



**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 October 11, 2013

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**ZONING ADMINISTRATOR ACTIONS  
OCTOBER 10, 2013**

- Item 1: Marigold Parcel Map – Permit No. NP2013-019 (PA2013-169)  
415 and 415 ½ Marigold Avenue  
  
Action: Approved by Resolution No. ZA2013-058 Council District 3
- Item 2: The Koll Company Lot Line Adjustment - Permit No. LA2013-007 (PA2013-141)  
4400 Von Karman, East Side of Von Karman Avenue, between MacArthur Blvd.  
and Birch St.  
  
Action: Approved by Resolution No. ZA2013-059 Council District 3
- Item 3: Kirkowski Residence Modification - Permit No. MD2013-012 (PA2013-152)  
310 Driftwood Road  
  
Action: Approved by Resolution No. ZA2013-060 Council District 6
- Item 4: NBAC Café Minor Use Permit - No. UP2013-015 (PA2013-149)  
1367 Avocado Avenue  
  
Action: Approved by Resolution No. ZA2013-061 Council District 5
- Item 5: Sapori Ristorante Expansion – Minor Use Permit No. UP2013-014 and Lot Line  
Adjustment No. LA2013-010 (PA2013-151)  
1080 Bayside Drive  
  
Action: Approved by Resolution No. ZA2013-062 Council District 5  
and ZA2013-063

Item 6: The Dessert Lab – Minor Use Permit No. UP2013-017 (PA2013-164)  
4221 MacArthur Blvd, Suite B4

Action: Approved by Resolution No. ZA2013-064 Council District 3

**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**

Item 7: Comprehensive Sign Program No. CS2013-009 (PA2013-145)  
800 Newport Center Drive  
Block 800 Comprehensive Sign Program

Action: Approved 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.

Det. Randy Parker, NBPD (*ABC License*)  
Sgt. Chuck Freeman, NBPD (*Massage Therapy - ABC License*)

## RESOLUTION NO. ZA2013-058

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2013-019 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 415 and 415 ½ MARIGOLD AVENUE (PA2013-169)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by 415 Marigold CDM, LLC, with respect to property located at 415 and 415 ½ Marigold Avenue, and legally described as Lot 7 in Block 439 of Corona del Mar, in the City of Newport Beach, 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 County requesting approval of a parcel map.
2. The applicant proposes a tentative parcel map for two-unit condominium purposes. No waivers to the Title 19 (Subdivision Code) development standards are proposed. A two-unit duplex was demolished on the property and will be replaced with a new two-unit duplex.
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 not located within the coastal zone.
5. A public hearing was held on October 10, 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) 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:

- A-1. The proposed parcel map is for two-unit residential condominium purposes. A two-unit duplex was demolished and will be replaced with a new two-unit duplex (approximately 3,338 square feet). 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.
- A-2. The proposed parcel map does not apply to any specific plan area.
- A-3. The project has been conditioned to require public improvements, including the reconstruction of existing broken or otherwise damaged sidewalks, curbs, and gutters along the Marigold Avenue frontage consistent with Subdivision Code (Title 19).

#### 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 physically suitable for two-unit density and development as the site is relatively flat, and has demonstrated it is able to adequately accommodate for the residential use.
- B-2. The subject property is accessible from Marigold Avenue and the alley at the rear and is adequately served by existing utilities.



Finding:

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

Facts in Support of Finding:

- C-1. The site was previously developed with a two-unit duplex and the applicant will construct a new two-unit duplex.
- C-2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
- C-3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations).

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

Finding:

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

*authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

- E-1. There are no existing easements acquired by the public at large for access through, or use of the property. Therefore the Parcel Map will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development.

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 because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
- F-2. The site, developed for residential use, lies in a zone that permits such a use.

Finding:

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

Facts in Support of Finding:

- G-1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
- G-2. The project is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

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

Finding:

- I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

- J-1. The new two-unit duplex will be designed so that wastewater discharge into the existing sewer system complies 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 project is not located within the Coastal Zone.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2013-019, 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 10<sup>TH</sup> DAY OF OCTOBER, 2013.**



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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"**

## CONDITIONS OF APPROVAL

1. The 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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Marigold Avenue frontage.
5. The applicant shall reconstruct the existing broken and/or otherwise damaged alley adjacent to the project site.
6. The 5-foot rear alley setback shall remain clear of any above ground improvements.
7. Marigold Avenue is part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements pursuant to City Standard 10-L-F.
8. 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.
9. The applicant shall install new sod or low groundcovers of the type approved by the City throughout the Marigold Avenue parkway fronting the development site.
10. 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. The water meter and sewer cleanout shall be located within the public-right-of way.

11. An encroachment permit is required for all work activities within the public right-of-way.
12. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L and Municipal Code Section 20.30.130.
13. 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.
14. All on-site drainage shall comply with the latest City Water Quality requirements.
15. All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at the property line.
16. Prior to the recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the parcel map.
17. 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 Marigold Parcel Map including, but not limited to, the NP2013-169 (PA2013-019). 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.
18. 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.

## **RESOLUTION NO. ZA2013-059**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2013-007 FOR PARCELS LOCATED AT 4400 VON KARMAN AVENUE (PA2013-141)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by The Koll Company, with respect to property located at 4400 Von Karman Avenue, and legally described as Parcel 1 of Parcel Map No. 82-713 and Parcel 2 of Parcel Map No. 91-155.
2. The applicant is requesting to adjust the property lines between Parcel 1 of Parcel Map No. 82-713 and Parcel 2 of Parcel Map No. 91-155 to be consistent with management responsibilities. Only the common property lines between the two parcels will be adjusted. The proposal does not increase or reduce the number of parcels.
3. The subject property is located within the Koll Center Planned Community District (PC-15) and the General Plan Land Use Element category is MU-H2 (Mixed-Use Horizontal 2).
4. The subject property is not located within the coastal zone.
5. Public hearings were held on August 29 and October 10, 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 meetings were given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at these meetings.

#### **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. The project qualifies for a Class 5 (Minor Alterations in Land Use Limitations) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15305, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020.I of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a lot line adjustment are set forth:

#### Finding

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of Title 19.*

#### Facts in Support of Finding

- A-1. The proposal is consistent with the General Plan as no development is proposed with this application and the current conditions are consistent with permitted use in this area.
- A-2. The adjusted lot lines of the subject parcels will not result in a development pattern which is inconsistent with the surrounding neighborhood.
- A-3. The proposed lot line adjustment is consistent with the purpose identified by Title 19. The subdivision is consistent with the General Plan, does not affect open space areas in the City, does not negatively impact surrounding land owners, lot purchasers, or residents, provides for orderly controlled growth within the City, provides adequate traffic circulation and utilities, will not negatively affect property values.

#### Finding

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the lot line adjustment.*

#### Facts in Support of Finding

- B-1. The project site described in the proposal includes Parcel 1 of Parcel Map No. 82-713, and Parcel 2 of Parcel Map No. 91-155. Only the common property lines between these two parcels will be affected by the proposed Lot Line Adjustment.
- B-2. The proposal does not increase or reduce the number of parcels.



Finding

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to width, depth, and area than the parcels that existing prior to the lot line adjustment.*

Facts in Support of Finding

- C-1. The proposed parcel configuration is consistent with the zoning requirements of Title 20 of the Newport Beach Municipal Code and the Koll Center Planned Community District (PC15). The resulting lots will meet minimum area requirements and there will be no change in allowed land uses, density, or intensity on the subject parcels.
- C-2. The existing development on the parcels complies with the Zoning Code and the Koll Center Planned Community District (PC15) development standards. Any additional development or redevelopment would be under separate application and approval.

Finding

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Facts in Support of Finding

- D-1. Adequate access to all of the reconfigured parcels is provided by existing public streets and private easements.
- D-2. All easements that currently exist will continue to provide sufficient access, parking and circulation throughout the existing development.

Finding

- E. *That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding

- E-1. The final configuration of the parcels involved will not result in the loss of direct vehicular access from any street for any parcel included in the lot line adjustment since there are no alleys located within or near the subject parcels.

Finding

- F. *That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Facts in Support of Finding

- F-1. The proposed configuration of the parcels does not create any nonconforming setbacks and street side setbacks will continue to apply to the realigned parcels per the Koll Center Planned Community District development regulations.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-007, 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 10<sup>TH</sup> DAY OF OCTOBER, 2013.**

  
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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. 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.
3. 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 Koll Company Lot Line Adjustment including, but not limited to, Lot Line Adjustment No. LA2013-007 (PA2013-141). 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. ZA2013-060

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-012 TO ALLOW A SECOND-STORY ADDITION TO ENCROACH 7.2 INCHES INTO THE REQUIRED 6-FOOT SIDE SETBACK OF A SINGLE-FAMILY RESIDENCE LOCATED AT 310 DRIFTWOOD ROAD (PA2013-152)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John and Liz Kirkowski, property owners, with respect to property located at 310 Driftwood Road, and legally described as Lot 27 of Tract 1116, being a subdivision of a portion of Block 95 of the Irvine Subdivision as shown on a map recorded in Book 1 Page 88 of Miscellaneous Records of Orange County, requesting approval of a modification permit.
2. The applicant proposes a modification permit to allow a second story addition to project 7.2 inches into the required 6-foot side left side setback, consistent with the existing nonconforming single-family residence at the first floor level. The proposed project is a 1,135-square-foot (37 percent) second floor addition to an existing nonconforming 3,081-square-foot single-family residence. The structure is nonconforming because the existing residence projects a maximum of 7.2 inches into the required 6-foot left side setback, 1-foot 4 inches into the right side setback, and 2 feet 6 inches into the required 25-foot front setback.
3. The subject property is located within the Single-Unit Residential (R-1-6,000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached (RSD-A).
5. A public hearing was held on October 10, 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 (CEQA) under Class 1 (Existing Facilities) of the Guidelines for CEQA.
2. This exemption includes additions to the existing structure up to 50 percent of the existing floor area or 2,500 square feet, whichever is less and the proposed scope of work is below these limits.

#### SECTION 3. REQUIRED FINDINGS.

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 findings for a Modification Permit are set forth:

Finding:

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

Facts in Support of Finding:

1. The neighborhood is comprised of a development pattern of one- and two-level single-unit dwellings.
2. The proposed addition will result in a residence that is similar in bulk and scale to others in the Shore Cliffs community.

Finding:

- B. *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 lot ranges in width from 40 feet to 75 feet and the Zoning Code requires 6-foot side setbacks. The lot was permitted to be developed with a single-family residence with a side setback equal to 10 percent of the lot width in 1951, consistent with the Zoning provisions at that time. Therefore, the structure is considered legal nonconforming.
2. Strict application of the side setback standard would not allow the exterior wall of the proposed addition to be supported by the existing building wall and foundation directly below. From a structural standpoint, additional framing and foundation elements would be necessary to properly support the addition in compliance with the required setbacks. The walls and foundation below would need to be reconstructed or replaced, which is a departure from the desired scope of construction. Additions and two-story construction are allowed in the R-1-6,000 Zoning District and approval of the Modification Permit is necessary to preserve that right without significant added construction and cost to comply with the setback standard.
3. The existing and proposed development will comply with the height limit, open volume, and residential design criteria as shown on the proposed plans.

Finding:

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

Facts in Support of Finding:

1. The previous Zoning Code allowed additions in the R-1-B Zoning District to the side setback line in effect at the time the principal building was constructed. The current Zoning Code does not provide a provision that allows additions in-line with existing nonconforming structures that project into the side setback within the R-1-6,000 zoning district.
2. Strict application of the setback standard would not allow the exterior wall of the proposed addition to be supported by the existing building wall and foundation directly below. From a structural standpoint, additional framing and foundation elements would be necessary to properly support the addition in compliance with the required setbacks. The walls and foundation below would need to be reconstructed or replaced, which is a departure from the desired scope of construction. Additions and two-story construction are allowed in the R-1-6,000 Zoning District and approval of the Modification Permit is necessary to preserve that right without significant added construction and cost to comply with the setback standard.

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. Without this approval, the applicant would be required to design the second-story addition to conform to the 6-foot side setback requirement, which would involve additional engineering above and beyond the current scope of work.
2. The only other alternative is to maintain the existing residence without constructing the proposed addition.
3. The granting of the Modification Permit would not constitute a special privilege inconsistent with the limitations upon other properties zoned R-1-6,000 as it allows the property owner to maintain equity with other homes in the Shore Cliffs Community, where similar additions have occurred. The proposed project is consistent with historic development in the neighborhood. Neighboring homes in the Shore Cliffs Community are non-conforming and many were allowed additions in-line with non-conforming side setbacks pursuant to the previous Zoning Code standards.
4. The granting of the Modification Permit does not relieve the applicant of the requirement to obtain required Building Permits and any corrective work deemed necessary by the Building Official.
5. Strict compliance with the side setback standard given the unique circumstances identified in the facts significantly limits the ability of the property owner to create a two-story home thereby depriving a substantial property right afforded by other R-1-6,000 lots in the Shore Cliffs community.

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

1. The resulting 5-foot 4.8-inch setback over a 54-foot 7-inch wide portion of the side provides adequate access for emergency personnel since a minimum setback of 5 feet is provided.
2. The spatial relationships between existing development and the adjacent property suggest that the light, air, and privacy of the abutting home and property will not be negatively affected. The proposed addition is approximately 24 feet high at its highest point. The height complies with the 24-foot height limit for flat roof structures and is well below the 29-foot height limit for sloped rooflines.
3. The location of the encroachment is a minimum of 28 feet back from the street and approximately 44 feet back from the rear property line, which will reduce the visibility of the encroachment from Driftwood Road and adjacent properties to the rear.
4. The existing development on the property is a single-family residence. As such, there is no change to the density or intensity under the proposed remodel and addition.
5. The approval of this Modification Permit is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes. The applicant/owner is required to obtain a building permit. The construction will then be inspected prior to final of building permits.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-012 (PA2013-152), 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.

**PASSED, APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF OCTOBER, 2013.**

  
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Brenda Wisneski, AICP, 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 Permit No. MD2013-012 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. 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 Use Permit.
5. The Zoning Administrator may add to or modify the conditions of approval to this Modification Permit or revoke this Modification Permit upon a determination that the operation, which is the subject of this Modification Permit, causes injury, or is detrimental to the health, safety, peace, comfort, or general welfare of the community.
6. 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.
7. 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.
8. 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.
9. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
10. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved



in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

11. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Kirkowski Residence Modification including, but not limited to, the Modification Permit No. MD2013-012 (PA2013-152). 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.

#### **Building Division Conditions**

12. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. 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. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
13. Prior to the issuance of building permits, the eave projections shall satisfy the requirements of one hour fire resistive construction.
14. A fire sprinkler system to the entire structure shall be provided if the addition and reconstruction exceeds 2000 sq ft and 50 percent of the area of the existing structure. Prior to the issuance of building permits, the applicant shall demonstrate compliance with this requirement to the satisfaction of the Building Division.

#### **Public Works Conditions**

15. Prior to final of building permits, the applicant shall obtain an encroachment permit and encroachment agreement for the existing decorative drive approach within the right-of-way.
16. Prior to issuance of building permits, the project plans shall be revised to reflect the installation of a minimum 36-inch box Lagerstroemia Indica Natchez, or "Crepe Myrtle" street tree along the Driftwood Road frontage. The street tree shall be installed prior to the final of building permits.
17. County Sanitation District fees shall be paid prior to the issuance of any building permits.

## RESOLUTION NO. ZA2013-061

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2013-015 TO ADD ON-SALE BEER AND WINE TO AN EXISTING FOOD SERVICE USE LOCATED AT 1367 AVOCADO AVENUE (PA2013-149)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by NBAC Café, LLC, with respect to property located at 1367 Avocado Avenue and legally described as Parcel 5, as shown on a map filed in Book 25, Page 1 of Parcel Maps, in the Office of the County Recorder of Orange County, California requesting approval of a minor use permit.
2. The applicant proposes on-sale beer and wine sales in conjunction with an existing food service operation (Newport Beach Athletic Club Café). This request includes the establishment of a Type 41 (On Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) license.
3. The subject property is located within the Office Regional Commercial (OR) Zoning District and the General Plan Land Use Element category is Regional Commercial Office (CO-R).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on October 10, 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 1 (Existing Structures) of the Implementing Guidelines of the California Environmental Quality Act.
2. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed project involves the addition of beer and wine sales to an existing food service use. Therefore, the use qualifies for a categorical exemption under Class 1.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales of the Zoning Code.*

Facts in Support of Finding:

In finding that the proposed use is consistent with Section 20.48.030 of the Zoning Code, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
- i-1. The subject property is located in Reporting District 39 (RD 39). The Part One Crimes (Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report – homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson) crime rate in RD 39 is higher than in the adjacent reporting districts (RD 43, 44, and 47) and City overall. Although the crime rate is higher than the City average, the Police Department has reviewed the proposal, provided operating conditions of approval, and has no objection to the alcoholic beverage license type proposed.
- ii. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
- ii-1. The total number of alcohol-related calls for service, crimes, or arrests in RD 39 is higher than in the adjacent reporting districts (RD 43, 44, 47) but less than the City overall. The Police Department has reviewed the proposal and has no objection.
- iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
- iii-1. The General Plan designates the site as Regional Commercial Office. Surrounding properties to the north, east, and west are currently developed with commercial buildings. The nearest recreational facility, Civic Center Park, is located approximately 100 feet to the east of the subject property. The property site is located approximately 1,200 feet from the Newport Beach Public Library and is not near a school, church, or similar use. The existing food service use has operated within the Newport Beach Athletic Club since 1971, and the proposed addition of an ABC license is not anticipated to alter the operational characteristics of the use such that it becomes detrimental to the area.

- iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*
- iv-1. Muldoon's Irish Pub and Restaurant located approximately 830 feet to the northwest is the only other establishment selling alcoholic beverages within proximity of the subject site. The restaurant operates with a Type 47 (On-Sale General – Eating Place) and Type 68 (Portable Bar) license. There is however no evidence suggesting this use has been detrimental to the neighborhood.
- v. Whether or not the proposed amendment will resolve any current objectionable conditions.*
- v-1. The property has been used as a health club and a food service use.
- v-2. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the food service use. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
- v-3. The existing hours of operation of the health club will minimize the potential effects on land use. The health club closes by 9:00 p.m., daily, which will ensure the food service use does not become a late night bar, tavern, or nightclub.
- v-4. The site is located within an area developed with commercial properties. It is anticipated that the food service use will serve members of the health club and patrons working nearby, as well as visitors to the Civic Center area. Adding alcohol service to the menu will complement the food service and provide a convenience to existing customers.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for are set forth:

Finding:

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

Facts in Support of Finding:

B-1. The General Plan designates the site as Regional Commercial Office (CO-R) which is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses.

B-2. The health club and food service use have provided a service to surrounding commercial buildings since 1971 and is therefore consistent with the CO-R land use designation.

B-3. The subject property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

C-1. The site is located in the Office Regional Commercial (OR) Zoning District which is intended to provide for areas appropriate for corporate offices, administrative and professional offices that serve local and regional markets, with limited accessory financial, retail, service, and entertainment uses. The addition of on-sale beer and wine sales to the existing food service use is allowed subject to the approval of a minor use permit.

C-2. The Newport Beach Athletic Club operates pursuant to Variance No. 982 which permitted the operation of the health club facility and related lounge (food service use), as well as a reduction in the required number of spaces from 69 to 52 spaces within the common area parking lot. Further, after 5:00 p.m. on weekdays, and all day on weekends, additional parking is available within the parking lot when the surrounding office development is closed.

C-3. The principal use of the facility will remain a health club and the on-sale beer and wine sales will not intensify the existing food service use. Further, there will be no change in floor area or net public area necessitating additional parking.

C-4. The proposed conditions of approval ensure that potential conflicts with surrounding land uses are eliminated or minimized to the greatest extent possible.

Finding:

D. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding:

D-1. The health club and food service use have operated at the subject location since 1971 and the use has not proven detrimental to the area.

- D-2. The principal use of the facility will remain a health club and the on-sale beer and wine component as part of the food service use will not change the design, size, or operating characteristics of the facility.
- D-3. The operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure the welfare of the surrounding community and that the food service use does not become a bar or tavern. The project has been conditioned so that no dancing or live entertainment will be permitted on the premises.

Finding:

- E. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

- E-1. The health club and food service use have operated at this location since 1971 and the site has demonstrated that it is physically suitable in terms of design, location, shape, and size to support the use.
- E-2. Adequate public and emergency vehicle access, public services, and utilities are provided for on site.

Finding:

- F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor 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 proposed use.*

Facts in Support of Finding:

- F-1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
- F-2. The food service use will continue to serve health club members, the surrounding commercial buildings, and provide dining services as a public convenience to the surrounding neighborhood. The service of alcohol will complement the principal use of the facility and provide an economic opportunity for the property owner to maintain a successful business in a way which best serves the community.

F-3. There are no residential uses adjacent to the subject property.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit UP2013-015, 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.

**PASSED, APPROVED AND ADOPTED THIS 10<sup>TH</sup> DAY OF OCTOBER, 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, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. This Minor Use Permit may be modified or revoked by the Zoning Administrator if 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.
3. Any change in operational characteristics, proposal of late hours (after 11:00 p.m.), expansion in floor area, or other modification to the approved plans as they relate to beer and wine sales, shall require an amendment to this Minor Use Permit or the processing of a new use permit.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

| Location   | Between the hours of<br>7:00AM and 10:00PM |          | Between the hours of<br>10:00PM and 7:00AM |          |
|--|--|----------|--|----------|
|  | Interior                                   | Exterior | Interior                                   | Exterior |
| Residential Property   | 45dBA                                      | 55dBA    | 40dBA                                      | 50dBA    |
| Residential Property located within<br>100 feet of a commercial property | 45dBA                                      | 60dBA    | 45dBA                                      | 50dBA    |
| Mixed Use Property   | 45dBA                                      | 60dBA    | 45dBA                                      | 50dBA    |
| Commercial Property  | N/A  | 65dBA    | N/A  | 60dBA    |

6. 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.
7. Alcohol service shall be limited to a Type 41 (On Sale Beer and Wine – Eating Place) Alcoholic Beverage Control License.
8. This approval does not permit the food service use to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.



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9. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
  10. Food from the full service menu must be made available during any "happy hour" type of reduced price alcoholic beverage promotion. There shall be no reduced price alcoholic beverage promotion after 9:00 p.m.
  11. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
  12. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
  13. There shall be no on-site radio, television, video, film, or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
  14. There shall be no live entertainment allowed on the premises.
  15. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
  16. Food service from the regular menu must be available to patrons up to 30 minutes before the scheduled closing time.
  17. Strict adherence to maximum occupancy limits is required.
  18. All owners, managers, and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days following the adoption of this resolution. Records of each owner's, manager's, and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
  19. A special event permit may be required for any event or promotional activity outside the normal operational characteristics of the proposed operation. For example, events likely to attract large crowds, events for which an admission fee is charged, events that

include any form or contract promoters, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

20. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
21. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
22. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
23. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
24. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
25. 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.
26. 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 NBAC Café MUP including, but not limited to, the UP2013-015 (PA2013-149). 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. ZA2013-062

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2013-014 FOR THE EXPANSION OF AN EXISTING FOOD SERVICE, EATING AND DRINKING ESTABLISHMENT (SAPORI RISTORANTE) LOCATED AT 1080 BAYSIDE DRIVE (PA2013-151)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by CAA Planning, Inc. on behalf of the Irvine Company, with respect to property located at 1080 Bayside Drive, and legally described as Parcel 1 of Lot Line Adjustment No. 98-06 requesting approval of a minor use permit.
2. The applicant proposes a minor use permit application to allow the expansion of an existing eating and drinking establishment (Sapori Ristorante) into the abutting tenant space. No changes to the Alcoholic Beverage Control (ABC) license type or hours of operation are proposed.
3. The subject property is located within the Commercial Neighborhood (CN) Zoning District and the General Plan Land Use Element category is Neighborhood Commercial (CN).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Neighborhood Commercial - (0.0 to 0.30 FAR) (CN).
5. A public hearing was held on October 10, 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. The project has been reviewed, and it qualifies for a categorical exemption pursuant to Section 15301 of the California Environmental Quality Act under Class 1 (Existing Structures) of the Implementing Guidelines of the California Environmental Quality Act. The proposed project involves interior alterations to convert currently vacant retail space to a food service, eating and drinking establishment. The existing space will be remodeled with approval of a tenant improvement building permit.

### SECTION 3. REQUIRED FINDINGS.

#### *Minor Use Permit*

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

#### Finding

A. *The use is consistent with the General Plan and any applicable specific plan.*

#### Facts in Support of Finding

- A1. The proposed project is an expansion of an existing food service, eating and drinking establishment located within the Bayside Shopping Center (southwest corner of Jamboree Road and Bayside Drive), which is designed and operated as a neighborhood-serving shopping center.
- A2. The General Plan land use designation for the site is CN (Neighborhood Commercial), which is intended to provide for areas appropriate for a limited range of retail and service uses developed in one or more distinct centers oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area.
- A3. The proposed food service, eating and drinking establishment is consistent with the General Plan Neighborhood Commercial (CN) land use designation, as it is intended to serve a limited range of food and beverage products primarily to the residents of the adjacent neighborhoods.
- A4. The subject property is not part of a specific plan area.

#### Finding

B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

#### Facts in Support of Finding

- B1. The site is located within the Commercial Neighborhood (CN) Zoning District of the Newport Beach Zoning Code. The intent of this district is to provide for areas appropriate for a limited range of retail and service uses developed in one or more distinct centers oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area. The proposed food service, eating and drinking establishment is consistent with the land uses permitted within this zoning district and the conditions of approval will ensure that the use is compatible with the adjacent residential areas.

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- B2. Pursuant to Section 20.20.020 (Table 2-5 Allowed Uses and Permit Requirements), the proposed project requires approval of a minor use permit, because it is located within 500 feet of the residential zoning districts adjacent to the subject site.
  - B3. The proposed use complies with Section 20.48.090 (Eating and Drinking Establishments) relating to required operating standards, and conditions of approval are included in this approval to maintain those requirements.
  - B4. Section 20.40.050 (Parking Requirements for Shopping Centers) establishes off-street parking standards for shopping center developments and allows up to 15 percent of the total gross floor area to be food service uses. The existing shopping center is approximately 55,941 square feet with the Pavilions grocery store occupying 29,440 square feet of that area. Since the Pavilions tenant space is over 10,000 square feet in area, a retail parking requirement of one space for each two hundred and fifty (250) square feet of gross floor area is used with the remaining square footage being parked at one space for each two hundred (200) square feet of gross floor area. The proposed expansion will not exceed the allowable floor area for food service uses within this shopping center and sufficient parking exists for the shopping center development.

### Finding

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

### Facts in Support of Finding

- C1. The proposed project involves interior alterations to a vacant retail tenant space within the Bayside Shopping Center to a food service, eating and drinking establishment. The shopping center will still provide a surplus of parking spaces.
- C2. The existing food service, eating and drinking establishment provides seating for 127 customers and the expansion will add 22 seats for a maximum of 149 customers. The operational characteristics of the use are that of a food service, eating and drinking establishment, which is a typical use in these types of shopping centers.
- C3. The conditions of approval limit the hours of operation for the interior of the establishment from 10:00 a.m. to 11:00 p.m., daily and the outdoor patio from 10:00 a.m. to 10:00 p.m., daily. These hours will be compatible with the other uses in the shopping center and are not considered to be late by definition of the Zoning Code.
- C4. The proposed establishment will be located within a shopping center in a nonresidential zoning district. Although it is located less than 500 feet of a

residential district directly to the northeast (within approximately 100 feet), it is not facing the residential properties and is separated from them by a block wall, landscaped area, and parking lot. The separation provides screening and protection from view and any noise generated by the establishment. The applicant is also required to control trash and litter around the subject property.

- C5. The applicant is required to obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

#### Finding

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

#### Facts in Support of Finding

- D1. The existing building and parking lot within the Bayside Shopping Center have functioned satisfactorily with the current configuration. The proposed project, which includes interior alterations to convert a vacant retail tenant space to a food service, eating and drinking establishment will not negatively affect emergency access. The design, size, location, and operating characteristics of the use are compatible with the existing uses within the shopping center and the surrounding area.
- D2. Adequate public and emergency vehicle access, public services, and utilities are provided within the Bayside Shopping Center and the surrounding area.
- D3. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

#### Finding

- E. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

#### Facts in Support of Finding

- E1. The project has been reviewed and this approval includes conditions to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the subject property and

adjacent properties during business hours, if directly related to the patrons of the establishment.

- E2. The restrictions on seating and net public area prevent adverse traffic impacts for the surrounding residential and commercial uses.
- E3. The proposed food service, eating and drinking establishment will help provide an economic opportunity for the property owner to update the tenant space and provide additional services to the residents and visitors in the surrounding area.

**SECTION 4. DECISION.**

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

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2013-014, 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 fourteen 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.
- 3. This resolution supersedes Use Permit No. UP3335, which upon vesting of the rights authorized by this application, shall become null and void.

**PASSED, APPROVED AND ADOPTED THIS 10<sup>TH</sup> DAY OF OCTOBER, 2013.**



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Brenda Wisneski, AICP, Zoning Administrator

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

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. Minor Use Permit No. UP2013-014 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 project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. 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 Use Permit.
5. This approval may be modified or revoked by the Zoning Administrator should he/she determine 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.
6. The hours of operation for the establishment shall be limited to the hours between 10:00 a.m. and 11:00 p.m., daily.
7. The hours of operation for the outdoor patio area shall be limited to the hours between 10:00 a.m. and 10:00 p.m., daily.
8. The Alcoholic Beverage Control (ABC) License shall be a Type-47 (On-Sale General, Bona Fide Public Eating Place).
9. Any change in operational characteristics, expansion in area, or other modification to the approved plans, is subject to additional review and may require an amendment to this Minor Use Permit or the processing of a new use permit.
10. 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.
11. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division. Building permits for structures located



across the existing property lines shall not be issued until the lot line adjustment has been recorded.

12. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
13. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
14. 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 Planning file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this approval and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
15. A copy of this resolution, including conditions of approval, shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
16. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Saporì Ristorante Expansion including, but not limited to, Minor Use Permit No. UP2013-014 (PA2013-151). 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.

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**POLICE DEPARTMENT**

17. Approval does not permit Sapori Ristorante to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless a new use permit is approved.
18. Food service from the regular menu must be available to patrons up to thirty minutes before the scheduled closing time.
19. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
20. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when offered in conjunction with food ordered from the full service menu. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
21. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
22. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
23. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
24. There shall be no live entertainment allowed on the premises.
25. There shall be no dancing allowed on the premises.
26. Strict adherence to maximum occupancy limits is required.
27. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

## RESOLUTION NO. ZA2013-063

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2013-010 TO ADJUST THE BOUNDARIES OF PARCELS WITHIN THE BAYSIDE SHOPPING CENTER AT 1080 BAYSIDE DRIVE (PA2013-151)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by CAA Planning, Inc. on behalf of the Irvine Company, with respect to property located at 1080 Bayside Drive, and legally described as Parcel 1 of Lot Line Adjustment No. 98-06 requesting approval of a lot line adjustment.
2. The applicant proposes a lot line adjustment to increase the size of the subject parcel to accommodate a new approximately 200-square-foot dry storage room addition in conjunction with the proposed expansion of an existing food service, eating and drinking establishment (Sapori Ristorante).
3. The subject property is located within the Commercial Neighborhood (CN) Zoning District and the General Plan Land Use Element category is Neighborhood Commercial (CN).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Neighborhood Commercial - (0.0 to 0.30 FAR) (CN).
5. A public hearing was held on October 10, 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 Lot Line Adjustment has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 5 (Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act. The project consists of minor alteration in land use limitations in areas with an average slope of less than 20 percent which does not result in any changes in land use or density. The Lot Line Adjustment will not result in the creation of a new parcel.

### SECTION 3. REQUIRED FINDINGS.

#### *Lot Line Adjustment*

In accordance with Section 19.76.020.I of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a lot line adjustment are set forth:

#### Finding

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of Title 19.*

#### Facts in Support of Finding

1. The proposal is consistent with the General Plan since the lots are for neighborhood commercial retail and service uses, which are permitted uses in this area.
2. The reconfiguration of the subject parcels will not result in a development pattern which is inconsistent with the surrounding neighborhood.
3. Public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.
4. The proposed lot line adjustment is consistent with the purpose identified by Title 19. The subdivision is consistent with the General Plan, does not affect open space areas in the City, does not negatively impact surrounding land owners, lot purchasers, or residents, provides for orderly controlled growth within the City, provides adequate traffic circulation and utilities, will not negatively affect property values.

#### Finding

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the lot line adjustment.*

#### Facts in Support of Finding

1. The project site described in the proposal consists of legal building sites including Parcel Nos. 1 and 2 of Lot Line Adjustment 98-06. The proposed lot line adjustment will move the interior lot lines between two legal lots.

2. The 202 square feet taken from Parcel No. 2 will be added to Parcel No. 1 within Lot Line Adjustment 98-06 and no additional parcels will result from the proposed lot line adjustment.

Finding

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to width, depth, and area than the parcels that existing prior to the lot line adjustment.*

Facts in Support of Finding

1. The proposed lot widths and lot sizes are consistent with the zoning requirements of Title 20 of the Newport Beach Municipal Code.
2. The parcels proposed to be created by the lot line adjustment comply with all applicable zoning regulations and there will be no change in allowed land uses, density, or intensity on the properties.
3. The future development on the parcels will comply with the Zoning Code development standards.

Finding

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Facts in Support of Finding

1. Adequate access to all parcels is provided via Bayside Drive.
2. 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.

Finding

- E. *That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding

1. The final configuration of the parcels involved will not result in the loss of direct vehicular access from any street for any parcels included in the lot line adjustment. There are no alleys located within or near the subject parcels.

Finding

- F. *That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Facts in Support of Finding

- F1. The final configuration of the parcels does not result in a requirement for revised setbacks. The existing default setbacks for the footprint lot are zero feet along all property lines. The parking area lot maintains a rear setback of 5 feet since it is abutting a residential zoning district. These setbacks shall continue to apply to the realigned parcels per the Zoning Code development regulations in the same way that they did to the previous parcel configuration; therefore the lot line adjustment does not result in the reduction of any existing street side setbacks.

## SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-010, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 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 10<sup>TH</sup> DAY OF OCTOBER, 2013.**



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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"****PROCEDURAL REQUIREMENTS**

1. Lot Line Adjustment No. LA2013-010 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.
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. 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.
4. Property corners shall be monumented by a licensed Land Surveyor or registered Civil Engineer authorized to perform surveying by the State Board of Civil Engineers and Land Surveyors (Pre-1982 with numbers prior to 33,966). Surveyor or Civil Engineer to submit a "Corner Record" or "Record of Survey" to the County Surveyor.
5. All applicable Public Works Department plan check fees shall be paid prior to review of the lot line adjustment and grant deeds.
6. Prior to recordation of the lot line adjustment, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
7. The lot line adjustment and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
8. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. 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 Saporì Ristorante Expansion including, but not limited to, Lot Line Adjustment No. LA2013-010 (PA2013-151). 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. ZA2013-064

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2013-017 FOR THE DESSERT LAB, A FOOD SERVICE, EATING AND DRINKING ESTABLISHMENT WITH NO LATE HOURS LOCATED AT 4221 MACARTHUR BOULEVARD, SUITE B4 (PA2013-164)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Arti Anand on behalf of Aelius, Inc., with respect to property located at 4221 MacArthur Boulevard, Suite B4, and legally described as Parcel 1 as shown on a map filed in Book 45, Page 23 of Parcel Maps, in the Office of the County Recorder of Orange County, requesting approval of a minor use permit.
2. The applicant proposes a minor use permit to allow a 1,416-square-foot food service, eating and drinking establishment within a 12,351-square-foot commercial center. The proposed establishment includes 285 square feet of interior net public area and seating for 10 patrons. The recommended hours of operation are from 7:00 a.m. to 11:00 p.m., daily. No alcohol service is proposed as part of this application.
3. The subject property is located within General Commercial Site 8 of the PC-11 (Newport Place Planned Community) Zoning District and the General Plan Land Use Element category is MU-H2 (Mixed-Use Horizontal).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on October 10, 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 1 (Existing Structures) of the Implementing Guidelines of the California Environmental Quality Act.
2. The proposed project involves a food service, eating and drinking establishment within a recently constructed restaurant tenant space. Therefore, the use qualifies for a categorical exemption under Class 1.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding

A. *The use is consistent with the General Plan and any applicable specific plan.*

#### Facts in Support of Finding

- A1. The General Plan land use designation for this site is MU-H2 (Mixed-Use Horizontal). The MU-H2 designation is intended to provide for a horizontal intermixing of uses that may include regional commercial office, multi-family residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. The food service, restaurant can be expected to be found in this area and is complementary to the surrounding uses allowed by the MU-H2 land use designation.
- A2. Eating and drinking establishments are common in the vicinity along MacArthur Boulevard and are frequented by residents, visitors, and workers. The size, location, and operational characteristics of the establishment are compatible with the MU-H2 land use designation.
- A3. The subject property is not part of a specific plan area.

#### Finding

B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

#### Facts in Support of Finding

- B-1. The site is located within General Commercial Site 8 of the PC-11 (Newport Place Planned Community) Zoning District. The PC-11 zoning district is intended to provide for commercial and light industrial use. The proposed food service, eating and drinking establishment is a neighborhood commercial use located on a commercially-zoned property that is designed to serve the surrounding commercial and light industrial land uses. A food service, eating and drinking establishment is permitted within the PC-11 Zoning District with the approval of a minor use permit.
- B-2. The proposed use will comply with all applicable development and parking standards including those specific to the food service, eating and drinking use classification. The 81 parking spaces provided for the shopping center are adequate for the mix of tenants.

Finding

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding

- C-1. Although the requested hours of operation are from 7:00 a.m. to 8:00 p.m., the recommended hours of operation are from 7:00 a.m. and 11:00 p.m., to allow for greater flexibility. There are no residential properties within the area. The 11:00 p.m. closing hour is compatible with the adjacent commercial uses.
- C-2. The Dessert Lab will occupy a vacant tenant space near the southwest corner of the new shopping center, which was constructed in 2012. The shopping center site design was previously reviewed and approved.
- C-3. The project includes conditions of approval to ensure that potential conflicts are minimized to the greatest extent possible. The restaurant is oriented toward the parking lot and is not near any residential properties. The applicant is also required to control trash and litter around the subject property.
- C-4. The surrounding area contains various business office, retail, and visitor commercial uses including restaurants and take-out eating establishments. The proposed establishment is compatible with the existing and permitted uses within the area, which are predominantly office uses at this time.
- C-5. A food service, eating and drinking establishment at this size and scale will provide a convenient option to office workers and those passing through the area.

Finding

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding

The existing parking lot areas have been reviewed and approved by the City Traffic Engineer and provides adequate circulation and parking spaces for patrons.

- D1. This site has been reviewed by the Fire Department to ensure adequate public and emergency vehicle access is provided. Utilities have been provided within the renovated shopping center in compliance with all applicable requirements.
- D2. The project site is located within an existing retail building and the tenant space is designed and developed to accommodate a food service, eating and drinking establishment.

D3. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

*E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding

- E1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
- E2. The food service, eating and drinking establishment will serve the surrounding business community. The proposed establishment will provide dining services to workers within the surrounding area and visitors.
- E3. The applicant is required to install a grease interceptor, obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

SECTION 4. DECISION.

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

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2013-017 (PA2013-164), 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 fourteen 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 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF OCTOBER, 2013.**

  
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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

**PLANNING DIVISION**

1. The development shall be in substantial conformance with the approved site plan, floor plan(s) and building elevations dated with this date of approval. (Except as modified by applicable conditions of approval.)
2. This Minor Use Permit may be modified or revoked by the Zoning Administrator should it be 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.
3. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new use permit.
4. Minor Use Permit No. UP2013-017 (PA2013-164) shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Zoning Code, unless an extension is otherwise granted.
5. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified in writing of the conditions of this approval by the current owner or leasing company.
6. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
7. 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 Use Permit.
8. A copy of the conditions of approval 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 Use Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

10. The establishment shall provide a maximum net public area of 285 square feet with no more than 10 seats.
11. The proposed food service, eating and drinking establishment, shall have a parking requirement of 1 space for every 40 square feet of net public area equaling a total of 8 parking spaces.
12. The hours of operation for food service, eating and drinking establishment are limited from 7:00 a.m. to 11:00 p.m., daily.
13. Live entertainment, dancing, and alcohol service shall be prohibited as a part of the regular business operation.
14. A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36 inches wide, 36 inches deep and 72 inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Director and Public Works Director in conjunction with the approval of an alternate drainage plan.
15. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14 including all future amendments (including Water Quality related requirements). The proprietor shall actively control any noise generated by the patrons of the facility.
16. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
17. 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 Dessert Lab including, but not limited to Use Permit No. UP2013-017 (PA2013-164) and the determination that the project is exempt under the requirements of the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## **BUILDING AND FIRE DEPARTMENTS**

18. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Department.
19. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The facility shall be designed to meet entrance, path of travel, restroom, dining room seating, and fire protection requirements as specified by the California Building Code and shall be subject to review and approval by the Building Department. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.
20. The construction plans must meet all applicable State Disabilities Access requirements. An accessible path of travel and accessible bathroom shall be in compliance with CBC 2010 Chapter 11.
21. Detectable warnings shall be provided as required by access compliance.
22. Plumbing fixtures shall comply with the California Plumbing Code, 2010.
23. Grease interceptors shall be installed on all fixtures in the restaurant where grease may be introduced into the drainage systems, unless otherwise approved by the Building Division.
24. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
25. Prior to the issuance of building permits, a Type I hood shall be required if any cooking is conducted that produces grease laden vapors per C.F.C. Section 609.2, if required by the Fire Department.
26. Prior to the issuance of building permits, a wet chemical extinguishing system complying with UL300 will be required if cooking is conducted that produces grease laden vapors per C.F.C. Section 904, if required by the Fire Department.
27. Prior to the issuance of building permits, a portable fire extinguisher shall be provided and maintained per C.F.C. Section 904.11.5. A 2A 10BC shall be required for the serving area, if required by the Fire Department. A fire extinguisher with a class K rating shall be provided where a Type I hood is required and provided with a fire extinguishing system.
28. The rear doors of the facility shall remain closed at all times. The use of the rear door shall be limited to deliveries and employee use only. Ingress and egress by patrons is prohibited unless there is an emergency.

29. Prior to the issuance of building permits, an occupant load analysis shall be provided as required by the CBC for the purpose of existing or exit analysis.
30. Prior to issuance of building permits, an egress or exit analysis from the tenant space shall be provided. All exits shall remain free of obstructions and available for ingress and egress at all times.

**REVENUE DEPARTMENT**

31. A valid business license from the City of Newport Beach with a sellers permit shall be required prior to the start of business. Any contractors/subcontractors doing work at the subject site shall be required to obtain a valid business license from the City of Newport Beach prior to the commencement of any work on the subject site.





COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
(949) 644-3200 Fax: (949) 644-3229

[www.newportbeachca.gov](http://www.newportbeachca.gov)

**ZONING ADMINISTRATOR ACTION LETTER**

|                          |   |
|--------------------------|---|
| <b>Application No.</b>   | <b>Comprehensive Sign Program No. CS2013-009 (PA2013-145)</b>   |
| <b>Applicant</b>         | <b>Irvine Company</b>   |
| <b>Site Address</b>      | <b>800 Newport Center Drive<br/>Block 800 Comprehensive Sign Program</b>  |
| <b>Legal Description</b> | <b>Parcel 1 of Resubdivision No. 0612, being a division of a portion of Block 55 of Irvine's Subdivision as shown on the map recorded in Book 1, Page 88 of Miscellaneous Record Maps, Records of Orange County, California</b> |

On **October 10, 2013**, the Zoning Administrator approved Comprehensive Sign Program No. CS2013-009. The sign program allows for the following deviations from the PC-56 (North Newport Center) sign standards:

- The number, height, location, and placement (outside of the middle 50 percent of the building frontage) of wall signs throughout the multi-tenant center.
- Clarifies the standard height measurement for the Cube Sign, Sign Type 1, to reflect the existing cube height (5 feet) where the PC Text currently allows for 5 feet measured from existing grade.
- Allows for the addition of two new monument signs with an 11 percent increase in sign width (10 feet) for Multi-Tenant ID Monument Signage, Sign Type 2, where the Zoning Code allows 9 feet in width.
- Allows for a 14 percent increase in sign height (6 inches) and a 20 percent increase in letter height (4 inches) for Secondary Tenant ID Monument Sign, Sign Type 3.
- Allows for the addition/replacement of one new monument sign for Single-Tenant ID Monument Signage, Sign Type 5, that complies with the standards of the Zoning Code.

This approval is based on the following findings and subject to the following conditions.

**PROJECT SUMMARY**

A comprehensive sign program to address signage for a multi-tenant building within Block 800 of the North Newport Center Planned Community. The intent of this program is to allow signage for multiple tenants, as determined by the property owner, and includes monument and wall signs.

A comprehensive sign program is required to allow the following deviations from the Zoning Code:

1. Whenever three or more nonexempt signs are proposed for a single-tenant development;
2. Whenever a structure has more than 300 linear feet of frontage on a public street;

The subject property is located within the Block 800 Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District and the General Plan Land Use Element category is Regional Commercial Office (CO-R). The property is not located in the Coastal Zone.

This approval is based on the following findings and standards and subject to the following conditions.

## **I. FINDINGS**

### Finding

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

### Facts in Support of Finding

- A-1. Class 11 exempts minor structures accessory to existing commercial facilities, including signs. The proposed signs are incidental and accessory to the principal commercial use of the property and do not intensify or alter the use.

In accordance with Section 20.42.120 (Comprehensive Sign Program) of the Newport Beach Municipal Code, the following standards and facts in support of such standards are set forth:

### Standard

- B. *The proposed sign program shall comply with the purpose and intent of this Chapter [Chapter 20.42], any adopted sign design guidelines, and the overall purpose and intent of this Section [Section 20.42.120 – Comprehensive Sign Program].*

### Facts in Support of Standard

1. The proposed Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards) and the PC-56 (North Newport Center Planned Community) Zoning District development standards because it provides the multi-tenant commercial building with adequate

identification while guarding against an excessive proliferation of signage. It preserves and enhances community appearance by regulating the type, size, location, quantity, and illumination of signs. Through said regulations, the Comprehensive Sign Program will enhance the safety of motorists and pedestrians by minimizing the distraction of signs, as well as to protect the life, health, property, and general welfare of City residents and visitors.

2. The purpose of a comprehensive sign program is to integrate all of a project's signs. A comprehensive sign program provides a means for the flexible application of sign regulations for projects that require multiple signs in order to provide incentive and latitude in the design and display of signs, and to achieve, not circumvent, the purpose of Chapter 20.42 and the sign standards of the PC-56 (North Newport Center Planned Community) Zoning District. This approval integrates all of the signs for the subject property while meeting the purpose and intent of Chapter 20.42 and the sign standards of the PC-56 (North Newport Center Planned Community) Zoning District.
3. The Comprehensive Sign Program is consistent with the Citywide Sign Design Guidelines Manual because the proposed signs are designed to be compatible with the building design in terms of scale, size, and materials. As proposed, signs are designed to effectively communicate a commercial message without creating sign clutter through the use of legible text that contrasts with the background. The location and size of the signs do not dominate, but rather are consistent with the proportions of the façade on which they are located.
4. The proposed tenant ID eyebrow signage, Sign Type 6, will be located on elevations at the eyebrow level above the first floor where the architectural design of the building suggests placement of a sign. Tenant ID eyebrow signage will be limited to a maximum of one sign per building elevation. Proposed signs employ a consistent sign pattern in location and are designed to fit with the overall scale of the building and its relationship to Newport Center Drive.

### Finding

- C. *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

1. Existing nonconforming and outdated signage on-site will be removed throughout the center so that new and remaining signage will create a cohesive appearance throughout the subject property.
2. The site is developed with a multi-tenant commercial building. Tenant ID eyebrow signage, Sign Type 6, is designed to identify primary tenants and monument signs are designed to identify both primary and secondary tenants. The number and

location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood.

3. All proposed signs will integrate well with the character and architectural style of the building by maintaining consistency in location, sign height, and materials. Wall signs placed on the building frontage will be limited to 2 feet in height, one sign per building elevation, and will be limited to the upper eyebrow area above the first floor level. Monument signs will be placed to provide adequate visibility for customers seeking primary and secondary tenants of the multi-tenant center.
3. Proposed signs will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.
4. Proposed signs will not interfere with sight distance from any street, driveway, or parking area. Existing advisory signs that may interfere with sight distance areas will be required to demonstrate compliance with this requirement or must be relocated outside of the sight distance areas prior to the issuance of building permits for new signage within the center.

#### Finding

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

#### Facts in Support of Standard

1. The proposed Comprehensive Sign Program addresses all project signage. Temporary and exempt signs not specifically addressed in the sign program shall be regulated by the provisions of Chapter 20.42 (Sign Standards) of the Zoning Code.

#### Finding

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

#### Facts in Support of Standard

1. The Comprehensive Sign Program has been designed to be effective for the commercial tenants that occupy the building by providing sign opportunities for approximately ten potential tenants.
2. The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future tenants.
3. It is not anticipated that future revisions to the Comprehensive Sign Program will be necessary to accommodate changes in tenants or uses. However, the

Community Development Director may approve minor revisions to the Comprehensive Sign Program if the intent of the original approval is not affected.

### Finding

- F. *The program shall comply with the standards of this Chapter [Chapter 20.42], 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 [Chapter 20.42].*

### Facts in Support of Standard

1. The Comprehensive Sign Program allows for deviations with regards to the number, height, location, and placement (outside of the middle 50 percent of the building frontage) of wall signs throughout the multi-tenant center. The approval conforms to all other standards of Zoning Code Chapter 20.42, and enhances the overall development by integrating all of the project's signs with the overall site and structure design into a unified architectural statement.
2. The Comprehensive Sign Program clarifies the standard height measurement for the Cube Sign, Sign Type 1, to reflect the existing cube height (5 feet) where the PC Text currently allows for 5 feet measured from existing grade.
3. The Comprehensive Sign Program allows for the addition of two new monuments signs with an 11 percent increase in sign width (10 feet) for Multi-Tenant ID Monument Signage, Sign Type 2, where the Zoning Code allows 9 feet in width.
4. The Comprehensive Sign Program allows for a 14 percent increase in sign height (6 inches) and a 20 percent increase in letter height (4 inches) for Secondary Tenant ID Monument Sign, Sign Type 3.
5. The Comprehensive Sign Program allows for the addition/replacement of one new monument sign for Single-Tenant ID Monument Signage, Sign Type 5, that complies with the standards of the Zoning Code.
6. The number of signs is reasonable given the use of the structure, size, and location of the building. Total allowed sign area for each primary frontage and secondary frontage does not deviate from the maximum permitted by the Zoning Code.

### Finding

- G. *The approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter [Chapter 20.42].*

Facts in Support of Standard

1. The Comprehensive Sign program does not authorize the use of prohibited signs.

Finding

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

Facts in Support of Standard

1. The Comprehensive Sign Program contains no regulations affecting sign message content.

**II. CONDITIONS**

1. All proposed signs shall be in substantial conformance with the approved plans, Comprehensive Sign Program Matrix Table, and provisions of Chapter 20.42 of the Newport Beach Municipal Code, unless otherwise indicated in the following conditions.
2. Anything not specifically approved by this Comprehensive Sign Program is prohibited.
3. A building permit shall be obtained prior to commencement of installation of the signs.
4. A copy of this letter shall be incorporated into the plan check sets of plans prior to issuance of building or sign permits.
5. Prior to the issuance of building permits for new signage within the center, the applicant shall submit details or evidence to demonstrate that all existing Advisory Signs, Sign Type 7, will comply with sight distance requirements from any street, driveway, or parking area to the satisfaction of the Public Works Department. If existing signs are located within the required sight distance area, they must be relocated outside of the sight distance areas.
6. Multiple sign locations are identified on the project plans for Sign Type 6, Tenant ID Eyebrow Signage. The multiple locations identified are intended to provide flexibility and options for future tenants where only one sign shall be permitted per building elevation as identified in the Sign Program Matrix.
7. Illuminated signs shall be regulated in accordance with the provisions of Section 20.42.070 of the Newport Beach Municipal Code. If, in the opinion of the Community Development 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.

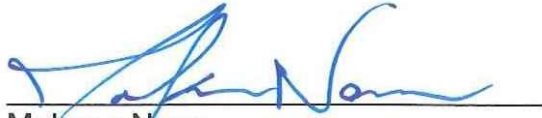
8. Signs shall be maintained in a clean and orderly condition.
9. The Community Development Director may approve revisions to the Comprehensive Sign Program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require approval of a new/revised comprehensive sign program by the Zoning Administrator.
10. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or tenants of the building shall be reviewed and approved by the Planning Division, so long as the sign size, copy configuration, and number of signs authorized by this approval does not substantially change or increase. The mandatory reduction or elimination of signs shall be exercised as necessary.
11. The Zoning Administrator may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
12. 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.
13. 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 Block 800 Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2013-009 (PA2013-145). 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.

