



**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 November 14, 2014

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**ZONING ADMINISTRATOR ACTIONS  
NOVEMBER 13, 2014**

- Item 1: Thomas Residence Modification Permit No. MD2014-010 (PA2014-149)  
437 Morning Canyon Road  
Action: Approved by Resolution No. ZA2014-041 Council District 6
- Item 2: 115 30<sup>th</sup> Street Condominium Conversion and Tentative Parcel Map No. CC2014-006 & NP2014-016 (PA2014-146)  
115 30<sup>th</sup> Street  
Action: Approved by Resolution No. ZA2014-042 Council District 1
- Item 3: PUR Juice Bar Minor Use Permit No. UP2014-036 (PA2014-158)  
2744 E. Coast Highway, Suite #2  
Action: Approved by Resolution No. ZA2014-043 Council District 6

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

- Item 1: Mariner's Pointe Comprehensive Sign Program No. CS2014-002 (PA2014-067)  
100 W. Coast Highway  
Action: Approved Council District 3
- Item 2: Uptown Newport Wall Revision Staff Approval No. SA2014-025 (PA2014-187)  
4311 Jamboree Road  
Action: Approved Council District 3

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

## RESOLUTION NO. ZA2014-041

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2014-010 TO ALLOW A 304-SQUARE-FOOT ADDITION TO AN EXISTING SINGLE-FAMILY DWELLING WITH NONCONFORMING PARKING LOCATED AT 437 MORNING CANYON ROAD (PA2014-149)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by JR Walz, with respect to property located at 437 Morning Canyon Road, and legally described as Lot 37 in Tract 1237 requesting approval of a modification permit.
2. The applicant proposes a modification permit to allow a 304-square-foot addition to an existing 2,040-square-foot single-family dwelling that is nonconforming due to the interior dimensions of the garage. The existing two-car garage provides an interior width of 17 feet 3 inches and a depth of 21 feet 5 inches, where a minimum 20-foot by 20-foot interior dimension is required. The dwelling is also nonconforming because it provides side setbacks less than the 6 feet required by the Zoning Code.
3. The subject property is located within the Two-Unit Residential (R-2-6000) 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-C).
5. A public hearing was held on November 13, 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 requirements of the California Environmental Quality Act Guidelines under Class 1 (Existing Facilities).
2. The Class 1 exemption includes additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The project involves an addition of 304 square feet, or approximately 15 percent of the floor area of an existing single-family dwelling.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding:

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

#### Facts in Support of Finding:

1. The neighborhood is generally comprised of a development pattern of one and two-story single-unit and two-unit dwellings. The Modification Permit will allow an addition to a single-story, single-unit dwelling which is compatible with abutting properties which are single-unit dwellings.
2. The applicant is proposing a 304-square-foot addition to the existing dwelling. The proposed addition will comply with all applicable development standards, including lot coverage, height, and setbacks, and will not intensify or alter the existing nonconformities.
3. The proposed addition will result in a dwelling that is similar in bulk and scale to others in the Corona Highlands Community.
4. The existing development on the property is a single-family dwelling. As such, there is no change to the density or intensity as a result of the proposed remodel and addition.

#### Finding:

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

#### Facts in Support of Finding:

1. The interior dimensions of the existing two-car garage were in compliance with the Zoning Code at the time of original construction in 1953. 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. Widening the interior width of the garage to twenty (20) feet, as required by the current Zoning Code, would impact the access way to the garage. The property slopes steeply downward moving east to west and any expansion to the interior of the garage would necessitate a widening of the existing curb cut and driveway down the slope.

3. The granting of the Modification Permit is necessary to allow a reasonable addition to an existing dwelling that was constructed in compliance with garage standards in effect at the time of original construction, and that are adequate in width for the parking of two (2) vehicles.

Finding:

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

Facts in Support of Finding:

1. Given the scope of work, increasing the width of the garage to twenty (20) feet would result in a practical difficulty by requiring significant structural alterations to the garage and entrance to the dwelling. Widening the garage would create a practical difficulty by requiring reconstruction and realignment of the hardscape and concrete planters that lead from the front property line to the dwelling.
2. The existing garage provides two (2) useable garage spaces, therefore fulfilling the intent of the Zoning Code by providing adequate parking on 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 of the dwelling.

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 alternative would require that the applicant bring the existing two-car garage into conformance by expanding or relocating the existing garage. Expanding the garage towards the interior of the property would require significant alterations to the structure and entrance of the dwelling. Expanding the width of the garage into the 6-foot side setback required by the Zoning Code is not feasible without a variance, as the garage already encroaches eight (8) inches into the setback.
2. The other alternative is to reduce the size of the addition to not more than ten (10) percent of the existing floor area of the structure and comply with the requirements of the Zoning Code. Given the proposal is to add a master bedroom, a redesign to reduce the size of the addition will significantly impact the intent of the project and not meet the objectives of the applicant.



Finding:

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

Facts in Support of Finding:

1. The proposed addition will occur on the first floor, at the rear of the dwelling, will maintain a minimum distance of six (6) feet from neighboring properties, and will provide adequate protection for light, air, and privacy. The addition will not preclude access to the dwelling and will be consistent in scale with other dwellings in the neighborhood.
2. The existing nonconforming garage has not proven to be detrimental to the occupants of the property, nearby properties, neighborhood, or City and is adequate in width to park two (2) vehicles.
3. The proposed addition will result in a site coverage that is less than the maximum allowed by the Zoning Code.
4. 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.

## SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2014-010, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen (14) days following the date this Resolution was adopted 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 13<sup>TH</sup> DAY OF NOVEMBER, 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. All non-compliant, non-standard walls and stairs within the Public Right-of-Way shall be removed. All remaining non-standard improvements require an encroachment permit and agreement, subject to a review and approval by the Public Works Department.
3. Each parking space within the garage shall be permanently available and maintained for parking purposes. The interior dimensions (17 feet 3 inches wide by 20 feet deep) shall be kept clear of obstructions including cabinets, shelving, or similar that may impact the ability to adequately park two (2) vehicles.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
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. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
8. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities 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.
9. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.
10. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees,

and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Thomas Residence Modification including, but not limited to, MD2014-010 (PA2014-149). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## RESOLUTION NO. ZA2014-042

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING CONDOMINIUM CONVERSION NO. CC2014-006 AND TENTATIVE PARCEL MAP NO. NP2014-016 FOR A TWO-UNIT DUPLEX LOCATED AT 115 30<sup>TH</sup> STREET (PA2014-146)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Ragael and Martha Ayoub, Property Owners, with respect to property located 115 30<sup>th</sup> Street, and legally described as Lot 28, Block 30 of Newport Beach Tract M.M. 3/26 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 duplex to two-unit condominiums. No waivers of Title 19 development standards for condominium conversions are proposed with this application.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-E).
5. A public hearing was held on November 13, 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, Class 1 (Existing Facilities).
2. The Class 1 exemption involves negligible or no expansion of an existing use. This classification includes the division of existing multiple-family or single-family residences into common-interest ownership, and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt. The proposed project involves the conversion of an existing duplex into a two-unit condominium development.

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SECTION 3. REQUIRED FINDINGS.

*Condominium Conversion*

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

Finding:

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

Facts in Support of Finding:

1. The existing duplex provides a two-car garage and two carport spaces for both units, for a total of four spaces.
2. The four spaces provided meet the number of spaces required (2 per unit) pursuant to Section 20.40.040 (Off-Street Parking Spaces Required) and the design and location are in conformance with provisions of Chapter 20.40 (Off-Street Parking) of the Zoning Code.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The existing duplex was constructed with an electrical service connection that is in compliance with the requirements of Chapter 15.32.

Finding:

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

Facts in Support of Finding:

1. A special inspection was completed by the Building Division on October 9, 2014, and no safety violations were identified.

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:

1. As required, permanent lot stakes and tags were installed at all lot corners.

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:

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

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

Finding:

1. *The establishment, maintenance or operation of the use or building applied for shall not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.*

Facts in Support of Finding:

1. The proposed project is to convert an existing duplex to two-unit condominiums on property located within the R-2 zoning district.
2. The use of the property will continue to be for two-unit residential purposes and there is no evidence suggesting this use has been detrimental to the health, safety, peace, comfort, and welfare of those residing or working in the neighborhood, or the City.

*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:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. The existing two-unit dwelling was built in 2014 to condominium standards. 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."
2. The property is not located in a specific plan area.

Finding:

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



Facts in Support of Finding:

1. The lot is consistent with other standard lots (25' X 95') in the vicinity, which are physically suitable for a two-unit development.
2. The property is accessible from Thirtieth Street and an alley at the rear.
3. The property 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:

1. The site is currently developed with an existing two-unit dwelling, which will be subdivided for condominium purposes.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. 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:

1. The Tentative Parcel Map is for two-unit 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:

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:

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.
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:

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.

2. The project is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The existing structure was designed and constructed in compliance with Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate.

Finding:

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

Facts in Support of Finding:

1. The existing 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:

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

Facts in Support of Finding:

1. As conditioned, wastewater discharge into the existing sewer system shall comply with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for a two-unit dwelling. The proposed subdivision and improvements are consistent with the Coastal Land Use Plan designation RT-C (Two-Unit Residential).
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.
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 Condominium Conversion Application No. CC2014-006 and Tentative Parcel Map No. NP2014-016, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted 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 13<sup>TH</sup> DAY OF NOVEMBER, 2014.**

By:



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Brenda Wisneski, AICP, Zoning Administrator

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**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 Parcel Map and Condominium Conversion.
3. The applicant/property owner shall provide each of the tenants with written notification with an exclusive right to purchase the respective unit upon the same or more favorable terms and conditions than those on which such unit will be initially offered to the general public. Such right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report (Section 11018.2 of the Business and Professions Code), unless the tenant gives prior written notice of his or her intention not to exercise the right. A copy of the certified letter and return receipt form mailed to each tenant of the subject property shall be forwarded to the Planning Division prior to final of the condominium conversion permit.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. No more than two dwelling units shall be permitted on the site.
6. The two-car garage and two covered parking spaces shall be provided on site per requirements of the Zoning Code and shall be maintained as communal for both dwelling units. The separating of the garage into two-single enclosed garage spaces shall be prohibited due to the minimum width of the existing two-car garage. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
7. 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.**
8. 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.

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9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
  10. Prior to recordation of the parcel map, park dedication fees for one additional dwelling unit shall be paid consistent with the fee amount in effect at the time of payment as established by the City of Newport Beach Municipal Code.
  11. Prior to recordation of the parcel map, any existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along 30<sup>th</sup> Street frontage shall be reconstructed.
  12. Prior to recordation of the parcel map, any existing broken and/or otherwise damaged concrete alley panels along the rear of the property frontage shall be reconstructed.
  13. No above ground improvements shall be located within the required rear five-foot alley setback.
  14. Prior to recordation of the parcel map, 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.
  15. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. The water meter and sewer cleanout shall be located within the public right-of-way.
  16. An encroachment permit is required for all work activities within the public right-of-way.
  17. All improvements shall comply with the City's sight distance requirements. See City Standard 110-L and Municipal Code 20.30.130.
  18. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
  19. All on-site drainage shall comply with the current City Water Quality requirements.
  20. 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.
  21. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
  22. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless 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 Ayoub Condominium Conversion including, but not limited to, the CC2014-006 (PA2014-146). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## RESOLUTION NO. ZA2014-043

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING USE PERMIT NO. UP2014-036 FOR A TAKE-OUT SERVICE, LIMITED EATING AND DRINKING ESTABLISHMENT USE (PUR JUICE BAR) LOCATED AT 2744 EAST COAST HIGHWAY, SUITE 2 (PA2014-158)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jorden Segraves Architect Inc. on behalf of PUR Juice Bar, with respect to property located at 2744 East Coast Highway, Suite 2, and legally described as Parcel 1, of Parcel Map 137/39 requesting approval of a minor use permit.
2. The applicant proposes to convert a 650-square-foot, currently vacant tenant space to a take-out service, limited eating and drinking establishment. The tenant space will include a cold press/dry storage kitchen with no cooking provisions, service counter area, prep area, and a customer seating area with a maximum of six seats. No late hours (after 11:00 p.m.) or alcohol sales are proposed.
3. The subject property is located within the CC (Commercial Corridor) Zoning District and the General Plan Land Use Element category is CC (Commercial Corridor).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on November 13, 2014, in the City Hall Council Chambers, 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 pursuant to the State CEQA (California Environmental Quality Act) Guidelines under Class 1 – (Existing Facilities).
2. This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The proposed project involves alterations to the interior floor plan of an existing commercial space and related parking lot with no expansion in use.



### SECTION 3. REQUIRED FINDINGS.

#### *Minor Use Permit*

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

#### Finding

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

#### Facts in Support of Finding

1. The General Plan land use designation for the site is CC (Corridor Commercial), which is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.
2. The proposed take-out service, limited use is consistent with the CC land use designation as it is intended to provide a service to visitors and residents within the immediate area.
3. Eating and drinking establishments are common in the Corona del Mar vicinity along East Coast Highway and are complimentary to the surrounding commercial and residential uses.
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

1. The site is located within the CC (Commercial Corridor) Zoning District of the Newport Beach Zoning Code. This district is intended to provide for areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The proposed take-out service, limited use is consistent with the land uses permitted within this zoning district, and the conditions of approval will ensure that the use is compatible with the adjacent residential areas.
2. Pursuant to Section 20.22.020 (Table 2-9 Allowed Uses and Permit Requirements), the proposed take-out service, limited use requires approval of a minor use permit when located within 500 feet of a residential zoning district.

3. Pursuant to Section 20.38.060 (Nonconforming Parking), a nonconforming use in a nonresidential zoning district may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area, or lot area) occurs. Take-out service, limited uses have a required parking ratio of one space per 250 square feet of gross floor area.
4. The proposed project complies with the requirements of Section 20.38.060 (Nonconforming Parking) because the square footage of the existing suite will not be increased and the take-out service, limited use requires the same number of parking spaces required for the currently vacant space that was previously occupied by a personal services use ( $650/250 = 3$  spaces).

### 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

1. The proposed operation will consist of a kitchen with no cooking provisions, service counter area, prep area, and a customer seating area. A maximum of two employees will be present at any one time. As conditioned, the allowed hours of operation will be 6:00 a.m. to 6:00 p.m., daily, to allow for future flexibility while maintaining compatibility with the neighborhood.
2. The proposed take-out service, limited use will be complementary to the other uses in the commercial building, which include Personal Services (nail salon, tanning salon and Thai Yoga and massage), and one eating and drinking establishment (Summer House).
4. The proposed take-out service, limited use establishment located on East Coast Highway in Corona del Mar, will provide a service for residents of the neighborhood and visitors to the area, and will not require the provision of additional parking on-site due to the limited seating capacity and location near the corner of East Coast Highway and Goldenrod Avenue which provides on-street parking and walkability.

### 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

1. The proposed project will be located in a tenant space within an existing commercial building and will involve improvements to the interior space. Adequate refuse storage

currently exists on-site. There are no proposed changes to the site or the exterior of the building.

2. Adequate public and emergency vehicle access, public services, and utilities are provided on-site and are accessed from East Coast Highway, Goldenrod Avenue, Fernleaf Avenue, or the alley at the rear of the site.
3. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

#### Finding

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

#### Facts in Support of Finding

1. The project has been reviewed and this approval includes conditions to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The restrictions on seating and net public area prevent adverse traffic impacts for the surrounding residential and commercial uses.
4. The applicant is required to obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

#### SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2014-036 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 following the date this Resolution was adopted unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 13<sup>TH</sup> DAY OF NOVEMBER, 2014.**



---

Brenda Wisneski, AICP, Zoning Administrator

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

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Use Permit No. UP2014-036 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
5. This 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.
6. The hours of operation for the establishment shall be limited to 6:00 a.m. through 6:00 p.m., daily.
7. The sale of alcohol shall not be permitted.
8. The maximum number of seats allowed within the eating and drinking establishment shall be six (6). No outdoor seating is permitted unless an amendment to this use permit is acquired.
9. Employees shall park on-site at all times.
10. Live entertainment and dancing shall be prohibited as a part of the regular business operation.
11. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review and may require an amendment to this use permit or the processing of a new use permit.

12. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
13. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. All trash shall be stored within the building or within the existing dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The solid lids of the trash dumpster's shall be closed at all times.
16. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
17. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
18. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
19. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
20. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
21. All proposed signs shall conform to Title 20, Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code regulations or any sign program applicable to the property.
22. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

23. 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 PUR Juice Bar MUP including, but not limited to, the Minor Use Permit No. UP2014-036 (PA2014-158). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

#### **Building Division Conditions**

24. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department including any new cooking provisions added to the kitchen facility. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.

#### **Public Works Conditions**

25. Sewer cleanout shall be required on existing sewer lateral servicing this suite.



## 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. CS2014-002 (PA2014-067)

**Applicant** Graphic Solutions

**Site Address** 100 West Coast Highway  
Mariner's Pointe Comprehensive Sign Program

**Legal Description** Lots 1, 2, 3, 4, 5, and 6 of Tract No. 1210

On **November 14, 2014**, the Zoning Administrator approved the following: a comprehensive sign program for the Mariner's Pointe project which is currently under construction. The program includes project identification signs, primary and secondary frontage tenant wall signs (awning or wall signs), address and wayfinding signs, and window signs. The applicant also requests an increase in sign area by 30 percent and deviation from location as allowed with the approval of a comprehensive sign program. The intent of this program is to allow signage for multiple tenants, as determined by the property owner.

A comprehensive sign program is required for the following circumstances:

1. Whenever three or more separate tenant spaces are proposed or created on the same lot; and
2. Whenever a structure has more than three hundred (300) linear feet of frontage on a public street.

The subject property is located within CG (Commercial General) Zoning District and the General Plan Land Use Element category is General Commercial (CG). The property is not located in the Coastal Zone.

