

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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: James W. Campbell, Acting Planning Director

SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending April 15, 2011

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**ACTIONS TAKEN AT APRIL 14, 2011 ZONING ADMINISTRATOR HEARING**

- Item 1: Sanner Residence - Modification Permit No. MD2010-024 (PA2010-169)  
440 Mendoza Terrace
- This item was approved. Council District 6
- Item 2: Jasmine Parcel Map – Parcel Map No. NP2011-002 (PA2011-026)  
403 and 403 ½ Jasmine Avenue
- This item was approved. Council District 6
- Item 3: Begonia Parcel Map - Parcel Map No. NP2011-001 (PA2011-025)  
620 Begonia Avenue
- This item was approved. Council District 6
- Item 4: Narcissus Parcel Map - Parcel Map No. NP2011-003 (PA2011-028)  
515 Narcissus Avenue
- This item was approved. Council District 6
- Item 5: Squar Milner Sign Modification - Modification Permit No. MD2011-002 (PA2011-022)  
4100 Newport Place
- This item was approved. Council District 4
- Item 6: Modification Corinthian Way Mural Installation - Modification Permit No. MD2011-005 (PA2011-040)  
4341 MacArthur Boulevard
- This item was approved. Council District 4

Item 7: Balboa Fitness Parking Facility – Minor Use Permit No. UP2011-005 (PA2011-034)  
2000 West Balboa Boulevard

This item was continued to the 04/28/11  
Zoning Administrator Hearing.

Council District 1

On behalf of James W. Campbell, Acting Planning Director:



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Patrick J. Alford, Planning Manager

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* Dana Smith, Assistant City Manager  
Leonie Mulvihill, Assistant City Attorney  
David Keely, Public Works Senior Civil Engineer  
Code Enforcement Division



Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.

**Facts in Support of Finding:**

- The area of the required 15-foot setback adjacent to De Sola Terrace slopes down with a steep slope thereby limiting the amount of usable deck or yard area. By allowing the deck to encroach up to 4 feet, 7 inches into the 15-foot setback, more usable deck space can be captured, while still preserving the open yard area and maintaining the characteristics of the neighborhood.
- The property is rectangular shape but slightly skewed as none of the property lines are precisely parallel. Also, the principal structure was constructed such that it was oriented with the property line along Mendoza Terrace resulting in an unparallel alignment with the property line along De Sola Terrace. Consequently, with the modified and approved request, the deck can be built parallel to the principal structure and have a maximum encroachment of 4 feet, 7 inches at the easterly portion and diminish to a 7-inch encroachment towards the westerly end.
- Approving the applicant's full request would allow the deck to encroach 7 feet at the easterly portion and diminish to 3 feet toward the westerly end. However, there is no reasonable justification demonstrating that the granting of the applicant's full request is necessary due to practical difficulties associated with the property. The full request is excessive and unnecessary and will likely be viewed by other property owners in the neighborhood as a precedent supporting similar requests in the future.
- Strict application of the Zoning Code pursuant to Chapter 20.60.030 J. limits bay window encroachments to the first floor only. The subject bay window is a minor encroachment that meets Zoning Code requirements except that it is located on the second floor. However, due to the topography of the lot (a steep slope down towards De Sola Terrace), the bay window appears to be on the first floor as viewed from Mendoza Terrace, which is where access to the building is provided.
- The required side yard setbacks for the subject property are 6 feet. Portions of the existing house are constructed with 5-foot side yard setbacks. Pursuant to 20.50.030 an addition to the principal building of the subject property shall be allowed to be constructed to the side yard setback line in effect at the time the principal building was constructed. Though the subject bay window was built to the side yard setback line in effect at the time the principal building was constructed, the strict application of the Zoning Code does not provide a provision to allow architecture features, such as bay windows, to be constructed to the side yard setback line in effect at the time the principal building was constructed.

- Strict application of the Zoning Code pursuant to Chapter 20.60.030.A.4 limits the height of fences in the front yard setback area to a maximum of 3 feet above natural grade. The existing 6-foot tall wrought iron fencing is placed on top of an existing retaining wall at the bottom of a sloping front yard along De Sola Terrace. Limiting the existing fencing height to 3 feet would not be consistent with building code requirements due to the slope of the front yard.
- The Zoning Code currently in effect, which was adopted on November 25, 2010, allows certain structures including fencing to a maximum height of 42 inches within said setback. To ensure safety, the Building Code requires guards and fencing on a retaining wall or slope to be measured from the grade point 36 inches horizontally. Since the existing fence is placed at the bottom of a slope, the fence would be measured from a point 36 inches uphill. As such, the fencing would need to be higher than 42 inches to safely serve its purpose as a guard.

3. **Finding:** The requested modification will be compatible with existing development in the neighborhood.

**Facts in Support of Finding:**

- The bay window is existing and consistent with the 5-foot side yard setback maintained by a portion of the principal building. Many other homes in the neighborhood were also built with 5-foot setbacks. Thus, the bay window does not appear out of line or uncharacteristic.
- Several homes within the neighborhood have decks constructed on the steep hillside of the frontage along De Sola Terrace and the subject deck does not appear out of line or uncharacteristic. Also, to lessen its visual impacts, the required guardrails of the deck, as conditioned, shall be constructed of either transparent material (except for supports) or open railing so that at least 40 percent of the railing is open.
- The second floor bay window is designed similar to a bay window that could be constructed on the first floor and presents no negative visual impacts.
- Several homes within the neighborhood have landscaping and fences within the front yard setback that are taller than three feet. A 5-foot high fence is similar in size and scale to other developments in the neighborhood.

4. **Finding:** The granting of such an application will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be detrimental to the general welfare or injurious to property or improvements in the neighborhood.

**Facts in Support of Finding:**

- The encroachments will not affect the flow of air or light to adjoining residential properties and will not have any impact on noise, population density, traffic congestion, and other adverse environmental effects as these issues are typically not associated with the addition of an architectural feature.
- The encroachments are located entirely within the property lines of the subject site and do not endanger any property or potential improvement to any neighboring property.
- The encroachments will not alter or intensify the single-family residential use of the property.
- The existing bay window and fencing have not proven detrimental.

**CONDITIONS**

1. The development shall be in substantial conformance with the approved plot plan and elevations, except as noted and modified in the following conditions.
2. The height of the existing 6-foot high fence within the front yard setback shall be reduced in height, or replaced, so that the fence is a maximum of 5 feet high. The fence may exceed 5-feet only if required by the Building Division for safety purposes.
3. Within 90 days after the effective date of this action, the property owner or authorized representative shall obtain a building permit for the alteration or replacement of the wrought iron fence.
4. Within 30 days after the effective date of this action, the property owner or authorized representative shall obtain a building permit for the existing bay window approved by this modification permit. The bay window shall not encroach more than a maximum of 10 inches into the 6-foot side yard setback.
5. The second floor deck, including the guardrails, may encroach a maximum of 4 feet, 7 inches into the 15-foot setback adjacent to De Sola Terrace and shall be orientated parallel to the principal building so that the encroachment diminishes to 7 inches on the westerly end.
6. The second floor deck guardrails shall be constructed of transparent material (except for supports) or open railing so that at least 40 percent of the railing is open.
7. Anything not specifically approved by this modification permit is prohibited and must be addressed in a separate and subsequent modification permit 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 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.
10. A building permit shall be obtained prior to commencement of the construction.
11. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
12. If any of the existing public improvements surrounding the site is 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.
13. 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.
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 action of the Sanner Residence including, but not limited to Modification Permit No. MD2010-024. 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.

15. 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.

**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. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By:   
Gregg Ramirez, Zoning Administrator

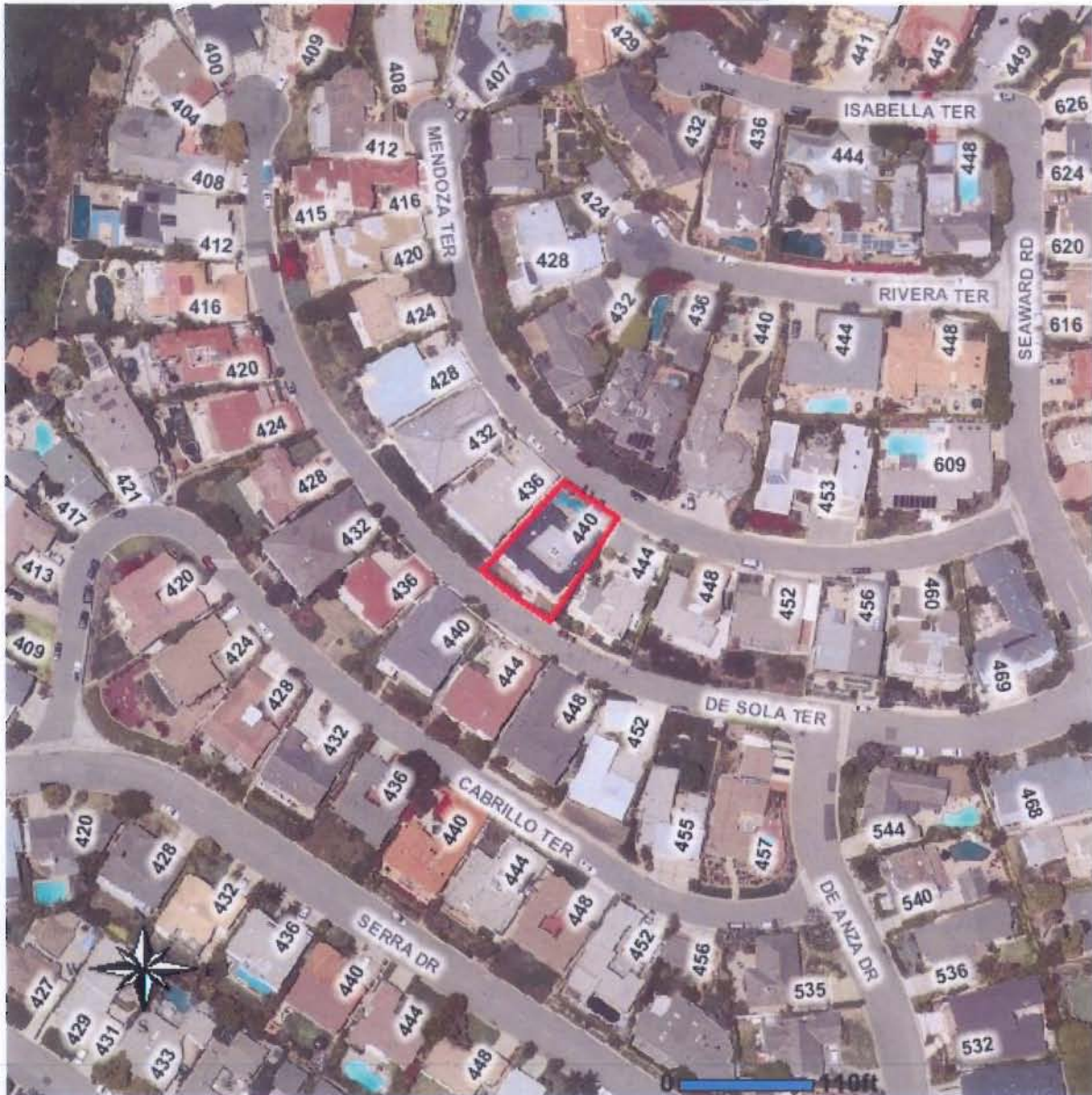
GR/ems

Attachments: Vicinity Map  
Applicant's Justification Statement  
Project Plans

Appeared in Opposition: None  
Appeared in Support: David Sanner



# VICINITY MAP



Modification Permit No. MD2010-024  
PA2010-169

**440 Mendoza Terrace**

**SUPPLEMENTAL INFORMATION  
PROJECT JUSTIFICATION REQUEST:**

In order to review and evaluate your Modification Permit Application, please provide responses to the three required findings listed below. The intent of the code is to establish objective reasons or facts in support of the Modification Permit Findings utilized by the Zoning Administrator in the decision making process.

Therefore, effective November 23, 2004, all Modification Permit Applications received in the Planning Department shall include a written applicant's statement addressing the three required findings listed below. Please note: Applications submitted without the accompanying statement may be deemed incomplete and may cause a delay in the application process.

**Required Additional Information:**

Please provide a detailed description of the proposed request in relation to each of the findings listed below. In addition, clearly state only the objective reasons for requesting a Modification Permit (attach additional sheets if necessary).

Project Criteria:

- A. Why is the granting of this application necessary due to practical difficulties associated with the property and why the strict application of the Zoning Code results in physical hardships inconsistent with the purpose and intent of the Zoning Code?

PLEASE SEE ATTACHMENT A

- B. How will the requested modification be compatible with existing development(s) in the neighborhood?

PLEASE SEE ATTACHMENT B

- C. How and why will the granting of such an application not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood?

*The proposed deck extension will be compatible with other neighborhood decks as most homes have a deck this size or larger. The proposed deck will not overpower the house in size or scope. The deck will not obstruct anyones view or affect anyones privacy.*

DAVID SANNER

Print Name

*David Sanner*

Signature

For Office Use Only

## ATTACHMENT A

Our lot is quite steep and shallow in depth with very little usable rear-yard area. The existing deck off the main floor level is the only real practical rear yard available space. However, the current setback limits our existing deck to between 2½ and 4½ feet wide rendering the deck impractical and virtually unusable. The proposed extension of 7 feet on the east side tapering off to 5 feet on the west side would allow us a functional deck and some outdoor usable space. Our lot is slightly under 100 feet in depth while a majority of the lots in the immediate neighborhood have greater depth allowing them a true backyard or larger deck area.

440 MENDOZA TERRACE

MODIFICATION PERMIT NO. MD 2010-024 (PA 2010-169)

**SUPPLEMENTAL INFORMATION  
PROJECT JUSTIFICATION REQUEST:**

In order to review and evaluate your Modification Permit Application, please provide responses to the three required findings listed below. The intent of the code is to establish objective reasons or facts in support of the Modification Permit Findings utilized by the Zoning Administrator in the decision making process.

Therefore, effective November 23, 2004, all Modification Permit Applications received in the Planning Department shall include a written applicant's statement addressing the three required findings listed below. Please note: Applications submitted without the accompanying statement may be deemed incomplete and may cause a delay in the application process.

Required Additional Information:

Please provide a detailed description of the proposed request in relation to each of the findings listed below. In addition, clearly state only the objective reasons for requesting a Modification Permit (attach additional sheets if necessary).

Project Criteria: KITCHEN BAY WINDOW & REAR W.I. FENCE

A. Why is the granting of this application necessary due to practical difficulties associated with the property and why the strict application of the Zoning Code results in physical hardships inconsistent with the purpose and intent of the Zoning Code?

\_\_\_\_\_  
*Please see Attachment*  
\_\_\_\_\_

B. How will the requested modification be compatible with existing development(s) in the neighborhood?

\_\_\_\_\_  
*Please see Attachment*  
\_\_\_\_\_

C. How and why will the granting of such an application not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood?

\_\_\_\_\_  
*Please see Attachment*  
\_\_\_\_\_

DAVID SANNER

Print Name

*David Sanner*

Signature

RECEIVED BY  
PLANNING DEPARTMENT  
FEB 17 2011  
CITY OF NEWPORT BEACH

For Office Use Only

SUPPLEMENTAL INFORMATION ATTACHMENT  
(Existing Kitchen Bay Window)

- A. The bay window currently exists and conforms to the prior 5-foot side yard setback code requirements.
- B. I believe that most of the homes constructed in my neighborhood conform to the old 5-foot setback requirements as does my house including the bay window.
- C. The bay window has no negative visual impact to any neighbors and is barely visible. At its northern edge, the bay window projects 10 inches into the 6-foot setback and at its southern edge projects only 3 inches into the 6-foot setback.