**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.

On behalf of Brenda Wisneski, Zoning Administrator

By:



Makana Nova  
Assistant Planner

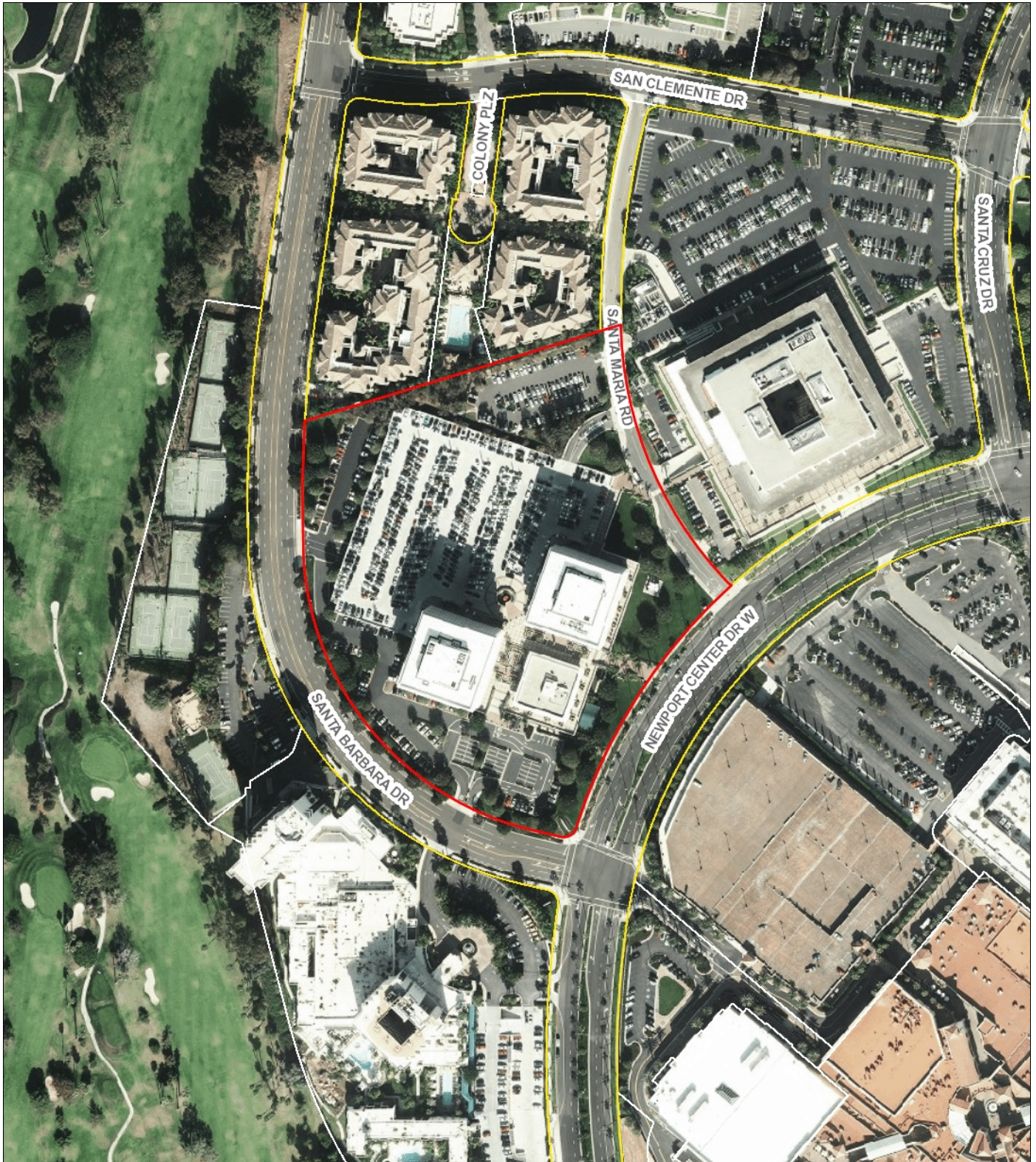
GR/mkn

Attachments:   ZA 1 Vicinity Map  
                  ZA 2 Site Photos  
                  ZA 3 Sign Matrix Table  
                  ZA 4 Project Plans

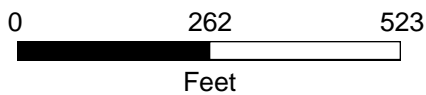


# **Attachment No. ZA 1**

Vicinity Map



Newport  
Beach  
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2011 photos provided by Eagle Imaging [www.eagleaerial.com](http://www.eagleaerial.com)

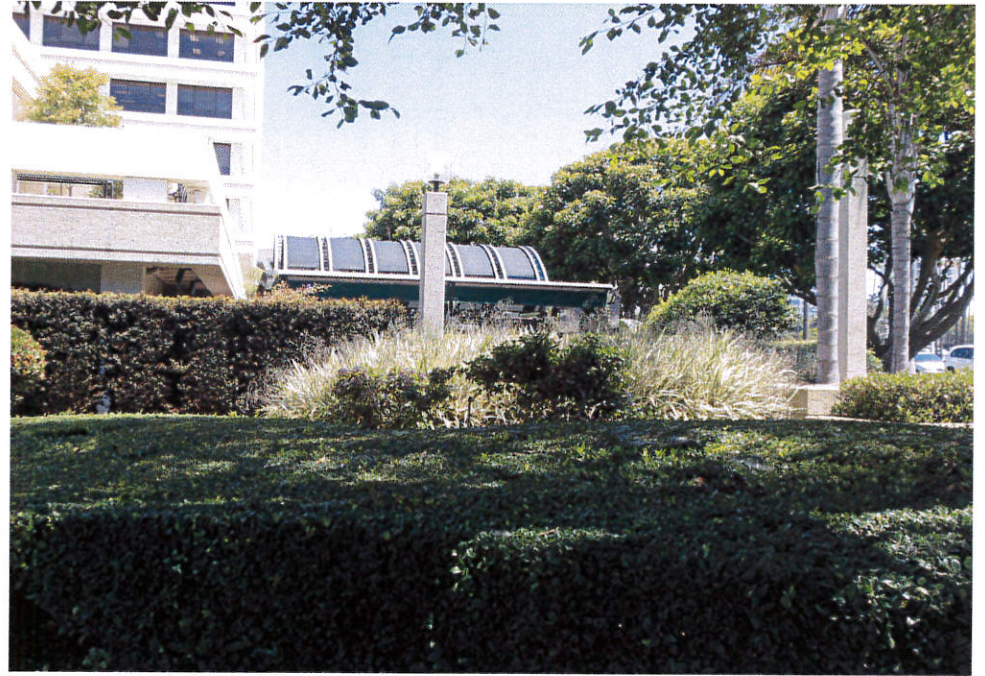
# **Attachment No. ZA 2**

Site Photos

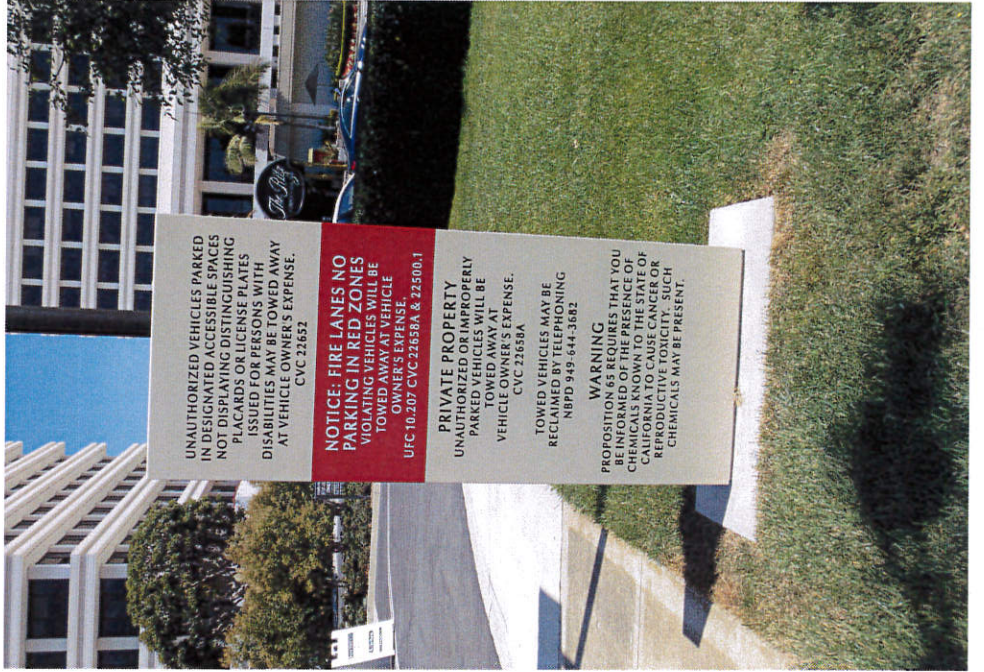


















# **Attachment No. ZA 3**

Sign Table Matrix



## BLOCK 800 COMMERCIAL OFFICE SIGN PROGRAM

| Sign                              | North Newport Center P.C.   | Comprehensive Sign Program  |
|-----------------------------------|---|---|
| Cube Sign                         | <u>Sign Type B</u><br>Location – Newport Center Drive at Santa Maria Road<br>Max Number – 1<br>Max Height – 5 ft (sign face), 6 ft-10 in (overall)<br>Max Width – 5 ft<br>Max Letter/Logo Height – 5 in | <u>Sign Type 1</u><br>Location – Newport Center Drive at Santa Maria Road and Newport Center Drive at Santa Barbara Drive<br>Max Number – 2<br>Max Height – 5 ft (sign face), 6 ft-10 in (overall)<br>Max Width – 5 ft<br>Max Letter/Logo Height – 5 in (Multi-Tenant), 2 ft-8 in (Single Tenant) |
| Multi-Tenant ID Monument Sign     | <u>None in P.C. (Zoning Code Standards Shown)</u><br>Max Number – 1<br>Max Area – 75 sf<br>Max Height – 6 ft<br>Max Width – 1.5 times Max Height = 9 ft<br>Letter/Logo Height (Min/Max) – 36 in         | <u>Sign – Type 2</u><br>Location – Pedestrian Entry from Newport Center Drive<br>Max Number – 2<br>Max Area – 75 sf<br>Max Height – 6 ft<br>Max Width – 10 ft<br>Max Letter/Logo Height – 8 in  |
| Secondary Tenant ID Monument Sign | <u>Sign Type C</u><br>Location – Santa Barbara Drive<br>Max Number – 1<br>Max Height – 3.5 ft<br>Max Width – 10 ft<br>Max Letter/Logo Height 20 in  | <u>Sign Type 3</u><br>Location – Santa Barbara Drive<br>Max Number – 1<br>Max Height – 4 ft<br>Max Width – 10 ft<br>Max Letter/Logo Height – 24 in  |
| Leasing Sign                      | <u>Sign Type K</u><br>Location – Santa Barbara Drive, Newport Center Drive, Santa Maria Road<br>Max Number – 1 per frontage<br>Max Height – 4.5 ft<br>Max Width – 5 ft                                  | <u>Sign Type 4</u><br>Location – Santa Barbara Drive, Newport Center Drive, Santa Maria Road<br>Max Number – 1 per frontage = 3<br>Max Height – 4.5 ft<br>Max Width – 5 ft<br>Max Letter/Logo Height – 10-½ in  |

## BLOCK 800 COMMERCIAL OFFICE SIGN PROGRAM

| Sign                           | North Newport Center P.C.  | Comprehensive Sign Program   |
|--------------------------------|--|--|
| Single-Tenant ID Monument Sign | <p><u>None in P.C. (Zoning Code Standards Shown)</u></p> <p>Max Number – 1<br/>           Max Area – 75 sf<br/>           Max Height – 6 ft<br/>           Max Width – 1.5 times Max Height = 9 ft<br/>           Letter/Logo Height (Min/Max) – 36 in</p>   | <p><u>Sign – Type 5</u></p> <p>Location – Newport Center Drive frontage as identified on Sheet G4, Sign Location Plan, of the project plans</p> <p>Max Number – 1<br/>           Max Area – 75 sf<br/>           Max Height – 6 ft<br/>           Max Width – 1.5 times Max Height = 9 ft<br/>           Max Letter/Logo Height – 6 in/36 in</p>   |
| Tenant ID Eyebrow Signage      | <p><u>Sign Type E</u></p> <p>Location – On building elevation, awning, or parking structure</p> <p>Max Number – 2 per Primary Tenant, 1 per Secondary Tenant, 3 for Restaurants</p> <p>Maximum Size – Determined by name of tenant</p> <p>Max Letter/Logo Height – 24” for Primary Tenant, 16” for Secondary Tenants, 40” for Restaurants</p>  | <p><u>Sign Type 6</u></p> <p>Location – 1 sign per building elevation as identified on Sheet G4, Sign Location Plan, of the project plans, Primary Tenants only</p> <p>Max Number – 5 signs maximum</p> <p>Maximum Size – Determined by name of tenant</p> <p>Max Letter/Logo Height – 24”</p>   |
| Advisory Sign                  | <p><u>Sign Type H</u></p> <p>Location – Parking Lots and Entries into Parking Lots (Signs shall be located so as not to impede vehicular sight distance to the satisfaction of the traffic engineer)</p> <p>Max Number – As appropriate for safety and orientation</p> <p>Max Height – 6 ft</p> <p>Max Letter/Logo Height – As required by Fire Department and Building Code for safety purposes</p> | <p><u>Sign Type H</u></p> <p>Location – Parking Lots and Entries into Parking Lots (Signs shall be located so as not to impede vehicular sight distance to the satisfaction of the traffic engineer)</p> <p>Max Number – As appropriate for safety and orientation</p> <p>Max Height – 6 ft</p> <p>Max Letter/Logo Height – As required by Fire Department and Building Code for safety purposes</p> |

**Compliance Required:**

- Temporary Banner Signs shall comply with Chapter 20.42 of the Zoning Code.
- All signs shall substantially conform to the stamped and dated approved set of plans.
- Pursuant to Section 20.42.120.F of the Zoning Code, the Planning Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected.
- All additional exempt signs shall comply with the standards of the Zoning Code and PC-56 (North Newport Center Planned Community).

# **Attachment No. ZA 4**

Project Plans

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## **Block 800**

### Commercial Office Sign Program

Newport Beach, California

Project No. 13004

4.9.13 (revised 8.26.13)



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#### **Davies Associates**

Environmental Graphics  
Davies Associates, Inc.  
9424 Dayton Way  
Suite 217  
Beverly Hills, CA 90210

tel 310.247.9572  
fax 310.247.9590  
www.daviesla.com



---

**IRVINE COMPANY** | **OFFICE**  
Since 1864 | **PROPERTIES**



**1 SITE PLAN - EXISTING SIGNAGE**

SCALE: NTS

**Davies Associates**

Environmental Graphics  
Davies Associates, Inc.  
9424 Dayton Way  
Suite 217  
Beverly Hills, CA 90210  
tel 310.247.9572  
fax 310.247.9590  
www.daviesla.com

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**Block 800  
Commercial Office  
Sign Program**

Signage and Graphics Program  
Newport Beach, California  
Project No. 13004

Irvine Company  
Office Properties

Sign Program  
Revised  
Revised  
Revised  
Revised  
Revised  
Revised  
Revised

04.09.13 KK  
04.26.13 KK  
05.03.13 KK  
05.09.13 KK  
06.07.13 KK  
06.13.13 KK  
06.20.13 KK  
08.21.13 KK  
08.26.13 KK

**Site/Sign  
Location Plan  
Existing  
Conditions**

**GO**





C16 - EXISTING FREESTANDING SIGN



D13 - EXISTING LANDSCAPE WALL SIGN  
E - EXISTING BUILDING SIGN



E - EXISTING BUILDING SIGN



C17 - EXISTING FREESTANDING SIGN



B8 - EXISTING SMALL CUBE SIGN

**1** EXISTING CONDITIONS

SCALE: N.T.S.



**Davies Associates**

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**Block 800**  
Commercial Office  
Sign Program

Signage and Graphics Program  
Newport Beach, California  
Project No. 13004

Irvine Company  
Office Properties

|              |          |    |
|--------------|----------|----|
| Sign Program | 04.09.13 | KK |
| Revised      | 04.26.13 | KK |
| Revised      | 05.03.13 | KK |
| Revised      | 05.09.13 | KK |
| Revised      | 06.07.13 | KK |
| Revised      | 06.13.13 | KK |
| Revised      | 06.20.13 | KK |
| Revised      | 08.21.13 | KK |
| Revised      | 08.26.13 | KK |

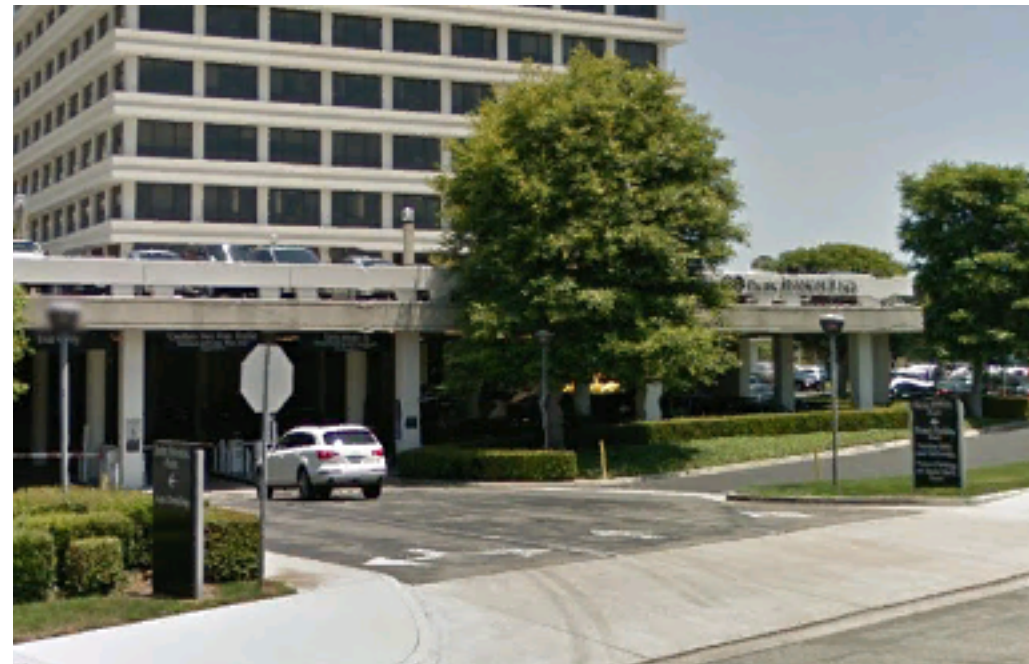
**Existing  
Conditions**

**G1**





E - EXISTING BUILDING SIGN



H - EXISTING ADVISORY SIGN



H - EXISTING ADVISORY SIGN



H - EXISTING ADVISORY SIGN

**1** EXISTING CONDITIONS

SCALE: N.T.S.



