

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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt AICP, Director

SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending June 17, 2011

ACTIONS TAKEN AT JUNE 15, 2011 ZONING ADMINISTRATOR HEARING

Item 1: Westcliff Plaza Pylon Signs - Modification Permit No. MD2011-006 (PA2011-050)
1016 – 1150 Irvine Avenue

This item was conditionally approved

Council District 3

Item 2: Ibbetson Residence – Minor Use Permit No. UP2011-013 (PA2011-077)
400 Aliso Avenue

This item was approved.

Council District 2

On behalf of Kimberly Brandt AICP, Director:



Gregg Ramirez, Senior Planner

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.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

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

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Modification No. MD2011-006 (PA2011-050)**

Applicant **Irvine Company**

Site Address **1016- 1132 Irvine Ave
Westcliff Plaza Pylon Signs**

Legal Description **N TR 4824 LOT 16**

On **June 15, 2011**, the Zoning Administrator approved a portion of the application for the following: Request to amend a previously approved modification permit that allowed the installation of a second freestanding sign (where the Zoning Code limits the property to one) for project and tenant identification for Westcliff Plaza, a commercial shopping center. The application includes a request to increase the height to 24 feet where the zoning code limits the height to 20 feet, and to increase the overall width to 7-feet 2-inches where the zoning code limits the width to a maximum of 6 feet. The applicant also proposes to increase the sign copy area to 97.5 square feet where the zoning code limits the sign area to 75 square feet. The property is located in the CN (Commercial Neighborhood) District.

BACKGROUND:

Modification Permit No. 3186, approved on July 22, 1986, authorized the installation of the existing two freestanding signs, and did not allow for deviation from any other development standards for height or sign area. Adoption of the Sign Code in October 2005 rendered the existing freestanding signs as nonconforming, in accordance with Section 20.42.140 (Nonconforming Signs), because the freestanding signs exceed the width limitation of 6 feet. Additionally, Section 20.42.140 B-2 (Removal of Nonconforming Signs) of the municipal code requires that nonconforming signs shall be removed if it is remodeled, unless it is remodeled to comply with provisions of the Chapter. In order for the installation of proposed freestanding pylon signs to be consistent with the previous approval, the new signs must comply with the development standards pertaining to height, width and sign area. If so designed or compliant, no additional discretionary review or approval would be required. However, since the applicant has proposed to increase the height, width and sign area of the new pylon signs beyond that permitted by the Sign Code, an amendment to the modification permit or new application is required.

The applicant has provided the attached revised letter of justification dated June 2, 2011, in support of the proposed modification permit and the required findings for approval. (Attachment ZA2)

The Zoning Administrator conditionally approved the subject application to amend the previous Modification Permit No. 3186 (and the subsequent Modification Permit No. MD2005-051), and determined that the following findings for approval could be made for the increased width and sign area of the freestanding pylon signs; that the findings for approval for increased height could not be made, and therein provides the following facts that are in support of the proposed action on the application:

FINDINGS

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

Facts in Support of Finding for Approval of Width and Sign Area:

- The original approval by Modification Permit No. 3186 (Attachment ZA4), was approved when the sign code provisions allowed 20-foot-high signs and 200 square feet of copy area per side, compared to the current Sign Code that now limits freestanding signs to 20 feet high, 6 feet wide and copy area with a maximum of 75 square feet per side. The existing 8 foot wide signs will be replaced with new 7-foot, 2-inch wide signs, bringing the signs closer to conformance with those provisions.
- The proposed number of freestanding signs complies with the number as currently authorized by Modification Permit No. 2001-008 (Attachment ZA5) and as originally authorized by Modification Permit No. 3186, on July 22, 1986.
- The proposed width and area of the signs are compatible with other signs in the area and vicinity that were approved under prior Sign Code regulations (*2043 Westcliff Drive*). The signs located across the street at (south side of Westcliff Drive) were approved over the course of several years and authorized at different times. The current number of on-site, freestanding signs (10-foot tall and 5-foot 6-inches wide) were authorized by Modification Permit No. 2005-051 (Attachment ZA7), for the removal and replacement of the second freestanding sign that was originally authorized by Modification Permit No. 5087, as approved on May 17, 2000 at 14-foot tall and 20-foot wide (Attachment ZA6).
- The increased width and sign area of the freestanding signs as proposed will provide for increased visibility and will "provide each sign user an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs by appropriately regulating the time, place, and manner under which signs may be displayed (from purpose and intent of the Sign Code Chapter 20.42)." The increased width and sign area is not appreciably excessive given the location on the property fronting on two roadways.
- The signs as recommended by this approval will comply with the height standards of the Sign Code for pylon signs. The recommended width of 7-foot 2-inches (which is 1-foot 2-inches wider and contains 30% greater sign area; but is also 12.5% less

wide than the existing signs) provides adequate visibility from both roadways as viewed from Irvine Avenue and Westcliff Drive.

Facts in Support of Finding for Denial of Increased Height:

- That in order to comply with the City Council's intent that all new signs and the future replacement of existing signs conform to the new Zoning Code Regulations and Development Standards as specified in the Sign Code as adopted in October 2005 (Ordinance 2005-017), maintaining the height to no more than 20 feet is necessary. Additionally, that to fulfill the purpose and intent of the Sign Code requires compliance with the Sign Code Regulations that apply citywide to freestanding signs for height, and that the recommended increase in width and sign area can be accommodated within that 20 foot height limit.
 - The increased height of the freestanding signs as proposed (6 feet higher than the existing signs, and 4 higher than allowed by the Sign Code) is not necessary to "provide each sign user an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs by appropriately regulating the time, place, and manner under which signs may be displayed (from purpose and intent of the Sign Code Chapter 20.42)." That the increased height, is excessive given the location of the property to the nearby residential district and apartment complex to the north; and abruptly out of scale with other freestanding signs in the vicinity.
 - That the proposed increase in the height of the freestanding signs is not necessary for visibility of the signs as viewed from Irvine Avenue or Westcliff Drive. The visibility of the freestanding signs as currently exist are already impaired by the existing landscaping located around the signs and along the roadway (as evidenced by the Photos -Attachments ZA8 and ZA9).
2. **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 for Approval of Width and Sign Area:

- The sign code provides that the Zoning Administrator may approve a modification permit for increased area which in this particular case will accommodate a pylon sign that can identify more than a single tenant or entity within the limitations specified.
- The property is a neighborhood shopping center located in the CN (Commercial Neighborhood) zoning district which is intended to provide for areas appropriate for a limited range of retail and service uses developed in one or more district centers oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area. Two freestanding signs as recommended will provide increased width and sign area to accommodate the identification of several tenants of the shopping center, comply with the regulations of the Sign Code for height of

the sign, and that will adequately meet the signage needs of the center and the intent of the zoning district.

- Since the property is occupied by a larger neighborhood shopping center, visibility of the tenants is impaired from Irvine Avenue and Westcliff Drive due to the distance of more than 500 feet from the property line. Visibility is also impaired by the parking lot improvements and existing landscaping. The additional width and sign area will afford the shopping center with increased visibility of the individual tenant signage.

Facts in Support of Finding for Denial of Increased Height:

- There is no unusual topography, shape of lot or configuration, or high vehicle speeds of traffic passing the shopping center that provide justification for the increased height of the freestanding signs.
- The subject property is rectangular in shape, fronts on two public streets with posted speed limits of 35 miles per hour and 40 miles per hour, which does not justify increased height to provide adequate visibility.
- The sign code limitation of 20 feet provides adequate height to accommodate the recommended sign width and sign area to accommodate identification of multiple tenants or entities within the recommended limitations. The current modification permit that allowed the addition of the second freestanding sign provides adequate visibility of a second freestanding sign from a second street frontage, which is more than allowed on neighboring properties with a single street frontage.

3. **Finding:** The granting of the modification is necessary due to the 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 for Approval of Width and Sign Area:

- The practical difficulty associated with the existing property fronting on two streets and the distance of the store front and wall signs from the property lines at Irvine Avenue and Westcliff Drive, limits visibility of tenant identification signs; and that allowing the increased sign width and area will adequately alleviate the situation created by the distance between the store fronts and the roadways.
- The approval of new pylon signs with increased width and sign area as recommended is consistent with the purpose of the Sign Code which is to bring nonconforming signs into conformance with the Sign Code Regulations when they are replaced or removed (Section 20.42.140 of the Newport Beach Municipal Code); and which allows the Zoning Administrator to authorize an increase in the width or sign area in conjunction with the approval of a modification permit in each case.
- The request for increased width and sign area is consistent with the intent and purpose of the Sign Code Chapter 20.42 that is intended to "protect public

safety and property values through enhanced aesthetic appeal by proper sign control." Given the large number of tenants that occupy the shopping center, allowing additional sign area is reasonable in this particular case.

Facts in Support of Finding for Denial of Increased Height:

- The Sign Code allowance for 20-foot-high freestanding signs is adequate to provide visibility for vehicular traffic traveling in both directions on both Westcliff Drive and Irvine Avenue.
- There are no existing unusual or extraordinary circumstances related to site topography or lot dimensions that justify the increased height of the proposed pylon signs.
- The approval of such increases in height of the freestanding signs could set a precedent for the approval of similar requests that cumulatively could be detrimental to the neighborhood.
- Freestanding signs on sites adjoining and in the vicinity of the subject property generally maintain the required height or are shorter in most cases than specified by the Sign Code that was in force at the time that the signs were erected or as permitted by the current Sign Code. None of which exceed 20 feet in height.

4. **Finding:** There are no alternatives to the Modification Permit, that could provide similar benefits to the applicant with less potential detriment to the surrounding owners and occupants, the neighborhood, or the general public; and

Facts in Support of Finding for Approval of Width and Sign Area:

- The increased width and sign area provide for the ability to allow more tenant names on each sign face with enhanced visibility to vehicular traffic on Westcliff Drive and Irvine Avenue.
- An alternative would be to reduce the letter height and spacing between tenants; to accommodate additional tenants on the signs, however, readability of the signs could be impacted and would not be enhanced.
- The proposed width of the signs is narrower than the existing 8-foot wide signs, which has not proven detrimental to owners, occupants, neighborhood and the public.

Facts in Support of Finding for Denial of Increased Height:

- The increased height is not necessary to provide visibility to passing traffic because the posted speed limits of 35 miles per hour (Westcliff Drive) and 40 miles per hour (Irvine Avenue) provides adequate visibility of the proposed freestanding signs and the visibility will not be enhanced by an increase in height.

- The increased height is not warranted since alternatives are available to enhance visibility at the existing or permitted sign height that comply with the provisions of the Sign Code, as evidenced by the attached photos of the existing signs as viewed from Irvine Avenue (Attachment ZA8) and Westcliff Drive (Attachment ZA9).
 - The recommended width and sign area can be further enhanced by implementation of alternatives including but not limited to change to the on-site landscape trees along the Irvine Avenue frontage by pruning or replacing to improve visibility; and by lowering the height of the sign on Westcliff Drive to increase visibility that is impaired by city parkway street trees along Westcliff Drive.
5. **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 for Approval of Width and Sign Area:

- The increased width and sign area will not be detrimental to the public health, safety or welfare because the width of the existing sign will be reduced by 12.5%, will comply with the recommended increased sign area of no more than 97.5 square feet (30% increase), will comply with the Sign Code permitted height for pylon signs, and will not adversely affect the residential district and apartment complex to the north. The increased number of tenants identified and enhancement of the lettering and modernizing appearance can be achieved on a freestanding sign that complies with the height specified by the Sign Code.
- The proposed width and sign area is not out of scale with other freestanding signs located on Westcliff Drive and Irvine Avenue (within the city limits) or generally allowed by the Sign Code.

Facts in Support of Finding for Denial of Increased Height:

- The increased number of tenants identified and enhancement of the lettering and modernizing appearance can be achieved on a freestanding sign that complies with the height specified by the Sign Code.
- The proposed height of the freestanding signs is abruptly out of scale with other freestanding signs located on Westcliff Drive and Irvine Avenue (within the city limits).
- The approval of the proposed request for increased height could set a precedent for the approval of other similar requests that cumulatively would be detrimental to the neighborhood and citywide.

Conditions

1. The proposed freestanding pylon signs shall be in substantial conformance with the approved site plan, details, and elevations, except as noted in the following conditions.
2. In no case shall the proposed freestanding pylon signs exceed the following maximums: 20 feet in overall height measured at its highest point above existing grade below the sign, 7 feet 2 inches in overall width (as depicted in that approved plans), and 97.5 square feet of sign area per side, measured in accordance with Chapter 20.42 of the Newport Beach Municipal Code. The signs shall also comply with the remaining provisions, including but not limited to Section 20.42.060, 20.42.070 and 20.42.080, except as authorized by this approval for location, width and sign area.
3. The distance requirement from the driveway edge along the Irvine Avenue frontage may be maintained as currently exists and the required distance as specified by Section 20.42.080 C-4 is waived.
4. Plantings surrounding the proposed freestanding pylon signs shall be limited and maintained to a maximum height of 12 inches, unless otherwise approved by the Public Works Department in accordance with sight distance requirements. The landscape area around the Pylon Sign along the Irvine Avenue frontage may be maintained as currently exists and the increase in the area as specified by Section 20.42.080 C-11 is waived.
5. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
6. 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.
7. 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.
8. A building permit shall be obtained prior to demolition of existing signs and construction of the proposed freestanding pylon signs.
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.

10. 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.
11. 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.
12. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Westcliff Plaza Pylon Signs including, but not limited to, the MD2011-006, PA2011-050**. 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.
13. 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.

PUBLIC NOTICE

Notice of this application was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code.

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:


Jaime Murillo, Zoning Administrator

GR/jsg

F:\USERS\PLN\Shared\PA's\PA's - 2011\PA2011-050\MD2011-006 Action Ltr- 06-15-2011 REV.docx

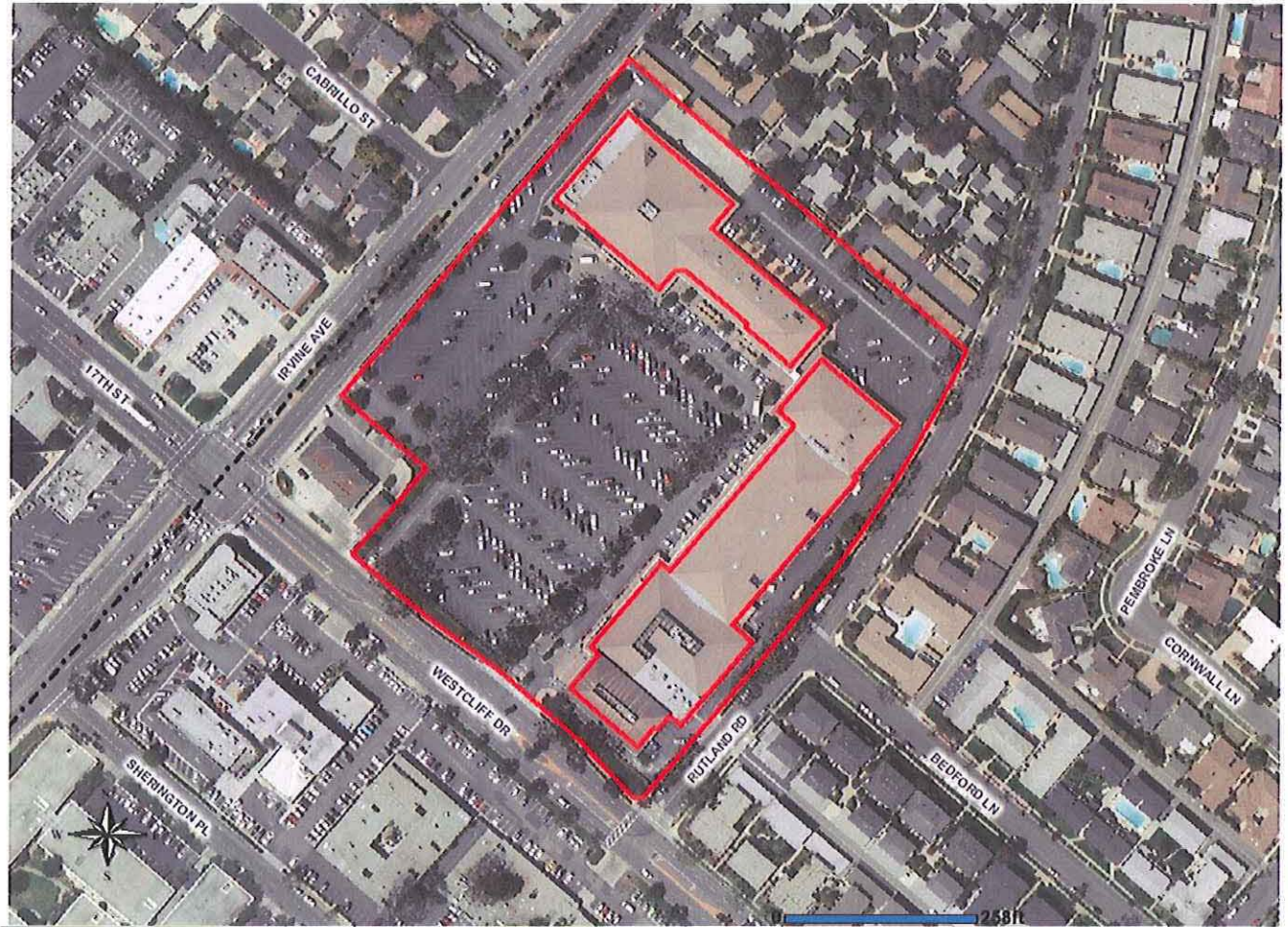
Attachments:

- ZA1 - Vicinity Map
- ZA2 – Applicant's Revised and Original Letters of Justification
- ZA3 – Site Plan, Proposed Pylon Sign Details and Enlarged Plans
- ZA4 – Modification Permit No. 3186, 1000-1132 Irvine Ave, w Plans
- ZA5 – Modification Permit MD2001-008, Westcliff Plaza
- ZA6 – Modification Permit No. 5087, 2121 Westcliff Drive w Plans
- ZA7 – Modification Permit MD2005-051, 2043 Westcliff Drive
- ZA8 – Photo Exhibit – Irvine Avenue
- ZA9 – Photo Exhibit – Westcliff Drive

Attachment No. ZA 1

Vicinity Map

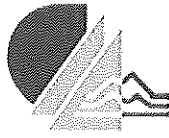
VICINITY MAP



Modification No. MD2011-006
PA2011-050

1016 – 1132 Irvine Avenue

Attachment No. ZA 2
APPLICANT'S LETTER OF JUSTIFICATION



CAA PLANNING

June 2, 2011

Mr. Patrick Alford, Planning Manager
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

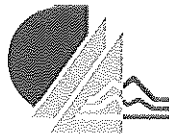
Subject: Westcliff Plaza Shopping Center Pylon Signs – PA 2010-180

Dear Mr. Alford:

Thank you for meeting and discussing the modification permit requirements for the above referenced project yesterday afternoon. We have reviewed the Westcliff Plaza site in the context of recent approvals for modification permits for other neighborhood shopping centers in the City of Newport Beach. We have revised our proposed findings in support of the modification permit which we have included for your consideration.

