



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending October 16, 2015

ZONING ADMINISTRATOR ACTIONS OCTOBER 15, 2015

- Item 1: 4340 Von Karman Condominium Conversion No. CC2015-001 and Tentative Parcel Map No. NP2015-001 (PA2014-230)
Site Address: 4340 Von Karman Avenue
- Action: Approved by Resolution No. ZA2015-055 Council District 3
- Item 2: 700 Avocado Avenue Tentative Parcel Map No. NP2015-013 (PA2015-147)
Site Address: 700 Avocado Avenue
- Action: Approved by Resolution No. ZA2015-056 Council District 6
- Item 3: 2801 Bayside Drive Tentative Parcel Map NP2015-014 (PA2015-148)
Site Address: 2801 Bayside Drive
- Action: Approved by Resolution No. ZA2015-057 Council District 6
- Item 4: 112 30th Street Tentative Parcel Map No. NP2015-015 (PA2015-149)
Site Address: 112 30th Street
- Action: Approved by Resolution No. ZA2015-058 Council District 1

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

Item 1: Comprehensive Sign Program No. CS2015-002 (PA2015-013)
Site Address: 4000 MacArthur Boulevard

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. ZA2015-055

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING CONDOMINIUM CONVERSION NO. CC2015-001 AND TENTATIVE PARCEL MAP NO. NP2015-001 FOR NONRESIDENTIAL CONDOMINIUMS LOCATED AT 4340 VON KARMAN AVENUE (PA2014-230)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by David Bonaparte, with respect to property located at 4340 Von Karman Avenue, and legally described as Lot 3 in Tract No. 8762 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 four-story office building to nonresidential condominiums, creating 47 separate ownership units. Included is a request to waive the Title 19 (Subdivisions) requirement that each unit within the building maintain separate water meters, and water and sewer connections. No other waivers are proposed.
3. The subject property is located within Office Site B of the Koll Center Planned Community (PC 15) Zoning District and the General Plan Land Use Element category is Mixed-Use Horizontal (MU-H2).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on October 15, 2015, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

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

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The subject property is one of eleven (11) footprint lots that makeup a contiguous office site within Koll Center Planned Community. The adjoining parking areas are designated for all required parking serving the contiguous office site.
2. At the time of original construction in 1975, the subject building was required to provide 275 parking spaces (61,885 net square feet / 225 = 275) within the adjoining parking area. The original number required is provided in the adjoining parking area.
3. The total number of parking spaces (3,356 spaces) within the adjoining parking area currently exceeds the minimum required for all properties that makeup the contiguous office site.
4. The design and location of parking is in conformance with the provisions of Chapter 20.40. Access to the shared parking area is taken from Von Karman Avenue, Birch Street, MacArthur Boulevard, and Jamboree Road, and adequate and safe maneuvering aisles are provided within the parking area.

Finding:

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

Facts in Support of Finding:

1. The applicant requests to waive the requirement that each unit within the building maintain a separate sewer connection to the City sewer. Section 19.64.080 (Modification or Waiver of Conversion Standards) allows the decision making body to waive the requirement for separate connections if it finds that the waiver will not be materially detrimental to the tenants of the property or surrounding properties, nor to public health or safety.

2. The applicant estimates the Condominium Conversion will result in 47 separate ownership units.
3. A waiver eliminates the need to excavate the right-of-way to provide each unit with new utility connections. It also eliminates the need to reconfigure the existing plumbing and utility connections, which would involve significant alterations to the site..
4. Waiving the requirement for separate sewer connections will not be materially detrimental to the tenants, nor to public health or safety because the building has demonstrated that existing connections can adequately accommodate those utilizing the site.
5. The Municipal Operations Department has reviewed the request to waive separate sewer connections for each condominium unit and will allow the waiver provided the property owner ensures common sewer connection use will not be detrimental to the residents or tenants of the property or surrounding properties. Any future development, modification or major construction of the property may revoke the waiver and require plans to be submitted to the City regarding sewer service.
6. As conditioned, the property owner shall form an Association responsible for the payment of sewer fees to ensure common sewer connection use will not be detrimental to the residents or tenants of the property or surrounding properties.

Finding:

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

Facts in Support of Finding:

1. As conditioned, the existing sewer laterals shall be retrofitted/fitted with a cleanout to comply with this requirement prior to recordation of the Tentative Parcel Map.

Finding:

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

Facts in Support of Finding:

1. The applicant has requested to waive the requirement that each unit within the building maintain a separate water meter and water meter connection. Section 19.64.080 (Modification or Waiver of Conversion Standards) allows the decision making body to waive the requirement for separate connections if it finds that the waiver will not be materially detrimental to the tenants of the property or surrounding properties, nor to public health or safety.
2. The applicant estimates the Condominium Conversion will result in approximately 47 separate ownership units.

3. A waiver eliminates the need to excavate the right-of-way to provide each unit with new utility connections. It also eliminates the need to reconfigure the existing plumbing and utility connections, which would involve significant alterations to the site.
4. Waiving the requirement for separate water connections will not be materially detrimental to the tenants, nor to public health or safety because the building has demonstrated that existing connections can adequately accommodate those utilizing the site.
5. The Municipal Operations Department has reviewed the request to waive separate water meters, and water meter connections for each condominium unit and will allow the waiver provided the property owner ensures common water connection use will not be detrimental to the residents or tenants of the property or surrounding properties. Any future development, modification or major construction of the property may revoke the waiver and require plans to be submitted to the City regarding sewer service.
6. As conditioned, the property owner shall form an Association responsible for the payment of water fees to ensure common water connection use will not be detrimental to the residents or tenants of the property or surrounding properties.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. A special inspection was completed by the Building Division on March 10, 2015.
2. The inspection identified minor safety violations associated with existing safety signage as well as window and door glazing.

3. As conditioned, the applicant shall correct all identified safety violations prior to recordation of the Tentative Parcel Map.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The project is not for a residential conversion.

Finding:

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

Facts in Support of Finding:

1. The application of project conditions will ensure the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood and the City.
2. The proposed conversion of an existing office building to condominiums occurs on a property within the MU-H2 Zoning District that allows for commercial office uses.
3. Safety violations identified during the special inspection will be corrected ensuring the building does not create a detriment to persons working at or around the subject property.
4. Accessibility upgrades in compliance with the Americans with Disabilities Act will be required of the applicant to ensure the use of the building and subject property are not detrimental to persons working or residing in the neighborhood.

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

Finding:

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

Facts in Support of Finding:

1. The site is developed with a four-story building consisting of office uses. Several other buildings consisting of office uses exist nearby.
2. The lot is physically suitable for the commercial office density and development as the site is relatively flat, and has demonstrated since original construction that it is able to adequately accommodate the office use.
3. The subject property is accessible from Von Karman Avenue, Birch Street, MacArthur Boulevard, and Jamboree Road, and is adequately served by existing utilities.

Finding:

- C. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the*

California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. The site was developed as a footprint lot in 1975 with a four-story office building. The design of the subdivision remains generally the same today.
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 nonresidential condominium purposes. With the exception of minor upgrades to address building safety and accessibility and the retrofitting/fitting of sewer cleanouts, no other improvements to the building or public utilities are proposed. The correction of identified safety violations associated with the special building inspection will not create any serious public health concerns.
2. Any future improvements proposed will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Any public improvements required of the developer per Section 19.28.010 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act shall comply with all ordinances of the City and all Conditions of Approval.

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map for the subdivision of the existing office building will not conflict with a 15-foot storm drain easement located at the southerly side of the property or any other public easements that exist nearby.

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.
2. The site, developed for office use, lies in a zone that permits office 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.
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. Any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards

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

Finding:

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

Facts in Support of Finding:

1. The property lies within an office site of a Planned Community Zoning District that prohibits residential land uses. The City's Housing Element recognizes other specific housing opportunities in the City that can accommodate the City's regional housing need for the 2014-2021 housing period. Therefore, the Tentative Parcel Map for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The project is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Condominium Conversion No. CC2015-001 and Tentative Parcel Map No. NP2015-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days following the date this Resolution was adopted unless within such time an appeal or call for review 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 15TH DAY OF OCTOBER, 2015.



Brenda Wisneski, AICP, Zoning Administrator

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

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Prior to recordation of the Parcel Map, an inspection of the property shall be conducted verifying that all safety violations identified March 10, 2015, and applicable Building Division conditions of approval are addressed.
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 Condominium Conversion and Tentative Parcel Map shall expire if the Map has not been recorded within 24 months of the date of approval, unless an extension is granted by the Community Development Director in accordance with the provisions of Section 19.16 (Tentative Map Expiration and Extension) of the Newport Beach Municipal Code.
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 PRES-4340 Von Karman Condominium Conversion including, but not limited to, Condominium Conversion No. CC2015-001 and Tentative Parcel Map No. NP2015-001 (PA2014-230). 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

6. Prior to recordation of the Parcel Map, exiting signage at all exit stairwells, hallways, and tenant spaces shall be brought to current code requirements.

7. Prior to recordation of the Parcel Map, exiting stair handrails shall be improved to meet current accessibility requirements.
8. Prior to recordation of the Parcel Map, existing sanitary facilities shall be improved to meet current accessibility requirements.
9. Prior to recordation of the Parcel Map, all room and door identification shall meet current accessibility requirements for braille.
10. The conditions, covenants, and restrictions (CC&R's) shall require that each separately owned unit install an individual electrical meter and subpanel. The panels shall be identified and appropriately labeled with proper load schedules. A recorded copy of the CC&R's shall be provided prior to the building becoming condominiums.
11. 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.

Public Works Department

12. The Parcel Map shall be recorded. The Parcel Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Parcel Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
13. 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.
14. Prior to recordation of the Parcel Map, each existing sewer lateral shall be retrofitted/fitted with a cleanout at the property line.
15. An Association shall be established, responsible for the payment of water and sewer fees. Any delay in payments and any issues with the existing master meters will directly affect all units due to the fact that they do not have their own individual services. Any clogs and back-ups of the shared sewer lateral lines will directly affect all units served by that line.
16. All on-site drainage shall comply with the latest City Water Quality requirements.

RESOLUTION NO. ZA2015-056

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2015-013 FOR TWO-UNIT CONDOMINIUM PURPOSES AT 700 AVOCADO AVENUE (PA2015-147)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by 700 Avocado LLC, with respect to property located at 700 Avocado Avenue, and legally described as Lot 12 in Tract 682 in Corona Del Mar City of Newport Beach, County of Orange, State of California requesting approval of a tentative parcel map.
2. The applicant proposes a Tentative Parcel Map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. An existing duplex was demolished and a new duplex is under construction. The Tentative Parcel Map would allow each unit to be sold individually.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-D).
5. A public hearing was held on October, 15, 2015 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to the State CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 20 (Planning and Zoning) 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. An existing duplex has been demolished and a two-unit dwelling is currently under construction. 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 subject property is not located within a specific plan area.
3. The project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along Avocado Avenue and Fourth Avenue, consistent with the Subdivision Code (Title 19).
4. The project has also been conditioned to construct a sidewalk along the entire Fourth Avenue frontage and a new ADA compliant curb access ramp.

Finding:

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

Facts in Support of Finding:

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

Finding:

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may

nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. The site was previously developed with a two-unit duplex and will be replaced with a new two-unit dwelling.
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 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations).

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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 is developed for residential use and is located 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 fifty (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 Tentative Parcel Map and any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The

Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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-D (Two-Unit Residential).

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2015-013 (PA2015-147), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or a call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF October, 2015.



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. A Parcel Map shall be recorded. The Map shall be prepared on the California Coordinate System (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach, a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the Map shall tie the boundary of the Map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner, unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. A 10-foot radius corner cut-off easement for street and public utility purposes at the Avocado Avenue/Fourth Avenue curb return shall be recorded as a part of the parcel map.
5. All improvements shall be constructed as required by Ordinance and the Public Works Department.
6. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, concrete curb and gutter along the Avocado Avenue and Fourth Avenue frontages.
7. A new minimum 4-foot (4') wide concrete sidewalk shall be constructed along the entire Fourth Avenue frontage. The installation of a meandering type of travel path could be required to accommodate the existing street trees and or utilities.
8. Upon the construction of new concrete sidewalk along the Fourth Avenue frontage, a new ADA compliant curb access ramp shall be constructed at the Fourth Avenue/Avocado Avenue curb return, per STD-181-L-B (Case H).
9. All existing overhead utilities shall be undergrounded.
10. No above ground improvements shall be installed within the 5-foot alley setback.

11. 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.
12. Install new low groundcovers of the type approved by the City throughout the Fourth Avenue parkway fronting the development site.
13. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and sewer cleanout shall be located within the public right-of-way.
14. An encroachment permit is required for all work activities within the public right-of-way.
15. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130.
16. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
17. All on-site drainage shall comply with current Water Quality requirements.
18. All unused and abandoned water services shall be capped at the main (corporation stop) and all unused and abandoned sewer laterals shall be capped at property line. If the abandoned sewer lateral has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box and the wye. Sewer lateral shall then be capped where the wye used to be.
19. Protect five existing street trees along Fourth Avenue and one street tree along Avocado Avenue using a Tree Protection Zone. Unauthorized tree removals will trigger substantial penalties for all of the parties involved.
20. Subsequent to the recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.
21. 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.
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 700 Avocado Tentative Parcel Map, including, but not limited to, Tentative Parcel Map No. NP2015-013 (PA2015-147). 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. ZA2015-057

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2015-014 FOR TWO-UNIT CONDOMINIUM PURPOSES AT 2801 BAYSIDE DRIVE (PA2015-148)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by RLBK Real Estate, LLC a California Limited Liability Company, with respect to property located at 2801 Bayside Drive, and legally described as Lot 18 excepting the southwesterly one-foot and the southwesterly portion of Lot 20 in Block 234, Corona Del Mar Tract requesting approval of a tentative parcel map.
2. The applicant proposes a Tentative Parcel Map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. An existing triplex was demolished and a new duplex is under construction. The Tentative Parcel Map would allow each unit to be sold individually.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-D).
5. A public hearing was held on October, 15, 2015 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to the State CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 20 (Planning and Zoning) 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. An existing triplex has been demolished and a two-unit dwelling is currently under construction. 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 subject property is not located within a specific plan area.
3. The project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along Bayside Drive, consistent with the Subdivision Code (Title 19).
4. The project has also been conditioned to construct a sidewalk along the entire Bayside Drive frontage.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for a two-unit development because it is regular in shape.
2. The subject property is accessible from Bayside Drive, and is adequately served by existing utilities.

Finding:

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

Facts in Support of Finding:

1. The site was previously developed with a triplex and will be replaced with a new two-unit dwelling
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 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations).

Finding:

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

Facts in Support of Finding:

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

Finding:

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

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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-D (Two-Unit Residential).

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2015-014 (PA2015-148), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF OCTOBER, 2015.



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. A Parcel Map shall be recorded. The Map shall be prepared on the California Coordinate System (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach, a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the Map shall tie the boundary of the Map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner, unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, concrete curb and gutter along the Bayside Drive frontage.
5. The two existing driveway approaches along Bayside Drive shall be plugged with new curb, gutter and sidewalk and one new driveway approach shall be constructed per City Standards.
6. A new minimum 5-foot (5') wide concrete sidewalk shall be constructed along the entire Bayside Drive frontage. The installation of a meandering type of travel path could be required to accommodate the existing street trees.
7. All existing overhead utilities shall be undergrounded.
8. Bayside Drive is part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.
9. An encroachment agreement is required for all approved non-standard improvements within the public right of way. All non-standard improvements shall comply with City Council Policy L-6 and L-18.
10. Install new low groundcover of the type approved by the City throughout the Bayside Drive parkway fronting the development site.

11. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and sewer cleanout shall be located within the public right-of-way.
12. An encroachment permit is required for all work activities within the public right-of-way.
13. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130.
14. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
15. All on-site drainage shall comply with current Water Quality requirements.
16. All unused and abandoned water services shall be capped at the main (corporation stop) and all unused and abandoned sewer laterals shall be capped at property line. If the abandoned sewer lateral has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box and the wye. Sewer lateral shall then be capped where the wye used to be.
17. Subsequent to the recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finaled.** The building permit for the new construction shall not be finaled until after recordation of the Parcel Map.
18. 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.
19. 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 2801 Bayside Drive Tentative Parcel Map, including, but not limited to, Tentative Parcel Map No. NP2015-014 (PA2015-148). 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. ZA2015-058

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2015-015 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 112 30TH STREET (PA2015-149)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by JSB Investment Properties LLC, with respect to property located at 112 30th Street, and legally described as Portions of Lot 12 and Lot 13 in Block 29 in City of Newport Beach, County of Orange, and State of California requesting approval of a tentative parcel map.
2. The applicant proposes a Tentative Parcel Map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. An existing single-family dwelling has been demolished and a new duplex is under construction. The Tentative Parcel Map would allow each unit to be sold individually.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential (RT-D).
5. A public hearing was held on October 15, 2015 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to the State CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The

Tentative Parcel Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 20 (Planning and Zoning) 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. An existing single family dwelling has been demolished and a two-unit dwelling is currently under construction. 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 subject property is not located within a specific plan area.
3. The project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the 30th Street frontage, consistent with the Subdivision Code (Title 19).

Finding:

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

Facts in Support of Finding:

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

Finding:

- C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may*

nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. The site was previously developed with single-family dwelling and will be replaced with a new two-unit dwelling.
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 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations).

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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 is developed for residential use and is located 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 fifty (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 Tentative Parcel Map and any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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-D (Two-Unit Residential).

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2015-015 (PA2015-149), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 15th DAY OF OCTOBER, 2015.



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"*CONDITIONS OF APPROVAL*

1. A Parcel Map shall be recorded. The Map shall be prepared on the California Coordinate System (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach, a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the Map shall tie the boundary of the Map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner, unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. Prior to recordation of the Parcel Map, a park fee shall be assessed for one additional dwelling unit.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. All improvements shall be constructed as required by Ordinance and the Public Works Department.
6. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, concrete curb and gutter along the 30th Street frontage.
7. All existing overhead utilities shall be undergrounded.
8. No above ground improvements shall be installed within the 5-foot alley setback.
9. 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.
10. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and sewer cleanout shall be located within the public right-of-way.
11. An encroachment permit is required for all work activities within the public right-of-way.

12. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130.
13. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
14. All on-site drainage shall comply with current Water Quality requirements.
15. All unused and abandoned water services shall be capped at the main (corporation stop) and all unused and abandoned sewer laterals shall be capped at property line. If the abandoned sewer lateral has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box and the wye. Sewer lateral shall then be capped where the wye used to be.
16. Subsequent to the recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finaled.** The building permit for the new construction shall not be finaled until after recordation of the Parcel Map.
17. 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.
18. 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 112 30th Street Tentative Parcel Map, including, but not limited to, Tentative Parcel Map No. NP2015-015 (PA2015-149). 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.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Comprehensive Sign Program No. CS2015-002 (PA2015-013)**

Applicant **Stanco Signage**

Site Address **4000 MacArthur Boulevard**
 4000 MacArthur Boulevard Sign Program

Legal Description **Parcel 1 of Resubdivision No. 0570**

On **October 16, 2015**, the Zoning Administrator approved Comprehensive Sign Program No. CS2015-002. The sign program allows for the following signage and deviations:

1. Sign Number and Location. Modification Permit No. MD2003-097 (PA2003-232), previously authorized up to five tenant wall signs (Sign Type 3) in the locations currently proposed. Two of these walls signs were permitted up to 387 square feet in area. One of these larger signs is swapped to the eastern façade (Sign 3.D) from the existing approved location at the north facing façade (Sign 3.C). One additional tenant wall sign is proposed at the entrance to the building on a new glass façade structure that is primarily intended for pedestrians as they enter the building.
2. Sign Type. Sign Types 1 and 2 establish locations for address signage on the building for which the PC-15 (Koll Center Planned Community) does not currently provide standards.

The applicant proposes a comprehensive sign program that includes a permanent building identification, tenant wall signs, and address signage at an existing office building. The sign program is necessary because three or more permanent signs are proposed, the signs will exceed the number of signs allowed, and the location of the signs deviate from the Koll Center Planned Community sign standards. The applicant requests a total of two address signs, two building identification signs, and six tenant walls signs.

This action incorporates Modification Permit No. MD2003-097 (PA2003-232) (Attachment No. ZA 2), which previously authorized the two signs that exceed what comprehensive sign program can approve. The building at 4000 MacArthur Boulevard is currently undergoing renovations to accommodate new office tenants and improve building identification. The unusual building shape creates the need for a comprehensive sign program to allow greater flexibility for the sign type, number, and location.

The subject property is located within the Office Site B sub-area of the PC-15 (Koll Center Planned Community) Zoning District and the General Plan Land Use Element category is MU-H2 (Mixed-Use Horizontal).

