



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 January 25, 2019.

ZONING ADMINISTRATOR ACTIONS JANUARY 24, 2019

- Item 1: Pham Residence Coastal Development Permit No. CD2018-098 (PA2018-239)
Site Address: 2585 Crestview Drive
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| Action: Approved by Resolution No. ZA2019-001 | Council District | 3 |
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- Item 2: Bay House Landscape Improvements Coastal Development Permit No. CD2018-096 (PA2018-243)
Site Address: 2100 East Balboa Boulevard
- | | | |
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| Action: Approved by Resolution No. ZA2019-002 | Council District | 1 |
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- Item 3: Breech Residence Coastal Development Permit No. CD2018-107 (PA2018-226)
Site Address: 2282 Channel Road
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| Action: Approved by Resolution No. ZA2019-003 | Council District | 1 |
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- Item 4: Palazzola Residential Condominiums Tentative Parcel Map No. NP2018-036 and Coastal Development Permit No. CD2018-100 (PA2018-245)
Site Address: 129 and 129 ½ 46th Street
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| Action: Approved by Resolution No. ZA2019-004 | Council District | 1 |
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- Item 5: Dexter 418 Larkspur, LLC Residential Condominiums Tentative Parcel Map No. NP2018-035 (PA2018-246)
Site Address: 418 and 418 ½ Larkspur Avenue
- | | | |
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| Action: Approved by Resolution No. ZA2019-005 | Council District | 6 |
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**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**
(Non-Hearing Items)

Item 1: Newport Bay Terrace Comprehensive Sign Program No. CS2018-004 (PA2018-198)
Site Address: 1691 Mesa Drive

Action: Approved

Council District 3

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

RESOLUTION NO. ZA2019-001

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-098 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO-STORY, SINGLE-FAMILY RESIDENCE AT 2585 CRESTVIEW DRIVE (PA2018-239)

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 (“Applicant”), on behalf of Anthony Pham (“Owner”) with respect to property located at 2585 Crestview Drive, requesting approval of a coastal development permit.
2. The property is legally described as Lot 66 of Tract 1102 in Newport Beach.
3. The applicant proposed the demolition of a single-family dwelling and the construction of a new, two-story, 3,604-square-foot single-family residence, including an attached 642-square-foot three-car garage. The proposed development also includes hardscape, drainage, accessory structures, and landscaping. The proposed development complies with all applicable development standards including height, setbacks and floor area limits. No deviations are requested.
4. The subject property is designated RS-D (Single-Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-B (Single-Unit Residential - 6.0 - 9.9 DU/AC) and the property is located within the R-1 (Single-Unit Residential) Coastal Zoning District.
6. A public hearing was held on January 24, 2019, 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 and location of limited numbers of new, small facilities or structures including one single-family dwelling in a residential zone. The proposed project consists of the demolition of an existing single-family dwelling and the construction of a new 4,246-square-foot single-family dwelling in the R-1 Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits, Findings and Decision) of the Newport Beach Municipal Code (NBMC), 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 6,800 square feet and the proposed gross floor area is 4,246 square feet.
 - b. The proposed development will provide the minimum required setbacks, which are ten (10) feet along the front property line abutting Crestview Drive, three (3) feet along each side property line, and ten (10) feet along the front property line abutting West Coast Highway.
 - c. The highest flat roof is no more than 24 feet, measured from the established grade level of 12.62 feet North American Vertical Datum of 1988 (NAVD 88) which complies with the maximum height limitation.
 - d. The project includes enclosed garage parking for three vehicles, which exceeds the minimum parking requirement for single-family residences with less than 4,000 square feet of livable area.
2. The neighborhood is predominantly developed with one- and two-story single-family residences. The proposed design, bulk, and scale of the development will be consistent with the existing neighborhood pattern of development and expected future development.
3. 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.

4. 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 runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
5. New landscaping will be verified for compliance with NBMC Section 21.30.075 (Landscaping). A condition of approval is included that requires drought-tolerant, and prohibits invasive, species. Prior to issuance of the building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
6. The property is not located near designated public viewpoints or coastal view roads and will not negatively 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.*

Facts 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. Coastal Land Use Policy 3.1.5-3 requires public access consistent with public access policies for any new development in private/gated communities causing or contributing to adverse public access impacts. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) 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. In this case, the project replaces an existing single-family residence with a new single-family residence in an R-1 zoning district. Therefore, the project does not involve a change in land use, density or intensity that will result in significant increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited so as not to block or impede existing public access opportunities.
2. The residential lot does not currently provide nor does it inhibit public coastal access. The proposed scope of work involves the removal and replacement of an existing single-family residence with a new single-family residence. Development will occur within the confines of private property, and existing coastal access conditions will not be affected. Coastal access is currently provided and will continue to be provided at the Balboa Bay Club, approximately 900 feet from the project site.
3. The project site is not located adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan.

Furthermore, an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project will replace an existing single-family home with a new single-family residence that complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing and anticipated neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public 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. CD2018-098, 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 24TH DAY OF JANUARY, 2019.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
3. Coastal Development Permit No. CD2018-098 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this coastal development permit.
6. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
7. Best Management Practices and Good Housekeeping Practices shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan.
8. 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.
9. 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 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.
10. Prior to issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.

11. 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.
12. 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.
13. Prior to the issuance of building permits, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
14. 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.
15. 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.
16. 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. Stockpiles 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.
17. 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.
18. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
19. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:

- A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
20. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Pham Residence including, but not limited to, Coastal Development Permit No. CD2018-098 (PA2018-239). 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. ZA2019-002

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-096 TO CONSTRUCT A COVERED PATIO, OUTDOOR FIREPLACE, POOL AND SPA, AND LANDSCAPING LOCATED AT 2100 EAST BALBOA BOULEVARD (PA2018-243)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Shawna L. Schaffner, with respect to property located at 2100 East Balboa Boulevard and legally described as Parcel 4 of Resubdivision No. 250 requesting approval of a coastal development permit.
2. The applicant requests a coastal development permit to construct a covered patio, outdoor fireplace, pool and spa, and landscaping. Coastal Development Permit No. CD2018-018 was previously issued by the Zoning Administrator on March 29, 2018, authorizing the demolition of a single-family residence.
3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential – 6.0 – 9.9 DU/AC (RSD-B) and the Coastal Zoning District is Single-Unit Residential (R-1).
5. A public hearing was held on January 24, 2019 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under New Construction or Conversion of Small Structures).
2. Class 3 includes the construction of accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. The proposed project includes the construction of a swimming pool, covered patio, and outdoor fireplace located in the R-1 Coastal Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits) 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 subject property is currently developed with an existing 600-square-foot garage on an existing lot designated for residential development by the Local Coastal Program. Coastal Development Permit No. CD2018-018 was previously issued by the Zoning Administrator on March 29, 2018, authorizing the demolition of a single-family residence.
2. The property owner currently owns the adjacent property and single-family dwelling located at 2021 East Bay Avenue. The property owner intends to utilize both the subject property, including pool, patio, and landscape improvements, and the 2021 East Bay Avenue property as a single site until a future single-family dwelling is constructed on the subject site (2100 East Balboa Boulevard). No improvements are proposed to cross the underlying legal property line between the two lots.
3. The proposed accessory structures conform to all applicable development standards, including setbacks and height. The covered patio and pool equipment enclosure exceed the minimum required setbacks, which are 20 feet from the front property line abutting the Newport Bay, 4 feet along each side property line, and 0 feet along East Balboa Boulevard. The height of the covered patio is approximately 13 feet 7 inches and the outdoor fireplace is approximately 17 feet 4 inches, significantly below the 24-foot maximum height limit.
4. Per Section 21.30.085 of the Local Coastal Program, landscaping has been conditioned to have low water demand and be drought tolerant. The planting of invasive species shall be prohibited. Subsequent construction of a replacement dwelling will require a separate coastal development permit at a later date.
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 and Building Division standards and policies.
6. The development fronts the Newport Bay and is a private bay front parcel. The project site is protected by an existing bulkhead and no changes are proposed.
7. The property is located within 100 feet of coastal waters. The project design addresses water quality with a construction erosion control plan that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.

