



## 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 May 16, 2014

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### ZONING ADMINISTRATOR ACTIONS MAY 15, 2014

- Item 1: 432 Goldenrod Tentative Parcel Map No. NP2014-002 (PA2014-042)  
432 Goldenrod Avenue
- Action: Approved by Resolution No. ZA2014-013                      Council District 6
- Item 2: La Jolla Residence Modification Permit No. MD2014-002 (PA2014-037)  
210 La Jolla Drive
- Action: Approved by Resolution No. ZA2014-014                      Council District 2
- Item 3: Dove Street Condo Conversion No. CC2014-001 and Tentative Parcel Map No. NP2013-005 (PA2013-024)  
901 Dove Street
- Action: Approved by Resolution No. ZA2014-015                      Council District 3
- Item 4: Big Canyon Reservoir Storage Minor Use Permit No. UP2014-006 (PA2014-031)  
3300 Pacific View Drive
- Action: Approved by Resolution No. ZA2014-016                      Council District 7

**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**  
(Non-Hearing Items)

Item 1:       Island Hotel Sign Program Amendment – Comprehensive Sign Program No.  
                  CS2006-001 (PA2014-072)  
                  690 Newport Center Drive

Action:   Approved   Denied

Council District   5

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

## RESOLUTION NO. ZA2014-013

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2014-002 FOR TWO UNIT CONDOMINIUM PURPOSES LOCATED AT 432 GOLDENROD AVENUE (PA2014-042)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Paul Craft of Apex Land Surveying on behalf of Targhee Capital Advisors, with respect to property located at 432 Goldenrod Avenue, and legally described as Lot 16, Block 435 of Corona del Mar Tract of Newport Beach 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 two-unit duplex has been demolished and a two-unit dwelling is currently under construction. The Tentative Parcel Map would allow each unit 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. The Coastal Land Use Plan category is Two-Unit Residential (RT-D).
5. A public hearing was held on May 15, 2014, 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 CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).
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 Tentative 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 Tentative 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 Tentative Parcel Map is for two-unit residential condominium purposes. An existing two-unit duplex had been demolished and is currently being replaced with a two-unit dwelling. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two-Unit Residential."
- A-2. The Tentative Parcel Map does not apply to any specific plan area.
- A-3. The project has been conditioned to require public improvements, including the reconstruction of existing broken or otherwise damaged sidewalks, curbs, and gutters along the Goldenrod Avenue consistent with the Subdivision Code (Title 19).

#### Finding:

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

#### Facts in Support of Finding:

- B-1. The lot is physically suitable for two-unit development because it is regular in shape and is relatively flat.
- B-2. The subject property is accessible from Goldenrod Avenue and the alley at the rear, and is adequately served by existing utilities.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

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

Facts in Support of Finding:

- E-1. 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, developed for residential use, lies in a Zoning District that permits 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 Tentative Parcel Map and any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

- J-1. The new two-unit dwelling will be designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Facts in Support of Finding:

- K-1. The Tentative Parcel Map is for a two-unit dwelling. The proposed subdivision and improvements are consistent with the Coastal Land Use Plan designation RT-E (Two-Unit Residential).

K-2. The subject property conforms to public access policies of Chapter Three of the Coastal Act because the development does not impede 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 Tentative Parcel Map No. 2014-002, 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 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 15<sup>th</sup> DAY OF MAY, 2014.**



Brenda Wisneski, AICP, Deputy Director



**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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval
4. The existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Goldenrod Avenue frontage shall be reconstructed.
5. Any existing broken concrete alley panels adjacent to the proposed project shall be reconstructed.
6. 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.
7. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and the sewer cleanout shall be located within the Public right-of-way.
8. An encroachment permit is required for all work activities within the public right-of-way.
9. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130.
10. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

11. All on-site drainage shall comply with the latest City Water Quality requirements.
12. All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at property line.
13. Existing street trees shall be protected in place.
14. No above ground obstructions shall be installed within the 5 foot alley setback area.
15. A separate fire riser shall be required for each unit.
16. Subsequent 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.**
17. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney’s fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City’s approval of the 432 Goldenrod Avenue Tentative Parcel Map including, but not limited to, the NP2014-002 (PA2014-042). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys’ fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City’s costs, attorneys’ fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
18. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

## RESOLUTION NO. ZA2014-014

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2014-002 TO ALLOW A 65-PERCENT ADDITION TO AN EXISTING NONCONFORMING SINGLE-FAMILY RESIDENCE LOCATED AT 210 LA JOLLA DRIVE (PA2014-037)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Scott Peotter, Aslan Companies, Inc., on behalf of the property owner with respect to property located at 210 La Jolla Drive and legally described as Tract 444, Lot 47 and Portion of Abandoned Public Right-of-Way, requesting approval of a modification permit.
2. The applicant proposes a modification permit to allow a 65-percent addition to an existing nonconforming single-family residence where the code limits additions up to 10 percent of the existing gross floor area when the required parking dimensions are not provided. The garage currently provides a 17-foot 8-inch width and a 19-foot 2-inch depth where 20 feet is required for both dimensions. As proposed, the garage will be modified to provide an 18-foot 10-inch width and a compliant depth of 20 feet.
3. The subject property is located within the R-1 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single Unit Residential Detached).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on May 15, 2014, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

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

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) of the Guidelines for CEQA.
2. This exemption includes additions up to 10,000 square feet where public services and utilities are available and the area is not considered environmentally sensitive. The proposed project is a 1,041-square-foot addition to an existing single-family residence in a developed neighborhood and is not within an environmentally sensitive area.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding:

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

#### Facts in Support of Finding:

1. The neighborhood is comprised of a development pattern of one- and two-story single-unit dwellings. The Modification Permit will allow a second-story addition to a one-story single-unit residence within the subdivision.
2. The applicant is proposing a 65-percent addition to the existing structures on the lot. The proposed addition will comply with all of the development standards, including floor area limitation, height, and setbacks.
3. The resulting residence will consist of 2,696 square feet (2,296 square feet plus a 400-square-foot garage). Pursuant to Table 3-10: Off-Street Parking Requirements of the Zoning Code, it will not require the addition of a third garage parking space since the livable floor area (not including the garage) is less than 4,000 square feet.
4. The proposed addition will result in a residence that is similar in bulk and scale to others in the Newport Heights neighborhood.
5. The existing development on the property is a single-family residence. As such, there is no change to the density or intensity under the proposed remodel and addition.

#### Finding:

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

#### Facts in Support of Finding:

1. The residences in this area were constructed with garages that were in compliance with the Zoning Code at the time of construction. The current Zoning Code requires minimum interior garage dimensions of 20 feet wide by 20 feet deep. The lot was permitted to be developed with a single-family residence and attached garage in 1955. Therefore, the structure is considered legal nonconforming.

2. Although the existing garage does not provide the minimum clear interior dimensions required by the Zoning Code, it does provide two useable garage spaces and, therefore, meets the intent of the Zoning Code by providing adequate parking on the site. Approval of the Modification Permit allows the applicant to continue the use of the existing two-car garage, which has not proven detrimental to the occupants or neighbors.
3. The existing garage provides clear interior dimensions of 17 feet 8 inches in width by 19 feet 2 inches in depth. The proposed alterations to the attached garage will result in an increased width of 18 feet 10 inches and a conforming depth of 20 feet. Given the design of the existing residence coupled with the grade difference and proposed scope of work, bringing the garage into conformance would require a significant expansion in the scope of work.
4. The existing and proposed development will comply with the height limit, floor area limitation, and residential design criteria as shown on the proposed plans.

Finding:

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

Facts in Support of Finding:

1. The clear interior dimensions of the existing two-car garage were in compliance with the Zoning Code at the time of original construction. However, as a result of amendments to the Zoning Code, the two-car garage is now substandard in size, and is therefore legal nonconforming.
2. Bringing the existing two-car garage into conformance with the clear interior dimensions required by the current Zoning Code would result in a significant increase in the scope of the project. Since the existing garage provides two useable spaces, the intent of the code is achieved.

Finding:

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

Facts in Support of Finding:

1. The alternatives would require that the applicant bring the existing two-car garage into conformance by expanding or relocating the existing garage. The garage is being expanded up to the 4-foot side setback area and is hindered from further expansion inward by an existing structural wall and grade differential at the southwestern side of the garage.