The example which we discussed, the recent approval of The Landing shopping center Comprehensive Sign Program and modification permit, was particularly helpful. We visited that site and have compared the signage approved for The Landing, with that which we proposed for Westcliff Plaza. We note several significant differences in the two locations. For example, while The Landing has frontage on two major streets (Newport Boulevard and Balboa Boulevard) the speed limit for these two streets is 30 MPH. By contrast, the speed limit along Irvine Boulevard, fronting Westcliff Plaza is 40 MPH. We believe that the difference in 10 MPH between the two locations is substantial. Moreover, the building setback for the retail tenants at Westcliff Plaza is nearly three times the distance as compared to The Landing.

In measuring the building setbacks for The Landing, we note that the greatest setback is approximately 156 feet from the building façade to 32 Street, while the greatest setback for Westcliff Plaza is over 570 feet to Westcliff Drive. These comparisons demonstrate that there are significant differences between the recently approved signage for The Landing, and the basis for approval of the pylon signs proposed for Westcliff Plaza. Exhibit 1 depicts the view of each shopping center from the street. The size of Westcliff Plaza and the need for the increased size of the pylon signs is evident when compared to The Landing.



Mr. Patrick Alford
June 2, 2011
Page 2 of 2

The existing landscaping at Westcliff Plaza has been well maintained and accomplishes both a street frontage aesthetic softening while providing relief within the expansive parking lot at this location. Exhibit 2 depicts the landscaping at Westcliff Plaza. Notwithstanding the benefits of extensive mature trees at Westcliff Plaza, this landscaping also obscures the visibility of the retail tenants from the major cross streets. By way of contrast, the proximity of the buildings which comprise The Landing are directly adjacent to the major cross streets and the minimal landscaping along Newport Boulevard is made up of tall palm trees while the interior landscaping is from relatively small tree wells. The visibility of the tenants at The Landing will not be significantly impaired even by mature landscaping. Exhibit 3 depicts landscaping at The Landing.

We have reviewed several modification permits that were recently approved by the City for signs and have updated our findings with more specific information about the Westcliff Plaza site, and also based on the City's recent actions. We request that you review the updated findings at your earliest convenience and we look forward to discussing this information with you. Thank you again for meeting with us to discuss the proposed pylon signs; we appreciate your prompt attention on this project. Please do not hesitate to contact me or Tom Mathews if you have any questions or need additional information.

Sincerely,

CAA PLANNING, INC.

Shawna L. Schaffner
Chief Executive Officer

Attachments: Modification Permit Findings - Updated
Photo Examples, Exhibits 1 – 3

c: Dean Alstrup, Irvine Company
Mike McKown, Irvine Company
Jim Campbell, City of Newport Beach
Gregg Ramirez, City of Newport Beach

FINDINGS
PA2011-050, MD2011-006

Zoning Code Section 20.52.050 – Modification Permits

Subsection E. Required Findings. “The Zoning Administrator may approve or conditionally approve a Modification Permit if, on the basis of the application, materials, plans and testimony (orally and/or in writing) submitted, the Zoning Administrator finds all of the following:”

1. Finding: The requested modification will be compatible with the existing development in the neighborhood;

Facts in support of finding:

- *Westcliff Plaza is located on the western boundary of the City of Newport Beach and shares a common boundary (Irvine Avenue) with the City of Costa Mesa. Recently completed improvements to Westcliff Drive/17th Street and Irvine Avenue have allowed traffic to move more efficiently and property values in the surrounding neighborhoods, both in the City of Newport Beach and the City of Costa Mesa continue to appreciate in value. Irvine Company's on-going maintenance commitment at Westcliff Plaza as well as the private investment of its retail tenants mirrors the physical infrastructure and aesthetic upgrading throughout the surrounding neighborhoods.*
- *The proposed replacement pylon signs are consistent with the existing comprehensive sign program adopted in 2001 for the Westcliff Plaza Center and with the overall provisions of the General Plan and Zoning Code to provide appropriate retail services compatible with the surrounding residential area.*
- *The proposed replacement of two existing pylon signs does not increase the number of signs otherwise allowed by the existing 2001 Comprehensive Sign Program.*
- *The slightly larger pylon signs will be compatible with the enhanced signage that was approved by the City for the shopping center at the southwest corner of Irvine Avenue and Westcliff Drive.*

2. 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:

- *Westcliff Plaza shopping center is setback from the major street frontage.*
- *The majority of retail tenants in Westcliff Plaza do not have direct street frontage access to Westcliff Drive or Irvine Avenue which is not the case for other retail tenants along these roadways.*
- *Visibility of the majority of commercial tenant space from Irvine Avenue and Westcliff Drive is impaired by the over 500 feet setback from these roadways which is further exacerbated by 521 space parking lot, landscaping, and the Shell Service Station at the corner of the shopping center property.*

FINDINGS
PA2011-050, MD2011-006

3. Finding: The granting of the modification is necessary due to the 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 physical size and street orientation of Westcliff Plaza differs from other retail locations located along Westcliff Drive and Irvine Avenue which are in the City of Newport Beach or the City of Costa Mesa. These other retail locations enjoy direct street frontage which appear to be more in keeping with the zoning code signage requirements for neighborhood commercial developments.*
- *Due to the set back of the majority of Westcliff Plaza Shopping Center tenants and the fact that they do not have direct street frontage views, improving the overall visibility of the Center with increased Pylon sign size, increasing the number of major tenants listed on the pylon signs, improving the read-ability of the tenant listing on the pylon signs as viewed from the street frontage is commensurate with the Center's internal on-going maintenance investment and will enhance the neighborhood aesthetics.*

4. Finding: There are no alternatives to the modification Permit, that could provide similar benefits to the applicant with less potential detriment to the surrounding owners and occupants, the neighborhood, or the general public; and

Facts in support of finding:

- *The originally approved sign program limits the size of the pylon signs for the site. The modification permit is necessary to amend the original sign program.*
- *The proposed signage is necessary due to the size of the site and the orientation of the buildings and will not be detrimental to any surrounding owners and occupants, the neighborhood, or to the general public.*
- *The pylon signs are appropriate in size and scale given the size of the site and the building setbacks of approximately 570'.*
- *No other signs in the shopping center are directed towards the two major cross streets Irvine Boulevard and Westcliff Drive/17th Street.*
- ~~*The modification permit approved in 2001 for Westcliff Plaza established a comprehensive sign program for the center which has been implemented and maintained to a very high standard. Irvine Company does not seek to replace any other approved signs allowed under the 2001 Modification Permit.*~~
- *A Comprehensive Sign Program could be processed for the entire shopping center as an alternative to the proposed modification permit process. However, the existing Westcliff Shopping Center tenant signs*

FINDINGS

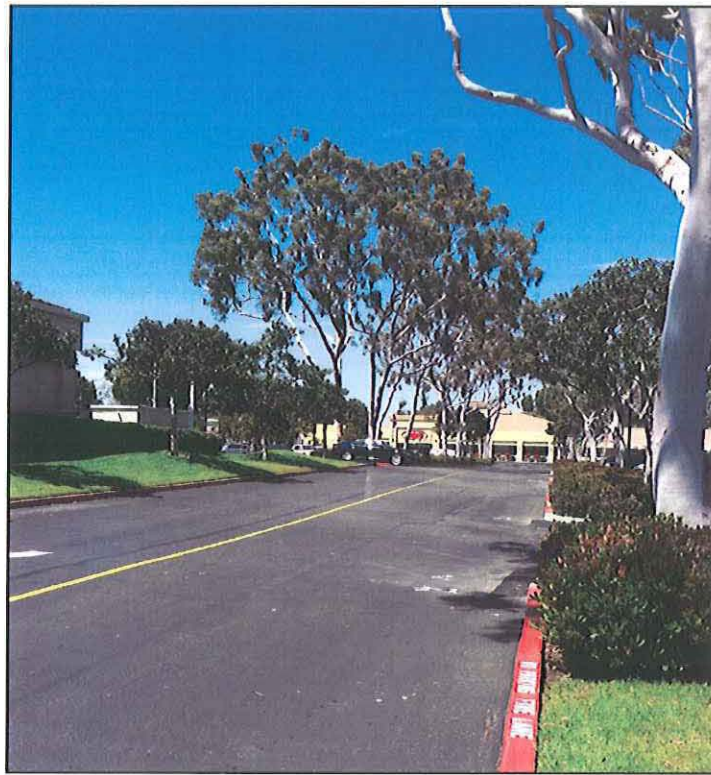
PA2011-050, MD2011-006

and internal on-site traffic directional signs have been maintained in excellent condition in keeping with turnover of on-site tenants and the Irvine Company's on-going maintenance. Therefore a modification permit is the only mechanism to allow the two replacement pylon signs.

5. 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:

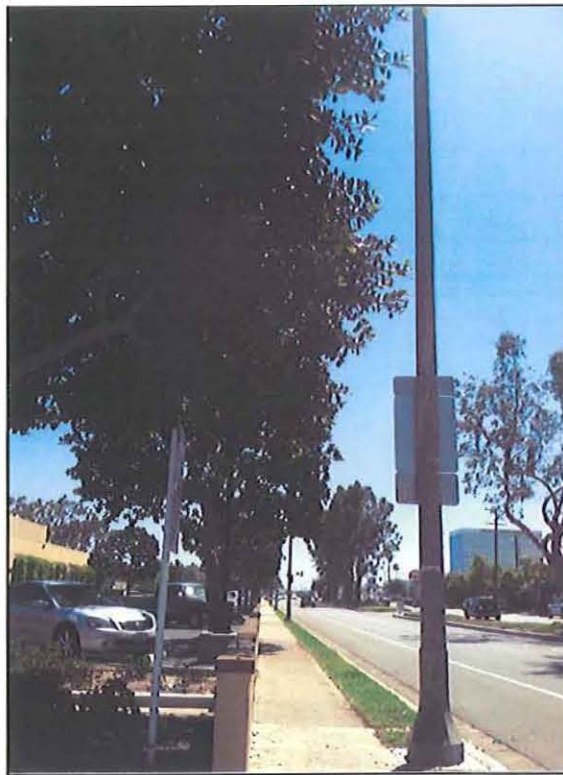
- *The proposed replacement pylon signs will not increase the total number of signs allowed under comprehensive sign program approved in 2001 for the Westcliff Plaza Shopping Center.*
- *The proposed replacement of the existing pylon signs located respectively (one each) on Irvine Avenue and Westcliff Drive with increased stature (height and width) and increased number of major tenants with enhance lettering will modernize the appearance of Westcliff Plaza Shopping Center as viewed from Irvine Avenue and Westcliff Drive.*
- *Updating the pylon sign(s) will benefit the retail tenants who have invested in the local economy which in exchange benefits the surrounding neighborhood and the City of Newport Beach.*



Westcliff Plaza Shopping Center



The Landing



Site Landscaping along Irvine Avenue



Site Landscaping within Westcliff Plaza Shopping Center



Site Landscaping within The Landing



Site Landscaping along Newport Boulevard

PROJECT DESCRIPTION

PA 2011-050, MD2011-0006

Background

Westcliff Plaza Shopping Center is a retail center zoned Commercial Neighborhood (CN) located at the northeast corner of Westcliff Drive and Irvine Avenue in Newport Beach. On February 27, 2001 Modification Permit No. MD2001-008 (PDA2001-010) established a comprehensive sign program for the Center. The sign program provides project/tenant/service station ID monuments, major/inline tenant ID signs, inline under canopy signs, and on-site traffic signs (i.e. stop, right turn only, ADA, and notice signs).

Existing Sign Program

Existing on-site signs installed under the 2001 Comprehensive Sign Program have been maintained in excellent condition, and once visitors have entered the property adequate on-site signage visibility is provided for existing tenant establishments. However, visibility of the center's retail establishments from Westcliff Drive and Irvine Avenue is made more difficult because of the physical set-back of over 500 feet of the majority of these tenant spaces from Westcliff Drive and Irvine Avenue. Also, the intervening 512 space parking lot and landscaping, and the existence of the Shell Service Station at the intersection of Irvine Avenue and Westcliff Drive further exacerbate tenant visibility. Irvine Company proposes to improve overall visibility of Center by replacing the existing pylon signs which are located on the Center's street frontage.

Proposed Project

Irvine Company requests approval of a modification permit to allow the replacement of two existing pylon signs, one facing Westcliff Drive and one facing Irvine Avenue (see attached exhibit). The existing pylon signs measure 18'2" in height and 8' in width and a sign area of 73.5 square feet. Zoning Code Section 20.42.080 allows pylon signs to 20' in height and up to 6' in width (up to 30% of the height). The proposed pylon signs (see attached exhibit) are proposed to be 24' in height and 7'2" in width and a sign area of 97.3 square feet.

Consistent with the provisions set forth in Section 20.52.050 a modification permit may be processed to allow for increased height, width and sign area. The pylon signs (see attached exhibit) are proposed to be 24' in height, an increase of 20% of sign height and 7'2" in width, which is 30% of the sign height. The sign area will increase to 97.3 square feet, an increase of 30%. The proposed pylon sign height of 24' and width of 7'2" remains proportionally consistent with the zoning code dimensional standards. In addition to increasing the pylon sign height, width and area, sign content is proposed to be expanded from three major tenants to five major tenants and letter style will be changed to improve sign content clarity for passing motorists on Westcliff Drive and Irvine Avenue.

RECEIVED BY
PLANNING DEPARTMENT

MAR 22 2011

NEWPORT BEACH

FINDINGS
PA2011-050, MD2011-006

Zoning Code Section 20.52.050 – Modification Permits

Subsection E. Required Findings. "The Zoning Administrator may approve or conditionally approve a Modification Permit if, on the basis of the application, materials, plans and testimony (orally and/or in writing) submitted, the Zoning Administrator finds all of the following:"

1. Finding: The requested modification will be compatible with the existing development in the neighborhood;

Facts in support of finding:

- *Westcliff Plaza is located on the western boundary of the City of Newport Beach and shares a common boundary (Irvine Avenue) with the City of Costa Mesa. Recently completed improvements to Westcliff Drive/17th Street and Irvine Avenue have allowed traffic to move more efficiently and property values in the surrounding neighborhoods, both in the City of Newport Beach and the City of Costa Mesa continue to appreciate in value. Irvine Company's on-going maintenance commitment at Westcliff Plaza as well as the private investment of its retail tenants mirrors the physical infrastructure and aesthetic upgrading throughout the surrounding neighborhoods.*
- *The proposed replacement pylon signs are consistent with the existing comprehensive sign program adopted in 2001 for the Westcliff Plaza Center and with the overall provisions of the General Plan and Zoning Code to provide appropriate retail services compatible with the surrounding residential area.*
- *The proposed replacement of two existing pylon signs does not increase the number of signs otherwise allowed by the existing 2001 Comprehensive Sign Program.*
- *The slightly larger pylon signs will be compatible with the enhanced signage that was approved by the City for the shopping center at the southwest corner of Irvine Avenue and Westcliff Drive.*

2. 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:

- *Westcliff Plaza shopping center is setback from the major street frontage.*
- *The majority of retail tenants in Westcliff Plaza do not have direct street frontage access to Westcliff Drive or Irvine Avenue which is not the case for other retail tenants along these roadways.*
- *Visibility of the majority of commercial tenant space from Irvine Avenue and Westcliff Drive is impaired by the over 500 feet setback from these roadways which is further exacerbated by 521 space parking lot, landscaping, and the Shell Service Station at the corner of the shopping center property.*

FINDINGS
PA2011-050, MD2011-006

3. Finding: The granting of the modification is necessary due to the 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 physical size and street orientation of Westcliff Plaza differs from other retail locations located along Westcliff Drive and Irvine Avenue which are in the City of Newport Beach or the City of Costa Mesa. These other retail locations enjoy direct street frontage which appear to be more in keeping with the zoning code signage requirements for neighborhood commercial developments.*
- *Due to the set back of the majority of Westcliff Plaza Shopping Center tenants and the fact that they do not have direct street frontage views, improving the overall visibility of the Center with increased Pylon sign size, increasing the number of major tenants listed on the pylon signs, improving the read-ability of the tenant listing on the pylon signs as viewed from the street frontage is commensurate with the Center's internal on-going maintenance investment and will enhance the neighborhood aesthetics.*

4. Finding: There are no alternatives to the modification Permit, that could provide similar benefits to the applicant with less potential detriment to the surrounding owners and occupants, the neighborhood, or the general public; and

Facts in support of finding:

- *The modification permit approved in 2001 for Westcliff Plaza established a comprehensive sign program for the center which has been implemented and maintained to a very high standard. Irvine Company does not seek to replace any other approved signs allowed under the 2001 Modification Permit.*
- *A Comprehensive Sign Program could be processed for the entire shopping center as an alternative to the proposed modification permit process. However, the existing Westcliff Shopping Center tenant signs and internal on-site traffic directional signs have been maintained in excellent condition in keeping with turnover of on-site tenants and the Irvine Company's on-going maintenance. Therefore a modification permit is the only mechanism to allow the two replacement pylon signs.*

5. 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:

