, State, Provincial or Federal Laws.

NOTICE

PLEASE NOTE THAT THE UNDERSIGNED OF THE COPYRIGHT OF THE ATTACHED WORK IS VESTED IN PATTISON SIGN GROUP AND PATTISON SIGN GROUP SHALL REMAIN THE SOLE OWNER OF THE SAID WORK UNLESS THE SOLE AGENT TO PATTISON OR OTHERWISE THE UNDERSIGNED IN ANY INSTRUMENT, CONTRACT OR AGREEMENT MADE IN WRITING BY THE UNDERSIGNED IN CONNECTION WITH THE SAID WORK SHALL BE DEEMED TO HAVE TRANSFERRED THE SAID COPYRIGHT AND TRADE MARK RIGHTS TO PATTISON SIGN GROUP AS PROVIDED HEREIN.

PATTISON SIGN GROUP (A DIVISION OF JIM PATTISON INDUSTRIES LTD.)

REVISIONS

REV.	DESCRIPTION	DATE

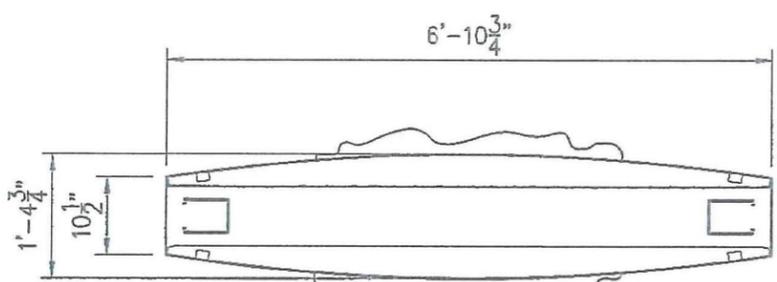
ACCT. EXECUTIVE: ANTHONY DIMARCO
 DRAWN BY: B. NAKASUJI
 SCALE: AS NOTED
 DATE: JULY 22, 2011
 CUSTOMER: JLR NEWPORT BEACH
 ADDRESS: 1540 JAMBOREE NEWPORT BEACH, CA
 JOB No. 82164 CAD.No. LR-0-4 FR



PATTISON SIGN GROUP
 A DIVISION OF JIM PATTISON INDUSTRIES LTD.
 555 ELLESMERE RD., SCARBOROUGH ONT., M1R 4E8
 TORONTO 416-759-1111