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

### **I. FINDINGS**

#### Finding

- A. *The project is 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) because it provides the multi-tenant commercial building with adequate identification while guarding against an excessive proliferation of signage. It preserves and enhances community appearance by regulating the type, size, location, quantity, and illumination of signs. Through said regulations, the Comprehensive Sign Program will help to enhance the safety of motorists and pedestrians by minimizing the distraction of signs, as well as to protect the life, health, property, and general welfare of City residents and visitors.
- B-2. The purpose of a comprehensive sign program is to integrate all of a project's signs. A comprehensive sign program provides a means for the flexible application of sign regulations for projects that require multiple signs in order to provide incentive and latitude in the design and display of signs, and to achieve, not circumvent, the purpose of Chapter 20.42. This approval integrates all of the signs for the subject property while meeting the purpose and intent of Chapter 20.42.
- B-3. The Comprehensive Sign Program is consistent with the Citywide Sign Design Guidelines Manual because the proposed signs are designed to be compatible with the building design in terms of scale, size, and materials. As proposed, signs are designed to effectively communicate a commercial message without creating sign clutter through the use of legible text that contrasts with the background. The location and size of the signs do not dominate, but rather are consistent with the proportions of the façade on which they are located.

- B-4. The proposed primary and secondary signage will provide for tenant identifications located on elevations at the either the first or second level where the architectural design of the building suggests placement of a sign. All proposed signs will employ a consistent sign pattern in location and are designed to fit with the overall scale of the building and its relationship to West Coast Highway and Dover Drive.

Standard

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

Facts in Support of Standard

- C-1. The site is being developed with a multi-tenant commercial building. The number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood.
- C-2. 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. As conditioned, all proposed signage nearing the property line and public right-of-way will be subject to review by the Public Works Department or Caltrans as applicable.
- C-4. All proposed signage will integrate well with the character and architectural style of the building by maintaining consistency in location, sign height, and materials across each street frontage.
- C-5. The primary and secondary signs for tenant identification will be a mixture of wall and awning signs; however, awning signs are encouraged where an awning has been installed.

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 Zoning Code Chapter 20.42 (Sign Standards).

Standard

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

Facts in Support of Standard

- E-1 The Comprehensive Sign Program has been designed to be effective for the commercial tenants that will occupy the building by providing sign opportunities for all tenants.
- E-2 The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future tenants.
- E-3 It is not anticipated that future revisions to the Comprehensive Sign Program will be necessary to accommodate changes in tenants or uses. However, the Community Development Director may approve minor revisions to the Comprehensive Sign Program if the intent of the original approval is not affected.

Standard

- F. *The program shall comply with the standards of this Chapter [Chapter 20.42], except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter [Chapter 20.42].*

Facts in Support of Standard

- F-1. The Comprehensive Sign Program allows for deviations with regards to the number, location, and placement of wall signs throughout the multi-tenant center. The approval conforms to all other standards of Zoning Code Chapter 20.42 (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. There is a reasonable need for the number, location, type, and size of signs at the subject site to provide adequate identification of the buildings and to direct vehicular traffic.
- F-3. The 30 percent increase in allowable sign area will allow for project identification signage that is in scale with the overall development and will ensure appropriate visibility is provided from the abutting right-of-ways.
- F-4. The deviation from required sign location will allow for signage placement that fits well with the architectural background on which it is proposed.

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.

**II. CONDITIONS**

1. All proposed signs shall be in substantial conformance with the approved plans, Comprehensive Sign Program Matrix Table, and provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code, unless otherwise indicated in the following conditions.
2. Anything not specifically approved by this Comprehensive Sign Program is prohibited.
3. All ground floor awnings at the corner of West Coast Highway and Dover Drive shall be lowered such they are all installed at the same height.
4. A building permit shall be obtained prior to commencement of installation of the signs.
5. A copy of this letter shall be incorporated into the plan check sets of plans prior to issuance of building or sign permits.
6. Signs shall be maintained in a clean and orderly condition.
7. The sign area shall be measured by two perpendicular sets of parallel lines that surround the proposed sign copy area.
8. All illuminated wall signs on the exterior perimeter of the shopping center facing residential properties shall be shut off by 11:00 p.m. and not allowed to be turned back on until 6:00 a.m. the following day with exception of those signs for tenants with late hour operations which have been approved by a conditional use permit.

9. 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.
10. All work performed near or within the public right-of-way shall be reviewed and approved by the Public Works Department or Caltrans under an encroachment permit/agreement if required.
11. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or tenants of the building shall be reviewed and approved by the Planning Division, so long as the sign size, copy configuration, and number of signs authorized by this approval does not substantially change or increase. The mandatory reduction or elimination of signs shall be exercised as necessary. Revisions that would substantially deviate from the original approval shall require approval of a new/revised comprehensive sign program by the Zoning Administrator.
12. The Zoning Administrator may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
13. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
14. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Mariner's Pointe Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2014-002 (PA2014-067). 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, AICP, Zoning Administrator

By:



---

Benjamin M. Zdeba  
Assistant Planner

GR/bmz

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

# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



Comprehensive Sign Program No. CS2014-002  
PA2014-067

**100 West Coast Highway**



# **Attachment No. CD 2**

Sign Program Matrix

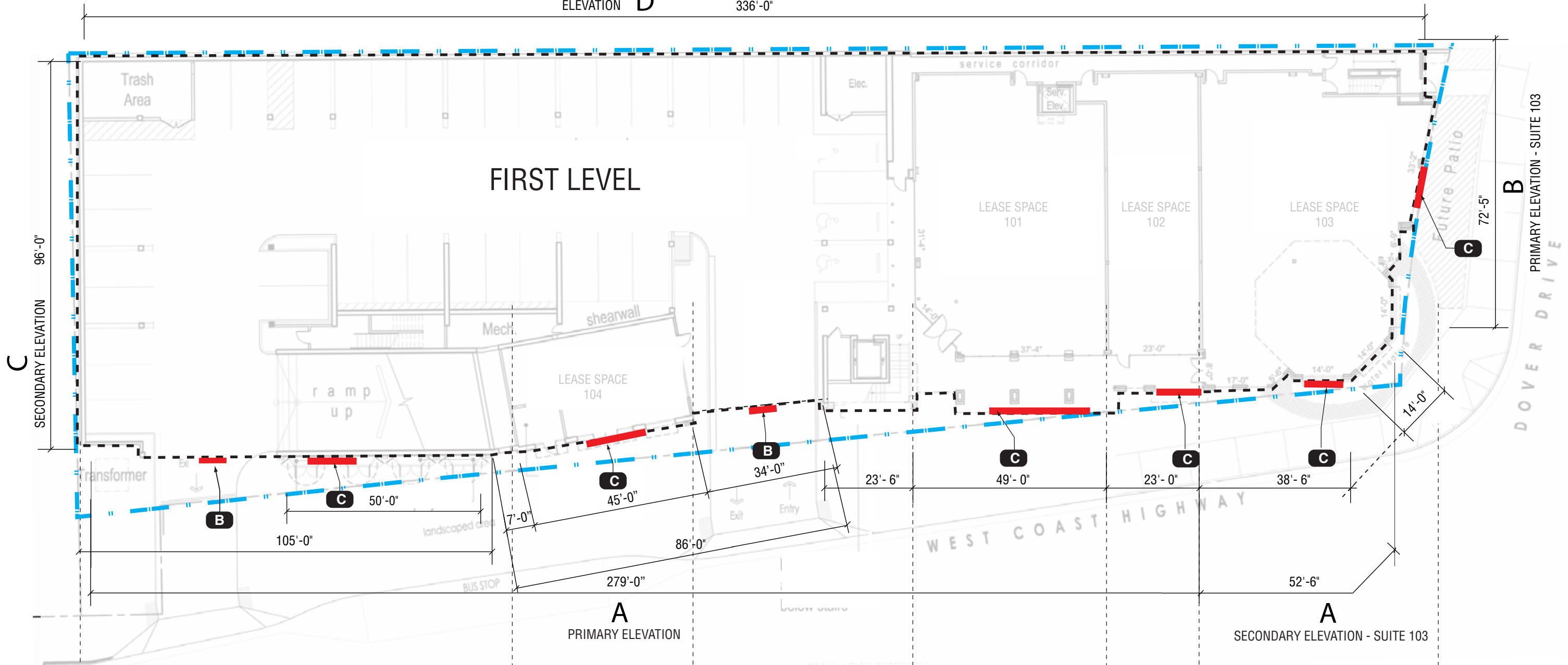
# Mariner's Pointe Comprehensive Sign Program Matrix CS2014-002 (PA2014-067)

Sign Type	Primary Frontage Size limitations, where applicable	Secondary Frontage Size limitations, where applicable
Tenant Sign	<p><b>Number:</b> One (1) per tenant.</p> <p><b>Type:</b> May be wall, projecting, or awning; awning signage is encouraged where awnings exist.</p> <p><b>Size:</b> 1.0 times the linear frontage of the tenant space, not to exceed 75 square feet. See "Awnings" and "Projecting" below for further limitations.</p> <p><b>Awnings:</b> Only allowed on up to 50 percent of the slope and valance portion of the awning, or not more than 60 percent of the bottom twelve inches of a barrel shaped awning.</p> <p><b>Projecting:</b> Ground floor only. Must provide eight feet minimum vertical clearance above surface over which they project. Maximum size of 20 square feet.</p> <p><b>Location:</b> Within the middle 80 percent of the tenant frontage or architectural background on which the sign is placed.</p>	<p><b>Number:</b> One (1) per tenant where secondary frontage occurs.</p> <p><b>Type:</b> May be wall, projecting, or awning; awning signage is encouraged where awnings exist.</p> <p><b>Size:</b> 0.5 times the linear frontage of the tenant space, not to exceed 37.5 square feet. See "Awnings" and "Projecting" below for further limitations.</p> <p><b>Awnings:</b> Only allowed on up to 50 percent of the slope and valance portion of the awning, or not more than 60 percent of the bottom twelve inches of a barrel shaped awning.</p> <p><b>Projecting:</b> Ground floor only. Must provide eight feet minimum vertical clearance above surface over which they project. Maximum size of 10 square feet.</p> <p><b>Location:</b> Within the middle 80 percent of the tenant frontage or architectural background on which the sign is placed.</p>
Window Signage	Not to exceed 20 percent of the window area. May be used in conjunction with "Tenant Sign" above, but shall be counted towards maximum allowable sign area. Limited to upper and lower twelve inches of window area only.	Not to exceed 20 percent of the window area. May be used in conjunction with "Tenant Sign" above, but shall be counted towards maximum allowable sign area. Limited to upper and lower twelve inches of window area only.
Project Identification	<p><b>Number:</b> One (1) on each building frontage, not to exceed three (3) total.</p> <p><b>Type:</b> Wall sign.</p> <p><b>Size:</b> 48.75 square feet maximum.</p> <p><b>Location:</b> Within the middle 80 percent of the architectural background on which the sign is placed.</p>	See "Primary Frontage".
Pedestrian-Oriented Directional	Ground floor only. One (1) per tenant not to exceed three square feet in area.	Not applicable.
Vehicle-Oriented Directional	Ground floor only. One (1) at the parking garage entrance not to exceed nine square feet.	Not applicable.

# **Attachment No. CD 3**

Project Plans

FIRST LEVEL



**A**  
PRIMARY ELEVATION

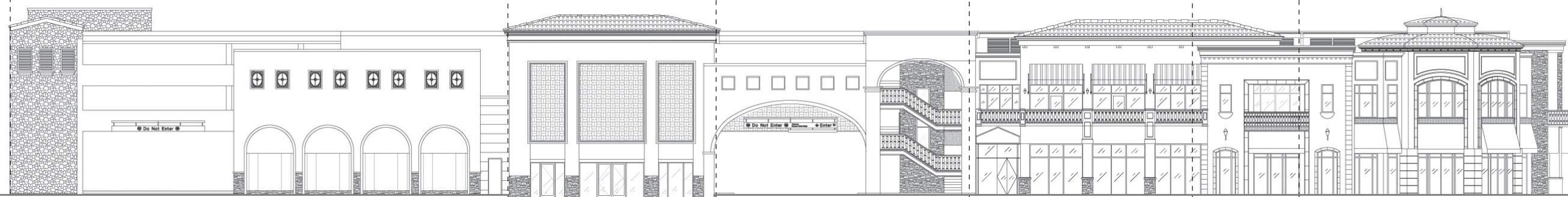
**A**  
SECONDARY ELEVATION - SUITE 103

**SIGN TYPES**

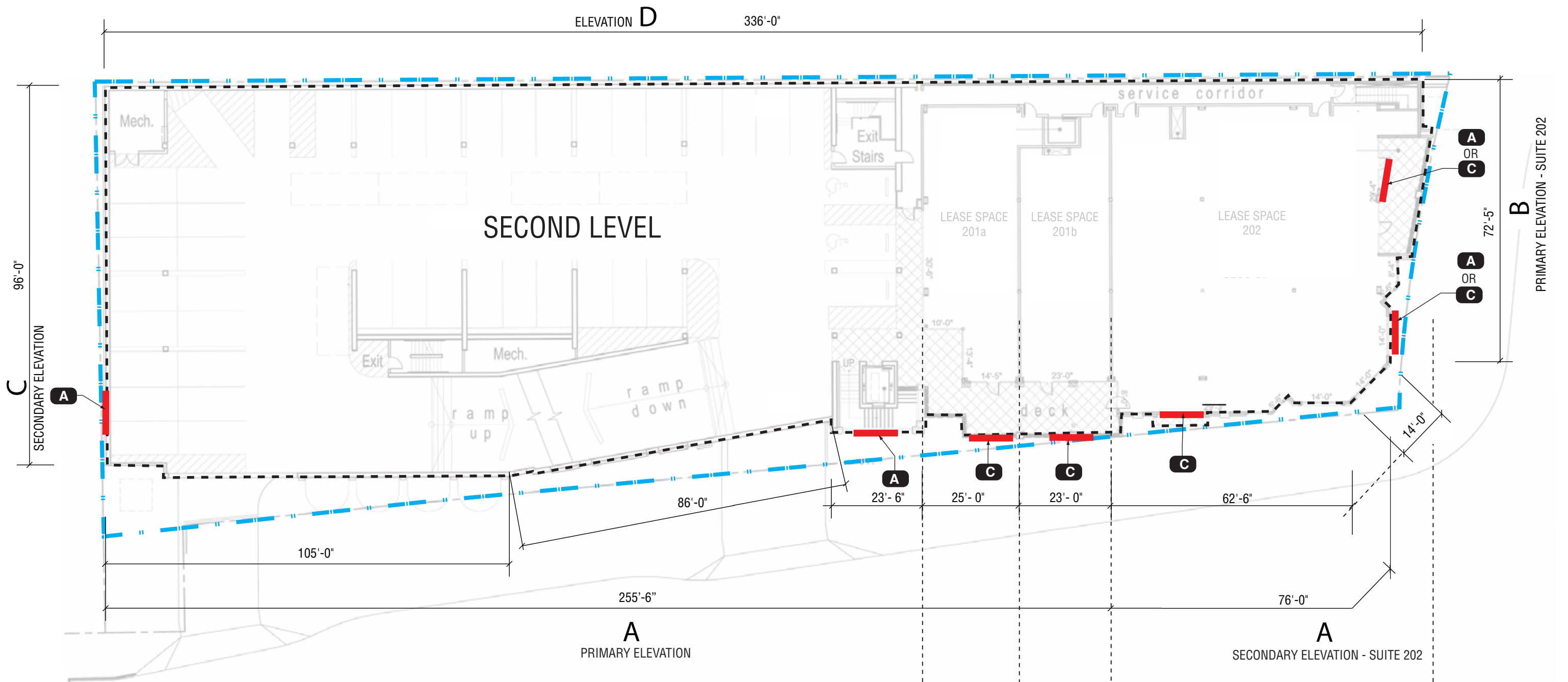
- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS



--- PROPERTY LINE  
- - - BUILDING PERIMETER LINE



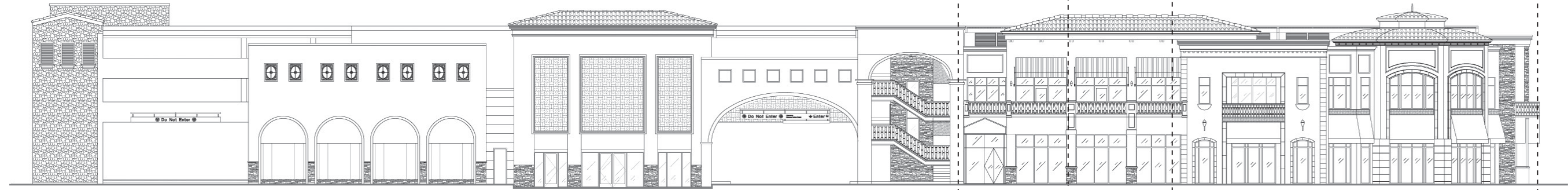
**SOUTH ELEVATION**



--- PROPERTY LINE  
 - - - BUILDING PERIMETER LINE

**SIGN TYPES**

- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS



**SOUTH ELEVATION**



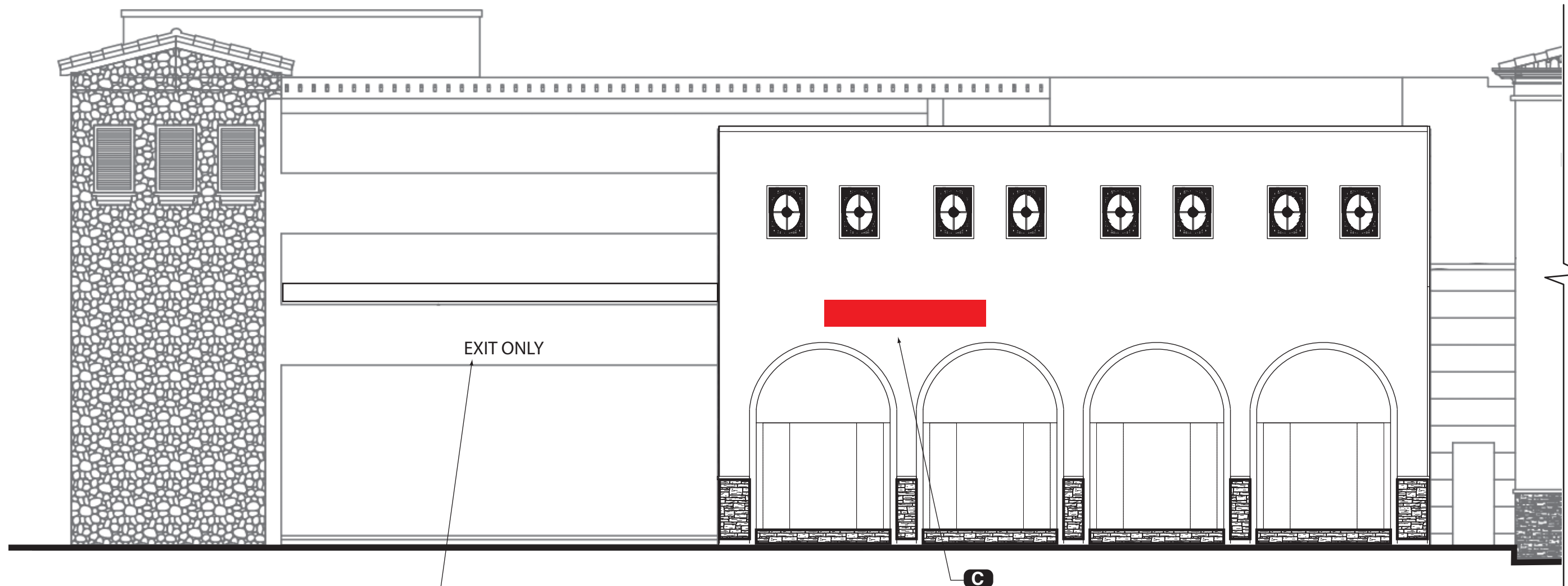
SEGMENT 1

SOUTH ELEVATION - WEST COAST HIGHWAY

**FRONTAGE A**

**SIGN TYPES**

- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS



**B**  
**PRIMARY FRONTAGE SIGN**  
 PARKING "EXIT ONLY"  
 12" CAP HT.  
 5.6 SQ.FT.

**C**  
**PRIMARY FRONTAGE SIGN**  
 50 SQ.FT. ALLOWED.  
 PROPOSED WALL SIGN  
 2'-0" X 12'-0" = 24 SQ.FT.

50'-0" - LEVEL 1 - FLOWER DISPLAY AREA

PARTIAL SOUTH ELEVATION - WEST COAST HIGHWAY - **FRONTAGE A**  
 SCALE: 1/8"=1'-0"



