



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Seimone Jurjis, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending December 15, 2017.

ZONING ADMINISTRATOR ACTIONS DECEMBER 14, 2017

Item 1: 2772 Bay Shore Drive Coastal Development Permit No. CD2017-005 (PA2017-019)
Site Address: 2772 Bay Shore Drive

Action: Approved by Resolution No. ZA2017-095 Council District 3

Item 2: The Fox Residence Coastal Development Permit No. CD2017-067 (PA2017-160)
Site Address: 1120 West Ocean Front

Action: Approved by Resolution No. ZA2017-096 Council District 1

Item 3: 2038 East Ocean Front Coastal Development Permit No. CD2017-046 (PA2017-103)
Site Address: 2038 East Ocean Front

Action: Approved by Resolution No. ZA2017-097 Council District 1

Item 4: 3803 Marcus Avenue Coastal Development Permit No. CD2017-079 (PA2017-185)
Site Address: 3803 Marcus Avenue

Action: Approved by Resolution No. ZA2017-098 Council District 1

Item 5: Davis Residence Coastal Development Permit No. CD2017-035 (PA2017-085)
Site Address: 88 Linda Isle

Action: Approved by Resolution No. ZA2017-099 Council District 5

Item 6: Proznik Residence Coastal Development Permit No. CD2017-092 (PA2017-209)
Site Address: 208 Via Lido Nord

Action: Approved by Resolution No. ZA2017-100 Council District 1

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

Item 1: Taco Bell Cantina and TK Burgers Comprehensive Sign Program No. CS2017-015
(PA2017-226)
Site Address: 2119-2121 West Balboa Boulevard

Action: Approved

Council District 1

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

RESOLUTION NO. ZA2017-095

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-005 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 2772 BAY SHORE DRIVE (PA2017-019)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Ian Harrison Architect, with respect to property located at 2772 Bay Shore Drive requesting approval of a coastal development permit.
2. The lot at 2772 Bay Shore Drive is legally described as Lot 2 of Tract No. 1014 in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 33, Page 31, of Miscellaneous Maps, in the office of the County Recorder of said County.
3. The applicant is requesting a Coastal Development Permit (CDP) to demolish of a two-story single-family residence and garage, and construct a new two-story, 29-foot-high single-family residence of approximately 2,523 square feet with an attached 469 square foot two-car garage and indoor pool. The design includes hardscape, walls, landscaping and drainage facilities. The project complies with all applicable development standards and no deviations are requested. The project includes repair and reinforcement of the existing bulkhead including replacement of tiebacks and deadmen. No development or work is proposed bayward of the existing bulkhead.
4. The subject property is designated R-1 (Single-Unit Residential) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-B (Single-Unit Residential Detached – (6.0 – 9.9 DU/AC)) and it is located within the R-1 Single-Unit Residential Coastal Zone District.
6. A public hearing was held on December 14, 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 2,523-square-foot single-family residence and attached 469-square-foot 2-car garage.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 5,770 square feet and the proposed floor area is 2,992 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line abutting Newport Harbor, 4 feet along each side property line, and 0 feet along the secondary front setback abutting Bay Shore Drive.
 - c. The highest guardrail is less than 24 feet from established grade (12.55 feet NAVD 88) 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 one- and two-story, single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development.
3. The development fronts Newport Bay. The project site is protected by an existing bulkhead with a height of 12.68 feet (NAVD 88). The finished floor elevation of the proposed dwelling is 12.80 feet (NAVD 88), which complies with the minimum 9.00 (NAVD 88) elevation standard.
4. A Coastal Hazard and Sea Level Rise Analysis was prepared by William Simpson & Associates, Inc dated December 14, 2016 for the project. The report concludes that the proposed project is reasonably safe from the shoreline erosion due to lack of wave or wakes that can erode sand from the beach. Additionally, the site does not require a raised bulkhead considering a 1.25-foot sea level rise (the low range of projected sea level rise over the 75-year design life of the structure based on estimates for sea level rise provided by the National Research Council 2012 SLR estimates) to protect the site and surrounding development from sea level rise. The current City standard is 9.82 feet (NAVD 88) and the bulkhead would remain at 12.68 feet (NAVD 88).
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 located adjacent to 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. Pursuant to Municipal Code Section 21.35.050, 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)/ Water Quality Management Plan (WQMP) is required. A WQMP prepared by JT Consulting Engineers, dated June 10, 2017, 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 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. 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 viewpoints 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 in the private community of Bay Shores. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. The project involves the demolition of a single-family residence and the construction of a new single-family residence. Therefore, there is no change in land use and the proposed increases in floor area, height and bulk will not result in any significant adverse impacts to public recreation, access or views or otherwise diminish the public's use of the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, beaches, coastal parks, trails, or coastal bluffs.
2. Vertical and lateral access to the bay front is available adjacent to the Bay Shores community at the Balboa Bay Club (approximately 1,500 feet from the subject property).
3. The closest public viewpoint is located in Castaways Park, approximately 1,300 feet north of 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, 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. CD2017-005, 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 14TH DAY OF DECEMBER, 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. *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 seaward 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. *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. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
6. The CDP does not authorize any development seaward of the private property.
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 the Drainage and Erosion Control 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 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.
18. 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.

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19. 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.
 20. 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.
 21. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
 22. This Coastal Development Permit No. CD2017-005 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
 23. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of 2772 Bay Shore Drive CDP including, but not limited to, Coastal Development Permit No. CD2017-005 (PA2017-019). 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. ZA2017-096

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-067 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 1120 WEST OCEAN FRONT (PA2017-160)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Ritner Group, Inc., with respect to property located at 1120 West Ocean Front, requesting approval of a coastal development permit.
2. The lot at 1120 West Ocean Front is legally described as Lot 6 of Block 2, Tract 234.
3. The applicant is requesting a Coastal Development Permit (CDP) to allow the demolition of an existing two-story single-family residence and the construction of a new 3,998-square-foot, three-story single-family residence with a 526-square-foot, two-car garage, for a total of 4,524 square feet. The design includes hardscape, drainage and landscaping. The proposed residence complies with all applicable development standards including building height and setbacks, parking and floor area limits. No deviations are requested.
4. The subject property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSC-C Single-Unit Residential Detached – (10.0-19.9 DU/AC) and it is located within the R-1 (Single-Unit Residential) Coastal Zone District.
6. A public hearing was held on December 14, 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 an existing two-story residence and the construction of a new 3,998-square-foot, three-story single-family residence with a 526-square-foot, two-car garage, for a total of 4,524 square feet.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 5,684 square feet and the proposed floor area is 4,524 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 9 feet along the front property line abutting the public beach, 3 feet along each side property line, and 0 feet along the rear property line abutting the alley.
 - c. The highest guardrail is less than 24 feet from established grade (13.13 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 13.13 feet NAVD 88, which complies with the minimum 9.00 feet NAVD88 elevation standard.

4. A Coastal Hazard and Sea Level Rise Analysis was prepared by William Simpson & Associates, Inc. dated July 29, 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 since finished floor elevation of the proposed development is at 13.13 feet NAVD 88, which will be higher than the highest high tide of +7.8 feet NAVD 88 increased by projected sea-level rise of 5.0 feet for the next 75 years, the proposed development shall not be a subject to flooding over its economic life (75 years). The need for a shoreline protective device is therefore, 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 viewpoints 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 along 11th Street and 12th Street, at an equal distance of 180 feet in each direction. Lateral Access is available via a 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.
4. Pursuant to the Coastal Land Use Plan, the closest Public View Point is located at Newport Pier, more than 4,000 feet from the property. The proposed residence is not located near Coastal View Roads, as designated in the Coastal Land Use Plan. There is no Coastal View Road (segment) in Balboa Peninsula. 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. CD2017-067, 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 14th DAY OF DECEMBER, 2017.



Patrick J. Alford, Zoning Administrator

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

1. The development shall be in substantial conformance with the approved site plan, 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. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
11. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
12. 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.
13. 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.
14. Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
15. Prior to the issuance of a building permit, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development 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 Coastal Development Permit.
16. Prior to the issuance of a building permit, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and 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 a 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 either the current business owner, property owner or the leasing agent.
20. This Coastal Development Permit No. CD2017-067 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 including, but not limited to, Coastal Development Permit No. CD2017-067 (PA2017-160). 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. ZA2017-097

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-046 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND DETACHED 2-CAR GARAGE LOCATED AT 2038 EAST OCEAN FRONT (PA2017-103)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Mark Becker, with respect to property located at 2038 East Ocean Front requesting approval of a coastal development permit.
2. The lot at 2038 East Ocean Front is legally described as Lot 10 in Block D, in Tract 00518.
3. The applicant proposes the demolition of an existing single-family residence and attached garage and the construction of a new 2,205-square-foot single-family development, including the following: a 1,141-square-foot two-story, main house, a detached garage with a 315-square-foot guest bedroom above, and a detached two-story, 251-square-foot guest bedroom. The development also includes hardscape, drainage, and landscaping. The CDP application does not propose any development seaward of the private property.
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 (RSD-C) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
6. A public hearing was held on December 14, 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 2,205-square-foot single-family development including a detached 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 4,760 square feet and the proposed floor area is 2,205 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 10 feet along the oceanfront, 3 feet along each side property line and 0 feet along the rear property line abutting the alley.
 - c. The highest guardrail is less than 24 feet from established grade 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 an approximately 420-foot-wide public beach known as East Ocean Front. The finished floor elevation of the proposed dwelling is + 17 feet (NAVD 88), which complies with the minimum 9.00 feet (NAVD88) elevation standard.
4. A Coastal Hazard and Sea Level Rise Analysis was prepared by GeoSoils, Inc., dated May 15, 2017 for the project. The report concludes that the proposed project is

reasonably safe from the shoreline erosion due to lack of wave or wakes that can erode sand from the beach. The report concludes it is very unlikely that any type of wave will reach the site even considering a 4.75-foot sea level rise and that the proposed project is reasonably safe from the shoreline erosion due to lack of wave or wakes that can erode sand from the beach. Overall, the analysis concludes that the proposed project will be safe from flooding hazards for the next 75 years. Furthermore, the report concluded that due to the distance of the property from the current mean high tide line (approximately 400 feet) that it is unlikely that the mean high tide line will reach the property within the next 75 years.