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

I. FINDINGS

Pursuant to Section 20.42.120 (Comprehensive Sign Program) of the Zoning Code, approval of a Comprehensive Sign Program is required whenever three or more nonexempt signs are proposed for a single-tenant development and whenever signs are proposed to be located on or above the second story on a multi-story building. In accordance with Section 20.42.120.E (Comprehensive Sign Program: Standards), the following standards and facts in support of such standards are set forth:

Standard:

- A. *The proposed sign program shall comply with the purpose and intent of this Chapter (Chapter 20.42: Sign Standards), any adopted sign design guidelines and the overall purpose and intent of this Section (Section 20.42.120: Comprehensive Sign Program).*

Facts in Support of Standard:

1. In compliance with the purpose and intent of the Sign Standards, the proposed Comprehensive Sign Program provides the site and the uses with adequate identification and way-finding without excessive proliferation of signage. Furthermore, it preserves community appearance by regulating the type, number, size, and design of signage in comprehensive and coordinated fashion.
2. The sign program establishes a sign type for address signage (Sign Type 1 and 2a) and allows for two larger address signs at each building entrance that exceed the limitations for exempt signage.
3. The sign program allows for two building identification signs (Sign Type 2b and 2c) and one additional tenant wall sign (Sign Type 4a) to be mounted on a new glass façade structure at the entrance to the building. This structure is intended to improve visibility and direct pedestrians as they enter the building.
4. The sign program allows for additional tenant wall signs (Sign Type 3) at the upper eyebrow of the office building as previously authorized under Modification Permit No. MD2003-097.
5. The proposed signs on the building are beneficial and can be viewed from a greater distance due to their location and placement on each building frontage.

The location of the larger tenant wall sign along the eastern building frontage will improve the building and tenant visibility from Jamboree Road.

Standard:

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

Facts in Support of Standard:

1. The signs have been designed to be integral with the design, scale, and architectural character of the buildings and other site improvements.
2. The proposed signage will enhance the overall development of the site. It will provide adequate identification of the site and will also improve the pedestrian experience.

Standard:

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

Facts in Support of Standard:

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

Standard:

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

Facts in Support of Standard:

1. The Comprehensive Sign Program is designed to be effective for future tenants of the building.
2. It is not anticipated that future revisions will be necessary to accommodate constant changes in tenants or uses. However, flexibility has been incorporated into the Sign Program Matrix to allow minor deviations from the proposed signs.
3. Consistent with Chapter 20.42 (Sign Standards), the Community Development Director [or his/her designee] may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Standard:

- E. The program shall comply with the standards of this Chapter, 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.*

Facts in Support of Standard:

1. The Comprehensive Sign Program incorporates the wall signage (Sign Type 3) previously allowed under Modification Permit No. MD2003-097 and requests deviation in the size, number, and location of signs prescribed in the PC-15 (Koll Center Planned Community) Zoning District. The signs are designed to be complimentary to the building's office use and are harmonious with the surrounding buildings and uses.
2. The sign program establishes a sign type for address signage (Sign Type 1 and 2a) and requests deviation in the size and location of these signs to allow for adequate visibility of the site at each entrance for pedestrians and vehicles locating the site.
3. The sign program establishes a sign type for building identification and tenant signage (Sign Type 2 and 4a) on a new glass façade at the front entrance to the building facing MacArthur Boulevard. The new façade provides an updated and modern entry for the building and improves pedestrian and vehicle visibility as they approach the primary entrance to the building.
4. The tenant wall signs (Sign Type 3) were previously authorized through Modification Permit No. MD2003-097 (PA2003-232). Two of these tenant wall signs are authorized at 387 square feet in area. The location of one of the two larger signs will be relocated so that the larger signage is mounted on the west frontage facing Jamboree Road. This building frontage improves visibility as vehicles approach the building along Jamboree Road. The tenant wall signs are mounted on the upper building eyebrow to more closely match the buildings architecture.

Standard:

- F. The Approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter.*

Facts in Support of Standard:

1. The program does not authorize the use of any prohibited sign types.

Standard:

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

Facts in Support of Standard:

1. The program contains no regulations affecting sign message or content.

II. 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. Comprehensive Sign Program No. CS2015-002 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
5. This Comprehensive Sign Program 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. Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Attachment ZA 2.
7. All signs must be maintained in accordance with Section 20.42.170 (Maintenance Requirements) of the Newport Beach Municipal Code.
8. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
9. The signs visual character and mounting heights shall comply with the California Building 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 4000 MacArthur Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2015-002 (PA2015-013). 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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Brenda Wisneski, Zoning Administrator

By:



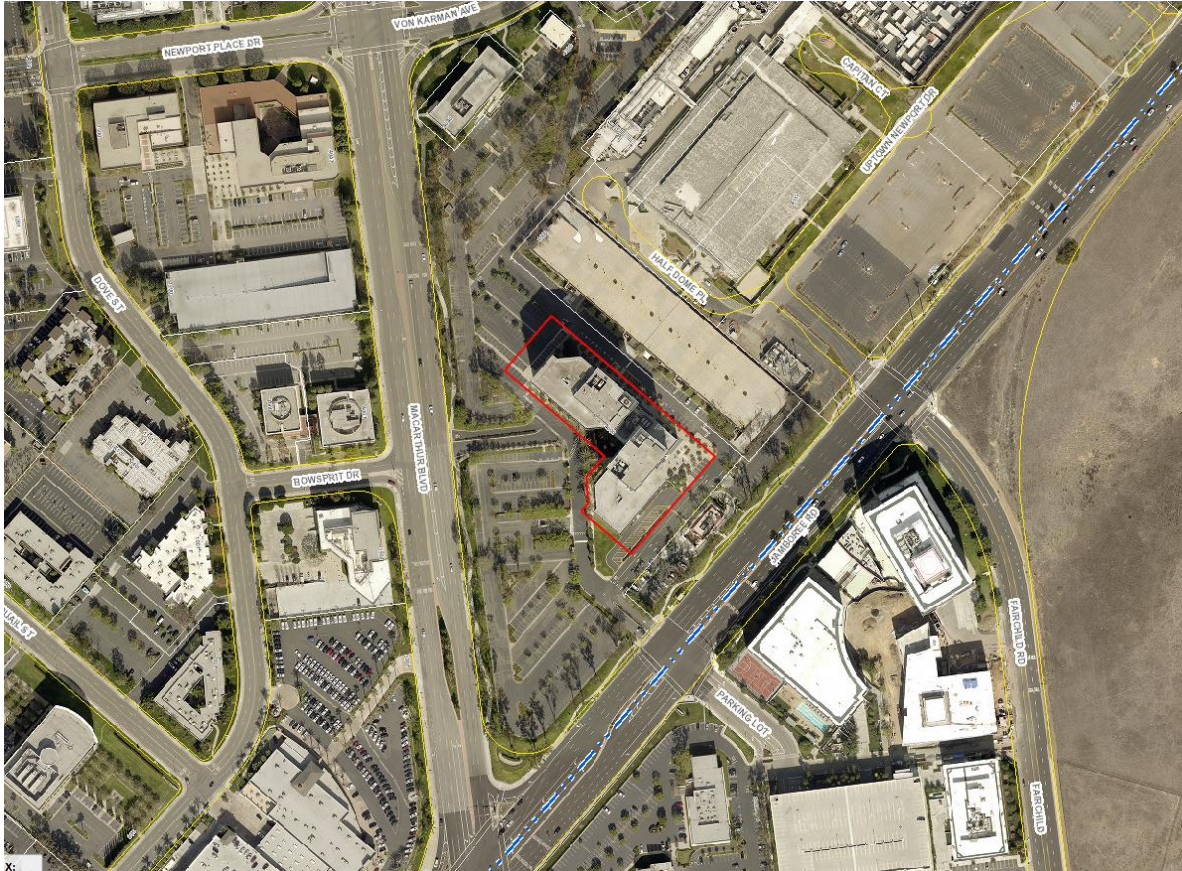
Makana Nova
Associate Planner

GR/mkn

Attachments: ZA 1 Vicinity Map
 ZA 2 Modification Permit No. MD2003-097 (PA2003-232)
 ZA 3 Sign Program Matrix Table
 ZA 4 Project Plans

Attachment No. CD
ZA 1
Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2015-002
(PA2015-013)

4000 MacArthur Boulevard

Attachment No. CD 2

Modification Permit No. MD2003-097
(PA2003-232)



CITY OF NEWPORT BEACH
COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3250

Application: ☐ Modification Permit No.: MD2003-097
☐ Accepted by: [Signature]

PA2003-232

PA2003-232 for MD2003-097
4000 MacArthur Boulevard
Conexant Systems, Inc.

PART I: Cover Page

Project Common Name (if applicable): _____

FEES: 1115.00
\$1065.00

APPLICANT (Print): <u>Conexant</u>	CONTACT PERSON (if different): <u>Dennis Stout</u>
Mailing Address: <u>4000 MacArthur Blvd.</u> <u>Newport Beach, CA 92660</u>	Mailing Address: <u>871 N. Maplewood St.</u> <u>Orange, CA 92867</u>
Phone: <u>(949) 483-4374</u> Fax <u>(949) 483-9068</u>	Phone: <u>(714) 744-2845</u> Fax <u>(714) 744-5123</u>
Property Owner (if different from above): <u>Same</u>	
Mailing Address: _____	
Phone: () Fax ()	

PROJECT ADDRESS: 4000 MacArthur Blvd.

Project Description and Justification (describe briefly) Install (1) internally
illuminated channel letter type wall sign to match
existing "Conexant" signs. The sign was removed from
the building when Mindspeed installed their signs on "Mount
Everest" building, leaving Conexant with no ID on the
South elevation -

PROPERTY OWNER'S AFFIDAVIT

(I) (We) CONEXANT SYSTEMS, INC. depose and say that (I am) (we are) the owner(s) of the property(ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s)

[Signature]
J.L. CISNEROS MANAGER, FACILITIES AND CORP. REAL ESTATE.

NOTE: An agent may sign for the owner if written authorization from the record owner is filed with the application.

DISPATCHED
4/4-
NO CHA

Work to be done: Install (1) illuminated wall sign to read: "CONEXANT"
to match existing.

Existing Nonconformities: Building has 1 wall sign

Proposed Nonconformities: Additional wall sign exceeds size and number
allowed in this zone.

Present Use: _____ Proposed Use: _____ Zone: _____

Code Requirement	Existing	Proposed
Front setback		
Right side setback		
Left side setback		
Rear setback		
Main building area		
Garage area		
Open space		
Parking spaces		
Building height		

Previous Modifications, Use Permits, Variances, etc.: _____

Legal Description of Property Involved (if too long, attach separate sheet)

P BK 181 PG. 13 PAR 1

DO NOT COMPLETE APPLICATION BELOW THIS LINE, FOR PLANNING DEPT. USE ONLY:

Indicate Previous Modification Permits, Use Permits, Variances, etc. _____

General Plan Designation PAID Zoning District: _____ Coastal Zone: YES or NO

CITY OF NEWPORT BEACH

Date Filed: OCT 07 2003 Fee Pd: 1115.00 Receipt No: PU 2-61520

Date Deemed Complete: _____ Hearing Date: _____

Posting Date: _____ Mailing Date: _____

Modifications Committee Action: 10-22-03 ☒ Approved, Subject to Conditions ☐ Denied (check one)
(Date)

Planning Director Action _____

Date _____ Appeal _____

P.C. Hearing 11-20-03 - denied P.C. Action _____

Date 11-20-03 - denied Appeal _____

C.C. Hearing 12-9-2003 - approved C.C. Action _____

CITY OF NEWPORT BEACH

APPLICATION TO APPEAL DECISION OF THE PLANNING COMMISSION

Application No. PA 2003-232 MOD PERMIT NO. 2003-097'03 NOV 24 12:00

Name of Appellant
or person filing: Jake Cisneros Phone: 919-483-4374

Address: 4000 MacArthur BL.

Date of Planning Commission decision: 11-20, 2003

Regarding application of: Conexant Systems, INC. for

(Description of application filed with Planning Commission) additional wall sign
for Conexant at 4000 MacArthur Blvd. WEST TOWER.

Reasons for Appeal: The Building consists of two ten story Towers with five facades
each. The addition of the proposed sign would NOT create a proliferation
of signage in that you would never see more than two signs on the building at
one time. The sign is necessary for proper ID for international customers approaching
from LAX and San Diego Airports.

Signature of Appellant J. Cisneros Date 11/24/03

Salvatore M. Harkless
CITY CLERK

FOR OFFICE USE ONLY

Date Appeal filed and Administrative Fee received: November 24, 2003.

Hearing Date. An appeal shall be scheduled for a hearing before the City Council within thirty (30) days of the filing of the appeal unless both applicant and appellant or reviewing body consent to a later date (NBMC Sec. 20.95.060)

cc: Appellant
Planning (Furnish one set of mailing labels for mailing)
File

APPEALS: Municipal Code Sec. 20.95.050(B)

Appeal Fee: \$455 pursuant to Resolution No. 2003-40 adopted on 8-12-03 (effective 8-13-03)

(Deposit funds with Cashier in Account #2700-5000)

reading on January 13, 2004.

Council Member Heffernan asked if there were other such observation decks in the City. Program Administrator Trimble stated that he wasn't aware of any such decks on commercial buildings.

The motion carried by the following roll call vote:

Ayes: Heffernan, Rosansky, Adams, Bromberg, Webb, Mayor
Ridgeway

Noes: None

Abstain: Nichols

Absent: None

Mayor Ridgeway opened the public hearing on the resolution.

Hearing no testimony, Mayor Ridgeway closed the public hearing on the resolution.

Motion by Council Member Bromberg to adopt Resolution No. 2003-75 amending the General Plan and Local Coastal Program.

The motion carried by the following roll call vote:

Ayes: Heffernan, Rosansky, Adams, Bromberg, Webb, Mayor
Ridgeway

Noes: Nichols

Abstain: None

Absent: None

29. **APPEAL OF THE PLANNING COMMISSION DENIAL OF MODIFICATION PERMIT NO. 2003-097 TO ALLOW A FIFTH WALL SIGN - 4000 MACARTHUR BOULEVARD (PA2003-232) (CONEXANT SYSTEMS, INC. - APPLICANT).**

Modification Permit
No. 2003-097/
Conexant Systems,
Inc.
(68)

Mayor Pro Tem Adams announced that he would be recusing himself from the item due to his ownership of Conexant Systems, Inc. and Mindspeed common stock.

Mayor Ridgeway announced that he would also be recusing himself from the item for the same reason.

Planning Director Temple stated that the building currently has four signs, two on each of the two towers. Conexant has requested to install a third sign on one of the towers. She stated that the Modifications Committee approved the application based on the fact that the building is unique. The Planning Commission reversed the decision of the Modifications Committee and denied the application. Planning Director Temple stated that the Planning Commission felt that four signs were sufficient and that any visibility issues could be addressed by relocation of the existing signs.

Council Member Webb asked if the restrictions for a 200-foot sign were

the same for a one-story building as for a ten-story building. Planning Director Temple confirmed that the height of the building does not affect the restriction.

Council Member Rosansky asked if there are other buildings in the City that have three signs. Planning Director Temple stated that she was not aware of any.

Council Member Bromberg opened the public hearing.

Dennis Stout, representing Federal Sign and Conexant, stressed the fact that the building is unique. He stated that there are ten fascias that could be used for sign locations. Mr. Stout stated that Conexant needs approach visibility, and pointed out that there are no angles from the main arterials where two signs can be seen at once.

Hearing no further testimony, Council Member Bromberg closed the public hearing.

Motion by Council Member Heffernan to reverse the decision of the Planning Commission and approve the request by adopting the findings contained in the Modifications Committee approval letter.

The motion carried by the following roll call vote:

Ayes: Heffernan, Rosansky, Bromberg, Webb, Nichols

Noes: None

Abstain: Adams, Mayor Ridgeway

Absent: None

**30. MARINE AVENUE BUSINESS IMPROVEMENT DISTRICT:
CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION
CONFIRMING THE LEVYING OF ASSESSMENTS FOR FISCAL
YEAR 2004.**

Res 2003-73
Marine Avenue BID
(27)

Mayor Ridgeway opened the public hearing.

Assistant City Manager Wood announced that no written protests have been received.

Hearing no testimony, Mayor Ridgeway closed the public hearing.

Motion by Council Member Bromberg to adopt Resolution No. 2003-73 confirming the Marine Avenue Business Improvement District Annual Report and levying the BID assessment for the 2004 calendar year.

The motion carried by the following roll call vote:

Ayes: Heffernan, Rosansky, Adams, Bromberg, Webb, Nichols,
Mayor Ridgeway

Noes: None

Abstain: None

**CITY OF NEWPORT BEACH
CITY COUNCIL STAFF REPORT**

FILE COPY

Agenda Item No. 29
December 9, 2003

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Gregg B. Ramirez, Associate Planner
(949) 644-3219, gramirez@city.newport-beach.ca.us

SUBJECT: Appeal of the Planning Commission denial of Modification Permit No. 2003-097
4000 MacArthur Boulevard
(PA2003-232)

APPLICANT: Conexant Systems Inc.

ISSUE:

Should the City Council approve Modification Permit No. 2003-232 to allow a fifth wall sign?

DISCUSSION:

Background:

On October 22, 2003, the Modifications Committee voted 3-0 to approve Modification Permit No. 2003-232. The applicant requested approval for the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area on the west tower of the Conexant/Mindspeed building located at 4000 MacArthur Boulevard. The Koll Center Planned Community District Regulations allow signs on two facades per building and limit each sign to 200 square feet in area. The Modifications Committee believed the number of signs proposed is acceptable as the building is actually made up of two multi-story towers connected only by a single story common area. The building is more akin to two separate buildings which would be permitted to have two wall signs each. Additionally, the Committee believed that the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size of the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage. This item was called for review to the Planning Commission by Commissioner Kiser.

On November 20, 2003 the Planning Commission reversed the decision of the Modifications Committee by a 4-3 vote and denied the request for the additional wall sign. The Commission felt the building has adequate signage and that the additional sign would be excessive.

The applicant believes the additional sign would not create a proliferation of signage and that the additional signage is necessary to ensure site identification for customers coming from the Los Angeles and San Diego International Airports via Highway 73.

Attached to this report are the Modification Permit approval letter, the Planning Commission staff report (which includes findings for denial) and a copy of the draft minutes from the November 20, 2003 Planning Commission hearing.

Environmental Review:

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).

Public Notice:

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the city website.

Alternatives:

The Council has the following options:

1. The Council can uphold the decision of the Planning Commission and deny the appeal.
2. The Council can reverse the decision of the Planning Commission and approve the request by adopting the findings contained in the attached Modifications Committee approval letter.

Prepared by:

Submitted by:


Gregg B. Ramirez, Associate Planner


Patricia L. Temple, Planning Director

Attachments:

- A. Planning Commission Staff Report
- B. Draft Minutes from Planning Commission Meeting of November 20, 2003
- C. Modifications Committee Approval Letter
- D. Appeal Application
- E. Project Plans

ATTACHMENT A

Planning Commission Staff Report

CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

Agenda Item No. 2
November 20, 2003

TO: PLANNING COMMISSION

FROM: Gregg B. Ramirez, Associate Planner
(949) 644-3219, gramirez@city.newport-beach.ca.us

SUBJECT: Call for review of the approval of Modification Permit No. 2003-097
Conexant Signage
4000 MacArthur Boulevard
(PA2003-232)

APPLICANT: Conexant Systems Inc.

FILE COPY

BACKGROUND:

On October 22, 2003, the Modifications Committee voted 3-0 to approve Modification Permit No. 2003-232. The applicant requested approval for the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area on the west tower of the Conexant/Mindspeed building located at 4000 MacArthur Boulevard. The Koll Center Planned Community District Regulations allows signs on two facades per building and limits each sign to 200 square feet in area. This item was called for review by Commissioner Kiser.

The existing signage was approved by Modification Permit No. 5036 on February 16, 2000 which allows a total of four wall signs (two on each tower) each of which exceeds the 200 square foot maximum size. The two Conexant signs measure 387 square feet each while the two Mindspeed signs measure approximately 226 square feet each.

The proposed fifth wall sign will be located on the west tower of the building (Conexant) and bring the signage total to three "Conexant" signs in addition to the two "Mindspeed" signs on the east tower. The Modifications Committee believed the number of signs proposed is acceptable as the building is actually made up of two multi-story towers connected only by a single story common area. The building is more akin to two separate buildings which would be permitted to have two wall signs each. Additionally, the Committee believed that the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size of the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage.

Environmental Review:

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).

Public Notice:

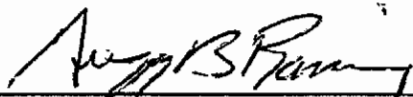
Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the city website.

RECOMMENDATION:

Staff recommends that the Planning Commission uphold and affirm the decision of the Modifications Committee. If the Commission believes the proposed fifth sign is excessive in size or not appropriate for this location, the Commission has the following options:

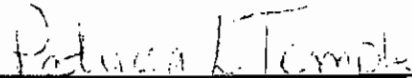
1. The commission can reverse the decision of the Modifications Committee and deny the request.
2. The Commission has the option of modifying the project by approving a smaller sign.

Prepared by:



Gregg B. Ramirez, Associate Planner

Submitted by:



Patricia L. Temple, Planning Director

Exhibits:

1. Approval letter for Modification Permit No. 2003-097
2. Findings for Denial
- 3.. Project Plans



CITY OF NEWPORT BEACH

MODIFICATION PERMIT NO. MD2003-097
(PA2003-232)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3229

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

October 22, 2003

Conexant Systems, Inc.
4000 MacArthur Boulevard
Newport Beach, CA 92660

Application No: Modification Permit No. MD2003-097
(PA2003-232)

Applicant: Conexant Systems, Inc.

**Address of
Property Involved:** 4000 MacArthur Boulevard

Legal Description: Parcel 1 of Parcel Map Book 114, Page 22

Approved as Requested:

Request approved to allow the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit walls signs to 200 square feet in area per sign, and to two facades per building. The request as approved will allow for a third wall sign that identifies Conexant as a major tenant as viewed by vehicles traveling northerly on Jamboree Road. The property is located in the PC (Koll Center Newport Planned Community) District.