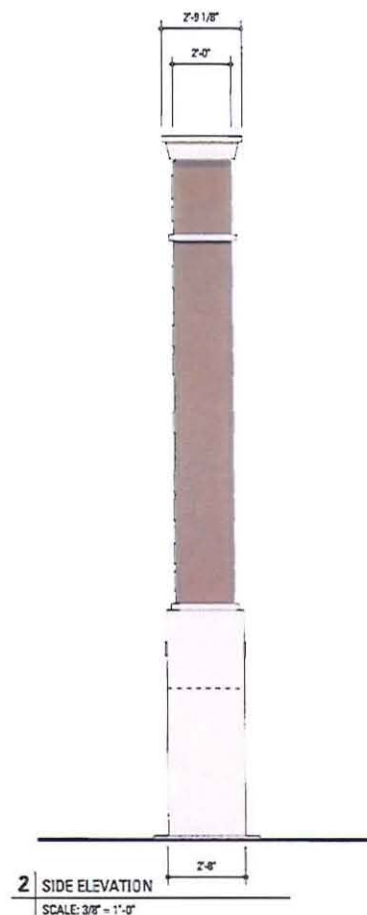
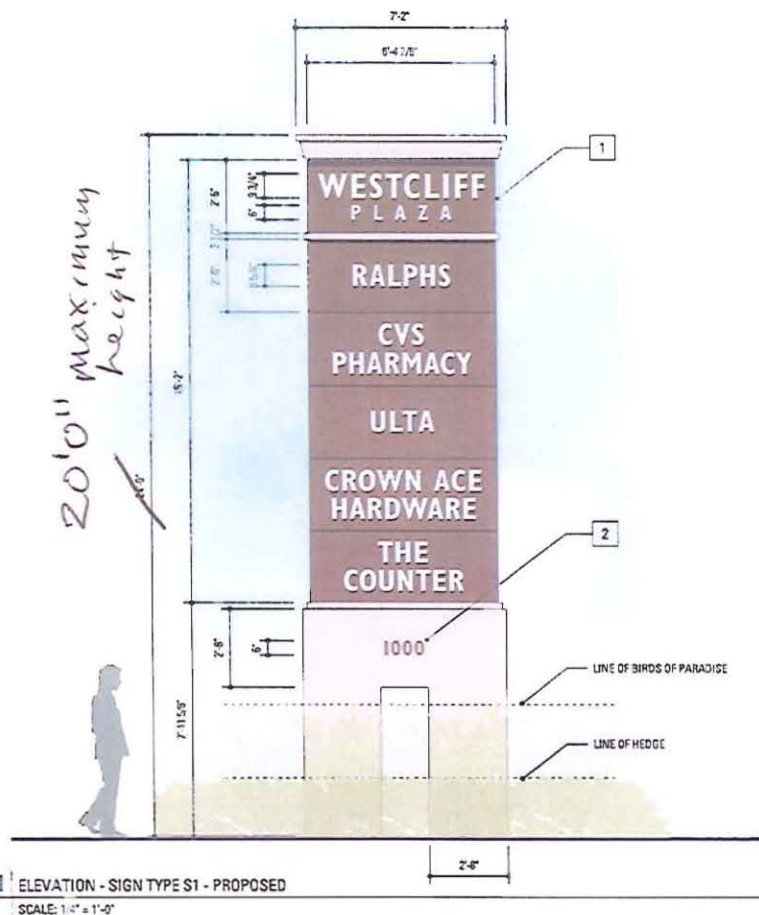
FINDINGS
PA2011-050, MD2011-006

- *The proposed replacement pylon signs will not increase the total number of signs allowed under comprehensive sign program approved in 2001 for the Westcliff Plaza Shopping Center.*
- *The proposed replacement of the existing pylon signs located respectively (one each) on Irvine Avenue and Westcliff Drive with increased stature (height and width) and increased number of major tenants with enhance lettering will modernize the appearance of Westcliff Plaza Shopping Center as viewed from Irvine Avenue and Westcliff Drive.*
- *Updating the pylon sign(s) will benefit the retail tenants who have invested in the local economy which in exchange benefits the surrounding neighborhood and the City of Newport Beach.*

RECEIVED BY
PLANNING DEPARTMENT
MAR 22 2011
CITY OF NEWPORT BEACH

Attachment No. ZA 3

Project Site Plan, Pylon Sign Details and
Enlarged Plans

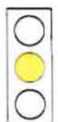


NOTES

- 1 NEW INTERNALLY ILLUMINATED FACRIGATED ALUMINUM CABINET WITH REMOVABLE TENANT PAN PANELS & ROUTES COPY WITH TRANSLUCENT WHITE ACRYLIC PUSHED THRU 1/2" PROUD - PAINT COLOR T.B.D.
- 2 1/2" THK ALUMINUM FLAT CUT NUMERALS MOUNTED FLUSH TO SURFACE - PAINT COLOR T.B.D.

TYPE STYLE: GILL SANS BOLD CONDENSED

RECEIVED BY
PLANNING DEPARTMENT
MAR 22 2011
CITY OF NEWPORT BEACH



Davies Associates

Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 211
Beverly Hills, CA 90210
tel 310 247-9572
fax 310 247-9590
www.daviesassociates.com

The company and the design included herein are the property of Davies Associates, Inc. and shall remain the property of Davies Associates, Inc. and shall not be used for any other project or projects of this project except by agreement in writing with Davies Associates, Inc.

Westcliff Plaza
Signage Enhancement
Program

Signage and Graphics Program
Newport Beach, California
Project No. 10036

Irvine Company
Retail Properties

Design Development 02.22.11 NP

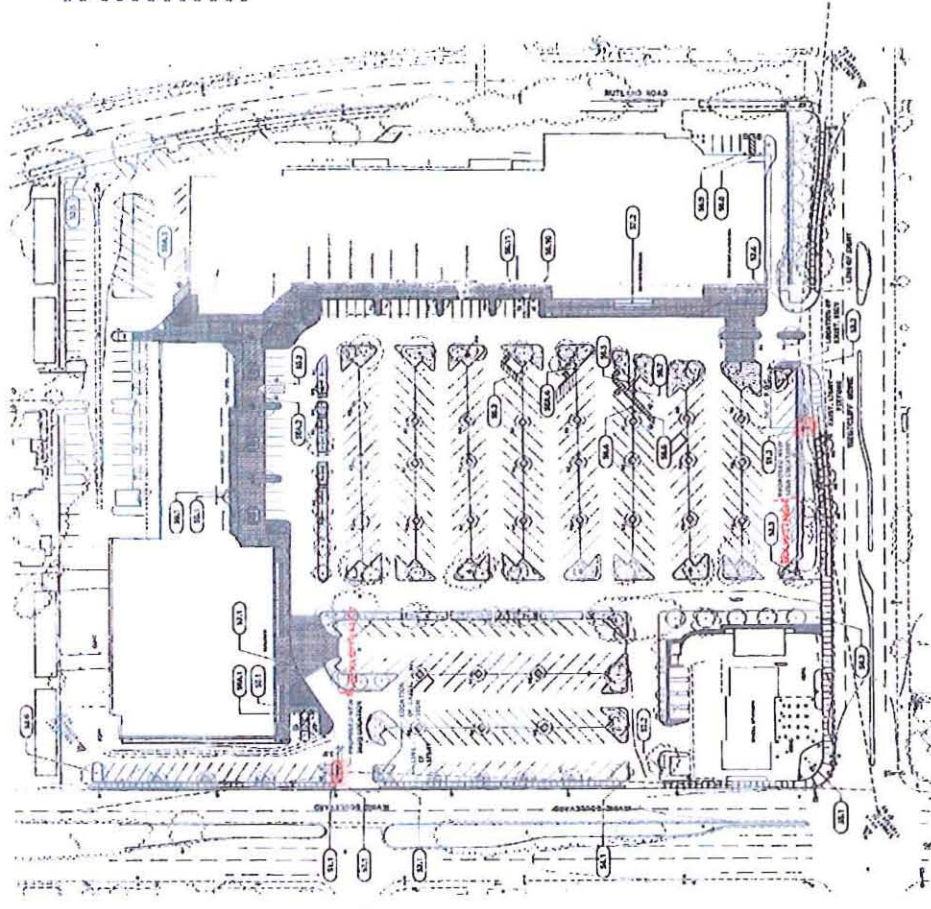
Sign Type S1 -
Project/Tenant
I.D. Pylon

Proposed New Sign

G4

PA2011-050 for MD2011-006
1000 - 1150 Irvine Avenue
Irvine Company

Sign Type	Description	Quantity
B1	Project/Urban Mainway Sign	2
B2	Project Sign	4
B3	Store Sign	4
B4	Significant Store Sign	2
B5	Project/Urban Mainway Sign	1
B6	Project/Urban Mainway Sign	1
B7	Project/Urban Mainway Sign	1
B8	Project/Urban Mainway Sign	1
B9	Project/Urban Mainway Sign	1
B10	Project/Urban Mainway Sign	1
B11	Project/Urban Mainway Sign	1
B12	Project/Urban Mainway Sign	1
B13	Project/Urban Mainway Sign	1
B14	Project/Urban Mainway Sign	1
B15	Project/Urban Mainway Sign	1
B16	Project/Urban Mainway Sign	1
B17	Project/Urban Mainway Sign	1
B18	Project/Urban Mainway Sign	1
B19	Project/Urban Mainway Sign	1
B20	Project/Urban Mainway Sign	1



THE IRVINE COMPANY
 1000 Westcliff Plaza
 Westcliff, NJ 07090
 Tel: 201-261-1000
 Fax: 201-261-1001



City of Irvine
 Planning Department
 14000 Irvine Blvd., Suite 100
 Irvine, CA 92618
 Tel: 949.261.1400
 Fax: 949.261.1401

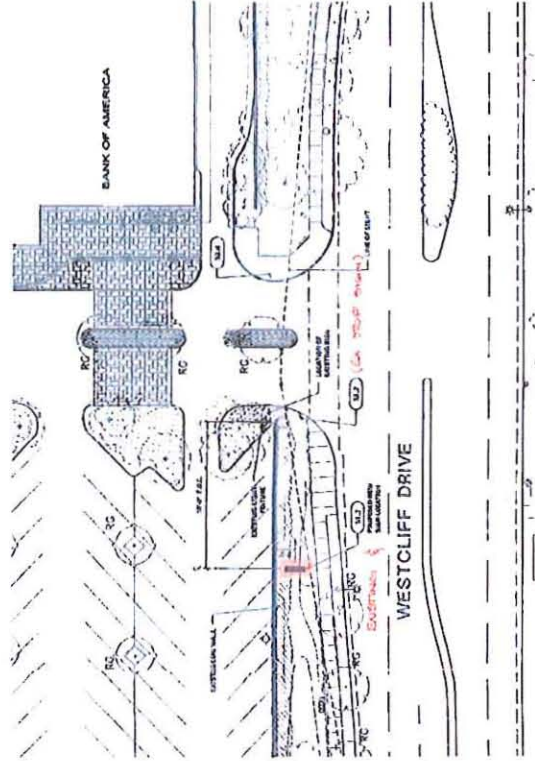
The City of Irvine is a city in Orange County, California, United States. It is the most populous city in Orange County and the 25th most populous city in California. The city is known for its high-tech industry, including the headquarters of Intel, Hewlett-Packard, and Oracle. The city is also known for its parks and recreational facilities, including the Irvine Ranch and the Irvine Great Park.

Project No.

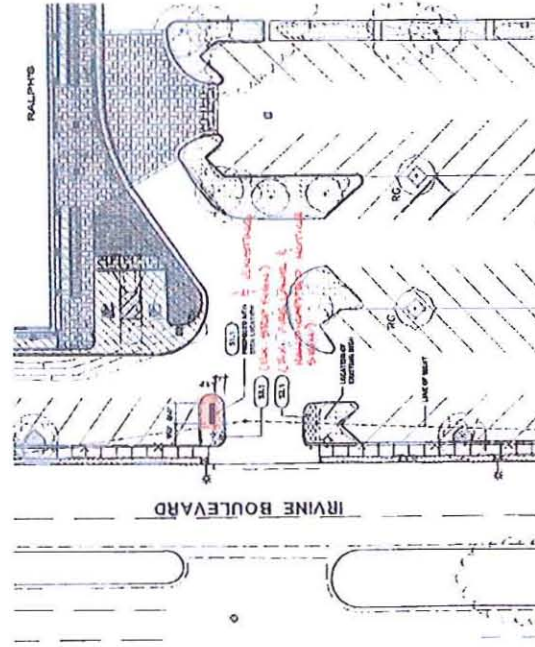
Sheet No.

Scale	AS SHOWN
Bar	1"=100'
Project No.	1000
Sheet No.	

G3

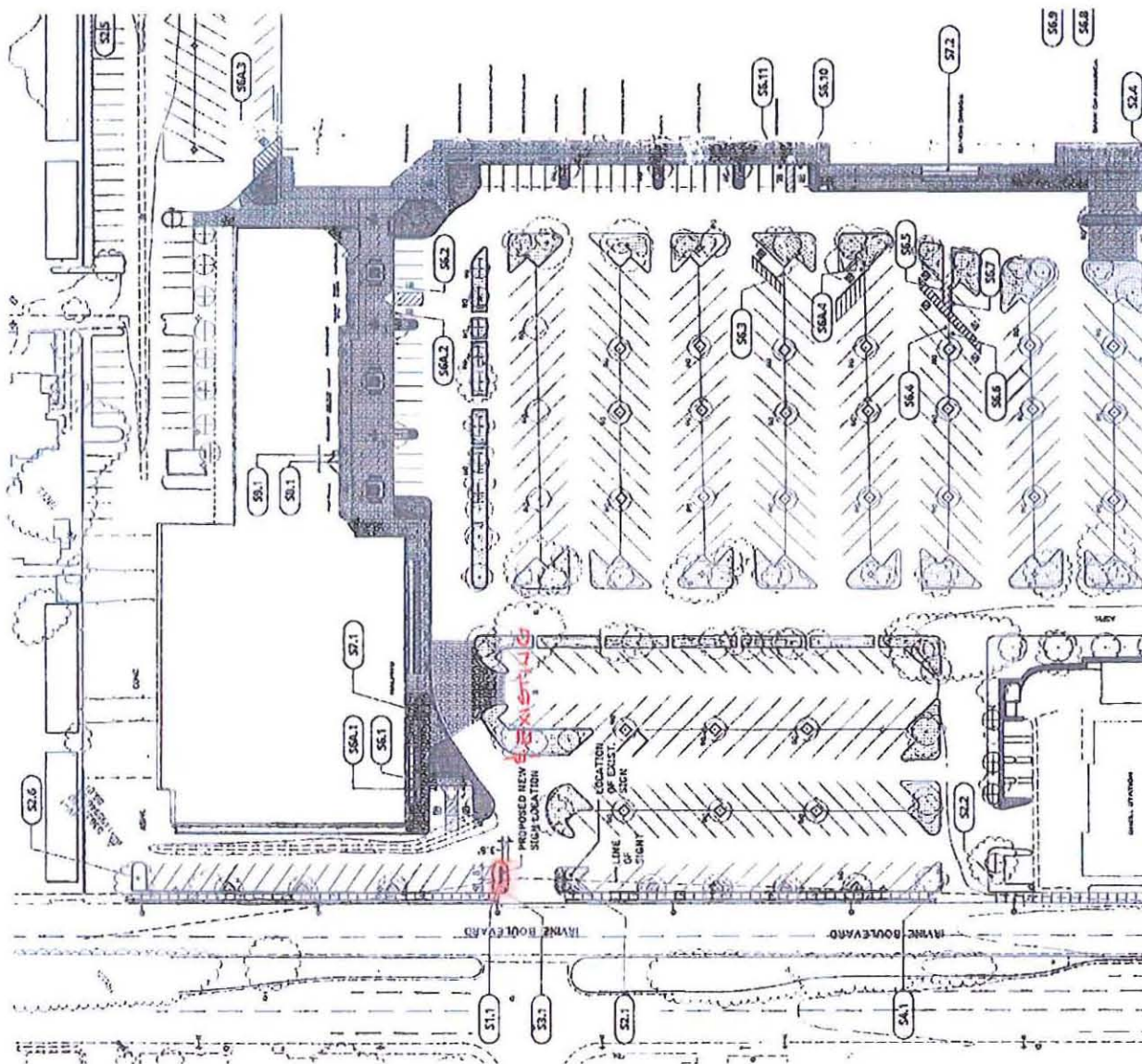


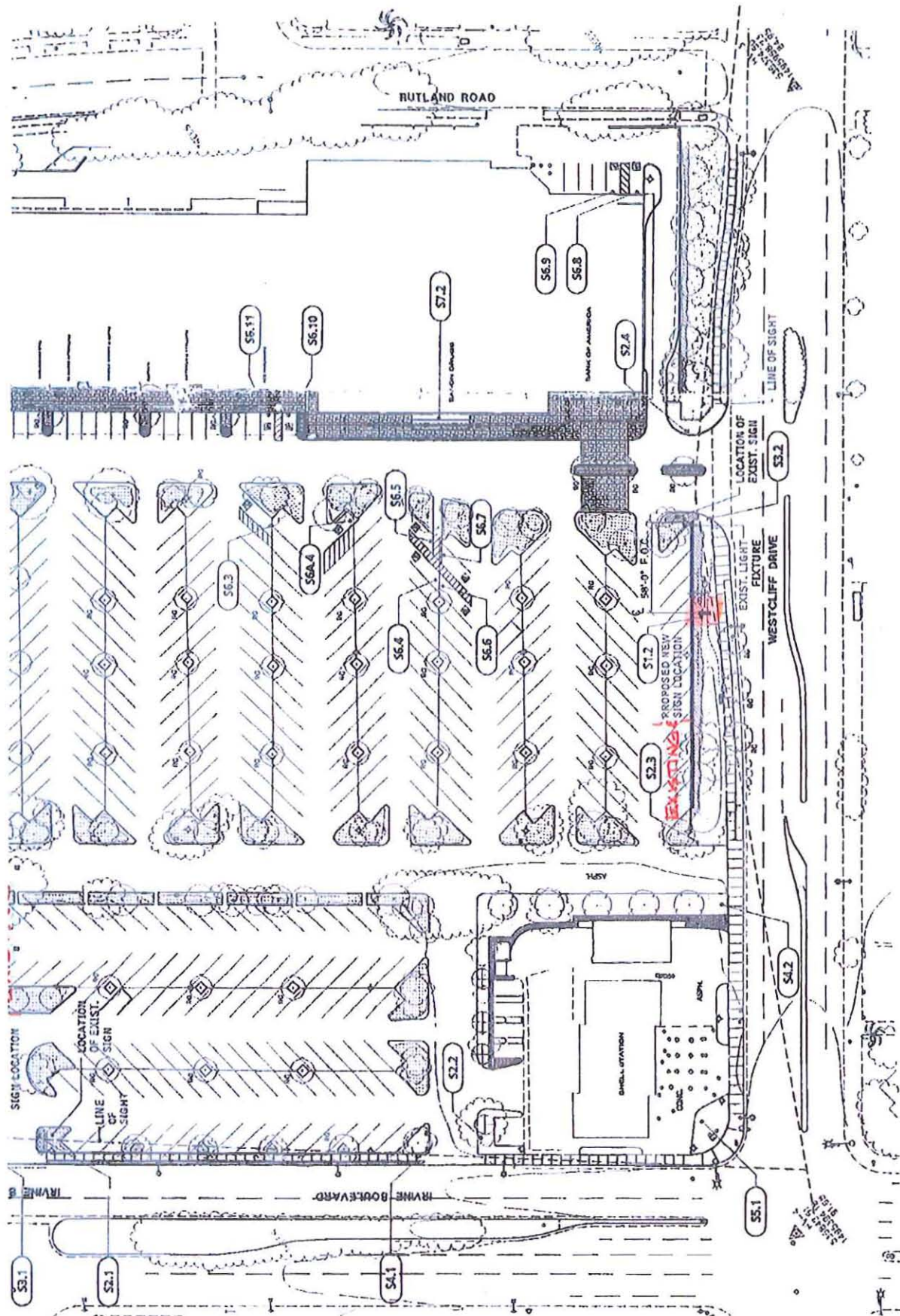
② WESTCLIFF DRIVE ENTRY PLAN
 SCALE 1"=20'



