

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 February 8, 2019.

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

Item 1: Calacci Demolition - Staff Approval No. SA2019-001 (PA2018-170) Site Address: 400 South Bay Front, Units 1, 2, 3, 4 and 5

Action: Approved

Item 2: Hoag Hospital Donor Comprehensive Sign Program No. CS2018-005 (PA2018-238) Site Address: 3900 West Coast Highway

Action: Approved

Council District 2

Council District 5

Item 3: Ataii Demolition – Staff Approval No. SA2019-002 (PA2019-018) Site Address: 914 East Ocean Front, Units A, B and C

Action: Approved

Council District 1

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



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

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION:	Calacci Demolition Staff Approval No. SA2019-001 (PA2018-170)
APPLICANT:	Caitlin Smith/Brandon Architects
LOCATION:	400 South Bay Front, Units 1, 2, 3, 4 and 5
LEGAL DESCRIPTION	Parcel 1 of Parcel Map No. 83-710

On <u>February 8, 2019</u>, the Community Development Director approved Staff Approval No. SA2019-001 authorizing the demolition of two multi-family structures containing a total of five units in compliance with Zoning Code Chapter 20.34 and Local Coastal Program Implementation Plan Chapter 21.34 (Conversion or Demolition of Affordable Housing).

LAND USE AND ZONING

- General Plan: RT (Two-Unit Residential)
- Zoning District: R-BI (Balboa Island)
- Coastal Land Use Category: RT-E (Two-Unit Residential 30-39.9 DU/AC)
- Coastal Zoning District: R-BI (Balboa Island)

SUMMARY

A staff approval for determination of compliance with Zoning Code Chapter 20.34, Local Coastal Program Implementation Plan Chapter 21.34, and the Mello Act (Government Code Section 65590). The property owner proposes to demolish two existing nonconforming, residential structures comprising of five units to accommodate the future redevelopment of the property. Through a parcel map application, the property will revert to the two underlying legal lots, and one new single-family residence will be constructed on each lot.

ANALYSIS

Pursuant to Zoning Code Section 20.34.020 (Review Authority), the Director shall make a determination as to the applicability of this chapter when a residential structure of three or more units is to be converted or demolished. If it is determined that any of the units are occupied by low- or moderate-income tenants, provisions for their replacement shall be provided, if feasible. If applicable and based on the documentation provided in compliance

with Section 20.34.060 (Determining Requirements for Replacement Units), the Director shall make determinations as to:

- 1. How many units were occupied by low- and moderate-income persons or families;
- 2. Whether the conversion or demolition proposes to go from residential to nonresidential and if so, whether the proposed new use is coastal dependent;
- 3. Whether a feasibility analysis is required to be prepared;
- 4. The feasible number of affordable units required to be replaced, if any; and
- 5. Whether the required replacement affordable units are to be located on-site or offsite.

In this particular case, the property owner has provided documentation that the units are not and were not occupied by low- and moderate-income families or persons. When the owner purchased the property in October 2018, all units were vacant and no person or families were evicted. The units remain unoccupied at this time. The owner has provided a notarized acknowledgement stating that they understand the requirements of the Mello Act and that the foregoing statements provided are true and correct (CD 2). Therefore, there is no conversion of residential to nonresidential, and there is no evidence that the units are and/or were occupied by low- and moderate-income families or persons; thus, no further analysis is required.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or the City Clerk, as applicable, within fourteen 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.

Prepared by:

Liz Westmoreland, Assistant Planner

Approved by:

Seimone Jurjis, PE/CBØ Community Development Director

Attachments:

- CD 1 Vicinity Map
- CD 2 Mello Act Compliance Acknowledgement
- CD 3 County of Orange Income Limits

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2019-001 PA2018-170

400 South Bay Front, Units 1, 2, 3, 4 and 5

Attachment No. CD 2

Mello Act Compliance Acknowledgement

In providing this information, I hereby acknowledge and understand the requirements of the Mello Act (California Government Code Section 65590 et seq.) which provides that the conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. Replacement dwelling units shall be located within the same city or county as the dwelling units proposed to be converted or demolished.

South Bayfornt Waterpointe LLC, which I am the managing member, hereby state that this property was purchased October 30th 2018 with all units vacant and none of the above-referenced dwelling units are occupied currently by a person or family of low or moderate income and that we did not evict any person or family from any of the above-referenced dwelling units.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this <u>DATE</u>, at <u>CITY</u>, California.

