



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

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

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending January 25, 2013

**ZONING ADMINISTRATOR ACTIONS
JANUARY 24, 2013**

- Item 1: 819 West Balboa Boulevard Parcel Map No. NP2012-010 (PA2012-170)
819 West Balboa Boulevard
- Action: Approved by Resolution No. ZA2013-004 Council District 1
- Item 2: Newport North Center Monument Signs Modification Permit No. MD2012-016
(PA2012-168)
1200 Bison Avenue
- Action: Approved by Resolution No. ZA2013-005 Council District 4

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

RESOLUTION NO. ZA2013-004

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2012-010 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES (PA2012-170)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Mike Schmidt, with respect to property located at 819 West Balboa Boulevard, and legally described as Lot 12 in Block 7 of East Newport, in the City of Newport Beach, County of Orange, State of California, as per map thereof recorded in Book 3, Pages 33 and 34 of Miscellaneous Maps, records of said Orange County requesting approval of a Tentative Parcel Map.
2. The applicant proposes a tentative parcel map for two-unit condominium purposes. No exceptions to the Title 19 (Subdivision Code) development standards are proposed with this application. The code required two-car parking per unit will be provided by the new development.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-D).
5. A public hearing was held on January 24, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place, and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project has been reviewed, and qualifies for a Class 15 (Minor Land Divisions) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel

map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

- A-1. The proposed Parcel Map is for two-unit condominium purposes. An existing single-family residence is to be demolished and replaced with a new two-unit condominium project. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two-Unit Residential."
- A-2. The project is not located in a specific plan area.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) There is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

G-1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.

G-2. The project is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

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

Finding:

I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the

regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

Facts in Support of Finding:

- I-1. The two-unit condominium project is consistent with the R-2 Zoning District which allows two units on the property. Therefore, the Parcel Map for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

- K-1. The proposed Parcel Map is for two-unit condominium purposes. The proposed subdivision and improvements are consistent with the Coastal Land Use Plan designation RT-D (Two-Unit Residential).
- K-2. The subject property does not interfere with public access or public recreational opportunities and therefore conforms with public access and recreation policies of chapter three of the Coastal Act

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Parcel Map No. NP2012-010, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF JANUARY, 2013.

By:



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. A parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. The tentative map includes bearing and distance errors. These errors shall be corrected prior to final map submittal.
3. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
4. As per California Fire Code Section 903.2.8, an automatic sprinkler system shall be installed throughout all new buildings in a Group R occupancy.
5. Smoke alarms shall be installed outside of each separate dwelling unit sleeping area in the immediate vicinity of bedrooms, and on every level of a dwelling unit including basements.
6. Prior to the recordation of the parcel map, in-lieu housing fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
7. Prior to the recordation of the parcel map, park dedication fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
8. Prior to the issuance of building permits, fair-share fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.

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10. The applicant shall reconstruct the existing broken and/or otherwise damaged concrete curb, gutter, sidewalk and alley panels along the Balboa Boulevard frontage. Limits of reconstruction are at the discretion of the Public Works inspector.
 11. The alley behind the proposed project will be on the City's Street/Alley Cut Moratorium List. Work performed on said alley will require additional surfacing requirements. See City Standard 105-L-F.
 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 shall be removed.
 13. The rear 5-foot alley setback shall be clear of any above ground improvements.
 14. Each dwelling unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
 15. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
 16. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Division Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
 17. An encroachment permit is required for all work activities within the public right-of-way.
 18. A Public Works Department encroachment permit inspection is required before the Building Division permit final can be issued. At the time of Public Works Department inspection, if any of the existing public improvements surrounding the site are damaged, new concrete sidewalk, curb and gutter, and alley/street pavement will be required and 100% paid by the owner. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.
 19. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
 20. 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.

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21. All on-site drainage shall comply with the latest City Water Quality requirements.
 22. Subsequent to recordation of the parcel map, the applicant shall apply for a building permit for description change of the subject project development from “duplex” to “condominium.” **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
 23. 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 819 West Balboa Boulevard Parcel Map including, but not limited to, Parcel Map No. NP2012-010 (PA2012-170). 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.
 24. This Parcel Map shall expire if the map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

