



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: Seimone Jurjjs, Community Development Director  
SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending November 17, 2017.

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**ZONING ADMINISTRATOR ACTIONS  
NOVEMBER 16, 2017**

- Item 1: 1045 West Balboa Boulevard Coastal Development Permit No. CD2017-078 (PA2017-183)  
Site Address: 1045 West Balboa Boulevard  
Action: Approved by Resolution No. ZA2017-087 Council District 1
- Item 2: 7302 West Ocean Front Coastal Development Permit No. CD2017-056 (PA2017-121)  
Site Address: 7302 West Ocean Front  
Action: Approved by Resolution No. ZA2017-088 Council District 1
- Item 3: 1754 Ocean Boulevard Coastal Development Permit No. CD2017-093 (PA2017-216)  
Site Address: 1754 Ocean Boulevard  
Action: Approved by Resolution No. ZA2017-089 Council District 1
- Item 4: Circle Hook Restaurant Minor Use Permit No. UP2017-025 (PA2017-189)  
Site Address: 3432 Via Oporto, Suite 104  
Action: Approved by Resolution No. ZA2017-090 Council District 1
- Item 5: Olson Residence Coastal Development Permit No. CD2017-063 (PA2017-150)  
Site Address: 11 Harbor Island  
Action: Approved by Resolution No. ZA2017-091 Council District 5
- Item 6: The Crab Cooker Restaurant Minor Use Permit No. UP2016-029 and Coastal Development Permit No. CD2017-069 (PA2016-112)  
Site Address: 2200 and 2202 Newport Boulevard  
Action: Approved by Resolution No. ZA2017-092 Council District 1

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

Item 1: Back Bay Court Comprehensive Sign Program No. CS2017-012 (PA2017-176)  
Site Address: 3601 Jamboree Road

Action: Approved

Council District 3

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. ZA2017-087**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-078 FOR A NEW DUPLEX LOCATED AT 1045 WEST BALBOA BOULEVARD (PA2017-183)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by FoxLin Architects, with respect to property located at 1045 West Balboa Boulevard, and legally described as Lot 12 of Block 10, requesting approval of a Coastal Development Permit.
2. The applicant proposes the demolition of four residential apartment units and the construction of a new 3,467-square-foot duplex with a 643-square-foot attached garage and two covered carports. The proposed development also includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices, and landscaping.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two-Unit Residential – (20.0 - 29.9 DU/AC) (RT-D) and the Coastal Zoning District is Two-Unit Residential (R-2).
5. A public hearing was held on November 16, 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 15315, 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), because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the construction of limited numbers of new, small structures, including one duplex. The proposed project consists of the demolition of four residential units and the construction of a new duplex located in the R-2 Coastal Zoning District.

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### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (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 4,578.75 square feet and the proposed floor area is 4,110 square feet.
  - b. The proposed development complies with the required setbacks, which are 10 feet along the property line abutting West Balboa Boulevard and 3 feet along each side property line. There is no required setback abutting the 20-foot-wide alley.
  - c. The highest guardrail/parapet is 24 feet from established grade and the highest ridge is 29 feet from established grade. The proposed development complies with all height requirements.
  - d. The proposed development provides a two-car garage and a two-car carport, meeting the minimum garage requirement for duplexes.
  - e. The proposed development provides a finish floor elevation of 10.24 (NAVD88), exceeding the minimum 9.0 (NAVD88) top of slab elevation requirement for interior living areas of new structures.
2. The neighborhood is predominantly developed with two- and three-story single-family and two-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 is set back approximately 660 feet from the mean high water line. Due to the large distance from coastal waters, a Water Quality Management Plan (WQMP) and a Construction Pollution Prevention Plan (CPPP) are not required. A post-construction drainage system will be installed that includes drainage and percolation features designed to retain dry weather and minor rain run-off on-site to ensure the project does not impact water quality. Any water not retained on-site is directed to the City's storm drain system.
4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC)

and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

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 not located between the nearest public road and the sea or shoreline and the proposed project will not affect public recreation, access or views.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-078, 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 16<sup>TH</sup> DAY OF NOVEMBER, 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. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
3. Coastal Development Permit No. CD2017-078 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.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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 21 Planning and Zoning of the Newport Beach Municipal Code.
13. 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 1045 West Balboa Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-078 (PA2017-183). 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. ZA2017-088

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-056 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 7302 WEST OCEAN FRONT (PA2017-121)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Pacific Coast Architects, with respect to property located at 7302 West Ocean Front, requesting approval of a coastal development permit.
2. The lot at 7302 West Ocean Front is legally described as Lot 2, Block M of the Seashore Colony Tract.
3. The applicant requests a Coastal Development Permit (CDP) to demolish an existing two-story single-family residence and construct a new 3-story, 2,692 square foot, single-family residence with a 417-square-foot 2-car garage. The design includes hardscape, walls, and drainage facilities. The project complies with all applicable development standards and no deviations are requested.
4. The subject property is designated RT (Two-Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential 30.0 -39.9 DU/AC (RT-E) and it is located within the Two-Unit Residential (R-2) Coastal Zone District.
6. A public hearing was held on November 16, 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), because it has no potential to have a significant effect on the environment.



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 2,692-square-foot single-family residence and attached 417-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 3,120 square feet and the proposed floor area is 3,107 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 5 feet along the front property line abutting the public beach, 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 (13.18 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 a public beach. The project site is not protected by a bulkhead. The finished floor elevation of the proposed dwelling is 13.25 MSL (NAVD 88), which complies with the minimum 9.00 MSL (NAVD88) elevation standard.
4. A Coastal Hazard and Sea Level Rise Analysis was prepared by William Simpson & Associates, Inc. dated May 9, 2017 for the project. The report concludes that even if some waters reach the site, they will not cause erosion and/or damage because of their

relatively low velocity. Additionally, the report concludes that rise in future groundwater elevation and sea level rise will not adversely impact the structure over its economic life (75 years). The need for a shoreline protective device is not anticipated over the life of the proposed development.

5. 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.
6. 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.
7. The property is not located within 100 feet of coastal waters. 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.
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 or use the coast and nearby recreational facilities. Vertical access to the bay front is available approximately 35 feet southeast of the site along Sonora Street. Lateral Access is available via a large public beach fronting the subject property.
2. The proposed project is located entirely on private property and there will be no reduction in on-street parking spaces.

3. This CDP does not include a request to add or alter any new or existing improvements, including landscaping, on State tidelands or public beaches. The existing improvements on the adjacent public right-of-way were allowed in accordance with an encroachment agreement and encroachment permit between the property owner and the City. Any proposed alteration to the existing improvements would require City approval and may require approval of a CDP.
4. Pursuant to the Coastal Land Use Plan, the nearest Public View Point is located in Newport Shores, more than 2,500 feet from the property. The nearest Coastal View Road (segment) is on West Coast Highway north of the subject property. Due to the distance of the proposed development from the public viewpoint and the project's compliance with height, setbacks, the project will not impact coastal views.

**SECTION 4. DECISION.**

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-056, 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 16<sup>TH</sup> DAY OF NOVEMBER, 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. 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.
3. 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.
4. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
5. The existing improvements on the adjacent public right-of-way were allowed in accordance with an encroachment agreement and encroachment permit between the property owner and the City. Any proposed alteration to the existing improvements requires City approval and may require approval of a Coastal Development Permit.
6. 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.
7. 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 Drainage and Erosion Plans.
8. 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.

9. 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.
10. 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.
11. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
12. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
13. 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.
14. 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.
15. 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.
16. 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.
17. Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan if any landscaping is proposed. 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.
18. 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.

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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.

19. Prior to the issuance of building permits, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
20. 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.
21. This Coastal Development Permit No. CD2017-056 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.
22. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of including, but not limited to, Coastal Development Permit No. CD2017-056 (PA2017-121). 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. ZA2017-089

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-093 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED TWO-CAR GARAGE LOCATED AT 1754 OCEAN BOULEVARD (PA2017-216)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by MKT Development, LLC, with respect to property located at 1754 Ocean Boulevard requesting approval of a coastal development permit.
2. The lot at 1754 Ocean Boulevard is legally described as Lot 14, Block H in Tract 00518.
3. The applicant proposes the demolition of an existing single-family dwelling with attached garage and the construction of a new, three-story, 3,308 square foot single-family dwelling including an attached garage.
4. The subject property is designated Single-Unit Residential Detached (RSD) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached – (10.0-19.9 DU/AC) (RSD-C) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
6. A public hearing was held on November 16, 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 (Section 15315, 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 3,308-square-foot single-family residence including an attached 500-square-foot two-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 3,739 square feet and the proposed floor area is 3,308 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line abutting Ocean Boulevard, 3 feet along each side property line and 0 feet along the rear property line abutting the 20-foot wide alley.
  - c. The highest guardrail is less than 24 feet from established grade (11.63 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 three-car garage parking requirement for single-family residences.
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 proposed development is not located on the shoreline and is approximately 245 feet from the nearest beach. The proposed finished floor is 12.15 MSL (NAVD88) which is higher than the 9.00 MSL (NAVD88) standard. Impacts from wave run-up and sea level rise are not anticipated.
4. Project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drained and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system



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. 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
7. 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 not located between the nearest public road and the sea or shoreline; the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.
2. Vertical and lateral access to the public beach is available approximately 300 feet northwest of the site at the street end of L Street and also at all of the lettered street ends in the Peninsula Point neighborhood.
3. The closest Public View Point is located at the end of Peninsula Point viewing the entrance of the Harbor, approximately 1,500 feet from the property. The proposed residence is not located near Coastal View Roads, as designated in the Coastal Land Use Plan. Due to the distance of the proposed development from the public view point and the project's compliance with height and setbacks, the project will not impact coastal views.

