



## CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: Seimone Jurjis, Community Development Director  
SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending October 27, 2017.

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### ZONING ADMINISTRATOR ACTIONS OCTOBER 26, 2017

- Item 1: Corona del Mar Plaza Comprehensive Sign Program No. CS2017-011 and Modification Permit No. MD2017-006 (PA2017-163)  
Site Address: 810 - 984 Avocado Avenue  
*Action: Approved by Resolution No. ZA2017-082* Council District 5
- Item 2: Il Barone Ristorante Minor Use Permit No. UP2017-009 (PA2017-082)  
Site Address: 900 North Bristol Street  
*Action: Approved by Resolution No. ZA2017-083* Council District 3
- Item 3: Collins Residence Coastal Development Permit No. CD2017-073 (PA2017-177)  
Site Address: 2148 East Ocean Front  
*Action: Approved by Resolution No. ZA2017-084* Council District 1
- Item 4: 715 West Balboa Boulevard Coastal Development Permit No. CD2017-059 (PA2017-137)  
Site Address: 715 West Balboa Boulevard  
*Action: Approved by Resolution No. ZA2017-085* Council District 1
- Item 5: 325 Orchid Parcel Map No. NP2017-017 and Coastal Development Permit No. CD2017-066 (PA2017-156)  
Site Address: 325 Orchid Avenue  
*Action: Approved by Resolution No. ZA2017-086* Council District 6

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.

cc Wendy Joe, Civilian Investigator, NBPD  
Sgt. Brad Miller, NBPD

## RESOLUTION NO. ZA2017-082

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COMPREHENSIVE SIGN PROGRAM NO. CS2017-011 AND MODIFICATION PERMIT NO. MD2017-006 FOR A DEVIATION IN THE NUMBER, AREA AND LETTER HEIGHT OF SIGNS AT 810-984 AVOCADO AVENUE (PA2017-163)

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

#### SECTION 1. STATEMENT OF FACTS.

An application was filed by The Irvine Company with respect to property located at 810-984 Avocado Avenue, and legally described as Parcel 1 of Resubdivision No. 973, Newport Beach, requesting approval of a comprehensive sign program and modification permit.

1. The applicant is requesting approval of a comprehensive sign program and modification permit to authorize signage for the Corona del Mar Shopping Plaza. The applicant is seeking the following deviations from the Newport Village Planned Community sign standards:

#### *Comprehensive Sign Program*

- a) In Zone Two, letter height for Anchor tenant to be 54 inches in lieu of the 48 inch letters allowed (12.5% increase).
- b) In Zone Five, forty (40) square-feet of window signage for each of the three (3) windows facing the corner of Avocado and Coast Highway, in lieu of the allowed 33.8 square-feet (18% increase for each window).

#### *Modification Permit*

- c) East Coast Highway near Restaurant Pad:  
A new eight foot high, 44 square-foot monument sign identifying the shopping center name and three major tenants (Sign B1.03).
- d) MacArthur Boulevard Driveway Entrance:  
Replace the existing eight-foot high monument sign at this location (Sign A1.01) with a new monument sign identifying the shopping center and three Major tenants. An increase in letter height from 24 inches to 48 inches for the shopping center name is requested, resulting in a total sign area of 272 square feet in lieu of the maximum allowed 100 square feet (100% increase in letter height, 172% increase in sign area).

e) Tenant Identification Signs:Zone Two:

Letter height for Other tenants to be 24 inches in lieu of the allowed 12 inches (100% increase).

Storefront decals providing tenant address, operating hours and emergency contact information to be four (4) square feet in lieu of the allowed two (2) square feet (100% increase).

Zone Four/A:

Letter height for End Cap tenants to be 24 inches in lieu of the allowed 18 inches (33% increase).

Letter height for Other tenants to be 24 inches in lieu of the allowed 12 inches (100% increase).

Storefront decals providing tenant address, operating hours and emergency contact information to be four (4) square feet in lieu of the allowed two (2) square feet (100% increase).

Zone Four/B:

Letter height for Major tenants in Zone 4B to be 30 inches in lieu of the allowed 24 inches (25% increase).

Letter height for Other tenants in Zone B to be 30 inches in lieu of the allowed 12 inches (150% increase).

Storefront decals providing tenant address, operating hours and emergency contact information to be four (4) square feet in lieu of the allowed two (2) square feet (100% increase).

Zone Five:

Letter height for Major tenants to be 36 inches in lieu of the allowed 24 inches (50% increase).

Letter height for Other tenants to be 36 inches in lieu of the allowed 12 inches (200% increase).

Forty (40) square-feet of window signage for the Brighton window facing the corner of Avocado and Coast Highway, in lieu of the allowed 18.7 square feet (114% increase).

Four (4) new wall signs near the intersection of Avocado and Coast Highway to identify the shopping center (100% increase).

Zone Six:

Letter height for Major tenants to be 36 inches in lieu of the allowed 24 inches (50% increase).

Letter height for End Cap tenants to be 36 inches in lieu of the allowed 18 inches (100% increase).

Letter height for Other tenants to be 36 inches in lieu of the allowed 12 inches (200% increase).

2. The subject property is designated CG (General Commercial) by the General Plan Land Use Element and is located within the PC27 Newport Village Planned Community Zoning District.
3. The subject property is not located within the coastal zone.
4. A public hearing was held on October 26, 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 has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15311, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 11 (Accessory Structures).
2. Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to signs. The proposed project involves the replacement of existing signs and the addition of several new signs, accessory to the existing nonresidential development on the property.