**Davies Associates**

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 Beverly Hills, CA 90210  
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**Block 800**  
 Commercial Office  
 Sign Program

Signage and Graphics Program  
 Newport Beach, California  
 Project No. 13004

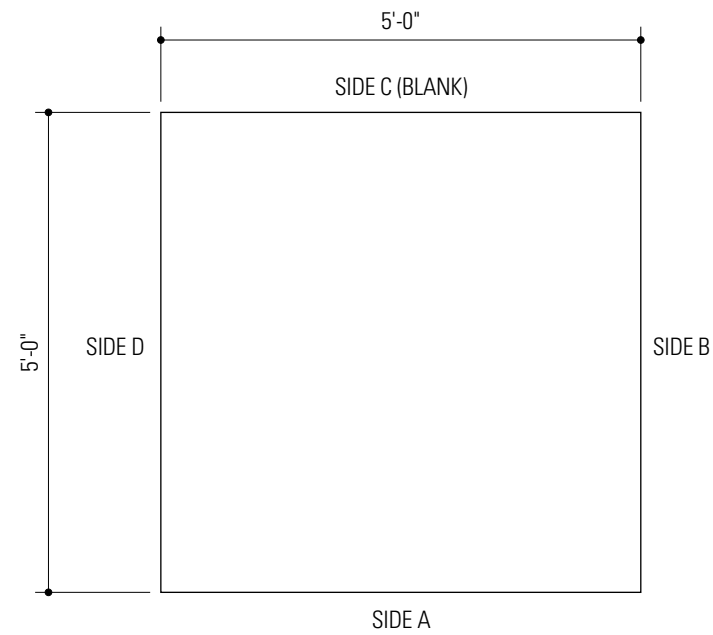
Irvine Company  
 Office Properties

Sign Program  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised

04.09.13 KK  
 04.26.13 KK  
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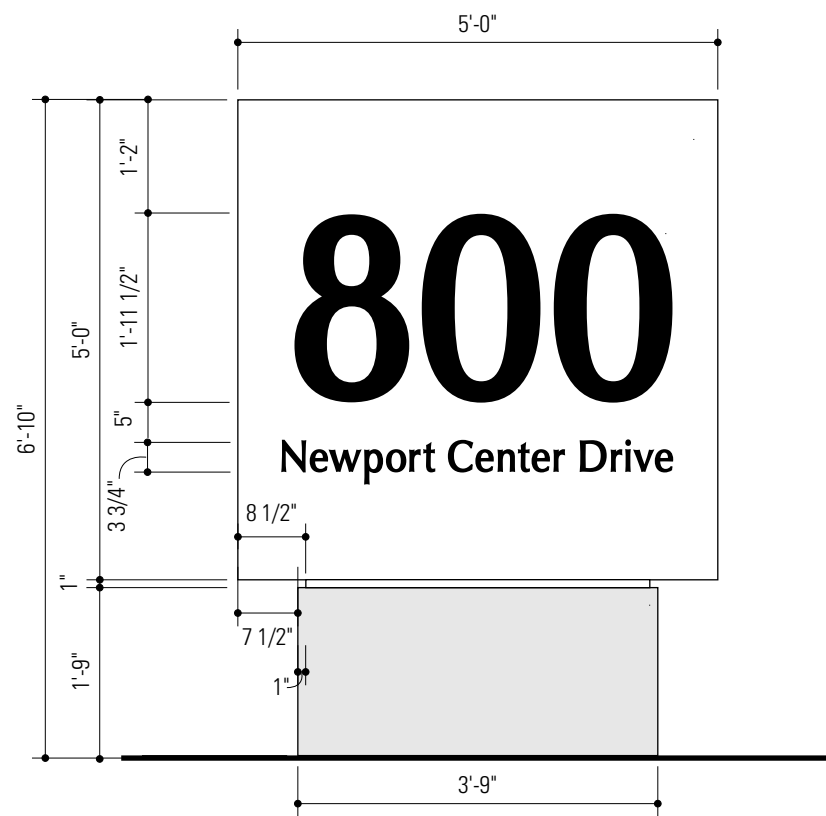
**Existing  
 Conditions**

**G2**



**4** PLAN VIEW

SCALE: 1/2" = 1'-0"



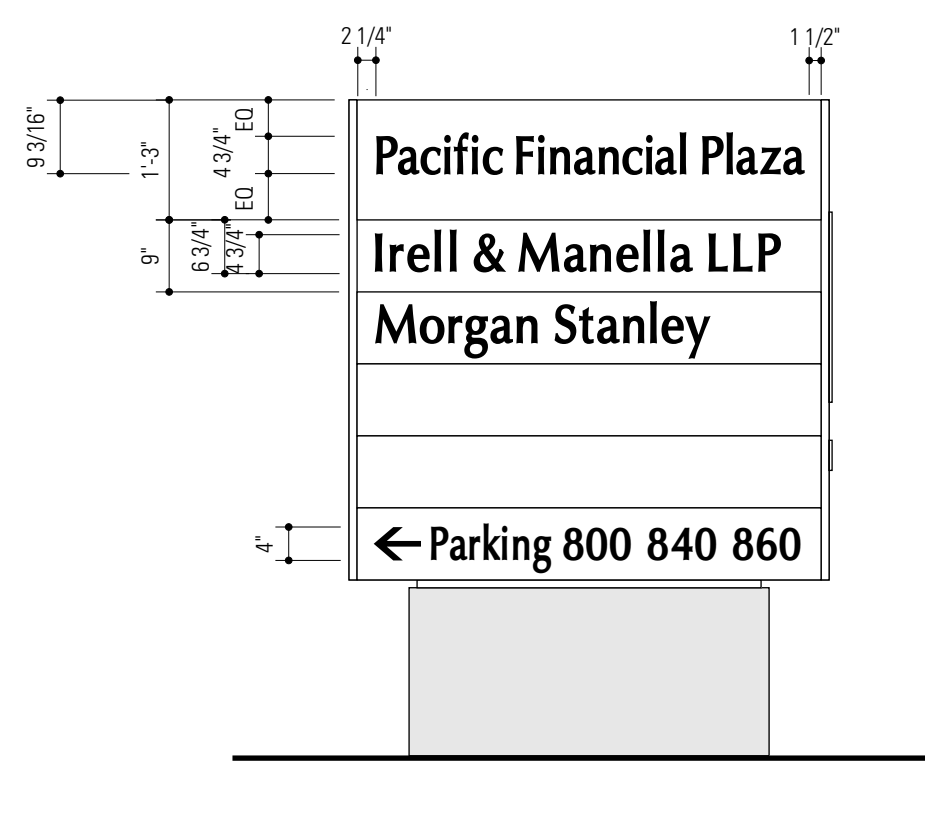
**1** ELEVATION - EXISTING CUBE SIGN NO. 4.1- SIDE A

SCALE: 1/2" = 1'-0"



**2** ELEVATION - EXISTING CUBE SIGN - SIDE B

SCALE: 1/2" = 1'-0"



**3** ELEVATION - EXISTING CUBE SIGN - SIDE D

SCALE: 1/2" = 1'-0"



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**Block 800**  
 Commercial Office  
 Sign Program

Signage and Graphics Program  
 Newport Beach, California  
 Project No. 13004

Irvine Company  
 Office Properties

Sign Program  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised

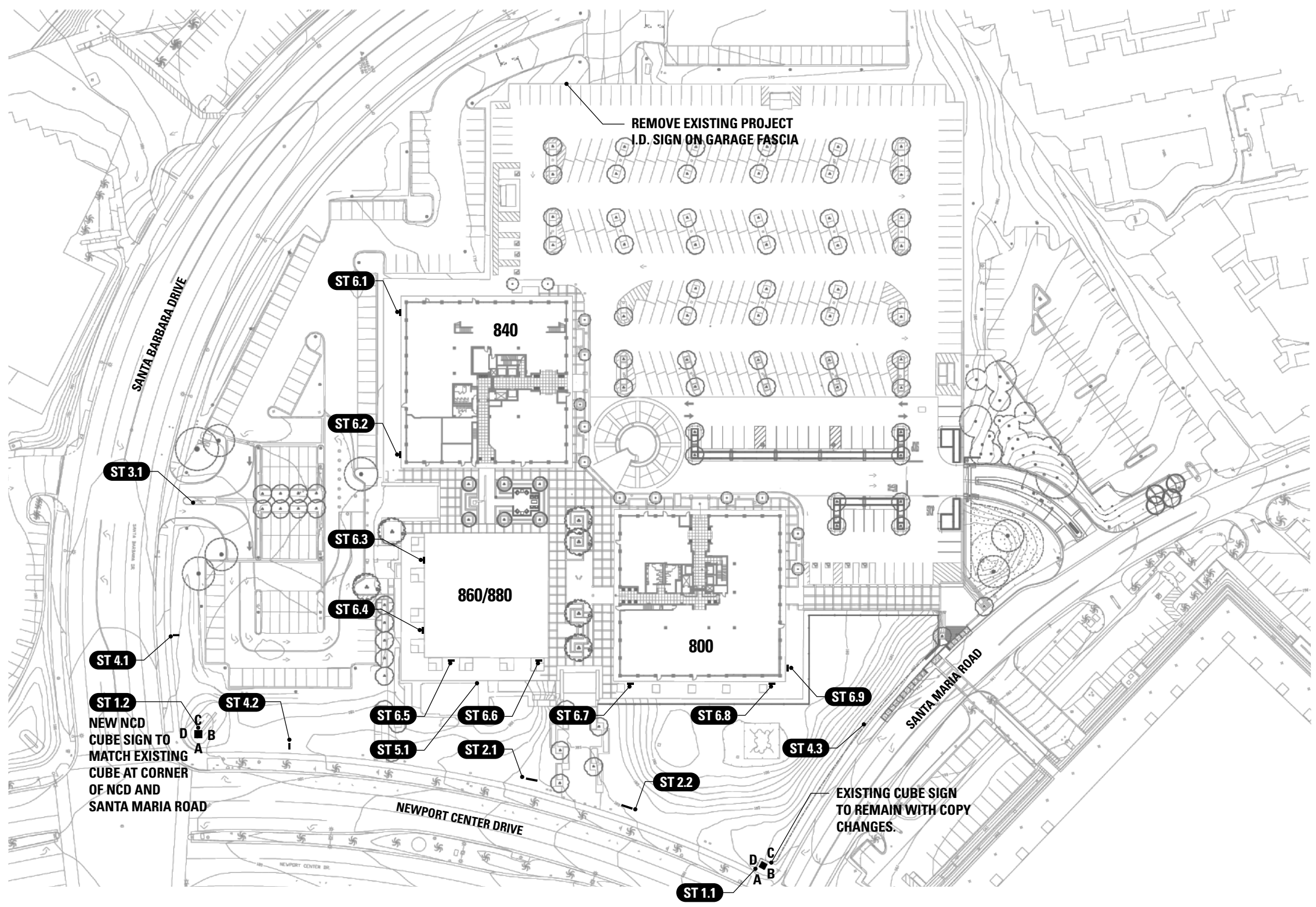
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 06.13.13 KK  
 06.20.13 KK  
 08.21.13 KK  
 08.26.13 KK

**Existing Cube  
 Sign**

Elevations and Details

**G3**





| TYPE        | SIGN LEGEND                             |
|-------------|---|
| <b>ST 1</b> | PROJECT/TENANT ID CUBE SIGN             |
| <b>ST 2</b> | TENANT ID MONUMENT SIGN                 |
| <b>ST 3</b> | SECONDARY TENANT ID MONUMENT SIGN       |
| <b>ST 4</b> | LEASING SIGN                            |
| <b>ST 5</b> | RESTAURANT TENANT ID MONUMENT           |
| <b>ST 6</b> | TENANT ID EYEBROW SIGNAGE OPPORTUNITIES |

ST 1

ST 3

ST 2

ST 3

ST 4

ST 5

ST 6

**1** | SITE PLAN - SIGN LOCATION PLAN  
SCALE: NTS

**2** | SIGN DRAWINGS - TYPICAL  
SCALE: NTS



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**Block 800**  
Commercial Office  
Sign Program

Signage and Graphics Program  
Newport Beach, California  
Project No. 13004

Irvine Company  
Office Properties

| Sign Program | Date     | Initials |
|--------------|----------|----------|
| Revised      | 04.09.13 | KK       |
| Revised      | 04.26.13 | KK       |
| Revised      | 05.03.13 | KK       |
| Revised      | 05.09.13 | KK       |
| Revised      | 06.07.13 | KK       |
| Revised      | 06.13.13 | KK       |
| Revised      | 06.20.13 | KK       |
| Revised      | 08.21.13 | KK       |
| Revised      | 08.26.13 | KK       |

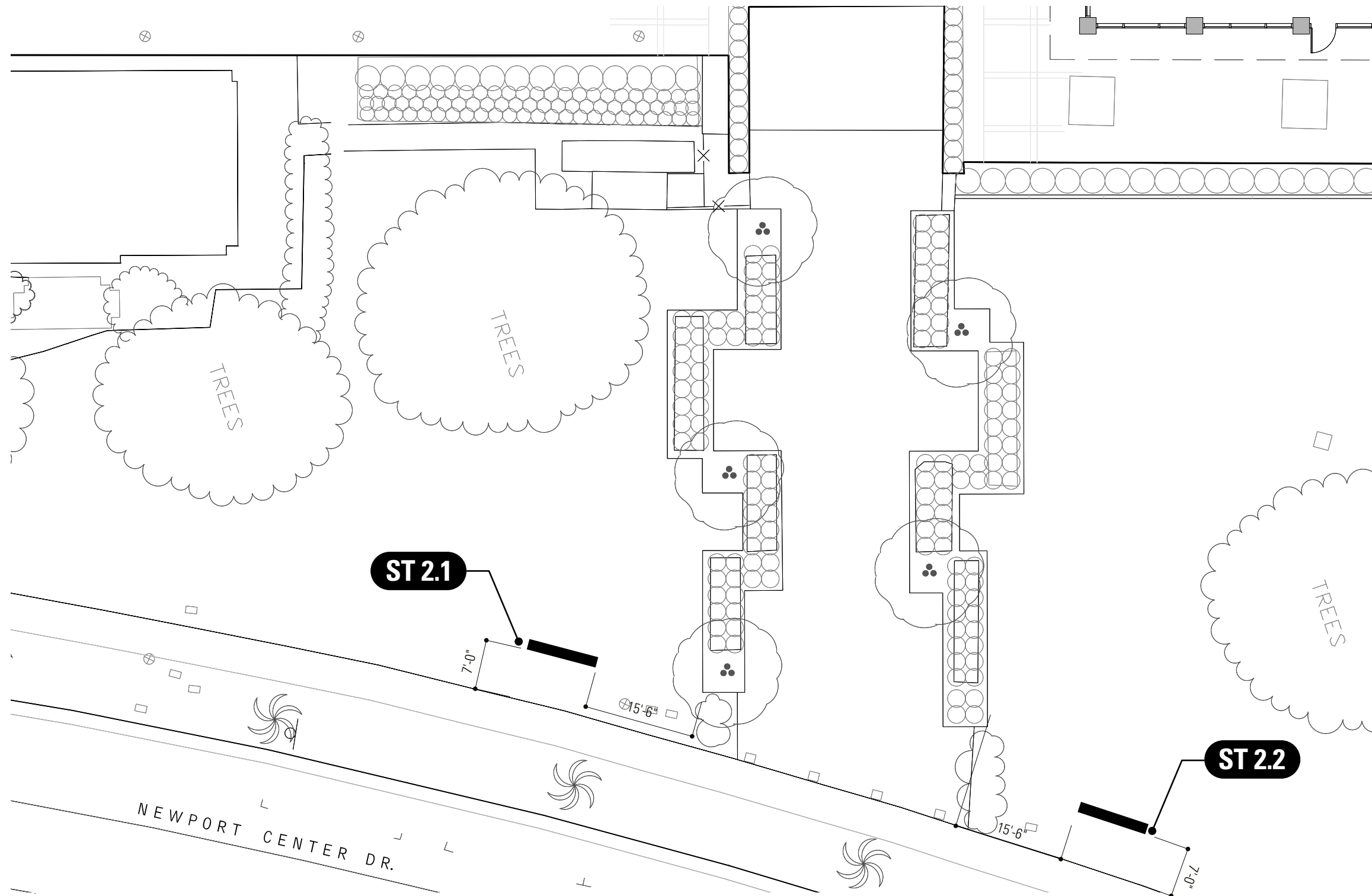
**Site/Sign  
Location Plan**

Elevations and Details

**G4**

TYPE SIGN LEGEND

ST 2 TENANT ID MONUMENT SIGN



1 PARTIAL SITE PLAN - SIGN LOCATION PLAN - SIGN TYPE 2

SCALE: 1/16"=1'-0"



