



**Revised**  
**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, Hearing Officer, and/or Planning Division staff for the week ending May 31, 2013

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**ZONING ADMINISTRATOR ACTIONS**  
**MAY 30, 2013**

- Item 1: 520 Begonia Avenue Parcel Map No. NP2013 009 (PA2013-081)  
520 Begonia Avenue  
Action: Approved by Resolution No. ZA2013-027 Council District 6
- Item 2: Jack's Surfboards/Jack's Girls Outdoor Sales - Limited Term Permit No. XP2013-001 (PA2013-052)  
2727 Newport Boulevard  
Action: Approved by Resolution No. ZA2013-028 Council District 1
- Item 3: The Bluffs Shopping Center Sign Program Amendment - Comprehensive Sign Program No. CS2013-002 and Modification Permit No. MD2013-006 (PA2013-055)  
1300 Bison Avenue  
Action: Approved by Resolution No. ZA2013-029 Council District 4

**HEARING OFFICER ACTIONS**  
**MAY 30, 2013**

- Item 1: Bakman Residence – Reasonable Accommodation (PA2011-118)  
219 Diamond Avenue  
Action: Denied by Resolution No. HO2013-001 Council District 5

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. ZA2013-027

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING TENTATIVE PARCEL MAP NO. NP2013-009 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES (PA2013-081)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Robert Wyatt representing the property owner, Coast Capital Properties, LLC, with respect to property located at 520 Begonia Avenue, and legally described as Lot 22 in Block 530 of Corona del Mar Tract, in the City of Corona del Mar, County of Orange, State of California, as per map recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps, in the Office of the County Recorder of said Orange County, requesting approval of a Tentative Parcel Map.
2. The applicant requests 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. The property was previously developed with a duplex that has been demolished and a new duplex is currently under construction.
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.
5. A public hearing was held on May 30, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, 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 it qualifies for a categorical exemption pursuant to Section 15315 of the California Environmental Quality Act under Class Class 15 (Minor Land Divisions) of the Implementing Guidelines 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

1. The proposed Parcel Map is for two-unit condominium purposes. A duplex was demolished and is being replaced with a new duplex currently under construction. 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".

#### Finding

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

#### Facts in Support of Finding

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

Facts in Support of Finding

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

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 easements previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding

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

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: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding

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

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 Department 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

1. The residential density allowed for the site will remain the same, which allows two units in the R-2 Zoning District. Therefore, the parcel map for condominium purposes will not affect the City in meeting its regional housing need.

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

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

1. The subject property is located within the Coastal Zone. 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).
2. The subject property conforms to public access policies of Chapter Three of the Coastal Act because the new development maintains public access from the nearest public roadway to the shoreline and along the coast.
3. Recreation policies pertaining to water-oriented recreational activities and uses contained within Chapter Three of the Coastal Act are not applicable to the subject property.

Finding

- L. *That public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.*

Facts in Support of Finding

1. The project has been conditioned to require public improvements including the following: reconstruction of the existing broken or otherwise damaged sidewalks, curbs, and gutters along the Begonia Avenue and Third Avenue frontages, extension of the existing 4-foot wide concrete sidewalk along the entire Third Avenue frontage, construction of an upgraded ADA compliant curb access ramp at the Begonia Avenue/Third Avenue curb return, and removal of existing concrete within the parkway and installation of new sod or low groundcover throughout the Begonia Avenue and Third Avenue parkways fronting the development site.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Parcel Map No. NP2013-009, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. Tentative Parcel Map 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.

**PASSED, APPROVED, AND ADOPTED THIS 30TH DAY OF MAY, 2013.**

By:



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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. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. Prior to recordation of the parcel map, the existing broken and/or otherwise damaged concrete sidewalk panels/curb/gutter along the Begonia Avenue and Third Avenue frontages shall be reconstructed.
5. Prior to recordation of the parcel map, the existing 4-foot wide concrete sidewalk along the entire Third Avenue frontage shall be extended and an upgraded ADA compliant curb access ramp shall be constructed at the Begonia Avenue/Third Avenue curb return per City Standards.
6. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
7. Begonia Avenue and Third Avenue are part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard STD 105-L-F.
8. Prior to recordation of the parcel map, all 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.
9. Prior to recordation of the parcel map, the existing concrete within the parkway shall be removed and new sod or low groundcover of the type approved by the City throughout Begonia Avenue and Third Avenue parkways fronting the development site shall be installed.



10. An encroachment permit is required for all work activities within the public right-of-way.
11. Prior to recordation of the parcel map, a Public Works Department encroachment permit inspection is required. At the time of Public Works Department inspection, if any of the existing public improvements surrounding the site is damaged, new concrete sidewalk, curb and gutter, and alley/street pavement will be required and 100 percent paid by the owner. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.
12. Prior to recordation of the parcel map, all private trees along the Third Avenue frontage shall be removed. Pursuant to Chapter 13 of the Municipal Code, two 48-inch box King Palm street trees shall be planted along the Third Avenue frontage, or an alternative tree type as determined by the City.
13. A 10-foot radius corner cutoff at the corner of the Begonia/Third Avenue curb return shall be dedicated to the City for street and utility purposes and shall be recorded as a part of this parcel map.
14. All improvements shall comply with the City's sight distance requirement. See City Standard STD-110-L and Municipal Code 20.30.130.
15. All on-site drainage shall comply with the latest City Water Quality requirements.
16. Each 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. Water meter and the sewer cleanout shall be located within the Public right-of-way.
17. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
18. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
19. In compliance with the requirements of Chapter 9.04, Section 505.1 (Premises Identification), 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.
20. Subsequent to recordation of the Parcel Map, the applicant shall apply for a building permit for a 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.

21. 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 **520 Begonia Avenue Parcel Map** including, but not limited to, **Parcel Map No. NP2013-009 (PA2013-081)**. 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.
22. This Parcel Map shall expire if the map has not been recorded within two years of the date of approval, unless an extension is granted by the Community Development Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

## RESOLUTION NO. ZA2013-028

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LIMITED TERM PERMIT NO XP2013-001 FOR OUTDOOR SALES FOR JACK'S SURFBOARDS/JACK'S GIRLS LOCATED AT 2727 NEWPORT BOULEVARD (PA2013-052).**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jack's Surfboards, with respect to property located at 2727 Newport Boulevard, and legally described as Lake Tract, Lot 4 Block 127, and Lots 5 to 14 including portion of Lots 2/3 lying northerly of 26<sup>th</sup> Street, and all -except street-Lots 15 to 19 including all in Block 127, Tract 418, requesting approval of a Limited Term Permit for a period of 12 months to allow outdoor sales of store merchandise within three parking spaces of the on-site parking lot in front of the Jack's Surfboards/Jack's Girls location. The outdoor sales may take place on various dates, up to nine times throughout a 12 month period beginning with the date of the first sale during August 2013. Each sale may last up to 4 consecutive days, with the exception of the sale occurring in December, which may last up to 5 consecutive days.
2. The subject property is located within the Commercial Visitor-Serving (CV) Zoning District and the General Plan Land Use Element category is Visitor Serving Commercial (CV).
3. The subject property is located within the coastal zone. The Coastal Land Use Plan Category is Visitor Serving Commercial (CV-A 0.00- 0.75 FAR).
4. A public hearing was held on May 30, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. 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. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class Section 15304, of the California Environmental Quality Act (CEQA) Guidelines - Class 4 (Minor Alterations to Land), which exempts minor temporary uses of land having negligible or no permanent effects on the environment.
2. This project qualifies for this exemption because there will be no permanent improvements to the site. The two canvas canopies and temporary significant (water-filled or similar) barricades permitted to delineate the temporary sales area within three

parking spaces of the on-site parking lot during the sales are conditioned to be removed at the end of each sale.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.040.G (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a Limited Term Permit are set forth:

#### Finding:

*A. The operation of the requested limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration.*

#### Facts in Support of Finding:

1. The limited term permit will allow outdoor sales, which will be limited to nine times throughout a 12 month period beginning with the date of the first sale during August 2013. Each sale may last up to 4 consecutive days, with the exception of the outdoor sale occurring in December, which may last up to 5 consecutive days.
2. The outdoor sales will be limited to the sale of typical store merchandise and will be conducted in conjunction with the normal hours of operation of Jack's Surfboards/Jack's Girls, typically from 8:00 a.m. to 9:00 p.m.
3. Set-up for each sale day will occur prior to opening of the store, and all unsold merchandise will be removed from the outdoor sales area at the end of each sale day.
4. The outdoor sales area will be limited to a maximum of three parking spaces located adjacent to the Jack's Surfboards/Jack's Girls storefront. Portable canopies (approximately 10 feet by 10 feet) may be erected within the three parking spaces. As conditioned, no ADA parking spaces will be utilized as part of the outdoor sales area.
5. In order to enhance patron safety from vehicular traffic, the applicant has provided and the City Traffic Engineer has approved, a plan illustrating the placement of significant barricades around the perimeter of the outdoor sales area to delineate it from the adjacent parking spaces and drive aisles.
6. Similar outdoor sales for Jack's Surfboards, as conditioned and in the same location within the adjacent parking area, have been conducted in the past with approval of the City and have not proven to be detrimental.