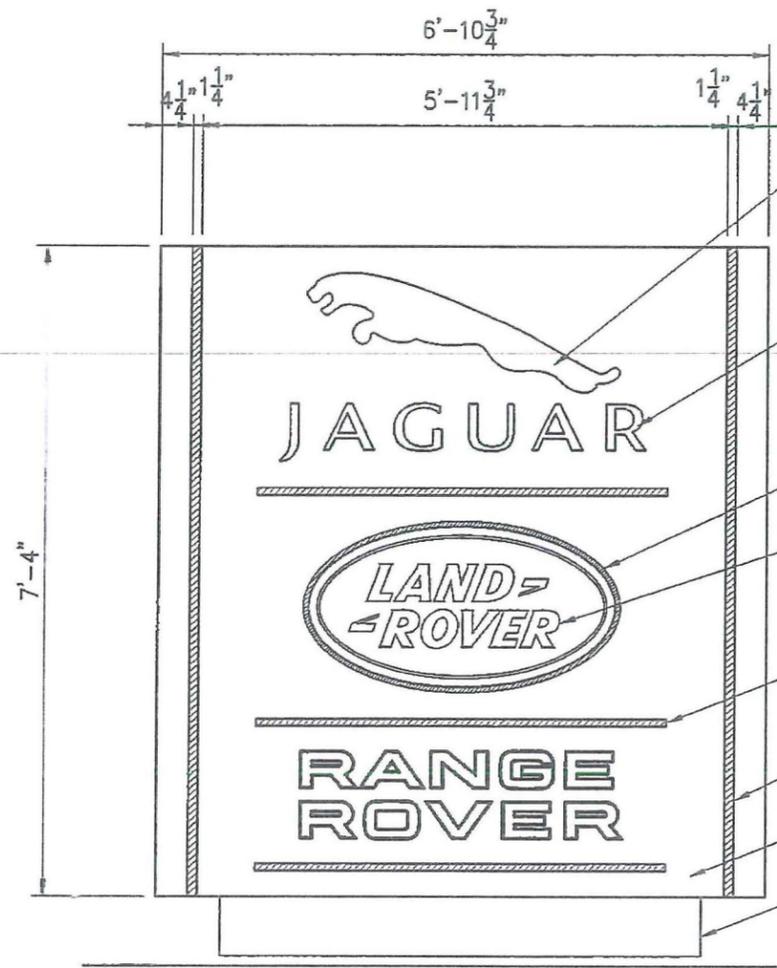
ORIGINAL PYLON
BUILT UNDER
WO# 68207

NOTES
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. ALL LED AND ELECTRICAL COMPONENTS TO BE UL RECOGNIZED OR CLASSIFIED COMPONENTS AS LISTED IN THE UL SIGN ACCESSORIES MANUAL (SAM) AND IN CONJUNCTION WITH UL STANDARD FOR ELECTRIC SIGNS (UL48).



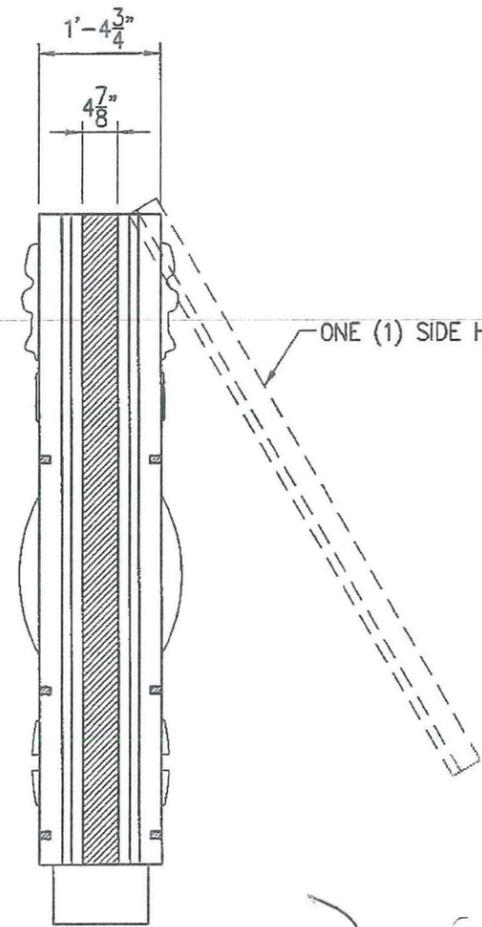
OUTLINE OF MOULDED ACRYLIC LEAPER

PLAN VIEW
SCALE 1/2" = 1'-0"



- MOULDED ACRYLIC SIZE #4.5 CHROME LEAPER TO BE INCISED & PUSHED THRU WITH 3/16" THICK WHITE ACRYLIC BACKING & 1/4" WHITE KEYLINE AROUND PERIMETER
- JAGUAR LETTERS TO BE INCISED & PUSHED THRU WITH 1/2" THICK BEVELLED CLEAR ACRYLIC c/w PAINTED BRONZE METAL APPLIED TO FIRST SURFACE
- 3/4" WIDE MIRROR STAINLESS STEEL RING
- MOULDED 3/16" THICK ACRYLIC DOME (USE MOULD #10 c/w 21.75" X 41.75" OPENING)
- HORIZONTAL ACCENT BATONS TO BE CHROME VINYL
- STAINLESS STEEL ACCENT INSIDE VERTICAL REVEAL
- 1/8" THICK ALUM FACE
- EXISTING ALUM BASE PLATE COVER (NO CHANGE)

FRONT ELEVATION
SCALE 1/2" = 1'-0"



ONE (1) SIDE HINGED FOR SERVICE

END ELEVATION
SCALE 1/2" = 1'-0"

Main facade

Sign G

ELECTRICAL
-ALL WORK TO COMPLY WITH 2007 CALIF. BUILDING CODES

-PROVIDE 20 AMP DEDICATED CIRCUIT FOR SIGNAGE WITH AUTOMATIC CONTROL, TIME CLOCK, PHOTOCCELL

-SIGN INSTALLER TO IDENTIFY SIGN CIRCUIT BREAKER AND UPDATE ELECTRICAL PANEL DIRECTORY

Max 15 amp/120 volt circuits
Unless otherwise specified

Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or HID lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, State, Provincial or Federal Laws.