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**Block 800**  
 Commercial Office  
 Sign Program

Signage and Graphics Program  
 Newport Beach, California  
 Project No. 13004

Irvine Company  
 Office Properties

Sign Program  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised

04.09.13 KK  
 04.26.13 KK  
 05.03.13 KK  
 05.09.13 KK  
 06.07.13 KK  
 06.13.13 KK  
 06.20.13 KK  
 08.21.13 KK  
 08.26.13 KK

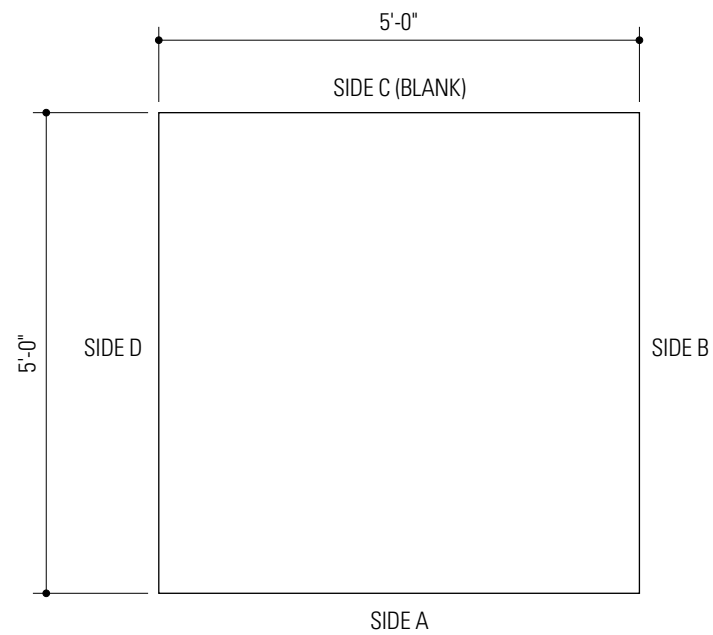
**Site/Sign  
 Location Plan  
 Sign Type 2**

Elevations and Details

**G5**

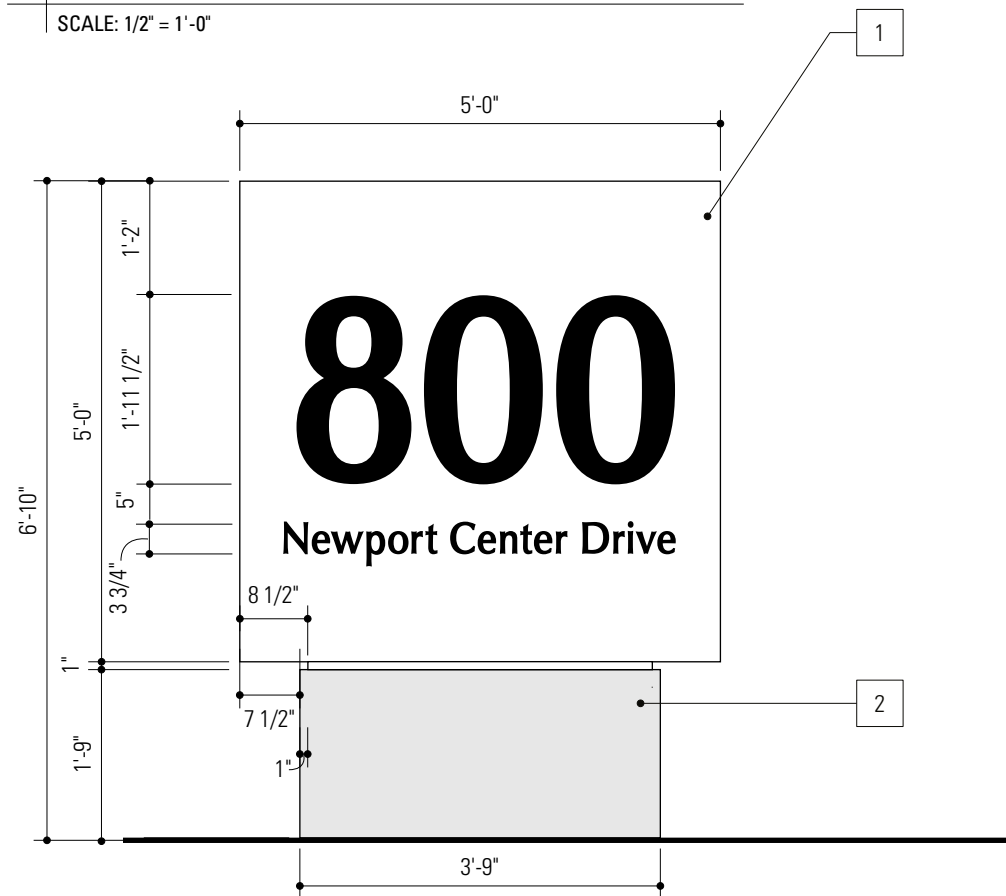
NOTES

- 1 FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH AND PUSH THRU DAY/NIGHT GRAPHICS.
- 2 EXISTING CONCRETE BASE TO BE CLEANED AND/OR SACKED/REFURBISHED.



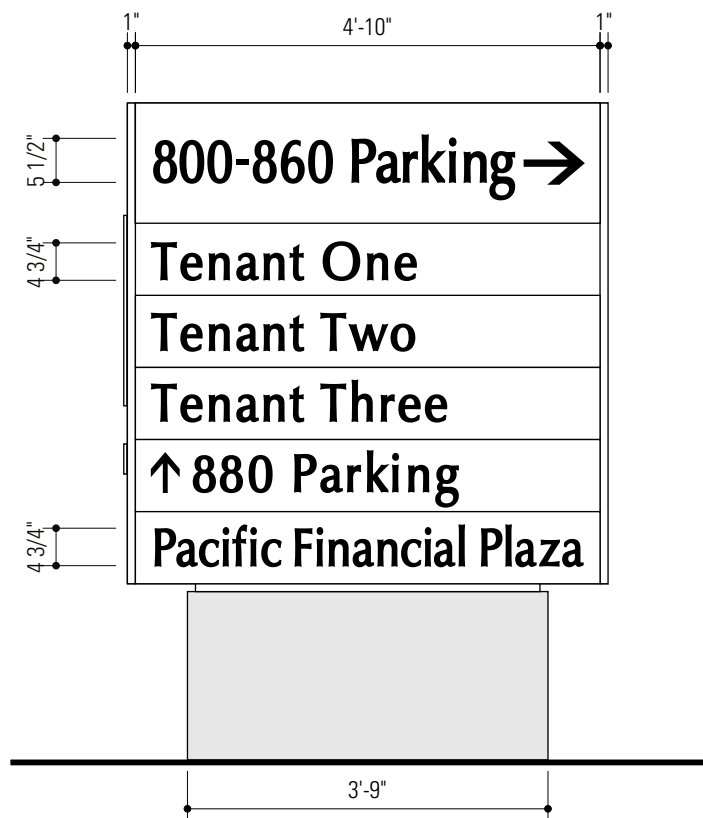
4 PLAN VIEW

SCALE: 1/2" = 1'-0"



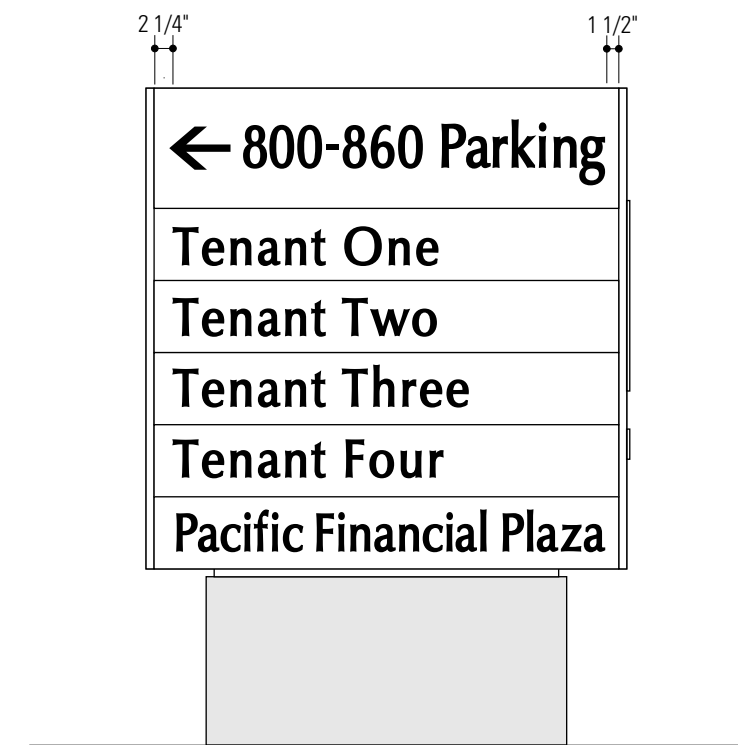
1 ELEVATION - SIGN TYPE 1 - SIGN NO. ST 1.1 - REVISED EXISTING CUBE SIGN - SIDE A

SCALE: 1/2" = 1'-0"



2 ELEVATION - SIDE B

SCALE: 1/2" = 1'-0"



3 ELEVATION - SIDE D

SCALE: 1/2" = 1'-0"



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 Commercial Office  
 Sign Program

Signage and Graphics Program  
 Newport Beach, California  
 Project No. 13004

Irvine Company  
 Office Properties

Sign Program  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised

04.09.13 KK  
 04.26.13 KK  
 05.03.13 KK  
 05.09.13 KK  
 06.07.13 KK  
 06.13.13 KK  
 06.20.13 KK  
 08.21.13 KK  
 08.26.13 KK

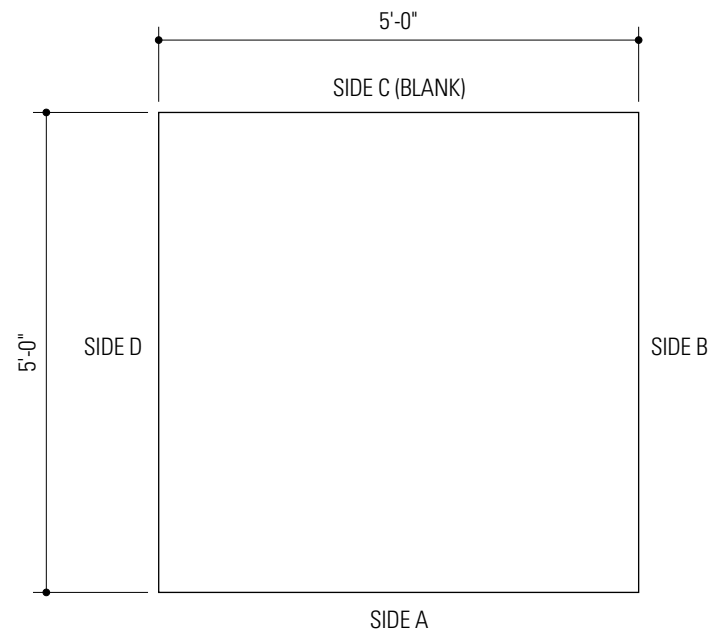
**Sign Type 1**  
**Sign No. 1.1**

Elevations and Details

**G6**

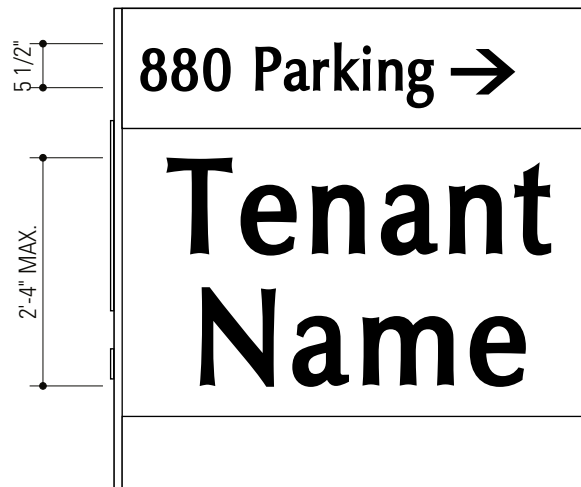
NOTES

- 1 FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH AND PUSH THRU DAY/NIGHT GRAPHICS.
- 2 NEW POURED IN PLACE CONCRETE BASE TO MATCH EXISTING PROJECT STANDARDS.



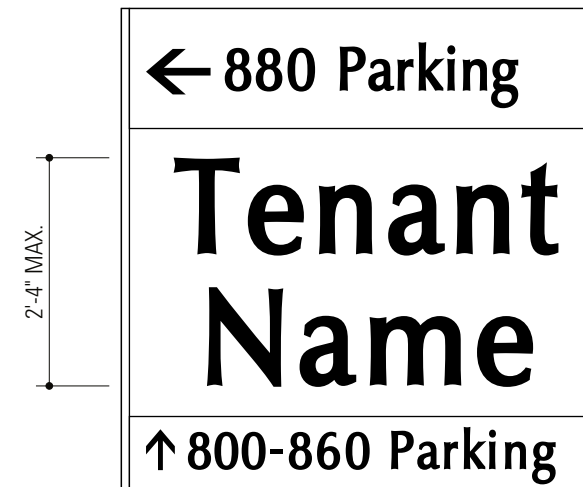
4 PLAN VIEW

SCALE: 1/2" = 1'-0"



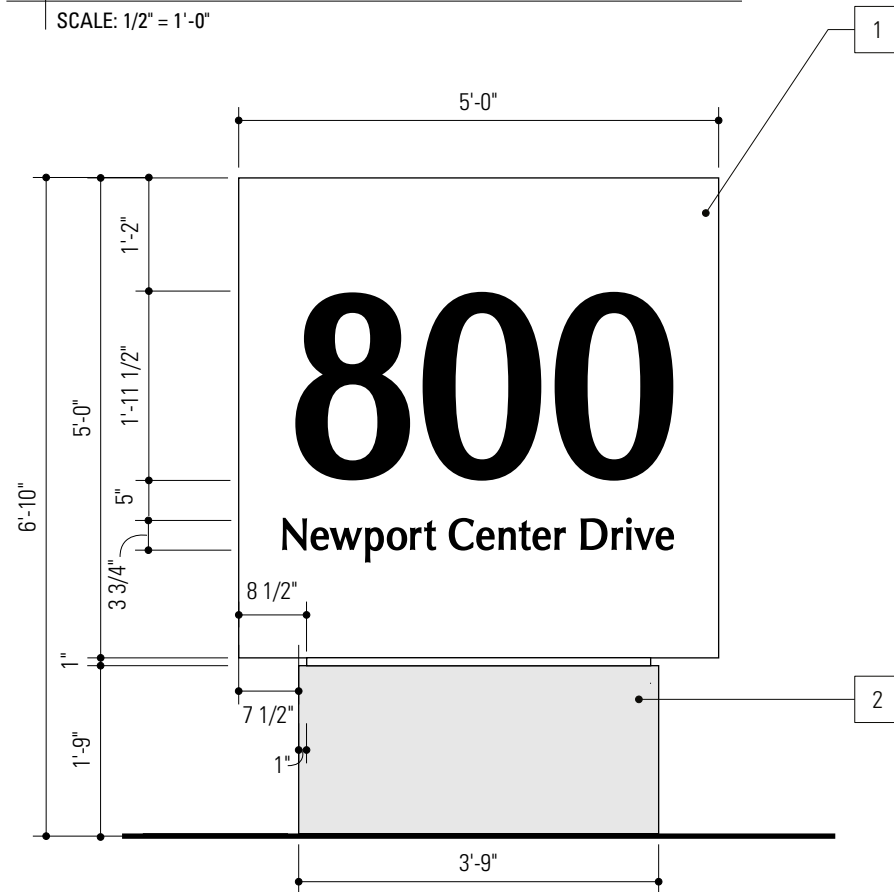
5 ELEVATION - SIDE B (SINGLE TENANT NAME OPTION)

SCALE: 1/2" = 1'-0"



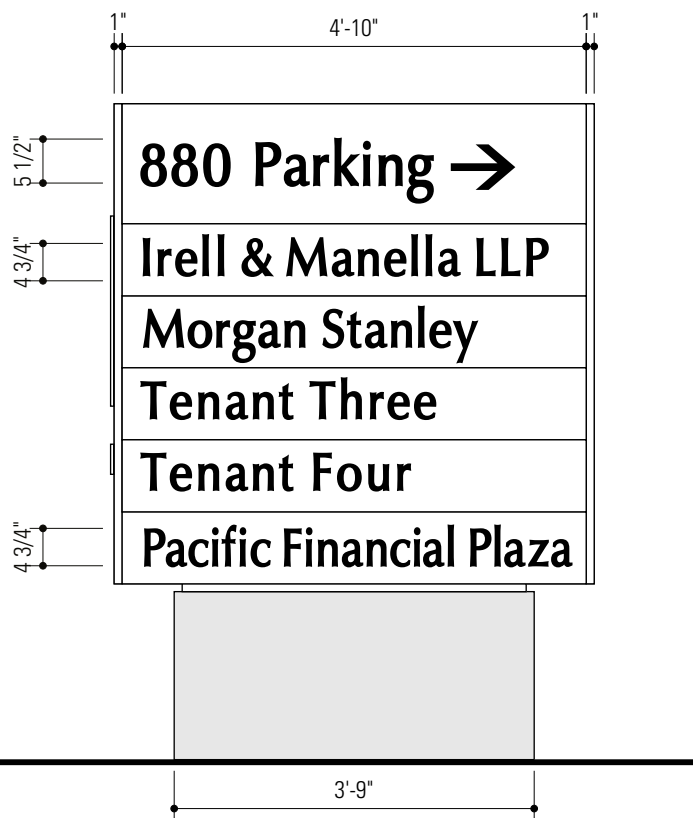
6 ELEVATION - SIDE D (SINGLE TENANT NAME OPTION)