Notarized Signature

ACKNOWLEDGMENT A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of Orange OKJan. 14, 2018 before me, Deborah Des Jardins A Notary Public personally appeared Garrett Calacci who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. DEBORAH DES JARDINS Notary Public - California Órange County Commission # 2228873 Jerlan My Comm. Expires Feb 13, 2022 Signature (Seal)

Attachment No. CD 3

County of Orange Income Limits

County of Orange Income Limits FY 2018

County	Income	Number of Persons in Household							
County	Category	1	2	3	4	5	6	7	8
Last page instructs how to use income limits to determine applicant eligibility and calculate affordable housing cost and rent									
Orange County	Extremely Low	23000	26250	29550	32800	35450	38050	40700	43300
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	Moderate Income	77900	89000	100150	111250	120150	129050	137950	146850

Section 6932. 2018 Income Limits



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION 100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915 949-644-3200 www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Subject	Hoag Hospital Donor Comprehensive Sign Program No. CS2018-005 (PA2018-238)
Applicant	LPA Design Studios
Site Location	3900 West Coast Highway Hoag Hospital Donor Sign Program
Legal Description	Irvine Subdivision, Portion of Lot 172, Block 1

On <u>February 8, 2019</u>, the Zoning Administrator approved Comprehensive Sign Program No. CS2018-005, allowing a change to the number and type of donor recognition signs allowed by an approved sign program (Hoag Hospital Sign Program contained in Planned Community 38 - Hoag Hospital) for a multi-building hospital campus located at 3900 West Coast Highway. The Comprehensive Sign Program provides for the installation of one additional monument sign.

The property is located within the Hoag Hospital Planned Community (PC-38) Zoning District. The General Plan Land Use Element category is Private Institutions (PI). The property is located within the Coastal Zone and is designated Private Institutions (PI-B) within the Coastal Land Use Plan.

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

I. FINDINGS AND STANDARDS FOR APPROVED SIGNS

<u>Finding</u>

A. The project is exempt from environmental review under the requirements of the California Environmental Quality Act Guidelines pursuant to Section 15311, Class 11 (Accessory Structures).

Fact in Support of Finding:

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

Standard:

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

Fact in Support of Standard:

1. The Comprehensive Sign Program is consistent with the Citywide Sign Design Guidelines as well as the previously approved Hoag Hospital Sign Program contained in the Hoag Hospital Planned Community text. The proposed monument sign is designed to be compatible with the architecture of the hospital campus in terms of size, location, legibility, and materials. The proposed monument sign effectively identifies the location of the Neurosciences Institute building without creating sign clutter by using legible text on a contrasting background. The proposed monument sign is appropriately sized and sited to identify the location of the Neurosciences Institute building to pedestrians and vehicular traffic along West Coast Highway, consistent with the land use designation for the property.

Standard:

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

Facts in Support of Standard:

- 1. The site is developed as a multi-building hospital campus. The additional monument sign will become part of the existing Comprehensive Sign Program to allow for adequate identification of the Neurosciences Institute building. The existing wall sign identifying the Neurosciences Institute will be removed.
- 2. Allowing the proposed monument sign will improve identification of the Neurosciences Institute for pedestrian and vehicular traffic along West Coast Highway.
- 3. The proposed monument sign has been designed to comply with all applicable development standards and will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.

Standard:

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

Fact in Support of Standard:

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

Finding:

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

Fact in Support of Standard:

1. It is not anticipated that future revisions to the Comprehensive Sign Program will be necessary to accommodate a change in tenants or use. However, the Community Development Director may approve minor revisions to the Comprehensive Sign Program if the intent of the original approval is not affected.

Standard:

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

Facts in Support of Standard:

- 1. The amended Comprehensive Sign Program only allows for a deviation in the number and type of signs for the hospital campus donor signage program; otherwise, the approval conforms to all other standards of Zoning Code Chapter 20.42, and enhances the overall development by integrating all of the project's signs with the overall site and architectural design through appropriate sizing and style.
- 2. Allowing a deviation from the Zoning Code for the number of signs is appropriate given the overall size of the hospital campus, which encompasses 13.7 acres developed with three multi-story office buildings and two multi-story parking structures. Allowing the proposed monument sign along Superior Avenue will improve identification of the site from that public right-of-way.

Standard:

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

Fact in Support of Standard:

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

Standard:

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

Fact in Support of Standard:

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

II. <u>CONDITIONS</u>

- 1. The proposed monument sign shall be in substantial conformance with the approved plans, Comprehensive Sign Program Matrix Table, and provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code, unless otherwise indicated in the following conditions.
- 2. The existing wall sign identifying the Neurosciences Institute shall be removed.
- 3. Anything not specifically approved by this Comprehensive Sign Program is prohibited.
- 4. A building permit and/or sign permit shall be obtained prior to the commencement of installation or demolition of signs.
- 5. The proposed monument sign shall be located so as to comply with the City's STD-110-L sight distance standard.
- 6. Illuminated signs shall be regulated in accordance with the provisions of Section 20.42.070 (Standards for Permanent Signs) 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.
- 7. Signs shall be maintained in a clean and orderly condition.

