

**CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: David Lepo, Planning Director

SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending February 26, 2010

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**ACTIONS TAKEN AT FEBRUARY 25, 2010 ZONING ADMINISTRATOR HEARING**

Item 1: Lot Line Adjustment No. LA2009-011 (PA2009-169)  
2121 and 2125 Bayside Drive  
(Action)

This item was approved.

Council District 5

Item 2: Parcel Map No. NP2010-001 (PA2010-002)  
2222 Channel Road  
(Action)

This item was approved.

Council District 1

**ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF**

Item 4: O Café on behalf of property owner Francis Ursini – Comprehensive Sign  
Program No. CS2009-002 (PA2009-040)  
2200 West Ocean Front  
(Action)

Approved – 02/25/2010

Council District 1

  
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David Lepo, Planning Director:

APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

*Email:* City Council  
Planning Commission  
David Lepo, Planning Director  
Sharon Wood, Assistant City Manager  
David Keely, Public Works Senior Civil Engineer  
Code Enforcement Division



## **LOT LINE ADJUSTMENT ACTION LETTER**

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663  
(949) 644-3200 FAX (949) 644-3229

**Application No.**                      **Lot Line Adjustment No. LA2009-011 (PA2009-169)**  
**Applicant**                              **Manouchehr Moshayedi**  
**Site Address**                          **2121 and 2125 Bayside Drive**  
   **Moshayedi Residence Lot Line Adjustment**  
**Legal Description**                  **Parcels A and B of Resub. 197 as recorded in Book 79, Page**  
   **8 of Records of Surveys, County of Orange, on Feb. 15, 1965**

On **February 25, 2010**, the Zoning Administrator approved the following: A lot line adjustment to allow two adjacent parcels under common ownership to be merged into one parcel by removing the shared interior lot line. The property is located in the R-1 (Single-Family Residential) District.

Waiver of Concurrent Parcel Map. In accordance with Section 19.68.060.D of the Municipal Code (Waiver of Concurrent Parcel Map), the Zoning Administrator also approved a waiver of the parcel map requirement. In cases where no more than one parcel is eliminated, the Zoning Administrator may approve a waiver of the parcel map requirement and use of a lot line adjustment to combine the lots.

The approval is based on the following findings and subject to the following procedural requirements and condition:

### **FINDINGS:**

#### *General Findings*

#### Finding:

1. The Land Use Element of the General Plan designates the site as Single-Unit Residential Detached (RS-D). The Coastal Land Use Plan designates this site as Single Unit Residential Detached (RSD-A), which is intended to provide primarily for single-family residential units on a single legal lot and does not include condominiums or cooperative housing. The RSD-A land use designation provides for density ranges from 0.0 to 5.9 units per acre.

Facts In Support of Finding:

- One of the existing parcels is currently undeveloped. The proposed parcel will be developed with one dwelling unit, which will result in a density of 1.9 units per acre.

Finding:

2. This project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent.

Facts In Support of Finding:

- The lot line adjustment is minor and does not result in the creation of any new parcels.
- The average slope of the proposed parcel is less than 20 percent.

*Lot Merger Findings*

In accordance with Section 19.68.060 of the Newport Beach Municipal Code, the Planning Director has deemed the lot line adjustment application as appropriate to combine the two lots into a single parcel.

Finding:

3. The lots to be merged are under common ownership at the time of the merger.

Fact in Support of Finding:

- The owner, Manouchehr Moshayedi, originally purchased the parcel located at 2121 Bayside Drive in 1995 and recently acquired the adjacent parcel, 2125 Bayside Drive on September 24, 2009.

Finding:

4. The lots as merged will be consistent with or will be more closely compatible with the applicable zone district regulations and other regulations relating to the subject property.

Fact in Support of Finding:

- The existing and proposed parcel complies with the minimum lot width of 50 feet, minimum lot area of 5,000 square feet, and single unit dwelling use as required by Section 20.10.030 of the Zoning Code.

Finding:

5. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

Fact in Support of Finding:

- Neither the merged lot nor adjoining parcels will be deprived of legal access as a result of the merger as vehicular access to and from Bayside Drive will remain unchanged.

*Lot Line Adjustment Findings*

In accordance with Section 19.76.030 of the Newport Beach Municipal Code, the Planning Director has deemed the lot line adjustment application as appropriate to combine the two lots into a single parcel.

Finding:

6. The merger of continuous lots, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of Title 19 and Title 20 of the Newport Beach Municipal Code.

Facts in Support of Finding:

- The creation of a larger parcel in along Bayside Drive will not result in a development pattern which is inconsistent with the surrounding neighborhood.
- The subject property will not restrict light and air from Bayside Drive or surrounding residential properties.

Finding:

7. The project site described in the proposal consists of legal building sites.

Fact In Support of Finding:

- The proposed parcel consists of legal building sites including Parcels A and B of Resub. 197 as recorded in Book 79, Page 8 of Records of Surveys, County of Orange, on Feb. 15, 1965. The proposed lot line adjustment will remove the interior lot line between two legal lots.

Finding:

8. Any land taken from one parcel will be added to an adjacent parcel and no additional parcels will result from the lot line adjustment.

Fact in Support of Finding:

- The lot merger to combine two existing parcels will not result in the creation of additional parcels.

Finding:

9. The parcels proposed to be created by the lot line adjustment comply with all applicable zoning regulations and there will be no change in the land use, density or intensity on the property.

Fact in Support of Finding:

- The resulting parcel created by the lot line adjustment complies with all applicable zoning regulations and there will be no change in the land use, density, or intensity on the property. The future development on the proposed parcel will comply with the Zoning Code development standards. The proposed merger will not cause future development to impact public views. The project is in an area with an average slope of less than 20 percent.

Finding:

10. The lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

Fact In Support of Finding:

- The lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities as it is merely the combination of two existing lots of record and no development is authorized with this approval.

*Parcel Map Waiver Findings*

Based on the information of this particular case, the Zoning Administrator waives the requirement of a parcel map pursuant to Section 19.08.030.A. The proposed lot line

adjustment combines the property into a single-parcel of land and does not result in the elimination of more than one parcel.

Finding:

11. The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other applicable requirements of Title 19 and Title 20 of the Newport Beach Municipal Code and the General Plan.

Fact in Support of Finding:

- The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other applicable requirements of Title 19 and Title 20 of the Newport Beach Municipal Code and the General Plan.

**PROCEDURAL REQUIREMENTS**


1. All applicable Public Works Department plan check fees shall be paid prior to review of the lot line adjustment and grant deeds.
2. Prior to recordation of the lot line adjustment, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
3. The lot line adjustment and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
4. In conformance with the California Coastal Act, Coastal Commission approval shall be obtained prior to the recordation of the lot line adjustment.
5. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.
6. Prior to final of the building permit for the any new construction on the properties, the Planning Department shall verify Coastal Commission approval of the lot line adjustment and recordation of the document with the County Recorder.
7. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.

**CONDITION**

1. The proposed parcel shall conform to current zoning regulations pertaining to the number of dwelling units and the distance between detached structures. The proposed parcel shall have no more than one dwelling unit.

**APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 10 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By:   
James W. Campbell, Zoning Administrator

PJA/mkn

Attachments:   ZA 1   Vicinity Map  
                      ZA 2   Site Photos  
                      ZA 3   Exhibits



**Attachment No. ZA 1**  
Vicinity Map

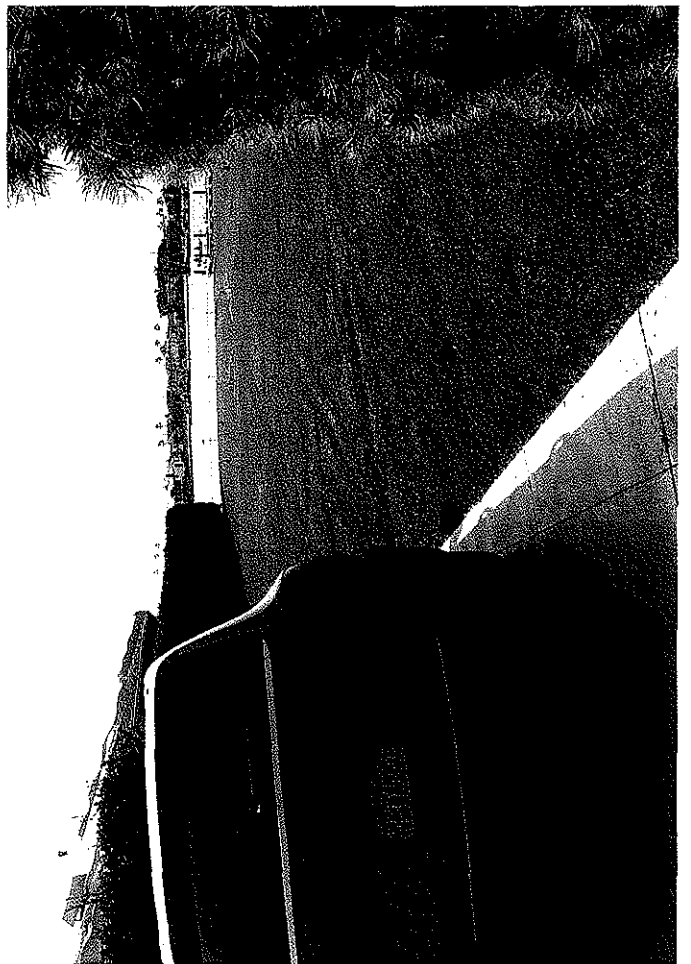
## VICINITY MAP



Lot Line Adjustment No. LA2009-011  
PA2009-169

## 2121 and 2125 Bayside Drive

**Attachment No. ZA 2**  
Site Photos





**Attachment No. ZA 3**  
Exhibits

**EXHIBIT "A"**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA -**  
**(LEGAL DESCRIPTION)**

OWNERS	EXISTING PARCEL NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-27	PARCEL 1
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-29	PARCEL 1
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-30	PARCEL 1

**EXISTING LEGAL DESCRIPTION:**

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

PARCELS A & B, AS PER MAP FILED IN BOOK 79, PAGE 8 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, ON FEBRUARY 15, 1965, BEING A PORTION OF BLOCK 94 OF IRVINE'S SUBDIVISION AS SHOWN ON A MAP THEREOF, FILED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAP, RECORD OF SAID COUNTY.

**PROPOSED LEGAL DESCRIPTION:**

**PARCEL 1:**

SEE EXHIBITS 'B' & 'C' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

**RECEIVED BY**  
**PLANNING DEPARTMENT**

JAN 12 2010

**CITY OF NEWPORT BEACH**

THIS DESCRIPTION HAS BEEN PREPARED BY ME  
OR UNDER MY DIRECTION

  
PAUL D. CRAFT, P.L.S. 8516,  
LICENSE RENEWAL DATE: 12/31/10



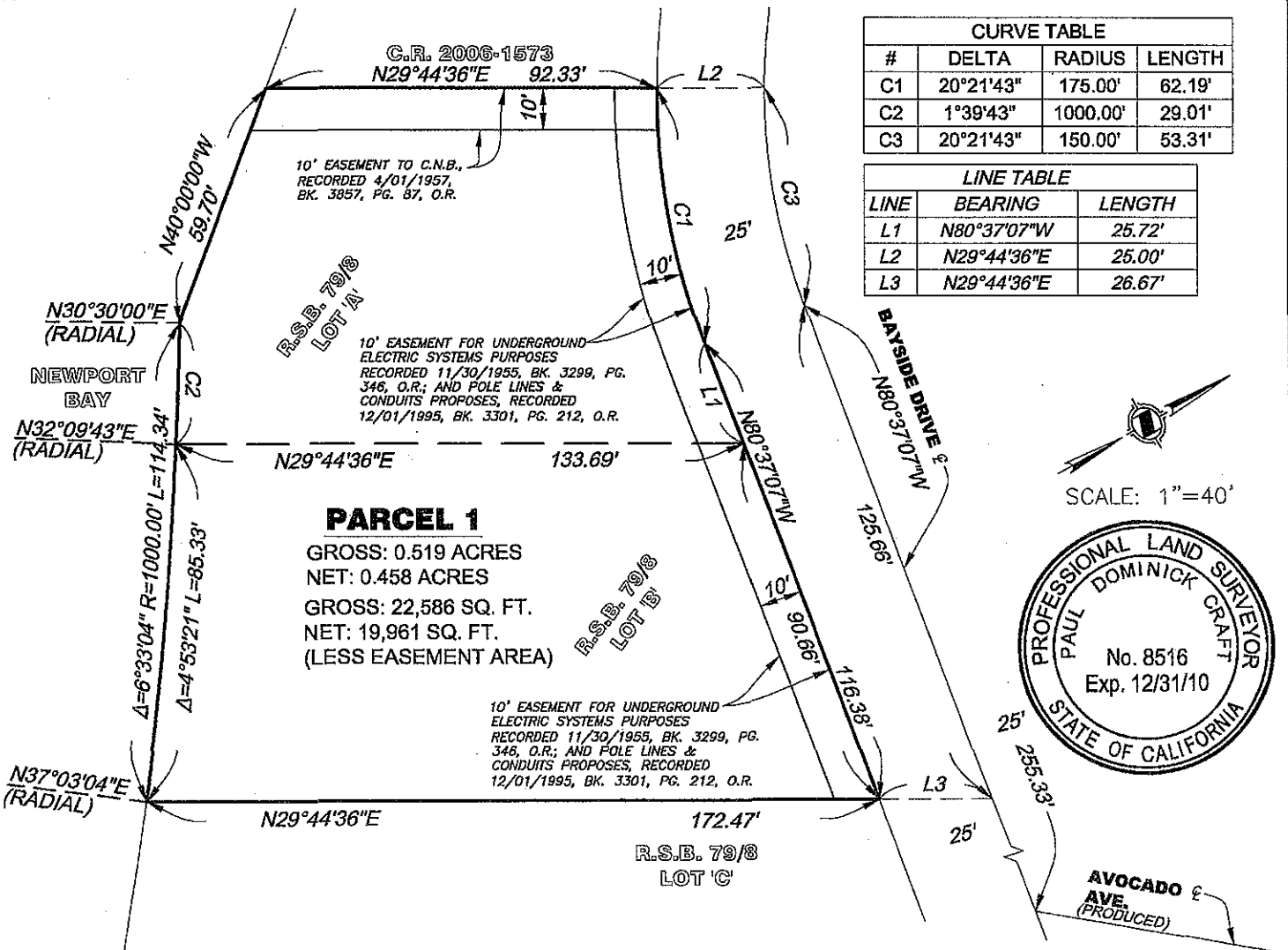
# EXHIBIT "B"

## CITY OF NEWPORT BEACH

### LOT LINE ADJUSTMENT NO. LA -

#### (MAP)

OWNERS	EXISTING PARCEL NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-27	PARCEL 1
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-29	PARCEL 1
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-30	PARCEL 1