SUPPLEMENTAL INFORMATION ATTACHMENT  
(Existing 6-foot wrought iron fence)

- A. Unfortunately, when we purchased our house in 2009, we were completely unaware of any height issues with the rear fence. Prior to our close of escrow, a building inspector from the City inspected the property, but there was no mention of the fence issue. I would like to keep the fence due to the difficulty and expense in removing the landscaping and the wrought iron and the steel supports adjacent to the retaining wall. Removal would also cause damage to the retaining wall where the fence is bolted in which would result in additional repair expense.
- B. The existing rear landscaping of both of my adjoining neighbors is approximately the same height or higher than my landscaping along the fence and therefore matches nicely as far as color and height. (See attached photos)
- C. I am not aware of any complaints regarding the existing fence or landscaping. The landscaping conceals much of the fence and acts as a pleasant screening of my rear yard for my neighbors.

## ATTACHMENT B

Our street (Mendoza Terrace) and the block above (Riviera Terrace) and the block below (DeSola Terrace) are single-loaded streets with steeply-graded lots and views oriented towards the rear. Therefore, many homeowners have good-sized rear decks to take advantage of views and provide usable outdoor space.

The proposed deck extension (7 feet on the east side tapering off to 5 feet on the west side) into the rear 15-foot setback is compatible with other homes in the neighborhood because most of the homes have rear decks and similar modifications have been granted for houses with steep rear yards.

**412 Mendoza Terrace:** The owners obtained a modification for a deck that encroaches 2½ feet into the required 10-foot setback and 1-foot into the side yard setback.

MD3464

**444 Mendoza Terrace:** Our immediate neighbor to the south has a second floor deck extension that appears to encroach 7 feet into the 15-foot rear setback.

**448 Mendoza Terrace:** The owners obtained a modification for a 4-foot encroachment into the 15-foot rear setback and an encroachment of 6 feet into the required 6-foot side yard setback for their deck.

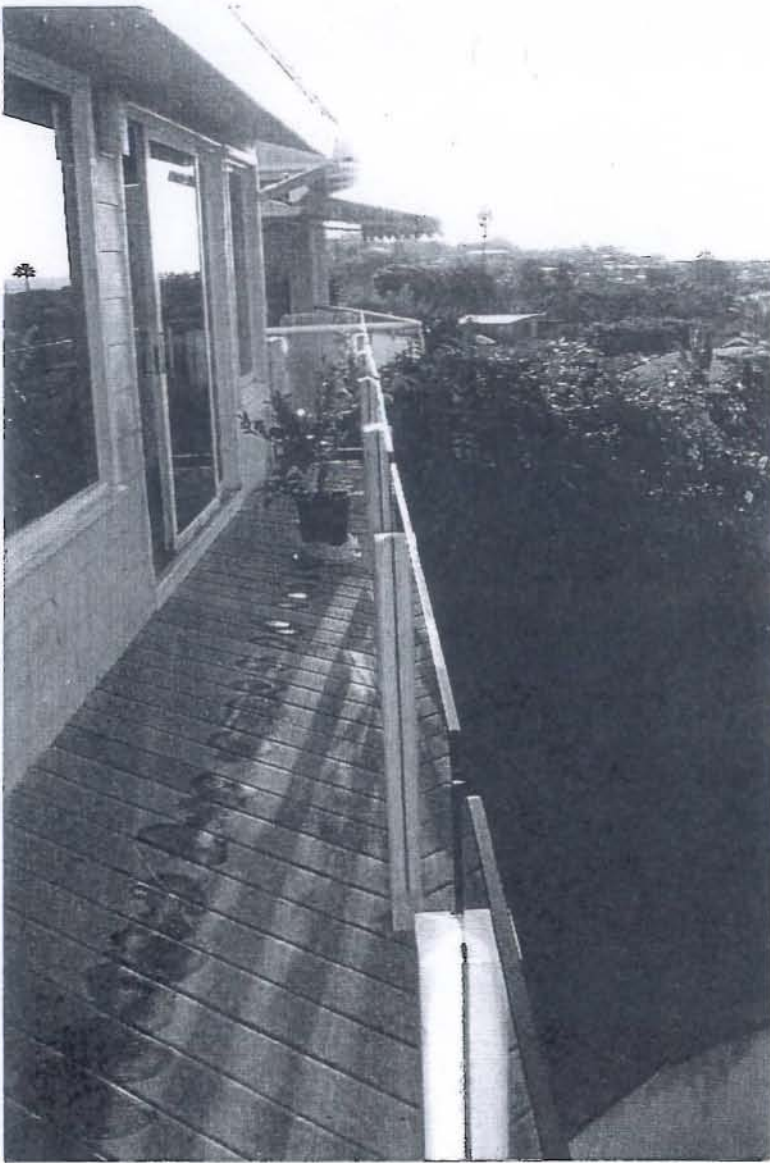
MD3672

**456 Mendoza Terrace:** The owners obtained a modification for a retaining wall and raised deck that encroaches about 11½ feet into the 15-foot rear setback.

PA2003-226

**436 Riviera Terrace:** Our neighbors immediately across the street obtained a modification for a second-floor deck with a 7-foot encroachment into the 15-foot rear setback. This property is also fronted by single-loaded streets with a steep rear yard.

MD3322

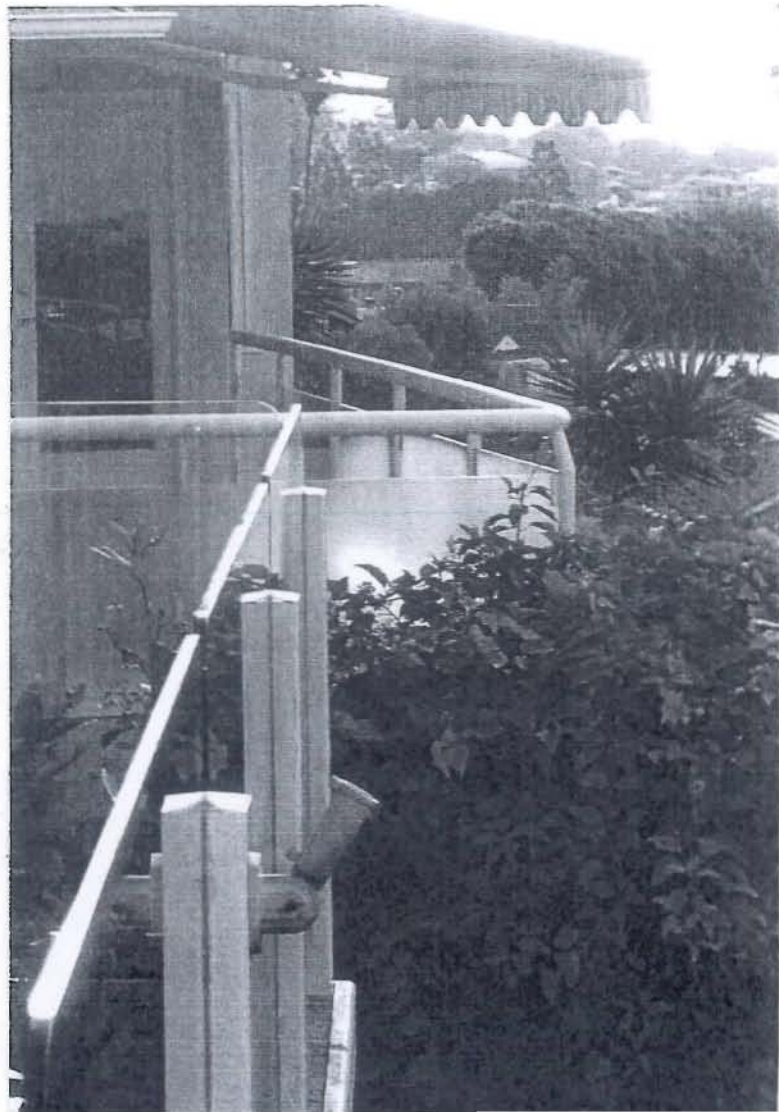


**440 Mendoza Terrace**

Rear deck is 2 1/2 ft. wide on south  
increasing to 4 1/2 ft. wide on north end

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PA2010-169 for MD2010-024  
440 Mendoza Terrace  
Sanner Family Trust



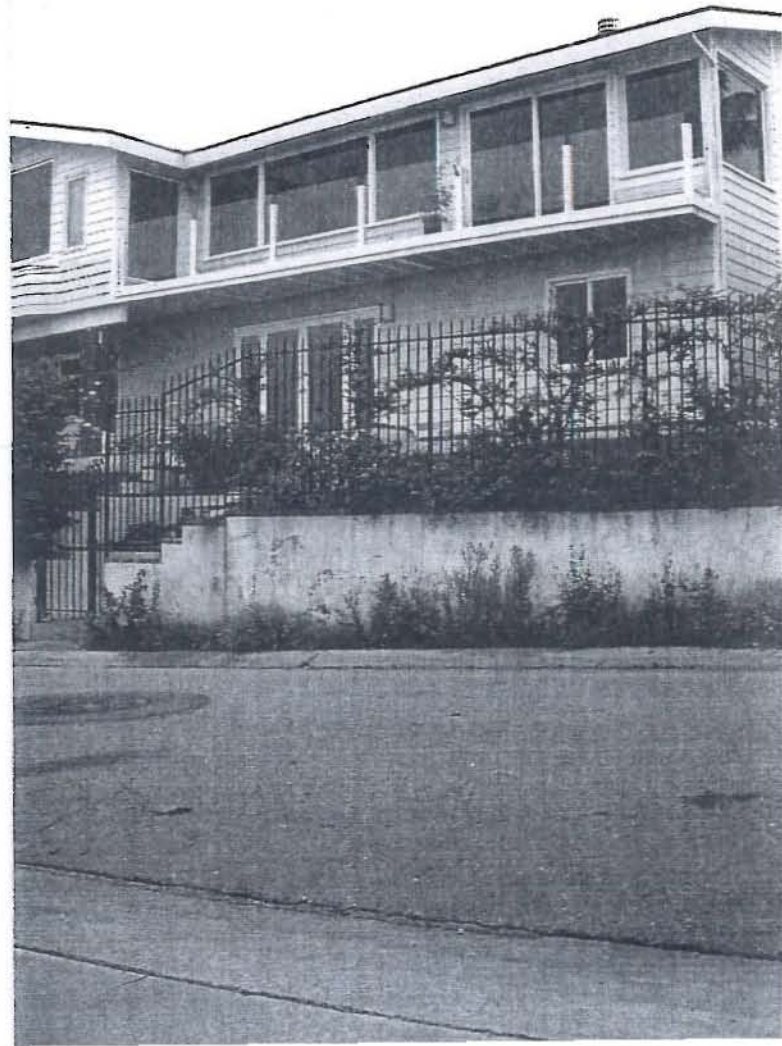
From deck at 440 Mendoza looking at deck at  
444 Mendoza Terrace

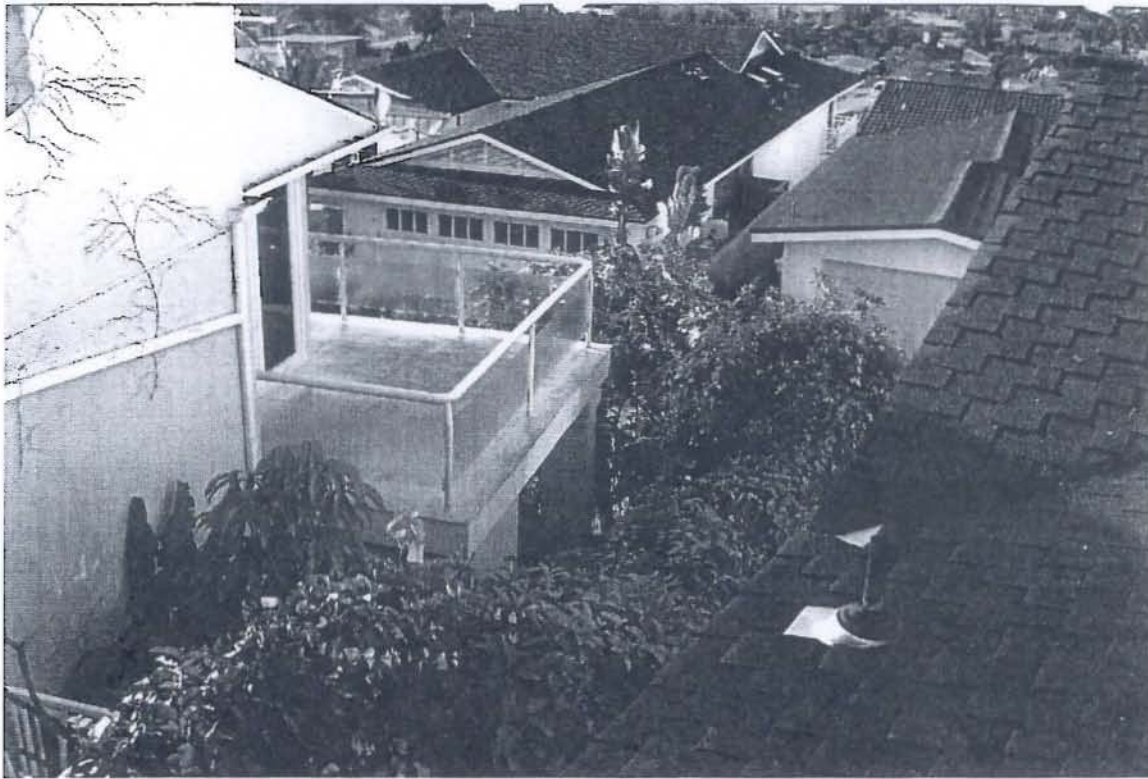
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Rear of 440 Mendoza Terrace from  
DeSola Terrace showing existing  
deck. Existing deck is approximately  
18 ft. above street level.





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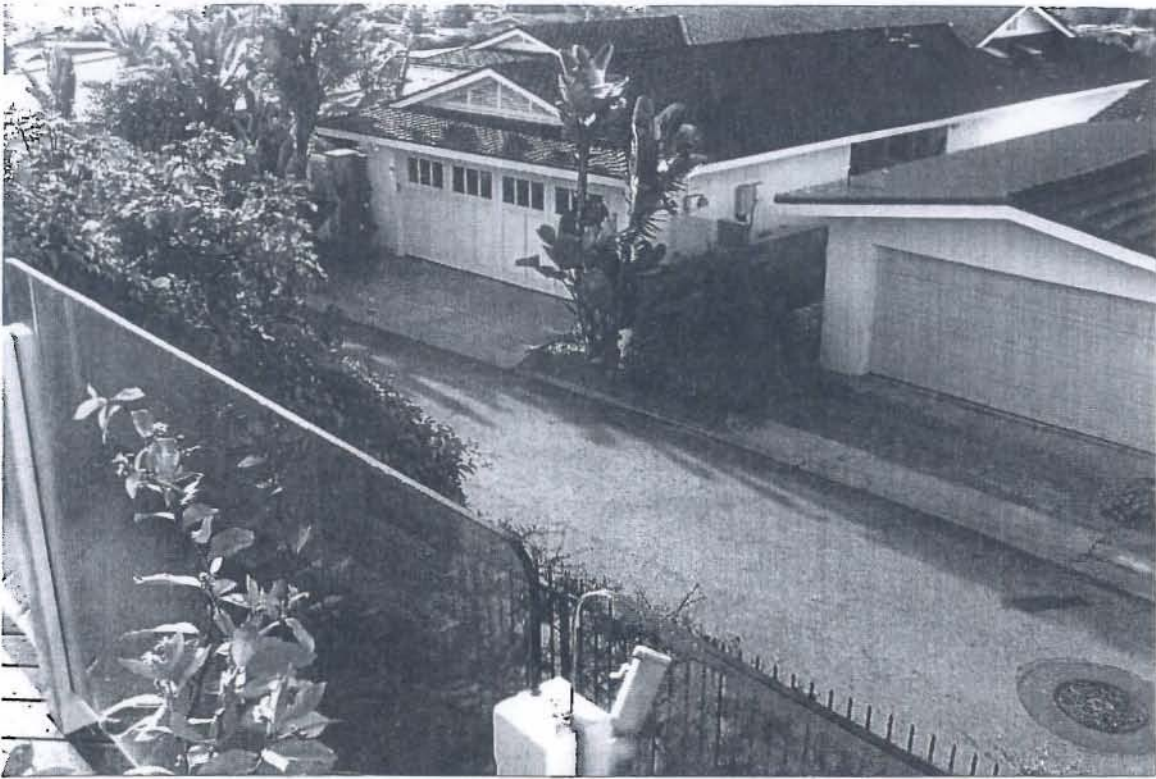
**444 Mendoza Terrace**  
Rear deck wraps around  
to north side yard