- 8. The Community Development Director may approve revisions to the Comprehensive Sign Program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require approval of a new/revised comprehensive sign program by the Zoning Administrator.
- 9. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or tenants of the building shall be reviewed and approved by the Planning Division, so long as the sign size, copy configuration, and number of signs authorized by this approval does not substantially change or increase. The mandatory reduction or elimination of signs shall be exercised as necessary.
- 10. The Zoning Administrator may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
- 11. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20, Planning and Zoning, of the Newport Beach Municipal Code.
- 12. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Hoag Donor Sign Program including, but not limited to, Comprehensive Sign Program No. CS2018-005 (PA2018-238). 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.

Hoag Hospital Donor Sign Program (PA2018-238) February 8, 2019 Page 6

<u>APPEAL PERIOD</u>: 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:

Crager Associate Planner

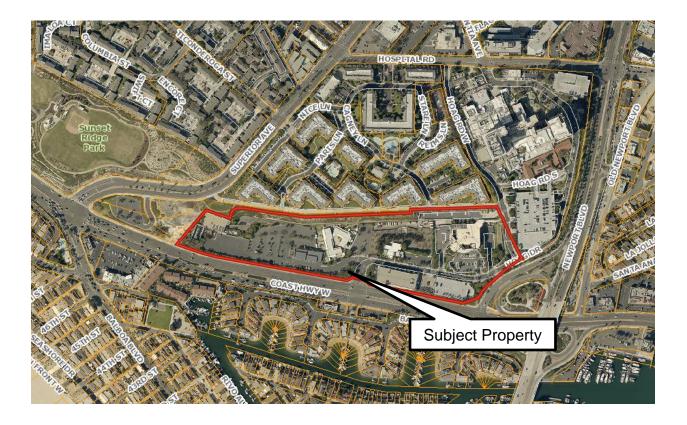
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Attachments:	ZA 1	Vicinity Map
	ZA 2	Sign Program Matrix
	ZA 3	Project Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2018-005 PA2018-238 **3900 West Coast Highway**

Attachment No. ZA 2

Sign Program Matrix

Hoag Hospital Donor Sign Program Matrix CS2018-005 (PA2018-238)

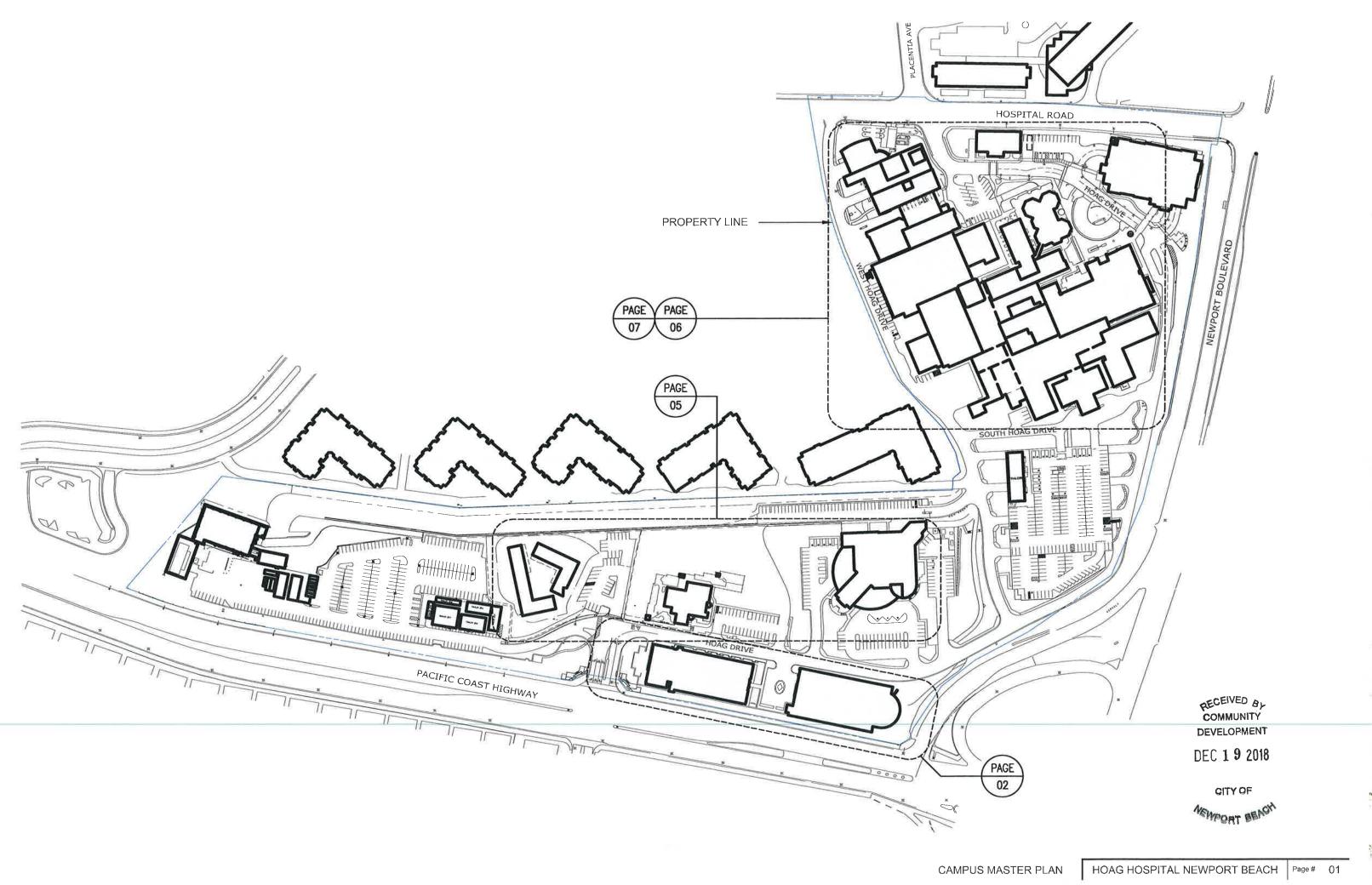
Sign Type	Maximum Quantity	Location	Maximum Sign Area (Square Feet)
Wall Sign	1 per Building Elevation	Building Elevation	175
Freestanding Monument Sign	1	As shown on plans	121