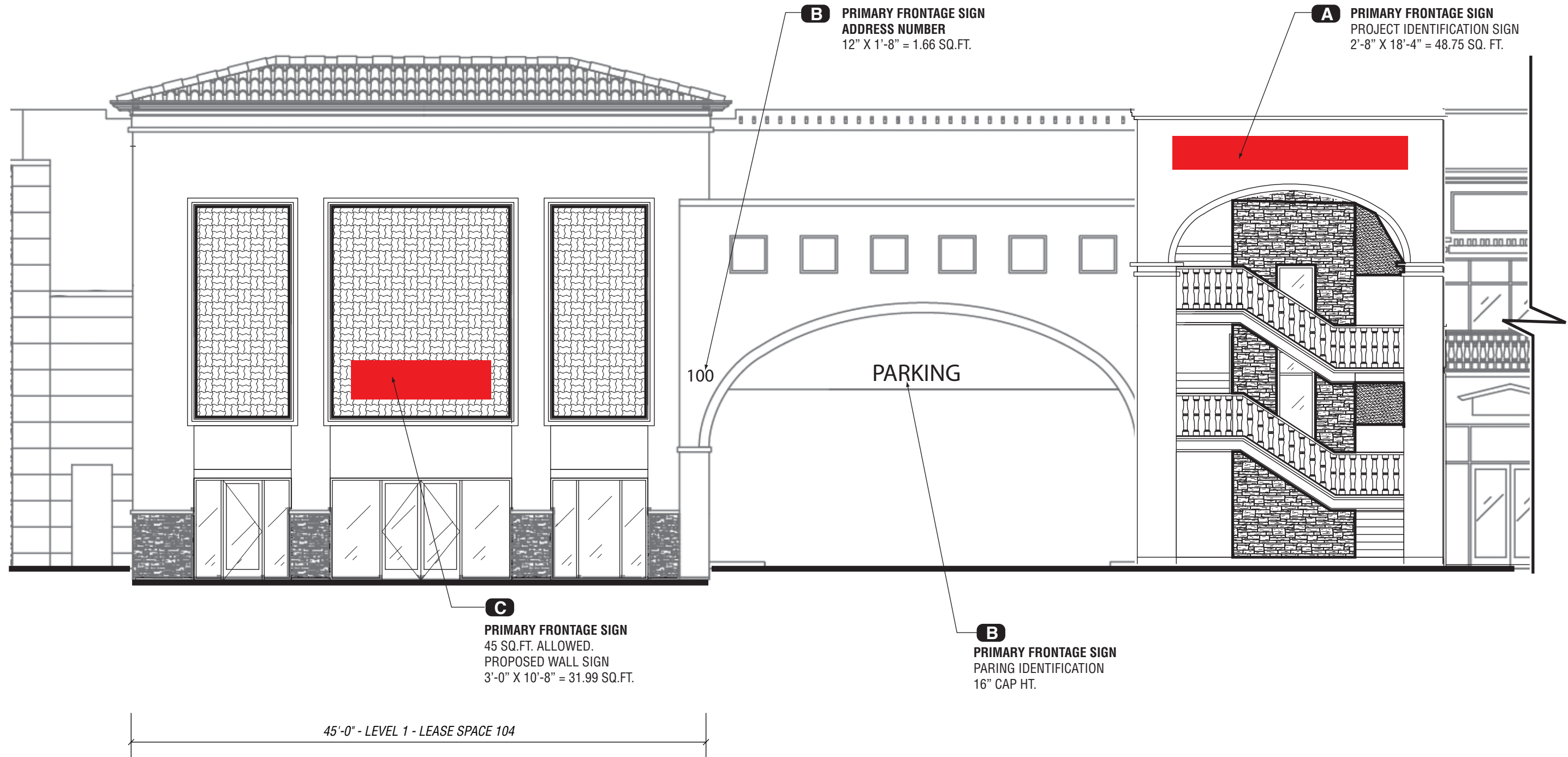


SEGMENT 2

SOUTH ELEVATION - WEST COAST HIGHWAY  
FRONTAGE A

**SIGN TYPES**

- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS



**B** PRIMARY FRONTAGE SIGN  
ADDRESS NUMBER  
12" X 1'-8" = 1.66 SQ.FT.

**A** PRIMARY FRONTAGE SIGN  
PROJECT IDENTIFICATION SIGN  
2'-8" X 18'-4" = 48.75 SQ. FT.

100

PARKING

**C**  
PRIMARY FRONTAGE SIGN  
45 SQ.FT. ALLOWED.  
PROPOSED WALL SIGN  
3'-0" X 10'-8" = 31.99 SQ.FT.

**B**  
PRIMARY FRONTAGE SIGN  
PARKING IDENTIFICATION  
16" CAP HT.

45'-0" - LEVEL 1 - LEASE SPACE 104

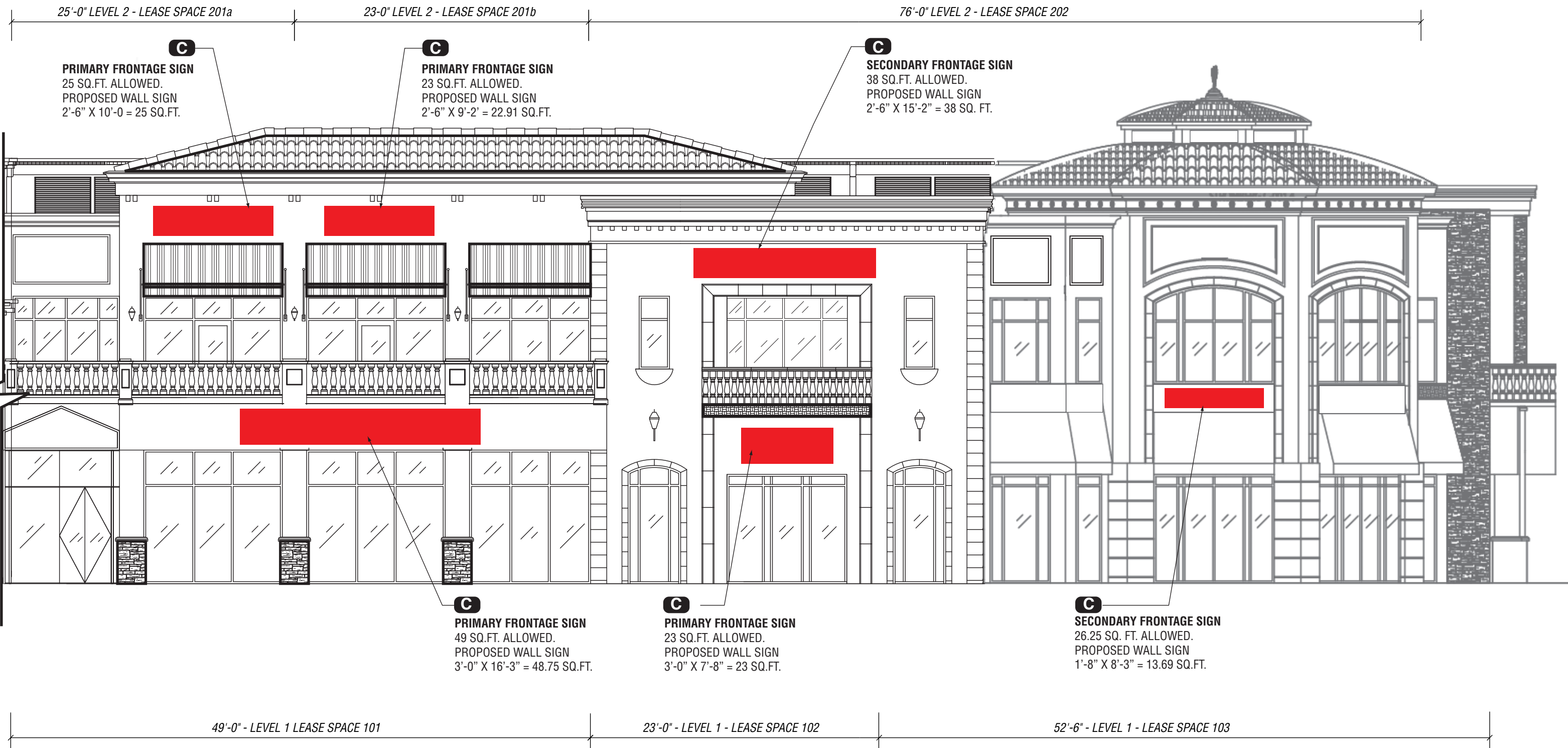
PARTIAL SOUTH ELEVATION - WEST COAST HIGHWAY - FRONTAGE A  
SCALE: 1/8"=1'-0"

**SIGN TYPES**

- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS

SOUTH ELEVATION - WEST COAST HIGHWAY  
**FRONTAGE A**

SEGMENT 3

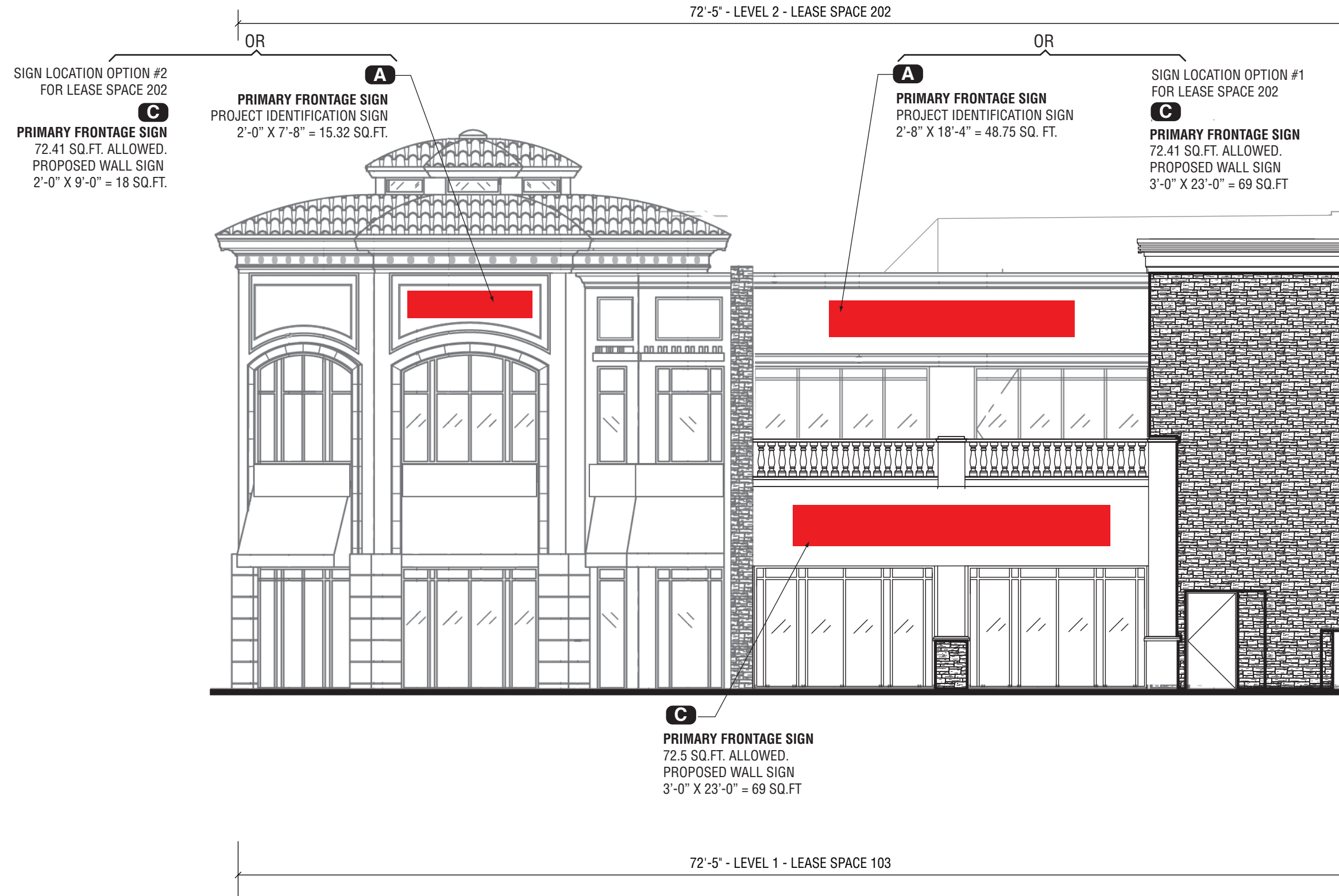


PARTIAL SOUTH ELEVATION - WEST COAST HIGHWAY - **FRONTAGE A**  
SCALE: 1/8"=1'-0"



**SIGN TYPES**

- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS



SIGN LOCATION OPTION #2  
FOR LEASE SPACE 202

**C**  
**PRIMARY FRONTAGE SIGN**  
72.41 SQ.FT. ALLOWED.  
PROPOSED WALL SIGN  
2'-0" X 9'-0" = 18 SQ.FT.

**A**  
**PRIMARY FRONTAGE SIGN**  
PROJECT IDENTIFICATION SIGN  
2'-0" X 7'-8" = 15.32 SQ.FT.

72'-5" - LEVEL 2 - LEASE SPACE 202

**A**  
**PRIMARY FRONTAGE SIGN**  
PROJECT IDENTIFICATION SIGN  
2'-8" X 18'-4" = 48.75 SQ. FT.

SIGN LOCATION OPTION #1  
FOR LEASE SPACE 202

**C**  
**PRIMARY FRONTAGE SIGN**  
72.41 SQ.FT. ALLOWED.  
PROPOSED WALL SIGN  
3'-0" X 23'-0" = 69 SQ.FT

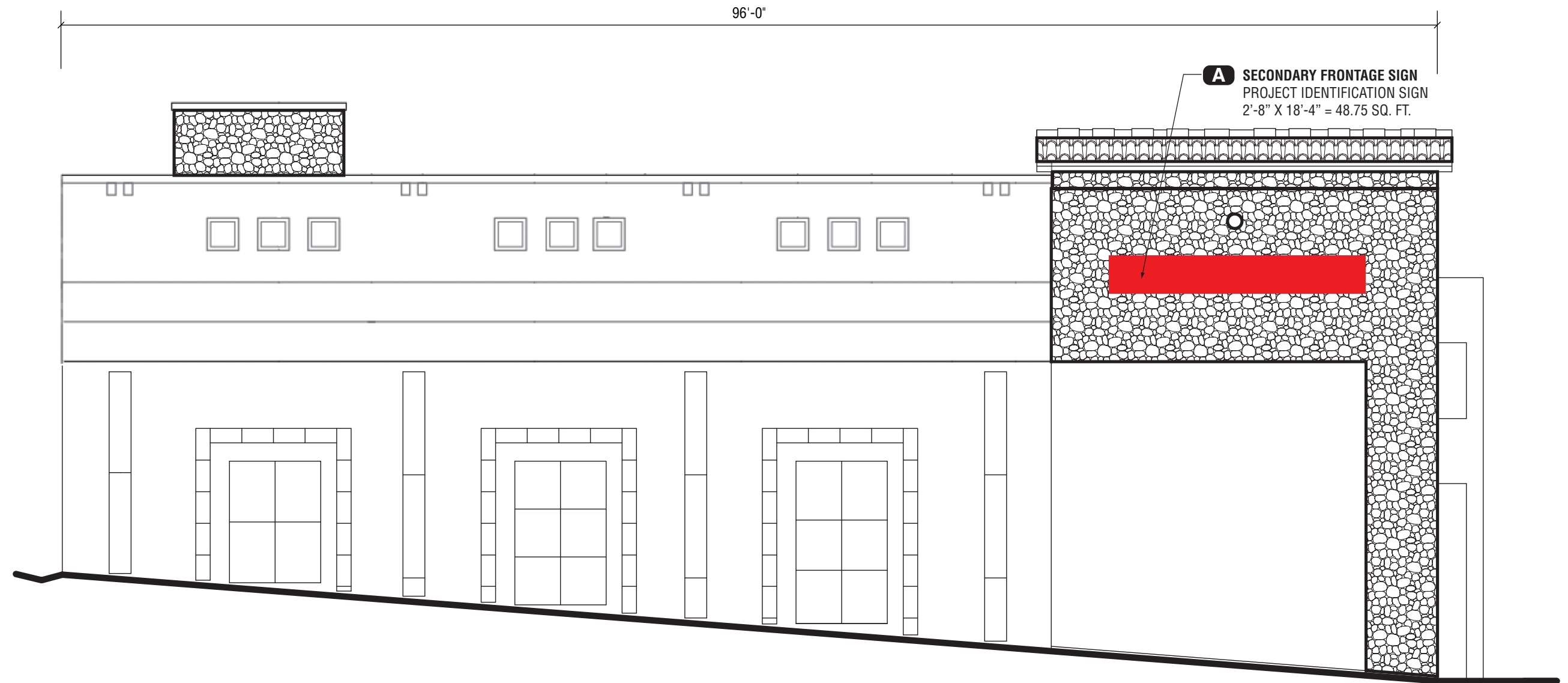
**C**  
**PRIMARY FRONTAGE SIGN**  
72.5 SQ.FT. ALLOWED.  
PROPOSED WALL SIGN  
3'-0" X 23'-0" = 69 SQ.FT

72'-5" - LEVEL 1 - LEASE SPACE 103

**EAST ELEVATION - DOVER DRIVE - FRONTAGE B**  
SCALE: 1/8" = 1'-0"

**SIGN TYPES**

- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS



WEST ELEVATION - **FRONTAGE C**  
SCALE: 1/8"=1'-0"

# **Mariner's Pointe**

## **Comprehensive Sign Program**

**November 5, 2014**

**Prepared by:  
Graphic Solutions  
2952 Main Street  
San Diego, CA 92113**

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## **OBJECTIVE**

The objective of the Mariner's Pointe Sign Program is to provide comprehensive design standards and specifications that assure consistency in quality, color, size, placement, and configuration for signage throughout the project.