**SECTION 4. DECISION.**

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-216, 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 16<sup>TH</sup> DAY OF NOVEMBER, 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 (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
4. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
5. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
6. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
7. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
8. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
9. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
10. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

11. Prior to issuance of the building permits, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
12. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
13. Prior to the issuance of building permits, the applicant shall submit a final 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.
14. 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.
15. 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.
16. 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.
17. This Coastal Development Permit No. CD2017-093 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.
18. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of 1754 Ocean Boulevard CDP including, but not limited to, Coastal Development Permit No. CD2017-093. 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. ZA2017-090

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2017-025 FOR A FOOD SERVICE EATING AND DRINKING ESTABLISHMENT WITH A TYPE 41 (BEER AND WINE) ALCOHOLIC BEVERAGE CONTROL LICENSE, OUTDOOR DINING WITH NO LATE HOURS AT 3432 VIA OPORTO SUITE 104 (PA2017-189)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Dawn Simone for Lido Group Retail, LLC, with respect to property located at 3432 Via Oporto, and legally described as Lot 24 and northwesterly half of Lot 23 in Tract 1622 in the City of Newport Beach, County of Orange requesting approval of a minor use permit.
2. The applicant proposes to operate a food service, eating and drinking establishment including a Type 41 (Beer and Wine) Alcoholic Beverage Control (ABC) license, an outdoor dining area, with no late hours.
3. The subject property is located within the MU-W2 (Mixed-Use Water Related) Zoning District and the General Plan Land Use Element category is MU-W2 (Mixed-Use Water Related).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed Use Water Related (MU-W) and it is located within the Mixed-Use Water Related (MU-W2) Coastal Zone District.
5. A public hearing was held on November 16, 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 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The

proposed project involves the interior alteration of an existing commercial building. Therefore, the project qualifies for a categorical exemption under Class 1.

### 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 Part One Crimes Rate in Reporting District 15 (RD 15) is higher than the Part One Crimes Rate for the City and adjacent districts. The crime rate in RD15 is 243 percent above the Citywide reporting district average. The higher crime rate is largely due to the number of visitors to the Balboa Peninsula, the high concentration of restaurants, and the high ratio of non-residential to residential uses. While the area does have a high concentration of alcohol licenses, the findings can be made despite higher concentrations of crimes and Lido Marina Village was designed to accommodate restaurants. The service of alcoholic beverages would provide additional menu options for customers and would enhance the economic viability of the business.
  2. The Police Department has reviewed the proposal, provided operating conditions of approval, and has no objection to the addition of the alcoholic beverage license subject to appropriate conditions of approval. The operation of the establishment includes the approved floor plan with no separate bar counter or area and a closing hour of 10 p.m.
- ii. *The numbers 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 15 is higher than RD 13, RD 16 and 25. The subject property has zero calls for service. The Police Department has reviewed the proposal and has no objection.
- 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 subject property is located in a mixed-use district where residential development is permitted above the first floor. However, Lido Marina Village does not include any residential development and there are no plans to add mixed-use.
  2. A mixed-use development that includes two residential units is located approximately 375 feet to the south along Via Oporto. Residential properties are located approximately 430 feet to the west across Newport Boulevard. Additionally, multi-family residential development is located 625 feet northeast of the Property across Newport Harbor.
  3. The nearest place of recreation, the beach, is located approximately one half mile to the west. The nearest church, St. James Episcopal Church, is located 1,050 feet to the south of the subject property along Via Lido. The nearest school, Newport Elementary School, is located approximately one mile to the southeast along West Balboa Boulevard. The project site is not located in close proximity to a daycare center. The proposed use is otherwise surrounded by other commercial retail and office uses.
  4. The Balboa Peninsula is generally characterized by a high number of visitors, in which commercial and residential zoning districts are located in close proximity to one another. This location in Lido Marina Village has greater distance from sensitive land uses than other commercial areas.
  5. Eating and drinking establishments with incidental alcohol service are common in Lido Marina Village and the proposed ABC license in conjunction with an early closing hour is not anticipated to alter the operational characteristics of the use such that it becomes detrimental to the area. The draft resolution includes conditions of approval to further minimize negative impacts to surrounding land uses and ensure that the use remains compatible with the surrounding community
- iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*
1. The Lido Marina Village was designed to accommodate multiple restaurants and the proposed restaurant is expected to be located in close proximity to other food service establishments. This includes a recently approved application for Nobu, a food service with late hours, outdoor dining, and a Type 47 (On Sale General) alcohol license located at 3450 Via Oporto. The RD15 statistics indicate an over concentration of alcohol licenses within this statistical area.
  2. The per capita ratio of one license for every 69 residents is higher than the adjacent districts and the average ratio for Orange County. This is due to the higher concentration of commercial land uses, alcohol licenses attributed to adjacent marina operations, lower number of residential properties, and high number of restaurants in Lido Marina Village, Cannery Village, and McFadden Square. While the proposed restaurant is located in close proximity to other establishments, the location in Lido Marina Village, an established commercial area, together with the proposed operational characteristics would make the service of alcoholic beverages appropriate.



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

1. The existing commercial building has been vacant since renovations of Lido Marina Village began at the end of 2013. The draft resolution has been conditioned to require building improvements to bring the building into compliance with Building and Fire Code requirements.
2. The project 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 residents and 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 10 p.m., daily, which will ensure the use does not become a late night bar, tavern, or nightclub.
4. The resolution includes conditions of approval to limit objectionable conditions related to noise and trash from the establishment. All employees serving alcohol will be required to be at least 21 years of age and receive ABC-required Licensee Education on Alcohol and Drugs (LEAD) or Responsible Beverage Service (RBS) training

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 MU-W2 (Mixed-Use Water Related) General Plan and CLUP land use designations apply to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. Although the subject property and surrounding development does not include residential uses, the proposed eating and drinking establishment is consistent with the visitor-serving land uses intended for the MU-W2 (Mixed-Use Water Related) land use designation of the General Plan and CLUP.
2. The requested outdoor dining patio hours are compatible with the goals established for Lido Marina Village. Land Use Goal 6.9 (Lido Village) of the General Plan emphasizes the need for “a pedestrian-oriented village environment that reflects its waterfront

location, providing a mix of uses that serve visitors and local residents.” The proposed outdoor dining patio provides an amenity for coastal visitors to enjoy the bay frontage.

3. Land Use Element Policy LU5.2.2 (Buffering Residential Areas) suggests that commercial uses adjoining residential neighborhoods should be designed to be compatible and minimize impacts to these uses. There is no dancing or live entertainment proposed and the only music will be ambient or background music.
4. The Circulation Element Goal 7.1 (Parking) is to ensure that an adequate supply of convenient parking is available throughout the City. Analysis provided by the Lido Marina Village Parking Demand Analysis and in accordance with the approved Parking Management Program (Use Permit No. UP2014-014) demonstrates that an adequate supply of parking will be provided based upon the shared use of parking within Lido Marina Village.
5. Pursuant to Coastal Land Use policies the project will provide public access via a public walkway along the water front with a width of minimum 6-feet along bay and vertical.
6. 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 MU-W2 (Mixed-Use Water Related) zoning district applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. Eating and drinking establishments classified as Food Service, Late-Hours require the approval of conditional use permit within the MU-W2 (Mixed-Use Water Related) Zoning District.
2. Section 20.48.090.F.3.b (Eating and Drinking Establishments, Outdoor Dining) also requires that the review authority consider the relationship of outdoor dining to sensitive noise receptors. The outdoor dining patio closing hour of 10 p.m., daily, will minimize noise impacts to residents located across Newport Harbor.
3. The proposed use and required parking is consistent with the Lido Marina Village Parking Management Program authorized under Use Permit No. UP2014-014.
4. As conditioned, the proposed project will comply with Newport Beach Municipal Code standards for eating and drinking establishments.
5. The eating and drinking establishment is consistent with the Lido Marina Village Design Guidelines. The renovation of the existing establishment will support local establishments within Lido Marina Village and improve the pedestrian streetscape.

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 commercial space is being improved with a new kitchen, a small dining area, and a small outdoor dining area. There is an existing common restroom shared between first floor suites. The existing infrastructure is adequate to accommodate the new eating and drinking establishment. The location is compatible with other commercial uses in the area and serves as a key restaurant anchor within Lido Marina Village. The eating and drinking establishment also serves as an important visitor-serving use that benefits the area, which is in furtherance of the City's Coastal Land Use Plan and the Coastal Act.
2. The subject property is located in a relatively dense commercial village area with multiple uses within a short distance of each other. Lido Marina Village is conducive to a significant amount of walk-in patrons. No on-site parking is available for the subject property but adequate parking is provided in the Lido Marina Village parking structure and adjacent streets (Central Avenue and Via Oporto) as authorized under the approved Parking Management Program for Lido Marina Village (Use Permit No. UP2014-014).
3. The operational conditions of approval will promote compatibility with the surrounding uses. The floor plan provides tables and counter areas to accommodate 20 interior seats and 10 outdoor dining patio seats. The hours of operation have been limited to stagger and minimize the demand for police services in the area. The applicant is required to maintain substantial conformance with the approved floor plan in conjunction with a Type 41 (On Sale Beer and Wine) alcohol license so that the restaurant's primary use is an eating and drinking establishment and not a bar, lounge, or night club. Live entertainment is not permitted.
4. The proposed use will not necessitate high levels of lighting or illumination and all outdoor lighting must conform to Newport Beach Municipal Code Section 20.30.070 (Outdoor Lighting).

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 project site is located within an existing commercial building with the space previously used for retail. The interior construction for the small scale establishment

includes a new kitchen and dining area, and an outdoor dining area. The design, size, location, and operating characteristics of the use are compatible with the surrounding Lido Marina Village development.

2. Adequate public and emergency vehicle access, public services, and utilities are provided for on-site.
3. The design of the tenant improvements will comply with all Building, Public Works, and Fire Codes, and will be approved by the Orange County Health Department.