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 applicant provided a Construction Pollution Prevention Plan (CPPP) pursuant to Section 21.35.030 (Construction Pollution Prevention Plan) of the Municipal Code to implement temporary Best Management Practices (BMP's) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. A CPPP has been reviewed and approved by the City's Engineer Geologist. Construction plans and activities will be required to adhere to the approved CPPP.
8. The applicant provided a Water Quality and Hydrology Plan (WQHP) pursuant to Municipal Code Section 21.35.050 (Water Quality and Hydrology Plan). The WQHP has been reviewed and approved by the City's Engineer Geologist. The WQHP 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. Construction plans will be reviewed for compliance with the approved WQHP prior to building permit issuance.
9. 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

10. The property is not located near designated public viewpoint 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; 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 access to the public beach is available approximately 220 feet east of the site at the terminus of M Street.
3. The closest public viewpoint is located approximately 1,000 feet to the east at West Jetty Park. 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 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. CD2017-046, 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 14TH DAY OF DECEMBER, 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. 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. 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 (BMP's) and Good Housekeeping Practices (GHP's) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
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 CPPP and WQHP shall be submitted with the Building Permit plans. Implementation shall be in compliance with the approved CPPP and WQHP 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. CD2017-046 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 2038 East Ocean Front CDP including, but not limited to, Coastal Development Permit No. CD2017-046. 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. ZA2017-098

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-079 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 2-CAR GARAGE LOCATED AT 3803 MARCUS AVENUE (PA2017-185)

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 William Scott Upshall Family Trust, with respect to property located at 3803 Marcus Avenue requesting approval of a coastal development permit.
2. The lot at 3803 Marcus Avenue is legally described as Lot 2, Block 338, Canal Section.
3. The applicant proposes Coastal Development Permit (CDP) for the demolition of an existing duplex and the construction of a new, approximately 3,431-square-foot, three-story single-family dwelling including a 493-square-foot two-car garage. The project includes the repair and reinforcement of the existing bulkhead including raising the height of the bulkhead. The development also includes hardscape, drainage, and landscaping. The proposed development complies with all applicable development standards including height, setbacks and floor area limits. No deviations are requested. The CDP does not propose any development bayward of the existing bulkhead.
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-Family Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-D) and it is located within the Two-Unit Residential (R-2) Coastal Zone District.
6. A public hearing was held on December 14, 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, 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 a duplex and the construction of a new 3,257-square-foot single-family residence and attached 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 3,341 square feet and the proposed floor area is 3,257 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 20 feet along the Rivo Alto Waterway of the Bayfront, 4 feet along the second frontage of Marcus Avenue, and 3 feet along each side property line.
 - c. The highest guardrail is less than 24 feet from established grade (9.00 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 4,000 square feet or less 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 Rivo Alto Waterway of the Newport Bay and is a private bay front parcel. The project site is protected by an existing bulkhead with an elevation of 7.46 feet MLLW (7.26 NAVD88). The proposed project includes the repair and reinforcement of the existing bulkhead to an elevation of 10 feet MLLW (9.82 NAVD88). The finished floor elevation of the proposed dwelling is 9.00 MSL (NAVD 88), which complies with the minimum 9.00 feet (NAVD88) elevation standard. The sill of the home is fully waterproofed to 18 inches above the finished floor that would help protect against flooding up to an elevation of 10.5 feet (NAVD88). Flood shields (sand bags and other methods) can be deployed across the openings to prevent flooding to the structure.

4. A Coastal Hazard, Sea Level Rise Analysis, and Bulkhead Condition Report was prepared for the project by William Simpson & Associates, Inc. dated August 25, 2017. The report concluded that due to the reinforced and repaired bulkhead that it is unlikely that flooding, wave runup and erosion will not significantly impact this property over the proposed life of the development. Additionally, the need for a new shoreline protective device is not anticipated over the economic life of the proposed development. Furthermore, if the bulkhead is found to not adequately protect the development for the actual sea level rise over the next 75 to 100 years, the bulkhead assembly allows an increased in height without further seaward encroachment. The bay water elevation (currently maximum 7.62 NAVD88) is estimated to rise to 9.12 NAVD88 based on the minimum estimates for sea level rise provided by the National Research Council 2012 SLR estimates. Therefore, the retrofitted bulkhead with a height of 10 feet MLLW (9.82 NAVD88) is sufficient to protect project site.
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 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. Pursuant to Municipal Code Section 21.35.050, 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. A WQHP prepared by Forkert Engineering & Surveying, Inc., dated August 30, 2017, has been reviewed and approved by the City's Engineer Geologist. The WQHP 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. 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 closest Public View Point is located at Newport Island Park on the abutting property to the north. The redevelopment of the existing residential property that is in compliance with height, setbacks, will not impact coastal views from this park. The proposed residence is not located near Coastal View Roads, as designated in the Coastal Land Use Plan.

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; 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 access to the bay front is available on the abutting property directly to the north of the subject property located at Newport Island Park. Additional access is provided approximately 150 feet to the north at the terminus of 39th Street and approximately 150 feet to the south at the terminus of Marcus Avenue.
3. The public beach is also the start of a six-foot-wide public sidewalk providing lateral access and views of the bay along the bay front in front of the project site. The sidewalk is located within a 10-foot-wide right-of-way that would allow for future widening and maintenance of the sidewalk.
4. The closest Public View Point is located at Newport Island Park on the abutting property to the north. The redevelopment of the existing residential property that is in compliance with height and setbacks will not impact coastal views from this park. The proposed residence is not located near 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 Coastal Development Permit No. CD2017-079, 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 14TH DAY OF DECEMBER 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. 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 seaward 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. 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 Coastal Development Permit does not authorize any development seaward of the private property.
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 the Construction Pollution Prevention Plan (CPPP).
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 issuance of the building permits, the approved WQHP shall be submitted with the Building Permit plans. Implementation shall be in compliance with the approved WQHP and any changes could require separate review and approval by the Building Division.
18. 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.

19. 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.
20. 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.
21. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
22. This Coastal Development Permit No. CD2017-079 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
23. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of 3803 Marcus Avenue Coastal Development Permit including, but not limited to, Coastal Development Permit No. CD2017-079 (PA2017-185). 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. ZA2017-099

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-035 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE AND ATTACHED THREE-CAR GARAGE LOCATED AT 88 LINDA ISLE (PA2017-085)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Randy Davis, with respect to property located at 88 Linda Isle, and legally described as Lot 88 of Tract No. 4003, 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 7,445-square-foot two-story, single-family residence with an attached 774-square-foot garage. The development also includes hardscape, drainage, and landscaping all located within the confines of the private property. The proposed residence complies with all applicable development standards including height, setbacks, floor area limits, and no deviations are requested. The existing bulkhead will not be altered as part of this project.
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 - (6.0 - 9.9 DU/AC) (RSD-B) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
5. A public hearing was held on December 14, 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 7,445-square-foot single-family residence and attached 774-square-foot, three-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 11,424 square feet and the proposed floor area is 8,219 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line abutting the Newport Bay, 4 feet along each side property line and 25 feet along the property line abutting the Linda Isle private drive. Portions of the existing residence that currently encroach up to 4 inches into the westerly side setback are proposed to be demolished and the structure modified for setback conformance.
 - c. The highest ridge is no more than 29 feet from established grade, which complies with the maximum height requirements.
 - d. The project includes garage parking for a total of three vehicles, complying with the minimum three-car garage parking requirement for single-family residences with more than 4,000 square feet of habitable floor area.
2. The private neighborhood is predominantly developed with two-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The development fronts the Newport Bay and is a private bayfront parcel. The project site is protected by an existing bulkhead with the top of the bulkhead at elevation 9.20 feet (NAVD88). A Coastal Hazard and Sea Level Rise Analysis was prepared by GeoSoils, Inc., dated November 24, 2017, for the project. The existing bulkhead is in good condition and is not in need of any maintenance or repair at this time. The bay water

elevation (currently maximum 7.2 feet NAVD88) will exceed the top of the bulkhead elevation when sea level rise is greater than 1.8 feet, which would occur approximately 75 years from now based on the minimum estimates for sea level rise provided by the National Research Council 2012 SLR estimates. Therefore, the project will be protected for the 75-year life of the proposed improvements.

4. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
5. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
6. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.
7. Pursuant to Municipal Code Section 21.35.050, 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. 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
8. 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

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. Linda Isle is a private, 107-lot single-family community created in 1933, and developed in the 1960s. A gated bridge connects the island to the mainland at Bayside Drive. As 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. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. The project involves the demolition of a single-family residence and the construction of a new single-family residence. Therefore, there is no change in land use and the proposed increases in floor area, height and bulk will not result in any significant adverse impacts to public recreation, access or views or otherwise diminish the public's use of the ocean, harbor, bay, channels, estuaries, salt marshes, sloughs, beaches, coastal parks, trails, or coastal bluffs.
3. The closest Public Viewpoint is located near Bayside Drive and Harbor Island Drive, approximately 1,500 feet from the property. The proposed residence is located near Coast Highway and Bayside Drive, which are both Coastal View Roads, as designated in the Coastal Land Use Plan. 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. CD2017-035, 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 14TH DAY OF DECEMBER, 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. 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 seaward 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. 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 erosion control plan and conceptual 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 CPPP and WQMP shall be submitted with the Building Permit plans. Implementation shall be in compliance with the approved CPPP and 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. CD2017-035 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 Davis Residence including, but not limited to, Coastal Development Permit No. CD2017-035 (PA2017-085). 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. ZA2017-100

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2017-092 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE AND ATTACHED THREE-CAR GARAGE LOCATED AT 208 VIA LIDO NORD (PA2017-209)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brandon Architects, with respect to property located at 208 Via Lido Nord, and legally described as Lot 858 of Tract No. 907 requesting approval of a coastal development permit.
2. A request for a coastal development permit (CDP) for the demolition of an existing single-family residence and attached garage, and the construction of a new 2,366-square-foot two-story, single-family residence with an attached 715-square-foot garage. The development also includes hardscape, drainage, and landscaping. The proposed residence complies with all applicable development standards including height, setbacks, and floor area limits, and no deviations are requested. The existing bulkhead will not be altered as part of this project.
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 - (10.0 -19.9 DU/AC) (RSD-C) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
5. A public hearing was held on December 14, 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 2,366-square-foot single-family residence and attached 715-square-foot three-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 3,648 square feet and the proposed floor area is 3,081 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line abutting the Newport Bay, 3 feet along each side property line and 4 feet along the property line abutting Via Lido Nord.
 - c. The highest guardrail is 24 feet from established grade 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 three vehicles, exceeding the minimum two-car garage parking requirement for single-family residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two- and three-story, single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The development fronts the Newport Bay and is a private bayfront parcel. The project site is protected by an existing bulkhead with the top of the bulkhead at elevation 10.01 feet (NAVD88). A Coastal Hazard and Sea Level Rise Analysis was prepared by GeoSoils, Inc., dated August 21, 2017, for the project. The existing bulkhead is in good condition and is not in need of any maintenance or repair at this time. The bay water elevation (currently maximum 7.2 feet NAVD88) will not exceed the top of the existing bulkhead with an estimated bay water level of 8.45 feet (NAVD88) (7.2 feet NAVD88 + 1.25 feet SLR), which would occur approximately 75 years from now based on the

minimum estimates for sea level rise provided by the National Research Council 2012 SLR estimates.

4. The finished floor elevation of the proposed dwelling is 11.25 feet (NAVD88) at the waterfront stepping down to 10.55 feet (NAVD88) at the street elevation. Both finished floor elevations comply with the minimum 9.00-foot (NAVD88) elevation standard. The Coastal Hazard Report concludes that the bay water elevation (currently 7.2 feet NAVD88) will not exceed the proposed finished floor elevation (11.25 feet) beyond the year 2100 using the minimum estimates for sea level rise from the National Research Council 2012 SLR estimates.
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 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. Pursuant to Municipal Code Section 21.35.050, 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. A WQHP prepared by Forkert Engineering & Surveying, Inc., dated October 6, 2017, has been reviewed and approved by the City's Engineer Geologist. The WQHP 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.
9. 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.

Finding:

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

Fact in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline; however, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities. Informal (i.e., not designated by the Coastal Land Use Plan) vertical access to the bay front is available approximately 100 feet west of the site where there is a small public beach with access to the water.
2. The closest public viewpoint is located at the bridge to Lido Island. 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 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. CD2017-092, 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 14TH DAY OF DECEMBER, 2017.

Patrick J. Alford, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions of approval are italicized)

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. 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 seaward 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. 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. *Prior to the issuance of building permits, the applicant shall apply for and obtain a grade determination allowing measurement of accessory improvements in the front setback area (waterfront) from the proposed elevated grade. If said grade determination is not approved, all improvements shall be measured from existing grade, prior to construction.*
5. 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.
6. 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 erosion control plan and the conceptual construction pollution prevention plan (CPPP).
7. 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.

8. 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.
9. 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.
10. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new Coastal Development Permit.
11. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
12. 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.
13. 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.
14. 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.
15. 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.
16. Prior to issuance of the building permits, the approved CPPP and WQHP shall be submitted with the Building Permit plans. Implementation shall be in compliance with the approved CPPP and WQHP and any changes could require separate review and approval by the Building Division.
17. 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.

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. 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 permit, 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. CD2017-092 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 the Proznik Residence including, but not limited to, Coastal Development Permit No. CD2017-092 (PA2017-209). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Comprehensive Sign Program No. CS2017-015 (PA2017-226)**
Applicant **AKC Services Inc**
Site Location **2119-2121 West Balboa Boulevard**
 Taco Bell Cantina and TK Burgers
Legal Description Lot 14 in Block 21 of Newport Beach, County of Orange

On **December 15, 2017** the Zoning Administrator approved Comprehensive Sign Program No. CS2017-015. This approval is based on the following findings and subject to the following conditions.

Pursuant to NBMC Section 20.42.120, a Comprehensive Sign Program is required when new signs are proposed to be located on or above the second story of a multi-story building. Comprehensive sign programs can allow limited deviations from code requirements related to location and size under certain circumstances. This Sign Program includes two projecting signs and allows one to be located closer than five feet to an interior property line and one to be located less than five feet to a line dividing two separate business frontages. The sign program also allows a secondary frontage projecting sign to be 13 square feet where the code allows a maximum area of 10 square feet.

The subject property is designated MU-W2 (Mixed-Use Water Related) by the General Plan Land Use Element, the Coastal Land Use Plan, and the Zoning Code.

The Sign Program includes standards for three different sign types (not including address numbering) and a total of four signs. Two projecting (blade) signs, one combination wall/projecting sign and one wall sign for two restaurants located on a mixed-use building are included in the sign program. One projecting sign and one wall sign will face the McFadden municipal parking lot, one projecting sign will face 22nd Street and the combination sign will face the parking lot access drive and will be located over the entrance of the Taco Bell Cantina.

The approval of this Sign Program is based on the following findings and standards and subject to the following conditions:

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.*

Fact 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 uses of the mixed-use building and do not intensify or alter the authorized principal use. All signs will be mounted in the building.

Finding

- B. *The proposed comprehensive sign program is consistent with Section 21.30.065 that regulates roof signs and free-standing signs and prohibits billboards.*

Fact in Support of Finding

1. Based upon the sign matrix and project plans, the Sign Program would not include pole or other freestanding signs, roof signs or billboards.

Standard

- C. *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. The purpose of NBMC Chapter 20.42 is to provide adequate identification of uses while guarding against excessive and confusing signage. The goal is to preserve and enhance community appearance by regulating the type, size, location, quantity, design, character, scale, color, illumination, and maintenance of signs. Regulations should encourage well-designed signs that attract and invite rather than demand the public's attention. Signs need to be complementary to their related buildings and uses and need to be harmonious with their surroundings. Signs need to enhance the safety of motorists and pedestrians by minimizing the distraction of signs, as well as to protect the life, health, property, and general welfare of City residents and visitors.
2. The purpose of comprehensive sign programs is to integrate project signs with the overall site design and architecture to create a unified architectural design statement. A comprehensive sign program also provides a means for the flexible

application of sign regulations for projects that require multiple signs. Comprehensive sign programs can also provide incentives and latitude in the design and display of multiple signs and to achieve, not circumvent, the purpose of NBMC Chapter 20.42.