THIS MAP HAS BEEN PREPARED BY  
ME OR UNDER MY DIRECTION

*Paul D. Craft* 11/10  
PAUL D. CRAFT, P.L.S. 8516,  
LICENSE RENEWAL DATE: 12/31/10



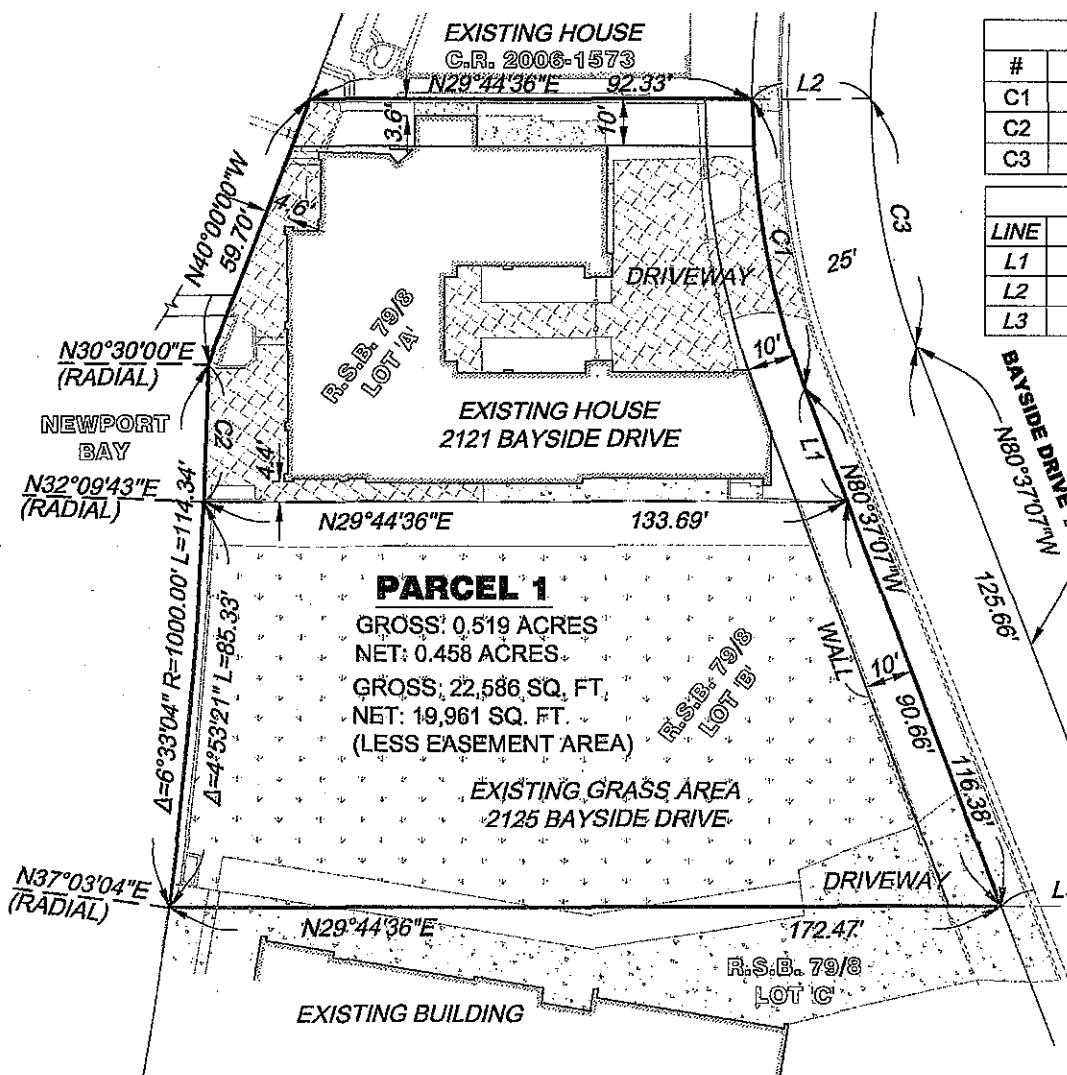
# EXHIBIT "C"

## CITY OF NEWPORT BEACH

### LOT LINE ADJUSTMENT NO. LA

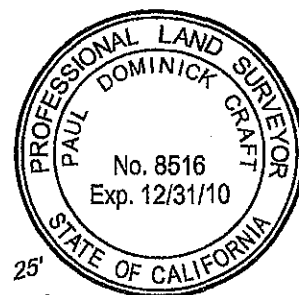
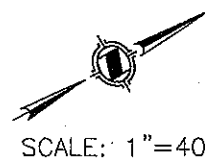
#### (SITE PLAN)

OWNERS	EXISTING PARCEL NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-27	PARCEL 1
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-29	PARCEL 1
MANOUCHER MOSHAYEDI, TRUSTEE	052-222-30	PARCEL 1



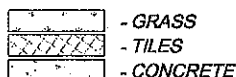
CURVE TABLE			
#	DELTA	RADIUS	LENGTH
C1	20°21'43"	175.00'	62.19'
C2	1°39'43"	1000.00'	29.01'
C3	20°21'43"	150.00'	53.31'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N80°37'07"W	25.72'
L2	N29°44'36"E	25.00'
L3	N29°44'36"E	26.67'



#### LINE LEGEND

- PROPOSED BOUNDARY LINE
- EXISTING BOUNDARY LINE TO REMAIN
- EXISTING BOUNDARY LINE TO BE DELETED



THIS PLAN WAS PREPARED USING RECORD DATA PER RESUBDIVISION OF SECTION 1 OF BALBOA ISLAND, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 6, PAGE 30 OF MAPS.

( ) = CALC'D FROM RECORD

THIS MAP HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION

*Paul D. Craft*  
 PAUL D. CRAFT, P.L.S. 8516,  
 LICENSE RENEWAL DATE: 12/31/10



## **PARCEL MAP ACTION LETTER**

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663  
(949) 644-3200 FAX (949) 644-3229

**Application No.**                      **Parcel Map No. NP2010-001**  
   **County Tentative Parcel Map No. 2009-144**  
   **(PA2010-002)**

**Applicant**                              **John B. Abell Inc.**

**Site Address**                         **2222 Channel Road**

**Legal Description**                 **Parcel 2 (Tract No. 518, Block P, Lots 20 and 21, and Portion of Lot M)**

On **February 25, 2010**, the Zoning Administrator approved the following: A tentative parcel map to subdivide an existing parcel. The existing single-unit dwelling will be demolished, and each proposed lot will be developed with a new single-unit dwelling. The property is located in the R-1 (Single-Family Residential) District. The Zoning Administrator's approval is based on the following findings and is subject to the following conditions.

### **FINDINGS AND CONDITIONS: PA2010-002 (NP2010-001)**

#### **Required Findings for Action and Facts in Support of Findings**

In approving a tentative tract map or tentative parcel map, the decision-making body shall make all of the following 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 (Subdivision Code):

1. **Finding:** 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:**

- The proposed Parcel Map is for the purpose of subdividing Parcel 2, which consists of two original underlying legal lots (Lots 20 and 21) developed as part of the original subdivision, and a portion of Lot M which was located adjacent to both lots along Newport Bay. Parcel 2 was legally created with the approval of Lot Line Adjustment No. LA2005-006 and recorded in Orange County March 24, 2006 as instrument No. 06-194947. Each new lot would consist of one of the original, underlying lots and an equal portion of Lot M along Newport Bay. Per General Plan Land Use Element Policy LU 4.2, lots that have been legally merged may be re-subdivided to the original, underlying, legal lots and is applicable to all Single Unit, Two-Unit, and Multiple Unit Residential Land Use categories without a General Plan Amendment.
  - There is an existing single-unit dwelling located on the subject parcel which would be required to be demolished prior to the recordation of the map to avoid violations of the Building and Zoning Codes. Future development of the proposed lots would be controlled by the Municipal Code and must be consistent with the use and development standards of the R-1 Zoning District that would allow one unit on each newly created parcel consistent with the current General Plan Land and Coastal Land Use Plan land use designations allowing "Single-Unit Residential Detached".
  - The Subdivision Code necessitates the filing and approval of a Tentative Parcel Map and that any deviations from the lot design standards (lot width and area standards established by the Zoning Code) can only be approved by making specific findings in accordance with Section 19.24.050.A. Those findings and the facts that support them are enumerated below and are incorporated by reference. Conditions of approval have been incorporated to require all necessary public improvements including, but not limited to, street, drainage, sidewalk and utility laterals to support the proposed subdivisions in accordance with the Subdivision Code.
2. **Finding:** That the site is physically suitable for the type and density of development.

**Facts in Support of Finding:**

- The subject parcel, located along Channel Road adjacent to Newport Bay, has an approximate area of 7,000 square feet (approximately 100 feet by 70 feet) and consists of two underlying lots (35 feet by 80 feet) and a portion of Lot M (approximately 70 feet by 20 feet). The proposed parcels would be

generally rectangular in shape. The site is sloped less than 20 percent, and is suitable for the development of two residences.

3. **Finding:** 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:**

- 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 presently 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 project site does not contain significant biological resources as it is currently developed with a single residential unit.

4. **Finding:** 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:**

- The proposed Parcel Map would re-subdivide an existing parcel consisting of legal lots which were previously merged, and is for the purpose of developing two new single-unit dwellings. 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.

5. **Finding:** 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:**

- 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.
6. **Finding:** 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:**

- The project site is not subject to a Williamson Act contract as it is developed with a single family residence with no agricultural resources are present.
7. **Finding:** 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:**

- The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code, and is not located within a specific plan area.
8. **Finding:** 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:**

- 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.