Finding:

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

Facts in Support of Finding:

1. The project site is located on the Balboa Peninsula between the nearest public road and the sea. 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. In this case, the project results in the construction of accessory improvements to an adjacent single-family dwelling under single control and ownership. A future single-family dwelling will be constructed under a separate coastal development permit. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project site is sited so as not to block or impede existing public access opportunities. Vertical access to the bay front is available approximately 520 feet west of the subject property on K Street.
2. The project site is not adjacent to a coastal view road, public viewpoint, public park or beach, or public accessway, as identified in the Coastal Land Use Plan. Furthermore, an investigation of the project site and surrounding area did not identify any other public view opportunities. The project site may be located within the viewshed of distant public viewing areas. However, the project is for the construction of a covered porch, outdoor fireplace, pool and spa, and landscaping. The future development of the site with a replacement dwelling will be required to comply with all applicable LCP development standards. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public 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. CD2018-096, 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 Planning and Zoning of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 24TH DAY OF JANUARY, 2019.

Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. Landscaping of the site shall conform to the requirements of Section 21.30.075 (Landscaping) and Section 21.30.085 (Water Efficient Landscaping) of the Local Coastal Program Implementation Plan. Plant materials shall be selected for low water-demand and drought tolerance, and the planting of invasive species shall be prohibited.
2. All landscape materials and irrigations systems shall be maintained in accordance with the approved erosion control plan. All landscaped areas shall be maintained in a healthy and growing conditions 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.
3. Construction activities shall comply with NBMC Section 10.28.040, which restricts hours of noise-generating construction activities to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
4. The development shall be in substantial conformance with the approved construction plans stamped and dated with the date of this approval, (except as modified by applicable conditions of approval).
5. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
6. Coastal Development Permit No. CD2018-096 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.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. 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.
9. 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.
10. 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.

11. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
12. 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.
13. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Pollution Prevention Plan (CPPP).
14. 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.
15. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
16. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
17. All conditions from Coastal Development Permit CD2018-018 shall remain in effect with the approval of this Coastal Development Permit.
18. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including

without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Bay House Landscape Improvements including, but not limited to, Coastal Development Permit No. CD2018-096 (PA2018-243). 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. ZA2019-003

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2018-107 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED 3-CAR GARAGE LOCATED AT 2282 CHANNEL ROAD (PA2018-226)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John T. Morgan Jr. Architect, with respect to property located at 2282 Channel Road, requesting approval of a coastal development permit.
2. The lot at 2282 Channel Road is legally described as Lot 5, Block P, Tract 518.
3. The applicant proposes a coastal development permit to allow the construction of a new three-story, 4,887 square-foot, single-family residence including an attached three-car garage. No work will be conducted bayward of the existing property. The proposed development includes landscape, hardscape, and subsurface drainage facilities.
4. The subject property is designated RS-D (Single-Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached – (10.0-19.9 DU/AC) (RSD-C) and it is located within the Single-Unit Residential (R-1) Coastal Zone District.
6. A public hearing was held on January 24, 2019, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures).
2. Class 3 exempts the demolition of up to three single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the demolition of one single-family residence and the construction of a new 4,887 square-foot, single-family residence and attached three-car garage.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits, Findings and Decision) of the Newport Beach Municipal Code (NBMC), 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 5,220 square feet and the proposed floor area is 4,887 square feet.
 - b. The proposed development provides the minimum required setbacks, which are zero feet along the front property line abutting Channel Road, three feet along each side property line and 10 feet along the waterfront.
 - c. The highest guardrail is less than 24 feet from established grade (10.91 feet North American Vertical Datum of 1988) 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 three vehicles, complying with the minimum three-car garage parking requirement for single-family residences with more than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two- and three-story, single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development.
3. The development fronts the Newport Bay. The project site is protected by a bulkhead. The finished floor elevation of the proposed dwelling is 11.50 feet (NAVD88), which exceeds the minimum 9-foot Mean Sea Level (NAVD88) elevation standard.
4. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by William Simpson and Associates, Inc., on September 27, 2018, for the project. The report concludes that the proposed project is reasonably safe from shoreline erosion due to

lack of wave or wakes that can erode sand from the beach. The existing bulkhead with a top-of-wall elevation of 10.80 feet (NAVD88) will protect the site and surrounding development from sea level rise, considering a 2.85-foot sea level rise to 10.05 feet (NAVD88). The low-risk aversion projected sea level rise over the 75-year design life of the structure is based on estimates for sea level rise provided by the State of California Sea-Level Rise Guidance 2018.

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. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived by construction chemicals and materials. The project design also addresses water quality through the inclusion of a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
8. Pursuant to Municipal Code Section 21.35.050 (Water Quality and Management Plan), due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a preliminary Water Quality and Management Plan (WQMP) has been provided and will undergo a final review during the building permit plan check. The WQMP was prepared for the project by Commercial Development Resources on October 1, 2018. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for Best Management Practices (BMPs), use of a Low Impact Development approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs. Construction plans will be reviewed for compliance with the approved WQMP prior to building permit issuance.
9. Proposed landscaping complies with Implementation Plan Section 21.30.075. A condition of approval is included that requires drought-tolerant 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 Viewpoint is located at West Jetty View Park which is approximately 160 feet south of the subject property. Views from this park location are provided across the harbor entrance to the west and to the Pacific Ocean to the south. The subject property is the fifth lot north from the Park along the harbor. There is landscaping and trees along the perimeter of the Park and the subject lot is not visible from the walking path in the Park. The proposed residence is not located near Coastal View Roads, as designated in the Coastal Land Use Plan. Due to the location of the proposed development north of the Public Viewpoint and the project's compliance with height and setbacks, the project will not impact 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. Vertical access to the bayfront is available approximately 160 feet south of the subject property at West Jetty View Park, which also leads to the public beach. Direct beach access is also available at the terminus of Channel Road approximately 300 feet to the south.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2018-107, 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 24TH DAY OF JANUARY, 2019.