3. The proposed Sign Program is consistent with the purpose and intent of the NBMC Chapter 20.42 because it is comprehensive by including all types of signs. It includes a limited number of quality signs at appropriate locations to identify the businesses.
 - a. The 2121 West Balboa Boulevard tenant space is located at the corner of the building/lot and has two primary frontage and one small secondary frontage (over the business entrance).
 - b. The projecting signs are located 0 (zero) feet from the adjacent tenant space (TK Burgers) adjacent to the McFadden parking lot and 0 (zero) feet from the adjacent property line on 22nd Street where the sign code requires a 5-foot setback. The projecting sign locations are designed to fit with the building architecture and be viewable from the McFadden Place parking lot, 22nd Street and the beachfront boardwalk at the end of 22nd Street. Both signs are 13 square feet where the code allows a maximum of 20 square feet on the primary frontage (McFadden place parking lot) and 10 square feet on the secondary frontage (22nd Street). A comprehensive sign program may allow 30% increase in sign area. In this particular case a 3 square foot increase in sign area for the secondary frontage will result in two signs of the same size (13 square feet), which provides for a unified and balanced design. The two projecting signs are located on the second floor of the mixed-use building at an elevation commensurate and complementary to the building architecture and setback from the street corner to provide architecturally balanced design and look.
 - c. The combination wall/projecting sign is located at the corner of the building and centered above the entrance to Taco Bell Cantina. The sign type and size adequately identifies the business and location of the entrance for potential patrons. The sign size is 21.71 square feet, smaller than the 26 square feet allowed for the secondary frontage. The projecting feature of the sign provides adequate vertical clearance to allow pedestrian passage to the restaurant entrance.
 - d. The wall sign located on the 2119 West Balboa Boulevard tenant space (TK Burgers) is 36.8 square feet, smaller than the allowed maximum of 39.75 square feet for a primary frontage. Future signage will be allowed the maximum 39.75 square feet. The sign is generally centered on the tenant frontage, located above the entrance to the business, and balanced with the architectural features of the building.

Standard

- D. *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. All signs relate visually to each other and the building design because they maintain consistency in design, materials, and color while identifying the businesses in the building.
2. The proposed signs will not obstruct public views from adjacent roadways because there are no identified public views through or across the subject property.
3. The proposed signs will not interfere with sight distance from any street or driveway.

Standard

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

Fact in Support of Standard

The 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

- F. *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 Sign Program establishes allowed type, number, location, and area of signs with flexibility to accommodate existing and future tenants, activities, or uses.
2. It is not anticipated that future revisions to the Sign Program will be necessary to accommodate a change in tenant 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

- G. *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. Facts in support of Finding C above regrading location and area of the projecting signs are incorporated by reference.
2. No other deviations from sign area, total number or height are authorized by this Sign Program.

Standard

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

Facts in Support of Standard

The Sign Program does not authorize the use of any prohibited signs including changeable copy, pole, roof, animated, "A" frame signs or billboards.

Standard

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

Facts in Support of Standard

1. The Sign Program contains no regulations affecting sign message content.
2. The content of the signs as expressed in the conceptual plans was not considered during the review and approval of this Sign Program.

CONDITIONS

1. All proposed signs shall be in substantial conformance with the Comprehensive Sign Program Matrix Table (Attachment No. ZA 2), approved plans (Attachment No. ZA 3) and provisions of Chapter 20.42 of the Newport Beach Municipal Code, unless otherwise indicated in the following conditions.
2. Signs not specifically approved by this Sign Program are prohibited.


3. Any future revisions or changes to the signs approved by this 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.
4. A building permit and/or sign permit shall be obtained prior to the installation of signs.
5. A copy of this letter and the approved sign matrix shall be incorporated into the plan check sets of plans prior to issuance of building or sign permits.
6. Illuminated signs shall be regulated in accordance with the provisions of Section 20.42.060.H 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 including requiring to sign lighting to be turned off upon finding that the site is excessively illuminated.
7. All signs shall be maintained in a clean and orderly condition. Signs in disrepair shall be repaired, replaced or removed in a timely fashion or at the direction of the Community Development Director.
8. All work performed near or within the public right-of-way or City-administered public easement area shall be reviewed and approved by the Public Works Department. If any work is necessary within the public right-of-way or a City-administered public easement, an encroachment permit or encroachment agreement is required.
9. The Community Development Director may approve revisions to the 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.
10. The Zoning Administrator, Planning Commission or City Council 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 twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
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 Taco Bell Cantina/TK Burgers Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2017-015 (PA2017-226). 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 fourteen (14) days following the date the action. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Patrick J. Alford, Zoning Administrator

By:



Gregg Ramirez
Senior Planner

JC/gbr

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

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2017-015
PA2017-226

2119-2121 West Balboa Blvd

Attachment No. ZA 2

Comprehensive Sign Program Matrix

COMPREHENSIVE SIGN PROGRAM MATRIX

2119 AND 2121 WEST BALBOA BOULEVARD

PA2017-226

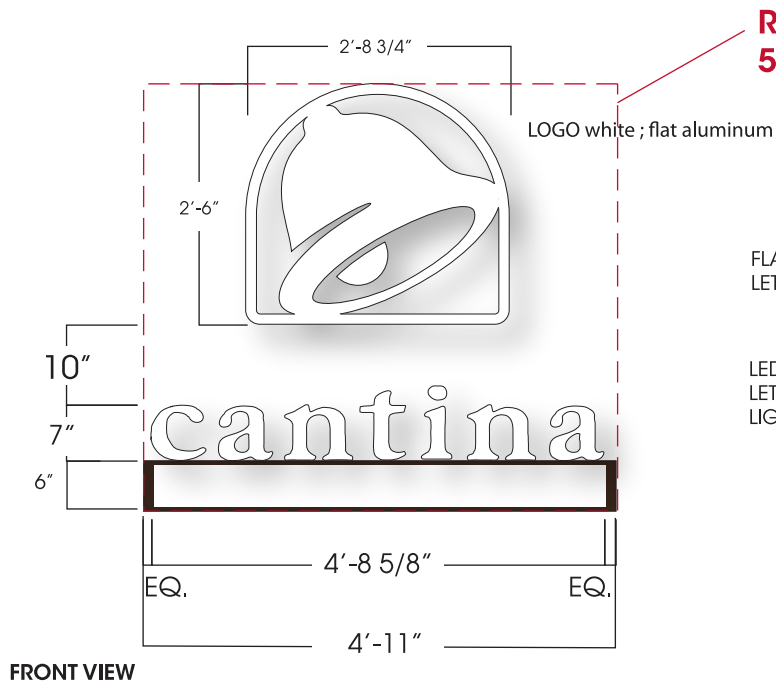
<u>Sign Type</u>	<u>Address</u>	<u>Primary Frontage & Size Limitation</u>	<u>Secondary Frontage & Size Limitation</u>
Projecting (Blade)Sign	2121 West Balboa Blvd.	<i>Type: Projecting (Blade)Sign Frontage: McFadden Place Parking Lot Placement: Second Story Maximum Area: 13 square feet Letter /Logo Height: 18 inches</i>	<i>Type: Projecting (Blade)Sign Frontage: 22nd Street Placement: Second Story Maximum Area: 13 square feet Letter /Logo Height: 18 inches</i>
Wall/ Projecting Combo Sign	2121 West Balboa Blvd.		<i>Type: Projecting/Wall Sign Frontage: McFadden Place Parking Lot –Over Restaurant Entrance Placement: First Story Maximum Area: 22 square feet Letter /Logo Height: 7 inches/30 inches</i>
Wall Sign	2119 West Balboa Blvd.	<i>Type: Wall Sign Frontage: McFadden Place Parking Lot Placement: First Story Maximum Area: 39.75 square feet Letter /Logo Height: 36 inches</i>	None

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.

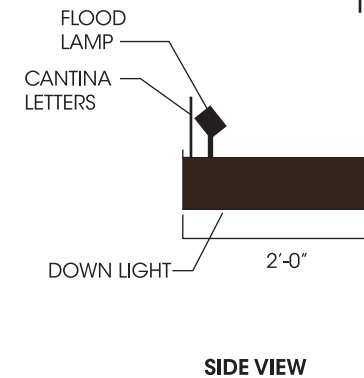
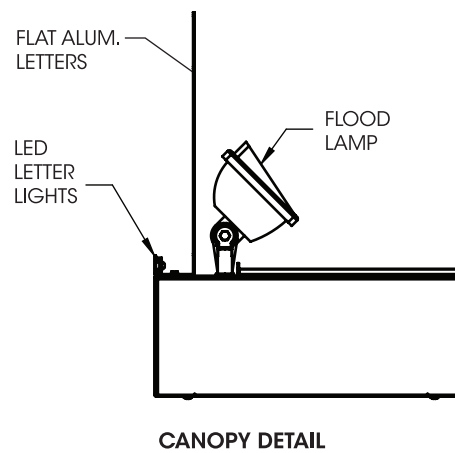
Attachment No. ZA 3

Project Plans



**RED LINE PERIMETER:
53" x 59" = 3,127 Sq.In. = 21.71 Sq.Ft.**

NOTE: DETAIL SHOWN MAY NOT REFLECT THE ACTUAL WALL CONSTRUCTION AS WALL TYPES VARY PER SITE. IT IS THE INSTALLER'S RESPONSIBILITY TO IDENTIFY THE ACTUAL CONSTRUCTION AND ADAPT THE INSTALLATION ACCORDINGLY.