## **DESIGN CRITERIA**

### **A. Acceptable Sign Treatments**

Only those sign types specified in the Sign Program and/or specifically approved in writing by the Owner and the City will be allowed. Sizes and quantities for signs shall be as outlined in the criteria and exhibits for each sign type. See details for each sign type below.

A strong connection shall be maintained between all signage and the project architecture. Elements of color, materials, scale, form and detail shall be reflected in the signage. Signs shall fit comfortably, never crowding the architectural and landscape elements in the immediate vicinity.

### **B. Lighting**

1. All front lighting, lamps and fixtures shall be baffled or obscured in channels where possible, and shall not interfere with adjacent properties.
2. All electrical housings and posts for signs shall be painted out to match the building background immediately behind and adjacent to the sign. Exposed raceways are prohibited.
3. Acceptable lighting treatments:
  - Internally illuminated channel letters
  - Reverse channel (halo-illuminated) letters
  - Externally illuminated dimensional letters
  - Internally illuminated projecting sign with opaque faces and pop through letters

### **C. Colors**

Sign colors shall be designed to provide sufficient contrast against background colors and shall be compatible with the building color. Nationally recognized tenants may use their corporate colors subject to Owner's prior written approval.

### **D. Copy / Typestyles**

Copy and layout are subject to Owner's prior written approval.

### **E. Sizes and Quantities**

Sizes and quantities for signs shall be as outlined in the criteria for each sign type. Notwithstanding the maximum square footage specified for copy area allowances, adequate amounts of visual open space shall be provided so that signs appear balanced and in scale in relation to their backgrounds and adjacent signage.

1. Sign area shall be calculated as follows:  
The entire area contained in the frame, cabinet, fixture, or design including all ornamentation, super graphics, or other decoration used to attract attention that can be enclosed in no more than four lines drawn at right angles.
2. Letter / Logo Height:  
Maximum letter/logo height shall not exceed 36”.

**F. Locations**

Tenant signs may be located anywhere within the center 80% of the tenant lease space frontage or architectural background on which it is placed. Tenant wall signs need not be attached to the lease space to which they refer, and may be located on the architectural element of the building in which the tenant leases space, with Owner’s approval. Signs must be located below the eave-line of the roof eave, tower or parapet.

**G. Prohibited Signs**

1. Any sign not in accordance with this Sign Plan.
2. A-frame signs
3. Animated signs, rotating, revolving, flashing, animated, blinking, gyrating or moving signs.
4. Changeable copy signs, except as a component of another type sign allowed through the comprehensive sign program
5. Commercial mascots
6. Balloons or other inflatable devices.
7. Pole signs
8. Roof signs
9. Cabinet signs with plexiglas faces and illuminated background.
10. Vehicles, trailers or other signs or devices when used exclusively or primarily as advertising devices or displays.
11. Signs that create a safety hazard or resemble or conflict with any traffic control device.
12. Flags, pennants, streamers, spinners, festoons, windsocks, valances or similar displays.  
United States or California flags may be permitted, limited to one each per site maximum.
13. Any signs not addressed in this sign plan and specifically prohibited by City of Newport Beach Zoning and Signage Regulations.

**H. Owner’s Right to Enforce**

The Owner may, at its sole discretion and at the violator’s cost, correct, replace or remove any sign that is installed without written approval and/or that is deemed not to be in conformance with the Sign Program, the plans as approved by the Owner, or erected without appropriate governmental agency approval or permits.

## **I. Abandoned Signs**

An abandoned sign is that whose use is discontinued because the premises upon which it is located becomes vacated and unoccupied for a period of more than 30 days. The Owner may, at its sole discretion and at the violator's cost, replace or remove any abandoned sign.

## **CONSTRUCTION REQUIREMENTS**

The following requirements shall be observed:

### **A. Materials**

1. Signs must be made of durable, rust-inhibited materials that are appropriate and complementary to the building architecture. All materials must be new.
2. All ferrous and non-ferrous metals shall be separated with non-conductive gaskets and stainless steel fasteners be used to secure ferrous to non-ferrous metals.
3. All bolts and fastenings shall consist of stainless steel, anodized aluminum, brass or bronze; or carbon-bearing steel with painted finish. No black iron materials are allowed.

### **B. Processes and Installation**

1. Joining of materials (e.g., seams) shall be finished in such a way as to be unnoticeable. Visible welds shall be continuous, ground smooth and filled. Rivets, screws, and other fasteners that extend to visible surfaces shall be flush, filled, and finished so as to be unnoticeable. Finished surfaces of metal shall be free from canning, warping and other imperfections.
2. Dimensional letters and plaques shall be affixed without visible means of attachment, unless attachments make an intentional design statement and are shown on approved shop drawings.
3. Penetrations into building walls, where required, shall be made waterproof, subject to Owner's review. Immediately upon abandonment or removal, building walls shall be restored at tenant's expense.
4. In no case shall any manufacturer's label be visible from the street from normal viewing angles.
5. Sign permit stickers shall be affixed to the bottom edge of signs, and only that portion of the permit sticker that is legally required to be visible shall be exposed.

6. All logo images and typestyles once approved by Owner, shall be accurately reproduced. Lettering that approximates intended typestyles shall not be acceptable.
7. Threaded rods or anchor bolts shall be used to mount sign letters which are spaced out from background panel or building wall. Angle clips attached to letter sides are not permitted. There shall be no exposed raceways.

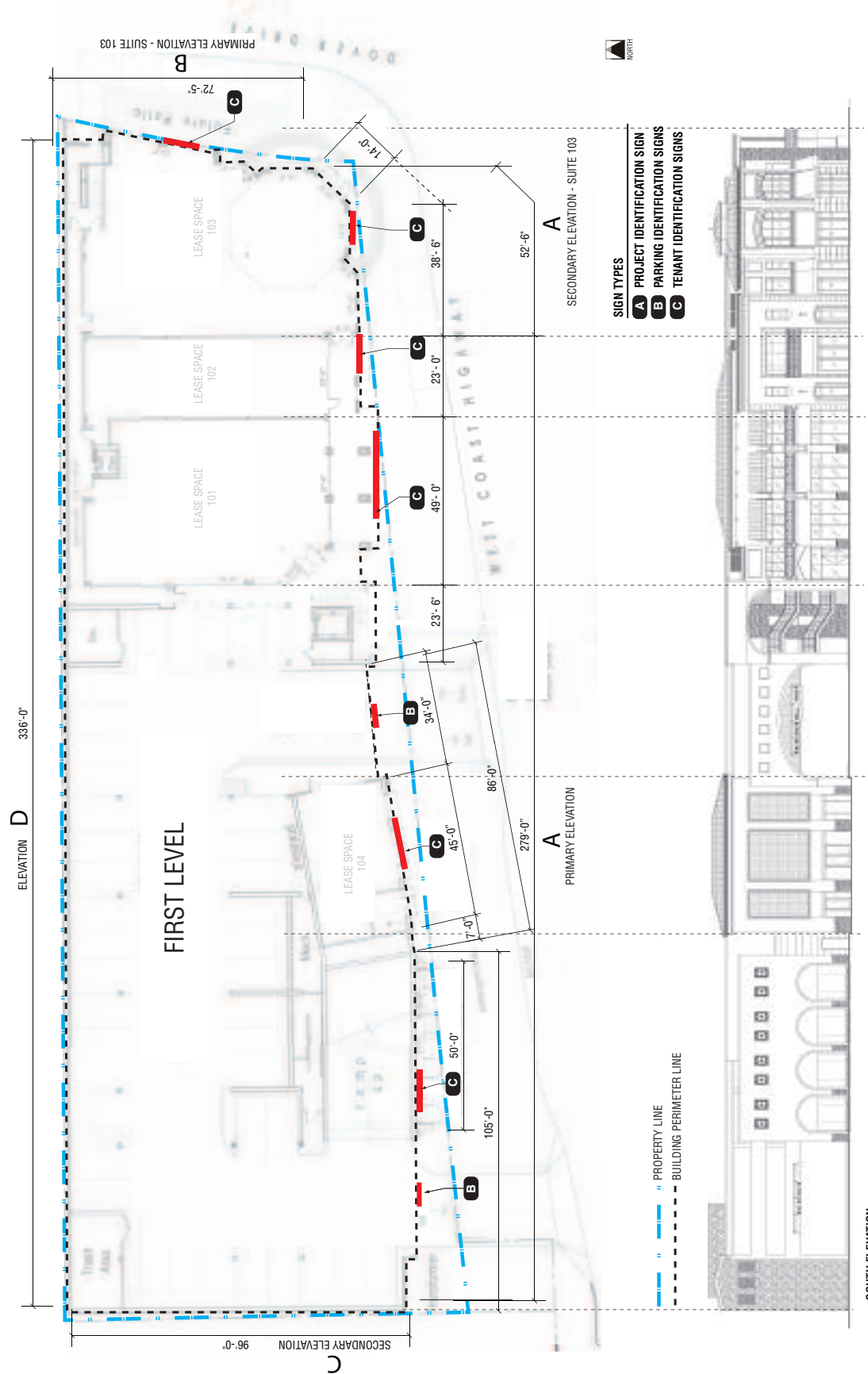
**C. Paint**

1. Color coatings shall exactly match the colors specified on the approved plans. Surfaces with color mixes and hues prone to fading (e.g., pastels, fluorescent, complex mixtures, and intense reds, yellows and purples) shall be coated with ultraviolet-inhibiting clear coat in a matte, gloss, or semi-gloss finish. All finishes shall be free of dust, orange peel, drips, and runs and shall have a uniform surface.
2. All visible finishes shall be semigloss unless otherwise called out on shop drawings and approved by Owner.



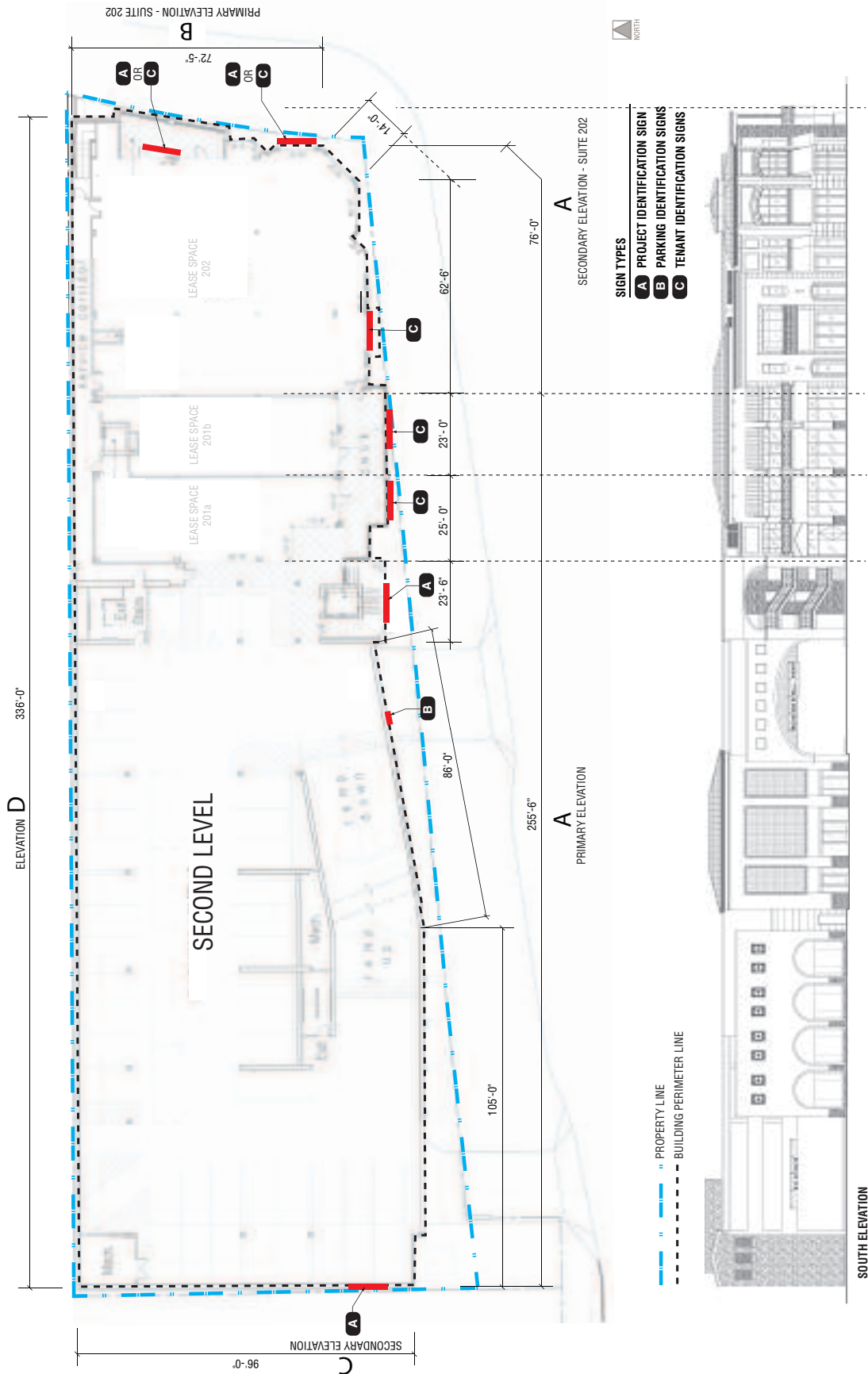
## EXHIBITS

Note: All maps and figures indicate **typical** design concepts and locations and are subject to change. Exhibits are not intended to suggest final sign designs or exact locations, depending on final site development.



FILE: MarinerPt\_SigPlan11x17\_10\_20\_14

# SITE PLAN - Level 2

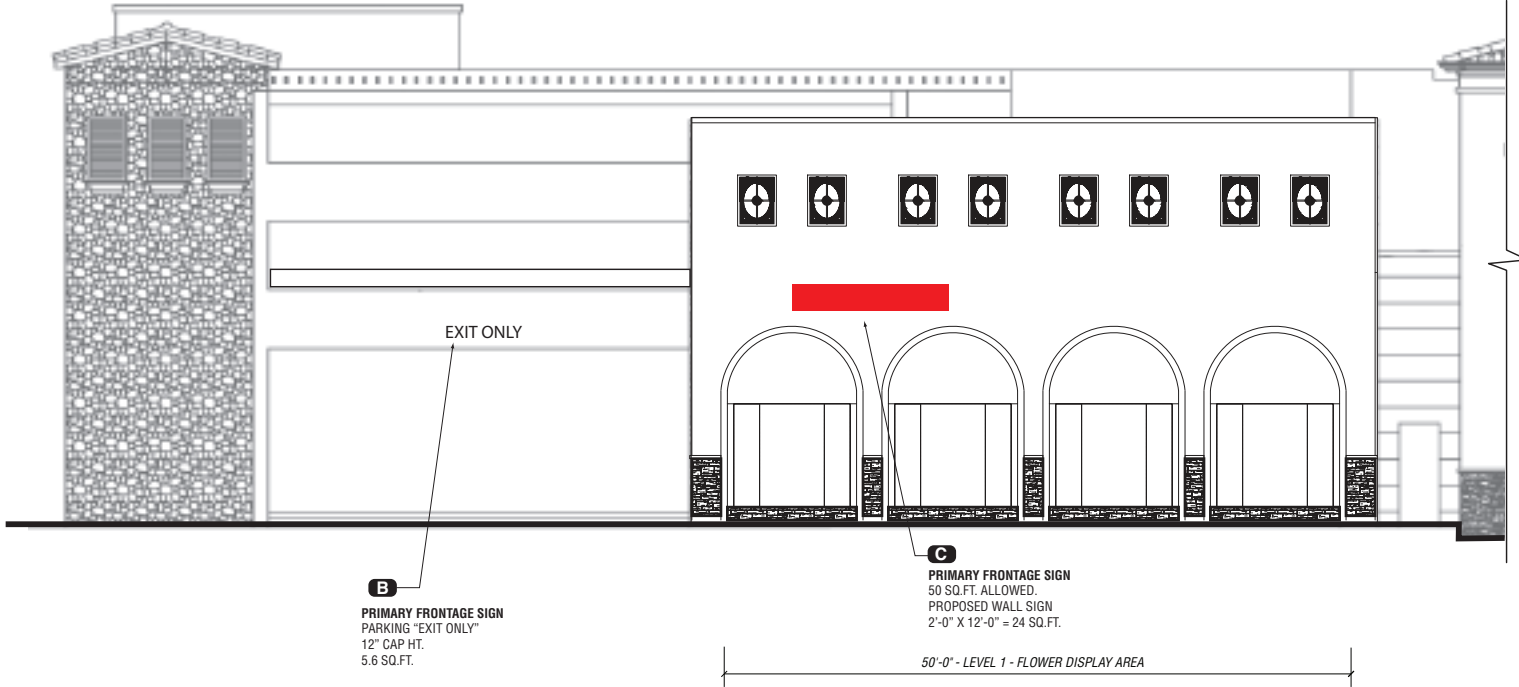


# BUILDING ELEVATIONS

## Building Elevation (Frontage A) - Segment 1



SEGMENT 1  
 SOUTH ELEVATION - WEST COAST HIGHWAY  
**FRONTAGE A**



PARTIAL SOUTH ELEVATION - WEST COAST HIGHWAY - **FRONTAGE A**  
 SCALE: 1/8"=1'-0"