① IRVINE BOULEVARD ENTRY PLAN
 SCALE 1"=20'

THE SHAW COMPANY
 14000 Irvine Blvd., Suite 100
 Irvine, CA 92618
 Tel: 949.261.1400
 Fax: 949.261.1401





WESTCLIFF PLAZA

Newport Beach, California

Signage Reimaging

Owner

The Irvine Company
Irvine Retail Properties Company
550 Newport Center Drive
Newport Beach, CA 92660
949.720.2000

Project Manager

Madison Marquette
5 Jenner, Suite 100
Irvine, CA 92618-3308
949.700.0700

Architect

Robinson Hill Architecture, Inc.
10762 MacArthur Blvd.
Irvine, CA 92612
949.399.0880

Landscape Architect

Land Art West
2172 Dupont Drive, Suite 18
Irvine, CA 92612
949.752.7398

Environmental Graphic Design

Davies Associates
9424 Dayton Way, Suite 217
Beverly Hills, CA 90210
310.247.9572



FRONT ELEVATION



SIDE ELEVATION

PA2011-050 for MD2011-006
1000 - 1150 Irvine Avenue
Irvine, CA 92618
January 31, 2011

SIGN PROGRAM
WESTCLIFF PLAZA
Davies Associates

Existing

THE IRVINE COMPANY
c/o Madison Marquette
Anne Delmonico - Ph. 949.706.0760
5 Jenner, Suite 100
Irvine, CA 92618

PA2011-050 for MD2011-006
1000 - 1150 Irvine Avenue
Irvine, CA 92618

Attachment No. ZA 4

Modification Permit No. 3186, Westcliff Plaza
1000-1132 Irvine Avenue with Plans



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
Planning Department 644-3200
Modifications Committee Findings and Actions

Application No.: 3186

Applicant: John Howenstein

Address of Property Involved: 1000-1100 Irvine Avenue

Legal Description: Tract No. 4824

Modification Requested: Request to permit the construction of 2 double faced 17 foot 4 inch high pole signs having an area of 35.77 sq.ft. per face in replacement of 2 existing signs. The signs will be located on a single lot, at Westcliff Plaza, and a modification is necessary to permit the installation of more than one pole sign on a single lot. Also included is a request to construct a 5 foot high monument sign having an area of 35.75 sq.ft. per face on a contiguous lot occupied by an automobile service station.

The Modifications Committee on July 22, 1986, approved the application subject to the following conditions: 1. That development shall be in substantial conformance with the approved plot plan, and elevations, except as noted in the following condition. 2. That the final location of all signs shall meet the approval of the City Traffic Engineer.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings: 1. That the proposed signs are replacing existing signs. 2. That the signs will not obstruct sight distance inasmuch as the sign locations have been reviewed by the City Traffic Engineer. 3. That the Westcliff Plaza Shopping Center is of sufficient size to need additional signage above that normally permitted by Code. 4. That the proposed development will not be detrimental to the surrounding area or increase any detrimental effect of the existing use.

NOTE: This approval shall extend for a period of 24 months from the end of the appeal period, and cannot be extended.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$484.00. No building permits may be issued until the appeal period has expired.

MODIFICATIONS COMMITTEE

PLANNING DEPARTMENT

CAROL D. HEWICKER, Director

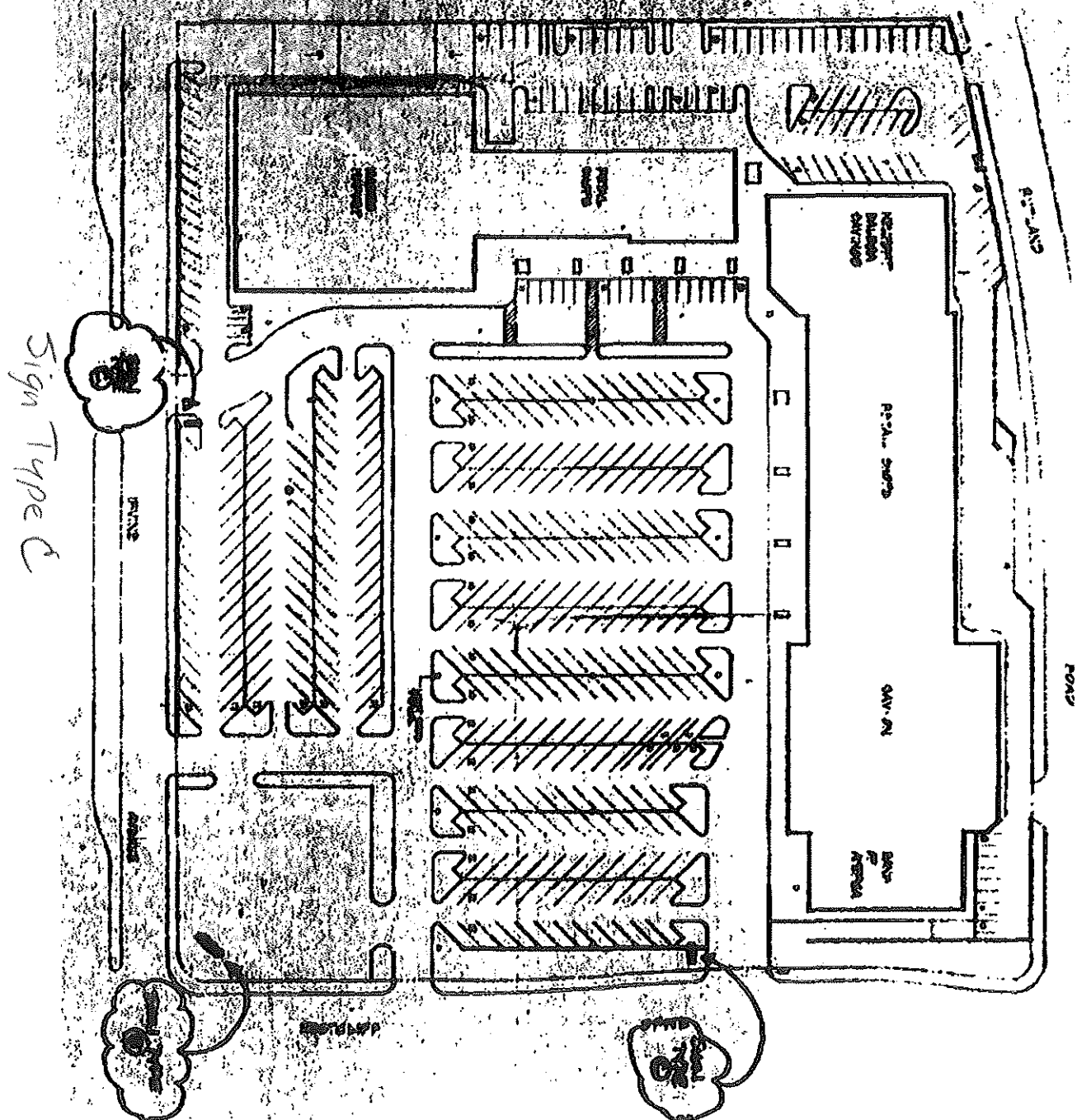
By

William R. Laverock
William R. Laverock,

Current Planning Administrator

WSL:11

3300 Newport Boulevard, Newport Beach

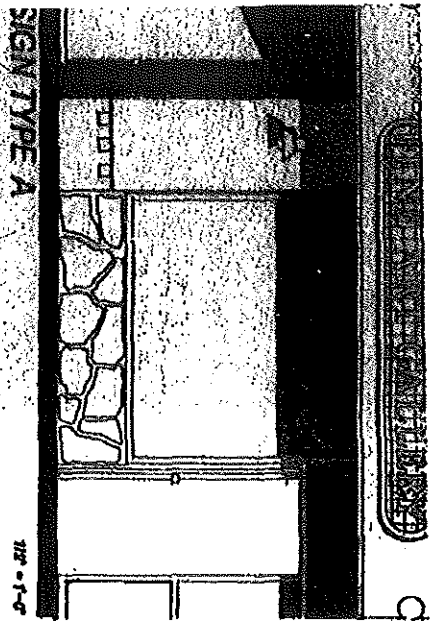


Sign Type C

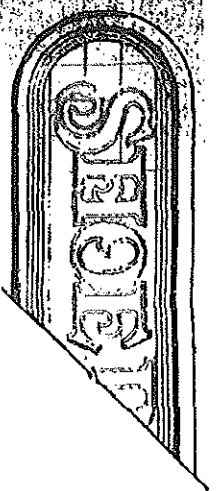
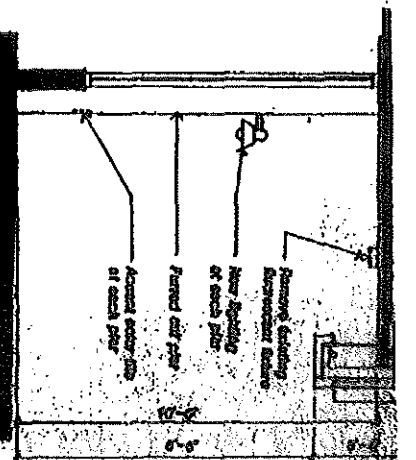
Sign Type B

Sign Type C

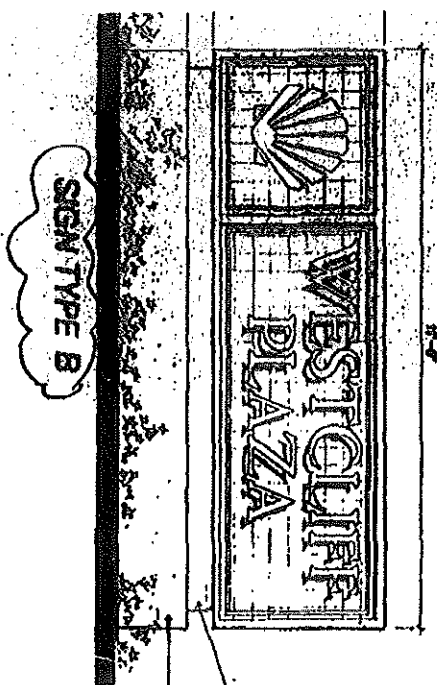
M 3186
1 of 2
EX-100-10000
EX-100-10000



SECTION DETAIL of
SIGN TYPE A

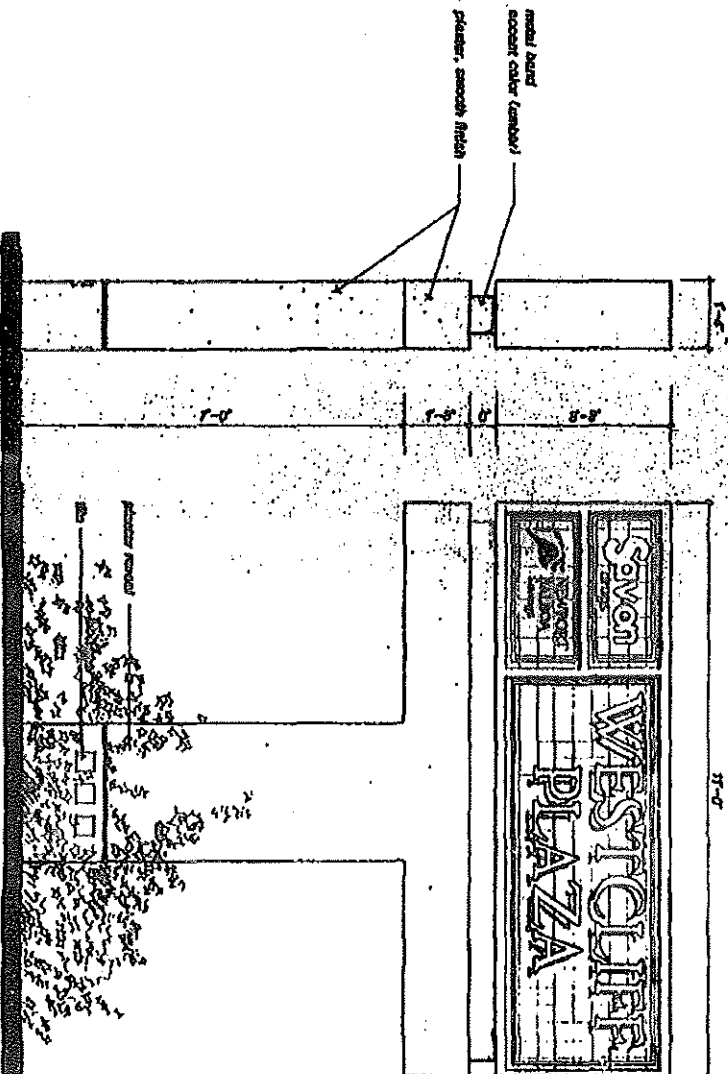


SIGN TYPE A - DETAIL
Detail copy with terra cotta background.
Lettering dimensioned letters with opaque back.
Dimensioned with flying.



SIGN TYPE AND DESCRIPTION

- Sign Type A** 30' x 12'10" stands from ground to top.
- Sign Type B** Constructed of aluminum to eliminate vibration. Background terra cotta with cream color and custom lettering. Lettering dark color with smooth finish type face and proper contrast.
- Sign Type C** 1'4" x 11'0" stands from ground identification mounted at corner of 17th & Irving.
- Sign Type D** Double line type sign mounted at 17th & Irving and corner of Irving.
- Sign Type E** All signs fabricated of aluminum and with terra cotta background. Lettering and opaque with dark color with metal outline. May be vertical or horizontal to match building finish.



Attachment No. ZA 5

Modification Permit No. 2001-008,
1000-1132 Irvine Avenue with Plans



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
PLANNING DEPARTMENT (949) 644-3200

MODIFICATION PERMIT

February 27, 2001

The Irvine Company
550 Newport Center Drive
Newport Beach, Ca 92660

Application No: PDA2001-010 for Modification Permit No. MD2001-008

Applicant: The Irvine Company

Address of Property Involved: 1000-1132 Irvine Avenue
(Westcliff Plaza Shopping Center)

Legal Description: Lot Nos.1-17 of Tract 4824

Request as Modified and Approved:

Establishment of a sign program for the existing shopping center. The program will include multiple freestanding monument signs (three signs), wall signs (portions of which will extend above the existing roof line) and projecting blade signs. The applicant requests relief from the following:

- 1.) The number of freestanding signs to provide one additional shopping center identification sign (the service station sign is located on a separate parcel of land).
- 2.) The wall signs are to be the allowable area limitation of 1.5 square feet for each linear foot (LF) of frontage of the tenant space plus an additional 0.25 square feet/LF for logo projections (which are permitted to exceed a maximum of 18 inches above the fascia) for a maximum of 1.75 sq.ft. /LF of frontage; and
- 3.) A portion of the wall sign logos to extend a maximum of 18 inches above the building fascia where the Zoning Code limits wall signs to the top of roof or fascia whichever is less.
- 4.) Provide blade signs for each individual tenant to hang below the fascia/overhang, that extends beyond the face of the building, with an area limitation of 4.5 square feet.
- 5.) The overall sign program approval will allow one wall sign and one blade sign for each tenant and additional identification for anchor tenants at each entrance on the two proposed freestanding monument signs. The product signs mentioned in the original public notice were deleted from the request and removed from consideration.

February 27, 2001

Page - 2

Original Request:

Establishment of a sign program for the existing shopping center. The program will include multiple freestanding monument signs (three signs), wall signs (portions of which will extend above the existing roof line) and projecting blade signs. The applicant requests relief from the following:

- 1.) The number of freestanding signs to provide one additional shopping center identification sign (the service station sign is located on a separate parcel of land).*
- 2.) The wall signs to exceed the allowable area limitation of 1.5 square feet for each linear foot of frontage of the tenant space (up to 1.85 sq.ft. per linear foot of frontage); and*
- 3.) A portion of the wall sign logos to extend above the building fascia where the Zoning Code limits wall signs to the top of roof or fascia whichever is less.*
- 4.) Provide blade signs for each individual tenant that hang below the fascia/overhang that extends beyond the face of the building where the Zoning Code limits the site to one projecting, pole or freestanding sign per building site.*
- 5.) The overall sign program will provide for a wall sign and a blade sign for each tenant and additional identification for anchor tenants at each entrance on the two proposed freestanding monument signs as well as additional products signs for the anchor tenants (such as the market).*

To whom it may concern:

The Modifications Committee, on February 21, 2001, voted 3 ayes and 0 noes to approve the application request as modified based on the following findings and subject to the following conditions.