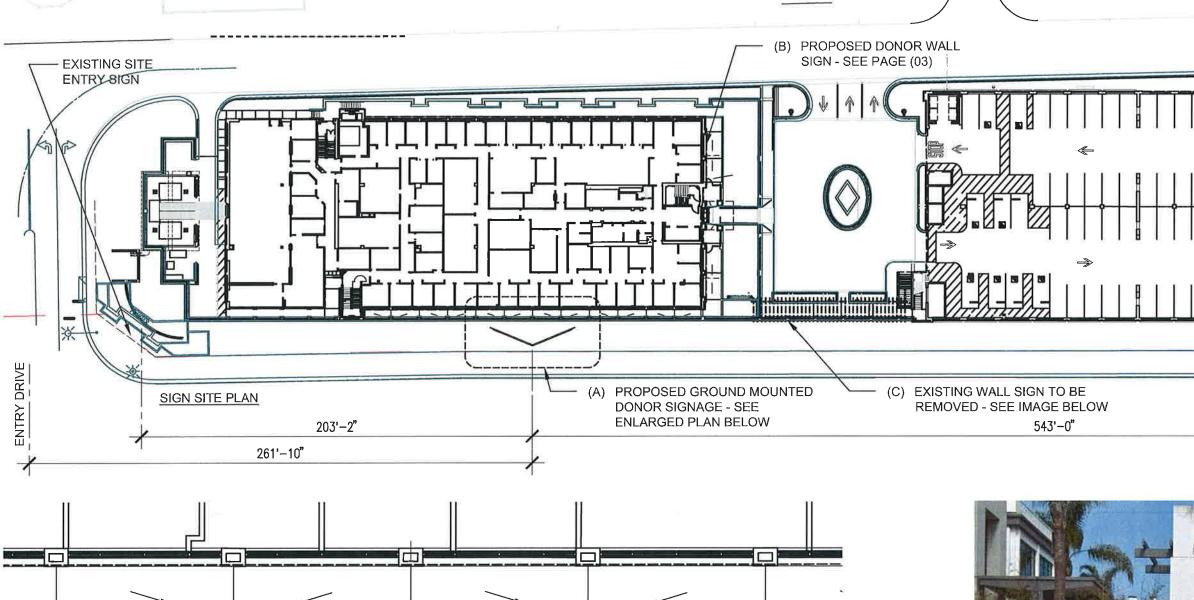
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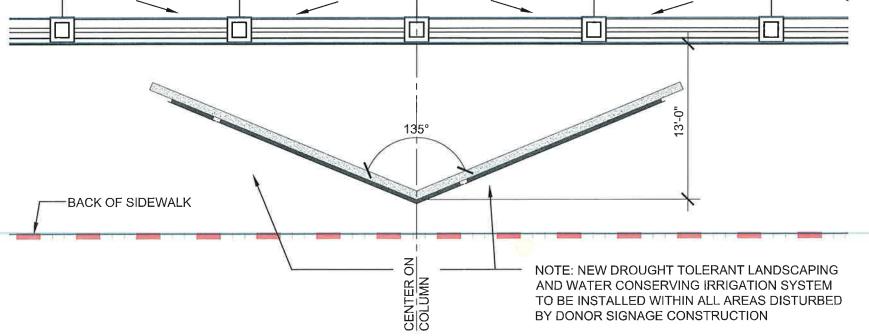
- a) Temporary Banner signs shall comply with Chapter 20.42 of the Zoning Code.
- b) All signs shall substantially conform to the approved set of plans.
- c) Pursuant to Section 20.42.120.F (Revisions to Comprehensive Sign Programs) of the Zoning Code, the Planning Director may approve minor revisions to the sign program if the intent of the original approval is not affected.
- d) All additional exempt signs shall comply with the standards prescribed in the Zoning Code.