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 tenant improvements to the existing commercial building should have a positive impact on the area and may promote further revitalization of commercial properties located in Lido Marina Village. The eating and drinking establishment will serve the surrounding community.
2. The project includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. Turning music at the patio off at 10 p.m. will ensure the restaurant will remain in compliance with Chapter 10.26 (Community Noise Control) of the Newport Beach Municipal Code.
3. The project includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The limited hours reduce impacts to surrounding land uses and sufficient parking is available in the area to accommodate the eating and drinking establishment. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance within the facility, adjacent properties, or surrounding public areas, sidewalks, or parking lots of the restaurant, during business hours, if directly related to the patrons of the establishment.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2017-025, 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 filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 16<sup>th</sup> DAY OF NOVEMBER, 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, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Minor Use Permit No. UP2017-025 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
5. This Minor Use Permit may be modified or revoked by the Zoning Administrator should they determine 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. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
8. Prior to the issuance of building permits, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
9. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
10. 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 Conditional Use Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include

- architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Conditional Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
11. The hours of operation for the restaurant (interior and exterior) shall be of the restaurant shall be limited between 9 a.m. to 10 p.m., daily.
  12. That the “net public area” shall not exceed 295 square feet for the interior of the subject restaurant facility.
  13. The accessory outdoor dining shall be used only in conjunction with the related adjacent establishment. The outdoor dining patio shall be limited to 129 square feet in area.
  14. The height of the boundary wall of the accessory outdoor dining area shall be marked on the approved plans. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.
  15. There shall be no dancing allowed on the premises.
  16. Live entertainment shall not be permitted unless an amendment to this Use Permit is approved and the operator has obtained a live entertainment permit from the Revenue Division.
  17. The installation of roof coverings shall not have the effect of creating a permanent enclosure of the outdoor patio area. The use of umbrellas for shade purposes shall be permitted. The use of any other type of overhead covering shall be subject to review and approval by the Community Development Director and may require an amendment to this permit.
  18. All proposed signs shall be in conformance with any approved Comprehensive Sign Program for the project site and provisions of Chapter 20.67 of the Newport Beach Municipal Code.
  19. No temporary “sandwich” signs shall be permitted, either on-site or off-site, to advertise the restaurant facility. Temporary signs shall be prohibited in the public right-of-way unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
  20. All lighting shall conform with the standards of Section 20.30.070 (Outdoor Lighting). The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
  21. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. 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. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time period unless the ambient noise level is higher:

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

22. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
23. An outdoor sound system shall be permitted within the outdoor dining areas for music played at a background level. Music on the outdoor dining patios shall be turned off at 10 p.m. daily. Sound shall adhere to Chapter 10.26 of the Newport Beach Municipal Code.
24. 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.
25. 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.
26. All trash shall be stored within the building, except when placed for pick-up by refuse collection agencies. 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).



27. Trash receptacles for patrons shall be conveniently located inside of the establishment. 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.
28. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the trash container on pick-up days.
29. 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 **Circle Hook Minor Use Permit** including, but not limited to, **Minor Use Permit No. UP2017-025**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

### **Police Department Conditions**

30. All customers must vacate the establishment 30 minutes after closing.
31. 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 41 (on-sale beer and wine) license, in conjunction with the restaurant as the principal use of the facility.
32. All owners, managers, and employees must abide by all requirements and conditions of the Alcoholic Beverage License.
33. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.
34. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
35. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.

36. There shall be no reduced price alcoholic beverage promotions after 9 p.m.
37. No off-sales of alcohol shall be permitted.
38. 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.
39. 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.
40. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks is prohibited (excluding charges for prix fixe meals).
41. 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.
42. 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.
43. 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, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
44. 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.
45. Strict adherence to maximum occupancy limits is required.

46. The applicant shall maintain a security recording system with a 30-day retention and make those recording available to police upon request.

### **Fire Department Conditions**

47. A hood fire suppression system shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. California Fire Code Section 609.2.

### **Building Division Conditions**

48. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. A building permit is required to allow the change in use to an eating and drinking establishment. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.
49. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
50. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Division.

### **Public Works Conditions**

51. Along the Bayfront, the minimum 6-foot pedestrian easement including vertical shall remain open and clear of all obstructions including the outdoor dining area.

## RESOLUTION NO. ZA2017-091

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-063 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE AND ATTACHED 4-CAR GARAGE LOCATED AT 11 HARBOR ISLAND (PA2017-150)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by LS Architects, with respect to property located at 11 Harbor Island, and legally described as Lot 11 of Tract No. 802, requesting approval of a coastal development permit.
2. The applicant proposes the demolition of an existing single-family residence and attached garage and the construction of a new two-story, 6,552-square-foot single-family residence with an attached 1,065-square-foot garage. The project also includes hardscaping, drainage, and landscaping. The proposed residence complies with all applicable development standards including height, setbacks, and floor area limits. No deviations are requested.
3. The subject property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (0.0 – 5.9 DU/AC) (RSD-A) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
5. A public hearing was held on November 16, 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), because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the construction 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 6,552-square-foot single-family residence and attached 1,065-square-foot four-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 9,242.2 square feet and the proposed floor area is 7,617.5 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 15 feet along the front property line, inclusive of the Harbor Island private drive, 4 feet along each side property line and 15 feet along the rear property line fronting the water.
  - c. The highest flat roof element is less than 24 feet from established grade (12.75 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 four vehicles, exceeding 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 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 12.82 feet (NAVD 88), which complies with the minimum 9.00-foot (NAVD88) elevation standard.
4. A Coastal Hazard and Sea Level Rise (SLR) Analysis was prepared by GeoSoils, Inc., dated May 8, 2017, for the project. Overall, the analysis concludes that the proposed

project will be safe from flooding hazards for the next 75 years given that the finished floor is well above potential flooding from SLR. The report notes that the low site wall could be raised to at least 12.00 feet (NAVD88) to help further adapt to the most extreme SLR; however, it is not the City's policy to require protection above 10.00 feet (NAVD88) at this time.

5. 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 future shoreline protection located further seaward of the existing shoreline protection wall. The property owner will also be required to acknowledge any hazards (e.g., liquefaction, waves, erosion, flooding, and sea level rise, etc.) 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.
6. 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.
7. Project design addresses water quality with a preliminary Construction Pollution Prevention Plan (CPPP) 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.
8. Pursuant to Municipal Code Section 21.35.050 (Water Quality and Hydrology Plan), due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. To fulfill this requirement, a preliminary Water Quality Management Plan (pWQMP) prepared by Toal Engineering, dated September 19, 2017, has been reviewed and approved by the City's Engineer Geologist. The pWQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of an LID approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs.
9. Proposed landscaping complies with Implementation Plan Section 21.30.075 (Landscaping). 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
10. 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. Harbor Island is a 35-lot single-family community on a private island located between Linda Isle and Collins Island. A gated bridge connects Harbor Island to the mainland at the end of Harbor Island Road. The shoreline consists mainly of bulkheads. The State, through the adoption of Chapter 715, Statutes of 1984, found that tidelands surrounding Harbor Island are generally inaccessible to the public from the land and not suitable for public trust uses.
2. The project site is located between the nearest public road and the sea or shoreline and demolition of the existing residence and the construction of a replacement residence will not increase the need for additional access or affect public recreation, access or views. The property is not located near designated Public View Points or Coastal View Roads and will not impact public coastal views.

## SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2017-063, 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 16<sup>TH</sup> DAY OF NOVEMBER, 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. Waiver of Future Protection for Properties with Approved Bulkheads – 21.30.030.C.3(i)

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 including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment bayward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns.

3. Acknowledgement of Hazards for Waterfront Development - 21.30.015.D.3(c)

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.

4. 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.

5. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).

6. 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.



7. 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.
8. 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.
9. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
10. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
11. 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.
12. 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.
13. 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.
14. 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.
15. Prior to issuance of the building permits, the approved WQMP shall be submitted with the Building Permit plans. Implementation shall be in compliance with the approved WQMP and any changes could require separate review and approval by the Building Division.
16. 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.

17. 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.
18. 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.
19. 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.
20. This Coastal Development Permit No. CD2017-063 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.
21. 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 Olson Residence CDP including, but not limited to, Coastal Development Permit No. CD2017-063. 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. ZA2017-092

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2016-029 AND COASTAL DEVELOPMENT PERMIT NO. CD2017-069 TO REPLACE AN EXISTING LEGAL NONCONFORMING STRUCTURE AND ALLOW THE CONTINUED OPERATION OF ITS USE (THE CRAB COOKER RESTAURANT) LOCATED AT 2200 AND 2202 NEWPORT BOULEVARD (PA2016-112)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by The Crab Cooker Restaurant, with respect to property located at 2200 and 2202 Newport Boulevard, and legally described as Lots 15 and 16 of Tract No. 814, requesting approval of a coastal development permit.
2. The applicant proposes the replacement of a legal nonconforming building and the continued operation of an existing restaurant (The Crab Cooker). The structure was involuntarily damaged beyond repair due to recent construction on the abutting property. The replacement structure will maintain the same gross floor area, but will include an outdoor dining patio as well as a small second floor office and storage area. No operational changes (i.e., hours or alcohol license type) are requested for the restaurant.
3. The subject property is designated Mixed-Use Water Related (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water Related (MU-W2) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and it is located within the Mixed-Use Water Related (MU-W2) Coastal Zoning District.
5. A public hearing was held on November 16, 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 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

2. Class 2 exempts the replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity. The proposed project is the replacement of an existing structure with a new structure of the same gross floor area, same land use (restaurant) and similar occupancy.

### SECTION 3. REQUIRED FINDINGS.

#### ***Minor Use Permit***

In accordance with Newport Beach Municipal Code (NBMC) Section 20.48.030 (Alcohol Sales), 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 NBMC Section 20.48.030, 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 15 (RD 15). 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 15 are higher than adjacent RD 13, RD 16 and RD 25, which are predominantly residential, and lower than the Citywide average.
  2. The Police Department has reviewed the proposal, provided operating conditions of approval, and has no objection to the continuation of the alcoholic beverage license subject to appropriate conditions of approval. The operation of the establishment includes the approved floor plan with no separate bar counter or area and a closing hour of 11 p.m.
- ii. *The numbers 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 15 is higher than all adjacent RDs 13, 16 and 15. These reporting districts are primarily comprised of residential properties, so the lower amount of alcohol-related incidents is expected. The Police Department has reviewed the proposal and has no objection.