- SIGN TYPES**
- A** PROJECT IDENTIFICATION SIGN
  - B** PARKING IDENTIFICATION SIGNS
  - C** TENANT IDENTIFICATION SIGNS

# Building Elevation (Frontage A) - Segment 2

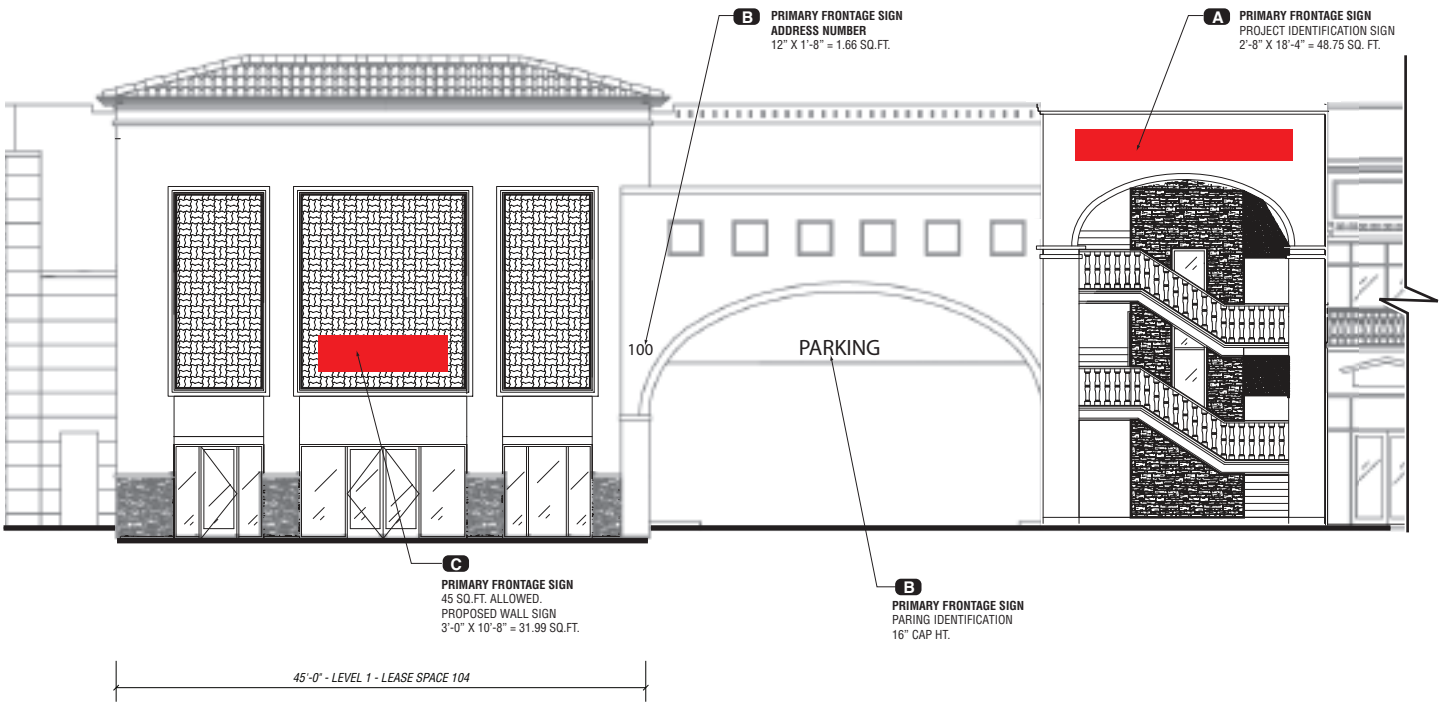


SOUTH ELEVATION - WEST COAST HIGHWAY  
FRONTAGE A

SEGMENT 2

**SIGN TYPES**

- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS



PARTIAL SOUTH ELEVATION - WEST COAST HIGHWAY - FRONTAGE A  
SCALE: 1/8" = 1'-0"

FILE: MarinerPt Sq Ft study11x17 10\_27\_14

**SIGN TYPES**

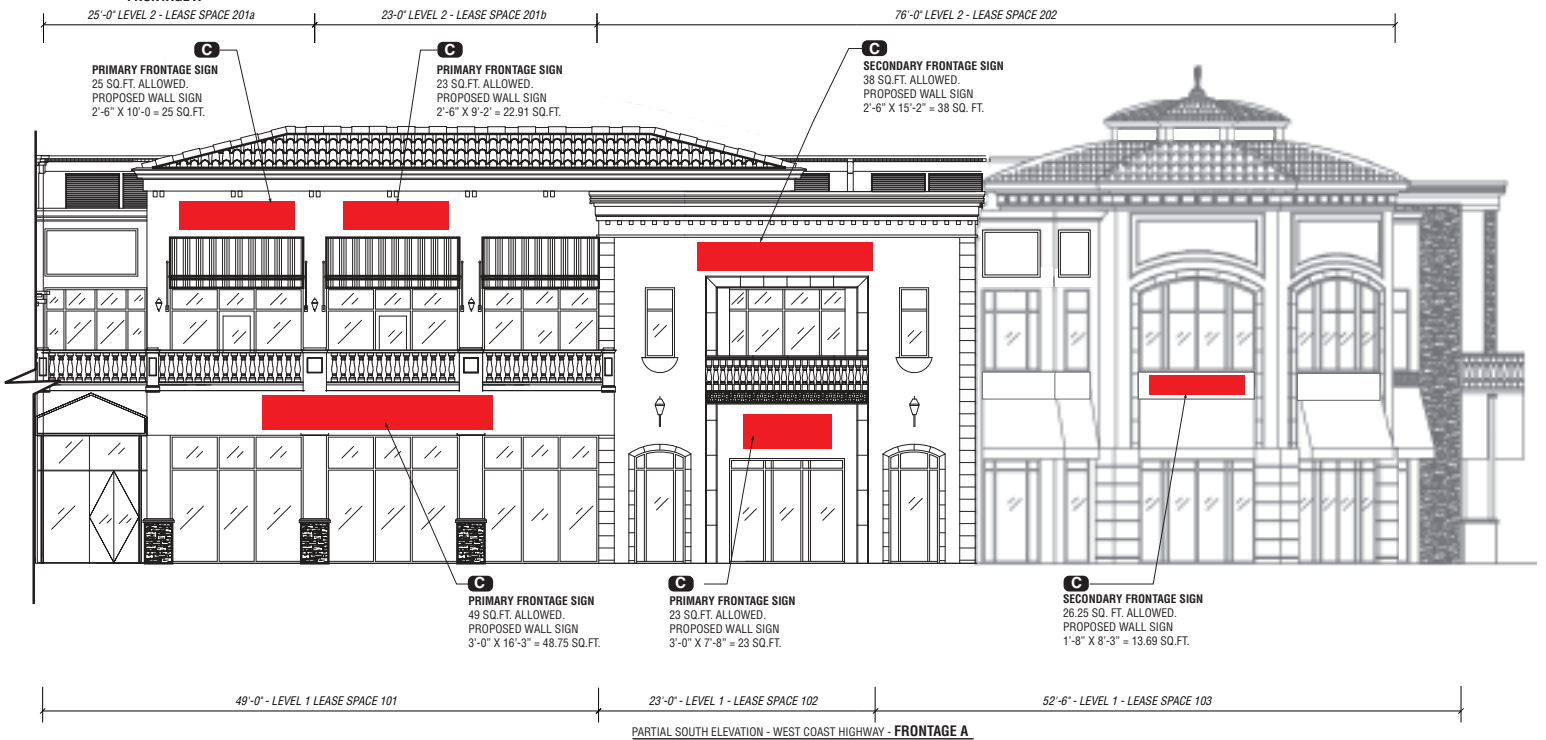
- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS

# Building Elevation (Frontage A) - Segment 3



SOUTH ELEVATION - WEST COAST HIGHWAY  
FRONTAGE A

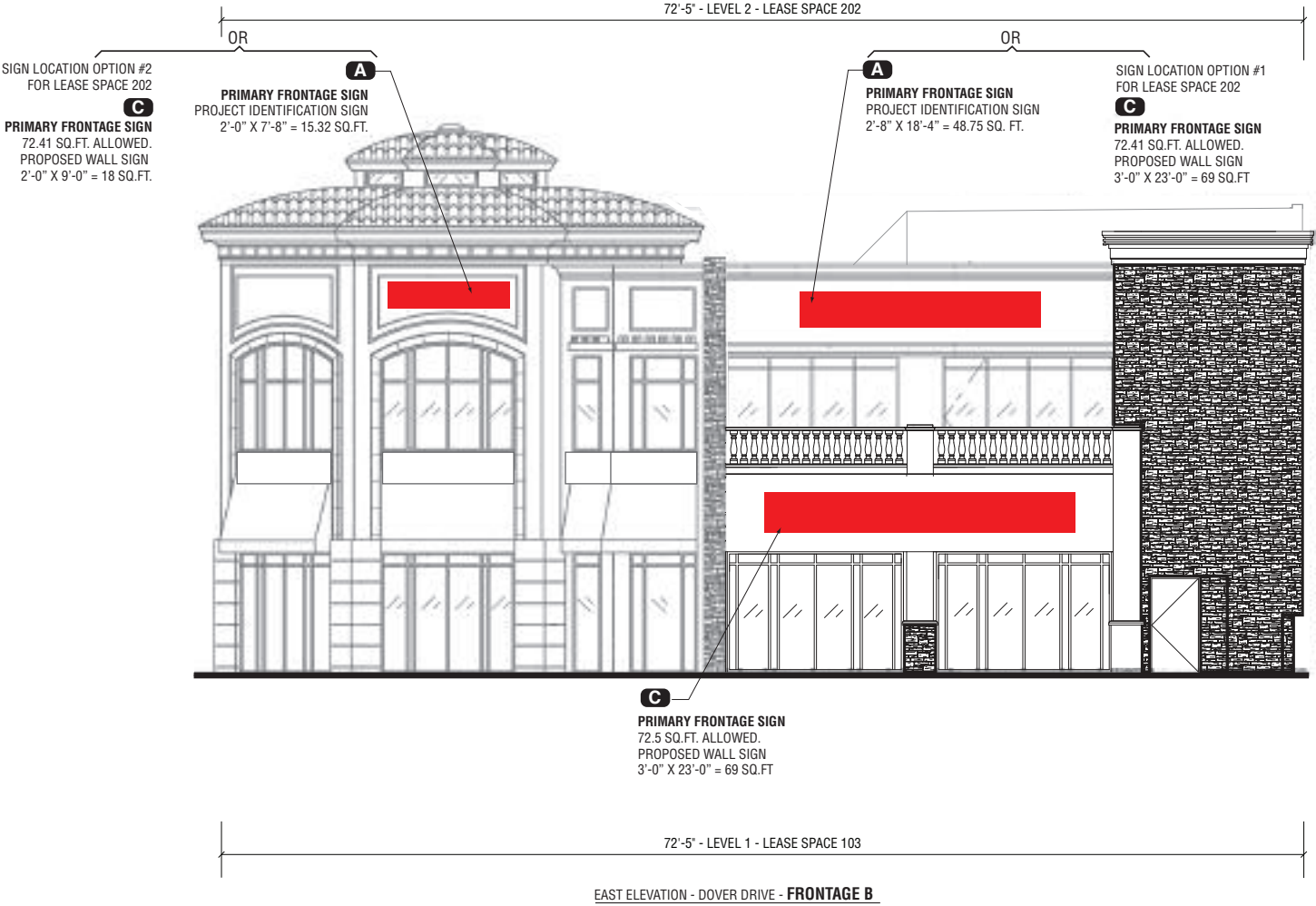
SEGMENT 3



## SIGN TYPES

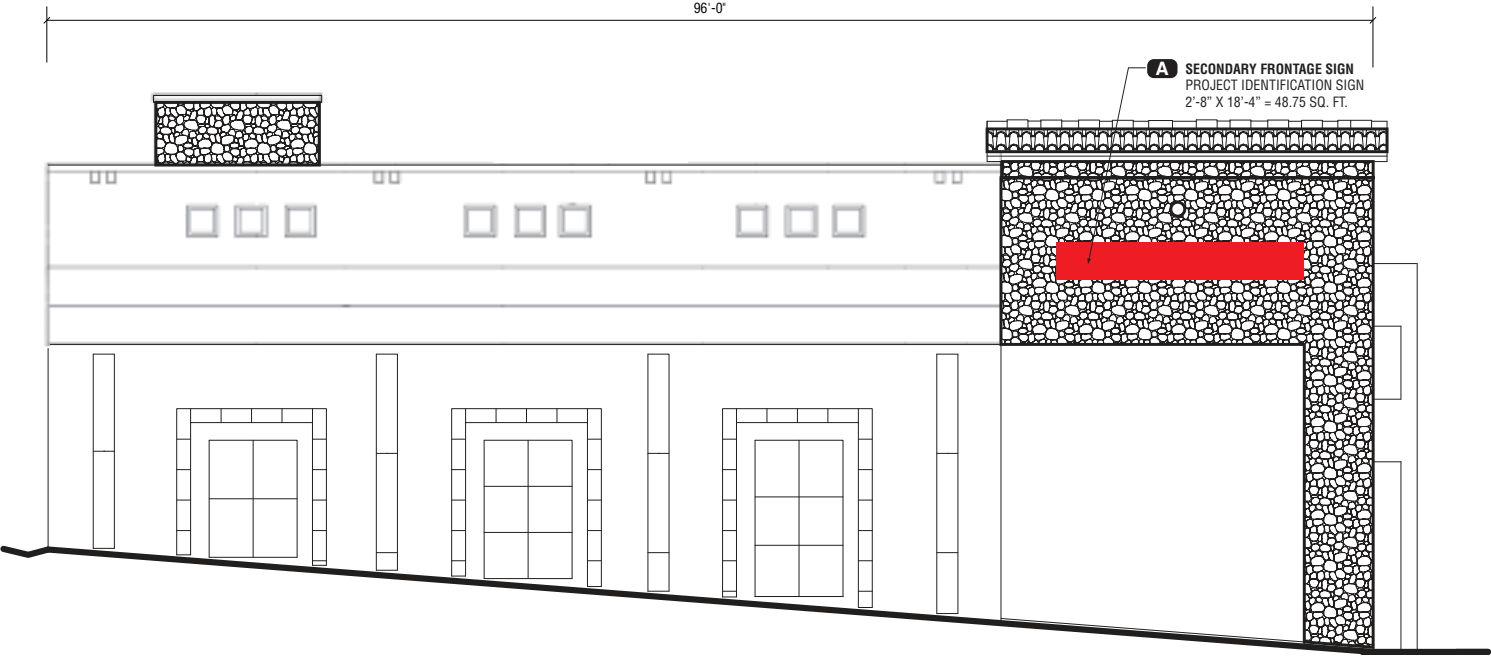
- A** PROJECT IDENTIFICATION SIGN
- B** PARKING IDENTIFICATION SIGNS
- C** TENANT IDENTIFICATION SIGNS

# Building Elevation (Frontage B)



- SIGN TYPES**
- A** PROJECT IDENTIFICATION SIGN
  - B** PARKING IDENTIFICATION SIGNS
  - C** TENANT IDENTIFICATION SIGNS

# Building Elevation (Frontage C)



WEST ELEVATION - FRONTAGE C

- SIGN TYPES**
- A** PROJECT IDENTIFICATION SIGN
  - B** PARKING IDENTIFICATION SIGNS
  - C** TENANT IDENTIFICATION SIGNS

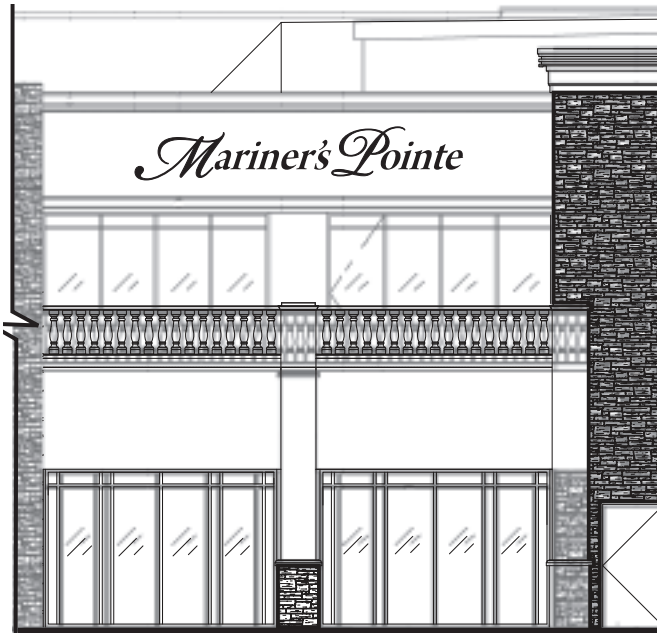


# PROJECT SIGNAGE

## SIGN TYPE: (A) PROJECT IDENTIFICATION

LOCATION	Center 80% of architectural background on which it is placed.
COPY	Project name
SIGN AREA	48.75 sq. ft.; 36" max letter ht.
MATERIALS	Dimensional channel letters: aluminum construction with acrylic face
COLORS	Colors shall be compatible with the building architecture.
TYPE FACE	Custom project identification. All signs shall have same font.
LIGHTING	Direct or indirect per Design Criteria