Attachment No. ZA 3

Project Plans





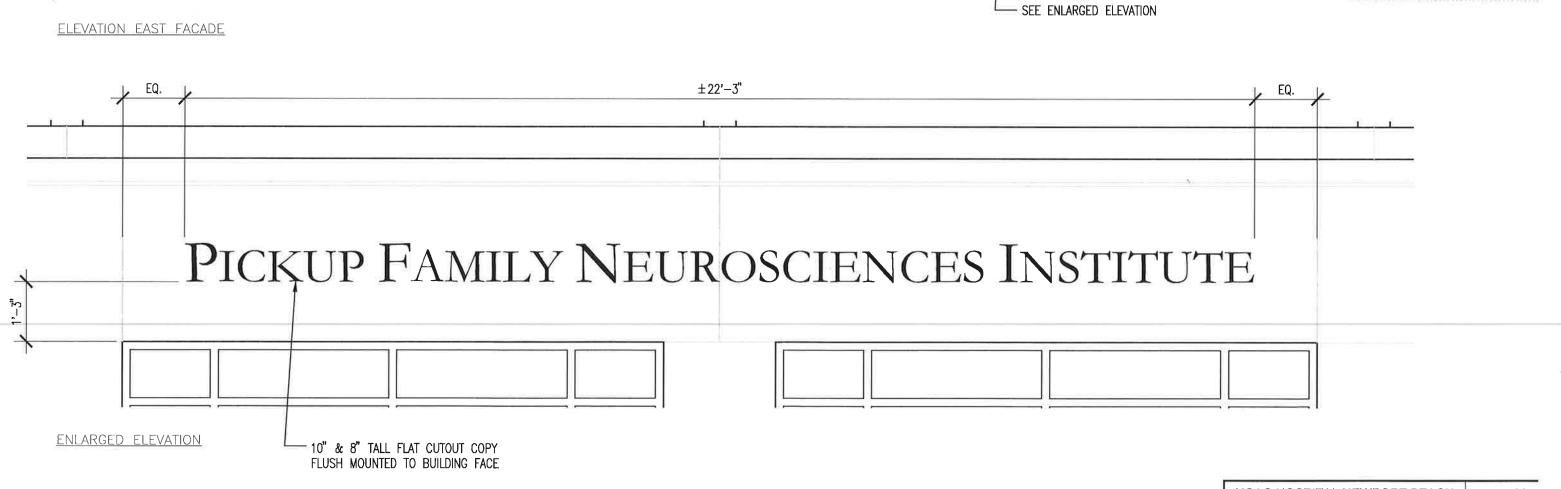


ENLARGED PLAN - SEE PAGE (04) FOR ADDITIONAL DETAILS

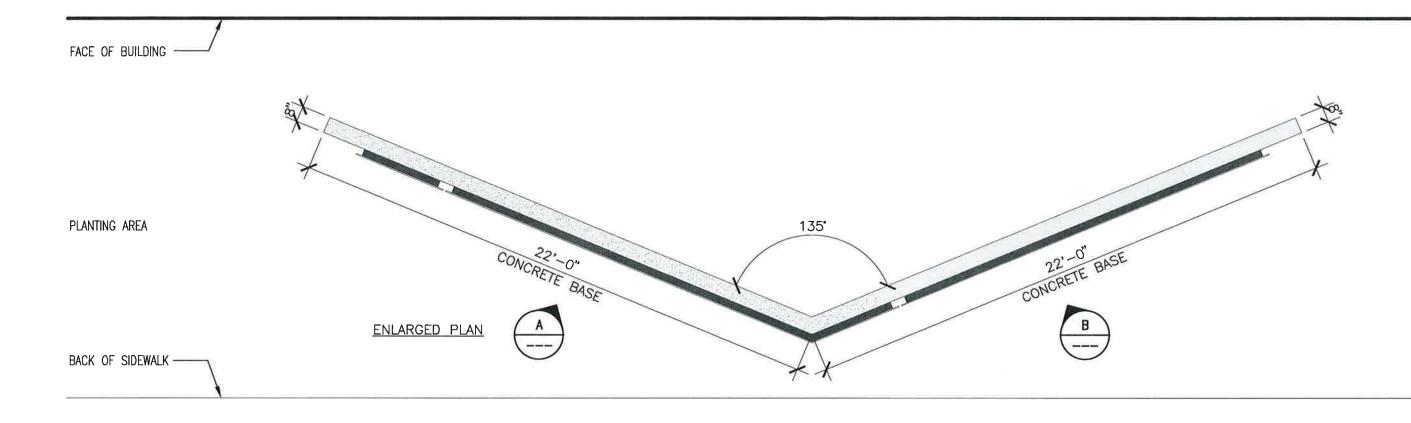
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PROPERTY LINE	OFF RAMP