NOTICE
TAKE NOTICE THAT THE COMPLETION OF THE WORK OF THE ATTACHED WORK IS DEPENDENT UPON THE WORK OF OTHER CONTRACTORS AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK OF ALL CONTRACTORS AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

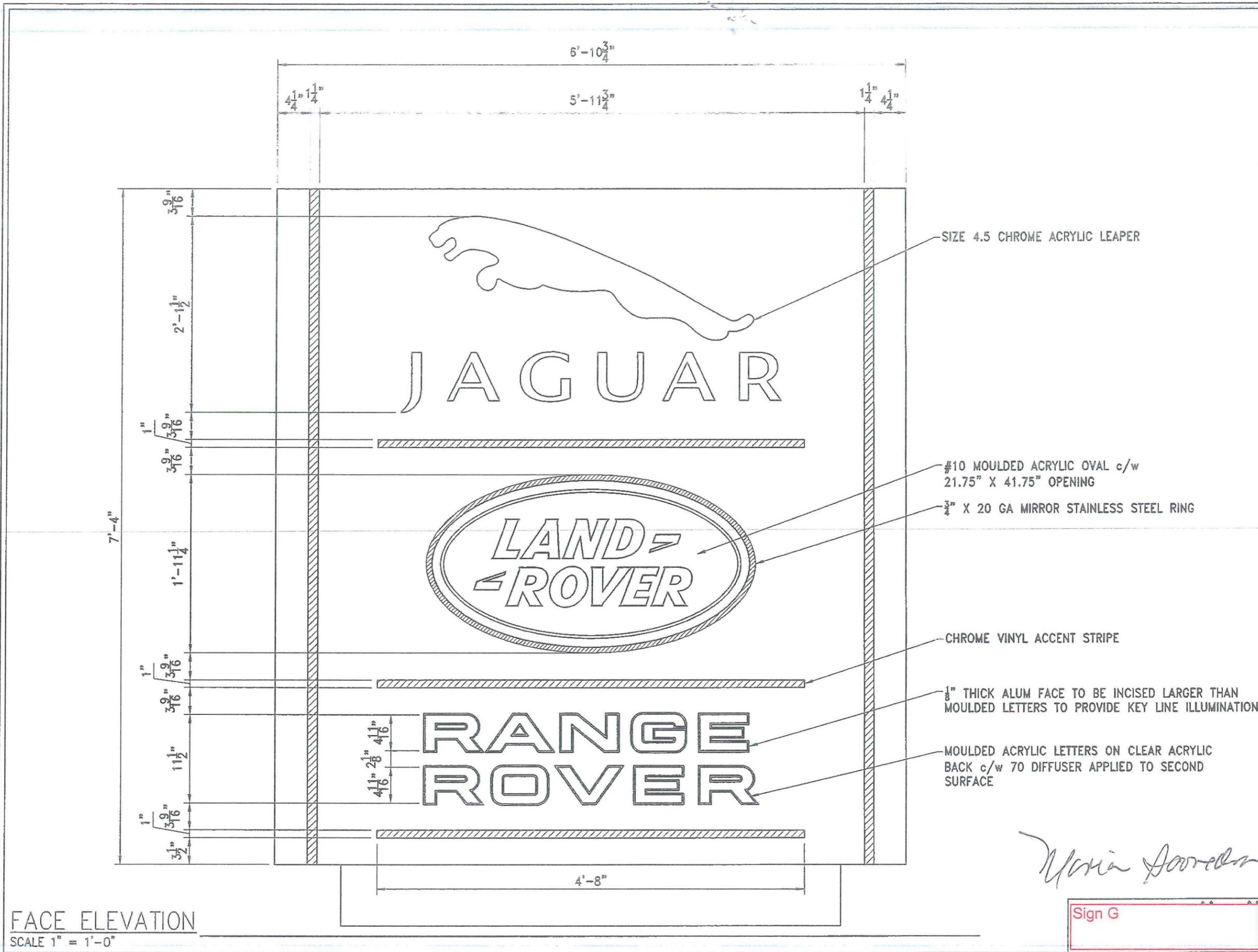
PATTISON SIGN GROUP (A DIVISION OF JIM PATTISON INDUSTRIES LTD.)

