



**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, Patrick Alford, and/or Planning Division staff for the week ending July 14, 2017.

---

**ZONING ADMINISTRATOR ACTIONS  
JULY 13, 2017**

- Item 1: Burnham Residence Coastal Development Permit No. CD2017-048 (PA2017-108)  
Site Address: 2502 Crestview Drive  
Action: Approved by Resolution No. ZA2017-051 Council District 3
- Item 2: 626 Seaward Road Lot Merger No. LM2017-003 (PA2017-071)  
Site Address: 626 Seaward Road  
Action: Approved by Resolution No. ZA2017-052 Council District 6
- Item 3: Promontory Point Apartments Sign Program No. CS2017-005 and Modification Permit No. MD2017-002 (PA2017-028)  
Site Address: 200 Promontory Drive East  
Action: Approved by Resolution No. ZA2017-053 Council District 5

**APPEAL PERIOD:** An appeal or call for review 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. ZA2017-051

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-048 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 2502 CRESTVIEW DRIVE (PA2017-108)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Cynthia Childs, Architect, with respect to property located at 2502 Crestview Drive, requesting approval of a Coastal Development Permit.
2. The lot at 2502 Crestview Drive is legally described as Lot 38 of Tract 1140.
3. The applicant proposes to demolish a 1-story single-family residence and 2-car garage and construct a new 2,315-square-foot, 1-story, single-family residence with attached 413-square-foot, 2-car garage. The design includes hardscape, drainage, and landscaping. The project complies with all applicable development standards and no deviations are requested.
4. The subject property is located within the R-1 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-B (Single-Unit Residential Detached – 6.0-9.9 DU/AC) and Coastal Zoning District is R-1 (Single-Unit Residential).
6. A public hearing was held on July 13, 2017, 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 is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures).
2. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the

demolition of one single-family residence and the construction of a new 2,315-square-foot, single-family residence and attached 413-square-foot, 2-car garage.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits, Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

#### Finding:

A. *Conforms to all applicable sections of the certified Local Coastal Program.*

#### Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The maximum floor area limitation is 5,440 square feet and the proposed floor area is 2,315 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line abutting Crestview Drive, 3 feet along each side property line and 10 feet along the rear property.
  - c. The highest ridge is approximately 20 feet from established grade, which complies with the 29-foot maximum height limit.
  - d. The project includes garage parking for a total of two, complying with the minimum two-car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with one- and two-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The property is not located on the shoreline. The finished floor elevation of 13.81 feet (NAVD88) exceeds the minimum 9-foot (NAVD88) standard by nearly five feet. Impacts from sea level rise is not anticipated at this time for the 75-year life of the proposed improvements.
4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation

identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

5. Project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.
6. Proposed landscaping complies with Implementation Plan Section 21.30.075. A condition of approval is included that requires drought tolerant and prohibits invasive species. Final landscape plans will be reviewed to verify invasive species are not planted.

Finding:

- B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline in the private community of Bayshores. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. The project involves the demolition of a single-family residence and the construction of a new single-family residence. Therefore, there is no change in land use and the proposed increases in floor area, height and bulk will not result in any significant adverse impacts to public recreation, access or views or otherwise diminish the public's use of the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, beaches, coastal parks, trails, or coastal bluffs.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-048, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>TH</sup> DAY OF JULY, 2017.**



---

Patrick J. Alford, Zoning Administrator

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

*(project specific conditions are italicized)*

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. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain, or result in impacts to environmentally sensitive habitat areas, streams, wetland or their buffers.
3. Best Management Practices (BMPs) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
4. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
5. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
6. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
7. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
8. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
9. 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 Coastal Development Permit.
10. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious

to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

11. Prior to issuance of the building permits, a copy of the Resolution, including conditions of approval Exhibit "A," shall be incorporated into the Building Division and field sets of plans.
12. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
13. Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
14. Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
15. Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water-efficient irrigation design. The plans shall be approved by the Planning Division.
16. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
17. Prior to the issuance of building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
18. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
19. This Coastal Development Permit No. CD2017-048 (PA2017-108) shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.