GENERAL SPECIFICATIONS:

Materials: Aluminum shapes & sheets;
Steel shapes, sheets & tubes
Decoration(Canopy): Tiger Drylac 49/66230 w/ White Poly Insert
Wind Load: 110mph wind speed 3 second gust - exposure c

ELECTRICAL

Illumination:
• White LEDs
Power Supply:
• LED Power Supply
Line Load:
• (1) 20 Amp circuit

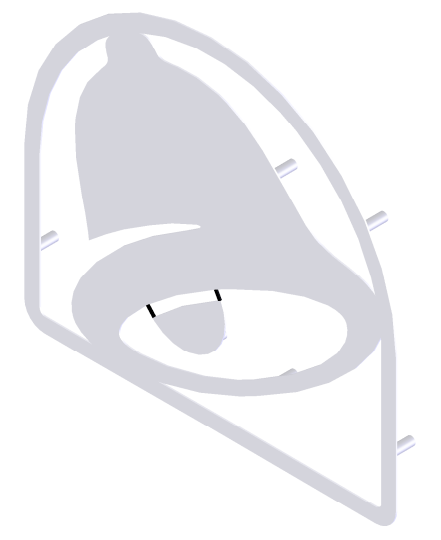
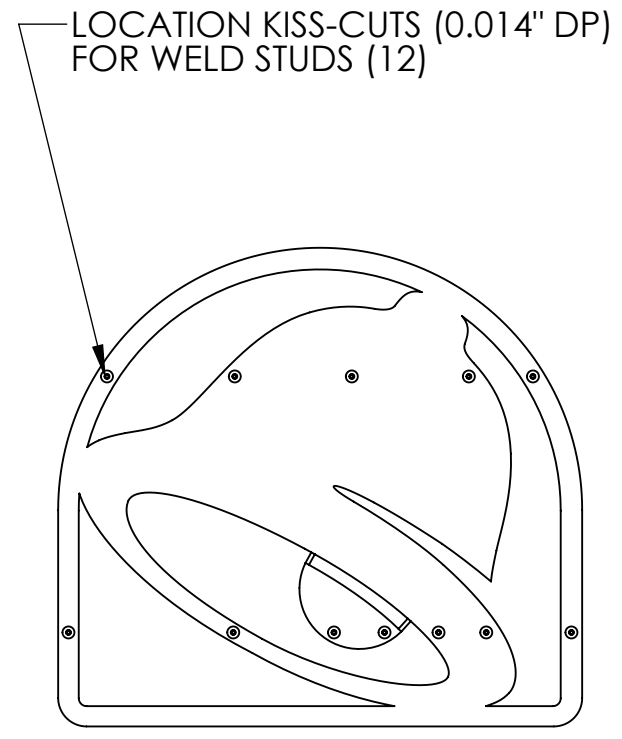
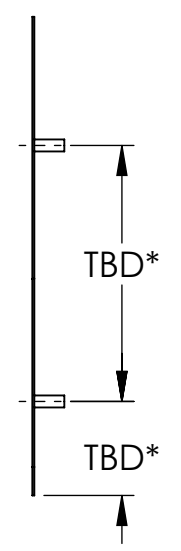
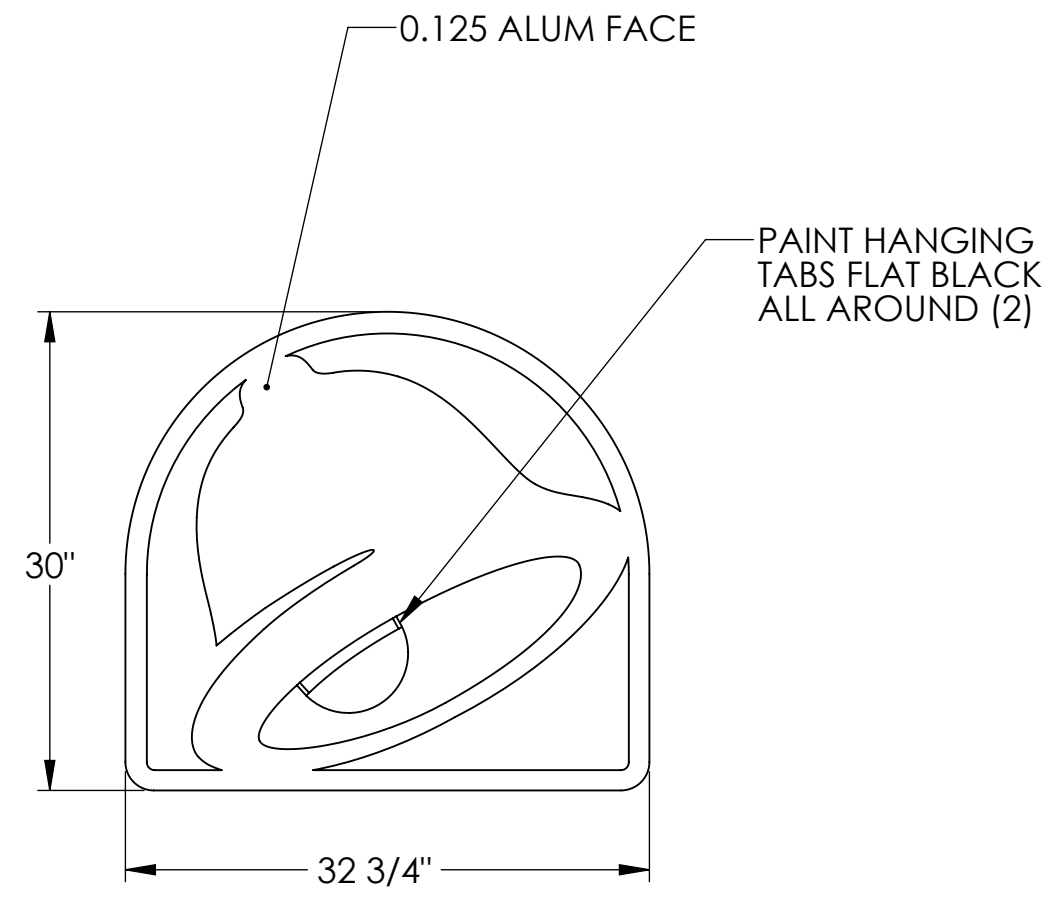
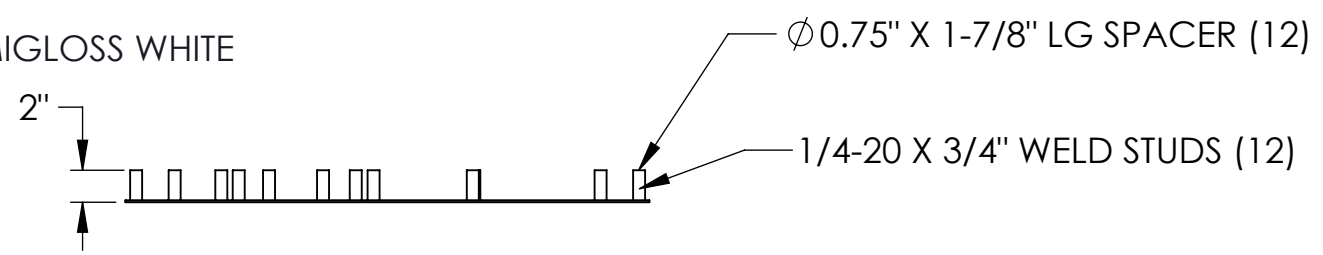
COLORS:

Exterior:
Canopy: Tiger Drylac 49/66230

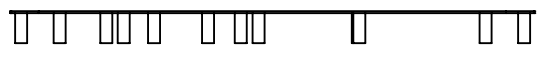
DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

Customer: Taco Bell		Description: Flat Alum. Logo & Letters w/ Canopy	Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.	
Project No: 374519	Scale: 1/2"=1'-0"		CUSTOMER SIGNATURE _____	DATE _____
Date: 11/21/17	Drawn By: RB	Revised: _____	LANDLORD SIGNATURE _____	DATE _____
Location & Site No: 2121 W. Balboa Blvd. Newport Beach, CA Site: TB33461		Revised: _____		

NOTE:
PAINT SEMIGLOSS WHITE



- SPECIFICATIONS:
1. LAMPS: N/A
 2. POWER SUPPLY: N/A
 3. VOLTAGE: N/A
 4. TOTAL CONN. LOAD: N/A
 5. PAINT SPECIFICATIONS:
ALUM LOGO: SEMIGLOSS WHITE; HANGING TABS: FLAT BLACK
 6. MAXIMUM DESIGN WIND LOAD: 35 PSF
 7. EST. WEIGHT OF CRATED SIGN: ___ LBS
EST. WEIGHT OF UNCRATED SIGN: ___ LBS
 8. CRATED VOLUME OF SIGN: ___ CU FT



A	-----	----	----	---
SYM	DESCRIPTION	DRWN	DATE	ECN

PROPRIETARY AND CONFIDENTIAL
THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF EVERBRITE L.L.C. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF EVERBRITE L.L.C. IS PROHIBITED.