Finding:

*B. The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.*

Facts in Support of Finding:

1. The subject site is a commercial property, which is .94 acre in size and developed with two detached buildings occupied by various retail and service uses. Jack's Surfboards/Jack's Girls are retail sales stores which occupy most of the square footage of the larger of the two detached buildings, which is located within the southerly portion of the site.
2. The outdoor sales will be conducted within three parking spaces located directly in front of Jack's Surfboards/Jack's Girls storefront. Based upon the site plan, the use of the three parking spaces will not impede traffic circulation on the site, nor will it negatively impact the required parking for other uses on the site. As conditioned, no ADA parking spaces will be utilized as part of the outdoor sales area.
3. The subject site is bounded by Newport Boulevard to the east and Balboa Boulevard to the west, 28<sup>th</sup> Street to the north, and 26<sup>th</sup> Street to the south. The adjacent rights-of-way (Newport Boulevard and Balboa Boulevard) serve as buffers between the nearby residential properties within the R-2 (Two-Unit Residential) Zoning District.

Finding:

*C. The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate.*

Facts in Support of Finding:

1. The subject site has two direct driveway approaches, one from Newport Boulevard on the easterly side of the site and one from Balboa Boulevard on the westerly side. The location of the outdoor sales area will not impede access to the site, and no traffic issues resulting from the outdoor sales are anticipated.

Finding:

*D. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator.*

Facts in Support of Finding:

1. As conditioned, a maximum of three parking spaces (86 parking spaces on site) will be utilized for the outdoor sales area, and no ADA parking spaces will be utilized as part of the outdoor sales area.
2. It is anticipated that, in addition to customers whose destination would be Jack's Surfboards/Jack's Girls, the outdoor sales could attract both pedestrian and vehicular customers of other uses on the site as well as in the surrounding area.
3. Per City Code Enforcement records, previous outdoor sales conducted with approval of a use permit by the City and conditioned similarly to this permit have not negatively impacted the parking for neighboring uses on the subject site.

Finding:

*E. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, Municipal Code, and other City regulations.*

Facts in Support of Finding:

1. The General Plan Land Use Element category for the site is CV (Commercial Visitor-Serving). The CV designation is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City. The proposed use is accessory to the existing retail use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CV designation.
2. The site is located in the CV (Commercial Visitor-Serving) Zoning District. The CV zoning designation is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. The proposed use is accessory to the existing retail use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CV designation. The CV zoning district allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
3. The site is not located within a specific plan area.

## SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves XP2013-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. Limited Term 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 30th DAY OF MAY, 2013.**



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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. The outdoor sales shall be limited to nine times throughout a 12 month period beginning with the date of the first sale requested during August 2013. Each sale may last up to 4 consecutive days, with the exception of the sale requested during December 2013, which may last up to 5 consecutive days and provided the number of sale days does not exceed 30 within the 12 month period. The dates requested by the applicant and approved with this permit are as follows: 2013 - August 9, 10, 11; August 16, 17, 18; August 30, 31, September 1, 2; November 29, 30, December 1; December 20, 21, 22, 23, 24; 2014 – April 17, 18, 19, 20; June 12, 13, 14, 15; July 3, 4, 5, 6. Any changes to the dates specified shall require that the City be notified in advance.
4. To request a change to the sale dates approved with this Limited Term Permit, the applicant shall submit a letter to the Community Development Director requesting the change at least one week prior to the new date.
5. This Limited Term Permit shall expire 12 months from the date of the first sale requested in August 2013, unless an extension of up to one additional period of 12 months is granted by the Zoning Administrator in compliance with Section 20.54.060 (Time Limits and Extensions) of the Zoning Code. A letter requesting the extension shall be submitted to the Planning Division no later than 30 days prior to the expiration date of this permit.
6. The Limited Term Permit shall be limited to outdoor sales of merchandise associated with Jack's Surfboards/Jack's Girls only and does not permit the outdoor sales as an independent use. The sale of snacks, food and beverages shall be prohibited.
7. The outdoor sales shall take place in conjunction with the normal hours of operation of Jack's Surfboards/Jack's Girls, typically from 8:00 a.m. to 9:00 p.m. Set-up for the sale shall occur before the store opens. All areas shall be kept clean throughout the day. Any unsold merchandise and any related items shall be removed from the outdoor sales area at the end of each day by 10 p.m. The significant (water-filled or similar) barricades may remain until the end of the last date of each sale.
8. The outdoor sales area shall occupy no more than three parking spaces located directly in front of the Jack's Surfboards storefront as shown on the approved plot plan (approximately 20 feet by 10 feet = 200 square feet) and shall not extend into the public right-of-way. No ADA parking spaces shall be utilized as part of the outdoor sales area.



9. The outdoor sales area shall be separated from the adjacent building by a minimum of 20 feet.
10. No activities related to the outdoor sales are permitted on public property including any portion of a public street or public sidewalk.
11. The outdoor sales shall not create a pedestrian or traffic hazard. The sales area shall be surrounded by significant barricades (i.e. water-filled barricades or other barricades approved by the Planning Division and Public Works Department) to delineate the sales area and provide patron safety from adjacent vehicular traffic.
12. Any change to the approved plot plan/site plan delineating the location of the outdoor sales area, barricade locations, and barricade type shall be reviewed and approved by the Planning Division and City Traffic Engineer prior to the sale date and shall be submitted to the Planning Division to include in the project file.
13. The sales area shall be signed to clearly identify that the area is closed for vehicular parking.
14. No posting of promotional signs is permitted on any portion of public property, including trees, utility poles, street signs, etc. All signage located on-site shall comply with Chapter 20.42 (Sign Standards) of the Zoning Code.
15. No amplified sound is permitted.
16. No smoking or open flames are permitted inside the canopies.
17. The sales area and vicinity will be kept clean at all times.
18. 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 **Jack's Surfboards/Jack's Girls Outdoor Sales** including, but not limited to, the **XP2013-001 (PA2013-052)**. 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.

## RESOLUTION NO. ZA 2013-029

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING AN AMENDMENT TO THE BLUFFS SHOPPING CENTER'S COMPREHENSIVE SIGN PROGRAM TO ALLOW TWO ADDITIONAL PROJECT IDENTIFICATION WALL SIGNS AND TWO NEW VEHICULAR-ORIENTED DIRECTIONAL SIGNS AND A MODIFICATION PERMIT TO ALLOW THE VEHICULAR-ORIENTED DIRECTIONAL SIGNS TO EXCEED THE PERMITTED SIZE AND HEIGHT LOCATED AT 1300 BISON AVENUE (PA2013-055)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by The Irvine Company, with respect to property located at 1300 Bison Avenue, and legally described as Parcel 1 of Parcel Map No. 2001-140, recorded in Book 326 Pages 48-50 by the County Recorder on July 5, 2002, requesting approval of a comprehensive sign program amendment and a modification permit for the Bluffs Shopping Center (Center).
2. The applicant proposes an amendment to the existing comprehensive sign program to allow two (2) additional project identification wall signs (Sign Type A) and to allow two new vehicular-oriented directional signs (Sign Type G). A modification permit is required to allow the proposed vehicular-oriented directional signs to exceed the permitted size and height.
3. The subject property is located within the Commercial, Sub-Area 5 of the Bonita Canyon Planned Community and the General Plan Land Use Element category is General Commercial (CG).
4. The subject property is not located in the Coastal zone.
5. A public hearing was held on May 30, 2013, in the Corona del Mar Conference Room (Bay E-1<sup>st</sup> Floor), 100 Civic Center Drive, 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 it qualifies for a categorical exemption pursuant to Section 15311 of the California Environmental Quality Act under Class 11 (Accessory Structures) of the Implementing Guidelines of the California Environmental Quality Act.