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**436 Riviera Terrace**  
(directly across the street from 444 Mendoza)  
(planks on deck are currently being replaced)

**440 Mendoza Terrace**  
Rear deck looking south



**440 Mendoza Terrace**  
Rear deck looking west



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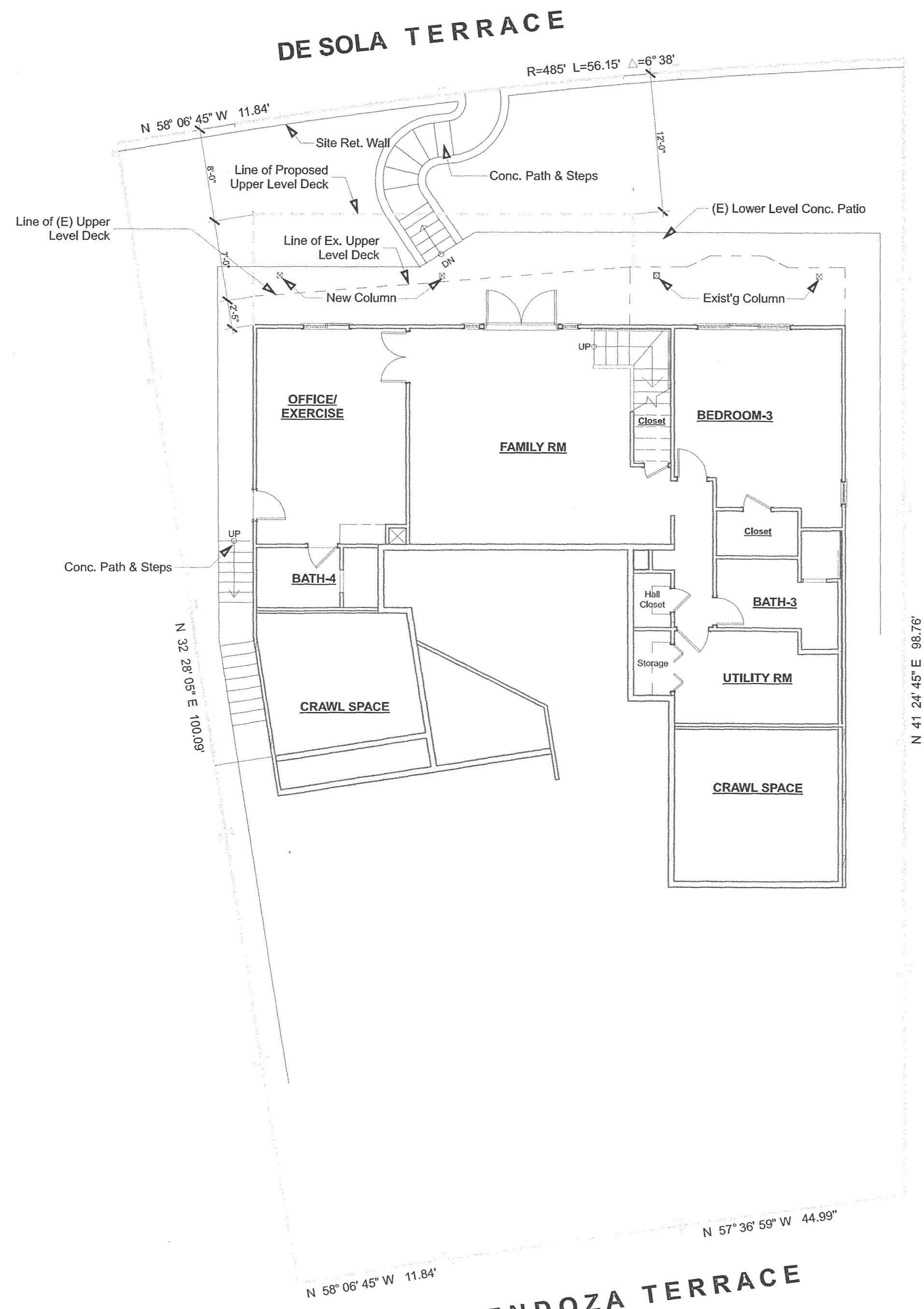


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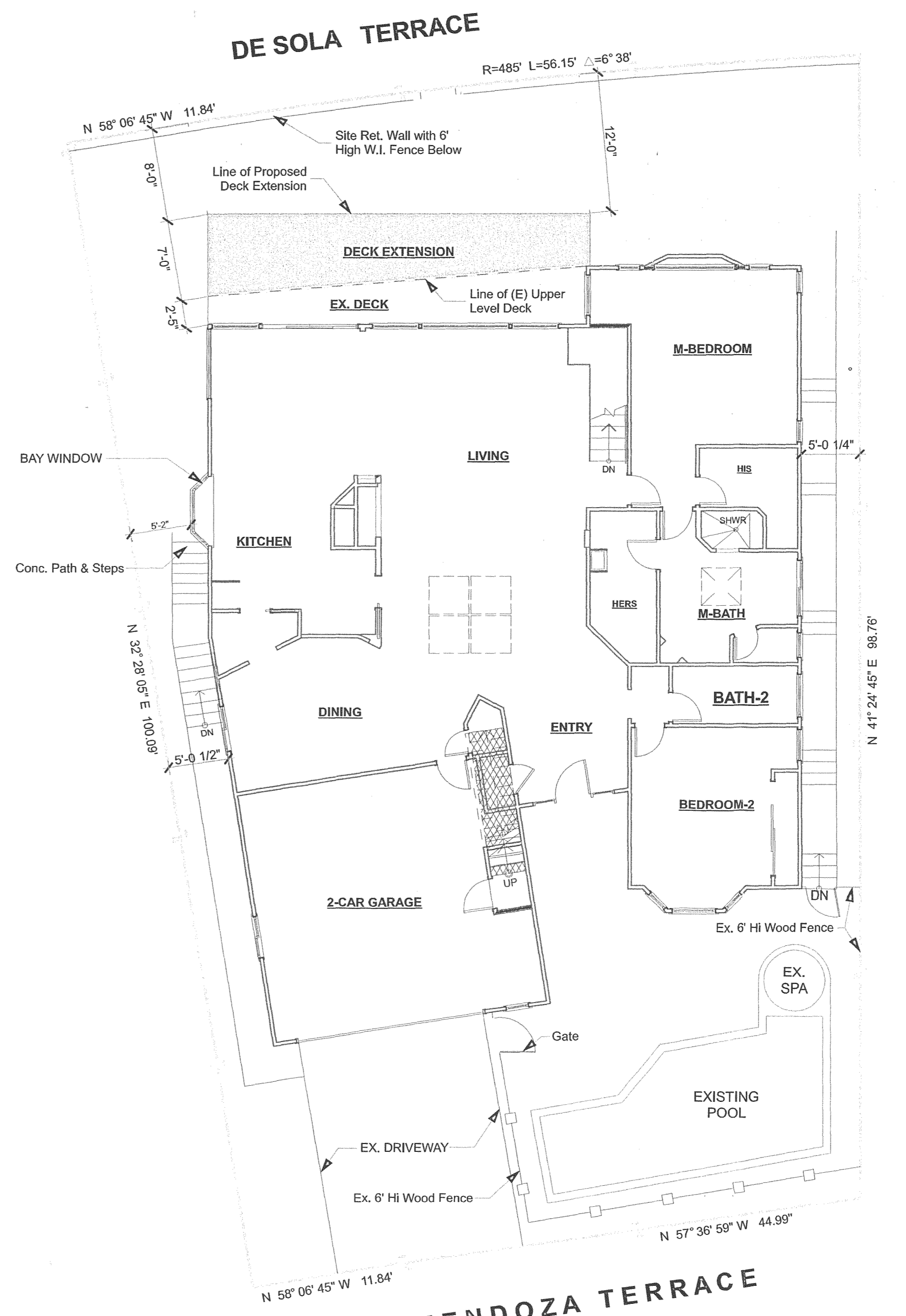
44'4"  
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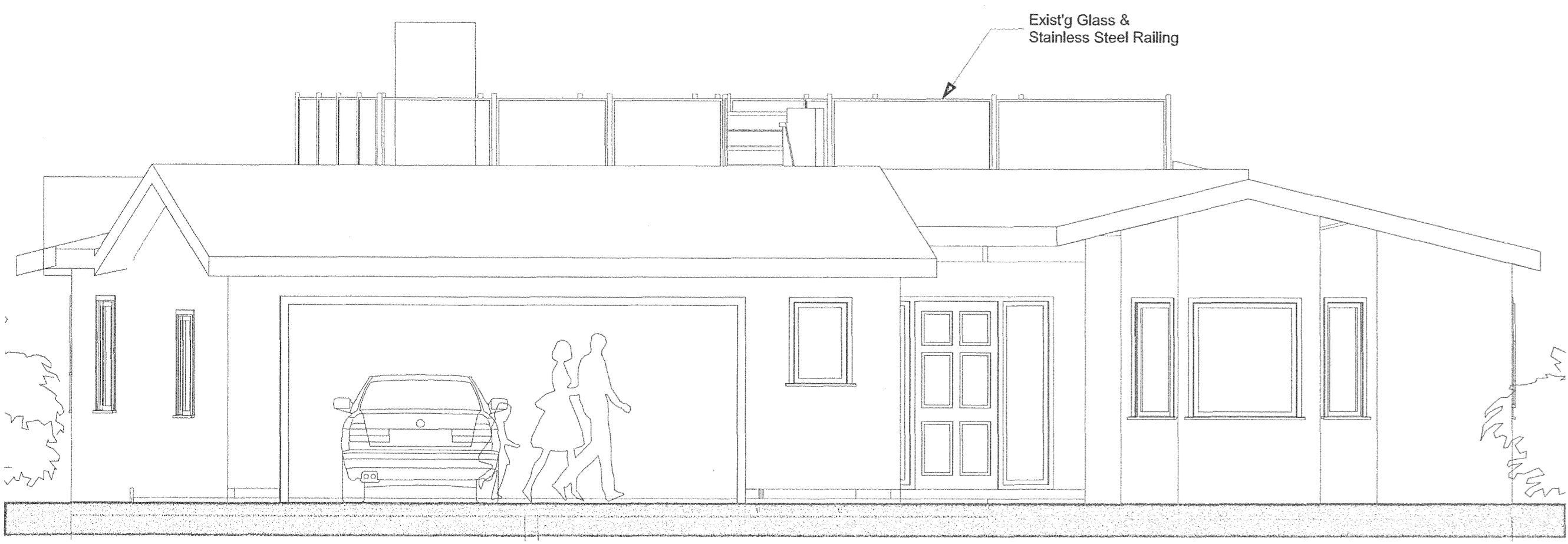