FINDINGS:

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

1. The Land Use Element of the General Plan designates the site for "Retail and Service Commercial". The existing shopping center is consistent with this designation. The proposed signs are appurtenances to the primary retail uses in the shopping center.
2. 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 11 (Accessory Structures).

February 27, 2001

Page - 3

3. The modification to the Zoning Code as proposed would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reason(s):
 - There is a reasonable need for the increased size and unique sign attributes (logos) due to the size of the shopping center, the multiple number of tenants and the distance of the parking lot from the tenant spaces.
4. The modifications to the Zoning Code as proposed will not be detrimental to persons, property or improvements in the neighborhood or increase any detrimental effect of the existing use for the following reason(s):
 - The project site location at the intersection of Irvine Avenue and Westcliff Drive and the design and layout of the proposed signs will not result in any adverse impacts on neighboring properties.
5. The signage as proposed will not affect the flow of air or light to adjoining residential properties because:
 - The proposed signs are located on the street side of the project site facing the parking lot and there are no residential uses that overlook the subject property that will be negatively affected.
6. The proposed sign program will not reduce or obstruct views from adjoining residential properties because:
 - There are no views from this location that are enjoyed by neighboring properties through or across the subject property

CONDITIONS:

1. The development shall be in substantial conformance with the approved plot plan and elevations except as noted in the following conditions.
2. Tenant wall signs shall be limited to 1.5 times the lineal footage (LF) of the individual tenant space frontage (width) **plus** an additional 0.25 times the lineal footage for logo projections for a maximum overall sign size of 1.75 per LF. Sign area shall be the area enclosed by two sets of parallel lines around the whole sign, including logo.

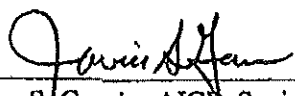
February 27, 2001

Page - 4

3. The maximum sign area permitted on the fascia of the building per tenant is 1.5 times the linear footage of the individual tenant space frontage. The logos or portions of the logos only are permitted to project a maximum of 18 inches above the building fascia. Sign copy shall not extend above the building fascia.
4. One hanging blade sign is permitted per tenant with a maximum area of 4.5 square feet (sign and background, excluding any minor sign appendage or projection otherwise approved by the Planning Department). Each blade sign shall have a minimum vertical clearance of eight (8) feet above the ground.
5. The free standing signs are permitted as shown on the approved exhibits. Prior to the issuance of a building permit their location shall be reviewed by the City Traffic Engineer and shall conform to City Standard 110-L to ensure that adequate sight distance is provided.
6. A building permit shall be obtained prior to commencement of the construction.
7. All work performed within the public right of way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
7. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$714.00. No building permits may be issued until the appeal period has expired. A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.

MODIFICATIONS COMMITTEE

By 
Javier S/ Garcia, AICP, Senior Planner
Chairperson

JSG:gr

Attachments: Vicinity Map

Cc:

February 27, 2001

Page - 5

Anne Driesenga
Madison & Marquette
5 Jenner
Suite 200
Irvine, CA 92618

Appeared
in Opposition: None

Appeared
in Support: None



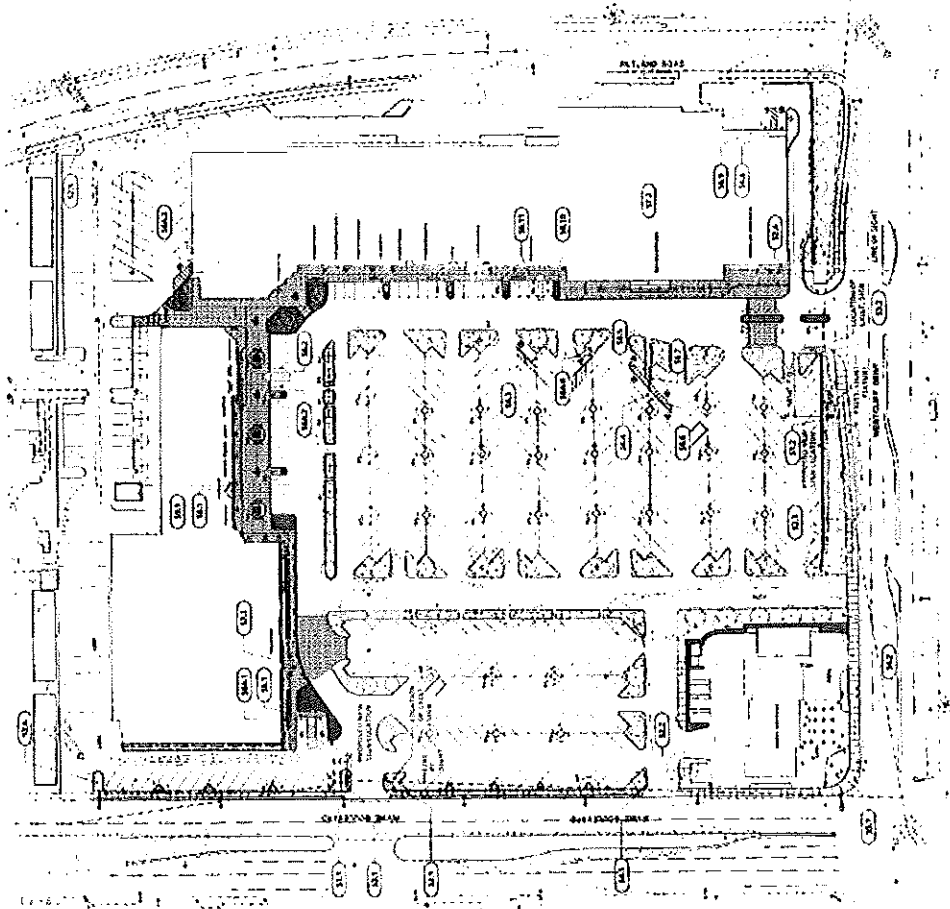
12345678910111213141516171819202122232425262728293031323334353637383940414243444546474849505152535455565758596061626364656667686970717273747576777879808182838485868788899091929394959697989910010110210310410510610710810911011111211311411511611711811912012112212312412512612712812913013113213313413513613713813914014114214314414514614714814915015115215315415515615715815916016116216316416516616716816917017117217317417517617717817918018118218318418518618718818919019119219319419519619719819920020120220320420520620720820921021121221321421521621721821922022122222322422522622722822923023123223323423523623723823924024124224324424524624724824925025125225325425525625725825926026126226326426526626726826927027127227327427527627727827928028128228328428528628728828929029129229329429529629729829930030130230330430530630730830931031131231331431531631731831932032132232332432532632732832933033133233333433533633733833934034134234334434534634734834935035135235335435535635735835936036136236336436536636736836937037137237337437537637737837938038138238338438538638738838939039139239339439539639739839940040140240340440540640740840941041141241341441541641741841942042142242342442542642742842943043143243343443543643743843944044144244344444544644744844945045145245345445545645745845946046146246346446546646746846947047147247347447547647747847948048148248348448548648748848949049149249349449549649749849950050150250350450550650750850951051151251351451551651751851952052152252352452552652752852953053153253353453553653753853954054154254354454554654754854955055155255355455555655755855956056156256356456556656756856957057157257357457557657757857958058158258358458558658758858959059159259359459559659759859960060160260360460560660760860961061161261361461561661761861962062162262362462562662762862963063163263363463563663763863964064164264364464564664764864965065165265365465565665765865966066166266366466566666766866967067167267367467567667767867968068168268368468568668768868969069169269369469569669769869970070170270370470570670770870971071171271371471571671771871972072172272372472572672772872973073173273373473573673773873974074174274374474574674774874975075175275375475575675775875976076176276376476576676776876977077177277377477577677777877978078178278378478578678778878979079179279379479579679779879980080180280380480580680780880981081181281381481581681781881982082182282382482582682782882983083183283383483583683783883984084184284384484584684784884985085185285385485585685785885986086186286386486586686786886987087187287387487587687787887988088188288388488588688788888989089189289389489589689789889990090190290390490590690790890991091191291391491591691791891992092192292392492592692792892993093193293393493593693793893994094194294394494594694794894995095195295395495595695795895996096196296396496596696796896997097197297397497597697797897998098198298398498598698798898999099199299399499599699799899910001001100210031004100510061007100810091010101110121013101410151016101710181019102010211022102310241025102610271028102910301031103210331034103510361037103810391040104110421043104410451046104710481049105010511052105310541055105610571058105910601061106210631064106510661067106810691070107110721073107410751076107710781079108010811082108310841085108610871088108910901091109210931094109510961097109810991100110111021103110411051106110711081109111011111112111311141115111611171118111911201121112211231124112511261127112811291130113111321133113411351136113711381139114011411142114311441145114611471148114911501151115211531154115511561157115811591160116111621163116411651166116711681169117011711172117311741175117611771178117911801181118211831184118511861187118811891190119111921193119411951196119711981199120012011202120312041205120612071208120912101211121212131214121512161217121812191220122112221223122412251226122712281229123012311232123312341235123612371238123912401241124212431244124512461247124812491250125112521253125412551256125712581259126012611262126312641265126612671268126912701271127212731274127512761277127812791280128112821283128412851286128712881289129012911292129312941295129612971298129913

Westcliff Plaza
Tenant Signage Matrix
February 2, 2001

Tenant Name	Store Frontage	Sign Area	Sign Area Multiplier
Fast Frame	15' - 9 1/4"	28.56 SF	1.8
Starbucks	24' - 11 1/4"	45.0 SF	1.8
Westcliff Cleaners	25' - 1 1/4"	35.8 SF	1.4
Helen Grace	19' - 10 3/4"	23.24 SF	1.2
French Bakery Café	19' - 3 7/8"	30.48 SF	1.6
Champagne Fashion	15' - 7 5/8"	27.12 SF	1.7
Pick-up Stlx	19' - 11 1/2"	26.16 SF	1.3
Anthony's Shoe Service	15' - 1 3/8"	26.8 SF	1.8
Pasta Bravo	15' - 3 5/8"	24.64 SF	1.6
Draper's & Damon's	25' - 8 5/8"	39.81 SF	1.5
Blue Mambo	19' - 9 3/8"	22.8 SF	1.2
Robert & Taylor	24' - 11"	27.75 SF	1.1
Mall Boxes Etc.	20' - 5 3/4"	28.13 SF	1.4
DI Marle Interiors	24' - 11"	23.75 SF	1.0
Images	22' - 1 1/4"	18.97 SF	0.85
Kayaks	21' - 4 5/8"	13.85 SF	0.6
Mathew Taylor's	22' - 2"	31.29 SF	1.4

SIGN SCHEDULE

Sign Type	Description	Quantity
1	Project/Entrance Signage	2
2	Address Sign	4
3	Store Sign	2
4	Translucent Turn Only Sign	2
5	Photo/Monitors Signage	1
6	Architectural Signage	1
7	Van Advertisement Reading Sign	11
8	Major Transit L.D. Sign	4
9	Major Transit I.D. Sign	4
10	Major Transit Under Canopy Sign	4



THE SIGNAGE SCHEDULE
AND THE SIGNAGE LOCATION
PLAN ARE PART OF THE
PROJECT'S DESIGN.

Westcliff Plaza

Developer
Irvine Retail Properties
Company

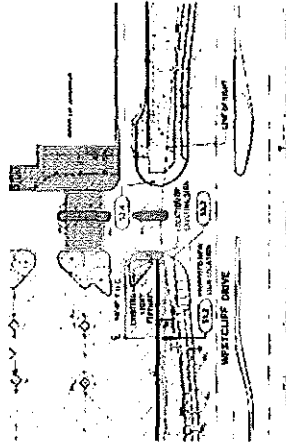
D

Project / Tenant ID.
Monument
Sign Type 1

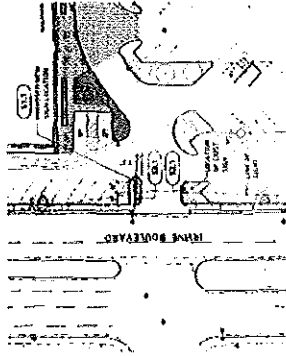
Project / Tenant ID.
Monument
Sign Type 1

Project / Tenant ID.
Monument
Sign Type 1

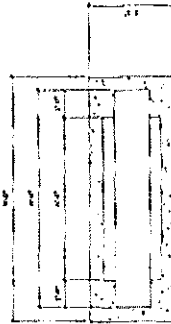
G2



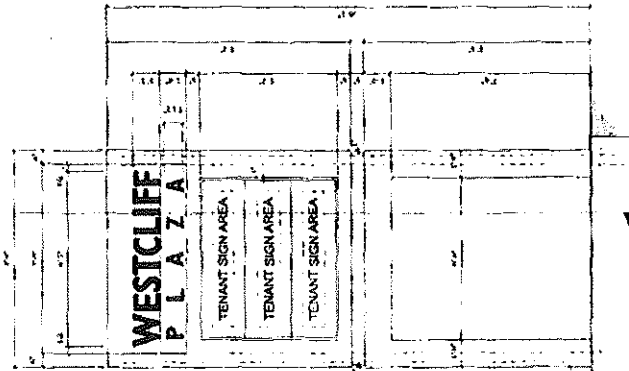
PARTIAL SITE PLAN
Sheet 1 of 2



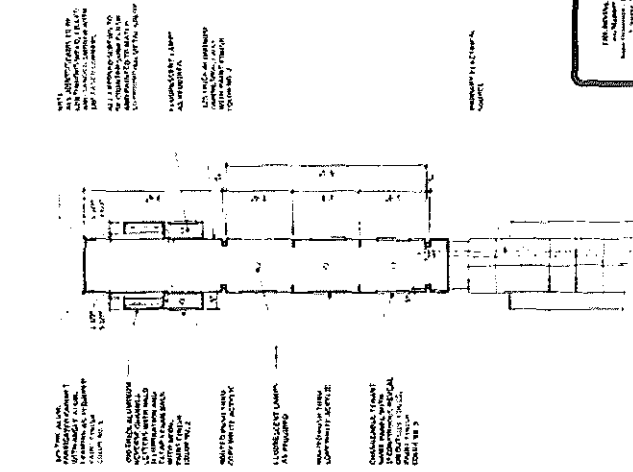
PARTIAL SITE PLAN
Sheet 2 of 2



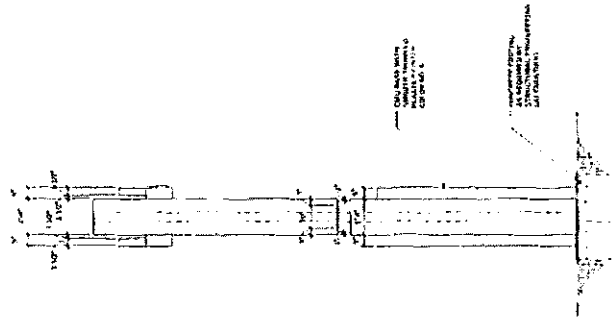
PLAN VIEW
Sheet 1 of 1



ELEVATION
Sheet 1 of 1



SIDE VIEW
Sheet 1 of 1



SIDE VIEW
Sheet 2 of 2



Attachment No. ZA 6

Modification Permit No. 5087,
2121 Westcliff Drive with Plans



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

PLANNING DEPARTMENT (949) 644-3200

MODIFICATION PERMIT

May 19, 2000

F. L. Bud Haley
2121 Westcliff Drive
Newport Beach, CA 92660

Application No:	Modification Permit No. 5087
Applicant:	F. L. Bud Haley
Address of Property Involved:	2121 Westcliff Drive
Legal Description:	Lot, Block, Tract 4225
Modification Requested:	Request to allow the construction of a second freestanding pole sign on a building site, where the Code limits the number of freestanding signs to one per building site.

Dear Mr. Haley:

The Modifications Committee, on May 17, 2000, voted 3 ayes and 0 noes to approve the application based on the following findings and subject to the following conditions.

FINDINGS:

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Retail and Service Commercial" use and the existing structure is consistent with this designation. The proposed sign structure is accessory to the primary use.
2. 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 3 (New Construction or Conversion of Small Structures).

May 19, 2000

Page - 2

3. The modification to the Zoning Code as proposed would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reason(s):
 - The second freestanding sign is the only one along Irvine Avenue frontage of the subject property.
 - The Irvine Avenue identification is necessary because the subject building is setback from the property line such that the wall signs cannot be seen from Irvine Avenue.
4. The modification to the Zoning Code, as proposed will not be detrimental to persons, property or improvements in the neighborhood or increase any detrimental effect of the existing use for the following reason(s):
 - The proposed sign is a reasonable design solution since the property fronts on two streets and the building is setback from the street so that wall signs are not effective.
 - The proposed freestanding sign will not affect the flow of air or light to adjoining properties because the sign is located at the street side of the property along Irvine Avenue.
5. The proposed sign will not obstruct views from adjoining residential properties because:
 - There are no residential views from or across this location that will be obstructed.
 - The existing parking spaces will not be affected by the proposed sign location.
 - The dimensions of the parking spaces are adequate to accommodate vehicles.
 - The sign, as conditioned by this approval, will not interfere with sight distance from any street, alley or driveway.

CONDITIONS:

1. The development shall be in substantial conformance with the approved plot plan and elevation, except as noted in the following conditions:
2. A building permit shall be obtained for the construction prior to installation.
3. 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.

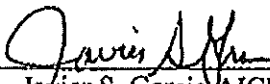
May 19, 2000

Page - 3

4. The final location of the sign shall be reviewed by the City Traffic Engineer and shall conform to City Standard 110-L to ensure that adequate sight distance is provided.
5. No portion of the sign shall extend beyond the property line into or over the public right-of-way.
6. The raised planter location shall be verified and shall be relocated entirely on private property, unless otherwise approved by the Public Utilities Department.
7. A copy of this approval shall be made a part of the plans submitted to the Building Department for plan check prior to issuance of the building permit.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code.