RESOLUTION NO. ZA2013-005

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2012-016 FOR THE NEWPORT NORTH CENTER LOCATED AT 1200 BISON AVENUE (PA2012-168)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John Murphy on behalf of the Irvine Company, property owner, with respect to property located at 1200 Bison Avenue legally described as Lot 6, Tract 12309, requesting approval of a Modification Permit.
2. The subject property is located within the PC-5 Zoning District (North Ford Planned Community, General Commercial Area 3) and the General Plan Land Use Element category is CG (General Commercial).
3. The applicant requests a Modification Permit to allow reconstruction of the existing and construction of a new second freestanding multi-tenant monument sign to identify on-site retail tenants and the project, where the North Ford Planned Community District Regulations restrict the property to a freestanding signs for project identification only. Additionally, the freestanding signs will exceed the maximum height of four (4) feet specified by the Planned Community District Regulations for monument signs, and more than the 20 percent increase that can be authorized by a comprehensive sign program.
4. A public hearing was held on January 24, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project has been reviewed, and qualifies for a Class 11 (Accessory Structures) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15311, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).
2. Class 11 exempts construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.

SECTION 3. REQUIRED FINDINGS.

Modification Permit to allow the construction of two freestanding signs to exceed the permitted height and to allow the new signs to identify individual tenants (multi-tenant monument signs), where the North Ford Planned Community District Regulations limit the monument signs to 4 feet tall and project identification only.

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

Finding

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

Facts in Support of Finding

1. The subject property is located in the PC-5 (North Ford Planned Community, Area 3) District and is designated CG (General Commercial) by the Land Use Element of the General Plan. This district is intended to provide for a wide variety of commercial activities oriented to primarily serve citywide and regional needs. The existing commercial development and proposed signage is consistent with this land use designation. The application of the Zoning Code provisions for signs in place of the North Ford Planned Community District Regulations is appropriate since the commercial shopping center is comparable to other such commercial centers located citywide. The proposed signage is accessory to the primary use.
2. The freestanding signs, as proposed, are in scale with the property street frontages in that the maximum permissible size for each sign does not exceed 150 square feet.
3. The changes to the existing monument sign and the proposed new monument sign are consistent and comparable with other commercial properties located citywide which have not been deemed incompatible with the surrounding neighborhood.

Finding

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

Facts in Support of Finding

1. The perpendicular orientation of the westerly building to Bison Avenue obstructs the visibility of the tenant wall signs on all buildings that generally face the interior parking lot.

2. The freestanding signs as proposed will provide enhanced visibility for vehicular traffic traveling eastbound on Bison Avenue for project identification and individual tenants that range in distance from the street right-of-way of between 35 and 100 feet. This is important for visibility to eastbound Bison Avenue traffic as they approach Camelback Street, which is the last opportunity to access the shopping center, since U-Turns are prohibited to eastbound traffic at the intersection of Bison Avenue and MacArthur Boulevard.
3. The proposed increased height of the freestanding signs is necessary due to the overall size of the commercial project, placement of the buildings on the site, and the speed of traffic on Bison Avenue and MacArthur Boulevard. Additionally, several tenants are located interior to the property with limited or obstructed sign visibility from the roadways.
4. The change to the existing monument sign will increase in area to 81 square feet and increase in height to 9 feet; and the new monument sign will be 56 square feet and 6 feet 6 inches tall, will provide adequate sign area to provide tenant identification that will be readily visible from the adjacent roadways.

Finding

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

Facts in Support of Finding

1. The property is developed with four buildings with tenant identification wall signs, some of which are not directly visible from the roadways and which will be supplemented by the visibility of the monument signs.
2. The modification permit will allow freestanding signs that are in scale with the buildings and that provide enhanced visibility from MacArthur Boulevard and Bison Avenue frontages to the greatest extent possible.

Finding

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

Facts in Support of Finding

1. The granting of a modification permit to allow the increased height of the freestanding signs, will also allow identification of multiple tenants with enhanced visibility from MacArthur Boulevard and Bison Avenue. The modification to allow the increased height

of the second multi-tenant identification sign will provide visibility to vehicular traffic traveling eastbound on Bison Avenue and allow for direction to the Camelback Street entrance to the shopping center. The visibility provided by the increased height is important since vehicular traffic cannot make a U-Turn at MacArthur Boulevard. Similar provision could not be granted within the parameters of the North Ford Planned Community District Regulations or the Zoning Code that could enhance visibility to remedy the restricted traffic movements in and around the site or on the adjacent roadways.