**2** SITE & LOWER LEVEL FLOOR PLAN  
 Scale : 1/8" = 1'-0"

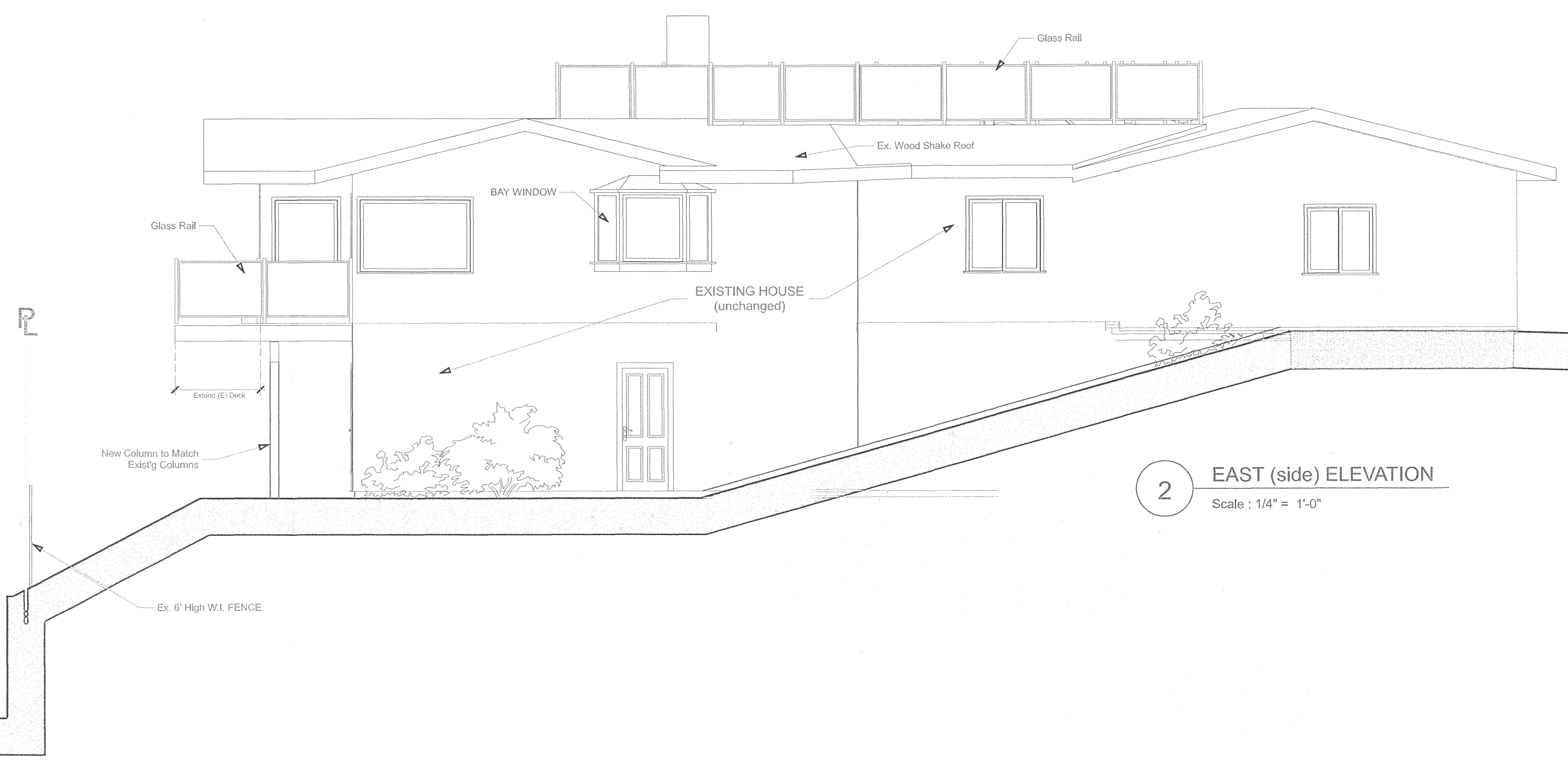


**1** SITE & UPPER LEVEL FLOORPLAN  
 Scale : 1/8" = 1'-0"

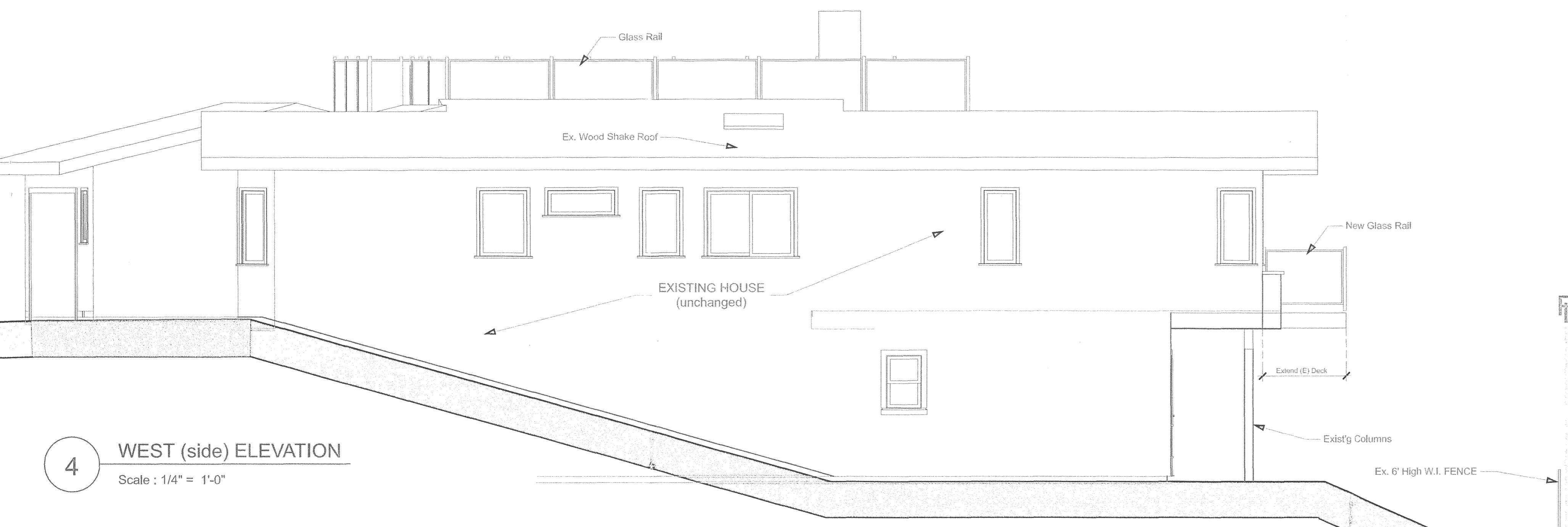
**SITE & FLOOR PLANS**



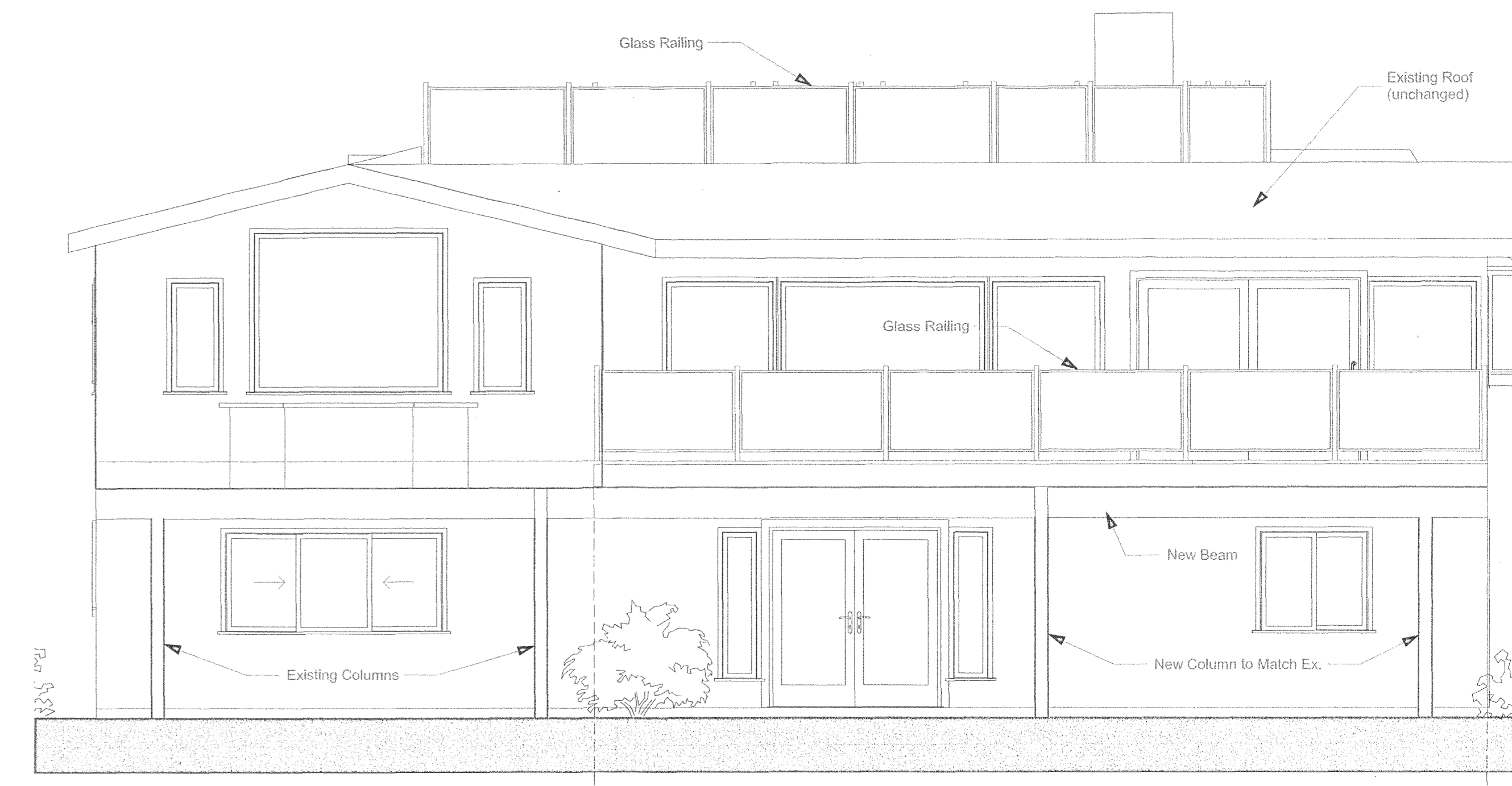
1 NORTH (front) ELEVATION  
Scale : 1/4" = 1'-0"



2 EAST (side) ELEVATION  
Scale : 1/4" = 1'-0"



4 WEST (side) ELEVATION  
Scale : 1/4" = 1'-0"



3 SOUTH (rear) ELEVATION  
Scale : 1/4" = 1'-0"

EXTERIOR ELEVATIONS



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663  
(949) 644-3200 Fax: (949) 644-3229  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**ZONING ADMINISTRATOR ACTION LETTER**

**Application No.** Parcel Map No. NP2011-002 (PA2011-026)  
County Tentative Parcel Map No. 2010-144

**Applicant** David Bowman

**Site Address** 403 and 403 ½ Jasmine Avenue  
403 and 403 ½ Jasmine Avenue Parcel Map

**Legal Description** CORONA DEL MAR, BLK 336, LOT 3

On **April 14, 2011**, the Zoning Administrator approved the following: a Parcel Map for condominium purposes for a new, two-unit residential development. No modifications or waivers of Title 19 (Subdivision Code) development standards are proposed with this application. The property is located in the R-2 (Two-Family Residential) District.

**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:

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 two-unit condominium purposes. An existing duplex was demolished and is being replaced with a new duplex. The residential density on the site will remain the same. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation of "Two Unit Residential".
2. **Finding:** That the site is physically suitable for the type and density of development.



**Facts in Support of Finding:**

- The lot is regular in shape, has a slope of less than 20 percent, and is suitable for the development of two dwelling units.
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 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.
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 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.
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 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 property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.
- The site is located in a residentially zoned area, and the existing and proposed development on the site is a residential use.

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.
- The project 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 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.
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 remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
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 is consistent with the newly certified Coastal Land Use Plan.
- Coastal Commission approval is required prior to recordation.

- The subject property does not provide direct access to any beaches, shoreline, coastal waters, tidelands, coastal parks or trails.

### 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. Coastal Commission approval shall be obtained prior to the recordation of the Parcel Map.
5. 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.
6. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
7. The existing broken and/or otherwise damaged concrete sidewalk panels, concrete curb and gutter, and driveway approach along the Jasmine Avenue frontage shall be reconstructed.
8. Jasmine Avenue is part of the City's Street Moratorium List. Work performed on said roadway will require additional surfacing requirements. See City Standard 105-L-F.
9. New grass shall be installed throughout the Jasmine Avenue parkway fronting the development. The grass type shall be approved by the Public Works Department.

10. Additional Public Works improvements, including street reconstruction, may be required at the discretion of the Public Works Inspector.
11. 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.
12. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
13. 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.
14. 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.
15. Each unit shall be connected to its individual water meter and sewer lateral and cleanout located within the public right-of-way. If installed at a location that will be subjected to vehicle traffic, each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover.
16. Each dwelling unit shall be served with an individual water service and sewer lateral connection to the public water and sewer systems, unless otherwise approved by the Public Works Department and the Building Department.
17. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
18. In accordance with the provisions of Chapter 13 (or any other applicable chapters) of the Newport Beach Municipal Code, additional street trees may be required and the existing street tree along the Jasmine Avenue frontage shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement.
19. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
20. All on-site storm over flows shall be directed to Jasmine Avenue, unless otherwise approved by Public Works.

21. 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.
22. 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.
23. Two-car parking, including one enclosed garage space and one covered space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
24. 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.
25. 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.**
26. 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 403 Jasmine Parcel Map for Condominiums including, but not limited to, the NP2011-002, (PA2011-026). 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.

27. 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:** 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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:   
Jaime Murillo, Zoning Administrator

JM/ks

Attachments:

ZA 1 Vicinity Map  
ZA 2 Tentative Parcel Map  
ZA 3 Photos

# **Attachment No. ZA 1**

Vicinity Map



# VICINITY MAP



Parcel Map No. NP2011-002  
PA2011-026

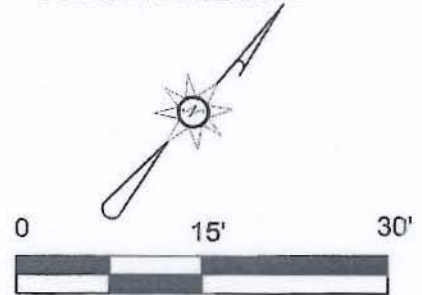
**403 and 403 1/2 Jasmine Avenue**

**Attachment No. ZA 2**  
Plans

**TENTATIVE PARCEL MAP  
NO. 2010-144  
FOR CONDOMINIUM PURPOSES**

OCTOBER 2010  
LOT 2, BLOCK 336  
CORONA DEL MAR

403 JASMINE AVENUE  
CORONA DEL MAR



SCALE 1"=15'