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, 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, the beach, wetlands 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. This Coastal Development Permit does not authorize any development seaward of the private property.
7. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity.
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. Stockpiles 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 the issuance of a building permit, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
16. Prior to the issuance of a building permit, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
17. Prior to 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.
18. Prior to 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 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.
19. Prior to issuance of a building permit, the final Water Quality and Hydrology Plan/Water Quality Management Plan (WQHP/WQMP) shall be submitted with the building permit plans. Implementation shall be in compliance with the approved WQHP/WQMP and any changes could require separate review and approval by the Building Division.

20. Prior to the issuance of a building permit, 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.
21. 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.
22. 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.
23. 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.
24. This Coastal Development Permit No. CD2018-107 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.
25. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
26. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the 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 related (directly or indirectly) to the City's approval of Breech Residential Condominiums including, but not limited to, Coastal Development Permit No. CD2018-107 (PA2018-226). 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 the applicant, the City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages, which the 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. ZA2019-004

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. NP2018-036 AND COASTAL DEVELOPMENT PERMIT NO. CD2018-100 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 129 AND 129 ½ 46th STREET (PA2018-245)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John L. Palazzola (“Applicant”), on behalf of John L. Palazzola Revocable Trust (“Owner”), with respect to property located at 129 and 129 ½ Street, and legally described as Portion of Lot 10, in Block 46 of the River Section Tract 3813, requesting approval of a tentative parcel map and coastal development permit for two-unit condominium purposes.
2. The applicant proposes a tentative parcel map and associated coastal development permit for condominium purposes. An existing single-family residence has been demolished and a new duplex is currently under construction pursuant to Zoning and Building Code requirements. Approval of the Tentative Parcel Map will allow each unit to be sold individually. No waivers of Title 19 (Subdivisions) are proposed. The Tentative Parcel Map also requires the approval of a coastal development permit (CDP) pursuant to Newport Beach Municipal Code (NBMC) Title 21 (Local Coastal Program Implementation Plan).
3. The subject property is located within the R-2 (Two-Unit Residential) Zoning District and the General Plan Land Use Element category is RT (Two-Unit Residential).
4. The subject property is located within the coastal zone and has a Coastal Land Use Designation of Two-Unit Residential (RT-E) (30.0 - 39.9 DU\AC) and a Coastal Zoning District of Two-Unit Residential (R-2).
5. A public hearing was held on January 24, 2019, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to the State CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division

is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The proposed parcels are consistent with the land use and zoning designations, do not have a slope greater than 20 percent, and were not involved in the division of a larger parcel within two years. Therefore, the proposed parcel map is eligible for the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of NBMC Title 21 (Local Coastal Program Implementation Plan) and approves the Coastal Development Permit based on the following findings per Section 21.52.015(F):

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for a property within a developed neighborhood, on a lot that is more than 600 feet from the shoreline and is not near any natural landforms including coastal bluffs, and is not within the proximity of any environmentally sensitive areas.
2. The duplex currently under construction provides access to the required off-street parking via an alley in the rear of the property. Thus, no on-street parking would be lost.

Finding:

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

Fact in Support of Finding:

1. The Tentative Parcel Map is not between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of NBMC Title 20 (Planning and Zoning) and is approved based on the following findings per [NBMC Section 19.12.070 \(Required Findings for Action on Tentative Maps\)](#):

Finding:

C. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. An existing single-family residence has been demolished and a new duplex is under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District (Two-Unit Residential) and current General Plan Land Use Designation (Two-Unit Residential).
2. The subject property is not located within a specific plan area.
3. The project is conditioned to require public improvements, including the reconstruction of drains, sidewalks, curbs, and gutters along the 46th Street frontage, consistent with the requirements of NBMC Title 19.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for a two-unit development. The lot is rectangular in shape, 30 feet wide, 84.9 feet deep, and 2,547 square feet in area. A previously existing single-family residence has been demolished and a new duplex is under construction.
2. The project site will maintain vehicular access from the alley at the rear of the property and existing utility services are adequate for the two-unit development.

Finding:

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

Facts in Support of Finding:

1. The site was previously developed with a single-family residence and a new duplex is currently under construction.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations) for the reasons noted in Section 2 of this Resolution.

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The Public Works Department has reviewed the proposed parcel map and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.

Finding:

H. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site is developed for residential use and is located in the Two-Unit Residential (R-2) Zoning District, which permits residential uses.

Finding:

I. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The project is not located within a specific plan area.

Finding:

J. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding:

1. The new duplex is designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Facts in Support of Finding:

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

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2018-036 and Coastal Development Permit No. CD2018-100, 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 Director of Community Development in accordance with the provisions of NBMC Title 19 (Subdivisions) and Title 21 (Local Coastal Program Implementation Plan).

PASSED, APPROVED, AND ADOPTED THIS 24th DAY OF JANUARY, 2019.



Patrick J. Alford, Zoning Administrator

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

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Prior to the recordation of the Parcel Map, a park fee shall be assessed for one additional dwelling unit.
3. Subsequent to the recordation of the parcel map and prior to final of the building permit for construction of the new duplex, the applicant shall apply for a building permit to change the description of the subject development from "duplex" to "condominium." The development will not be condominiums until this permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the parcel map.
4. 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 19 (Subdivisions) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code.
5. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Palazzola Residential Condominiums including, but not limited to, Tentative Parcel Map No. NP2018-036 and Coastal Development Permit No. CD2018-100 (PA2018-245). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

6. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (North American Datum of 1983). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County

Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**

7. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
8. All improvements shall be constructed as required by Ordinance and the Public Works Department.
9. All damaged sidewalk panels, curb, gutter and street along the 46th Street property frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
10. All existing overhead utilities shall be undergrounded.
11. All above ground improvements shall be prohibited within the 5-foot rear alley setback.
12. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
13. An encroachment permit is required for all work activities within the public right-of-way.
14. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
15. The unused driveway approach along 46th Street frontage shall be removed and replaced with full height curb, gutter, and sidewalk per City Standard.
16. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

Building Division

17. Independent fire risers shall be provided for each unit as per National Fire Protection Association 13D.

RESOLUTION NO. ZA2019-005

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2018-035 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 418 AND 418 1/2 LARKSPUR AVENUE (PA2018-246)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Dexter Real Estate Development Corporation (“Applicant”), on behalf of Dexter 418 Larkspur, LLC, with respect to property located at 418 and 418 ½ Larkspur Avenue, and legally described as Lot 14, in Block 438 of Tract 186, requesting approval of a tentative parcel map for two-unit condominium purposes.
2. The Applicant requests a tentative parcel map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards is proposed with this application. A previously existing residential duplex has been demolished, and a new duplex is currently under construction, pursuant to Zoning and Building Code requirements. Approval of the Tentative Parcel Map will allow each unit to be sold individually as condominiums.
3. The subject property is located within the R-2 (Two-Unit Residential) Zoning District and the General Plan Land Use Element category is RT (Two-Unit Residential).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on January 24, 2019, 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 (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the

parcel does not have an average slope greater than 20 percent. The project is consistent with all of the requirements of the Class 15 exemption in that it includes a single-lot parcel map for condominium purposes that complies with the conditions specified above.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 19 (Subdivisions) of the NBMC and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps):

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. An existing duplex originally constructed in 1951 has been demolished and will be replaced with a new duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the RT General Plan Land Use Designation.
2. The proposed project site is not located within any specific plan area.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for two-unit development because it is rectangular and relatively flat to the alley, which is typical of lots in this area.
2. A residential duplex has existed on this site since 1951. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.