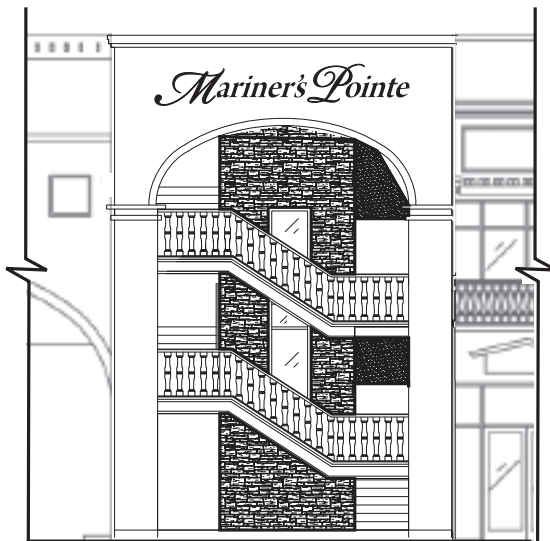
EAST ELEVATION



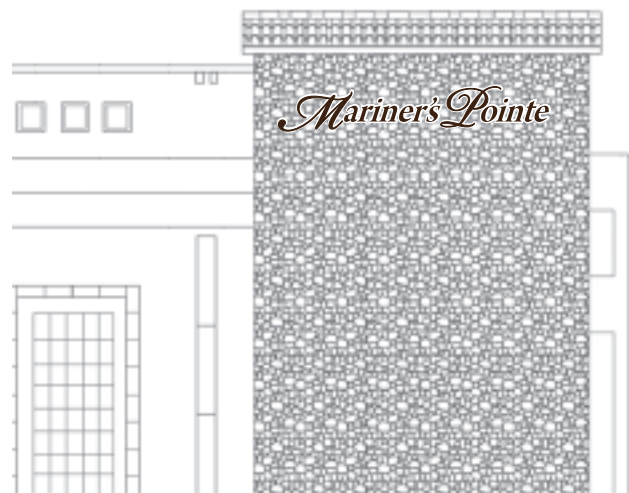
Alternate Location: EAST ELEVATION



SOUTH ELEVATION

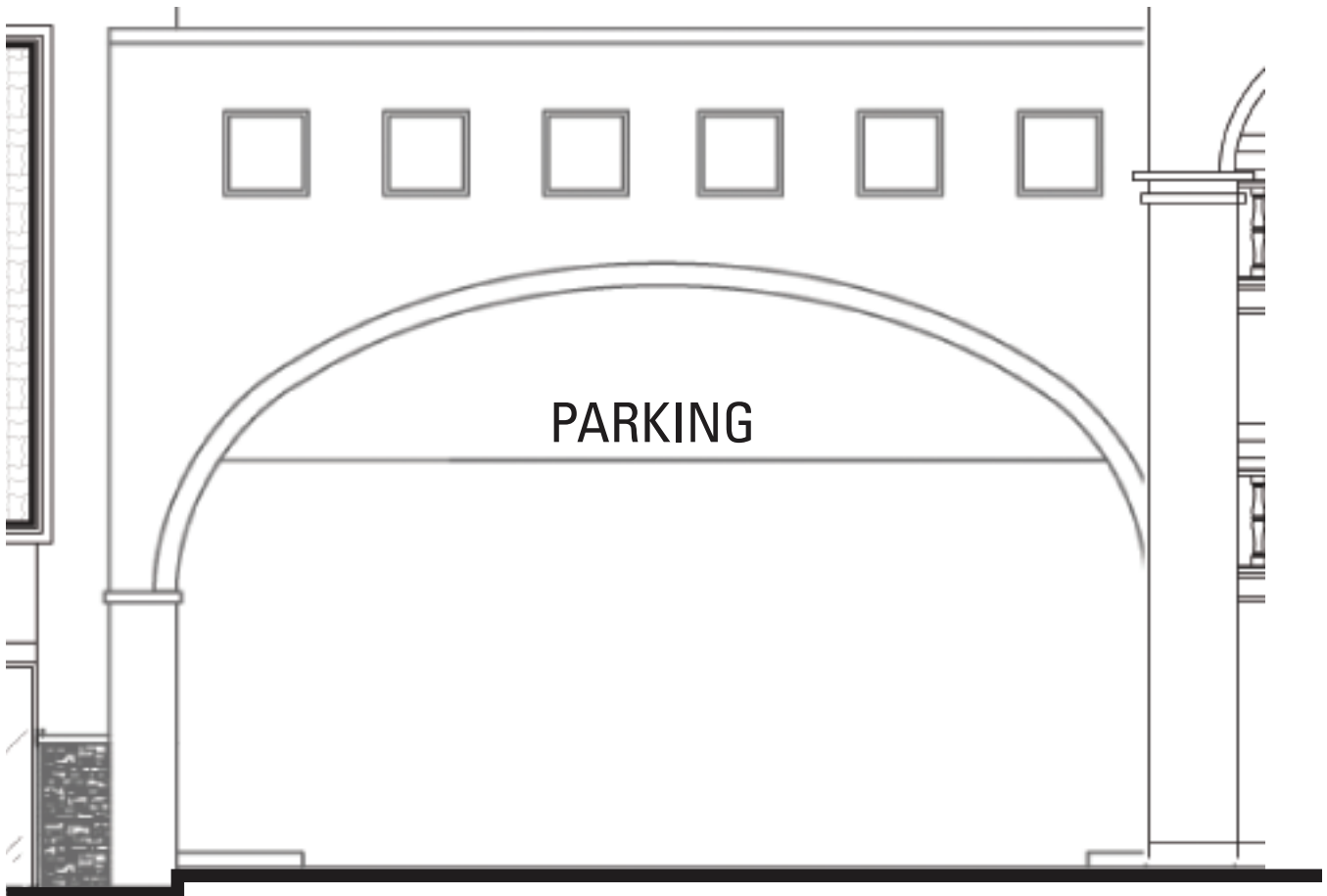


WEST ELEVATION



**SIGN TYPE: (B) PARKING IDENTIFICATION**

LOCATION	On building as indicated on Site Plan
COPY	Parking entrance / exit identification
SIZE	16" max letter ht. Parking: 8.8 sq. ft.
MATERIALS	Dimensional metal or painted acrylic letters
COLORS	Colors shall be compatible with the building architecture.
TYPE FACE	Univers Condensed
LIGHTING	Direct or indirect per Design Criteria



## TENANT SIGNAGE

### **SIGN TYPE: (C) TENANT IDENTIFICATION SIGNAGE**

Designated Primary and Secondary building frontages for determining sign standards are shown on the Site Plan. Sign standards are shown for each individual sign type and modified by the criteria below. The Planning Director has the authority to allow deviations for Awning Signs to complement wall signs.

#### **PRIMARY FRONTAGE TENANT IDENTIFICATION**

Tenant may choose ONE (except as provided for herein) of the Tenant Identification sign types - Wall Sign, Awning Sign, or Projecting Sign (ground floor tenants only) per primary frontage, in addition to a Pedestrian Oriented Sign and Window Signs as follows:

QUANTITY	1 per tenant occupancy on primary frontage.
SIGN AREA	As specified by Exhibits for each sign type.
LOCATION	Anywhere within the center 80% of tenant frontage or architectural background on which the sign is placed.

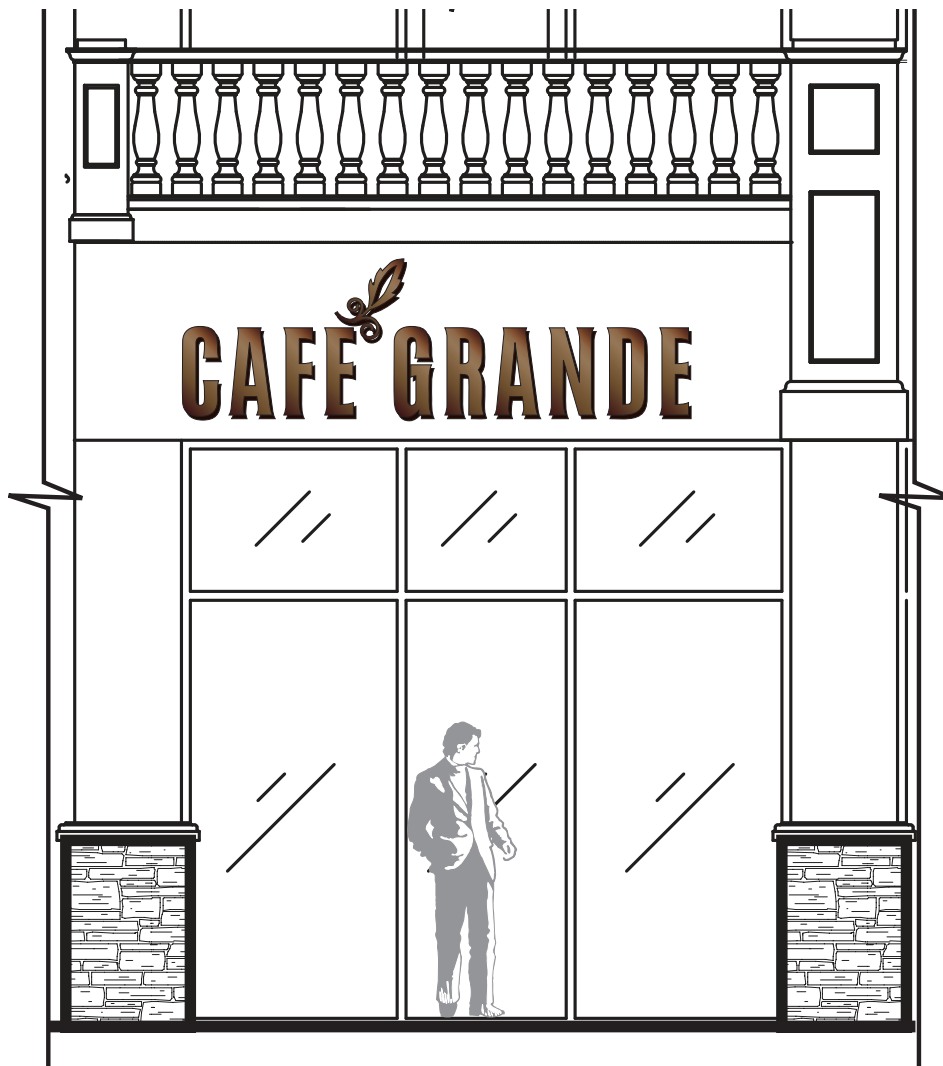
#### **SECONDARY FRONTAGE TENANT IDENTIFICATION**

Tenants with lease spaces along the designated secondary frontage may choose ONE (except as provided for herein) of the Tenant Identification sign types - Wall Sign, or Awning Sign per frontage, in addition to a Pedestrian Oriented Sign and Window Signs. Projecting signs are not allowed on secondary frontages. Signage on secondary frontages are limited as follows:

QUANTITY	1 per tenant occupancy secondary frontage.
SIGN AREA	As specified by Exhibits for each sign type.
LOCATION	Anywhere within the center 80% of tenant frontage or architectural background on which the sign is placed.

• **TENANT IDENTIFICATION WALL SIGNS**

LOCATION	Mounted flat against building wall, as designated by Owner. Must be located anywhere within the center 80% of the tenant lease space frontage or architectural background on which it is placed.
COPY	Tenant names / logo. Per Owner's discretion.
SIZE	Primary Frontage: 1.0 sq. ft. of aggregate sign area per lineal foot of primary building frontage. 36" max. letter height. Secondary Frontage: .5 sq. ft. of aggregate sign area per lineal foot of primary building frontage. 36" max. letter height.
MATERIALS	Channel letters; dimensional letters or other material compatible with building architecture.
COLORS	Tenants may use custom colors with Owner approval. Colors shall be compatible with the building architecture.
TYPE FACE	Custom tenant logotype / name with Owner approval.
LIGHTING	Direct or indirect per Design Criteria



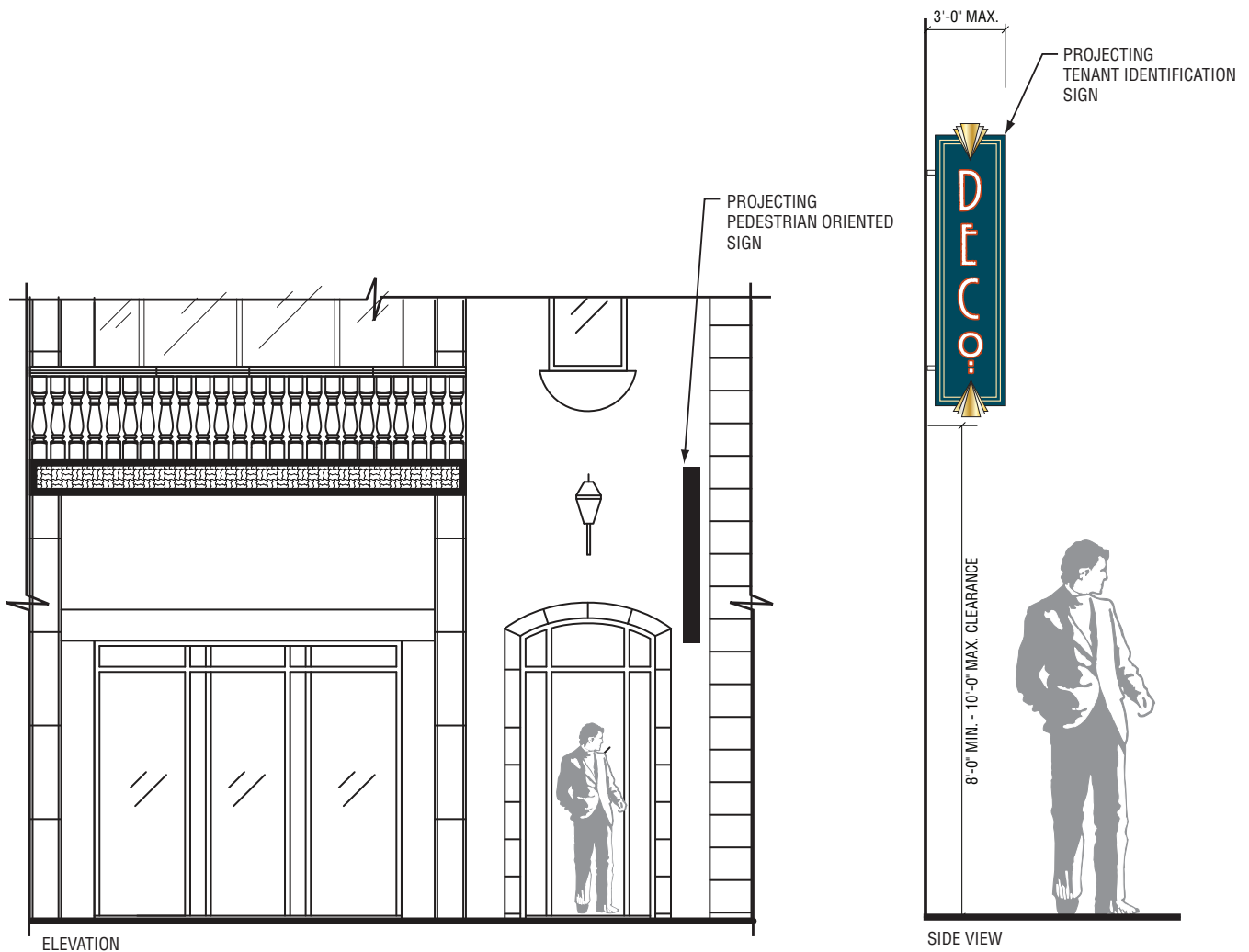
• **TENANT IDENTIFICATION AWNING SIGNS**

LOCATION	On first or second story tenant lease space over windows or doors
COPY	Tenant names / logo. Per Owner’s discretion.
SIZE	Lettering, logos, symbols and graphics are allowed on up to 50% of the slope and valance portion of the awning, or not more than 60% of the bottom twelve inches of a barrel shaped awning.  Note: Where discretionary approval is obtained from the Planning Director, letters, logos, symbols and graphics shall be limited to 50% of the allowable area and located on the front vertical surface of the awning valance only.
MATERIALS	Painted or vinyl letters that are an integral part of the awning.
COLORS	Tenants may use custom colors with Owner approval. Colors shall be compatible with the building architecture.
TYPE FACE	Custom tenant logotype / name with Owner approval.
LIGHTING	Indirect per Design Criteria. Signage on awnings shall not be internally illuminated.



**• TENANT IDENTIFICATION PROJECTING SIGNS**

LOCATION	Mounted on building wall, as designated by Owner. Must be located on tenant lease space frontage or architectural area designated for signage. Must provide 8 ft. minimum clearance above surface over which they project. Maximum 3 ft. projection over property line or building line. May not be located on second story elevation.
COPY	Tenant names / logo. Per Owner’s discretion.
SIZE	Tenant Identification Projecting Signs are included in aggregate tenant sign allowance. 20 sq. ft. max. on primary frontage; 10 sq. ft. max. on secondary frontage.
MATERIALS	Material compatible with building architecture.
COLORS	Tenants may use custom colors with Owner approval. Colors shall be compatible with the building architecture.
TYPE FACE	Custom tenant logotype / name with Owner approval.
LIGHTING	Direct or indirect per Design Criteria



## SIGN TYPE: (D) WINDOW SIGNS

LOCATION	On window occupied by tenant, with Owner approval.
COPY	Tenant names / logo or related copy per Owner's discretion.
SIGN AREA	Tenant identification signs on windows are included in aggregate tenant wall sign allowance. Up to 20% max of each window area, limited to upper and/or lower 12 inches of window only.
MATERIALS	Vinyl, gold leaf or other material compatible with building architecture.
COLORS	Tenants may use custom colors with Owner approval. Colors shall be compatible with the building architecture.
TYPE FACE	Custom tenant logotype / name with Owner approval.
LIGHTING	Indirect per Design Criteria



**SIGN TYPE: (E) PEDESTRIAN ORIENTED SIGNS**

QUANTITY	1 per establishment. May be used in combination with other building signs.
LOCATION	On building wall occupied by tenant, with Owner approval. Ground floor tenants only.
COPY	Tenant names / logo. Per Owner’s discretion.
SIZE	Pedestrian Oriented Signs are not included in aggregate tenant wall sign allowance. 3 sq. ft. max.
MATERIALS	Channel letters, dimensional letters; painted; or other material compatible with building architecture.
COLORS	Tenants may use custom colors with Owner approval. Colors shall be compatible with the building architecture.
TYPE FACE	Custom tenant logotype / name with Owner approval.
LIGHTING	Direct or indirect per Design Criteria



Wall Mounted



Projecting



## **SECONDARY SITE SIGNAGE**

Secondary site signage are signs other than the primary project, development or tenant identification signs and may include:

- address signage
- suite number signs
- code-required signs

The number and locations of secondary signs shall be subject to city review. Sizes shall not exceed allowances per city code.

## **TEMPORARY SIGNAGE**

### **Project Leasing / Construction / Future Facilities**

Temporary signs are permitted for various activities during and after completion of the development phase, size and quantity per city zoning ordinances

### **Temporary Identification / Coming Soon**

Temporary signs may be allowed at individual lease spaces for displaying “for lease”, “coming soon” and similar messages subject to Owner’s approval. Tenant is responsible for City approvals or permits if applicable.

Temporary signs shall not exceed allowances per City code.