**SECTION 3. REQUIRED FINDINGS.*****Comprehensive Sign Program***

Pursuant to Section 20.42.120, the comprehensive sign program allows 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 Newport Village Planned Community sign regulations, 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 comprehensive sign program complies with the purpose and intent of Municipal Code Chapter 20.42 (Sign Standards) and the Newport Village Planned Community text to aesthetically integrate all signs while providing for the flexible application of sign regulations on a multi-tenant commercial site.
2. The comprehensive sign program is consistent with citywide sign design guidelines in that 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 shopping center without creating sign clutter, through the use of legible text, designed and placed consistent with the proportions of the street frontages and building elevations on which the signs 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 proposed signs provide entry and location identification from East Coast Highway and Avocado Avenue, but are not overly visible from nearby residential areas.
2. No tenant signs wall signs are allowed to be installed on the wall facing MacArthur Boulevard and towards the existing residential development.
3. All proposed signage will be in harmony with the character and architectural style of the shopping center. The large property accommodates the additional and larger signage without creating an impact to the surrounding neighborhood.

Standard:

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

Fact in Support of Standard:

1. The comprehensive sign program includes all signage for the shopping center. 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 uses within the shopping center. The additional signage and increased letter size permitted provides flexibility to accommodate the signage needs of future tenants.
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 comprehensive sign program is consistent with the intent of Municipal Code Section 20.42.120 (Comprehensive Sign Program Standards) and with the Newport Village Planned Community text, and is being processed concurrently with a Modification Permit consistent with Zoning Code Section 20.52.050 to allow the letter height and sign area to be larger than the established standards in order to increase the visibility of the signs and to allow signage that is proportionately scaled to the size and street frontage of the shopping center.

2. The deviations are justified in that the visibility of signage will be improved while remaining proportionately scaled to the size and street frontage of the shopping center.

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 project site is located in the PC27 (Newport Village Planned Community) Zoning District. The proposed signs have been designed to enhance the overall development; to relate visually to other signs included in the comprehensive sign program, and to the structures and/or developments they identify; and to be sensitive to nearby residential areas.
2. The sign program does not propose any additional signs oriented towards residential land uses located south of the site across MacArthur Boulevard. The existing monument signs will remain in place and be refinished.

3. Signs facing Avocado Avenue and Coast Highway will be less than thirty-six inches in height, which is consistent with the maximum letter height for other commercial businesses in the City.
4. The increased sign area (272 square feet) for the primary site identification sign (A1.01) does not increase the overall size of the site wall on which its located or result in any significant physical changes, but rather increases the area proportional to the area of the existing wall at this location which is approximately 784 square feet.

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 property is located at the intersection of East Coast Highway, Avocado Avenue and MacArthur Boulevard. All of these roadways have multiple lanes and high speed traffic. The increase in letter height and area of certain signs will allow motorists traveling along the public roadways to better identify the location of the shopping center and the businesses located therein.
2. Due to the right-turn only entrance into the shopping center from MacArthur Boulevard, there is limited opportunity to provide signage to motorist entering the site. The primary site identification sign (A1.01) is located after the turn, which effectively shortens a motorist's reaction time; therefore, the increased sign area (272 square feet) and lettering height to 48 inches improves motorist recognition of the entry.
3. The shopping center is large and comprised of three separate buildings with multiple tenants, surrounding an internal surface parking lot. Only two access points are provided into the center. The increase in letter height will provide greater convenience and visibility for visitors to the site.

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 letter height and area of certain signs will be appropriately scaled to the size and street frontage of the property.

2. The increase in the letter height and area of certain signs does not interfere with the purpose and intent of the Newport Village Planned Community and with Municipal Code Section 20.42.120 (Comprehensive Sign Program Standards) as it provides for adequate identification of the site while guarding against an excessive proliferation of signs.
3. The increase in letter height and area of signs oriented towards Avocado Avenue and East Coast Highway addresses the practical difficulty of reduced visibility for motorists trying to identify the shopping center from these wide and high-speed roadways. The added monument sign and new pedestrian directory sign oriented towards East Coast Highway will enhance business identification for pedestrians and motorists travelling along that roadway.
4. With only two access points into the shopping center, additional site identification signs are needed to direct motorists into the shopping center. The increase in letter height for signs oriented towards the parking lot area will assist onsite visitors in navigating the shopping center.

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. Due to the design and location of the building, deviations from allowed letter height and area are necessary to provide adequate identification for the subject property. The strict application of the Newport Village Planned Community sign standards would result in inadequate signage not easily visible to motorists or pedestrians.

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 letter height and in the sign area of certain signs, but will not result in a change in intensity or density of the existing commercial use.
2. This approval will not result in the addition of any signs as viewed from the residential area located to the south of the shopping center, across MacArthur Boulevard.
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. CS2017-011 and Modification Permit No. MD2017-006, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days 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 Modification Permit No. MD2011-007, 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 26<sup>th</sup> DAY OF OCTOBER, 2017.**



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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 as 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. 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.
9. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
10. All signage shall be located within private property.
11. Sign locations shall comply with the City's Sight Distance Standard STD-11-L. All signs shall be located outside of the limited use area specified by this standard.

12. 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 Corona del Mar Plaza Comprehensive Sign Program and Modification Permit including, but not limited to, Comprehensive Sign Program No. CS2017-011 and Modification Permit No. MD2017-006 (PA2017-163). 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.

