



**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 August 30, 2013.

**ZONING ADMINISTRATOR ACTIONS
AUGUST 29, 2013**

- Item 1:** The Koll Company Lot Line Adjustment No. LA2013-007 (PA2013-141)
4400 Von Karman
Action: Continued to 10/10/2013 Council District 3
- Item 2:** 3403 Seashore Drive Parcel Map No. NP2013-016 (PA2013-146)
3403 Seashore Drive
Action: Approved by Resolution No. ZA2013-047 Council District 1
- Item 3:** Annual Review of Fletcher Jones Motorcars Development Agreement (PA2009-052)
3300 Jamboree Road
Action: Receive and File Council District 3
- Item 4:** Annual Review of Development Agreement for Newport Harbor Lutheran Church (PA2009-137)
798 Dover Drive
Action: Receive and File Council District 3
- Item 5:** Koll Center Ground Signs Modification Permit No. MD2013-004 (PA2013-047)
4000, 4040, 4100, 4110, 4400, 4500, 4590 MacArthur Boulevard; 4200, 4220, 4320, 4340, 4343, 4350, 4440, 4490 Von Karman Avenue; 4900, 4910, 5000 Birch Street
Action: Approved by Resolution No. ZA2013-050 Council District 3

Item 6 4675 MacArthur Court Sign Modification Permit No. MD2013-011 (PA2013-150)
4675 MacArthur Court

Action: Approved by Resolution No. ZA2013-051 Council District 3

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. ZA2013-047

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2013-016 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 3403 SEASHORE DRIVE (PA2013-146)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by David York, Architect, on behalf of Jason Lak, Property Owner, with respect to property located at 3403 Seashore Drive, and legally described as Lot 2 of Block 34 of Newport Beach Tract 512, 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 (Subdivisions) development standards are proposed with this application. The property was previously developed with a duplex that will be demolished and replaced with a new duplex.
3. The subject property is located within the Two-Unit Residential (R2) 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 August 29, 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 15 (Minor Land Divisions).
2. Class 15 exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with 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 (Planning and Zoning) of the Municipal Code and is approved based on the following findings pursuant to Section 19.12.070 (Required Findings for Action on Tentative Maps) of the Municipal Code:

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. The existing duplex will be demolished and will be replaced with a new duplex. The proposed subdivision and improvements are consistent with the Two-Unit Residential (R-2) Zoning District and the Two-Unit Residential (RT) General Plan Land Use Designation, which allows a maximum of two residential units on a single lot.

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 residential 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

- C-1. The subject property is developed and located in a developed area. The lot, proposed improvements, and proposed parcel map application will not cause substantial environmental damage.
- C-2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 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 2 years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

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. Furthermore, the proposed project will conform to all applicable City ordinances.

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

- 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. 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

- 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, including the new duplex, are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards based 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 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

- 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 a two-unit condominium. The proposed subdivision and improvements are consistent with the Coastal Land Use Plan designation RT-D (Two-Unit Residential).
- K-2. The subject property conforms with public access policies of Chapter Three of the Coastal Act because the development maintains public access from the nearest public roadway to the shoreline and along the coast.
- K-3. Recreation policies 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 conditions of approval include requirements for public improvements including reconstruction of the existing broken and/or otherwise damaged concrete alley adjacent to the property.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2013-016, 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 10 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 28th DAY OF AUGUST, 2013.

By:



Patrick J. Alford, 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. 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 (i.e. decorative pavers).
5. 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 sewer cleanout shall be located within the public right-of-way.
6. An encroachment permit is required for all work activities within the public right-of-way.
7. All improvements shall comply with the City's sight distance requirement. See City Standard STD-110-L and Municipal Code 20.30.130.
8. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
9. All on-site drainage shall comply with the current City Water Quality requirements.
10. Water services that are to be abandoned shall be capped at the main. Sewer laterals to be abandoned shall be capped at the property line.

