



**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 25, 2013

**ZONING ADMINISTRATOR ACTIONS
October 24, 2013**

- Item 1: West Balboa Boulevard Condominiums – Tentative Parcel Map No. NP2013-020 (PA2013-184)
918 W. Balboa Boulevard
- Action: Approved by Resolution No. ZA2013-065 Council District 1
- Item 2: ZFRT 34th Street Condominium Conversion CC2013-002 (PA2013-174)
3401 Balboa Boulevard
- Action: Approved by Resolution No. ZA2013-066 Council District 1
- Item 3: 210 41st Street Condominium Conversion CC2013-003 (PA2013-173)
210 41st Street
- Action: Approved by Resolution No. ZA2013-067 Council District 1
- Item 4: 208 41st Street Condominium Conversion CC2013-004 (PA2013-175)
208 41st Street
- Action: Approved by Resolution No. ZA2013-068 Council District 1
- Item 5: AERIE Lot Line Adjustment LA2013-011 (PA2013-199)
201-205 Carnation Avenue and 101 Bayside Place
- Action: Approved by Resolution No. ZA2013-069 Council District 6

Item 6: Davis Lot Merger No. LM2013-003 (PA2013-176)
106 6th Street and 524 West Ocean Front

Action: Forward application to the Planning Council District 1
Commission for review concurrently with an Alternative
Setback Determination application.

Item 7: Hyatt Regency Sign Modification No. MD2013-013 (PA2013-160)
1107 Jamboree Road

Action: Approved by Resolution No. ZA2013-070 Council District 4

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

Item 1: Old Newport Sign Program – CS2012-009 (PA2012-114)
593 Old Newport Boulevard

Action: Approved Council District 4

Item 2: Waterfront Sign Program – CS2013-007 (PA2013-101)
2901 W. Coast Highway

Action: Approved Council District 3

Item 3: Valia Properties – CS2013-012 (PA2013-196)
2720 East Coast Highway

Action: Approved Council District 1

Item 4: LTP Old City Hall Site – XP2013-005 (PA2013-200)
3300 Newport Boulevard

Action: Approved Council District 1

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

RESOLUTION NO. ZA2013-065

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING PARCEL MAP APPLICATION NO. NP2013-020 FOR A PARCEL MAP FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 918 WEST BALBOA BOULEVARD (PA2013-184)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Leonard C. Stiles on behalf of the property owner with respect to property located at 918 West Balboa Boulevard, and Lot 10 in Block 109 of Section "B" of Newport Beach, in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 4, Page 27, of Miscellaneous Maps, in the office of the County Recorder of said County requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map application for two-unit condominium purposes. No exceptions to Title 19 (Subdivision Code) development standards are proposed with this application. An existing single-family residence with detached garage will be demolished and replaced with a proposed two-unit duplex. The parcel map would allow each unit of the proposed duplex to be sold individually.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone and is designated Two-Unit Residential - (20.0 - 29.9 DU/AC) (RT-D).
5. A public hearing was held on October 24, 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 qualifies for a Class 15 (Minor Land Divisions) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act)
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was

not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

- A-1. The proposed parcel map is for two-unit condominium purposes. An existing single-family residence will be demolished and replaced with a new two-unit duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two-Unit Residential".

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

- C-1. This project has been reviewed, and it has been determined that it qualifies for a Class 15 categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 15 (Minor Land Divisions) 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.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

- F-1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
- F-2. The site will be developed for a residential use and is zoned for residential uses.

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 because the existing subdivision does not contain 50 or more parcels.
- G-2. The project is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

- K-1. The proposed parcel map is for a two-unit condominium. The proposed subdivision and improvements are consistent with the Coastal Land Use Plan designation RT-D (Two-Unit Residential).
- K-2. The subject property conforms to public access policies of Chapter Three of the Coastal Act because the development maintains public access from the nearest public roadway to the shoreline and along the coast.
- K-3. Recreation policies contained within Chapter Three of the Coastal Act are not applicable to the subject property.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Parcel Map No. NP2013-020, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

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

By:



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. Prior to the recordation of the parcel map, park dedication fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
4. Prior to the issuance of building permits, fair-share fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
5. As per California Fire Code Section 903.2.8, an automatic sprinkler system shall be installed throughout all new buildings in a Group R occupancy.
6. Smoke alarms shall be installed outside of each separate dwelling unit sleeping area in the immediate vicinity of bedrooms, and on every level of a dwelling unit including basements.
7. All improvements shall be constructed as required by Ordinance and the Public Works Department.
8. The applicant shall reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the West Balboa Boulevard frontage. Limits of reconstruction are at the discretion of the Public Works inspector.
9. No above-ground improvements shall be located within the rear 5-foot alley setback.
10. 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.

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11. All existing drainage facilities within the public right-of-way, including the existing curb drains along West Balboa Boulevard shall be retrofitted to comply with the City's on-site, non-storm runoff retention requirements.
 12. An encroachment permit is required for all work activities within the public right-of-way.
 13. All improvements shall comply with the City's sight distance requirements. See City Standard 110-L and Municipal Code Section 20.30.130.
 14. 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.
 15. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meters and sewer cleanouts shall be located within the public right-of-way.
 16. Each unit shall be served with individual gas and electrical service connections and shall maintain separate utility meters.
 17. All on-site drainage shall comply with the latest City Water Quality requirements.
 18. All abandoned sewer lateral(s) shall be capped at the property line.
 19. All abandoned water service(s) shall be capped at main (corporation stop).
 20. Two-car parking, including one in a garage and one covered or in a garage, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
 21. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke.
 22. 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.
 23. 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.

24. 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 West Balboa Boulevard Parcel Map including, but not limited to, Parcel Map No. NP2013-020 (PA2013-184). 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.
25. This parcel map shall expire if the map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Director of Community Development in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

RESOLUTION NO. ZA2013-066

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING CONDOMINIUM CONVERSION NO. CC2013-002 FOR A TWO-UNIT DUPLEX LOCATED AT 3401 BALBOA BOULEVARD AND 131 34TH STREET (PA2013-174)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Bill Caskey, with respect to property located at 3401 Balboa Boulevard and 131 34th Street, and legally described as Parcel 1 of Parcel Map No. 2005-204, requesting approval of a condominium conversion.
2. The applicant proposes a condominium conversion to convert an existing duplex into a two-unit condominium project. No waivers of Title 19 development standards for condominium conversions are proposed with this application.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-E).
5. A public hearing was held on October 24, 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 qualifies for a Class 1 (Existing Structures) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).
2. The Class 1 exemption involves negligible or no expansion of an existing use. This classification includes the division of existing multiple-family or single-family residences into common-interest ownership, and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.

The proposed project involves the conversion of an existing duplex into a two-unit condominium development.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.64.070 (Standards for Condominium Conversion) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The minimum number, and the design and location of off-street parking spaces shall be provided in conformance with the provisions of the Zoning Ordinance in effect at the time of approval of the conversion.*

Facts in Support of Finding:

- A-1. Each unit of the existing duplex provides a single-car garage, and a tandem carport space, for a total of four spaces.
- A-2. The four spaces provided meet the number of spaces required (2 per unit) pursuant to Section 20.40.040 (Off-Street Parking Spaces Required). The design and location are in conformance with provisions of Chapter 20.40 (Off-Street Parking) of the Zoning Code, and Modification Permit No. MD2005-105 which granted a reduced width for each garage parking space.
- A-3. Modification Permit MD2005-105 was approved October 17, 2005 and permitted an interior garage width of 8 feet 9½ inches, due to the narrow lot width of 25 feet.

Finding:

- B. *Each dwelling unit within a building shall have a separate sewer connection to the City sewer.*

Facts in Support of Finding:

- B-1. The existing duplex was constructed with two separate sewer connections to the City sewer.

Finding:

- C. *Each sewer lateral shall be retrofitted/fitted with a cleanout at the property line.*

Facts in Support of Finding:

C-1. The existing duplex was constructed with two separate sewer cleanouts located at the property line.

Finding:

D. Each unit shall maintain a separate water meter and water meter connection.

Facts in Support of Finding:

D-1. The existing duplex was constructed with two separate water meters and water meter connections.

Finding:

E. The electrical service connection shall comply with the requirements of Chapter 15.32 (Underground Utilities) of the Newport Beach Municipal Code.

Facts in Support of Finding:

E-1. The existing duplex was constructed with an electrical service connection that was at such time, determined to be in compliance with the requirements of Chapter 15.32.

Finding:

F. The applicant for a condominium conversion shall request a special inspection from the Building Division for the purpose of identifying any building safety violations. The applicant shall correct all identified safety violations prior to approval of a final map for the condominium conversion.

Facts in Support of Finding:

F-1. A special inspection was completed by the Building Division on September 25, 2013, and one safety violation was identified. The bedroom windows did not meet minimum egress opening size requirements.

F-2. As conditioned, the project will not be condominiums until all safety violations have been corrected.

Finding:

G. Permanent lot stakes and tags shall be installed at all lot corners by a licensed surveyor or civil engineer unless otherwise required by the City Engineer.

Facts in Support of Finding:

G-1. As conditioned, the project will comply with this requirement.

Finding:

H. For residential conversions, the project shall be consistent with the adopted goals and policies of the General Plan, particularly with regard to the balance and dispersion of housing types within the City.

Facts in Support of Finding:

H-1. The General Plan does not include any specific goals for the dispersion of rental housing within the area. Housing Program 2.1.1 of the Housing Element of the General Plan which restricts the conversion of rental units to condominiums in developments containing 15 or more units does not apply.

H-2. Although the conversion from rental to ownership will reduce the number of rental opportunities in the area, the elimination of two rental units will not create a detrimental impact to housing opportunities in the area or City, as two units represents a very small fraction of the City's supply of rental housing (estimated to be approximately 17,500 units).

Finding:

I. The establishment, maintenance or operation of the use or building applied for shall 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.

Facts in Support of Finding:

I-1. The proposed project is to convert an existing duplex into two condominiums on property located within the R-2 zoning district.

I-2. The use of the property will continue to be for two-unit residential purposes and there is no evidence suggesting this use has been detrimental to the health, safety, peace, comfort, and welfare of those residing or working in the neighborhood, or the City.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Condominium Conversion No. CC2013-002, 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 24th DAY OF OCTOBER, 2013.

By:



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division Conditions

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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. No more than two dwelling units shall be permitted on the site.
4. Two-car parking, including one enclosed garage space and one covered or enclosed parking space, shall be provided on site for each dwelling unit per requirements of the Zoning Code and Modification Permit No. MD2005-105. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
5. 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.**
6. Prior to the final of the building permit for description change, the applicant shall resolve all building safety violations identified in the special inspection.
7. Prior to the final of the building permit for description change, the applicant shall provide an updated site plan that depicts the curved wall at the corner of Balboa Boulevard and 34th Street. The wall shall be located outside of the easement area (approximate 3.08 feet by 3.08 feet by 4.36-foot triangle area), as described in Detail A of Parcel Map No. 2005-204.
8. The applicant shall verify that monuments (1 inch iron pipe with tag) are set On Each Lot Corner.
9. 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.
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 ZFRT 34th Street Condominium Conversion including, but not limited to CC2013-002 (PA2013-174). 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 Department Conditions

11. If any building modifications or alterations are proposed, they may require the sound rating to be verified by wall and floor ceiling assembly where the units are adjoined or overlapped for a minimum STC 50.
12. If any building modifications or alterations are proposed, they may require penetration of light fixtures or other MPE systems in the one hour fire and sound rated assembly quantified to meet the required fire rating and sound rating (STC 50).
13. If any building modifications or alterations are proposed, they may require that all walls that support fire resistive floor assemblies meet one hour fire resisting assembly.
14. If any building modifications or alterations are proposed, they may require that stairway elements have an approved fire rating and sound rating assembly where the stairs of each individual unit overlap the other. Details substantiating the requirements shall be verified.
15. If any building modifications or alterations are proposed, they may require the area over the garage or carports to meet the required fire resistive assembly and sound rating including light penetrations or MPE systems.
16. The utilities for each unit shall be independent. Each unit shall include independent water meter, independent fire riser, independent electrical service and independent plumbing system.

RESOLUTION NO. ZA2013-067

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING CONDOMINIUM CONVERSION NO. CC2013-003 FOR A TWO-UNIT CONDOMINIUM DEVELOPMENT LOCATED AT 210 41ST STREET (PA2013-173)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Bill Caskey, with respect to property located at 210 41st Street, and legally described as Lot 6, Block 140, of the Canal Section in the City of Newport Beach, as per map thereof recorded in Book 423, Page 30 of miscellaneous maps in the office of the County Recorder of said Orange County, requesting approval of a condominium conversion.
2. The applicant proposes a condominium conversion to convert an existing duplex into a condominium project. No waivers of Title 19 condominium conversion development standards are proposed with this application.
3. The subject property is located within the R-2 (Two-Unit Residential) Zoning District and the General Plan Land Use Element category is RT (Two-Unit Residential).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-E (Two-Unit Residential).
5. A public hearing was held on October 24, 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 pursuant to the State California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) and Class 15 (Minor Land Divisions).
2. The division of existing multiple family or single-family residences into common interest ownership is exempt under Class 1 of CEQA. The division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels is exempt under Class 15 when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

SECTION 3. REQUIRED FINDINGS.

Condominium Conversion

In accordance with Section 19.64.070 (Standards for Condominium Conversions) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding

- A. *The minimum number, and the design and location of off-street parking spaces shall be provided in conformance with the provisions of the Zoning Ordinance in effect at the time of approval of the conversion.*

Facts in Support of Finding

- A-1. The existing duplex provides two, single-car garages and two covered spaces, for a total of four spaces.
- A-2. The four spaces provided meet the number design and location of parking spaces required per Chapter 20.40 (Off-Street Parking) of the Zoning Ordinance.

Finding

- B. *Each dwelling unit within a building shall have a separate sewer connection to the City sewer.*

Facts in Support of Finding

- B-1. The duplex has two separate sewer connections to the City sewer.

Finding

- C. *Each sewer lateral shall be retrofitted/fitted with a cleanout at the property line.*

Facts in Support of Finding

- C-1. The duplex has two separate sewer cleanouts located at the property line.

Finding

- D. *Each unit shall maintain a separate water meter and water meter connection.*

Facts in Support of Finding

- D-1. The duplex has two separate water meters and water meter connections.

Finding

- E. *The electrical service connection shall comply with the requirements of Chapter 15.32 (Underground Utilities) of the Newport Beach Municipal Code.*

Facts in Support of Finding

- E-1. The duplex was constructed with electrical service connections in compliance with the requirements of Chapter 15.32.

Finding

- F. *The applicant for a condominium conversion shall request a special inspection from the Building Division for the purpose of identifying any building safety violations. The applicant shall correct all identified safety violations prior to approval of a final map for the condominium conversion.*

Facts in Support of Finding

- F-1. A special inspection was completed pursuant to Section 19.64.070 F by the Building Inspector on September 25, 2013, for the purpose of identifying any building safety violations. Only one violation was identified which was to replace the batteries in all smoke detectors. The violation was corrected and the inspection was approved by the Building Inspector on October 9, 2013.

Finding

- G. *Permanent lot stakes and tags shall be installed at all lot corners by a licensed surveyor or civil engineer unless otherwise required by the City Engineer.*

Facts in Support of Finding

- G-1. As conditioned, the project will comply with this requirement prior to recordation of the final parcel map.

Finding

- H. *For residential conversions, the project shall be consistent with the adopted goals and policies of the General Plan, particularly with regard to the balance and dispersion of housing types within the City.*

Facts in Support of Finding

- H-1. The General Plan does not include any specific goals for the dispersion of rental housing within the area. Housing Program 2.1.1 of the Housing Element of the General Plan which restricts the conversion of rental units to condominiums in developments containing 15 or more units does not apply.

H-2. Although the conversion from rental to ownership will reduce the number of rental opportunities in the area, the elimination of two rental units will not create a detrimental impact to housing opportunities in the area or City, as two units represents a very small fraction of the City's supply of rental housing (estimated to be approximately 17,500 units).

Finding

I. The establishment, maintenance or operation of the use or building applied for shall 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.

Facts in Support of Finding

- I-1. The use of the property will continue to be used for two-unit residential purposes and there is no evidence suggesting the use has been detrimental to the neighborhood or the general welfare of the City.
- I-2. The proposed project is to convert an existing duplex into two condominiums on property located within the R-2 zoning district.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Condominium Conversion No. CC2013-003 (PA2013-173), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. The Condominium Conversion action shall become final and effective fourteen 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 24th DAY OF OCTOBER, 2013.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. 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 Parcel Map and Condominium Conversion.
2. No more than two-dwelling units shall be permitted on the site.
3. Two-car parking, including one enclosed garage space and one covered or enclosed parking space, shall be provided on site for each dwelling unit per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. The applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium". **The development will not be condominiums until this permit is finalized.**
6. The applicant shall verify that monuments (1 inch iron pipe with tag) are set On Each Lot Corner.
7. 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 Condominium Conversion including, but not limited to, Condominium Conversion No. CC2013-003 (PA2013-173). 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

8. Any building modifications or alterations may require the sound rating to be verified by wall and floor ceiling assembly where the units are adjoined or overlapped for a minimum STC 50.

9. Any building modifications or alterations may require horizontal fire separation to show the firewall alignment does not stack.
10. Any building modifications or alterations may require penetration of light fixtures or other MPE systems in the one hour fire and sound rated assembly quantified to meet the required fire rating and sound rating (STC 50).
11. Any building modifications or alterations may require that all walls that support fire resistive floor assemblies meet one hour fire resisting assembly.
12. Any building modifications or alterations may require stairway elements to have an approved fire rating and sound rating assembly where the stairs of each individual unit overlap the other. Details substantiating the requirements shall be verified.
13. Any building modifications or alterations may require area over the garage or carports to meet the required fire resistive assembly and sound rating including light penetrations or MPE systems.