REVISIONS

REV.	DESCRIPTION	DATE

ACT. EXECUTIVE	ANTHONY DIMARCO
DRAWN BY	B. NAKASUJI
SCALE	AS NOTED
DATE	JULY 22, 2011
CUSTOMER	JLR NEWPORT BEACH
ADDRESS	1540 JAMBOREE NEWPORT BEACH, CA
JOB No.	82164
CD.#	MB 8 - 1.1

PATTISON SIGN GROUP
A DIVISION OF JIM PATTISON INDUSTRIES LTD.
555 ELLESMERE RD., SCARBOROUGH ONT., M1R 4E8
TORONTO 416-759-1111



FACE ELEVATION
SCALE 1" = 1'-0"

NOTES

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. ALL LED AND ELECTRICAL COMPONENTS TO BE UL RECOGNIZED OR CLASSIFIED COMPONENTS AS LISTED IN THE UL SIGN ACCESSORIES MANUAL (SAM) AND IN CONJUNCTION WITH UL STANDARD FOR ELECTRIC SIGNS (UL48).

ELECTRICAL

- ALL WORK TO COMPLY WITH 2007 CALIF. BUILDING CODES
- PROVIDE 20 AMP DEDICATED CIRCUIT FOR SIGNAGE WITH AUTOMATIC CONTROL, TIME CLOCK, PHOTOCCELL
- SIGN INSTALLER TO IDENTIFY SIGN CIRCUIT BREAKER AND UPDATE ELECTRICAL PANEL DIRECTORY

Max 15 amp/120 volt circuits
Unless otherwise specified

 Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or HID lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, State, Provincial or Federal Laws.

NOTICE

TAKE NOTICE THAT THE OWNERSHIP OF THE COPYRIGHT OF THE ATTACHED MARK IS HELD BY PATTISON SIGN GROUP. AND FURTHER TAKE NOTICE THAT PATTISON SIGN GROUP AS THE SAID OWNER BELIEVES THE SAID MARK TO BE ELIGIBLE FOR PROTECTION UNDER THE SAID ACT AND HAS THEREFORE FILED WITH THE SAID COMMISSIONER OF PATENTS AND TRADE MARKS AN APPLICATION FOR REGISTRATION OF SAID MARK AS A TRADE MARK UNDER THE SAID ACT. IT IS THE POLICY OF PATTISON SIGN GROUP TO ENFORCE SAID TRADE MARK RIGHTS AND TO TAKE SUCH ACTION AS MAY BE NECESSARY TO PROTECT SAID RIGHTS. ANY PERSON WHO KNOWINGLY VIOLATES SAID TRADE MARK RIGHTS SHALL BE HELD TO HAVE VIOLATED THE SAID ACT UNLESS SUCH PERSON CAN PROVE THAT SUCH VIOLATION WAS UNINTENTIONAL AND THAT SUCH PERSON HAS STOPPED SUCH VIOLATION IMMEDIATELY UPON NOTICE THEREOF.