-
11. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
 12. 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 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.
 13. The building permit for the new construction shall not be finalized until after recordation of the Parcel Map. 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.
 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 Seashore Parcel Map including, but not limited to, Parcel Map No. NP2013-016 (PA2013-146). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
 15. This Parcel Map shall expire if the map has not been recorded within 2 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. ZA2013-050

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-004 ALLOWING AN INCREASE IN SIGN HEIGHT FOR GROUND SIGNS LOCATED WITHIN THE KOLL CENTER PLANNED COMMUNITY (PA2013-047)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Adam Burrows of JB3D, with respect to property located in the Koll Center Planned Community Zoning District (PC-15), more specifically 4000, 4040, 4100, 4110, 4400, 4500, 4590 MacArthur Boulevard, 4200, 4220, 4320, 4340, 4343, 4350, 4440, 4490 Von Karman Avenue, and 4900, 4910, 5000 Birch Street, requesting approval of a Modification Permit.
2. The requested Modification Permit will amend existing Modification Permit No. MD2006-026 which allowed an increase in sign height for 11 ground signs located in the Koll Center Planned Community.
3. Specifically, the applicant requests five illuminated ground signs each measuring 8 feet high. Three signs will replace existing signs previously approved by MD2006-026 and two signs will be new. The remaining eight existing ground signs will remain unchanged.
4. The subject properties are located within the Koll Center Planned Community (PC-15) Zoning District and the General Plan Land Use Element category is Mixed Use Horizontal (MU-H2).
5. The subject properties are not located within the coastal zone.
6. A public hearing was held on August 29, 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 Guidelines - Class 11 (Accessory Structures).

2. The Class 11 exemption consists of 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.

In accordance with Section 20.52.050 (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

- A-1. The request affects multiple properties within the Koll Center Planned Community which is developed with commercial buildings.
- A-2. The Modification Permit will allow the applicant to install five ground signs (2 new signs, 3 replacement signs) that will identify property addresses and tenants within a large existing commercial complex (Koll Center Newport).
- A-3. Ground signs are commonly used in large commercial complexes such as the Koll Center Newport to identify the location of a specific address or tenant.
- A-4. Signs as proposed are comparable in size and appearance with existing signs in the area which have not been deemed incompatible with the surrounding neighborhood. Signs proposed measure 8 feet high. Existing signs approved by MD2006-026 range between 6 feet 2 inches and 9 feet in height.
- A-5. The addition of two new sign locations on MacArthur Boulevard (between Von Karman Avenue and Birch Street) will help unify the existing arrangement of ground signs in the Koll Center Planned Community since this portion of street frontage does not contain any address or tenant identification signs.
- A-6. The Modification Permit will allow ground signs that are in scale with the buildings along street frontages. Proposed signs measure approximately 48 square feet which is 152 square feet less than allowed within the Zoning District.

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:

- B-1. The Koll Center Planned Community is comprised of approximately 154 acres, consists of numerous addresses, and is generally bounded by major roadways on the northeast by Campus Drive, on the southeast by Jamboree Road and on the west by MacArthur Boulevard.
- B-2. The roadways are characterized by long wide streets, limited driveway access, few traffic signals, and limited opportunities for vehicles to turn around.
- B-3. An increase in sign height will provide enhanced visibility to traffic on MacArthur Boulevard and Birch Street which travel at higher rates of speed, and will provide adequate sign area for multiple tenants to be identified from adjacent roadways. Signs proposed are intended to provide identification for up to three tenants.
- B-4. The proposed increase in height is necessary due to pedestrian, bicycle, and utility easements located along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages which make sign visibility difficult for vehicular traffic. Easements require signs be setback between 6 to 24 feet from the property line.
- B-5. The proposed height and size of signs is necessary due to overall size of the Koll Center Newport commercial complex and will provide vehicular traffic with adequate and legible identification to buildings and tenants.

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:

- C-1. The general purpose and intent of the Zoning Code, as it pertains to signs, is to provide each sign user with an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs.
- C-2. A strict application of the Koll Center Planned Community sign standards will result in less than optimal identification as a result of existing easements that require signs be setback further from the street right-of-way.
- C-3. Limiting signs to the maximum height of four feet established by the Koll Center Planned Community sign standards will create a practical difficulty by impairing optimal identification by vehicles which typically travel at higher speeds along the MacArthur Boulevard, Jamboree Road, and Birch Street frontages.