The Modifications Committee, on October 22, 2003, voted 3 ayes and 0 noes to approve the application request based on the following findings and subject to the following conditions.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

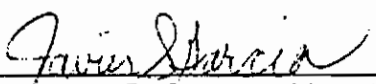
FINDINGS:

1. The Land Use Element of the General Plan designates the site for "Administrative, Professional and Financial Commercial" uses and the existing structure is consistent with this designation. The signage is accessory to the primary use.

4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees shall be provided and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement if required.
6. A building permit shall be obtained prior to commencement of the construction.
7. All work performed within the public right of way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. A filing fee of \$915.00 shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.

MODIFICATIONS COMMITTEE

By 
Javier S. Garcia, AICP, Senior Planner
Chairperson

JSG:mem

Attachments: Vicinity Map

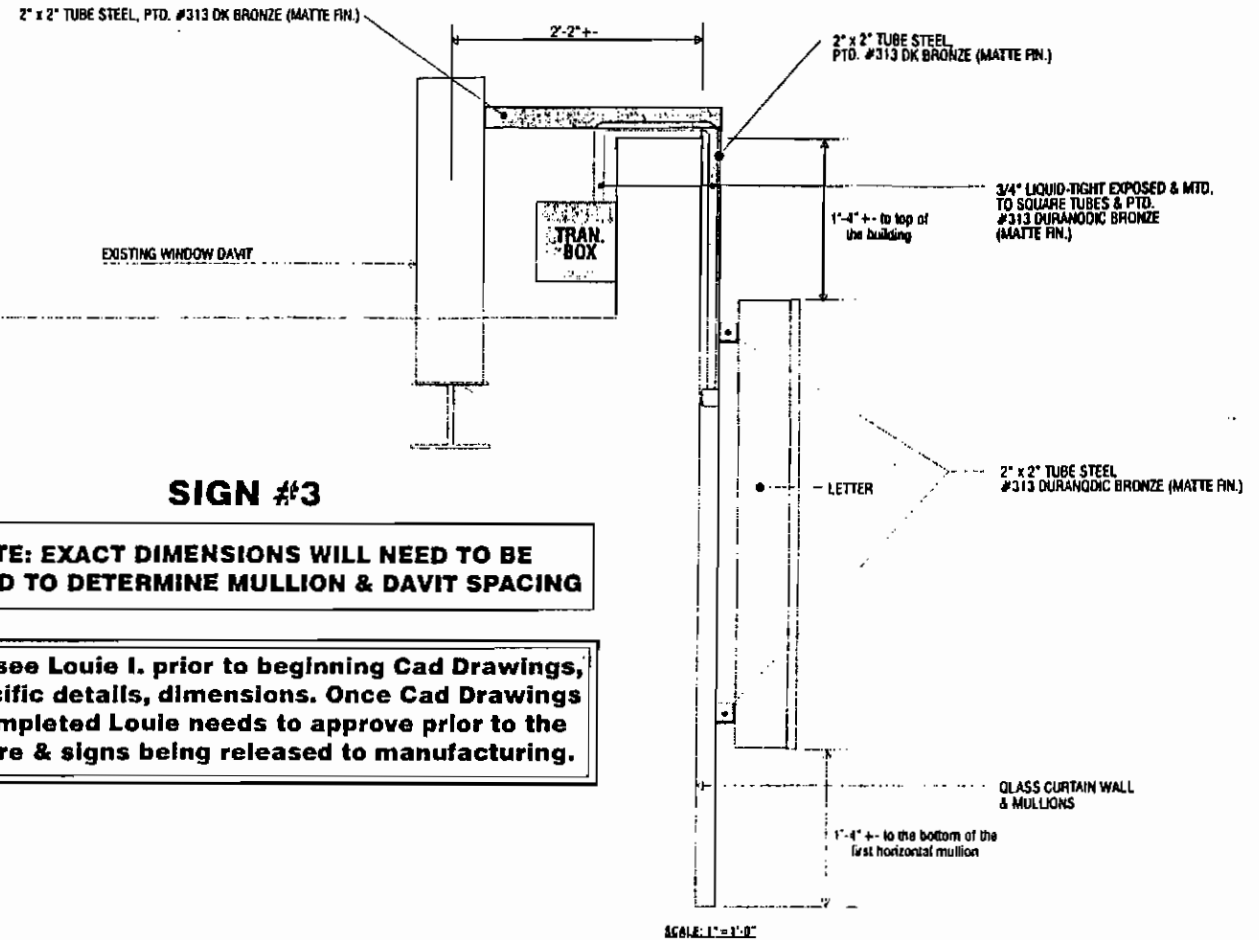
Appeared
in Opposition: None

Appeared
in Support: None

Findings for Denial
Modification Permit No. 2003-097
PA2003-232

The establishment, maintenance or operation of the proposed sign will, 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 for the following reasons:

1. The proposed sign is inconsistent with the legislative intent of the Koll Center Planned Community development regulations, which limits the number of wall signs to two per building with a maximum of size of 200 square feet each.
2. The existing signage as approved by the two previous Modification Permit approvals is adequate for the site and the proposed additional sign will be excessive.



SIGN #3

***NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING**

Please see Louie I. prior to beginning Cad Drawings, for specific details, dimensions. Once Cad Drawings are completed Louie needs to approve prior to the structure & signs being released to manufacturing.

SCALE: 1"=1'-0"

FEDERAL
HEATH
SIGN COMPANY

Mark Webb

2150 Boggs Rd., Suite 140
Duluth, GA 30096
770-478-1621

D. REEVES

3/2/03

REVISIONS

REVISIONS

NOTES

CONEXANT
4000 MacArthur Blvd.
Newport Beach, CA.

CUSTOMER APPROVAL
DATE
04 August, 2003
DWG NO.
2338887
SHEET 2 OF 3

JOB NO.
DATE
04 August, 2003
DWG NO.
2338887
SHEET 2 OF 3

ATTACHMENT B

Draft Minutes from Planning Commission
Meeting of November 20, 2003

HEARING ITEMS

SUBJECT: Conexant Sign, call for review (PA2003-232)
4000 MacArthur Boulevard

ITEM NO. 2
PA2003-232

Permit the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit walls signs to 200 square feet in area per sign, and to two facades per building.

Denied

Commissioner Kiser noted the following:

- Called this item up because there would be excessive signage allowed for this building.
- This building has been accommodated in a number of adequate ways: a modification for four signs instead of two, a modification for the 'Mindspeed' signs that were over the PC Plan Standard maximum of 200 square feet; and modifications have been given for the two existing Conexant signs, each of which are 387 square feet instead of the 200 square foot maximum that the regulations allow.
- Presently there is 1,226 square feet of signage on four elevations of the building (two towers) that is considerably more than the 400 or 800 square feet that are allowed whether you consider this one building or two towers.
- It would be 1,613 square feet with the south elevation having two signs if this Modifications Committee decision was upheld.
- This would go beyond what is attractive and would start to look 'junky'.
- If the decision were to be upheld, then to be fair and responsible in our decision making the same allowance should be made for the other buildings in the airport area. If you are going to allow signage on three sides of a building, imagine what the airport area would look like with signage on three sides. It is too much.
- The property owner or tenant will have to chose with the two sides requirement, which two sides would look the best.
- The sign that is proposed to go up is one that Conexant already has and is the sign that was removed from the other tower when they also occupied that.
- There has to be an end point to the amount of signage allowed and this is the time to say no.
- To allow modification of what is in a PC District Regulation on an ad hoc basis is carried through to many of these modifications that end up legislating the signage of the Code on an ad hoc basis that leads to poor planning and decision making.

- If we were to change these regulations and allow more signage and with significant amount of square footage, then we should do it by the way of a modification to the Sign Code and in this case a PC District regulations and not piece meal.
- For these reasons, I believe we should vote to reverse the decision of the Modifications Committee and not allow the additional sign.

Commissioner Tucker noted his support of the Modifications Committee. The staff report says that the committee believed the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size on the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage. I don't have the sense this was an erroneous decision. I don't have a problem with the decision.

Public hearing was opened.

Public hearing was closed.

Commissioner Eaton noted his support of Commissioner Kiser's comments. He suggested that he would advise the Conexant and Mindspeed to look at the placement of the existing signs and possibly re-distribute them. Two of them are not provided enough visibility and could get more if moved. I don't believe the applicant needs five signs.

Commissioner Selich noted his support of the Modifications Committee decision. The size of the property and size of the buildings, the Committee made some good statements in support of their decision.

Chairperson McDaniel noted his support of comments made by Commissioner Eaton. I am not sure the signs are placed well, as they are blocked by some of the trees. I support reversing the decision of the Modifications Committee.

Motion was made by Commissioner Kiser to reverse the decision of the Modifications Committee and deny the request if Modification Permit No. 2003-097 based on the findings for denial attached to the staff report.

Staff, at Commission inquiry, noted that if Conexant moved out of the building and another tenant moved in with different copy that was consistent with the size, they would have right to these sign locations.

Ayes:	Eaton, Toerge, McDaniel and Kiser
Noes:	Cole, Selich and Tucker
Absent:	None
Abstain:	None

SUBJECT: Mariposa Restaurant at Neiman-Marcus (PA2003-229)
601 Newport Center Drive

ITEM NO. 3
PA2003-229

Request for a Use Permit pursuant to the Alcoholic Beverage Outlet

Approved

ATTACHMENT C

Modifications Committee Approval Letter



CITY OF NEWPORT BEACH

MODIFICATION PERMIT NO. MD2003-097
(PA2003-232)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3229

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

October 22, 2003

Conexant Systems, Inc.
4000 MacArthur Boulevard
Newport Beach, CA 92660

Application No: **Modification Permit No. MD2003-097**
(PA2003-232)

Applicant: **Conexant Systems, Inc.**

Address of
Property Involved: **4000 MacArthur Boulevard**

Legal Description: **Parcel 1 of Parcel Map Book 114, Page 22**

Approved as Requested:

Request approved to allow the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit wall signs to 200 square feet in area per sign, and to two facades per building. The request as approved will allow for a third wall sign that identifies Conexant as a major tenant as viewed by vehicles traveling northerly on Jamboree Road. The property is located in the PC (Koll Center Newport Planned Community) District.

The Modifications Committee, on October 22, 2003, voted 3 ayes and 0 noes to approve the application request based on the following findings and subject to the following conditions.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

FINDINGS:

1. The Land Use Element of the General Plan designates the site for "Administrative, Professional and Financial Commercial" uses and the existing structure is consistent with this designation. The signage is accessory to the primary use.

2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).
3. The modification to the Koll Center Newport Planned Community development standards as proposed would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reasons:
 - The site is comprised of two towers and each tower has a separate primary tenant so the proposed sign is a reasonable design solution for irregularly located structures.
 - The Conexant tower has five facades. The proposed sign, along with the existing signage, will allow drivers coming from any direction to identify Conexant as a major tenant of the site.
4. The modification to the Koll Center Newport Planned Community development standards as proposed will not be detrimental to persons, property or improvements in the neighborhood or increase any detrimental effect of the existing use for the following reasons:
 - The size of the signage is consistent with the existing Conexant wall signs.
 - The size of the signage is appropriate to the scale of the building.
5. The proposed sign will not affect the flow of air or light to adjoining residential properties because there are no residential properties in the area.
6. The proposed sign will not obstruct public views from adjacent public roadways or parks because there are no public views through or across the subject property that are affected by the proposed project.


CONDITIONS:

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. The "Conexant" sign shall not exceed 387 square feet, as measured within a rectangle per the Koll Center Newport Planned Community development standards.
3. Anything not specifically approved by this Modification Permit is not permitted and must be addressed in a separate and subsequent Modification Permit review.

4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees shall be provided and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement if required.
6. A building permit shall be obtained prior to commencement of the construction.
7. All work performed within the public right of way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. A filing fee of \$915.00 shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.

MODIFICATIONS COMMITTEE

By 
Javier S. Garcia, AICP, Senior Planner
Chairperson

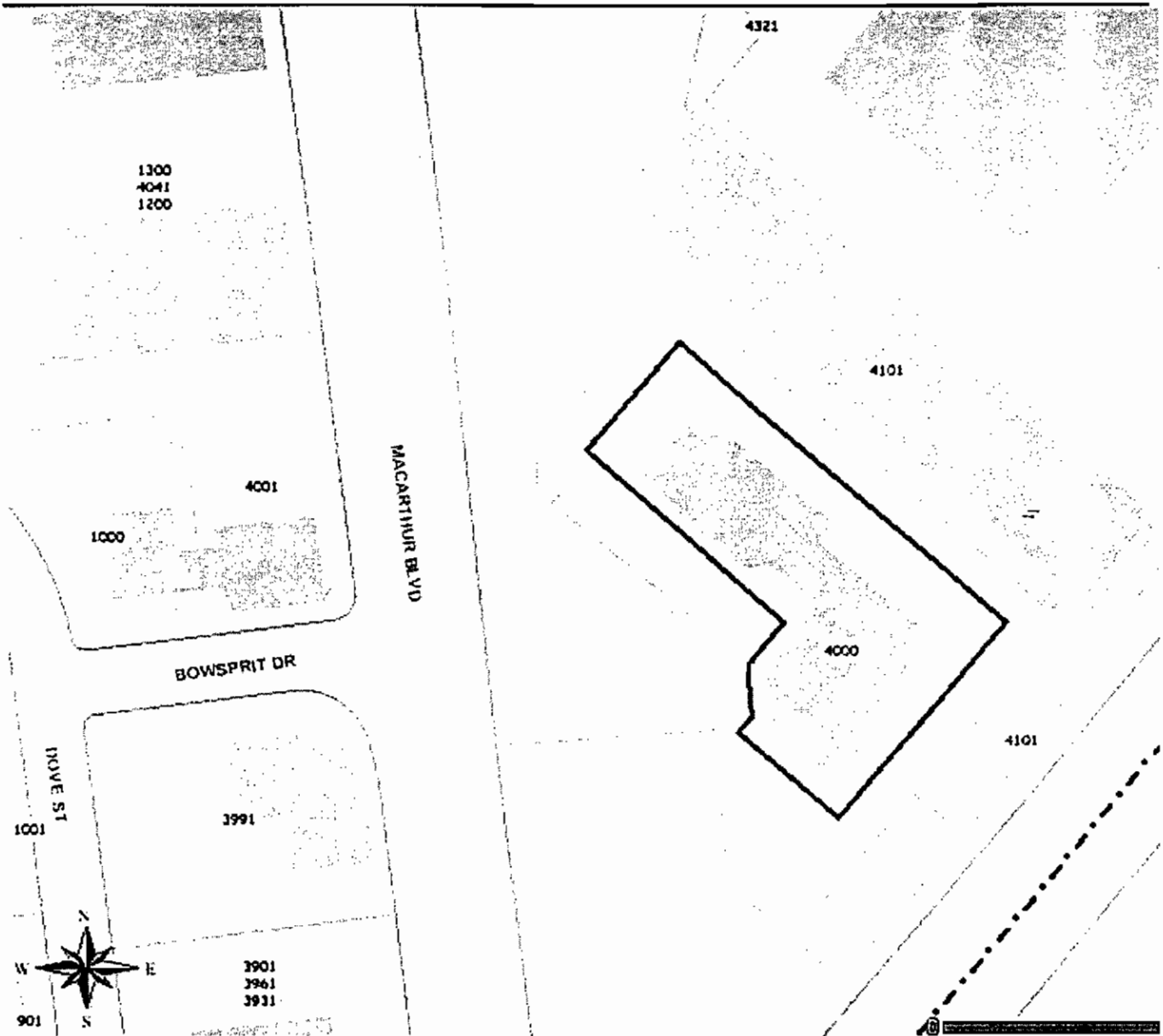
JSG:mem

Attachments: Vicinity Map

Appeared
in Opposition: None

Appeared
in Support: None

VICINITY MAP



Modification Permit No. MD2003-097
PA2003-232

4000 MacArthur Boulevard

ATTACHMENT D

Appeal Application

CITY OF NEWPORT BEACH

APPLICATION TO APPEAL DECISION OF THE PLANNING COMMISSION

RECEIVED

Application No. PA 2003-232 MOD PERMIT NO. 2003-09703 NOV 24 12:00

Name of Appellant or person filing: Jake Cisneros Phone: 919-483-4374

Address: 4000 MacArthur BL.

Date of Planning Commission decision: 11-20, 2003

Regarding application of: CONEXANT SYSTEMS, INC. for

(Description of application filed with Planning Commission) ☒ additional wall sign
for Conexant at 4000 MacArthur Blvd. WEST TOWER.

Reasons for Appeal: The Building consists of two ten story Towers with five facades each. The addition of the proposed sign would NOT create a proliferation of signage in that you would never see more than two signs on the building at one time. The sign is necessary for proper ID for international customers approaching from LAX and San Diego Airports.

Signature of Appellant J. Cisneros Date 11/24/03

Salvatore M. Harkless
CITY CLERK

FOR OFFICE USE ONLY

Date Appeal filed and Administrative Fee received: November 24, 2003.

Hearing Date. An appeal shall be scheduled for a hearing before the City Council within thirty (30) days of the filing of the appeal unless both applicant and appellant or reviewing body consent to a later date (NBMC Sec. 20.95.060)

cc: Appellant
Planning (Furnish one set of mailing labels for mailing)
File

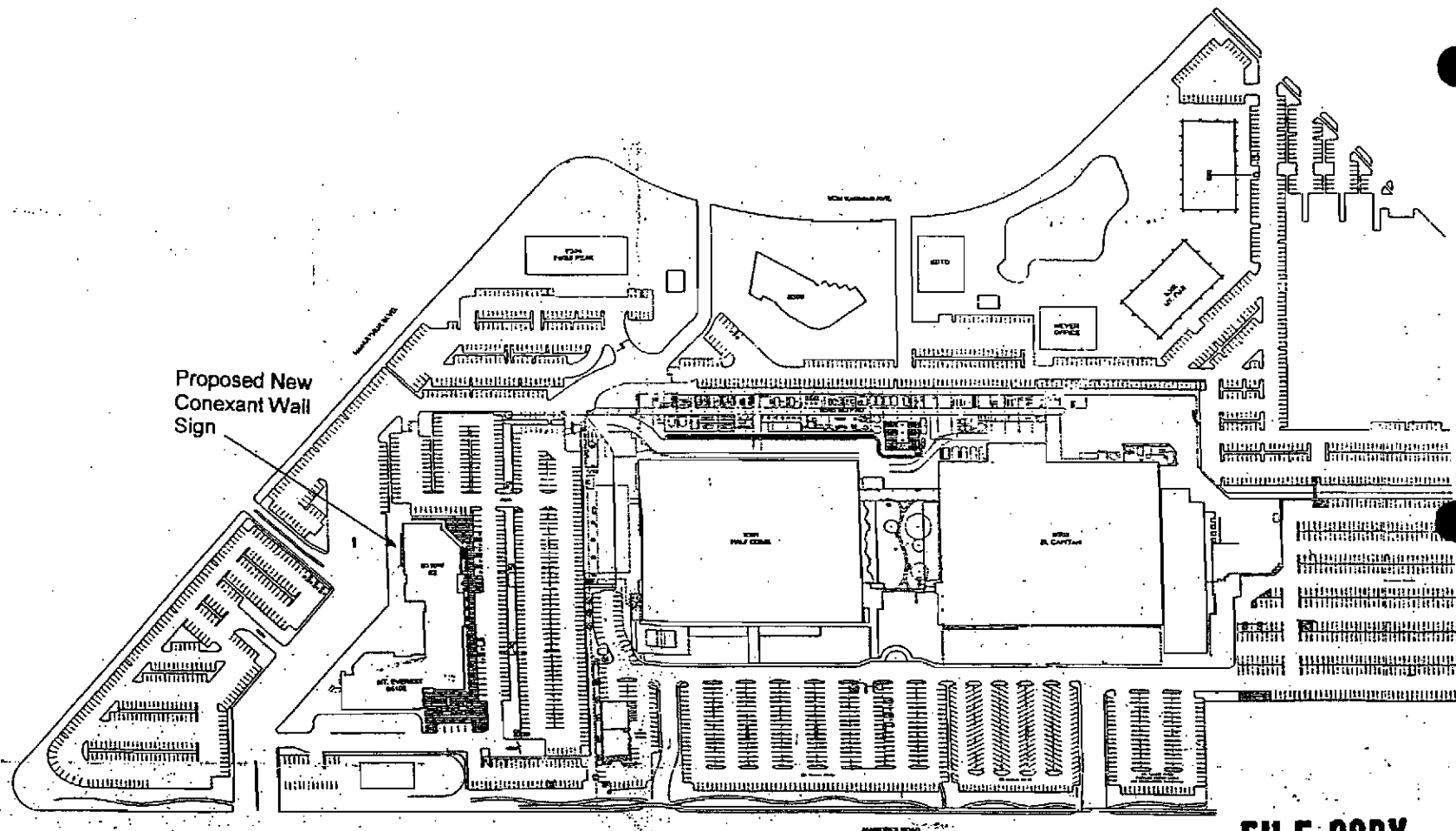
APPEALS: Municipal Code Sec. 20.95.050(B)

Appeal Fee: \$455 pursuant to Resolution No. 2003-40 adopted on 8-12-03 (effective 8-13-03)

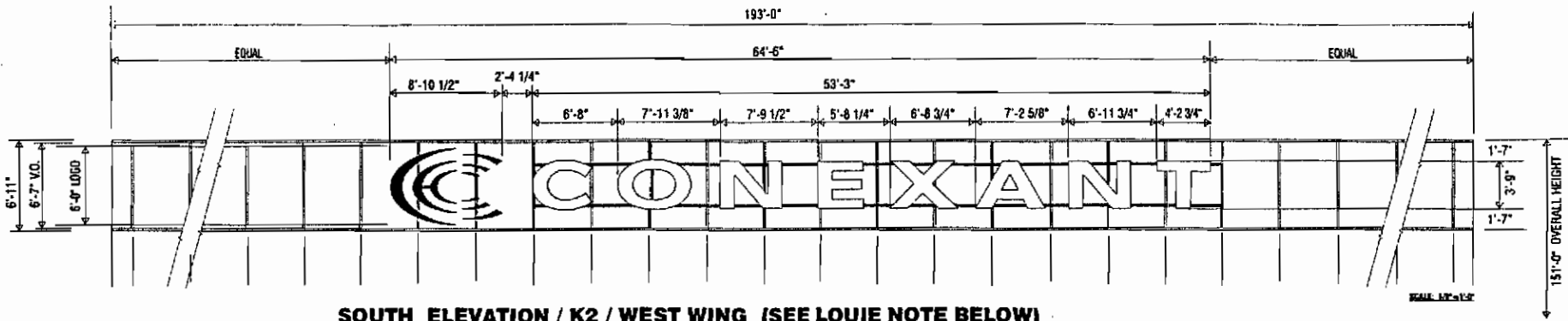
(Deposit funds with Cashier in Account #2700-5000)

ATTACHMENT E

Project Plans



FILE COPY



SIGN #3 NEW LOGO & LETTERSET

* MFG. & INSTALL ONE (1) SET OF INTER. ILLUM. PLEXIGLAS & LEXAN FACED CHANNEL LOGO & LETTERS *

LOGO RETURNS: FAB. FROM ALUM. & PAINTED. T/M THE MULLION COLOR ON THE BUILDING, (#313 DURANDIC BRONZE MATTE FINISH).