OWNER  
DAVID BOWMAN  
3125 CORTE CALETA  
NEWPORT BEACH  
CA. 92660

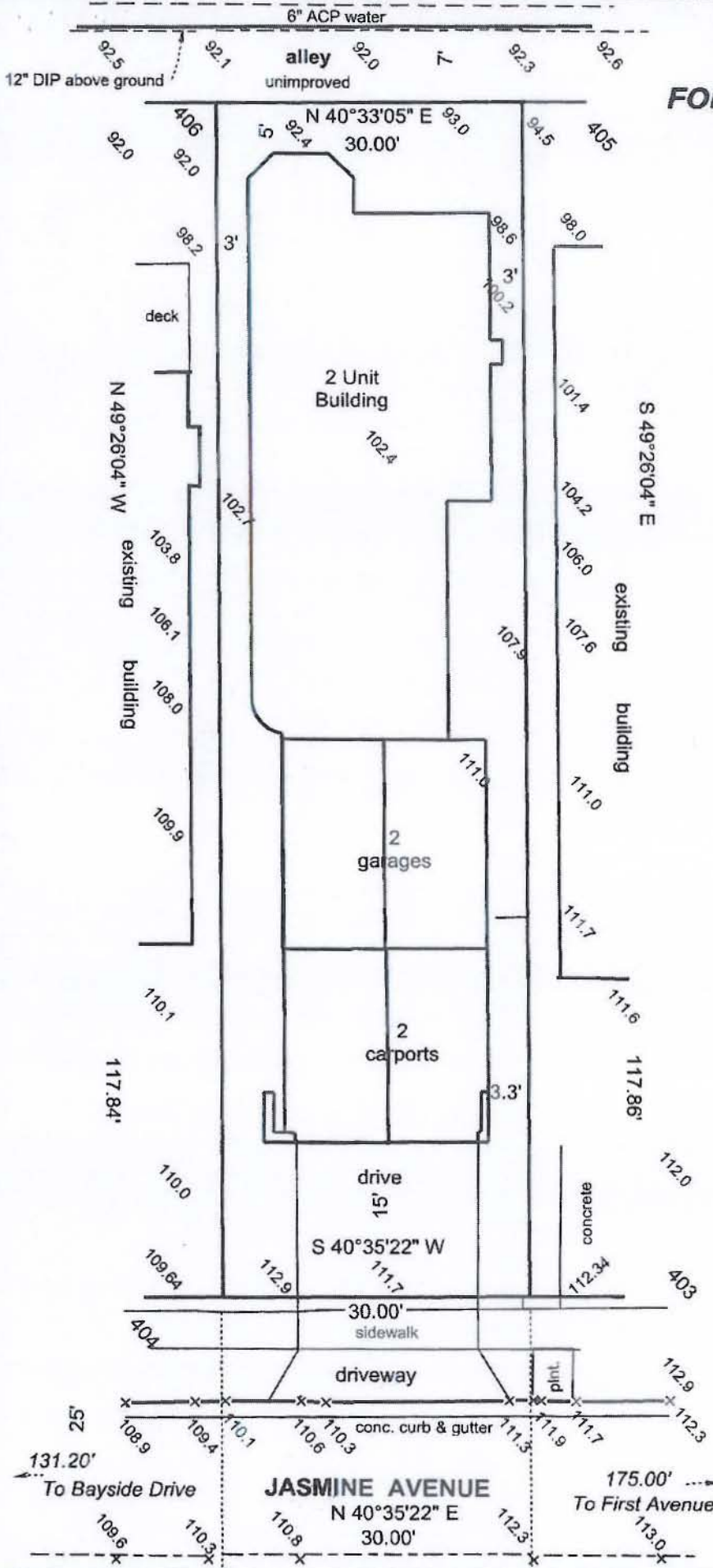
PREPARED IN THE OFFICE OF

Leonard C. Stiles  
PLS 5023  
Licensed expires 12/31/2011



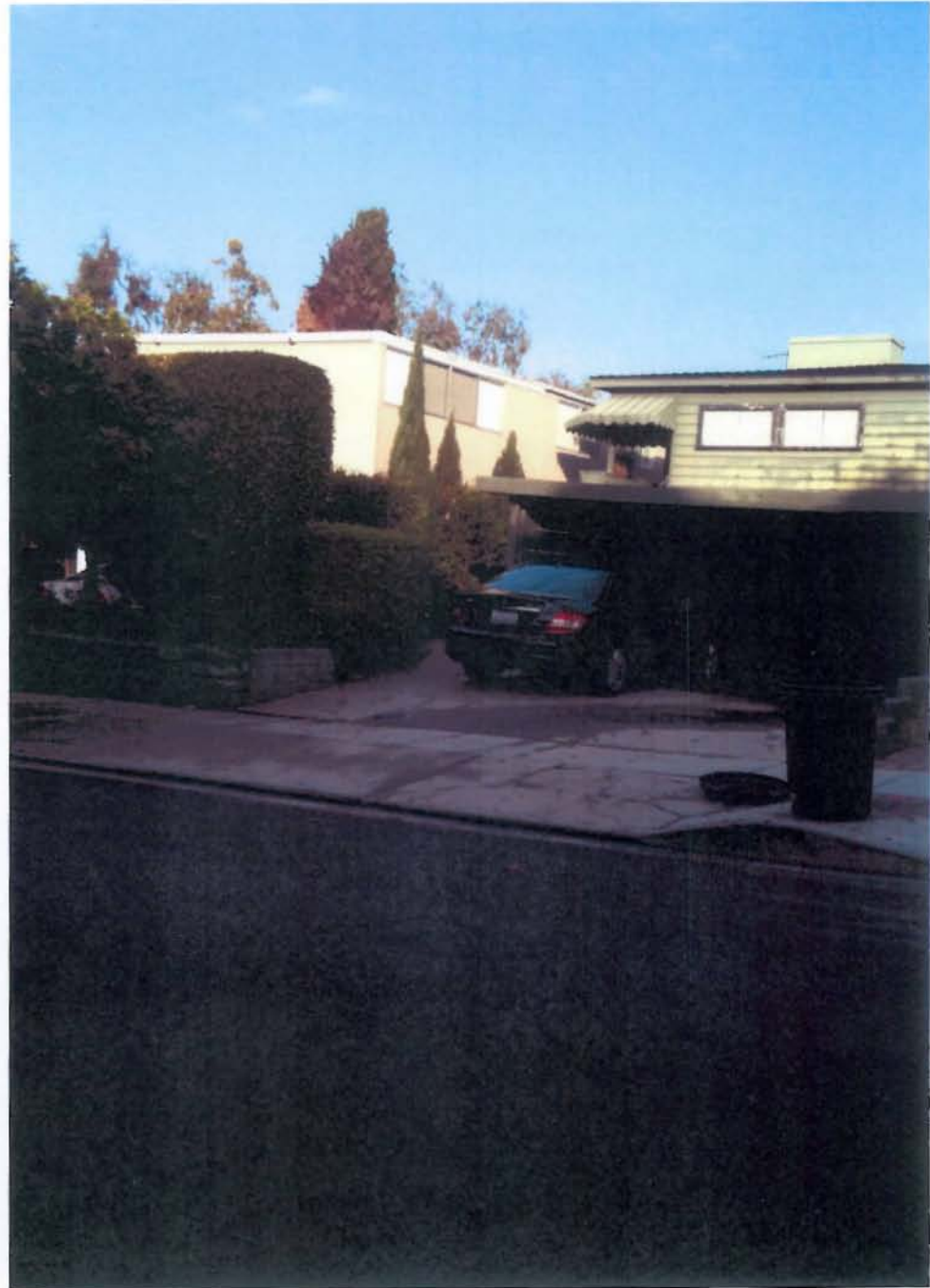
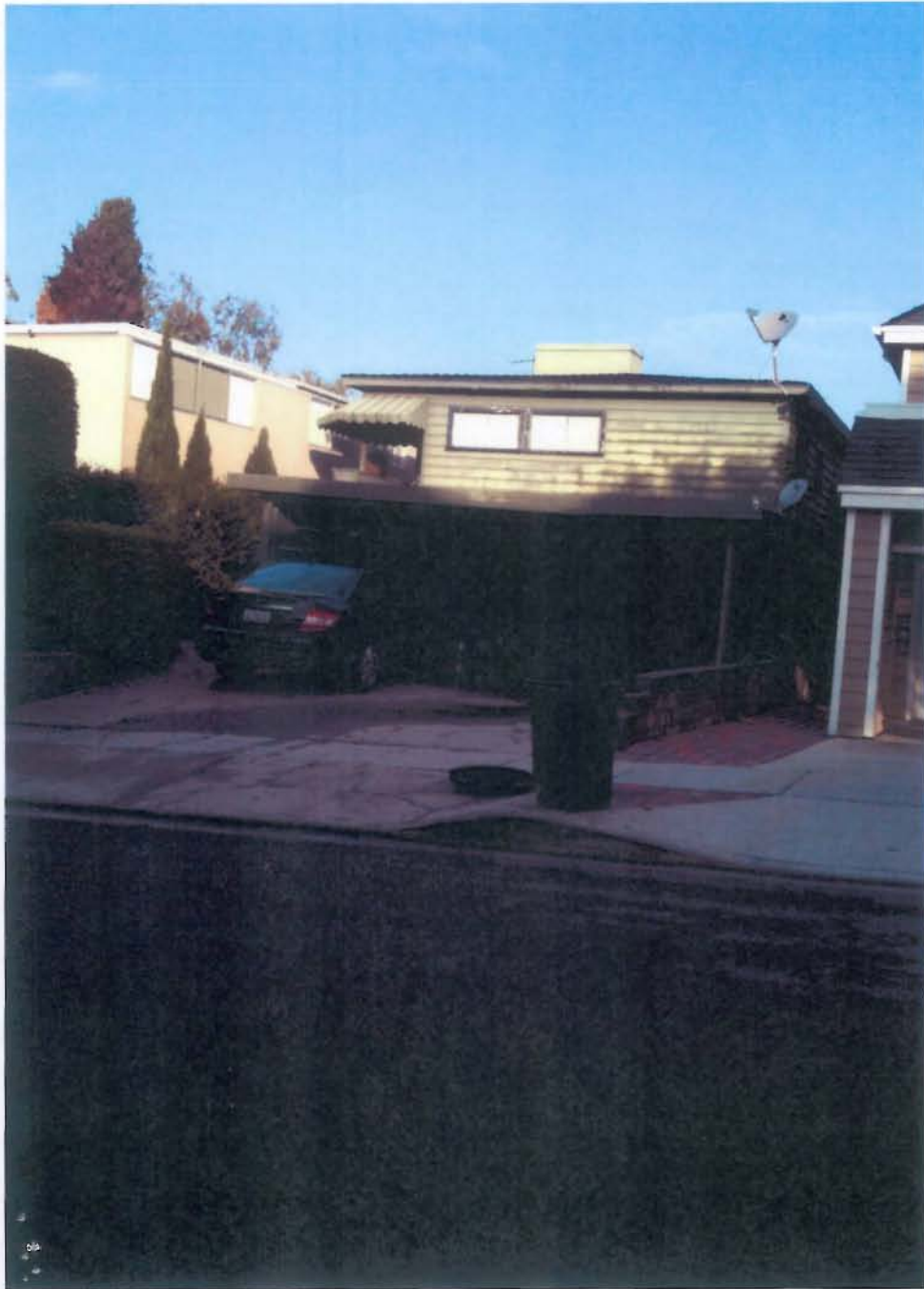
**STILES SURVEYING**

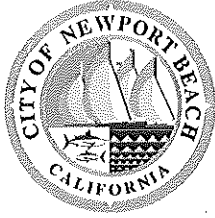
2209 Carrie Avenue  
Orange Ca 92867  
714 538 4276 Fax 714 289 4442  
E Mail lcstiles@earthlink.net



# **Attachment No. ZA 3**

Photos





## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

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

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

[www.newportbeachca.gov](http://www.newportbeachca.gov)

## **ZONING ADMINISTRATOR ACTION LETTER**

**Application No.** Parcel Map No. NP2011-001  
County Tentative Parcel Map No. 2010-142  
(PA2011-025)

**Applicant** MRPN Enterprises LLC

**Site Address** 620 Begonia Avenue  
Begonia Parcel Map

**Legal Description** Lot 22, Block 630, Corona Del Mar Tract

On **April 14, 2011**, the Zoning Administrator approved the following: a Parcel Map for condominium purposes for a new, two-unit residential development. No modifications or waivers of Title 19 (Subdivision Code) development standards are proposed with this application. The property is located in the R-2 (Two-Family Residential) District.

### **FINDINGS**

In approving a 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:

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 two-unit condominium purposes. An existing duplex was demolished and is being replaced with a new duplex to be finished as condominiums. The residential density on the site will remain the same. 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".

2. **Finding:** That the site is physically suitable for the type and density of development.

**Facts in Support of Finding:**

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

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 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.

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 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.

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 property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.
- This site developed for residential use in a residentially zoned area.

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.
- The project 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 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.

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 remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.

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. The property is consistent with the newly certified Coastal Land Use Plan (CLUP). The property with the proposed parcel map will remain consistent with the RT-D Two Unit Residential - (20.0 - 29.9 DU/AC) CLUP land use designation.
- Coastal Commission approval is required prior to recordation.

- The subject property does not have access to any beaches, shoreline, coastal waters, tidelands, coastal parks or trails.

## 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. Coastal Commission approval shall be obtained prior to the recordation of the Parcel Map.
6. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
7. A 10-foot radius corner cut-off easement for street and public utility purposes at the Begonia Avenue/Fourth Avenue curb shall be recorded as a part of the parcel map.
8. The existing broken and/or otherwise damaged concrete sidewalk panels along the Begonia Avenue frontage shall be reconstructed.
9. The broken and/or otherwise damaged concrete curb and gutter along the Begonia Avenue and Fourth Avenue frontages shall be reconstructed per City Standard STD-183-L. Limits of reconstruction are at the discretion of the Public Works Inspector.

10. The existing broken and/or otherwise damaged concrete panels along the alley backing the development shall be reconstructed.
11. Protect the existing street trees along the Fourth Avenue frontage.
12. Per Chapter 13 of the City Municipal Code, a new tree shall be planted along Begonia Avenue frontage. Contact City Urban Forester, John Conway at (949) 644-3083 for tree specifications and inspection.
13. The 5 foot alley setback shall remain clear of all above ground improvements.
14. Begonia Avenue and Fourth Avenue are part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.
15. New sod or low groundcovers shall be planted throughout the Fourth Avenue parkway fronting the development site. The type of sod or ground cover shall be approved by the Public Works Department.
16. Additional Public Works improvements, including street and alley reconstruction, work may be required at the discretion of the Public Works Inspector.
17. 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.
18. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
19. All improvements shall comply with the City's site distance requirement. See City Standard 110-L.
20. 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.
21. 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.
22. 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.

23. Each unit shall be connected to its individual water meter and sewer lateral and cleanout located within the public right-of-way. Each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover. Water meter and the sewer cleanout shall be located within the Public right-of-way.
24. Each dwelling unit shall be served with an individual water service and sewer lateral connection to the public water and sewer systems, unless otherwise approved by the Public Works Department and the Building Department.
25. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
26. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
27. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
28. All on-site drainage shall comply with the latest City Water Quality requirements.
29. 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.
30. 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.
31. 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.
32. 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.

33. 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 Begonia Avenue Parcel Map including, but not limited to, the PA2011-025. 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.
34. 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:** 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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:   
Jaime Murillo, Zoning Administrator

JM/msw

Attachments:

ZA 1 Vicinity Map  
ZA 2 Tentative Parcel Map

# VICINITY MAP



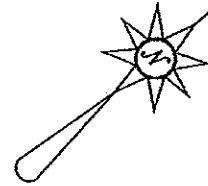
Parcel Map No. NP2011-001  
PA2011-025

**620 Begonia**

**TENTATIVE PARCEL MAP  
NO.2010-142  
FOR CONDOMINIUM PURPOSES**

OCTOBER 2010  
LOT 22 BLOCK 630  
CORONA DEL MAR

620 BEGONIA AVENUE  
CORONA DEL MAR



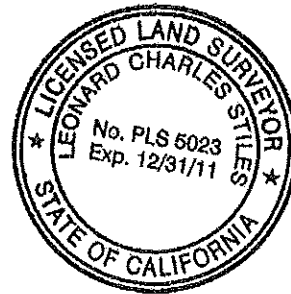
Scale 1"=15'

OWNER  
MRPN ENTERPRISES  
A CALIFORNIA LIMITED LIABILITY COMPANY  
312 NARCISSUS AVENUE  
CORONA DEL MAR  
CA 92625

PREPARED IN THE OFFICE

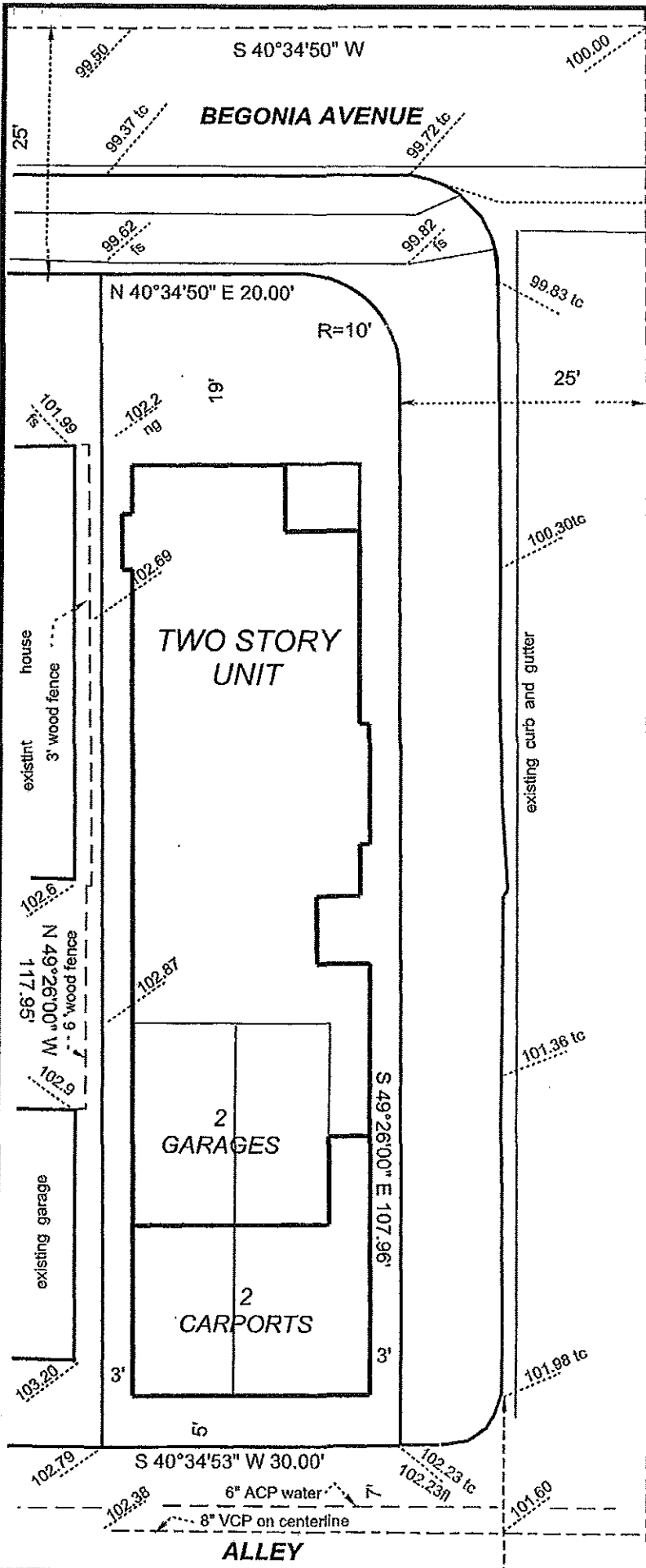
*Leonard C. Stiles*

Leonard C. Stiles  
PLS 5023  
License Expires 12/31/2011



**STILES SURVEYING**

2209 Carrie Avenue  
Orange Ca 92867  
714 538 4276 Fax 714 289-4442  
E Mail lcstiles@earthlink.net





## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

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

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

[www.newportbeachca.gov](http://www.newportbeachca.gov)

### **ZONING ADMINISTRATOR ACTION LETTER**

**Application No.** Parcel Map No. NP2011-003  
County Tentative Parcel Map No. 2011-101  
(PA2011-028)

**Applicant** 515 Narcissus LLC

**Site Address** 515 Narcissus Avenue  
Narcissus Parcel Map

**Legal Description** Lot 15 , Block 540, Corona Del Mar Tract

On April 14, 2011, the Zoning Administrator approved the following: a Parcel Map for condominium purposes for a new, two-unit residential development. No modifications or waivers of Title 19 (Subdivision Code) development standards are proposed with this application. The property is located in the R-2 (Two-Family Residential) District.

#### **FINDINGS**

In approving a 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:

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 two-unit condominium purposes. An existing duplex was demolished and is being replaced with a new duplex to be finished as condominiums. The residential density on the site will remain the same. 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".



2. **Finding:** That the site is physically suitable for the type and density of development.

**Facts in Support of Finding:**

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

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 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.

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 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.

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 property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.
- This site developed for residential use in a residentially zoned area.

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.
- The project 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 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.

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 remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.

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 not located in the Coastal Zone.
- The subject property does not have access to any beaches, shoreline, coastal waters, tidelands, coastal parks or trails.