3. The subject property is located such that it is accessible from Larkspur Avenue and from the alley at the rear. Vehicular access to the site will be maintained from the alley. The property is adequately served by existing utilities.

Finding:

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

Facts in Support of Finding:

1. A residential duplex has existed on this site since 1951. The proposed project will replace the existing structure with a new, two-unit residential condominium that is compliant with all current code requirements.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Divisions).

Finding:

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

Fact in Support of Finding:

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

Finding:

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within*

the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Fact in Support of Finding:

1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.

Finding:

- F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site is developed for residential use and is within the R-2 Zoning District, which is intended for and permits residential uses.

Finding:

- G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.*
1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project does not contain 50 or more parcels of land.
 2. The project is not located within a specific plan area.

Finding:

- H. *That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The new duplex has been designed and will be constructed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Fact in Support of Finding:

1. The subject property is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2018-035, 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 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 24th DAY OF JANUARY, 2019.



Patrick J. Alford, Zoning Administrator

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

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Subsequent to the recordation of the parcel map and prior to final of the building permit for construction of the new duplex, the applicant shall apply for a building permit to change the description of the subject development from "duplex" to "condominium." The development will not be condominiums until this permit is finalized. The building permit for the new construction shall not be finalized until after recordation of the parcel map.
3. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.
4. 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 Dexter 418 Larkspur, LLC Residential Condominiums including, but not limited to, Tentative Parcel Map No. NP2018-035 (PA2018-246). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

5. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (North American Datum of 1983). Prior to recordation of the map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CAD Design Standards. Scanned images will not be accepted.**

6. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one-inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
7. All improvements shall be constructed as required by Ordinance and the Public Works Department.
8. All damaged sidewalk panels, curb, gutter, and street along the Larkspur property frontage and any damage concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
9. All existing overhead utilities shall be undergrounded.
10. All above ground improvements shall be prohibited within the 5-foot rear alley setback.
11. All existing private improvement, including brick hardscape and fencing, within the public right-of-way fronting the development site shall be removed.
12. New sod or low groundcovers of the type approved by the City shall be installed throughout the Larkspur Avenue parkway fronting the development site.
13. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter sewer cleanout shall be installed with a traffic-grade box and cover.
14. An encroachment permit is required for all work activities within the public right-of-way.
15. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
16. A new 36-inch box street tree shall be installed along the Larkspur Avenue frontage. Tree species shall be per City Council Policy G-6. All other City Street trees shall be protected in place, unless otherwise approved by the Municipal Operations Department, General Services Division.
17. In case of damage done to public improvements surrounding development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works inspector.

Building Division

18. Independent fire risers shall be provided for each unit as per National Fire Protection Association 13D.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

949-644-3200 Fax: 949-644-3229

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Comprehensive Sign Program No. CS2018-004 (PA2018-198)**

Applicant **Sunset Signs (Mike Hefferman)**

Site Address **1691 Mesa Drive**
Newport Bay Terrace Sign Program

Assessor's Parcel **439-251-01**
Number

On **January 24, 2019**, the Zoning Administrator approved Comprehensive Sign Program No. CS2018-004, to authorize two new monument signs for an existing apartment complex. The site is a six acre multi-building apartment complex located in the Santa Ana Heights. The complex fronts Irvine Avenue and Mesa Drive. The intent of this sign program is to allow for a unified signage plan, increased area of signage, direct illumination, and altered placement of signage.

Specifically, a comprehensive sign program is required to allow the following deviations:

1. Allow the installation of a monument sign near the intersection of Irvine Avenue and Mesa Drive, where the Zoning Code limits residential community identification signs to primary entrances;
2. Allow the use of internal illumination lighting, where the Zoning Code limits illumination as indirect lighting¹;
3. Increase maximum width of signs to approximately 8.5 feet, where the Zoning Code limits the maximum width to 7.5 feet (1.5 x sign height);
4. Increase maximum aggregate sign area to approximately 49.8, where the Zoning Code limits maximum aggregate sign area to 40 square feet (24.5 percent increase); and
5. Allow the placement of one monument sign within four feet of driveway, where the Zoning Code requires a distance of 10 feet;

¹ NBMC Section 20.42.040 (Definitions): Indirectly illuminated sign means a sign whose illumination is derived entirely from an external artificial source that is arranged to illuminate the sign area only.

The subject property is located within the Santa Ana Heights Specific Plan (SP-7) in the Residential Multiple-Family District (1500). The General Plan Land Use Element designates the site as RM Multiple-Unit Residential. The property is not located within the Coastal Zone.

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

I. FINDINGS

Finding

- A. *The project is categorically exempt from environmental review pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 11 (Accessory Structures).*

Facts in Support of Finding

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

In accordance with Section 20.42.120 (Comprehensive Sign Program) of the Newport Beach Municipal Code, the following standards and facts in support of such standards are set forth:

Standard

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

Facts in Support of Standard

1. The proposed Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards) and SP-7 Santa Ana Heights Specific Plan signage regulations because it provides multi-unit residential communities with adequate identification while guarding against an excessive proliferation of signage on these larger properties. It preserves and enhances community appearance by regulating the type, size, location, quantity, and illumination of signs. Through said regulations, the Comprehensive Sign Program will help 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 a comprehensive sign program is to integrate all of a project's signs and allow flexibility. A comprehensive sign program provides a means for the flexible application of sign regulations for projects that require multiple signs in order to provide incentive and latitude in the design and display of signs, and to achieve, not circumvent, the purpose of the Municipal Code, including Chapter 20.42 and SP-7. This approval integrates all of the signs for the subject property while meeting the purpose and intent of Chapter 20.42 and SP-7 Residential Multiple-Family District.
3. The Comprehensive Sign Program is consistent with the Citywide Sign Design Guidelines Manual because the proposed signs are designed to be compatible with the street frontages in terms of scale, size, and materials. As proposed, signs are designed to effectively communicate a message without creating sign clutter through the use of legible text that contrasts with the background. The location and size of the signs do not dominate, but rather are consistent with and proportionate to the size of the property and street frontages.
4. The proposed monument signs will provide for residential community identification located on frontages where the building placement and landscaping suggest the placement of a sign. The proposed monument signs are nearly identical, thereby creating a consistent sign pattern. The two signs are designed to fit with the overall scale of the buildings and their relationship to Irvine Avenue and Mesa Drive, as well as the surrounding residential, commercial, and recreational areas.