Public Works Conditions

14. Prior to the final of the building permit for a description change, Tentative Parcel Map No. NP2007-023 (County Parcel Map No. 2007-202) shall be recorded and all of the conditions of approval implemented.

RESOLUTION NO. ZA2013-068

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING CONDOMINIUM CONVERSION NO. CC2013-004 FOR A TWO-UNIT CONDOMINIUM DEVELOPMENT LOCATED AT 208 AND 208 ½ 41ST STREET (PA2013-175)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Bill Caskey, with respect to property located at 208 and 208 ½ 41st Street, and legally described as Lot 5, Block 140, of the Canal Section in the City of Newport Beach, as per map thereof recorded in Book 423, Page 30 of miscellaneous maps in the office of the County Recorder of said Orange County, requesting approval of a condominium conversion and utilizing an existing parcel map for condominium purposes.
2. The applicant proposes a condominium conversion and utilization of an existing parcel map to convert an existing duplex into a condominium project. The code required two-car parking per unit is provided and no waivers of Title 19 development standards are proposed with this application.
3. The subject property is located within the R-2 (Two-Unit Residential) Zoning District and the General Plan Land Use Element category is RT (Two-Unit Residential).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-E (Two-Unit Residential).
5. A public hearing was held on October 24, 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 qualifies for Class 1 (Existing Facilities) and Class 15 (Minor Land Divisions) categorical exemptions pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).
2. The division of existing multiple family or single-family residences into common interest ownership is exempt under Class 1 of CEQA. The division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels is exempt under Class 15 when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available,

the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

SECTION 3. REQUIRED FINDINGS.

Condominium Conversion

In accordance with Section 19.64.070 (Standards for Condominium Conversions) of the Newport Beach Municipal Code, the following findings are set forth:

Finding

- A. *The minimum number, and the design and location of off-street parking spaces shall be provided in conformance with the provisions of the Zoning Ordinance in effect at the time of approval of the conversion.*

Facts in Support of Finding

- A-1. The existing duplex consists of 4,061 square feet including two, single-car garages and two covered spaces.
- A-2. The four spaces provided meet the number of spaces required (2 per unit) per Chapter 20.40 (Off-Street Parking) of the Zoning Ordinance.

Finding

- B. *Each dwelling unit within a building shall have a separate sewer connection to the City sewer.*

Facts in Support of Finding

- B-1. The duplex has two separate sewer connections to the City sewer.

Finding

- C. *Each sewer lateral shall be retrofitted/fitted with a cleanout at the property line.*

Facts in Support of Finding

- C-1. The duplex has two separate sewer cleanouts located at the property line.

Finding

- D. *Each unit shall maintain a separate water meter and water meter connection.*

Facts in Support of Finding

- D-1. The duplex has two separate water meters and water meter connections.

Finding

- E. *The electrical service connection shall comply with the requirements of Chapter 15.32 (Underground Utilities) of the Newport Beach Municipal Code.*

Facts in Support of Finding

- E-1. The duplex was constructed with electrical service connections in compliance with the requirements of Chapter 15.32.

Finding

- F. *The applicant for a condominium conversion shall request a special inspection from the Building Division for the purpose of identifying any building safety violations. The applicant shall correct all identified safety violations prior to approval of a final map for the condominium conversion.*

Facts in Support of Finding

- F-1. A special inspection was completed pursuant to Section 19.64.070 F by the Building Inspector on September 25, 2013, for the purpose of identifying any building safety violations. Only one violation was identified which was to replace the batteries in all smoke detectors. The violation was corrected and the inspection was approved by the Building Inspector on October 9, 2013.

Finding

- G. *Permanent lot stakes and tags shall be installed at all lot corners by a licensed surveyor or civil engineer unless otherwise required by the City Engineer.*

Facts in Support of Finding

- G-1. As conditioned, the project will comply with this requirement prior to recordation of the final parcel map.

Finding

- H. *For residential conversions, the project shall be consistent with the adopted goals and policies of the General Plan, particularly with regard to the balance and dispersion of housing types within the City.*

Facts in Support of Finding

- H-1. An existing two-unit dwelling rental will be converted into a two-unit condominium project. The residential density on the site will remain the same.
- H-2. The General Plan does not include any specific goals for the dispersion of rental housing within the area. Housing Program 2.1.1 of the Housing Element of the

General Plan which restricts the conversion of rental units to condominiums in developments containing 15 or more units does not apply.

- H-3. Although the conversion from rental to ownership will reduce the number of rental opportunities in the area, the elimination of two rental units will not create a detrimental impact to housing opportunities in the area or City, as two units represents a very small fraction of the City's supply of rental housing (estimated to be approximately 17,500 units).

Finding

- 1. The establishment, maintenance or operation of the use or building applied for shall 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.*

Facts in Support of Finding

- I-1. The application of the project conditions will ensure the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood and the City.
- I-2. The proposed project is to convert an existing duplex into two condominiums on property located within the R-2 zoning district.
- I-3. Public improvements will be required of the applicant per the Municipal Code and the Subdivision Map Act.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Condominium Conversion No. CC2013-004 (PA2013-175), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. The Condominium Conversion action shall become final and effective fourteen 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 24th DAY OF OCTOBER, 2013.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. 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 Parcel Map and Condominium Conversion.
2. No more than two-dwelling units shall be permitted on the site.
3. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees may be required and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement.
4. Two-car parking, including one enclosed garage space and one covered or enclosed parking space, shall be provided on site for each dwelling unit per requirements of the Zoning code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
5. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
6. Prior to the recordation of the parcel map, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
7. The applicant shall verify that monuments (1 inch iron pipe with tag) are set On Each Lot Corner.
8. The applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium". **The development will not be condominiums until this permit is finalized.**
9. 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 Condominium Conversion including, but not limited to, Condominium Conversion No. CC2013-004 (PA2013-175). 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

10. Any building modifications or alterations may require the sound rating to be verified by wall and floor ceiling assembly where the units are adjoined or overlapped for a minimum STC 50.
11. Any building modifications or alterations may require horizontal fire separation to show the firewall alignment does not stack.
12. Any building modifications or alterations may require penetration of light fixtures or other MPE systems in the one hour fire and sound rated assembly quantified to meet the required fire rating and sound rating (STC 50).
13. Any building modifications or alterations may require that all walls that support fire resistive floor assemblies meet one hour fire resisting assembly.
14. Any building modifications or alterations may require stairway elements to have an approved fire rating and sound rating assembly where the stairs of each individual unit overlap the other. Details substantiating the requirements shall be verified.
15. Any building modifications or alterations may require area over the garage or carports to meet the required fire resistive assembly and sound rating including light penetrations or MPE systems.

Public Works Conditions

16. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD83). 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.**
17. 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.

18. All improvements shall be constructed as required by Ordinance and the Public Works Department.
19. Prior to the final of the building permit for a description change, Tentative Parcel Map No. NP2007-024 (County Parcel Map No. 2007-201) shall be recorded and all of the conditions of approval implemented.

RESOLUTION NO. ZA2013-069

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT APPLICATION NO. LA2013-011 TO ADJUST THE BOUNDARY BETWEEN TWO CONTIGUOUS PARCELS LOCATED AT 201-205 CARNATION AVENUE AND 101 BAYSIDE PLACE (PA2013-199)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Hunsaker & Associates with respect to property located at 201-205 Carnation Avenue and 101 Bayside Place, and legally described, in Exhibit A, requesting approval of a lot line adjustment to adjust a 584-square-foot portion of 101 Bayside Place to 201-205 Carnation Avenue.
2. The proposed lot line adjustment will adjust the interior boundary between two contiguous legal parcels where there will be no change in the number of parcels and the adjustment will not deprive either parcel of access to streets or utilities.
3. The General Plan and Zoning Ordinance designates the subject properties as RM 20 DU/AC (Multiple-Unit Residential, 20 dwelling unites per acre) which is intended to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units.
4. The subject properties are located within the coastal zone. The proposed lot line adjustment is consistent with Tentative Tract Map No. 16882 creating a 7-unit condominium development that was previously approved by the City Council in 2009, by Resolution No. 2009-52 and California Coastal Commission by CDP 5-10-298.
5. A public hearing was held on October 24, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

The requirement for environmental review pursuant to CEQA has been satisfied by the AERIE Project EIR (SCH # 2007021054) that was certified by the City Council in compliance with CEQA, the State CEQA Guidelines, and City Council Policy K-3 on July 7, 2009. The lot configuration resulting from the proposed lot line adjustment is identical to Tentative Tract Map No. 16882. Copies of the AERIE Project EIR are available for public review and inspection at the Planning Division or at the City of Newport Beach website at www.newportbeachca.gov.

SECTION 3. REQUIRED FINDINGS.**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 this title.*

Facts in Support of Finding:

- A-1. The lot line adjustment is consistent with the purpose and intent of Title 19 (Subdivisions). The proposed lot line adjustment will protect land owners and surrounding residents, and will preserve the public health, safety, and general welfare of the City.
- A-2. The lot line adjustment to combine a 584-square-foot. portion of an existing legal lot (101 Bayside Place – Parcel 2) with an adjacent existing legal lot (201-205 Carnation Avenue – Parcel 1) will not result in a development pattern that is inconsistent with the surrounding neighborhood. The resulting adjusted lots are consistent with Tentative Tract Map No. 16882 creating a 7-unit condominium development that was previously found not to be detrimental to the community when approved by the City Council in 2009, by Resolution No. 2009-52 and California Coastal Commission by CDP 5-10-298.
- A-3. The adjusted lot will not restrict light and air from Carnation Avenue, Bayside Place or the surrounding residential properties.

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 lot line adjustment to combine a 584-square-foot portion of one parcel (101 Bayside Place – Parcel 2) with an adjacent existing legal lot (201-205 Carnation Avenue – Parcel 1) will not result in the creation of additional parcels. There were two legal parcels prior to the lot line adjustment and there will be two legal parcels after the 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 lot width, depth and area than the parcels that existed prior to the lot line adjustment.

Facts in Support of Finding:

- C-1. The adjusted lot line will not render either of the resulting parcels nonconforming as to lot width, depth and area.
- C-2. The adjusted lot line will not render any of the existing structures located at the donor parcel (101 Bayside Place – Parcel 2) nonconforming as to setbacks.
- C-3. The donor parcel (101 Bayside Place – Parcel 2) will be reduced from 15,335.1 square feet to 14,751.1 square feet, which well exceeds the 5,000-square-foot minimum parcel size of Section 20.10.030 of the Municipal Code.
- C-4. The area being added to the adjusted lot (201-205 Carnation – Parcel 1) will not increase the maximum density of the resulting parcel as the area is mostly excluded from the calculation as the slope of the area exceeds 50 percent. The maximum density calculation permitted before and after the adjustment is 9 units.

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. The lot as adjusted will not be deprived of legal access as the adjusted lot abuts a public street and vehicular access to and from Carnation Avenue will remain unchanged.
- D-2. No adjoining parcels will be deprived of legal access as a result of the lot line adjustment. The donor parcel (101 Bayside Place – Parcel 2) as adjusted will maintain vehicular access from Bayside Place, a private roadway that provides access to Bayside Drive a public street.

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 an adjacent alley as there is currently no direct vehicular access

from an alley for any of the parcels involved in the lot line adjustment and that will remain unchanged.

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 adjusted area is at the rear of 201-205 Carnation (Parcel 1) and due to its location, it will have no impact to setbacks that were established with the approval of Tentative Tract Map No. 16882. The adjusted area of (101 Bayside Place – Parcel 2) is located south and upslope of Bayside Place and the residence on the lot is located on the north side of Bayside Place (between Bayside Place and Newport Bay) and due to the location of the adjusted area, it will not have any impact on the front setback for 101 Bayside Place.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-011 (PA2013-199), 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 24TH DAY OF OCTOBER, 2013.

By:



Patrick J. Alford, 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 AERIE Lot Line Adjustment including, but not limited to LA2013-011 (PA2013-199). 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. ZA2013-070

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-013 FOR AN AMENDMENT TO SIGNS LOCATED AT 1107 JAMBOREE ROAD (PA2013-160)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kevin Higa, representing ground lessee, Sunstone Hotel Investors, Inc., with respect to property located at 1107 Jamboree Road, and legally described as Parcel 1 & 2 of a Parcel Map as recorded in Book 17, Page 3 of Parcel Maps, Orange County, California, describing a portion of Block 55, Irvine's Subdivision, recorded in Book 1, Page 88 of Miscellaneous Record Maps, of Orange County California, requesting approval of a modification permit.
2. The applicant proposes an amendment to Modification Permit No. MD2005-047 (PA2005-122) and Modification Permit No. MD3156 to allow an increase in sign height and sign area for three existing freestanding monument signs within the hotel complex. A fourth existing 20-square-foot identification sign at the entrance to the property on Jamboree Road will remain. The two entry signs along Jamboree Road will provide an increased sign area (maximum 25 sq. ft.) and all three monument signs will be reconstructed with a maximum 36-inch letter/logo text to accommodate new corporate branding requirements for the Hyatt Regency Newport Beach. The proposed sign height and sign areas will be consistent with the maximum letter/logo height and area prescribed by the Zoning Code.
3. The subject property is located within the Commercial Visitor-Serving (CV) Zoning District and the General Plan Land Use Element category is Commercial Visitor-Serving (CV).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Visitor Serving Commercial (CV-B).
5. A public hearing was held on October 24, 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 qualifies for a Class 11 (Accessory Structures) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).

2. The proposed signs are incidental and accessory to the principal commercial use of the property and do not intensify or alter the use.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The subject property is located within the Commercial Visitor-Serving (CV) Zoning District and is developed with a large resort hotel, Hyatt Regency, that encompasses over 20 acres of land and has more than 950 feet of frontage on both Jamboree Road and Back Bay Drive.
2. The requested modification will allow the applicant to replace permanent monument signs at three sign locations. Two monument signs are located at the entry to the project site from Jamboree Road and the third sign is located on a wall adjacent to the self-parking area. The increased size and height of the signage at these existing locations will provide for added visibility in compliance with the letter/logo height limitations identified in the Zoning Code.
3. The location of the signage at the existing monument sign locations is consistent with signage in this Zoning District and in the general vicinity.
4. The text describing on-site amenities next to the left monument sign at the entrance along Jamboree Road will remain as previously approved.

Finding:

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

Facts in Support of Finding:

1. Due to the size of the development and the amount of street frontage of the subject property, the presence of three monument signs with new sign text up to 36 inches in height will not adversely affect or be detrimental to persons, property, or improvements in the neighborhood.

2. The “self-park” parking lot that is adjacent to Back Bay Drive is expansive, and the existing monument sign helps to identify the hotel entrance to guests who have parked in this lot.
3. Due to the location of and the height of the existing monument walls, an increase in letter height and sign area is appropriate to provide adequate site identification and visibility.
4. The text describing on-site amenities next to the left monument sign at the entrance along Jamboree Road will remain as previously approved.

Finding:

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

Facts in Support of Finding:

1. The general purpose and intent of the Zoning Code as it pertains to signs is to provide each sign user with an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs.
2. The sign copy for the monument sign within the “self-park” parking lot is located on an existing landscape wall and has been designed to accent the wall.
3. A strict application of the sign standards established by Modification Permit No. MD2005-047 (PA2005-122) would result in a less than optimal identification as a result of unique physical and practical difficulties created by monument sign orientation and landscape elements.
4. The increased size of the wall signs is appropriate to the scale and height of the buildings in the area and is necessary to provide adequate visibility for visitors to the property.
5. The increased wall sign height is necessary to comply with corporate standards for signage.
6. Signage on-site is limited to the approved signs. Existing vehicle-oriented directional signs are exempted from the permit requirements under the Zoning Code. The approved signs will therefore prevent a proliferation of signage on-site.

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. Section 20.52.050 (Modification Permits) of the Zoning Code specifies that a modification permit may be granted to increase the allowed height, number, and area of signs.
2. All signs will be channel letters attached to existing walls and will be “halo” or back-lit, thereby eliminating any direct-illumination from the sign.
3. The building does not have any other tenant identification signs on the exterior of the building so the increased size of the signs will not detract from the building’s exterior.
4. The increased size of the wall signs will provide better visual direction for the public from the surrounding public roadways and from a greater distance without detracting from the development’s overall aesthetic.

Finding

- E. The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code*
1. Approval of the application to increase the size of wall signs does not change the density or intensity of use.
 2. There are no residential properties adjoining the subject property.
 3. The granting of the modification to provide relief is consistent with past approvals for size and placement of signs in existing locations that have demonstrated no detriment to the public health, safety, or welfare of occupants of the property, nearby properties, the neighborhood, or the City.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-013 (PA2013-160), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

3. This resolution supersedes Modification Permit No. MD2005-047 (PA2005-122) and Modification Permit No. MD3156, which upon vesting of the rights authorized by this Modification Permit, shall become null and void.

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



Patrick J. Alford, Zoning Administrator

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

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. All proposed signs shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.
3. Modification No. MD2013-013 (PA2013-160) 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.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. 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.
6. The existing monument sign located in the "self-park" parking lot shall be designed as depicted on the approved plans, and in no case shall the sign exceed 25 square feet in area or 3 feet in height.
7. The two existing monument signs at the main entry at Jamboree Road shall remain in their current location. The new sign copy for each existing monument sign shall not exceed 25 square feet in area and 3 feet in height.
8. The text on the low-bell tower at the left of the main entry adjacent to Jamboree Road shall be limited to describing the on-site amenities provided by the hotel. The text shall not exceed 20 square feet in area and 6 feet in height.
9. All signs shall be constructed of reverse channel letters and may be "halo" or back-lit.
10. This Modification 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.

11. Any expansion in area, or other modification to the approved plans, shall require an amendment to this Modification Permit or the processing of a new modification permit.
12. 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.
13. 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.
14. 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.
15. 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.
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 Hyatt Regency Sign Modification including, but not limited to, the Modification Permit No. MD2013-013 (PA2013-160). 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

17. 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.

Public Works Conditions

18. County Sanitation District fees shall be paid prior to the issuance of any building permits.



**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

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Comprehensive Sign Program No. CS2012-009 (PA2012-114)**
Applicant **Sign Specialists Corporation – Rick Batt**
Site Address **493 Old Newport Boulevard**
Legal Description **Parcel 1 of Lot Merger LM2010-005**

On **October 25, 2013**, the Zoning Administrator approved Comprehensive Sign Program No. CS2012-009, establishing design parameters for wall signage for a multi-tenant office building and to allow the following deviations from the Sign Standards of the Zoning Code:

1. The installation of wall signs to extend above the second-story windows on both the primary and secondary frontages, where the Zoning Code limits the height of signs to the bottom of the second story windows.
2. Maximum letter heights of 42 inches, where the Zoning Code limits letter heights to 36 inches; and
3. The installation of wall signs outside the middle 50 percent of tenant frontages.

The subject property is located within the Office General (OG) Zoning District and the General Plan Land Use Element category is General Commercial Office (CO-G). 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.

FINDINGS AND STANDARDS FOR APPROVED SIGNS

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

- B-1. The proposed Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards) because it provides the multi-tenant office 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.
- B-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 tenant signage, and to achieve, not circumvent, the purpose of Chapter 20.42. This approval integrates all of the signs for the subject property while meeting the purpose and intent of Chapter 20.42.
- B-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.

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

- C-1. The proposed comprehensive sign program will restrict future signage and enhance the overall development of the site while still providing adequate identification of the site and to the individual tenants. The proposed number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood.
- C-2. The proposed signage along the primary frontage adjacent to Newport Boulevard will be installed so that it is located in a logical, design-conscious manner that fits within the unique architectural design of the building. Given a building setback of approximately 120 feet from the Newport Boulevard vehicular travel lanes, the proposed maximum letter heights are appropriate in order to provide signage legible to motorists travelling on Newport Boulevard.
- C-3. The proposed multi-tenant panel wall sign located on the secondary frontage provides visibility of tenant signage to motorist traveling south on Old Newport Boulevard and avoids the need for individual tenant signs along that frontage.

Finding

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

Facts in Support of Standard

- D-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

- E-1. The project site is for the use of multiple tenants and the Comprehensive Sign Program has been designed to be effective for such use.
- E-2. The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future tenants.
- E-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

- F-1. The Comprehensive Sign Program allows for deviations with regards to the location and height of wall signs which will aid and enhance the identification and visibility of tenants from the adjacent roadways. The deviation in sign location also allows for wall sign placement that better conforms to the unique architectural lines of the building. 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.
- F-2. The locations of the signs are reasonable and will be adequately separated to avoid visual clutter and satisfy the intent of the sign code provisions.

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

- G-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

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

CONDITIONS

1. All proposed signs shall be in substantial conformance with the approved sign 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. 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.
5. Signs shall be maintained in a clean and orderly condition.
6. 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.
7. 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.
8. 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.

9. 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.
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 493 Old Newport Boulevard Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2012-009 (PA2012-114). 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 within 14 days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

On behalf of Brenda Wisneski, Zoning Administrator

By:



Jaime Murillo, Senior Planner

BW/jm

Attachments: CD 1 Vicinity Map
 CD 2 Sign Program Matrix
 CD 3 Site Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2012-009
PA2012-114

493 Old Newport Boulevard

Attachment No. CD 2

Comprehensive Sign Program Matrix

COMPREHENSIVE SIGN PROGRAM MATRIX

**493 Old Newport Boulevard
CS2012-114 (PA2012-114)**

**Frontages: Primary: Newport Boulevard (West Building Elevation)
Secondary: Parking Lot/Old Newport Boulevard
(Northeast Elevation)**

Primary Frontage: NEWPORT BOULEVARD	Secondary Frontage: PARKING LOT/OLD NEWPORT BOULEVARD
Size limitations where applicable	Size limitations, where applicable
Sign Locations 1A, 2A & 3A – Wall Signs Wall Sign Limitations: <i>Maximum Number: Three</i> <i>Maximum Sign Area: 75 square feet</i> <i>Maximum Letter or Logo Height: 42 inches</i> <i>Location: May be located above 2nd story</i>	Sign Location 1B – Wall Sign or Multi-Tenant Wall Sign Wall Sign Limitations: <i>Maximum Number: One</i> <i>Maximum Sign Area: 37.5 square feet</i> <i>Maximum Letter or Logo Height: 36 inches</i> <i>Location: May be located above 2nd story</i>

NOTES/REQUIREMENTS:

- a) Requirements for all signs per Municipal Code Chapter 20.42, except as provided in this sign matrix.
- b) Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to this approval if the intent of the original approval is not affected.
- c) Cabinet sign types shall be prohibited on primary elevation.
- d) Cabinet sign type on secondary frontage shall consist of an opaque background and the only portion of the sign that may appear as illuminated is the actual lettering and/or a registered trademark or logo.

Attachment No. CD 3

Sign Plans

MASTER SIGN PROGRAM

Prepared For :

Property Owner

Bella Cara Dermatology

495 Old Newport Blvd.

Newport Beach, Ca 92663

Zoning Designation : Commercial Office

Architect

Wood, Burghard, Swain Architects

(WBSA)

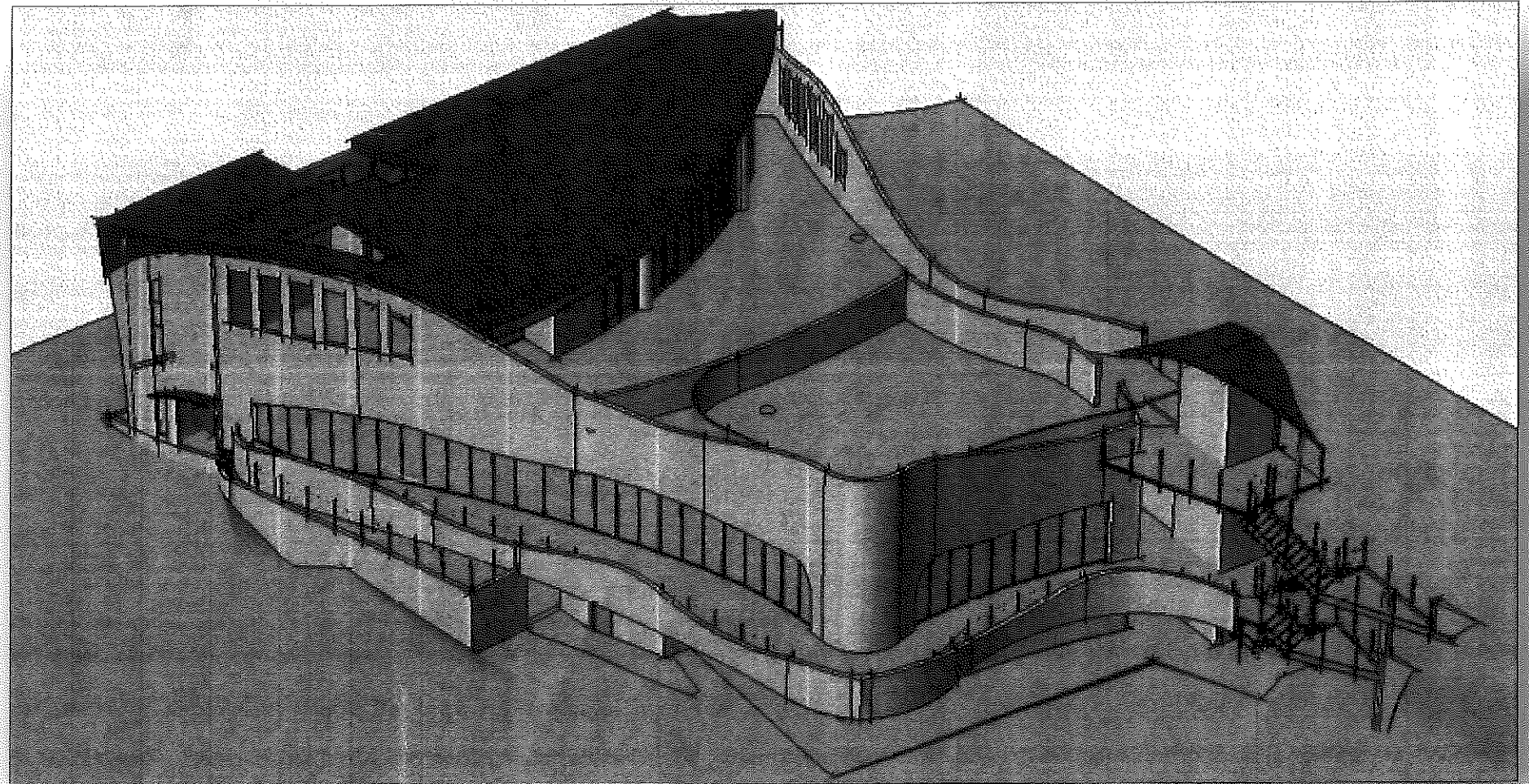
4850 Barranca Parkway Suite 203

Irvine, Ca

Governing Municipality

City of Newport Beach, Ca

Planning Division



Prepared By :



Program Designer:

111 W. Dyer Rd., Unit F

Santa Ana, CA 92707

714.641.0064

714.641.0065 fax

Contact: Hector Betancourt

October 11, 2013

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Sign Type Chart

SIGN TYPE	SIGN-SPECIFICATION PAGE	DESCRIPTION	GENERAL LOCATION	MAX. QUANTITY	MAX. SIGN PANEL SIZE	MAX. LETTER HEIGHT	LOGOS ALLOWED?	ILLUMINATION PERMITTED?
A	4	Channel Lettering	Building Fascia	4 (max)	75 sq. ft. 42" Tall	3-1/2'	YES	YES
B	7	Building-Top Tenant Marquee Secondary Tenant Sign	Skyline (Building)	1	37.5 sq. ft.	5"	YES	YES

GENERAL REQUIREMENTS

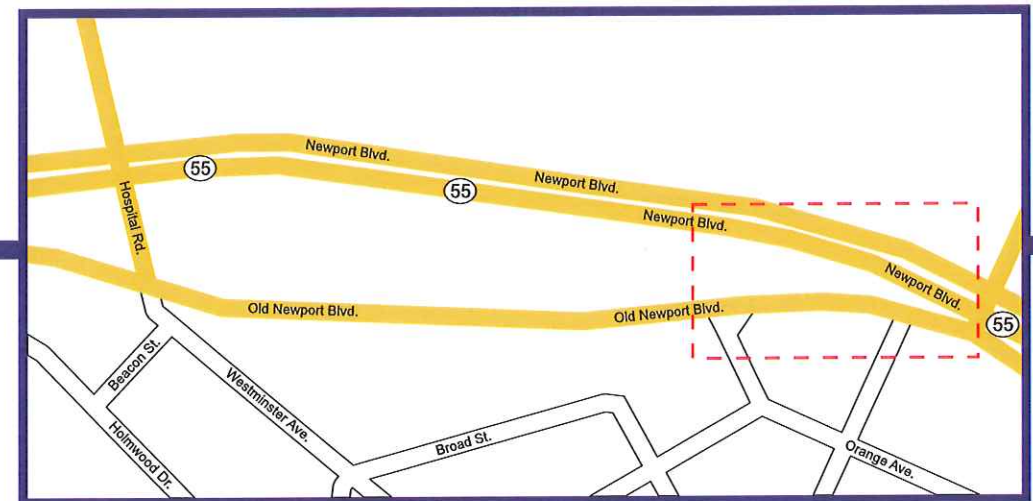
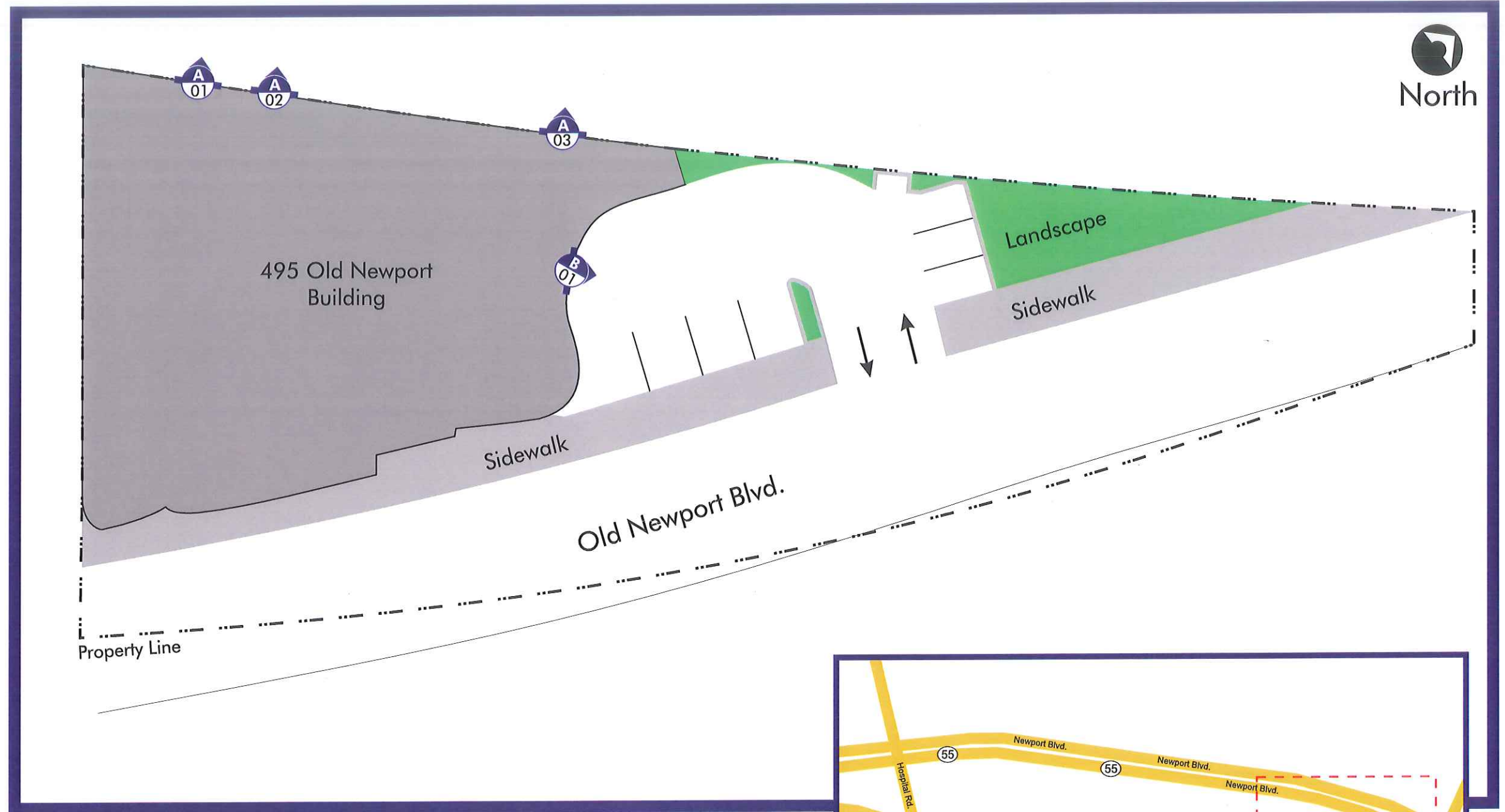
1. Submittal: Tenant's sign contractor shall submit (3) sets of detailed drawings indicating: the sign location (as regulated in this sign program), the sign layout and colors, and the method of construction and installation. Landlord shall review plans, and return one set of plans, approved or noted for corrections. Plans "noted for correction" must be resubmitted for final approval.
2. Upon receipt of Landlord approval, tenant's sign contractor shall acquire all necessary permits from the City of Newport Beach prior to starting production. All permit fees are the responsibility of the tenant.
3. Sign construction, installation and maintenance costs shall be paid by the tenant. Signage must be maintained to remain in "like new" condition in all cases. All non-conforming and non-maintained signage shall be corrected by the tenant within 30 days of landlord notification. Any corrections not corrected in the 30 day period shall be corrected by the landlord, and billed back to the tenant at the full cost incurred.
4. Tenant's sign contractor shall provide copies of Worker's Compensation, General Liability Insurance and any other information requested by Landlord prior to starting the sign installation.
5. Each tenant signage submittal shall be reviewed on an individual basis, and approved or rejected based on the guidelines set forth in this sign program, and based on the sign compatibility to the architecture of the sign area it is to be installed upon. Final approval to be at the landlord's discretion, and also pending City of Newport Beach approval.
6. The standard signage norm throughout the center shall be monument signage. Logos will be allowed on a case by case basis based upon the chart on page 1 of this package..
7. Overall maintenance of all other signage will be the responsibility of the landlord. Signage must be maintained to remain in "like new" condition in all cases.
8. Prohibited Signage Guidelines:
 - a. No animated, flashing or audible signs.
 - b. No exposed lamps or neon tubing.
 - c. No exposed crossovers and/or conduit.
 - d. No painted wall lettering or graphics.
 - e. No signage located in suite that can be seen from the exterior.
 - f. No signage design prohibited by City or State law.
9. Any additional requested signage not covered in this sign program shall fall under review of the City of Newport Beach general signage criteria.

Site Map

LOCATION
 495 Old Newport Blvd.
 Newport Beach, Ca 92663

SIGN TYPE LEGEND

-  Building-Top Channel Lettering
-  Tenant Marquee



SIGN TYPE A (Channel Lettering - Elevations)



City of Newport Beach

Building Top channel lettering will be made from 3" or 5" deep (depending on illumination) LED illuminated channel lettering mounted directly to building fascia in locations shown. Letters/logos will have automotive grade painted returns (edges) in ALL cases. Each Building Top Channel Lettering set must have a meter to show energy usage for sign. Energy usage shall be billed directly to tenant at the tenant's expense. Building Top Channel Lettering shall be limited to the restrictions listed below.

Letters/logos will be allowed to have the following illumination options:

- A - Front Lit
 - B - "Halo" Illumination
 - C - A combination of Front Lit & "Halo" Illumination
- *see page eight (8) for details

In no case shall any Building Top Channel Lettering exceed 42" (3-1/2') in height or 15' in length. Size of sign will be determined by whatever limitation is encountered first. The maximum square footage for this type of sign shall be 75 Sq.Ft. Locations will vary depending on elevation.

Logos will be allowed on a case by case basis at the sole discretion of building ownership/management. Logos should closely follow the contour of the artwork they display. There will be no typestyle or color restrictions for this type of sign, however final approval shall be determined exclusively by building ownership/management.

Sign eligibility & location shall be determined exclusively by building ownership/management as described in lease agreements/CC&R's. Sign plans will be submitted to building ownership/management prior to submission to the city and will include dimensions, materials, locations on elevations, type of illumination, and colors used. Two (2) sets of plans shall be submitted for approval to building ownership/management in all cases. Upon approval, one set of plans will be returned to the tenant for submission to the City of Newport Beach.

Permit submission shall be the sole responsibility of the tenant. Tenant is responsible for any/all costs incurred. All signs shall comply with the guidelines set forth in this sign program and the regulations set forth by the City of Newport Beach.

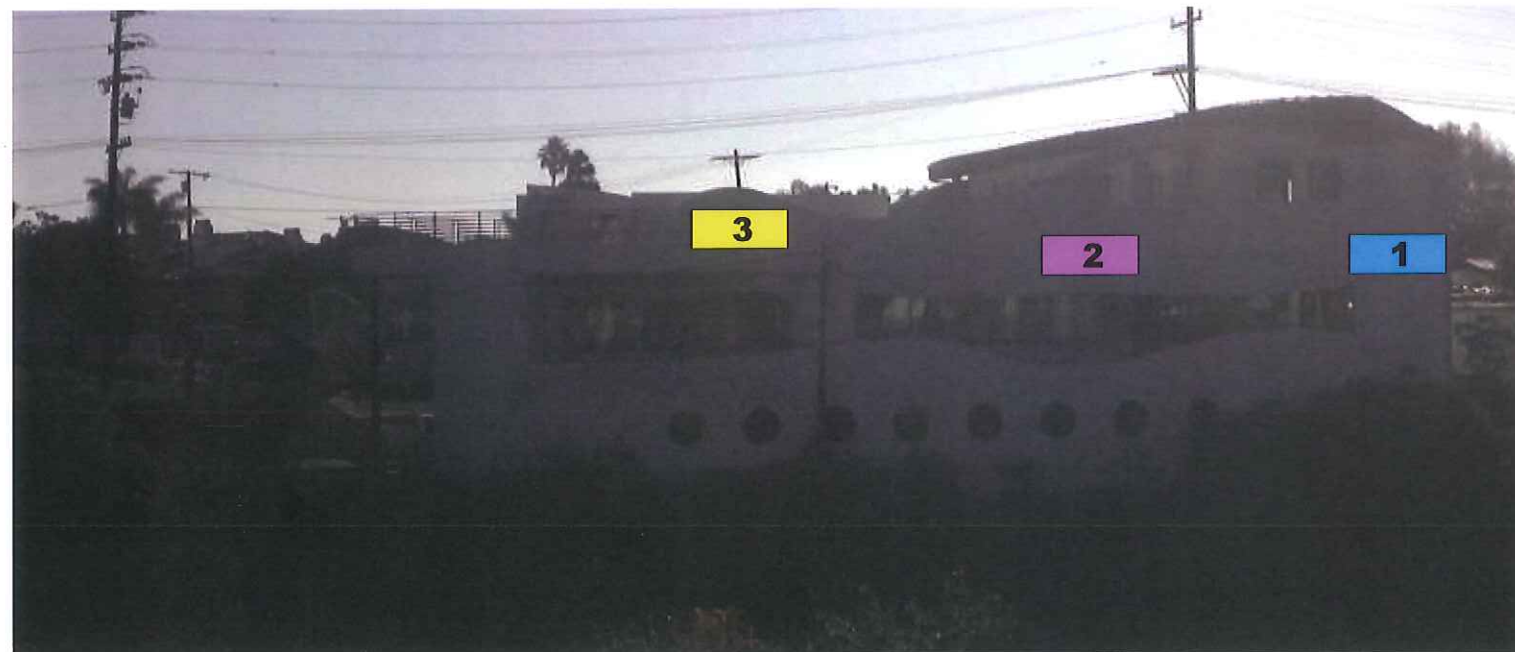
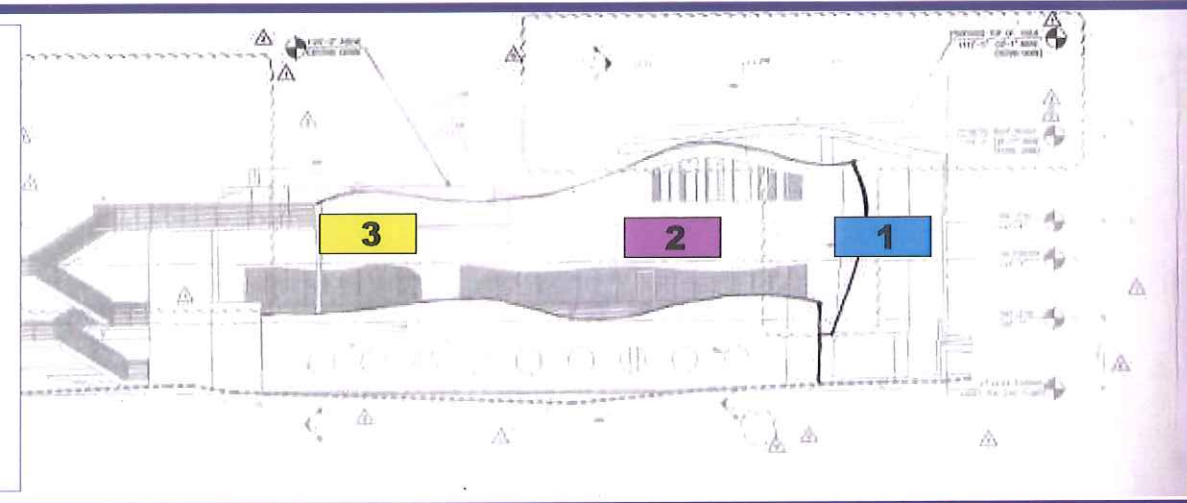
Upon termination of lease agreement, tenant shall be responsible for removal of signs and restoration of sign area to near new condition. Should tenant fail to remove signs within 30 days of vacating the property, building ownership/management will remove signs and tenant will be billed for the full cost incurred.

Sign Location and Suite Assignment

#1 - Suite 100

#2 - Suite 300

#3 - Suite 200



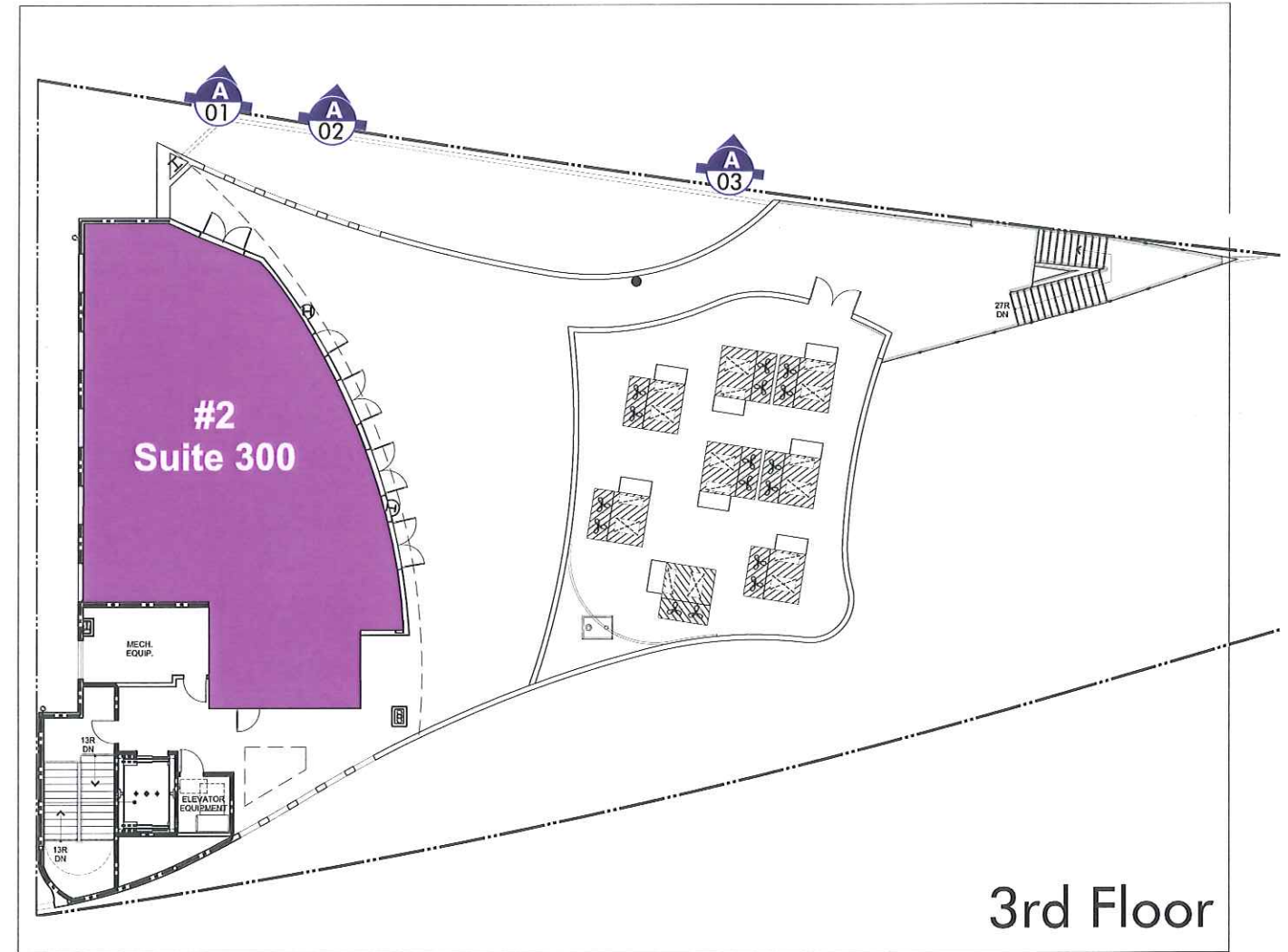
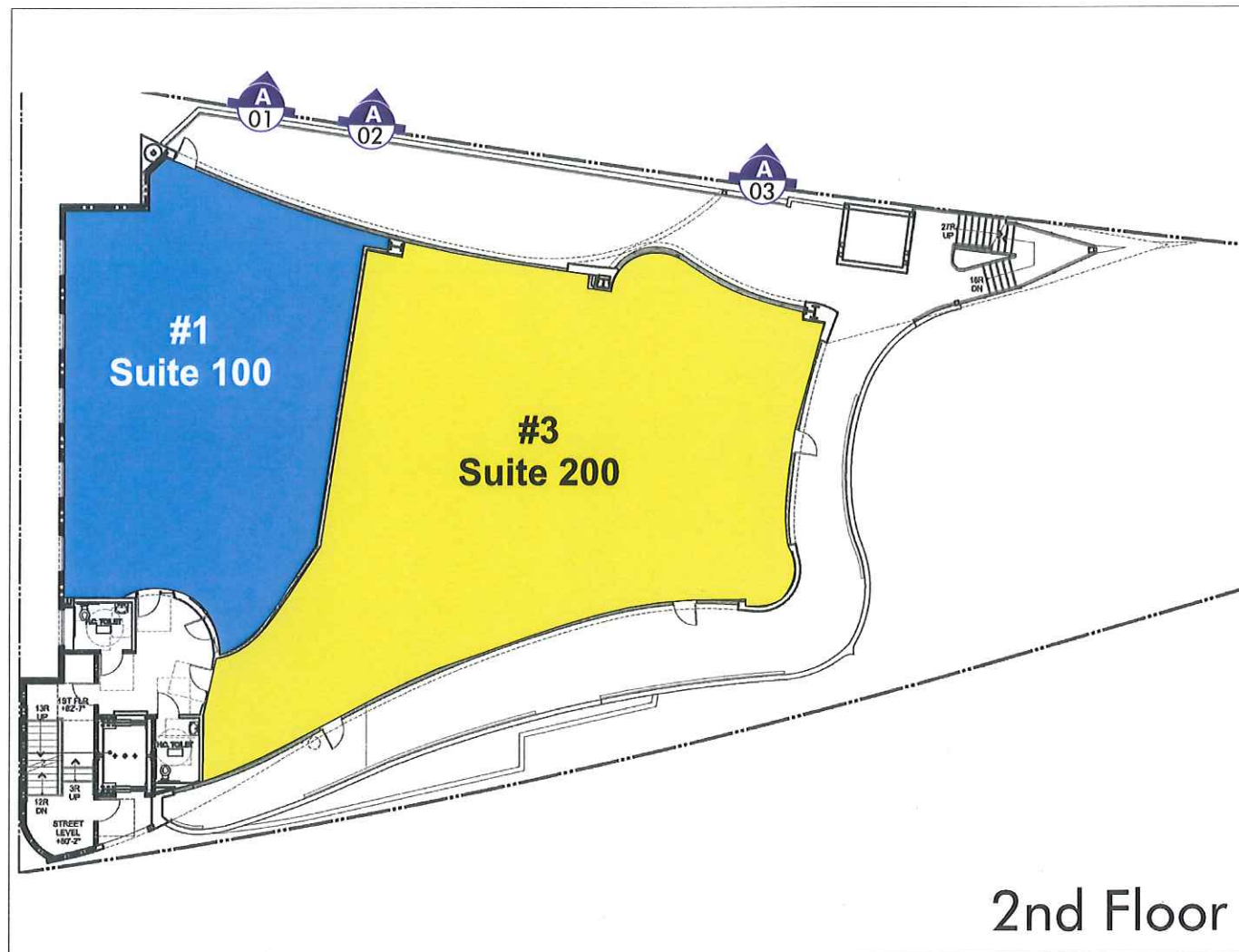
Note:

Signs are intended to be installed in accordance with the installation instructions provided with the sign sections and the NEC. Authorities having jurisdiction are responsible for the ultimate decision to approve an installation.

SIGN TYPE A (Channel Lettering - Suite Assignments)



City of Newport Beach



SIGN TYPE A (Channel Lettering Illumination Options)



City of Newport Beach

Front Lit

"Halo" Illumination

Front Lit & "Halo" Illumination

Side View

Example:

Side View

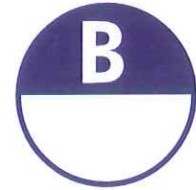
Example:

Side View

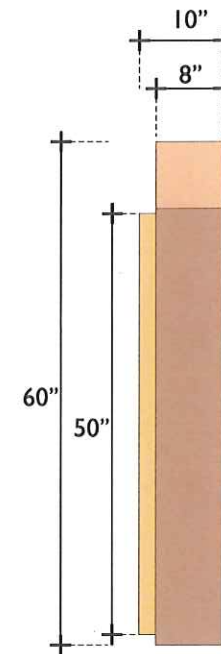
Example: Day View

Night View

SIGN TYPE B (Tenant Marquee)



City of Newport Beach



The Tenant Marquee is an internally illuminated aluminum sign canister with five illuminated inserts. Each insert will have routed copy with translucent white acrylic backers. These inserts will display 5" tall routed copy. The typestyle used will be Goudy Bold in most cases. Fonts besides Goudy Bold may be used at the discretion of the landlord. Logos are allowed. Tenant information will be centered on the tenant panels.

The overall size of this canister will be 120" wide by 60" tall by 10" deep.

The overall s.f. of the sign area is 37.5 s.f.

Tenant Marquee is single-sided and illuminated.

Colors Used



Sandstone



Camel Beige



Blue Grey Lt.



White

SIGN TYPE B (Tenant Marquee Elevations)



City of Newport Beach

Tenant Marquee will be made from 10" deep fluorescent cabinet mounted directly to building fascia in location shown. Letters/logos are allowed.

Tenant Marquee shall be limited to the restrictions listed below.

Letters/logos will be allowed to have the following illumination option:

A - Fluorescent-lit Cabinet

In no case shall any Tenant Marquee exceed 60" (5') in height or 120" (10') in length. Size of sign will be determined by whatever limitation is encountered first. The maximum square footage for this type of sign shall be 37.5 Sq.Ft. Locations will vary depending on elevation.

Logos will be allowed on a case by case basis at the sole discretion of building ownership/management. There will be no typestyle or color restrictions for this type of sign, however final approval shall be determined exclusively by building ownership/management. In no case shall letters/logos exceed 5" in height.