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2. In 2016, 40 calls for service representing less than one percent of all calls for service in the RD were reported at the subject property. All calls for service were not specifically related to the existing restaurant and were only listed for geographical purposes.
- 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 will be located in a renovated commercial building fronting Newport Boulevard and 22<sup>nd</sup> Street. There are residential units immediately adjacent to the project site within the Vue Newport development. The property is not located within close proximity to any day care centers, hospitals, places of worship, schools, or similar uses that typically attract minors. The closest park is Marina Park, which is approximately 1,300 feet southeast of the property.
  2. The nature of McFadden Square is to provide goods, services, and entertainment, including eating and drinking establishments, designed to foster visitor and resident activity from travelers down the Peninsula and residents nearby.
  3. The restaurant has existed at this location since the 1950s, and has not proven detrimental to the neighborhood. The proposed project will improve the existing restaurant with no change to the alcohol license type. Restaurants with incidental alcohol service are common in the McFadden Square area and alcohol service in conjunction with an early closing hour is not anticipated to alter the operational characteristics of the existing 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 is the Old Spaghetti Factory immediately east across 22<sup>nd</sup> Street. Several other full service restaurants and bars with alcohol licenses operate to the south and southwest of this project site; however, those uses are across the 200-foot-wide Newport/Balboa Boulevard right-of-way. As there has been a restaurant operated at this location since the 1950s, and there is no change to the alcohol license type, there is no evidence to suggest the continuation of this use will be detrimental to surrounding properties or 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 the 1950s with no operating issues or complaints. 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 project 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 residents and 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 p.m., daily, which will ensure the use does not become a late night bar, tavern, or nightclub.

In accordance with NBMC Section 20.52.020 (Conditional Use Permits and Minor Use Permits), 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 MU-W2 by the General Plan Land Use Element, which applies to waterfront locations in which marine-related uses may be intermixed with buildings that provide residential on upper floors. The proposed project is the continued operation of an existing restaurant, which serves the surrounding neighborhood and visitors to the area. A restaurant is permissible in the Zoning Code (implementation of the General Plan) subject to the approval of a use permit.
2. The existing restaurant is located along Newport Boulevard adjacent. The renovated restaurant will help to maintain a vibrant visitor-serving commercial use, consistent with the MU-W2 land use designation. The earlier closing hour of 10 p.m. will help to ensure the use remains compatible with adjacent residential units and the surrounding neighborhood.
3. Inasmuch as the proposed project will not result in an increase in the floor area ratio, the project is consistent with the Land Use Element development limitations.
4. The proposed renovation and continued operation will be consistent with General Plan Land Use Policy LU6.8.2 (Component Districts), which emphasizes that McFadden Square should be utilized as one of the primary activity centers within the City. The project will help to ensure the continued successful operation of a visitor- and local-serving land use, which has existing since the 1950s.
5. 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 MU-W2 Zoning District consistent with the General Plan Land Use Element. See Fact in Support of Finding B1.
2. The subject building was constructed in 1938, according to County records, and exceeds the allowable floor area ratio of 0.5 for this site. The existing restaurant commenced operation in the 1950s, prior to the requirement for a use permit; therefore, the development is considered legal nonconforming.
3. In April 2014, the subject building was involuntarily damaged by adjacent construction, such that complete replacement is required if repaired under the current Building Code.
4. Pursuant to NBMC Section 20.38.080 (Repair of Damaged or Partially Destroyed Nonconformities), a nonconforming use may be reestablished when restoration work is commenced within twelve (12) months of the date of damage, unless otherwise allowed by the Director. In this case, the applicant has been diligently pursuing reparation.
5. As the existing restaurant operates as a legal nonconforming use, approval of this Minor Use Permit would add operational conditions of approval to ensure the continued operation is not detrimental to the surrounding neighborhood.
6. The renovated restaurant will include an outdoor dining area and a small office/storage area on a new second level. Also included is a new trash enclosure that relocates dumpsters from the public right-of-way onto private property.
7. The net public area of the restaurant will remain the same at 1,774 square feet. The new outdoor dining area will be 434 square feet, which is less than 25 percent of the net public area (443.5 square feet). Pursuant to NBMC Section 20.40.040 (Off-Street Parking Spaces Required), an outdoor dining area does not require additional parking when it is equal to or less than 25 percent of the interior net public area.
8. There are no changes proposed to the existing Alcoholic Beverage Control (ABC) license. The hours of operation will remain the same with a closing hour of 11 p.m., daily.

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 operation of the eating and drinking establishment will be restricted to the hours between 9 a.m. and 11 p.m., daily. The closing hour is compatible with other restaurants in the area. The Police Department has reviewed the proposed project and has no objections.

2. A restaurant has been operated in this location without the benefit of a conditional use permit since the 1950s.
3. The floor plan provides a new interior dining area with improved restroom facilities, a small outdoor dining area, a kitchen area, a trash enclosure, additional storage, and a small second floor office space. Live entertainment and dancing are not proposed.
4. The project includes conditions of approval to ensure that potential conflicts are minimized to the greatest extent possible. Although the restaurant is adjacent to residential units at the Vue Newport development, the building is oriented toward Newport Boulevard away from the nearby mixed-use structures and the outdoor patio area will be contained by a roof above.
5. The operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages, including an Operator License, will help ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure the welfare of the surrounding community.
6. The applicant is required to install a grease interceptor, provide a wash-out area that drains to the sewer line, obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.
7. The subject property is located in a relatively dense area with multiple uses within a short distance of each other. The McFadden Square area is conducive to a significant amount of walk-in patrons. The area experiences parking shortages in the day time during the summer months, but parking is typically available during the rest of the year. Two municipal parking lots and on-street parking are available in the area to accommodate the project in the off-season months.
8. The proposed project is not expected to noticeably change the parking demand in the McFadden Square 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 project site is located where an existing commercial building is today. The improved tenant space will be designed and developed for a restaurant use. The design, size, location, and operating characteristics of the use are compatible with the surrounding neighborhood. The existing tenant space on the subject property has historically been utilized by a restaurant.



2. Adequate public and emergency vehicle access, public services, and utilities are provided to the subject property. Any additional utilities upgrades required for the change in occupancy will be required at plan check for the building permit.
3. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. All City ordinances and all conditions of approval will be complied with.

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 neighborhood by providing dining services as a public convenience to the surrounding neighborhood as well as visitors. 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 in a way that best serves the community.
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.

***Coastal Development Permit***

In accordance with NBMC Section 21.52.015 (Findings and Decision), 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 development standards and under the parameters established by NBMC Chapter 21.38 (Nonconforming Uses and Structures).

- a. The maximum floor area ratio is 0.5 (2,700 square feet). The existing building to be replaced has a gross floor area of 5,084 square feet and the proposed floor area is 5,084 square feet.
  - b. The proposed development complies with the required setbacks, which are 0 feet along the front property line abutting Newport Boulevard, 0 feet along each side property line and 0 feet along the rear property line abutting The Arcade.
  - c. The highest ridge is approximately 25 feet from the finished floor elevation of 9.0 feet (NAVD 88), which complies with the maximum height limitation of 26 feet to a flat roof and 31 feet to the ridge of a sloped roof.
  - d. The existing interior net public area is 1,774 square feet and the proposed net public area is 1,774 square feet. The new outdoor dining area is 434 square feet and less than 25 percent of the interior net public area; therefore, no additional parking is required.
2. The surrounding neighborhood is predominantly developed with one- and two-story nonresidential structures to the south and east. To the north and west is the Vue Newport project, which is a three-story mixed-use development. The proposed design, bulk, and scale of the replacement structure is consistent with the existing neighborhood pattern of development and expected future development consistent with applicable development standards.
  3. The finish floor elevation of the proposed structure is 9.00 feet (NAVD88), which complies with the minimum 9.00-foot (NAVD88) elevation standard.
  4. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
  5. Pursuant to NBMC Section 21.35.050 (Water Quality and Hydrology Plan), due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. To fulfill this requirement, a Water Quality Management Plan (WQMP) has been reviewed and approved by the City's Engineer Geologist. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for best management practices (BMPs), use of a low-impact development (LID) approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs. Construction plans will be reviewed for compliance with the approved WQMP prior to building permit issuance.

6. 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.

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 not 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. Vertical and lateral access is available immediately adjacent to the project site through the Vue Newport development. The applicant is required to provide a construction management plan that helps to minimize any impacts to access during construction activities.
2. The project site is not located near any designated Coastal View Points or Coastal View Roads, as designated in the Coastal Land Use Plan.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2016-029 and Coastal Development Permit No. CD2017-069, 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 16<sup>TH</sup> DAY OF NOVEMBER, 2017.**



---

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 (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity.
4. Prior to issuance of any building permit, the applicant shall submit a construction management and delivery plan to be reviewed and approved by the Public Works and Community Development Departments. The plan shall include discussion of project phasing; parking arrangements for both sites during construction; anticipated haul routes; and construction mitigation. Upon approval of the plan, the applicant shall be responsible for implementing and complying with the stipulations set forth in the approved plan.
5. 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.
6. 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.
7. 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.
8. Revisions to the approved operation or construction plans may require an amendment to this Coastal Development Permit and Minor Use Permit or the processing of a new Coastal Development Permit and Minor Use Permit.
9. Prior to the issuance of building permits, the Lot Merger No. LM2016-007 shall be recorded.

10. The hours of operation for the eating and drinking establishment including the outdoor patio area shall be limited between 9 a.m. and 11 p.m., daily.
11. The outdoor patio area shall not be enclosed and shall remain open in nature at all times the restaurant is in operation.
12. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays, between 10 p.m. and 8 a.m. on Saturdays, and between 10 p.m. and 9 a.m. on Sundays and Federal holidays, unless otherwise approved by the Community Development Director. A request for deliveries or refuse collection outside these hours shall require an amendment to this Minor Use Permit.
13. That the interior net public area of the proposed restaurant shall not exceed 1,774 square feet and the outdoor dining area shall not exceed 434 square feet.
14. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. 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. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time period unless the ambient noise level is higher:

	Between the hours of 7 a.m. and 10 p.m.		Between the hours of 10 p.m. and 7 a.m.	
	<u>interior</u>	<u>exterior</u>	<u>interior</u>	<u>exterior</u>
Measured at the property line of commercially zoned property:	N/A	65 dBA	N/A	60 dBA
Measured at the property line of residentially zoned property:	N/A	60 dBA	N/A	50 dBA
Residential property:	45 dBA	55 dBA	40 dBA	50 dBA

15. That no outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the facility.
16. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
17. All solid waste and recycling shall be stored within the trash enclosure. 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 Department. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).

18. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
19. 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.
20. This Minor Use Permit and/or 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.
21. Prior to 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.
22. 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.
23. Prior to the issuance of building permits, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
24. 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.
25. This Minor Use Permit No. UP2016-029 and Coastal Development Permit No. CD2017-069 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.
26. 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 Crab Cooker Restaurant including, but not limited to, Minor Use Permit No. UP2016-029 and Coastal Development Permit No. CD2017-069 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. 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 41 (On-Sale Beer and Wine – Eating Place) license in conjunction with the restaurant as the principal use of the facility.
19. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.
20. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
21. There shall be no live entertainment or dancing allowed on the premises.
22. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
23. There shall be no reduced price alcoholic beverage promotions after 9 p.m.
24. Food service from the regular menu shall be made available to patrons until 30 minutes prior to closing.
25. 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.
26. 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.

27. 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 and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
28. 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.
29. 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.
30. Strict adherence to maximum occupancy limits is required.
31. 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.





## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

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

949-644-3200

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

## **ZONING ADMINISTRATOR ACTION LETTER**

**Application No.            Comprehensive Sign Program No. CS2017-012 (PA2017-176)**

**Applicant                    Active Signs Innovations**

**Site Location                3601 Jamboree Road  
Back Bay Court Comprehensive Sign Program**

**Legal Description         Lot 2 in Tract 07694**

On **November 16, 2017**, the Zoning Administrator approved Comprehensive Sign Program No. CS2017-012. The approval supersedes Modification Permit No. MD3818 previously approved on February 22, 1991, which established a sign program for the shopping center and established parameters for maximum sign height and area for all tenants. The approval also supersedes Modification Permit No. MD2002-105 previously approved on November 20, 2002, which amended the sign program to allow one of the tenant wall signs to exceed the allowed height.

This approval is in accordance to the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code. The regulations are based on the Zoning Code since the existing Newport Place Planned Community (PC-11) Regulations do not include sign regulations for shopping centers. The previous Sign Program allowed wall signs a maximum height of 24 inches and a total area of 70 percent of the wall width or 50 square feet maximum; the Modification Permit No. MD2002-105 allowed one of the tenant signs to be a maximum height of 2 feet, 8 1/2-inches. The proposed Comprehensive Sign Program allows the area of wall signs for all tenants to be 1.5 times the lineal tenant frontage (consistent with the current Zoning Code) and allows a 30-percent increase in sign area for some of these wall signs; and includes two existing monument signs that can be replaced pursuant to the standard regulations for freestanding signs found in Section 20.42.080(C).

The property is located within the Newport Place Planned Community (PC-11) General Commercial Site 1 Zoning District. The General Plan Land Use Element category is General Commercial (CG). The property is not located in the Coastal Zone. This approval is based on the following findings and standards and subject to the following conditions.

## **FINDINGS AND STANDARDS FOR APPROVED SIGNS**

### Finding

- A. *The project is exempt from environmental review under the requirements of the California Environmental Quality Act pursuant to Section 15311, Class 11 (Accessory Structures), because it has no potential to have a significant effect on the environment.*

### Facts in Support of Finding:

1. Class 11 exempts minor structures accessory to existing commercial facilities, including signs. The proposed signs are incidental and accessory to the principal commercial use of the property and do not intensify or alter the use.

### Standard

- B. *The proposed sign program shall comply with the purpose and intent of this Chapter [Chapter 20.42], any adopted sign design guidelines, and the overall purpose and intent of this Section [Section 20.42.120 – Comprehensive Sign Program].*

### Facts in Support of Standard

1. A Comprehensive Sign Program is required whenever three or more tenant spaces are created on the same lot and whenever signs are proposed to be located on or above the second story of a multi-tenant building. The request is to allow wall signs for all of the tenants based on the standard Zoning Code requirements of 1.5 times the lineal tenant frontage and maximum letter/logo heights of 36 inches; allow an additional 30-percent increase in sign area for some of these wall signs; and includes two existing monument signs that can be replaced in the future pursuant to standard Zoning Code regulations for freestanding signs.
2. The Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards). Section 20.42.120 C. allows an increase in sign area by 30 percent above the allowed area. The increased area of some of the wall signs is necessary since the design of the buildings has varied façade heights and the two tower features with taller facades. The shopping center is located on a corner lot between Jamboree Road, Bristol Street North and Dove Street and includes two buildings and one large shared parking lot. The larger sign area affords greater visibility from the parking lot and roads to these spaces. Using the base formula of 1.5 times the lineal tenant frontage of each tenant space from the Zoning Code ensures the wall signs are in proportion to each wall they are located on.
3. The purpose of a comprehensive sign program is to integrate all of a project's signs. It provides a means for the flexible application of sign regulations for projects that require multiple signs. The font, colors, and materials of both the wall and

ground signs will complement the architecture and colors of the building. The proposed signage provides incentive and latitude in the design and display of signs.

5. Wall signs will be located outside the middle 50 percent of the tenant frontages to allow placement where the architectural design of the building suggests. Proposed signs employ a consistent sign pattern in location and are designed to fit with the overall scale of the building and its orientation to the adjacent rights-of-way.
6. The Comprehensive Sign Program is consistent with the Citywide Sign Design Guidelines Manual. The proposed signs are designed to be compatible with the building in terms of size, location, legibility, and materials. Larger signs are allowed for tenant frontages with taller facades. The wall signs will effectively identify the tenants without creating sign clutter by using legible text, restricting the sign area, and maintaining adequate separation between signs. The wall sign lettering will match the architectural finish of the building trim and railings. The size of the signs does not dominate the facades, but are appropriately located to identify the building to vehicles traveling towards, and adjacent to the property.

#### Standard

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

#### Facts in Support of Standard

1. The site is developed as a commercial shopping center with 25 tenants and requires adequate signage for each tenant and to identify the shopping center. Each tenant is allowed one wall sign, and three corner tenants are allowed two wall signs. All tenants are displayed on the tenant monument sign, and the shopping center identification sign displays the name and address of the shopping center.
2. All proposed signage will integrate well with the character and architectural style of the building by maintaining consistency in location, sign height, and materials across the street frontage.
3. Cabinet sign designs are prohibited and future wall signs are required to be constructed of individual, freestanding letters attached to mounting bar to maintain the compatibility with the architectural eyebrow projection on the building.
4. Proposed signs will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.
5. The signs are sited to not interfere with sight distance from any street, driveway, or parking area.

Standard

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

Fact in Support of Standard

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

Standard

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

Facts in Support of Standard

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

Standard

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

Facts in Support of Standard

1. The Comprehensive Sign Program allows for deviations regarding the area of certain tenant signs staff found necessary to be visible on taller facades within the shopping center. This approval conforms to all other standards of Zoning Code Chapter 20.42, and enhances the overall development by integrating all of the project's signs with the overall site and structure design into a unified statement.

Standard

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

Fact in Support of Standard

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

Standard

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

Fact in Support of Standard

1. The Comprehensive Sign Program contains no regulations affecting sign message content.

**CONDITIONS**

1. The approval of Comprehensive Sign Program No. CS2017-012 shall supersede Modification Permit No. MD3818 and Modification Permit No. MD2002-105.
2. All proposed signs shall be in substantial conformance with the approved plans, Comprehensive Sign Program Matrix Table (Attachment No. ZA2), and provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code, unless otherwise indicated in the following conditions.
3. Anything not specifically approved by this Comprehensive Sign Program is prohibited.
4. A building permit and/or sign permit shall be obtained prior to commencement of installation or demolition of signs.
5. Illuminated signs shall be regulated in accordance with the provisions of Section 20.42.070 of the Newport Beach Municipal Code. If, in the opinion of the Community Development Director, existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
6. Signs shall be maintained in a clean and orderly condition.

7. The landscaping around the base of the ground signs shall be maintained.
8. The Community Development Director may approve revisions to the Comprehensive Sign Program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require approval of a new/revised comprehensive sign program by the Zoning Administrator.
9. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or tenants of the building shall be reviewed and approved by the Planning Division, so long as the sign size, copy configuration, and number of signs authorized by this approval does not substantially change or increase. The mandatory reduction or elimination of signs shall be exercised as necessary.
10. The Zoning Administrator may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
11. 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.
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 3601 Jamboree Road Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2017-012 (PA2017-176). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## **APPEAL PERIOD**

An appeal or call for review may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

On behalf of Patrick J. Alford, Zoning Administrator

By:



Melinda Whelan  
Assistant Planner

GBR/msw

Attachments:   ZA1 Vicinity Map  
                  ZA2 Comprehensive Sign Program Matrix  
                  ZA3 Project Plans

# **Attachment No. ZA 1**

Vicinity Map



## VICINITY MAP



Comprehensive Sign Program No. CS2017-012  
PA2017-176

**3601 Jamboree Road**

# **Attachment No. ZA 2**

Comprehensive Sign Program Matrix  
Exhibit "B"

## Exhibit "B"

3601 JAMBOREE ROAD

### COMPREHENSIVE SIGN PROGRAM MATRIX

<u>Sign Type</u>	<u>Suite Number</u>	<u>Primary Frontage &amp; Size Limitation</u>	<u>Secondary Frontage &amp; Size Limitation</u>
<b>Wall Signs</b>	Suite 2	<i>Frontage: Elevation E Maximum Area: 1.5 sq. ft. x lineal feet of tenant frontage or 75 sq. ft. max, whichever is less Letter /Logo Height: 36 inches</i>	<i>Frontage: Elevation D Maximum Area: 48 square feet<sup>1</sup> Letter /Logo Height: 36 inches</i>
	Suite 7	<i>Frontage: Elevation B Maximum Area: 1.5 x lineal feet of tenant frontage or 75 sq. ft. max., whichever is less Letter /Logo Height: 36 inches</i>	<i>Frontage: Elevation A Maximum Area: 48 square feet<sup>1</sup> Letter /Logo Height: 36 inches</i>
	Suite 17	<i>Frontage: Elevation A Maximum Area = 67 square feet<sup>2</sup> Letter /Logo Height: 36 inches</i>	None
	Suite 22	<i>Frontage: Elevation A Maximum Area: 44 square feet<sup>2</sup> Letter /Logo Height: 36 inches</i>	None
	Suite 25	<i>Frontage: Elevation C Maximum Area: 1.5 sq. ft. x lineal feet of tenant frontage or 75 sq. ft. max, whichever is less Letter /Logo Height: 36 inches</i>	<i>Frontage: Elevation A Maximum Area: 48 square feet<sup>1</sup> Letter /Logo Height: 36 inches</i>
	Suites 3 through 6	<i>Frontage: Elevation D Maximum Area: 1.5 sq. ft. x lineal feet of tenant frontage Letter /Logo Height: 36 inches</i>	None
	All other Suites	<i>Frontage: Elevation A Maximum Area: 1.5 sq. ft. x lineal feet of tenant frontage Letter /Logo Height: 36 inches</i>	