Standard

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

Facts in Support of Standard

1. The site is large, occupying approximately 6.35 acres, similar to other large apartment complexes in the City. The site also has two frontages, with the primary frontage along Irvine Avenue ("Major Road – Six Lane") and a secondary frontage along Mesa Drive ("Primary Road – Four Lane"). Both roads are large and experience a high volume of vehicles traveling at high speeds. Only two monument signs are proposed as part of this comprehensive sign program and neither sign exceeds the maximum height identified for residential community signage. Considering the combined frontage length of approximately 828 feet, the 49.8 square feet of signage will not create a negative impact on pedestrians or motorists in the vicinity. The signs would be proportionate and relate to the structures onsite and the development as a whole.

2. The two monument signs are almost identical, thereby promoting continuity and consistency in signage onsite. The number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood.
3. The subject site is slightly elevated from the adjacent roadways. Proposed signs will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.
4. All proposed signage will integrate well with the character and architectural style of the building by maintaining consistency in location, sign height, and materials across the street frontages.

Standard

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

Facts in Support of Standard

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

Standard

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

Facts in Support of Standard

1. The Comprehensive Sign Program has been designed to be effective for the residential community by providing signage opportunities for both project frontages.
2. The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate future design related remodels.
3. It is not anticipated that future revisions to the Comprehensive Sign Program will be necessary to accommodate changes in occupants or ownership. However, the Community Development Director may approve minor revisions to the Comprehensive Sign Program if the intent of the original approval is not affected.

Standard

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

Facts in Support of Standard

1. The comprehensive sign program would allow the two proposed monument signs to exceed various standards for freestanding signs in residential zoning districts. Table 3-15 provides standards for residential community identification signs. The proposed monuments would exceed the combined maximum square footage (sign area) of 40 square feet with approximately 49.8 square feet in aggregate. The signs would also include internal illumination where this type of sign is only allowed indirect lighting. Lastly, the location requirements state that the signs shall only be located at primary entrances to the residential community. Monument Type B is located adjacent to a primary entrance, whereas Monument Type A is located on the corner of Mesa Drive and Irvine Avenue within a large landscaped area. However, the location is visible to neighboring roadways and utilizes an open area with a greater building setback. This location is a more logical placement than the second primary entrance on Mesa Drive where there is a very small setback from the property line to the building face.
2. Despite the large frontage along Irvine Avenue of 525 feet, no height deviations are requested. The two monument signs comply with the maximum sign height of six feet with a proposed overall height of five feet. The comprehensive sign program also complies with Table 3-15 because two signs are proposed where two are allowed.
3. Section 20.42.080 Standards for Specific Types of Permanent Signs contains additional provisions for freestanding signs. The proposed monument signs exceed the proportional dimensions for maximum width. The standard limits maximum width (not including base) to 1.5 times the average height (including the base). The proposed monument widths of approximately 8.5 feet are greater than the height of 5 feet multiplied by 1.5, which is 7.5 feet maximum. The increased width allows for signage that has a lower height and is less intrusive. The resulting area of each sign is still minimal based on the large size of the frontage.
4. The proposed signs will not interfere with sight distance from any street, driveway, or parking area. Although the Monument Type B sign is located within four feet of the driveway (where the requirement is 10 feet), the sign is set back 12 feet from the curb providing adequate visibility along street and driveway. Further, the freestanding signs have been reviewed by the City Traffic Engineer and the signs comply with the site distance requirements including Standard 110-L.

5. The approval also enhances the overall development by integrating all of the project's signs with the overall site and structure design into a unified architectural statement. The Comprehensive Sign Program establishes signage for the entire apartment complex including identifying the community without an overabundance of signage that could impact the surrounding area or create hazards.

Standard

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

Facts in Support of Standard

1. The Comprehensive Sign program does not authorize the use of prohibited signs as per Chapter 20.42 or SP-7.

Standard

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

Facts in Support of Standard

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

II. CONDITIONS

1. All proposed signs shall be in substantial conformance with the approved plans, Comprehensive Sign Program Matrix Table, provisions of Chapter 20.42 of the Newport Beach Municipal Code, and Santa Ana Heights Specific Plan Section 20.90.090, unless otherwise indicated in the following conditions.
2. Anything not specifically approved by this Comprehensive Sign Program is prohibited.
3. A building permit and/or sign permit shall be obtained prior to commencement of installation or demolition of signs.
4. A copy of this letter shall be incorporated into the plan check sets of plans prior to issuance of building or sign permits.
5. Illuminated signs shall be regulated in accordance with the provisions of Section 20.42.070 of the Newport Beach Municipal Code. If, in the opinion of the Community Development Director, existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director

may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.

6. Signs shall be maintained in a clean and orderly condition.
7. The landscape hedge around the base of the ground signs shall be maintained in a neat, healthy growing condition and shall receive regular pruning, fertilizing, and trimming to maintain that appearance. The landscaping shall cover the bases of the ground signs that do not contain text.
8. The Community Development Director may approve revisions to the Comprehensive Sign Program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require approval of a new/revised comprehensive sign program by the Zoning Administrator.
9. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or remodel of the site shall be reviewed and approved by the Planning Division, so long as the sign size, copy configuration, and number of signs authorized by this approval does not substantially change or increase. The mandatory reduction or elimination of signs shall be exercised as necessary.
10. The Zoning Administrator may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
11. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20, Planning and Zoning, of the Newport Beach Municipal Code.
12. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Newport Bay Terrace Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2018-004 (PA2018-198). 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 or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

On behalf of Patrick Alford, Zoning Administrator

By: 
Liz Westmoreland, Assistant Planner

JM/law

Attachments: 1 Vicinity Map
 2 Sign Matrix
 3 Sign Program

Attachment No. 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2018-004
PA2018-198
1691 Mesa Drive

Attachment No. 2

Sign Matrix



Comprehensive Sign Program Matrix Worksheet

Community Development Department
 Planning Division
 100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915
 949-644-3204
www.newportbeachca.gov

Please Designate and fill in the table below:

1. Street Frontage/parking lot frontage
 Frontages: A _____
 B _____
 C _____
 D _____
2. In the table below designate frontages for each tenant space, as primary or secondary (street, parking lot, building elevation, other) and designate maximum number of signs per tenant.
3. Area limitations, maximum vertical or horizontal dimensions, and maximum logo area or vertical or horizontal dimensions per sign.
4. Project identification signs, wall, monument or pylon with area and vertical and horizontal dimensions.