2. Class 11 includes construction or replacement of minor structures such as on-premise signs accessory to (appurtenant to) the existing retail commercial shopping center. The proposed wall and vehicular-oriented directional signs are incidental and accessory to the principal use of the property and does not intensify or alter the use.

### SECTION 3. REQUIRED FINDINGS.

#### *Modification Permit*

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

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

#### Fact in Support of Finding

- A1. The subject property is located within the Commercial, Sub-Area 5 of the Bonita Canyon Planned Community and the General Plan Land Use Element category is General Commercial (CG). Commercial, Sub-Area 5 of the Bonita Canyon Planned Community is intended to provide a variety of community commercial developments which is consistent with the General Commercial land use designation. The proposed signage is accessory to the primary use.
- A2. Municipal Code Section 20.42.100B.1.S allows vehicular-oriented directional signs with a maximum sign area of 3 square feet. and a maximum height of 4 feet. The signs shall be solely for the purpose of guiding traffic, parking, and loading on private property subject to approval by the Public Works Department. The proposed vehicular-oriented directional signs would be mounted on a 3-foot high square post and the dimensions of each sign would be a maximum 4.25 feet in height and a maximum width of 3.50 feet (14.88 sq. ft. maximum sign area). The proposed design of the vehicular-oriented directional signs will allow a sign of sufficient height and area to best convey sign content and the correct directions to achieve the goal of improving vehicular circulation for traffic which has entered the Center. The location of the proposed vehicular-oriented directional signs will be internal to the Center, cannot be viewed from MacArthur Boulevard, and will not have any impact on the surrounding neighborhood or other existing developments. The Public Works Department has reviewed and approved the location, size and height of the proposed vehicular-oriented directional signs to ensure that the sight distance requirements have been met.
- A3. The proposed vehicular-oriented directional signs do not constitute or contribute to a significant proliferation of signs which would be inconsistent with the neighborhood character.

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.*

Fact in Support of Finding

- B1. Vehicular access to the Center is limited to two driveways, both of which are on Bison Avenue and approximately within 200 feet of each other. There is no vehicular access to the Center from MacArthur Boulevard. Since access to the Center is only available on Bison Avenue, the proposed vehicular-oriented directional signage will improve the flow of vehicles entering these driveways and minimize vehicle stacking upon entering the Center from Bison Avenue and at the entrance to the main parking lot.
- B2. The business establishments in the Center are oriented inward and away from Bison Avenue. They are also oriented toward MacArthur Boulevard from which there is no vehicular access. Since the points of entrance are constrained and vehicle stacking often occurs at the intersection of the two internal access drives, the location selected for the proposed vehicular-oriented directional signs will provide drivers with the most efficient pathway to their desired designations.

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

1. Although the Center fronts onto MacArthur Boulevard, vehicular access to the Center is only from Bison Avenue and one of the two entry points from that roadway is limited to right turn-in/right turn-out only. Once vehicles enter the Center from Bison Avenue, two drive isles converge at the main parking lot. The proposed vehicular-oriented directional signs will thereby improve circulation from this point and reduce vehicle stacking.
2. The proposed sign area of each vehicular-oriented directional sign (14.88 sq. ft.) is appropriate to allow for sufficient sign content (directional arrows and tenant names) to accomplish the intended goal of reducing vehicular stacking.

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.*

Fact in Support of Finding

- D1. Municipal Code Section 20.42.100.B.1.S allows for a maximum sign area of 3 square feet for vehicular-oriented directional signs. The Section does not allow for both directional arrows and tenant names of the Center's establishments. The proposed vehicular-oriented directional signs are consistent with the intent of the Municipal Code by serving the purpose of guiding traffic, parking and loading on private property. The larger sign will accommodate these multiple functions. The proposed signs have been reviewed and approved by the Public Works Department to ensure that the sight distance requirements have been met and they will not pose a detriment to the surrounding neighborhood or the general public.

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.*

Fact in Support of Finding

- E1. The vehicular-oriented directional signs will be constructed on private property and will neither change the density or intensity of the existing commercial use nor affect the flow of light or air to adjoining properties.
- E2. The vehicular-oriented directional signs are not excessive in height, area, or length and they will improve the flow of vehicles accessing the main parking lot, reduce stacking at the confluence of the two entry driveways and therefore will not be detrimental to public health or safety.

*Comprehensive Sign Program*

Pursuant to Section 20.42.120.F (Revisions to Comprehensive Sign Programs) of the Zoning Code, an approval of the revision to a Comprehensive Sign Program is required when the proposed new signage is not included or being considered as part of the original approval. The following standards and facts in support of such standards are set forth:

Standard:

- A. *The proposed sign program shall comply with the purpose and intent of this Chapter [Chapter 20.42: Signs], any adopted sign design guidelines and the overall purpose and intent of this Section [Section 20.42.120].*

Facts in Support of Standard:

- A1. In compliance with the purpose and intent of the Zoning Code and the Bluffs Shopping Center sign program, the proposed amendment provides adequate identification

without excessive proliferation of signage. The proposed sign program amendment will allow the addition of two wall signs and two vehicular-oriented directional signs. The existing sign program allows for monument and/or wall signs. The two proposed project identification wall signs will be facing existing frontages on MacArthur Boulevard and Bison Avenue where no signs currently exist. The two vehicular-oriented directional signs represent a new sign type to be installed internal to the Center and not visible from MacArthur Boulevard. Moreover, the proposed amendment carries forward signage of a design type consistent with the high quality conveyed by the existing signage, architecture, and landscaping of the Center.

Standard:

- B. The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify, and to surrounding development when applicable.*

Facts in Support of Standard:

- B1. The Center is developed with commercial tenant frontages oriented either inward and away from Bison Avenue or facing MacArthur Boulevard. The access to the Center; however, is limited to two existing driveways on Bison Avenue. Moreover, the Center is located on the boundary between the cities of Newport Beach and Irvine and separated from other development areas by Bison Avenue, MacArthur Boulevard, and the 73 Freeway. This location has created a challenge for project identification, particularly for traffic entering Newport Beach from Mac Arthur Boulevard and Bison Avenue. The addition of two wall signs at the proposed locations will identify the Center to incoming traffic to Newport Beach.
- B2. Since access to the Center is limited and only accessible from Bison Avenue, the proposed vehicular-oriented directional signage will improve the flow of vehicles entering these driveways and minimize vehicle stacking upon entering the Center.

Standard:

- C. The sign program shall address all signs, including permanent, temporary, and exempt signs.*

Facts in Support of Standard:

- C1. The existing sign program for the Center identifies criteria for six sign types, including the number of signs for each sign type, the location of each sign, sign content and the individual design criteria for each sign type. The proposed amendment will allow for two additional wall signs consistent with the dimensions allowed by the existing sign program. The proposed vehicular-oriented directional signs represent a new sign type not envisioned when the existing sign program was approved. The location of the vehicular directional signs is specified along with the design criteria. Temporary and

exempt signs not specifically addressed in the sign program shall be regulated by the provisions of Chapter 20.42.

Standard:

- D. The sign program shall accommodate future revisions that may be required because of changes in use or tenants.*

Facts in Support of Standard:

- D1. The existing sign program specifies the Center and tenant identification signs as to the size, content, number and location within the Center. There are no proposed changes to the tenant identification sign criteria in this proposed sign program amendment.
- D2. Consistent with Chapter 20.42, the Director [or his/her designee] may approve minor revisions to the sign program if the intent of the original approval is not affected.