## 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. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
6. The existing broken and/or otherwise damaged concrete sidewalk panels along the Narcissus Avenue frontage shall be reconstructed.
7. The existing broken and/or otherwise damaged concrete curb and gutter along the Narcissus Avenue frontage shall be reconstructed per City Standard STD-183-L. Limits of reconstruction are at the discretion of the Public Works inspector.
8. The existing street tree along Narcissus Avenue frontage shall be protected.
9. The 5 foot alley setback shall remain clear of all above ground improvements.
10. Additional Public Works improvements, including street and alley reconstruction, work may be required at the discretion of the Public Works Inspector.
11. 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.

12. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
13. 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.
14. 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.
15. 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.
16. Each unit shall be connected to its individual water meter and sewer lateral and cleanout located within the public right-of-way. Each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover. Water meter and the sewer cleanout shall be located within the Public right-of-way.
17. Each dwelling unit shall be served with an individual water service and sewer lateral connection to the public water and sewer systems, unless otherwise approved by the Public Works Department and the Building Department.
18. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
19. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
20. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
21. In accordance with the provisions of Chapter 13 (or any other applicable chapters) of the Newport Beach Municipal Code, additional street trees may be required and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement.
22. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
23. All on-site drainage shall comply with the latest City Water Quality requirements.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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 Narcissus Parcel Map including, but not limited to, the PA2011-028. 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.

29. 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:** 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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:

  
\_\_\_\_\_  
Jaime Murillo, Zoning Administrator

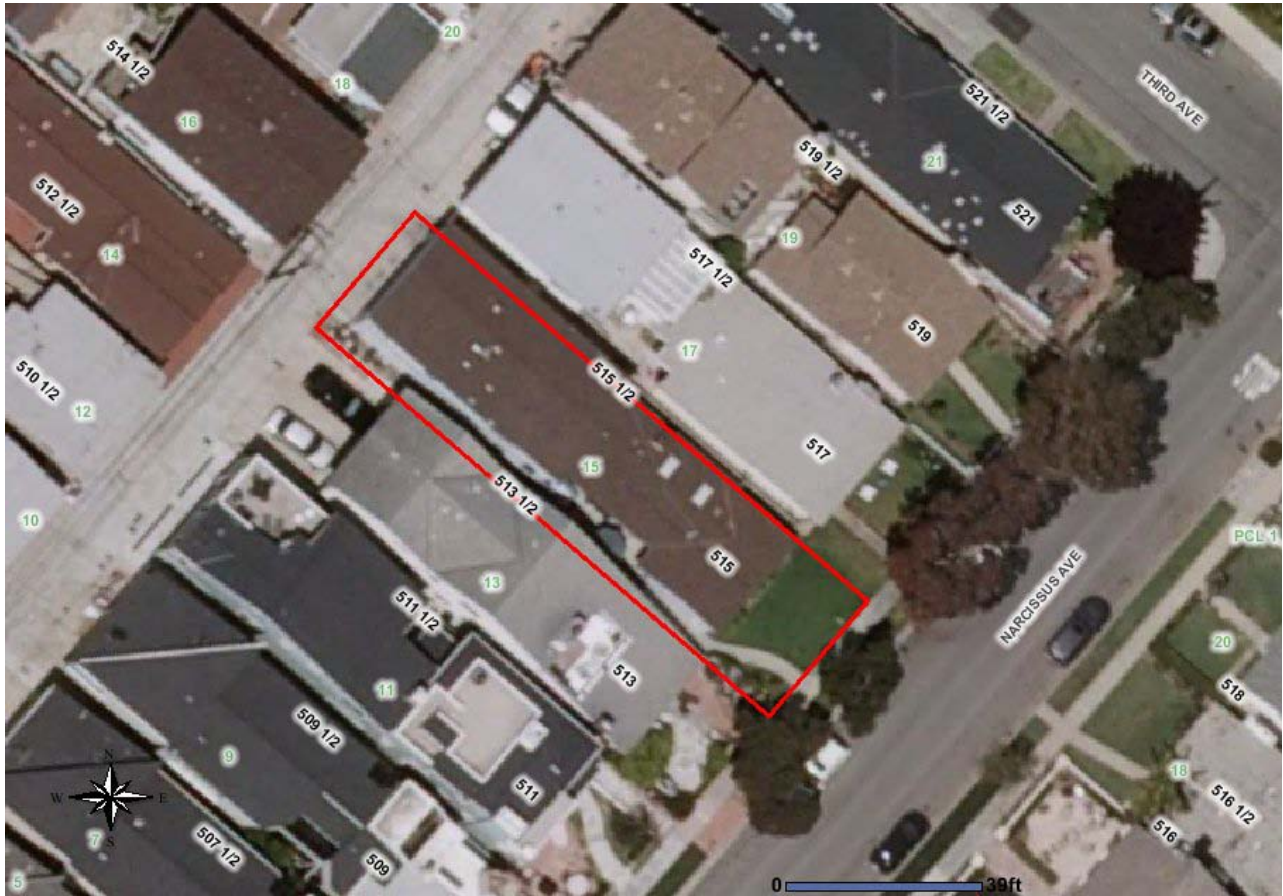
JM/msw

Attachments:

ZA 1 Vicinity Map

ZA 2 Tentative Parcel Map

# VICINITY MAP



Parcel Map No. NP2011-003  
PA2011-028

**515 Narcissus Avenue**



**GRADING LEGEND**

|             |                                 |        |                           |
|-------------|---------------------------------|--------|---------------------------|
| --- 100 --- | EXISTING CONTOUR                | PAD    | PROPOSED PAD ELEVATION    |
| — 100 —     | PROPOSED CONTOUR                | T/SLAB | PROPOSED TOP OF SLAB      |
| • 100.00    | SPOT ELEVATION                  | FS     | PROPOSED FINISHED SURFACE |
| [Pattern]   | PROPOSED CONCRETE PAVING        | FG     | PROPOSED FINISHED GROUND  |
| — FM —      | PROP. FORCE MAIN                | TG     | TOP OF GRATE              |
| === 4" ===  | PROPOSED STORM DRAIN            | INV    | INVERT OF PIPE            |
| — SUB —     | PROP. SUBDRAIN                  | T.C.   | TOP OF CURB               |
| [Pattern]   | DEEPEMED FOOTING                | P.L.   | PROPERTY LINE             |
| [Pattern]   | PROPOSED BEARING/RETAINING WALL | TW     | TOP OF WALL               |
| [Pattern]   | EXISTING SCREEN WALL            | TF     | TOP OF FOOTING            |
| [Pattern]   | PROPOSED SCREEN WALL            | W.F.   | WATER FEATURE             |
| [Pattern]   | PROPOSED CHANNEL DRAIN          | G.F.F. | GARAGE FINISHED FLOOR     |
| ○           | DOWNSPOUT                       | B/WALK | BACK OF SIDEWALK          |
| F.F.        | PROPOSED FINISHED FLOOR         | H.P.   | HIGH POINT                |

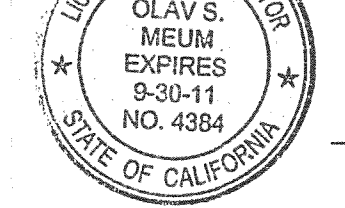


SCALE: 1/8"=1'

**SITE DATA**

OWNER/SUBDIVIDER: ANDREW PATTERSON CONSTRUCTION  
419 30TH AVENUE  
NEWPORT BEACH, CA 92663  
TEL: (949) 723-1811

ENGINEER: TOAL ENGINEERING, INC.  
139 AVENIDA NAVARRO  
SAN CLEMENTE, CA 92672  
PH: (949) 492-8586



*Olav S. Meum* 2-28-11  
OLAV S. MEUM LS 4384 DATE

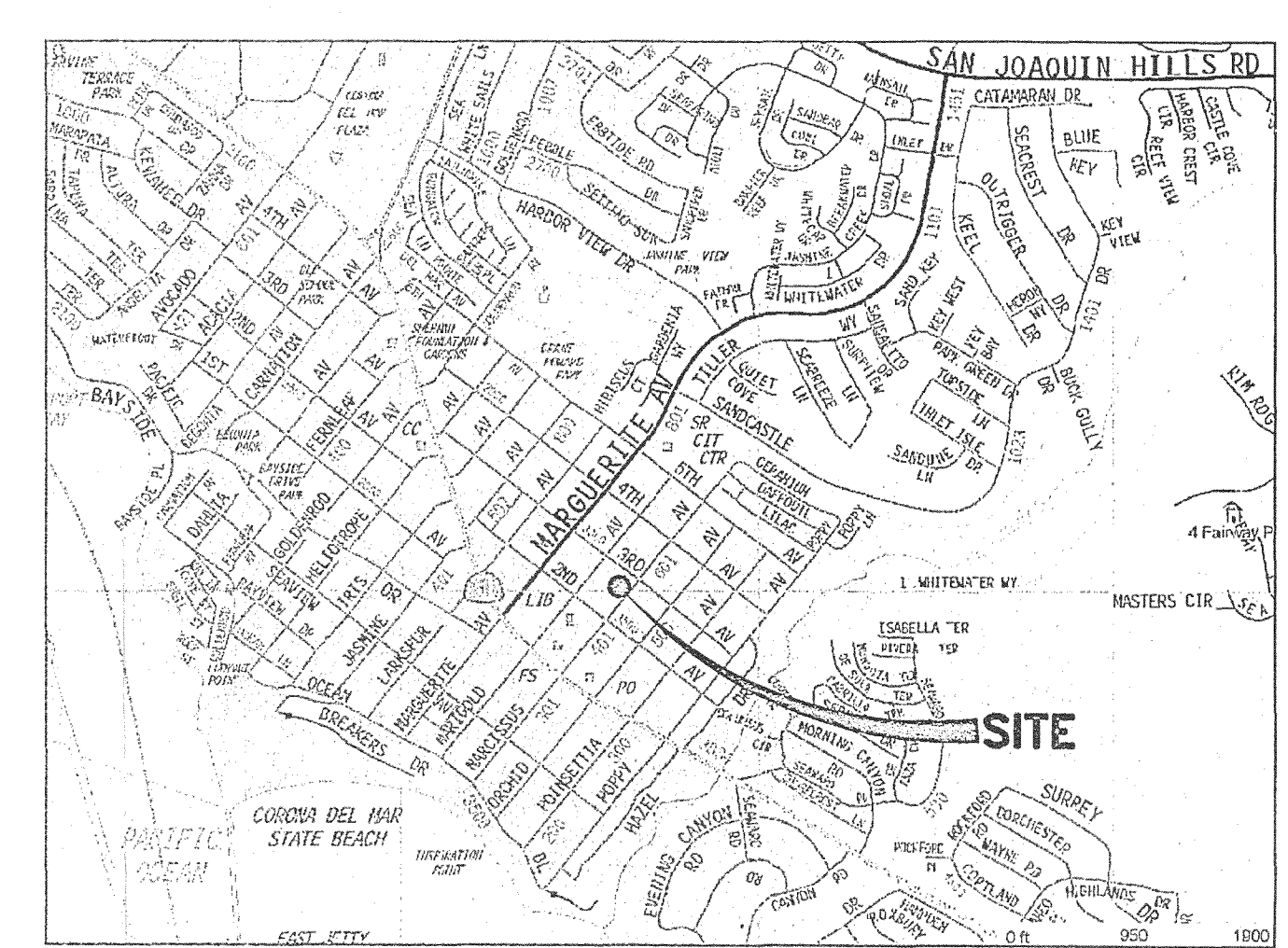
GENERAL PLAN LAND USE DESIGNATION: MULTI-FAMILY RESIDENTIAL  
EXISTING LAND USE: DUPLEX  
TOTAL AREA: 3,540 SQ. FT. (0.08 AC)  
EXISTING ZONING: SINGLE-FAMILY RESIDENTIAL  
CONTOUR INTERVAL: -  
PROPOSED GRADING: N/A  
MAXIMUM SLOPE GRADIENT: N/A  
NUMBER OF PARCELS: 1 (2 UNITS)  
UTILITIES:  
GAS SERVICE: SOUTHERN CALIFORNIA GAS CO.  
ELECTRIC SERVICE: SOUTHERN CALIFORNIA EDISON  
SEWER: CITY OF NEWPORT BEACH  
WATER: NEWPORT BEACH WATER DISTRICT  
TELEPHONE SERVICE: PACIFIC BELL  
TELEVISION SERVICE: COX COMMUNICATIONS

NOTES:  
1. SUBJECT PROPERTY IS LOCATED WITHIN THE NEWPORT BEACH UNIFIED SCHOOL DISTRICT.

LEGAL DESCRIPTION:  
LOT 15, BLOCK 540 OF CORONA DEL MAR TRACT, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, A PER MAP RECORDED IN BOOK 3, PAGES 41 AND 42 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

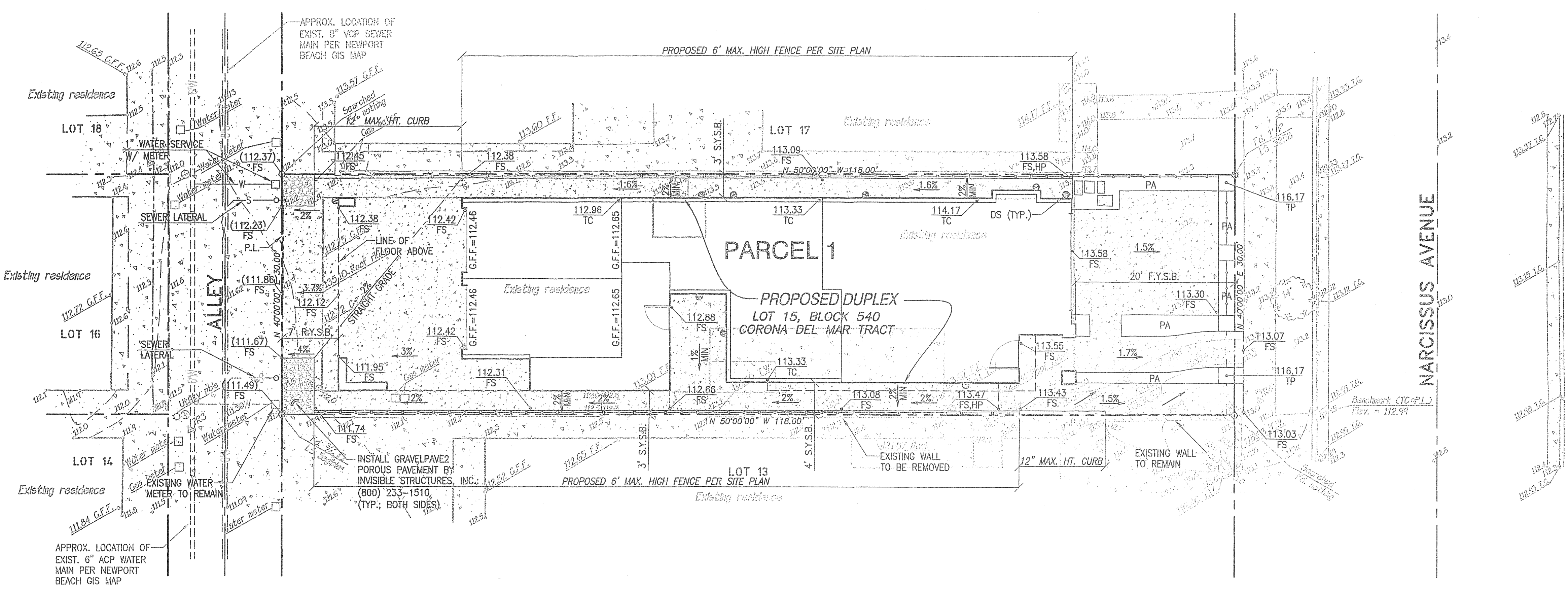
STATEMENT OF OWNERSHIP  
I, ROBERT BAKER, DO HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY COMPRISING THIS TENTATIVE PARCEL MAP AND THAT I HAVE CONSENTED TO ITS SUBDIVISION.