Site and Suite No. or Building Address Assign as necessary	Primary Frontage Size limitations where applicable	Secondary Frontage Size limitations, where applicable
1691 Mesa Dr.	Sign Type A - Monument 8'4" x 5' (Single Sided)	
1691 Mesa Dr.	Sign Type B - Monument 8'4" x 5' (Double Sided)	
Other Signage (awning, blade, etc)		

Attachment No. 3

Comprehensive Sign Program

1691 Mesa Drive • Newport Beach, CA 92660

SIGN PROGRAM

10.3.18



LANDLORD

Newport Bay Terrace
1691 Mesa Drive #K3
Newport Beach, CA 92660

SIGN CONSULTANT



Sunset Signs
2981 White Star Ave
Anaheim, CA, 92806

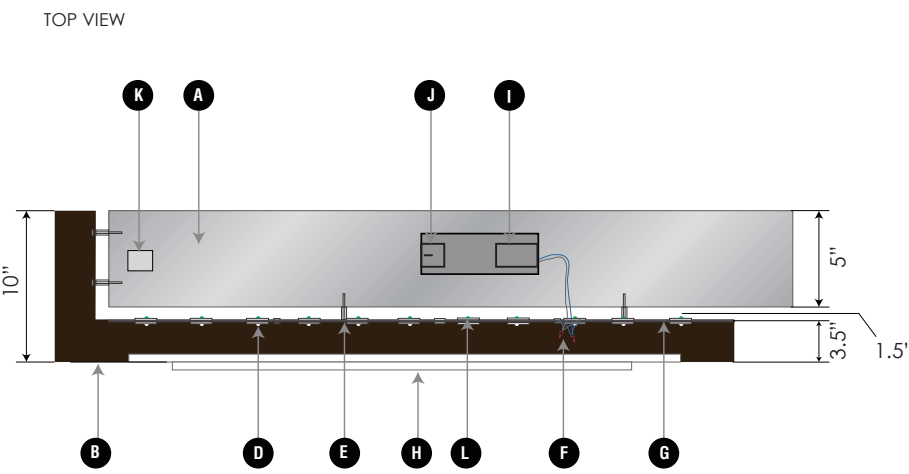
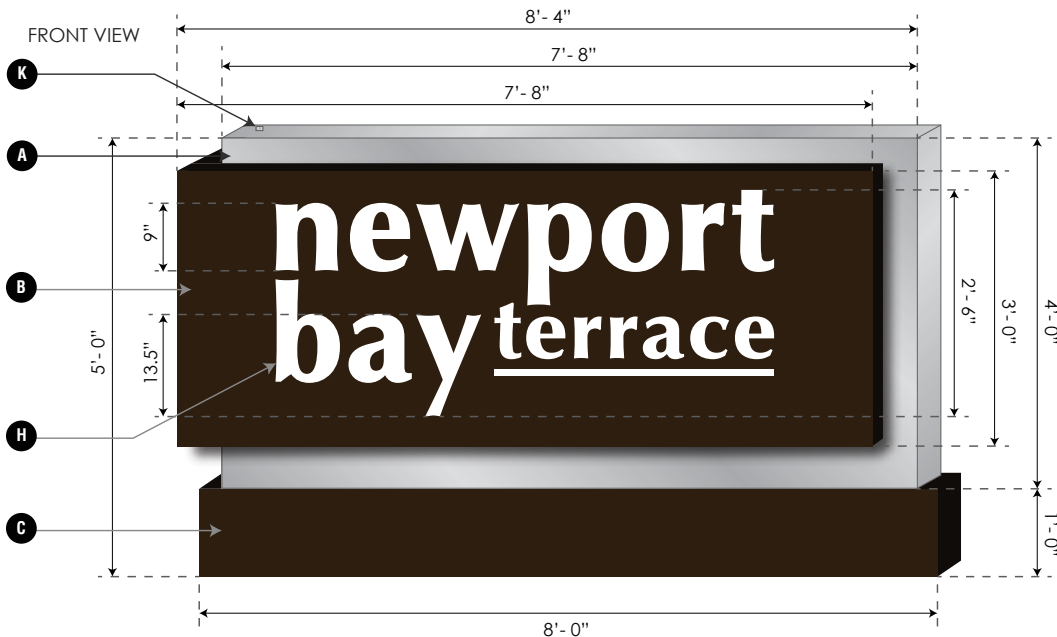
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Monument Type A Signage Details
Monument Type B Signage Details
Sign Matrix
Site Plan

SIGN CRITERIA

1. Submittal: Tenant's sign contractor shall submit (1) sets of detailed drawings indicating: the sign location (as regulated in this sign program), the sign layout and colors, and the method of construction and installation. Landlord shall review plans, and return approved or noted for corrections. Plans "noted for correction" must be resubmitted for final approval.
2. Upon receipt of Landlord approval, tenant's sign contractor shall acquire all necessary permits from the City of Riverside prior to starting production. All permit fees are the tenants responsibility.
3. Sign construction, installation and maintenance costs shall be paid by the tenant. Signage must be maintained to remain in "like new" condition in all cases. All non-conforming and non-maintained signage shall be corrected by the tenant within 30 days of landlord notification.
4. Tenant's sign contractor shall provide copies of Worker's Compensation, General Liability Insurance and any other information requested by Landlord prior to starting the sign installation.
5. Each tenant signage submittal shall be reviewed on an individual basis, and approved or rejected based on the guidelines set forth in this sign program, and based on the sign compatibility to the architecture of the sign area it is to be installed upon. Final approval to be at the landlord's discretion, and also pending City of Riverside approval.
6. Overall maintenance of all other signage will be the responsibility of the landlord. Signage must be maintained to remain in "like new" condition in all cases.
7. Prohibited Signage Guidelines:
 - a. No animated, flashing or audible signs.
 - b. No exposed lamps or neon tubing.
 - c. No exposed crossovers and/or conduit.
 - d. No painted wall lettering or graphics.
 - e. No signage located in suite that can be seen from the exterior.
 - f. No signage design prohibited by City or State law.
 - g. Banners cannot be used as permanent signage
8. Any additional requested signage not covered in this sign program shall fall under review of the City of Riverside general signage criteria, at Landlord's discretion and approval.