Standard:

- E. The program shall comply with the standards of this Chapter, except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter.*

Facts in Support of Standard:

- E1. The sign program amendment requests an increase in the number of project identification wall signs and new vehicular-oriented directional signs, and deviation in the size and height of the vehicular-oriented directional signs. The amendment request will provide more visibility of the commercial tenants from the public roadways, improve vehicular circulation, and better directions to the patrons once entering the Center.
- E2. The proposed amendment to the existing Sign Program for the Center is consistent with Zoning Code Section 20.42.120.F. Also, this amendment is being processed concurrently with a Modification Permit consistent with Zoning Code Section 20.52.050 to allow the new sign type, Vehicular Directional sign, larger than the Code allowance.

Standard:

- F. The Approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter.*

Facts in Support of Standard:

F1. The program does not authorize the use of prohibited signs.

Standard:

G. *Review and approval of a Comprehensive Sign Program shall not consider the signs' proposed message content.*

Facts in Support of Standard:


G1. The proposed sign program amendment contains no regulations affecting sign message or content. The existing sign program for the Center establishes the general content of all approved sign types. The proposed amendment to the sign program carries forward the design criteria established upon the adoption of the original sign program and reinforces the high quality conveyed by the existing building architecture of the Center.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Comprehensive Sign Program No. CS2013-002 and Modification Permit No. MD2013-006, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. Comprehensive Sign Program for the Bluffs Shopping Center shall be amended as provided in Exhibit "B", with all other provisions of the existing sign program remaining unchanged and in full force and effect.
3. This action shall become final and effective fourteen (14) days after adoption of this Resolution unless within the same time an appeal is filed with the Community Development Director in accordance with the provisions of the Title 20 of the Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 30TH DAY OF MAY, 2013.**

  
\_\_\_\_\_  
Brenda Wisneski, AICP, Zoning Administrator



**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, building elevations, and sign details stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Upon demolition or substantial structural and nonstructural changes to the exterior of the development on which this approval is based, this Comprehensive Sign Program and Modification Permit shall be rendered nullified and a new Comprehensive Sign Program shall be obtained for the new or altered development in accordance with the Zoning Code Provisions in effect at the time the new development is approved.
3. Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Exhibit "B".
4. All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code, except as modified by this sign program and modification permit.
5. The signs shall be illuminated in accordance with the provisions of Section 20.42.060.H of the Newport Beach Municipal Code.
6. The applicant is required to obtain all applicable permits from the City's Building Division. The construction plans must comply with the most recent, City-adopted version of the California Building Code.
7. Comprehensive Sign Program No. CS2013-002 and Modification No. MD2013-006 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
8. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
9. This Comprehensive Sign Program and Modification Permit may be modified or revoked by the Zoning Administrator if it is determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
10. A copy of the Resolution, including Exhibit "A" (Conditions of Approval) and Exhibit "B" (Sign Program Matrix) shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.

11. 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 current business owner, property owner or the leasing agent.
12. Sign Type A (Project Identification) shall be a maximum of four (4) signs: 2 monument signs and 2 wall signs. The size of the wall signs shall be 60 square feet (4 ft x 15 ft) maximum and location of these signs shall comply with the limitations specified in the Sign Exhibits G1 and G3-G6 which shall be incorporated into the Sign Program Matrix.
13. Sign Type G (Vehicular-oriented Directional Sign) shown on Exhibit G1, G2, and G7-G8 as Signs 3.1 and 3.2 shall be a maximum of two (2) signs and subject to the following which shall be incorporated into the Sign Program Matrix:
  - a. Each sign shall be 14.88 square feet (3.50 ft x 4.25 ft) maximum in size.
  - b. The Sign 3.1 shall be 8.25 feet maximum in height, measured from the top of the sign to the base of the sign post. The ground covers within the existing landscaping area where Sign 3.1 will be located shall be trimmed regularly to maintain a minimum 3-foot sight window distance between the bottom of Sign 3.1 to the top of the existing landscaping covers.
  - c. The height of Sign 3.2 shall be 7.25 feet maximum in height, measured from the top to the base of the sign post.
14. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Bluffs Shopping Center sign program amendment including, but not limited to, Comprehensive Sign Program No. CS2013-002 and Modification Permit No. MD2013-006 (PA2013-055). 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.

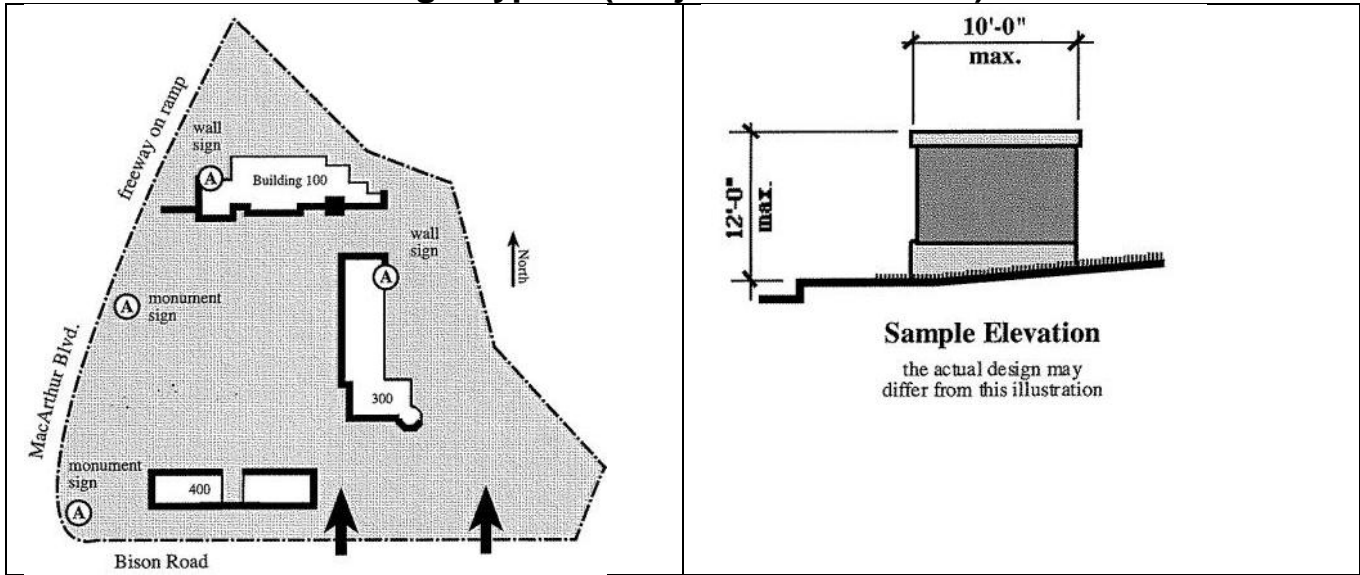
**EXHIBIT "B"**  
**The Bluffs Shopping Center Sign Program Matrix**