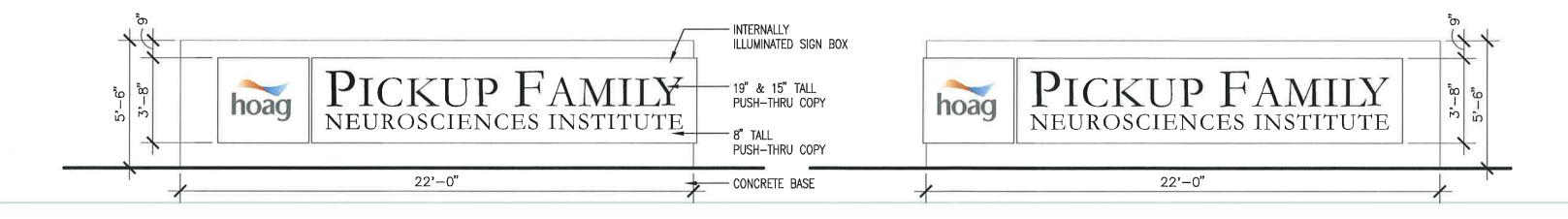


EXISTING SIGN TO BE REMOVED







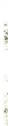


<u>ELEVATION (A)</u>

<u>ELEVATION (B)</u>

HOAG HOSPITAL NEWPORT BEACH Page # 04



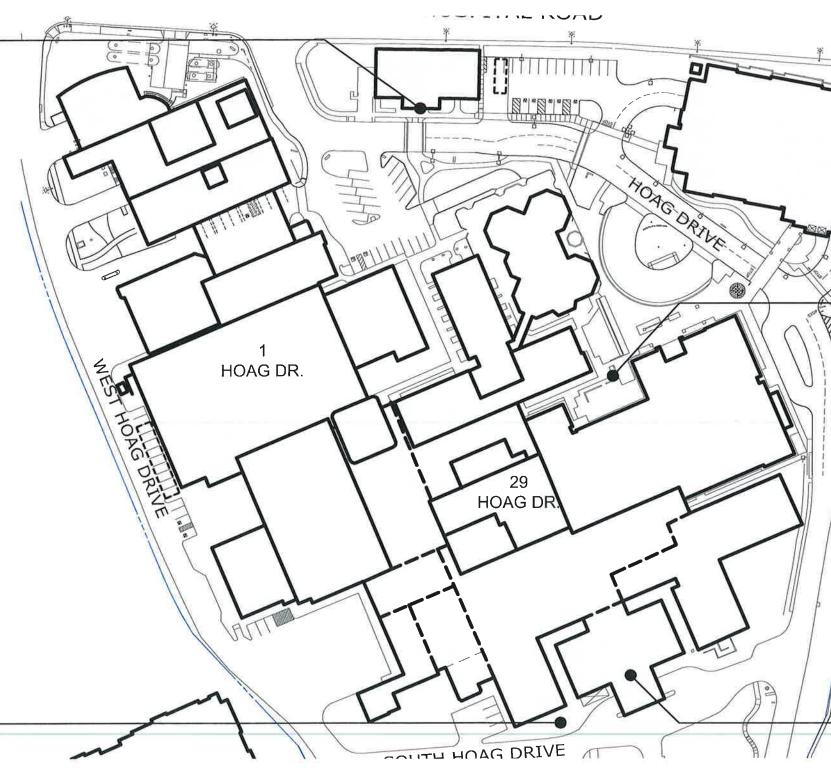


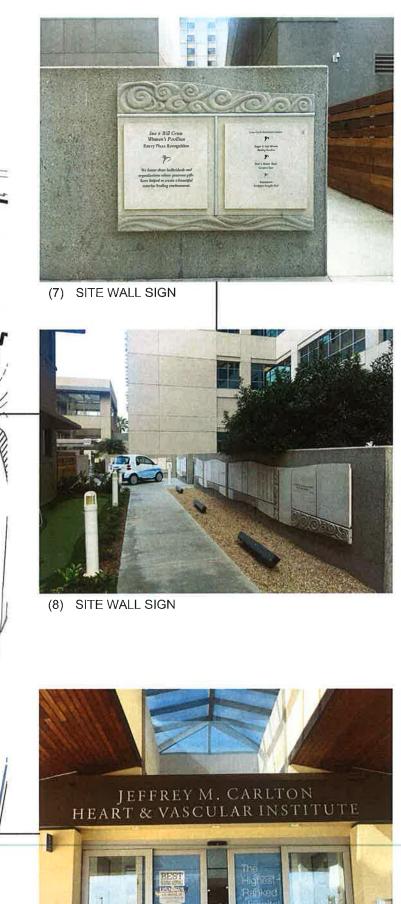


(6) BUILDING WALL SIGN



(9) SITE WALL SIGN

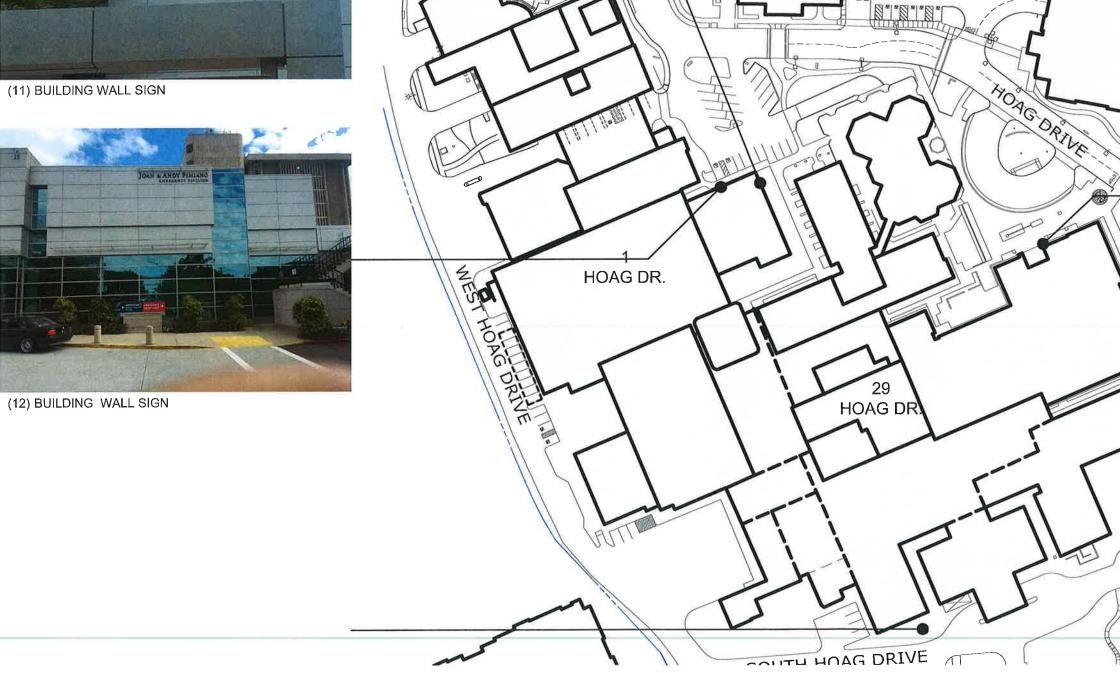




(10) BUILDING WALL SIGN

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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

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION:	Ataii Demolition Staff Approval No. SA2019-002 (PA2019-018)
APPLICANT:	Rod Jeheber
LOCATION:	914 East Ocean Front, Units A, B and C
LEGAL DESCRIPTION	Lot 22 in Block 14 Balboa Tract (excepting alley dedication)

On **February 8, 2019**, the Community Development Director approved Staff Approval No. SA2019-002 authorizing the demolition of a three-unit residence (triplex) in compliance with Zoning Code Chapter 20.34 and Local Coastal Program Implementation Plan Chapter 21.34 (Conversion or Demolition of Affordable Housing).