SCALE: 1/2" = 1'-0"



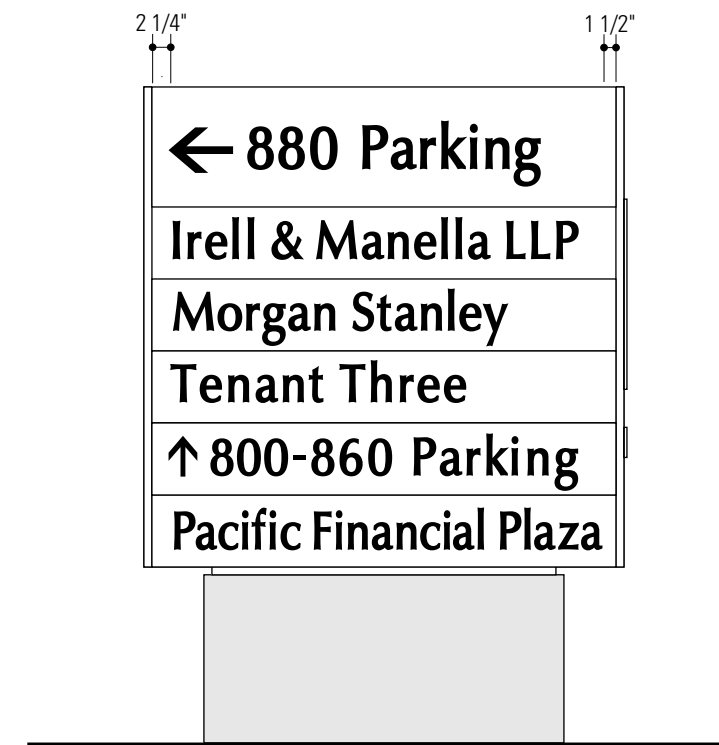
1 ELEVATION - SIGN TYPE 1 - SIGN NO. ST 1.2 - NEW CUBE SIGN - SIDE A

SCALE: 1/2" = 1'-0"



2 ELEVATION - SIDE B

SCALE: 1/2" = 1'-0"



3 ELEVATION - SIDE D

SCALE: 1/2" = 1'-0"



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**Block 800**  
 Commercial Office  
 Sign Program

Signage and Graphics Program  
 Newport Beach, California  
 Project No. 13004

Irvine Company  
 Office Properties

Sign Program  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised

04.09.13 KK  
 04.26.13 KK  
 05.03.13 KK  
 05.09.13 KK  
 06.07.13 KK  
 06.13.13 KK  
 06.20.13 KK  
 08.21.13 KK  
 08.26.13 KK

**Sign Type 1**  
**Sign No. 1.2**

Elevations and Details

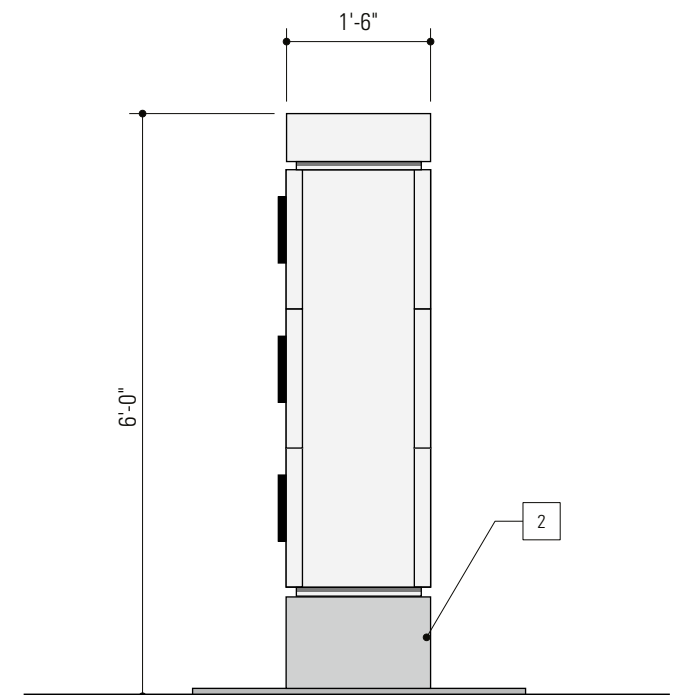
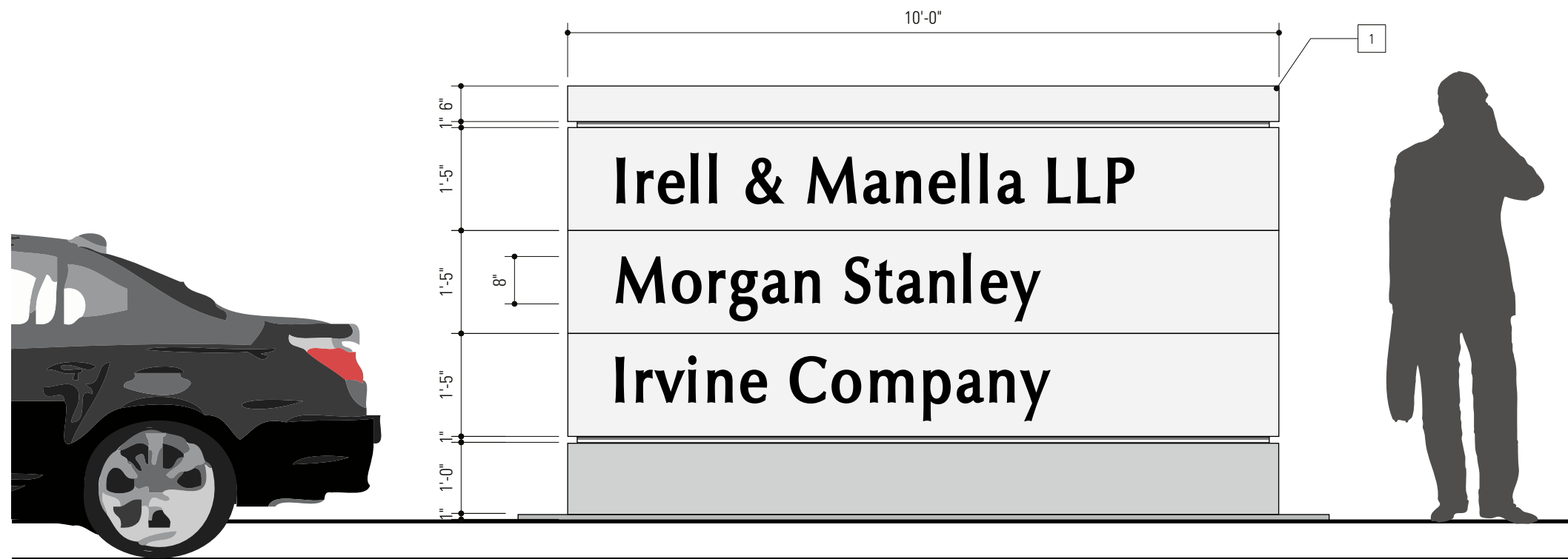
**G7**



NOTES

- 1 INTERNALLY ILLUMINATED FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH AND PUSH THRU DAY/NIGHT GRAPHICS.
- 2 CONCRETE BASE

NOTE:  
COPY TO APPEAR ON ONE SIDE



1 ELEVATION - SIGN TYPE 2 - SIGN NO.'S ST 2.1 AND ST 2.2 - TENANT ID MONUMENT SIGN

SCALE: 1/2" = 1'-0"

2 SIDE ELEVATION

SCALE: 1/2" = 1'-0"



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**Block 800**  
Commercial Office  
Sign Program

Signage and Graphics Program  
Newport Beach, California  
Project No. 13004

Irvine Company  
Office Properties

|              |          |    |
|--------------|----------|----|
| Sign Program | 04.09.13 | KK |
| Revised      | 04.26.13 | KK |
| Revised      | 05.03.13 | KK |
| Revised      | 05.09.13 | KK |
| Revised      | 06.07.13 | KK |
| Revised      | 06.13.13 | KK |
| Revised      | 06.20.13 | KK |
| Revised      | 08.21.13 | KK |
| Revised      | 08.26.13 | KK |

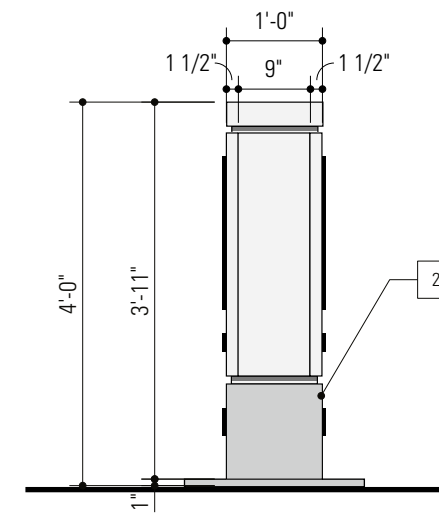
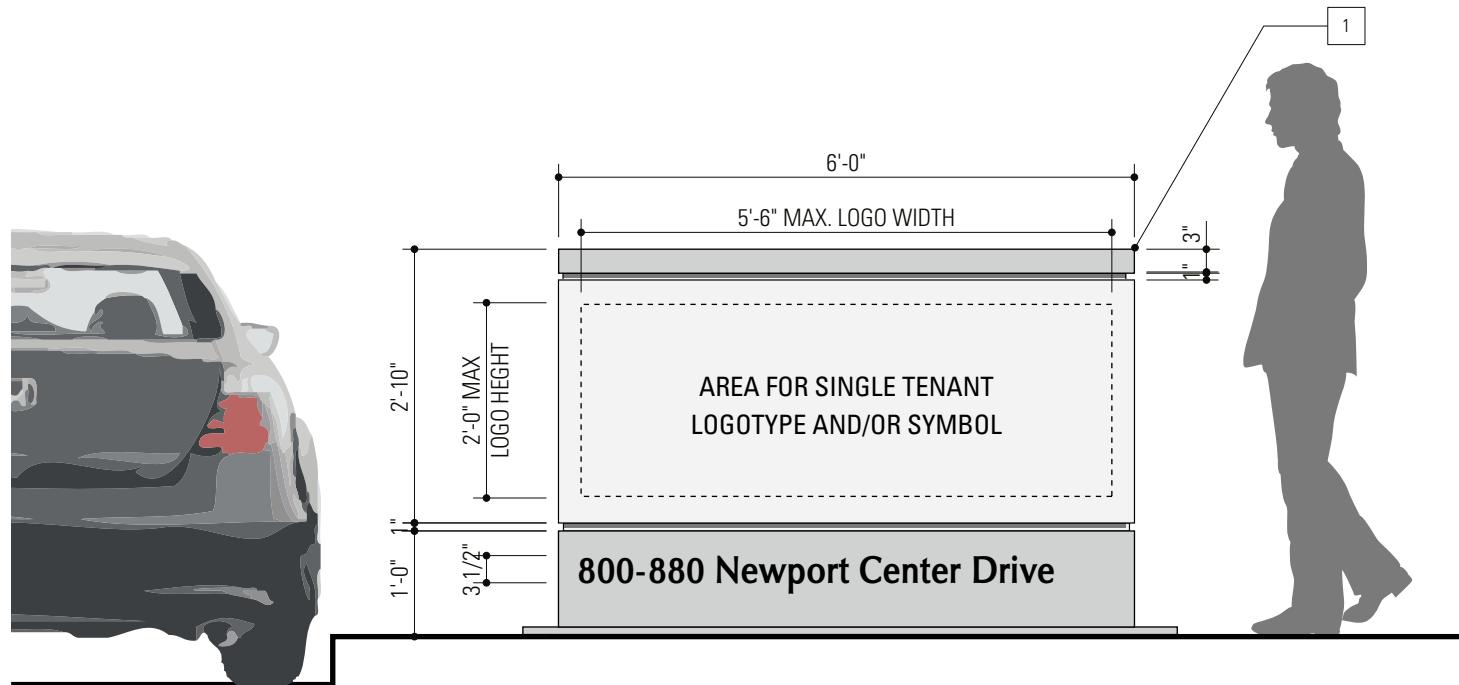
**Sign Type 2**

Elevations and Details

**G8**

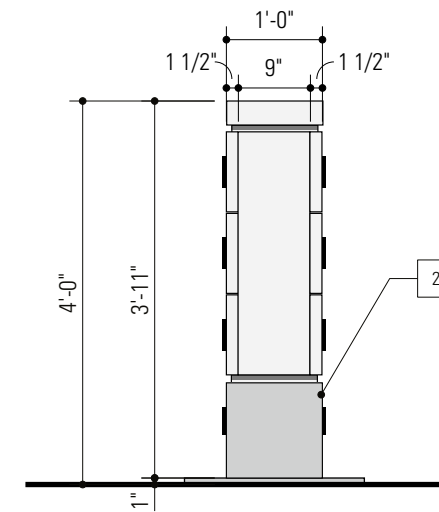
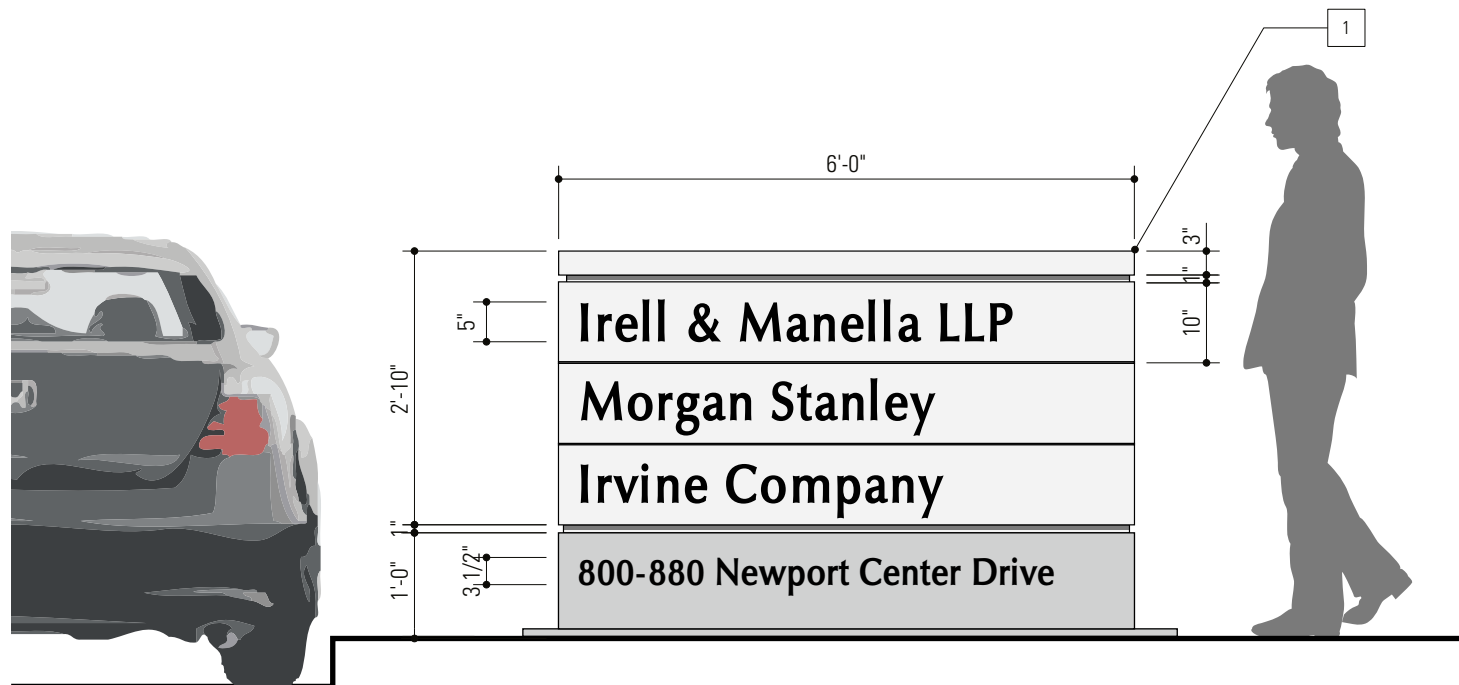
NOTES

- 1 INTERNALLY ILLUMINATED FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH AND PUSH THRU DAY/NIGHT GRAPHICS.
- 2 CONCRETE BASE WITH FLAT CUT ADDRESS COPY



1 ELEVATION - SIGN TYPE 3 - SECONDARY TENANT ID MONUMENT - (SINGLE TENANT NAME OPTION)  
SCALE: 1/2" = 1'-0"

2 SIDE ELEVATION  
SCALE: 1/2" = 1'-0"



1 ELEVATION - SIGN TYPE 3 - SIGN NO. ST 3.1 - SECONDARY TENANT ID MONUMENT  
SCALE: 1/2" = 1'-0"

2 SIDE ELEVATION  
SCALE: 1/2" = 1'-0"



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**Block 800**  
Commercial Office  
Sign Program

Signage and Graphics Program  
Newport Beach, California  
Project No. 13004

Irvine Company  
Office Properties

|              |          |    |
|--------------|----------|----|
| Sign Program | 04.09.13 | KK |
| Revised      | 04.26.13 | KK |
| Revised      | 05.03.13 | KK |
| Revised      | 05.09.13 | KK |
| Revised      | 06.07.13 | KK |
| Revised      | 06.13.13 | KK |
| Revised      | 06.20.13 | KK |
| Revised      | 08.21.13 | KK |
| Revised      | 08.26.13 | KK |