LOGO FACES: 3/16" THICK CLEAR LEXAN W/ 3M #3630-33 RED TRANSLUCENT APPLIED TO THE INTER. SURFACES.

RETAINERS: 1" RED TRIM CAP (CLOSELY MATCHES PMS #485 RED).

ILLUMINATION: BY 15 MM CLEAR RED NEON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).

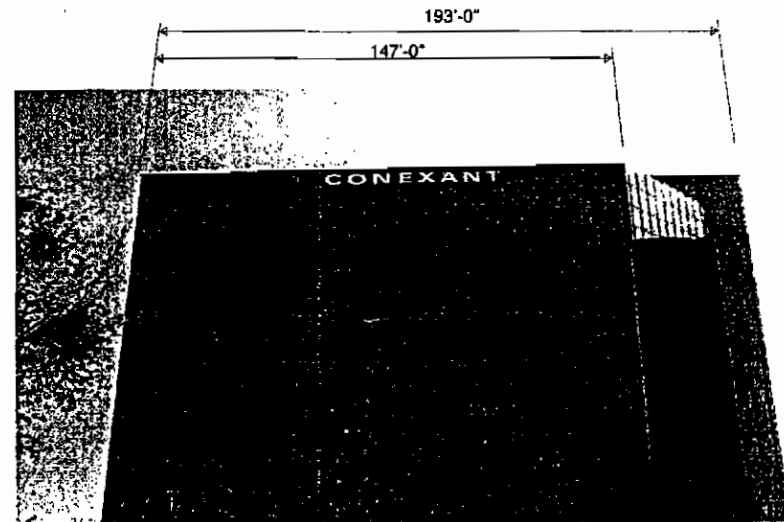
LETTER RETURNS: FAB. FROM ALUM. & PAINTED T/M THE MULLION COLOR ON THE BUILDING, (#313 DURANDIC BRONZE, MATTE FINISH).

LETTER FACES: 3/16" THICK #7328 WHITE PLEXIGLAS.

RETAINERS: 1" WHITE TRIM CAP.

ILLUMINATION: BY 15 MM #6500 BRIGHT WHITE ARGON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).

*NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & GAVIT SPACING.



SOUTH ELEVATION / K2 / WEST WING / Proposed Signage
HEIGHT OF THE BUILDING IS 151'-0"
OVERALL LENGTH OF THE SOUTH ELEVATION IS 193'-0"

**FEDERAL
HEATH**
SIGN COMPANY

Mark Webb
ACCOUNT REP.
Federal Sign
2150 Boggs Rd., Suite 140
Duluth, GA 30096
770-478-1621
D. REEVES
DRAWN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

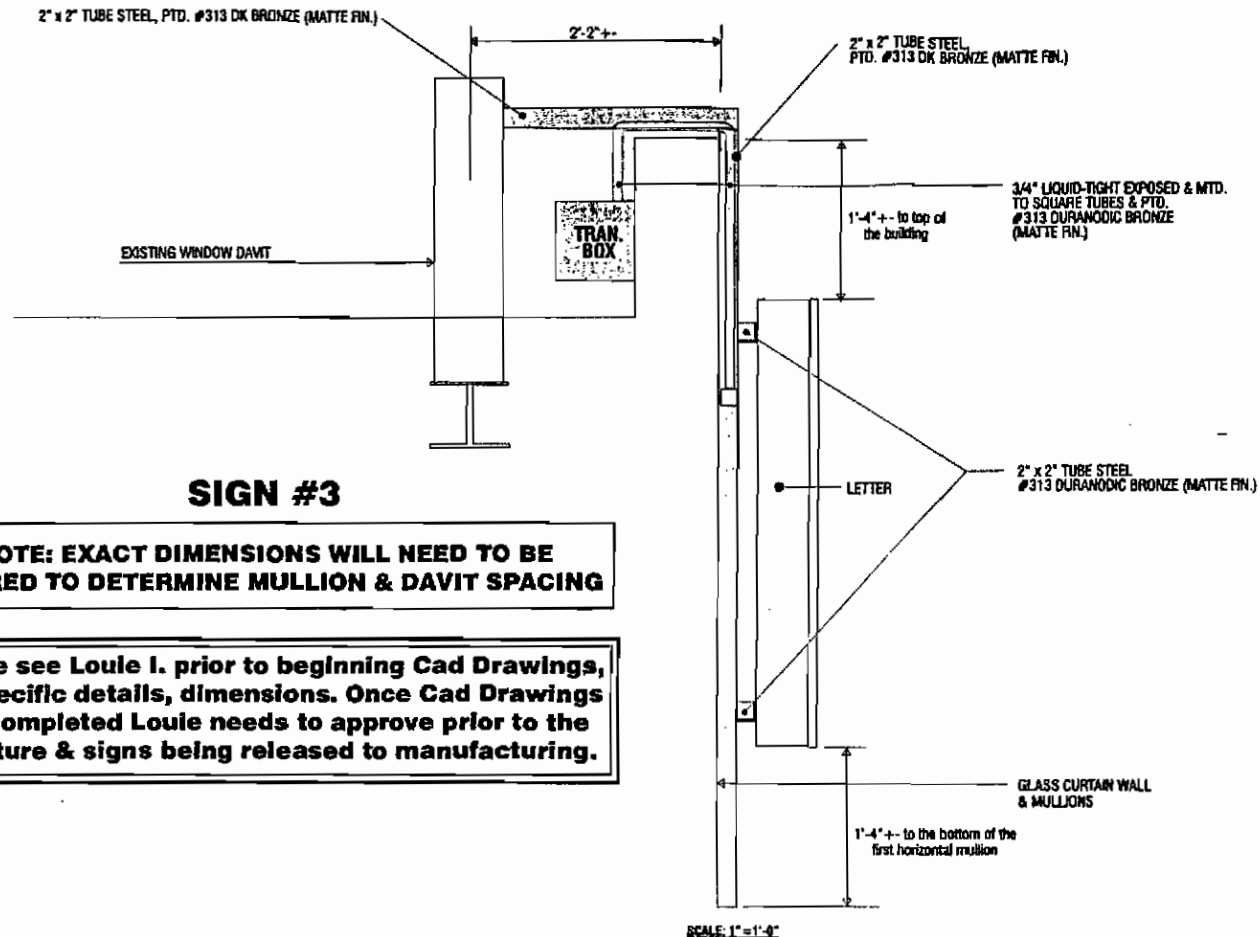
CONEXANT
4000 MacArthur Blvd.
Newport Beach, CA.

CUSTOMER APPROVAL

This is an original, unaltered drawing submitted in connection with a project. We are providing you. It is not to be copied, reproduced, sold, or used in any way outside your organization without the written permission of Federal Sign.

FILE NAME

JOB NO. _____
DATE: 04 August, 2003
DWG NO. 2338887
SHEET 1 OF 3



SIGN #3

***NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING**

Please see Louie I. prior to beginning Cad Drawings, for specific details, dimensions. Once Cad Drawings are completed Louie needs to approve prior to the structure & signs being released to manufacturing.

**FEDERAL
HEATH**
SIGN COMPANY

Mark Webb
ACCOUNT REP.
Federal Sign
2150 Boggs Rd., Suite 140
Duluth, GA 30096
770-476-1621

D. REEVES
DRAWN BY

SERIAL PROJECT MGR

REVISIONS

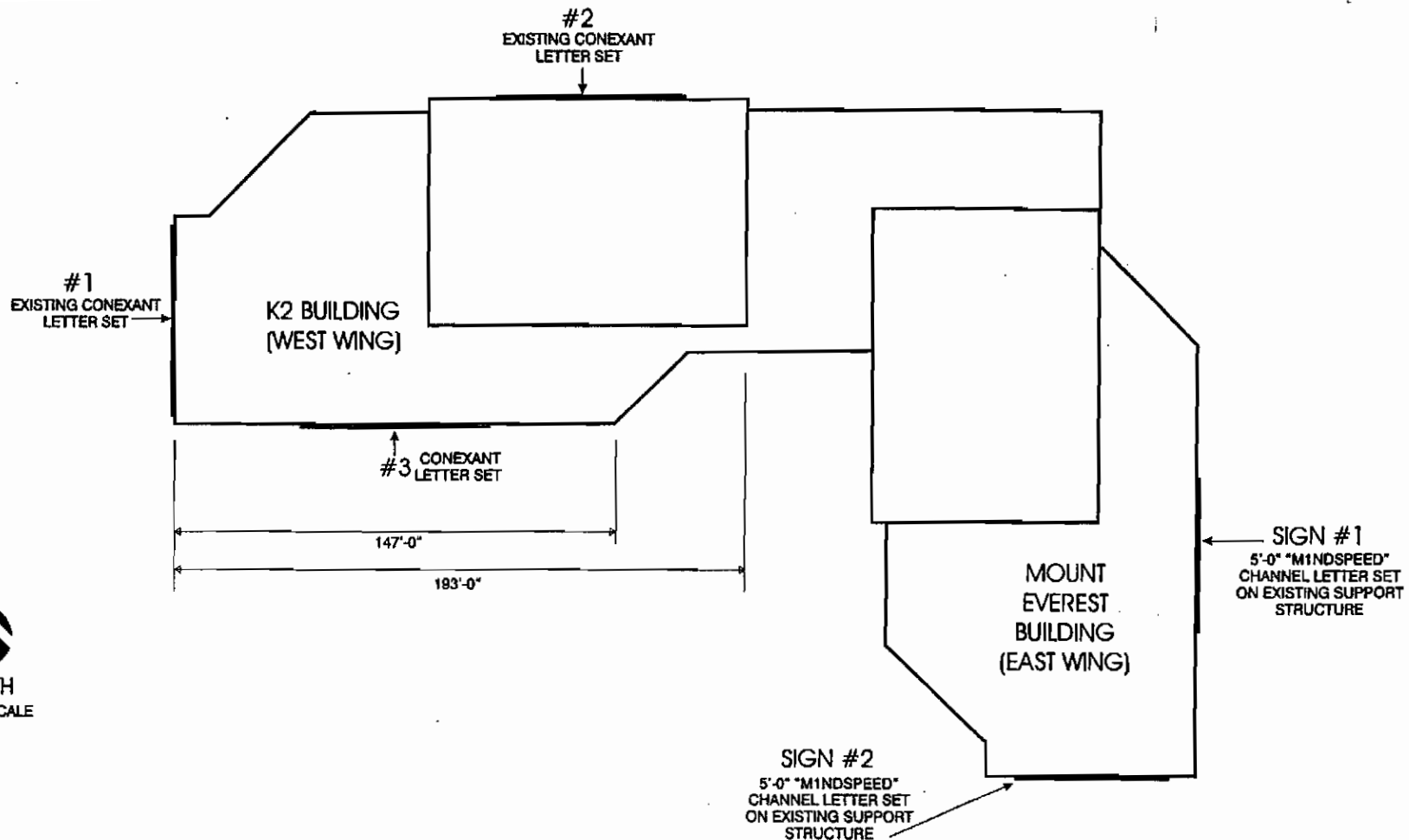
NOTES

CONEXANT
4000 MacArthur Blvd.
Newport Beach, CA.

CUSTOMER APPROVAL
This is an original, unaltered drawing intended to be used as a physical file. It is not to be copied, reproduced, exhibited or shown to anyone outside your organization without the written permission of Federal Sign.

FILE NAME

JOB NO.
DATE: 04 August, 2003
DWG NO. 233887
SHEET 2 OF 3



**FEDERAL
HEATH**
SIGN COMPANY

Mark Webb
ACCOUNT REP
Federal Sign
2150 Goggs Rd., Suite 140
Duluth, GA 30098
770-478-1021
D. REEVES
DESIGN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

CONEXANT
4000 MacArthur Blvd.
Newport Beach, CA.

CUSTOMER APPROVAL

This is an original, unaltered drawing submitted in
connection with a project and is property of the firm. It
is not to be copied, reproduced, altered or shown
to others without the written permission of Federal Sign.

FILE NAME

JOB NO.	
DATE:	04 August, 2003
DWG NO.	2338887
SHEET	3 of 3

HEARING ITEMS	
<p>SUBJECT: Conexant Sign, call for review (PA2003-232) 4000 MacArthur Boulevard</p> <p>Permit the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit walls signs to 200 square feet in area per sign, and to two facades per building.</p> <p>Commissioner Kiser noted the following:</p> <ul style="list-style-type: none"> • Called this item up because there would be excessive signage allowed for this building. • This building has been accommodated in a number of adequate ways: a modification for four signs instead of two, a modification for the 'Mindspeed' signs that were over the PC Plan Standard maximum of 200 square feet; and modifications have been given for the two existing Conexant signs, each of which are 387 square feet instead of the 200 square foot maximum that the regulations allow. • Presently there is 1,226 square feet of signage on four elevations of the building (two towers) that is considerably more than the 400 or 800 square feet that are allowed whether you consider this one building or two towers. • It would be 1,613 square feet with the south elevation having two signs if this Modifications Committee decision was upheld. • This would go beyond what is attractive and would start to look 'junky'. • If the decision were to be upheld, then to be fair and responsible in our decision making the same allowance should be made for the other buildings in the airport area. If you are going to allow signage on three sides of a building, imagine what the airport area would look like with signage on three sides. It is too much. • The property owner or tenant will have to chose with the two sides requirement, which two sides would look the best. • The sign that is proposed to go up is one that Conexant already has and is the sign that was removed from the other tower when they also occupied that. • There has to be an end point to the amount of signage allowed and this is the time to say no. • To allow modification of what is in a PC District Regulation on an ad hoc basis is carried through to many of these modifications that end up legislating the signage of the Code on an ad hoc basis that leads to poor planning and decision making. 	<p>ITEM NO. 2 PA2003-232</p> <p>Denied</p>

- If we were to change these regulations and allow more signage and with significant amount of square footage, then we should do it by the way of a modification to the Sign Code and in this case a PC District regulations and not piece meal.
- For these reasons, I believe we should vote to reverse the decision of the Modifications Committee and not allow the additional sign.

Commissioner Tucker noted his support of the Modifications Committee. The staff report says that the committee believed the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size on the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage. I don't have the sense this was an erroneous decision. I don't have a problem with the decision.

Public hearing was opened.

Public hearing was closed.

Commissioner Eaton noted his support of Commissioner Kiser's comments. He suggested that he would advise the Conexant and Mindspeed to look at the placement of the existing signs and possibly re-distribute them. Two of them are not provided enough visibility and could get more if moved. I don't believe the applicant needs five signs.

Commissioner Selich noted his support of the Modifications Committee decision. The size of the property and size of the buildings, the Committee made some good statements in support of their decision.

Chairperson McDaniel noted his support of comments made by Commissioner Eaton. I am not sure the signs are placed well, as they are blocked by some of the trees. I support reversing the decision of the Modifications Committee.

Motion was made by Commissioner Kiser to reverse the decision of the Modifications Committee and deny the request if Modification Permit No. 2003-097 based on the findings for denial attached to the staff report.

Staff, at Commission inquiry, noted that if Conexant moved out of the building and another tenant moved in with different copy that was consistent with the size, they would have right to these sign locations.

Ayes:	Eaton, Toerge, McDaniel and Kiser
Noes:	Cole, Selich and Tucker
Absent:	None
Abstain:	None

SUBJECT: **Mariposa Restaurant at Neiman-Marcus (PA2003-229)**
601 Newport Center Drive

ITEM NO. 3
PA2003-229

Request for a Use Permit pursuant to the Alcoholic Beverage Outlet

Approved

CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

Agenda Item No. 2
November 20, 2003

TO: PLANNING COMMISSION

FROM: Gregg B. Ramirez, Associate Planner
(949) 644-3219, gramirez@city.newport-beach.ca.us

SUBJECT: Call for review of the approval of Modification Permit No. 2003-097
Conexant Signage
4000 MacArthur Boulevard
(PA2003-232)

APPLICANT: Conexant Systems Inc.

FILE COPY

BACKGROUND:

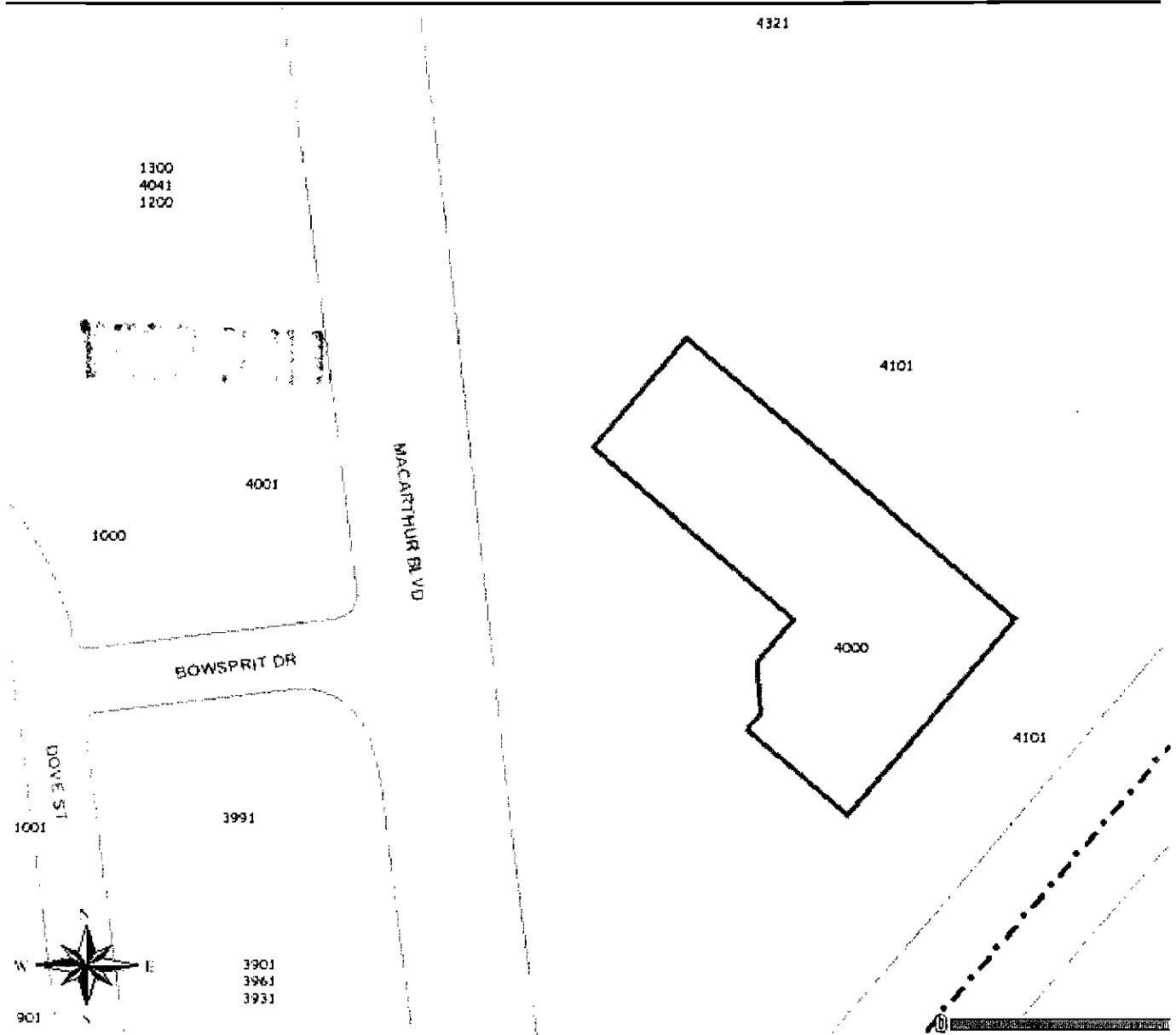
On October 22, 2003, the Modifications Committee voted 3-0 to approve Modification Permit No. 2003-232. The applicant requested approval for the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area on the west tower of the Conexant/Mindspeed building located at 4000 MacArthur Boulevard. The Koll Center Planned Community District Regulations allows signs on two facades per building and limits each sign to 200 square feet in area. This item was called for review by Commissioner Kiser.