LAND USE AND ZONING

- General Plan: RT (Two-Unit Residential)
- **Zoning District:** R-2 (Two-Unit Residential)
- Coastal Land Use Category: RT-D (Two-Unit Residential 20.0-29.9 DU/AC)
- Coastal Zoning District: R-2 (Two-Unit Residential)

SUMMARY

A staff approval for determination of compliance with Zoning Code Chapter 20.34, Local Coastal Program Implementation Plan Chapter 21.34, and the Mello Act (Government Code Section 65590). The property owner proposes to demolish an existing non-conforming triplex to accommodate future redevelopment of the property into one conforming single-family residence.

ANALYSIS

Pursuant to Zoning Code Section 20.34.020 (Review Authority), the Director shall make a determination as to the applicability of this chapter when a residential structure of three or more units is to be converted or demolished. If it is determined that any of the units are occupied by low- or moderate-income tenants, provisions for their replacement shall be provided, if feasible. If applicable and based on the documentation provided in compliance with Section 20.34.060 (Determining Requirements for Replacement Units), the Director shall make determinations as to:

- 1. How many units were occupied by low- and moderate-income persons or families;
- 2. Whether the conversion or demolition proposes to go from residential to nonresidential and if so, whether the proposed new use is coastal dependent;
- 3. Whether a feasibility analysis is required to be prepared;
- 4. The feasible number of affordable units required to be replaced, if any; and
- 5. Whether the required replacement affordable units are to be located on-site or offsite.

In this particular case, the property owner has provided documentation stating that the units are not and were not occupied by low- and moderate-income families or persons. According to the property owner, the subject property has not been occupied since September 2017. The applicant has stated that no persons or families were evicted within one year prior to the filing of an application to demolish the units. The owner has provided a notarized acknowledgement stating that they understand the requirements of the Mello Act and that the foregoing statements provided are true and correct (CD2). Therefore, there is no conversion of residential to nonresidential, and there is no evidence that the units are and/or were occupied by low- and moderate-income families or persons; thus, no further analysis is required.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or the City Clerk, as applicable, within fourteen 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.

Prepared by:

Liz Westmoreland, Assistant Planner

Approved by:

Seimone Jurjis, PE/CBØ Community Development Director

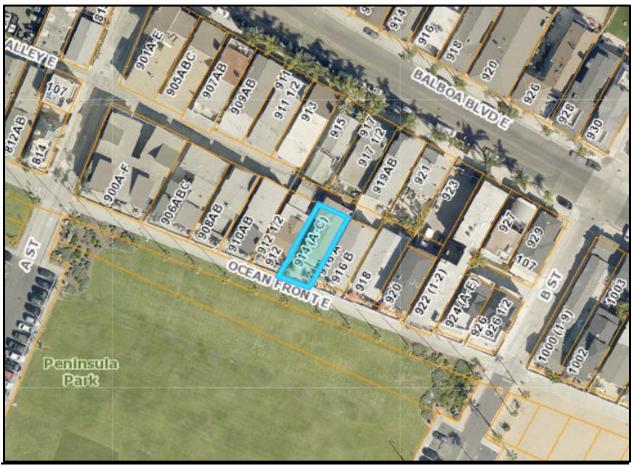
Attachments: CD 1 Vicinity Map CD 2 Mello Act Compliance Acknowledgement

CD 3 County of Orange Income Limits

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2019-002 PA2019-018

914 East Ocean Front, Units A, B and C

Attachment No. CD 2

Mello Act Compliance Acknowledgement



Property Address: 914 E. Oceanfront, Newport Beach, CA 92661

In providing this information, I hereby acknowledge and understand the requirements of the Mello Act (California Government Code Section 65590 et seq.) which provides that the conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. Replacement dwelling units shall be located within the same city or county as the dwelling units proposed to be converted or demolished.

I hereby state that none of the above-referenced dwelling units are occupied currently by a person or family of low or moderate income and that no person or family was evicted from any of the above-referenced dwelling units within one year prior to the filing of an application to convert or demolish the unit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this DATE 1/3//19 at <u>CITY</u> New Port Beach, California.

Property owner DP Ats

Notarized Signature

sel attacked

CALIFORNIA NOTARY ACKNOWLEDGMENT

For An Individual Acting In His/Her Own Right:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California) ss. County of_ before me, Notary Public, personally appeared 3440

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) are subscribed to the within instrument and acknowledged to me that (h)/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

[NOTARIAL SEAL]

Signature

Print Name

My Commission Expires 05/09/2019

My commission expires: 05/09/2019

SCOTT D. OTTO COMM. #2110736 TARY PUBLIC - CALIFORNIA ORANGE COUNTY

HEL6850CA (1/15)

Attachment No. CD 3

County of Orange Income Limits

County of Orange Income Limits FY 2018

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Section 6932. 2018 Income Limits