CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

- TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
- FROM: Kimberly Brandt, Community Development Director
- SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending September 30, 2011.

ACTIONS TAKEN AT SEPTEMBER 28, 2011 ZONING ADMINISTRATOR HEARING

Item 1: Cedar Lot Merger – Lot Merger Permit No. LM2011-003 (PA2011-157) 263 and 301 Cedar Street

This item was approved

Council District 2

Item 2: 1375 AND 1401 Dove Street Sign Modification – MD2011-015 (PA2011-156) 1375 and 1401 Dove Street

This item was approved

Council District 2

ACTIONS TAKEN BY THE COMMUNITY DEVELOPMENT DIRECTOR OR PLANNING DIVISION STAFF

Item 3: Telecommunications Facility Permit No. TP2011-006 (PA2011-068) 2131 Westcliff Drive

This item was approved on September 28, 2011

Council District 3

On behalf of Kimberly Brandt, Community Development Director

Patrick J. Alford, Planning Manager

APPEAL PERIOD: The applicant or any interested party may appeal the decision of the Community Development Director and division staff to the Planning Commission by submitting a written appeal application to the Community Development Director 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.

FOR TELECOM APPEALS:

Telecommunications Facility applications do not become effective until 14 days after the date of action, during which time the applicant or any interested party may appeal the decision of the Community Development Director and division staff to the City Council by submitting a written appeal application to the City Clerk. For additional information on filing an appeal, contact the City Clerk at 949 644-3005.

Email Jon Lewis, Support Services Lt., NBPD



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.	Lot Merger No. LM2011-003 (PA2011-157)		
Applicant	Michael and Michele Greer		
Site Address	263 and 301 Cedar Street Cedar Lot Merger		
Legal Description	Lot M & N , Block 16, Tract 00772		

On <u>September 28, 2011</u>, the Zoning Administrator approved the following: A lot merger and waiver of a parcel map for the following property, under common ownership, located in Newport Shores: A lot merger for the following properties, under common ownership, located in Newport Shores: Lot 14 of Block 4, Tract 772 (including Southwesterly 33 ft of Lancaster Street Adjustment) and Lot 1 of Block 16, Tract 772 (including Northeasterly 7 ft of Lancaster Street Adjustment) with existing structures to remain. The property is located in the R-1 (Single-Unit Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

<u>Findings</u>

1. **Finding:** The proposed project is in conformance with the California Environmental Quality Act.

Facts in Support of the Finding:

- The project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel.
- 2. **Finding:** Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of Title 19.

Facts in Support of the Finding:

- The existing development on the proposed parcel has been previously used by a single family, under common ownership and has not proven detrimental to the surrounding neighborhood.
- The project site described in the proposal consists of legal building sites.
- The lot merger to combine two existing legal lots by removing the interior lot line between them will not result in the creation of additional parcels.
- The project is in an area with an average slope less than 20 percent and no changes in use or density will occur as a result of the merger.
- 3. **Finding:** The lots to be merged are under common fee ownership at the time of the merger.

Facts in Support of the Finding:

- Lots Lot 14 of Block 4, Tract 772 (including Southwesterly 33 ft of Lancaster Street Adjustment) and Lot 1 of Block 16, Tract 772 (including Northeasterly 7 ft of Lancaster Street Adjustment) are under common ownership.
- 4. **Finding:** The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

Facts in Support of the Finding:

- The majority of the residential lots in Newport Shores are zoned Single-Unit Residential (R-1). The merged parcel will remain zoned for single-unit dwellings.
- Section 20.18.030 of the Zoning Code requires a milmumlot width of 50 feet for R-1 lots. The existing lots are approximately 40 feet wide. The proposed lot merger will create one parcel that will meet the minimum lot width requirement.
- The existing single-unit dwellings located on the subject sites will be altered and maintained as one single-unit property.
- The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which is intended to provide primarily for singlefamily residential units on a single legal lot and does not include condominiums or cooperative housing. The Coastal Land Use Plan designates this site as Single Unit Residential Detached (RSD-C) which provides for density ranges from 10.0-19.9 DU/AC. The existing development on the site is consistent with these designations.

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

Facts in Support of the Finding:

- The properties such as the subject property in Newport Shores are oriented on public streets such as Cedar Street with a public alley to the rear. The public alleys were developed to provide vehicular access for the properties located in Newport Shores. Vehicular access to and from the subject site and adjacent properties would remain via the public alleys.
- 6. **Finding:** The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

Facts in Support of the Finding:

- Newport Shores consists of lots of varying shapes and sizes. Although the proposed lot merger will create a larger lot width, it will not create an excessively large lot in comparison to many of the existing lots.
- The R-1-Zoning District is developed utilizing a maximum floor area ratio of 2.0 and the proposed parcel is not developed beyond this area; thus, it is developed consistent with the surrounding development.

In accordance with Section 19.08.030 of the Municipal Code (Waiver of Concurrent Parcel Map), the Zoning administrator approved a waiver of the parcel map requirement since no more than three parcels are eliminated.

7. **Finding:** That the proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.

Facts in Support of the Finding:

• The existing lots currently comply with the design standards and improvements required by the Zoning Code, General Plan, and Coastal Land Use Plan. The poposed lot would create non-conforming side yard setbacks as the existing structures will remain in place and the sideyard setback requirement will increase from 3 feet to 4 feet due to the greater lot width. The existing 3-foot sideyards will remain. The 3-foot side yard setbacks are consistent with other sideyard setbacks which are common with lots 40 feet wide or narrower and they contiue to provide adequate light and air. Future improvements on the site will be required to comply with Title 20 non-conforming regulations.

- The proposed lot merger combines the properties into a single parcel of land and does not result in the elimination of more than one lot.
- Approval of the proposed lot merger would remove the existing interior lot line, and allow the property to be used as a single site. The land use, density, and intensity would remain the same. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, General Plan, and Coastal Land Use Plan. The only Zoning Code requirement that would not be met would be the required 4-foot-sideyrd setbacks.

<u>Conditions</u>

- 1. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.
- Prior to the final inspection of the building permit required pursuant to Condition No. 3, a covenant and agreement shall be recorded to hold the merged property as a single-unit dwelling site.
- 3. Within 15 days of the effective date of this approval, a building permit shall be obtained for the following improvements to the existing structure located at 301 Cedar Street: 1) the garage door shall be removed and the opening shall be replaced with a Code-compliant wall, which may include window or door openings; and 2) the kitchen and any other areas used for food preparation shall be removed.
- 4. The detached two-story game room with a living room and bedroom currently located at 301 Cedar Street shall not be utilized as a separate or independent living facility for one or more persons and shall not contain all of the following: area or equipment for sleeping, sanitation and food preparation, and have independent exterior access to ground level. To meet this requirement, the structure at 301 Cedar Street shall not have a kitchen or an area for food preparation.
- 5. All existing drainage facilities in the public right-of-way, including the existing curb drains along the Cedar Street frontage shall comply with the City's on-site non-storm runoff retention requirements.
- 6. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
- 7. An encroachment permit is required for all work activities within the public rightof-way.
- 8. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of –way could be required at the discretion of the Public Works Inspector.

- 9. All on-site drainage shall comply with the latest City Water Quality requirements.
- 10. If the property does not utilize both water meters and both sewer cleanouts the one water meter shall be abandoned at the main and one sewer lateral shall be capped at main.
- 11. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
- 12. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
- 13. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
- 14. Prior to issuance of the building permit for any new construction on the property (excluding the building permit required by Condition No. 3), the Planning Division shall verify approval of the lot merger and recordation of the document with the County Recorder.
- 15. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
- 16. 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 263 and 301 Cedar Lot Merger including, but not limited to, the Lot Merger No. LM2011-003 (PA2011-157). 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: Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action. Prior to the effective date the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:

Jaime Murillo, Zoning Administrator

JM/msw

Attachments: ZA 1 Vicinity Map ZA 2 Plans

Cedar Lot Merger September 28, 2011 Page 7

VICINITY MAP



Lot Merger No. LM2011-003 PA2011-157

263 and 301 Cedar Street

EXHIBIT "A" CITY OF NEWPORT BEACH LOT LINE ADJUSTMENT NO. LA LOT MERGER NO. LM -

;OR

(LEGAL DESCRIPTION)

	OWNERS	EXISTING PARCEL NUMBER	PROPOSED PARCELS REFERENCE NUMBERS	-
	EDWARD M. GREER & ELIZABETH M. GREER	045-067-23	PARCEL 1	
EDWARD M. GREER & ELIZABETH M. GREER		045-067-24	PARCEL 1	

EXISTING LEGAL DESCRIPTIONS:

045-067**-**23:

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

THE NORTHEASTERLY 1.00 FOOT OF LOT 14 IN BLOCK 4 AND THE SOUTHWESTERLY 33.00 FEET OF LANCASTER STREET ABANDONED BY RESOLUTION NO. 5174, SAID RESOLUTION HAVING BEEN ADOPTED FEBRUARY 29, 1960 AND A CERTIFIED COPY OF WHICH WAS RECORDED MARCH 2, 1960 IN BOOK 5126 PAGE 352, OFFICIAL RECORDS, ADJACENT TO LOT 14 IN BLOCK 4, BOUNDED BY THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY AND SOUTHEASTERLY LINES OF SAID LOT 14, ALL OF TRACT 722, AS PER MAP RECORDED IN BOOK 23, PAGE 6 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBONS LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID PROPERTY, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEEDS OF RECORD.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING BELOW A PLANE DISTANT 500 FEET BELOW THE SURFACE OF SAID LAND, AS EXCEPTED BY SIGNAL PROPERTIES, INC., IN THAT DEED RECORDED AUGUST 31, 1976 AS INSTRUMENT NO. 44869, IN BOOK 11872 PAGE 1198, OFFICIAL RECORDS.

PROPOSED LEGAL DESCRIPTION:

PARCEL 1:

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

THIS DESCRIPTION HAS BEEN PREPARED BY ME OR-UNDER MY DIRECTION

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



PA2011-157 for LM2011-003 263 Cedar Street Michael and Michele Greer

SHEET 1 OF 2

EXHIBIT "A" *CITY OF NEWPORT BEACH LOT LINE ADJUSTMENT NO. LA LOT MERGER NO. LM* -

;OR

(LEGAL DESCRIPTION)

OWNERS	EXISTING PARCEL NUMBER	PROPOSED PARCELS REFERENCE NUMBERS	
EDWARD M. GREER & ELIZABETH M. GREER	045-067-23	PARCEL 1	
EDWARD M. GREER & ELIZABETH M. GREER	045-067-24	PARCEL 1	

EXISTING LEGAL DESCRIPTIONS:

045-067-24:

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

LOT 1 IN BLOCK 16, EXCEPTING THE NORTHEASTERLY 3.00 FEET, AND THE NORTHEASTERLY 7.00 FEET OF LANCASTER STREET ADJACENT TO SAID LOT 1, BOUNDED BY THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY AND SOUTHEASTERLY LINES OF SAID LOT 1, ALL OF TRACT NO. 772, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 23, PAGE 6 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION THEREOF LYING BELOW A PLANE DISTANT 500 FEET BELOW THE SURFACE OF SAID LAND AS EXCEPTED BY SIGNAL PROPERTIES INC. IN THAT DEED RECORDED AUGUST 31, 1976 IN BOOK 11872 PAGE 1198, OFFICIAL RECORDS, AS INSTRUMENT NO. 44869.

PROPOSED LEGAL DESCRIPTION:

PARCEL 1:

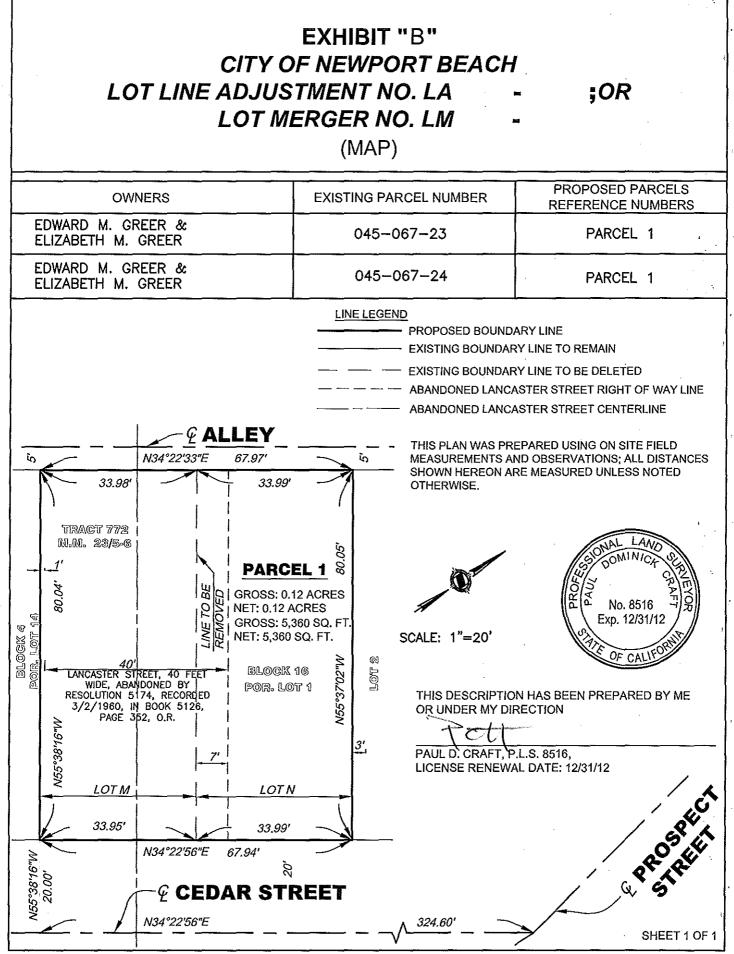
SEE EXHIBITS 'B' & 'C' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION

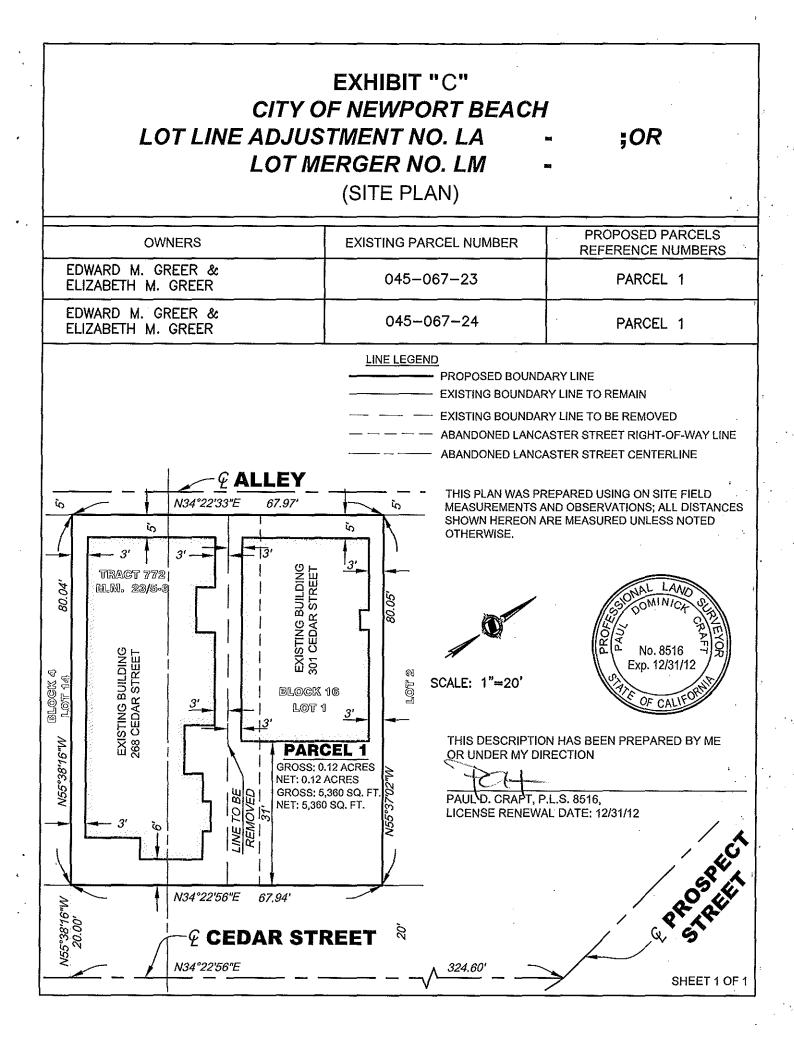
PAUL D. CRAFT, P.L.S. 8516, LICENSE RENEWAL DATE: 12/31/12



SHEET 2 OF 2



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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 Permit No. MD2011-015 (PA2011-156)		
Applicant	Signs & Services Co.		
Site Address	1375 & 1401 Dove Street Dove Street Sign Modification		
Legal Description	P BK 40 PG 32 PAR 1		

On <u>September 28, 2011</u>, the Zoning Administrator approved the following: A Modification Permit to allow alterations to the height restrictions of building wall signs to allow for greater flexibility of logo projections. No change is requested to the maximum allowable letter height, sign area, or the number of permitted signs. The property is located in the PC-11 (Newport Place Planned Community) District. The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

FINDINGS

Finding

A. The project is exempt from environmental review pursuant to Section 15311, Class 11 (Accessory Structures) of the Implementing Guidelines of the California Environmental Quality Act.

Fact in Support of Finding

A.1. Class 11 includes construction or replacement of minor structures such as onpremise signs accessory to (appurtenant to) existing commercial facilities. The proposed signage is incidental and accessory to the principal commercial use of the property and does not intensify or alter the use.

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

Finding

B. The requested modification will be compatible with existing development in the neighborhood.

Fact in Support of Finding

- B-1 The subject property is located in a commercial area of the PC-11 (Newport Place) Planned Community District and is designated MU-H2 (Mixed Use Horizontal) by the Land Use Element of the General Plan. This area is intended to provide for a horizontal intermixing of uses that may include regional commercial office, multi-family residential, vertical mixed-use building, industrial, hotel rooms, and ancillary neighborhood commercial uses. The existing commercial development and existing and proposed signage is consistent with this land use designation. The proposed signage is accessory to the primary use.
- B-2. The neighborhood includes parcels with wall signs, ground signs, and tenant signs that provide visibility from the public right-of-way.
- Modification Permit No. MD2008-186 allows additional business-identification B-3. wall signs on two buildings and an additional ground sign on the subject property that are not specifically permitted by the Newport Place Planned Community District regulations. More specifically, the Modification Permit allows for the 1375 Dove Street building, in addition to the permitted building top sign limited to the east elevation, the addition of an eyebrow sign on the east elevation between the first and second or second and third floors to identify a second entity. For the 1401 Dove Street building, in addition to the two (2) permitted building top signs limited to one (1) on any two (2) facades, the Modification Permit allows the addition of one (1) eyebrow sign on the south elevation and one (1) eyebrow sign on the east elevation between the second and third floors. The building tops signs are limited to one entity and the eyebrow signs are limited to two (2) additional entities. Additionally, the eyebrow signs are limited to 24 inches in height and 60 square feet in sign area, and the building top signs are limited to 36 inches in height and 120 square feet in sign area.
- B-4. The applicant requested this Modification Permit to allow greater flexibility for the height of building wall signs to allow for logo projections. Graphic logos will be limited to 20-percent of the total sign area for any one sign but will be allowed up to a maximum height of 36 inches for eyebrow signs and 60 inches for building top signs. The maximum allowable letter height, sign area, and number of signs permitted will remain the same and will be comparable to other wall signs on adjacent parcels.
- B-5. The illumination of signage is conditioned to prevent excessive spillage onto the adjacent right-of-way and any nearby properties.

Finding

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

Fact in Support of Finding

- C-1. There is a reasonable need to allow for greater flexibility of the height of building wall signs. The previously approved Modification Permit restricts the height of these signs and does not take into account tenants that have established the branding of their logo icon and logo typeface. For example, tenants with logo icons and logo typefaces that are stacked or have square or tall rectangular proportions are limited to a large extent. See Attachment ZA 4 (Sign Comparison) for further reference.
- C-2. The property is developed with a six-story commercial building (1401 Dove Street) and a three-story office building (1375 Dove Street). Both buildings are multi-tenant. Furthermore, the 1375 Dove Street building is located approximately three-hundred feet (300') back from Dove Street.
- C-3. The request 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 size and development of the site, allowing additional signage and lessening the restrictions on overall sign height is reasonable in this particular case to provide greater flexibility and visibility for the design of wall signs.

Finding

D. 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.

Fact in Support of Finding

D-1. Due to the orientation, size, and height of the two multi-tenant buildings located on the subject property, the strict application of the sign standards to the planned community regulations result in limited building sign visibility for tenants that constitutes a physical hardship inconsistent with the intent of the Zoning Code, which is to provide adequate visibility while not creating visual clutter.

Finding

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

Fact in Support of Finding

E-1. The previously approved Modification Permit limits the vertical dimension of building wall signs. Approval of a new modification permit is necessary to alter the conditions of approval related to the subject signs and to provide greater flexibility in regards to their height.

E-2. The proposed signage is necessary due to the size and development of the site. It will not be detrimental to any surrounding owners and occupants, the neighborhood, or to the general public, and will be in scale with the existing development and comparable in size with signage utilized on neighboring properties.

Finding

F. 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.

Fact in Support of Finding

- F-1. The proposed change to the signage is negligible as it only affects the regulations for sign height, and does not result in a change to the sign area or the number of signs.
- F-2. The signage will neither change the density or intensity of the existing commercial use nor affect the flow of light or air to adjoining residential properties.
- F-3. The existing signage has not proven to be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City,
- F-4. The signage is for a commercial use in a commercial district and is not in or adjacent to a residential district.

CONDITIONS

- 1. The development shall be in substantial conformance with the approved site plan, sign matrix, sign plans and elevations, except as noted in the following conditions.
- 2. The signs modified by this approval include eyebrow signs and building tops signs. All other signage is approved in accordance with the provisions of Modification Permit No. MD2008-039, approved on November 17, 2008.
- 3. The maximum height of any letter or text is limited to 24 inches for eyebrow signs and 36 inches for building top signs. The maximum overall height and the height of any logo or symbol are limited to 36 inches for eyebrow signs and 60 inches for building tops signs. Additionally, graphic logos and/or symbols shall not exceed 20-percent of the total sign area for any one sign, building top or eyebrow.

- 4. Eyebrow signs on the 1375 Building shall be located on the fascia between the first and second floors.
- 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. The sign may be illuminated in accordance with the provisions of Section 20.42.060.H of the Newport Beach Municipal Code.
- 8. Freestanding signs shall comply with the City's sight distance requirements, STD-110-L, and shall be approved by the Public Works Department to ensure that the signage does not impact vehicular sight distance.
- 9. The sign area shall be measured by two perpendicular sets of parallel lines that surround the proposed sign copy area.
- 10. A building permit shall be obtained prior to commencement of the construction. Construction support details shall be provided prior to issuance of building permits.
- 11. A copy of this approval letter shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
- 12. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
- 13. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
- 14. The Zoning Administrator, Community Development Director, or the Planning Commission may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
- 15. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal

Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

To the fullest extent permitted by law, applicant shall indemnify, defend and hold 16. 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 1375 and 1401 Dove Street Sign Modification including, but not limited to, Modification Permit No. MD2011-015 (PA2011-156). 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: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By:

Jaime Murillo, Zoning Administrator

JM/ems

- Attachments:
 - ZA 1 Vicinity Map
 ZA 2 Sign Table Matrix
 ZA 3 Project Plans
 ZA 4 Modification No. MD2008-039 (PA2008-186)
 ZA 5 Sign Comparison

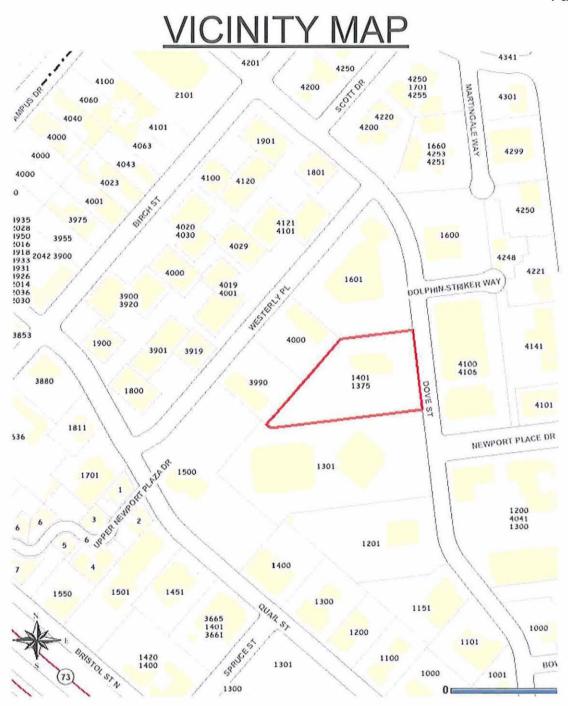
Attachment No. ZA 1

Vicinity Map

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1375 and 1401 Dove Street Sign Modification September 28, 2011 Page 7



Modification Permit No. MD2011-015 PA2011-156

1375 & 1401 Dove Street

Attachment No. ZA 2

Sign Matrix



1375 & 1401 Dove Street Sign Matrix

1375 & 1401 Dove Street Modification Permit No. MD2011-015 (PA2011-156)

Sign Designation	Sign Regulations
Monument Signs	Dove Street Two (2) ground signs not to exceed four (4) feet above grade (max 150 SF within first 20 feet of property line)
Wall Signs- Building Top Location	 1375 Building Maximum Number: One (1), limited to Dove Street (east) elevation Maximum Vertical/Logo Height: 60 inches Maximum Letter Height: 36 inches Maximum Sign Area: 120 square feet, logo limited to 20-percent of the total allowed sign area 1401 Building Maximum Number: Two (2) per building limited to same entity on two (2) facades, limited to Dove Street (east) and Parking Lot Side (South) elevations Maximum Vertical/Logo Height: 60 inches Maximum Vertical/Logo Height: 60 inches Maximum Vertical/Logo Height: 60 inches Maximum Letter Height: 36 inches Maximum Letter Height: 36 inches Maximum Sign Area: 120 square feet, logo limited to 20-percent of the total allowed sign area
Wall Signs - Eyebrow Location	 1375 Building Maximum Number: One (1), allowed to identify a different entity than the building top wall sign, limited to Dove Street (east) elevation on the fascia between the first and second floors Maximum Vertical/Logo Height: 36 inches Maximum Sign Area: 60 square feet, logo limited to 20-percent of the total allowed sign area 1401 Building Maximum Number: Two (2), allowed to identify a different entity than building top wall sign and eyebrow sign on alternate frontage, limited to the Dove Street (east) and Parking Lot Side (south) elevation on the fascia between the second and third floors. Required Separation of Wall Signs: 15 Lineal feet Maximum Vertical/Logo Height: 36 inches Maximum Sign Area: 60 square feet, logo limited to 20-percent of the total allowed sign area

NOTE: The 1375 & 1401 Dove Street Sign Matrix was originally approved on November 17, 2008, by Modification No. MD 2008-039 (PA2008-186). On September 28, 2011, the sign matrix was amended by Modification No. MD 2011-015 (PA2011-156). The amendment allowed alterations to the height restrictions of building wall signs to allow for greater flexibility of logo projections. There was no change to the maximum allowable letter height, sign area, or the number of permitted signs. The Zoning Administrator also amended the restriction for the location of eyebrow signs on the 1375 Building. Previously, the eyebrow sign was allowed to be on the fascia between the first and second floor or the second and third floor. The amendment restricted the location to between the first and second floor only.

COMPLIANCE REQUIRED: Except as noted by this Modification, signs shall also comply with the provisions of the Newport Place Planned Community Text and Section 20.42 (Sign Standards) of the Newport Beach Municipal Code.