9. **Finding:** 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:**

- The proposed Parcel Map 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. The residential density on the proposed lots is consistent with the number of units allowed in the R-1 Zoning District. No affordable housing units are being eliminated since the previously existing single-unit dwelling was not occupied by a low or moderate income household.
10. **Finding:** 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:**

- Wastewater discharge into the existing sewer system will not violate Regional Water Quality Control Board (RWQCB) requirements because a single-unit dwelling would be developed on each proposed lot.
11. **Finding:** 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:**

- The subject property is located within the Coastal Zone, and there is no public access or recreation area located on the site. The proposed subdivision would be consistent with the policies of the certified Local Coastal Program Land Use Plan.

Per Section 19.24.050.A of Title 19 (Lot Design, Lot Size), new subdivisions must meet the applicable zoning district regulations stated in Title 20 (Zoning Code). Deviation from the design standards set forth in Chapter 19 of Title 19 may be approved by the

Zoning Administrator subject to specific findings stated per Section 19.24.130.C. The proposed subdivision would create lots which would not meet the lot width and lot area standards required by the Zoning Code for new subdivisions within the R-1 Zoning District. The required findings and facts to support those findings are the following:

1. **Finding:** The requested deviations will create a land plan or development design equal or superior to that under the baseline design standards in this Chapter.

**Facts in Support of Finding:**

- The Zoning Code requires new subdivision lots to be 50 feet wide, and have a lot area of 5,000 square feet. Although the proposed parcel map would be a new subdivision, it would create a subdivision that resembles the original, underlying, legal lots. The proposed lots are equal in width to the original subdivision.
  - The lot area of each original, underlying lot would be increased with the addition of a portion of original Lot M (35 feet by 20 feet = 700 square feet).
  - The existing lot orientation with vehicular and pedestrian access from Channel Road would be maintained with approval of the proposed subdivision.
2. **Finding:** The deviations will not negatively impact the carrying capacity of the local vehicular circulation network.

**Facts in Support of Finding:**

- The proposed subdivision would increase the density by one (1) single-unit residential structure and according to the City's Traffic Engineer, Balboa Boulevard and Channel Road has sufficient capacity to accommodate the minor increase in traffic.
3. **Finding:** The deviations will not negatively impact pedestrian circulation

**Facts in Support of Finding:**

- The subdivision will not reduce or encroach within the abutting public right-of-way (Channel Road). Although the subdivision would create one additional driveway access point to Channel Road through the existing sidewalk, the subdivision and driveway approach will not eliminate or impede pedestrian circulation provided that the necessary improvements are provided in accordance with applicable Public Works design standards and permitting.

4. **Finding:** The resulting subdivision will be compatible with the pattern of surrounding subdivisions.

**Facts in Support of Finding:**

- Although the original subdivision established 35-foot wide lots on both sides of Channel Road, the development of single family homes after the consolidation of lots and/or resubdivision of lots has occurred along the bayward side of Channel Road. The net result is that there is a variety of lot sizes along the bayward side of Channel Road ranging from 35 feet to 105 feet in width.
  - The lots directly opposite the project site on the inland side of Channel Road have not been merged or resubdivided and are 35 feet in width, which is the original subdivision.
5. **Finding:** The resulting subdivision design and improvements will not be materially detrimental to the residents or tenants of the proposed subdivision or surrounding properties, nor to public health or safety.

**Facts in Support of Finding:**

- The proposed subdivision to re-subdivide the existing parcel to the underlying, legal lots would allow a single-unit dwelling to be constructed on each lot in accordance with the General Plan. Approval does not introduce an incompatible land use and the resulting subdivision design would not be detrimental to the residents as vehicular and pedestrian access would be maintained. Any new development must be performed in accordance with the conditions of approval and the Municipal Code ensuring that there will be no detriment to the neighborhood. The resulting 35-foot wide lots are not inconsistent with the variety of lot widths in the area that include 35-foot wide lots.

Conditions

1. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD83). 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 applicable Public Works Department plan check fees, improvement bonds and inspection fees shall be paid prior to processing of the map by the Public Works Department.
4. County Sanitation District fees shall be paid prior to issuance of any building permits, if required by the Public Works Department or the Building Department.
5. The existing single-unit dwelling shall be demolished prior to recordation of the proposed parcel map by the Orange County Clerk-Recorder's Office.
6. Prior to recordation of the Parcel Map, a park dedication fee for **one** dwelling unit (\$26,125.00 per new additional dwelling unit) shall be paid in accordance with Chapter 19.52 of the Newport Beach Municipal Code. This fee shall be paid upon submittal of the map to the Public Works Department for plan check and deposited into the appropriate Service Area account as identified in the Recreation and Open Space Element of the General Plan.
7. Coastal Commission approval shall be obtained prior to recordation of the Parcel Map.
8. Proposed driveway approaches for each proposed lot shall not be constructed closer than 5 feet to the beginning of the curvature of a curb return, fire hydrant, traffic signal/pedestrian street light, pedestrian street light, utility pole/anchor/pedestal, trees or vent pipe, unless approved by the Public Works Department per City Council Policy L-2.
9. Reconstruct existing broken and/or otherwise damaged concrete sidewalk, curb, gutter and concrete pavement along Channel Road. Limits of replacement shall be at the discretion of the Public Works Inspector.
10. The two existing street trees in the Channel Road right-of-way shall be protected in place per City Council Policy G-1. Any removal of City street trees will require the approval of the General Services Department and/or the Parks, Beach, and Recreation Department and the Zoning Administrator.
11. Remove existing private improvements (brick pavers) from the Channel Road right-of-way.

12. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
13. 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.
14. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
15. 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 unless an Encroachment Agreement is applied for and approved by the Public Works Department.
16. Arrangements shall be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements if it is desired to record a parcel map or obtain a building permit prior to completion of the public improvements.
17. Overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.28.090 of the Municipal Code unless it is determined by the City Engineer that such undergrounding is unreasonable or impractical.
18. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
19. All on-site drainage shall comply with the latest City Water Quality requirements.
20. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
21. 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.
22. 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 Department 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.

23. 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.

**APPEAL PERIOD**

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By:   
James W. Campbell, Zoning Administrator

JWC/ks

Attachments: Vicinity Map

Letters in opposition: Craig and Susan Anderson, 2217 Channel Road

Appeared in Opposition: None

Appeared in Support: None

## VICINITY MAP



Parcel Map No. NP2010-001  
PA2010-002

February 22, 2010

Ms. Kay Sims  
Planning Department  
3300 Newport Blvd.  
Newport Beach, CA 92663-3884

We have received notice (PFN PA2010-002) of the pending lot split for the property at 2222 Channel Road. We are not happy with the proposal. By breaking this property into two smaller lots will definitely change the look and feel of the waterfront. Obviously the developer is here to make money by splitting the lot and creating two new homes on small lots. If these were interior to the peninsula this proposal would be fairly consistent with the overall look of our community, but to chop-up the waterfront will completely change the complexion of the community. Therefore, we are against this subdivision.

Sincerely,

Craig and Susan Anderson  
2217 Channel Road  
Newport Beach, CA 92661

**RECEIVED BY**  
**PLANNING DEPARTMENT**

**FEB 23 2010**

**CITY OF NEWPORT BEACH**



## **COMPREHENSIVE SIGN PROGRAM ACTION LETTER**

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663  
(949) 644-3200 FAX (949) 644-3229

<b>Application No.</b>	<b>Comprehensive Sign Program No. CS2009-002 (PA2009-040)</b>
<b>Applicant</b>	<b>O Cafe</b>
<b>Site Address</b>	<b>2200 Ocean Front West</b>
<b>Legal Description</b>	<b>Block 22 Lot 1</b>

On **February 25, 2010**, the Zoning Administrator approved the application request to allow awning signs, walls signs, a blade sign, and building address signs located on a multi-tenant commercial building. The property is located in the SP-6 (Cannery Village/McFadden Square Specific Plan) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

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### **FINDINGS**

1. The Land Use Element of the General Plan designates the site for "Mixed Use Water Related" land use. The signs are accessory to the primary use.
2. The installations of the signs are categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).
3. The sign program complies with the purpose and intent of Chapter 20.67 of the Newport Beach Municipal Code for the following reasons:
  - The signs enhance the overall development and create harmony with and relate visually to the structures and/or developments they identify as the signs are regulated by size, location, and type to be cohesive throughout the site.
  - The sign program addresses all signs, including permanent, temporary, nonconforming, and exempt signs.
  - The sign program allows for flexibility for future changes that may be necessary because of changes in use or tenants.
  - The sign program complies with the standards of Chapter 20.67, except that deviations are permitted for the total number of signs as the additional signage enhances the overall development and will more fully accomplish the

purpose and intent of the Chapter by providing distinct character to the businesses.