2. The only other alternative is to maintain the existing residence without constructing the proposed addition.
3. The granting of the Modification Permit would not constitute a special privilege inconsistent with the limitations upon other R-1 zoned properties as it allows the property owner to maintain equity with other homes in the Newport Heights neighborhood, where similar additions have occurred. The proposed project is consistent with historic development in the neighborhood.
4. Strict compliance with 10-percent addition of the existing gross floor area pursuant to Section 20.38.060.2.a (Nonconforming Parking) of the Zoning Code significantly limits the ability of the property owner to create a two-story home thereby depriving a substantial property right afforded by other R-1 zoned lots in the Newport Heights neighborhood.

#### Finding

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

#### Fact in Support of Finding

1. Though the proposed minimum clear interior dimensions will be less than the minimum required by the Zoning Code, it provides sufficient area for use as a two-car garage. The size of the spaces has not been detrimental to the occupants of the property, nearby properties, neighborhood, or City.
2. The project will improve a nonconforming garage such that the provided interior dimensions are in substantial compliance with the required minimum dimensions and will comply with all other provisions of the R-1 Zoning District.
3. The approval of this Modification Permit is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes. The applicant/owner is required to obtain a building permit. The construction will then be inspected prior to building permits being finalized.

#### SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2014-002, 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 15<sup>th</sup> DAY OF MAY, 2014.**

  
Brenda Wisneski, AICP, Deputy Director

**EXHIBIT "A"****CONDITIONS OF APPROVAL****Planning Division**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Modification Permit No. MD2014-002 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
5. The Zoning Administrator may add to or modify the conditions of approval to this Modification Permit or revoke this Modification Permit upon a determination that the operation, which is the subject of this Modification Permit, causes injury, or is detrimental to the health, safety, peace, comfort, or general welfare of the community.
6. A copy of the Resolution, including conditions of approval (Exhibit "A") shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
7. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
8. 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 La Jolla Residence Modification Permit including, but not limited to, the Modification Permit No. MD2014-002 (PA2014-037). 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**

9. 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.
10. Prior to the issuance of building permits, the applicant shall provide a slope-stability analysis, if required by the Building Division, for review for the proposed addition consistent with Policy CBC 1803.5.

## RESOLUTION NO. ZA2014-015

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING CONDOMINIUM CONVERSION NO. CC2014-001 AND TENTATIVE PARCEL MAP NO. NP2013-005 FOR NONRESIDENTIAL CONDOMINIUMS LOCATED AT 901 DOVE STREET (PA2013-024)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by SBS Dove Street Partners, L.P., property owner, with respect to property located at 901 Dove Street, and legally described as Parcel 1 in the City of Newport Beach, County of Orange, State of California, as shown on a map thereof, filed in Book 59, Page 22, of Parcel Maps, records of Orange County California requesting approval of a condominium conversion and tentative parcel map.
2. The applicant proposes a condominium conversion in conjunction with a tentative parcel map to convert an existing two-story office building to nonresidential condominiums for the purpose of creating separate ownership units and to allow reciprocal use of the common area lot for ingress, egress, and parking.
3. The applicant requests to waive the Title 19 (Subdivisions) requirement that each unit within the building maintain separate water meters, and water and sewer connections. No other waivers are proposed.
4. The subject property is located within Professional and Business Office Sites 1 and 2 of the Newport Place Planned Community (PC-11) Zoning District, and designated Mixed-Use Horizontal (MU-H2) by the General Plan.
5. The subject property is not located within the Coastal Zone.
6. A public hearing was held on May 15, 2014, at City Hall, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

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

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities). The Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. This includes but is not limited to the subdivision of existing commercial buildings where no physical changes occur which are otherwise not exempt.

2. The proposed project will convert an existing office building to nonresidential condominiums with no physical change to the building or expansion of use.

### 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 number of off-street parking spaces that were required at the time of original construction shall be provided on the same property to be converted to condominium purposes, and the design and location of such parking shall be in conformance with the provisions of Chapter 20.40 (Off-Street Parking).*

#### Facts in Support of Finding:

- A-1. At the time of original construction in 1974, 106 parking spaces were required (23,790 square feet / 225 = 105.7). Pursuant to Section 20.40.110 (Adjustments to Off-Street Parking Requirements), this requirement may be reduced administratively by the Community Development Director when parking spaces are lost due to Americans with Disability Act (ADA) requirements associated with tenant improvements.
- A-2. ADA upgrades in conjunction with a tenant improvement in 2001 resulted in a conversion of three parking spaces to loading zones. In this case, the Community Development Director determined that 103 parking spaces meets the ratio required due to a loss of parking spaces associated with ADA requirements.
- A-3. The existing property to be converted to condominiums provides 102 on-site parking spaces. As conditioned, one additional parking space will be provided within the parking lot for a total of 103.
- A-4. The design and location of parking is in conformance with the provisions of Chapter 20.40. Access to the shared parking area is taken from Quail Street and Dove Street, and adequate and safe maneuvering aisles are provided within the parking area.

#### 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 applicant has requested to waive the requirement that each unit within the building maintain a separate sewer connection to the City sewer. Section 19.64.080 (Modification or Waiver of Conversion Standards) allows the decision making body to waive the requirement for separate connections if it finds that the waiver will not be materially detrimental to the residents or tenants of the property or surrounding properties, nor to public health or safety.
- B-2. The existing property is serviced by three separate sewer connections.
- B-3. The applicant estimates the Condominium Conversion will result in approximately 20 separate ownership units.
- B-4. A waiver is appropriate in this case because it will eliminate the need for street cuts that would otherwise be required for each new connection and will eliminate the need for re-plumbing and reconfiguration of existing connections which would require significant construction and cost.
- B-5. Waiving the requirement for separate sewer connections will not be materially detrimental to the tenants, nor to public health or safety because the building has demonstrated that existing connections can adequately accommodate those utilizing the site.
- B-6. The Municipal Operations Department has reviewed the request to waive separate sewer connections for each condominium unit and will allow the waiver provided the property owner ensures common sewer connection use will not be detrimental to the residents or tenants of the property or surrounding properties. Any future development, modification or major construction of the property may revoke the waiver and require plans to be submitted to the City regarding sewer service.
- B-7. The property owner shall form an Association responsible for the payment of sewer fees to ensure common sewer connection use will not be detrimental to the residents or tenants of the property or surrounding properties.

Finding:

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

Facts in Support of Finding:

- C-1. As conditioned, the project will comply with this requirement prior to recordation of the Tentative Parcel Map.

Finding:

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

Facts in Support of Finding:

- D-1. The applicant has requested to waive the requirement that each unit within the building maintain a separate water meter and water meter connection. Section 19.64.080 (Modification or Waiver of Conversion Standards) allows the decision making body to waive the requirement for separate connections if it finds that the waiver will not be materially detrimental to the residents or tenants of the property or surrounding properties, nor to public health or safety.
- D-2. The existing property is serviced by two separate water meters and water meter connections.
- D-3. The applicant estimates the Condominium Conversion will result in approximately 20 separate ownership units.
- D-4. A waiver is appropriate in this case because it will eliminate the need for street cuts that would otherwise be required for each new connection and will eliminate the need for re-plumbing and reconfiguration of existing connections which would require significant construction and cost.
- D-5. Waiving the requirement for separate water meter and water meter connections will not be materially detrimental to the tenants, nor to public health or safety because the building has demonstrated that existing connections can adequately accommodate those utilizing the site.
- D-6. The Municipal Operations Department has reviewed the request to waive separate water meters, and water meter connections for each condominium unit and will allow the waiver provided the property owner ensures common water connection use will not be detrimental to the residents or tenants of the property or surrounding properties. Any future development, modification or major construction of the property may revoke the waiver and require plans to be submitted to the City regarding water and sewer service.
- D-7. The property owner shall form an Association responsible for the payment of water fees to ensure common water connection use will not be detrimental to the residents or tenants of the property or surrounding properties.

Finding:

- E. *The electrical service connection shall comply with the requirements of Chapter 15.32 of the NBMC.*

Facts in Support of Finding:

- E-1. The electrical service connection for the existing office building complies with Chapter 15.32 (Underground Utilities) because all electrical service to the building is installed underground.

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 April 10, 2014.
- F-2. The inspection identified safety violations associated with ADA accessibility, existing room and door signage, exiting signage, electrical panel labeling, existing stairs, handrails, and guardrails, as well as window and door glazing.
- F-3. As conditioned, the applicant shall correct all identified safety violations prior to recordation of the Tentative Parcel Map.