20. 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 Burnham Residence CDP including, but not limited to, Coastal Development Permit No. CD2017-048 (PA2017-108). 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. ZA2017-052

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER NO. LM2017-003 AND A WAIVER OF THE PARCEL MAP REQUIREMENT FOR A LOT MERGER LOCATED AT 626 SEAWARD ROAD (PA2017-071)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John McNeely, on behalf of the owner Joseph Ueberroth, with respect to three properties located at 626 Seaward Road. The lot at 626 Seaward Road is legally described as Lot 164 of Tract 1237, Corona Highlands. The lot to the east of 626 Seaward Road, which shares the same address, is legally described as Lot 18 of Tract 14795. The unaddressed lot to the northeast (APN 473-011-21) is legally described as a portion of Lot A of Tract No. 13703 (Parcel 1 of Certificate of Compliance 92-02).
2. The applicant proposes a lot merger and requests to waive the parcel map requirement for three properties under common ownership.
3. The subject properties are located within the Single-Unit Residential (R-1-6000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject properties are located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-A).
5. A public hearing was held on July 13, 2017, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

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

1. The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions). Class 15 exemption includes 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 parcel to local standards 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. This exemption includes a minor lot merger not resulting in the creation of any new parcel that complies with the conditions specified above.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.68.030 and 19.08.030 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

#### Finding:

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

#### Facts in Support of Finding:

1. The lot merger to combine three existing lots by removing the interior lot lines between the lots will not result in the creation of additional parcels.
2. The project is in an area with an average slope of less than 20 percent.
3. The lot merger is consistent with the purpose and intent of Title 19 (Subdivisions).
4. The future development on the proposed parcel will be subject to the Zoning Code development standards, which are intended to promote orderly development, protect neighborhood character, and preserve public health, safety, and general welfare of the City.

#### Finding:

- B. *The lots to be merged are under common fee ownership at the time of the merger.*

#### Facts in Support of Finding:

1. The three parcels to be merged are under common fee ownership.

#### Finding:

- C. *The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

#### Facts in Support of Finding:

1. The merged parcels will retain the Single-Unit Residential (R-1-6000) zoning designation, consistent with the surrounding area. The R-1-6000 Zoning District is intended to provide for areas appropriate for a detached single-family residential dwelling unit located on a single lot.

2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which applies to a range of single-family residential dwelling units. The Coastal Land Use Plan designates this site as Single-Unit Residential Detached (RSD-A), which provides for density ranges from 0.0-5.9 dwelling units per acre. The land use will remain the same and the merger is consistent with the land use designations of the General Plan and Coastal Land Use Plan.
3. The subject property is not located within a Specific Plan area.
4. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. The proposed merger would result in a 15,577-square-foot parcel that is in conformance to the minimum 6,000-square foot interior lot area standard of the Zoning Code. Also, the proposed merger would create one approximately 101-foot-wide parcel, exceeding the minimum 60-foot interior lot width standard of the Zoning Code.

Finding:

- D. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of Finding:

1. No adjoining parcels will be deprived of legal access as a result of the merger. Legal access is provided from Seaward Road, and will remain unchanged.

Finding:

- E. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of Finding:

1. Properties along Seaward Road consist of lots of varying shapes and sizes. Although the proposed lot merger will create a larger lot, it will not create an excessively large lot in comparison to many of the existing lots in the area. There are many existing lots in the surrounding development that are similar to the proposed lot area, including 433 Isabella Terrace (29,289 square feet), 440 Rivera Terrace (11,440 square feet), and 436 Rivera Terrace (11,416 square feet).
2. The proposed lot width is approximately 101 feet, which will not create an excessively wide lot in comparison to other existing lots in the area. There are existing lots in the surrounding development similar to the proposed lot width, including 433 Isabella Terrace (approximately 170 feet), 432 Isabella Terrace (approximately 86 feet), and 429 Isabella Terrace (approximately 78 feet).

3. Although the current configuration is three parcels, the property is used as a single parcel with one single-family residence. As a result, the proposed merger will not result in a visible change in character to the neighborhood and will continue to allow the property to be used for single-family purposes.
4. The resulting lot configuration will not change the existing pattern of development since the orientation and access to the parcel would remain from the Seaward Road.