Attachment No. ZA 3

Project Plans

Drawing of the specific request for the Sign Modification to the sign criteria for 1375 and 1401 Dove Street, NB

tangram

Tangram Interiors

1375 Dove, Newport Beach, CA

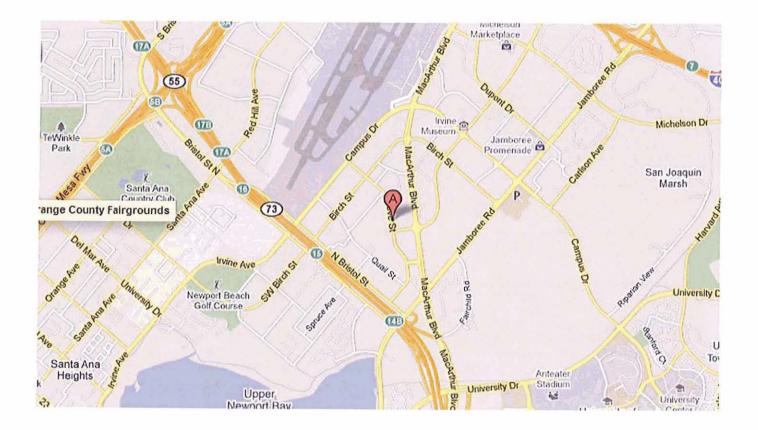
Concept Drawings Signage

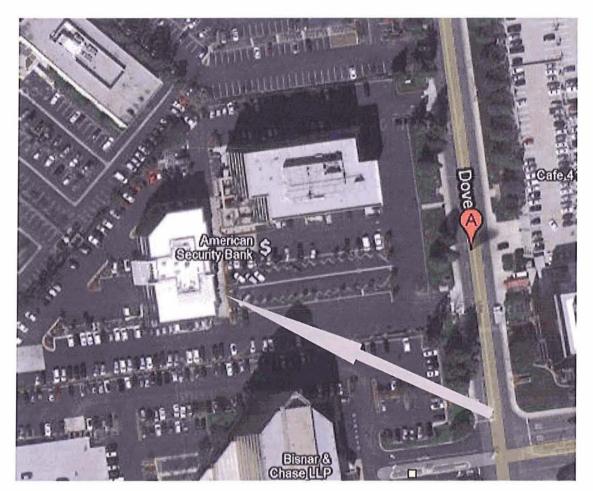
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Drawing Number: 70218

Project Address: Tangram Interiors 1375 Dove, Newport Beach, CA



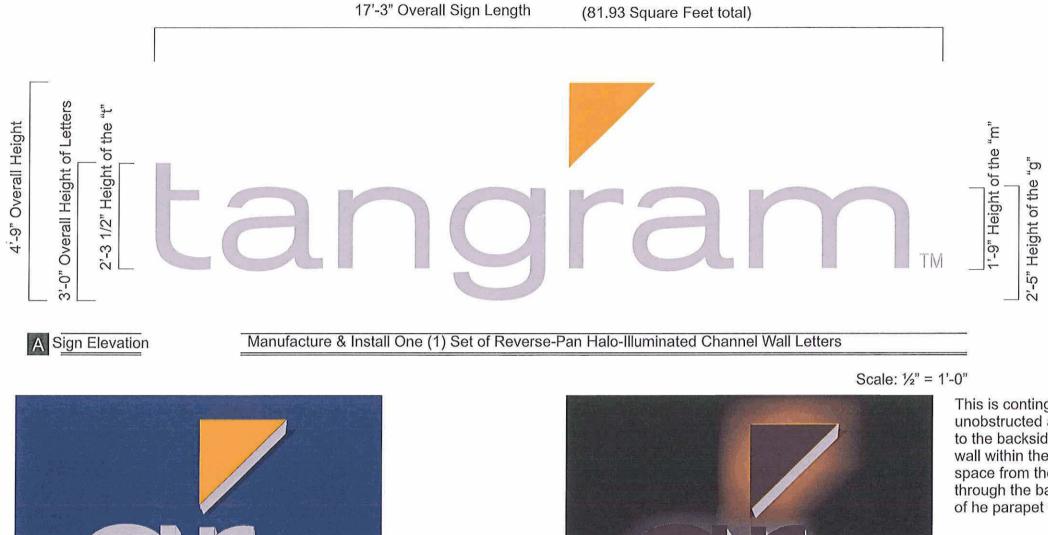


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	Stanton, CA 90680 Phone: 1.800.743.6942	Rick Denman	00.00.2011 Change XXX to XXX	00.00.2011 Change XXX to XXX	Signature:	Signature:
	Fax: 714.761.2451	Design Creation Date:	Additional Notes	Additional Notes	Date Signed:	Date Signed:
	signsandservicesco.com	06.15.2011				
SIGNS	Proud members of:		Design Revision 2:	Design Revision 4:	Sales Rep. Approval:	Project Mngr. Approval:
AND SERVICES	SEGD (SA) WSA	Designer's Name: DD	00.00.2011 Change XXX to XXX	00.00.2011 Change XXX to XXX	Signature:	Signature:
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Drawing Number: 70218

Project Address: Tangram Interiors 1375 Dove, Newport Beach, CA Page: 02 of 07





A Sign Elevation - Day View -Proposed sign on the building's sign panel

01	

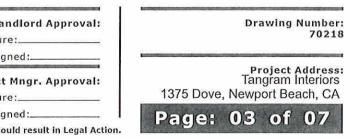
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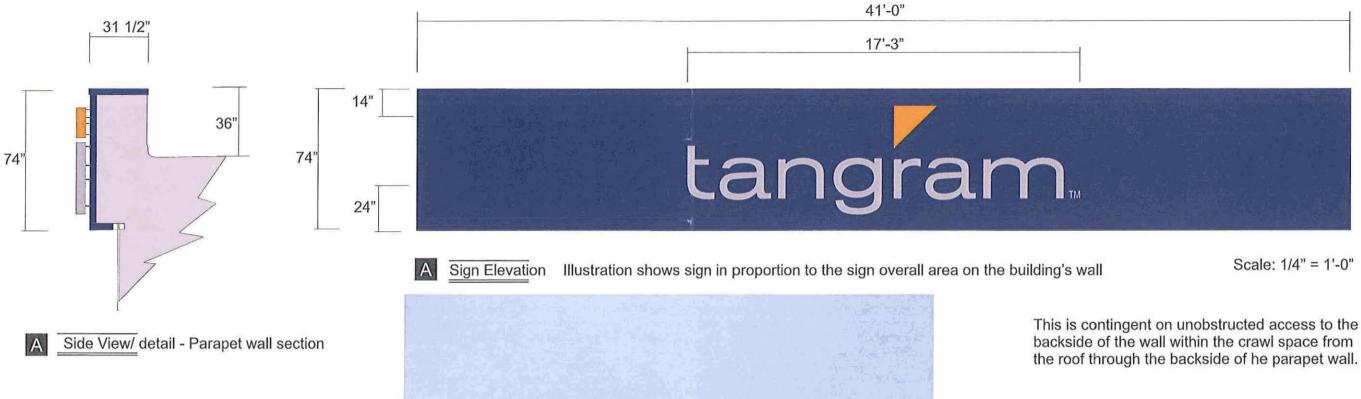
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This is contingent on unobstructed access to the backside of the wall within the crawl space from the roof through the backside of he parapet wall.

A Sign Elevation - Night View -Proposed sign on the building's sign panel





tangram

A

Sign Elevation - Proposed sign super-imposed of photo of existing condition

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	10980 Boatman Avenue Stanton, CA 90680 Phone: 1.800.743.6942 Fax: 714.761.2451	Representative: Rick Denman Design Creation Date:	Design Revision 1: 00.00.2011 Change XXX to XXX Additional Notes	Design Revision 3: 00.00.2011 Change XXX to XXX Additional Notes	Customer Approval: Signature: Date Signed:	La Signatu Date Si
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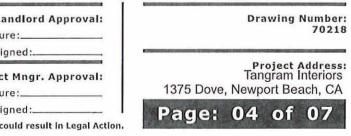
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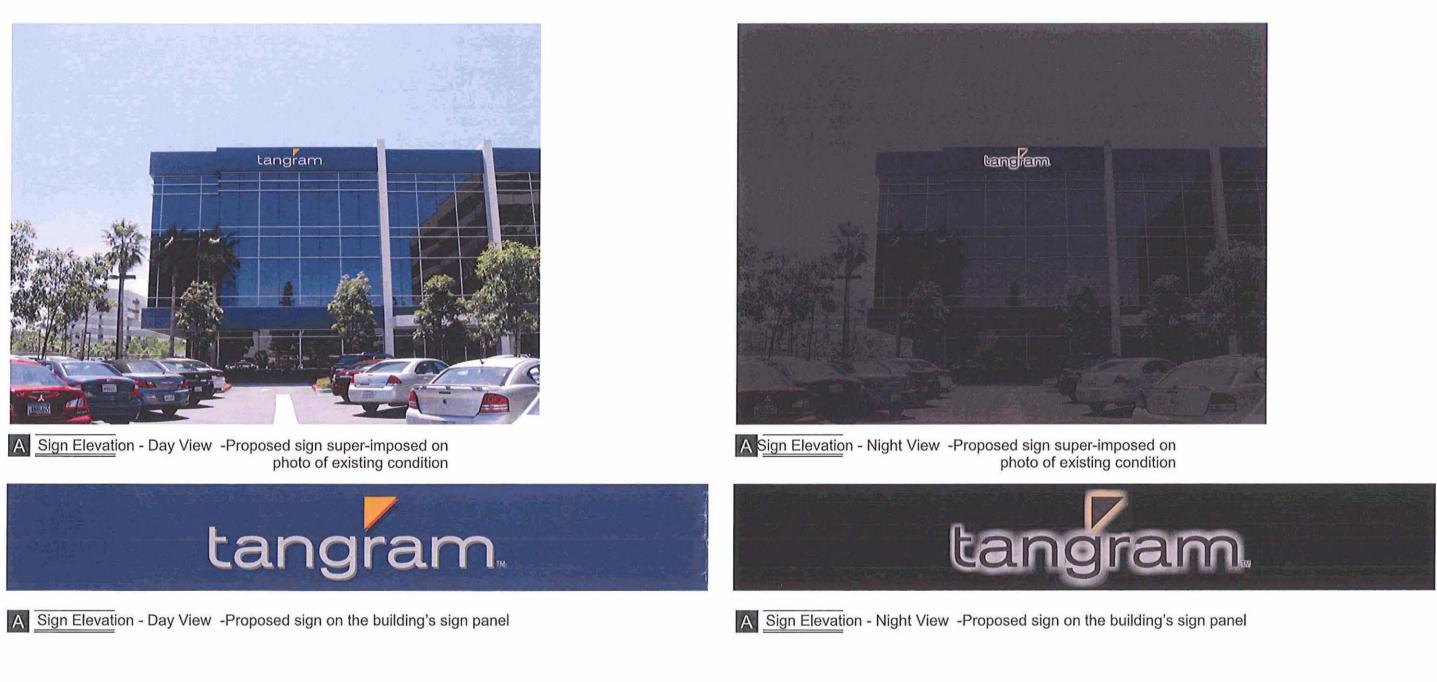
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Existing Condition





	10980 Boatman Avenue Stanton, CA 90680 Phone: 1.800.743.6942	Representative: Rick Denman	Design Revision 1: 00.00.2011 Change XXX to XXX	Design Revision 3: 00.00.2011 Change XXX to XXX	Customer Approval: Signature:	Lan Signature
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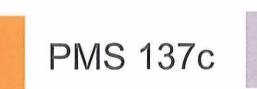
Drawing Number: 70218 dlord Approval: Project Address: Tangram Interiors 1375 Dove, Newport Beach, CA Mngr. Approval: Page: 05 of 07 ned:

"tangram triangle logo" (ONLY) is illuminated with orange LED's for a halo effect

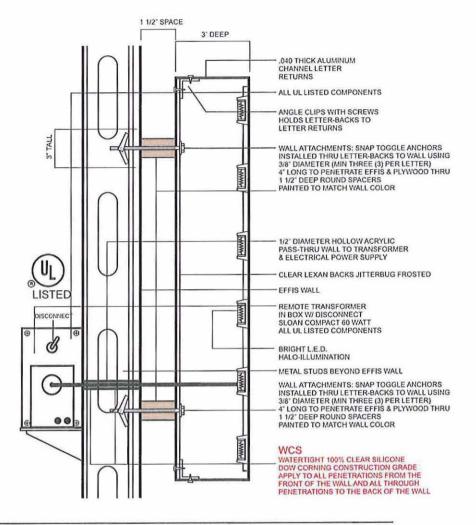


"tangram" lettering is illuminated with white LED's for a halo effect

"TM" is flat cut out acrylic painted to match (non-illuminated).



PMS 422c



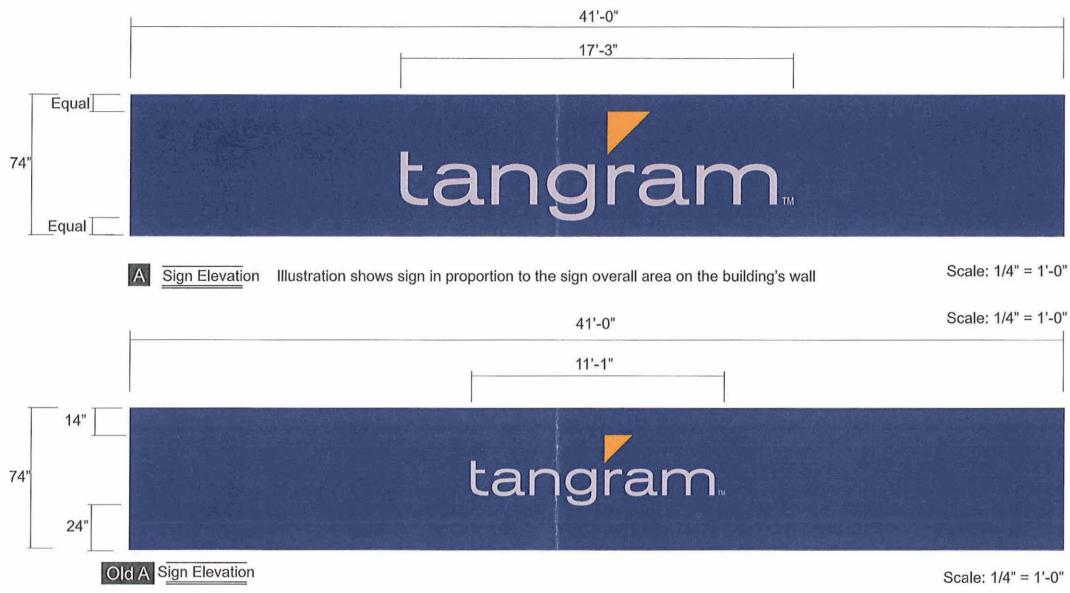
Reverse-Pan LED Halo-Illuminated Channel Letter Attachment Detail N.T.S.