Finding

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

Facts in Support of Finding

1. The proposed freestanding signs are consistent with the multi-tenant signage of the commercial projects within North Ford Planned Community and elsewhere in the City and for those reasons will not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City.
2. The monument signs as recommended will not interfere with sight distance for vehicles entering or exiting the property from the driveways on Bison Avenue or Camelback Street.
3. The signage is for commercial uses in a commercial district and is not in or adjacent to a residential district.
4. No foreseeable detriment will result from the approval of the modification permit as conditioned to limit the height and number of multi-tenant monument signs (two only, multi-tenant project signs), with identification of no more than three tenants per sign as recommended by staff; one at the MacArthur Boulevard Frontage and one at the intersection of Bison Avenue and Camelback Street.
5. The requirement that illumination of the monument sign located at the intersection of Bison Avenue and Camelback Street be controlled by a timer and turned off between the hours of 10:00 p.m. and 6:00 a.m. is appropriate and necessary to alleviate potential detrimental effect on residential neighbors.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2012-016, subject to the conditions set forth in Exhibit A which are attached hereto and incorporated by reference.

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

PASSED, APPROVED, AND ADOPTED THIS 24TH DAY OF JANUARY, 2013.



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, details, and elevations, except as noted in the following conditions and Exhibit "B."
2. All signs shall be maintained in accordance with Section 20.42.170 (Maintenance Requirements) of the Newport Beach Municipal Code. Temporary and exempt signs not specifically addressed in this Modification Permit shall be regulated by the provisions of Chapter 20.42 of the Newport Beach Municipal Code.
3. Locations of the signs are limited to the designated areas and shall comply with the limitations specified herein and any applicable sight distance provisions of Chapter 20.42 of the Newport Beach Municipal Code or required by the Public Works Department (City Standard 110-L, using $S=525$ feet for MacArthur Boulevard). Additionally, the applicant shall provide Sight Distance Exhibits for review and approval by the Public Works Department prior to issuance of building permits, if applicable.
4. Prior to issuance of building permits for either monument sign, a survey shall be performed to accurately depict the location of the monument signs in relation to the property line and a copy shall be attached to and incorporated into the construction plans.
5. In the case of the monument sign located at the intersection of Bison Avenue and Camelback Street, the plans submitted for building permits shall depict and call out all traffic signal equipment located within close proximity to the proposed sign. The As-Built Traffic Signal Plan included with the Staff Report Attachment ZA 4, shall also be included in the construction plans.
6. The plans submitted for building permits shall show the location of existing Southern California Edison (SCE) Easement.
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 Planning Division 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 approval 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 commencement of the construction and/or installation of the signs, and in accordance with the applicable Building Codes.

9. A copy of the resolution, including conditions of approval Exhibit "A," and Exhibit "B" shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits for the freestanding signs, to identify this approval as the authority for location, size and placement.
10. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
11. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Newport North Center Sign Modification Permit including, but not limited to Modification Permit No. MD2012-016 (PA2012-168)** and the determination that the project is exempt under the requirements of the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
12. The lighting source for the monument sign located at the intersection of Bison Avenue and Camelback Street shall be controlled by a timer to automatically cease operation between the hours of 10:00 p.m. and 6:00 a.m., daily.

EXHIBIT “B”

SIGN PROGRAM MATRIX

Frontages:

Sign 1.1, MacArthur Boulevard Frontage

Sign 1A.1, Bison Avenue Frontage

Type of Sign & Location	Other Requirements		
<p>Monument Sign 1.1 Multi-Panel and Project Identification Sign, MacArthur Blvd</p>	<ul style="list-style-type: none"> • Max Height: 8 feet 11 inches, average height • Max Length: 14 feet. in overall length • Max Sign Area: 95 sq. ft. • Max Vertical Dimension: Logo or Letter: 36 in; 6-in minimum letter height. • Location: Shall be verified by a survey of the existing sign and any change shall be verified to maintain the existing distance from edge of the trail pavement which is approximately 8 feet. • Shall not identify more than three (3) retail tenants per side. 		
<p>Monument Sign 1A.1 Multi-Panel and Project Identification Sign, Bison Avenue</p>	<ul style="list-style-type: none"> • Max Height: 6 feet 6 inches, average height • Max Length: 9 feet 5 inches, overall length • Max Sign Area: 44 sq. ft. • Max Vertical Dimension, Logo or Letter: 36 in; 6-in minimum letter height. • Location: Minimum of 8 feet from property line, unless otherwise required to be greater by the Public Works Department. • Shall not identify more than three (3) retail tenants. • The lighting source shall be controlled by a timer to automatically cease operation between the hours of 10:00 p.m. and 6:00 a.m., daily. 		

NOTES/REQUIREMENTS:

- a) Requirements for all signs per Municipal Code Chapter 20.42, freestanding signs per Section 20.42.080 C, except as provided in this sign matrix.
- b) Sign area is the area measured by two perpendicular sets of parallel lines that surround the proposed logo and sign copy. All signs shall substantially conform to the approved attached sign matrix.
- c) Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to this approval if the intent of the original approval is not affected.