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:

- D-1. The granting of the modification allows the applicant to install five ground signs measuring 8 feet high instead of limiting height to four feet.
- D-2. Signs constructed at the four-foot height limit would hinder optimal identification by vehicles travelling along MacArthur Boulevard, Jamboree Road, and Birch Street due to existing easements which require sign placement further from the right-of-way.
- D-3. An alternative would be to maintain a sign height of four feet, and provide a wider sign with increased letter height for visibility. However, such a sign would be out of scale with surrounding properties and incompatible with previously approved signs.
- D-4. Granting the modification would provide less detriment to the surrounding owners and occupants, the neighborhood, or the general public relative to any traffic calming measures.

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:

- E-1. The proposed ground signs are consistent with signs elsewhere in the City as well as existing signage within the Koll Center Planned Community which has demonstrated no detriment to the public health, safety, or welfare of occupants of the property, nearby properties, the neighborhood, or the City.
- F-2. The signs as proposed will neither change the density or intensity of the existing commercial uses nor affect the flow of light or air to adjoining properties.
- E-3. The proposed signs will not interfere with sight distance from any street, alley, or driveway.
- E-4. The signage is for commercial uses in a commercial district and is not in or adjacent to a residential district.

E-5. There are no public views through or across the subject property that are affected by the proposed project.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-004, 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 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Modification Permit No. MD2006-026, which upon vesting of the rights authorized by Modification Permit No. MD2013-004 shall become null and void.

PASSED, APPROVED AND ADOPTED THIS 29TH DAY OF AUGUST, 2013

By:



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. All proposed signs shall be in conformance with the approved sign standards for the project site and provisions of the Koll Center Planned Community regulations (except as modified by applicable conditions of approval).
3. Type A signs may be double faced. The base of the structure shall be located a minimum of 3 feet from back of sidewalk. The sign portion of the structure shall be a minimum of 3 feet 6 inches from back of sidewalk. (Previous condition of approval per MD2006-026).
4. Type A signs shall not exceed a maximum average height of 7 feet 2 inches measured from existing finish grade. (Previous condition of approval per MD2006-026).
5. Type B signs shall measure 4 feet long by 1 foot 1 inch wide at the base, and the sign area shall measure 3 feet 5 inches long by 8 inches wide by 5 feet 1.5 inches high, as depicted on the plans submitted with this application. (Previous condition of approval per MD2006-026).
6. Type B signs shall not exceed a maximum height of 6 feet 2 inches measured from lowest grade to the top of the sign where the grade slopes, and a maximum of 5 feet 10 inches where the grade is flat. In no case may any Type B sign exceed a maximum average height of 6 feet. (Previous condition of approval per MD2006-026).
7. Type C signs may be double faced. Signs shall not exceed a maximum height of 8 feet measured from existing grade, and sign area shall be consistent with approved plans.
8. Sign C.1 shall be located a minimum of 24 feet back from the MacArthur Boulevard property line, outside of the bicycle and pedestrian easement.
9. Sign C.2 shall be located a minimum of 16 feet back from the Jamboree Road property line, outside the bicycle and pedestrian easement.
10. Sign C.3 shall be located a minimum of 19 feet back from the Birch Street property line, outside of the bicycle and pedestrian easement.
11. Signs C.4 and C.5 shall be located outside the 6-foot wide public utility and pedestrian easement.
12. Signs shall include the project complex name ("Koll Center Newport") and the project site addresses as depicted on the plans submitted with this application. Any future

revisions or changes to the signs approved by this Modification Permit due to a change in the name of the project complex shall be reviewed and approved by the Community Development Director, so long as the sign size and number of signs does not increase. Any increase in the size or number of signs shall require an amendment to this application. Any change to Sign Type B to include tenant identification may be permitted subject to review and approval by the Director in accordance with the Staff Approval procedure. (Previous condition of approval per MD2006-026).