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REVISIONS

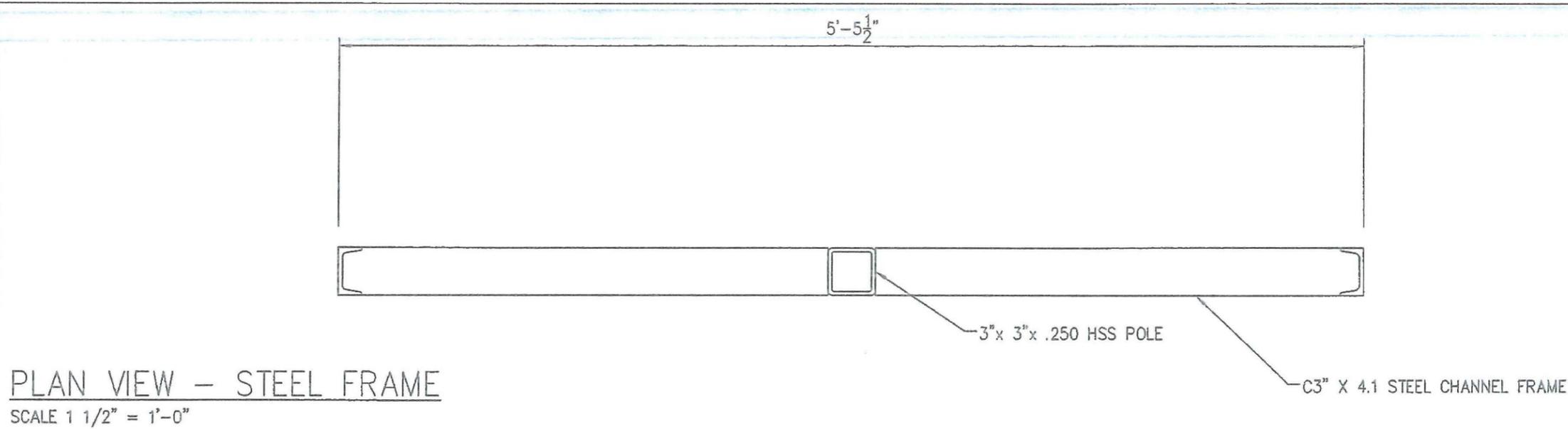
REV.	DESCRIPTION	DATE

ACT. EXECUTIVE ANTHONY DIMARCO
 DRAWN BY B. NAKASUJI
 SCALE AS NOTED
 DATE JULY 22, 2011
 CHECKED JLR NEWPORT BEACH
 ADDRESS 1540 JAMBOREE NEWPORT BEACH, CA
 JOB No. 82164 C.D.No. MB 8 - 1.2

Maria Sooreda

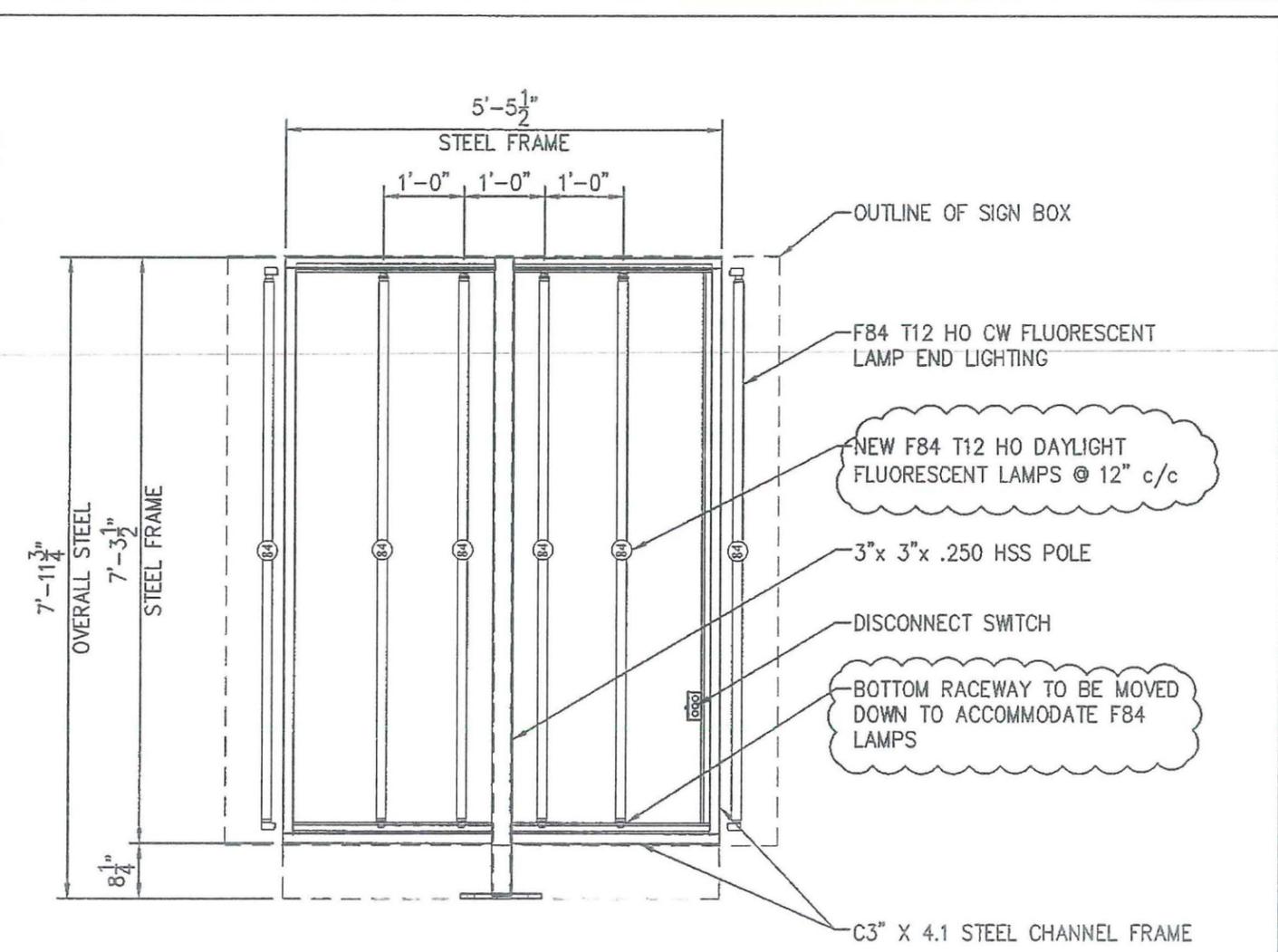
Sign G


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 TORONTO 416-759-1111



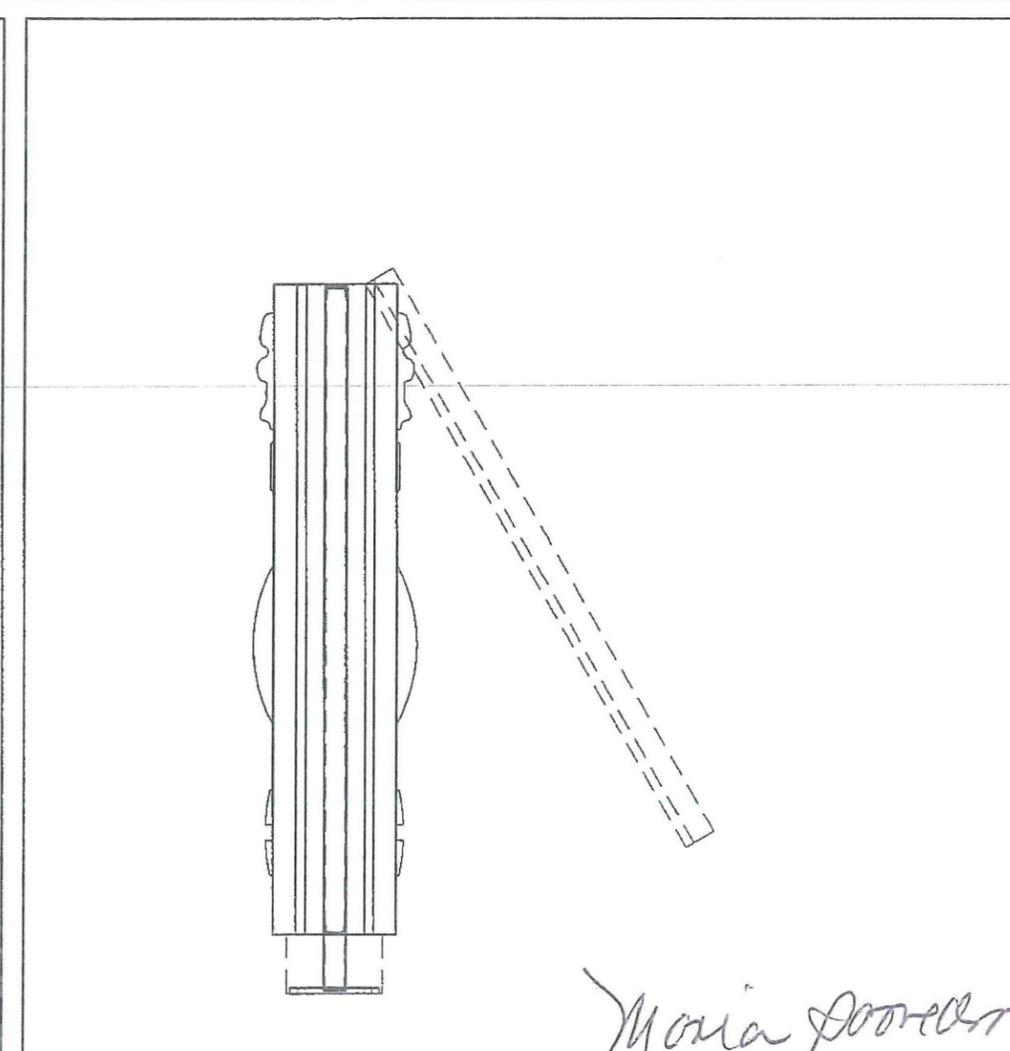
PLAN VIEW - STEEL FRAME

SCALE 1 1/2" = 1'-0"



STEEL FRAME ELEVATION

SCALE 1/2" = 1'-0"



END ELEVATION

SCALE 1/2" = 1'-0"

Maria Porecki

Sign G

NOTES
 THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. ALL LED AND ELECTRICAL COMPONENTS TO BE UL RECOGNIZED OR CLASSIFIED COMPONENTS AS LISTED IN THE UL SIGN ACCESSORIES MANUAL (SAM) AND IN CONJUNCTION WITH UL STANDARD FOR ELECTRIC SIGNS (UL48).

ELECTRICAL
 -ALL WORK TO COMPLY WITH 2007 CALIF. BUILDING CODES
 -PROVIDE 20 AMP DEDICATED CIRCUIT FOR SIGNAGE WITH AUTOMATIC CONTROL, TIME CLOCK, PHOTOCELL
 -SIGN INSTALLER TO IDENTIFY SIGN CIRCUIT BREAKER AND UPDATE ELECTRICAL PANEL DIRECTORY

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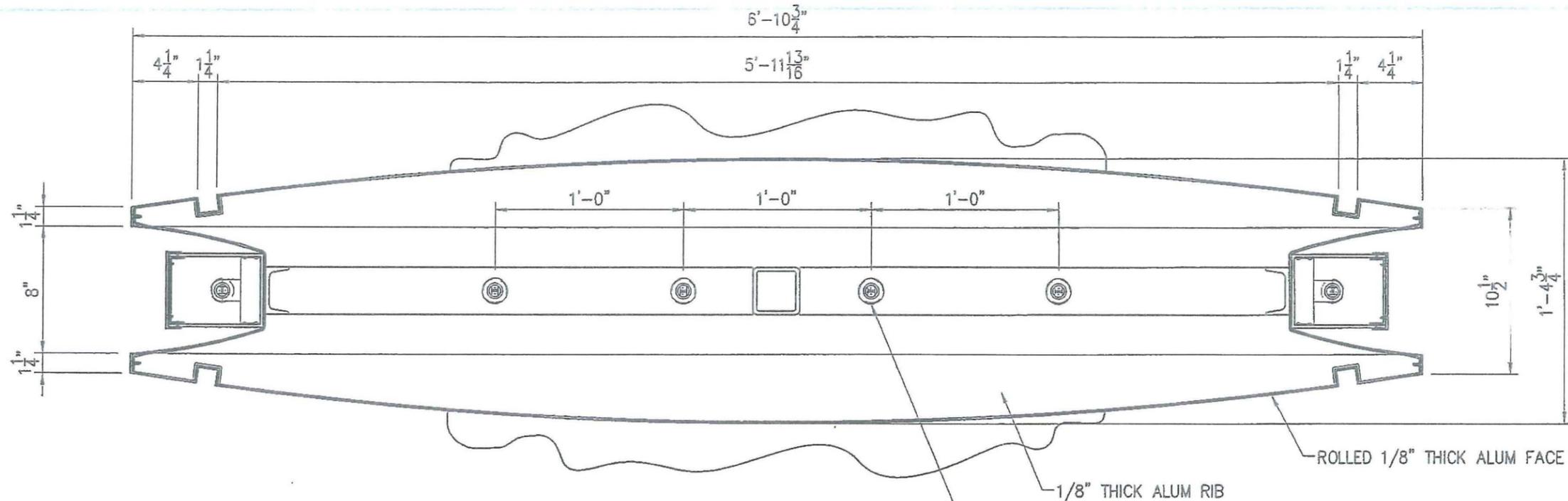
NOTICE
THESE DRAWINGS ARE THE PROPERTY OF THE COMPANY OF THE ATTACHED NAME AND SHOULD BE KEPT IN CONFIDENTIALITY AND NOT REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE COMPANY. ANY REPRODUCTION OR COPIING OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF THE COMPANY IS STRICTLY PROHIBITED. THE COMPANY ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS OF PROFITS OR BUSINESS ARISING FROM THE USE OF THESE DRAWINGS. THE COMPANY SHALL BE KEPT ADVISED OF ANY SUCH DAMAGE OR LOSS OF PROFITS OR BUSINESS. THE COMPANY SHALL BE KEPT ADVISED OF ANY SUCH DAMAGE OR LOSS OF PROFITS OR BUSINESS.
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REVISIONS

REV.	DESCRIPTION	DATE

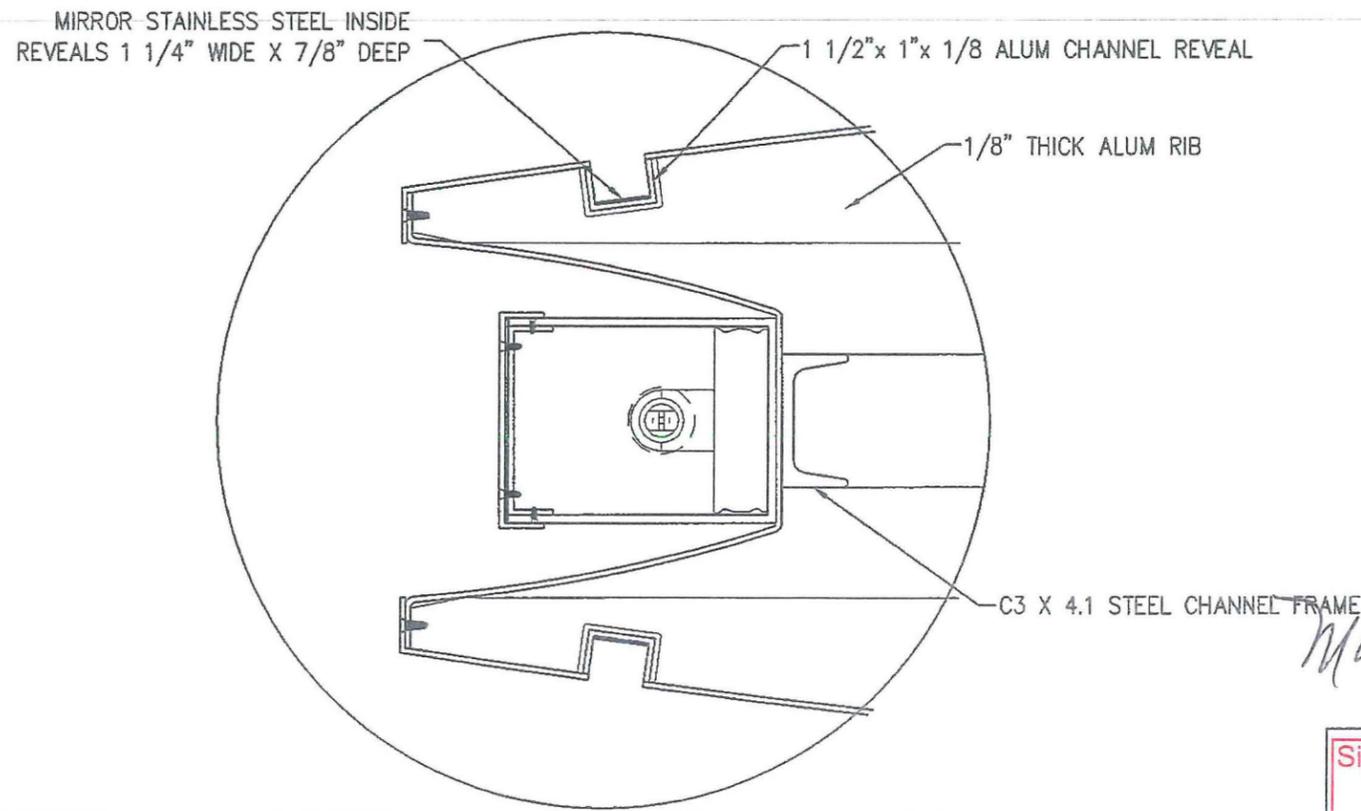
APPROVED BY: ANTHONY DIMARCO
 DRAWN BY: B. NAKASUJI
 SCALE: AS NOTED
 DATE: JULY 22, 2011
 CUSTOMER: JLR NEWPORT BEACH
 ADDRESS: 1540 JAMBOREE NEWPORT BEACH, CA
 JOB No. 82164 CAD No. MB 8 - 1.3


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 TORONTO 416-759-1111



SECTION
SCALE 1 1/2" = 1'-0"

NEW F84 T12 HO DAYLIGHT
FLUORESCENT LAMPS REQUIRED



REFLECTOR DETAIL
SCALE 3" = 1'-0"

Maria Jordan

Sign G

NOTES

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PATTISON SIGN GROUP (A DIVISION OF JIM PATTISON INDUSTRIES LTD.)

REVISIONS

REV.	DESCRIPTION	DATE

ACCT. EXECUTIVE	ANTHONY DIMARCO
DRAWN BY	B. NAKASUJI
SCALE	AS NOTED
DATE	JULY 22, 2011
CUSTOMER	JLR NEWPORT BEACH
ADDRESS	1540 JAMBOREE NEWPORT BEACH, CA
JOB NO.	82164
CD. NO.	MB 8 - 1.4



**PATTISON
SIGN GROUP**

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