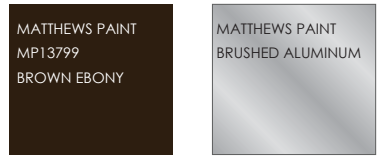
MONUMENT TYPE A - SINGLE SIDED SIGNAGE DETAILS



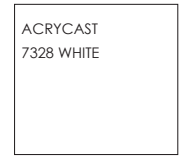
- A** 5" DEEP FABRICATED CAN SIGN WITH .080" THICK ALUMINUM FACES AND RETURNS PAINTED MP BRUSHED ALUMINUM
- B** SECONDARY ALUMINUM FABRICATED 3.5" DEEP MOUNTED ON 1.5" STANDOFFS TO WRAP AROUND FIRST CAN. RETURNS: PAINTED BROWN MP13799 FACE: .080" THICK ALUMINUM PAINTED BROWN MP13799 WITH LETTERING ROUTED OUT
- C** THIRD 10" DEEP ALUMINUM FABRICATED CAN WITH .080" THICK ALUMINUM FACES AND RETURNS PAINTED BROWN MP13799
- D** WHITE LEDs
- E** 4 IN. SCREWS WITH ANCHORS SCREW WITH 1.5" SPACERS (4 MIN PER LETTER)
- F** WIRES TO MAIN ELECTRICAL JBOX

- G** .177" THICK CLEAR LEXAN BACKER PANEL
- H** 1/2" THICK SIGN-WHITE ACRYLIC PUSH THRU LETTERING
- I** POWER SUPPLY
- J** DISCONNECT SWITCH
- K** PHOTO CELL
- L** GREEN LED'S FOR GREEN HALO EFFECT

PAINT COLOR GUIDE

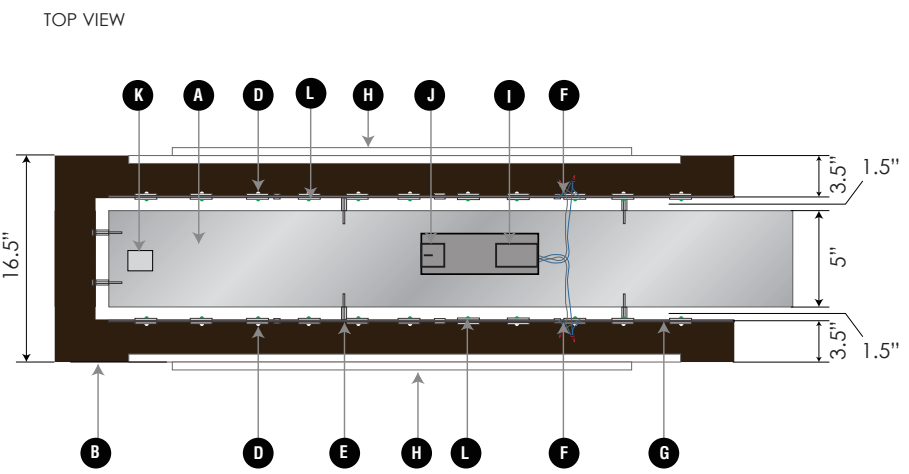
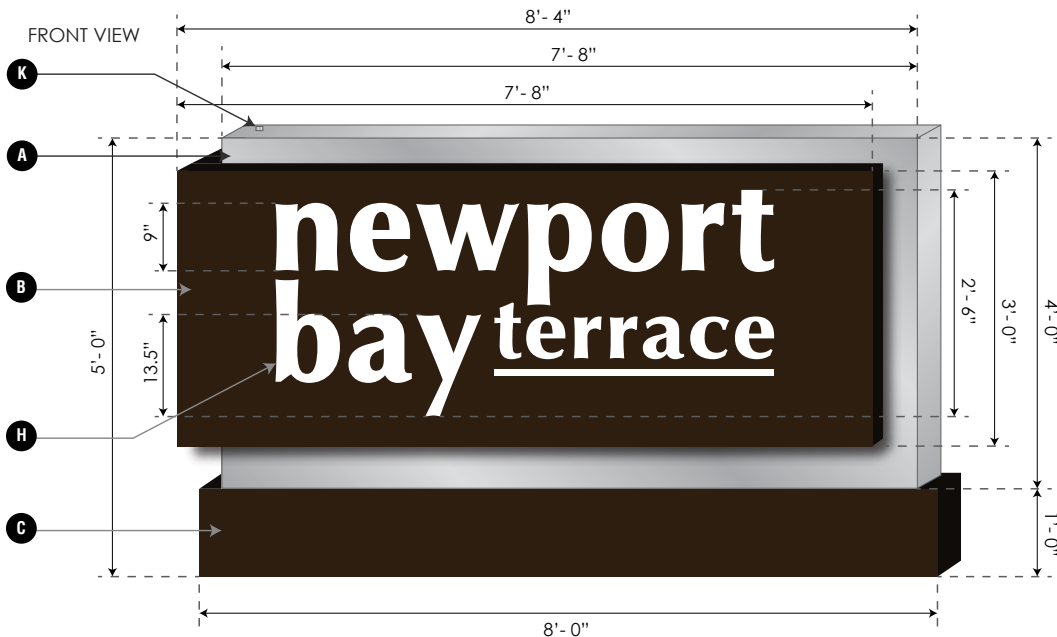


ACRYLIC COLOR GUIDE



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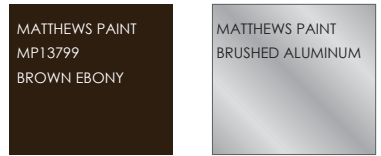
MONUMENT TYPE B - DOUBLE SIDED SIGNAGE DETAILS



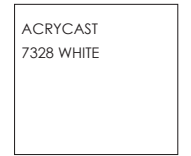
- A** 5" DEEP FABRICATED CAN SIGN WITH .080" THICK ALUMINUM FACES AND RETURNS PAINTED MP BRUSHED ALUMINUM
- B** SECONDARY ALUMINUM FABRICATED 3.5" DEEP MOUNTED ON 1.5" STANDOFFS TO WRAP AROUND FIRST CAN. RETURNS: PAINTED BROWN MP13799 FACE: .080" THICK ALUMINUM PAINTED BROWN MP13799 WITH LETTERING ROUTED OUT
- C** THIRD 10" DEEP ALUMINUM FABRICATED CAN WITH .080" THICK ALUMINUM FACES AND RETURNS PAINTED BROWN MP13799
- D** WHITE LEDs
- E** 4 IN. SCREWS WITH ANCHORS SCREW WITH 1.5" SPACERS (4 MIN PER LETTER)
- F** WIRES TO MAIN ELECTRICAL JBOX