**Frontage:**

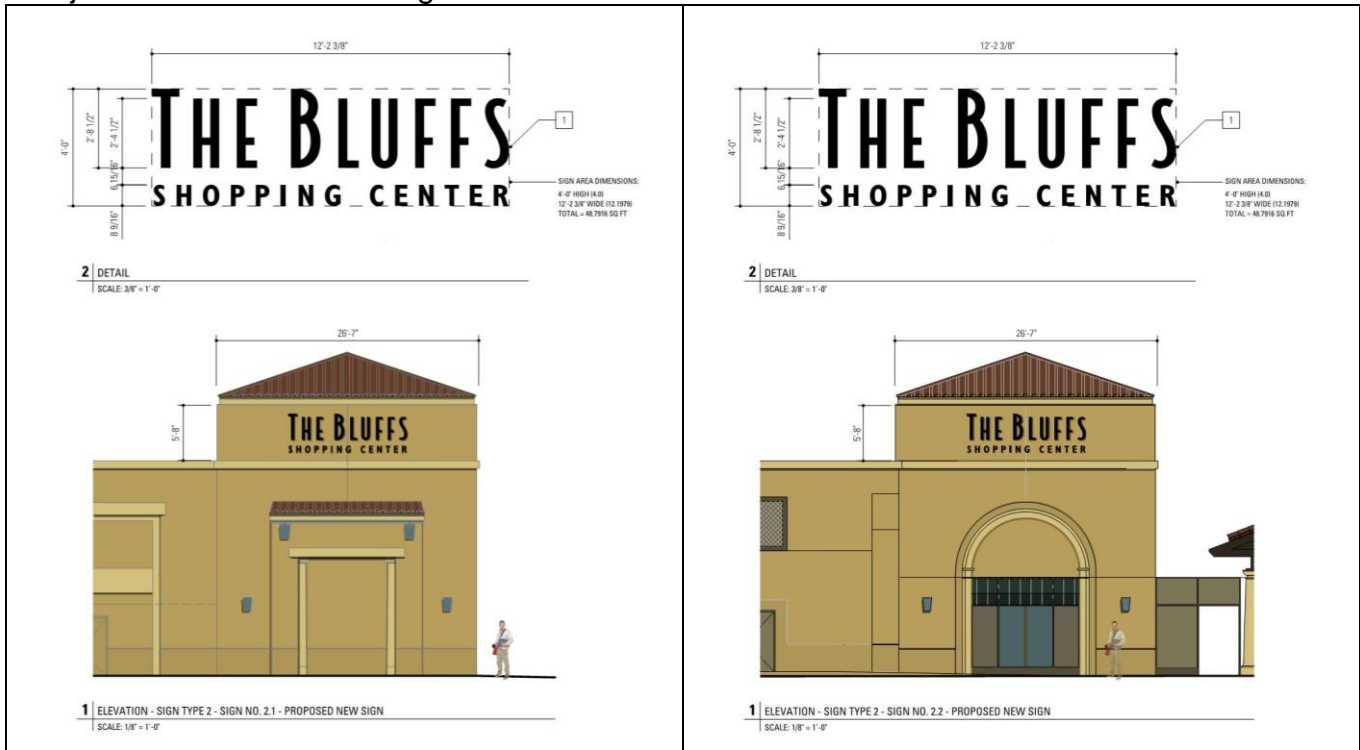
**Primary: Bison Avenue**  
**Secondary: MacArthur Boulevard**  
**73 Freeway**

<b>Sign Type A (Project Identification)</b>	
<b>Intent</b>	A monument sign or a wall sign to identify the project
<b>Content</b>	Project name and up to three (3) tenant names
<b>Monument Sign:</b>	
<b>Wall Sign:</b>	Project name
<b>Location:</b>	Southwest corner of Bison Avenue and MacArthur Boulevard and West side of the main parking lot
<b>Monument Sign:</b>	
<b>Wall Sign:</b>	Northwest corner of Building 100 and northeast corner of Building 300
<b>Quantity</b>	Two monument signs, maximum Two wall signs, maximum
<b>Sign Size</b>	12 feet, max. height; 10 feet, max. width; 120 square feet max. sign area
<b>Monument Sign:</b>	
<b>Wall Sign:</b>	4 feet, max. height; 15 feet, max. width; 60 square feet max. sign area
<b>Margin Size</b>	Minimum 6-inch wide blank space around sign copy of wall sign
<b>Letter/Logo Size</b>	48 inches high max.
<b>Material</b>	Compatible with architecture of retail center; individual letters, applied or routed
<b>Illumination</b>	Concealed, external, low-profile, floodlighting; or internally-illuminated in a manner that lights only the copy and not the sign background. Exposed neon and/or raceways are not permitted
<b>Letter Style</b>	Designated project typeface and registered trademarks allowed
<b>Color</b>	Sign copy color should contrast with background color

### Sign Type A (Project Identification)

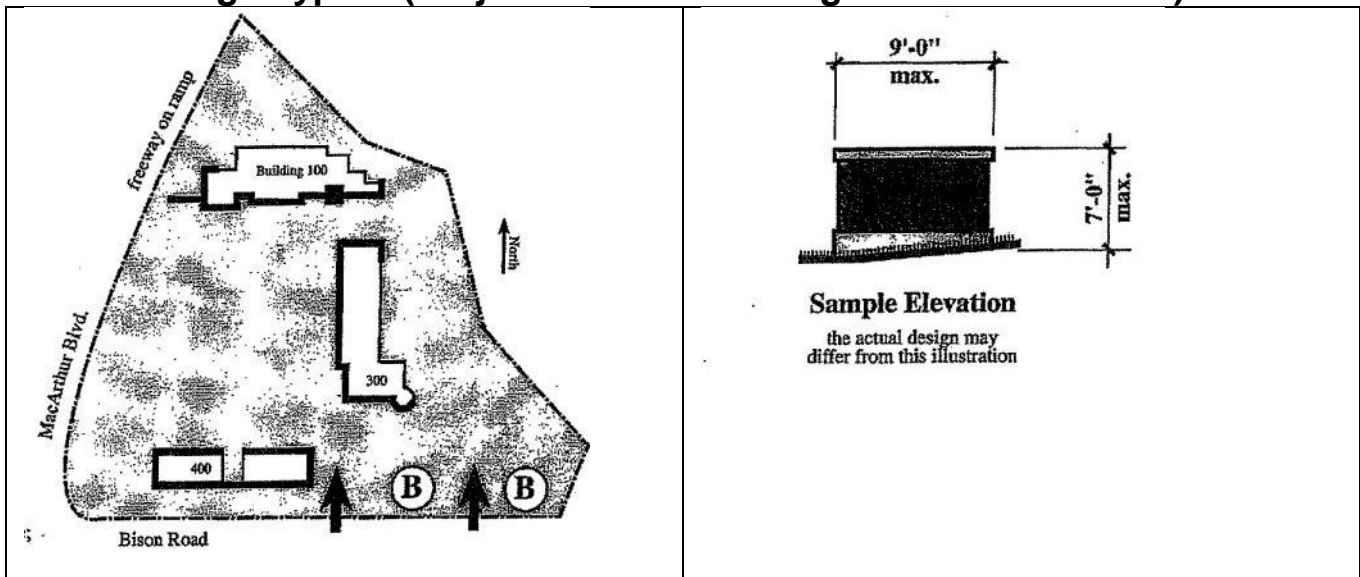


### Project Identification Wall Signs



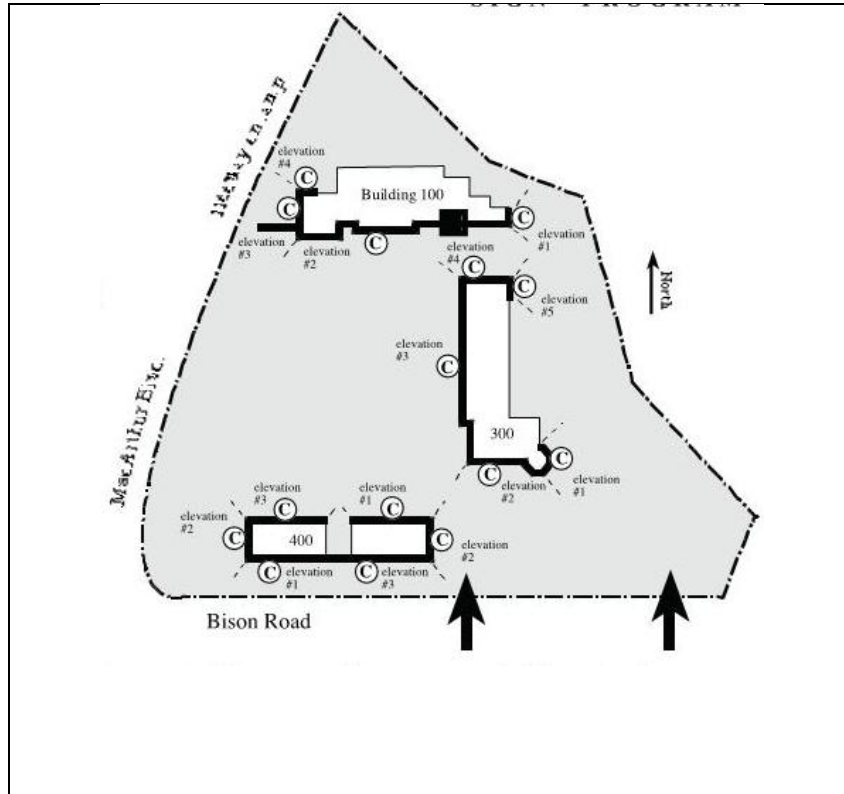
<b>Sign Type B (Project Identification Sign on Bison Avenue)</b>	
<b>Intent</b>	A monument sign to identify the project
<b>Content</b>	Project name and up to three (3) tenant names
<b>Location</b>	Either on the west or east side of the signalized entry drive off of Bison Avenue
<b>Quantity</b>	One
<b>Sign Size</b>	7 feet, max. height on short side; 9 feet, max. width
<b>Margin Size</b>	Minimum 6-inch wide blank space around sign copy
<b>Letter/Logo Size</b>	36 inches high, max.
<b>Material</b>	Compatible with architecture of retail center; individual letters, applied or routed
<b>Illumination</b>	Concealed, external, low-profile, floodlighting; or internally-illuminated in a manner that lights only the copy and not the sign background. Exposed neon and/or raceways are not permitted
<b>Letter Style</b>	Designated project typeface and registered trademarks allowed
<b>Color</b>	Sign copy color should contrast with background color