Finding:

*F. The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of Finding:

1. Approval of the proposed lot merger would remove the existing interior lot lines, and allow the property to be used as a single site. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, General Plan, and Coastal Land Use Plan.
2. The subject property is not subject to a Specific Plan.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM2017-003, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>th</sup> DAY OF JULY, 2017.**

  
\_\_\_\_\_  
Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The map shall be submitted to the Public Works Department for final map review and approval. All applicable fees shall be paid.
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. Prior to the issuance of building permits for construction to cross the existing interior lot line between the three (3) parcels proposed to be merged, recordation of the lot merger documents with the County Recorder shall be required.
4. The 6-foot wide water line easement, identified as No. 8 on Lot Merger No. LM2017-003, shall be recorded prior to recordation of LM2017-003.
5. All easement documents shall be provided upon final map review.
6. Lot Merger No. LM2017-003 shall expire unless exercised within twenty-four (24) months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
7. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Ueberroth Lot Merger including, but not limited to, Lot Merger No. LM2017-003 (PA2017-071). 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. ZA2017-053

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COMPREHENSIVE SIGN PROGRAM NO. CS2017-005 AND MODIFICATION PERMIT NO. MD2017-002 FOR AN INCREASE IN SIGN NUMBER; AND SIZE OF MONUMENT SIGNS LOCATED AT 200 PROMONTORY POINT DRIVE EAST (PA2017-028)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Irvine Company, with respect to property located at 200 Promontory Point Drive East and legally described as Parcel 1 in Resubdivision 0337 requesting approval of a Comprehensive Sign Program and Modification Permit.
2. The applicant is requesting approval of a comprehensive sign program and modification permit to authorize signage for the Promontory Point Apartments. The applicant is seeking the following deviations from Chapter 20.42 (Sign Standards) of the Zoning Code:

#### *Comprehensive Sign Program*

- a) Replacement of the existing East Coast Highway entry monument sign (Sign Type 1). The size of the proposed sign requires a modification permit described below;
- b) Replacement of the East Coast Highway and Jamboree Road monument sign (Sign Type 2). The size of the proposed sign requires a modification permit described below;
- c) Two existing Bayside Drive entry monument signs to remain (Sign Type 3 and 4);
- d) Three leasing directional signs will be refurbished and replaced (Sign Type 5).;
- e) The installation and renovation of vehicle and pedestrian directional signs, parking regulation signs, leasing signs and address signs (Sign Type 6 through Sign Type 22). These signs are within the interior of the apartment community

#### *Modification Permit*

- f) East Coast Highway entry monument sign (Sign Type 1) increase in area from 40 square feet per face to 90 square feet per face, increase length from 14 feet to 20 feet, 4 inches, (sign face length) and increase the height from 4 feet, 4 inches to 6 feet, 9 inches. The Comprehensive Sign Program Section of the Zoning Code allows a maximum sign area of 52 square feet, a maximum sign length of 16 feet, 9 inches, and a maximum sign

height of 5 feet, 2 inches with a comprehensive sign program. The proposed area, length and height require the Modification Permit;

- g) East Coast Highway and Jamboree Road monument sign (Sign Type 2) increase in area from 64 square feet to 75 square feet, increase the length from 12 feet to 18 feet, 8 inches (sign face length) and increase in height from 4 feet to 6 feet. The Comprehensive Sign Program Section of the Zoning Code allows a maximum sign area of 52 square feet, a maximum sign length of 19 feet, 2 inches, and a maximum sign height of 4 feet, 9½ inches. The proposed area and height require the Modification Permit.
3. The subject property is designated Multiple-Unit Residential (RM) by the General Plan Land Use Element and is located within the Promontory Point – UP1494 (PC-12) Zoning District.
4. The subject property is located within the coastal zone. Promontory Point – UP1494 (PC-12) is in the Coastal Zone District and the Coastal Land Use Plan category is Multiple Unit Residential (RM-C)..
5. A public hearing was held on July 13, 2017 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 hearing 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 hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. Class 11 consists of construction or placement of minor structures accessory to existing commercial, industrial, or institutional facilities, including but not limited to signs.