**EXHIBIT "8"**

**CORONA DEL MAR PLAZA**

**SIGN MATRIX**

CS2017-011, MD2017-006 (PA2017-163)

<b>SITE IDENTIFICATION SIGNS</b>	
<b>DESCRIPTION</b>	<b>SPECIFICATIONS</b>
MacArthur Boulevard Entrance Sign Type - Monument Sign A1.01	<b>Area</b> - 272 s.f. Center - 172 s.f. Tenants - 100 s.f. <b>Height</b> - 8.2 ft. <b>Letter/Logo Height</b> Center Name/Logo - 48 in. Tenant Names-12 in.
Avocado Avenue Entrance Sign Type - Monument Sign B1.01	<b>Area</b> - 44 s.f. <b>Height</b> - 8 ft. <b>Letter Height</b> Center Name-3% in. Tenant Names - 7 in.
Intersection of East Coast Highway & Avocado Avenue Sign Type - Monument SiQn A3.01	<b>Area</b> - 24 s.f. <b>Height</b> - 4 ft. <b>Length</b> - 36.6 ft. <b>Letter Height</b> - 12 in.
Intersection of East Coast Highway & Avocado Avenue Sign Type - Wall Signs A2.01, A2.02, A2.03, A2.04	<b>New Signs</b> -A2.01, A2.02, A2.03, A2.04 <b>New Sign Type</b> - Wall <b>Area</b> -48 s.f. <b>Letter Height</b> A2.01, A2.03, A2.04-21 in. A2.02-30 in
Pedestrian Entrance from East Coast Highway Sign Type - Library Link Feature, Graphic Light Scone, or Project Directory SiQn A4.01	<b>Width</b> -2 ft. <b>Height</b> - 6 ft. <b>Letter Height</b> Center Name -4 in.
East Coast Highway Sign Type - Monument Sign B1.03	<b>Area</b> -44 s.f. <b>Height</b> - 8 ft. <b>Letter Height</b> Center Name - 3% in. Tenant Names - 7 in.
MacArthur Boulevard Sign Type - Monument Sign B1.02	<b>Area</b> -44 s.f. <b>Height</b> - 8 ft. <b>Letter Height</b> Center Name - 3% in. Tenant Names - 7 in.

**CORONA DEL MAR PLAZA-  
SIGN MATRIX  
CS2017-011, MD2017-006 (PA2017-163)**

<b>TENANT IDENTIFICATION SIGNS</b>		
<b>ZONE</b>	<b>TENANT</b>	<b>SPECIFICATIONS</b>
Zone 1	All Tenants	<b>Not Allowed</b>
Zone 2	Anchor Tenants (810 Avocado)	<b>Letter Height</b> - 54.0 in. <b>Area</b> - 150 s.f. <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names of canvas awning with a maximum letter height of 8 in.
	Major Tenants (None in Zone 2)	Letter Height - 24 in. Area - 3s.f. per lineal foot of frontage (120s.f. max.) Location - No closer than 4ft. from demising wall Miscellaneous - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
	End Cap Tenants (844 Avocado)	Letter Height - 18 in. Area - 2s.f. per lineal foot of frontage (90 s.f. max.) Location - No closer than 4ft. from demising wall Miscellaneous - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
	Other Tenants (832, 840 Avocado)	<b>Letter Height-24 in.</b> <b>Area</b> - 2s.f. per lineal foot of frontage (60 s.f. max.) <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names of canvas awning with a maximum letter height of 8 in.
Zone 3	Shopping Center Name, Logo, and three Tenants (810 Avocado)	Letter Height Shopping Center & Logo - 6in. larger than the largest Tenant sign Three Tenant Signs - 18 in. Two Tenant Signs - 24 in. One Tenant Sign - 30 in.
Zone 4	Anchor Tenants (None)	Letter Height - 36 in. Area - 150 s.f. Location - No closer than 4ft. from demising wall Miscellaneous - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.

**CORONA DEL MAR PLAZA  
SIGN MATRIX  
CS2017-011, MD2017-006 (PA2017-163)**

<b>TENANT IDENTIFICATION SIGNS</b>		
<b>ZONE</b>	<b>TENANT</b>	<b>SPECIFICATIONS</b>
Zone 4	Major Tenants (882, 900 Avocado)	Zone 4A Letter Height - 24 in. Area - 3s.f. per lineal foot of frontage (120s.f. max.) Location - No closer than 4ft. from demising wall Miscellaneous - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
		Zone 48 (882, 900 Avocado) <b>Letter Height-</b> 30 in. <b>Area-</b> 3 s.f. per lineal foot of frontage (120 s.f. max.) <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names of canvas awning with a maximum letter height of 8 in.
	End Cap Tenants (984 Avocado)	Zone 4A <b>Letter Height-24</b> in. <b>Area</b> - 2 s.f. per lineal foot of frontage (90 s.f. max.) <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names of canvas awning with a maximum letter height of 8 in.
Zone4	Other Tenants (882-894, 906-978 Avocado)	Zone 4A (882, 894, 906-938, 956-978 Avocado) <b>Letter Height-</b> 24 in. <b>Area</b> - 2 s.f. per lineal foot of frontage (60 s.f. max.) <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names of canvas awning with a maximum letter height of 8 in.  Zone 48 (944-952 Avocado) <b>Letter Height-</b> 30 in. <b>Area</b> - 2 s.f. per lineal foot of frontage (60 s.f. max.) <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names of canvas awning with a maximum letter height of 8 in.