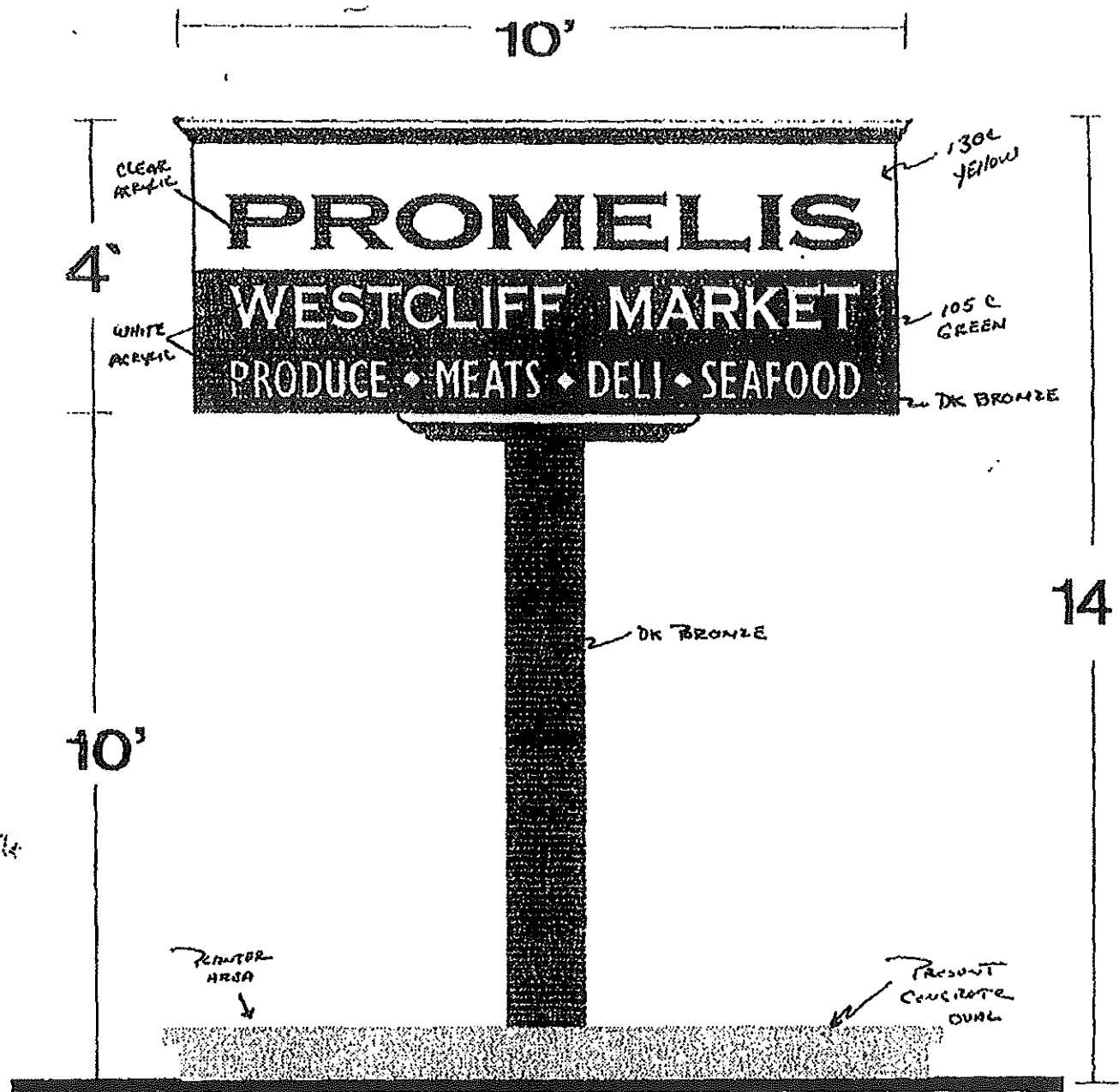
The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$691.00. No building permits may be issued until the appeal period has expired.

MODIFICATIONS COMMITTEE

By 
Javier S. Garcia AICP, Senior Planner
Chairperson

JSG:jrj

cc:
Hankey Investment Company
2043 Westcliff Drive, Suite 208
Newport Beach, CA 92660

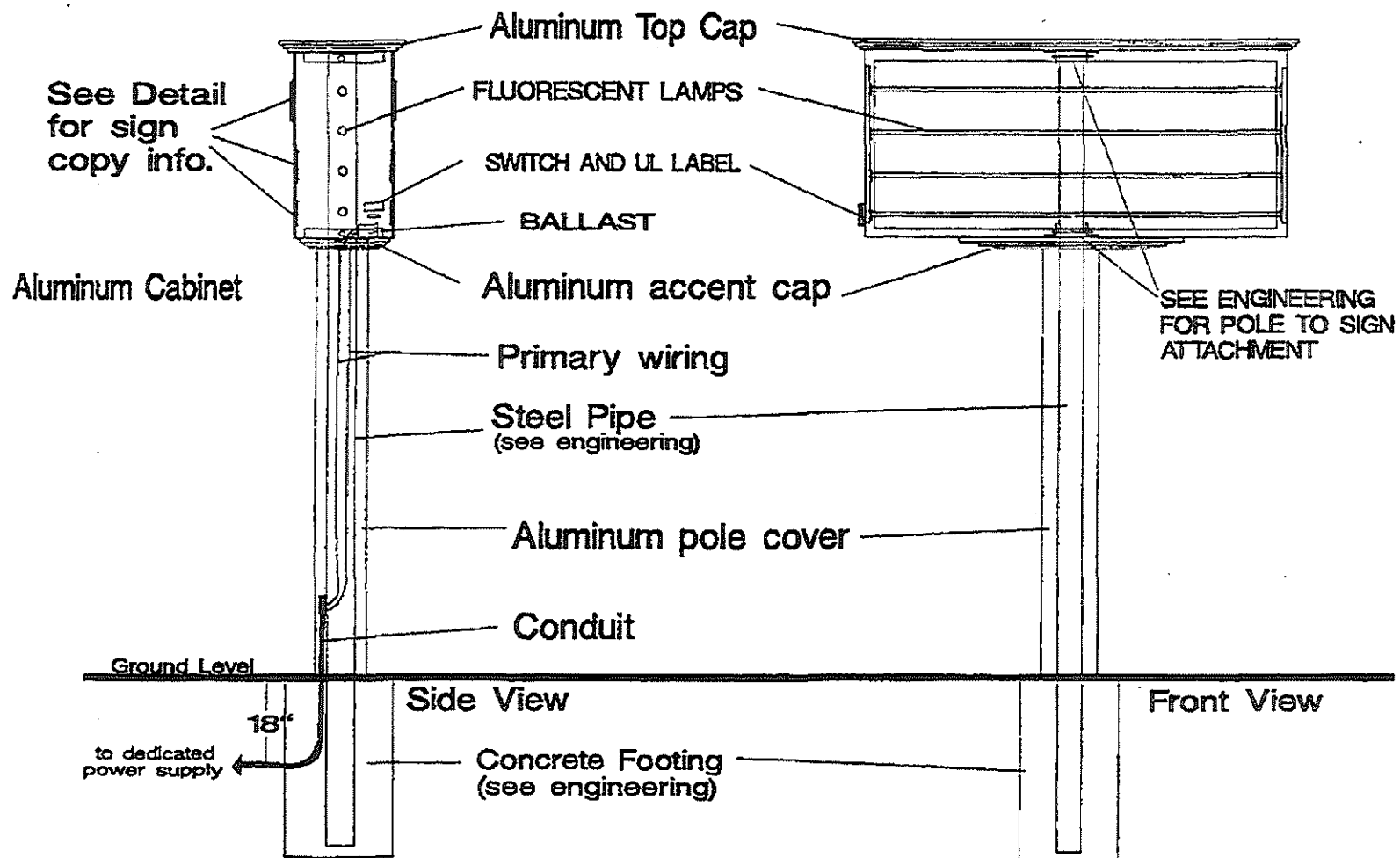


1 ea. Double Face Illuminated Pole Sign.

- Custom Fabricated Aluminum Sign cabinet, 18" Deep, Painted Matthews Acrylic Polyurethane, constructed per engineering drawings – Bernard C. Adams & Associates, Civil Engineers # 5-13.384, dated 3-06-00. (see attached)
- Colors for Background are: TOP – PMS 130C Yellow, CENTER – PMS 105C Green, BOTTOM – Dark Bronze to match present wall sign.
- "PROMELIS" to be 1/2" clear acrylic "push through" routed aluminum faces w/ surface applied. Premium Dark Bronze vinyl leaving approx. 1/8" exposed outlines.
- "SUB-COPY" to be routed out w/ white acrylic backing.
- Light source to be 800 MA fluorescent lamps on premium ballasts
- Pole cover painted Matthews acrylic polyurethane – Dark Bronze

5/17/2020

145087



Attachment No. ZA 7

Modification Permit No. 2005-051,
2043 Westcliff Drive with Plans



MODIFICATION PERMIT NO. MD2005-051
(PA2005-131)

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

Staff Planner: Javier S. Garcia, 644-3206
Appeal Period: 14 days after decision date

June 27, 2005

Richard Dick & Associates
Attn: Kathleen Cowden
1711 Westcliff Drive
Newport Beach, CA 92660

Application No: Modification Permit No. MD2005-051
(PA2005-131)

Applicant: Richard Dick & Associates

**Address of
Property Involved:** 2043 Westcliff Drive

Legal Description: Parcel 1 of NBLLA LA2003-041

Approved as Requested:

To allow the removal and replacement of an existing freestanding pole-sign with a freestanding monument sign that measures 10-feet-tall and overall width of 5-feet 6-inches. The sign will be located at the Westcliff Drive entrance to the shopping center. The Modification Permit is required to allow a second freestanding sign where the Zoning Code limits the site to one freestanding sign per building site. The proposal also includes a request to allow the future replacement of the freestanding sign, located on the Irvine Avenue frontage, to be replaced by a monument sign of similar design not to exceed the height and width of the proposed sign. The property is located in the RSC District.

On June 27, 2005, the Zoning Administrator approved the application request based on the following findings and subject to the following conditions.

In this case, the Zoning Administrator determined that the proposal would not be detrimental to persons, property or improvements in the neighborhood. The Modification, as approved, would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code based on the following findings:

WESTCLIFF SQUARE
NEWPORT BEACH, CA

Date: 10/11/04
Scale: NOTED
Designer: AMG
Sales Rep: K. McConnell

<u>1</u>	01/06/05 MJD
<u>2</u>	2/25/05 SNC
<u>3</u>	-
<u>4</u>	-

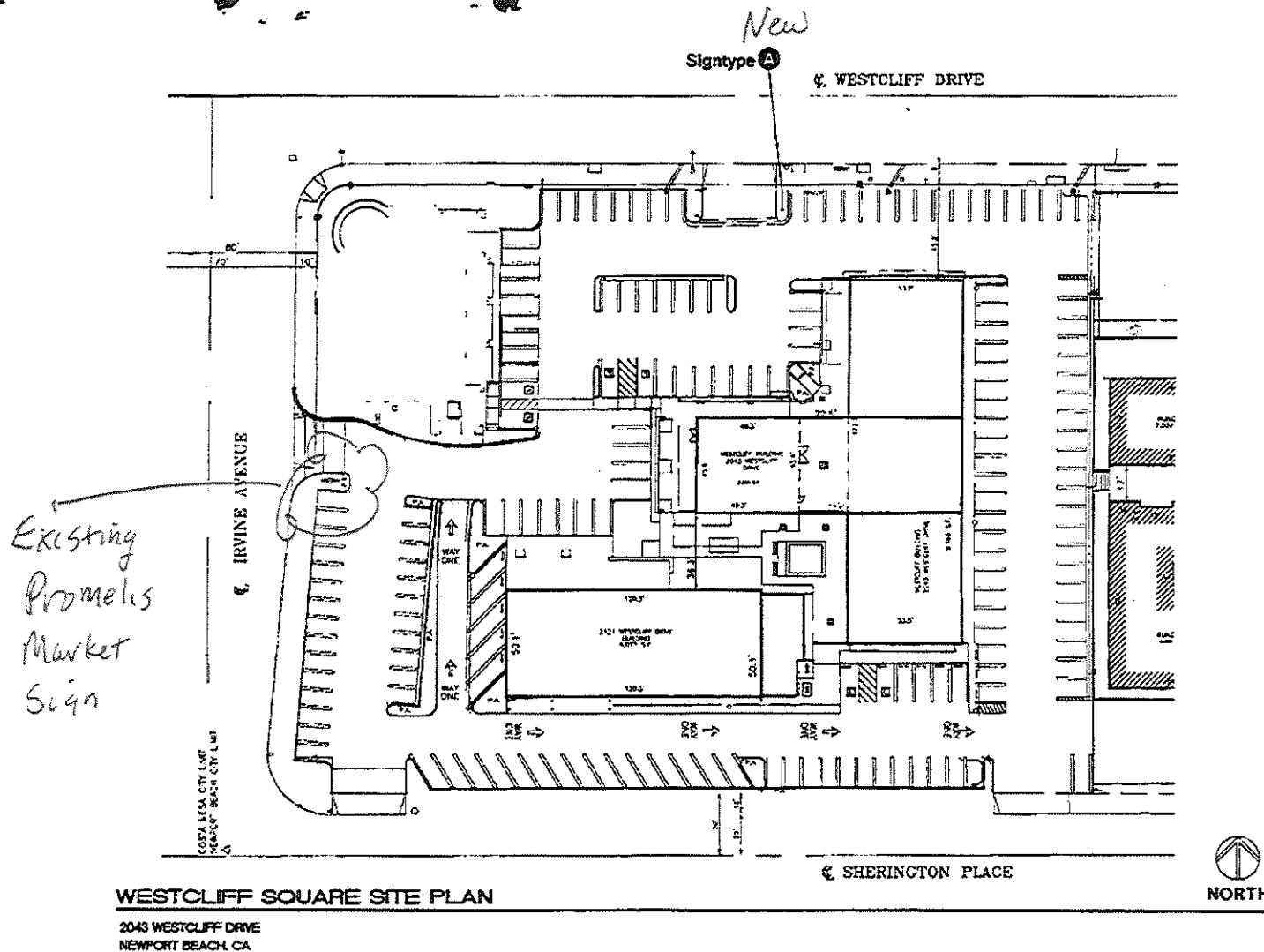
10980 BOATMAN AVENUE
STANTON, CA. 90680
PHONE 714/761-8200
FAX 714/761-7451

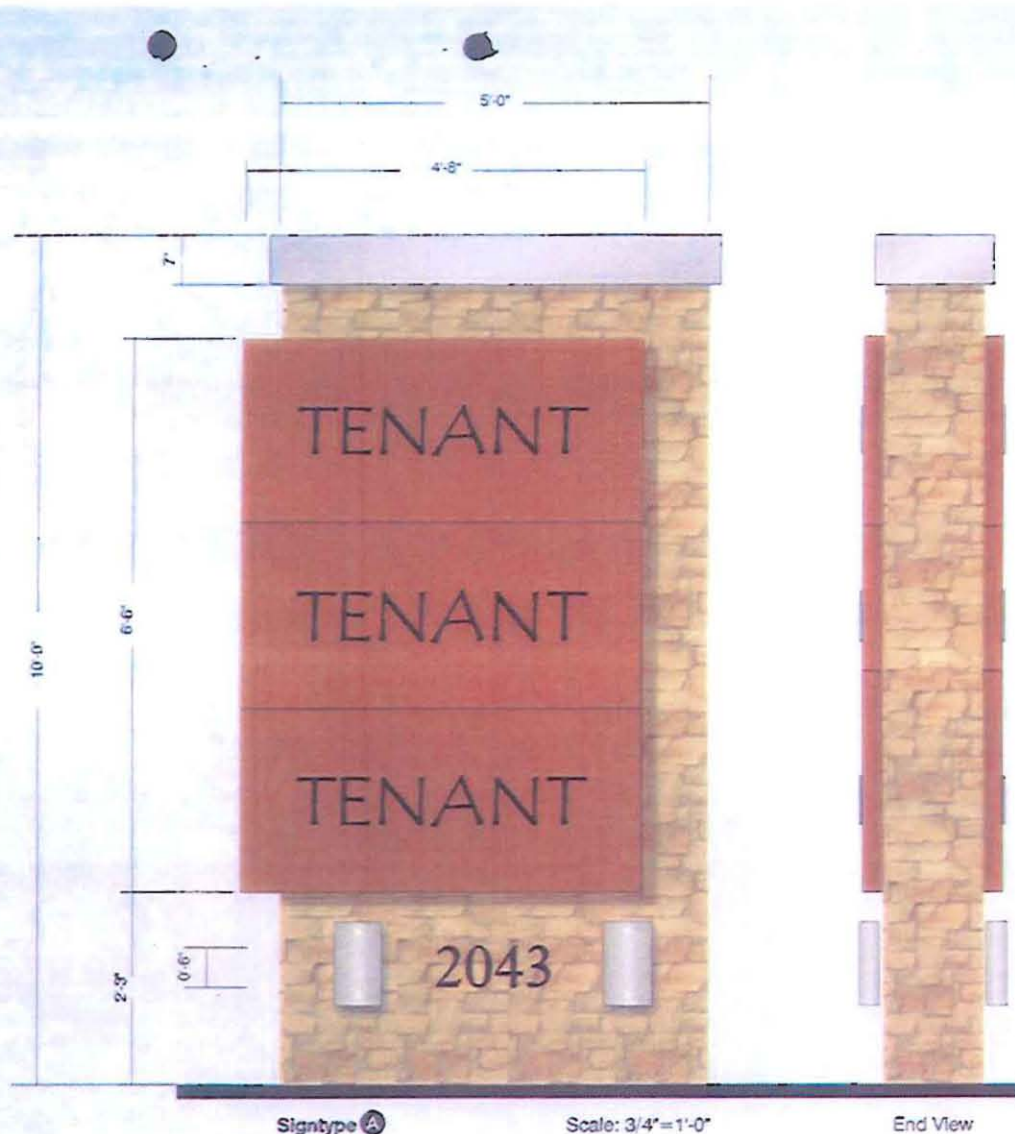
PAGE 2 OF 3



THIS IS AN ORIGINAL UNREPRODUCED DESIGN CREATED BY SIGNS AND SERVICES COMPANY. IT IS NOT TO BE SHOWN OR DISSEMINATED TO ANYONE OUTSIDE YOUR ORGANIZATION. REPRODUCTION OR CONSTRUCTION OF DISPLAYS BASED ON THIS DESIGN IS SUBJECT TO COPYRIGHT LAWS AND SUBJECT TO LEGAL ACTIONS.