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 Tentative 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 project is not for a residential conversion.
- H-2. The property is designated MU-H2 (Mixed-Use Horizontal) by the Land Use Element of the General Plan, which is intended to provide for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use

buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. The existing office building is consistent with these designations and a tentative parcel map for condominiums does not change the use.

- H-3. Although the property is recognized as a housing opportunity site within the Housing Element of the General Plan, there exists other housing opportunities within the City that can accommodate the City's share of regional housing needs.

Finding:

- I. *The establishment, maintenance or operation of the use or building applied for shall not, under circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of person 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 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 to convert an existing office building to condominiums is located on a property site within the MU-H2 Zoning District which allows for commercial office uses.
- I-3. Safety violations identified during the special inspection will be corrected ensuring the building does not create a detriment to persons working at or around the subject property.
- I-4. Accessibility upgrades in compliance with the Americans with Disabilities Act will be required of the applicant for the purpose of ensuring the use of the building and subject property are not detrimental to persons working or residing in the neighborhood.
- I-5. Public improvements will be required of the applicant per the Municipal Code and Subdivision Map Act.

*Tentative Parcel Map*

The Zoning Administrator determined in this case that the Tentative 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 Tentative Parcel Map is for nonresidential condominium purposes. The proposed subdivision of an existing commercial office building is consistent with provisions of the Subdivision Map Act and the MU-H2 (Mixed-Use Horizontal) General Plan land use designation which provides for a horizontal intermixing of uses that may include commercial office uses.
- A-2. The project is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

- B-1. The site is developed with a two-story office building and common area parking lot.
- B-2. The lot is physically suitable for the commercial office density and development as the site is relatively flat, and has demonstrated since original construction that it is able to adequately accommodate for the office use.
- B-3. The subject property is accessible from Dove Street and Quail Street and is adequately served by existing utilities.

Finding:

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

Facts in Support of Finding:

- C-1. The site was previously developed in 1974 with a two-story office building and on-site parking lot. The design of the subdivision remains generally the same today.



- C-2. The applicant has proposed one new parking space in a location previously used for parking. The proposed improvements will cause no significant environmental impact.
- C-3. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
- C-4. The project is categorically exempt under Section 15301 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 1 (Existing Facilities).

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 Tentative Parcel Map is for nonresidential condominium purposes. No improvements to the building or public utilities are proposed. The addition of one parking space and correction of identified safety violations associated with the special building inspection will not create any serious public health concerns.
- D-2. If at any time improvements are proposed they will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Any public improvements 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 shall comply with all ordinances of the City and all Conditions of Approval.

Finding:

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

Facts in Support of Finding:

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

- E-2. Shared vehicular and pedestrian ingress, egress, and access to the properties at 901 Dove Street and 1001 Dove Street is provided via the existing driveway area off Dove Street pursuant to a reciprocal easement recorded March 14, 2001, as Instrument No. 20010148157. The Tentative Parcel Map will not conflict with this easement of record.

Finding:

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

Facts in Support of Finding:

- F-1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
- F-2. The site, developed for office use, lies in a zone that permits such a use.

Finding:

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

Facts in Support of Finding:

- G-1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code 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. Any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards

depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

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

Facts in Support of Finding:

- I-1. Commercial office condominiums are allowed land uses within Professional and Business Office Sites 1 and 2 of the PC-11 Zoning District. Although the site is subject to a residential development overlay in PC-11 and is identified as a housing opportunity site in the City's Housing Element, other housing opportunities exist in the City that can accommodate the City's regional housing need of five units for the 2014-2021 housing period. Therefore, the Tentative 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. As conditioned, wastewater discharge into the existing sewer system shall 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 project is not located within the Coastal Zone.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Condominium Conversion No. CC2014-001 and Tentative Parcel Map No. NP2013-005, 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 Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 15<sup>th</sup> DAY OF MAY, 2014.**

By:



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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL****Planning Division**

1. Prior to the recordation of the Parcel Map, a total of 103 parking spaces shall be provided on site and shall remain open and accessible to visitors of the site.
2. 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.
3. The Condominium Conversion and Tentative 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 Community Development Director in accordance with the provisions of Section 19.16 (Tentative Map Expiration and Extension) of the Newport Beach Municipal Code
4. 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 Dove Street Condominium Conversion including, but not limited to, Condominium Conversion No. CC2014-001 and Tentative Parcel Map No. NP2013-005 (PA2013-024). 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**

5. Prior to the recordation of the Parcel Map, all safety violations identified during the special inspection and specified in conditions 6 through 13 shall be completed.
6. Electrical panels shall be identified and appropriately labeled with a proper load schedule.

7. Room and door identification shall be replaced to meet the current accessibility requirements for Braille.
8. Exit signs shall be replaced to meet current requirement for lumens.
9. Existing guardrails shall meet current code requirements with a minimum height of 42 inches, and spacing between balustrades not to exceed 4 inches on center.
10. Entry doors and windows shall be safety glazed by either being replaced with laminated glazing or tempered glazing or as required by the Building Division.
11. Path of travel from the access parking spaces to the entrance to the buildings shall be upgraded to meet current code requirements.
12. A total of four accessible parking spaces are required. Existing accessible parking shall be upgraded to meet current code requirements.
13. Existing sanitary facilities shall be upgraded to meet current accessibility requirements.
14. Prior to recordation of the Parcel Map, the draft CCR's shall address the formation of an Association and the CCRs shall be submitted to the Planning Division to be reviewed by the Building Division, and City Attorney's Office.
15. The CCR's shall identify the common areas as it relates to exit path of travel and separate sanitary facilities for each sex and the associated maintenance.
16. The CCR's shall identify the maintenance of all disabled access elements such as but not limited to: parking, access, path of travel, sanitary facilities, stairs, and unit entrances.
17. The CCR's shall identify the common use of water and sewer.
18. The second floor may not be used for medical use without the installation of an elevator.
19. Prior to final of the building permit for the special inspection, the Parcel Map for condominium purposes shall be recorded and all conditions of approval shall be completed and verified by the Planning Division.

### **Public Works Department**

20. The Parcel Map shall be recorded. The Parcel 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 Parcel Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**

21. 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.
22. The applicant shall reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, driveways, and curb and gutter along the Dove Street and Quail Street frontages.
23. All existing drainage facilities in the public right-of-way, including the existing curb drains along the Dove Street and Quail Street frontages shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements.
24. Dove Street and Quail Street are part of the City's Moratorium List. All work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.
25. Since no construction is being proposed at this time, an Association shall be established and responsible for the payment of water and sewer fees. Any delay in payments and any issues with the existing master meters will directly affect all units due to the fact that they do not have their own individual services. Any clogs and back-ups of the shared sewer lateral lines will directly affect all units served by that line.
26. Each existing sewer and water lateral shall be retrofitted/fitted with a cleanout at the property line.
27. An encroachment permit is required for all work activities within the public right-of-way.
28. All improvements shall comply with the City's sight distance requirement pursuant to City Standard 110-L.
29. In case of damage done to public improvements surrounding the development site by any construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
30. All on-site drainage shall comply with the latest City Water Quality requirements.

## RESOLUTION NO. ZA2014-016

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2014-006 FOR A STORAGE BUILDING LOCATED AT 3300 PACIFIC VIEW DRIVE (PA2014-031)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the City of Newport Beach, with respect to property located at 3300 Pacific View Drive, and legally described as Block 92 and portions of Blocks 93, 96, and 97 of Irvine Subdivision Tract, requesting approval of a minor use permit.
2. The applicant proposes a single-story storage building at the westerly side of the Big Canyon Reservoir property. The proposed building footprint will cover 9,000 square feet of land area. Half of the building will be enclosed (approximately 4,500 square feet) and used as vehicle storage bays. The remaining half would be unenclosed, but covered, and used for the storage of parts and supplies. Other improvements proposed as part of the project include new landscaping, asphalt paving, and lighting.
3. The subject property is located within the Public Facilities (PF) Zoning District and the General Plan Land Use Element category is Public Facilities (PF).
4. The subject property is not located within the Coastal Zone.
5. A public hearing was held on May 15, 2014, 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 Title 14 of the California Code of Regulations (Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 3 (New Construction or Conversion of Small Structures).
2. The Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures including but not limited to accessory structures such as garages, carports, patios, swimming pools, and fences. The proposal is to construct a single-story storage building that is accessory to existing facilities for the purpose of storing vehicles and supplies. In addition, the project site is located in an urbanized area, not adjacent to an environmentally sensitive area, and does not involve the use or storage of hazardous substances.



### SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

- A-1. The General Plan designates the site as Public Facilities (PF) which is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools.
- A-2. The site is principally used as a reservoir and maintenance yard for the City's Municipal Operations Department field crew. The City-owned government facility supplies water to residents of Newport Beach.
- A-3. The addition of a new storage building does not change the principal use of the property as a government facility, which is consistent with the General Plan.
- A-4. The subject property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

- B-1. The proposed storage building will be accessory and secondary to existing facilities on-site which includes an office. Zoning Code Section 20.26.020 conditionally permits accessory structures in the PF Zoning District subject to the approval of a minor use permit.
- B-2. The proposed storage building is approximately 22 feet high, which is less than the 32-foot flat roof height limit applicable to the property, and complies with all other provisions of the Zoning Code and Municipal Code.
- B-3. All lighting mounted to the exterior of the building will be full cutoff fixtures for the purpose of directing light downward to reduce offsite visibility and glare, consistent with Zoning Code Section 20.30.070 (Outdoor Lighting).

Finding:

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

Facts in Support of Finding:

- C-1. The proposed storage building will be located approximately 150 feet from the nearest property line, is one-story in height, will have a footprint similar to other existing buildings on the site, and will operate consistent with existing facilities.
- C-2. The proposed storage building will be used for vehicle and supply storage. There will be no hazardous materials or substances stored in the building. The design of the building with an opening on one side will be buffered and screened from nearby residential properties by new landscaping.
- C-3. Operation within the storage building will typically occur during normal business hours (7:30 a.m. to 5:30 p.m.) which is compatible with neighboring residential and religious facility uses.
- C-4. As conditioned, the site shall not be excessively illuminated, and should the illumination create an unacceptable negative impact on surrounding land uses or environmental resources, the Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
- C-5. Pole mounted lighting adjacent to paved roadways will only be illuminated when necessary for emergency purposes.

Finding:

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

Facts in Support of Finding:

- D-1. The subject property has operated as a reservoir since construction in 1958.
- D-2. A mobile home, single-family residence, and two detached garages previously occupied the location of the proposed storage building. The project site demonstrated that it was physically suitable to accommodate the previous use that was of similar size and footprint and provided sleeping, sanitation, and food preparation facilities. The proposed storage building will provide one accessible restroom and be used only for storage; therefore, the existing design of the site should be able to adequately accommodate the use.

- D-3. The storage building will be used to store existing equipment and supplies currently scattered throughout the Big Canyon Reservoir property and the level of workers visiting the site is not anticipated to change.
- D-4. The Public Works Department, Building Division, and Fire Department have reviewed the project proposal and provided conditions of approval so as to maintain adequate access, public services, and utilities to the existing development.

Finding:

- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

- E-1. The proposed storage building is intended to be accessory to existing facilities on the site.
- E-2. The proposed location of the storage building is in an area and location that was previously developed with structures, and is approximately 150 feet from the nearest neighbor which provides ample distance so as to not endanger persons residing or working in the neighborhood.
- E-3. There will be no hazardous materials or substances stored in the building which might otherwise constitute a hazard to the health or general welfare of persons residing or working in the neighborhood.
- E-4. Landscaping proposed along the westerly and southwesterly side of the property will protect and buffer neighboring residents so as to not jeopardize the orderly and harmonious growth of the surrounding neighborhood.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2014-006, 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 15<sup>th</sup> DAY OF MAY, 2014.**

By:



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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"**

## CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (Except as modified by applicable conditions of approval.)
2. 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.
3. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
4. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit.
5. 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.
6. 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.
7. Prior to issuance of grading permits, the applicant shall prepare and submit a Water Quality Management Plan (WQMP), geotechnical report, and a drainage and hydrology report for the proposed project, subject to the approval of the Building Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.
8. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. Prior to issuance of building permits, the landscape plan shall be revised to include additional landscaping to screen the storage building from the Canyon Crest Complex property. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

9. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
10. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

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

11. Construction of the structure shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
12. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this Minor Use Permit.
13. Fire apparatus access roads pursuant to Newport Beach Guideline C.01 and C.02 shall be provided for every building. The fire apparatus access road shall extend to within 150 feet of all portions of the building and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building.
14. A fire apparatus access road shall be provided for the structure and the roadway shall have an unobstructed width of not less than 20 feet in width. The road shall be all weather and be able to support 72,000 pounds.
15. Dead end fire apparatus access roads in excess of 200 feet in length shall be provided with an approved cul-de-sac for turning around fire apparatus without backing up.
16. Vehicle access gates or barriers installed across fire apparatus access roads shall be in accordance with the Newport Beach Fire Department Guidelines and Standards C.01. The minimum width of any gate or opening necessary or required as a point of

access shall be not less than 14 feet unobstructed width. This minimum width may be increased depending on the length of the approach.

17. An address shall be placed immediately adjacent to all doors that allow fire department access. In no case shall the numbers be less than four inches in height with a one-half inch stroke.
18. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

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

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

**ZONING ADMINISTRATOR ACTION LETTER**

**Application No.** Comprehensive Sign Program No. CS2006-001 (PA2014-072)  
**Applicant** Irvine Company  
**Site Address** 690 Newport Center Drive  
Island Hotel Sign Program Amendment  
**Legal Description** Parcel No. 3 of Lot Line Adjustment No. LA2011-001

On **May 15, 2014**, the Zoning Administrator approved the following: An amendment to a previously approved Sign Program (Comprehensive Sign Program No. CS2006-001) for the Island Hotel to add an illuminated building sign to the newly renovated porte-cochere and a new landscape wall sign along Newport Center Drive. The amendment to the approved Comprehensive Sign Program is required to allow the following deviations from the Zoning Code and North Newport Center Planned Community (PC-56) sign standards:

1. Three building signs for a primary tenant where the PC-56 sign standards permit a maximum of two; and
2. An increase of no more than 20 percent in letter height for both the porte-cochere building sign and the landscape wall sign.

The subject property is located within North Newport Center Planned Community (PC-56) Zoning District and the General Plan Land Use Element category is Mixed-Use Horizontal (MU-H3). 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**

Finding

- A. *The project is categorically exempt from environmental review 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) under 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) and the PC-56 (North Newport Center Planned Community) Zoning District sign standards because it provides the hotel 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 and the sign standards of the PC-56 (North Newport Center Planned Community) Zoning District. This approval integrates all of the signs for the subject property while meeting the purpose and intent of Chapter 20.42 and the sign standards of the PC-56 (North Newport Center Planned Community) Zoning District.
- 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 proposed Porte-Cochere Building Sign, Sign Type C, will provide for identification located on an elevation at the eyebrow level where the architectural design of the porte-cochere suggests placement of a sign. Sign Type C will be limited to a maximum of one 34-square-foot sign. The proposed sign will maintain a consistent sign pattern and is designed to fit with the overall scale of the building and its relationship to Newport Center Drive and Santa Cruz Drive.
- B-5. The proposed Landscape Wall Sign is an allowed sign type pursuant to the PC-56 sign standards and will provide adequate identification for the entryway to the restaurant and lounge components of the hotel.

#### 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 5.3-acre site is developed with a large hotel building and related parking structure. 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. Proposed signs will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.
- C-3. Proposed signs will not interfere with sight distance from any street, driveway, or parking area.
- C-4. The proposed Sign Type C will integrate well with the character and architectural style of the building by complementing and not overstating the redesigned porte-cochere structure.
- C-5. The proposed Landscape Wall Sign will provide a pedestrian- and vehicle-oriented sign at the street level on Newport Center Drive that blends well with the existing landscaping along the sidewalk.

#### 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 and the PC-56 (North Newport Center Planned Community) regulations.

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 hotel that occupies the building by providing sign opportunities for adequate identification.
- E-2 The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future hotel needs.
- E-3 It is not anticipated that future revisions to the Comprehensive Sign Program will be necessary to accommodate changes in 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 of building or wall signs throughout the hotel site. The approval conforms to all other standards of Zoning Code Chapter 20.42 (Sign Standards) as well as the PC-56 sign standards, 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 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 or the PC-56 sign standards.