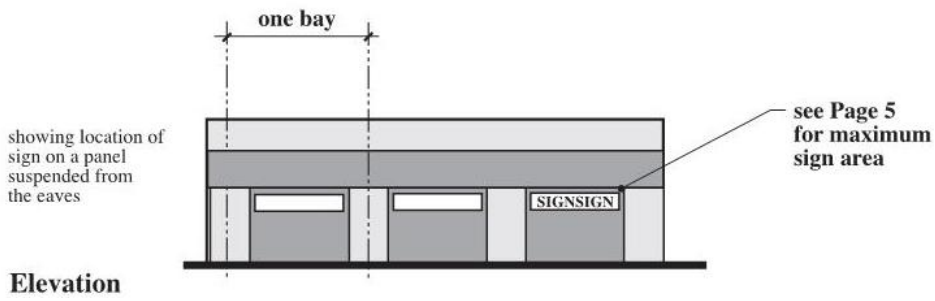
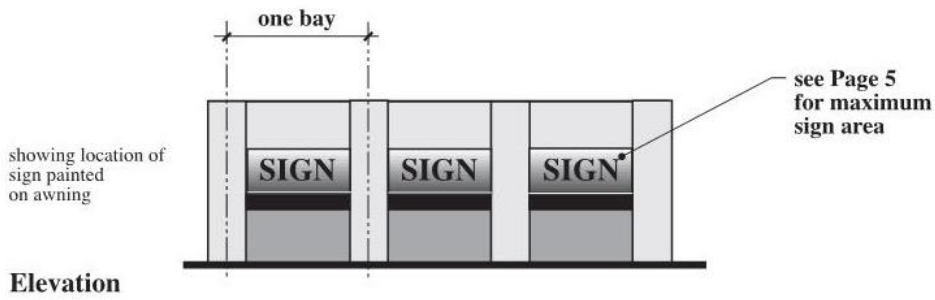
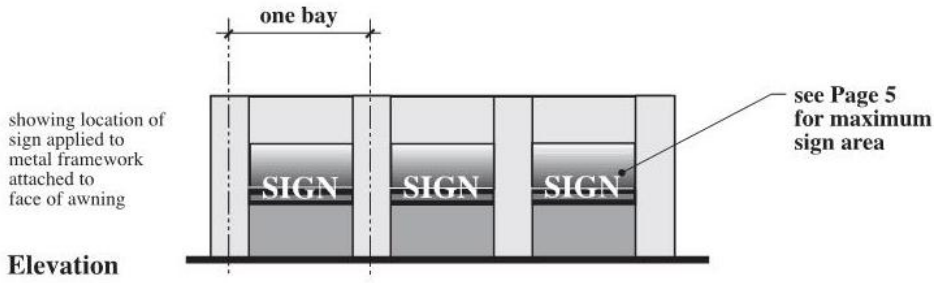
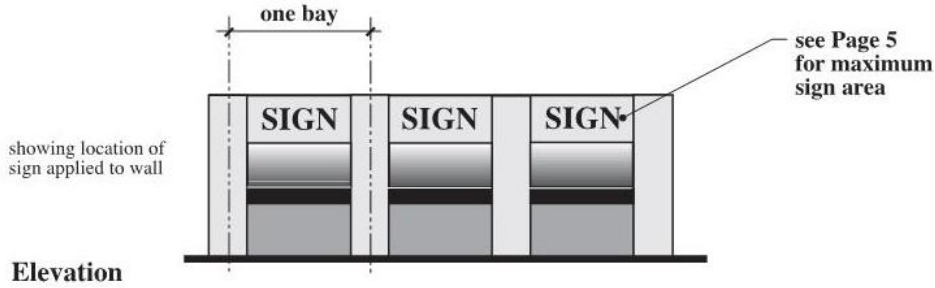
**Sign Type B (Project Identification Sign on Bison Avenue)**



<b>Sign Type C and C-1 (Tenant Identification)</b>	
<b>Intent</b>	A wall and/or awning sign
<b>Content</b> <b>Sign C:</b>	Trade name and/or logo.
<b>Sign C-1:</b>	Graphic elements related to business activity; and/or department names (such as “bakery”).
<b>Location</b> <b>Sign C:</b>	On wall, awning, and/or panel suspended from eaves at lease space, on building elevations as shown in site plan on next page. Centered in or above bays as shown on elevations on next page.
<b>Sign C-1:</b>	On vertical or sloping surface of awning at lease space, on elevations as shown in plan on next page.
<b>Quantity</b> <b>Sign C:</b>	One trade name sign and/or logo, max., per store frontage on elevations as shown in plan on next page.
<b>Sign C-1:</b>	One additional non-trade name sign for logo, graphic elements related to the business activity, or department name, maximum per bay on building elevations as shown in plan on next page.
<b>Sign Size</b> <b>Sign C:</b>	Multi-tenant buildings: 1.5 square feet for each lineal foot of the tenant’s building frontage, up to a maximum of 50 square feet. Single-tenant buildings: No more than 40% of the exposed finished wall surface area, including openings, up to a maximum of 200 square feet.
<b>Sign C-1:</b>	10 square feet, maximum, per bay  Signs consisting of more than one component part, such as a business name and logo or other graphic element, shall be considered a single sign; and sign area shall be measured as the total area of each component part within up to two sets of parallel lines.  For the purposes of this Sign Program, a single-tenant building shall be deemed any building or portion thereof in which tenants do not share a common wall.
<b>Material</b> <b>Sign C:</b>	Sign applied to wall or metal framework attached to face of awning; painted on awning; or attached to panel suspended from eaves.
<b>Sign C-1:</b>	Sign painted on awning.
<b>Illumination</b>	Internally- or externally-illuminated. Exposed neon is permitted.
<b>Letter Style</b>	Designated project typeface and registered trademarks allowed.
<b>Color</b>	Sign copy color should contrast with background color.

### Sign Type C and C-1 (Tenant Identification)





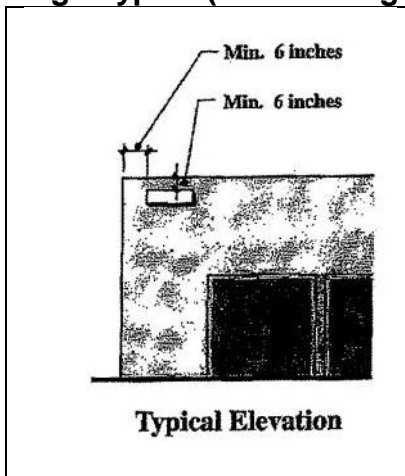


<b>Sign Type D (Tenant Sign at Entry Door)</b>	
<b>Intent</b>	A window sign to provide information to pedestrians
<b>Content</b>	Name of tenant and hours of operation
<b>Location</b>	On glass at entry door
<b>Quantity</b>	Maximum of one window sign per tenant
<b>Sign Size</b>	<p>2 square feet, max. sign area                      1 foot, max. sign height                      1 foot, max. sign width</p> <p>Tenant names: 2 inches, max. letter height                      Store hours/phone numbers: 1 inch, max. letter/number height</p>
<b>Design</b>	<p>Simple-white letters affixed to glass for hours of operation.</p> <p>No other signs mounted on the window or visible through the windows are permitted.</p> <p>Neon “open” signs installed inside the lease space and visible from the street or parking lot are prohibited.</p>