<b>Shopping Center Identification Monument Sign (Sign B)</b>		<i>Location: Corner of Bristol Street &amp; Jamboree Road</i> Regulations: <b>per 20.42.080C</b>	None
<b>Tenant Monument Sign (Sign C)</b>		<i>Location: Jamboree Road</i> Regulations: <b>per NBMC 20.42.080C</b>	None

1. Maximum Area Based on *50% of sign area allowed for primary frontage sign (37.5 square feet) + 30%*
2. Maximum Area Based on *1.5 x lineal feet of tenant frontage + 30%*

#### NOTES/REQUIREMENTS

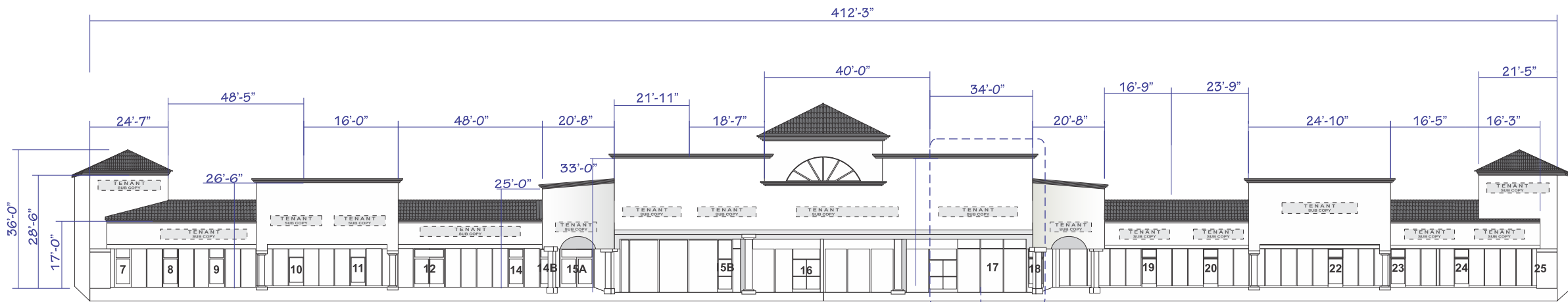
- a) Requirements for all signs per Municipal Code Chapter 20.42, except as provided in this sign matrix.
- b) Sign designs shall be consistent with Citywide Sign Design Guidelines Manual.
- c) Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to this approval if the intent of the original approval is not affected.
- d) Minimum linear distance between primary and secondary signs is 30 feet.
- e) Wall signs shall be constructed of individual, freestanding letters attached to architectural mounting bar.

# **Attachment No. ZA 3**

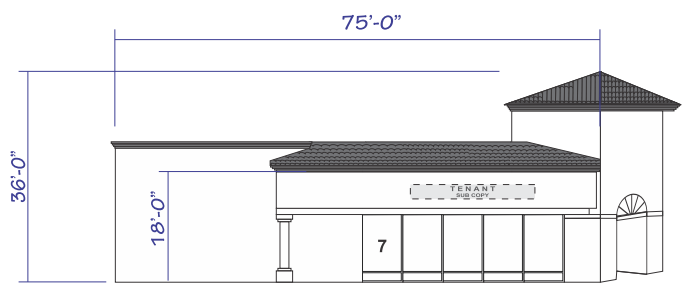
Project Plans

# *Back bay Court*

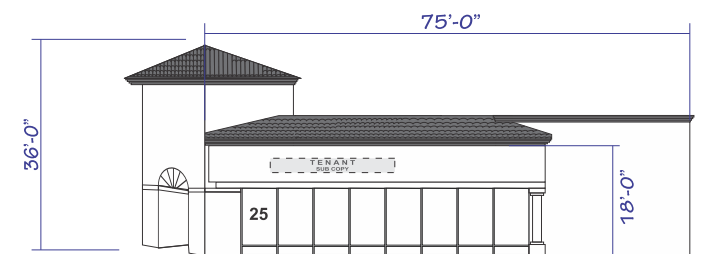
3601 Jamboree Road Newport Beach, CA 62660



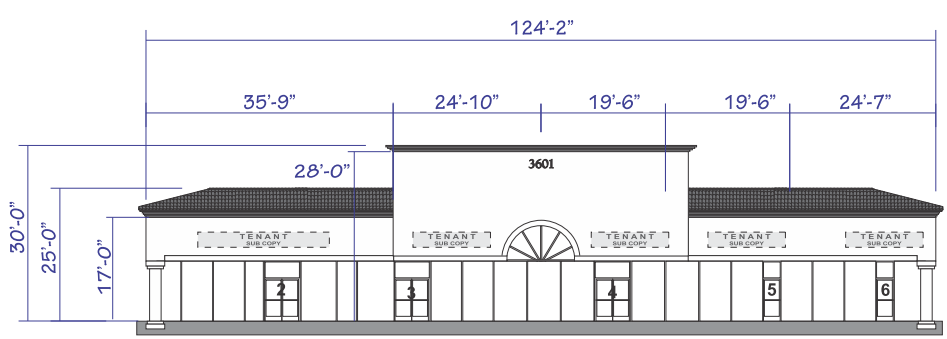
(A) NORTH EXTERIOR ELEVATION - SCALE: 1/32"=1'-0"



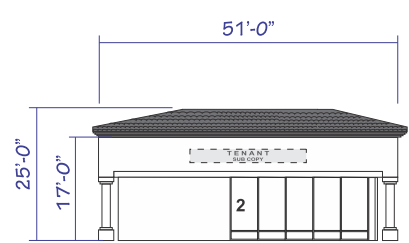
(B) EAST (SIDE) EXTERIOR ELEVATION - SCALE: 1/32"=1'-0"



(C) WEST (SIDE) EXTERIOR ELEVATION - SCALE: 1/32"=1'-0"



(D) WEST EXTERIOR ELEVATION - SCALE: 1/32"=1'-0"



(E) NORTH (SIDE) EXTERIOR ELEVATION - SCALE: 1/32"=1'-0"



Project: Back Bay Court  
 Address: 3601 Jamboree Road  
Newport Beach, CA 92660  
 Designer: Jesse A

**A P P R O V A L S**

Approved     Approved w/ Changes Noted

Customer Signature: X \_\_\_\_\_  
 Date: X \_\_\_\_\_  
 Customer Signature: X \_\_\_\_\_  
 Date: X \_\_\_\_\_