**CORONA DEL MAR PLAZA  
SIGN MATRIX  
CS2017-011, MD2017-006 (PA2017-163)**

<b>TENANT IDENTIFICATION SIGNS</b>		
<b>ZONE</b>	<b>TENANT</b>	<b>SPECIFICATIONS</b>
Zone 5	Major Tenants (882, 900 Avocado)	<b>Letter Height-</b> 36 in. <b>Area</b> - 36 s.f. <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
	End Cap Tenants (None)	Letter Height - 18 in. Area - 2 s.f. per lineal foot of frontage (60 s.f. max.) Location - No closer than 4ft. from demising wall Miscellaneous - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
	other Tenants (890, 894 Avocado)	<b>Letter Height</b> - 36 in. <b>Area</b> - 36 s.f. <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
Zone 6	Anchor Tenants (None)	Letter Height- 36 in. Area - 150 s.f. Location - No closer than 4ft. from demising wall Miscellaneous- Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
	Major Tenants (900 Avocado)	<b>Letter Height-</b> 36 in. <b>Area-</b> 36 s.f. <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
	End Cap Tenants (984 Avocado)	<b>Letter Height</b> - 36 in. <b>Area-</b> 36 s.f. <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
	Other Tenants (906- 978 Avocado)	<b>Letter Height-</b> 36 in. <b>Area-</b> 36 s.f. <b>Location</b> - No closer than 4ft. from demising wall <b>Miscellaneous</b> - Silkscreened tenant names on canvas awning with a maximum letter height of 8 in.
Zone 7	Restaurant Building (850 Avocado)	Individual letters only - 24 in. Three signs max. (Refer to MD2002-005 for additional regulation)



**CORONA DEL MAR PLAZA  
SIGN MATRIX  
CS2017-011, MD2017-006 (PA2017-163)**

<b>TENANT IDENTIFICATION SIGNS (BLADE &amp; WINDOW SIGNS)</b>		
<b>ZONE</b>	<b>TENANT</b>	<b>SPECIFICATIONS</b>
<b>BLADE SIGNS</b>		
Zone 2, Zone 4A	All Tenants (810-844 Avocado, 882-984 Avocado)	<b>Number-1</b> per Tenant <b>Length</b> - 32 in. <b>Height</b> - 22 in. <b>Area-4.9</b> s.f.
<b>STOREFRONT DECALS</b>		
Zone 2, Zone 4	All Tenants (810-844 Avocado, 882-984 Avocado)	<b>Number-1</b> for each Tenant Window <b>Area</b> - 4 s.f. for each tenant
<b>WINDOW SIGNS</b>		
Zone 5	890 Avocado (1 window- 84 s.f.) 900 Avocado (3 windows - 127 s.f. ea.)	<b>Tenant Name Sign</b> <b>Letter Height</b> - 36" <b>Area</b> - 24 s.f. max. <b>Location</b> - Centered in upper 1/3 of window, 6" behind storefront glass (minimum)  <b>Window Display Sign</b> <b>Area-16</b> s.f. max <b>Location</b> - Lower 2/3 of window, 6" behind storefront glass (minimum)  <b>Total Sign Area</b> 40 s.f. max per window 890 Avocado Sign Area - 48% of window area 900 Avocado Sign Area - 32% of window area
<b>BUILDING ADDRESSES</b>		
Zones 1-7	All Buildings	Building addresses shall be located on buildings as directed by the City of Newport Beach Fire Department. Letter height to be a maximum of eighteen inches (18").

**Definitions**

Anchor Tenant - The term "Anchor Tenant" means a store having a minimum of twenty thousand (20,000) square feet of floor space, which is located within or between other commercial buildings.

End Cap Tenant - The term "End Cap Tenant" means a store having three building elevations with a minimum of four thousand (4,000) square feet of floor area.

Major Tenant - The term "Major Tenant" means a store or restaurant having a minimum of eight thousand (8,000) square feet of floor space, which is located within or between other commercial buildings

## RESOLUTION NO. ZA2017-083

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2017-009 ADDING A TYPE 47 ALCOHOLIC BEVERAGE CONTROL LICENSE TO A RESTAURANT WITH NO LATE HOURS LOCATED AT 900 NORTH BRISTOL STREET (PA2017-082)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by F&D Barone Inc, with respect to property located at 900 North Bristol Street, and legally described as Parcel 1 as shown on a parcel map filed in Book 81, Page 43 of Parcel Maps, in the office of the County Recorder of said county in the City of Newport Beach, County of Orange, State of California, requesting approval of a minor use permit.
2. The applicant proposes the sale and service of beer, wine, and distilled spirits in conjunction with an approved restaurant use. The applicant is pursuing a Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control (ABC) license. There are no other proposed substantial changes to the restaurant. There are no late hours (after 11:00 p.m.) proposed.
3. The subject property is designated General Commercial (CG) by the General Plan Land Use Element and is located within the Newport Place Planned Community (PC-11) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on October 26, 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 15301 under Class 1 (Existing Facilities) 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. The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. The proposed project involves the addition of the Type 47 ABC License to an existing eating and drinking establishment with no other

expansion beyond what has been previously permitted and no proposed exterior changes.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code.*

#### Facts in Support of Finding:

In finding that the proposed use is consistent with Section 20.48.030 of the Zoning Code, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
1. The subject property is located in Reporting District 34 (RD 34). The Part One Crimes (Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report – homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson) crime rate in RD 34 was 130 crimes reported in 2016, which is comparable to adjacent RD 33 and RD 36. Reporting Districts RD 33 and RD 36 are predominantly residential. The Part One Crimes rate in RD 34 is higher than nearby RD 35, which is also predominantly residential. The Part One Crime rate is higher than the Citywide average.
  2. The Police Department has reviewed the proposed use, provided operating conditions of approval, and has no objection to the addition of the Type 47 alcoholic beverage license subject to appropriate conditions of approval. The operation of the establishment includes a closing hour of 11:00 p.m.
- ii. *The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
1. The total number of alcohol-related calls for service, crimes, or arrests in RD 34 is higher than RD 35, but lower than adjacent RDs 33 and 36. RD 35 is comprised of residential properties, so the lower amount of alcohol-related incidents is expected. The Police Department has reviewed the proposed use and has no objection.
  2. Year to date, 12 calls for service representing less than one percent of all calls for service in RD 34 has been reported at the subject property.

*iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*

1. The restaurant is located within a single-tenant building with frontages on North Bristol Street and Dove Street. The property is not located within close proximity to any residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, or similar uses that typically attract minors. The nearest residential district is located to the southwest across Bristol Street and California State Route 73.
2. Eating and drinking establishments with incidental alcohol service are common in PC-11 and the proposed ABC license in conjunction with an 11:00 p.m. closing hour is not anticipated to alter the operational characteristics of the use such that it becomes detrimental to the area.

*iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

1. The closest establishment selling alcoholic beverages for on-site consumption is Juliette Kitchen and Bar, a full service restaurant in the commercial center adjacent to the subject property. The closest establishment selling alcoholic beverages for off-site consumption is Bay Court Liquor, a convenience market located across Dove Street in a commercial center.
2. There is no evidence suggesting a full-service restaurant use has been or will be detrimental to surrounding properties or to the neighborhood.

*v. Whether or not the proposed amendment will resolve any current objectionable conditions.*

1. An eating and drinking establishment has operated at the subject property since 1976 with no operating issues. No objectionable conditions are presently occurring at the site and this Minor Use Permit as conditioned is intended to avoid future objectionable conditions.
2. The proposed use has been reviewed and conditioned to help ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the establishment. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
3. The existing hours of operation of the establishment will minimize the potential effects on land use. The establishment closes by 11:00 p.m., daily, which will ensure the use does not become a late night bar, tavern, or nightclub.

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

Finding:

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

Facts in Support of Finding:

1. The site is designated CG by the General Plan Land Use Element, which is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs.
2. The restaurant is located on Bristol Street in a commercial area. There are two commercial centers on Bristol Street adjacent to the subject property which provide a variety of commercial uses. The sale and service of alcohol will provide a convenience for patrons and will help to maintain diverse commercial uses in the area, consistent with the CG land use designation. The earlier closing hour of 11:00 p.m. will help to ensure the use remains compatible with the surroundings.
3. The subject property is not a part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The site is located within the General Commercial Site 2 of the Newport Place Planned Community (PC-11) Zoning District. Restaurants are a permitted use in this area of the planned community subject to approval of a use permit.
2. The previous restaurant operated pursuant to Use Permit No. UP1789. Minimal conditions of approval were placed on the operation.
3. The use will remain a restaurant and the addition of the Type 47 Alcoholic Beverage Control License will not alter or intensify the existing use. Further, there will be no change to the net public area beyond what was originally permitted. There are no late hours proposed.

Finding:

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

Facts in Support of Finding:

1. The addition of the alcohol license does not change the operating characteristics of the previously approved eating and drinking establishment.
2. The restaurant will remain complementary to the other uses in PC-11, which includes retail stores, medical offices, restaurants, services, and other commercial uses. The restaurant will continue to provide a convenience for nearby businesses and visitors to the area.

Finding:

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

Facts in Support of Finding:

1. The previous restaurant has proven to be physically suitable in terms of design, location, shape, and size to support the use. The physical characteristics of the site are not changing with the new tenant and addition of the alcohol license.
2. Adequate public and emergency vehicle access, public services, and utilities are provided for on-site.

Finding:

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

Facts in Support of Finding:

1. The project has been reviewed and includes conditions of approval to help ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The restaurant will continue to service the surroundings by providing dining services as a public convenience to the surrounding businesses as well as visitors to the area. The service of alcohol will continue to complement the principal use of the facility and provide an economic opportunity for the property owner to maintain a successful business.

3. As conditioned, the owners, managers and employees selling alcohol are required to undergo and successfully complete a certified training program in responsible methods and skills for selling alcohol.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2017-009, 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 Use Permit No. UP1789, which upon vesting of the rights authorized by this Minor Use Permit, shall become null and void.

**PASSED, APPROVED, AND ADOPTED THIS 26<sup>TH</sup> DAY OF OCTOBER, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

**Planning Division**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. 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 Minor Use Permit.
4. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. The allowed hours of operation shall be between 7:00 a.m. and 11:00 p.m., daily.
6. Net public area shall be limited to a maximum of 2,169 square feet.
7. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require a separate review and may necessitate an amendment to this Minor Use Permit or the processing of a new use permit.
8. 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.
9. No outside paging system shall be utilized in conjunction with this establishment.
10. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
11. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.



12. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
13. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
14. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
15. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
16. 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.
17. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of il Barone Ristorante Minor Use Permit including, but not limited to, Minor Use Permit No. UP2017-009 (PA2017-082). 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.

### **Police Department**

18. All customers must vacate the establishment 30 minutes after closing.
19. The removal or relocation of tables, chairs, stools, or other furniture to accommodate an area for standing or dancing shall be prohibited.

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20. The approval is for an eating and drinking establishment with on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 (On-Sale General – Eating Place) license in conjunction with the restaurant as the principal use of the facility.
  21. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.
  22. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
  23. There shall be no live entertainment or dancing allowed on the premises.
  24. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
  25. There shall be no reduced price alcoholic beverage promotions after 9 p.m.
  26. Food service from the regular menu shall be made available to patrons until closing.
  27. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
  28. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
  29. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
  30. Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.
  31. There shall be no on-site radio, television, video, film, or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit issued by the City of Newport Beach.

32. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
33. Strict adherence to maximum occupancy limits is required.
34. The applicant shall maintain a security recording system with a 30-day retention.
35. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.

## RESOLUTION NO. ZA2017-084

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-073 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 3-CAR GARAGE LOCATED AT 2148 EAST OCEAN FRONT TH STREET (PA2017-058)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Fluter Properties, Property Owner, with respect to property located at 2148 East Ocean front, and legally described as Lot 13 of Block E of Tract 518, requesting approval of a Coastal Development Permit.
2. The applicant proposes to demolish a one-story, single-family residence and garage and construct a new three-story, 4,692-square-foot, single-family residence and attached garage. The project also includes hardscape, drainage, and landscaping. The project complies with all applicable development standards. No deviations are requested.
3. The subject property is located within the R-1 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
4. The subject properties are located within the coastal zone. The Coastal Zoning District is R-1 (Single-Unit Residential) and the Coastal Land Use Plan category is RSD-D (Single-Unit Residential Detached – 10.0-19.9 DU/AC).
5. A public hearing was held on October 26, 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 3,979-square-foot, single-family residence and 714-square-foot, 3-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 4,963 square feet and the proposed floor area is 4,692 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line, 3 feet along each side property line, and 0 feet along the rear property line abutting the alley.
  - c. The highest guardrail is no more than 24 feet from established grade and the highest ridge is no more than 29 feet from established grade, which complies with the maximum height requirements.
  - d. The project includes garage parking for a total of three vehicles, complying with the minimum three-car garage parking requirement for single-family residences with more than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with one-, two-, and three-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 finish floor elevation of the habitable portion of the proposed dwelling is 13.75 feet (NAVD 88), which complies with the minimum 9.00 feet (NAVD88) elevation required by the Zoning Code and Local Coastal Program. A Coastal Hazard and Wave Runup Study indicated a maximum sea level rise of 4.5 feet over the next 75 years resulting in future water elevation of 12.25 feet (NAVD). Furthermore, the report concluded that due to the distance of the property from the current mean high tide line (approximately 475 feet from the structure) that it is unlikely that the mean high tide line will reach property within the next 75 years.
4. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address

situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction

5. 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.
6. 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 even run-off on-site. Any water not retained on-site is directed to the City's storm drain system.
7. Proposed landscaping complies with Implementation Plan Section 21.30.075. A condition of approval is included that requires drought tolerant and prohibits invasive species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
8. The property is not located near designated public view points or coastal view roads and will not impact public coastal views.

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; however, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities because:
2. Nearby access to the beach is available at the West Jetty View Park, located approximately 250 feet to the east and, the terminus of M Street, located approximately 500 feet to the west. The proposed project will not alter existing public access
3. The proposed project is located entirely on private property and there will be no reduction in on-street parking spaces.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-073, 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 26<sup>TH</sup> DAY OF OCTOBER, 2017.**



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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. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. 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 improvement in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. Prior to the issuance of 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.
6. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
7. Prior to the 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.
8. Prior to the issuance of a building permit, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
9. Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury



or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify 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 development.

10. 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.
11. 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.
12. Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan consistent with Implementation Plan Section 21.30.075. The plans shall be approved by the Planning Division.
13. 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 a part of regular maintenance.
14. 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.
15. 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.
16. 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.
17. 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.

18. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity.
19. 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.
20. This approval does not authorize any new or existing improvements, including landscaping, on State tidelands or public beaches.
21. 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.
22. Coastal Development Permit No. CD2017-073 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.
23. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Collins Residence Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-073 (PA2017-177). 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. ZA2017-085

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-059 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 715 WEST BALBOA BOULEVARD (PA2017-137)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Urban Arena, LLC, with respect to property located at 715 West Balboa Boulevard requesting approval of a coastal development permit.
2. The lot at 715 Balboa Boulevard West is legally described as Lot 10, Block 8 of the East Newport Tract 3/37.
3. The applicant proposes to demolish an existing single-family residence and detached garage and construct a new 3-story single-family residence with attached garage totaling 2,839 square feet. The design includes hardscape, walls, drainage facilities, and approximately 73 square feet of landscaping. The project complies with all applicable development standards and no deviations are requested.
4. The subject property is designated RS-D (Single-Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-C Single Unit Residential Detached (10.0 – 19.9 DU/AC) and it is located within the R-1 Single-Unit Residential Coastal Zone District.
6. A public hearing was held on October 26, 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 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 2,460-square-foot single-family residence with attached 379-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 2,850 square feet and the proposed floor area is 2,839 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 7 feet along the front property line abutting West Balboa Boulevard, 3 feet along each side property line and 5 feet along the rear property line abutting the alley
  - c. The highest guardrail is less than 24 feet from established grade (10.20 feet NAVD88) and the highest ridge is no more than 29 feet from established grade, which comply with the maximum height requirements.
  - d. The project includes garage parking for a total of two vehicles, 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 two- and three-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 development fronts the Newport Bay. The project site is not protected by a bulkhead. The finished floor elevation of the proposed dwelling is 11.0 MSL (NAVD 88), which complies with the minimum 9.00 MSL (NAVD88) elevation standard.

4. The property owner will be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). The requirements is included as a condition of approval that will need to be satisfied prior to the issuance of building permits for construction.
5. 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.
6. The property is not located within 200 feet of coastal waters. Thus, the 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.
7. Proposed landscaping complies with Implementation Plan Section 21.30.075. A condition of approval is included that requires drought tolerant and prohibits invasive species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted
8. The property is not located near designated Public View Points or Coastal View Roads, and will not impact public coastal views.