Site Plan





Sign Specifications

- 1 New D/F internally illuminated monument constructed of aluminum with individual tenant panels. Tenant panels to be aluminum with routed out copy backed with 1/4" push thru acrylic. Acrylic face to have brushed stainless metal laminate overlay.

Color Schedule

Crown = Mattress Brushed Aluminum - Satin Finish
Light Fixtures = Mattress Brushed Aluminum - Satin Finish
Cabinets = Frazier 8225 D Brush Box - Suede Finish
Address = Black - Satin Finish
Stone Veneer = Robinson Rock - Old Mill

Trim Cap

Illumination

CW/RO fluorescent lamps

Electrical Requirements

(1) one 20 AMP dedicated circuit at 120 volts with a bonded ground wire connected to a solar cell switch or a time clock. This power is to be brought to the backside of the wall within 8 unobstructed feet of the center of the display and run to a junction box. This work is to be done by others and is not included in the scope of work provided by the "Sign Contractor".

Key Notes



PAGE 3 OF 3

ESCO.COM

Installation Requirements

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Customer Approved Size, Design and Color

Client Approval: _____

Sales Approval: _____

ELECTRICAL LOCATION

*SUPPLIED & CONNECTED BY OTHERS

CLIENT

WESTCLIFF SQUARE
NEWPORT BEACH, CA

Design No. 04-566

Date: 10/11/04

Scale: NOTED

Designer: AMG

Sales Rep: K. McConnell

REVISIONS

- 01/06/05 MJD
- 2/25/05 SMC
-
-



10980 BOATMAN AVENUE
STANTON, CA 90680
PHONE 714/761-8200
FAX 714/761-8200



CONTRACTOR LICENSE # 624675

THIS IS AN ORIGINAL UNAPPROVED DESIGN CREATED BY ESCO AND CANNOT BE REPRODUCED OR COPIED. IT IS NOT TO BE USED OR REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF ESCO. ANY REPRODUCTION OR COPIATION OF THIS DESIGN IS SUBJECT TO COPYRIGHT LAWS AND SUBJECT TO LEGAL ACTION.

D/F Monument
(Option C)



Attachment No. ZA 8

Photo Exhibit – Irvine Avenue











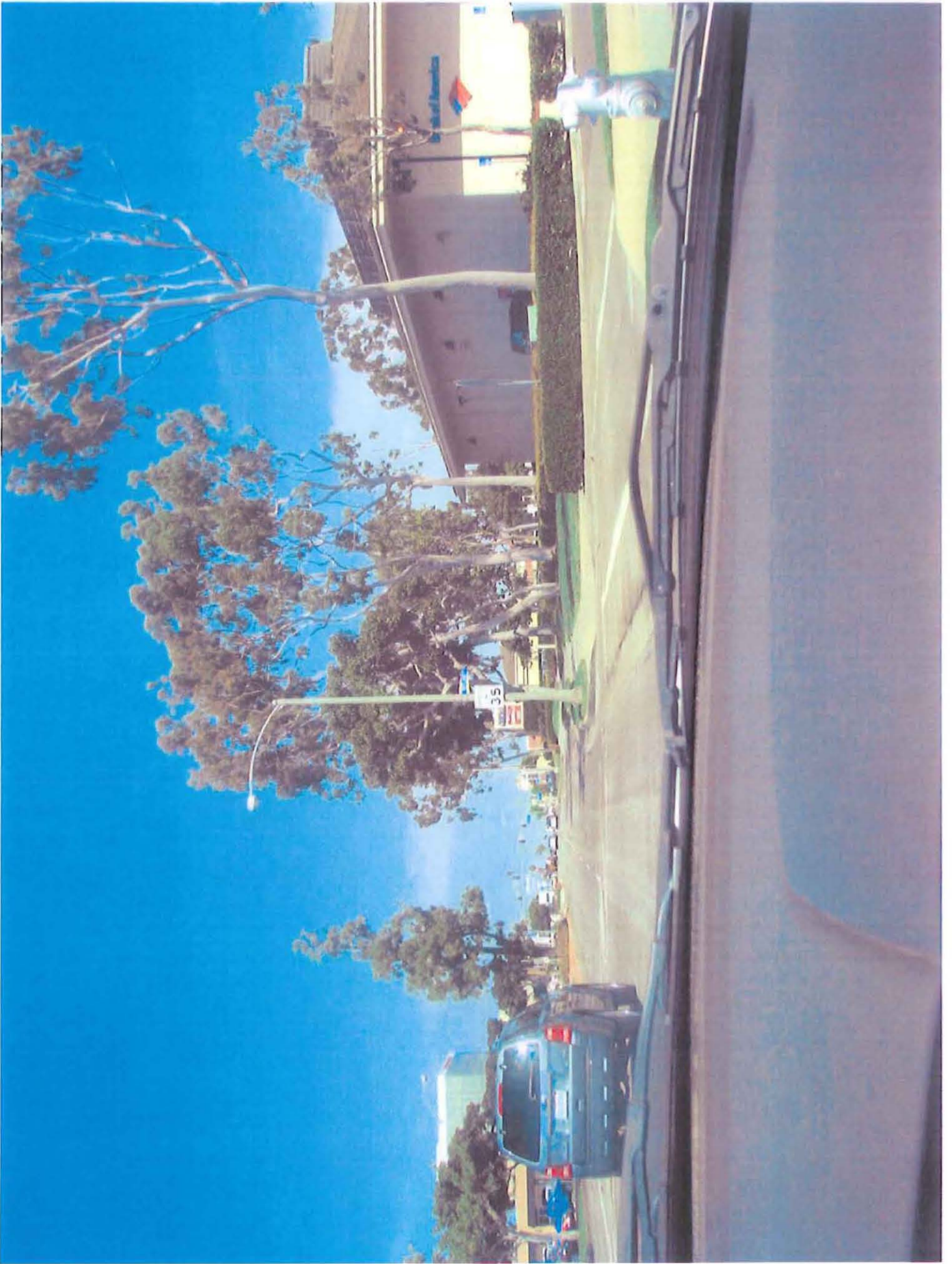
Attachment No. ZA 9

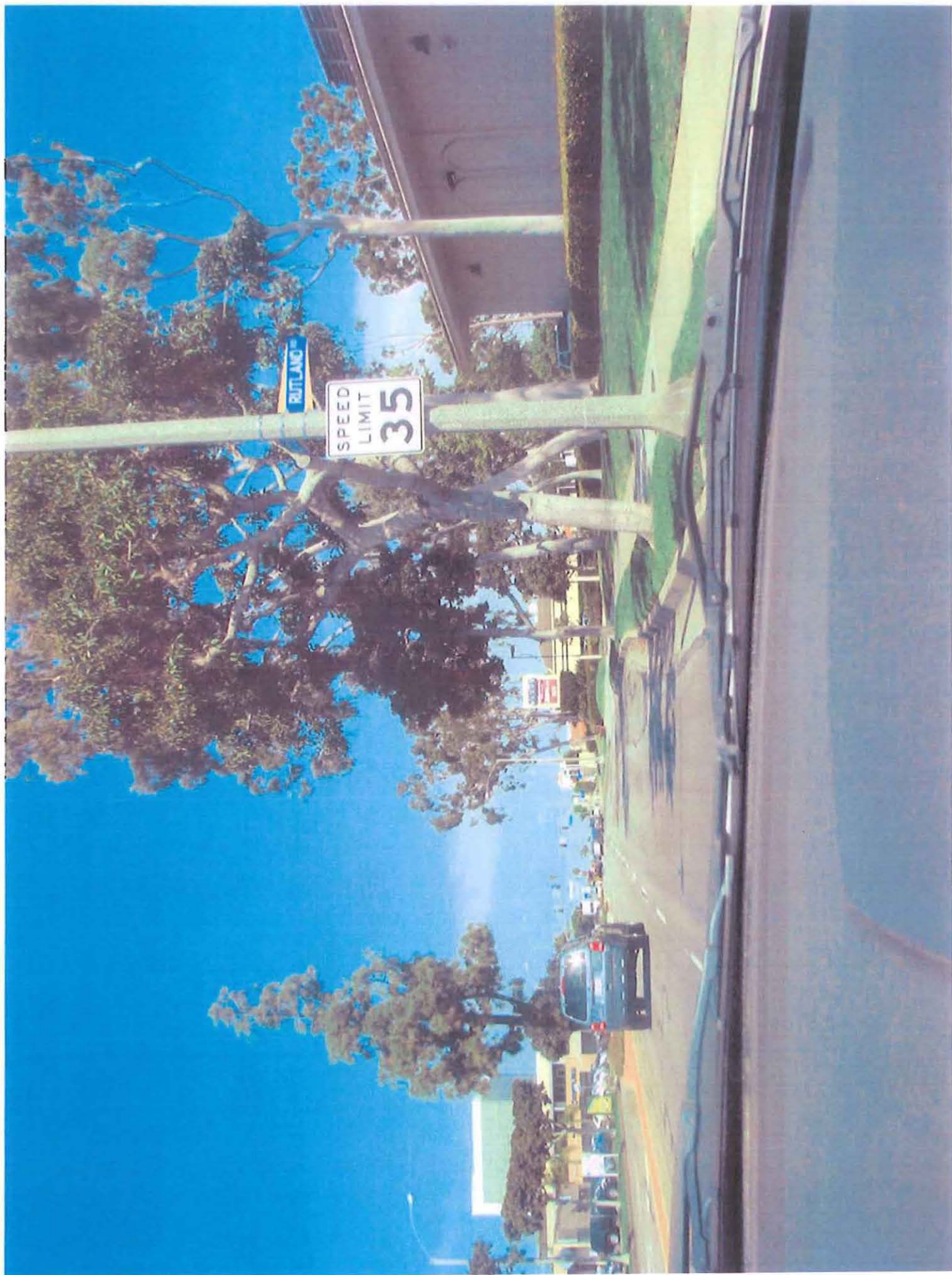
Photo Exhibit – Westcliff Drive

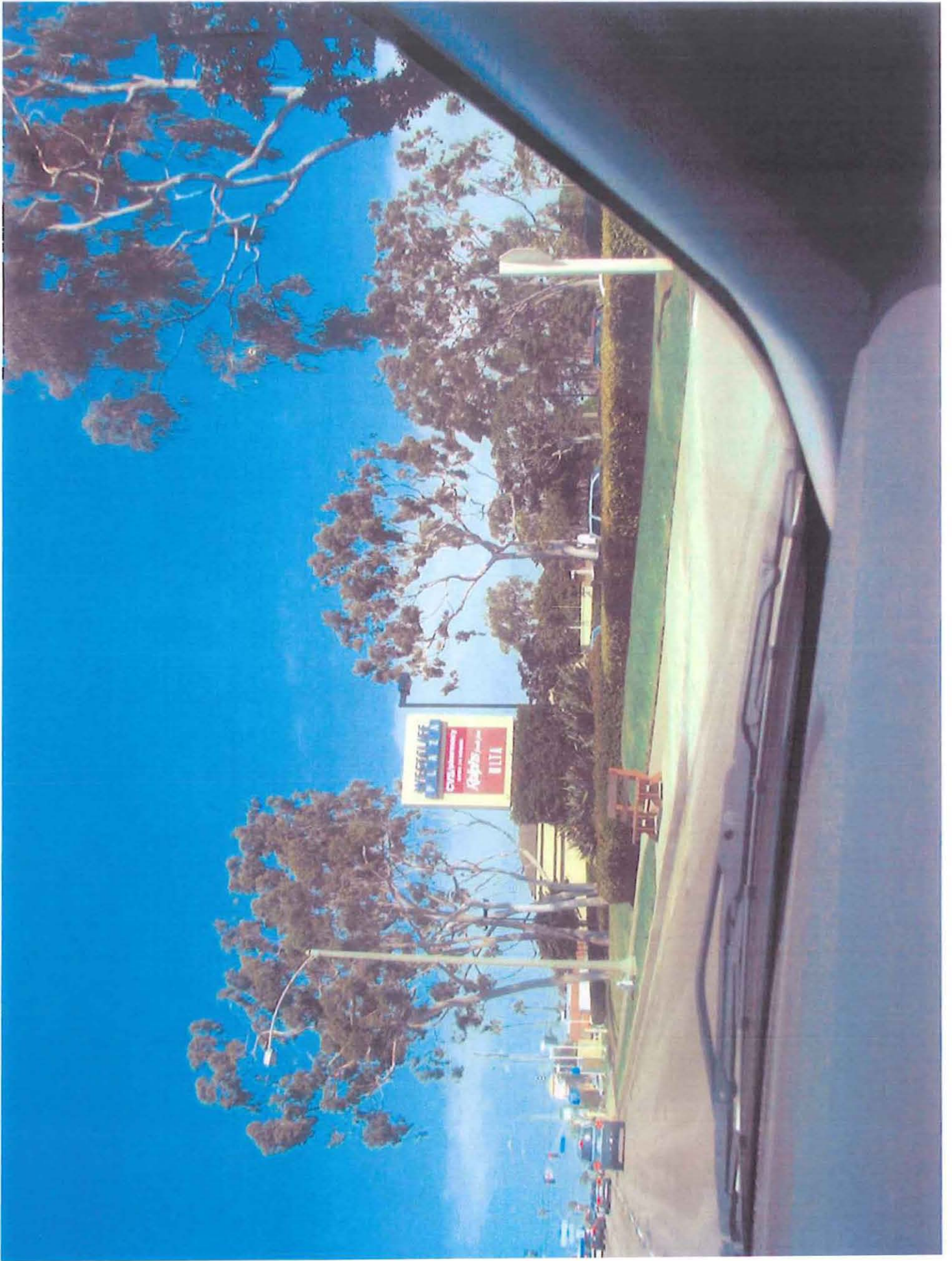














COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

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

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. Minor Use Permit No. UP2011-013
(PA2011-077)

Applicant Bruce B. Ibbetson

Site Address 400 Aliso Avenue

Legal Description Lot 1, Block 28, Tract 256, First Addition to Newport Heights

On **June 15, 2011**, the Zoning Administrator approved the following: A minor use permit to allow a 610-square-foot senior accessory (granny) dwelling unit in accordance with Chapter 20.48 of the Zoning Code. The residence is nonconforming due to a two-car garage, which encroaches eight inches into the required 5-foot rear alley setback and provides 18-foot 6 inch by 19-foot parking dimensions where 20 feet by 20 feet are required under the current Zoning Code. A third parking space, which is also nonconforming because it provides 19 feet in depth where 20 feet are required, will be provided for the senior accessory dwelling unit. The property is located in the R-1 (Single-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

REQUIRED FINDINGS

- A. **Finding:** *The project has been reviewed, and it qualifies for a categorical exemption pursuant to Section 15301 of the California Environmental Quality Act under Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.*

Facts in Support of Finding:

- A-1. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 1 exemption also includes additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project involves a minor addition of 668 square feet and renovation to an existing single-family residence. Therefore, the single-family residence qualifies for a Class 1 categorical exemption.

In accordance with Section 20.52.020.F of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a use permit are set forth:

- B. Finding:** *The use is consistent with the General Plan and any applicable specific plan;*

Facts in Support of Finding:

- B-1. The Land Use Element of the General Plan designates the site RS-D (Single-Unit Residential). The RS-D land use category applies to a range of detached single-family residential dwelling units on a single legal lot. The existing single-family residence is consistent with this land use category.
- B-2. General Plan Policy LU6.2.4 recognizes that certain provisions of State law supersede local land use regulations, including the ability to add granny units in single-family residential areas. The proposed granny unit is allowed upon approval of a minor use permit within the RS-D land use designation. Approval of Minor Use Permit No. UP2011-013, as conditioned and under the circumstances of the case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing and working in the neighborhood.
- B-3. The subject property is not part of a specific plan area.

- C. Finding:** *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*

Facts in Support of Finding:

- C-1. The site is located in the R-1 (Single-Unit Residential) Zoning District. The R-1 zoning district is intended to provide for areas appropriate for a range of detached single-family residential dwelling units; each located on a single legal lot. The existing single-family residence and proposed accessory senior dwelling unit are consistent with this zoning district. Per Zoning Code Section 20.48.200 (Senior Accessory Dwelling Units), "Nothing shall affect the creation of granny units under Government Code Section 65852.1 that are in compliance with the Municipal Code." Senior accessory dwelling units are allowed subject to the approval of a minor use permit in the R-1 zoning district.
- C-2. The principal structure is nonconforming because it encroaches into the required 5-foot rear alley setback by eight inches, and the three existing parking spaces do not provide the required parking dimensions. The subject parcel was part of the 1917 first addition to the Newport Heights tract.
- C-3. The 6,375-square-foot lot is large enough to accommodate the additional parking required for the principal dwelling unit and proposed granny unit. Three existing parking spaces are available on-site, one of which will be provided for the senior accessory dwelling unit. While the depth of the parking stall provided for the

accessory senior dwelling unit is nonconforming to the current parking standards, adequate depth is provided to accommodate one vehicle in the parking space.

- C-4. The senior accessory dwelling unit complies with the development standards per Section 20.48.200 (Senior Accessory Dwelling Units) of the Zoning Code with regard to height, setback requirements, minimum lot size, floor area, and owner occupancy.
- D. **Finding:** *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding:

- D-1. The floor area above the garage was constructed as an addition to the existing single-family residence under Plan Check No. 867-90 in 1990. The floor area was legally constructed and later utilized as a senior accessory dwelling unit. The project, as conditioned, will comply with all applicable single-family development regulations in the Zoning Code and specified in Chapter 20.48.200 for granny units, except those existing nonconforming conditions of the existing residence, which will not be intensified or expanded.
- D-2. This approval has been conditioned to require the verification of occupancy for persons 55 years of age and the recordation of a deed restriction for the subject property. This is a senior accessory dwelling unit located in an existing residential neighborhood. Senior accessory dwelling unit standards were created to help ensure that the additional unit is compatible with the land uses in the neighborhood.
- D-3. The senior accessory dwelling unit is located on the second floor of the existing residence and is located toward the rear of the subject property adjacent to the alley.
- E. **Finding:** *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*

Facts in Support of Finding:

- E-1. The project site is located within an existing single-family residential neighborhood. The design, size, location, and operating characteristics of the proposed accessory dwelling unit are compatible with the surrounding neighborhood. Access to the unit is achieved through the garage of the renovated structure, which will minimize the visual impacts and use characteristics of the additional dwelling unit on the surrounding neighborhood.
- E-2. The lot is relatively flat, rectangular in shape, and developed with a nonconforming two-story, 4,026-square-foot dwelling. The lot is adequate in size

to accommodate the proposed granny unit and the parking required for the principal dwelling unit and the proposed granny unit.