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PAINT COLOR GUIDE



ACRYLIC COLOR GUIDE

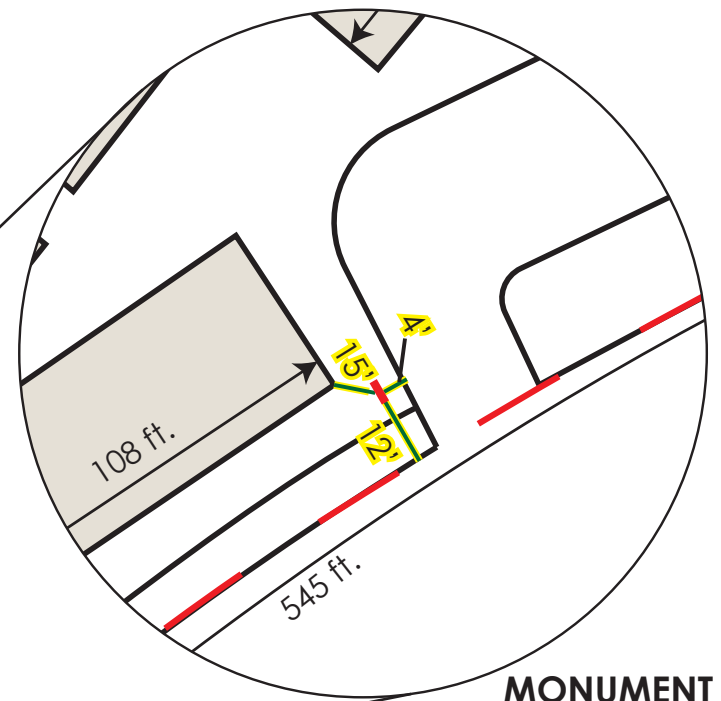
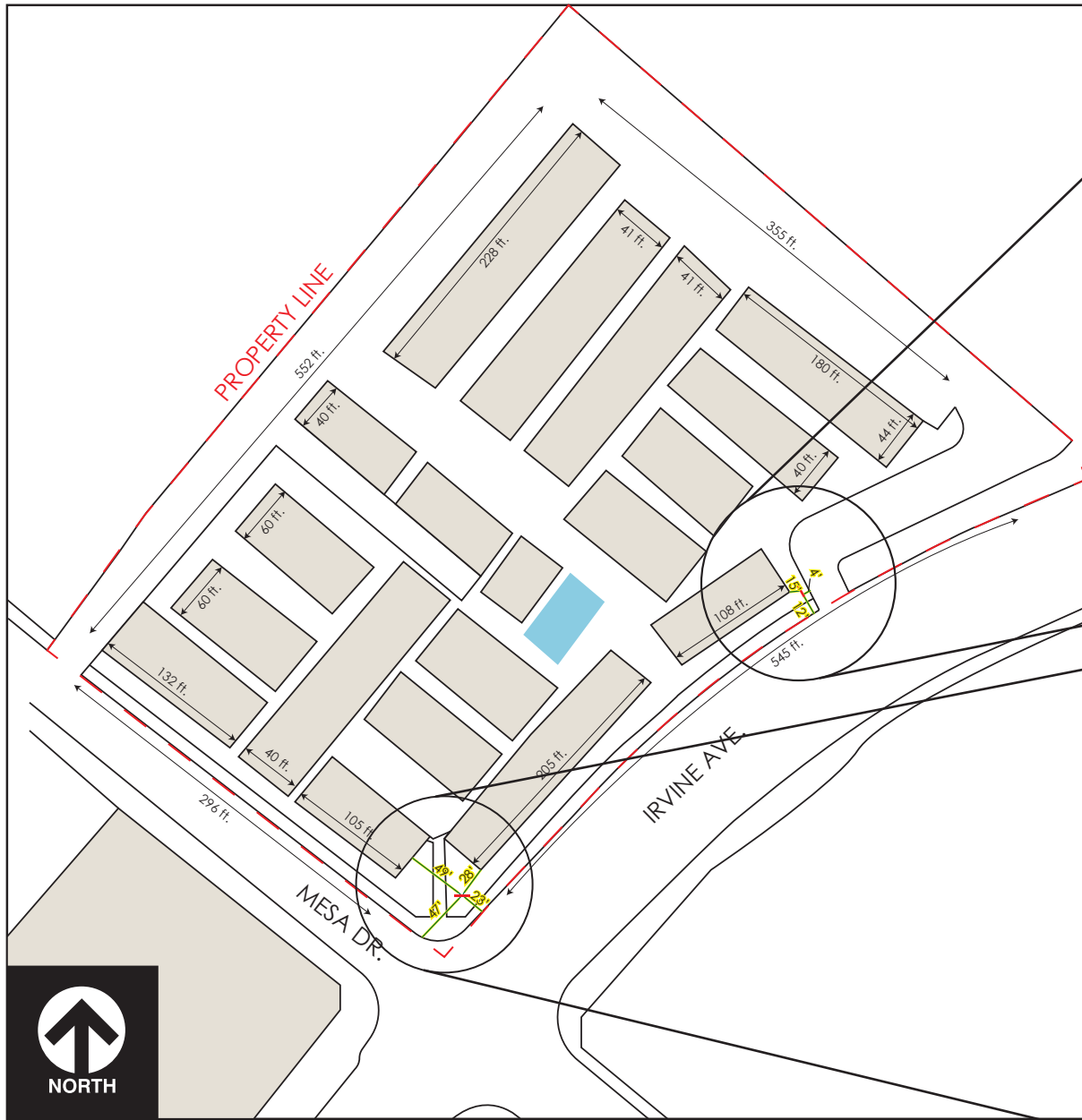


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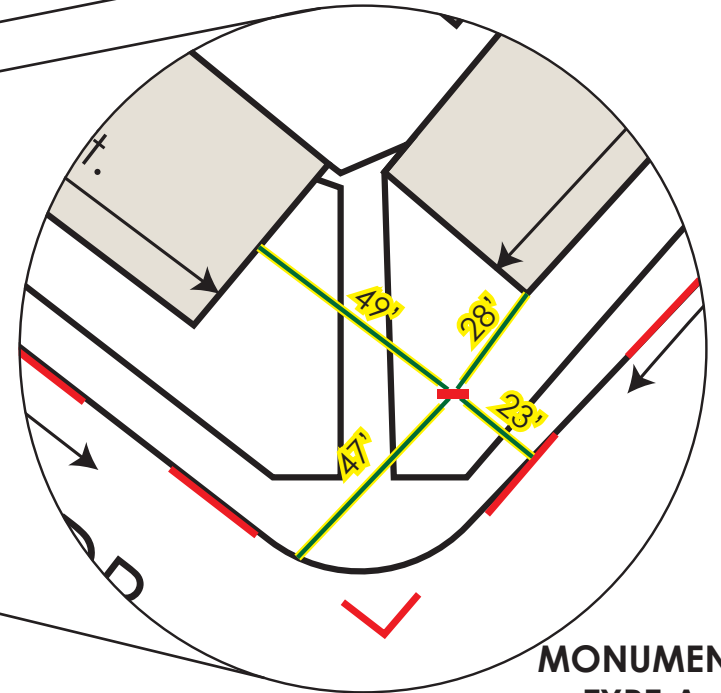
SIGN MATRIX

SIGN TYPE	SIGN SPEC PAGE	DESCRIPTION	GENERAL LOCATION	MAX. QUANTITY	MAX. SIGN AREA	MAX. LETTER HEIGHT	MAX. LOGO HEIGHT	ILLUMINATION PERMITTED?
Monument Type A	2	Single Faced Monument	Facing corner of Mesa Dr. and Irvine Blvd.	1	32 sq. ft.	30"	30"	Yes
Monument Type B	3	Double Faced Monument	Facing driveway off Irvine Blvd.	1	32 sq. ft.	30"	30"	Yes

SITE MAP NTS



**MONUMENT
TYPE B**



**MONUMENT
TYPE A**



SITE MAP NTS LINE OF SITE