13. 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. The construction plans must meet all applicable State Disabilities Access requirements.
14. Plans submitted for building permits shall clearly show and label all easements.
15. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
16. This Modification Permit may be modified or revoked by the Zoning Administrator if determined to be detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity.
17. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
18. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved project plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
19. If in the opinion of the Director existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
20. 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.
21. 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.

22. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the 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 the City's approval of the Koll Center Ground Signs including, but not limited to, the Modification Permit No. MD2013-004 (PA2013-047). 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. ZA2013-051

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-011 FOR TWO WALL SIGNS LOCATED AT 4675 MACARTHUR COURT (PA2013-150)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Architectural Design & Signs with respect to property located at 4675 MacArthur Court, and legally described as Tract 3363 Lot 122 All –Excluding Northerly 4 ft of lot, and Easterly 78.23 feet requesting approval of a Modification Permit.
2. The applicant proposes to exceed the allowed square footage for wall signs within the Koll Center Planned Community (PC-15). The two proposed wall signs will serve as building identification at the top of a 214-foot 6-inch tall, 16-story office building. The signs will be approximately 314 square feet including a text and a logo. The Planned Community limits these types of wall signs to a maximum area of 200 square feet.
3. The subject property is located within the Koll Center Planned Community (PC-15) Zoning District and the General Plan Land Use Element category is General Commercial Office (CO-G).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on August 29, 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.

The installation of two building signs on an existing office building is exempt from environmental review pursuant to Section 15303 (Class 3 New Construction or Conversion of Small Structures) and Section 15311 (class 11 Accessory Structures) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which exempts the construction of limited numbers of new, small facilities or structures and accessory structures including signs on existing buildings.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. Large and tall buildings are common within the Koll Center area and these taller buildings typically have larger wall signs for major tenants to provide building identification at the top of buildings.
2. The proposed signs are at the top of a 16-story building and the adjacent multi-story building at 4680 MacArthur Court has a similar sized sign at 386 square feet.
3. The building façade on which the signage is proposed to be located is 214-feet, 6-inches tall and consists of 144 linear feet of frontage, or a total of 30,888 square feet in area on the subject façade. The logo sign and letter text sign will consist of approximately 313 square feet in area, which is proportionally small in comparison to the overall building façade (approximately 1 percent.)

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. Due to the location of and the height of the building, an increase in letter height and sign area to provide building identification is necessary to provide visibility.

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 214-foot, 6-inch high-rise building is located in a block among several existing high-rise and multi-story buildings making visibility of the site location and identification more difficult for the general public.

2. The increased size of the wall signs is appropriate to the scale and height of the buildings in the area and necessary to provide adequate visibility within the office and commercial area.

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 existing building surrounded by other multi-story and high-rise buildings does not have wall areas adequately visible to the public other than up at the top of the building with a larger wall sign; therefore, there are no alternative locations for the wall signs.

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

1. Approval of the application to increase the size of wall signs does not change the density or intensity of use.
2. The building does not have any other tenant identification signs on the exterior of the building so the increased size of the signs will not detract from the building's exterior.
3. The increased size of the wall signs will provide better visual direction for the public from the surrounding public roadways and from a greater distance without detracting from the building's overall aesthetic.
4. The location of the wall signs on the two building façades of the existing building does not affect views or impact the surrounding area since they are located on the existing building.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-011, 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 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development

Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

3. This resolution supersedes Modification Permit No. MD3637, which upon vesting of the rights authorized by Modification Permit No. MD2013-011, shall become null and void.

PASSED, APPROVED AND ADOPTED THIS 29th DAY OF AUGUST, 2013.



Patrick Alford, Zoning Administrator

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

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. *Modification No. MD2013-011 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
3. The maximum height of the logo portion of each sign shall not exceed 10 feet and the maximum height of the letters shall not exceed 5-feet, 8-inches.
4. The maximum square footage of each sign including the logo shall not exceed 314 square feet.
5. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
6. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this modification.
7. This 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.
8. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
9. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

-
10. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
 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. 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 4675 MacArthur Court Sign Modification including, but not limited to, Modification Permit No. MD2013-011 (PA2013-150). 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.