## SECTION 3. REQUIRED FINDINGS.

### *Comprehensive Sign Program*

Pursuant to Section 20.42.120, the comprehensive sign program allows for an increase in sign height by 20 percent above that allowed and an increase in sign area by 30 percent above that allowed. The program shall comply with the standards of the Zoning Code, except that deviations are allowed with regard to sign area, total number, location, and/or height of signs. In accordance with Section 20.42.120 (Comprehensive Sign Program Standards) of the Newport Beach Municipal Code, 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], any adopted sign design guidelines and the overall purpose and intent of this Section [Section 20.42.120].*

Facts in Support of Standard:

1. The purpose of a comprehensive sign program is to integrate all of a project's signs. A comprehensive sign program provides a means for the flexible application of sign regulations for projects that require multiple signs in order to provide incentive and latitude in the design and display of signs, and to achieve, not circumvent, the purpose of Chapter 20.42.
2. The proposed Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards) because it provides Promontory Point Apartments with adequate identification while guarding against excessive sign proliferation. The apartment is a large property which necessitates additional and larger signage near the entry to the property and at the major cross-street (Jamboree Road). The signage is proportional to the development and the size of the properties.
3. The Comprehensive Sign Program is consistent with the Citywide Sign Design Guidelines because the proposed signs are designed to be compatible with the building design in terms of scale, size, and materials. The proposed signs are designed to effectively identify the apartment property without creating sign clutter through the use of legible text that contrasts with the background. The entry to the apartments and the corner of East Coast Highway and Jamboree Road where the larger monument signs are proposed provide identification entrance location along East Coast Highway, which is the intent of the Zoning Code for residential communities. The placement and size of the signs do not dominate, but rather are consistent with the proportions of the street frontages on which they are located.

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 number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood. The monument signs provide entry and location identification from East Coast Highway and Bayside Drive but are not overly visible from the surrounding parks and residential areas.



2. All proposed signage will be in harmony with the character and architectural style of the apartment complex. The large property accommodates the additional and larger signage without creating an impact to the surrounding neighborhood.
3. A modification permit is the required to allow additional area, length and height for the main entry monument sign on East Coast Highway. A modification permit is also required to allow additional length and height for the monument sign at East Coast Highway and Jamboree Road. The modification permit findings are addressed in the Modification Permit section below.

Standard:

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

Fact 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.

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 has been developed to be effective for future use of the apartment site. The additional signage and increased sizes permitted would allow flexibility for future changes in occupants of the large sites.
2. It is not anticipated that future revisions to the Comprehensive Sign Program will be necessary to accommodate changes in occupants or owners. However, the Community Development Director may approve minor revisions to the Comprehensive Sign Program if the intent of the original approval is not affected.
3. Consistent with Chapter 20.42, 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 approval conforms to the intent of Chapter 20.42, and enhances the overall development by integrating the signage in appropriate locations and scale to the long street frontages (2,400-foot frontage on East Coast Highway, an approximately over 3,000-foot frontage on Bayside Drive, and approximately 600-foot frontage on Jamboree Road).
2. The proposed Comprehensive Sign Program is consistent with Chapter 20.42, and is being processed concurrently with a Modification Permit consistent with Zoning Code Section 20.52.050 to allow the sign area and length of the monument signs to be larger than the standard Zoning Code limitations in order to increase the visibility of the signs and allow signage that is proportionately scaled to the site of the apartment complex..

Standard:

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

Facts in Support of Standard:

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

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 content of the signs was not considered and the proposed Comprehensive Sign Program does not contain any regulations regarding sign message content.

***Modification Permit***

Pursuant to Section 20.42.110 of the Newport Beach Municipal Code, deviations in sign height greater than twenty (20) percent and sign area greater than 30 percent are subject to the approval of a modification permit. In accordance with Section 20.52.050 (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The subject property is located in the PC-12 (Promontory Point – UP 1494). The increase in the areas, height, and lengths of the monument signs along East Coast Highway are compatible with the existing development in the neighborhood because the larger monument signs are consistent with the scale of the property and do not create noticeable impacts due to the long frontage of the property along East Coast Highway. The location of these monuments at the entrance and at the corner of Jamboree Road and East Coast Highway maintains the integrity of the residential property.
2. The increase in area for the entry monument sign and the increase in height for the monument sign at Jamboree Road allows for a more visible design for their locations along East Coast Highway. The property has an approximately 2,400-foot frontage on East Coast Highway, an approximately over 3,000-foot frontage on Bayside Drive, and approximately 600-foot frontage on Jamboree Road. The increase in area and height allows for increased visibility while still meeting the intent of residential community signage.