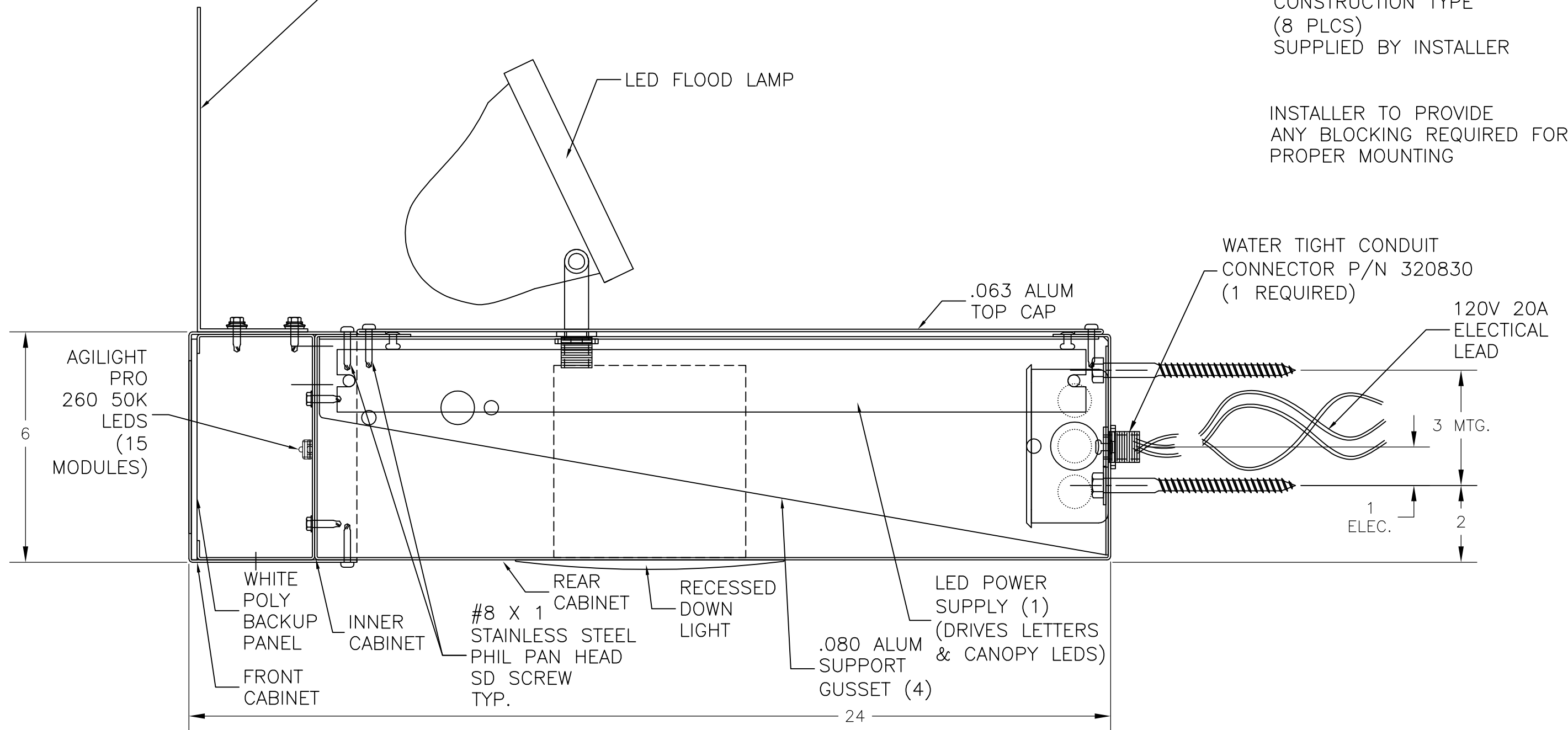
UNLESS OTHERWISE SPECIFIED:		NAME	DATE	SCALE: 1:12	WEIGHT:	SHEET 1 OF 1
DIMENSIONS ARE IN INCHES		DRAWN	DAP	05/23/17	COMMENTS:	
TOLERANCES:		CHECKED				
FRACTIONAL ±1/16"		ENG APPR.			SIZE	DWG. NO.
ANGULAR: MACH ±1 DEG		MFG APPR.			B	PROJ362713A
BEND ±1 DEG		Q.A.				A
TWO PLACE DECIMAL ±.010		TITLE:				
THREE PLACE DECIMAL ±.010		SIGN, TB 2'6" X 2'8-3/4" FLAT LOGO				
INTERPRET GEOMETRIC TOLERANCING PER:						
MATERIAL						
NEXT ASSY	USED ON	FINISH				
APPLICATION		DO NOT SCALE DRAWING				

NOTE:
CANOPY MOUNTING HOLES ARE
KEY HOLE SLOTTED FOR EASE
OF INSTALLATION.


7" TALL
"cantina" ALUM
LETTERS (WHITE)
NON-ILLUMINATED

REQUIRED:
3/8" DIA. MOUNTING
HARDWARE SUITABLE
TO BUILDING
CONSTRUCTION TYPE
(8 PLCS)
SUPPLIED BY INSTALLER

INSTALLER TO PROVIDE
ANY BLOCKING REQUIRED FOR
PROPER MOUNTING



TYP. .063 ALUM CANOPY CROSS SECTION

ITEM		REV		SHEET 2 OF 4	
 Everbrite 4949 So. 110th St. P.O. Box 20020 Greenfield, WI 53220 414-529-3500					
These drawings are the exclusive property of Everbrite, L.L.C. Use of, or duplication in any manner without express written permission of Everbrite, L.L.C. is prohibited.					
TITLE CNPY,TB 6X6'4"X24" BNZ					
DRN DAP	DT 10/11/17	SCALE NTS	DRWG NR PROJ372195A	REV A	

60W POWER SUPPLY
MOUNTED INSIDE CANOPY
(DRIVES CANOPY LEDS)