**R E V I S I O N S**

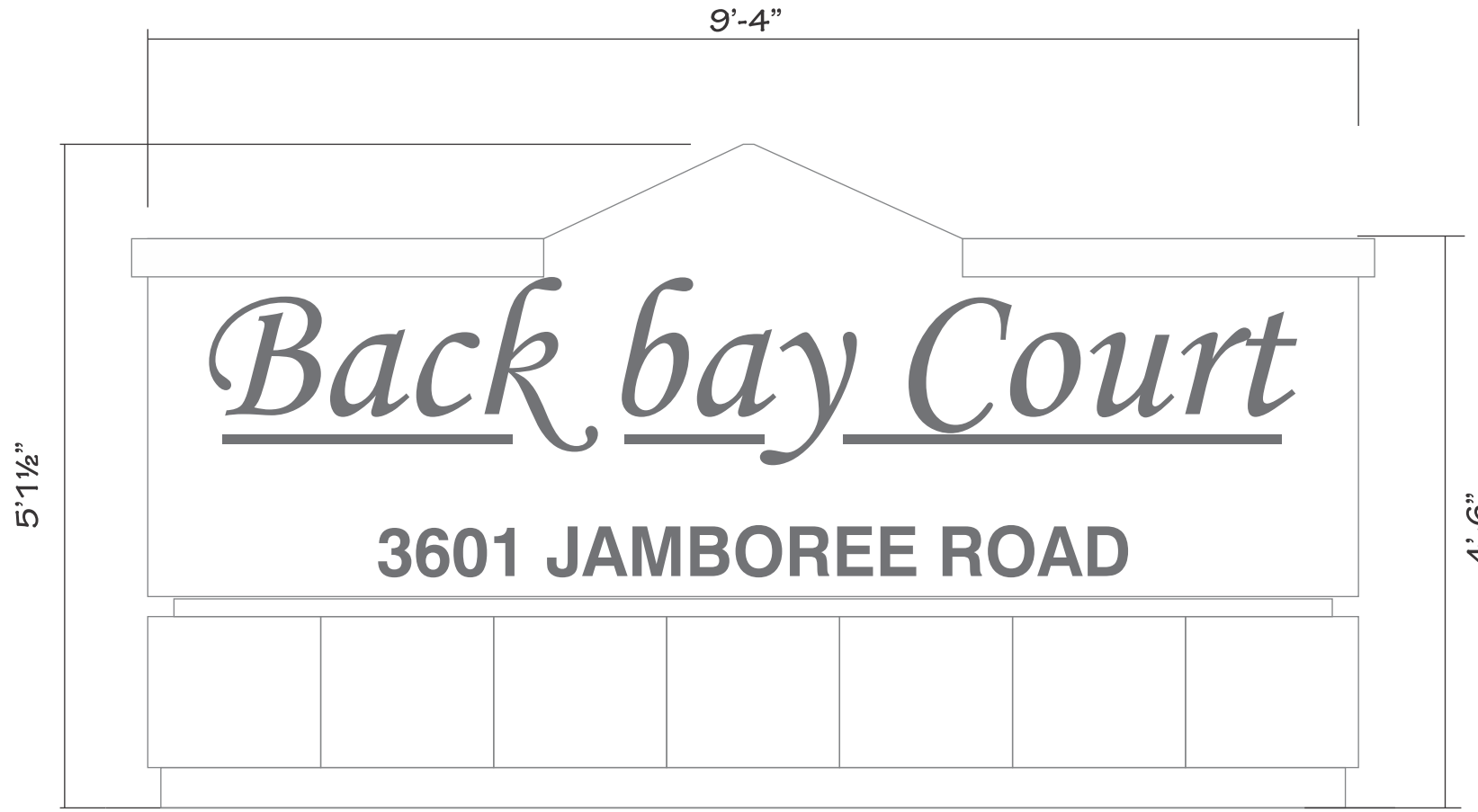
Date completed: 08/29/17

(R1) _____	(R6) _____
(R2) _____	(R7) _____
(R3) _____	(R8) _____
(R4) _____	(R9) _____
(R5) _____	(R10) _____

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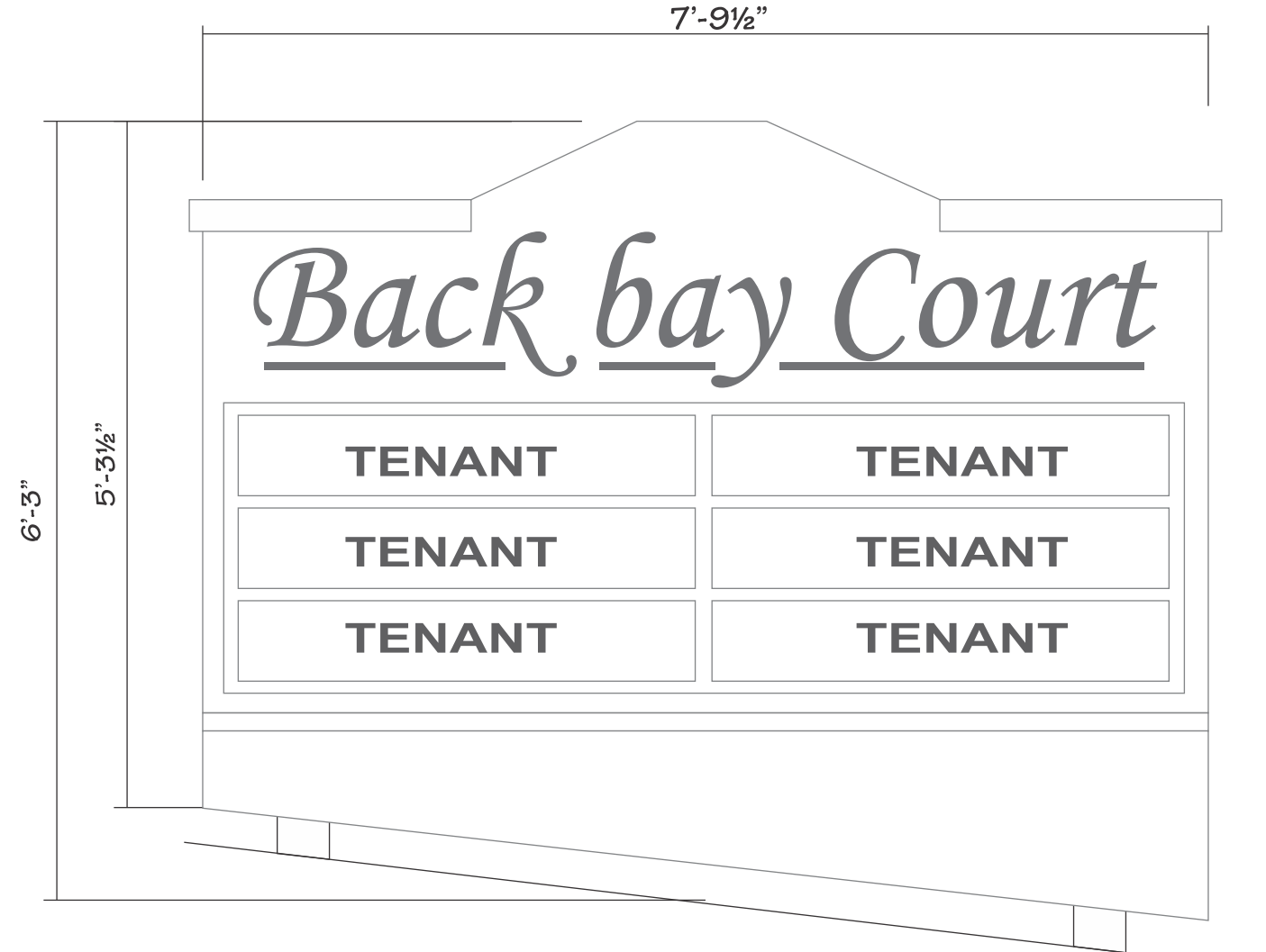
Design file name: \_\_\_\_\_ Page number: 2 of 7  
 Sign Program \_\_\_\_\_

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SIGN B

MONUMENT ON SOUTH-EAST CORNER OF BRISTOL ST & JAMBOREE RD. - SCALE: 3/4"=1'-0"



SIGN C

MONUMENT EAST OF JAMBOREE RD. - SCALE: 3/4"=1'-0"



1845 N Case Street Orange, CA 92865

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 Date: X \_\_\_\_\_

**R E V I S I O N S**

Date completed: 08/29/17

(R1) _____	(R6) _____
(R2) _____	(R7) _____
(R3) _____	(R8) _____
(R4) _____	(R9) _____
(R5) _____	(R10) _____

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## Freestanding Monument and Pylon Signs

1. Freestanding signs include ground-mounted signs (monument) and pylon signs, which may either have a solid base or a base comprised of two legs. If legs are provided, the proportional dimensions of the sign shall comply with the requirements of subsection (C)(3)© of this section.

2. Freestanding signs shall be allowed only for lots with a least fifty (50) feet of frontage adjoining a public street. In addition, pylon signs are only allowed when a building is set back from the front property line a minimum of forty (40) feet.

3. Freestanding signs shall not exceed the following maximum height dimensions and shall not exceed the proportional dimensions provided below:

- a. Pylon sign: maximum height = twenty feet
- b. Monument sign: maximum average height = six feet = eight feet. including decorative elements and architectural features.
- c. Proportional dimensions shall be as follows:
  - i. Pylon Sign: (a) maximum  $W = 30\% \times H$  (b) maximum  $LH = 33\% \times H$  (c) maximum  $O = 50\% \times W$  (d) minimum  $LW = 25\% \times W$
  - ii. Monument Sign: (a) height inclusive of the base (b)  $W =$  width exclusive of the base (c) maximum  $W = 1.5 \times$  average  $H$

4. Freestanding signs shall be set back a minimum of five feet from a street or interior property line and a minimum of ten feet from the edge of a driveway.

5. To ensure the readability of freestanding signs, the minimum letters size allowed shall be six inches. Sign copy shall not be located closer than one-half letter height to the sign edge or other line of copy.

6. There shall be a minimum of fifty feet between freestanding signs on adjoining sites to ensure adequate visibility for all signs.

7. Freestanding signs shall not project over any building, or over any on-site driveway or vehicle circulation area.

8. The supporting structure of a pylon sign shall not include exposed metal poles(s) but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site.

9. Freestanding signs shall contain an address plate identifying the subject property. Numbers shall be a minimum of six inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated against the allowed sign area.



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APPROVALS

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Customer Signature: x \_\_\_\_\_  
 Date: x \_\_\_\_\_  
 Customer Signature: x \_\_\_\_\_  
 Date: x \_\_\_\_\_

REVISIONS

Date completed: 08/29/17

<input type="checkbox"/> R1	<input type="checkbox"/> R6
<input type="checkbox"/> R2	<input type="checkbox"/> R7
<input type="checkbox"/> R3	<input type="checkbox"/> R8
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<input type="checkbox"/> R5	<input type="checkbox"/> R10