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; however, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities. The property is separated from the beach by the boardwalk, a row of residences, and West Oceanfront Alley. Location of the property in relation to the beach precludes impacts to public viewpoints. Vertical access to the beach is available approximately 170 feet west of the property on 8<sup>th</sup> Street.

2. The public beach also contains a public boardwalk providing lateral access and views of the beach and shoreline in front of the project site.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-059, 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 26<sup>TH</sup> DAY OF OCTOBER, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. 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 (BMP's) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of construction activity as designated in the Erosion and Drainage Plans.
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 issuance of the building permits, the erosion control and drainage plan shall be submitted with the Building Permit plans. Implementation shall be in compliance with the approved plans and any changes could require separate review and approval by the Building Division.
14. 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.
15. 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.
16. 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.
17. 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.
18. This Coastal Development Permit No. CD2017-059 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.
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 including, but not limited to, Coastal Development Permit No. CD2017-059. 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. ZA2017-086

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2017-017 AND COASTAL DEVELOPMENT PERMIT NO. CD2017-066 FOR THE SUBDIVISION OF PROPERTY INTO TWO PARCELS LOCATED AT 325 ORCHID AVENUE (PA2017-156)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Lloyd Rucker, with respect to property located at 325 Orchid Avenue requesting approval of a tentative parcel map and coastal development permit.
2. The lot at 325 Orchid Avenue is legally described as Lot 25 and the northeasterly one-half (1/2) of Lot 23 and the southwesterly one-half (1/2) of Lot 27, all in Block 241, Corona Del Mar, in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps, in the office of the county recorder of said county.
3. The applicant proposes to subdivide an existing 60-foot wide property, which consists of one underlying 30-foot wide lot, and two 15-foot wide halves of a lot into two separate 30-foot wide lots. This would allow two separate single-family residences to be constructed on separate lots. The new lots would not meet the minimum lot width requirement set forth in Title 20 (Zoning) for new subdivisions; however, the proposed width and area are consistent with standard properties in Corona Del Mar. The Coastal Development Permit is for subdivision purposes; any future development on the two parcels would be required to comply with Title 21 Local Coastal Implementation Plan and Title 20.
4. The subject property is designated RSD (Single-Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached – (6.0 – 9.9 DU/AC) (RSD-B), and it is located within the Single-Unit Residential Coastal Zone District (R-1).
6. A public hearing was held on October 26, 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.

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## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 15 (Minor Land Divisions), because it has no potential to have a significant effect on the environment.
2. Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The proposed parcels are consistent with the land use and zoning designations. The deviation to lot width requires finding to be made to ensure development is consistent with the surrounding pattern of development and that the project will not be detrimental to the neighborhood. The requested lot width is consistent with the width of the majority of lots in Corona Del Mar and development intensity and density will be the same as approved by the original Corona Del Mar subdivision on this block. Therefore, the proposed parcel map is consistent with the intent and is eligible for 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 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and approves the Coastal Development Permit based on the following findings per Section 21.52.015 F. of Title 21:

### Finding:

- A. *That the proposed map conforms to all applicable sections of the certified Local Coastal Program.*

### Facts in Support of Finding:

1. The Tentative Parcel Map meets all of the requirements of the Local Coastal Program, including the provisions contained within Section 21.30.025 Coastal Subdivisions.
2. The subject property is within a developed neighborhood and is located more than 800 feet from the shoreline. The subject property is not located near or adjacent to any natural landforms including coastal bluffs, and is not within the proximity of any environmentally sensitive areas.
3. The project site is not located between the nearest public road and the sea or shoreline and approval of the parcel map will not affect public recreation access or

views. Public access is available along Ocean Boulevard more than 800 feet to the south of the property.

4. Future development will be required to meet the Title 21 requirement that off-street parking spaces be accessed from the existing alley. Therefore, there is no loss of existing on-street parking available for visitors and the public.

Finding:

*B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is 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 subject property is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

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:

*C. 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 the purpose of subdividing an existing property consisting of one legal underlying lot (30 feet wide by 118 feet deep), and two halves of an underlying legal lot (15 feet on each side of the whole lot) to create two individual 30-foot wide lots.
2. The proposed subdivision and improvements are consistent with the density of the R-1 Zoning District and the RSD General Plan Land Use Designation.
3. Future construction will comply with all applicable R-1 zoning district development standards.
4. The Tentative Parcel Map is not located within a specific plan area.

Finding:

*D. 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 two 30-foot by 118-foot lots. The lots are rectangular in shape, consistent with the lot width and area of other lots in the vicinity. The topography is relatively flat.
2. The subject property is accessible from Orchid Avenue and the alley at the rear. The lots are adequately served by existing utilities.

Finding:

*E. 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 single-family residence that will be demolished, and replaced with two single-family residences.
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 or Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Divisions).

Finding:

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

Fact in Support of Finding:

1. The Tentative Parcel Map is for residential development. All improvements associated with the project will comply with required 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:

*G. 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.*

Fact 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:

*H. 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 within a Zoning District that permits residential uses.

Finding:

*I. 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.*

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a "land project" as

previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.

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

Finding:

*J. 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.*

Fact 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:

*K. 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.*

Fact in Support of Finding:

1. The proposed subdivision is consistent with the R-1 Zoning District, which allows one (1) residential unit on each property. Therefore, the Tentative Parcel Map will not affect the City in meeting its regional housing need.

Finding:

*L. 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.*

Fact in Support of Finding:

1. The development of single-family residences in the future will require 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 and sewer system in compliance with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

*M. 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.*

Fact in Support of Finding:

1. The subject property is located within the Coastal Zone. The facts in support of Findings A and B above are hereby incorporated by reference.