120V LEAD

120V
ELECTRICAL IN
ELEC BOX/
CHASE NIPPLE

120V LEADS

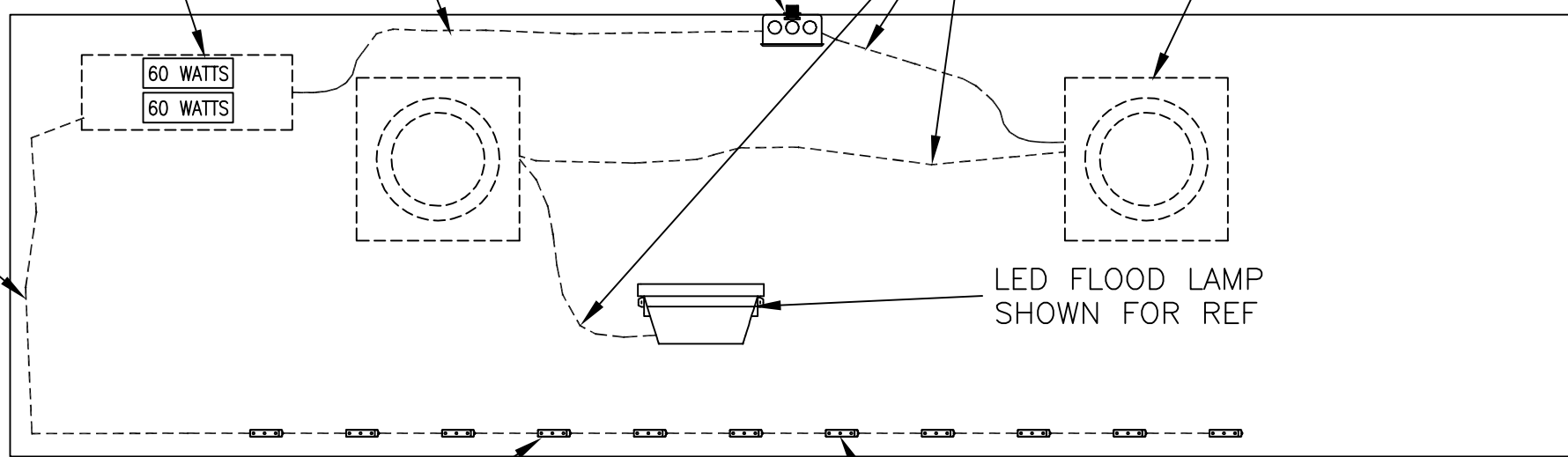
RECESSED LAMP
SHOWN FOR REF

(2) LED 60 WATT;
12VOLT POWER SUPPLY

(1.8) AMPS TOTAL @120V
*USE (1) 20 AMP CIRCUIT

AMPERAGE DRAW REFERS TO
LEDS ONLY- ANY RECESSED
LIGHTING DRAWS ADDITIONAL
AMPERAGE

PLTC
CABLE




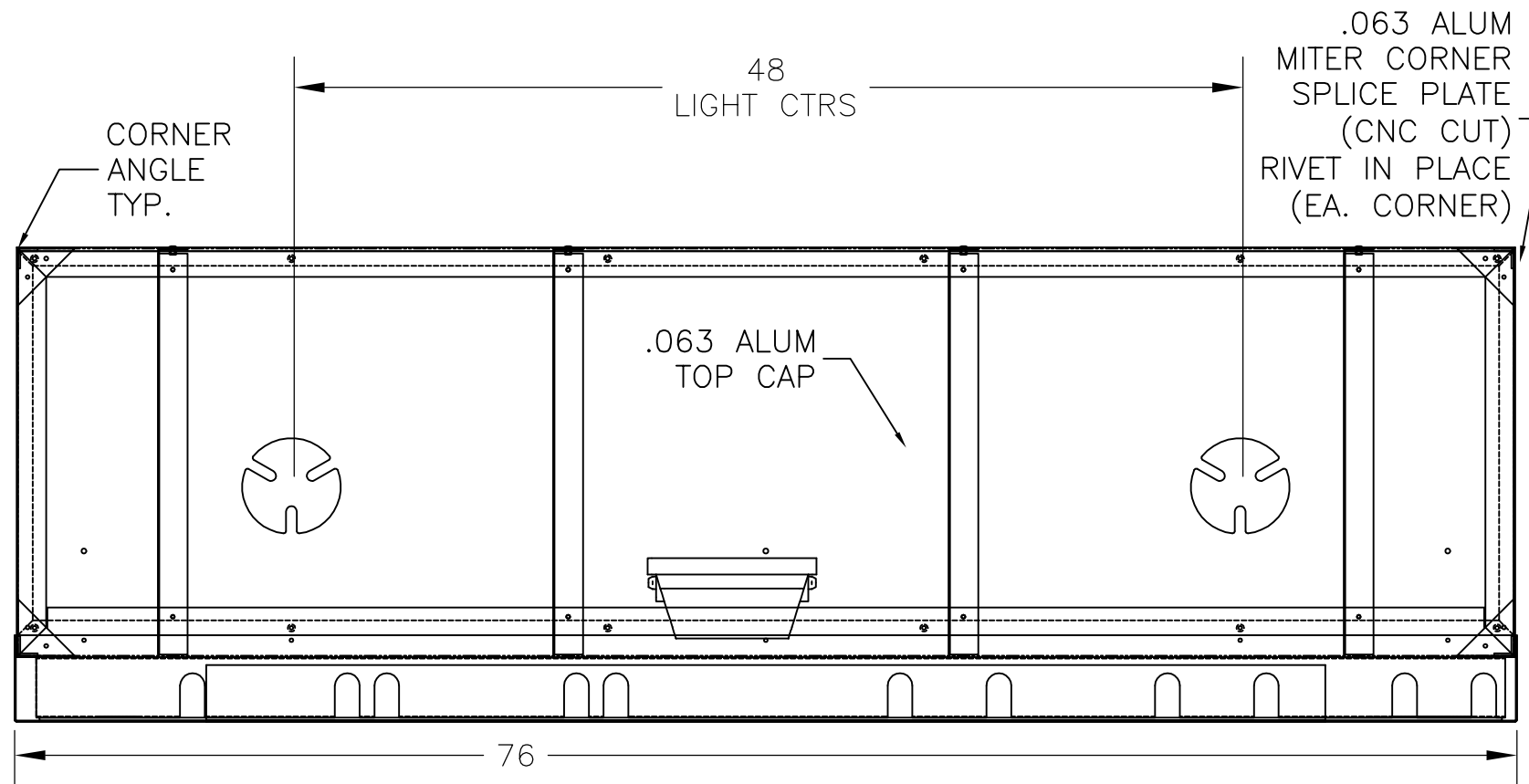
FRONT ILLUMINATED
CUTOUT LEDS

LED FLOOD LAMP
SHOWN FOR REF

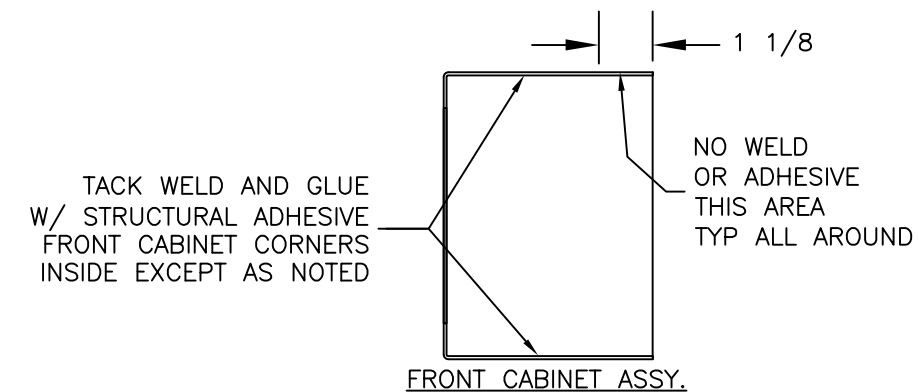
AGILIGHT PRO 260-50K LEDS

GENERIC WIRING DIAGRAM- NOT TO SCALE

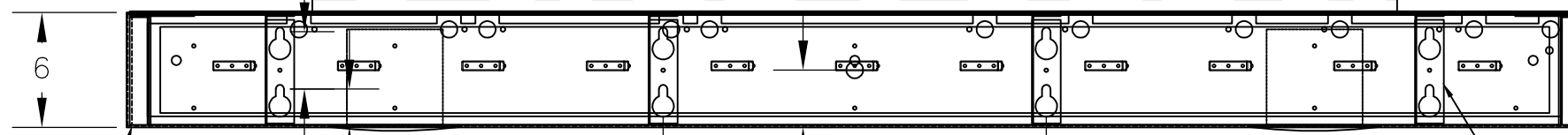
		ITEM	REV	SHEET 4 OF 4	
 Everbrite 4949 So. 110th St. P.O. Box 20020 Greenfield, WI 53220 414-529-3500		These drawings are the exclusive property of Everbrite, Inc. Use of, or duplication in any manner without express written permission of Everbrite, Inc. is prohibited.			
TITLE		CNPY,TB 6X6'4"X24" BNZ			
DRN	DAP	DT	10/11/17	SCALE	DRWG NR
CKD		DT		NTS	PROJ372195A
					REV A



TYP. .063 ALUM CANOPY TOP VIEW



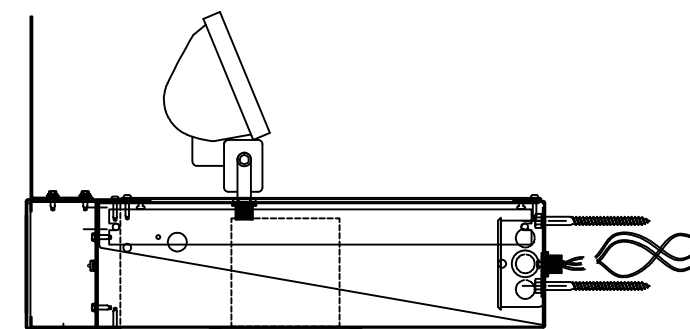
cantina



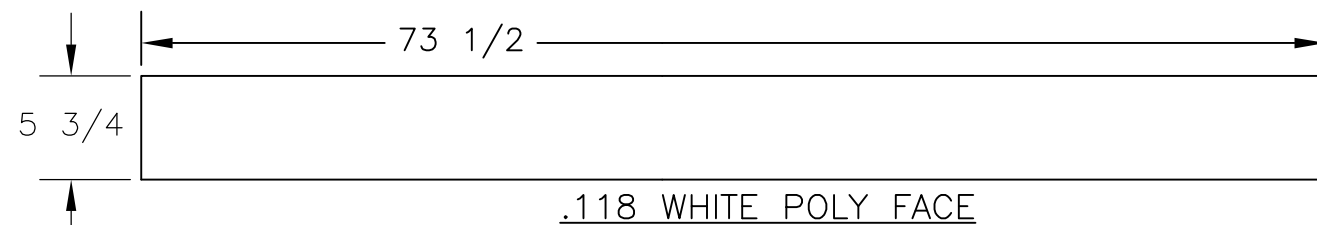
3 MTG.
2
1 X 1 X 1/8"
ALUM ANGLE @ 5 5/8"
LONG AT EACH REAR CABINET
CORNER SECURED W/
STRUCTURAL ADHESIVE

3
ELEC.
20 MTG.
TYP.


TYP. .063 ALUM CANOPY FRONT SECTION VIEW

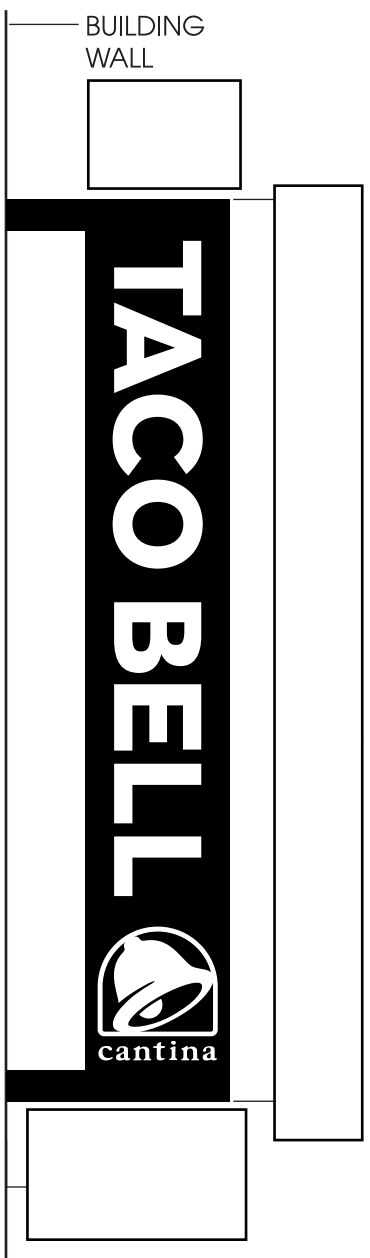


.080 ALUM
SUPPORT
GUSSET
TYP.