ROBERT BAKER DATE



VICINITY MAP  
NOT TO SCALE

**TENTATIVE PARCEL MAP  
NO. 2011-101  
FOR CONDOMINIUM PURPOSES**



TENTATIVE PARCEL MAP  
515 NARCISSUS (LOT 15, BLOCK 540  
CORONA DEL MAR TRACT), NEWPORT BEACH, CALIFORNIA  
PREPARED FOR ROBERT BAKER

|                         |            |            |            |            |
|-------------------------|------------|------------|------------|------------|
| H. SCALE: 1/8"=1'       | DATE: 1/11 | DATE: 1/11 | DATE: 1/11 | DATE: 1/11 |
| V. SCALE: N/A           | DRN: N/A   | DRN: N/A   | DRN: N/A   | DRN: N/A   |
| DATE OF SURVEY: 7-21-10 | CHD: I     | CHD: I     | CHD: I     | CHD: I     |
| DR. FILE:               | APD: I     | APD: I     | APD: I     | APD: I     |
| DATE:                   | DATE:      | DATE:      | DATE:      | DATE:      |
| BY:                     | BY:        | BY:        | BY:        | BY:        |
| REVISIONS               |            |            |            |            |

**TOAL ENGINEERING, INC.**  
Civil Engineers, Land Planners, Land Surveyors  
139 Avenida Navarro, San Clemente, Calif. 92672  
Ph: 949-492-8586 Fax: 949-498-8625



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663  
(949) 644-3200 Fax: (949) 644-3229

[www.newportbeachca.gov](http://www.newportbeachca.gov)

**ZONING ADMINISTRATOR ACTION LETTER**

**Application No.**                    **Modification Permit No. MD2011-002 (PA2011-022)**  
**Applicant**                        **America's Instant Signs**  
**Site Address**                    **4100 Newport Place**  
    **Squar Milner Sign Modification**  
**Legal Description**            **P Bk 270 Pg 29 Par 1**

On **April 14, 2011**, the Zoning Administrator approved the following: A modification permit to amend the existing sign program (Modification No. 3693) to allow a third wall sign identifying a second entity on a third façade of the 4100 Newport Place building. The proposed sign is approximately 119 square feet in area and will be located between the third and fourth floor. The property is located in the PC-11 (Newport Place) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

**Findings**

1. **CEQA Compliance:** The project is categorically exempt under Section 15311, of the California Environmental Quality Act (CEQA) Guidelines - Class 11 (Accessory Structures).
  - The proposed signs are incidental and accessory to the principal commercial use of the property and do not intensify or alter the use.
  - Class 11 includes construction or replacement of minor structures such as on-premise signs accessory to (appurtenant to) existing commercial facilities.
2. **Finding:** The requested modification will be compatible with existing development in the neighborhood.

**Facts in Support of Finding:**

- The neighborhood includes parcels with wall signs and ground signs identifying individual tenants. Said signs are visible from the public right-of-way.
- The proposed wall sign will serve as a second-entity business-identification sign. The sign is comparable in size, location, and intent to the existing wall signs on adjacent parcels.

- The scale of the existing and proposed wall signs is appropriate for the size of the building.
- The subject site is not within close proximity to any residential district; however, the illumination is conditioned to prevent spillage onto adjoining properties and the public right-of-way.
- The Land Use Element of the General Plan designates the site as “Mixed Use Horizontal” and the Newport Place Planned Community District regulations designate the site for “Commercial Use”. The existing commercial office buildings and their uses are consistent with those designations and the signs are accessory to the primary use.

3. **Finding:** 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:**

- The subject property is developed with a multi-tenant, multi-story commercial building located on a 156,635-square foot corner lot at the southwest corner of Dove Street and Newport Place Drive.
- The subject property is developed with wall signs and ground signs. The two existing walls signs (one on the south elevation facing Newport Place Drive and one on the north elevation facing the parking lot) are approximately 260 square feet each and identify the same entity. Modification No. 3693 approved on May 15, 1990, allowed these signs to exceed the maximum 200 square feet in area allowed by the development standards of the Newport Place Planned Community District.
- In addition to the two previously permitted signs on the subject building, the proposed modification allows the addition of a third wall sign identifying a second entity on a third facade. This second-entity building-identification sign is located between the third and fourth floor and limited to a maximum 120 square feet in area, which is less than the maximum 200 square feet in area allowed by the development standards of the Newport Place Planned Community District.
- Due to the location, size, height, and multi-tenant use of the building, additional wall signage is necessary to provide adequate building identification for more than one tenant.

4. **Finding:** 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:**

- The Newport Place Planned Community District development regulations allow building identification wall signage to be located on a maximum of two façades and to identify a single entity. Additional tenant identification is only permitted through a directory sign, which under typical circumstances this sign would not be visible from the parking lot or street. This constitutes a physical hardship inconsistent with the intent of the Zoning Code, which is to provide adequate identification and visibility while not creating visual clutter.
- The proposed wall sign will provide adequate identification and visibility, while not creating visual clutter, of an additional tenant from off-site locations.
- The proposed wall sign will only be on one face of the building and will provide enhanced visibility so that customers can readily identify the business.

5. **Finding:** 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:**

- The sign is appropriate in size and scale for the building and is located in such a manner that complements the existing building architecture. Strict application of the PC regulations would limit the signage to a directory, which would result in a sign that would not be visible from the parking lot or street and would not afford the tenant adequate identification.
- The Modification Permit is necessary to amend the original sign program approval. It will not be detrimental to any surrounding owners and occupants, the neighborhood, or to the general public.

6. **Finding:** 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:**

- The signage is for a commercial use in a commercial district and is not in or in close proximity to a residential district.
- The size and location of the proposed signage is comparable to others on adjacent buildings and does not appear to be excessive.

- The proposed wall sign will help identify an additional tenant that occupies the buildings.
- The signage will be comparable to the sign area allowed by the Newport Place Planned Community District regulations.
- Signs of this type are typical and expected in commercial districts. The proposed signage will not create a negative impact on anyone visiting and/or working in the area.
- The approval of the proposed sign will not change the density or intensity of the use.

### **CONDITIONS**

1. The development shall be in substantial conformance with the approved site plan, sign matrix, sign plans and elevations, except as noted in the following conditions.
2. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
3. 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.
4. 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.
5. Any amendment to this approval requires a written staff approval or may require an amendment to this application as determined by the Zoning Administrator.
6. Signs are limited to the designated building facades and street frontages and shall comply with the limitations specified in the previous sign approval (MD3693) as modified by this approval and as designated by the Newport Place Planned Community, unless otherwise indicated
7. The signs shall be illuminated in accordance with the provisions of Section 20.42.060.H of the Newport Beach Municipal Code.
8. A building permit shall be obtained prior to commencement of the construction.
9. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits for the original sign

installation and shall be available in the Planning Department for future sign changes.

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. 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 Squar Milner Sign Modification including, but not limited to, the Modification Permit No. MD2011-002 (PA2011-022). 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.
12. 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.

**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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:   
Jaime Murillo, Zoning Administrator

JM/ems

Attachments: Vicinity Map  
Table Matrix  
Plans

# VICINITY MAP



Modification Permit No. MD2011-002  
PA2011-022

**4100 Newport Place**

**MASTER SIGN PROGRAM**  
 4100 Newport Place Newport Beach, CA

SF= Square Feet

**TABLE I: Includes Frontage Designation and Size Limitations**

| Type of Sign          | Frontage, Size limitations where applicable   |
|-----------------------|---|
| <b>Monument Signs</b> | <p><b>Maximum number:</b> Three (3)<br/> <b>Maximum Height:</b> Four (4) feet<br/> <b>Maximum Sign Area:</b> 150 SF within first 20 feet of property line (can be either single or double sided) listing the names of tenants and/or the project complex</p>  |
| <b>Wall Signs</b>     | <p><b>Primary Tenant</b><br/> <b>Newport Place (South), Dolphin-Striker Way (North)</b></p> <p><b>Maximum Number:</b> Two (2) but one per façade and limited to identifying a single entity.<br/> <b>Location/Maximum Sign Area:</b><br/>                     Two signs limited to building tops signs/260 SF<br/> <b>Maximum Letter Height:</b> 36 inches</p> <p><b>Secondary Tenant</b><br/> <b>Macarthur Boulevard (East)</b></p> <p><b>Maximum Number:</b> One (1)<br/> <b>Location/Maximum Sign Area:</b><br/>                     One sign limited to between the 3<sup>rd</sup> and 4<sup>th</sup> floors or below/120 SF<br/> <b>Maximum Letter Height:</b> 30 inches<br/> <b>Maximum Logo Height:</b> 54", limited to 20% of the total allowed sign area</p> |

The master sign program includes signs approved by Modification No. MD3693 and modified by Modification No. MD2011-22. All signs, including signs not listed above, shall adhere to the provision of the Newport Place Planned Community, unless otherwise indicated in the matrix, which are regulated by the modification approvals.





**Squar Milner  
Scharrell Jackson**

**AmericasInstantSigns.com**

1265 Manassero St. #309-310 Anaheim, CA 92807  
Phone: (714) 693-2989 Fax: (714) 693-2925

**March 4, 2011**

PA2011-022 for MD2011-002  
4100 Newport Place  
America's instant Signs



Subject Property Line

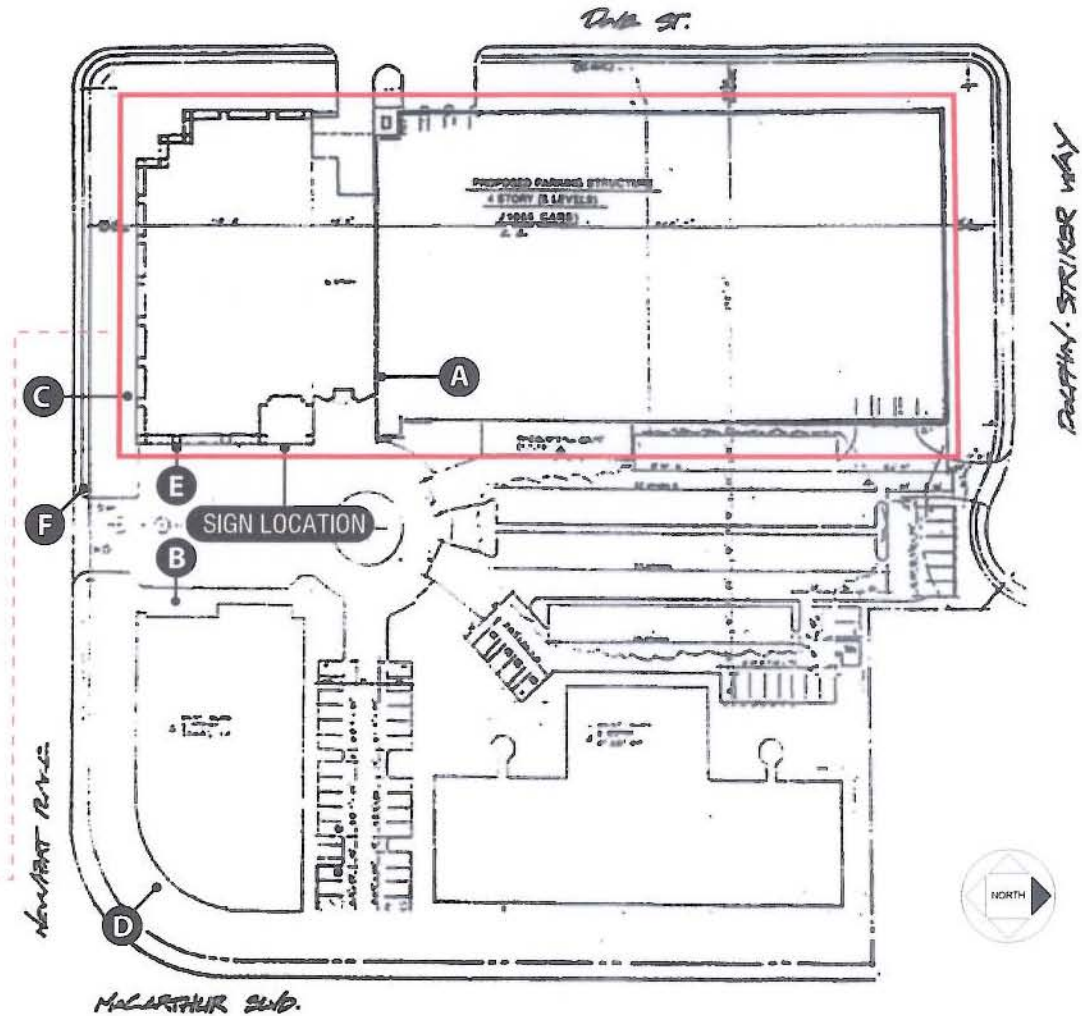


EXHIBIT A



1265 Manassero St. #309-310  
 Anaheim, CA 92807  
 Phone: (714) 693-2989  
 Fax: (714) 693-2925  
 AmericasInstantSigns.com

Squar Milner      Scharrell Jackson 949-222-2999  
 4100 Newport Place Newport Beach, CA. 92660  
 Exhibit A      Page 1      March 4, 2011

This document is a preliminary drawing. It is not intended to be used for construction or other purposes without the approval of the architect. The architect is not responsible for any errors or omissions in this drawing.

Approval

A



Sign on Dolphinstriker side of subject building.

B



Sign on adjacent building.

EXHIBIT B



1265 Manassero St. #309-310  
 Anaheim, CA 92807  
 Phone: (714) 693-2989  
 Fax: (714) 693-2925  
 AmericasInstantSigns.com

Squar Milner      Scharrell Jackson 949-222-2999  
 4100 Newport Place Newport Beach, CA. 92660  
 Exhibit B      Page 2      March 4, 2011

This is a preliminary  
 planning document for  
 America's Instant Signs.  
 It is not intended to be used  
 as a final design or to be used  
 in any way to create, reproduce,  
 or distribute any information  
 or to be used in any way to  
 create, reproduce, or distribute  
 any information or to be used  
 in any way to create, reproduce,  
 or distribute any information.

Approval

C



Sign on Newport Place side of building.

D



Sign on adjacent building.

EXHIBIT B



1265 Manassero St. #309-310  
 Anaheim, CA 92807  
 Phone: (714) 693-2989  
 Fax: (714) 693-2925  
 AmericasInstantSigns.com

Squar Milner      Scharrell Jackson 949-222-2999  
 4100 Newport Place Newport Beach, CA. 92660  
 Exhibit B      Page 3      March 4, 2011

This is a preliminary  
 drawing created by  
 America's Instant Signs  
 for informational purposes only. It is not  
 intended to be used for construction  
 or any other purpose without the  
 express written consent of  
 America's Instant Signs.

Approval

E



Existing lettering on subject building.

F



Existing monument on Newport Place.

EXHIBIT B



1265 Manassero St. #309-310  
 Anaheim, CA 92807  
 Phone: (714) 693-2989  
 Fax: (714) 693-2925  
 AmericasInstantSigns.com

Squar Milner      Scharrell Jackson 949-222-2999  
 4100 Newport Place Newport Beach, CA. 92660  
 Exhibit B      Page 4      March 4, 2011

This is a proposed sign. It is subject to the approval of the City of Newport Beach. The sign must be installed in accordance with the City of Newport Beach Sign Ordinance. The sign must be installed in accordance with the City of Newport Beach Sign Ordinance. The sign must be installed in accordance with the City of Newport Beach Sign Ordinance.