The existing signage was approved by Modification Permit No. 5036 on February 16, 2000 which allows a total of four wall signs (two on each tower) each of which exceeds the 200 square foot maximum size. The two Conexant signs measure 387 square feet each while the two Mindspeed signs measure approximately 226 square feet each.

The proposed fifth wall sign will be located on the west tower of the building (Conexant) and bring the signage total to three "Conexant" signs in addition to the two "Mindspeed" signs on the east tower. The Modifications Committee believed the number of signs proposed is acceptable as the building is actually made up of two multi-story towers connected only by a single story common area. The building is more akin to two separate buildings which would be permitted to have two wall signs each. Additionally, the Committee believed that the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size of the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage.

VICINITY MAP

4000 MacArthur Boulevard



Modification Permit No. 2003-097 (PA2003-232)

Current Development:	Commercial
To the north:	Administrative, Professional and Financial Commercial
To the east:	Administrative, Professional and Financial Commercial
To the south:	Administrative, Professional and Financial Commercial
To the west:	Administrative, Professional and Financial Commercial

Environmental Review:

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).

Public Notice:


Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the city website.

RECOMMENDATION:

Staff recommends that the Planning Commission uphold and affirm the decision of the Modifications Committee. If the Commission believes the proposed fifth sign is excessive in size or not appropriate for this location, the Commission has the following options:

1. The commission can reverse the decision of the Modifications Committee and deny the request.
2. The Commission has the option of modifying the project by approving a smaller sign.

Prepared by:



Gregg B. Ramirez, Associate Planner

Submitted by:



Patricia L. Temple, Planning Director

Exhibits:

1. Approval letter for Modification Permit No. 2003-097
2. Findings for Denial
- 3.. Project Plans

EXHIBIT NO. 1

Approval letter for Modification Permit No. 2003-097



CITY OF NEWPORT BEACH

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3229

MODIFICATION PERMIT NO. MD2003-097
(PA2003-232)

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

October 22, 2003

Conexant Systems, Inc.
4000 MacArthur Boulevard
Newport Beach, CA 92660

Application No: **Modification Permit No. MD2003-097**
(PA2003-232)

Applicant: **Conexant Systems, Inc.**

Address of
Property Involved: **4000 MacArthur Boulevard**

Legal Description: **Parcel 1 of Parcel Map Book 114, Page 22**

Approved as Requested:

Request approved to allow the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit walls signs to 200 square feet in area per sign, and to two facades per building. The request as approved will allow for a third wall sign that identifies Conexant as a major tenant as viewed by vehicles traveling northerly on Jamboree Road. The property is located in the PC (Koll Center Newport Planned Community) District.

The Modifications Committee, on October 22, 2003, voted 3 ayes and 0 noes to approve the application request based on the following findings and subject to the following conditions.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

FINDINGS:

1. The Land Use Element of the General Plan designates the site for "Administrative, Professional and Financial Commercial" uses and the existing structure is consistent with this designation. The signage is accessory to the primary use.

2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).
3. The modification to the Koll Center Newport Planned Community development standards as proposed would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reasons:
 - The site is comprised of two towers and each tower has a separate primary tenant so the proposed sign is a reasonable design solution for irregularly located structures.
 - The Conexant tower has five facades. The proposed sign, along with the existing signage, will allow drivers coming from any direction to identify Conexant as a major tenant of the site.
4. The modification to the Koll Center Newport Planned Community development standards as proposed will not be detrimental to persons, property or improvements in the neighborhood or increase any detrimental effect of the existing use for the following reasons:
 - The size of the signage is consistent with the existing Conexant wall signs.
 - The size of the signage is appropriate to the scale of the building.
5. The proposed sign will not affect the flow of air or light to adjoining residential properties because there are no residential properties in the area.
6. The proposed sign will not obstruct public views from adjacent public roadways or parks because there are no public views through or across the subject property that are affected by the proposed project.


CONDITIONS:

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. The "Conexant" sign shall not exceed 387 square feet, as measured within a rectangle per the Koll Center Newport Planned Community development standards.
3. Anything not specifically approved by this Modification Permit is not permitted and must be addressed in a separate and subsequent Modification Permit review.

4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees shall be provided and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement if required.
6. A building permit shall be obtained prior to commencement of the construction.
7. All work performed within the public right of way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. A filing fee of \$915.00 shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.

MODIFICATIONS COMMITTEE

By 
Javier S. Garcia, AICP, Senior Planner
Chairperson

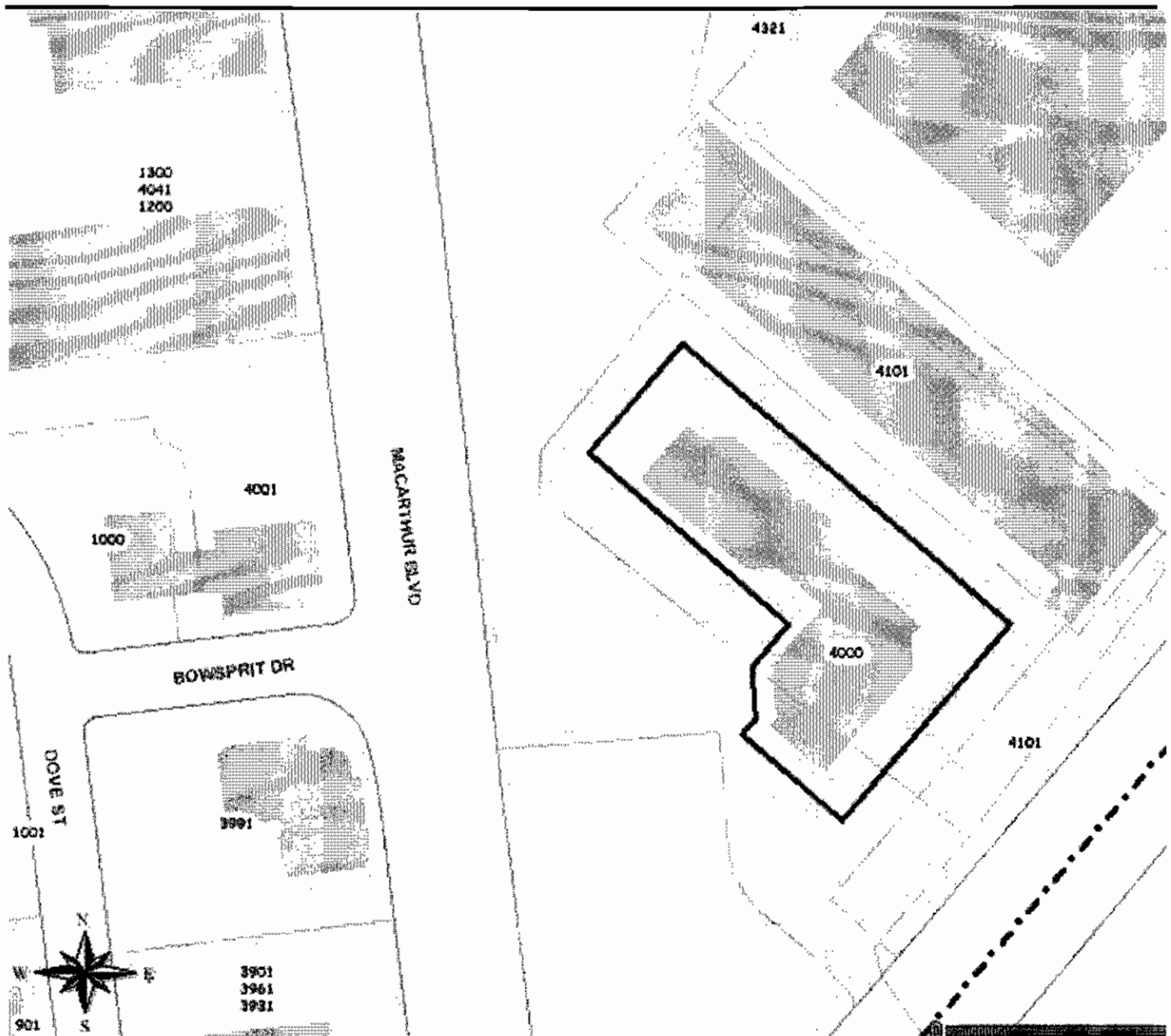
JSG:mem

Attachments: Vicinity Map

Appeared
in Opposition: None

Appeared
in Support: None

VICINITY MAP



Modification Permit No. MD2003-097
PA2003-232

4000 MacArthur Boulevard

AS APPROVED BY

☒ PLANNING DIRECTOR ON (date)

☐ As Submitted ☐ As Modified, refer to:

☐ MODIFICATIONS COMMITTEE ON (date)

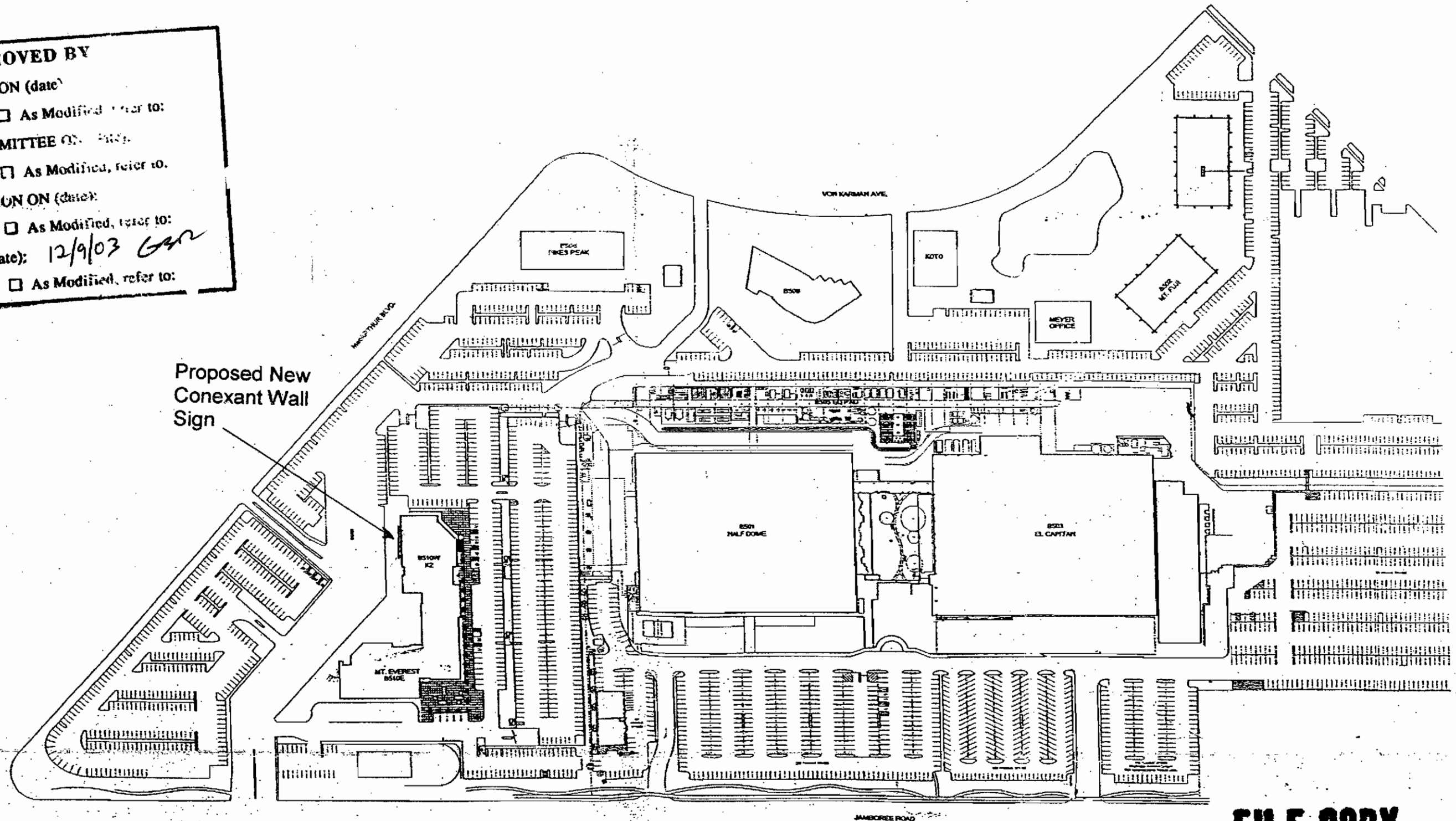
☐ As Submitted ☐ As Modified, refer to:

☐ PLANNING COMMISSION ON (date)

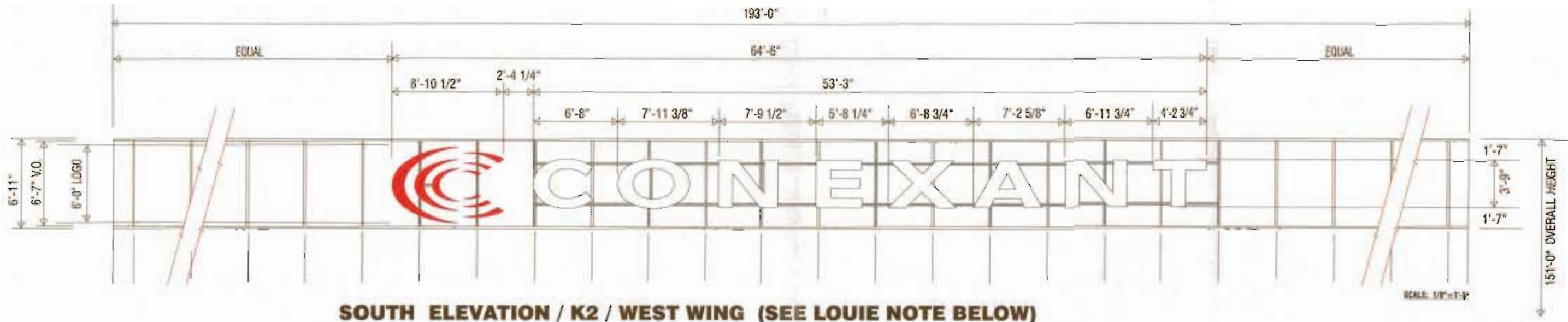
☐ As Submitted ☐ As Modified, refer to:

☒ CITY COUNCIL ON (date): 12/9/03 *GAN*

☒ As Submitted ☐ As Modified, refer to:



FILE COPY



SIGN #3 NEW LOGO & LETTERSET

- "MFG. & INSTALL ONE (1) SET OF INTER. ILLUM. PLEXIGLAS & LEXAN FACED CHANNEL LOGO & LETTERS."
- "LOGO RETURNS": FAB. FROM ALUM. & PAINTED T/M THE MULLION COLOR ON THE BUILDING, (#313 DURANODIC BRONZE MATTE FINISH).
- "LOGO FACES": 3/16" THICK CLEAR LEXAN W/ 3M #3630-33 RED TRANSLUCENT APPLIED TO THE INTER. SURFACES.
- "RETAINERS": 1" RED TRIM CAP (CLOSELY MATCHES PMS #485 RED).
- "ILLUMINATION": BY 15 MM CLEAR RED NEON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).
- "LETTER RETURNS": FAB. FROM ALUM. & PAINTED T/M THE MULLION COLOR ON THE BUILDING, (#313 DURANODIC BRONZE, MATTE FINISH).
- "LETTER FACES": 3/16" THICK #7328 WHITE PLEXIGLAS.
- "RETAINERS": 1" WHITE TRIM CAP.
- "ILLUMINATION": BY 15 MM #6500 BRIGHT WHITE ARGON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).

***NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING.**

AS APPROVED BY:

- ☐ PLANNING DIRECTOR ON (date):
- ☐ As Submitted ☐ As Modified, refer to:
- ☐ MODIFICATIONS COMMITTEE ON (date):
- ☐ As Submitted ☐ As Modified, refer to:
- ☐ PLANNING COMMISSION ON (date):
- ☐ As Submitted ☐ As Modified, refer to:
- ☒ CITY COUNCIL ON (date): 12/4/03
- ☒ As Submitted ☐ As Modified, refer to:



SOUTH ELEVATION / K2 / WEST WING / Proposed Signage
HEIGHT OF THE BUILDING IS 151'-0"
OVERALL LENGTH OF THE SOUTH ELEVATION IS 193'-0"

**FEDERAL
HEATH**
SIGN COMPANY

Mark Webb
ACCOUNT REP.
Federal Sign
2150 Boggs Rd., Suite 140
Duluth, GA 30096
770-476-1621

D. REEVES
DRAWN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

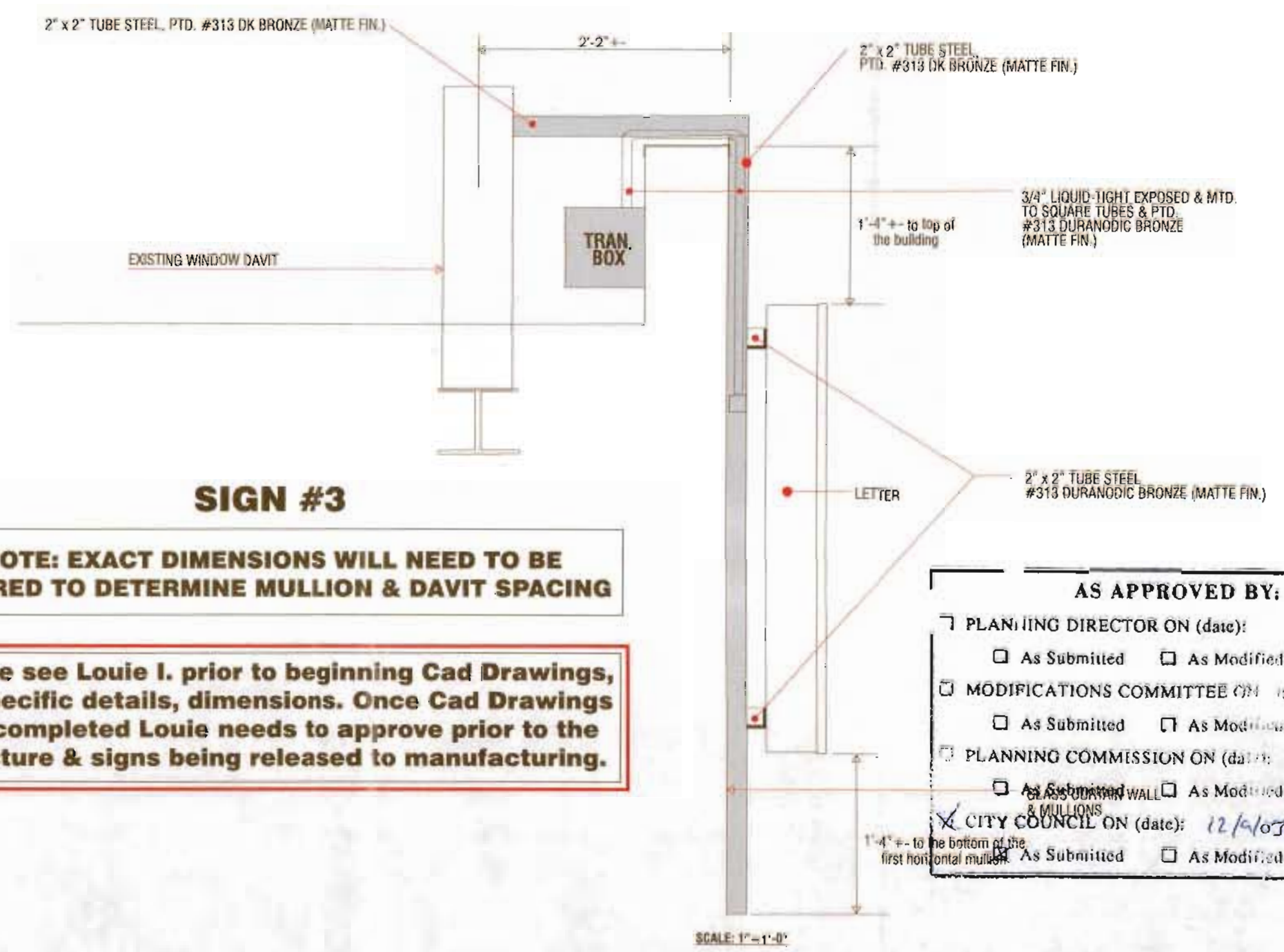
CONEXANT
4000 MacArthur Blvd.
Newport Beach, CA.

CUSTOMER APPROVAL

This is an original, unaltered drawing submitted in connection with a project we are planning for you. It is not to be copied, reproduced, exhibited or shown to anyone outside your organization without the written permission of Federal Sign.

FILE NAME

JOB NO.
DATE: 04 August, 2003
DWG NO. 2338887
SHEET 1 OF 3



***NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING**

Please see Louie I. prior to beginning Cad Drawings, for specific details, dimensions. Once Cad Drawings are completed Louie needs to approve prior to the structure & signs being released to manufacturing.