## REQUIRED SUBMITTALS AND APPROVALS

### A. Submittals and Approvals

There is a formal process for the creation, review and approval of all signage at Mariner's Pointe. Prior to submittal to the City, plans for all proposed signage shall be submitted to the Owner or his Authorized Agent who will review plans for conformance with the sign program. **The Owner shall have the discretionary authority to deny approval for any submittal.**

1. For signage approval, such submissions shall include (3) sets of the following:
  - a. Name, address and phone number of tenant / user
  - b. Name, address and phone number of Sign Contractor
  - c. Site plan including: lease space footprint and dimensions, proposed sign locations, north arrow, and adjacent streets
  - d. Fully dimensioned and scaled drawing of each sign on building elevation, including measurements for lease space frontage and architectural backgrounds on which the sign is placed.
  - e. Elevation of structure showing all proposed signs indicating sign type, design, location, size and layout of sign drawn to scale and indicating dimensions, attachment devices and construction details, colors, materials and lighting details.
  - f. Section detail of letters and/or sign element showing the dimensioned projection of the face of letters, method and intensity of illumination.
  - g. Color board with actual sample colors (8-1/2" x 11" format).
2. Requests to establish signs that vary from the provisions of this sign program shall be submitted to the Owner in writing for approval prior to being submitted to the City. All proposed variances in an application to the Owner must be clearly identified as such.
3. Following approval of proposed signage by the Owner, applications for all permits for fabrication and installation by Sign Contractor may be submitted to the City for approval, along with applicable sign permit applications.
4. Fabrication and installation of all signs shall be performed in accordance with the standards and specifications outlined in these guidelines and in the final approved plans and working drawings.

### B. Required Insurance and Permits

Prior to installation, the tenant shall provide to the Owner an original certificate of insurance from his sign contractor naming the Owner as an additional insured for liability coverage and a copy of the sign permits issued by the City.



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)

**COMMUNITY DEVELOPMENT DIRECTOR ACTION  
LETTER**

**Application No.**           **Staff Approval No. SA2014-025 (PA2014-187)**

**Applicant**               **Hall and Foreman, Inc.**

**Site Address**           **4311 Jamboree Road**

**Legal Description**   **Parcels 1 and 3 of Parcel Map 2013-108**

On **November 14, 2014**, the Community Development Director approved Staff Approval No. SA2014-025. This approval is based on the following findings and subject to the following conditions.

**PROJECT SUMMARY**

The applicant proposes minor changes to Uptown Newport Master Site Development Review No. SD2013-002 (MSDR) to allow an interim 6-foot-high tubular steel fence along the westerly property line interfacing with the Koll Center Newport property.

**ZONING DISTRICT/GENERAL PLAN**

- **Zone:** Uptown Newport PC
- **General Plan:** MU-H2 (Mixed Use District Horizontal 2)

**I. BACKGROUND**

On February 26, 2013, the City Council approved the entitlement applications and environmental review for the Uptown Newport project which consists of the removal of existing office and industrial uses in two primary phases and the construction of a mixed use community consisting of 1,244 residential units, 11,500 square feet of neighborhood-serving retail space, and approximately two (2) acres of park space. The Uptown Newport Planned Community Development Plan (PCDP) has three (3) components: 1) Land Uses, Development Standards & Procedures; 2) Phasing Plan; and 3) Design Guidelines. The PCDP also sets forth the process for implementation.

On September 5, 2013, the Planning Commission approved the MSDR application for the Uptown Newport mixed-use residential project. The purpose of the MSDR is to ensure that the project will be developed in a cohesive manner in phases consistent

with the approved PCDD, Development Agreement, environmental mitigation measures, and applicable City codes and standards.

Phase 1 construction is underway and includes demolition of the existing single-story office building at 4311 Jamboree Road (the “Half Dome Building”), and development of the westerly portion of the property of up to 680 units, 11,500 square feet of retail, and one 1-acre park. Phase 1 is to be completed in 2018.

Phase 2 includes demolition of the existing TowerJazz building, and development of the remaining 564 residential units on the easterly portion of the property. Timing for Phase 2 construction would be contingent upon the existing lease of the TowerJazz facility, which will expire in March 2017, but could be extended to March 2027 by TowerJazz.

Pursuant to the MSDR, a 42-inch tubular steel barrier fence on top of a 2-foot high retaining wall with pilasters is to be built along the westerly property line interfacing with the Koll Center Newport property. During the site survey for the Phase 1 construction, it was determined that the gas line serving TowerJazz is actually located where the required retaining wall is going to be constructed. Because of the presence of existing gas lines, footings for the required retaining wall and fence could not be constructed over the top of gas lines nor could concrete encasement be provided to protect the gas lines in place. Relocating the gas lines to a more appropriate location within the project site would cause a temporary disruption in service to the TowerJazz manufacturing facility that operates 24 hours per day, 365 days per year and any disruption in service would be very costly. As a result, the applicant is proposing a 6-foot-high tubular steel fence without the retaining wall portion to avoid concrete footings and construction in proximity to the gas lines.

## **II. PROPOSED CHANGES**

The applicant proposes an interim 6-foot-high tubular steel fence along the westerly property line interfacing with the Koll Center Newport property in order to accommodate the existing gas lines currently serving TowerJazz Semiconductor.

The construction of a 6-foot-high tubular steel fence necessitates an alternative grading solution of 2:1 slope along the westerly property line, parallel with Half Dome Place. The slope will begin from behind the curb and gutter of Half Dome Place and the grade will decrease towards the Koll Center Newport property. The applicant is required to secure a grading and drainage easement from the Koll Company for this encroachment. The base of the proposed 6-foot tall fence will be several feet lower than the base of the approved fence and wall combination.

In Phase 2 development, when the TowerJazz facility will be demolished and the onsite gas lines will be removed, the interim 6-foot-high tubular steel fence will be removed and replaced with the required 42-inch tubular steel fence on top of a 2-foot high retaining wall with pilasters.

### III. FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project) of the Municipal Code, the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. This staff approval is based on the following findings and facts in support of the findings.

#### Finding:

A. *The changes are consistent with all applicable provisions of this Zoning Code.*

#### Facts in Support of Finding:

1. In this case, the Uptown Newport PCDD acted as the zoning code for this development and requires a 5-foot-6-inch tall fence and wall combination along the westerly property boundary. The MSDR also includes the same wall design and height requirements. The proposed interim 6-foot-high tubular steel fence is consistent with the MSDR and development standards specified in the PCDD and MSDR in that a barrier fence will be provided along with a 10-foot landscape setback. Instead of the retaining wall to be built for slope retaining purposes, the westerly property line interfacing with the Koll Center Newport property will be graded with a 2:1 slope. Although the proposed fence will be lower in height in relation to the abutting street, security will be provided and the 10-foot landscape setback will remain and will allow for enhanced screening of the temporary condition.

#### Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

#### Facts in Support of Finding:

1. The proposed changes to the boundary fence affect a small isolated area along the westerly property line of the project. This area does not contain any project elements that were a basis for findings for the certification of the project Environmental Impact Report.

#### Finding:

C. *The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed changes do not affect any project features that were subject to the conditions of approval. The affected area will still be landscaped and fenced as prescribed by the PCDD documents.

Finding:

- D. The changes do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The proposed change is necessary due to an unforeseen site condition and will not result in an expansion of the project or any change in its operational characteristics. The affected area will still be fenced and landscaped as prescribed by the PCDD documents.

**IV. DETERMINATION**

The Community Development Director hereby determines that the proposed changes are minor in nature and are consistent with the criteria specified in Section 20.54.070 (Changes to an Approved Project) of the Municipal Code that authorizes the approval of minor changes to the approved site plan by the Community Development Director.

**V. CONDITIONS**

1. A 6-foot-high tubular steel fence shall be constructed as an alternative to the required 42-inch tubular steel fence on top of a 2-foot high retaining wall with pilasters in order to accommodate the existing on-site gas lines serving the TowerJazz facility.
2. Prior to the issuance of building permit for the 6-foot-high tubular steel fence, the applicant shall provide a recorded grading and drainage easement between the Koll Company and the applicant.
3. The construction of 6-foot-high tubular steel fence necessitates an alternative grading solution of 2:1 slope along the westerly property line, parallel with Half Dome Place. This 10-foot wide, 2:1 slope setback shall be landscaped as required by the MSDR.
4. In Phase 2 development when the TowerJazz facility will be demolished and the onsite gas lines will be removed or safely abandoned, the interim 6-foot-high tubular steel fence shall be removed and replaced with the 42-inch tubular steel fence on top of a 2-foot high retaining wall with pilasters as required by the MSDR.

5. *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 Uptown Newport – Wall Alternative including, but not limited to, Staff Approval No. SA2014-025. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.*

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

On behalf of Kimberly Brandt, AICP, Community Development Director

By:

  
\_\_\_\_\_  
Rosalinh Ung  
Associate Planner

JC/ru

Attachments: CD 1 Vicinity Map  
CD 2 Project Plans



# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



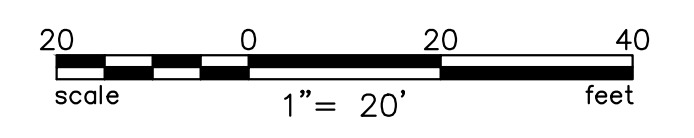
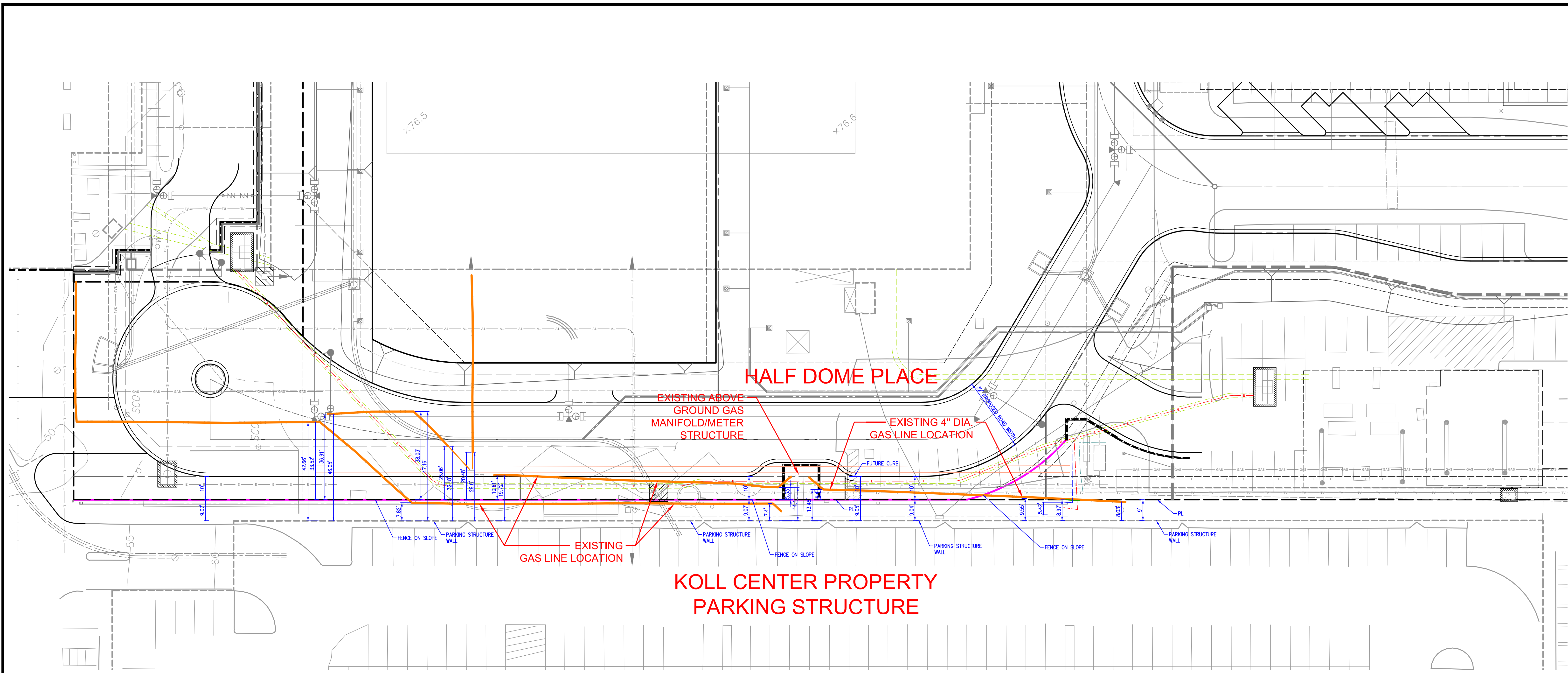
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PA2014-187

**4311 Jamboree Road**

# **Attachment No. CD 2**

## Project Plans





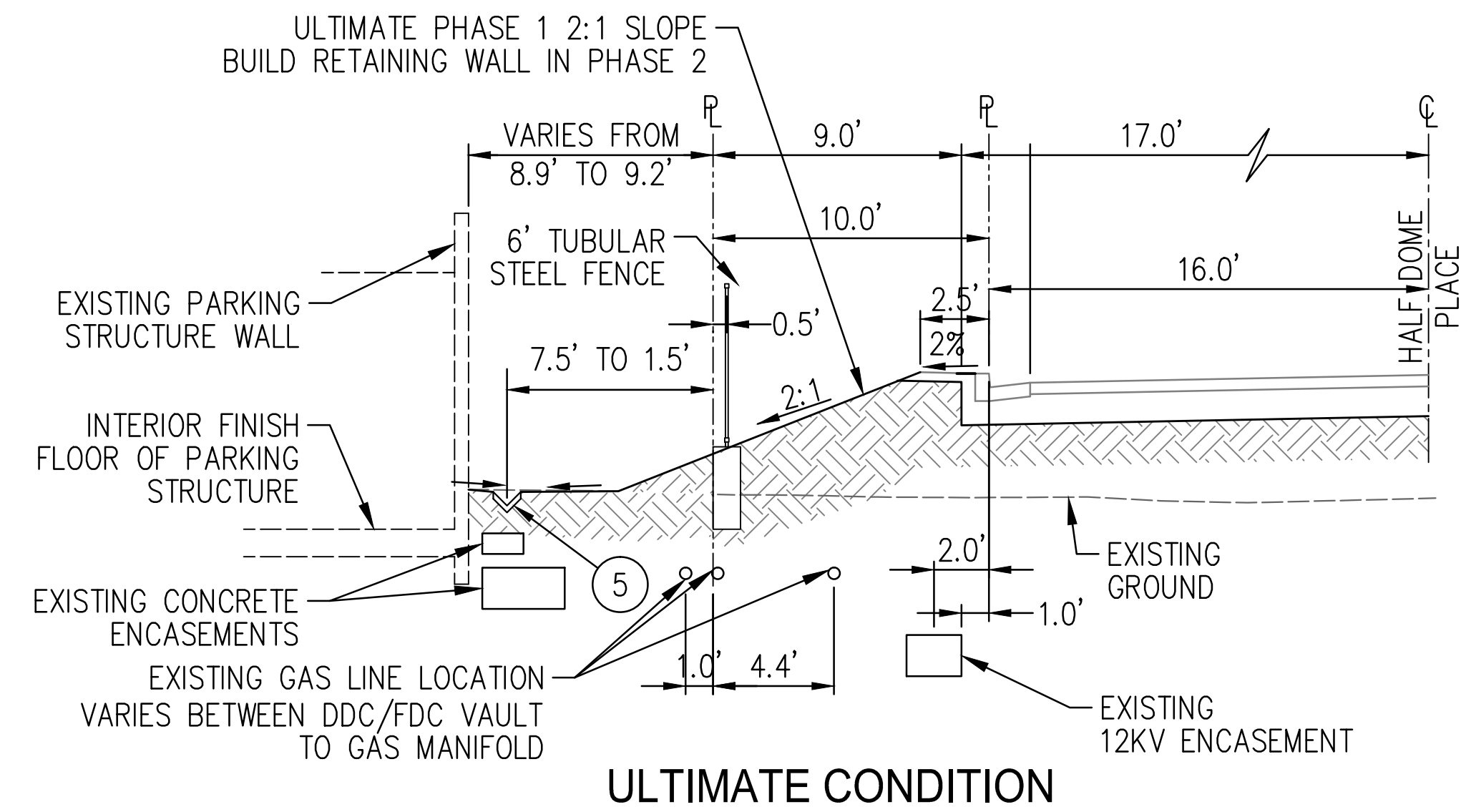
- LEGEND:**
- EXISTING GAS LINE
  - EXISTING 12 KV ELEC.
  - - - PROPERTY LINE
  - PROPOSED 6' TUBULAR STEEL FENCE