- E-3. Adequate public and emergency vehicle access, public services, and utilities are provided to the subject property.
- E-4. The proposed addition and renovation will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.
- F. **Finding:** *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

- F-1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. Also, the goal of providing senior housing opportunities will be obtained, while minimizing negative impacts associated with the project.
- F-2. The existing residence and proposed senior accessory dwelling unit are compatible with the land uses permitted within the surrounding residential neighborhood. The proposed use is residential in character and the senior accessory dwelling unit is restricted to one or two adult occupants who are 55 years of age or older as regulated by the Zoning Code.

CONDITIONS OF APPROVAL

- 1. The proposed development shall be in substantial conformance with the approved plot plan, floor plan and elevations.
- 2. *The granny unit shall provide a minimum of 600 square feet of floor area and a maximum of 640 square feet as measured from within the surrounding perimeter walls of the unit.*
- 3. *At least one person having an ownership interest in the property shall continuously occupy the primary residence or senior accessory dwelling unit.*
- 4. *The senior accessory dwelling unit shall be limited to the use as a residence by one or two persons at least 55 years in age.*
- 5. *Prior to the issuance of a final building and/or grading permit for a senior accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office. The form and content of which shall be*

satisfactory to the City Attorney and that states that under no circumstances shall the senior accessory dwelling unit be rented to or otherwise occupied by any person or persons less than 55 years of age. Said document shall also contain all conditions of approval imposed by this use permit. This deed restriction shall remain in effect so long as the senior accessory dwelling unit exists on the property.

6. *Prior to the final inspection of building permits of the senior accessory dwelling unit by a City Building Inspector, the property owner shall submit to the Planning Director the names and birth dates of any and all occupants of the senior accessory dwelling unit constructed pursuant to this chapter to verify occupancy by a person or persons of at least 55 years in age. Thereafter, verification will be on an annual basis. Upon any change of tenants, the property owner shall notify the City immediately. This information shall be submitted in writing and contain a statement signed by the property owner certifying under penalty of perjury that all of the information is true and correct.*
7. *In the event that the property owner desires to terminate the use of the granny unit and remove the deed restriction, building permits shall be obtained that restore the property to a single dwelling unit. Upon completion of inspection by the Building Official, the Director shall cause the deed restriction to be removed from the property by the County Recorder.*
8. *In addition to the parking required for the primary residence, there shall be at least one independently accessible parking space for the senior accessory dwelling unit. This additional parking space shall be kept free, clear, and accessible for the parking of a vehicle at all times and shall be made available for the exclusive use of the occupant(s) of the senior accessory dwelling unit.*
9. *All improvements shall be constructed as required by Ordinance and the Public Works Department.*
10. *Aliso Avenue and Beacon Street are part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.*
11. *The property line along Beacon Street and Aliso Avenue are 12 feet from the face of curb. The site plan shall be verified with the Tract Improvement Plans and updated for consistency under Plan Check No. 2350-2010.*
12. *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 will require an encroachment agreement.*
13. *An encroachment permit shall be obtained prior to the performance of any work activities within the public right-of-way.*

14. All improvements shall be constructed as required by Ordinance and the Public Works Department.
15. *In case of damage done to public improvements surrounding 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.*
16. Prior to issuance of final building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Minor Use 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 Minor Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
17. The Planning Director or the Planning Commission may add to or modify the conditions of approval for this use permit, or revoke this permit upon a determination that the operation (which is the subject of this approval) causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
18. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code.
19. 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 Ibbetson Residence including, but not limited to, the Minor Use Permit No. UP2011-013 (PA2011-077). 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.

PUBLIC NOTICE

Notice of this application was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code.

APPEAL PERIOD: Minor use 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/mkn

Attachments:

Vicinity Map
Draft Covenant and Agreement
Project Plans

VICINITY MAP



Minor Use Permit No. UP2011-013
PA2011-077

400 Aliso Avenue

RECORDING REQUESTED
BY AND WHEN RECORDED
PLEASE RETURN TO:

CITY OF NEWPORT BEACH
Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA
92658-8915

THIS SPACE FOR RECORDER'S USE ONLY

DECLARATION OF RESTRICTIONS ON OCCUPANCY

THIS DECLARATION OF RESTRICTIONS ON OCCUPANCY ("Declaration") is made pursuant to the June 15, 2011, approval of Minor Use Permit No. UP2011-013, by Mr. Bruce Ibbetson ("Declarants"), with reference to the following facts:

- A. Declarants are the fee title owners of the property at 400 Aliso Avenue (hereafter the "Property").
- B. Declarants have been issued a Minor Use Permit to construct a accessory dwelling (granny) unit, as defined and authorized by Section 20.48.200 of the City of Newport Beach Zoning Code, on the Property, which would otherwise be restricted under the Zoning Code to being improved with a single dwelling.
- C. The purpose of this Declaration is to set forth as restrictions on the Property, and as covenants running with the land, those conditions which relate to the benefit received by use of the two dwelling units on the Property.

NOW, THEREFORE, based on the foregoing, Declarants declares as follows:

- 1. The granny unit on the Property shall not be sold separately from the main dwelling unit on the Property, and the parcel upon which the unit is located shall not be subdivided in any manner which would authorize such sale or ownership.
- 2. The granny unit is an accessory use to the main dwelling unit.
- 3. The granny unit shall be a legal unit, and may be used as habitable space, only so long as unit is occupied by one or two persons at least 55 years of age.
- 4. At least one person having an ownership interest in the property shall continuously occupy the primary residence or granny Unit.
- 5. The granny unit is limited to a maximum of 640 square feet in size and requires one additional parking space beyond the two required for single-family use.
- 6. The open parking space as indicated on the approved plan of Minor Use Permit No. UP2011-013 shall be made available for the exclusive use of the occupant(s) of the granny unit and shall remain clear of any obstructions and available for the parking of a vehicle at all times.

7. The independently accessible parking space provided for the granny unit shall be provided as shown on the approved plans.
8. Prior to the final inspection of building permits of the granny unit by a City Building Inspector, the property owner shall submit to the Planning Director the names and birth dates of any and all occupants of the granny unit constructed pursuant to this chapter to verify occupancy by a person or persons of at least 60 years in age. Thereafter, verification will be on an annual basis. Upon any change of tenants, the property owner shall notify the City immediately. This information shall be submitted in writing and contain a statement signed by the property owner certifying under penalty of perjury that all of the information is true and correct.
9. These restrictions shall run with the land and are binding upon the heirs, assigns, and successors in interest of Declarant(s) to the Property, and shall be enforceable, at its option, by the City. It shall be the responsibility of the property owner to insure that the property is occupied and maintained in accordance with Planning Director's Use Permit No. UP2009-028 and this Declaration.
10. The foregoing restrictions may not be terminated or amended without the prior written consent of the Planning Director of the City of Newport Beach. In the event that the property owner desires to terminate the use of the granny unit and remove the deed restriction, building permits shall be obtained that restore the property to a single dwelling unit. Upon completion of inspection by the Building Official, the Director shall cause the deed restriction to be removed from the property by the County Recorder.

IN WITNESS WHEREOF, this Declaration has been executed by the owner of the property as of

June 15th, 2011.

"DECLARANT(S)"

Signature_____

Print or Type Name_____

Signature_____

Print or Type Name_____

APPROVED FOR RECORDING:

Kimberly Brandt, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of Newport Beach

By: _____

ATTEST:

CITY CLERK, City of Newport Beach

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On _____, 200__, before me, _____ personally
appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s)
whose name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Place Notary Seal Above)

Signature _____
Signature of Notary Public

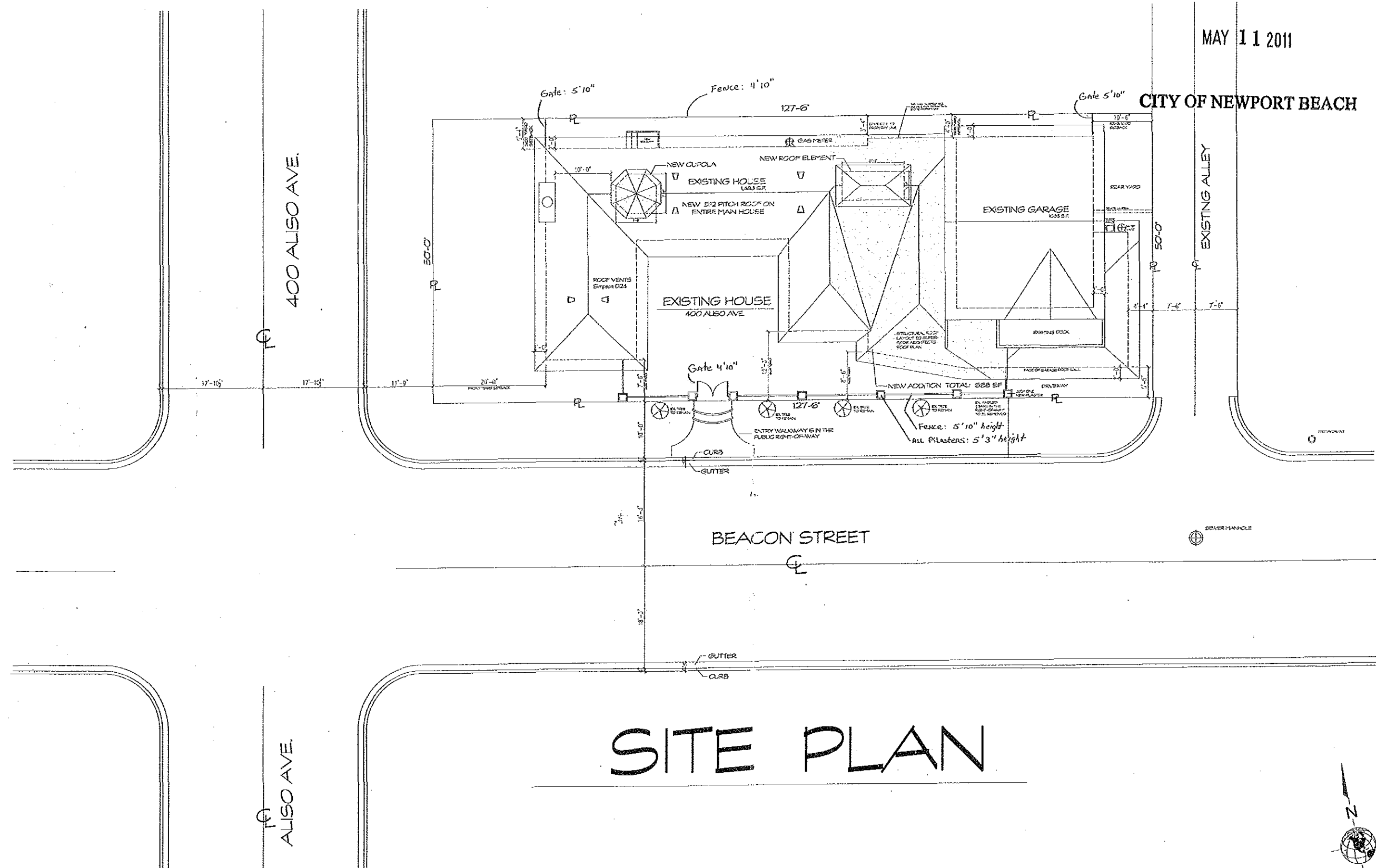
MAY 11 2011

CITY OF NEWPORT BEACH

PO BOX 4162
LAGUNA BEACH, CA 92652
TEL: 949.376.8905
dobstudio@col.com

IBBETSON RESIDENCE
400 ALISO AVE.
NEWPORT BEACH, CA

A1



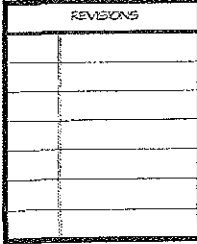
SITE PLAN

NEW SITE PLAN

JOB
SHEETSON
DATE
APRIL 8, 2011
DRAWN BY
DAS
SCALE
 $\frac{1}{8}'' = 1'-0''$

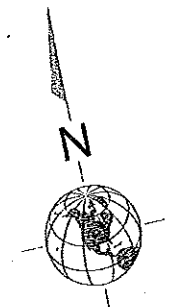
A1

Approximate Interior Dimension:
Total = 590.9 sf.




PO BOX 4162
LAJUNA BEACH, CA 92652
TEL: 949.376.9905
cobstudio@comcast.net


A2

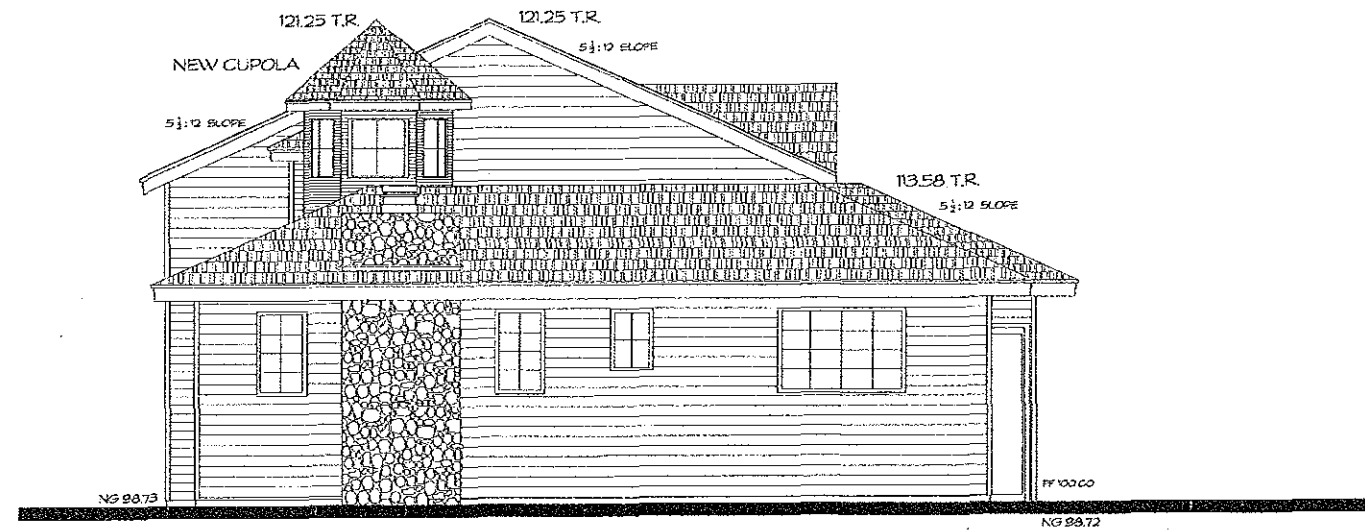


WALL LEGEND

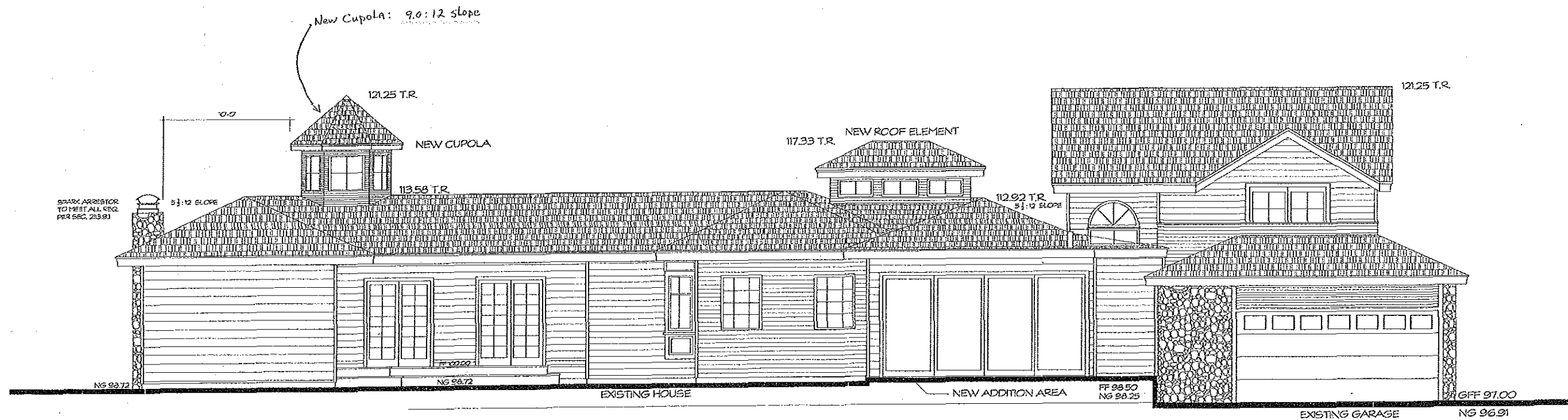
 OLD WALL

 EXISTING WALLS TO REMAIN

 NEW WALLS



WEST ELEVATION



SOUTH ELEVATION

0 2 4 8

WALL LEGEND
 EXISTING WALL
 EXISTING WALL TO REMAIN
 NEW WALL

REV	DATE	DESCRIPTION

DREW ANDERSON BLAKE
 DESIGN STUDIO

PO BOX 4162
 LAS ANA BEACH, CA 92652
 TEL: 949.376.8203
 dobstudio@aol.com

IBBETSON RESIDENCE
 400 ALISO AVE.
 NEWPORT BEACH, CA

JOB
 IBBETSON
 DATE
 APRIL 8, 2011
 DRAWN BY
 DAB
 SCALE
 1/2"=1'-0"

A3

ELEVATIONS