- The sign program does not authorize signs prohibited by Chapter 20.67.
- The review and approval of the sign program does not consider the signs' proposed message content.

### CONDITIONS

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. The development shall be in substantial conformance with the approved site plan, sign details, and sign table/matrix dated February 25, 2010, unless waived or modified by the conditions of approval.
3. The area of the identification wall signs shall be measured by two perpendicular sets of parallel lines that surround the proposed sign copy area.
4. Anything not specifically approved by this Comprehensive Sign Program is prohibited. Revisions to the program may be approved by the Planning Director if the intent of the original approval is not affected. Revisions that substantially deviate from the original approval must be addressed in a separate and subsequent amendment to this Comprehensive Sign Program.
5. Any changes to nonconforming signs (e.g. blade sign, painted signs, window signs) shall be altered, replaced, or removed to be conforming and adhere to the regulations of this Comprehensive Sign Program. Additionally, nonconforming signs shall be removed and altered in compliance with Section 20.67.140 (Nonconforming Signs) of the Zoning Code.
6. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or tenants of the building shall be reviewed and approved by the Planning Department, so long as the sign size, copy configuration and number of signs authorized by this approval does not substantially change or increase. The mandatory reduction or elimination of noncompliant wall signs shall be exercised as necessary, unless otherwise approved by an amendment to this approval or the approval of a modification permit.
7. 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.
8. A building permit shall be obtained prior to commencement of installation of the signs.

9. Signs and awnings shall provide a minimum of 8 feet of clearance between the lowest part of the sign or awning and the grade below, have a maximum projection of 22 inches, and comply with Council Policy L-6 "private encroachments in the public right-of-way".
10. 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.
11. Temporary signs shall be prohibited in the public right-of-way unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
12. The Planning Director or the Planning Commission may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
13. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code.

#### **APPEAL PERIOD**

The decision of the Zoning Administrator may be appealed to the Planning Commission within 14 days of the date of the decision, in accordance with the provision of Section 20.95.050 of the Newport Beach Municipal Code. A filing fee of \$3,070.00 shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

By:   
James W. Campbell, Zoning Administrator

JWC/ems

Attachments: Sign Matrix/Table  
Vicinity Map  
Section 20.67.080 (Standards for Specific Types of Permanent Signs)  
Section 20.67.090 (Standards for Temporary Signs)  
Section 20.67.140 (Nonconforming Signs)  
Site/Illustrative Plans – Available in Project File



**TABLE MATRIX**  
**(PA2009-040 for CS2009-002)**

Comprehensive Sign Program  
2200 Ocean Front West

Designated Street Frontages:

A Ocean Front West

B 22<sup>nd</sup> Street

<b>A – WALL SIGNS(1)</b>		
<b>Suite Address</b>	<b>Primary Frontage Size limitations where applicable</b>	<b>Secondary Frontage – Size limitations where applicable</b>
2200	A - 1.5 square feet/linear foot of store frontage or maximum area of 75 square feet, whichever is less	B - 50% of allowable primary sign allowance or maximum area 37.5 square feet, whichever is less
2200A	B - 1.5 square feet/linear foot of store frontage or maximum area of 75 square feet, whichever is less	NA
2200B	B - 1.5 square feet/linear foot of store frontage or maximum area of 75 square feet, whichever is less	NA
<b>B – AWNING SIGNS(1)(2)</b>		
<b>Suite Address</b>	<b>Number and Location</b>	<b>Size</b>
2200, 2200A, 2200B	Various above doors and windows • Signage limited to letters centered on lower valance area only as depicted on the approved plans	Maximum letter height: 6 inches Maximum Projection: 22 inches
<b>C – BLADE SIGN (1)(2)</b>		
<b>Suite Address</b>	<b>Number and Location</b>	<b>Size</b>
2200 B	One	Maximum Projection: 22 inches
<b>D – TEMPORARY SIGNS</b>		
<b>Suite Address</b>	<b>Number, size, and duration</b>	
2200, 2200A, 2200B	Subject to all requirements of 20.67.090 (Standards for Temporary Signs)	

NOTE: All signs shall substantially conform to the approved set of plans stamped and dated February 25, 2010. Minor changes in sign type, location, and sizes specified in this matrix may be approved by the Zoning Administrator.

- (1) Subject to the regulations of 20.67.080 for sign standards by sign type, unless otherwise indicated by table matrix and or in the finding and conditions in the associated action letter
- (2) A minimum of 8 feet of clearance between the lowest part of a sign/awning and the grade below shall be provided.

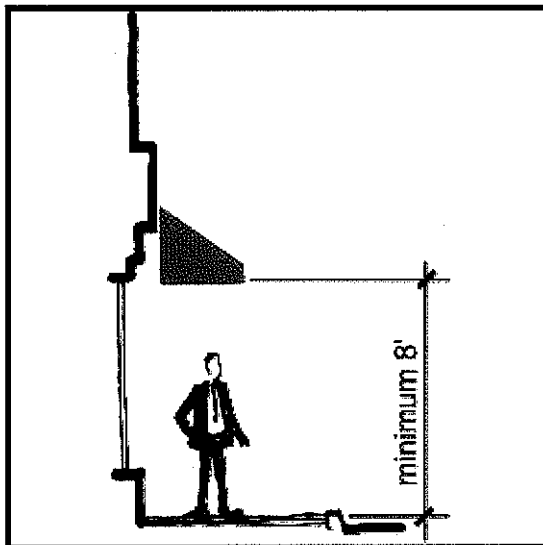
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## 2200 Ocean Front West

February 25, 2010  
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Page 5

Title 20 PLANNING AND ZONING\*Chapter 20.67 SIGNS**20.67.080 Standards for Specific Types of Permanent Signs.****A. Awning Signs.**

1. Lettering, logos, symbols and graphics are allowed on up to fifty (50) percent of the area of a shed (slope) portion of the awning and valance portion of the awning. Signs shall be applied flat against the awning surface. In the case of a barrel-shaped (curved) awning, signs shall not occupy more than sixty (60) percent of the bottom twelve (12) inches of the awning.
2. Only permanent signs that are an integral part of the awning shall be allowed. Temporary signs shall not be placed on awnings.
3. Awning signs shall be allowed for first and second story commercial occupancies only.
4. Awnings shall conform to the size and shape of the window or door they are above. Overly large awnings and awnings with unusual shapes designed for the purpose of providing additional sign area are not allowed. The uppermost part of an awning shall not be located more than two feet above a window or door.
5. Awnings shall not be lighted from under the awning (back-lit awning) so that the awning appears internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.
6. A minimum of eight feet of clearance shall be provided between the lowest part of an awning and the grade below.

**Required Clearance Below Awning**

**B. Changeable Copy Signs.** A sign that contains a changeable copy element may be permitted through the approval of a comprehensive sign program in compliance with Section 20.67.120 (Comprehensive Sign Program) of this chapter, provided the changeable copy element is a component of another sign type permitted under the provisions of this chapter. Approval shall not be based on message content.

## C. Freestanding Signs.

1. Freestanding signs include ground-mounted signs (monument) and pylon signs, which may either have a solid base or a base comprised of two legs. If legs are provided, the proportional dimensions of the sign shall comply with the requirements of subsection (C)(3)(c) of this section.

2. Freestanding signs shall be allowed only for parcels with at least fifty (50) feet of frontage adjoining a public street. In addition, pylon signs are only allowed when a building is set back from the front property line a minimum of forty (40) feet.

3. Freestanding signs shall not exceed the following maximum height dimensions and shall not exceed the proportional dimensions provided below:

a. Pylon sign: Maximum height is equal to twenty (20) feet;

b. Monument sign: Maximum average height is equal to six feet; Maximum overall height is equal to eight feet, including decorative elements and architectural features;

c. Proportional dimensions shall be as follows:

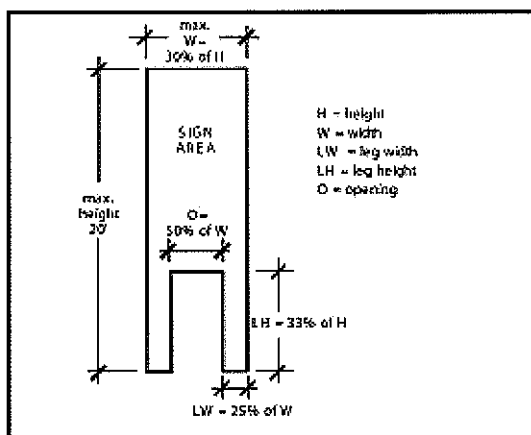
## (1) Pylon Sign.