<b>Sign Type E (Tenant Sign at Service Door)</b>	
<b>Intent</b>	Wall sign to direct service personnel
<b>Content</b>	Tenant's name and space number/address
<b>Location</b>	At service doors
<b>Quantity</b>	Maximum of one sign per service door
<b>Sign Size</b>	2 square feet, max. sign area 1 foot, max. sign height 1 foot, max. sign width  Space number/address: 3 inches, max. letter/number height Tenant name: 1 inch, max. letter height
<b>Design</b>	Square panel with white copy on a solid, single-color background

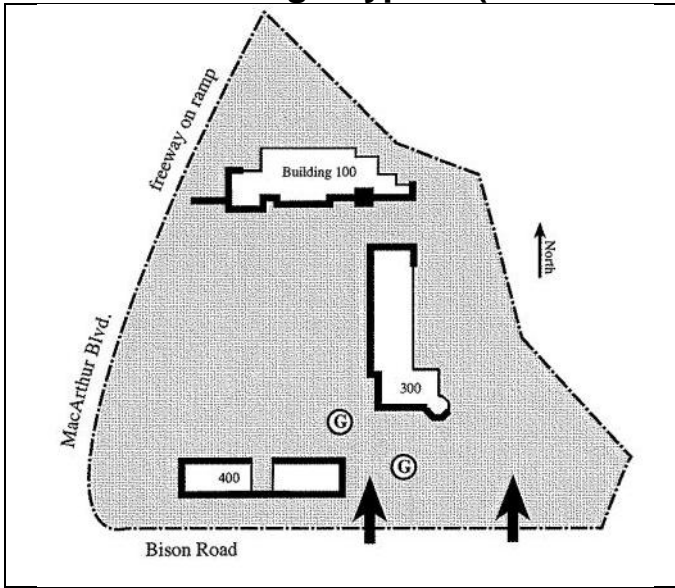
<b>Sign Type F (Address Sign)</b>	
<b>Intent</b>	Wall sign to direct emergency personnel
<b>Content</b>	Address number
<b>Location</b>	6 inches min. from building corner 6 inches min. from parapet
<b>Quantity</b>	As required
<b>Orientation</b>	Parallel to wall facing street or parking lot
<b>Sign Size</b>	Maximum sign height is 12 inches
<b>Material</b>	Individual numbers, applied. Cabinet signs are not permitted
<b>Illumination</b>	As required. Exposed neon is not permitted.
<b>Letter Style</b>	Designated project typeface.
<b>Color</b>	Sign copy color should contrast with background color

**Sign Type F (Address Sign)**



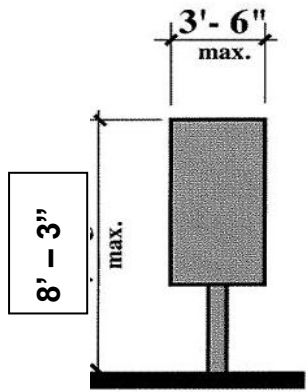
<b>Sign Type G (Vehicular-Oriented Directional Sign)</b>	
<b>Intent</b>	A ground sign to promote onsite vehicular way finding
<b>Content</b>	Tenant names and arrows
<b>Location</b>	
<b>Sign G1</b>	East side of the westerly entry drive off of Bison Avenue
<b>Sign G2</b>	At the northwest corner of the main stop sign intersection off of the westerly entry drive
<b>Quantity</b>	Two
<b>Sign Size</b>	Each sign shall be 14.88 square feet (3.5 ft x 4.25 ft) in sign area.
<b>Sign G1</b>	8.25 feet in height, measured from the top of the sign to the base of the sign post. The ground covers within the existing landscaping area where Sign G1 will be located shall be trimmed regularly to maintain a minimum 3 foot site window between the bottom of Sign G1 to the top of the existing landscaping ground covers.
<b>Sign G2</b>	7.25 feet in height, measured from the top of the sign to the base of the sign post.
<b>Margin Size</b>	Minimum 2-inch wide blank space around sign copy
<b>Letter/Logo Size</b>	8 inches high max.
<b>Material</b>	Aluminum cabinet with routed or applied letters and arrows
<b>Illumination</b>	Concealed, external, low-profile, flood-lighting; or internally-illuminated in a manner that lights only the copy and the sign background. Exposed neon and/or raceways are not permitted.
<b>Letter Style</b>	Designated project typeface and registered trademarks are allowed.
<b>Color</b>	Sign copy color should contrast with background color.

### Sign Type G (Vehicular-Oriented Directional Sign)

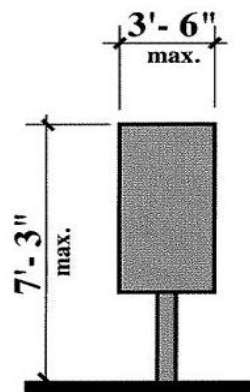


Sign Type G1

Sign Type G2

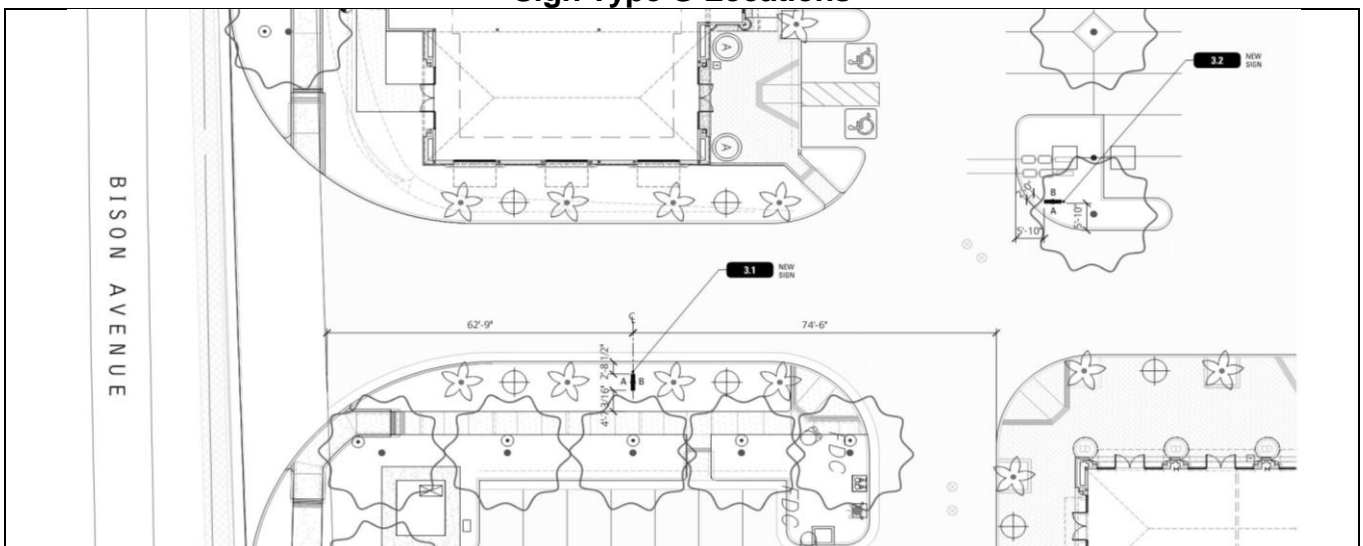


Typical Elevation

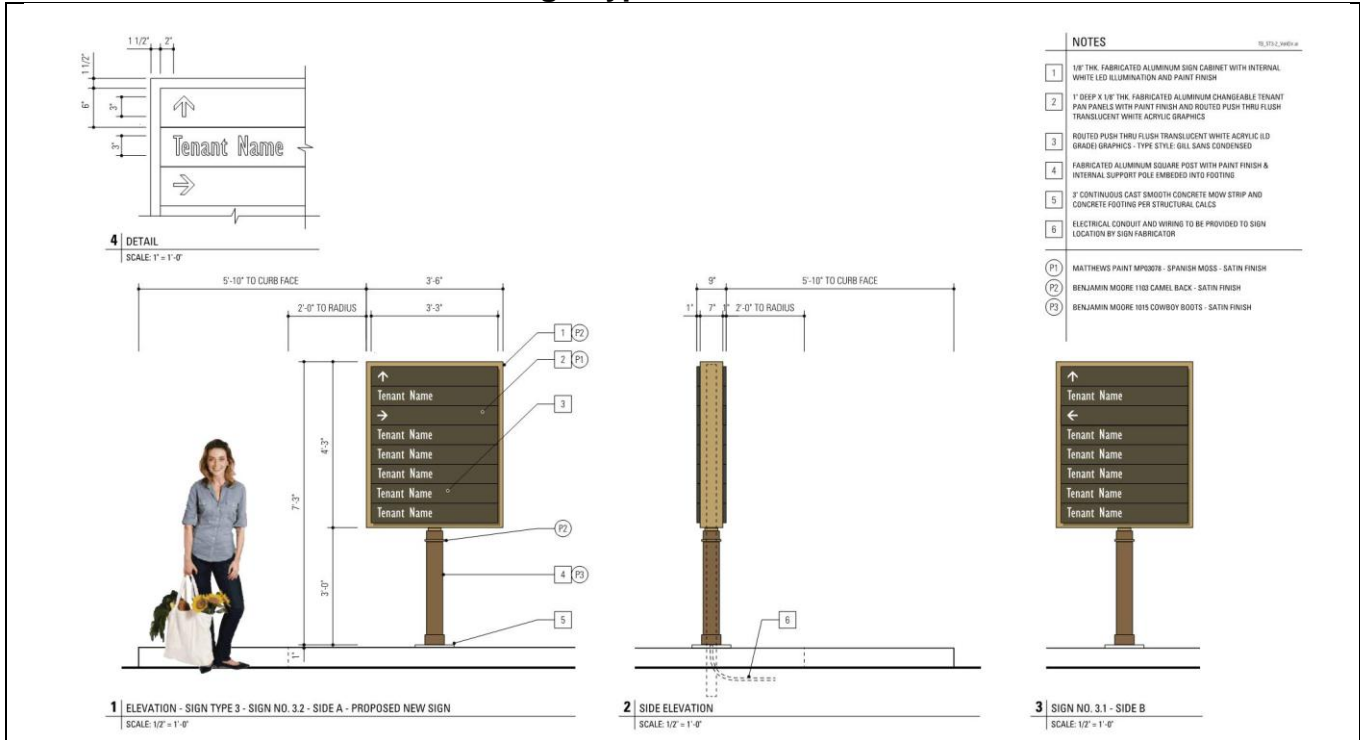


Typical Elevation

### Sign Type G Locations



### Sign Type G Elevations



**RESOLUTION NO. HO2013-001**

**A RESOLUTION OF THE HEARING OFFICER OF THE CITY OF NEWPORT BEACH DENYING REASONABLE ACCOMMODATION NO. RA2011-002 FOR ADDITIONS TO AN EXISTING TWO-UNIT RESIDENTIAL STRUCTURE TO ACCOMMODATE A DISABLED PERSON, LOCATED AT 219 DIAMOND AVENUE (PA2011-118)**

THE HEARING OFFICER FOR THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. Chapter 20.52 of the Newport Beach Municipal Code (NBMC) sets forth a process to provide reasonable accommodations in the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
2. An application was filed by Jane Bakman, property owner, with respect to property located at 219 Diamond Avenue, and legally described as Lot 28, Block 10, Section Three, Balboa Island Tract, requesting accommodation from the requirements of Newport Beach Municipal Code (NBMC) Section 20.18.030, (Residential Zoning Districts Land Uses and Permit Requirements) to allow additions and alterations to an existing two-unit dwelling in excess of the floor area limit.
3. The subject property is located in the R-BI (Two-Unit Residential, Balboa Island) Zoning District.
4. A public hearing was held on May 30, 2013, in the Balboa Island Conference Room, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the NBMC and other applicable laws. Evidence, both written and oral, was presented and considered at this meeting.
5. The hearing was presided over by Hon. John C. Woolley, retired Judge (California Superior Court, Orange County), Hearing Officer for the City of Newport Beach.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities). This class of projects has been determined not to have a significant effect on the environment and is exempt from the provisions of CEQA. This activity is also covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines. It can be seen with certainty that there is no possibility that this activity will have a significant effect on the environment and therefore it is not subject to CEQA.

## SECTION 3. FINDINGS.

In accordance with Section 20.52.070 (D.2) of the Newport Beach Municipal Code, all of the following findings must be made in order to approve a reasonable accommodation:

- 1. Required Finding: The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the Fair Housing Laws.**

Fact in Support of Finding: The applicant submitted a statement signed under penalty of perjury that the property will be occupied by a person with a disability and requires accommodation. A letter from Dr. Kanwar T. Mahal was received and considered by the Hearing Officer. At the request of the applicant, Jane Bakman, the Hearing Officer ruled that the report from the doctor remain confidential. The Hearing Officer finds that there is no factual basis for the medical condition presented in the physician's letter for the conclusions regarding the Reasonable Accommodation.

- 2. Required Finding: The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.**

Facts Do Not Support the Finding:

- a. An accessible bathroom is currently provided by the existing ground floor bathroom. Any modifications necessary to make the existing bathroom accessible can be accommodated within the existing permitted floor area.
- b. The proposed 189-square-foot breezeway addition proposed is in excess of that necessary to provide an accessible bathroom.
- c. With consideration of the factors provided by NBMC Section 20.52.070 (D-3), the requested accommodation is not necessary to provide the disabled individual an equal opportunity to use and enjoy a dwelling. The justification presented does



not support the proposed size and location of the additions that are the subject of the accommodation request.

3. ***Required Finding: That the requested accommodation will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined in Fair Housing Laws and interpretive case law.***

Fact in Support of Finding: Allowing the construction of additions to the dwelling unit would not impose an undue financial or administrative burden on the City. The administrative costs of processing the building permit will be offset by normal building permit fees.

4. ***Required Finding: That the requested accommodation will not result in a fundamental alteration in the nature of a City program, as "fundamental alteration" is defined in Fair Housing Laws and interpretive case law.***

Facts in Support Finding:

- a. The proposed floor area is consistent with surrounding residential properties with similar sized structures which may also exceed allowed floor area. The request to exceed the floor area is not related to the use of the property, which remains residential. The mass and bulk of the proposed structure will be within the perimeter of the existing building footprint and will not be discernibly abrupt in scale from the surrounding structures which may comply with the floor area limitations.
- b. The proposed additional square footage would not intensify the existing two-unit residential use. Therefore, the increase in floor area would have no affect on traffic or parking in the vicinity; although the property is nonconforming with regard to parking since it only provides one parking space per dwelling unit.
- c. The increase in floor area would not conflict with the existing residential uses on site or in the neighborhood.
- d. There is no intention to operate the dwelling as a residential care facility. Thus, the granting of the reasonable accommodation request will not create an institutionalized environment.
5. ***Finding: The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.***

Facts in Support of Finding: The property is occupied by a duplex which is consistent with the zoning district in which it is located. The addition would be constructed in accordance with the required Building and Safety Code, therefore, the proposed project would not pose a threat to the health or safety of other individuals or substantial physical damage to the property of others.

As Finding No. 2 cannot be made, the reasonable accommodation must be denied.

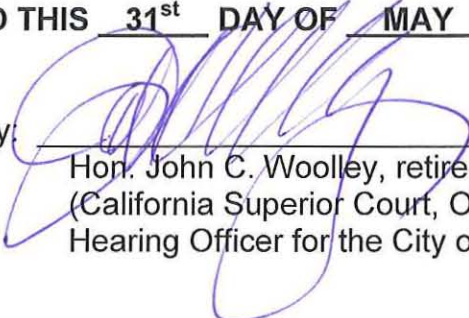
SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

**Section 1.** The Hearing Officer of the City of Newport Beach hereby denies Reasonable Accommodation No. RA2011-002.

**Section 2.** This action shall become final and effective fourteen (14) days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20, Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, DENIED AND ADOPTED THIS 31<sup>st</sup> DAY OF MAY, 2013.**

By:   
Hon. John C. Woolley, retired Judge  
(California Superior Court, Orange County)  
Hearing Officer for the City of Newport Beach

ATTEST:

  
\_\_\_\_\_  
City Clerk