**Sign Type 3**

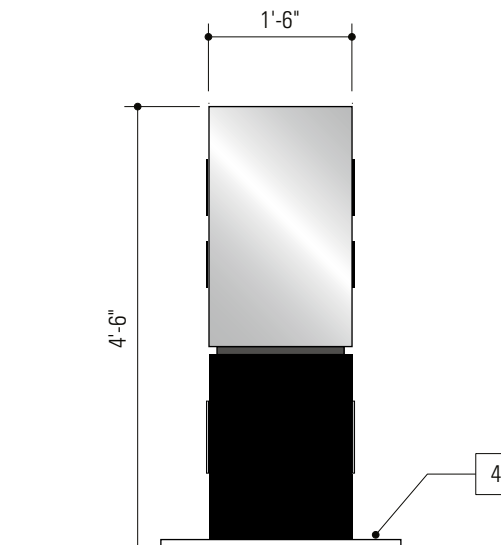
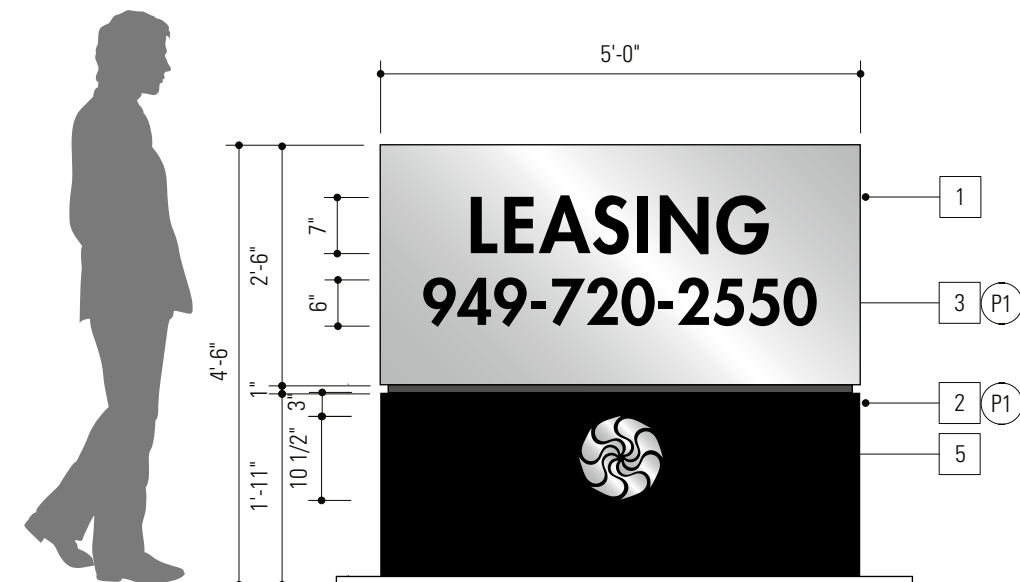
Elevations and Details

**G9**

NOTES

FFP\_ST0\_Leasing.ai

- 1 .125 THK FABRICATED STAINLESS STEEL CABINET W/NO. 4 BRUSHED HORIZONTAL GRAIN FINISH
  - 2 FABRICATED ALUMINUM BASE CABINET
  - 3 1/4" THK FCO ALUMINUM LETTERS FLUSH MOUNTED TO CABINET WITH STAINLESS STEEL MECHANICAL FASTENERS FROM BEHIND
  - 4 6" CONTINUOUS MOW STRIP CAST CONCRETE FOOTING PER STRUCTURAL CALCS
  - 5 1/4" THK STAINLESS STEEL "SUNBURST" W/NO. 4 BRUSHED HORIZONTAL GRAIN FINISH
  - 6 CHANGEABLE MESSAGE PANEL
- 
- P1 MATTHEWS 78A-1A JET BLACK - SATIN



**1** ELEVATION - SIGN TYPE 4 - SIGN NO.'S ST 4.1, ST 4.2 & ST 4.3 - LEASING SIGN - CURRENT IRVINE COMPANY STANDARD  
SCALE: 1/2" = 1'-0"

**2** SIDE VIEW  
SCALE: 1/2" = 1'-0"



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**Block 800**  
Commercial Office  
Sign Program

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Newport Beach, California  
Project No. 13004

Irvine Company  
Office Properties

|              |          |    |
|--------------|----------|----|
| Sign Program | 04.09.13 | KK |
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| Revised      | 05.03.13 | KK |
| Revised      | 05.09.13 | KK |
| Revised      | 06.07.13 | KK |
| Revised      | 06.13.13 | KK |
| Revised      | 06.20.13 | KK |
| Revised      | 08.21.13 | KK |
| Revised      | 08.26.13 | KK |

**Sign Type 4**

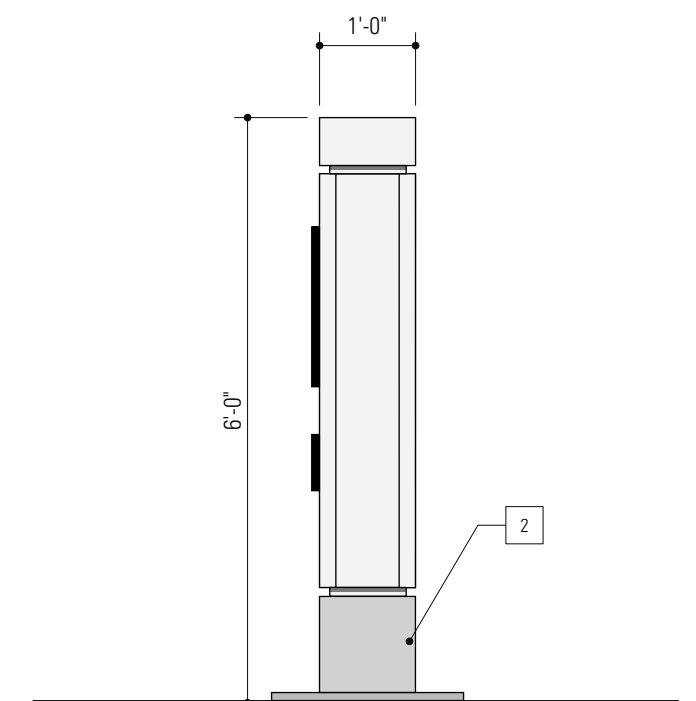
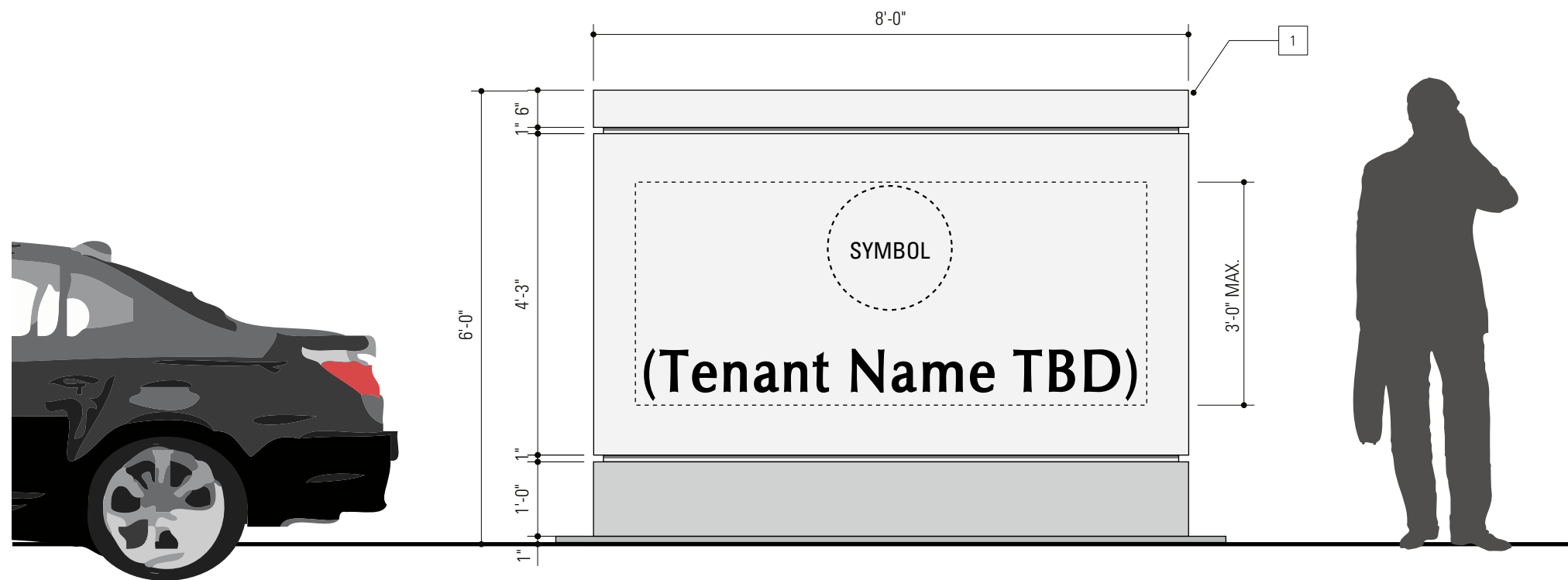
Elevations and Details

**G10**

NOTES

- 1 INTERNALLY ILLUMINATED FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH AND PUSH THRU DAY/NIGHT GRAPHICS.
- 2 CONCRETE BASE

NOTE:  
COPY TO APPEAR ON ONE SIDE



**1** ELEVATION - SIGN TYPE 5 - SIGN NO. 5.1 - TENANT ID MONUMENT SIGN  
SCALE: 1/2" = 1'-0"

**2** SIDE ELEVATION  
SCALE: 1/2" = 1'-0"



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Sign Program

Signage and Graphics Program  
Newport Beach, California  
Project No. 13004

Irvine Company  
Office Properties

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|--------------|----------|----|
| Sign Program | 04.09.13 | KK |
| Revised      | 04.26.13 | KK |
| Revised      | 05.03.13 | KK |
| Revised      | 05.09.13 | KK |
| Revised      | 06.07.13 | KK |
| Revised      | 06.13.13 | KK |
| Revised      | 06.20.13 | KK |
| Revised      | 08.21.13 | KK |
| Revised      | 08.26.13 | KK |

**Sign Type 5**

Elevations and Details

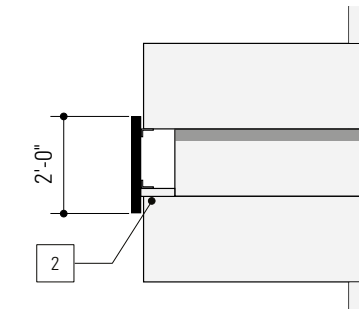
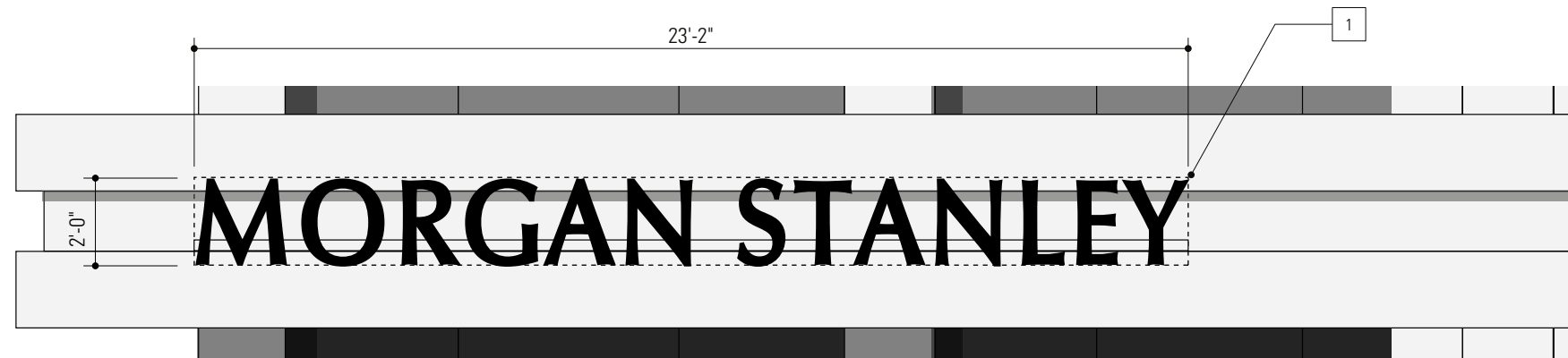
**G11**



NOTES

- 1 INTERNALLY ILLUMINATED FABRICATED ALUMINUM CHANNEL LETTERS WITH BLACK PAINT FINISH AND DAY/NIGHT ACRYLIC FACES.
- 2 ELECTRICAL WIREWAY/LETTER SUPPORT CHANNEL PAINTED TO MATCH BUILDING COLOR.

NOTE: ONLY ONE SIGN ALLOWED PER BUILDING ELEVATION

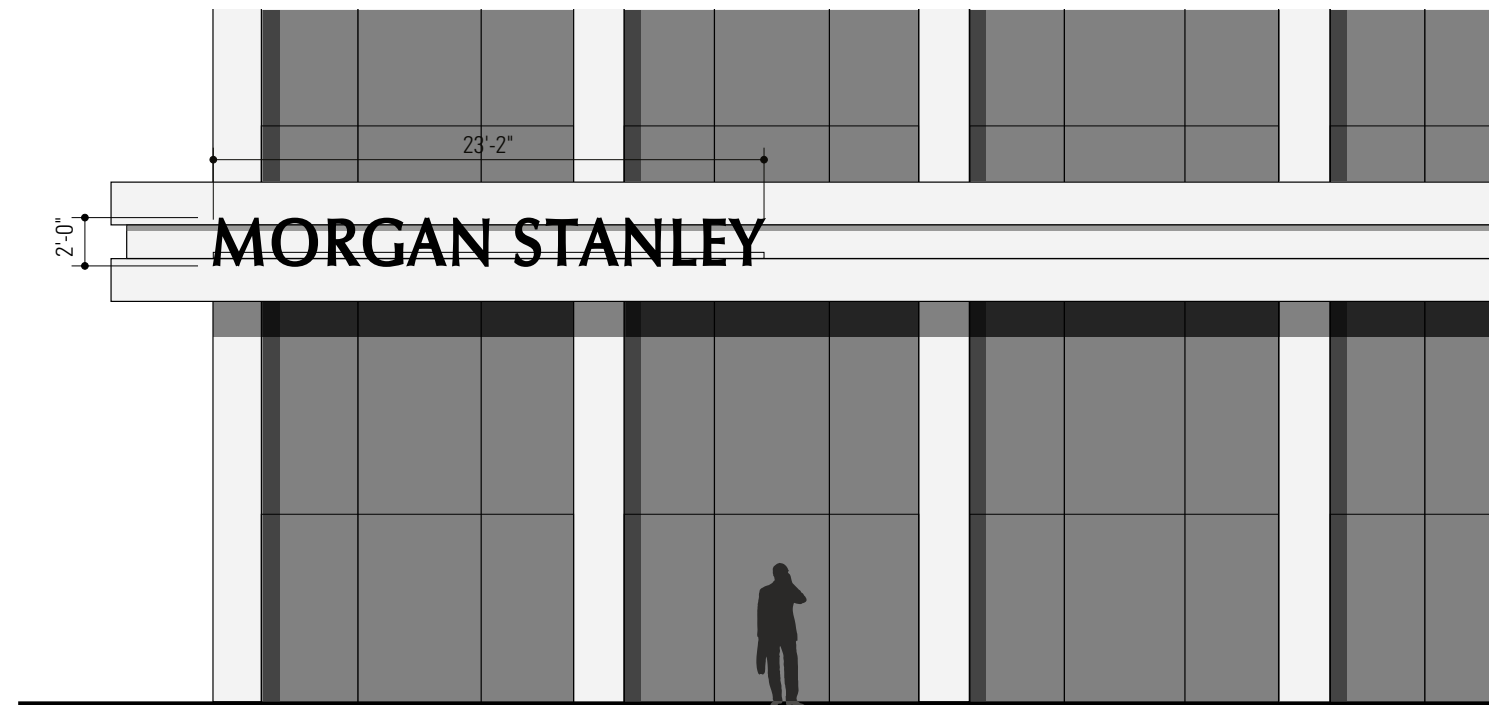


2 | DETAIL

SCALE: 1/4" = 1'-0"

3 | END VIEW

SCALE: 1/4" = 1'-0"



1 | ELEVATION - SIGN TYPE 6 - TENANT ID EYEBROW SIGNAGE - LIMITED TO PRIMARY TENANTS ONLY

SCALE: 1/8" = 1'-0"



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| Revised      | 06.13.13 | KK |
| Revised      | 06.20.13 | KK |
| Revised      | 08.21.13 | KK |
| Revised      | 08.26.13 | KK |

**Sign Type 6**

Elevations and Details

**G12**



ST 6.6 - VIEW FROM NEWPORT CENTER DRIVE - BUILDING 860/880



ST 6.7 - VIEW FROM NEWPORT CENTER DRIVE - BUILDING 800



ST 6.8 - VIEW FROM NEWPORT CENTER DRIVE - BUILDING 800



ST 6.1 - VIEW FROM SANTA BARBARA DRIVE - BUILDING 840



ST 6.3 - VIEW FROM SANTA BARBARA DRIVE - BUILDING 860/880



ST 6.4 - VIEW FROM SANTA BARBARA DRIVE - BUILDING 860/880

**1** EXISTING CONDITIONS - SIGN TYPE 6 - PROPOSED EYEBROW SIGNAGE OPPORTUNITIES

SCALE: N.T.S.

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 Office Properties

Sign Program  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised  
 Revised

04.09.13 KK  
 04.26.13 KK  
 05.03.13 KK  
 05.09.13 KK  
 06.07.13 KK  
 06.13.13 KK  
 06.20.13 KK  
 08.21.13 KK  
 08.26.13 KK

**Sign Type 6**  
**Proposed**  
**Signage**  
**Opportunities**

Elevations and Details

**G13**