10/06/14 **EXHIBIT "A"**

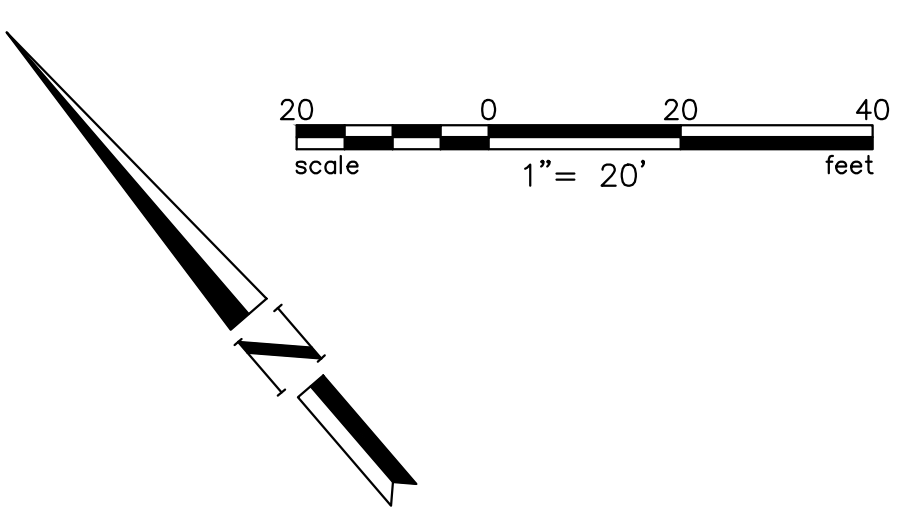
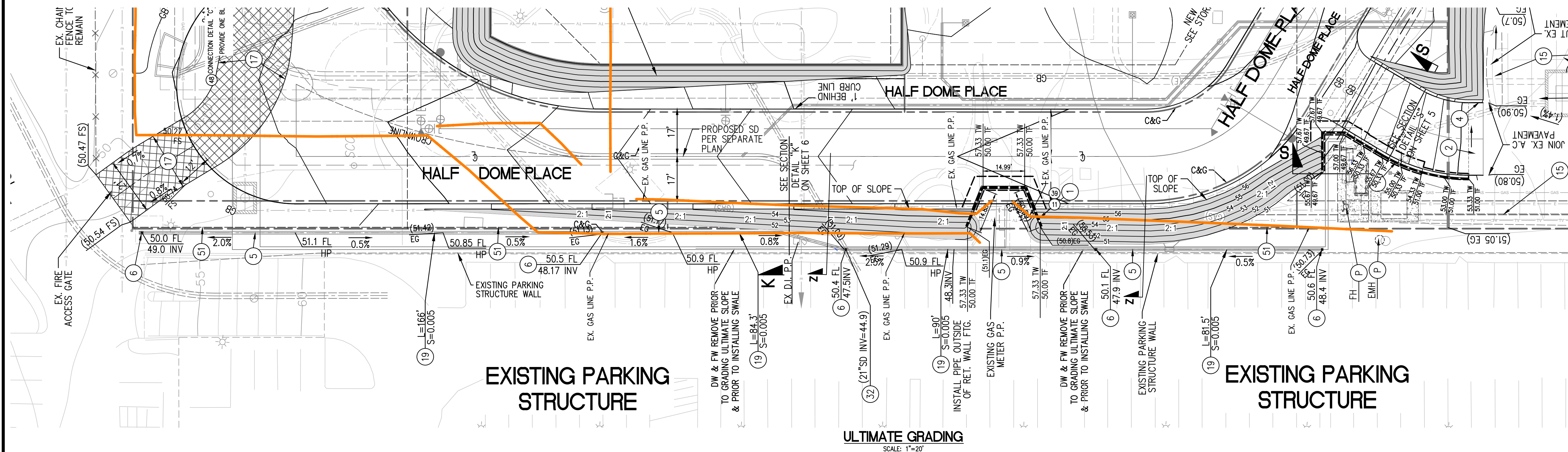
<b>Hall &amp; Foreman, Inc.</b> Engineering • Planning • Surveying 17782 17TH ST, SUITE 200 • TUSTIN, CA 92780-1947 • 714-665-4500 PREPARED UNDER THE SUPERVISION OF:		CITY OF NEWPORT BEACH UPTOWN NEWPORT PHASE 1	
		<b>4311 JAMBOREE ROAD</b> <b>EXISTING GAS LINE LOCATION</b> <b>EXHIBIT</b>	
DRAWN BY:	DESIGNED BY:	CHECKED BY:	APPROVED BY:
RLM	RLM	JCH	CITY ENGINEER
SCALE: 1" = 20'		SHT NO.: 1 OF 1	
DATE:		DATE:	
DATE:		DATE:	

Drawing Name: S:\030303\03\100208-000\030303\0314-12-12\Request for Alternative Sign & Wall Condition Along Half Dome Place\0314-12-12.dwg, WALL-15.dwg, L04  
 opened: Oct 06, 2014 - 7:15pm by: Eburne





SECTION Z-Z



LEGEND:  
 EXISTING GAS LINE

CONSTRUCTION NOTES

- ⑤—CONSTRUCT 12" CONCRETE SWALE PER DETAIL ON SHEET 6
- ⑥—INSTALL 6" ATRIM GRATE ADS & FITTINGS OR APPROVED EQUAL, SEE DETAIL ON SHEET 5A
- ⑪—CONSTRUCT RETAINING WALL PER SEPERATE PERMIT.
- ⑲—INSTALL 6" PVC DRAIN PIPE
- ⑳—1.5" MAX HEIGHT COMBINATION TUBULAR STEEL & BLOCK WALL FENCE ON TOP OF RET. WALL, SEE DETAIL "B" ON SHEET 12.
- ㉔—8" BLOCK SCREEN WALL, SEE DETAIL "A" ON SHEET 12.
- ㉕—INSTALL 6" HIGH TUBULAR FENCE PER DETAIL "D" ON SHEET 12

10/06/14

EXHIBIT "B"

**Hall & Foreman, Inc.**  
 Engineering · Planning · Surveying  
 17782 17TH ST, SUITE 200 • TUSTIN, CA 92780-1947 • 714-665-4500  
 PREPARED UNDER THE SUPERVISION OF:  
 JOHN C. HOBAN R.C.E. 26229 9/29/14 DATE:

CITY OF NEWPORT BEACH UPTOWN NEWPORT PHASE 1 4311 JAMBOREE ROAD		SCALE: 1"=20'
DRAWN BY: RLM	DESIGNED BY: RLM	DATE: 10/06/14
CHECKED BY: JCH	APPROVED BY: CITY ENGINEER	SHT NO.: 1 OF 1

**LEGAL DESCRIPTION**  
**DRAINAGE AND MAINTENANCE EASEMENT**

**Parcel "A"**

In the City of Newport Beach, County of Orange, State of California, being a portion of Parcel 2 of Parcel Map No. 82-713, per map recorded in Parcel Map Book 181, Pages 13 through 19, inclusive, records of said County, described as follows:

Commencing at the most northerly corner of said Parcel 2; thence South 49°21'34" East, 3.85 feet along the northeasterly line of said parcel 2 to the most westerly corner of Parcel 4 of Parcel Map No. 2013-108, per map recorded in Parcel Map Book 378, Pages 10 through 12, inclusive, records of said County, said point being the **POINT OF BEGINNING**; thence continuing South 49°21'34" East, 634.22 feet along the common line of said Parcel 2 and said Parcel Map No. 2013-108; thence South 40°38'26" West, 9.16 feet; thence North 49°21'34" West, 634.22 feet; thence North 40°38'26" East, 9.16 feet to the **POINT OF BEGINNING**.

Containing 5,809 square feet more or less.

See Sheet 2 for a plat depicting the above described land.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature William G. Hoff  
William G. Hoff, PLS 6685  
License Expires 6/30/16

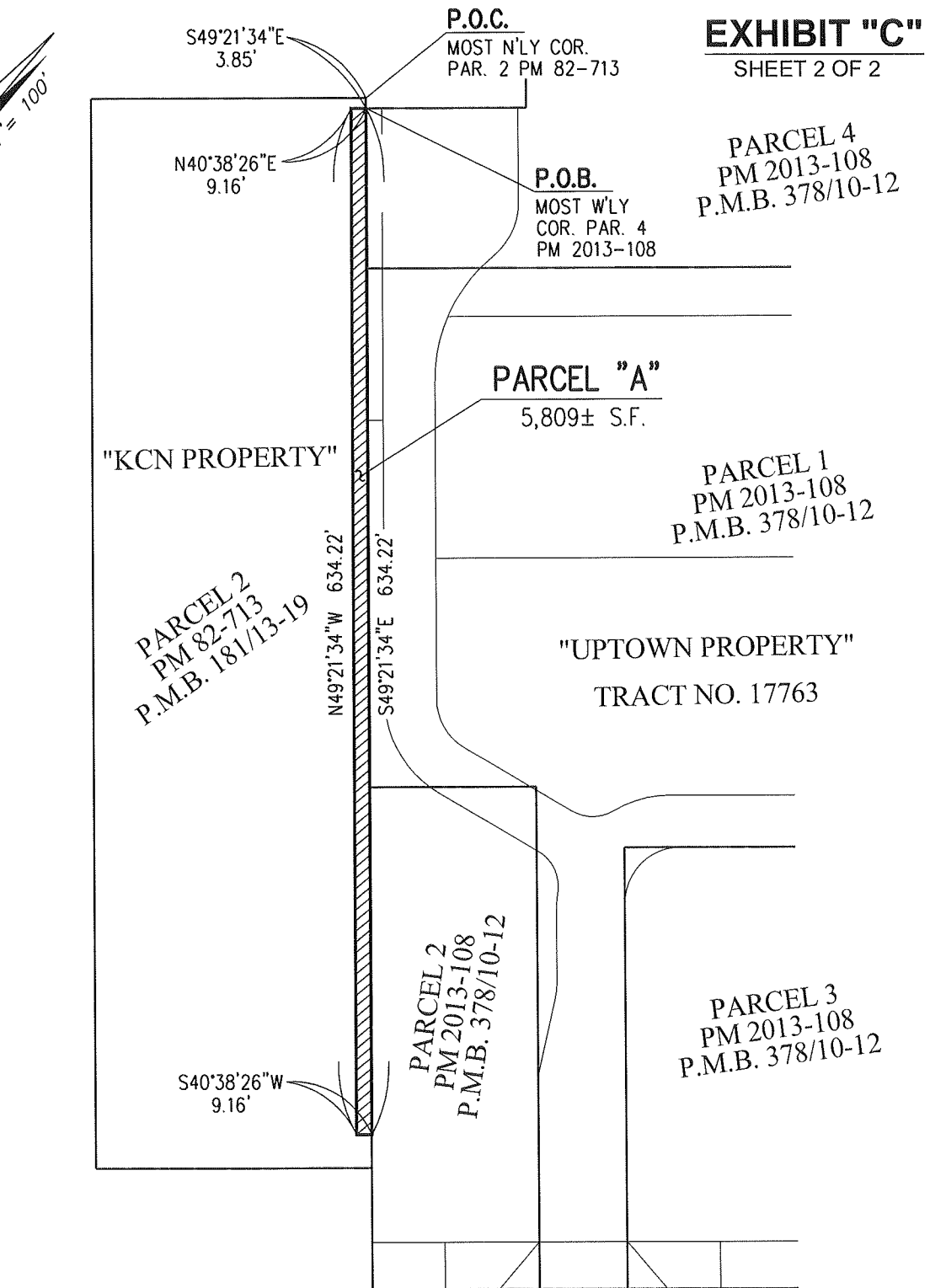
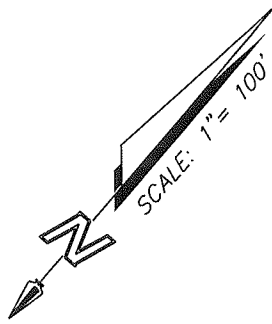
Date 10/28/14





**EXHIBIT "C"**

SHEET 2 OF 2



TITLE:

DRAINAGE AND MAINTENANCE  
EASEMENT



**Hall & Foreman, Inc.**

Engineering · Planning · Surveying

14297 CAJON AVE, SUITE 101 • VICTORVILLE, CA 92392 • 760-524-9100

DATE OF PREPARATION: 10/22/2014

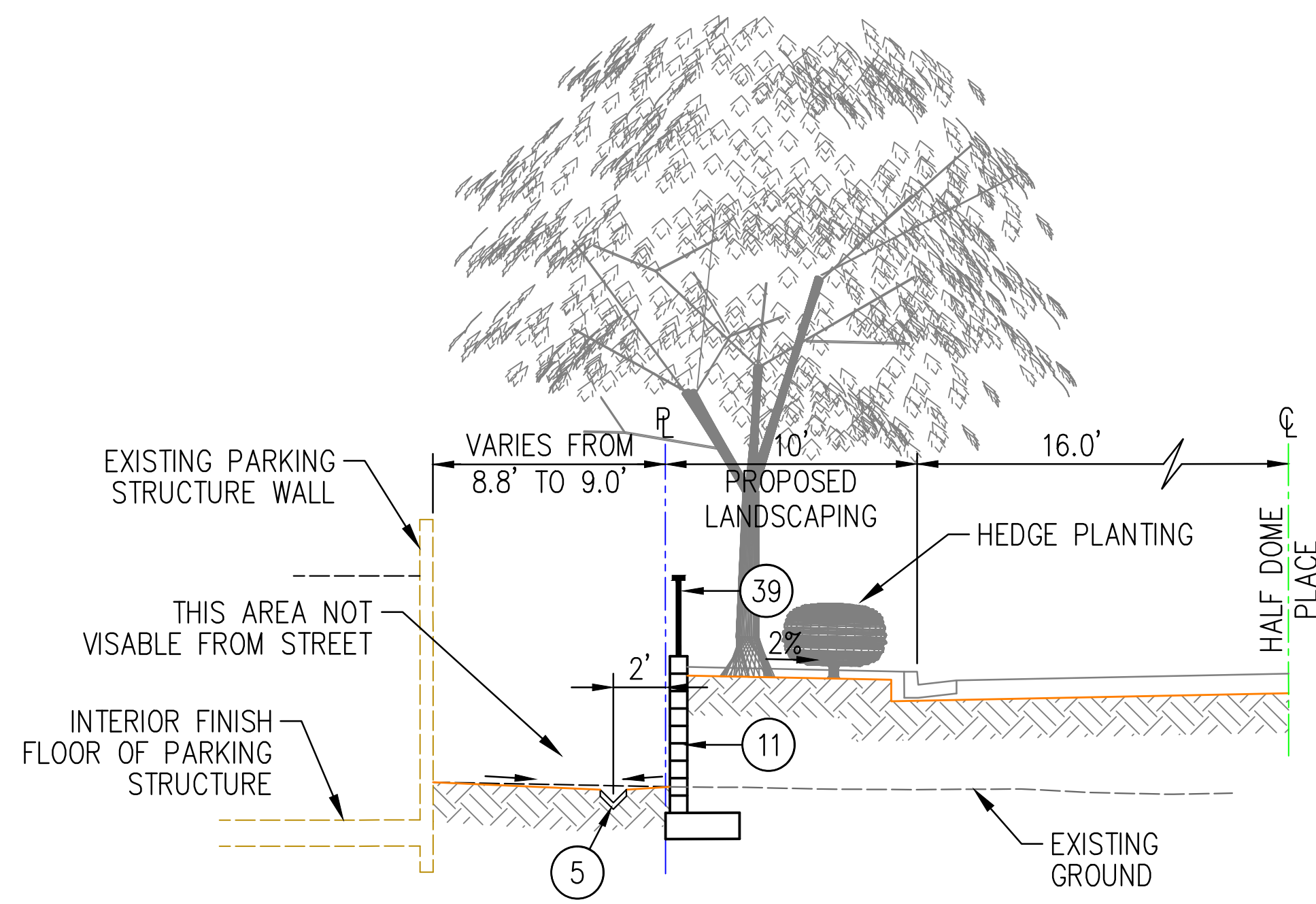
**LEGEND**

P.O.C. POINT OF COMMENCING

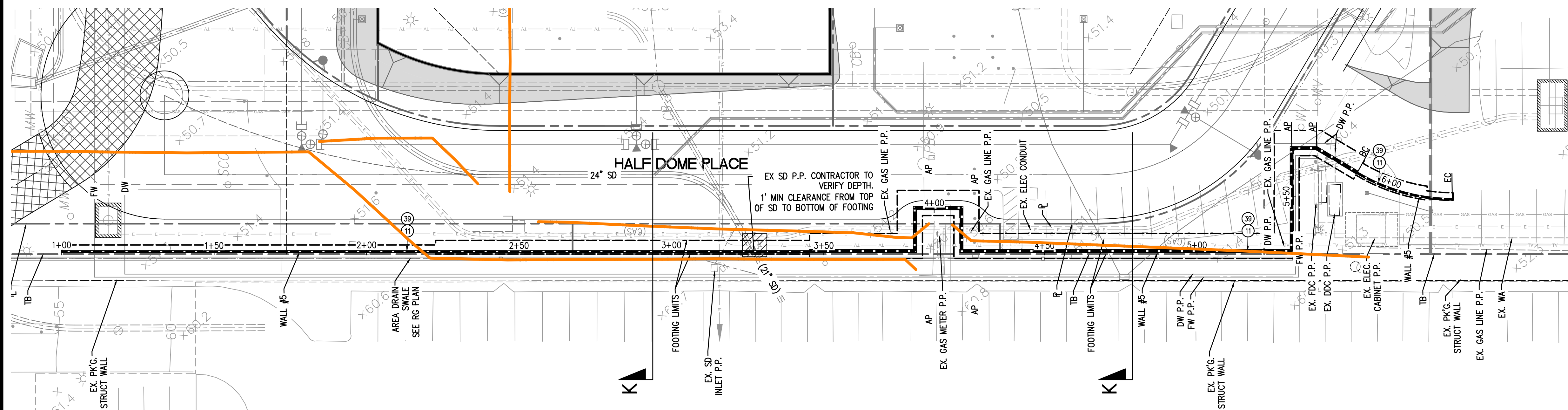
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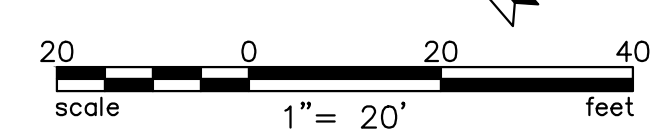
DRAINAGE AND MAINTENANCE  
EASEMENT



SECTION K-K



LEGEND:  
 EXISTING GAS LINE



- CONSTRUCTION NOTES**
- ⑤ - CONSTRUCT 12" CONCRETE SWALE PER DETAIL ON SHEET 6
  - ⑥ - INSTALL 6" ATRIUM GRATE ADS & FITTINGS OR APPROVED EQUAL, SEE DETAIL ON SHEET 5A
  - ⑪ - CONSTRUCT RETAINING WALL PER SEPERATE PERMIT.
  - ⑲ - INSTALL 6" PVC DRAIN PIPE
  - ⑳ - 3.5' MAX HEIGHT COMBINATION TUBULAR STEEL & BLOCK WALL FENCE ON TOP OF RET. WALL, SEE DETAIL "B" ON SHEET 12.
  - ㉔ - 8' BLOCK SCREEN WALL. SEE DETAIL "A" ON SHEET 12.
  - ㉕ - INSTALL 6' HIGH TUBULAR FENCE PER DETAIL "D" ON SHEET 12

10/06/14 **EXHIBIT "D"**

<p><b>Hall &amp; Foreman, Inc.</b>          Engineering · Planning · Surveying          17782 17TH ST, SUITE 200 • TUSTIN, CA 92780-1947 • 714-665-4500          PREPARED UNDER THE SUPERVISION OF:          JOHN C. HOBAN R.C.E. 26229</p>		CITY OF NEWPORT BEACH UPTOWN NEWPORT PHASE 1 4311 JAMBOREE ROAD <b>6' RETAINING WALL ON PROPERTY LINE</b>	
		DRAWN BY: RLM DESIGNED BY: RLM CHECKED BY: JCH	APPROVED BY: _____ CITY ENGINEER