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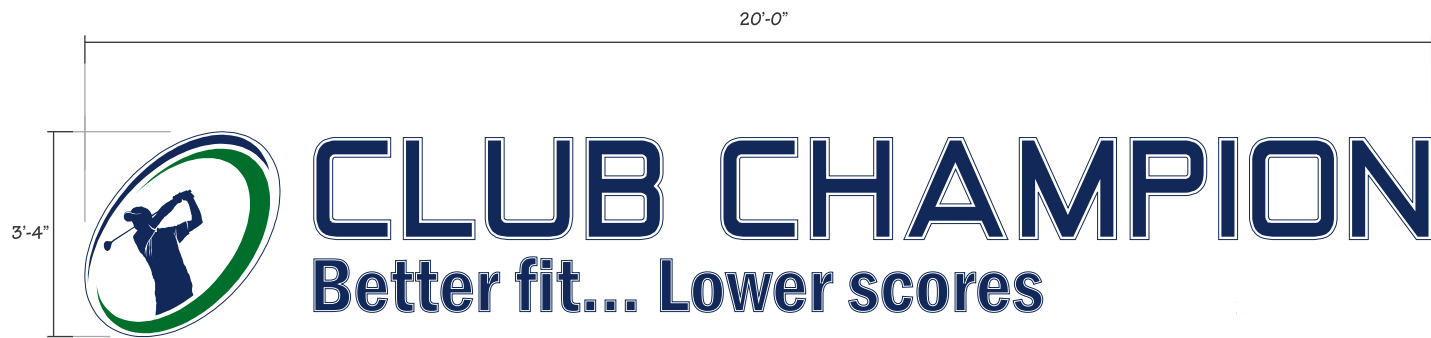
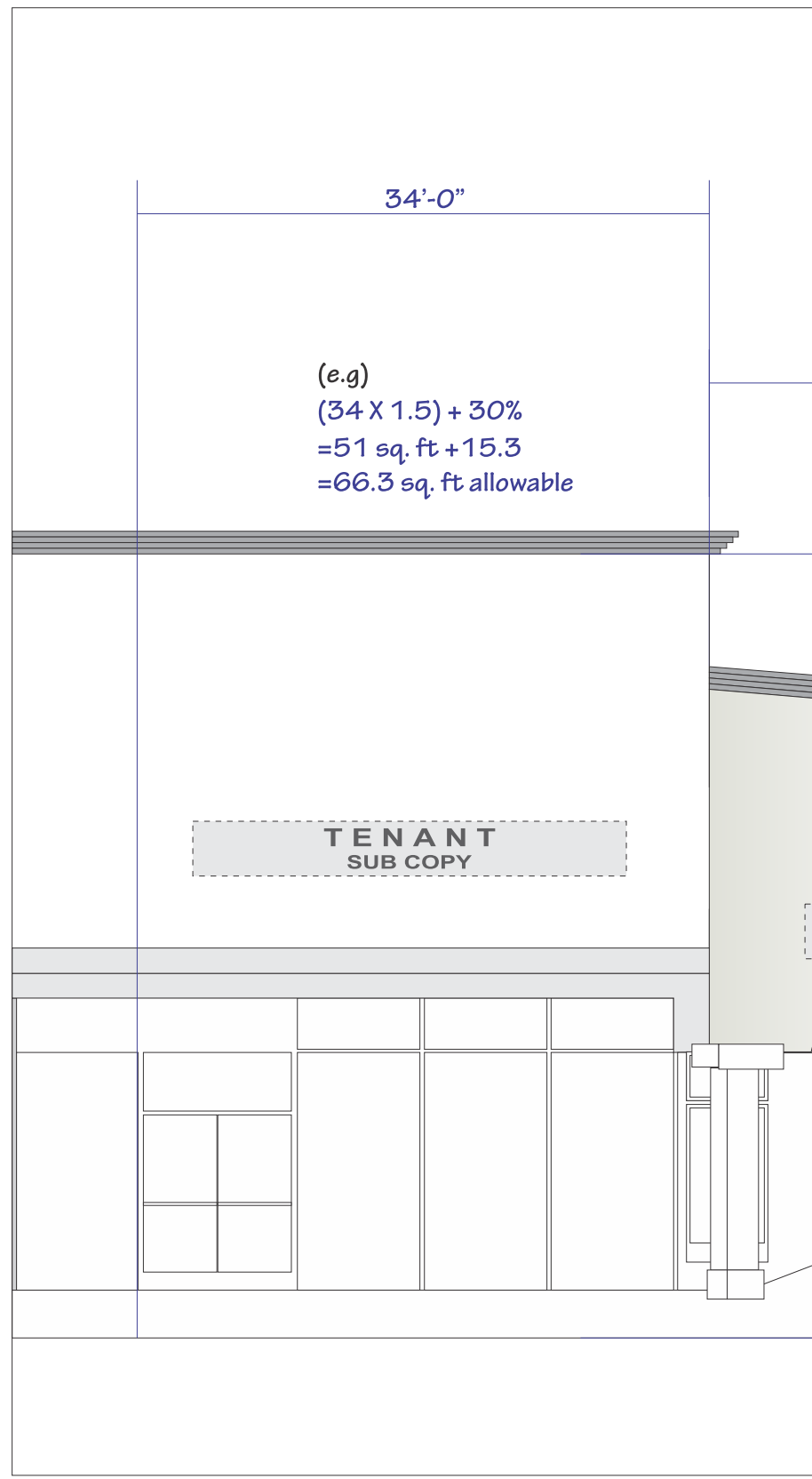
## WALL SIGNS (Sign A)

**Primary wall sign:**

Face illuminated channel letters, min. 3" deep returns with neon or led illumination.  
 Sign area is calculated using the following formula: 1.5 Lineal foot of frontage + 30%.  
 Maximum area of 75 sq. ft. Maximum vertical dimiensiin, sign or logo, 40 inches

**Secondary wall sign:**

Face illuminated channel letters, min. 3" deep returns with neon or led illumination.  
 Sign area is calculated using the following formula: 1.5 Lineal foot of frontage + 30%.  
 Maximum area of 75 sq. ft. Maximum vertical dimiensiin, sign or logo, 40 inches.  
 This only applies to suites 2, 7, & 24, as they have frontage on two streets.



SAMPLE SIGN - AREA: 66.3 SQ. FT.

**ZONING CALCULATION**  
 (34 X 33) X .10  
 ALLOWABLE SIZE  
 PER ZONING  
 = 112.2 SQ. FT



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 Date: X \_\_\_\_\_  
 Customer Signature: X \_\_\_\_\_  
 Date: X \_\_\_\_\_

REVISIONS

Date completed: 08/29/17

Ⓡ1	Ⓡ6
Ⓡ2	Ⓡ6
Ⓡ3	Ⓡ8
Ⓡ4	Ⓡ9
Ⓡ5	Ⓡ10

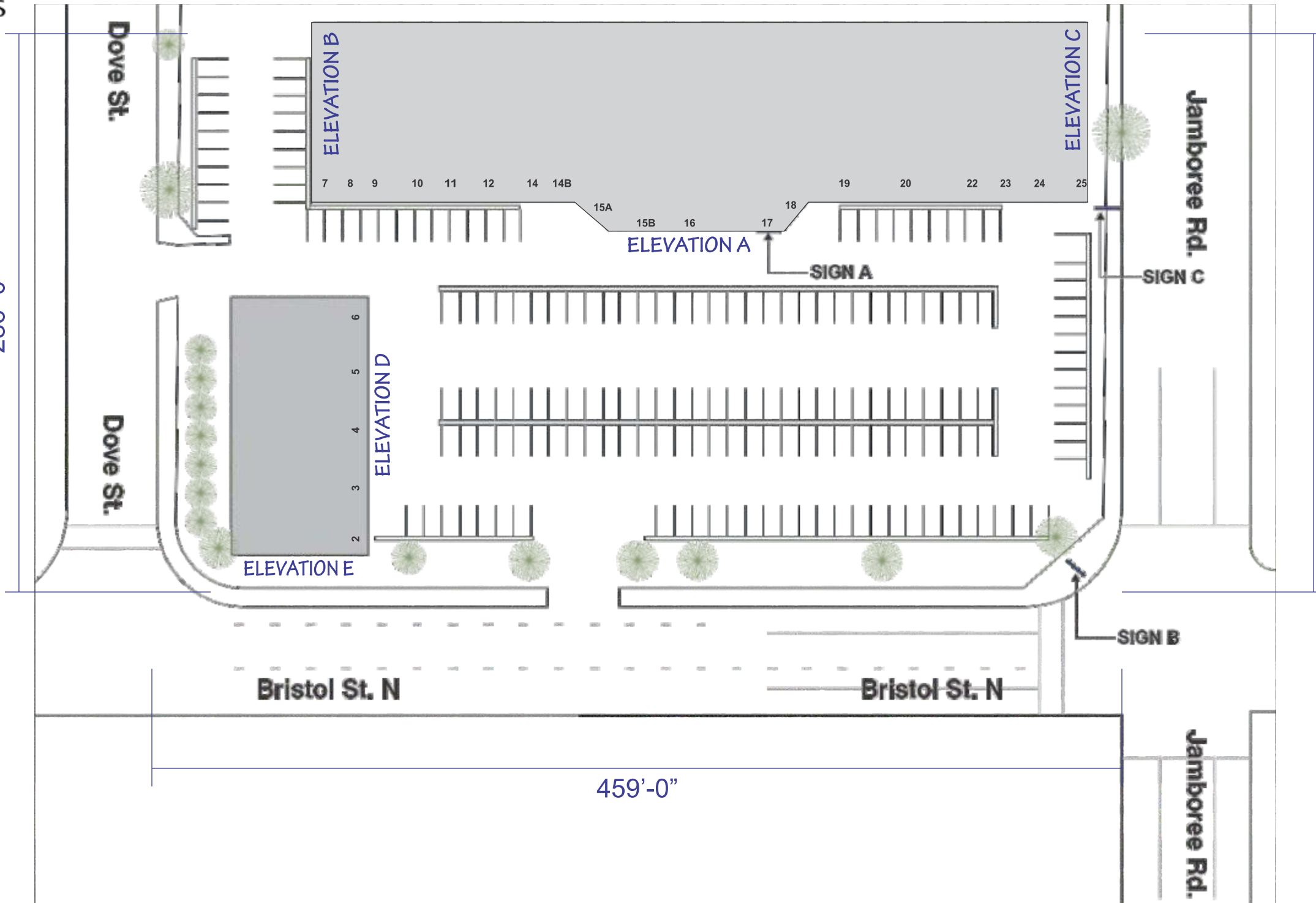
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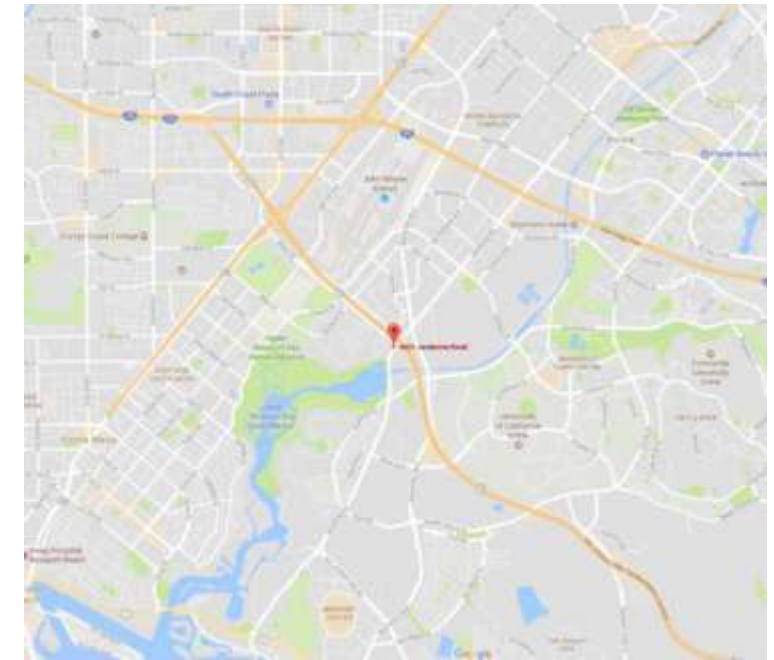


286'-0"



286'-0"

459'-0"



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 Date: X \_\_\_\_\_  
 Customer Signature: X \_\_\_\_\_  
 Date: X \_\_\_\_\_

REVISIONS

Date completed: 08/29/17

(R1) <u>9/06/17</u>	(R6) _____
(R2) <u>10/30/17</u>	(R7) _____
(R3) _____	(R8) _____
(R4) _____	(R9) _____
(R5) _____	(R10) _____

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