Maximum  $W = 30\% \times H$

Maximum  $LH = 33\% \times H$

Maximum  $O = 50\% \times W$

Minimum  $LW = 25\% \times W$

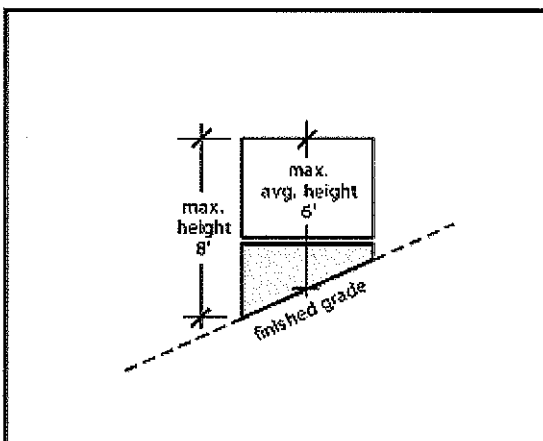
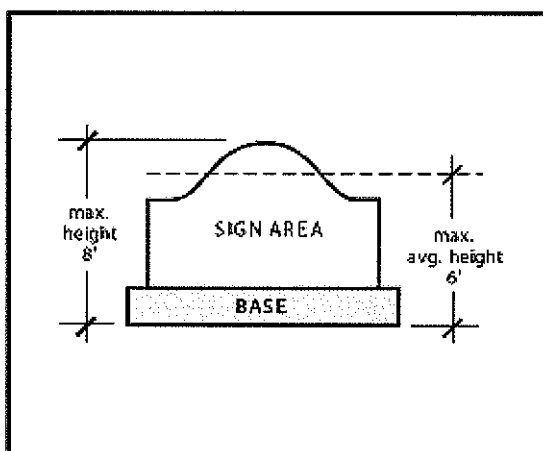
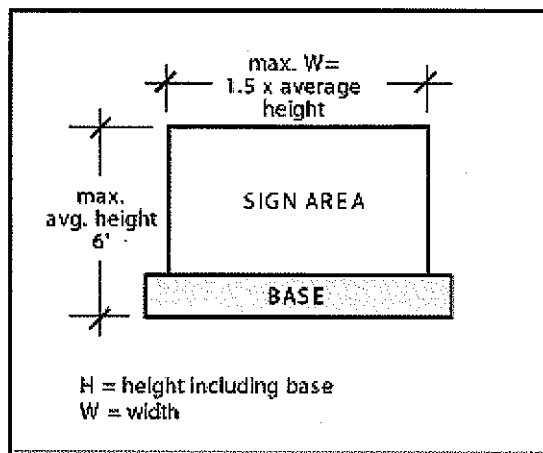


## (2) Monument Sign.

H = height inclusive of the base

W = width exclusive of the base

Maximum  $W = 1.5 \times \text{average } H$

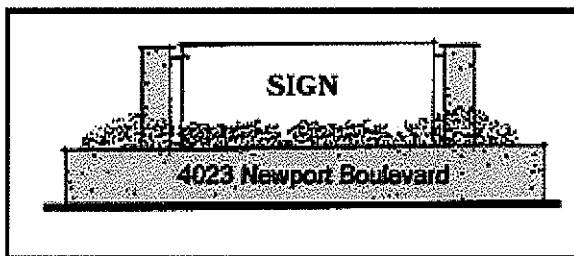


(3) Freestanding signs shall be set back a minimum of five feet from a street or interior property line and a minimum of ten feet from the edge of a driveway.

(4) To ensure the readability of freestanding signs, the minimum letter size allowed shall be twelve (12) inches. Sign copy shall not be located closer than one-half (1/2) letter height to the sign edge or other line of copy.

(5) There shall be a minimum of fifty (50) feet between freestanding signs on adjoining sites to ensure adequate visibility for all signs.

- (6) Freestanding signs shall be a minimum of fifty (50) feet from a lot line of any residentially zoned property.
- (7) Freestanding signs shall not block visibility for motorists at intersections or driveways.
- (8) Freestanding signs shall not project over any building, or over any on-site driveway or vehicle circulation area.
- (9) The supporting structure of a pylon sign shall not include exposed metal pole(s), but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site.
- (10) Landscaping with automatic irrigation shall be provided at the base of the supporting structure equal to twice the area of one face of the sign or seventy-five (75) square feet, whichever is greater. For example, forty (40) square feet of sign area is equal to eighty (80) square feet of landscaped area. The Planning Director may waive or modify this requirement on a case-by-case basis to take into account existing conditions.
- (11) Freestanding signs shall contain an address plate identifying the subject property. Numbers shall be a minimum of six inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated against the allowed sign area.



**Ground Sign with Appropriate Address**

**D. Luminous Tube Signs.** The use of luminous tubes for signs shall be allowed in Commercial Zoning Districts only subject to the following requirements:

- 1. Luminous tube signs shall be UL (Underwriters Laboratories) listed with a maximum thirty (30) milliamps per circuit and be designed to accommodate a dimmer in order to reduce the brightness of the sign.
- 2. The manufacturer shall be registered with Underwriters Laboratories.
- 3. Tubing shall not exceed one-half (1/2) inch in diameter.
- 4. Luminous tube lighting adjacent to residential uses shall not exceed one-half (1/2) footcandle measured at the property line.
- 5. Luminous tubes shall not be combined with any reflective materials (e.g., mirrors, polished metal, highly glazed tiles or other similar materials).
- 6. Luminous tube lighting that surrounds a window, door or similar element is not allowed.

**E. Pedestrian-Oriented Signs.**

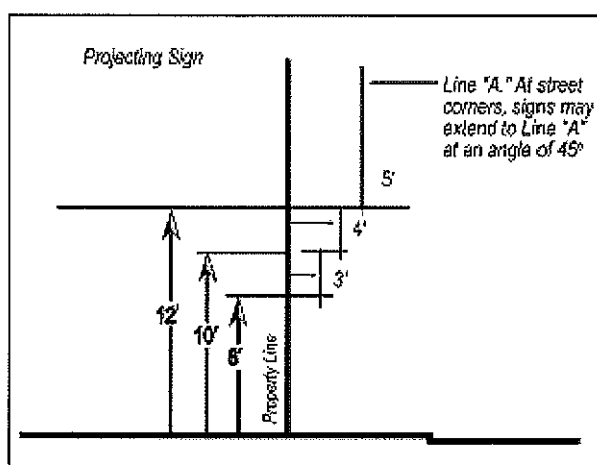
- 1. Signs may be placed perpendicular to the building facade (projecting) or mounted flat against the wall near the building entrance.
- 2. Supporting arms or frames for projecting signs shall be of a decorative design compatible with the design of the sign.

3. Double-faced projecting signs shall be considered a single-face sign for the purpose of calculating sign area.

#### F. Projecting Signs.

1. Signs shall not project more than five feet over public property and shall not project to within two feet of the curbline. The distance any sign may project over public property or beyond a required setback line is governed by the following table:

Distance above sidewalk or grade immediately below sign.	8'-10'	>10'-12'	>12' and up
Maximum projection over property line or building line.	3'	4'	5'



**Maximum Sign Projection**

2. The thickness of any portion of a sign that projects over public property or beyond a setback line shall be as follows:

Projection	5'	4'	3'	2'
Maximum thickness	2'	2'-8"	3'-4"	4'

3. Maximum sign area shall be twenty (20) square feet for a primary frontage and ten square feet for a secondary frontage.

4. Projecting signs shall provide a minimum vertical clearance of eight feet above the surface over which they project.

5. Projecting signs shall not project into an alley or parking area more than three feet and shall not be less than fourteen (14) feet above the surface where vehicles are allowed.

6. Internally illuminated projecting signs shall have opaque face panels so that only the letters, number, symbols, or logos appear illuminated.

7. Projecting signs shall not be closer than ten feet to another projecting sign or to a freestanding sign or five feet from an interior property line or line dividing two separate business frontages.

8. Projecting signs shall not project above an apparent eave or parapet, including the eave of a mansard or simulated mansard roof or above the bottom of a third-story window.

#### G. Projector Sign.

1. A projector sign shall project only upon the property occupied by the associated use or the public right-of-way within ten feet of the building occupied by the use.
2. The sign area of the projector sign shall be included within the overall allowed sign area for the use.
3. Illumination from the projector mechanism shall not pose a hazard for pedestrians or motorists and shall be screened from view to the maximum extent feasible.

H. Signs on Architectural Projections. The following regulations apply to signs that are located on, attached to, or are an integral part of a projecting architectural feature (e.g., canopy) located not more than fifteen (15) feet above street level.

1. Signs may be erected on top of an architectural projection provided the sign is comprised of three-dimensional letters only that do not exceed eighteen (18) inches in height. No internal illumination is allowed.
2. Signs may be attached to the face of an architectural projection provided the sign does not exceed a maximum thickness of ten inches as measured from the face of the sign to the outer face of the architectural projection and that the letters do not exceed a height of eighteen (18) inches. No internal illumination is allowed.
3. The maximum sign area for signs mounted on architectural projections shall be included with other permitted signs identified in Table 20.10 (Standards for Permanent Signs) of this chapter.
4. Signs may be placed below and may be supported by an architectural projection provided the sign shall not exceed four feet in length and sixteen (16) inches in height. Internally illuminated signs are not allowed. Signs shall not be less than eight feet above the sidewalk and shall be placed perpendicular to the face of the building.

#### I. Wall Signs.

1. Signs shall be located only on a designated building frontage and shall not extend above an eave or parapet, or above or below a fascia on which they are located.



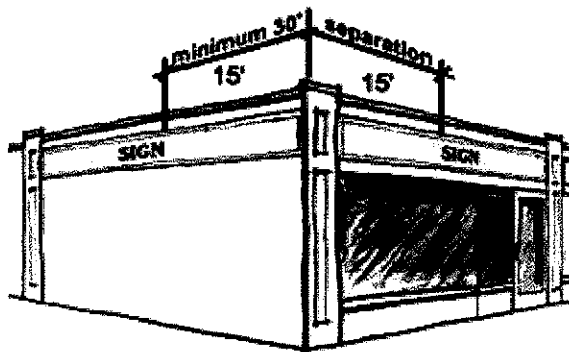


Appropriate Wall Sign Location



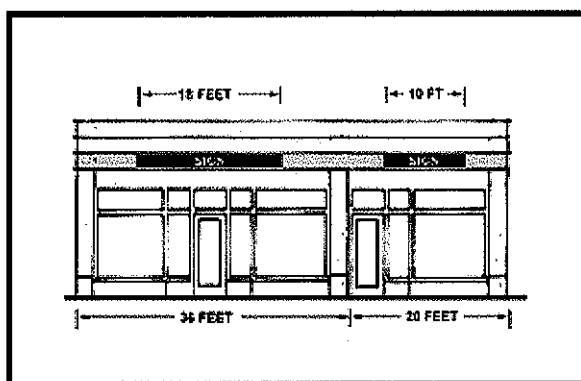
Not Allowed

2. Signs located on adjacent walls on the same building shall be separated by a minimum of thirty (30) feet measured along the exterior walls of the building.



Required Separation of Wall Signs

3. Signs may be either internally or externally illuminated. Internally illuminated cabinet signs shall comply with the provisions of Section 20.67.060(H) (Illuminated Signs) of this chapter.
4. Electrical raceways shall be integrated with the overall design of the sign to the greatest degree. Raceways shall not extend beyond the outside edges of the sign copy and shall be painted to match the color of the background on which they are placed.
5. Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than twelve (12) inches.
6. Signs shall be located within the middle fifty (50) percent of the building or tenant frontage measured from lease line to lease line. The Planning Director may waive this requirement where it can be clearly demonstrated that it severely limits proper sign placement.



**Appropriate Wall Sign Location**

7. Signs attached to the sloping face of hipped/sloped roofs, mansard overhangs, or similar architectural features intended to resemble or imitate roof structures shall require approval of a modification permit.

**J. Window Signs, Permanent and Temporary.**

1. Window signs, including permanent and temporary signs shall not occupy more than twenty (20) percent of the total window area on either a designated primary or secondary building frontage. For the purpose of this requirement, a window is any glazed area, including glass curtain walls.

2. Signs shall be allowed only on windows located on the ground floor and second story of either a designated primary or secondary building frontage.

3. Signs shall be permanently painted or mounted on the inside of windows and doors except for allowed temporary signs.

4. Signs within five feet of a storefront window shall be counted as window signs for the purpose of calculating total sign area and number of signs.

**K. Miscellaneous Signs.**

1. Business Directory Signs. Multi-tenant buildings are allowed tenant directory signs with a maximum area of eight square feet each. No illumination is allowed.

2. Service Station Signs. The following regulations shall be applicable to service stations, in addition to all other provisions of this chapter.

**a. General.**

(1) Signs shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.

(2) Instructional and warning signs and signs required or authorized by State or Federal law shall be exempt from the provisions of this section.

**b. Ground Signs.**

(1) Number. One per site.

(2) Area. Not to exceed twenty (20) square feet; thirty-six (36) square feet when combined with a fuel price sign.

(3) Height. Not to exceed four feet.

(4) Additional Regulations. Ground signs shall be located in a landscaped planter with a minimum

area equal to the area of the sign.

c. Fuel Price Signs.

(1) Number. One per street frontage.

(2) Area. Twelve (12) square feet per sign.

(3) Height. Not to exceed four feet.

(4) Additional Regulations.

(a) Separate fuel price signs shall only be permitted in lieu of the thirty-six (36) square foot combined ground sign/fuel price sign permitted in this subsection.

(b) Fuel price signs shall advertise the price and grade of fuel only and no other advertising shall be permitted unless in conjunction with a monument as provided in this section.

(c) Fuel price signs shall be located in a landscaped planter with a minimum area equal to the area of the sign.

d. Wall Signs.

(1) Number. One per building frontage.

(2) Area. The area of a wall sign shall not exceed one square foot for each lineal foot of building frontage.

(3) Length. The length of a wall sign may be up to fifty (50) percent of the building frontage, not to exceed thirty (30) feet.

e. Canopy Signs.

(1) Type. Signs on service station canopies shall be limited to logos only.

(2) Number. One canopy sign per street frontage.

(3) Area. The area of a canopy sign shall not exceed six square feet.

(4) Additional Regulations. Canopy signs shall not extend beyond the gable or fascia board of the canopy.

f. Service Island Signs. One sign, not exceeding four square feet, shall be permitted on or in front of each end of a service island to identify methods of sale (i.e., self-serve or full-serve).

g. Window Signs.

(1) Number. One per window.

(2) Area. No permanent window sign shall cover more than twenty (20) percent of the visible window area.

(3) Materials. Permanent window signs shall be applied directly to the window surface.

h. Temporary Signs. Refer to Section 20.67.090 (Standards for Temporary Signs) of this chapter. (Ord. 2005-17 § 3 (part), 2005)

[<< previous](#) | [next >>](#)

## Title 20 PLANNING AND ZONING\*

## Chapter 20.67 SIGNS

**20.67.090 Standards for Temporary Signs.**

A. Number, Size and Duration Allowed. Table 20.20 provides standards under which temporary signs are allowed. Temporary signs are allowed in addition to the number of permanent signs allowed for the property. However, combinations of permanent and temporary window signs shall not cover more than twenty (20) percent of any window. References in the last column provide additional regulations for specific sign types located elsewhere in this chapter. In the case of an inconsistency between regulations provided in the table and regulations provided for general or specific sign types, the general regulations or regulations for specific sign types shall take precedence.

**Table 20.20****Temporary Signs**

<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Duration</b>	<b>Additional Requirements</b>
Promotional temporary banners	1 sign per site, including window signs.	75 square feet for banner, 3 square feet for rigid sign. Window signs, 20% of any window area.	10 feet or bottom of lowest second floor window.	Up to 4 times per year, not to exceed 60 days total per year.	Subject to all requirements of this section.
Establishment identification	One sign per building frontage.	Same as for permanent signs.	Same as for permanent signs.	60 days per calendar year.	Allowed only while permanent signs are being obtained.
Construction project signs.  Nonresidential and residential.	1 sign per street frontage, 2 signs maximum.	32 square feet per sign in nonresidential. 6 square feet in residential.	8 feet in nonresidential. 4 feet in residential.	Displayed after issuance of building permit or equivalent; shall be removed after earliest of certificate of completion, certificate of occupancy, or final building inspection.	Only on the property where construction is taking place and shall not obstruct visibility at intersections.
Restaurant menu signs	1 per restaurant	4 square feet per sign.	5 feet.	During hours establishment is open.	Mounted only on portable easel-type structures; only on property of the

					establishment within 10 feet of the primary entrance.
Real estate signs for residential and nonresidential properties	Allowed in compliance with Section 20.67.090(F) (Real Estate Signs) of this section. Temporary sign permit not required.				
Search lights, Klieg lights	Allowed in conjunction with special event permit.				
Yard sale sign	1 sign per street frontage	3 square feet	4 feet	2 days within a 30-day period.	Shall be placed only on the property where the sale is being held. Allowed in compliance with Section 20.67.100(B) (Exemptions to Sign Permit Requirement) of this chapter.

#### B. Placement of Temporary Signs.

1. Signs are allowed on private property only and shall not be placed in public rights-of-way or at off-site locations.
2. Signs may be placed only on building frontages in locations where permanent signs are allowed.
3. Sign shall not be attached to temporary structures, except restaurant menu signs, which may be attached to easel-like structures.

#### C. Illumination Prohibited. Signs shall not be illuminated.

#### D. Durable Materials Required. Signs shall be constructed of durable material suitable to their location and purpose.

#### E. Removal of Signs. Temporary signs and their components shall be promptly removed at the expiration of the temporary sign permit.

#### F. Real Estate Signs.

##### 1. Residential Districts.

a. Real estate signs are permitted, on a temporary basis, in Residential Zoning Districts, subject to the criteria provided in this subsection.

(1) In the R-A, R-1, R-1.5, R-2, MFR and PRD Districts, as well as PC Districts that provide for residential uses and contain no specific provisions relative to temporary signs, temporary real estate signs are permitted subject to the following:

- (a) One sign per lot except as provided in subsections (e) and (f) below;

- i. The sign shall not exceed two hundred sixteen (216) square inches (1.5 square feet),
  - ii. The sign may have one rider not to exceed ninety-four (94) square inches,
  - iii. The sign may include one brochure box not to exceed one hundred fifty-four (154) square inches. For purposes of this section, a brochure box means a plastic or metal container designed to hold brochures or flyers describing or advertising the real property for sale, lease, rent or exchange,
  - iv. The overall height of the installed sign, rider, and brochure box shall not exceed four feet above ground unless the sign is mounted flush to a wall;
- (b) The sign shall be placed on the parcel for sale, lease, rent or exchange and shall not be installed in a manner that creates a hazard for traffic or pedestrians;
- (c) No flags, pennants, balloons or other attention-attracting devices shall be displayed;
- (d) The sign shall be removed immediately after the sale, lease or rental of the property has been consummated;
- (e) One additional real estate sign may be posted during the time an owner or owner's agent is on the premises and the premises are open for inspection, subject to the following:
- i. The sign shall not exceed two hundred sixteen (216) square inches (1.5 square feet) and riders are not permitted,
  - ii. The sign shall not be installed in medians or anywhere within the traveled way of any street or highway, nor installed in a manner that creates a hazard to traffic or pedestrians; provided, however the sign may be installed on or in a vehicle parked on the street adjacent to the property for sale, lease, rent or exchange if there is no feasible way of installing the sign on private property due to absence of front yard setback or other conditions,
  - iii. The overall height of the sign shall not exceed four feet above ground unless the sign is installed on a vehicle as provided in subsection (F)(1)(e)(ii) of this section; or other conditions exist that require the sign to exceed four feet to be reasonably visible from the street; however, in no event shall the sign be higher than necessary to be reasonably visible from the street;
- (f) In addition to the real estate sign permitted in subsection (e) above, three off-site signs are permitted when the owner or owner's agent is on the premises and the premises are open for inspection, subject to the following:
- i. Each off-site real estate sign shall not exceed two hundred sixteen (216) square inches (1.5 square feet) and riders are not permitted,
  - ii. The overall height shall not exceed four feet above ground,
  - iii. The sign shall not be installed before eight a.m. and shall be removed no later than sunset,
  - iv. The sign shall not be installed in medians or anywhere within the traveled way of any street or highway, nor installed in a manner that creates a hazard to traffic or pedestrians. The sign shall not be attached to any public property.
- b. All Residential Districts: Residential properties shall be permitted one real estate sign not exceeding twenty (20) square feet in area that advertises the first sale of structures and/or lots in any district for a period of time not to exceed one year following the recordation of the final subdivision map.
2. Commercial and Industrial Districts. Commercial and industrial properties shall be permitted one temporary real estate sign not exceeding twenty (20) square feet in area that advertises the sale, rental or lease of the premises upon which the sign is located. Permanent installations of

real estate signs shall be subject to the sign standards for permanent signs in this chapter for commercial, office and industrial zones. (Ord. 2005-17 § 3 (part), 2005)

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new/revised Innovative Sign Program by the Planning Commission

## **20.67.140 – Nonconforming Signs**

**A. Removal of certain types of nonconforming signs.** The following nonconforming signs shall be removed or altered to be conforming within 15 years of the effective date of this section, unless an earlier removal is required by the provisions of subsection B, below.

1. Roof signs.
2. Pole signs.
3. Internally illuminated signs with a translucent face.
4. Signs with letters, text, logos, or symbols taller than permitted by this Chapter.
5. Signs that exceed 75 square feet in total sign area.

**B. Removal of nonconforming signs.** Nonconforming signs shall be removed if:

1. The nonconforming sign is more than 50 percent destroyed, and the destruction is other than facial copy replacement. A nonconforming sign shall be deemed to be more than 50 percent destroyed if the estimated cost of reconstruction exceeds 50 percent of the replacement cost as determined by the Building Official.
2. The nonconforming sign is remodeled, unless the sign is remodeled to comply with the provisions of this Chapter.
3. The nonconforming sign is located on a building that is enlarged or expanded, if the nonconforming sign is affected by the construction, enlargement, remodel, or expansion. An enlargement, remodel, or expansion of the portion of the building upon which the nonconforming sign is located or that is more than 50 percent of the building area shall be deemed to affect the nonconforming sign.
4. The nonconforming sign is temporary.

**C. Deactivation of flashing features.** The owner of a sign that contains flashing features shall permanently deactivate the flashing features.

**D. Continuance of nonconforming signs.** Except as provided in 20.67.140 subsections A and B, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

1. Structurally changed to another nonconforming sign, although its copy and pictorial content may be changed.



2. Structurally altered to prolong the life of the sign, except to meet safety requirements.
  3. Expanded or altered in any manner that increases the degree of nonconformity.
- E. Repairing and repainting.** Nonconforming signs shall only be painted and repaired in place and shall not be removed from their existing location, except for building remodeling, unless removal of the sign for painting or repair is part of the sign's customary maintenance and repair.
- F. Change of business ownership.** Upon a change of ownership, the new owner of a nonconforming sign may change the name or names on the sign so long as there is no change in the structure or configuration of the sign.

## **20.67.150 – Abandoned Signs**

### **A. Removal of abandoned signs.**

1. An abandoned sign or an abandoned nonconforming sign shall be immediately removed by the owner or lessee of the premises upon which the sign is located or by a person, organization, or other entity that directly or indirectly receives a benefit from the information contained on the sign.
2. A sign frame or structure that has been abandoned shall be immediately removed by the owner or lessee of the premises upon which the sign frame or structure is located.

**B. Presumption that a sign is abandoned.** A sign that identifies or advertises a business that has ceased; is located upon a structure that has been abandoned by its owner; has not identified a bona fide business, lessor, service, owner, product, or activity available upon the site, for more than 90 days; or that has not been removed within 30 days after the occurrence of the event or activity, shall be presumed abandoned.

**C. Notice that a sign is presumed abandoned.** The Planning Director shall send a person responsible for a sign presumed to be abandoned an Abandoned Sign Notification. Failure of the person to respond within 30 days to the Abandoned Sign Notification shall serve as prima facie evidence of intentional permanent abandonment of the sign.