WCS

WATERTIGHT 100% CLEAR SILICONE DOW CORNING CONSTRUCTION GRADE APPLY TO ALL PENETRATIONS FROM THE FRONT OF THE WALL AND ALL THROUGH PENETRATIONS TO THE BACK OF THE WALL

This is contingent on unobstructed access to the backside of the wall within the crawl space from the roof through the backside of he parapet wall.

	10980 Boatman Avenue Stanton, CA 90680 Phone: 1.800.743.6942	Representative: Rick Denman	Design Revision 1: 00.00.2011 Change XXX to XXX	Design Revision 3: 00.00.2011 Change XXX to XXX Additional Notes	Customer Approval: Signature: Date Signed:	Landlord Approval: Signature: Date Signed:	Drawing Number: 70218
SIGNS	Fax: 714.761.2451 signsandservicesco.com Proud members of: SEGD (1) WSA	Design Creation Date: 06.15.2011 Designer's Name: DD	Additional Notes Design Revision 2: 00,00.2011 Change XXX to XXX Additional Notes	Additional Notes Design Revision 4: 00.00.2011 Change XXX to XXX Additional Notes	Sales Rep. Approval: Signature: Date Signed:	Project Mngr. Approval: Signature: Date Signed:	Project Address: Tangram Interiors 1375 Dove, Newport Beach, CA Page: 06 of 07
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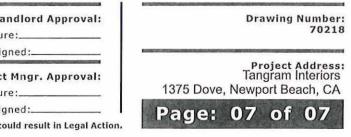


Side by side comparison at the same scale in proportion to the sign wall size.

This is contingent on unobstructed access to the backside of the wall within the crawl space from the roof through the backside of he parapet wall.

SIGNS AND SERVICES	10980 Boatman Avenue Stanton, CA 90680 Phone: 1.800.743.6942 Fax: 714.761.2451	Representative: Rick Denman Design Creation Date:	Design Revision 1: 00.00.2011 Change XXX to XXX Additional Notes	Design Revision 3: 00.00.2011 Change XXX to XXX Additional Notes	Customer Approval: Signature: Date Signed:	La Signatu Date Si
	SEGD	06.15.2011 Designer's Name: DD	Design Revision 2: 00.00.2011 Change XXX to XXX Additional Notes	Design Revision 4: 00,00,2011 Change XXX to XXX Additional Notes	Sales Rep. Approval: Signature: Date Signed:	Projec Signatu Date Sig

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Attachment No. ZA 4

Modification No. MD 2008-039(PA2008-186)



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

NOTICE OF ZONING ADMINISTRATOR ACTION

November 17, 2008

Sign Specialist Corporation Attn: Garrick Batt 111 W. Dyer Road, Unit F Santa Ana, CA 92707

Approved Application No. Modification No. MD2008-039 (PA2008-186)

Site Address

1375 and 1401 Dove Street

On <u>November 17, 2008</u>, the Zoning Administrator approved the above referenced application based on the findings and conditions in the attached action letter.

By:

Zoning Administrator Javier S. Garcia, AICP

JSG:es/rm

cc: property owner Palm Springs Village-309, LLC 2922 Daimler Street Santa Ana, CA 92705 <u>APPEAL</u>: The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.



MODIFICATION PERMIT NO. MD2008-039

(PA2008-186)

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

Application N	0.
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Modification No. MD2008-039 (PA2008-186)

Sign Specialist Corporation

1375 and 1401 Dove Street

Applicant

Site Address

Legal Description

P BK 40 PG 32 PAR 1

On <u>November 17, 2008</u>, the Zoning Administrator approved the application request to allow additional business-identification wall signs on two buildings and an additional ground sign that are not specifically permitted by the Newport Place Planned Community District Regulations. For the 1375 Dove Street building, in addition to the permitted building top sign limited to the east elevation, the request will allow the addition of an "eyebrow" sign on the east elevation between the first and second or second and third floors to identify a second entity. For the 1401 Dove Street building, in addition of one (1) "eyebrow" sign on the south elevation and one (1) "eyebrow" sign on the east elevation between the second and third floors of one (1) "eyebrow" sign on the south elevation and one (1) "eyebrow" sign on the east elevation between the second and third floors. The building tops signs are limited to one entity and the eyebrow signs are limited to two (2) additional entities. All "eyebrow" signs shall not exceed 24 inches in height and 60 sq. ft. in area. All building top signs shall not exceed 36 inches in height and 120 sq. ft. The property is located in the PC-11 (Newport Place Planned Community) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

- 1. The Land Use Element of the General Plan designates the site as "Mixed Use Horizontal" and the Newport Place Planned Community District regulations designate the site for "Commercial Use". The existing commercial office buildings and their uses are consistent with those designations and the signs are accessory to the primary use.
- 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). This class exempts construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.
- 3. In accordance with the provisions of Chapter 20.93, the Zoning Administrator has determined that the granting of this application is necessary due to practical difficulties associated with the property. The strict application of the Newport Place Planned Community regulations results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code for the following reason:

- Due to the orientation, size, and height of the two multi-tenant buildings located on the subject property, the strict application of the sign standards to the planned community regulations result in limited building sign visibility for tenants that consitutes a physical hardship inconsistent with the intent of the Zoning Code, which is to provide adequate visibility while not creating visual clutter.
- 4. In accordance with the provisions of Chapter 20.93, the requested modification will be compatible with existing development(s) in the neighborhood for the following reasons:
 - The neighborhood includes parcels with wall signs, ground signs, and tenant signs that provide visibility from the public right-of-way.
 - The two ground signs will be similar to those on adjacent parcels, all of which are less than 4 feet above grade in vertical height.
 - The proposed business-identification signs are comparable in area to the wall signs on adjacent parcels.
- 5. In accordance with the provisions of Chapter 20.93, the granting of this Modification Permit will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood based on the following:
 - The signage is for a commercial use in a commercial district and is not in or adjacent to a
 residential district.
 - The size and location of the proposed signage is comparable to others on adjacent buildings and does not appear to be excessive.
 - The signage is oriented toward the street area for the buildings.
 - Allowing the additional ground sign on the subject property establishes basic property and tenant identification and avoids excess signs/signage on the elevations of the buildings and provides a convenience to the public.
 - The business identification signs will help identify single tenants that occupy the buildings, and the signage will be comparable to the the sign area allowed by the Newport Place Planned Community District regulations.

CONDITIONS

- 1. The development shall be in substantial conformance with the approved plot plan, floor plans, and elevations, except as noted in the following conditions.
- 2. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
- 3. If any of the existing public improvements surrounding the site are damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
- 4. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.

- 5. Any amendment to this approval requires a written staff approval or may require an amendment to this application as determined by the Zoning Administrator.
- Building top wall signs, eyebrow signs and ground signs shall be depicted as in the attached Table/Matrix. Two ground signs are allowed on the subject property and shall conform to the Newport Place Planned Community regulations, except that tenant identification is permitted.
- 7. A building permit shall be obtained prior to commencement of the construction.
- 8. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits for the original sign installation and shall be available in the Planning Department for future sign changes.
- 9. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
- 10. No signage or structure with affixed signage shall be located in the public right-of-way.
- 11. All signs shall comply with the City's Line of Sight requirements, City Standard #110-L and plans shall be reviewed by the Public Works Department prior to issuance of building permits.
- 12. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
- 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.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

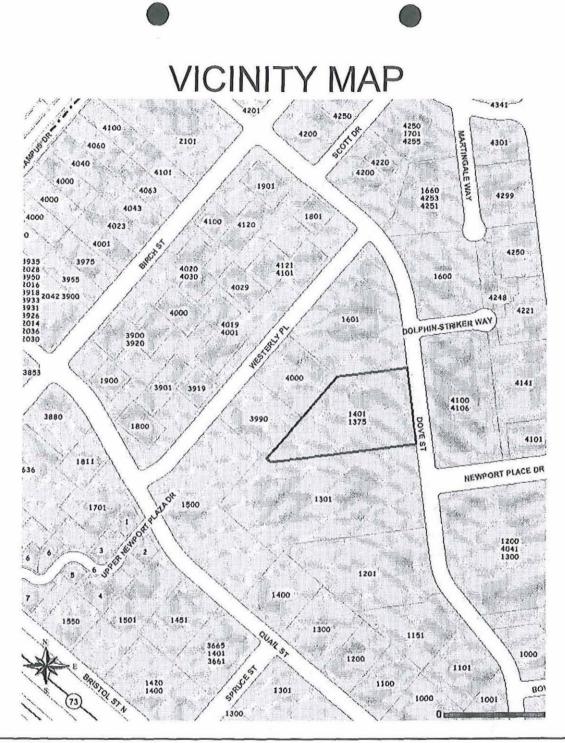
Zoning Administrator Javier S. Garcia, AICP By:

JSG:es/rm

Attachments: Vicinity Map Sign Table/Matrix Revised Project Request dated November 6, 2008

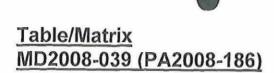
Appeared in Opposition: None

Appeared in Support: None



Modification Permit No. MD2008-039 PA2008-186

1375 and 1401 Dove Street



1375 & 1401 Dove Street Newport Beach, CA Designated Frontages: Dove Street (East) Parking Lot North Parking Lot South

Sign Designation Monument Signs	Primary Frontage Size limitations where applicable Dove Street Two (2) ground signs not to exceed four (4) feet above grade (max 150 sq. ft. within first 20 feet of property line), tenant identification is permitted.	Secondary Frontage Size limitations, where applicable N/A
Wall Signs- Building Top Location	1375 Building - Dove Street (East) Maximum Number: One (1) per building limited to one facade Maximum Vertical: 36 inches Maximum sq. ft.: 120 sq. ft.	1375 Building - Parking Lot None Allowed
В	1401 Building - Dove Street and Parking Lot Side Maximum Number: Two (2) per building limited to same entity on two (2) facades Maximum Vertical; 36 inches Maximum sq. ft.: 120 sq. ft.	
Wall Signs - Eyebrow Location	1375 Building - Dove Street (East) Maximum Number: One (1) per Building (allowed to identify different entity than building top wall sign) Maximum Vertical: 24 inches Maximum sq. ft.: 60 sq. ft. Location: On the fascia between the second and third floors or between the first and second floors.	1375 Building - Parking Lot None Allowed
	1401 Building - Dove Street (East) Maximum Number: One (1) - (allowed to identify different entity than building top wall sign and "eyebrow" sign on secondary frontage) Required Separation of Wall Signs: 15 Lineal feet Maximum Vertical: 24 inches Maximum sq. ft.: 60 sq. ft. Location: On the fascia between the second and third floors.	1401 Building - Parking Lot South Maximum Number: One (1) - (allowed to identify different entity than building top wall sign and "eyebrow" sign on primary frontage) Required Separation of Wall Signs: 15 Lineal Feet Maximum Vertical: 24 inches Maximum sq. ft.: 60 sq. ft. Location: On the fascia between the second and third floors.



PALM SPRINGS VILLAGE - 309, LLC

2922 DAIMLER STREET · SANTA ANA, CA 92705 · (949) 224-1970 · FAX: (949) 224-1963

November 6, 2008

VIA ELECTRONIC MAIL (esteffen@city.newport-beach.ca.us)

Ms. Erin Steffen Planning Technician Planning Department City of Newport Beach 3300 Newport Boulevard Newport Beach, California 92658-8915

Re: Modification Permit No. 2008-039 (PA2008-186) 1375 & 1401 Dove Street

Dear Ms. Steffen:

Palm Springs Village-309, LLC is the owner of the above-referenced buildings and we wanted to thank you for the opportunity to review and comment on the draft staff report for Modification Permit number 2008-039 prior to the Zoning Administrator hearing on November 17th, 2008. We appreciate the general support from staff for our permit and would like to respectfully request some minor changes to the report as follows:

Ground Signs/ Monument Signs

We support staff's proposed modification regarding allowing the two (2) existing ground signs to be modified to identify one building per each sign as requested.

Tenant Signs - 1375 Dove Street

This 21,700± square foot building sits back from Dove Street over three-hundred feet (300'). We agree that a Building Top Sign and an Eyebrow Sign on the elevation facing Dove Street that allows us to identify two (2) different entities would meet our needs for this building. As this is only a three story building, we would like to request that the Eyebrow Sign on this building be allowed to be located either on the fascia between the second and third floors (as currently written) or, at our option, between the first and second floors of the building in order to allow for appropriate vertical separation from the Building Top Sign. This flexibility would enable us to wait until the completion of the exterior of the building in order to determine which of these locations would work the best.





Ms. Erin Steffen November 6, 2008 Page Two

Tenant Signs - 1401 Dove Street

This 74,000± square foot, six-story building is closer to Dove Street. We have no objection to the proposed limitation on Building Top Signs to two (2) elevations. Our current first floor tenant, American Security Bank, has a recently approved and installed Eyebrow Sign on the fascia between the second and third floors facing Dove Street. Given the remaining 60,000± square feet of office space that we are currently still marketing, we feel that allowing an Eyebrow Sign for a third tenant is crucial to remain competitive in this neighborhood. There are two (2) other buildings adjacent to the subject property that both contain Eyebrow Signs identifying two (2) tenants (in addition to a third tenant on the Building Top Sign). Photos of these buildings, located at 1301 Dove Street and 1501 Quail Street are attached. While we understand that these buildings do not set a precedent for approving our Modification Permit, we do believe that they support the finding that a deviation from the PC sign regulations to allow signage for three (3) entities is appropriate given the size and orientation of the subject building and compatibility with the surrounding buildings/properties. We would like to request that one Eyebrow Sign be restricted to the east side of the building facing Dove Street (which is the location of the current Eyebrow Sign for American Security Bank) and the second Eyebrow Sign to be located on the south side of the building facing the main parking lot area. With the exception of the above, we agree to the other conditions contained in the staff report, including the location of the Eyebrow Sign(s) on the 1401 Dove building (on the fascia between the second and third floors).