- F-3. The Comprehensive Sign Program allows for an additional building sign to be placed on the porte-cochere as Sign Type C. This proposed sign will help to enhance the identification and architectural statement of the hotel without creating a proliferation of signage.
- F-4. The increased sign height for Sign Type C will help to enhance its appearance on the porte-cochere and will not appear out of scale or overly large given the existing development pattern on the hotel site.
- F-5. The increased sign heights for Landscape Wall Signs will allow for appropriate visibility of hotel amenities along Newport Center Drive and will not appear out of scale or overly large given the existing development pattern on the hotel site.

#### 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 Comprehensive Sign Program and provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code and PC-56 sign standards unless otherwise indicated in the following conditions.
2. A building permit shall be obtained prior to commencement of installation of the signs.
3. A copy of this letter shall be incorporated into the plan check sets of plans prior to issuance of building or sign permits.

4. Signs shall be maintained in a clean and orderly condition.
5. The sign area shall be measured by two perpendicular sets of parallel lines that surround the proposed sign copy area.
6. 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.
7. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
8. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use 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. Revisions that would substantially deviate from the original approval shall require approval of a new/revised comprehensive sign program by the Zoning Administrator.
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 Island Hotel Sign Program Amendment including, but not limited to, Comprehensive Sign Program No. CS2006-001 (PA2014-072). 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 fourteen (14) days following the date the action. 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 Applicant's Description  
                  ZA 3 Comprehensive Sign Program

# **Attachment No. ZA 1**

Vicinity Map

## VICINITY MAP



Comprehensive Sign Program No. CS2006-001  
PA2014-072

690 Newport Center Drive



# **Attachment No. ZA 2**

Applicant's Description



# CAA PLANNING

May 2, 2014

Ms. Brenda Wisneski  
Deputy Community Development Director  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92663

Subject: Amendment to the Comprehensive Sign Program for the Island Hotel, 690 Newport Center Drive, Block 600 Sub-Area, North Newport Center Planned Community

Dear Ms. Wisneski:

On behalf of Irvine Company, CAA Planning, Inc. (CAA) submits the enclosed application for an amendment to the Comprehensive Sign Program (Sign Program) for the Island Hotel (Hotel) located within the Block 600 Sub-Area the North Newport Center Planned Community (NNCPC).

## **Background**

In August 1991, the Planning Commission approved Site Plan No. 32 (Amended) to allow the installation of four wall signs consisting of two “Four Seasons” logo signs and two “Four Seasons” building identification signs. Site Plan Review No. 32 (Amended) specified that the two wall signs would be located on separate building façades and, therefore, the signs would be considered as separate signs (two for each building plane) as to size and number.

In May 2006, the Planning Director approved Sign Program (PA2006-096) in place of the 1991 Site Plan Review (Amended) to acknowledge a change of ownership (Irvine Company) and name (The Island Hotel). Except for the absence of a logo sign, approval of PA 2006-096 allowed for the same number and type of signage approved by the Planning Commission in 1991, Site Plan Review No. 32 (Amended).

In February 2014, A Modification Permit to amend a portion of the Sign Program to allow the renovation of existing wall signs to exceed the maximum height and area permitted by the Zoning Code for a comprehensive sign program (more than a 20% increase in height and 30% increase in area).

In addition to the approved sign program, the NNCPC contains sign standards for North Newport Center, and specifically Block 600. The Sign Program for the Island Hotel includes two sign types: Sign Type A is for monument signs and Sign Type B is for parapet signs.



Ms. Brenda Wisneski  
May 2, 2014  
Page 2 of 4

### **Proposed Project**

As a part of the reinvestment program for the Hotel, Irvine Company is seeking approval of a Sign Program amendment is to obtain approval for new signs including, a porte-cochere sign at the entrance into the Hotel and a landscape wall sign for two restaurants located in the Hotel at the sidewalk entrance from Newport Center Drive as detailed below.

#### **Porte-Cochere Sign**

Irvine Company is planning a renovation of the existing Hotel porte-cochere to create clean lines and finish and including new LED lighting technology to provide a warmer overall lighting appearance. The proposed porte-cochere renovation will include the introduction of a new sign type to the Sign Program classified as a Building Sign, Type C. The proposed sign will be 28.8" tall fabricated aluminum channel letters internally illuminated with 6500K LED lamps centered on and attached to the face of the porte-cochere as shown on Page 4D of the attached Sign Program. The NNCPC allows a maximum of two (2) building signs for each primary tenant within Block 600. The addition of the proposed porte-cochere sign will increase the total number of building signs for the Hotel to three (3). The NNCPC allows a maximum letter height of 24" for building signs within Block 600. The proposed letter height is 28.8" which is a 20% increase in height.

#### **Landscape Wall Sign**

Irvine Company is planning a renovation of the existing Aqua Lounge and the construction of the new Oak Room within the Hotel. Both restaurants will have pedestrian access for the public from the Newport Center Drive Crescent Walk via a doorway in a planned landscape wall as shown on Pages 4F and 4G of the attached Sign Program. The proposed landscape wall sign will be a new sign type to the Sign Program classified as a Landscape Wall sign, Type D. The proposed sign will consist of the two restaurant names mounted on a 7.0' wide by 7.33" high acrylic panel which will be attached to the landscape wall as shown on Page 4D of the attached Sign Program. The NNCPC allows a maximum of five (5) landscape wall signs facing Newport Center Drive within Block 600. The addition of the proposed restaurant sign the total number of landscape wall signs facing Newport Center Drive within Block 600 will be two (2). The NNCPC allows a maximum letter height of 18" for landscape wall signs within Block 600. The proposed letter height of the sign for the Oak Room is 21½ " which is a 19.4% increase in height. The proposed letter height of the sign for the Aqua Lounge is 20", which is a 11.1% increase in height.

### **Approvals Requested**

The NNCPC and the Municipal Code allow for the adoption of Sign Programs (Section 20.42.120). Sign Programs allow deviations with regard to sign area, total number, location, and/or height of signs (Section 20.42.120.E.5). Section 20.42.120.F of the Municipal Code allows the Zoning Administrator to approve revisions to Sign Programs provided that the sign area is not increased





Ms. Brenda Wisneski  
May 2, 2014  
Page 3 of 4

more than 30% and sign/letter height is not increased more than 20%. The proposed Sign Program revisions are consistent with the NNCPC and the Municipal Code and the Zoning Administrator can approve the following:

1. The proposed porte-cochere sign (Building Sign) is an approved sign type in the NNCPC.
2. A third Building Sign can be added to the Sign Program as the Municipal Code allows for deviation with regard to the number of signs.
3. The requested 20% increase in letter height for the porte-cochere sign is within the 20% limit for height increase established in the Municipal Code for Zoning Administrator approval for Sign Program amendments.
4. The proposed landscape wall sign (Landscape Wall Sign) is an approved sign type in the NNCPC.
5. The addition of a landscape wall sign does not exceed the maximum number allowed to be facing Newport Center Drive within Block 600, where there is currently only one landscape wall sign within Block 600 facing Newport Center Drive.
6. The requested 19.4% increase in letter height for the Oak Room is within the 20% limit for height increase established in the Municipal Code for Zoning Administrator approval for Sign Program amendments.
7. The requested 11.1% increase in letter height for the Aqua Lounge is within the 20% limit for height increase established in the Municipal Code for Zoning Administrator approval for Sign Program amendments.

As stated earlier, the Island Hotel is undergoing a significant reinvestment project by Irvine Company which includes the new restaurant Oak Room, the Aqua Lounge renovation, exterior improvements which include an outdoor dining venue with integrated lighting and landscaping, the porte-cochere renovation, and a total interior refurbishment with new lighting and exercise equipment, and the introduction of a grab-and-go style market for Hotel guests. The proposed Sign Program amendment will complement the extensive improvements and re-investment and as indicated above the proposed revisions may be approved by the Zoning Administrator, consistent with Section III.F of the NNCPC and Section 20.42.120.F Zoning Code. Please do not hesitate to contact me at (949) 581-2888 if you have any questions.

Sincerely,

CAA PLANNING, INC.