***Deviation from Design Standards***

Per Section 19.24.050.A of Title 19 (Lot Design, Lot Size), new subdivisions must meet the applicable zoning district regulations stated in Title 20 (Zoning Code). Deviation from the design standards set forth in Chapter 19 of Title 19 may be approved by the Zoning Administrator subject to specific findings stated per Section 19.24.130.C. The proposed subdivision would create lots that would not meet the minimum area and lot width standards required by the Zoning Code for new subdivisions within the R-1 Zoning District. The Zoning Code requires new subdivision interior lots to be 50 feet wide and corner lots to be 60 feet wide, and have a lot area of 5,000 and 6,000 square feet, respectively. The lots are proposed to be 30-feet in width and contain 3,540 square feet. The required findings to deviate from the standards and facts in support of those findings are as follows:

Finding:

*A. The requested deviations will create a land plan or development design equal or superior to that under the baseline design standards in this Chapter.*

Facts in Support of Finding:

1. The proposed lots are comparable in width, length, and area with the majority of the original subdivision, which was comprised of 30-foot-wide by 118-foot-deep interior lots. Since the original subdivision was created in 1904, some lots in the vicinity have been re-subdivided (or structures have been built over underlying lot lines) but the majority remain 30-foot-wide by 118-foot-deep. Typical lots in the vicinity are 30 to 45 feet in width. A 60-foot-wide lot is atypical in Corona Del Mar.
2. The proposed lots are 3,540 square feet in area, which is consistent with the design of the original underlying subdivision and properties in the vicinity. The proposed subdivision would not create additional lots beyond what was provided in the original tract from 1904 (Corona Del Mar Tract).
3. The existing lot orientation with vehicular access from the alley in the rear would remain.



Finding:

B. *The deviations will not negatively impact the carrying capacity of the local vehicular circulation network.*

Fact in Support of Finding:

1. The proposed subdivision would not increase the density beyond the original subdivision. The subject property is comprised of Lot 25 and portion of Lots 23 and 27 of the original subdivision. The properties on the block are 30 to 45 feet in width. Therefore, no individual property would be eligible for subdivision on the block, as the width would be less than 30 feet and inconsistent with the development pattern of the original subdivision or existing development pattern. Thus, the impact on the vehicular circulation network will be the same as the original subdivision.

Finding:

C. *The deviations will not negatively impact pedestrian circulation.*

Facts in Support of Finding:

1. The subdivision will not reduce, encroach or change the size of location of the Orchid Avenue sidewalk.
2. The subdivision will not eliminate or impede pedestrian circulation provided that the necessary improvements are constructed in accordance with applicable Public Works design standards and permitting.

Finding:

D. *The resulting subdivision will be compatible with the pattern of surrounding subdivisions.*

Facts in Support of Finding:

1. The original subdivision established 30-foot-wide and 118-foot deep lots throughout Corona Del Mar. Some lot line adjustments, lot splits and lot consolidation (as well as structures being built over lot lines) have occurred throughout Corona Del Mar; however, the majority of the lots remain 30 feet in width.
2. The majority of lots in Corona Del Mar contain 3,540 square feet in area, which is in keeping with the size of the proposed lots.

Finding:

E. *The resulting subdivision design and improvements will not be materially detrimental to the residents or tenants of the proposed subdivision or surrounding properties, nor to public health or safety.*

Facts in Support of Finding:

1. The proposed subdivision to re-subdivide the existing parcel in a comparable manner to the underlying legal lots would allow one single-family residence to be constructed on each lot in accordance with the General Plan. Approval does not introduce an incompatible land use, and the resulting subdivision design would not be detrimental to the residents as vehicular and pedestrian access would be maintained. Any development must be in accordance with the conditions of approval and the Municipal Code. The resulting lot widths are consistent with the lot widths of the original subdivision or the existing development pattern of the neighborhood.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2017-017 and Coastal Development Permit No. CD2017-066, 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.

**PASSED, APPROVED, AND ADOPTED THIS 26<sup>TH</sup> DAY OF OCTOBER, 2017.**



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Patrick J. Alford, Zoning Administrator

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

1. Prior to recordation of the parcel map, the existing single-family residence shall be demolished.
2. 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).
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval. Applicant shall comply with applicable Water Quality Management Plan (WQMP) requirements for each individual single-family residence.
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 Coastal Development Permit.
5. This Parcel Map and 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.
6. 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.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
8. This approval 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.
9. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of 325 Orchid Avenue Tentative Parcel Map and Coastal Development Permit including, but not limited to, Parcel Map No. NP2017-017 and Coastal Development Permit

No. CD2017-066 (PA2017-156). 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**

9. A Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
10. Prior to the 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.
11. All improvements shall be constructed as required by Ordinance and the Public Works Department.
12. Reconstruct all damaged concrete sidewalk panels, curb and gutter along the Orchid Avenue property frontage and any damaged concrete alley panels along the alley property frontage as determined by the Public Works Department.
13. All existing overhead utilities shall be undergrounded.
14. All above ground improvements shall stay a minimum 5-foot clear of the alley setback.
15. 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.
16. Install new sod or low groundcovers of the type approved by the City throughout the Orchid Avenue parkway fronting the development site.

17. Each single-family residence 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.
18. An encroachment permit is required for all work activities in the public right-of-way.
19. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
20. Install two new 36-inch box street trees (one for each lot) along the Orchid Avenue frontage. Tree species shall be per City Council Policy G-6. All other City street trees shall be protected in place, unless otherwise approved by the Municipal Operations Department, General Services Division.
21. 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.