Once again, we want to thank you for your continued assistance during this Modification Permit process and are hopeful that you will consider and support the comments and requests contained in this letter. If you have any questions or need any additional information, please feel free to contact Jim Goodwyn or myself at any time.

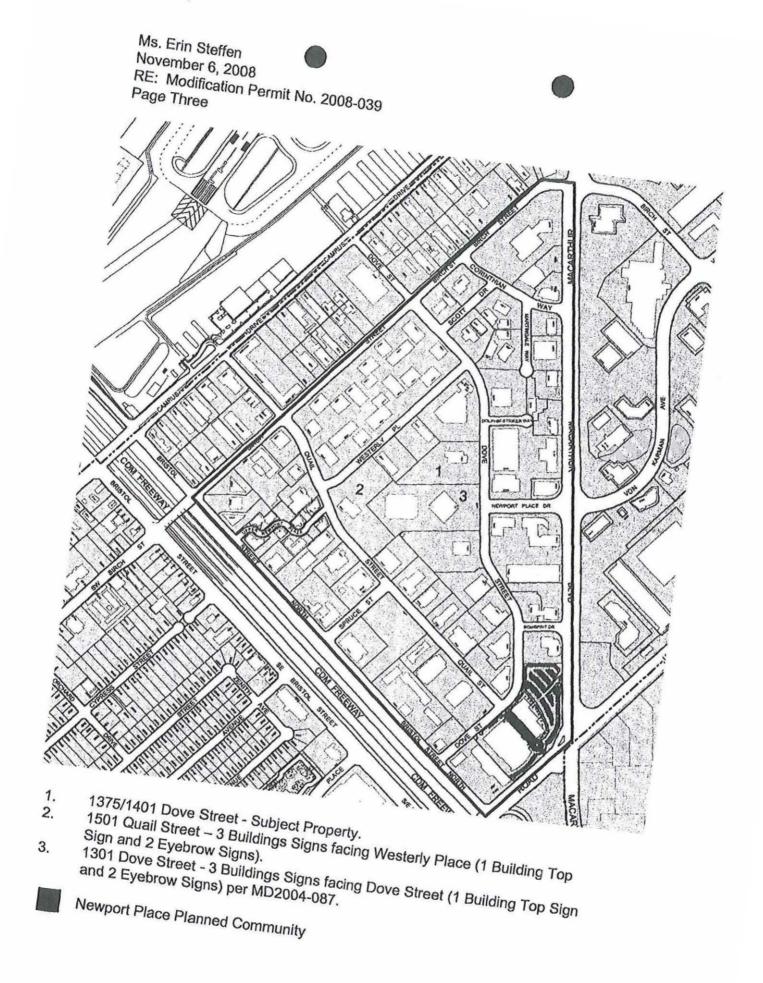
Sincerely,

48

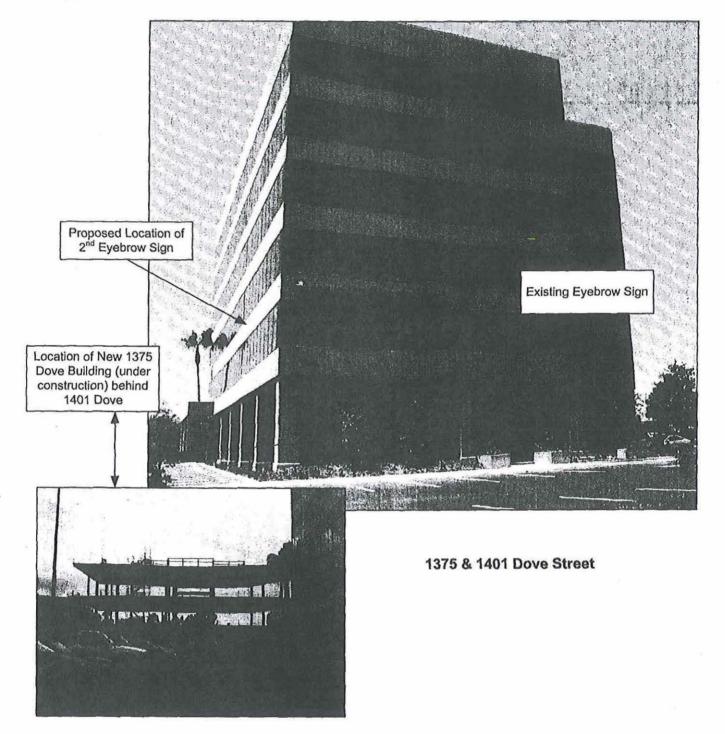
Ira Glasky Vice President

Enclosures

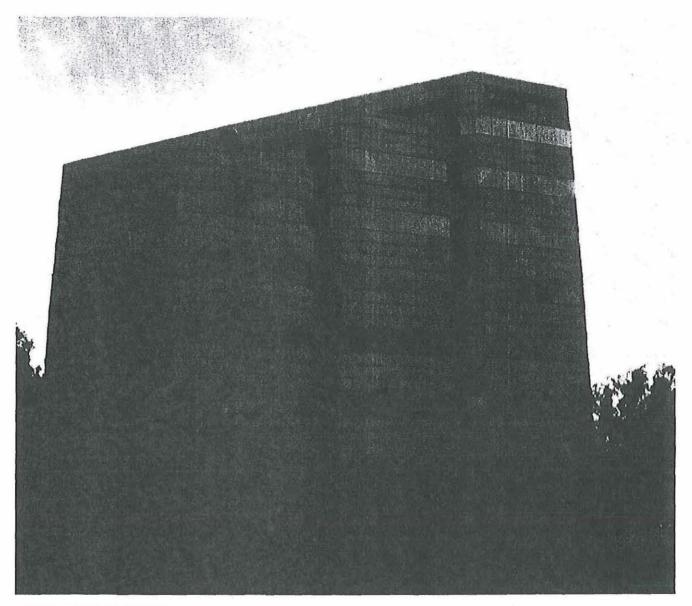
cc: Rick Batt, Sign Specialists Corporation



Ms. Erin Steffen November 6, 2008 RE: Modification Permit No. 2008-039 Page Four



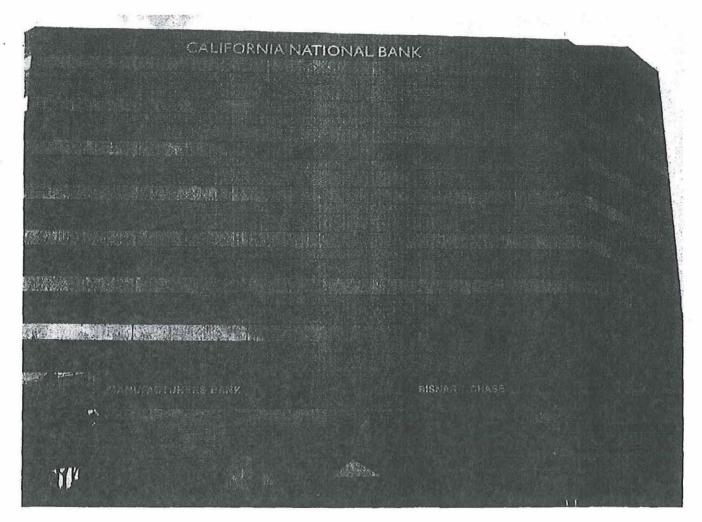
Ms. Erin Steffen November 6, 2008 RE: Modification Permit No. 2008-039 Page Five



1501 QUAIL STREET

Building Top Sign:Northwestern MutualEyebrow Sign:Sunwest BankEyebrow Sign:Craig Realty Group

Ms. Erin Steffen November 6, 2008 RE: Modification Permit No. 2008-039 Page Six



1301 DOVE STREET

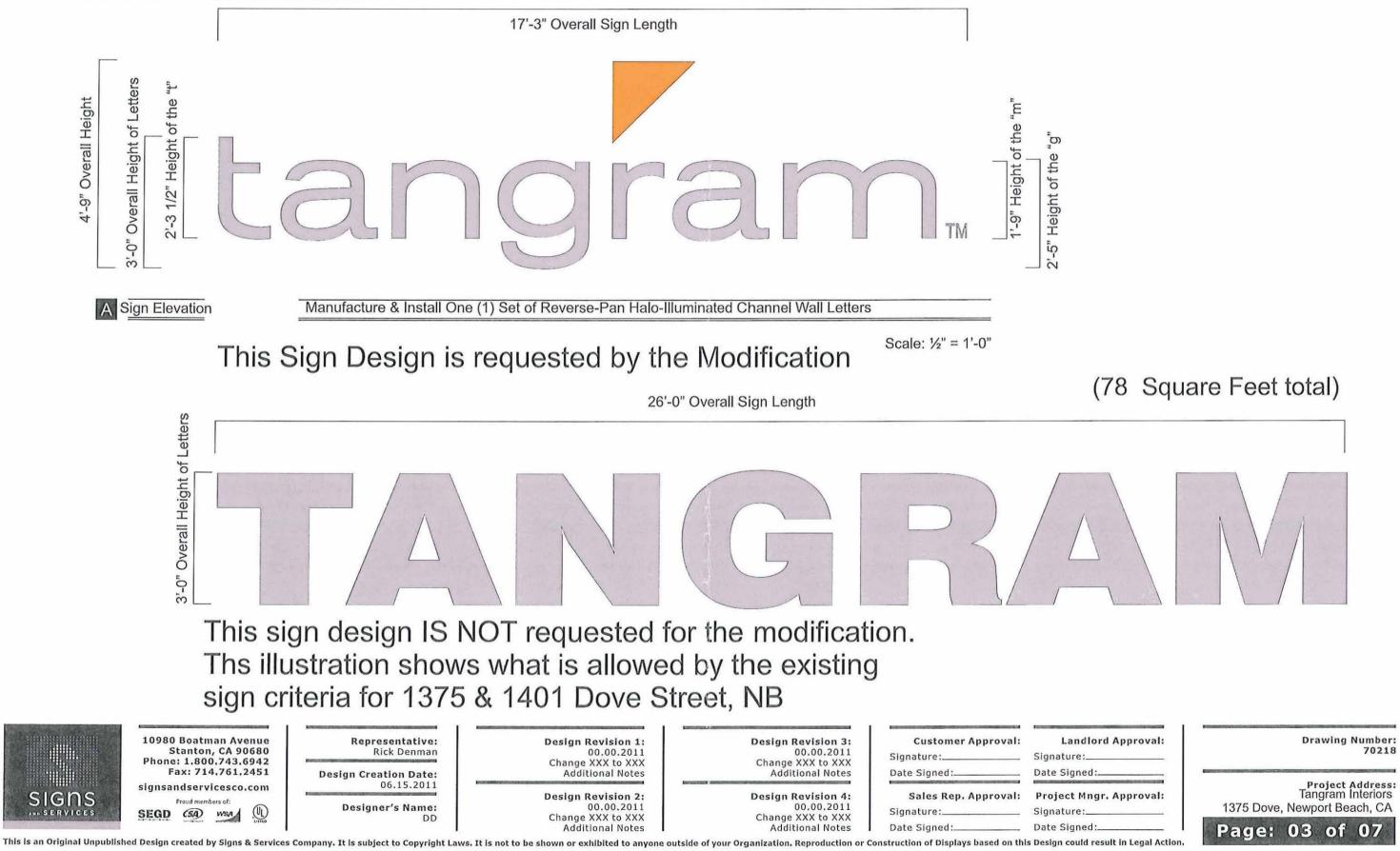
Building Top Sign:	California National Bank
Eyebrow Sign:	Manufacturers Bank
Eyebrow Sign:	Bisnar I Chase

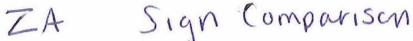
Attachment No. ZA 5

Sign Comparison

Drawing of the specific request for the Sign Modification to the sign criteria for 1375 and 1401 Dove Street, NB

(81.93 Square Feet total)







A Sign Elevation - Day View -Proposed sign super-imposed on photo of existing condition



A Sign Elevation - Day View -Proposed sign super-imposed on photo of existing condition



A Sign Elevation - Day View -Proposed sign on the building's sign panel

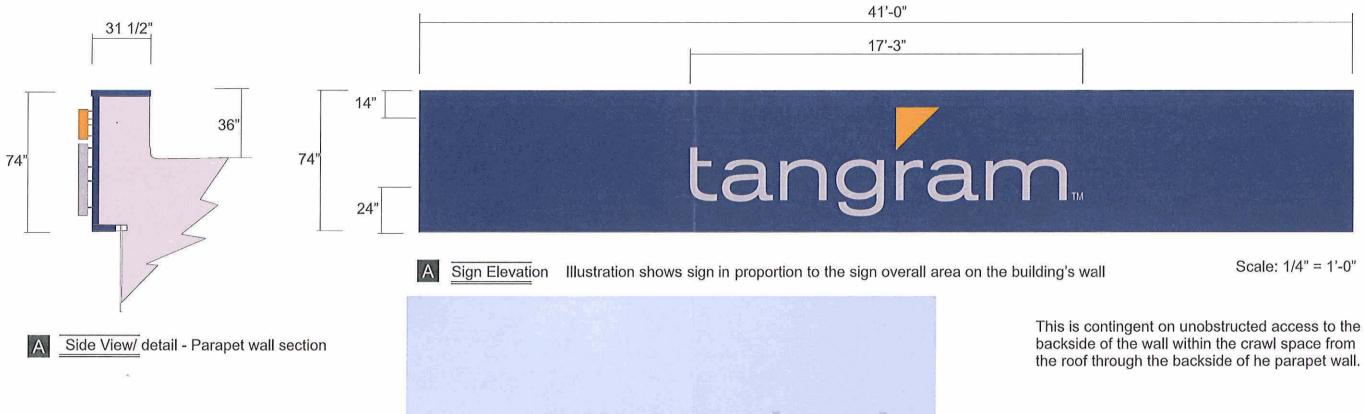
This Sign Design is requested by the Modification



Sign Elevation - Day View -Proposed sign on the building's sign panel

This sign design IS NOT requested for the modification. Ths illustration shows what is allowed by the existing sign criteria for 1375 & 1401 Dove Street, NB

S	Boatman Avenue tanton, CA 90680 : 1.800.743.6942	Representative: Rick Denman	Design Revision 1: 00.00.2011 Change XXX to XXX	Design Revision 3: 00.00.2011 Change XXX to XXX	Customer Approval: Signature:	Landlord Approval: Signature:	Drawing Number: 70218
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tangram

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Sign Elevation - Proposed sign super-imposed of photo of existing condition A

This Sign Design is requested by the Modification

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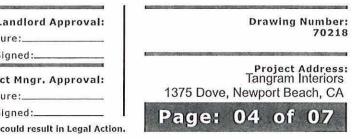
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Existing Condition





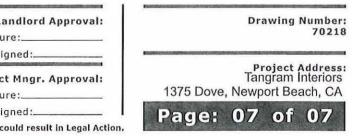
Side by side comparison at the same scale in proportion to the sign wall size.