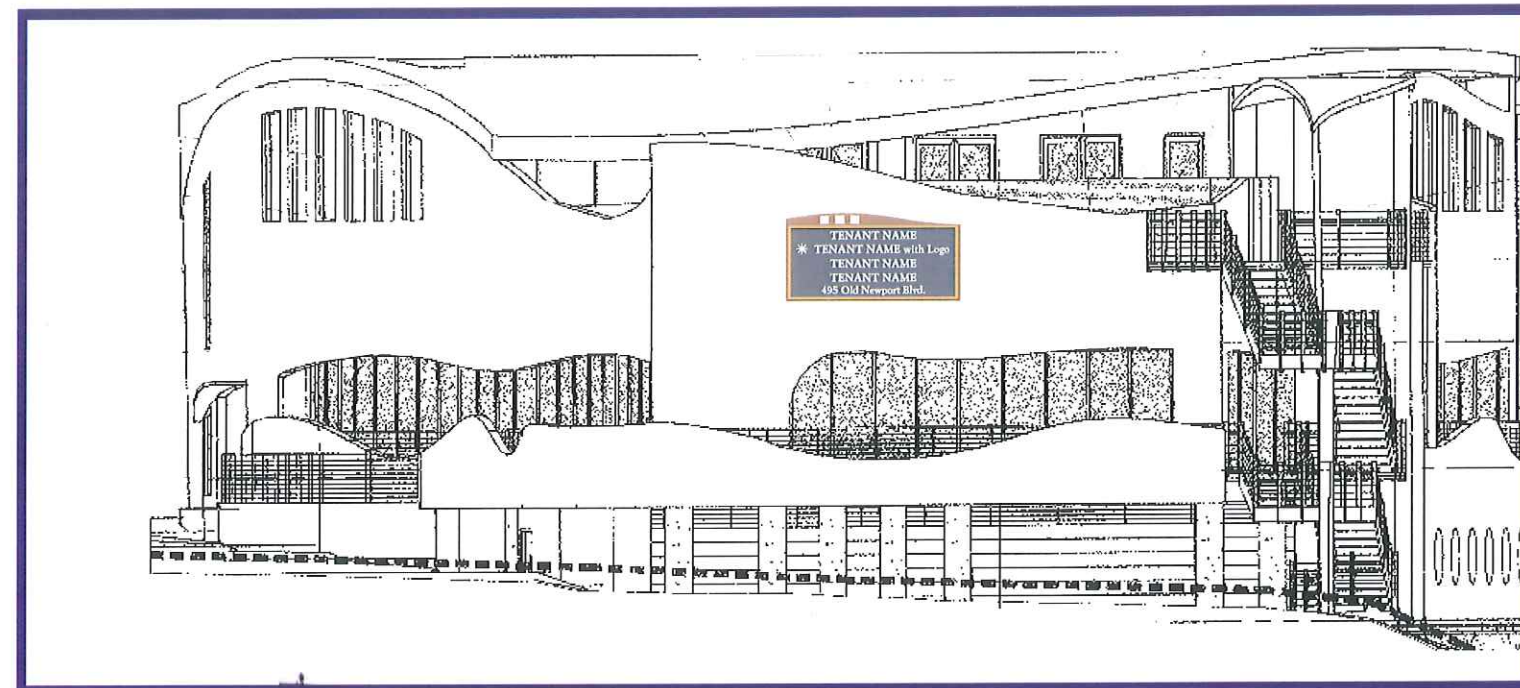
Sign eligibility & location shall be determined exclusively by building ownership/management as described in lease agreements/CC&R's. Sign plans will be submitted to building ownership/management prior to submission to the city and will include dimensions, materials, locations on elevations, type of illumination, and colors used. Two (2) sets of plans shall be submitted for approval to building ownership/management in all cases. Upon approval, one set of plans will be returned to the tenant for submission to the City of Newport Beach.

Permit submission shall be the sole responsibility of the tenant. Tenant is responsible for any/all costs incurred. All signs shall comply with the guidelines set forth in this sign program and the regulations set forth by the City of Newport Beach.

Upon termination of lease agreement, tenant shall be responsible for removal of signs and restoration of sign area to near new condition. Should tenant fail to remove signs within 30 days of vacating the property, building ownership/management will remove signs and tenant will be billed for the full cost incurred.

Note:

Signs are intended to be installed in accordance with the installation instructions provided with the sign sections and the NEC. Authorities having jurisdiction are responsible for the ultimate decision to approve an installation.





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

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Comprehensive Sign Program No. CS2013-007 (PA2013-101)**
Applicant **Martin Neil, Caliber Signs & Imaging**
Site Address **2901 West Coast Highway**
Legal Description **Parcel Map Book 199, Page 39, Parcel 1**

On **October 25, 2013**, the Zoning Administrator approved Comprehensive Sign Program No. CS2013-007, addressing signage for a three-story, multi-tenant building. The intent of this program is to allow signage for several building tenants, as determined by the property owner, and includes wall and pylon signage.

A comprehensive sign program is required whenever signs are proposed to be located on or above the second story on a multi-story building. The following deviations from the Zoning Code are requested in conjunction with this sign program:

1. Additional wall signage located on primary (West Coast Highway) and secondary (Parking area of 3101 West Coast Highway) building frontages, where the Zoning Code allows one sign per primary building frontage.
2. An increase in total sign area of 30 percent, which brings the maximum allowable sign area to 90 square feet for the primary frontage and 45 square feet for the secondary frontage.
3. Wall sign locations not within the middle 50 percent of the building frontage as required by the Zoning Code.
4. Location of a pylon sign where the Zoning Code only allows such freestanding signs for a development wherein the building is setback a minimum of 40 feet.

The subject property is located within the Mixed-Use Water Related (MU-W1) Zoning District and the General Plan Land Use Element category is Mixed-Use Water Related (MU-W1). The property is within the Coastal Zone and the Coastal Land Use Plan designation is Mixed-Use Water Related (MU-W).

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

FINDINGS AND STANDARDS FOR APPROVED SIGNS

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) of the Implementing Guidelines.*

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

- B-1. The proposed Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign 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.
- B-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. This Comprehensive Sign Program provides this by integrating all of the signs for the subject property, while meeting the purpose and intent of Chapter 20.42.
- B-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.

- B-4. 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 West Coast Highway.

Standard

- 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

- C-1. The site is developed with a three-story, multi-tenant commercial building. Signs are designed to identify tenants within the building. The number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood.
- C-2. All wall signs integrate well with the character and architectural style of the building by maintaining consistency in location, sign height, and materials.
- C-3. Proposed signs will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.
- C-4. The signs will not interfere with sight distance from any street, driveway, or parking area.

Standard

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

Facts in Support of Standard

- D-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.

Standard

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

Facts in Support of Standard

- E-1. The Comprehensive Sign Program has been designed to be effective for the commercial tenants that occupy the building by providing sign opportunities for tenants.
- E-2. The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future tenants.
- E-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.

Standard

- 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

- F-1. The Comprehensive Sign Program allows for deviations with regards to the number, location, and placement (outside of the middle 50 percent of the building frontage) of wall signs on the primary and secondary building frontages. The approval enhances the overall development by integrating all of the project's signs with the overall site and structure design into a unified architectural statement.
- F-2. Allowing deviation from the Zoning Code for three wall signs located on a primary building frontage is appropriate, given the architectural design of the building and its size, tenancy, and orientation. The building has three frontages visible from West Coast Highway. The proposed wall sign location allows for maximum visibility to pedestrians and passing motorists.
- F-3. Allowing deviation in the number of wall signs on the primary and secondary frontages enhances the visual appeal by creating a uniform pattern of signs and does not result in a proliferation of signage since each frontage will be limited to signage on a single floor.
- F-4. Allowing deviation from the requirement that wall signs be located in the middle 50 percent of a building frontage is appropriate given the architectural design and modulation of the building frontage on which the signs are placed.

- F-6. Allowing deviation from location for a freestanding, multi-tenant directory pylon sign is reasonable given the size of the development, the proposed location of the sign, and the speed of traffic along West Coast Highway.
- F-5. 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 as modified by this Comprehensive Sign Program.

Standard

- 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

- G-1. The Comprehensive Sign Program does not authorize the use of prohibited signs.

Standard

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

Facts in Support of Standard

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

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. All window signage shall be removed prior to implementation of this Comprehensive Sign Program.
5. The pylon sign shall be reviewed and approved by the Public Works Department.
6. A copy of this letter shall be incorporated into the plan check sets of plans prior to issuance of building or sign permits.

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. The maximum height of any wall sign shall be 36 inches.
9. Signs shall be maintained in a clean and orderly condition.
10. 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.
11. 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.
12. 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.
13. 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.
14. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the 2901 West Coast Highway Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2013-007 (PA2013-101). 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 within 14 days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

On behalf of Brenda Wisneski, Zoning Administrator

By:



Benjamin M. Zdeba
Assistant Planner

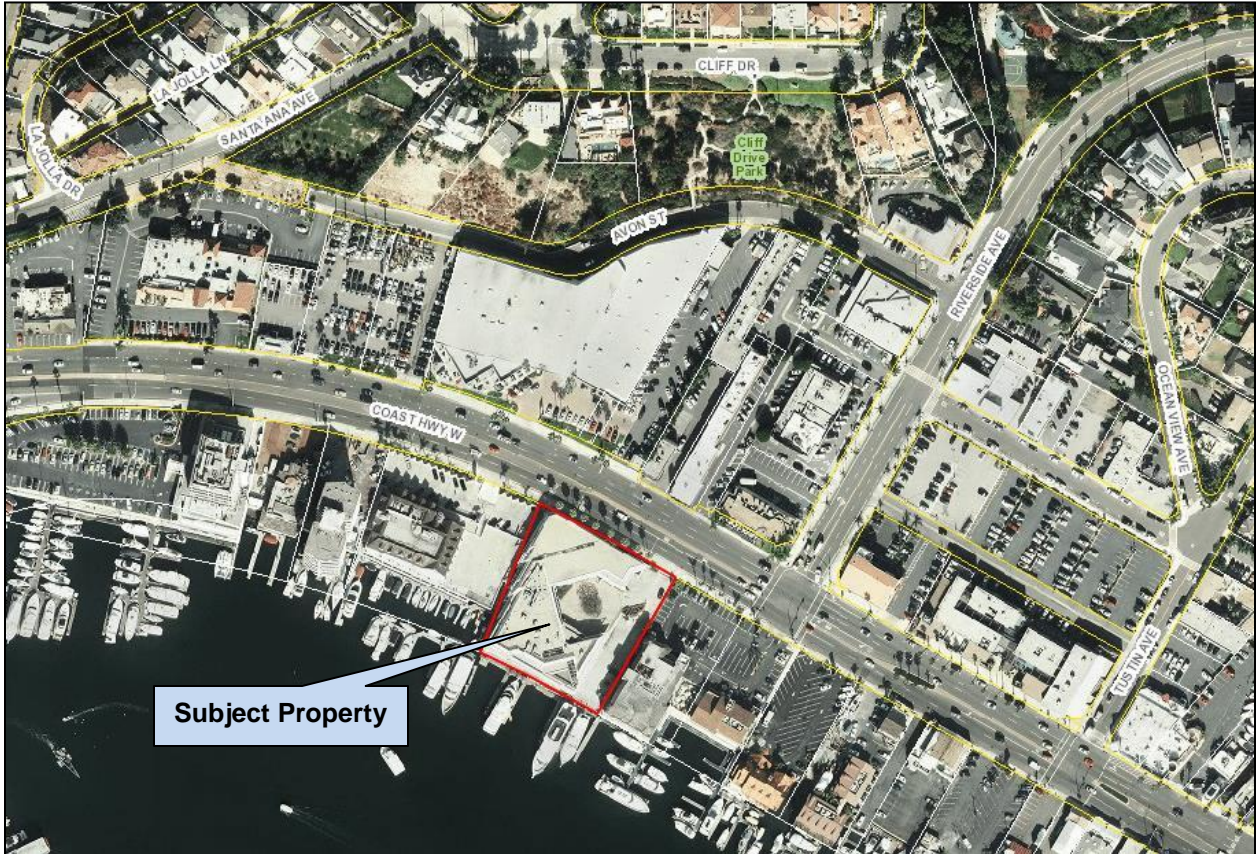
GR/bmz

Attachments: ZA 1 Vicinity Map
 ZA 2 Sign Program Matrix
 ZA 3 Project Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2013-007
PA2013-101

2901 West Coast Highway

Attachment No. ZA 2

Comprehensive Sign Program Matrix



The Waterfront Sign Program

2901 West Coast Highway, CS2013-007 (PA2013-101)

Community Development Department
 Planning Division
 100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915
 (949)644-3204 Telephone / (949)644-3229 Facsimile
www.newportbeachca.gov

Frontages: A West Coast Highway
 B Parking area of 3101 West Coast Highway

Sign Type	Primary Frontage (A) Size limitations where applicable	Secondary Frontage (B) Size limitations, where applicable
Wall sign (Option 1)	Maximum number of signs: 3 (three) ¹ Maximum area: 23.95 sq. ft. each Maximum letter/logo height: 36 inches Lighting allowed: Yes	Maximum number of signs: 2 (two) Maximum area: 22.5 sq. ft. each Maximum letter/logo height: 36 inches Lighting allowed: Yes
Wall sign (Option 2)	Maximum number of signs: 2 (two) Maximum area: 36 sq. ft. each Maximum letter/logo height: 36 inches Lighting allowed: Yes	Maximum number of signs: 2 (two) Maximum area: 22.5 sq. ft. each Maximum letter/logo height: 36 inches Lighting allowed: Yes
Freestanding pylon sign	Maximum number of signs: 1 (one) Maximum area: 75 sq. ft. Maximum letter/logo height: 36 inches Lighting allowed: Yes	N/A

¹ Number does not include existing "California Wine & Cheese" sign; however, it is included in square footage. Should this sign be removed, the Director (or his/her designee) may approve revisions to this sign program.

Attachment No. ZA 3

Project Plans

Waterfront Sign Program

2901 West Coast Highway
Newport Beach, CA



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customercare@calibersi.com

Ph: (949) 748-1070 Fax: (949) 748-1072

17751 Sky Park East #F Irvine, CA 92614

General Information

Project:

Waterfront
2901 West Coast Hwy.
Newport Beach, Ca

Properity Owner;

Waterfront Newport Beach, LLC.
Attn. Robert Lounsbury
Project Manager; Member
2901 West Coast Hwy., Suite 200
Newport Beach, CA 92663

Sign Contractor:

Caliber Signs and Imaging
17751 SkyPark East 2F
Irvine, Ca 92814
714.748.1070

Table of Contents:

1. Cover
2. Directory, Purpose and Intent, General Requirements
3. General Specifications, Prohibited Signs
4. Site Plan and Sign Area
5. Monument Sign
6. Engineering
7. Existing Signs
8. Building Elevations - North and West
9. Tenant Sign Deetail
10. Tenant Sign Mounting Detail
11. Additional Details

A. Purpose and Intent

The purpose of this sign criteria is to insure that the signage at Waterfront reflects the integrity and overall aesthetic values of the Landlord and the City of Newport Beach. Conformity with this criteria will be strictly enforced, and any non-conforming signs will be removed by the Landlord at the expense of the tenant.

It is the intent that any new signage within Waterfront that is not specifically addressed by this Program shall require modification of this Program to include such signage.

B. General & Landlord / Tenant Requirements

1. Within 15 days of execution of this Lease and prior to manufacture of any sign in Waterfront, the Tenant shall submit to Landlord for written approval, three (3) sets of detailed, scaled drawings, in full color. These drawings shall include scaled drawings of the building elevation(s) to which the sign(s) are to be attached with the sign(s) placed on the building, leasehold location and width, and proposed sign specifications including exact sign dimensions, area, materials, and colors. A section detail must also be included in the submitted drawings clearly illustrating sign construction, illumination, wiring, and quantity and types of fasteners. Proposed drawings must clearly illustrate compliance of proposed sign(s) with this Sign Program, the City of Newport Beach sign code, and the requirements of any other governmental agency having jurisdiction over Waterfront.
2. All signs shall be reviewed by the Landlord for conformance with this criteria, overall design quality, and compatibility with the intended aesthetic character of Waterfront. Approval or disapproval of sign submittals based on aesthetics of design shall remain the sole right of the Landlord and City.

3. Tenant must obtain written approval from the Landlord (and any other relevant agencies) of all proposed signs Prior to submitting sign drawings to the City of Newport Beach for the purpose of obtaining a sign permit.
4. Prior to the manufacture and install of any sign, the tenant shall obtain a sign permit from the City of Newport Beach and provide Landlord with a copy of this sign permit.
5. Signs built and/or installed without permits and approval by Landlord, governmental agencies having jurisdiction over Waterfront (or others having rights of approval of such signs), or contrary to corrections made by Landlord or such governmental agencies, shall be shall be altered to conform to such standards at Tenants sole cost and expense. If tenants sign has not been brought into compliance within fifteen (15) days after written notice from Landlord, Landlord shall have the right to correct sais sign at the sole cost and expence of Tenant, and to include such expenses as rent due under this lease.
6. The Tenant shall pay for all signs, related materials, permits and installation fees (including fimal inspection costs). It is the responsibility of the Tenants sign company to verify all conduit and transformer locations and service access prior to fabrication.
7. In the event a Tenant vacates his premises, it is his responsibility to patch all holes and paint surface(s) to match existing color of fascia. In addition, the Tenant Shall provide a blank panel for any freestanding sign he occupies.
8. A Tenant sign(s) shall be installed no later than thirty (30) days after Tenant 's store opens for business, and only after City permits are secured.
9. Landlord reserves the right to periodically hire an independent electrical engineer at Tenant's sole expense, to inspect the installation of all Tenant's signs. Tenants will be required to have any discrepancies and / or code violations, requests for sign removals, or discrepancies not corrected within fifteen (15) days of notice, may be corrected by the Landlord at Tenant's expence.

10. Damaged portions of any sign(s) shall be repaired or replaced within three(3) business days. In the event Tenant shall be unable to effect such repair or replacement within said period for any reason (other than financial inability) beyond Tenant's control, Tenant shall notify Landlord and provide to Landlord a plan of action
4. to be taken to ensure that such repair or replacement shall be continuously pursued with due diligence until completed.

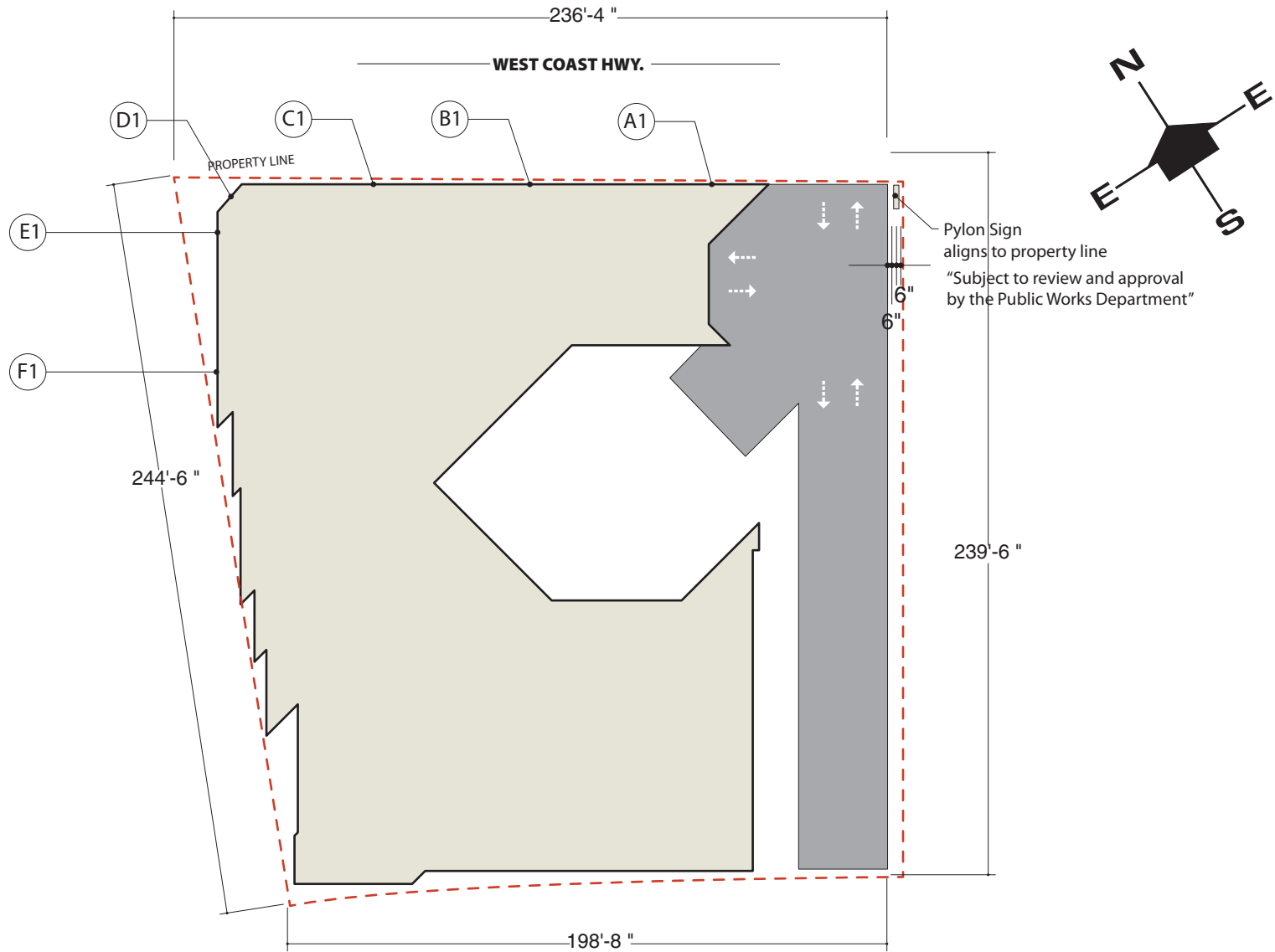
C. General Specifications

1. Sign sizes shall not exceed the general sizes outlined. Landlord has the final discretion when reviewing the proposed signage and reserves the right to not allow signage, even if it meets the criteria herein.
2. Signs shall be fabricated per the specifications shown.
3. All signs and their installation shall comply with all local building and electrical codes.
4. All electrical signs will be fabricated according to U.L. specifications.
5. Sign company to be fully licensed with the State and shall have full workman's compensation and general liability insurance.
6. All penetrations of exterior fascia are to be sealed watertight (color and finish to match existing building exterior). No roof penetrations shall be made without Landlord's prior written consent.
7. Tenant, at Tenant's expense, shall immediately repair any damage caused by Tenant's sign contractor which has occurred to the premises during the course of installation of Tenant's sign(s).
8. All conduits, transformers, junction boxes and openings in building surfaces shall be concealed. Any necessary exposed hardware must specifically be approved by Landlord and City regulatory departments prior to installation and must be finished in a manner consistent with quality fabrication practices.
9. Signs shall be placed in locations as shown on elevations with Landlords approval.
10. All signs shall have its sign permit number, name of fabricator, date of installation and voltage in a visible location.

D. Prohibited Signs

1. Permanent advertising devices such as attraction boards, posters, balloons, pennants, banners, and flags. Temporary signage requires advanced express written Landlord approval prior to installation and any required city approval.
2. Flashing, animated, audible, revolving or other signs that create the illusion of animation are not permitted.
3. Signs constituting a Traffic Hazard. No person shall install or maintain, or cause to be installed or maintained, any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words "STOP", "LOOK", "DANGER" or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
4. Signs in proximity to Utility Lines, Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines than are prescribed by laws of the State of California are prohibited.
5. Signs within the public right-of-way except those protected by "Grandfather" rights or those required by law for traffic control, information and hazard identification.
6. Any sign erected or attached to any tree, utility pole, or traffic control pole or box within any public right-of-way with the exception for City identification signs.
7. Any sign or sign structure which is structurally unsafe or constitutes a hazard to the health, safety, or welfare of persons by reason of design, inadequate maintenance, or dilapidation.
8. Any advertising device involving animals and human beings.
9. Signage painted directly on wall.

3. Vehicle Signs, Signs on or affixed to trucks, automobiles, trailers, or other vehicles which advertise, identify, or provide direction to a use or activity not related to its lawful activity are prohibited.
4. Light bulb strings, External displays, other than temporary decorative holiday lighting which consists of unshielded light bulbs are prohibited. An exception hereto may be granted by Landlord when the display is an integral part of the design character of the activity to which it relates.
5. Signs not deemed architecturally compatible with the entire project per the approval of Landlord and all applicable City Departments.
6. Any additional signs strictly prohibited by the sign code of the City of Newport Beach.
7. Cabinet or "Can" type signs that are square or rectangular in shape, unless that shape is part of a nationally recognized trademark logo and is used in conjunction with individual channel letters.



Scale: 3/8"=20'-0" **4**

Please sign and date to approve production

Client: _____ Date: _____

NOTICE: By approving this proof client accepts responsibility for ALL Specifications, spelling, color, resolution and layout. Production will not begin until 50% deposit is received.

NOTICE: These drawings are the exclusive property of Caliber Signs & Imaging. They are submitted to you and/or your company for the sole purpose of your consideration of whether to purchase this artwork & sign from Caliber Signs & Imaging. Use of these plans / artwork by anyone other than you or your company employees to construct a sign or a display similar to this one is expressly forbidden without written consent from Caliber Signs & Imaging. In the event that such exhibition occurs, Caliber Signs & Imaging, Shall be reimbursed \$500.00 in compensation for the time and effort in creating these plans / artwork.

Customer: Waterfront
 Location: _____
 Date: 9-25-2013
 Designer: *Ken Jones* WO# _____
 File Name : Site Map

Checks:

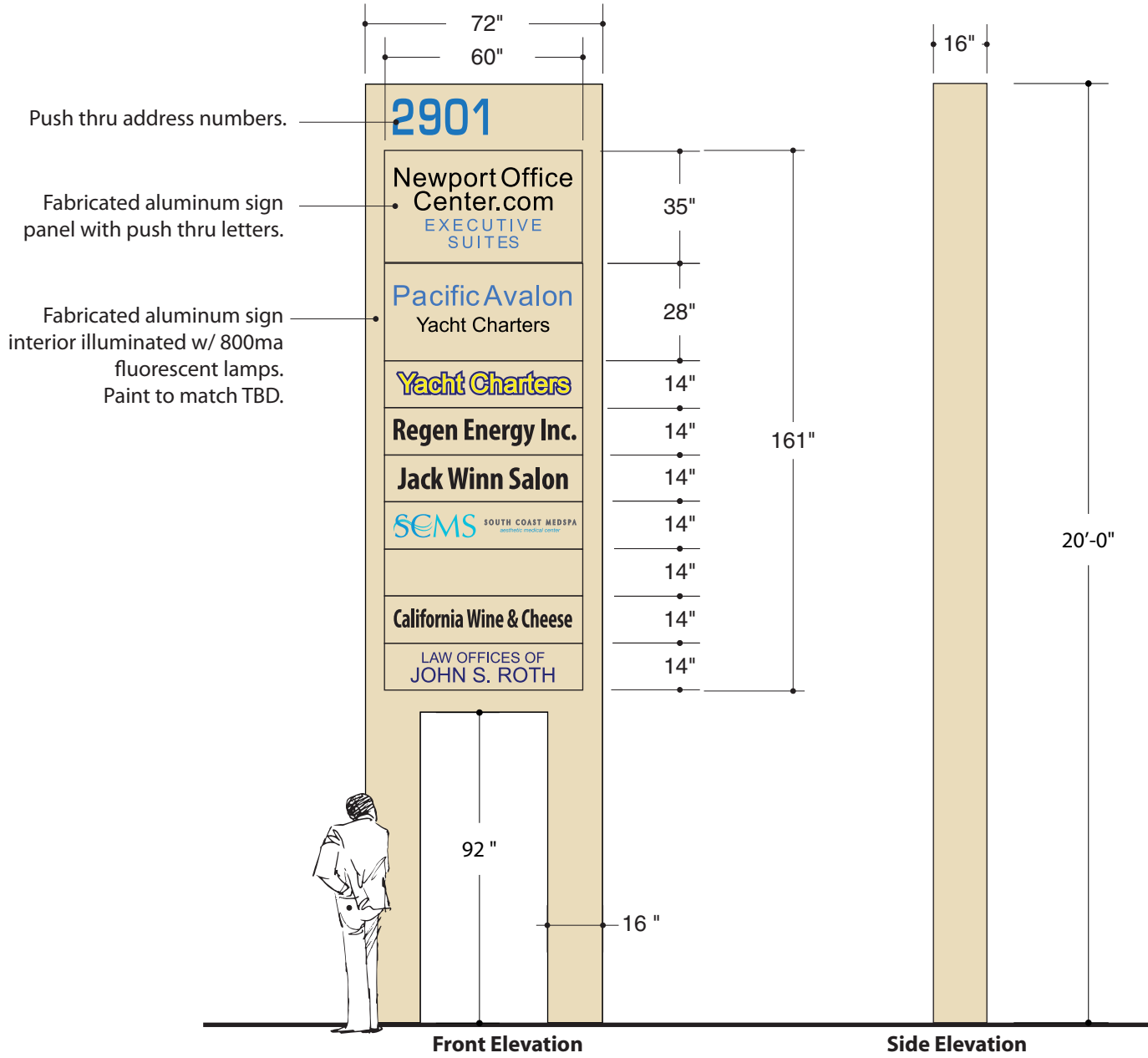
File
 Fonts
 Size/Scale
 Resolution

This sheet is for proofing purposes only and may not reflect actual printed color.



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customercare@calibersi.com
 Ph: (949) 748-1070 Fax: (949) 748-1072
 17751 Sky Park East #F Irvine, CA 92614



Scale: 1/4"=1'-0" **5**

Please sign and date to approve production

Client: _____ Date: _____

NOTICE: By approving this proof client accepts responsibility for ALL Specifications, spelling, color, resolution and layout. Production will not begin until 50% deposit is received.

NOTICE: These drawings are the exclusive property of Caliber Signs & Imaging. They are submitted to you and/or your company for the sole purpose of your consideration of whether to purchase this artwork & sign from Caliber Signs & Imaging. Use of these plans / artwork by anyone other than you or your company employees to construct a sign or a display similar to this one is expressly forbidden without written consent from Caliber Signs & Imaging. In the event that such exhibition occurs, Caliber Signs & Imaging, shall be reimbursed \$500.00 in compensation for the time and effort in creating these plans / artwork.

Customer: Waterfront
 Location: 9-25-2013
 Date: _____
 Designer: *Ken Jones* WO# _____
 File Name : Pylon Sign

Checks:

File

Fonts

Size/Scale

Resolution

This sheet is for proofing purposes only and may not reflect actual printed color.

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SIGNS & IMAGING

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customer@calibersi.com
 Ph: (949) 748-1070 Fax: (949) 748-1072
 17751 Sky Park East #F Irvine, CA 92614

Job # JTS_10613
 Project Waterfront-Pylon
 Job Location 2901 PCH
 Newport Beach, CA

INPUT DATA

Exposure category (B, C or D) = C
 Importance factor, pg 77, (0.87, 1.0 or 1.15) I = 1.00 Category II
 Basic wind speed (3 sec. gust wind) V = 90 mph
 Topographic factor (Sec.6.5.7.2, pg 26 & 45) K_{zt} = 1 Flat
 Height to Top h = 20 ft
 Vertical dimension (for wall, s = h) s = 16.14 ft
 Horizontal dimension B = 6.00 ft
 Dimension of return corner L_r = 1.75 ft
 Moment Arm A = 11.74 ft

DESIGN SUMMARY

Max horizontal wind pressure P = 23 psf
 Max total horizontal force at centroid of base F = 2.613 kips
 Max bending moment at centroid of base M = 30.211 kip-ft

ANALYSIS

Velocity Pressure
 $q_h = 0.00256 K_h K_{zt} K_d V^2 I = 15.86$ psf
 where:
 q_h = velocity pressure at mean roof height, h. (Eq. 6-15, page 27)
 K_h = velocity pressure exposure coefficient = 0.90
 evaluated at height, h. (Tab. 6-3, Case 1, pg 79)
 K_{zt} = wind directionality factor. (Tab. 6-4, for building, page 80)
 K_d = height of top = 0.85
 h = height of top = 20.00 ft

Wind Force Case A: resultant force through the geometric center (Sec. 6.5.14 & Fig. 6-20)
 $P = q_h G C_f = 23$ psf
 $F = P A_s = 2.61$ kips
 $M = F (h - 0.5s)$ for sign, F (0.55h) for wall = 30.21 kip-ft
 where: G = gust effect factor. (Sec. 6.5.8, page 26).
 C_f = net force coefficient. (Fig. 6-20, page 73)
 $A_s = B S = 113.6$ ft²

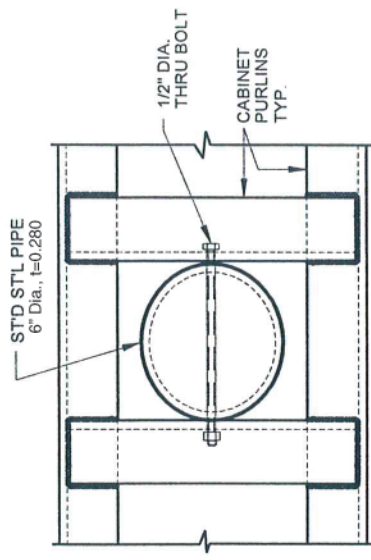
Footing Design (Nonconstrained)

Diagonal = 4.25 FT
 Soil Pressure = 100.00 PSF/FT
 $S_1 = 366.67$ PSF
 $A = 1.68$ FT
 EMBED. = 5.54 FT

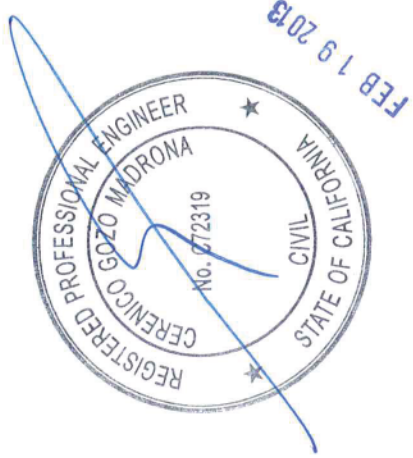
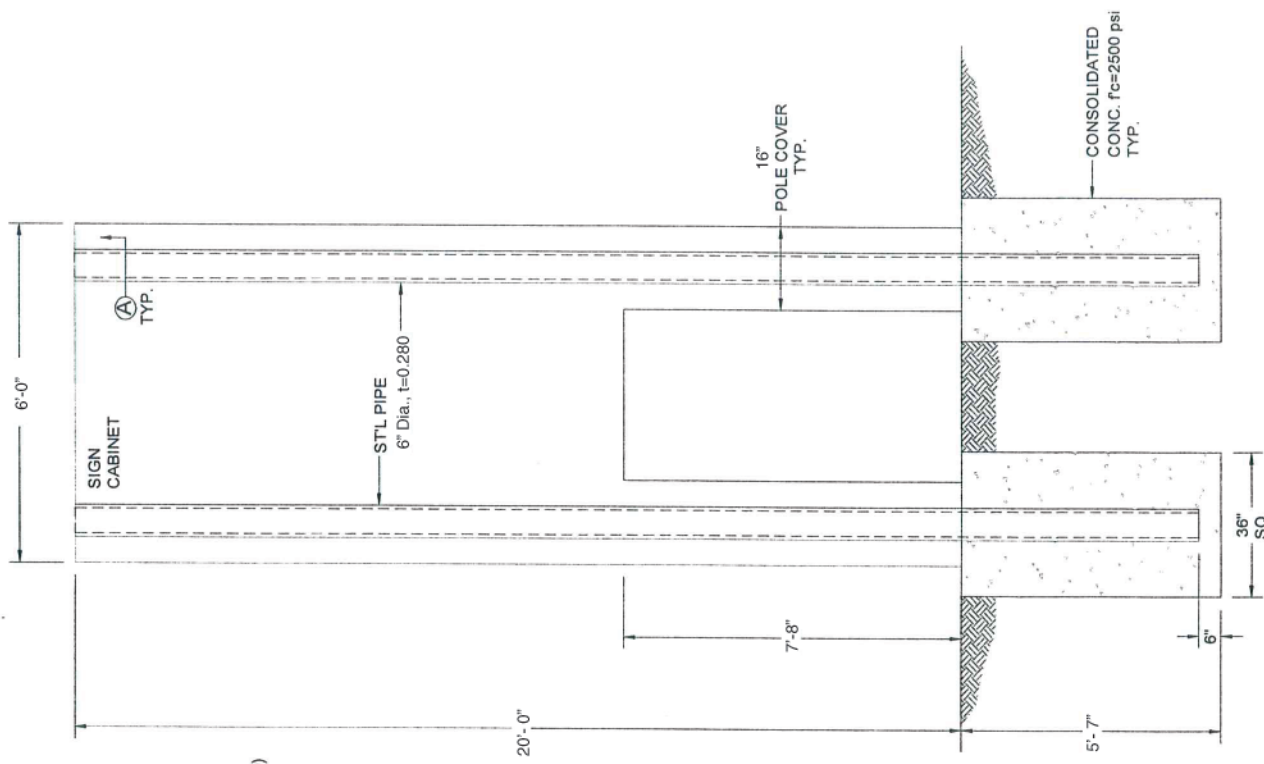
36 in. Sq. Depth = 5'-7"

Pole Design

Std Steel Pipe
 Sec. Mod. Req'd. USE A53 Grade B
 $S = 7.47$ 6" Dia., t=0.280 S = 7.98



A CONNECTION
 (6 PLACES) NTS





Existing Tenant Sign
18sq.ft.



Existing Monument Sign
65 sq.ft.

Please sign and date to approve production

Client: _____ Date: _____

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Customer: Waterfront

Location: _____

Date: 9-25-2013

Designer: *Ken Jones* WO# _____

File Name : Existing Signs

Checks:

- File
- Fonts
- Size/Scale
- Resolution

This sheet is for proofing purposes only and may not reflect actual printed color.

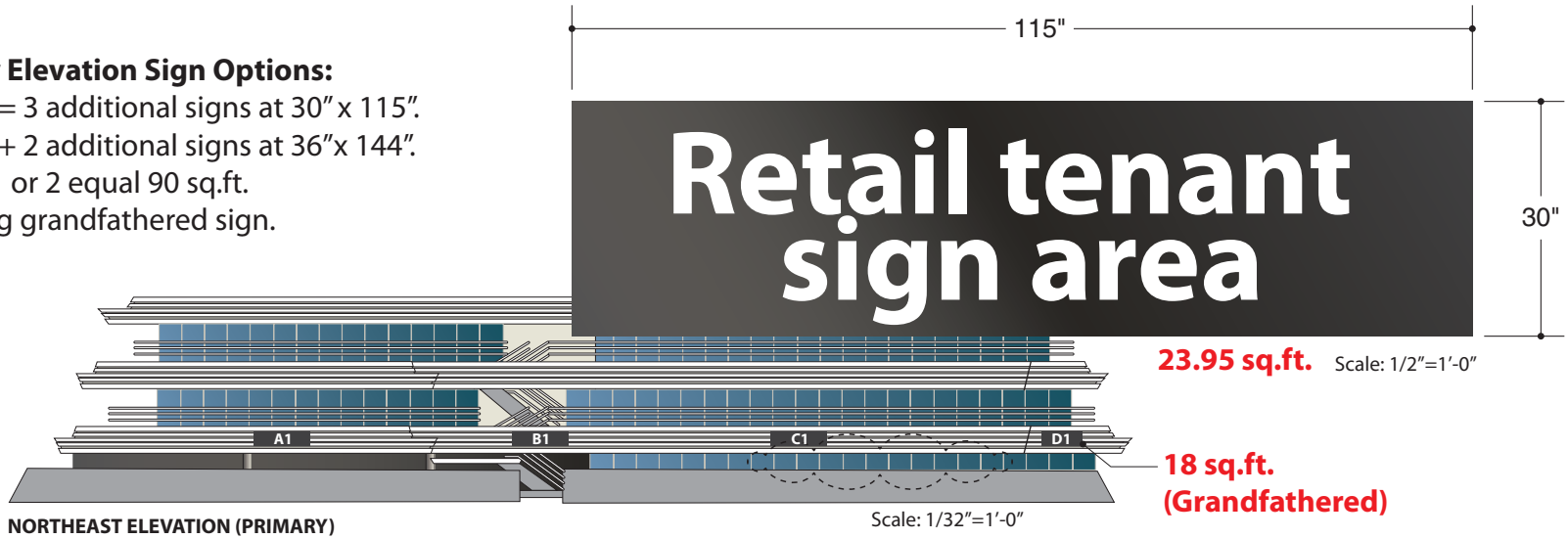


BECAUSE IMAGE IS EVERYTHING!

customercare@calibersi.com
Ph: (949) 748-1070 Fax: (949) 748-1072
17751 Sky Park East #F Irvine, CA 92614

Primary Elevation Sign Options:

Option1= 3 additional signs at 30" x 115".
 Option2+ 2 additional signs at 36" x 144".
 Option 1 or 2 equal 90 sq.ft.
 including grandfathered sign.



• "All window signage to be removed as part of this program. Photographs are not available."

Please sign and date to approve production

Client: _____ Date: _____
 NOTICE: By approving this proof client accepts responsibility for ALL Specifications, spelling, color, resolution and layout. Production will not begin until 50% deposit is received.

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Customer: Waterfront
 Location: _____
 Date: 9-25-2013
 Designer: *Kevin Jones* WO# _____
 File Name : Existing Signs

Checks:

File
 Fonts
 Size/Scale
 Resolution

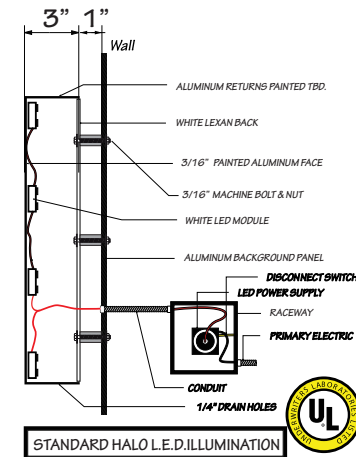
This sheet is for proofing purposes only and may not reflect actual printed color.

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HALO LIT/REVERSE CHANNEL LETTERS MOUNTED TO ALUMIN PANEL.

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



STANDARD HALO L.E.D. ILLUMINATION



Please sign and date to approve production

Client: _____ Date: _____

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Customer: Waterfront

Location: _____

Date: 9-25-2013

Designer: *Ken Jones* WO# _____

File Name : Tenant Sign

Checks:

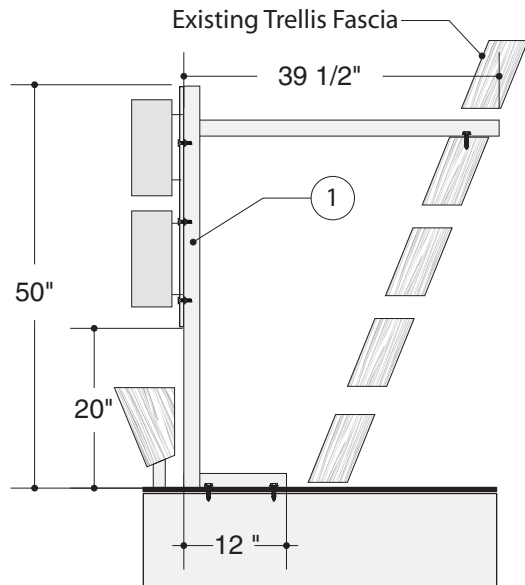
- File
- Fonts
- Size/Scale
- Resolution

This sheet is for proofing purposes only and may not reflect actual printed color.



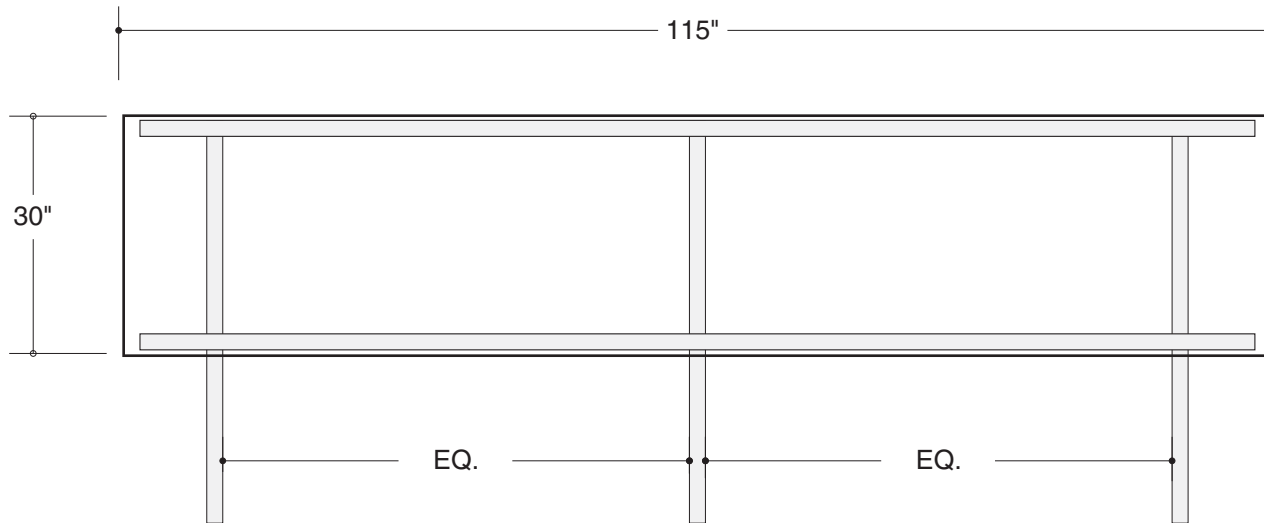
BECAUSE IMAGE IS EVERYTHING!

customer@calibersi.com
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 17751 Sky Park East #F Irvine, CA 92614



Sign Bracket for A-1, A-2, A-3, B-1, B-2, C-2

- (1) 2"x2" Fabricated aluminum tube frame painted Satin white.
- (2) 1/8" thick aluminum panel painted Satin white.
- (3) Face lit/reverse channel letters mounted to aluminum panel.



Scale: 1/2"=1'-0" **10**

Please sign and date to approve production

Client: _____ Date: _____

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Customer: Waterfront

Location: _____

Date: 9-25-2013

Designer: *Ken Jones* WO# _____

File Name : Tenant Sign Bracket Details

Checks:

- File
- Fonts
- Size/Scale
- Resolution

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23.95 sq.ft.



NW ELEVATION **PRIMARY**

Please sign and date to approve production

Client: _____ Date: _____
NOTICE: By approving this proof client accepts responsibility for ALL Specifications, spelling, color, resolution and layout. Production will not begin until 50% deposit is received.

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Customer: Waterfront
 Location: _____
 Date: 9-25-2013
 Designer: Ken Jones WO# _____
 File Name : Tenant Sign

Checks:

- File
- Fonts
- Size/Scale
- Resolution

This sheet is for proofing purposes only and may not reflect actual printed color.

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22.5 sq.ft.



NE ELEVATION **SECONDARY**

Please sign and date to approve production

Client: _____ Date: _____
NOTICE: By approving this proof client accepts responsibility for ALL Specifications, spelling, color, resolution and layout. Production will not begin until 50% deposit is received.

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Customer: Waterfront
 Location: _____
 Date: 9-25-2013
 Designer: *Ken Jones* WO# _____
 File Name : Tenant Sign

Checks:

- File
- Fonts
- Size/Scale
- Resolution

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**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

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Comprehensive Sign Program No. CS2013-012 (PA2013-196)**
Applicant **Valia Properties**
Site Address **2720 East Coast Highway**
 Valia Properties
Legal Description **Lot 2 of Block M of Tract 323**

On **October 24, 2013**, the Zoning Administrator approved Comprehensive Sign Program No. CS2013-012, addressing signage for a two-story, single tenant building. The intent of the program is to allow signage for single tenant use or additional tenants as determined by the property owner.

The sign program allows for the following deviations from the sign standards as provided in Chapter 20.42 of the Municipal Code.

- The installation of two building signs and ground level window signs on the primary frontage, where the Zoning Code only allows one sign per primary frontage.
- The installation of two building signs on the secondary frontage, where the Zoning Code only allows one sign per secondary frontage.
- The installation of one of the building signs to extend above the second-story window on the primary frontage and one building sign to extend above the second-story window on the secondary frontage, where the Zoning Code limits the height of signs to the bottom of the second story window.

The subject property is located within the Commercial Corridor (CC) Zoning District and the General Plan Land Use Element category is Commercial Corridor (CC). 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.

FINDINGS AND STANDARDS FOR APPROVING SIGNS

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

- B-1. The proposed Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards) because it provides the two-story commercial building with adequate identification while guarding against an excessive proliferation of signage. It preserves and enhances the buildings appearance by regulating the type, size, location, and quantity 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.
- B-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. This approval integrates all of the signs for the subject property while meeting the purpose and intent of Chapter 20.42.
- B-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.

- B-4. The wall signs proposed will be located on walls where signs currently exist (Concept Studio) and where the architectural design of the building suggests placement of a sign. Proposed signs employ a consistent sign pattern on both the primary and secondary frontage and are designed to fit with the overall scale of the building and its relationship to East Coast Highway.
- B-5. Awning signs limited to the first story are designed to coordinate with, and not dominate the architectural style of the building. Awning signs are allowed in place of one wall sign in order to provide the proper balance of signage throughout. The awning signs will be consistent with Section 20.42.080 of the Zoning Code.

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

- C-1. Signage has been designed integral with the design and character of the building.
- C-2. Given the architectural design of the building and overall size, the proposed signs are properly located to the scale of the building façade and location enhancing the overall development and staying in harmony with the building and the surrounding development. The location and amount of signs do not dominate, but rather are consistent with the proportions of the façade on which they are located.
- C-3. The maximum letter/logo height of the wall sign is limited due to the dimensions of the two horizontal architectural bandings located along the building frontage above the first floor and second floor windows.

Finding

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

Facts in Support of Standard

- D-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

- E-1. The site is a two-story commercial building currently occupied by a single tenant. In anticipation of additional tenants within the building, the proposed sign program allows for two wall signs per each frontage for such expansion.
- E-2. The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future tenants.
- E-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

- F-1. The Comprehensive Sign Program allows for deviations with regards to the number and location, of wall signs on a primary building frontage, and the number and location of signs on the secondary building frontage. 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.
- F-2. Allowing deviation from the Zoning Code for signs above the second floor windows on the primary building frontage as well as the secondary frontage is appropriate, given the size and architectural design of the building. The

proposed wall sign location allows for maximum visibility to pedestrians and passing motorists.

- F-3. Allowing deviation in the number of building signs on the primary and secondary frontage enhances the visual appeal by creating a uniform pattern of signs and does not result in a proliferation of signage.
- F-4. Allowing window signs in addition to allowed building signs, limited to the upper or lower 12 inches of each window, allows flexibility for tenant identification while guarding against excessive tenant signage.
- F-5. 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

- G-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

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

CONDITIONS

1. All proposed signs shall be in substantial conformance with the approved 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. Illuminated signs shall be regulated in accordance with the provisions of Section 20.42.060 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.
6. Signs shall be maintained in a clean and orderly condition.
7. 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.
8. 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.
9. 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.
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 2720 East Coast Highway Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2013-012 (PA2013-196). 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 within 14 days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

On behalf of Brenda Wisneski, Zoning Administrator

By:



Debbie Drasler, Contract Planner

JM/dad

Attachments: ZA 1 Vicinity Map
 ZA 2 Sign Program Matrix Table
 ZA 3 Sign Exhibit
 ZA 4 Existing Wall Signs

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2013-012
PA2013-196

2720 East Coast Highway

Attachment No. ZA 2

Comprehensive Sign Program Matrix

COMPREHENSIVE SIGN PROGRAM MATRIX

2720 East Coast Highway CS2013-012 (PA2013-196)

Frontage: 25 Feet

Primary Frontage – East Coast Highway

Secondary Frontage – Rear of Building (Parking Lot)

Location & Sign Type	Primary Frontage East Coast Hwy	Secondary Frontage Parking Lot	Other Requirements
First Floor Building Sign <ul style="list-style-type: none"> • Wall Sign <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Window Awning Sign 	Max. Number: 1 (One) 1 wall sign, or 1 awning/canopy sign above entry door. <p style="text-align: center;">OR</p> 1 awning sign above each window (max.2)	Max. Number: 1 (One) 1 wall sign, or 1 awning/canopy sign above entry door. <p style="text-align: center;">OR</p> 1 awning sign above each window (max.2)	Max. Letter/Logo Height 12 inches.
First Floor <ul style="list-style-type: none"> • Window Signs 	20% max. of each window area	20% max. of each window area	-Limited to upper or lower 12 inches of window only.
Second Floor <ul style="list-style-type: none"> • Wall Sign 	Max. Number 1 (One)	Max. Number 1 (One)	-Max. Letter/Logo Height 18". - Wall sign shall be located above second floor windows but shall not extend above adjacent parapet or roof.
	Max. Cumulative Sign Area – 37.50 sq. ft.	Max. Cumulative Sign Area – 18.75 sq. ft.	

NOTES/REQUIREMENTS:

- a) Requirements for all signs per Municipal Code Chapter 20.42, except as provided in this Comprehensive Sign Program Matrix.
- b) First Floor Window Signs shall be permitted in addition to allowed Building Signs, provided total allowed cumulative sign area is not exceeded.
- c) Pursuant to Section 20.40.120.F of the Zoning Code, the Community Development Director may approve minor revisions to this approval if the intent of the original approval is not affected.

Attachment No. ZA 3

Sign Exhibit

25'-0" Building Frontage

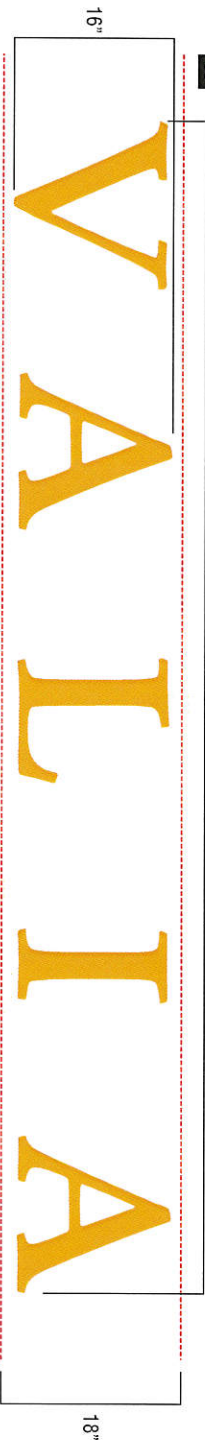


Remove ALL Existing Wall Signs (Front & Rear of Building)
Address TO REMAIN. Patch & Paint Mounting Holes

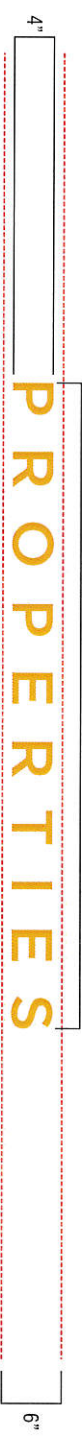
Exterior Wall Sign Display / OPTION 1

Sign
A

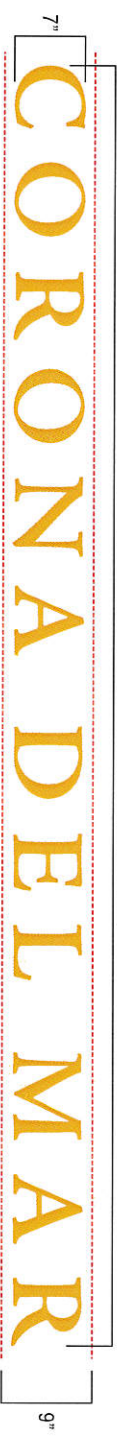
9'-8 1/2" (Reverse-Pan Halo-Illuminated Channel Letters)



5'-3 3/4" (Flat-Cut-Out Painted Aluminum Letters)



10'-6 1/2" (Reverse-Pan Halo-Illuminated Channel Letters)



Wall Sign Elevations

Manufacture & Install One (1) Set Each of Above Letters (Reverse-Pan Channel Letters & F.C.O. Wall Letters)

Scale: 1" = 1'-0"

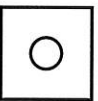
COLOR SPECIFICATIONS:



LETTERS
Painted T/M
Matthews PMS #123
Golden Yellow
(Satin Finish)



HARDWARE
Install Hardware
Painted T/M
Brick Color
(Verify In Field)



ILLUMINATION
Sloan Brand
Bright White
LED
(Halo-Illumination)

VALLIA Letters: 3" Deep Custom Fabricated Aluminum Channel Wall Letters (Pegged-Off Brick Wall Surface 2")

VALLIA Illumination: Sloan Bright White LED Halo-Illumination

PROPERTIES Letters: 1/2" Thick Flat-Cut-Out Aluminum (Pegged-Off Brick Wall Surface 3/4")

CORONA DEL MAR Letters: 3" Deep Custom Fabricated Aluminum Channel Wall Letters (Pegged-Off Brick Wall Surface 2")

VALLIA Illumination: Sloan Bright White LED Halo-Illumination

Letter Coloration: Painted Matthews Poly-Urethane To Match PMS #123 Golden Yellow (Satin Finish)

Installation Hardware: Painted To Match Brick Coloring (Verify In Field)



10980 Boatman Avenue
Stanton, CA 90680
Phone: 1.800.743.6942
Fax: 714.761.2451
signsandservices.com

Representative:
David Terrack
Design Creation Date:
09.26.2012
Designer's Name:
Randy Schreier

Design Revisions:
1 00.00.2012 RCS /
2 00.00.2012 RCS /
3 00.00.2012 RCS /
4 00.00.2012 RCS /

Customer Approval:
Signature: _____
Date Signed: _____
Landlord Approval:
Signature: _____
Date Signed: _____

Drawing Number:
3041
Project Address:
2720 E. Coast Hwy
Corona Del Mar, CA 92625

Page: 03 of 03

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PA2013-196 for CS2013-012
2720 East Coast Highway
Vallia Properties

Attachment No. ZA 4

Existing Wall Signs



Exhibit 1 - Existing Front of Building

PA2013-196 for CS2013-012
2720 East Coast Highway
Valia Properties

A photograph showing the rear of a two-story building with a light-colored stucco finish. The words "CONCEPT STUDIO" are mounted on the upper facade. There are three windows: two large square windows on the upper level and one smaller square window on the lower level to the right. A dark-colored double door is centered on the ground floor, flanked by two small wall-mounted light fixtures. A brick walkway leads to the door, and a concrete sidewalk is in the foreground. Power lines and two spherical outdoor lights are visible against the clear blue sky.

CONCEPT STUDIO

Exhibit 2 - Existing Rear of Building



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

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COMMUNITY DEVELOPMENT DIRECTOR **ACTION LETTER**

Application: Charles King Company Field Office and Contractor Yard
Limited Term Permit No. XP2013-005 (PA2013-200)

Applicant: Charles King Company, Inc.

Site Address: 3300 Newport Boulevard

On **October 22, 2013**, the Community Development Director approved Limited Term Permit No. XP2013-005. The approval is based on the following findings and subject to the following conditions.

PROJECT SUMMARY

Temporary field office and contractor yard for up to 90 days for the Charles King Company for the Orange County Sanitation District Balboa Trunk Sewer rehabilitation project.

ZONING DISTRICT/GENERAL PLAN

- **Zone: PF (Public Facilities)**
- **General Plan: PF (Public Facilities)**

I. PROJECT DESCRIPTION

The applicant proposes a temporary field office and contractor yard for up to 90 days for the Orange County Sanitation District Balboa Trunk Sewer project. The yard is approximately 10,000 square feet in area and will be secured by a 6-foot-high chain link fence. The fencing will have two gates for access and a green fabric screening material will be attached to the fencing. A commercial office trailer and portable restroom facility will be located within the fenced area. The yard will primarily be used as a field office and it will provide parking for contractor personnel. The yard will also be used for the storage of a variety of materials for the project including, but not limited to, storm water protection materials, temporary asphalt, piping, traffic control devices, steel plates, trailer mounted pumps and generators, crew trucks, street sweeper, etc.

II. **BACKGROUND**

The proposed field office and contractor yard is in support of the Orange County Sanitization District Balboa Trunk Sewer Rehabilitation Project. Construction will take place on Balboa Boulevard and Newport Boulevard between A Street in Balboa Village and Via Lido. The current sewer pipeline was built in the 1940's. The sewer is located at an elevation below sea level and is submerged, resulting in a large amount of saltwater and groundwater intrusion. Furthermore, inspection of the sewer shows multiple cracks and fractures that could potentially put the pipes at risk of failure. The project will rehabilitate the existing trunk sewer line and associated manholes. The project includes the installation of a new protective lining in approximately 12,000 feet of 15 to 24-inch diameter sewer pipeline by using the trenchless cured-in-place pipe (CIPP) construction method. The project will increase the life expectancy of the trunk sewer by 25-30 years. Construction is scheduled to begin as early as late October 2013 and last until early Summer 2014. Work will take place Monday to Friday, from 7 a.m. to 6 p.m., and Saturdays, if required. Some portions of the work (2-3 weeks) will require night work from 7 p.m. to 6 a.m. to avoid significant disruptions in traffic. Notifications will be distributed and posted on the Orange County Sanitation District website (www.ocsd.com) with specific locations and schedule as the dates approach.

III. **FINDINGS**

Finding:

- A. *This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 4 (Minor Alterations to Land).*

Facts in Support of Finding:

- A-1. Class 4 exempts the placement of seasonal or temporary use of items such as lifeguard towers, mobile food units, portable restrooms, or similar items. The proposed temporary field office and contractor yard is temporary and will be removed from the site after the project it serves is concluded.

Finding:

- B. *The operation of the limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, 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 requested limited duration use;*

Facts in Support of Finding:

- B-1. The proposed field office and contractor storage yard is for a limited duration of no longer than 90 days.

- B-2. The location of the yard is shielded from Newport Boulevard and partially shielded from 32nd Street by buildings. The yard is setback 65 feet from 32nd Street and approximately 120 feet from commercial uses to the south. The nearest property with residential use is approximately 175 feet to the southwest across 32nd Street.
- B-3. The contractor yard will be enclosed by a 6-foot-high chain link fence with gates installed with screening materials. All activities will occur within the proposed yard. Gates will open inward and not block the abutting driveway. The applicant will install "No Parking or Stopping" signs along the public driveway and maintain open access.
- B-4. The applicant will be responsible for dust control, noise control, and night lighting control.
- B-5. Necessary night activities to avoid daytime traffic disruptions will be intermittent and limited to 2 to 3 weeks in total duration.

Finding:

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

Facts in Support of Finding:

- C-1. The subject site is a fully-developed 4.25 acre property, of which only 10,000 square feet (approximate) will be utilized for the proposed temporary use. The use is paved, and proposed fencing is designed and located to ensure that open public and emergency access is maintained at all times.
- C-2. Existing buildings, setbacks and the 32nd Street right-of-way will provide an adequate buffer to the proposed temporary use.

Finding:

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

Facts in Support of Finding:

- D-1. The site will house 6-8 employees and serve as a storage area for equipment and materials. Access for equipment and materials will be intermittent. Access to the yard will be provided by an existing public driveway from Newport Boulevard at Finley Avenue and from 32nd Street. These access points adequately serve the

former city hall site and traffic from the proposed temporary use is expected to be far less than the former city hall.

Finding:

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

Facts in Support of Finding:

- E-1. Approximately 25 parking spaces will exist within the proposed fenced yard and should provide adequate parking for the 6-8 employees that will be stationed at the site. It will be the responsibility of the applicant to ensure that adequate space exists for employee parking within the fenced yard as parking outside the yard will be prohibited.

Finding:

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

Facts in Support of Finding:

- F-1. The General Plan Land Use Element category for the site is PF (Public Facilities) and is zoned PF (Public Facilities). These designations are intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The proposed use is temporary and will support a necessary project to rehabilitate an existing trunk sewer line.
- F-2. The site is not located within a specific plan area and due to the temporary nature of the use, it will not impede with planning for the future reuse of the site consistent with City Council direction.

IV. CONDITIONS

1. Limited Term Permit No. XP2013-005 shall expire on **January 19, 2014**. The site shall be returned to its existing condition on or before this date.
2. The activity shall be in substantial conformance with the approved site plan except as noted in the following conditions. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.

3. The activity shall be limited to a field office and contractor yard for the Orange County Sanitation District Balboa Trunk Sewer project only and does not permit any other use.
4. The yard shall be enclosed with a 6-foot-high chain link and security fence installed with a green screening fabric that provides screening of the activities within the fenced area to the satisfaction of the Community Development Director or her designee.
5. Gates shall not swing out across the abutting public driveway.
6. The applicant shall not allow the abutting driveway to the east to be blocked for any reason at any time. The driveway shall remain unobstructed at all times for public and emergency access. The applicant shall post two or more conspicuous signs indicating "No Stopping or Parking" on the outside of the fence along the abutting driveway to the east.
7. The applicant shall post a conspicuous sign on the outside of the fenced area indicating the following; "For information regarding this temporary facility, contact (insert name of project manager and phone number of project manager), Contractor for OCSD Balboa Trunk Sewer Rehabilitation Project, Charles King Company."
8. All activities, with the exception of ingress and egress of vehicles and pedestrians, shall be confined within the approved fenced area. Parking of vehicles or the storage of equipment or materials shall be confined to the approved fenced area.
9. Hours of operation shall be 7 a.m. to 6 p.m. Monday through Saturday. Operations between 6 p.m. and 7 a.m. or on Sundays may be conducted on a limited basis with 7 days of advance warning to the City and Fire Station No. 2.
10. The applicant shall control dust and dirt in and around the yard, and on all streets and driveways to and from the yard by any means necessary including watering active construction areas or materials and the use of street sweepers.
11. The use of portable generators is prohibited.
12. Night lighting shall be limited to the minimum necessary for security except when night construction is required and scheduled in accordance with Condition No. 8. Night lighting during night construction periods shall be confined to the fenced yard area. Lights shall not exceed 20 feet in height and lighting elements shall be shielded such that they are not visible from the public right-of-way and property to the east.
13. The applicant shall allow access to the yard to the City and authorized agents for the purpose of inspection, testing, or other investigatory work associated with redevelopment of the site.

14. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Charles King Company Contractor Yard including, but not limited to, the XP2013-005. 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 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 Kimberly Brandt, AICP, Community Development Director

By:



James Campbell, Principal Planner

Attachments: CD 1 Vicinity Map
CD 2 Site Plan

Attachment No. CD 1

Vicinity Map

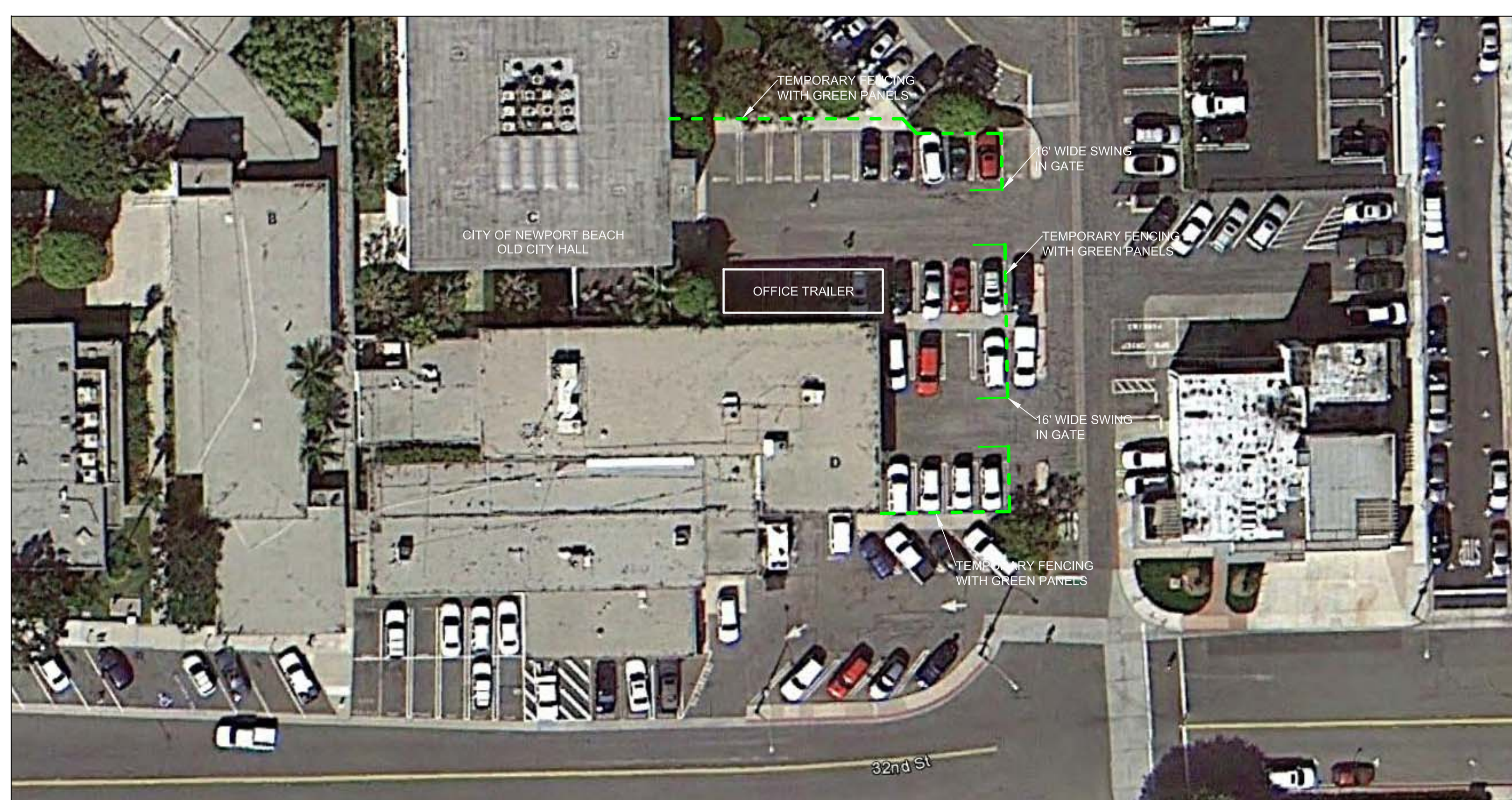
VICINITY MAP



XP2013-005
3300 Newport Boulevard

Attachment No. CD 2

Site Plan



CHARLES KING COMPANY

PROJECT NAME
BALBOA TRUNK SEWER REHABILITATION
SHEET TITLE
OLD CITY HALL CONSTRUCTION YARD
PRIME CONTRACTOR
CHARLES KING COMPANY, INC.
OWNER
ORANGE COUNTY SANITATION DISTRICT

CKC JOB NO.
DRAWN BY
KB
SCALE N/A
DATE
10/21/13

SHEET 1 OF 1

NOTES:

REVISIONS

REV. #	DATE	APVD. BY	DATE