AS APPROVED BY:

☐ PLANNING DIRECTOR ON (date):

☐ As Submitted ☐ As Modified, refer to:

☐ MODIFICATIONS COMMITTEE ON (date):

☐ As Submitted ☐ As Modified, refer to:

☐ PLANNING COMMISSION ON (date):

☐ As Submitted ☐ As Modified, refer to:

☒ CITY COUNCIL ON (date): 12/4/03

☐ As Submitted ☐ As Modified, refer to:



Mark Webb
ACCOUNT REP.
Federal Sign
2150 Boggs Rd., Suite 140
Duluth, GA, 30096
770-476-1621
D. REEVES
DRAWN BY

SENIOR PROJECT MGR

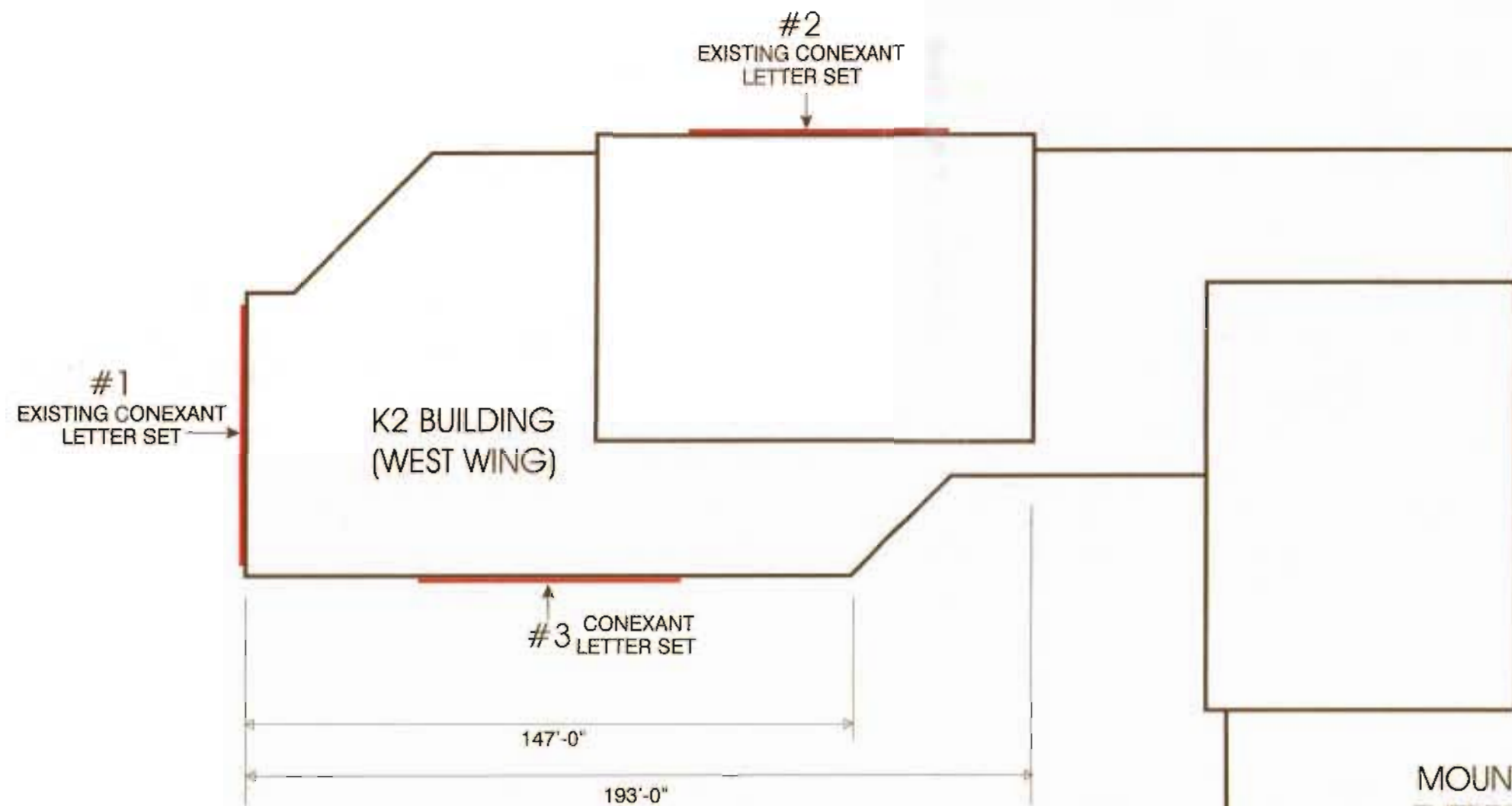
REVISIONS

NOTES

CONEXANT
4000 MacArthur Blvd.
Newport Beach, CA.

CUSTOMER APPROVAL
This is an original, unpublished drawing submitted in connection with a project we are planning for you. It is not to be copied, reproduced, exhibited or shown to anyone outside your organization without the written permission of Federal Sign.
FILE NAME

JOB NO.	
DATE	04 August, 2003
DWG NO.	2338887
SHEET	2 OF 3



AS APPROVED BY:

☐ PLANNING DIRECTOR ON (date):
☐ As Submitted ☐ As Modified, refer to:

☐ MODIFICATIONS COMMITTEE ON (date):
☐ As Submitted ☐ As Modified, refer to:

☐ PLANNING COMMISSION ON (date):
☐ As Submitted ☐ As Modified, refer to:

☒ CITY COUNCIL ON (date): 12/16/03
☒ As Submitted ☐ As Modified, refer to:



SIGN #1
5'-0" "M1NDSPEED"
CHANNEL LETTER SET
ON EXISTING SUPPORT
STRUCTURE

SIGN #2
5'-0" "M1NDSPEED"
CHANNEL LETTER SET
ON EXISTING SUPPORT
STRUCTURE



Mark Webb
ACCOUNT REP.
Federal Sign
2150 Boggs Rd., Suite 140
Duluth, GA 30096
770-476-1621
D. REEVES
DRAWN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

CONEXANT
4000 MacArthur Blvd.
Newport Beach, CA.

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FILE NAME

JOB NO.	
DATE	04 August, 2003
DWG NO.	2338887
SHEET	3 OF 3

Attachment No. CD 3

Sign Program Matrix

SIGN TYPE	DESCRIPTION	SIGN LOCATION	MAX. QUANTITY	MAX. SIGN AREA	MAX. LETTER HEIGHT	MAX. HEIGHT OF SIGN ABOVE GROUND	LOGOS ALLOWED ILLUMINATION PERMITTED	LINEAR FRONTAGE OF BUILDING
1	CHANNEL LETTER ADDRESS	WALL	1	42 SQ FT	2'	N/A	YES	36'
2.A	VINYL ADDRESS	WALL	1	80 SQ FT	3'	N/A	NO	58'
2.B	VINYL BUILDING ID	WALL	1	21 SQ FT	1'-6"	N/A	NO	58'
2.C	VINYL BUILDING ID	WALL	1	21 SQ FT	1'-6"	N/A	NO	58'
3.A	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	68'
3.C	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	73'
3.D	TENANT	WALL	1	387 SQ FT	5'	N/A	YES	148'
3.E	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	68'
3.F	TENANT	WALL	1	387 SQ FT	5'	N/A	YES	148'
4.A	TENANT VINYL ID	WALL	1	36 SQ FT	2'	N/A	NO	58'

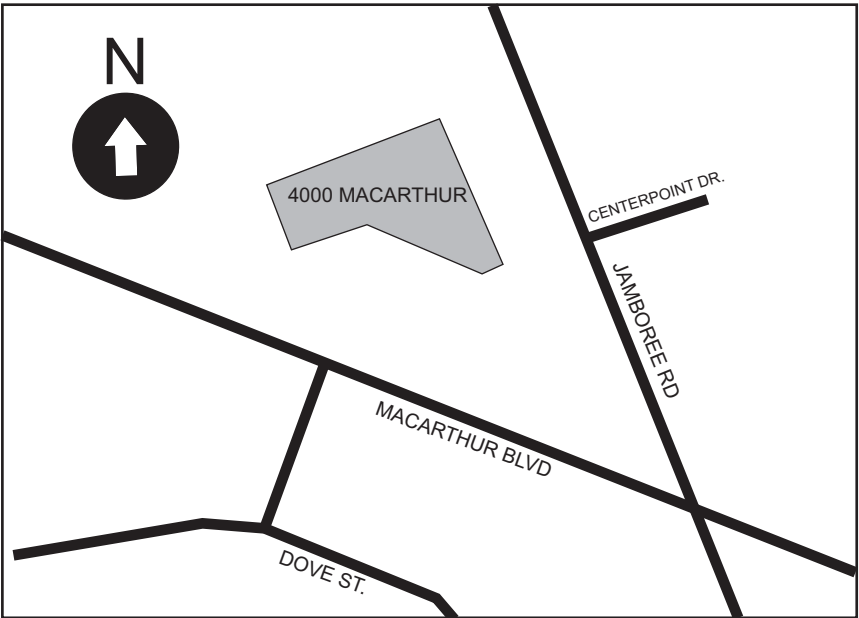
Compliance Required:

- Temporary Banner Signs shall comply with the Chapter 20.42 of the Zoning Code.
- All signs shall substantially conform to the stamped and dated approved set of plans.
- Pursuant to section 20.42.120.F of the Zoning Code, the Planning Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected.
- All additional exempt signs shall comply with the standards prescribed in the Zoning Code.

Attachment No. CD 4

Project Plans





ADDRESS:

PLANNING AREA:
BUILDING STORIES:

PROPERTY OWNER:
EOMACARTHUR
420 LEXINGTON AVE. STE 900
NEW YORK, NY 10170

PROGRAM DESIGNER
STANCO SIGNAGE
1401 E. ST. ANDREW PL
SANTA ANA, CA 92705
(714) 549-9303
(714) 549-9360 FAX

4000 MacArthur
Newport Beach

DESIGNER: TYLER CURTIS
DATE: 11/24/14
VERSION: 1.1

SIGN TYPE	DESCRIPTION	SIGN LOCATION	MAX. QUANTITY	MAX. SIGN AREA	MAX. LETTER HEIGHT	MAX. HEIGHT OF SIGN ABOVE GROUND	LOGOS ALLOWED ILLUMINATION PERMITTED	LINEAR FRONTAGE OF BUILDING
1	CHANNEL LETTER ADDRESS	WALL	1	42 SQ FT	2'	N/A	YES	36'
2.A	VINYL ADDRESS	WALL	1	80 SQ FT	3'	N/A	NO	58'
2.B	VINYL BUILDING ID	WALL	1	21 SQ FT	1'-6"	N/A	NO	58'
2.C	VINYL BUILDING ID	WALL	1	21 SQ FT	1'-6"	N/A	NO	58'
3.A	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	68'
3.C	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	73'
3.D	TENANT	WALL	1	387 SQ FT	5'	N/A	YES	148'
3.E	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	68'
3.F	TENANT	WALL	1	387 SQ FT	5'	N/A	YES	148'
4.A	TENANT VINYL ID	WALL	1	36 SQ FT	2'	N/A	NO	58'

Compliance Required:

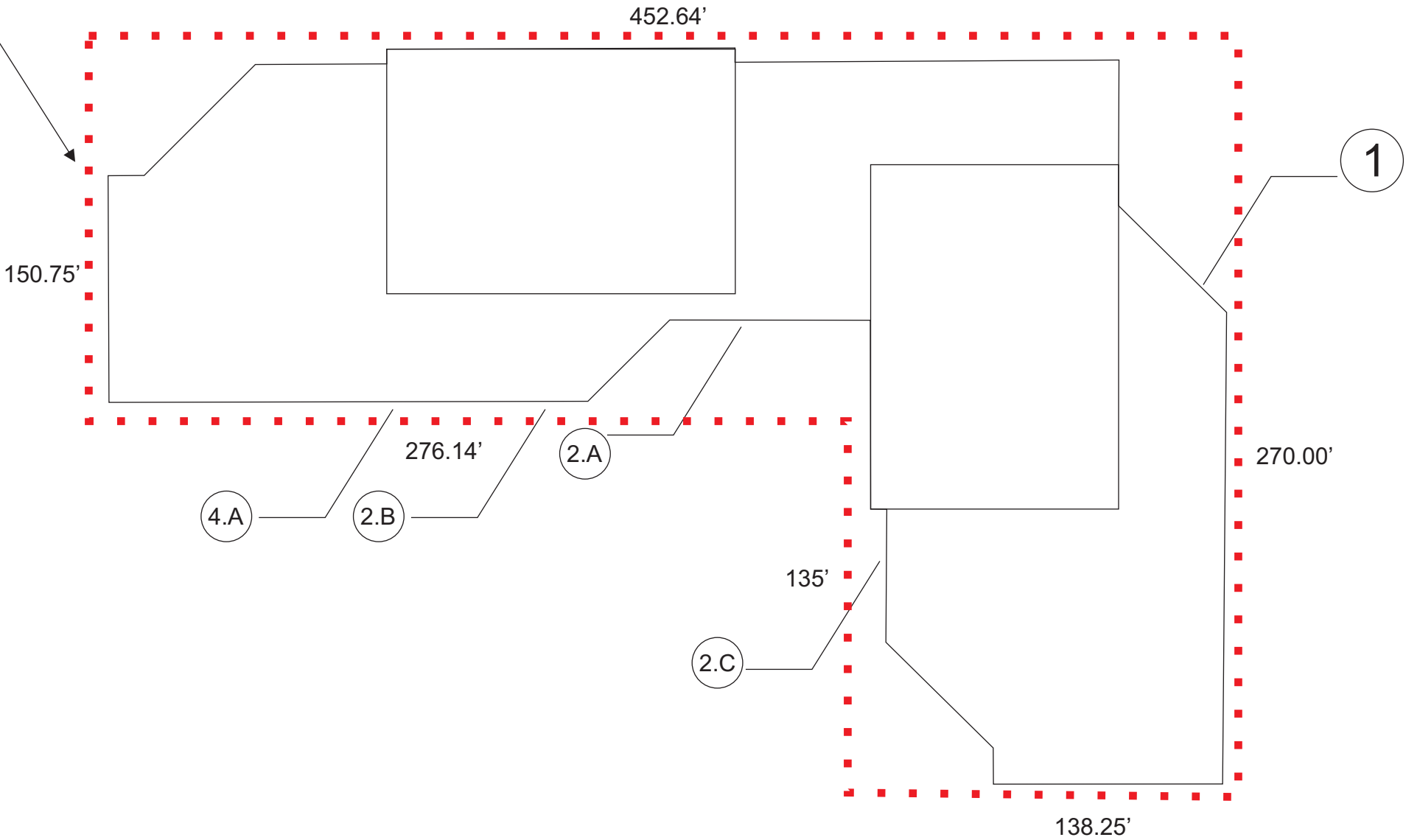
- Temporary Banner Signs shall comply with the Chapter 20.42 of the Zoning Code.
- All signs shall substantially conform to the stamped and dated approved set of plans.
- Pursuant to section 20.42.120.F of the Zoning Code, the Planning Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected.
- All additional exempt signs shall comply with the standards prescribed in the Zoning Code.

SIGN TYPE - Building Identification Signage

NOTES



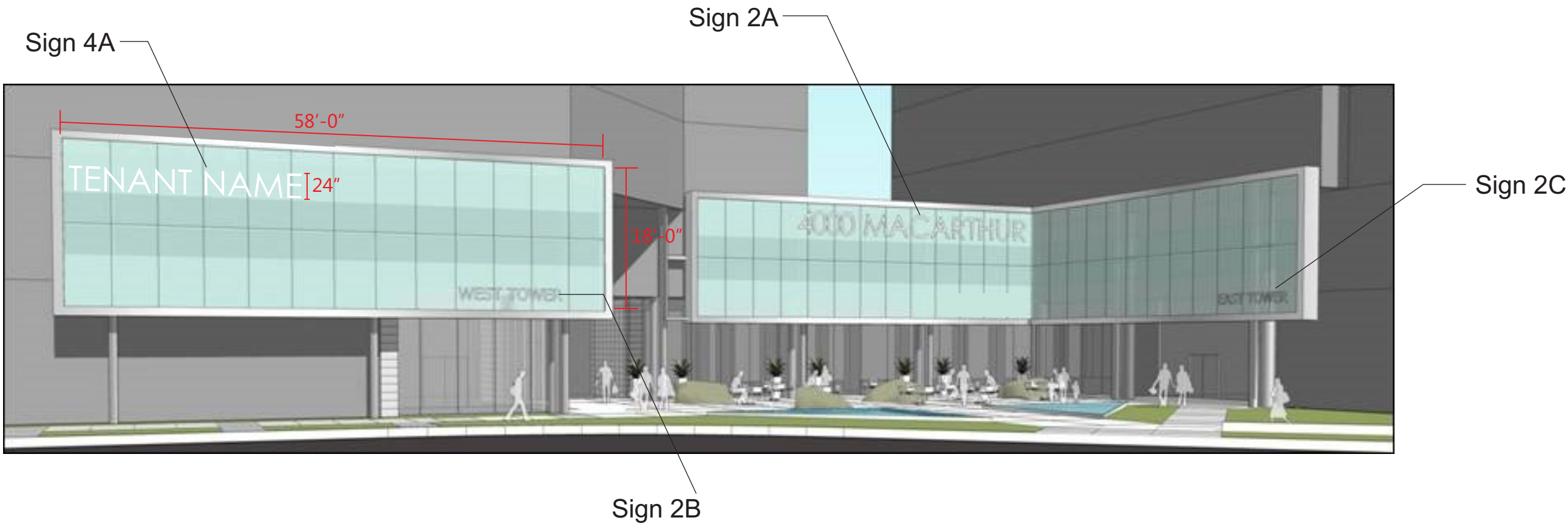
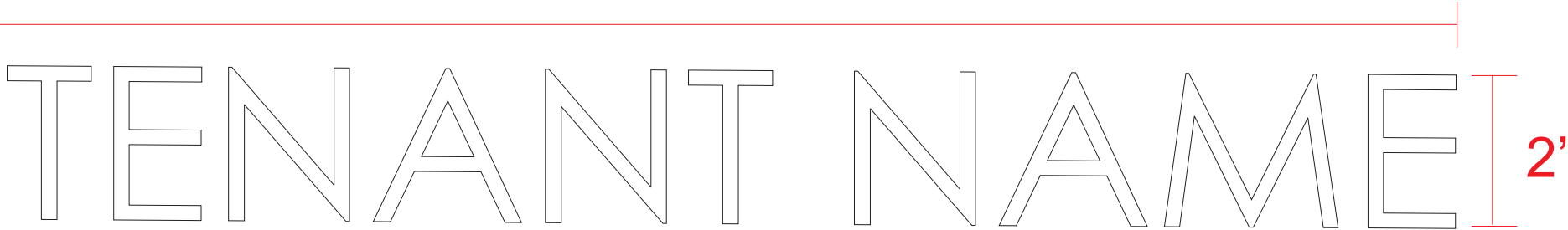
- LINEAR LENGTH OF BUILDING FRONTAGE
- PROPERTY LINES & MEASUREMENTS



SIGN TYPE 4 SPECIFICATIONS

NOTES

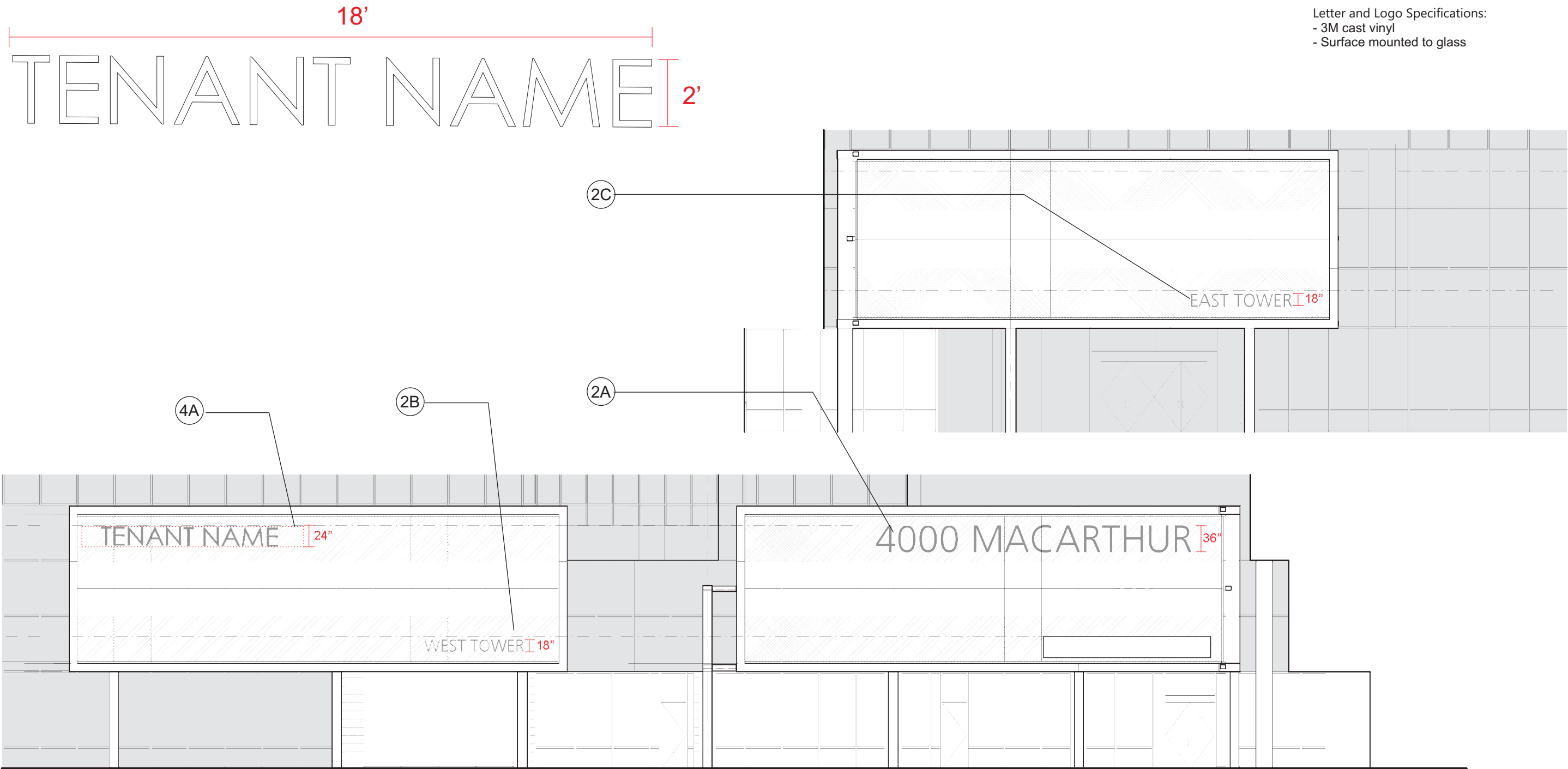
- Letter and Logo Specifications:
- 3M cast vinyl
 - Surface mounted to glass
 - Maximum Tenant SqFt of space 36 Sq Ft
 - This location will be the only authorized tenant location allowed by property management company.
 - All designs will be approved by property management prior to approval of the city and installation.



SIGN TYPE 4.A SPECIFICATIONS

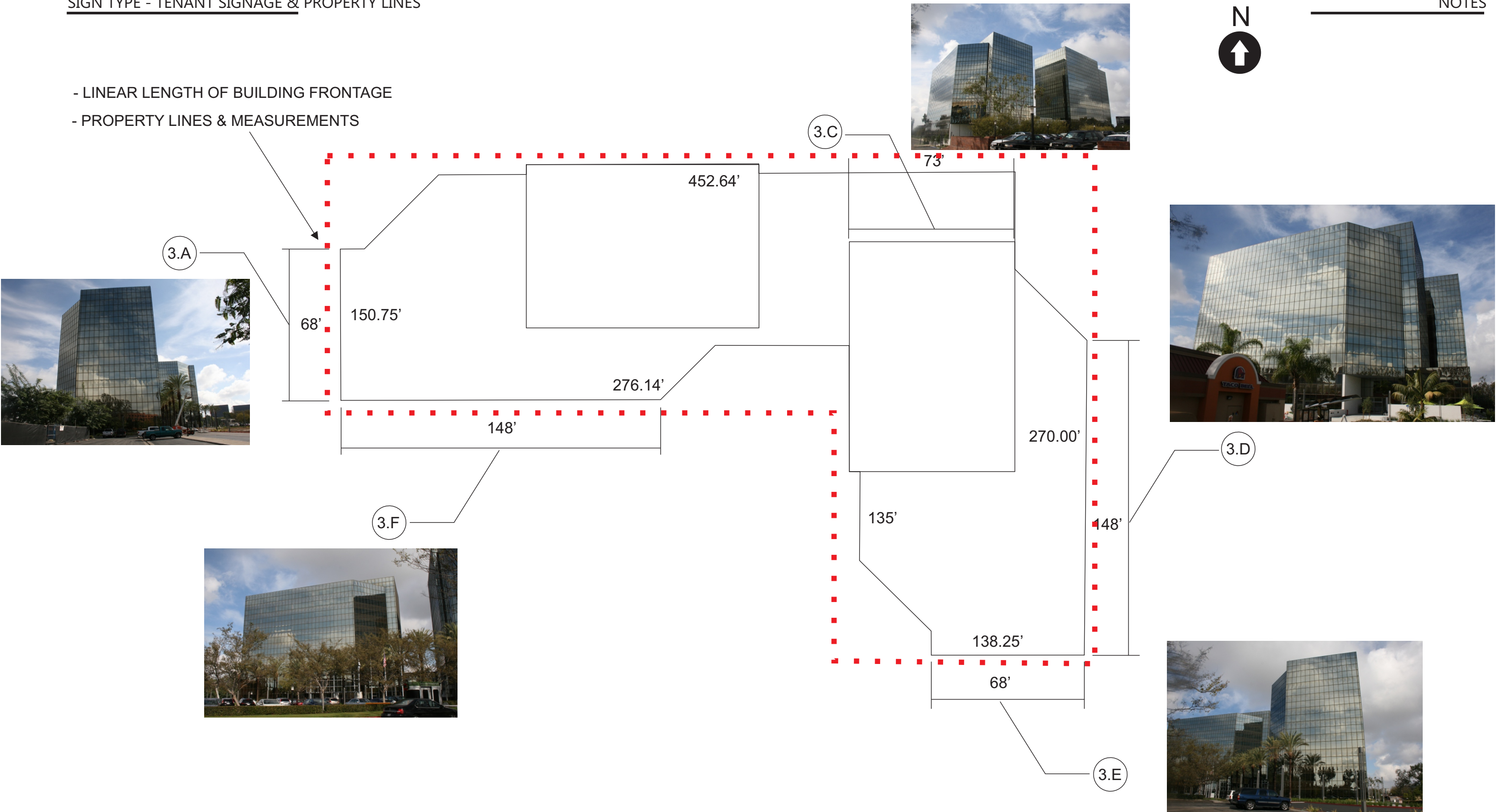
NOTES

Letter and Logo Specifications:
- 3M cast vinyl
- Surface mounted to glass



SIGN TYPE - TENANT SIGNAGE & PROPERTY LINES

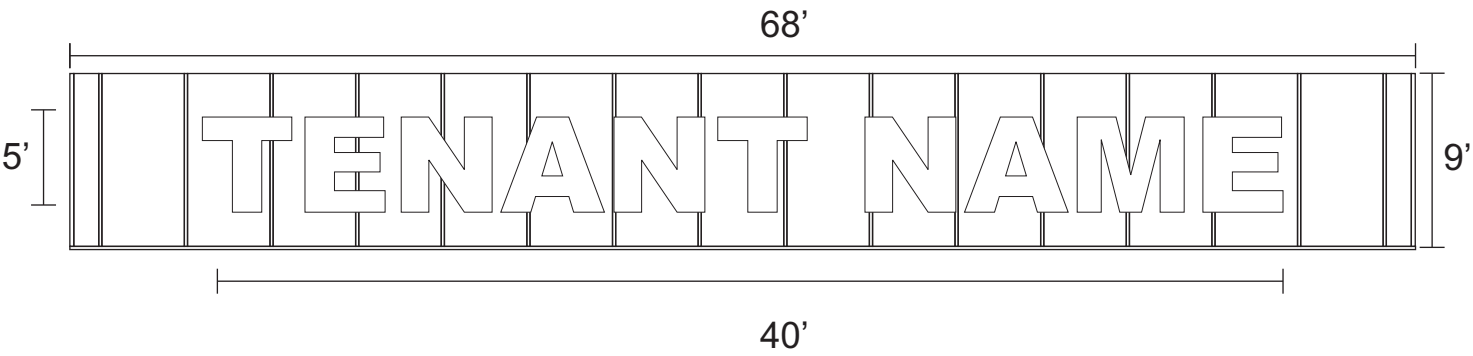
NOTES



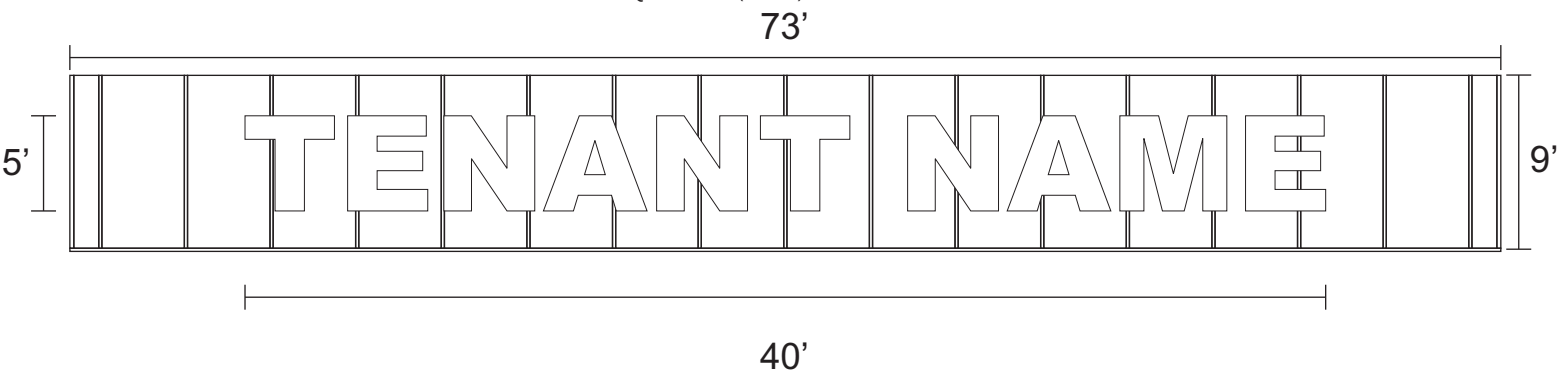
SIGN TYPE - TENANT SIGNAGE

NOTES

LOCATION: 3.A
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



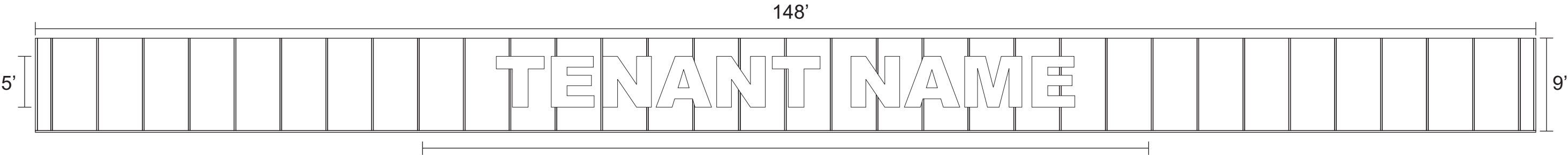
LOCATION: 3.C
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



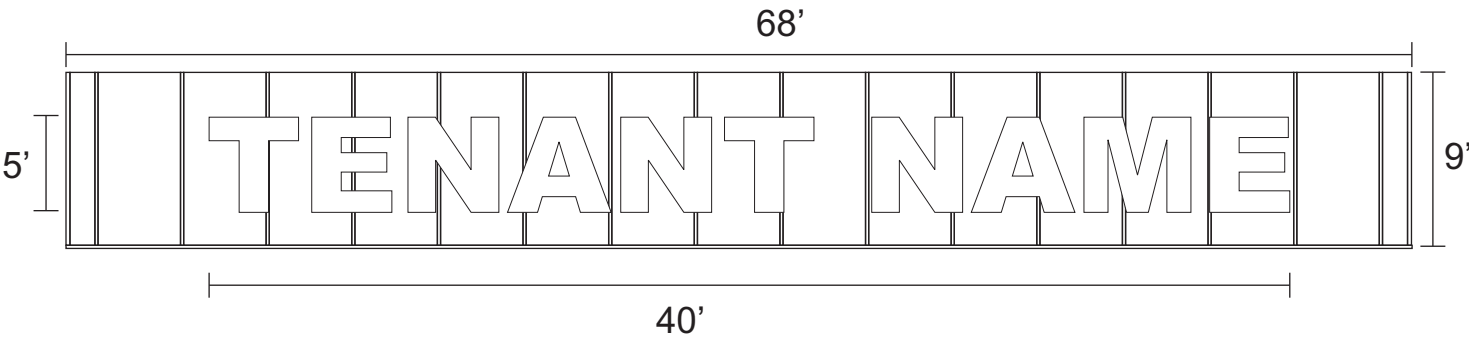
SIGN TYPE - TENANT SIGNAGE

NOTES

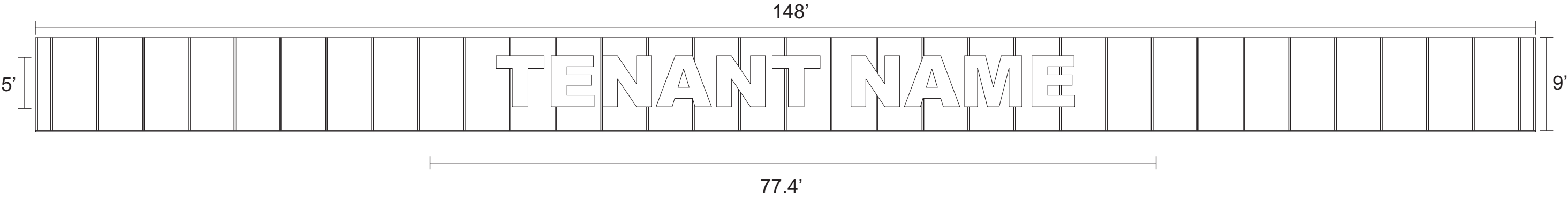
LOCATION: 3.D
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



LOCATION: 3.E
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



LOCATION: 3.F
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



STANDARDS AND SPECIFICATIONS

NOTES

Section 1) Sign Standards

A. Signs from the exterior of building may be lighted, but no signs or any other contrivance shall be devised or constructed so as to rotate, gyrate, blink or move in any animated fashion.

B. Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products sold thereon.

C. A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/ or the pictorial symbol and calculating the area enclosed by such line.

Group 1) Wall Signs

A) In no event shall an identification sign be placed on a wall comprise more than ten (10) percent of the area of the elevation upon which the sign is located. Said signs will be fixture signs. Signs painted directly on the surface of the wall shall not be permitted.

B) Approved tenant signage will consist of ONE (1) tenant sign to follow the specifications provide, unless given written approval by the property management company in advance or is directly identified in the lease agreement.

C) Property address 4000 MacArthur will be present on the north side of the building. The sign will be constructed by using a channel letter design with halo lighting to accent address at night.

D) Property address 4000 MacArthur will be present on the South side of the building along with identification for each of the two towers (EAST TOWER) (WEST TOWER) along with (NEWPORT BEACH) to assist visitors and clients with way-finding as they approach and travel on the busy roads that surround the building property.

Section 2) Installation

A) Only pre qualified venders will be allowed to be contracted for work at 4000 MacArthur property. This will be to ensure only venders that are licensed and insured by the state are authorized in fabrication and installation. By using pre qualified venders the property will ensure only the highest level of service, product, and safety are attained.

B) When a Tenant Signage is to be removed and installed the qualified vender will give notice 10 working days prior to work giving tenants and property management company ample time to prepare area and facility of actions and services.

C) When work by qualified vender is to be done on property such as Service or Site Visit vender is required to notify property management company 2 days prior so security has time to prepare for visit and escorts can be arranged on property to ensure privacy and security are kept.

SIGN TYPE 1 - BUILDING ADDRESS SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	JAMBOREE ROAD
CONTENT	4000 MACARTHUR
LOCATION	NORTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	21' X 24"
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	SIGN COPY TO CONTRAST WITH BUILDING AND MUST BE APPROVED BY BUILDING ASSOCIATION.

SIGN TYPE 2.A - BUILDING ADDRESS SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	4000 MACARTHUR
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	40' X 2'
MATERIAL	HIGH GRADE 3M VINYL WITH UV PROTECTIVE COATING
ILLUMINATION	PROHIBITED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE

NOTES

SIGN TYPE 1 - ADDRESS SIGN

NOTES

SIGN SPECIFICATIONS:
120v 20AMP
24" HIGH LETTERING
HALO LIT CHANNEL LETTERS
4 MOUNTING BOLTS PER LETTER
ANCHOR MOUNTED INTO 1/4" MARBLE

ELECTRICAL MOUNTED ACCESS PANEL WILL BE LOCATED
INSIDE SUITE ON SECOND FLOOR.



Facility Name: _____
Date revised: _____
Signage Administrator: _____
Tenant Name: _____
Tenant Number: _____
Signature of Tenant: _____
Signature of (Facility Name): _____

SIGN TYPE 2.B - BUILDING DIRECTIONAL SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	WEST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	14' X 1'-6"
MATERIAL	HIGH GRADE 3M VINYL WITH UV PROTECTIVE COATING
ILLUMINATION	PROHIBITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE

SIGN TYPE 2.C - BUILDING DIRECTIONAL SIGN

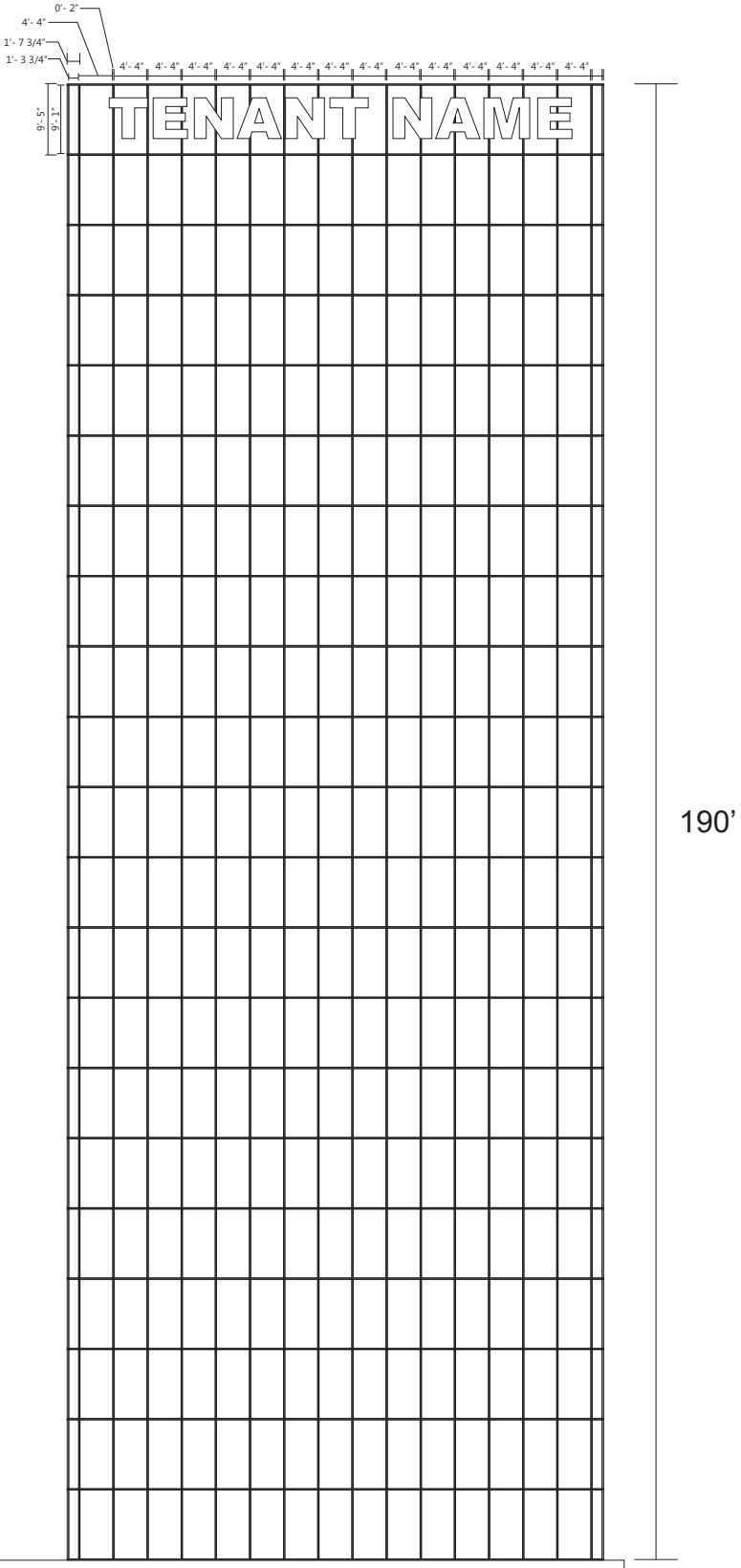
INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	EAST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	14' X 1'-6"
MATERIAL	HIGH GRADE 3M VINYL WITH UV PROTECTIVE COATING
ILLUMINATION	PROHIBITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE

NOTES

SIGN TYPE 3.A - TENANT SIGN

LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOGO AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT, SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS. RACEWAYS ARE PROHIBITED



NOTES

Facility Name: _____
Date revised: _____
Signage Administrator: _____
Tenant Name: _____
Tenant Number: _____
Signature of Tenant: _____
Signature of (Facility Name): _____

SIGN TYPE 3.A - TENANT SIGN

NOTES

INTENT	TO PROVIDE PRIMARY BUSINESS NAMES OCCUPYING A MULTI-OCCUPANT 10 STORY BUILDING.	
FRONTAGE	MACARTHUR BLVD	
CONTENT	TENANT NAME	
LOCATION	WEST SIDE TO BUILDING	
QUANTITY	ONE	
SIGN SIZE	LINEAR FRONTAGE: 68'-0"	MAXIMUM WIDTH: 40'
	MAXIMUM SIGN AREA: 200 SQFT	MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.	
ILLUMINATION	PERMITTED	
LETTERSTYLE	PROJECT FONT	
COLOR	WHITE	



SIGN TYPE 3.C - TENANT SIGN

NOTES

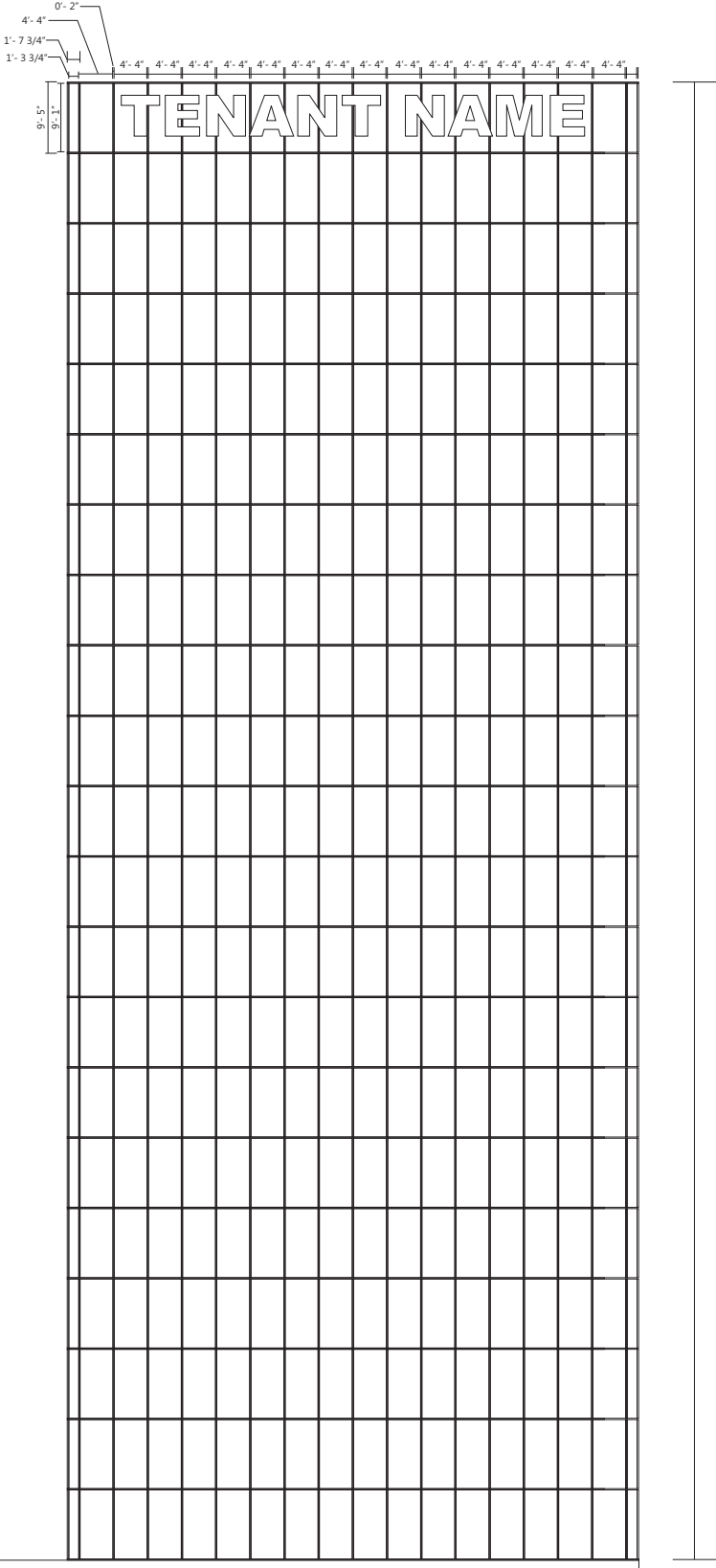
INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	EAST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	LINEAR FRONTAGE: 73'-0" MAXIMUM WIDTH: 40' MAXIMUM SIGN AREA: 200 SQFT MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE



SIGN TYPE 3.C - TENANT SIGN

LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOG
AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO
INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT,
SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS.
RACEWAYS ARE PROHIBITED



NOTES

Facility Name: _____
Date revised: _____
Signage Administrator: _____
Tenant Name: _____
Tenant Number: _____
Signature of Tenant: _____
Signature of (Facility Name): _____

SIGN TYPE 3.D - TENANT SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	EAST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	LINEAR FRONTAGE: 148'-0" MAXIMUM WIDTH: 77.4' MAXIMUM SIGN AREA: 387 SQFT MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE



SIGN TYPE 3.E - TENANT SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	EAST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	LINEAR FRONTAGE: 68'-0" MAXIMUM WIDTH: 40' MAXIMUM SIGN AREA: 200 SQFT MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE

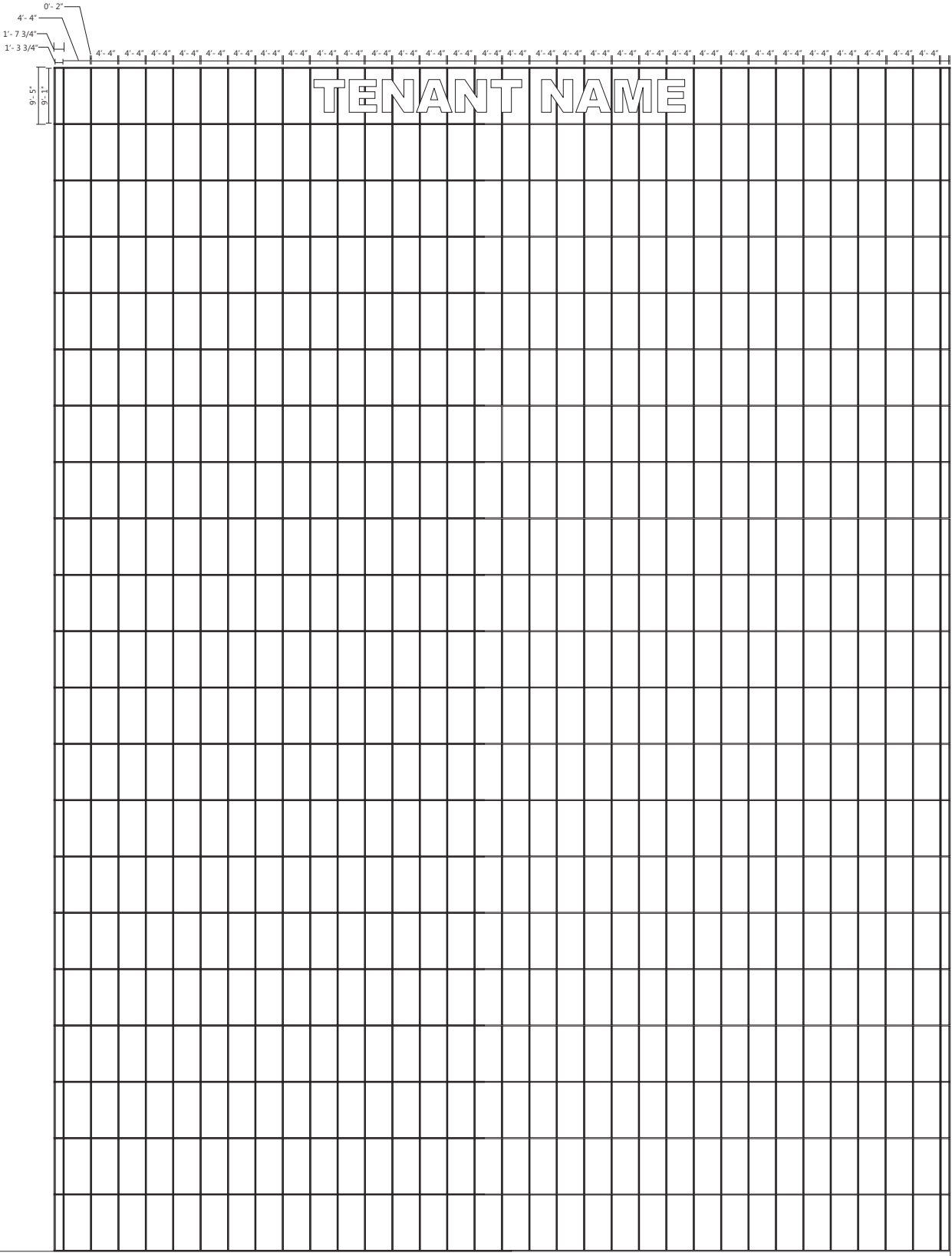


NOTES

SIGN TYPE 3.D - TENANT SIGN

LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOG AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT, SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS. RACEWAYS ARE PROHIBITED

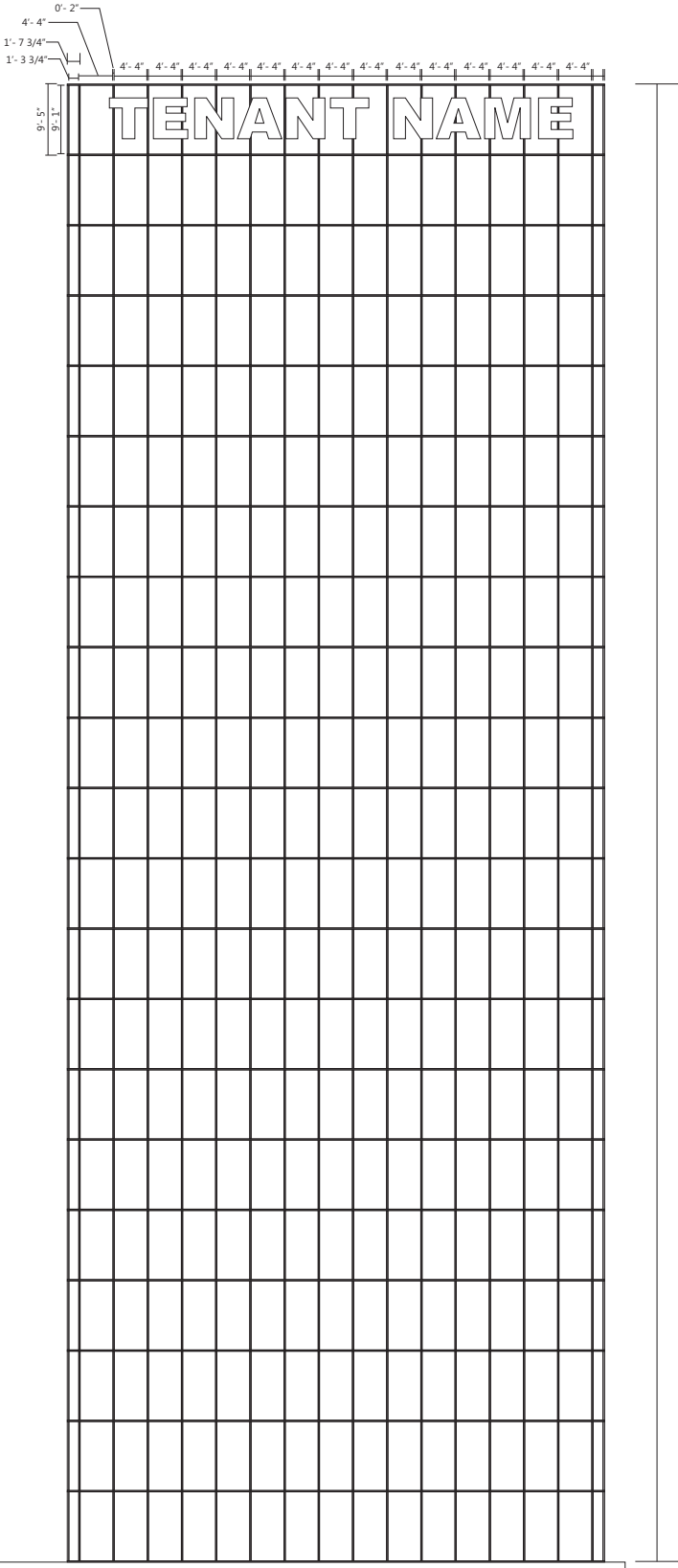


Facility Name: _____
Date revised: _____
Signage Administrator: _____
Tenant Name: _____
Tenant Number: _____
Signature of Tenant: _____
Signature of (Facility Name): _____

SIGN TYPE 3.E - TENANT SIGN

LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOG AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT, SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS. RACEWAYS ARE PROHIBITED



NOTES

Facility Name: _____
Date revised: _____
Signage Administrator: _____
Tenant Name: _____
Tenant Number: _____
Signature of Tenant: _____
Signature of (Facility Name): _____

SIGN TYPE 3.F - TENANT SIGN

NOTES

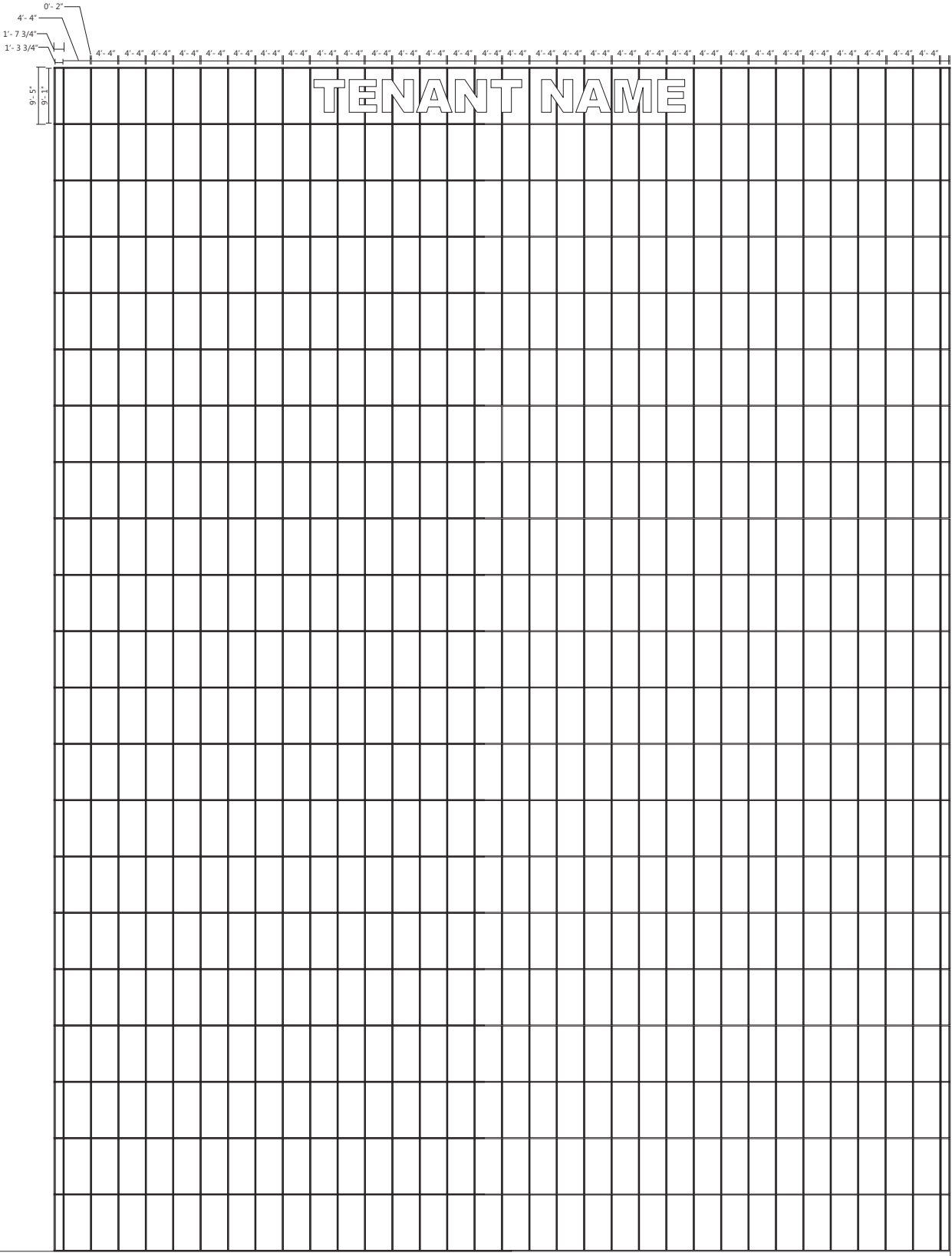
INTENT	TO IDENTIFY THE BUILDING TO PATRONS	
FRONTAGE	MACARTHUR BLVD	
CONTENT	EAST TOWER	
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING	
QUANTITY	ONE	
SIGN SIZE	LINEAR FRONTAGE: 148'-0"	MAXIMUM WIDTH: 77.4'
	MAXIMUM SIGN AREA: 387 SQFT	MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.	
ILLUMINATION	PERMITTED	
LETTERSTYLE	PROJECT FONT	
COLOR	WHITE	



SIGN TYPE 3.F - TENANT SIGN

LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOG AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT, SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS. RACEWAYS ARE PROHIBITED



Facility Name: _____
Date revised: _____
Signage Administrator: _____
Tenant Name: _____
Tenant Number: _____
Signature of Tenant: _____
Signature of (Facility Name): _____

SIGN TYPE 1 SPECIFICATIONS

NOTES

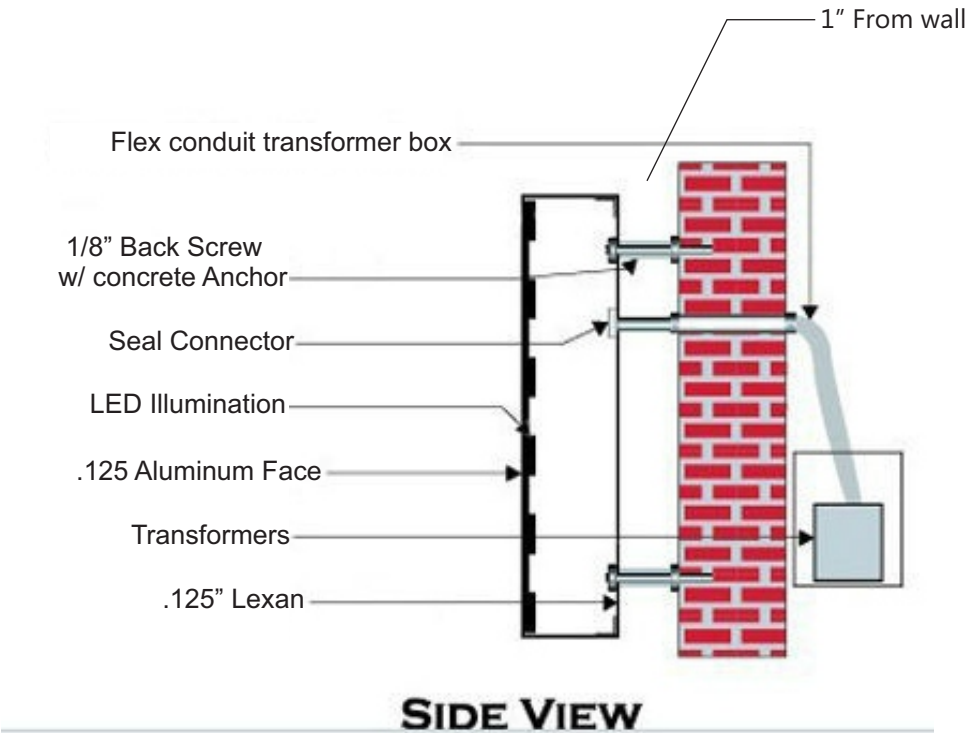
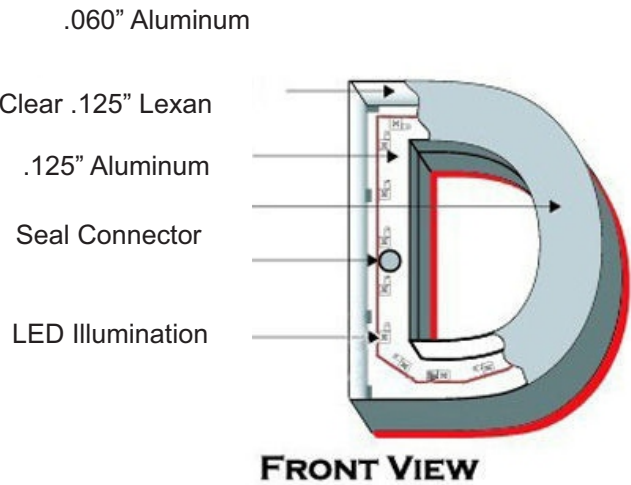
- Letter and Logo Specifications:
- 6" Returns on Letters and Logo
 - Letters Painted color picked by client
 - White LED's will provide Halo Lighting Effect

21'

4000 MACARTHUR

2'

EXAMPLE OF LETTER BUILD



SIGN TYPE 2 SPECIFICATIONS

NOTES

LOCATIONS

2A 40' 2'

4000 MACARTHUR

2B 14' 18"

WEST TOWER

2C 14' 18"

EAST TOWER

4.A 2'

TENANT NAME

SIGN TYPE 3 SPECIFICATIONS

NOTES

- Letter and Logo Specifications:
- 6" Returns on Letters and Logo
 - Letters Painted color picked by client
 - White LED's will provide Halo Lighting Effect

TBD"

TENANT NAME

5'

EXAMPLE OF LETTER BUILD

EXAMPLE IS FOR FABRICATION
REFERENCE ONLY AND IS NOT
,MEANT TO BE USED FOR
FABRICATION.