This is contingent on unobstructed access to the backside of the wall within the crawl space from the roof through the backside of he parapet wall.

This illustration shows how small the "tangram" letter/logo would be if it is restricted to the 3'-0" height requirement.

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COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION 3300 Newport Boulevard, Building C, Newport Beach, CA 92663 (949) 644-3200 Fax: (949) 644-3229 www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION: Telecommunications Permit No. TP2011-006 (PA2011-068)

APPLICANT: Trillium Consulting

LOCATION: 2043 Westcliff Drive

LEGAL DESCRIPTION: Lot 1 & 2, Tract 4225

PROJECT REQUEST AND DESCRIPTION

AT&T mobility has submitted an application requesting to co-locate a new unmanned wireless telecommunication facility (telecom facility) on an existing commercial building with one other existing facility. The new telecom facility consists of twelve panel antennas (divided into three sectors), one microwave dish, two global position system (GPS) antennas, and twenty-four indoor equipment cabinets all located within an existing third floor suite within the building. Two sectors, which include the microwave dish, will be roof-mounted behind a new screen wall which will align with the height of the existing rooftop screen wall and stairwell as seen on the southeast, northeast, and northwest elevation. Also, behind this screen wall are the two GPS antennas. The third sector will be wall-mounted on the existing penthouse on the southwest elevation. The equipment cabinets will be located within an existing suite of the building on the third floor. All of the screening will be painted and textured to be architectuarlly compatible with the existing building. The property is located in the CG (Commercial General) District, where installation of wireless telecom facilities are allowed.

A copy of the project site plan and elevations depicting the proposed project are attached as Attachment CDD No. 3. Photographic visual simulations depicting the existing and proposed conditions at the site have been prepared by the applicant and are included as Attachment CDD No. 4.

ACTION: Approved with Conditions – September 28, 2011

In approving this application, the Community Development Director analyzed issues regarding compliance with Chapter 15.70 of the Newport Beach Municipal Code. This

approval is based on the findings and subject to the following conditions attached to this report.

The Community Development Director determined in this case that the proposed wireless telecom facility meets the provisions of Chapter 15.70. The facility will be co-located on an existing building, which is a priority location, pursuant to Section 15.70.050 of the NBMC, and the design and location of the facility does not impact public views.

APPEAL PERIOD

Telecommunications Facility applications do not become effective until 14 days after the date of action, during which time the applicant may appeal the decision of the Community Development Director and division staff to the City Council by submitting a written appeal application to the City Clerk. For additional information on filing an appeal, contact the City Clerk at 949 644-3005.

On behalf of Kimberly Brandt, Community Development Director

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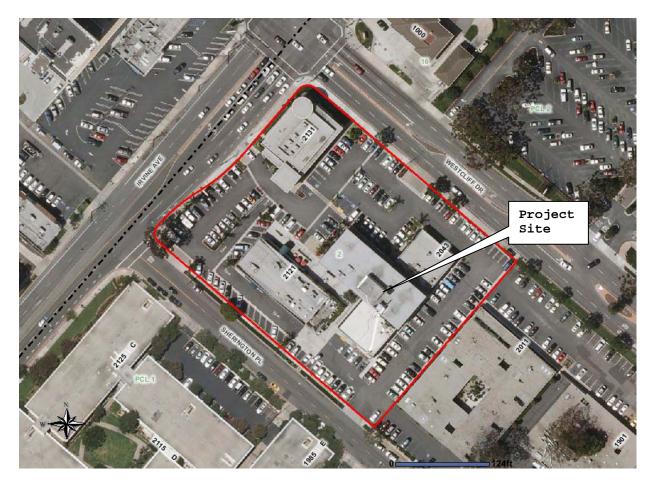
Melinda Whelan, Assistant Planner

JB/msw

Attachments: CDD 1 Vicinity Map CDD 2 Findings and Conditions of Approval CDD 3 Site Plan & Elevations CDD 4 Photo Sims

VICINITY MAP

2043 Westcliff Drive



Telecommunications Permit No. TP2011-006 (PA2011-068)

FINDINGS AND CONDITIONS OF APPROVAL TELECOMMUNICATIONS PERMIT NO. TP2011-006 (PA2011-068)

FINDINGS

- 1. The telecommunications facility as proposed meets the intent of Chapter 15.70 of the Newport Beach Municipal Code (NBMC), while ensuring public safety, reducing the visual effects of telecom equipment on public streetscapes, protecting scenic ocean and coastal views, and otherwise mitigating the impacts of such facilities for the following reasons:
 - The proposed telecom facility will not be detrimental to public health or safety because it is required to comply with the applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
 - The proposed telecom facility will be located in a priority location, co-locating on the same structure on a single parcel with one other facilities.
 - Due to the design of the facility, there is no impact to public views.
- 2. The telecommunications facility as proposed conforms to the technology, height, location and design standards for the following reasons:
 - The telecom facility approved under this permit utilizes the most efficient available technology in order to minimize the number of facilities and reduce the visual impact.
 - The telecom facility approved by this permit does not exceed the maximum building height limit of 50 feet allowed in the CG Zoning District, as specified in the Zoning Code.
 - The antennas for the telecom facility approved by this permit will be roofmounted and wall-mounted and will be blended or screened from public view in a manner consistent with the architectural style, color and materials of the building to avoid adverse impacts to views from land or buildings at higher elevations.
 - The support equipment for the telecom facility will be placed within the building. HVAC condenser units will be located on the roof and screened from public view consistent with Section 20.30.020 of the NBMC.
- 3. 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

Section 15303, Class 3 (New Construction or Conversion of Small Structures). Class 3 allows the installation of small new equipment and facilities in small structures. The proposed project involves the installation of antennas which are wall-mounted and roof-mounted, and concealed behind new screening structures.

CONDITIONS

- 1. The development shall be in substantial conformance with the approved plot plan, antenna and equipment plans, and elevations dated September 12, 2011, except as noted in the following conditions.
- 2. Anything not specifically approved by this Telecom Permit is not permitted and must be addressed in a separate and subsequent Telecom Permit review.
- 3. The telecom facility approved by this permit shall comply with all applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
- 4. The telecom facility shall comply with all regulations and requirements of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code and National Electrical Code. All required permits shall be obtained prior to commencement of the construction.
- 5. The telecom facility approved by the permit shall comply with any easements, covenants, conditions or restrictions on the underlying real property upon which the facility is located.
- 6. A total of twelve panel antennas, one microwave dish, and two global positioning systems (GPS) shall be permitted as depicted on the approved plans and photographic simulations. The antennas and microwave dish shall be located behind the proposed screening enclosures. No external (visible) wiring or conduit shall be permitted on the building.
- 7. The applicant shall obtain a building permit prior to construction of the telecommunications facility. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.
- 8. The screen wall around the roof-mounted antennas shall be in line with the height of the existing roof-top stairwell and shall not exceed 40-feet, 6-inches from grade. The screen wall around the penthouse wall-mounted antennas shall be in line with the height of the existing penthouse wall and shall not exceed 43-

feet, 6-inches from grade. A height certification shall be required prior to final of the Building Permit.

- 9. The roof-mounted antennas shall not exceed 40-feet from existing grade and the penthouse wall-mounted antennas shall not exceed 41-feet, 6-inches from grade.
- 10. The screen wall around the roof-mounted antennas and the screen box around the penthouse wall-mounted antennas shall be constructed, painted, and textured to match the existing building as depicted on the approved plans and photographic simulations.
- 11. The twenty-four equipment cabinets and related support equipment shall be located within the existing building suite on the third floor of the building, as depicted on the approved plans. Installation of future pertinent support equipment for the antennas authorized maybe allowed so long as the equipment is installed within the same location.
- 12. Any future facilities proposed by other carriers to be located within 1,000 feet from the subject property shall be approved to co-locate at the same site by the property owner or authorized agent, unless otherwise approved by the Planning Division.
- 13. Prior to issuance of building permits, a deposit of \$1,000 shall be paid to the City of Newport Beach. This deposit is required by the Planning Division to ensure preparation and submittal of the RF Compliance and Radiation Report, referenced in the above Condition. The deposit will be used to defray any and all fees associated with review of the report by an independent technical consultant, pursuant to Section 15.70.070 B-10 of the Telecom Ordinance. Any unused deposit fees will be refunded to the applicant upon determination of compliance with the approved frequency and FCC standards.
- 14. <u>Prior to the issuance of any building</u>, mechanical and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. <u>A copy of this approval letter shall be incorporated into the drawings approved for the issuance of permits.</u>
- 15. The applicant shall not prevent the City of Newport Beach from having adequate spectrum capacity on the City's 800 MHz radio frequencies at any time.
- 16. Should interference with the City's Public Safety radio equipment occur, use of the telecom facility authorized by this permit shall be suspended until the radio frequency interference is corrected and verification of the compliance is reported.
- 17. The facility shall transmit at a frequency range of 869-880, 890-891.5, 1945-195 and 740-746 MHz, and shall receive at a frequency range of 824-835, 845-

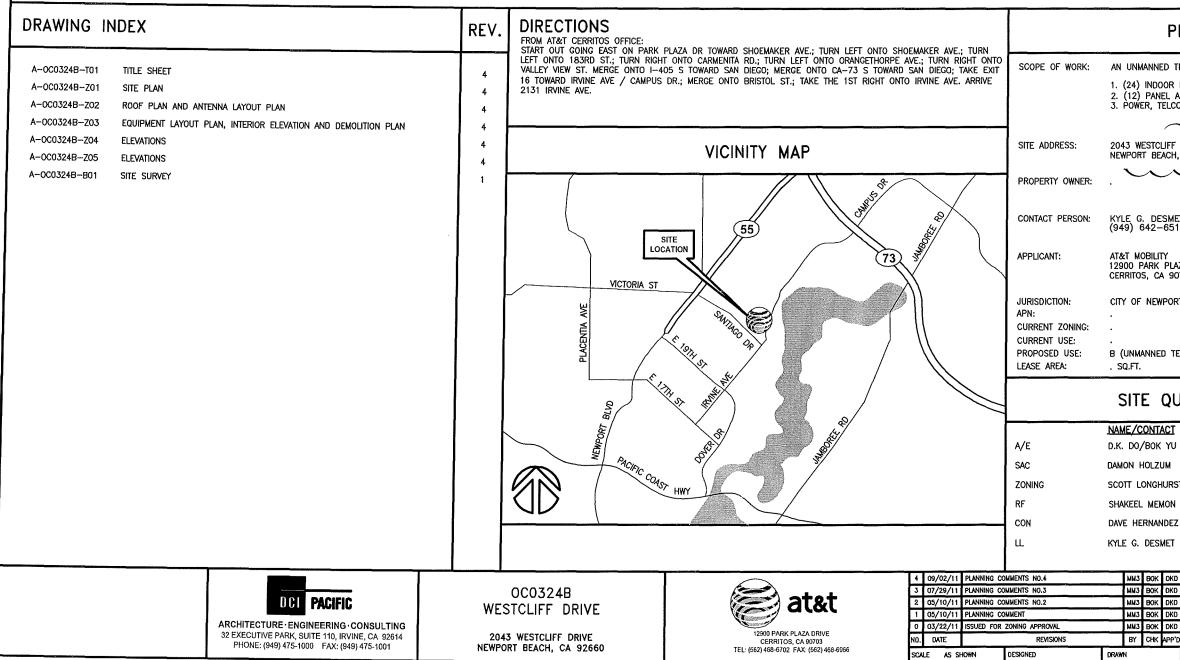
846.5, 1865-1885 and 710-716 MHz. Any change or alteration to the frequency range shall require the prior review and approval of the Planning Division.

- 18. The applicant recognizes that the frequencies used by the cellular facility located at 2043 Westcliff Drive are extremely close to the frequencies used by the City of Newport Beach for public safety. This proximity will require extraordinary "comprehensive advanced planning and frequency coordination" engineering measures to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public-safety Communications Officials-International, Inc. (APCO), and as endorsed by the Federal Communications Commission (FCC).
- 19. Within 30 days after installation of the telecom facility, a radio frequency (RF) compliance and radiation report prepared by a qualified RF engineer acceptable to the City shall be submitted in order to demonstrate that the facility is operating at the approved frequency and complies with FCC standards for radiation. If the report shows that the facility does not so comply, the use of the facility shall be submitted in order to comply and a new report has been submitted confirming such compliance.
- 20. The applicant shall provide a "single point of contact" in its Engineering and Maintenance Departments that is monitored 24 hours per day to insure continuity on all interference issues, and to which interference problems may be reported. <u>The name, telephone number, fax number and e-mail address of that person</u> <u>shall be provided to the Planning Division and Newport Beach Police</u> <u>Department's Support Services Commander prior to activation of the facility.</u>
- 21. Appropriate information warning signs or plates shall be posted at the access locations and each transmitting antenna. In addition, contact information (e.g. a telephone number) shall be provided on the warning signs or plates to arrange for access to the roof top area. The location of the information warning signs or plates shall be depicted on the plans submitted for construction permits.
- 22. No advertising signage or identifying logos shall be displayed on the telecom facility except for small identification, address, warning and similar information plates. <u>A detail of the information plates depicting the language on the plate shall be included in the plans submitted for issuance of building permits.</u>
- 23. The telecom facility shall not be lighted except as deemed necessary by the Newport Beach Police Department for security lighting. The night lighting shall be at the lowest intensity necessary for that purpose and such lighting shall be shielded so that direct rays do not shine on nearby properties. Prior to the final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm compliance with this condition.
- 24. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.