.118 WHITE POLY FACE

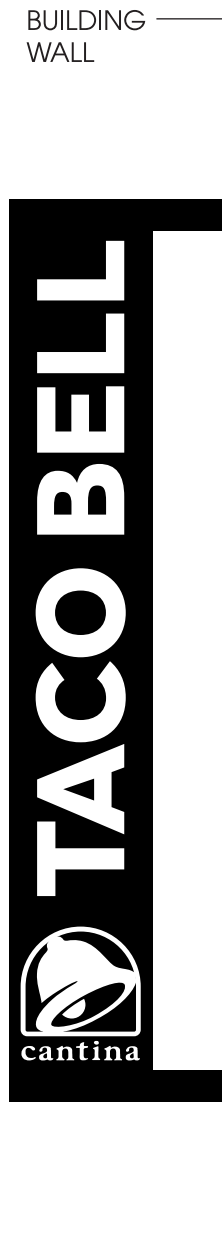
ITEM		REV		SHEET 3 OF 4	
 Everbrite 4949 So. 110th St. P.O. Box 20020 Greenfield, WI 53220 414-529-3500		These drawings are the exclusive property of Everbrite, L.L.C. Use of, or duplication in any manner without express written permission of Everbrite, L.L.C. is prohibited.			
TITLE CNPY,TB 6X6'4"X24" BNZ					
DRN DAP	DT 10/11/17	SCALE NTS	DRWG NR PROJ372195A	REV A	



Notes:
Baseline of letters
to be on building
side of face.

Notes:

 Double face blade sign. Fabricated Aluminum cabinet with black finish. Flat aluminum face with black finish. All copy cut out of aluminum face and backed up with white acrylic.
 Mounts to mast arm projecting from wall 10".
 Mounts to have a black finish.
 Internally illuminated with white LEDs.



Notes:
Baseline of letters
to be on building
side of face.



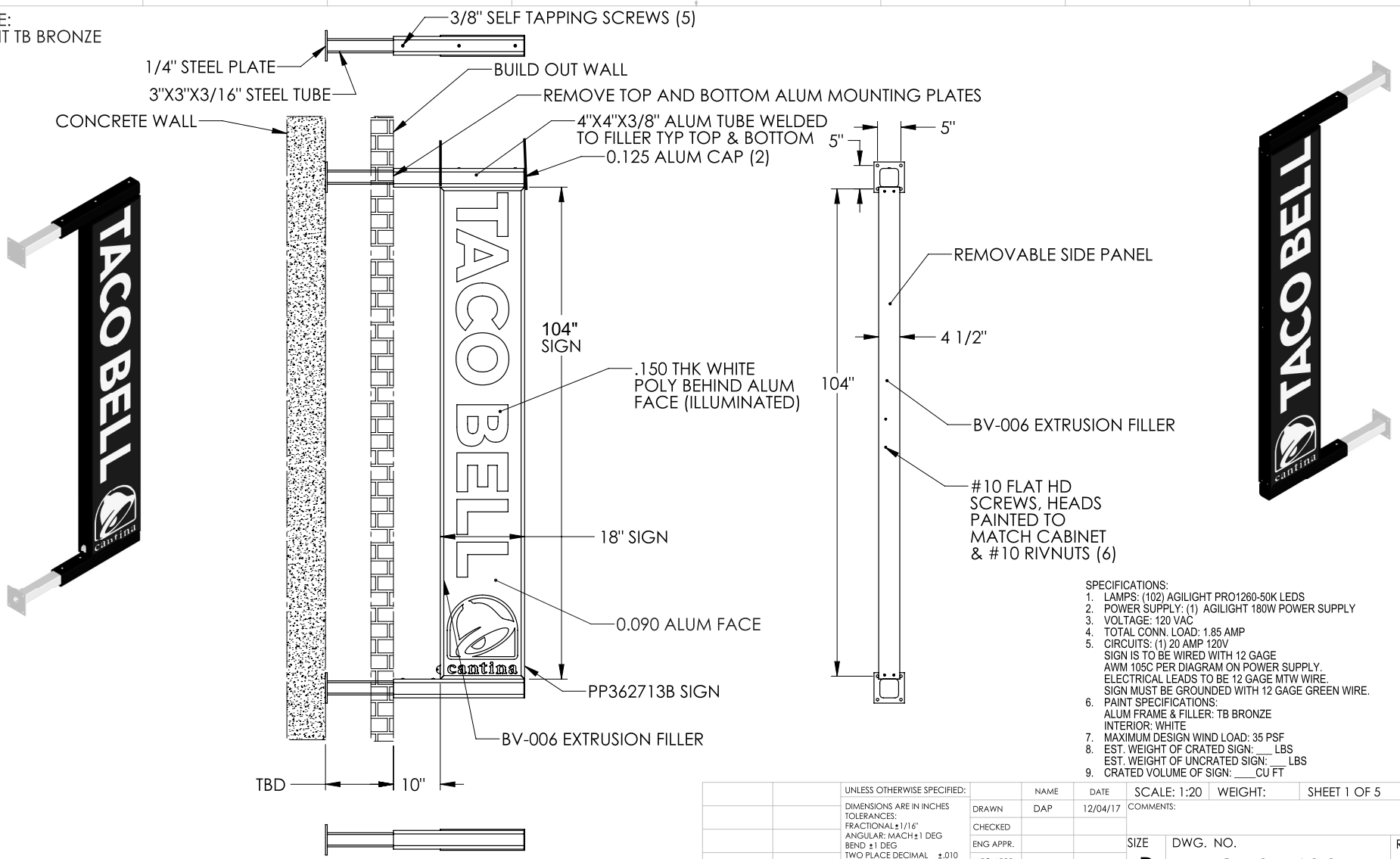
DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

Customer: Taco Bell		Description: Blade Sign	Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.	
Project No: 362713-2	Scale: 1/2"=1'-0"			
Date: 4/24/17	Drawn By: RB	Revised: 6/27/17	CUSTOMER SIGNATURE _____ DATE _____	
Location & Site No: Newport Beach, CA Site: TB33461		Revised:	LANDLORD SIGNATURE _____ DATE _____	

NOTE:
PAINT TB BRONZE

D
C
B
A

D
C
B
A



- SPECIFICATIONS:
- LAMPS: (102) AGLIGHT PRO1260-50K LEDS
 - POWER SUPPLY: (1) AGLIGHT 180W POWER SUPPLY
 - VOLTAGE: 120 VAC
 - TOTAL CONN. LOAD: 1.85 AMP
 - CIRCUITS: (1) 20 AMP 120V
SIGN IS TO BE WIRED WITH 12 GAGE AWM 105C PER DIAGRAM ON POWER SUPPLY. ELECTRICAL LEADS TO BE 12 GAGE MTW WIRE. SIGN MUST BE GROUNDED WITH 12 GAGE GREEN WIRE.
 - PAINT SPECIFICATIONS:
ALUM FRAME & FILLER: TB BRONZE
INTERIOR: WHITE
 - MAXIMUM DESIGN WIND LOAD: 35 PSF
 - EST. WEIGHT OF CRATED SIGN: ___ LBS
 - EST. WEIGHT OF UNCRATED SIGN: ___ LBS
 - CRATED VOLUME OF SIGN: ___ CU FT

UNLESS OTHERWISE SPECIFIED:		NAME	DATE	SCALE: 1:20	WEIGHT:	SHEET 1 OF 5
DIMENSIONS ARE IN INCHES		DRAWN	DAP	12/04/17	COMMENTS:	
TOLERANCES:		CHECKED				
FRACTIONAL: ±1/16"		ENG APPR.		SIZE	DWG. NO.	REV
ANGULAR: MACH ±1 DEG		MFG APPR.		B	PROJ374887A	A
BEND ±1 DEG		Q.A.		TITLE:		
TWO PLACE DECIMAL ±.010				SIGN, TB 8'4" X 1'6" BLADE BNZ		
THREE PLACE DECIMAL ±.010						
INTERPRET GEOMETRIC TOLERANCING PER:						
MATERIAL						
NEXT ASSY	USED ON	FINISH				
APPLICATION		DO NOT SCALE DRAWING				

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SYM	DESCRIPTION	DRWN	DATE	ECN

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TACO BELL



cantina

TACO BELL

W. BALBOA

BIKE
SALE
SALES
SERVICE

NEW ORLEANS



TACO BELL CANTINA
2121 W Balboa Blvd Newport Beach CA

SIGN LEDGEND

Blade sign 8'4''h x 1'6''w @ 13 Square feet
Blade sign 8'4''h x 1'6''w @ 13 Square feet
Wall Signs with Canopy 53''h x 59''w @21.71 Square feet
Existing sign – TK Burger 4'6''h x 8'w @ 36 Square feet