Approval



EXISTING



PROPOSED

EXHIBIT C



1265 Manassero St. #309-310  
 Anaheim, CA 92807  
 Phone: (714) 693-2989  
 Fax: (714) 693-2925  
 AmericasInstantSigns.com

Squar Milner

Scharrell Jackson 949-222-2999

4100 Newport Place Newport Beach, CA. 92660

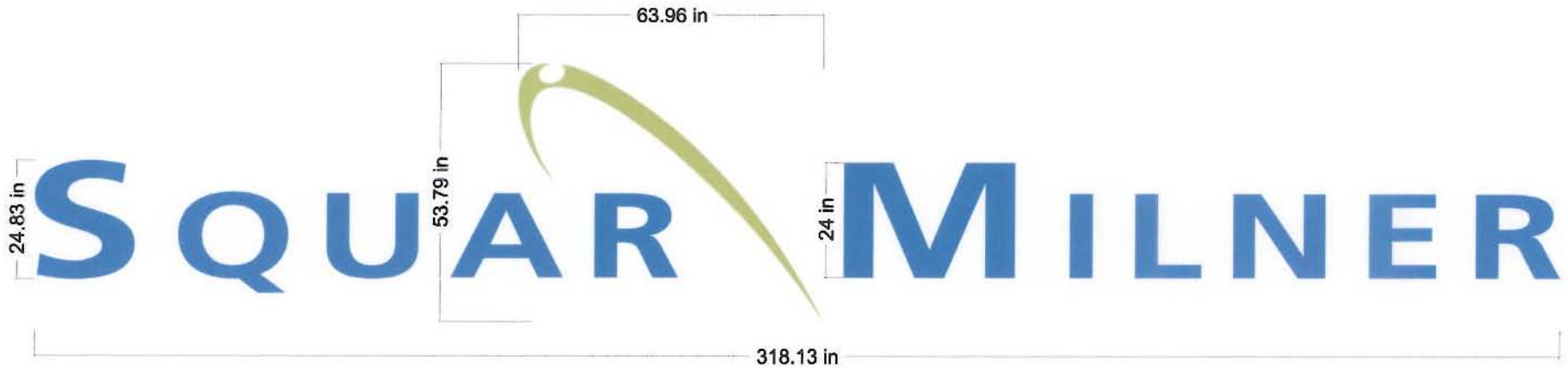
Exhibit C

Page 5

March 4, 2011

This is a digital rendering of a proposed sign. It is not a physical sign. It is not to be used for any purpose other than as a reference. All rights reserved. © 2011 America's Instant Signs.

Approval



118.83 Sq.Ft.

LED Illuminated Channel letters: 24" tall letter custom font with faces and returns to match PMS 2757c,  
Crescent shape to be approx. 53" tall x 63" wide with Gold face and matching returns.

### SPECIFICATIONS



1265 Manassero St. #309-310  
Anaheim, CA 92807  
Phone: (714) 693-2989  
Fax: (714) 693-2925  
AmericasInstantSigns.com

Squar Milner Scharrell Jackson 949-222-2999  
4100 Newport Place Newport Beach, CA. 92660  
22006 Page 6 March 4, 2011

This is a preliminary drawing showing the proposed design of the sign. It is not intended to be a final contract document. All dimensions are approximate and subject to change without notice. The client is responsible for obtaining all necessary permits and approvals. The client is responsible for the final design and content of the sign.

Approval



## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663  
(949) 644-3200 Fax: (949) 644-3229

[www.newportbeachca.gov](http://www.newportbeachca.gov)

### **ZONING ADMINISTRATOR ACTION LETTER**

**Application No.**                    **Modification Permit No. MD2011-005 (PA2011-040)**  
**Applicant**                        **Sanderson JRay Development**  
**Site Address**                    **4341 MacArthur Boulevard**  
   **Modification Corinthian Way Mural/Frieze Installation**  
**Legal Description**            **Parcel Map Book 287, Page 37, Parcel 2**

On **April 14, 2011**, the Zoning Administrator approved the following: A modification permit to allow a wall-mounted mural/frieze to encroach from zero to a maximum of three feet into a 30-foot-street-side setback along Corinthian Way. The mural/frieze will be constructed of a lightweight material wall cladding known as exterior insulation and finishing system (EIFS). The property is located in the PC-11 (Newport Place) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

#### **Findings**

1. **CEQA Compliance:** The project is exempt from environmental review pursuant to Section 15311, Class 11 (Accessory Structures) of the Implementing Guidelines of the California Environmental Quality Act.
  - Class 11 includes construction or replacement of minor structures such as on-premise signs accessory to (appurtenant to) existing commercial facilities.
  - The proposed wall-mounted mural/frieze is incidental and accessory to the principal commercial use of the property and does not intensify or alter the use.
2. **Finding:** The requested modification will be compatible with existing development in the neighborhood.

#### **Facts in Support of Finding:**

- The subject site is located within General Commercial Site 5 of the PC-11 (Newport Place) District and is buffered from MacArthur Boulevard and Corinthian Way by a 30-foot setback.
- The wall on which the mural/frieze will be mounted is facing Professional & Business Office Site 6 of the PC-11 (Newport Place) District and is visible from Corinthian Way and MacArthur Boulevard.



- The Newport Place Planned Community Text allows unsupported roofs and sunscreens to project three (3) feet into setback area. The proposed wall-mounted mural/frieze could be considered similar in nature in that it is an unsupported projection and will not surpass this exception.
- The wall-mounted mural/frieze as proposed will be themed such that it is related to the nearby John Wayne Airport and will add to the general character of the existing shopping center.
- The proposed wall-mounted mural/frieze will be a unique, work of art which will not appear out of character with the existing shopping center development and its surrounding office uses.

3. **Finding:** 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:**

- The Newport Place Planned Community Text sets forth the regulations for corner lots within commercial areas to have a 30-foot-street-side setback.
- The subject site is a corner lot containing two building frontages with a 30-foot-street-side setback. This setback coupled with the existing building location makes it difficult to accomplish any aesthetic improvements similar to the proposed mural.

4. **Finding:** 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:**

- Section 20.42.040 of the Newport Beach Municipal Code (NBMC) defines a mural as "an artistic image or design painted or affixed to the exterior surface of a structure that does not contain a commercial or noncommercial text or message" and the proposed mural is consistent with this definition.
- The existing building was constructed up to the 30-foot-street-side setback. Strict application of the 30-foot-street-side setback would not allow the wall-mounted mural to be installed and the building would have to be reconstructed or altered such that it would accommodate the proposed mural. This constitutes a physical hardship as the proposed wall-mounted mural/frieze will be minor in nature (10% encroachment) and the Zoning Code does not define regulations for murals/friezes.

5. **Finding:** 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:**

- The existing commercial building was constructed such that it maintains a 30-foot setback along Corinthian Way.

- The proposed mural/frieze will be mounted onto the existing building façade with projections varying from zero to three feet into the 30-foot setback.
  - The modification permit is necessary to encroach into the required 30-foot setback. Strict application of the Zoning Code without the modification permit precludes the installation of the proposed mural/frieze which will serve to enhance the site.
6. **Finding:** 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:**

- The proposed mural/frieze will be constructed on private property and will not change the density or intensity of the existing commercial use.

**Conditions**

*(Project specific conditions are noted in italics)*

1. The development shall be in substantial conformance with the approved site plan and elevations, except as noted in the following conditions.
2. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
3. 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.
4. *The mural/frieze may be altered or refaced such that it remains consistent with the definition of a mural as defined by Section 20.42.040 of the Newport Beach Municipal Code and this approval.*
5. 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.
6. A building permit shall be obtained prior to commencement of the construction.
7. A copy of this approval letter shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
8. If any of the existing public improvements surrounding the site is 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.

9. 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.
10. 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 **Modification Corinthian Way Mural/Frieze Installation** including, but not limited to, the Modification Permit No. MD2011-005 (PA2011-040). 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.
11. 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.

**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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:   
Jaime Murillo, Zoning Administrator

JM/bmz

Attachments: ZA 1 Vicinity Map  
ZA 2 Plans

# VICINITY MAP



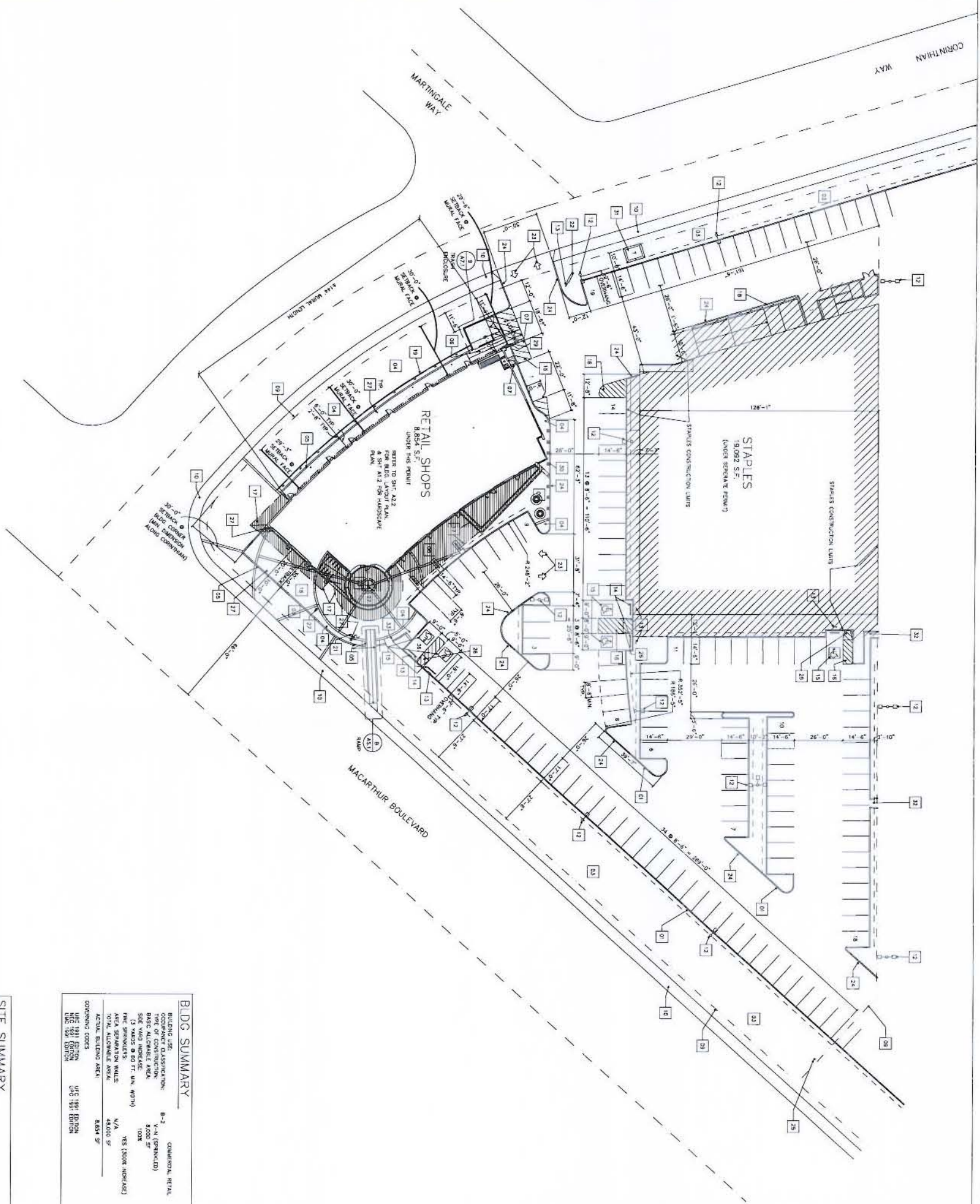
Modification Permit No. MD2011-005  
PA2011-040

**4341 MacArthur Boulevard**



SITE PLAN

SCALE: 1" = 20'-0" A1



LEGEND

- 01 EXISTING CONCRETE CURB - REFER TO CIV. PLANS FOR EXISTING OR CURB REPAIR WORK FOR CON. LOCATIONS.
- 02 NEW CONCRETE CURB - REFER TO CIV. PLANS FOR EXISTING OR NEW WORK AND FOR CON. LOCATIONS.
- 03 EXISTING LANDSCAPE AREA - PRETECT IN CONSTRUCTION OPERATIONS.
- 04 NEW LANDSCAPE AREA.
- 05 EXISTING WALL - REFER TO 182/A111.
- 06 CONCRETE WALL @ 120 WALL THICK.
- 07 CONCRETE PAVING - 5" THK. W/400 REINFC. REFER TO 202/A111.
- 08 INTERLOCKING PRE-CAST CONCRETE PAVEMENT - REFER TO SHEET A12.
- 09 PAVEMENT JUNC.
- 10 EXISTING SIDEWALK N OTW SLOPE.
- 11 EXISTING PAVEMENT LOT LIGHT POLE & FITTING - PRETECT IN PLACE.
- 12 NEW PAVEMENT LOT LIGHT POLE & FITTING - 12" DIA. W/ 400 REINFC. & 4" THK. CONCRETE BASE. REFER TO ELECTRICAL PLANS & CIVIL PLANS.
- 13 HAND-PAINT CONCRETE PAVING SURFACE - REFER TO 202/A111.
- 14 PRE-CAST CONCRETE PAVING SURFACE - REFER TO 202/A111.
- 15 METALLIC SIGNAGE OR ACCESS PAINTED ON EXISTING SIGNAGE - REFER TO 202/A111.
- 16 PAINT SPRING - WHITE, 4" DIA. 1" DIA. W/ 400 REINFC. & 4" THK. CONCRETE BASE. REFER TO ELECTRICAL PLANS & CIVIL PLANS.
- 17 SIDE OVERHANG ABOVE - TYP.
- 18 1'-0" x 1'-0" SIGNAGE - REFER TO STAPLES PLANS FOR MARKETING READER WALL.
- 19 SIGNAGE - SEE 60 - SEE LANDSCAPE PLAN.
- 20 14" TYPICAL LOCATIONS.
- 21 SIGNAGE MARK.
- 22 MONUMENT SIGN.
- 23 PAINTED PAINTING DIRECTION ARROWS.
- 24 PAINTED CURB, RSD.
- 25 POLE SIGN.
- 26 1/2" DIA. @ 11.5 (MAX.) CURB.
- 27 AREA SIGN - SEE CIVIL PLANS.
- 28 WALK UP TO NEW OVERLAP RSD - SEE LANDSCAPE & CIVIL PLANS.
- 29 PER SIGNAGE - SEE 11/A111.
- 30 12" BLOCK.
- 31 NEW PAVEMENTING AND REPAIR WORK.
- 32 FILL AREA SIGNAGE CUTTER SEE CIVIL PLANS.

BLDG SUMMARY

|                          |  |
|--------------------------|--|
| BUILDING USE:            | COMMERCIAL RETAIL  |
| OCCUPANT CLASSIFICATION: | B-2  |
| TYPE OF CONSTRUCTION:    | V-N (SPRINKLED)  |
| BASIC ALLOWABLE AREA:    | 8,000 SF   |
| AREA SEPARATION WALLS:   | NO   |
| FIRE SPRINKLERS:         | YES (SPRINKLER)  |
| TOTAL ALLOWABLE AREA:    | 48,000 SF  |
| ACTUAL BUILDING AREA:    | 48,000 SF  |
| CONVENING CODES:         | UFC 1991 EDITION<br>UFC 1991 EDITION<br>LDC 1991 EDITION |

SITE SUMMARY

|                          |                               |
|--------------------------|-------------------------------|
| DATE (LAST REV):         | 08/20/21                      |
| BLDG AREA:               | 14,844 SF                     |
| LANDSCAPE & CIVIL PLANS: | 8,000 SF                      |
| TOTAL AREA:              | 22,844 SF                     |
| CONTRACT:                | 24.1X                         |
| PARKING REQUIRED:        | 277 SPACES @ 1/200' 1987 SIGN |
| PARKING PROVIDED:        | 141 SPACES                    |



**LINDSTROM & ASSOCIATES**  
ARCHITECTS

200 WEST 10TH STREET, SUITE 200  
MINNAPOLIS, MINNESOTA 55401  
TEL: (763) 426-1772  
FAX: (763) 426-0872

SITE PLAN

|           |          |
|-----------|----------|
| DATE:     | 08/20/21 |
| DESIGNER: | ACT/S    |
| CHECKER:  | ACT/S    |
| APPROVER: | J.C.     |

A1.1