- 25. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the applicant, current property owner or leasing agent.
- 26. The applicant shall insure that lessee or other user(s) shall comply with the terms and conditions of this permit, and shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.
- 27. Any operator who intends to abandon or discontinue use of a telecom facility must notify the Planning Division by certified mail no less than 30 days prior to such action. The operator or property owner shall have 90 days from the date of abandonment or discontinuance to reactivate use of the facility, transfer the rights to use the facility to another operator, or remove the telecom facility and restore the site.
- 28. The City reserves the right and jurisdiction to review and modify any telecom permit approved pursuant to Chapter 15.70 of the Newport Beach Municipal Code, including the conditions of approval, based on changed circumstances. The operator shall notify the Planning Division of any proposal to change the height or size of the facility; increase the size, shape or number of antennas; change the facility's color or materials or location on the site; or increase the signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC. Any changed circumstance shall require the operator to apply for a modification of the original telecom permit and obtain the modified telecom permit prior to implementing any change.
- 29. This telecom permit may be modified or revoked by the City Council should they determine that the facility or operator has violated any law regulating the telecom facility or has failed to comply with the requirements of Chapter 15.70 of the NBMC, or this telecom permit.
- 30. This approval shall expire unless exercised within 24 months from the date of approval.



SITE NUMBER: OC0324B SITE NAME: WESTCLIFF DRIVE



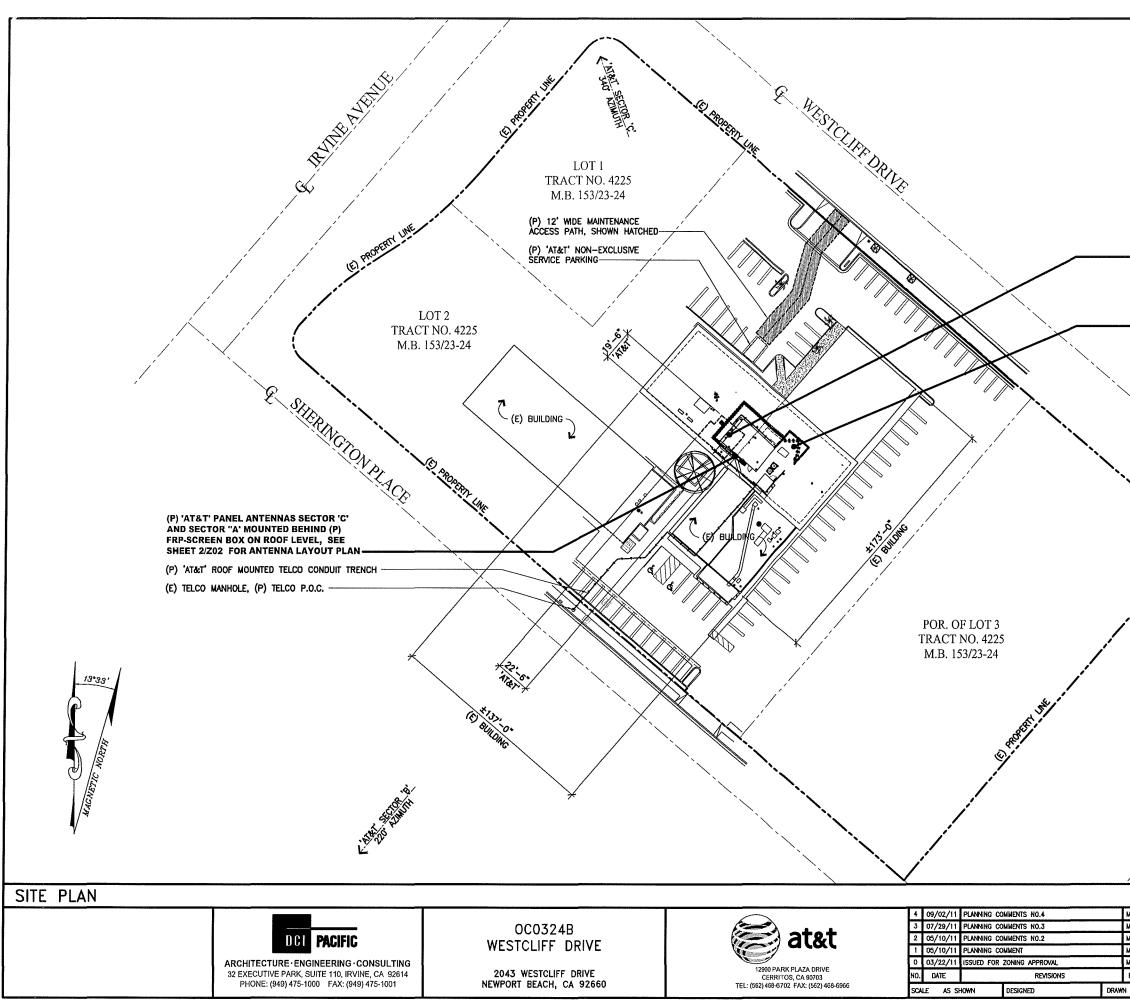
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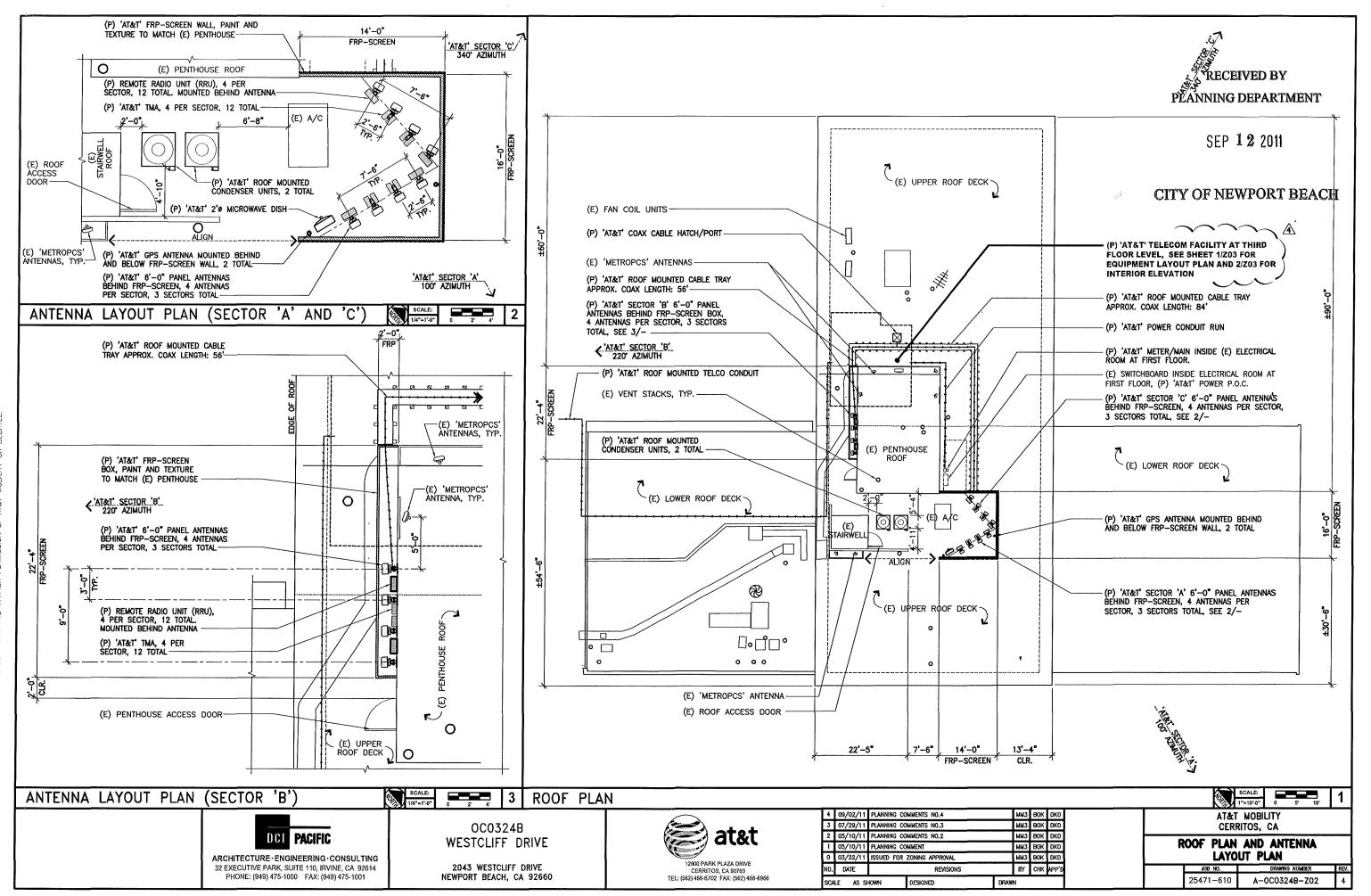
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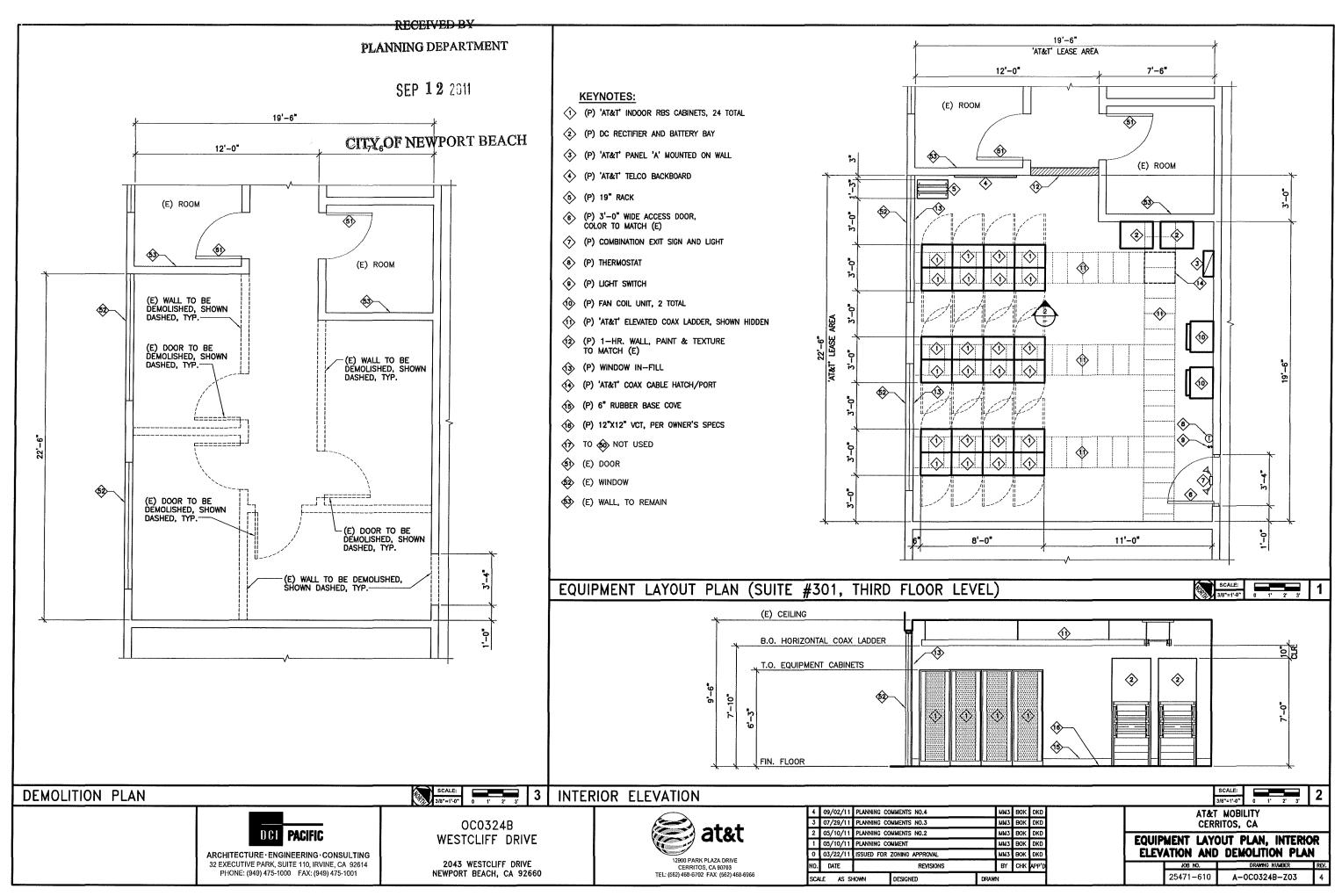