Shawna L. Schaffner  
Chief Executive Officer



Ms. Brenda Wisneski  
May 2, 2014  
Page 4 of 4

Attachments: Sign Program Amendment (4 sets, 1 CD)  
Application & Deposit  
Authorization Letter

c: Mr. John Doane, Irvine Company

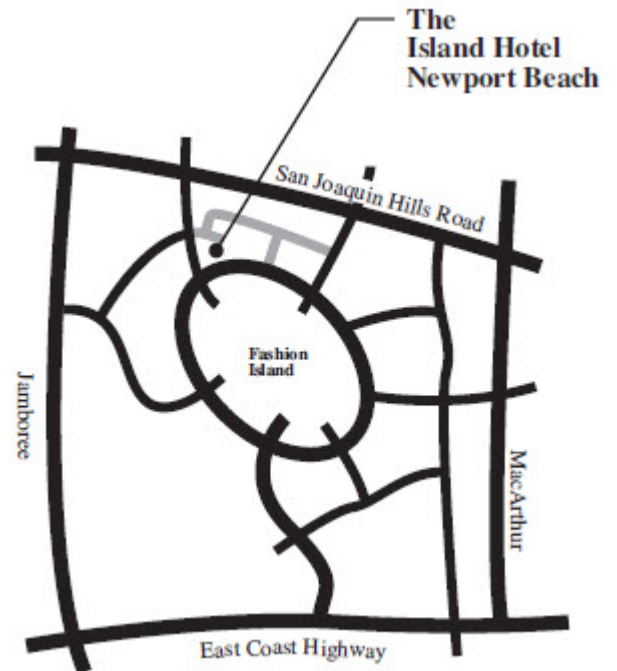
# **Attachment No. ZA 3**

Comprehensive Sign Program

**Comprehensive Sign Program  
for  
Island Hotel  
Newport Beach  
Newport Beach, California**

Property Owner: Irvine Company  
Contact: John Doane, (949) 720-2391  
jdoane@irvinecompany.com

Program Designer: Baab & Associates  
Contact: David J. Baab, (949) 729-9210  
dbaab@baabcorp.com

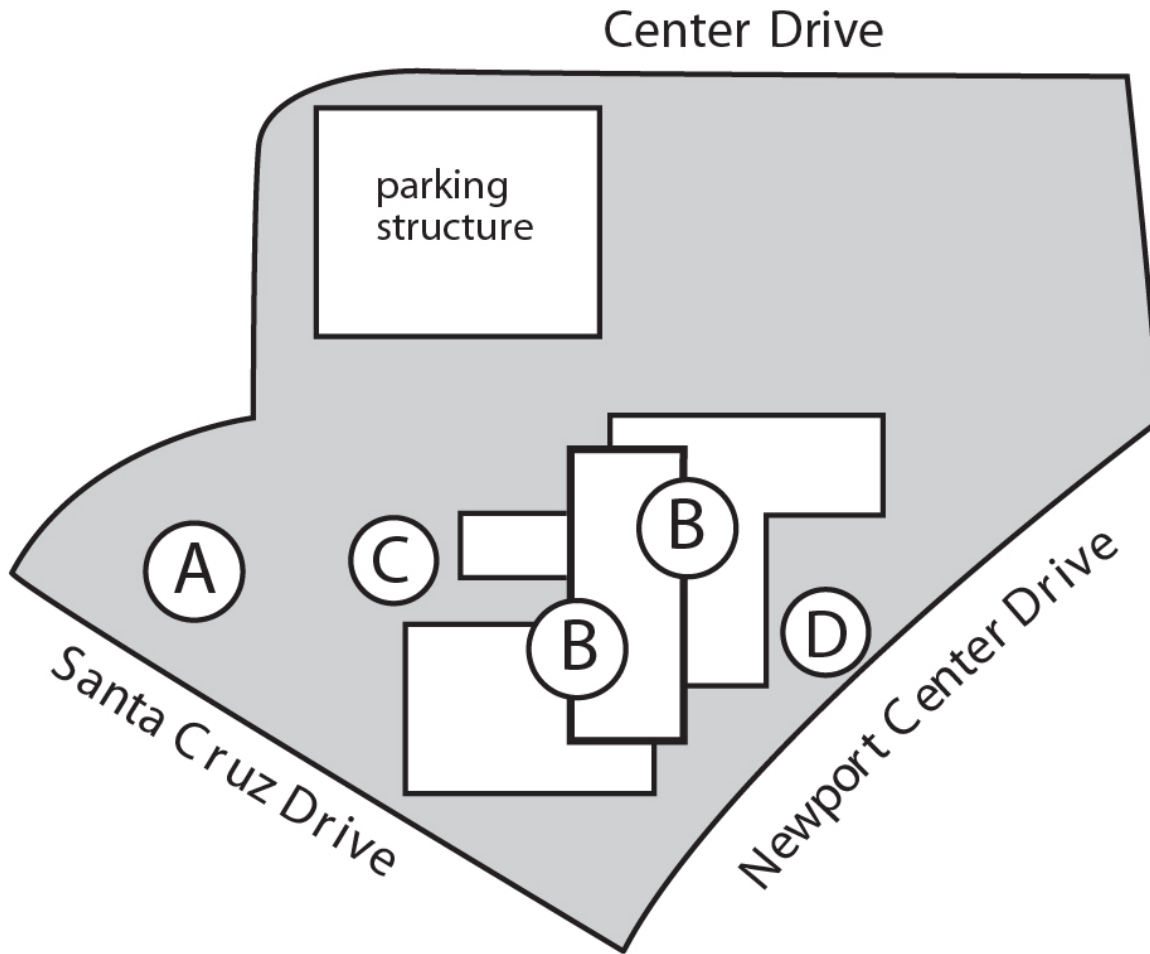


**Program Title**

**Page 1**

<b>Sign Type</b>	<b>Description</b>	<b>Sign Classification per Zoning Ordinance</b>	<b>Sign Location</b>	<b>Max. Quantity</b>	<b>Max. Sign Area</b>	<b>Max Height of Sign Above Ground</b>	<b>Logos Allowed?</b>	<b>Illumination Permitted?</b>	<b>Business Identification Permitted?</b>
A	Monument Sign	Freestanding Sign	Ground	1	250 SF	5.2 ft.	yes	yes	yes
B	Parapet Sign	Building Sign	Wall	2	545 SF	Parapet	yes	yes	yes
C	Porte-Cochere Sign	Building Sign	Porte-Cochere	1	35 SF	Porte-Cochere	yes	yes	yes
D	Restaurant ID Sign	Landscape Wall Sign	Landscape Wall (Newport Center Drive)	1	67 SF	N/A	yes	yes	yes

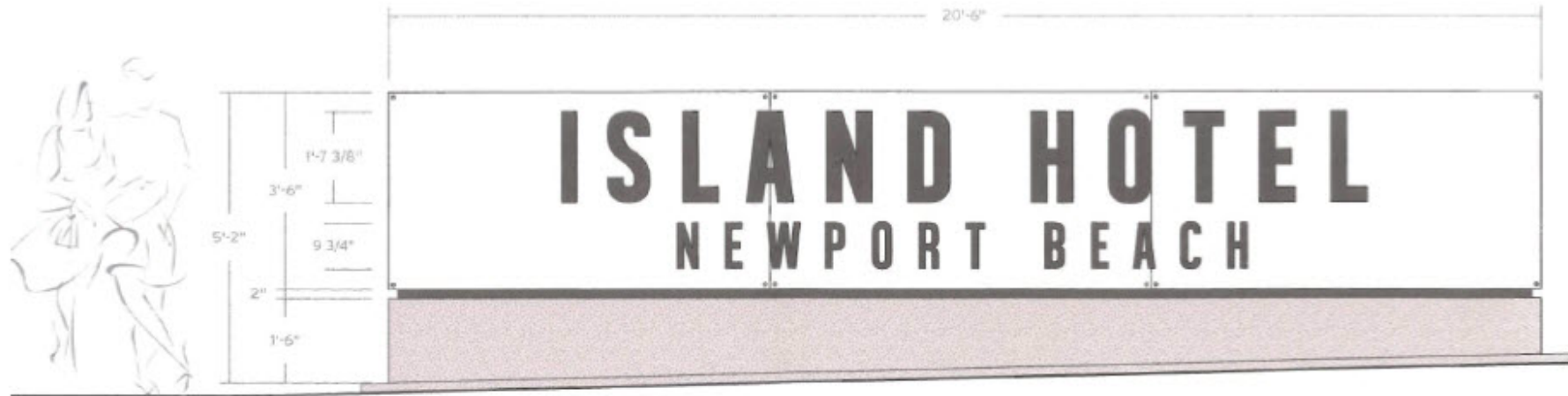




## Legend

- Ⓐ Sign Type A
- Ⓑ Sign Type B
- Ⓒ Sign Type C
- Ⓓ Sign Type D

# Sign Type A Monument Sign



**FRONT ELEVATION - NAME CHANGE**

Alternative sign content, colors, and typeface are allowed

**Sign Type A  
Elevation/Specifications**

**Page 4A**

# Sign Type B Parapet Sign

"ISLAND HOTEL" - Flush mounted face lit  
fabricated painted aluminum channel letters with  
10" deep black returns and day/night translucent  
acrylic faces.

"NEWPORT BEACH" - Flush mounted face lit  
fabricated painted aluminum channel letters with  
6" deep black returns and day/night translucent  
acrylic faces.

Sun Wave Logo - Flush mounted non illuminated  
reverse pan fabricated painted aluminum logo form  
with 8" deep returns.

Logo Color - PMS 505 C



*TheDesignFactor*

Contact  
26432 Las Alturas Avenue, Laguna Hills, CA 92653  
Ph. (949) 360-5750 Fx. (949) 643-2863  
thedesignfactor@cos.net www.thedesignfactor.biz

Alternative sign content, colors, and typeface are allowed

Sign Type B  
Elevation/Specifications

Page 4B

February 1, 2013

Comprehensive Sign Program for  
Island Hotel Newport Beach

# Sign Type B Parapet Sign



Alternative sign content, colors, and typeface are allowed

*TheDesignFactor*

Contact  
26432 Las Alibras Avenue, Laguna Hills, CA 92653  
Ph. (949) 360-5750 Fx. (949) 643-2863  
thedesignfactor@cox.net www.thedesignfactor.biz

Sign Type B  
Photo Simulation

Page 4C

February 1, 2013

Comprehensive Sign Program for  
Island Hotel Newport Beach

NOTES

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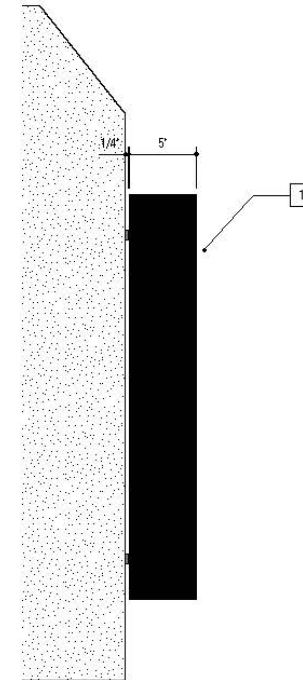
- 1 28.8" TALL, FABRICATED PAINTED ALUMINUM CHANNEL LETTER, INTERNALLY ILLUMINATED WITH 6300K LED LAMPS. FACE OF LETTERS TO BE 3/16" THK. DAY/NIGHT ACRYLIC.



4 ELEVATION - SIGN AT PORTE COCHERE - OPTION 1A (BOLD VERSION OF PROJECT LOGOTYPE)  
SCALE: 1/2" = 1'-0"



1 PHOTOSIMULATION - SIGN AT PORTE COCHERE - OPTION 1A (BOLD VERSION OF PROJECT LOGOTYPE)  
SCALE: 1/4" = 1'-0"



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



**Davies Associates**

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

This drawing and the designs included therein are instruments of service and shall remain the property of Davies Associates, Inc. whether or not the project for which they are made is executed. They are not to be used by the Owner on other projects or editions of this project, except by agreement in writing with Davies Associates, Inc.

**The Island Hotel**  
Signage & Graphics Program

Signage and Graphics Program  
Newport Beach, California  
Project No. 12012

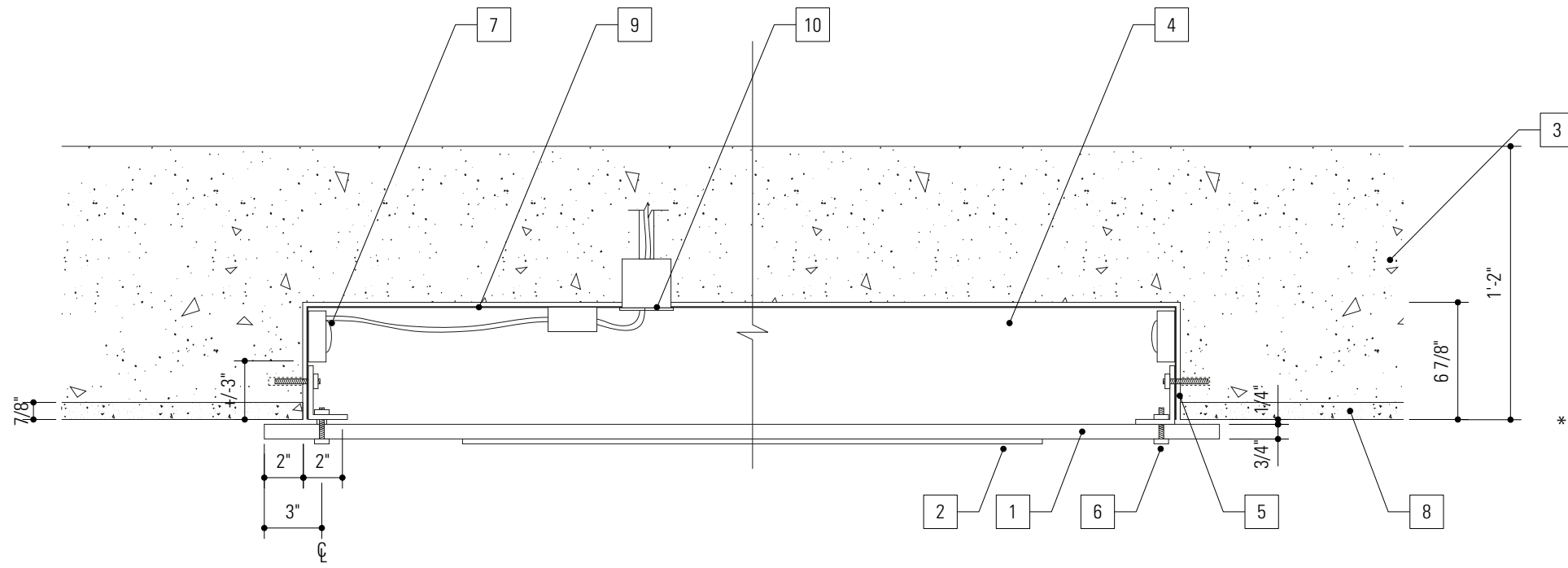
Irvine Company  
Resort Properties

Preliminary Design 12.17.13 PH  
Revised 01.08.14 PH  
Revised 01.30.14 AC  
Revised 01.13.14 AC  
Revised 05.17.14 KK

**Hotel Identification  
at Porte Cochere**

Elevation and Details

**G2**



**NOTES**

- 10 PRIMARY ELECTRICAL SOURCE/J-BOX TO BE CONTAINED WITHIN CONCRETE WALL. J-BOX TO PENETRATE BACK OF SIGN CABINET. PRIMARY POWER TO BE FED TO LED DRIVER. LOW VOLTAGE WIRE FROM DRIVER TO LED LAMPS AS REQUIRED.
- COLORS**
- P8 MATTHEWS PAINT TO MATCH PANTONE 484 - OAK ROOM
- P9 MATTHEWS PAINT TO MATCH GRADATED RANGE: PANTONE 630C TO PANTONE 7468C - SATIN FINISH
- P9A MATTHEWS PAINT TO MATCH PANTONE 7468C "LOUNGE" - SATIN FINISH

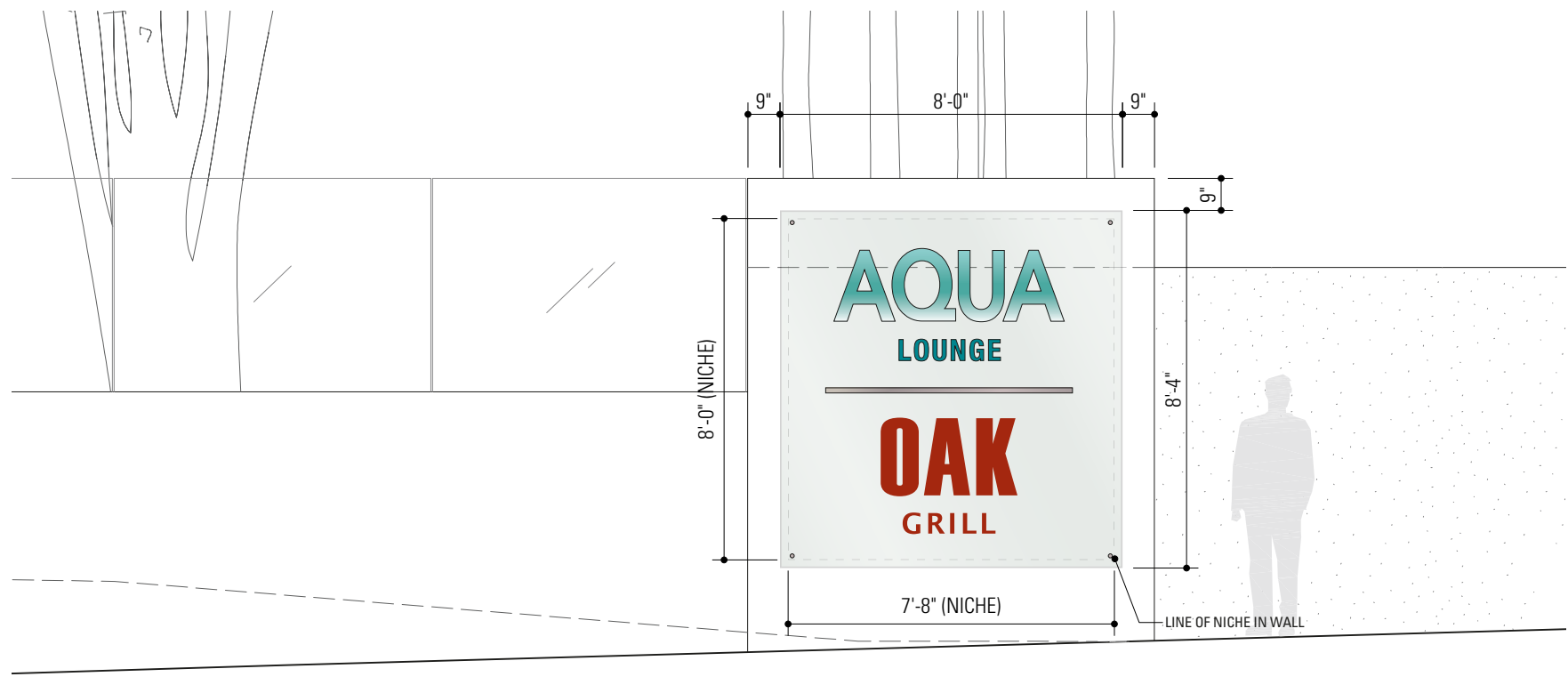
\* NOTE: ACRYLIC LENS PANEL THICKNESS AND FINISH TO MATCH IRVINE COMPANY APPROVED MOCK UP. COLOR OF AQUA LOUNGE AND OAK GRILL TO BE CONFIRMED BY IRVINE COMPANY.

**NOTES**

- 1 \*1" THK. SPARTEC ACRYLIC PANEL WITH MATTHEWS TIEBOND FROSTED FINISH APPLIED TO FIRST SURFACE. SECOND SURFACE TO HAVE 3M WHITE DIFFUSER FILM (60% LIGHT TRANSMISSION). EDGES OF PANEL TO BE POLISHED.
- 2 1/4" THK. FLAT CUT ALUMINUM GRAPHICS WITH PAINT FINISH PER ARTWORK. GRAPHICS TO BE FLUSH MOUNTED TO ACRYLIC PANEL WITH BLIND ANCHOR STUDS AND ADHESIVE AS REQUIRED.
- 3 +/- 14" POURED IN PLACE CONCRETE WALL PER GENERAL CONTRACTORS SPECIFICATIONS.
- 4 7'-8" X 8'-0" X 6" DEEP NICHE CAST INTO WALL.
- 5 1/4" THK. ALUMINUM L-BRACKET WELDED TO SIDES OF CABINET AS REQUIRED.
- 6 1/4" THK. ALL THREAD ANCHOR BOLT WITH 1" DIAM. STAINLESS STEEL ESCUTCHEON NO. 4 SPUN FINISH.
- 7 CONTINUOUS LIGHT FIXTURES PER LIGHTING CONSULTANTS SPECIFICATIONS.
- 8 7/8" THK. PLASTER FINISH COAT OVER CONCRETE WALL.
- 9 .125" THK. FABRICATED ALUMINUM SIGN CABINET WITH CONTINUOUS L BRACKET FRAMING AT FACE OF CABINET

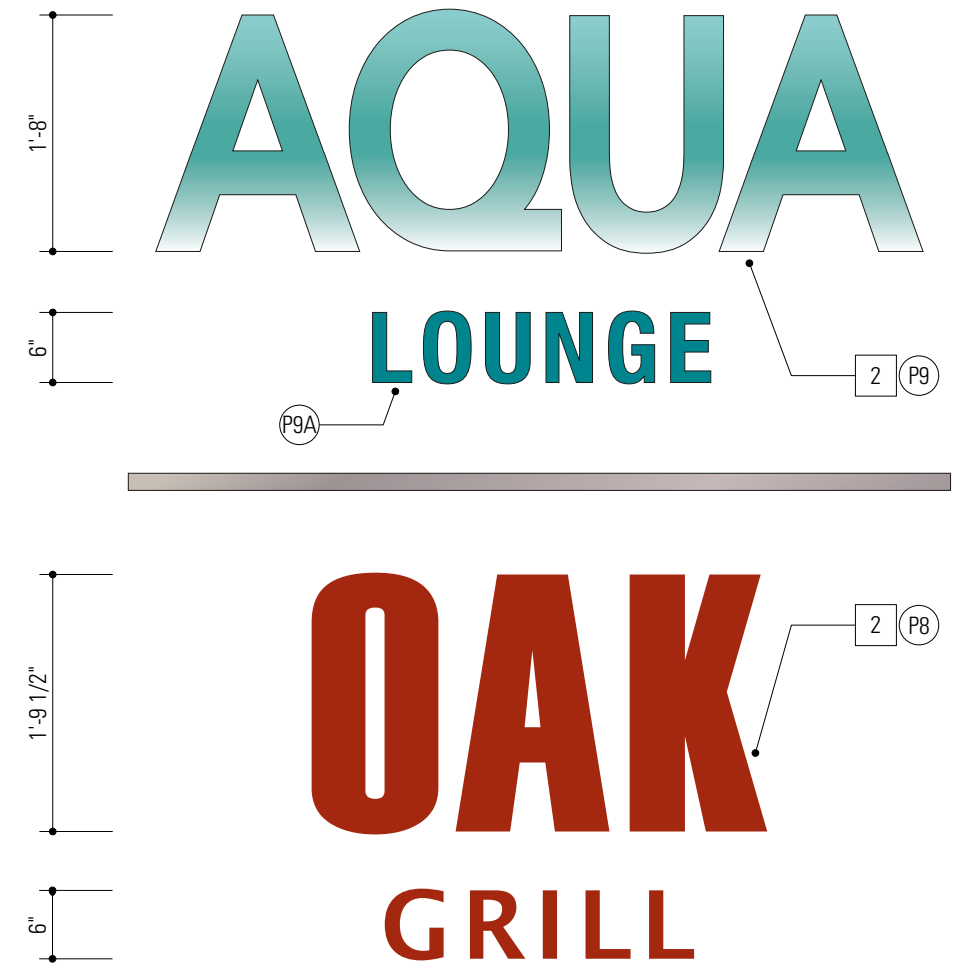
**3 SECTION AT WALL**

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



**1 ELEVATION - SIGN TYPE S15 - RESTAURANT SIGNAGE AT CRESCENT WALK - ALT. NO. 2**

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



**2 DETAIL ELEVATION**

SCALE: 3/4" = 1'-0"



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 April 23, 2014

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**The Island Hotel**  
 Signage & Graphics Program

Signage and Graphics Program  
 Newport Beach, California  
 Project No. 12012

Irvine Company  
 Resort Properties

Construction Set	04.01.14	KK
Revised	04.08.14	KK
Revised	04.15.14	KK
Revised	04.16.14	KK
Revised	04.24.14	KK
Revised	04.28.14	KK
Revised	04.29.14	KK
Revised	05.01.14	KK

Exterior Signage  
**Sign Type S15**  
**Restaurant ID at**  
**Crescent Walk**  
 Alternate No. 2

Elevations and Details

**G24.2**  
**Sign Type D**  
**Elevation/Specification**  
**Page 4E**





**Sign Type D  
Perspective 1**



**Sign Type D  
Perspective 2**

**Page 4G**