Finding:

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

Facts in Support of Finding:

1. The monument signs on East Coast Highway provide clear identification of the entrance and the apartment complex from East Coast Highway.
2. The proposed larger monument signs are necessary to increase the visibility of the entrance and also the location of the apartment from East Coast Highway. The existing locations of the monument signs near the entrances of the property meet the intent of the Zoning Code for residential communities, which is to maintain the integrity of the residential community without an over-concentration of signage or commercial type signage. The intent is to provide signage near entrances and ample internal signage for navigation once on the property

Finding:

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

Facts in Support of Finding:

1. The purpose and intent of the sign regulations is to provide users adequate identification while preserving and enhancing the community's appearance. The regulation of sign size is to ensure that signage does not overwhelm a property and create clutter. The proposed increase in the maximum area will be appropriately scaled to the entrance and size of the property along East Coast Highway. The regulation of the width and height of monument signs is also to prevent the freestanding signs from overtaking a frontage and impacting visibility. The proposed increase in the width and height of the monument signs will not inhibit visibility and is still well proportioned to the street frontages they are located on.
2. The proposed increase in the maximum area, widths, and heights of the monuments does not interfere with the purpose and intent of the Zoning Code as it provides for adequate identification of the site while guarding against the excessive and confusing proliferation of signs. The increase in size addresses the practical difficulty of reduced visibility for motorists that are trying to apartment complex from East Coast Highway.

Finding:

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

Facts in Support of Finding:

1. The requested increase in the size of the monument signs is in scale and similarly placed as other signs in the surrounding area and will not be detrimental to surrounding owners and occupants, the neighborhood, or the general public.
2. Due to the layout of the apartment property, the size of the monument signs is necessary to provide identification for the subject properties while providing signage that meets the intent of the Zoning Code for residential communities. Maintaining the number of monument signs along East Coast Highway and allowing the existing monuments to increase in size preserves the residential community while increasing visibility of access to the apartment complex. The strict application of the Zoning Code would result in smaller signage that is out of scale with the long street frontages.

Finding:

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

Facts in Support of Finding:

1. This approval will allow for an increase in the size of the existing monument signs, but will not result in a change in intensity or density of the existing apartments.
2. The size of the signs is within the scale and proportionate to the large apartment property. Due to the large layout of the apartments, the signs will not be overly visible from any of the residential neighborhoods in the area and will not adversely affect or be detrimental to persons, property, or improvements in the surrounding neighborhood.
3. Compliance with the Municipal Code and the attached conditions of approval is required and will further ensure that the proposed use will not be detrimental.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Comprehensive Sign Program No. CS2017-005 and Modification Permit No. MD2017-002, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days 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.
3. This resolution supersedes Zoning Administrator Modification Permit No. 3884 and Amendment No. 1, which upon vesting of the rights authorized by this Comprehensive Sign Program and Modification Permit, shall become null and void.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>th</sup> DAY OF JULY, 2017.**



---

Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

**PLANNING**

1. The development shall be in substantial conformance with the approved site plan, building elevations, and sign details stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Signs shall comply with the limitations specified in the Sign Matrix included in Exhibit "B."
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 Comprehensive Sign Program and Modification Permit.
5. A building permit shall be obtained prior to commencement of installation of the signs.
6. All illuminated signs shall be illuminated in accordance with the provisions of Section 20.42.060.H of the Newport Beach Municipal Code.
7. This Comprehensive Sign Program and Modification Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
8. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
9. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
10. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
11. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of

action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Promontory Point Comprehensive Sign Program and Modification Permit including, but not limited to, Comprehensive Sign Program No. CS2017-005 and Modification Permit No. MD2017-002 (PA2017-028). 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.

### **PUBLIC WORKS**

12. Signage placement shall be located outside the limited use area and per City Standard No. 110-L.

### **FIRE**

13. An existing address must be located on the buildings in a location visible from emergency access. If an existing address is not present, an address will be required on the proposed monument signs located in view of emergency access.
14. Fire lane signs must be designed and installed as per Newport Beach Fire Department Guideline C.02. As per Guideline C.02, lettering and coloring details are very specific (consult guideline for requirements) additionally; the fire lane sign height shall be seven feet when located within pedestrian areas, or five feet when located in all other areas. Language on sign must state requirements from California Vehicle Code as addressed in the Nbfd Guideline C.02.