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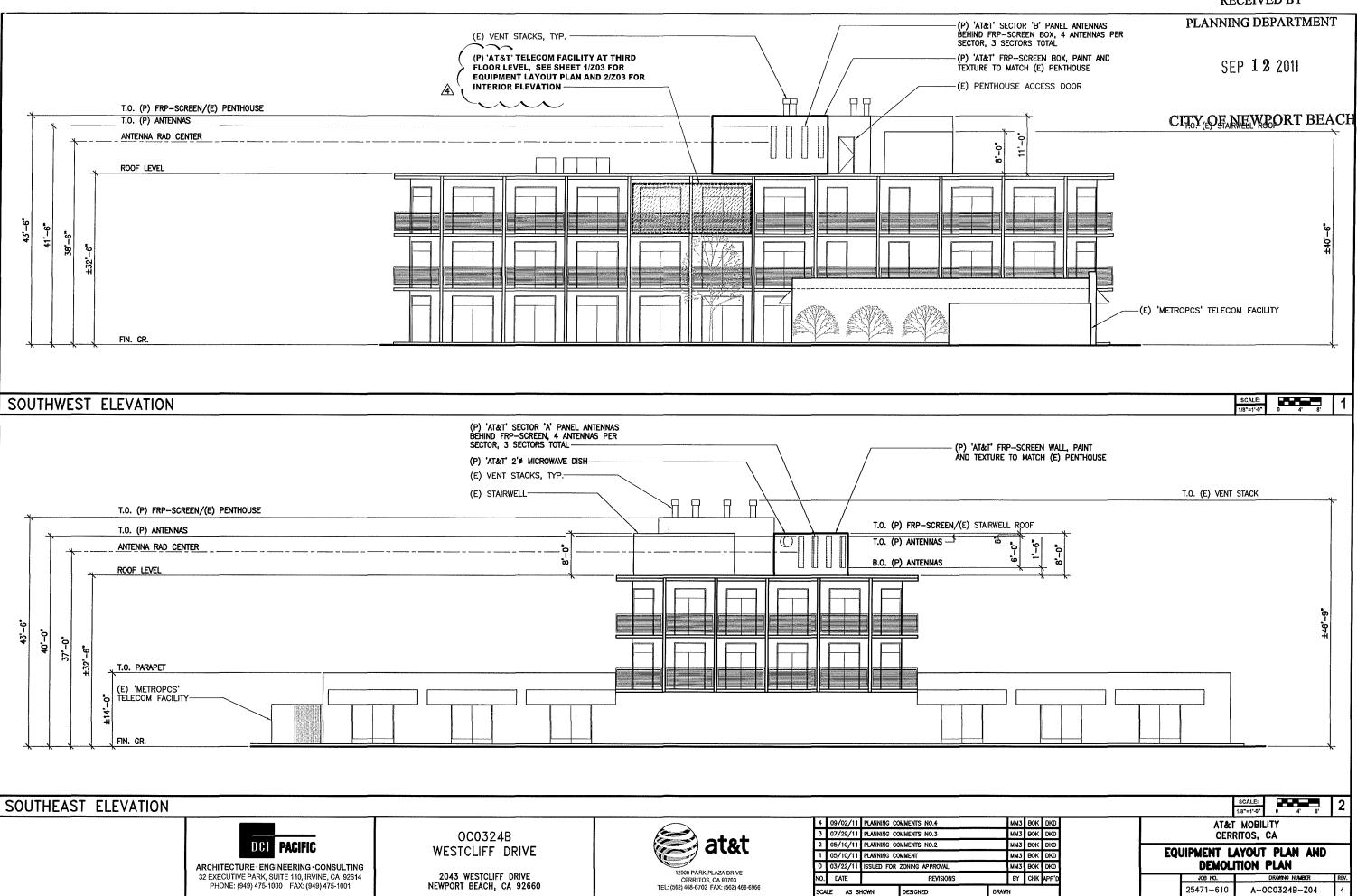
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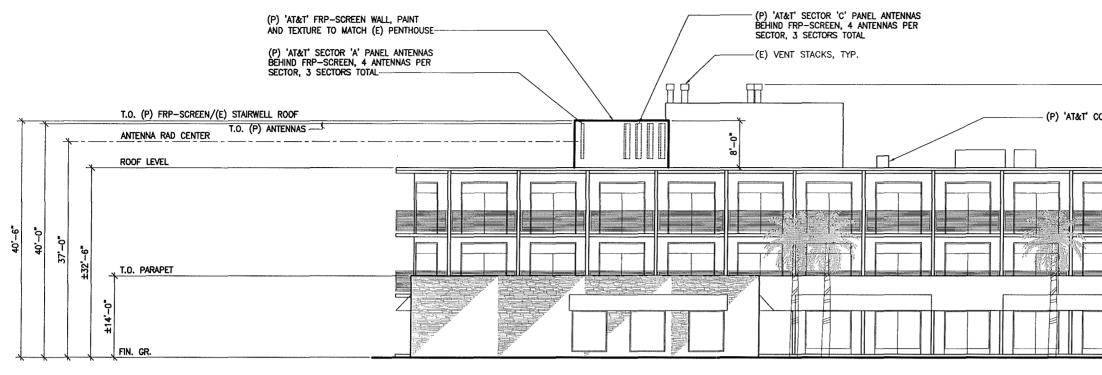


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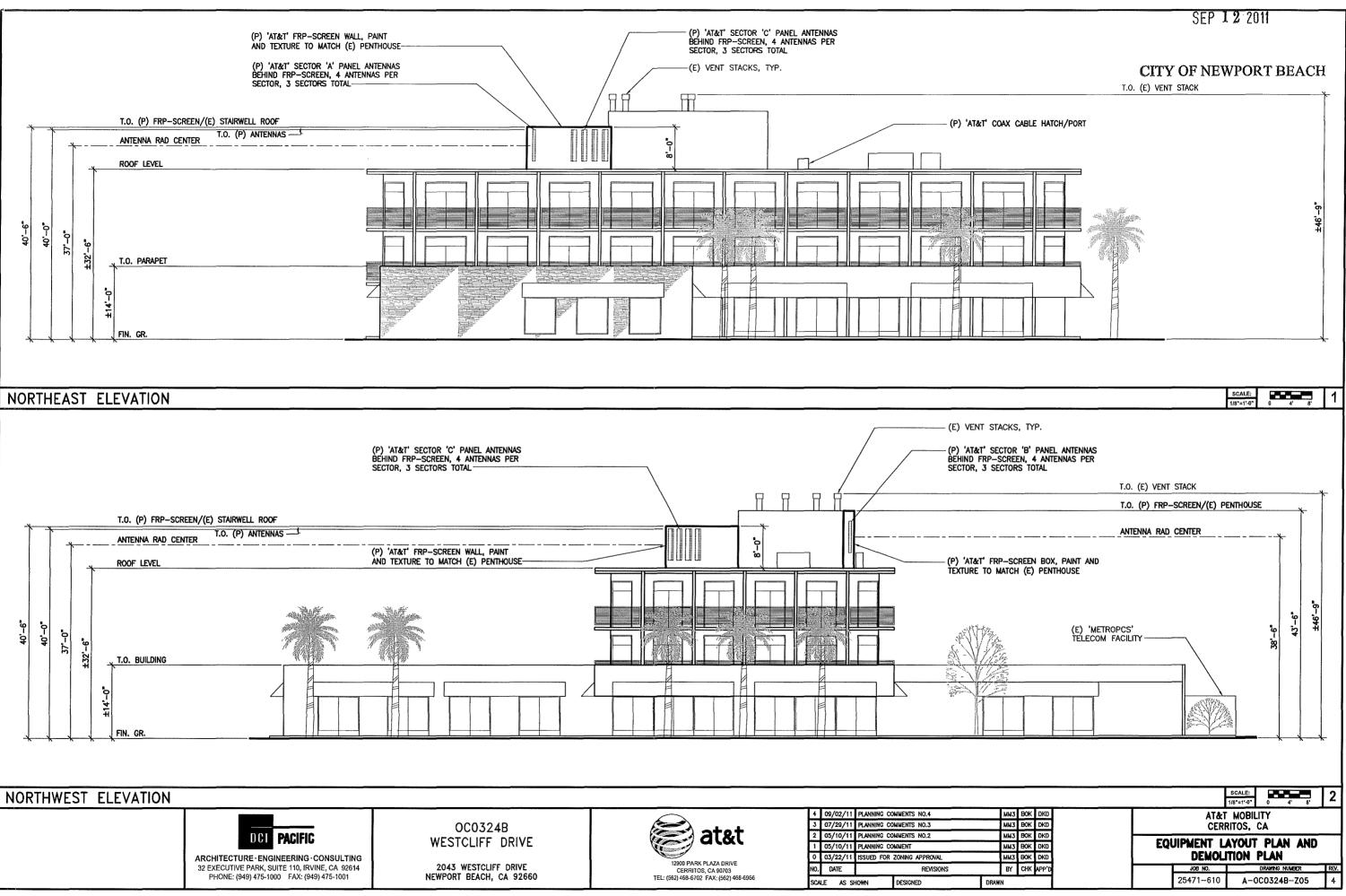


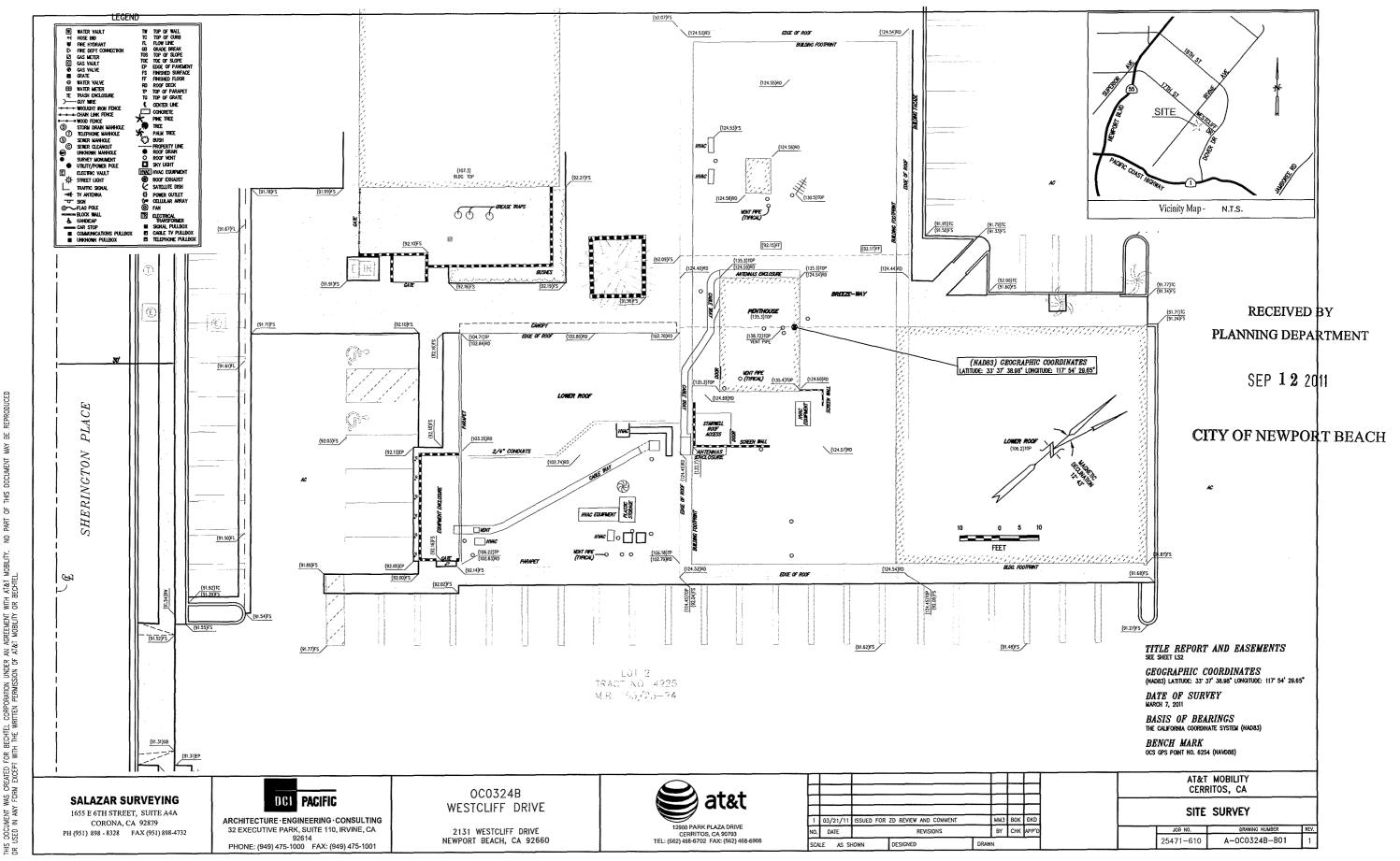
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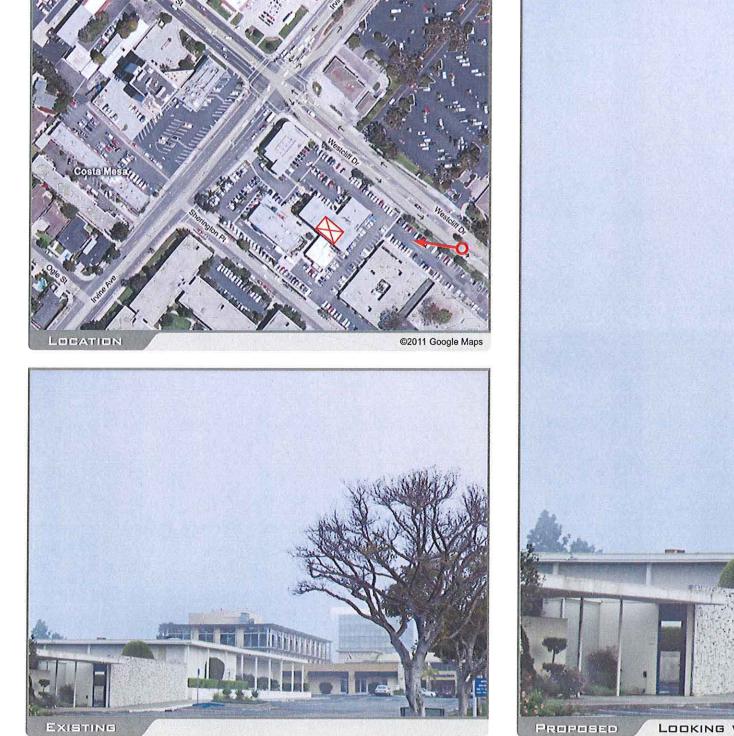
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OCO324B

WESTTCLIFF DRIVE

WESTCLIFF DRIVE NEWPORT BEACH CA 92660





RECEIVED BY PLANNING DEPARTMENT

AUG 23 2011



CITY OF NEWPORT BEACH

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



OCO324B

WESTTCLIFF DRIVE

2043 MAN 2131 WESTCLIFF DRIVE NEWPORT BEACH CA 92660





ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



OCO324B

WESTCLIFF DRIVE 2043 2131 WESTCLIFF DRIVE NEWPORT BEACH CA 92660





ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.