# EXHIBIT “B”

## PROMONTORY POINT APARTMENTS

### Comprehensive Sign Program Matrix CS2017-005 (PA2017-028)

Sign Type	Primary Frontage (East Coast Highway)	Secondary Frontage Bayside Drive
Freestanding Sign	<p><b>Sign Type 1.1 Entry Sign:</b>  <u>Number:</u> One (1)  <u>Type:</u> Monument  <u>Size:</u> Maximum height - 6 feet, 9 inches; Maximum length - 20 feet, 4 inches (sign face length); Maximum area - 90 square feet.  <u>Location:</u> Entry at East Coast Highway designed to meet site distance requirements of the City Traffic Engineer.</p> <p><b>Sign Type 2.1 Entry Sign:</b>  <u>Number:</u> One (1)  <u>Type:</u> Monument  <u>Size:</u> Maximum height - 6 feet; Maximum length - 18 feet, 8 inches (sign face length); Maximum area - 75 square feet.  <u>Location:</u> East Coast Highway and Jamboree Road designed to meet site distance requirements of the City Traffic Engineer.</p>	<p><b>Sign Type 3.1 and 4.1:</b>  <u>Number:</u> One (2)  <u>Type:</u> Monument  <u>Size:</u> Maximum height - 4 feet; Maximum length - 9 feet, 6 inches; Maximum area - 40squarefeet.  <u>Location:</u> Entries at Bayside Drive designed to meet site distance requirements of the City Traffic Engineer.</p>
Leasing Directional Signs	<p><b>Sign Type 5.1 and 5.2:</b>  <u>Number:</u> Two (2)  <u>Type:</u> Leasing Directional Pole Signs  <u>Size:</u> Maximum pole height 12 feet tall, 12 square feet for sign.  <u>Location:</u> East Coast Highway</p>	<p><b>Sign Type 5.3:</b>  <u>Number:</u> One (1)  <u>Type:</u> Leasing Directional Pole Sign.  <u>Size:</u> Maximum pole height - 12 feet tall 12 square feet for sign  <u>Location:</u> Bayside Drive.</p>
Parking regulatory and ADA		<p><b>Sign Type 6, 7, 8 and 13</b>  <u>Number:</u> As required by Code.  <u>Type:</u> Various parking lot signs and fire lane signs.  <u>Size:</u> As required by Code.</p>
Interior Leasing Signs		<p><b>Sign Type 9:</b>  <u>Number:</u> Four (4).  <u>Type:</u> Monument  <u>Size:</u> Maximum height 4 feet, 4 inches; Maximum area 20 squarefeet  <u>Location:</u> Internal, not visible from exterior right-of-ways.</p> <p><b>Sign Type 10:</b>  <u>Number:</u> Two (2).  <u>Type:</u> Pole  <u>Size:</u> Not regulated  <u>Location:</u> Internal, not visible from exterior right-of-ways.</p>



		<p><b>Sign Type 11:</b>  <u>Number:</u> Four (4).  <u>Type:</u> Pole  <u>Size:</u> Maximum height 20 feet, maximum sign area 17 square feet  <u>Location:</u> Internal, not visible from exterior right-of-ways.</p> <p><b>Sign Type 12:</b>  <u>Number:</u> Four (4).  <u>Type:</u> Pole  <u>Size:</u> Not regulated  <u>Location:</u> Internal, not visible from exterior right-of-ways.</p>
Signage on Leasing Building and Clubhouse		<p><b>Sign Type 14, 15, 16, 17, 18, and 20</b>  <u>Number:</u> Four (4).  <u>Type:</u> Wall signs  <u>Size:</u> Not regulated  <u>Location:</u> Internal, not visible from exterior right-of-ways.</p>
Internal Drive Identification Wall Sign		<p><b>Sign Type 19</b>  <u>Number:</u> One (1).  <u>Type:</u> Wall sign  <u>Size:</u> Not regulated  <u>Location:</u> Internal, not visible from exterior right-of-ways.</p>
Building Mounted Address Signs and Unit Identification	<p><b>Sign Type 21 and 22:</b>  <u>Number:</u> 1 for each building or as required by Code.  <u>Size:</u> As required by Code.</p>	
Entry Address	<p><b>Sign Type 10:</b>  <u>Number:</u> 1 for each building above entry.  <u>Size:</u> 1 square foot.</p>	

- NOTES: A. Requirements for all sign types per Municipal Code Chapter 20.42, except as provided in this sign matrix.
- B. Pursuant to Section 20.42.120.F of the Municipal Code, the Community Development Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected.