



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

**TO:** CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

**FROM:** Seimone Jurjis, Community Development Director

**SUBJECT:** Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending October 1, 2021.

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### **ZONING ADMINISTRATOR ACTIONS SEPTEMBER 30, 2021**

- Item 1: 515 Jasmine, LLC Residential Condominiums Tentative Parcel Map No. NP2021-005 (PA2021-131)  
Site Address: 515 and 515 ½ Jasmine Avenue
- |   |                  |   |
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| Action: Approved by Resolution No. ZA2021-049 | Council District | 6 |
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- Item 2: Brawner Residential Condominium Conversion No. CC2021-001, Tentative Parcel Map No. NP2021-006 and Coastal Development Permit No. CD2021-024 (PA2021-129)  
Site Address: 422 and 422 ½ Acacia Avenue
- |   |                  |   |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2021-050 | Council District | 6 |
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- Item 3: Annual Review of the North Newport Center Development Agreement No. DA2007-002 (PA2009-023)  
Site Address: Fashion Island; Block 100, Block 400, Block 500, Block 600, and Block 800 of Newport Center Drive; and San Joaquin Plaza
- |   |                  |   |
|---|------------------|---|
| Action: The Zoning Administrator found that the Irvine Company is in good faith compliance with the terms of the Development Agreement. | Council District | 5 |
|---|------------------|---|
- Item 4: Schulman Residence Coastal Development Permit No. CD2021-026 (PA2021-140)  
Site Address: 1615 East Bay Avenue
- |   |                  |   |
|---|------------------|---|
| Action: Approved by Resolution No. ZA2021-051 | Council District | 1 |
|---|------------------|---|
- Item 5: Wild Strawberry Café Minor Use Permit No. UP2021-026 (PA2021-135)  
Site Address: 240 Newport Center Drive, Suite 100
- |  |                  |   |
|--|------------------|---|
| Action: Continued to October 14, 2021 Zoning Administrator Meeting | Council District | 5 |
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Item 6: Escalette Residence Coastal Development Permit No. CD2021-027 (PA2021-146)  
Site Address: 36 Balboa Coves

Action: Approved by Resolution No. ZA2021-052	Council District	1
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**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**  
(Non-Hearing Items)

Item 1: 4000 MacArthur Comprehensive Sign Program No. CS2021-008 (PA2021-211)  
Site Address: 4000 MacArthur Boulevard

Action: Approved	Council District	3
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**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. ZA2021-049**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. NP2021-005 FOR TWO (2)-UNIT CONDOMINIUM PURPOSES LOCATED AT 515 AND 515 ½ JASMINE AVENUE (PA2021-131)**

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

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

1. An application was filed by 515 Jasmine, LLC (Applicant), with respect to property located at 515 and 515 ½ Jasmine Avenue, and legally described as Lot 15, Block 536 Corona del Mar Tract, requesting approval of a tentative parcel map for condominium purposes.
2. The applicant requests a tentative parcel map for two (2)-unit condominium purposes. A duplex has been demolished and a new duplex is currently under construction. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed. The tentative parcel map would allow each unit to be sold individually.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two Unit Residential (RT).
4. The subject property is not located within the coastal zone; therefore, a coastal development permit is not required.
5. A public hearing was held online on September 30, 2021, consistent with Governor's Executive Orders N-08-021 and N-29-20 related to COVID-19. 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, Division 6, 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 Tentative Parcel Map is for condominium purposes and is consistent with all requirements of 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 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:

*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 (2)-unit residential condominium purposes. A duplex has been demolished and a new duplex is currently under construction. 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 subject property is not located within a specific plan area.
3. The project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Jasmine Avenue frontage and any damaged concrete alley panels consistent with NBMC Title 19.

#### 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 (2)-unit residential development because it is regular in shape. An existing duplex has been demolished and a new duplex is currently under construction.
2. The subject property is accessible from the alley and is adequately served by all 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 duplex has been demolished 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 CEQA Guidelines – Class 15 (Minor Land Alterations).

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 access 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 property was previously developed with a residential use and is located in a Zoning District that 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.*

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:

*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 (the California Building Code) that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

*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 two (2)-unit dwelling that is under construction is consistent with the intended uses of 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 two (2)-unit dwelling is designed 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 within the Coastal Zone.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2021-005, subject to the conditions set forth in Exhibit "A," which is attached here to and incorporated by reference.
3. 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 NBMC Title 19 Subdivisions.

**PASSED, APPROVED, AND ADOPTED THIS 30<sup>th</sup> DAY OF SEPTEMBER, 2021.**



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Jaime Murillo  
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, the applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium.” The development will not be condominiums until this permit is final.
3. The building permit for the new construction shall not be final until after recordation of the parcel map.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
5. This 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.
6. 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 **515 Jasmine, LLC Residential Condominiums** including, but not limited to, **Tentative Parcel Map No. NP2021-005 (PA2021-131)**. 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**

7. A parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Sections 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.**
8. 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 (1-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.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. The curb, gutter and sidewalk along the Jasmine Avenue frontage and all damaged alley panels along the alley frontage, shall be reconstructed per City Standard.
11. The existing street tree along the Jasmine Avenue frontage shall be protected in place.
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. All existing overhead utilities shall be undergrounded.
14. No above ground improvements are permitted within the 5-foot rear alley setback area.
15. The existing hardscape within the Jasmine Avenue parkway frontage shall be removed and new sod or low ground covers of the type approved by the City shall be installed throughout the Jasmine Avenue parkway fronting the development site.
16. An encroachment permit is required for all work activities within the public right-of-way.
17. All improvements shall comply with the City's sight distance requirements. See City Standard 110-L.
18. Any non-standard encroachments within the Jasmine Avenue public right-of-way shall be removed including but not limited to fences, walls, and walkways.

19. 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**

20. Independent utility services shall be provided for each unit.
21. Independent fire risers shall be required for each unit.
22. Construction shall comply with the California Code of Regulations.

## **RESOLUTION NO. ZA2021-050**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING CONDOMINIUM CONVERSION NO. CC2021-001, TENTATIVE PARCEL MAP NO. NP2021-006, AND COASTAL DEVELOPMENT PERMIT NO. CD2021-024 TO CONVERT AN EXISTING DUPLEX LOCATED AT 422 AND 422 ½ ACACIA AVENUE INTO A TWO (2)-UNIT CONDOMINIUM (PA2021-129)**

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

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

1. An application was filed by Kent G. and Barbara C. Brawner ("Applicant"), with respect to property located at 422 and 422 ½ Acacia Avenue, requesting approval of a condominium conversion, tentative parcel map, and coastal development permit.
2. The property at 422 and 422 ½ Acacia Avenue is legally described as Lot 6, Block 429 of Corona del Mar.
3. The applicant proposes a condominium conversion, tentative parcel map, and coastal development permit to convert an existing 3,528-square-foot, two (2)-unit dwelling into two (2) condominiums. The required two (2)-car parking per unit will be provided and no waivers of Title 19 (Subdivision Code) development standards are proposed with this application. The existing development complies with all other applicable development standards including height and floor area limits. Approval of the Tentative Parcel Map and Condominium Conversion Permit would allow each unit to be sold individually as condominiums.
4. The subject property is designated RT (Two-Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-D (Two-Unit Residential) (20.0-29.9 DU/AC) and it is located within the R-2 (Two-Unit Residential) Coastal Zone District.
6. A public hearing was held online on September 30, 2021, consistent with Governor's Executive Orders N-08-21 and N-29-20 related to COVID-19. 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 categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15301 and 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) and Class 15 (Minor Land Divisions), because it has no potential to have a significant effect on the environment.
2. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed project consists of the conversion of an existing 3,528-square-foot, two (2)-unit dwelling with attached garaged and covered parking and does not involve new construction that will expand or enlarge the existing units. The conversion of the two (2)-unit dwelling into condominiums will allow the units to be sold separately.
3. Class 15 exempts 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 Tentative Parcel Map and Condominium Conversion is for individual sale of the units and is consistent with all of the requirements of the Class 15 exemption.
4. 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.

### *Condominium Conversion*

In accordance with Section 19.64.070 (Standards for Condominium Conversions) of the Newport Beach Municipal Code, the following findings are set forth:

#### Finding:

- A. *The minimum number, and the design and location of off-street parking spaces shall be provided in conformance with the provisions of the Zoning Ordinance in effect at the time of approval of the conversion.*

Facts in Support of Finding:

1. As permitted and conditioned, each unit will provide a one (1)-car garage and a one (1)-car carport.
2. The four (4) spaces provided meet the number of spaces required (two [2] per unit) per Chapter 20.40 (Off-Street Parking) of the Zoning Code.

Finding:

- B. Each dwelling unit within a building shall have a separate sewer connection to the City sewer.*

Fact in Support of Finding:

1. As permitted and conditioned, each unit will maintain separate sewer connections to the City sewer.

Finding:

- C. Each sewer lateral shall be retrofitted/fitted with a cleanout at the property line.*

Fact in Support of Finding:

1. As permitted and conditioned, each unit will provide a separate sewer cleanout located at the property line.

Finding:

- D. Each unit shall maintain a separate water meter and water meter connection.*

Fact in Support of Finding:

1. As permitted and conditioned, each unit will maintain a separate water meter and water meter connection.

Finding:

- E. The electrical service connection shall comply with the requirements of Chapter 15.32 (Underground Utilities) of the Newport Beach Municipal Code.*

Fact in Support of Finding:

1. The existing two (2)-unit dwelling was constructed with an electrical service connection that was, at such time, determined to be in compliance with the requirements of NBMC Chapter 15.32. No upgrades or changes are required to the existing service connections.

Finding:

- F. The applicant for a condominium conversion shall request a special inspection from the Building Division for the purpose of identifying any building safety violations. The applicant shall correct all identified safety violations prior to approval of a final map for the condominium conversion.*

Fact in Support of Finding:

1. A special inspection was conducted on September 9, 2021. The building inspector found the kitchen and bathrooms have missing GFCI outlets, various stair/deck handrails/guardrails do not meet current safety standards of the Building Code, and an unpermitted loft with related stairs in the rear unit at 422 ½ Acacia Avenue. Additionally, only one (1) sewer and piping connection could be identified. The condominium conversion is conditioned to require all GFCI outlets be provided, update the various handrails and guardrails to meet the current Building Code, and to permit or remove the unpermitted loft and related stairs. A separate sewer and related piping shall be provided for each unit. A final inspection by the building inspector will be required to verify these conditions are met prior to final of the condominium permit and prior to recordation of the map.

Finding:

- G. Permanent lot stakes and tags shall be installed at all lot corners by a licensed surveyor or civil engineer unless otherwise required by the City Engineer.*

Fact in Support of Finding:

1. As conditioned, the project will comply with this requirement prior to recordation of the final parcel map.

Finding:

- H. For residential conversions, the project shall be consistent with the adopted goals and policies of the General Plan, particularly with regard to the balance and dispersion of housing types within the City.*

Facts in Support of Finding:

1. The project is consistent with the adopted goals and policies of the Land Use Element and other Elements of the General Plan. The project site is designated as RT (Two-Unit Residential) by the Land Use Element of the General Plan. The existing two (2)-unit dwelling is consistent with the RT land use category, which is intended to provide for a range of two (2)-unit dwelling units such as duplexes and townhomes.
2. The existing two (2)-unit dwelling will be converted into a two (2)-unit condominium. The residential density on the site will remain the same.



Finding:

- I. *The establishment, maintenance or operation of the use or building applied for shall not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.*

Facts in Support of Finding:

1. The application of the project as conditioned will ensure the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood and the City.
2. The requested application is to convert an existing two (2)-unit dwelling into two (2) condominiums for individual sale of the units on property located within the R-2 Zoning District.
3. Public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.

*Tentative Parcel Map*

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per [Section 19.12.070 \(Required Findings for Action on Tentative Maps\)](#) of Title 19:

Finding:

- J. *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 (2)-unit residential condominium purposes. The two (2)-unit dwelling will comply with current condominium standards. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current RT General Plan Land Use Designation.
2. The Tentative Parcel Map does not apply to any specific plan area.

Finding:

- K. *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 (2)-unit development because it is regular in shape and has been occupied by a two (2)-unit development since 1988.
2. The subject property is accessible from the alley at the rear and is adequately served by existing utilities.

Finding:

- L. *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.*

Fact in Support of Finding:

1. This project has been reviewed, and it has been determined that it qualifies for a Class 1 and a Class 15 categorical exemption pursuant to Title 14 of the California Code of Regulations (Sections 15301 and 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).
  - a. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed project consists of the conversion of an existing 3,528-square-foot, two (2)-unit dwelling with attached four (4)-car garaged/covered parking and involves no new construction to expand or enlarge the existing units. Only minor interior alterations will be made to correct the items from the special inspection. The conversion of the two (2)-unit dwelling into condominiums will allow the units to be sold separately.
  - b. Class 15 exempts 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 existing two (2)-unit dwelling is a permitted use and minimal physical improvements are necessary to allow the requested condominium conversion for the individual sale of the units. The site has not been subject to a prior subdivision and does not have a slope of greater than 20 percent.

Finding:

- M. *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 applicant per Section 19.28.010 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- N. *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:

- O. *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 lies in a Zoning District that permits residential uses.

Finding:

- P. 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:

- Q. 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 Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- R. 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 two (2)-unit dwelling 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:

- S. *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 two (2)-unit dwelling is designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

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

Fact in Support of Finding:

1. The subject property is located within the Coastal Zone. A coastal development permit is requested in conjunction with the proposed tentative parcel map and condominium conversion application. The project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter 3 of the Coastal Act. The Facts in Support of Findings U and V for the *Coastal Development Permit* (below) are hereby incorporated by reference.

*Coastal Development Permit*

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

Finding:

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

Facts in Support of Finding:

1. The Tentative Parcel Map is for two (2)-unit residential condominium purposes. The replacement of the kitchen with no additional square footage is exempt from Local Coastal Program requirements. The duplex conforms to all applicable development standards, including floor area limit, setbacks, height, and off-street parking. The proposed subdivision and improvements are consistent with the density of the R-2 Coastal Zoning District.

2. The property is located in an area known for the potential of seismic activity. All projects are required to comply with the California Building Code and Building Division standards and policies.
3. The Tentative Parcel Map is for a property that is over 700 feet from the harbor and is not near any natural landforms or environmentally sensitive areas.

Finding:

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

Fact in Support of Finding:

1. The project site is not located between the nearest public road and the sea or shoreline. 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 is a tentative parcel map for two (2)-unit condominium purposes. 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 is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. Approval of the parcel map will not affect public recreation, access or views.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Sections 15301 and 15315 under Class 1 (Existing Facilities) and 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 Zoning Administrator of the City of Newport Beach hereby approves Condominium Conversion No. CC2021-001, Tentative Parcel Map No. NP2021-006, and Coastal Development Permit No. CD2021-024, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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). Final action taken by the City on the coastal development permit 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 30<sup>TH</sup> DAY OF SEPTEMBER, 2021.**



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Jaime Murillo  
Zoning Administrator

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**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. The building permit for the condominium conversion shall not receive final inspection until after recordation of the parcel map.
3. Prior to building permit final of the condominium conversion and the recordation of the Parcel Map, all Building Code safety violations identified in the special inspection shall be corrected with the appropriate building permits including but not limited to the following: provide all of the Building Code required GFCI outlets; upgrade the various handrails and guardrails to meet current Building Code; and remove or permit the second floor loft and related stairs in the rear unit .
4. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this approval.
5. 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 and Title 21 of the NBMC.
6. 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 **Browner Residential Condominium** including, but not limited to, **Condominium Conversion No. CC2021-001, Tentative Parcel Map No. NP2021-006 and Coastal Development Permit No. CD2021-024 (PA2021-129)**. 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**

7. A Parcel Map shall be recorded. The map shall be prepared on the California coordinate system (North American Datum of 1983, NAD83). Prior to recordation of the map, the

surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach, a digital-graphic file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivisions 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.**

8. 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 (1-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.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. All damaged sidewalk panels, curb, gutter, and street along the Acacia Avenue frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
11. The existing street trees along Acacia Avenue shall be protected in place.
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. All existing overhead utilities shall be undergrounded.
14. No above ground improvements are permitted within the 5-foot alley setback area.
15. The decorative hardscape within the Acacia Avenue parkway frontage shall be removed. New sod or low groundcovers of the type approved by the City shall be planted throughout the Acacia Avenue parkway fronting the development site.
16. An encroachment permit is required for all work activities within the public right-of-way.
17. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
18. All non-standard encroachments within the Acacia Avenue public-rights-of-way shall be removed, including but not limited to walkways and hardscape.
19. All on-site drainage shall comply with the latest City Water Quality requirements.
20. 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**

21. Independent utility services shall be provided for each unit.
22. If fire sprinklers are required now or in the future, then independent fire risers shall be required for each unit.
23. All construction activities shall comply with the California Code of Regulations.

## **RESOLUTION NO. ZA2021-051**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2021-026 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW THREE (3)-STORY SINGLE-FAMILY RESIDENCE AND ATTACHED THREE (3)-CAR GARAGE LOCATED AT 1615 EAST BAY AVENUE (PA2021-140)**

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), with respect to property located at 1615 East Bay Avenue and legally described as the westerly 30 feet of lots 8, 9, 10 & 11 in Block 25 of East Side Addition to the Balboa Tract, Lot 8 in Block "P" of the Bayfront Section of the Balboa Tract, and a portion of an abandoned street right of way, requesting approval of a coastal development permit.
2. The Applicant proposes to demolish an existing single-family residence and the construction of a new 4,171-square-foot, three (3)-story single-family residence with an attached 650-square-foot, three (3)-car garage. The project also includes the installation of landscaping, hardscaping, drainage, site walls, patio improvements, and a reinforced bulkhead cap for protection against coastal hazards. All improvements authorized by this CDP will be located on private property. The design complies with all applicable development standards and no deviations are requested.
3. The subject property is categorized 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.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-B (Single Unit Residential Detached) - (6.0 – 9.9 DU/AC) and it is located within the R-1 (Single-Unit Residential) Coastal Zone District.
5. A public hearing was held online on September 30, 2021, consistent with Governor's Executive Orders N-08-21 and N-29-20 related to COVID-19. 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 categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or

Conversion of Small Structures), because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition of up to three (3) 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 new 4,171-square-foot, three (3)-story single-family residence with an attached 650-square-foot, three (3)-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 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 5,232 square feet and the proposed floor area is 4,821 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 5 feet measured from the abandoned street right-of-way, 3 feet along each side property line and 5 feet along the rear property line abutting the alley.
  - c. The highest guardrail is less than 24 feet from established grade (9.79 feet North American Vertical Datum of 1988 [NAVD 88]) and the highest ridge is no more than 29 feet from established grade, which comply with the maximum height requirements.
  - d. The project includes garage parking for a total of three (3) vehicles, complying with the minimum three (3)-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 (2)-story residences and an occasional three (3)-story, single-family residence. The proposed design, bulk, and scale of the development is consistent with applicable development standards of the zoning district and the expected future development of the neighborhood.
3. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by PMA Consulting, Inc. dated June 10, 2021, for the project. The report states that the current maximum bay water elevation is 7.7 feet based on the North American Vertical Datum of 1988 (NAVD 88) and it may exceed the current top of bulkhead elevation of 9.50 feet (NAVD 88) during high tide or storm events. The report analyzes future sea level rise scenarios assuming a 3-foot increase in the maximum water level over the next 75 years. The bay water level is estimated to reach approximately 10.7 feet (NAVD 88) in the year 2096 (the likely range for sea level rise over 75-year design life of the structure based on low risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update). The report concludes that once the existing bulkhead is reinforced and raised per the report's recommendations, flooding, wave runup, and erosion will not significantly impact this property over the proposed 75-year economic life of the development. As such, the project has been conditioned to raise the bulkhead to a height of 10.90 (NAVD 88) with a design adaptability of elevation of 14.4 feet (NAVD 88).
4. The top of slab for the first floor of the residence is proposed at an elevation of 9.37 feet (NAVD 88) which complies with the minimum 9.00 feet (NAVD 88) elevation standard.
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, Condition of Approval Numbers 5 and 6 respectively, and will need to be satisfied prior to final building inspection, and prior to the issuance of building permits, respectively.
6. The property is 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 abuts 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 NBMC Section 21.35.050, due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQHP has been prepared for the project by Forkert Engineering & Surveying Inc. dated June 11, 2021. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of an LID approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs.
9. Proposed landscaping complies with Implementation Plan Section 21.30.075. Condition of Approval Number 24 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 project site is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoint is approximately 3,168 feet away from the project site, at West Jetty View Park, and is not visible from the site. There is a public beach within the vicinity of the project site however the residence is not visible from that beach. The project's compliance with height and setback development standards will help prevent impacts to coastal views as the new residence will maintain a building envelope consistent with the existing neighborhood pattern of development. As a bayfront property, the north elevation of the new residence will be visible from the water. The proposed design uses architectural treatments which will enhance views from the water. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.

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. 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 replaces an existing single-family residence located on standard R-1 lot with a new single-family residence. 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 is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. Vertical access to the bay is available on either side of the site at the H street and I Street-ends. Lateral access is available through the public alleyways and East Balboa Boulevard.



There is a public beach, approximately 2,112 feet east of the project site that provides further access opportunities. The project does not include any features that would obstruct access along these routes.

**SECTION 4. DECISION.**

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment. 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.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2021-026, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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.

**PASSED, APPROVED, AND ADOPTED THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2021**



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Jaime Murillo  
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 final of building permits for the new residence, the existing bulkhead shall be raised to provide a minimum elevation of 10.90 feet (NAVD 88), with a design adaptability of 14.4 feet (NAVD 88), in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities.*
3. *The existing bulkhead shall be reinforced in accordance with the recommendations provided in the Coastal Hazards Report and Sea Level Rise Analysis prepared by PMA Consulting, Inc, dated June 10, 2021.*
4. *The Applicant shall obtain approval from the California Coastal Commission in order to raise and reinforce the bulkhead.*
5. *Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns.*
6. *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. This letter shall be scanned into the plan set prior to building permit issuance.*
7. 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. No demolition or construction materials shall be stored on public property.
8. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.

9. This Coastal Development Permit does not authorize any development seaward of the private property.
10. 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.
11. 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 Erosion Control Plan.
12. 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.
13. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
14. 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.
15. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
16. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

17. 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.
18. 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.
19. Prior to the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
20. Prior to the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
21. 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.
22. 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.
23. Prior to issuance of building permits, the final WQMP shall be reviewed and approved by the Building Division. Implementation shall be in compliance with the approved CPPP and WQMP and any changes could require separate review and approval by the Building Division.
24. 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.
25. 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.
26. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the NBMC. The maximum

noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

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

27. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays or Holidays.
28. Prior to the issuance of building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
29. 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.
30. This Coastal Development Permit No. CD2021-026 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.
31. 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 Schulman Residence including, but not limited to, Coastal Development Permit No. CD2021-026 (PA2021-140). 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. ZA2021-052**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2021-027 TO ALLOW FOR THE REMODEL AND ADDITION OF AN EXISTING SINGLE-FAMILY RESIDENCE WITH AN ATTACHED THREE (3)-CAR GARAGE LOCATED AT 36 BALBOA COVES (PA2021-146)**

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

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

1. An application was filed by Architectural Design Solutions ("Applicant"), with respect to property located at 36 Balboa Coves, requesting approval of a coastal development permit.
2. The lot is legally described as Lot 36, Tract No. 1011, Newport Beach, CA.
3. The Applicant proposes the remodel and addition of an existing 3,695-square foot, two (2)-story, single-family residence with an attached 640-square-foot, three (3)-car garage. The proposed addition and remodel would result in a 4,900-square-foot, two (2)-story, single-family residence with an attached 1,260-square-foot, three (3)-car garage. The proposed additions include a 620-square-foot addition to the existing garage and a 1,205-square-foot addition to the existing second floor comprising of a 42 percent addition of the existing structure. The project includes new landscape, hardscape, and drainage facilities within the confines of the private property. No work will be conducted bayward of the existing bulkhead. The project complies with all development standards and no deviations from the Municipal Code 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-A (Single Unit Residential Detached) (0.0 - 5.9 DU/AC) and it is located within the R-1 (Single-Unit Residential) Coastal Zone District.
6. A public hearing was held online on September 30, 2021, consistent with Governor's Executive Order N-08-21 and N-29-20 related to COVID-19. 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 15301, Article 19 of Chapter 3, Guidelines for Implementation of the

California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities), because it has no potential to have a significant effect on the environment.

2. Class 1 exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project consists of remodel and addition of an existing 3,695-square-foot, two (2)-story, single-family residence with an attached 640-square-foot, three (3)-car garage. The proposed additions include a 620-square-foot addition to the existing garage and a 1,205-square-foot addition to the existing second floor comprising of a 42 percent addition of the existing structure. The proposed remodel and addition would result in a 4,900-square-foot, two (2)-story, single-family residence with an attached 1,260-square-foot, three (3)-car garage and therefore qualifies within this exemption.
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, the following findings and facts in support of such findings are set forth:

#### Finding:

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

#### Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The maximum floor area limitation is 9,480 square feet and the proposed floor area is 6,160 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 5 feet along the front property line abutting Balboa Coves, 4 feet along the north side property line, and 15 feet along the second front property line abutting the water. The existing development consists of an existing non-conforming encroachment along the south side setback. The site provides a 3.1 feet setback, where the code requirement is 4 feet. The existing non-conforming setback shall limit the property to a maximum 50 percent addition of the existing floor area. A 42 percent addition is proposed in conformance with this limit.

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- c. The highest guardrail is less than 24 feet from established grade and the highest ridge is no more than 29 feet from established grade, which complies with the maximum height limitation.
    - d. The project includes garage parking for a total of three (3) vehicles, complying with the minimum three (3)-car garage parking requirement for single-family residences with more than 4,000 square feet of habitable floor area. The scope includes a 620-square foot garage addition, making a code compliant three (3)-car garage free of obstructions.
  2. The neighborhood is predominantly developed with two (2)-story, single-family residences with scattered one (1)- and three (3)-story residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development consistent with applicable development standards.
  3. The residential development is a private parcel that fronts a cove adjacent to a small channel in the northwest corner of Newport Bay. The project site is protected by an existing concrete bulkhead with the top of the bulkhead elevation of 11.42 feet North American Vertical Datum of 1988 (NAVD88). A Coastal Hazards and Sea Level Rise Analysis was prepared by GeoSoils, Inc. dated August 13, 2021, for the project. The report concludes that the current shoreline will remain at the shore protection and shoreline erosion will not impact the property over the life of the development. The report also concludes that the project will be reasonably safe from future sea level rise. The estimates assume an approximate 3-foot increase from sea level rise over the next 75 years (i.e. the life of the structure). The current maximum bay water elevation is 7.7 feet (NAVD88), therefore the future sea level is estimated to reach approximately 10.7 feet NAVD88 (the likely range for sea level rise over 75-year design life of the structure based on low risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update).
  4. On March 23, 2021, the City Council approved updated Waterfront Project Design Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities. The guidelines require that any structure permitted within the years 2021 through 2025 must have a minimum bulkhead elevation of 10.9 feet (NAVD 88) with a design for adaptability elevation of 14.4 feet (NAVD 88). The existing bulkhead is at an elevation of 11.42 feet (NAVD 88). GeoSoils, Inc. has confirmed the bulkhead can be raised up to 14.4 feet (NAVD 88) if needed and in compliance with the updated guidelines.
  5. The finished floor elevation of the existing single-family residence is 11.9 feet (NAVD 88), which complies with the minimum 9.00-foot (NAVD 88) elevation standard. The Coastal Hazards Report concludes that the condition of the existing bulkhead is adequate to protect the proposed development from any existing or anticipated future coastal hazards for the next 75 years or more. The report additionally concludes the proposed project is reasonably safe from coastal hazards for the next 75 years, including shoreline movement, waves and wave run-up, and flooding with future sea level rise.



6. Pursuant to Newport Beach Municipal Code (NBMC) Section 21.30.030(C)(3)(i)(iv) – (Natural Landform and Shoreline Protection), 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 Waiver of Future Protection is included as a condition of approval that will need to be satisfied prior to final building inspection.
7. 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) – (Waterfront - Development Standards). The Acknowledgement of Coastal Hazards is included as a condition of approval that will need to be satisfied prior to the issuance of building permits.
8. 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 a building permit. 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.
9. 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.
10. 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 runoff and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
11. Proposed landscaping complies with Implementation Plan Section 21.30.075 (Landscaping). 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.

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. 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 involves an addition and remodel to an existing single-family residence located in a standard R-1 zone. 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 is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. The project site is located within the existing gated community of Balboa Coves and does not provide nor inhibit public coastal access opportunities. The project is designed and sited so as not block or impede existing public access opportunities and occurs within the confines of private property. Existing coastal access conditions will not be affected by the project. The nearest vertical coastal access opportunity is currently provided by Channel Place Park to the west, approximately 900 feet away from the subject site.
3. The closest public viewpoints are located at Channel Place Park to the west and Sunset View Park to the north, approximately 900 and 1,000 feet away from the subject site, respectively. Due to the distance of the proposed development from the public viewpoints and the project's compliance with height and setbacks, the project will not impact coastal views.
4. The project site is not located adjacent to a coastal view road or public access way but is located near a designated Coastal Viewpoint as identified in the Coastal Land Use Plan. The residence is not located between Channel Place Park and the bay and would not obscure views from this public area. The proposed addition and remodel to an existing single-family residence complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.

## SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2021-027 subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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 (Appeal to the Coastal Commission) 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 30<sup>TH</sup> DAY OF SEPTEMBER, 2021.**



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Jaime Murillo  
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. *The finished floor and site improvements at 36 Balboa Coves shall be 11.9 feet (NAVD88) minimum in accordance with the recommendations provided in the report prepared by GeoSoils, Inc. on August 13, 2021 and as identified in the approved plans.*
3. *The existing seawall built to an elevation of 11.42 feet (NAVD 88) shall be capable to be raised up to 14.4 feet (NAVD 88), in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities.*
4. *Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns.*
5. *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. This letter shall be scanned into the plan set prior to building permit issuance.*
6. This approval does not authorize any new or existing improvements (including landscaping) on California Coastal Permit Jurisdiction, State tidelands, public beaches, or the public right-of-way. Any improvements located on tidelands, submerged lands, and/or lands that may be subject to the public trust shall require a coastal development permit (CDP) approved by the California Coastal Commission (Coastal Commission). Prior to the issuance of building permits, the applicant shall provide a copy of said coastal development permit or CDP waiver or documentation from the Coastal Commission that subject improvements are not subject to the permit requirements of the Coastal Act and/or not located within the permit jurisdiction of the Coastal Commission.

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7. 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. No demolition or construction materials shall be stored on public property.
  8. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays or Holidays.
  9. Demolition beyond the approved scope of work requires planning division approval prior to commencement of work. Approval of revisions to project plans are not guaranteed. Any changes in the current scope of work may require the entire structure to be demolished and redeveloped in conformance with the current Zoning Code Development Standards.
  10. 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
  11. 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 (1) or two (2) short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
  12. 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 Erosion Control Plan.

13. 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.
14. 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.
15. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
16. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
17. 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.
18. 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.
19. *Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.*
20. *Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.*
21. *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.*
22. *Prior to issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall be in compliance with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
23. *Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.*

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24. *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.*
  25. *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.*
  26. 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.
  27. Coastal Development Permit No. CD2021-027 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.
  28. 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 Escalette Residence including, but not limited to, Coastal Development Permit No. CD2021-027 (PA2021-146). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
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**ZONING ADMINISTRATOR ACTION LETTER**

**Subject:** 4000 MacArthur Comprehensive Sign Program (PA2021-211)  
▪ Comprehensive Sign Program No. CS2021-008

**Site Location** 4000 MacArthur Boulevard

**Applicant** The New Sign Standard Inc.

**Legal Description** Parcel 1 of Resubdivision No. 570

On **October 1, 2021**, the Zoning Administrator approved Comprehensive Sign Program No. CS2021-008. This approval is in accordance to the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code.

**LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** MU-H2 (Mixed-Use Horizontal)
- **Zoning District:** PC-15 (Koll Center Planned Community, Office Site B)

**SUMMARY**

A Comprehensive Sign Program amendment is requested to Comprehensive Sign Program No. CS2016-010 to allow the addition of three tenant signs (Sign Types 3A, 3E, and 3H) and the removal of one tenant eyebrow sign (Sign Type 4B) for an existing office building located at 4000 MacArthur Boulevard. The amended Comprehensive Sign Program shall supersede Comprehensive Sign Program No. CS2016-010.

The property is located within the Office Site B sub-area of the Koll Center Planned Community (PC-15). The General Plan Land Use Element category is Mixed-Use Horizontal (MU-H2).

**Background**

The comprehensive sign program includes permanent building identification, tenant wall signs, and address signage at an existing office building. The applicant requests a total of two address signs, two building identification signs, and eight tenant wall signs for the site.

A comprehensive sign program is required whenever three or more separate tenant spaces are created or proposed on the same lot, if the site maintains a frontage along a public right-of-way totaling more than 300 lineal feet, and to allow the following deviations from the PC-15 (Koll Center Planned Community) sign standards:



1. Sign Number and Location. Comprehensive Sign Program No. CS2016-010 (PA2016-129), previously authorized up to seven tenant wall signs (Sign Type 3) in the locations currently proposed. One of these wall signs was permitted up to 387 square feet in area. One of the seven previously authorized signs is removed from the new sign program. One new wall sign with a maximum area of 200 square feet is proposed at the west side of the building (Sign Type 3A) where the Planned Community allows for wall signs up to 200 square feet in area. Two smaller 35-square-foot tenant wall signs are also proposed at the lower eyebrow levels of the buildings (Sign Types 3E and 3H).
2. Sign Type. Sign Types 1 and 2 establish locations for address signage on the building for which the PC-15 (Koll Center Planned Community) does not currently provide standards.

This action incorporates Modification Permit No. MD2003-097 (PA2003-23) (Attachment No. ZA 2), which previously authorized the two signs that exceed what comprehensive sign program can approve. The building at 4000 MacArthur Boulevard has undergone renovations to accommodate new office tenants and improve building identification. The unusual building shape creates the need for a comprehensive sign program to allow greater flexibility for the sign type, number, and location. This action also incorporates conditions of approval under Comprehensive Sign Program No. CS2016-010 (PA2016-129).

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

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

#### **Finding**

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

#### **Fact in Support of Finding:**

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

#### **Standard**

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

Facts in Support of Standard

1. In compliance with the purpose and intent of the Sign Standards, the proposed Comprehensive Sign Program provides the site and the uses with adequate identification and wayfinding without excessive proliferation of signage. Furthermore, it preserves community appearance by regulating the type, number, size, and design of signage in comprehensive and coordinated fashion.
2. The sign program establishes a sign type for address signage (Sign Types 1 and 2A) and allows for two larger address signs at each building entrance that exceed the limitations for exempt signage.
3. The sign program allows for two building identification signs (Sign Types 2B and 2C) and one additional tenant wall sign (Sign Type 4A) to be mounted on a glass façade structure at the entrance to the building. This structure is intended to improve visibility and direct pedestrians as they enter the building.
4. The sign program allows for five tenant wall signs (Sign Types 3B, 3C, 3D, 3F and 3G), previously authorized under Comprehensive Sign Program No. CS2016-010 with the addition of a sixth tenant wall sign (Sign Type 3A) at the upper eyebrow of the office building. The sign program also allows for two additional tenant wall signs at the second floor eyebrow (Sign Type 3E) and at the south entrance to the building (Sign Type 3H).
5. The proposed signs on the building are beneficial and can be viewed from a greater distance due to their location and placement on each building frontage.

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 signs have been designed to be integral with the design, scale, and architectural character of the buildings and other site improvements.
2. The proposed signage will enhance the overall development of the site. It will provide adequate identification of the site and will also improve the pedestrian experience.

Standard

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

Facts in Support of Standard

1. The Comprehensive Sign Program addresses all project signage. Temporary and exempt signs not specifically addressed in the sign program shall be regulated by the provisions of Newport Beach Municipal 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 is designed to be effective for future tenants of the building.
2. It is not anticipated that future revisions will be necessary to accommodate constant changes in tenants or uses. However, flexibility has been incorporated into the Sign Program Matrix to allow minor deviations from the proposed signs.
3. Consistent with Chapter 20.42 (Sign Standards), the Community Development Director [or his/her designee] may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Standard

- 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 incorporates the wall signage previously allowed under Comprehensive Sign Program No. CS2016-010, with the addition of three tenant signs (Sign Types 3A, 3E and 3H) and the removal of one tenant eyebrow sign (Sign Type 4B), and requests deviation in the size, number, and location of signs prescribed in the PC-15 (Koll Center Planned Community) Zoning District. The signs are designed to be complimentary to the building's office use and are harmonious with the surrounding buildings and uses.
2. The sign program establishes a sign type for address signage (Sign Types 1 and 2) and requests deviation in the size and location of these signs to allow for adequate visibility of the site at each entrance for pedestrians and vehicles locating the site.

3. The sign program establishes a sign type for building identification and tenant signage (Sign Types 2 and 4A) on a glass façade at the front entrance to the building facing MacArthur Boulevard and on the southeastern corner of opposite building, which is visible from the parking area. These lower signs improve pedestrian and vehicle visibility approaching the buildings.
4. Seven of the tenant wall signs (Sign Types 3 and 4A) were previously authorized through Comprehensive Sign Program No CS2016-010. The current sign program allows for the addition of three tenant signs (Sign Types 3A, 3E and 3H), and the removal of one tenant eyebrow sign (Sign Type 4B). One of these tenant wall signs is authorized at 387 square feet in area.

Standard

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

Fact in Support of Standard

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

Standard

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

Fact in Support of Standard

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

**CONDITIONS**

1. Comprehensive Sign Program No. CS2021-008 shall supersede Comprehensive Sign Program No. CS2016-010 (PA2016-129).
2. The development shall be in substantial conformance with the approved signage plans stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
3. Comprehensive Sign Program No. CS2021-008 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
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 Use Permit.
6. This Comprehensive Sign Program 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. Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Attachment ZA 2.
8. All signs must be maintained in accordance with Section 20.42.170 (Maintenance Requirements) of the Newport Beach Municipal Code.
9. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
10. 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 **4000 MacArthur Modified Sign Program including, but not limited to Comprehensive Sign Program No. CS2021-008 (PA2021-211)** and the determination that the project is exempt under the requirements of the California Environmental Quality Act. 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.

Approved by:

  
Caitlyn Curley  
Planning Technician

  
Jaime Murillo  
Zoning Administrator

MKN/cnc

Attachments:   ZA No. 1 Vicinity Map  
                    ZA No. 2 Modification Permit No. MD2003-097  
                    ZA No. 3 Comprehensive Sign Program Matrix  
                    ZA No. 4 Project Plans

# **Attachment No. ZA 1**

Vicinity Map

# VICINITY MAP



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Comprehensive Sign Program No. CS2021-008  
(PA2021-211)

**4000 MacArthur Boulevard**



# **Attachment No. ZA 2**

Modification Permit No. MD2003-097 (PA2003-232)



CITY OF NEWPORT BEACH  
COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92658  
(949) 644-3200; FAX (949) 644-3250

Application: ☐ Modification Permit No.: MD2003-097  
☐ Accepted by: [Signature]

PA2003-232

PA2003-232 for MD2003-097  
4000 MacArthur Boulevard  
Conexant Systems, Inc.

PART I: Cover Page

Project Common Name (if applicable): \_\_\_\_\_

FEES: 1115.00  
\$1065.00

APPLICANT (Print): <u>Conexant</u>	CONTACT PERSON (if different): <u>Dennis Stout</u>
Mailing Address: <u>4000 MacArthur Blvd.</u> <u>Newport Beach, CA 92660</u>	Mailing Address: <u>871 N. Maplewood St.</u> <u>Orange, CA 92867</u>
Phone: <u>(949) 183-1374</u> Fax <u>(949) 183-9068</u>	Phone: <u>(714) 744-2845</u> Fax <u>(714) 744-5123</u>
Property Owner (if different from above): <u>Same</u>	
Mailing Address: _____	
Phone: ( ) Fax ( )	

PROJECT ADDRESS: 4000 MacArthur Blvd.

Project Description and Justification (describe briefly) Install (1) internally  
illuminated channel letter type wall sign to match  
existing "Conexant" signs. The sign was removed from  
the building when Mindspeed installed their signs on "Mount  
Everest" building, leaving Conexant with no ID on the  
South elevation -

PROPERTY OWNER'S AFFIDAVIT

(I) (We) CONEXANT SYSTEMS, INC. depose and say that (I am) (we are) the owner(s) of the property(ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s)

[Signature]  
J.L. CISNEROS MANAGER, FACILITIES AND CORP. REAL ESTATE.

NOTE: An agent may sign for the owner if written authorization from the record owner is filed with the application.

DISTRICT  
44-  
NO CHN

Work to be done: install (1) illuminated wall sign to read: "CONEXANT"  
to match existing.

Existing Nonconformities: Building has 1 wall sign

Proposed Nonconformities: Additional wall sign exceeds size and number  
allowed in this zone.

Present Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_ Zone: \_\_\_\_\_

Code Requirement	Existing	Proposed
Front setback		
Right side setback		
Left side setback		
Rear setback		
Main building area		
Garage area		
Open space		
Parking spaces		
Building height		

Previous Modifications, Use Permits, Variances, etc.: \_\_\_\_\_

Legal Description of Property Involved (if too long, attach separate sheet)

P BK 181 PG. 13 PAR 1

**DO NOT COMPLETE APPLICATION BELOW THIS LINE, FOR PLANNING DEPT. USE ONLY:**

Indicate Previous Modification Permits, Use Permits, Variances, etc. \_\_\_\_\_

General Plan Designation PAID Zoning District: \_\_\_\_\_ Coastal Zone: YES or NO

**CITY OF NEWPORT BEACH**

\*\*\*\*\*

Date Filed: OCT 07 2003 Fee Pd: 1115.00 Receipt No: PU2-61520

Date Deemed Complete: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Posting Date: \_\_\_\_\_ Mailing Date: \_\_\_\_\_

Modifications Committee Action: 10.22.03 ☒ Approved, Subject to Conditions ☐ Denied (check one)  
(Date)

Planning Director Action \_\_\_\_\_

Date \_\_\_\_\_ Appeal \_\_\_\_\_

P.C. Hearing 11.20.03 - denied P.C. Action \_\_\_\_\_

Date 11.29.2003 - denied Appeal \_\_\_\_\_

C.C. Hearing 12.9.2003 - approved C.C. Action \_\_\_\_\_

# CITY OF NEWPORT BEACH

## APPLICATION TO APPEAL DECISION OF THE PLANNING COMMISSION

Application No. PA 2003-232 MOD PERM STNG. 2003-097'03 NOV 24 12:00

Name of Appellant  
or person filing: Jake Cisneros Phone: 919-483-4374

Address: 4000 MacArthur BL.

Date of Planning Commission decision: 11-20, 2003

Regarding application of: CONEXANT SYSTEMS, INC. for

(Description of application filed with Planning Commission) additional wall sign  
for CONEXANT at 4000 MacArthur Blvd. WEST TOWER.

Reasons for Appeal: The Building consists of two ten story Towers with five facades  
each. The addition of the proposed sign would NOT create a proliferation  
of signage in that you would never see more than two signs on the building at  
one time. The sign is necessary for proper ID for international customers approaching  
from LAX and San Diego Airports.

Signature of Appellant J. Cisneros Date 11/24/03

Lavonne M. Harkless  
CITY CLERK

### FOR OFFICE USE ONLY

Date Appeal filed and Administrative Fee received: November 24, 2003

Hearing Date. An appeal shall be scheduled for a hearing before the City Council within thirty (30) days of the filing of the appeal unless both applicant and appellant or reviewing body consent to a later date (NBMC Sec. 20.95.060)

cc: Appellant  
Planning (Furnish one set of mailing labels for mailing)  
File

APPEALS: Municipal Code Sec. 20.95.050(B)

Appeal Fee: \$455 pursuant to Resolution No. 2003-40 adopted on 8-12-03 (effective 8-13-03)

(Deposit funds with Cashier in Account #2700-5000)



# CITY OF NEWPORT BEACH

## ADMINISTRATIVE SERVICES

3300 NEWPORT BLVD.

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

# CASH RECEIPT

RECEIPT NUMBER: 02000064546

RECEIVED BY: PERRY2  
TODAY'S DATE: 11/24/03

PAYOR: CONEXANT  
REGISTER DATE: 11/24/03 TIME: 11:57:05

27005000 ZONING & SUBDIVISION FEES  
0202229 ROCKWELL/CONEXANT SYS DEP

\$455.00  
-\$455.00

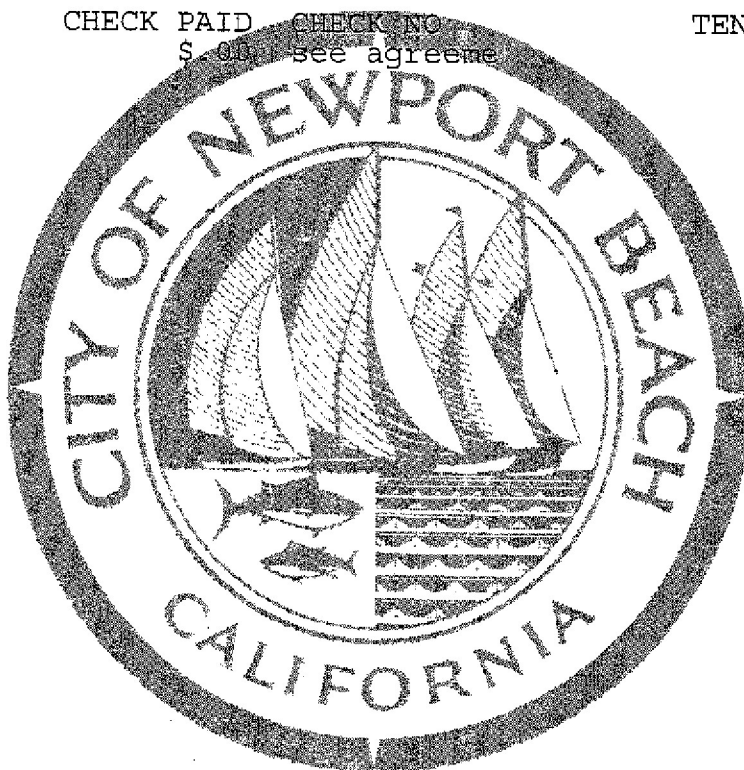
TOTAL DUE: \$0.00

CASH PAID  
\$0.00

CHECK PAID \$0.00 CHECK NO. see agreement

TENDERED  
\$0.00

CHANGE  
\$0.00



REC  
TODA

2700  
0200

REC  
TODA

2700  
0200

reading on January 13, 2004.

Council Member Heffernan asked if there were other such observation decks in the City. Program Administrator Trimble stated that he wasn't aware of any such decks on commercial buildings.

The motion carried by the following roll call vote:

Ayes: Heffernan, Rosansky, Adams, Bromberg, Webb, Mayor  
Ridgeway

Noes: None

Abstain: Nichols

Absent: None

Mayor Ridgeway opened the public hearing on the resolution.

Hearing no testimony, Mayor Ridgeway closed the public hearing on the resolution.

Motion by Council Member Bromberg to adopt Resolution No. 2003-75 amending the General Plan and Local Coastal Program.

The motion carried by the following roll call vote:

Ayes: Heffernan, Rosansky, Adams, Bromberg, Webb, Mayor  
Ridgeway

Noes: Nichols

Abstain: None

Absent: None

29. **APPEAL OF THE PLANNING COMMISSION DENIAL OF MODIFICATION PERMIT NO. 2003-097 TO ALLOW A FIFTH WALL SIGN - 4000 MACARTHUR BOULEVARD (PA2003-232) (CONEXANT SYSTEMS, INC. - APPLICANT).**

Modification Permit  
No. 2003-097/  
Conexant Systems,  
Inc.  
(68)

Mayor Pro Tem Adams announced that he would be recusing himself from the item due to his ownership of Conexant Systems, Inc. and Mindspeed common stock.

Mayor Ridgeway announced that he would also be recusing himself from the item for the same reason.

Planning Director Temple stated that the building currently has four signs, two on each of the two towers. Conexant has requested to install a third sign on one of the towers. She stated that the Modifications Committee approved the application based on the fact that the building is unique. The Planning Commission reversed the decision of the Modifications Committee and denied the application. Planning Director Temple stated that the Planning Commission felt that four signs were sufficient and that any visibility issues could be addressed by relocation of the existing signs.

Council Member Webb asked if the restrictions for a 200-foot sign were

the same for a one-story building as for a ten-story building. Planning Director Temple confirmed that the height of the building does not affect the restriction.

Council Member Rosansky asked if there are other buildings in the City that have three signs. Planning Director Temple stated that she was not aware of any.

Council Member Bromberg opened the public hearing.

Dennis Stout, representing Federal Sign and Conexant, stressed the fact that the building is unique. He stated that there are ten fascias that could be used for sign locations. Mr. Stout stated that Conexant needs approach visibility, and pointed out that there are no angles from the main arterials where two signs can be seen at once.

Hearing no further testimony, Council Member Bromberg closed the public hearing.

Motion by Council Member Heffernan to reverse the decision of the Planning Commission and approve the request by adopting the findings contained in the Modifications Committee approval letter.

The motion carried by the following roll call vote:

Ayes: Heffernan, Rosansky, Bromberg, Webb, Nichols

Noes: None

Abstain: Adams, Mayor Ridgeway

Absent: None

**30. MARINE AVENUE BUSINESS IMPROVEMENT DISTRICT:  
CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION  
CONFIRMING THE LEVYING OF ASSESSMENTS FOR FISCAL  
YEAR 2004.**

Res 2003-73  
Marine Avenue BID  
(27)

Mayor Ridgeway opened the public hearing.

Assistant City Manager Wood announced that no written protests have been received.

Hearing no testimony, Mayor Ridgeway closed the public hearing.

Motion by Council Member Bromberg to adopt Resolution No. 2003-73 confirming the Marine Avenue Business Improvement District Annual Report and levying the BID assessment for the 2004 calendar year.

The motion carried by the following roll call vote:

Ayes: Heffernan, Rosansky, Adams, Bromberg, Webb, Nichols,  
Mayor Ridgeway

Noes: None

Abstain: None

**CITY OF NEWPORT BEACH  
CITY COUNCIL STAFF REPORT**

**FILE COPY**

Agenda Item No. 29  
December 9, 2003

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Gregg B. Ramirez, Associate Planner  
(949) 644-3219, [gramirez@city.newport-beach.ca.us](mailto:gramirez@city.newport-beach.ca.us)

**SUBJECT:** Appeal of the Planning Commission denial of Modification Permit No. 2003-097  
4000 MacArthur Boulevard  
(PA2003-232)

**APPLICANT:** Conexant Systems Inc.

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**ISSUE:**

Should the City Council approve Modification Permit No. 2003-232 to allow a fifth wall sign?

**DISCUSSION:**

**Background:**

On October 22, 2003, the Modifications Committee voted 3-0 to approve Modification Permit No. 2003-232. The applicant requested approval for the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area on the west tower of the Conexant/Mindspeed building located at 4000 MacArthur Boulevard. The Koll Center Planned Community District Regulations allow signs on two facades per building and limit each sign to 200 square feet in area. The Modifications Committee believed the number of signs proposed is acceptable as the building is actually made up of two multi-story towers connected only by a single story common area. The building is more akin to two separate buildings which would be permitted to have two wall signs each. Additionally, the Committee believed that the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size of the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage. This item was called for review to the Planning Commission by Commissioner Kiser.



On November 20, 2003 the Planning Commission reversed the decision of the Modifications Committee by a 4-3 vote and denied the request for the additional wall sign. The Commission felt the building has adequate signage and that the additional sign would be excessive.

The applicant believes the additional sign would not create a proliferation of signage and that the additional signage is necessary to ensure site identification for customers coming from the Los Angeles and San Diego International Airports via Highway 73.

Attached to this report are the Modification Permit approval letter, the Planning Commission staff report (which includes findings for denial) and a copy of the draft minutes from the November 20, 2003 Planning Commission hearing.

Environmental Review:

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).

Public Notice:

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the city website.

Alternatives:

The Council has the following options:

1. The Council can uphold the decision of the Planning Commission and deny the appeal.
2. The Council can reverse the decision of the Planning Commission and approve the request by adopting the findings contained in the attached Modifications Committee approval letter.

Prepared by:

Submitted by:

  
Gregg B. Ramirez, Associate Planner

  
Patricia L. Temple, Planning Director

Attachments:

- A. Planning Commission Staff Report
- B. Draft Minutes from Planning Commission Meeting of November 20, 2003
- C. Modifications Committee Approval Letter
- D. Appeal Application
- E. Project Plans

# ATTACHMENT A

Planning Commission Staff Report

# **CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT**

Agenda Item No. 2  
November 20, 2003

**TO:** PLANNING COMMISSION

**FROM:** Gregg B. Ramirez, Associate Planner  
(949) 644-3219, [gramirez@city.newport-beach.ca.us](mailto:gramirez@city.newport-beach.ca.us)

**SUBJECT:** Call for review of the approval of Modification Permit No. 2003-097  
Conexant Signage  
4000 MacArthur Boulevard  
(PA2003-232)

**APPLICANT:** Conexant Systems Inc.

**FILE COPY**

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## **BACKGROUND:**

On October 22, 2003, the Modifications Committee voted 3-0 to approve Modification Permit No. 2003-232. The applicant requested approval for the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area on the west tower of the Conexant/Mindspeed building located at 4000 MacArthur Boulevard. The Koll Center Planned Community District Regulations allows signs on two facades per building and limits each sign to 200 square feet in area. This item was called for review by Commissioner Kiser.

The existing signage was approved by Modification Permit No. 5036 on February 16, 2000 which allows a total of four wall signs (two on each tower) each of which exceeds the 200 square foot maximum size. The two Conexant signs measure 387 square feet each while the two Mindspeed signs measure approximately 226 square feet each.

The proposed fifth wall sign will be located on the west tower of the building (Conexant) and bring the signage total to three "Conexant" signs in addition to the two "Mindspeed" signs on the east tower. The Modifications Committee believed the number of signs proposed is acceptable as the building is actually made up of two multi-story towers connected only by a single story common area. The building is more akin to two separate buildings which would be permitted to have two wall signs each. Additionally, the Committee believed that the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size of the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage.

Environmental Review:

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).

Public Notice:

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the city website.

RECOMMENDATION:

Staff recommends that the Planning Commission uphold and affirm the decision of the Modifications Committee. If the Commission believes the proposed fifth sign is excessive in size or not appropriate for this location, the Commission has the following options:

1. The commission can reverse the decision of the Modifications Committee and deny the request.
2. The Commission has the option of modifying the project by approving a smaller sign.

Prepared by:

  
Gregg B. Ramirez, Associate Planner

Submitted by:

  
Patricia L. Temple, Planning Director

Exhibits:

1. Approval letter for Modification Permit No. 2003-097
2. Findings for Denial
- 3.. Project Plans



CITY OF NEWPORT BEACH

**MODIFICATION PERMIT NO. MD2003-097**  
(PA2003-232)

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92658  
(949) 644-3200; FAX (949) 644-3229

Staff Person: Javier S. Garcia, 644-3206  
Appeal Period: 14 days after approval date

October 22, 2003

Conexant Systems, Inc.  
4000 MacArthur Boulevard  
Newport Beach, CA 92660

**Application No:** Modification Permit No. MD2003-097  
(PA2003-232)

**Applicant:** Conexant Systems, Inc.

**Address of  
Property Involved:** 4000 MacArthur Boulevard

**Legal Description:** Parcel 1 of Parcel Map Book 114, Page 22

**Approved as Requested:**

Request approved to allow the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit walls signs to 200 square feet in area per sign, and to two facades per building. The request as approved will allow for a third wall sign that identifies Conexant as a major tenant as viewed by vehicles traveling northerly on Jamboree Road. The property is located in the PC (Koll Center Newport Planned Community) District.

The Modifications Committee, on October 22, 2003, voted 3 ayes and 0 noes to approve the application request based on the following findings and subject to the following conditions.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:


**FINDINGS:**

1. The Land Use Element of the General Plan designates the site for "Administrative, Professional and Financial Commercial" uses and the existing structure is consistent with this designation. The signage is accessory to the primary use.

4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees shall be provided and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement if required.
6. A building permit shall be obtained prior to commencement of the construction.
7. All work performed within the public right of way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. A filing fee of \$915.00 shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.

#### MODIFICATIONS COMMITTEE

By   
Javier S. Garcia, AICP, Senior Planner  
Chairperson

JSG:mem

Attachments: Vicinity Map

Appeared  
In Opposition: None

Appeared  
In Support: None

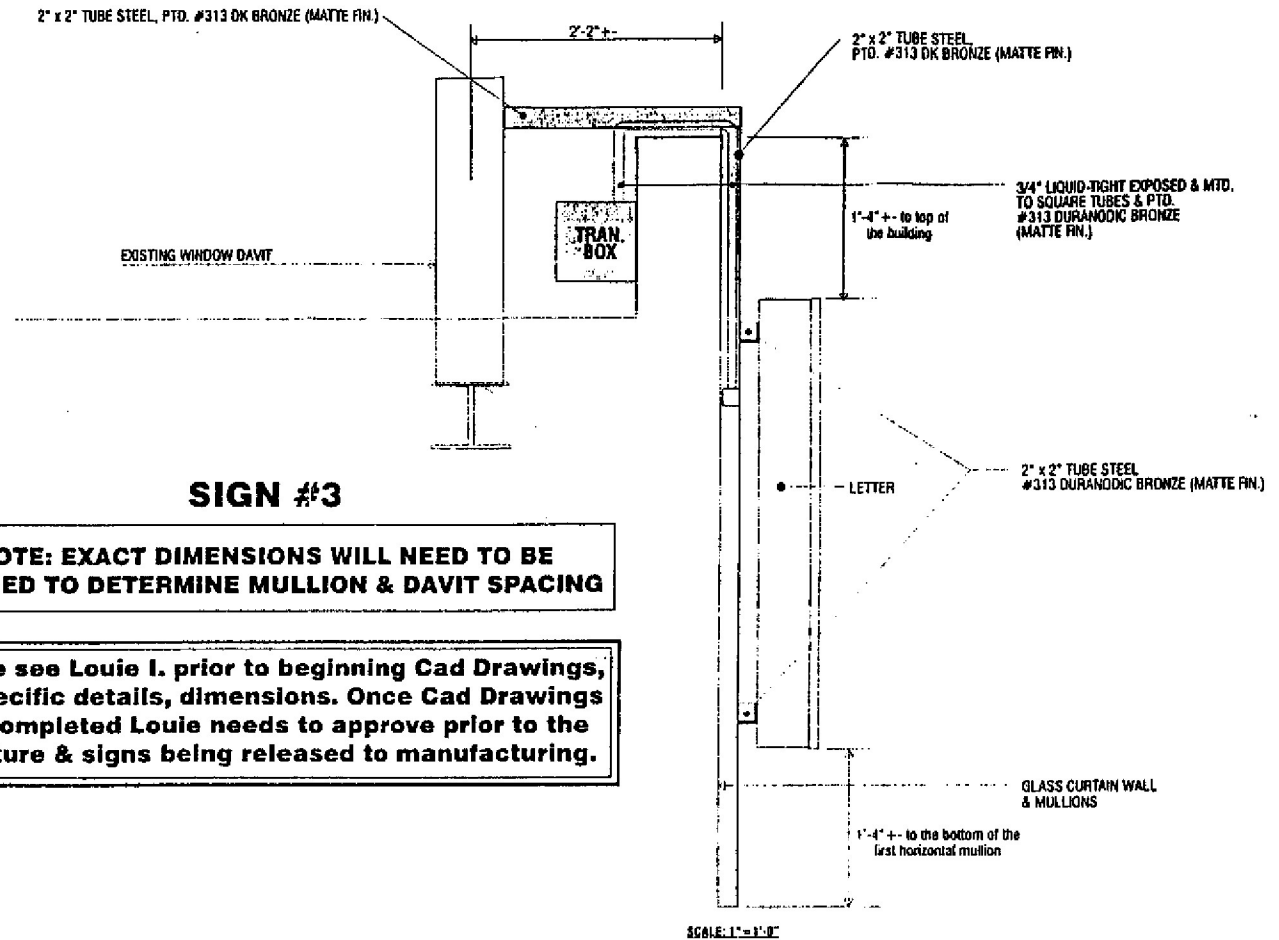
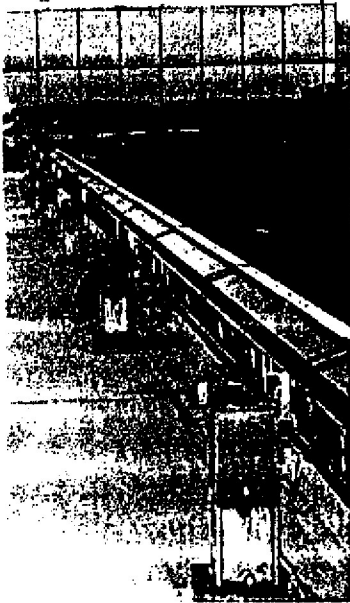
Findings for Denial  
Modification Permit No. 2003-097  
PA2003-232

The establishment, maintenance or operation of the proposed sign will, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood for the following reasons:

1. The proposed sign is inconsistent with the legislative intent of the Koll Center Planned Community development regulations, which limits the number of wall signs to two per building with a maximum of size of 200 square feet each.
2. The existing signage as approved by the two previous Modification Permit approvals is adequate for the site and the proposed additional sign will be excessive.







**SIGN #3**

**\*NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING**

**Please see Louie I. prior to beginning Cad Drawings, for specific details, dimensions. Once Cad Drawings are completed Louie needs to approve prior to the structure & signs being released to manufacturing.**

**FEDERAL  
HEATH**  
SIGN COMPANY

Mark Webb  
ACCOUNT MANAGER

Federal Sign  
2150 Boggs Rd., Suite 140  
Duluth, GA 30096  
770-478-1621

D. REEVES

SALES VP

GENERAL PROJECT NO.

REVISIONS

NOTES

CONEXANT  
4000 MacArthur Blvd.  
Newport Beach, CA.

CUSTOMER APPROVAL  
DATE  
04 August, 2003  
DWG NO.  
2338887

DATE

JOB NO.	
DATE	04 August, 2003
DWG NO.	2338887
SHEET	2 OF 3

## ATTACHMENT B

Draft Minutes from Planning Commission  
Meeting of November 20, 2003

**HEARING ITEMS**

**SUBJECT: Conexant Sign, call for review (PA2003-232)  
4000 MacArthur Boulevard**

**ITEM NO. 2  
PA2003-232**

Permit the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit walls signs to 200 square feet in area per sign, and to two facades per building.

**Denied**

Commissioner Kiser noted the following:

- Called this item up because there would be excessive signage allowed for this building.
- This building has been accommodated in a number of adequate ways: a modification for four signs instead of two, a modification for the 'Mindspeed' signs that were over the PC Plan Standard maximum of 200 square feet; and modifications have been given for the two existing Conexant signs, each of which are 387 square feet instead of the 200 square foot maximum that the regulations allow.
- Presently there is 1,226 square feet of signage on four elevations of the building (two towers) that is considerably more than the 400 or 800 square feet that are allowed whether you consider this one building or two towers.
- It would be 1,613 square feet with the south elevation having two signs if this Modifications Committee decision was upheld.
- This would go beyond what is attractive and would start to look 'junky'.
- If the decision were to be upheld, then to be fair and responsible in our decision making the same allowance should be made for the other buildings in the airport area. If you are going to allow signage on three sides of a building, imagine what the airport area would look like with signage on three sides. It is too much.
- The property owner or tenant will have to chose with the two sides requirement, which two sides would look the best.
- The sign that is proposed to go up is one that Conexant already has and is the sign that was removed from the other tower when they also occupied that.
- There has to be an end point to the amount of signage allowed and this is the time to say no.
- To allow modification of what is in a PC District Regulation on an ad hoc basis is carried through to many of these modifications that end up legislating the signage of the Code on an ad hoc basis that leads to poor planning and decision making.

- If we were to change these regulations and allow more signage and with significant amount of square footage, then we should do it by the way of a modification to the Sign Code and in this case a PC District regulations and not piece meal.
- For these reasons, I believe we should vote to reverse the decision of the Modifications Committee and not allow the additional sign.

Commissioner Tucker noted his support of the Modifications Committee. The staff report says that the committee believed the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size on the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage. I don't have the sense this was an erroneous decision. I don't have a problem with the decision.

Public hearing was opened.

Public hearing was closed.

Commissioner Eaton noted his support of Commissioner Kiser's comments. He suggested that he would advise the Conexant and Mindspeed to look at the placement of the existing signs and possibly re-distribute them. Two of them are not provided enough visibility and could get more if moved. I don't believe the applicant needs five signs.

Commissioner Selich noted his support of the Modifications Committee decision. The size of the property and size of the buildings, the Committee made some good statements in support of their decision.

Chairperson McDaniel noted his support of comments made by Commissioner Eaton. I am not sure the signs are placed well, as they are blocked by some of the trees. I support reversing the decision of the Modifications Committee.

**Motion** was made by Commissioner Kiser to reverse the decision of the Modifications Committee and deny the request if Modification Permit No. 2003-097 based on the findings for denial attached to the staff report.

Staff, at Commission inquiry, noted that if Conexant moved out of the building and another tenant moved in with different copy that was consistent with the size, they would have right to these sign locations.

<b>Ayes:</b>	Eaton, Toerge, McDaniel and Kiser
<b>Noes:</b>	Cole, Selich and Tucker
<b>Absent:</b>	None
<b>Abstain:</b>	None

\*\*\*

**SUBJECT: Mariposa Restaurant at Neiman-Marcus (PA2003-229)**  
**601 Newport Center Drive**

**ITEM NO. 3**  
**PA2003-229**

Request for a Use Permit pursuant to the Alcoholic Beverage Outlet

**Approved**

## ATTACHMENT C

Modifications Committee Approval Letter



**CITY OF NEWPORT BEACH**

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92658  
(949) 644-3200; FAX (949) 644-3229

**MODIFICATION PERMIT NO. MD2003-097**  
**(PA2003-232)**

Staff Person: Javier S. Garcia, 644-3206  
Appeal Period: 14 days after approval date

October 22, 2003

Conexant Systems, Inc.  
4000 MacArthur Boulevard  
Newport Beach, CA 92660

**Application No:** Modification Permit No. MD2003-097  
(PA2003-232)

**Applicant:** Conexant Systems, Inc.

**Address of  
Property Involved:** 4000 MacArthur Boulevard

**Legal Description:** Parcel 1 of Parcel Map Book 114, Page 22

**Approved as Requested:**

Request approved to allow the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit wall signs to 200 square feet in area per sign, and to two facades per building. The request as approved will allow for a third wall sign that identifies Conexant as a major tenant as viewed by vehicles traveling northerly on Jamboree Road. The property is located in the PC (Koll Center Newport Planned Community) District.

The Modifications Committee, on October 22, 2003, voted 3 ayes and 0 noes to approve the application request based on the following findings and subject to the following conditions.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

**FINDINGS:**

1. The Land Use Element of the General Plan designates the site for "Administrative, Professional and Financial Commercial" uses and the existing structure is consistent with this designation. The signage is accessory to the primary use.

2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).
3. The modification to the Koll Center Newport Planned Community development standards as proposed would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reasons:
  - The site is comprised of two towers and each tower has a separate primary tenant so the proposed sign is a reasonable design solution for irregularly located structures.
  - The Conexant tower has five facades. The proposed sign, along with the existing signage, will allow drivers coming from any direction to identify Conexant as a major tenant of the site.
4. The modification to the Koll Center Newport Planned Community development standards as proposed will not be detrimental to persons, property or improvements in the neighborhood or increase any detrimental effect of the existing use for the following reasons:
  - The size of the signage is consistent with the existing Conexant wall signs.
  - The size of the signage is appropriate to the scale of the building.
5. The proposed sign will not affect the flow of air or light to adjoining residential properties because there are no residential properties in the area.
6. The proposed sign will not obstruct public views from adjacent public roadways or parks because there are no public views through or across the subject property that are affected by the proposed project.

**CONDITIONS:**

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. The "Conexant" sign shall not exceed 387 square feet, as measured within a rectangle per the Koll Center Newport Planned Community development standards.
3. Anything not specifically approved by this Modification Permit is not permitted and must be addressed in a separate and subsequent Modification Permit review.



4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees shall be provided and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement if required.
6. A building permit shall be obtained prior to commencement of the construction.
7. All work performed within the public right of way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. A filing fee of \$915.00 shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.

#### MODIFICATIONS COMMITTEE

By Javier S. Garcia  
Javier S. Garcia, AICP, Senior Planner  
Chairperson

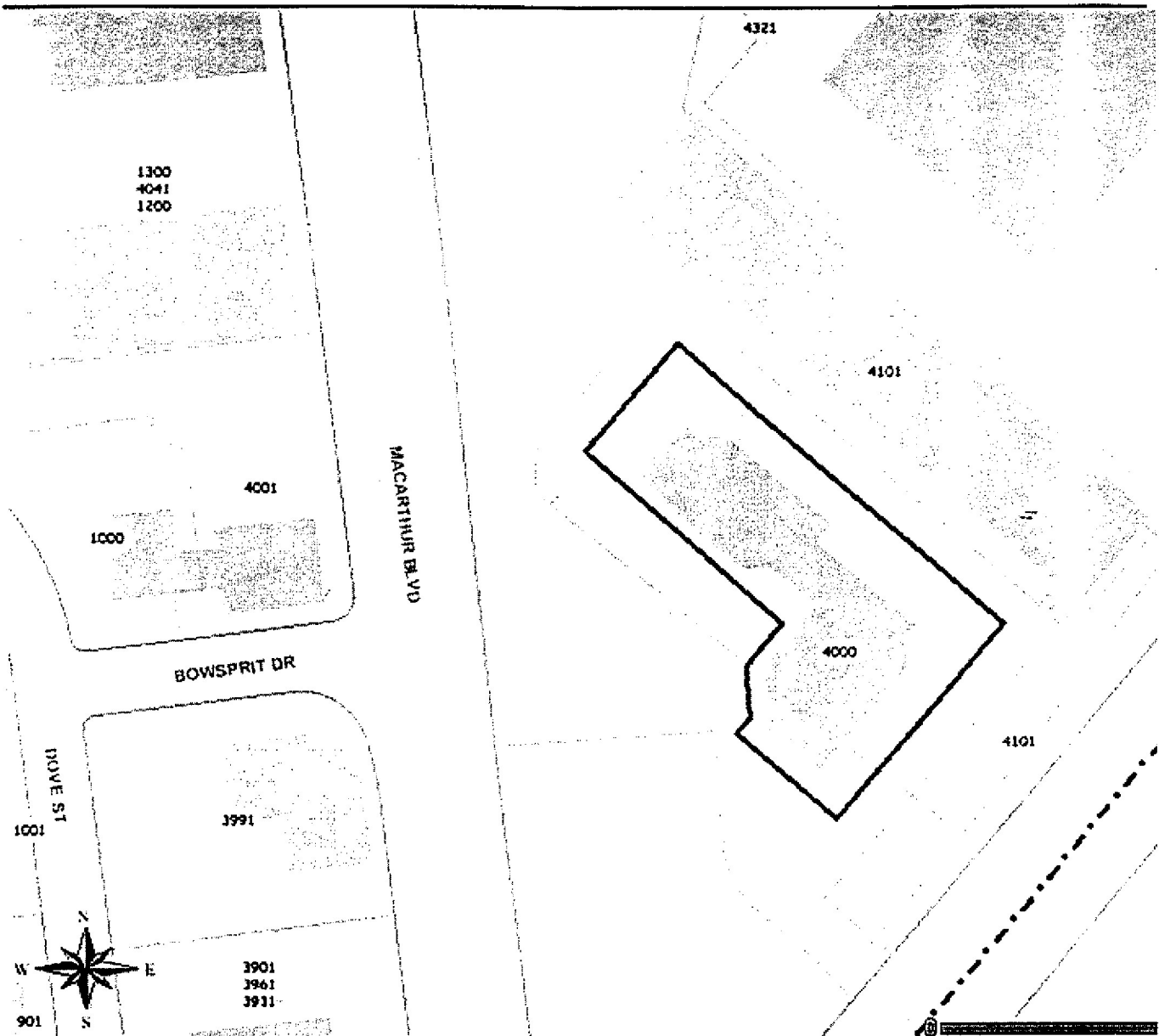
JSG:mem

Attachments: Vicinity Map

Appeared  
in Opposition: None

Appeared  
in Support: None

# VICINITY MAP



Modification Permit No. MD2003-097  
**PA2003-232**

4000 MacArthur Boulevard

## ATTACHMENT D

Appeal Application

# CITY OF NEWPORT BEACH

## APPLICATION TO APPEAL DECISION OF THE PLANNING COMMISSION

Application No. PA 2003-232 MOD PERMIT NO. 2003-09703 NOV 24 12:00

Name of Appellant  
or person filing: Jake Cisneros Phone: 949-483-9374

Address: 4000 MacArthur BL.

Date of Planning Commission decision: 11-20, 2003

Regarding application of: CONEXANT SYSTEMS, INC. for

(Description of application filed with Planning Commission) ☒ additional wall sign  
for Conexant at 4000 MacArthur Blvd. WEST TOWER.

Reasons for Appeal: The Building consists of two ten story Towers with five facades each. The addition of the proposed sign would NOT create a proliferation of signage in that you would never see more than two signs on the building at one time. The sign is necessary for proper ID for international customers approaching from LAX and San Diego Airports.

Signature of Appellant J. Cisneros Date 11/24/03

Salvatore M. Harkless  
CITY CLERK

### FOR OFFICE USE ONLY

Date Appeal filed and Administrative Fee received: November 24, 2003.

Hearing Date. An appeal shall be scheduled for a hearing before the City Council within thirty (30) days of the filing of the appeal unless both applicant and appellant or reviewing body consent to a later date (NBMC Sec. 20.95.060)

cc: Appellant  
Planning (Furnish one set of mailing labels for mailing)  
File

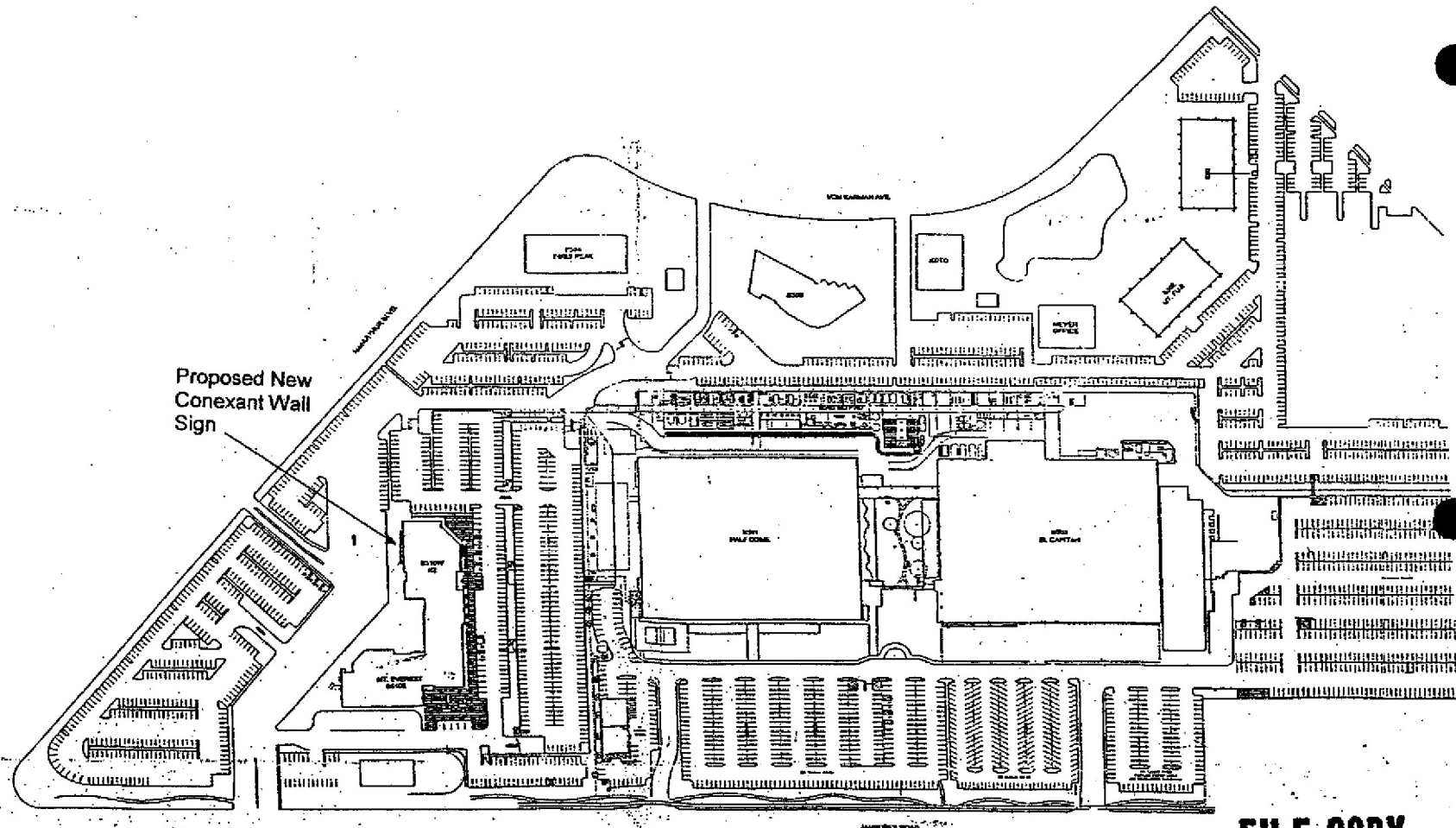
APPEALS: Municipal Code Sec. 20.95.050(B)

Appeal Fee: \$455 pursuant to Resolution No. 2003-40 adopted on 8-12-03 (effective 8-13-03)

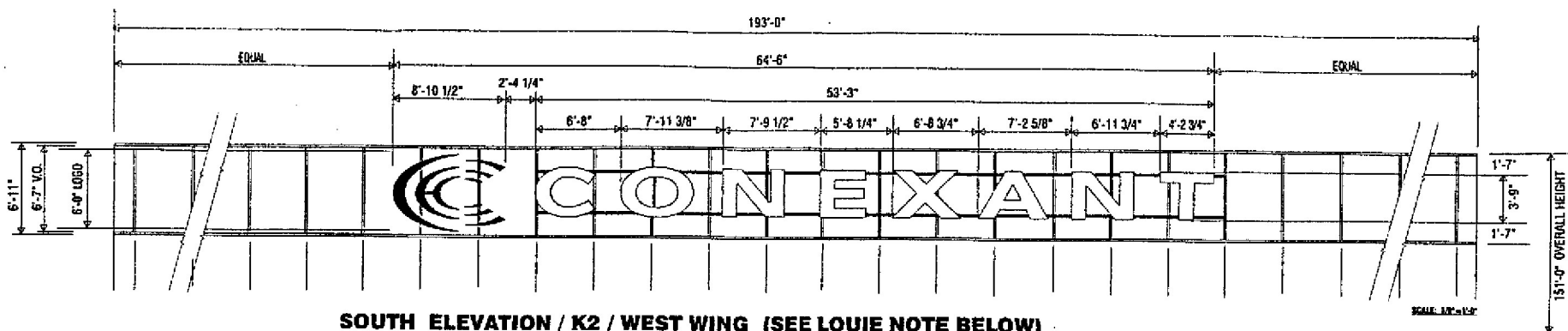
(Deposit funds with Cashier in Account #2700-5000)

# ATTACHMENT E

## Project Plans



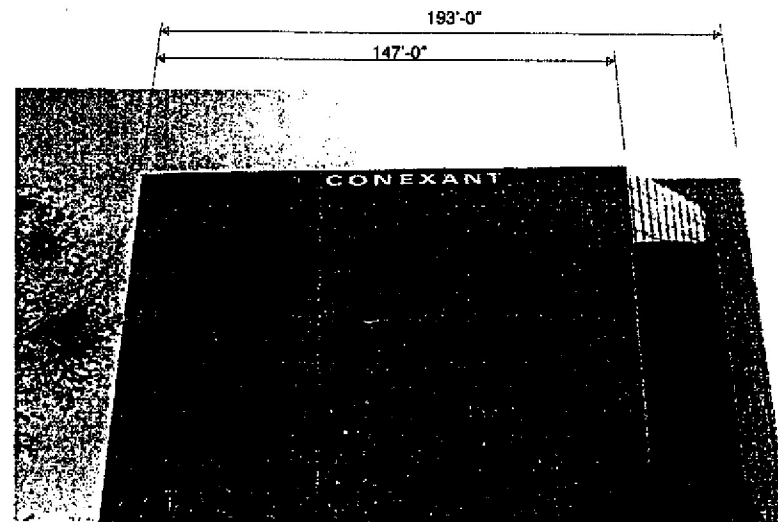
**FILE COPY**



### SIGN #3 NEW LOGO & LETTERSET

- \* MFG. & INSTALL ONE (1) SET OF INTER. ILLUM. PLEXIGLAS & LEXAN FACED CHANNEL LOGO & LETTERS \*
- \* LOGO RETURNS: FAB. FROM ALUM. & PAINTED. T/M THE MULLION COLOR ON THE BUILDING. (#313 DURANODIC BRONZE MATTE FINISH).
- \* LOGO FACES: 3/16" THICK CLEAR LEXAN W/ 3M #3630-33 RED TRANSLUCENT APPLIED TO THE INTER. SURFACES.
- \* RETAINERS: 1" RED TRIM CAP (CLOSELY MATCHES PMS #485 RED).
- \* ILLUMINATION: BY 15 MM CLEAR RED NEON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).
- \* LETTER RETURNS: FAB. FROM ALUM. & PAINTED T/M THE MULLION COLOR ON THE BUILDING. (#313 DURANODIC BRONZE, MATTE FINISH).
- \* LETTER FACES: 3/16" THICK #7328 WHITE PLEXIGLAS.
- \* RETAINERS: 1" WHITE TRIM CAP.
- \* ILLUMINATION: BY 15 MM #6500 BRIGHT WHITE ARGON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).

\*NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING.



**SOUTH ELEVATION / K2 / WEST WING / Proposed Signage**  
 HEIGHT OF THE BUILDING IS 151'-0"  
 OVERALL LENGTH OF THE SOUTH ELEVATION IS 193'-0"

**FEDERAL HEATH**  
 SIGN COMPANY

Mark Webb  
 ACCOUNT REP.  
 Federal Sign  
 2150 Boggs Rd., Suite 140  
 Duluth, GA 30096  
 770-476-1621  
 D. REEVES  
 DRAWN BY

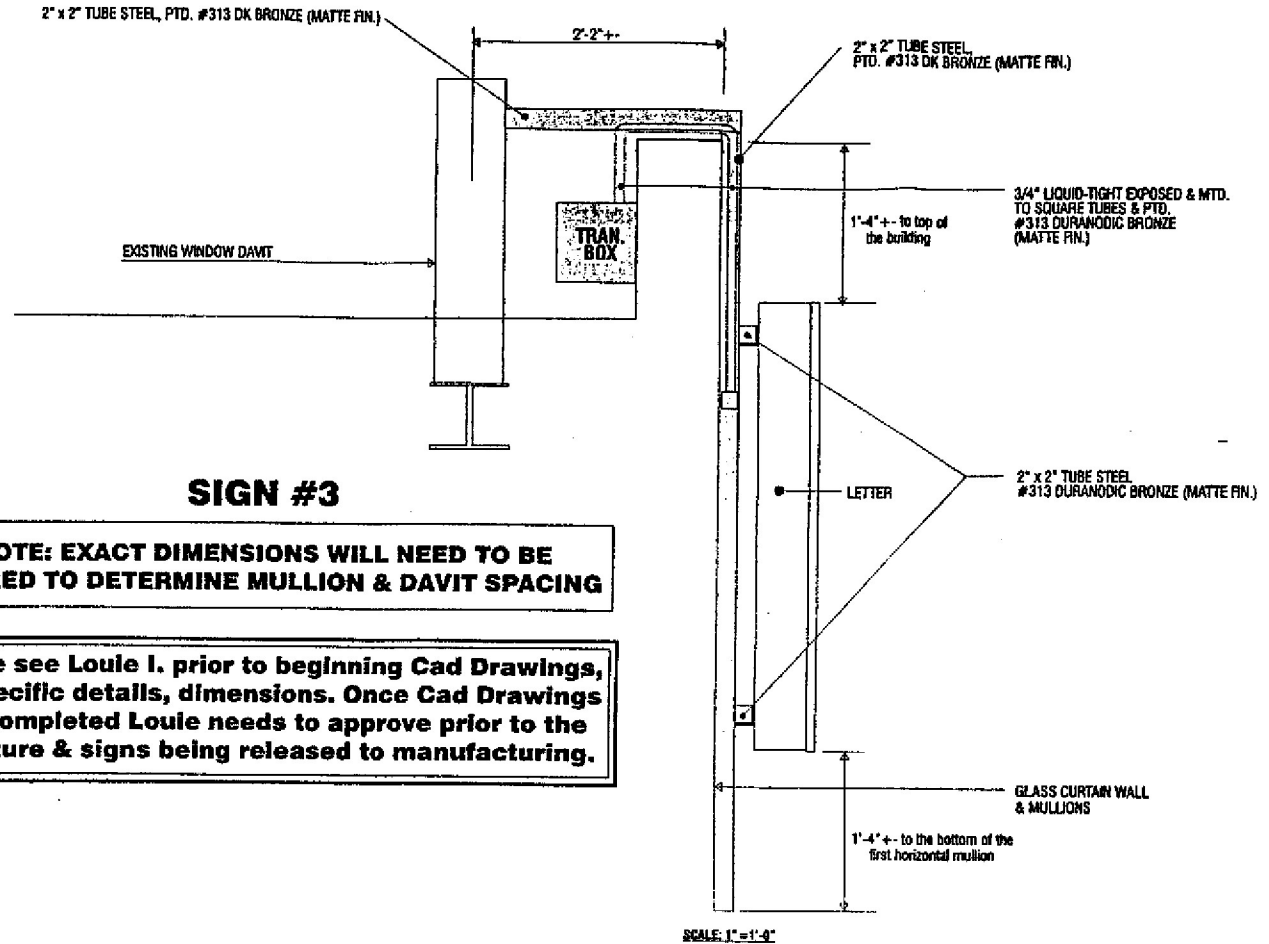
SENIOR PROJECT MGR  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 REVISIONS

NOTES  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CONEXANT  
 4000 MacArthur Blvd.  
 Newport Beach, CA.

CUSTOMER APPROVAL  
 DATE  
 This is an original, unpublished drawing submitted in connection with a project we are pursuing for you. It is not to be copied, reproduced, exhibited or placed in any other way without the written permission of Federal Sign.

JOB NO.  
 DATE  
 04 August, 2003  
 DWG NO.  
 2338687  
 SHEET 1 OF 3



### SIGN #3

**\*NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING**

**Please see Louie I. prior to beginning Cad Drawings, for specific details, dimensions. Once Cad Drawings are completed Louie needs to approve prior to the structure & signs being released to manufacturing.**

**FEDERAL  
HEATH**  
SIGN COMPANY

Mark Webb  
ACCOUNT REP.  
Federal Sign  
2150 Boggs Rd., Suite 140  
Duluth, GA 30096  
770-478-1821  
D. REEVES  
DRAWN BY

SENIOR PROJECT MGR

REVISIONS

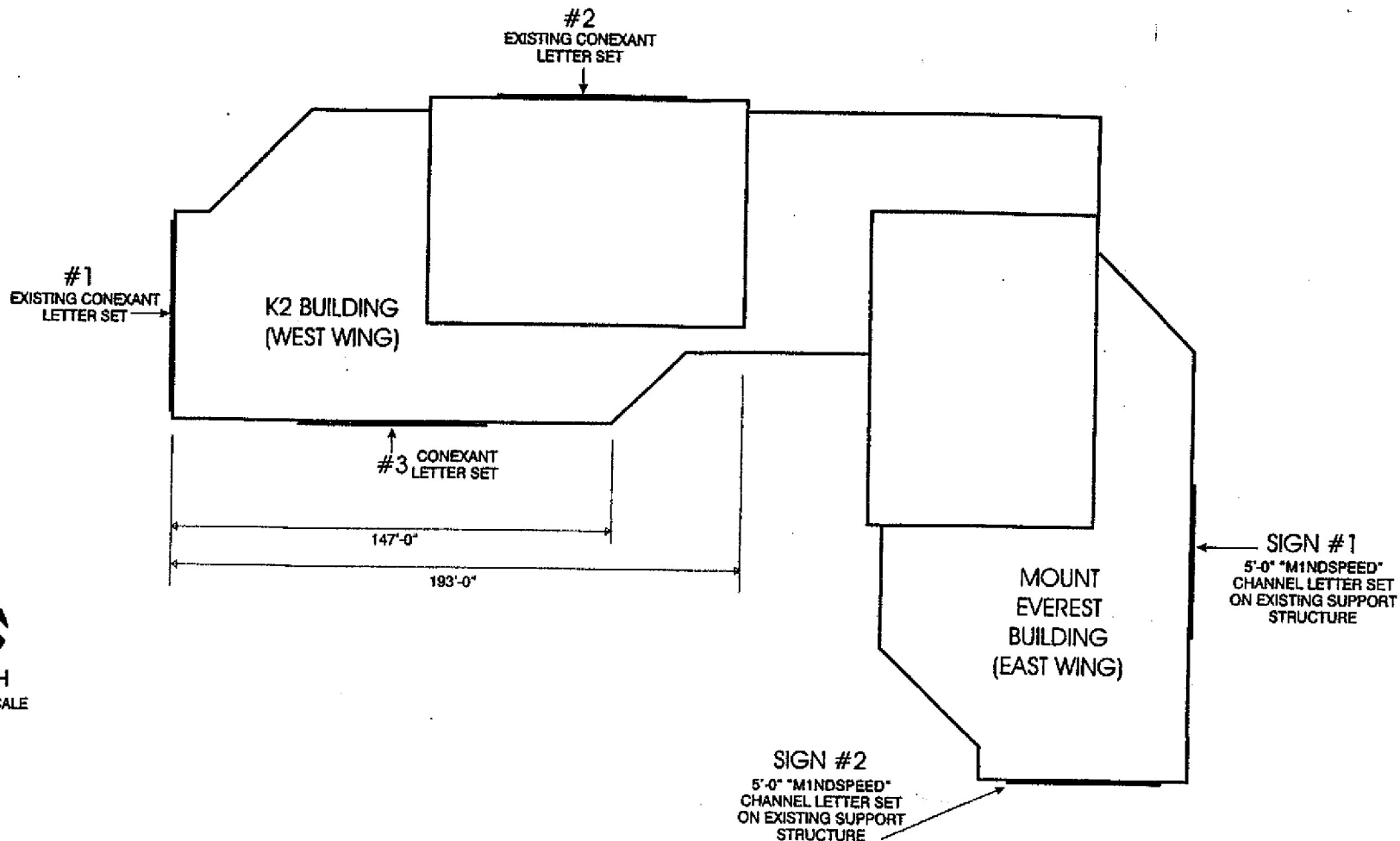
NOTES

CONEXANT  
4000 MacArthur Blvd.  
Newport Beach, CA.

CUSTOMER APPROVAL  
DATE  
04 August, 2003  
DWD NO.  
2338887  
FILE NAME

JOB NO.  
DATE  
04 August, 2003  
DWD NO.  
2338887  
SHEET 2 OF 3





**FEDERAL  
HEATH**  
SIGN COMPANY

Mark Webb

ACCOUNT REP.

Federal Sign  
2150 Boggs Rd., Suite 140  
Duluth, GA 30096  
770-478-1821

D. REEVES

DRAWN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

CONEXANT  
4000 MacArthur Blvd.  
Newport Beach, CA.

CUSTOMER APPROVAL

This is an original, unaltered drawing submitted in connection with a project and is subject to the terms, conditions and restrictions of the contract, including but not limited to the terms, conditions and restrictions of the contract.

FILE NAME

DATE

JOB NO.

DATE:

04 August, 2003

DWG NO.

2338887

SHEET 3 OF 3

**HEARING ITEMS**

**SUBJECT:    Conexant Sign, call for review (PA2003-232)**  
**4000 MacArthur Boulevard**

**ITEM NO. 2**  
**PA2003-232**

**Denied**

Permit the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit walls signs to 200 square feet in area per sign, and to two facades per building.

Commissioner Kiser noted the following:

- Called this item up because there would be excessive signage allowed for this building.
- This building has been accommodated in a number of adequate ways: a modification for four signs instead of two, a modification for the 'Mindspeed' signs that were over the PC Plan Standard maximum of 200 square feet; and modifications have been given for the two existing Conexant signs, each of which are 387 square feet instead of the 200 square foot maximum that the regulations allow.
- Presently there is 1,226 square feet of signage on four elevations of the building (two towers) that is considerably more than the 400 or 800 square feet that are allowed whether you consider this one building or two towers.
- It would be 1,613 square feet with the south elevation having two signs if this Modifications Committee decision was upheld.
- This would go beyond what is attractive and would start to look 'junky'.
- If the decision were to be upheld, then to be fair and responsible in our decision making the same allowance should be made for the other buildings in the airport area. If you are going to allow signage on three sides of a building, imagine what the airport area would look like with signage on three sides. It is too much.
- The property owner or tenant will have to chose with the two sides requirement, which two sides would look the best.
- The sign that is proposed to go up is one that Conexant already has and is the sign that was removed from the other tower when they also occupied that.
- There has to be an end point to the amount of signage allowed and this is the time to say no.
- To allow modification of what is in a PC District Regulation on an ad hoc basis is carried through to many of these modifications that end up legislating the signage of the Code on an ad hoc basis that leads to poor planning and decision making.

- If we were to change these regulations and allow more signage and with significant amount of square footage, then we should do it by the way of a modification to the Sign Code and in this case a PC District regulations and not piece meal.
- For these reasons, I believe we should vote to reverse the decision of the Modifications Committee and not allow the additional sign.

Commissioner Tucker noted his support of the Modifications Committee. The staff report says that the committee believed the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size on the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage. I don't have the sense this was an erroneous decision. I don't have a problem with the decision.

Public hearing was opened.

Public hearing was closed.

Commissioner Eaton noted his support of Commissioner Kiser's comments. He suggested that he would advise the Conexant and Mindspeed to look at the placement of the existing signs and possibly re-distribute them. Two of them are not provided enough visibility and could get more if moved. I don't believe the applicant needs five signs.

Commissioner Selich noted his support of the Modifications Committee decision. The size of the property and size of the buildings, the Committee made some good statements in support of their decision.

Chairperson McDaniel noted his support of comments made by Commissioner Eaton. I am not sure the signs are placed well, as they are blocked by some of the trees. I support reversing the decision of the Modifications Committee.

**Motion** was made by Commissioner Kiser to reverse the decision of the Modifications Committee and deny the request if Modification Permit No. 2003-097 based on the findings for denial attached to the staff report.

Staff, at Commission inquiry, noted that if Conexant moved out of the building and another tenant moved in with different copy that was consistent with the size, they would have right to these sign locations.

<b>Ayes:</b>	Eaton, Toerge, McDaniel and Kiser
<b>Noes:</b>	Cole, Selich and Tucker
<b>Absent:</b>	None
<b>Abstain:</b>	None

\* \* \*

**SUBJECT:** Mariposa Restaurant at Neiman-Marcus (PA2003-229)  
601 Newport Center Drive

Request for a Use Permit pursuant to the Alcoholic Beverage Outlet

**ITEM NO. 3**  
**PA2003-229**

**Approved**

**CITY OF NEWPORT BEACH  
PLANNING COMMISSION STAFF REPORT**

Agenda Item No. 2  
November 20, 2003

**TO:** PLANNING COMMISSION

**FROM:** Gregg B. Ramirez, Associate Planner  
(949) 644-3219, [gramirez@city.newport-beach.ca.us](mailto:gramirez@city.newport-beach.ca.us)

**SUBJECT:** Call for review of the approval of Modification Permit No. 2003-097  
Conexant Signage  
4000 MacArthur Boulevard  
(PA2003-232)

**APPLICANT:** Conexant Systems Inc.

**FILE COPY**

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**BACKGROUND:**

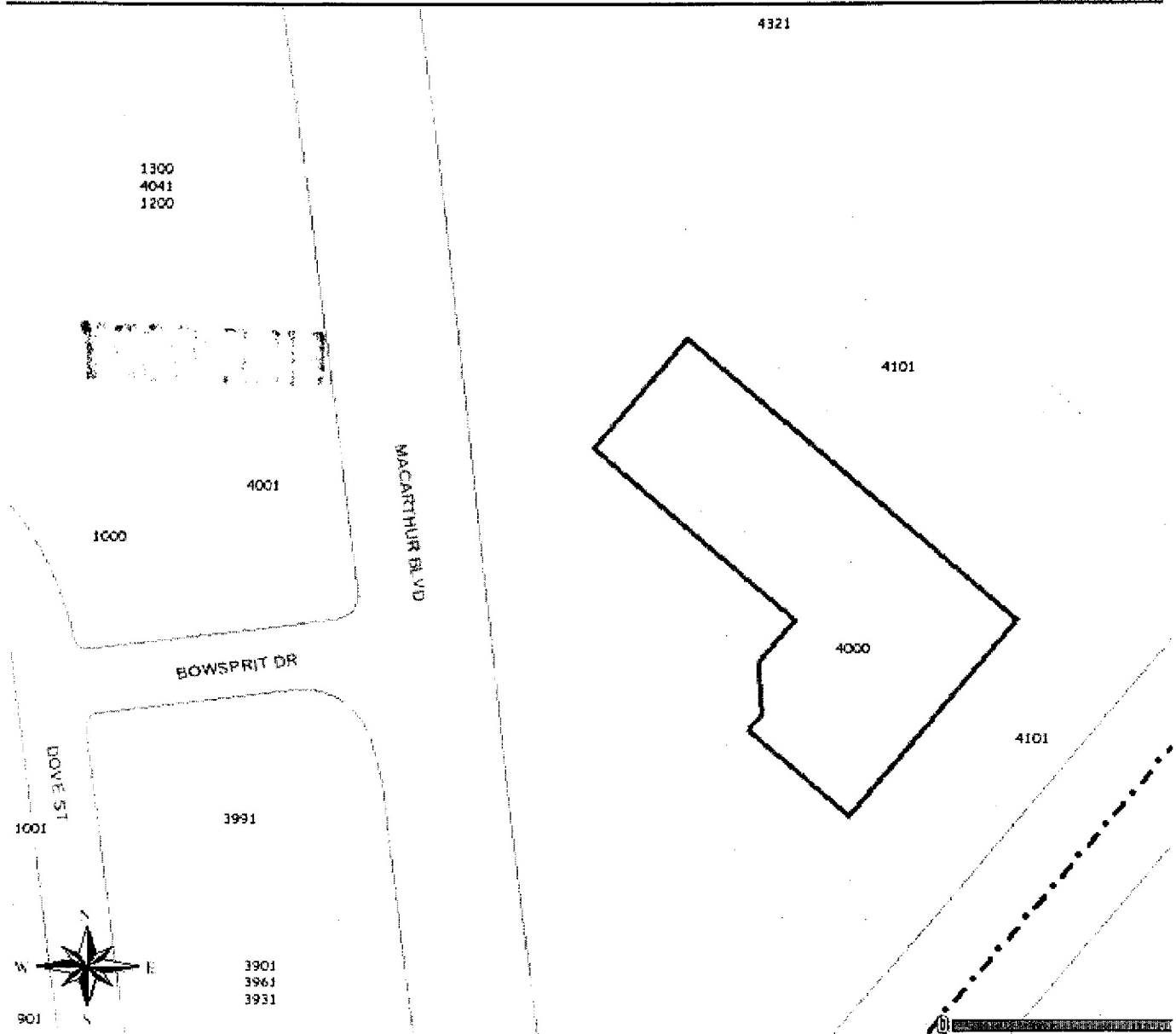
On October 22, 2003, the Modifications Committee voted 3-0 to approve Modification Permit No. 2003-232. The applicant requested approval for the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area on the west tower of the Conexant/Mindspeed building located at 4000 MacArthur Boulevard. The Koll Center Planned Community District Regulations allows signs on two facades per building and limits each sign to 200 square feet in area. This item was called for review by Commissioner Kiser.

The existing signage was approved by Modification Permit No. 5036 on February 16, 2000 which allows a total of four wall signs (two on each tower) each of which exceeds the 200 square foot maximum size. The two Conexant signs measure 387 square feet each while the two Mindspeed signs measure approximately 226 square feet each.

The proposed fifth wall sign will be located on the west tower of the building (Conexant) and bring the signage total to three "Conexant" signs in addition to the two "Mindspeed" signs on the east tower. The Modifications Committee believed the number of signs proposed is acceptable as the building is actually made up of two multi-story towers connected only by a single story common area. The building is more akin to two separate buildings which would be permitted to have two wall signs each. Additionally, the Committee believed that the request for the fifth sign is rational given that the Conexant tower has five facades and that the 387 square foot size of the proposed fifth sign is appropriate given the size and scale of the building and it is consistent with the existing Conexant signage.

## VICINITY MAP

### 4000 MacArthur Boulevard



### Modification Permit No. 2003-097 (PA2003-232)

Current Development:	Commercial
To the north:	Administrative, Professional and Financial Commercial
To the east:	Administrative, Professional and Financial Commercial
To the south:	Administrative, Professional and Financial Commercial
To the west:	Administrative, Professional and Financial Commercial

**Environmental Review:**

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).

**Public Notice:**

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the city website.

**RECOMMENDATION:**

Staff recommends that the Planning Commission uphold and affirm the decision of the Modifications Committee. If the Commission believes the proposed fifth sign is excessive in size or not appropriate for this location, the Commission has the following options:

1. The commission can reverse the decision of the Modifications Committee and deny the request.
2. The Commission has the option of modifying the project by approving a smaller sign.

Prepared by:

  
Gregg B. Ramirez, Associate Planner

Submitted by:

  
Patricia L. Temple, Planning Director

Exhibits:

1. Approval letter for Modification Permit No. 2003-097
2. Findings for Denial
- 3.. Project Plans

## EXHIBIT NO. 1

Approval letter for Modification Permit No. 2003-097





2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).
3. The modification to the Koll Center Newport Planned Community development standards as proposed would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reasons:
  - The site is comprised of two towers and each tower has a separate primary tenant so the proposed sign is a reasonable design solution for irregularly located structures.
  - The Conexant tower has five facades. The proposed sign, along with the existing signage, will allow drivers coming from any direction to identify Conexant as a major tenant of the site.
4. The modification to the Koll Center Newport Planned Community development standards as proposed will not be detrimental to persons, property or improvements in the neighborhood or increase any detrimental effect of the existing use for the following reasons:
  - The size of the signage is consistent with the existing Conexant wall signs.
  - The size of the signage is appropriate to the scale of the building.
5. The proposed sign will not affect the flow of air or light to adjoining residential properties because there are no residential properties in the area.
6. The proposed sign will not obstruct public views from adjacent public roadways or parks because there are no public views through or across the subject property that are affected by the proposed project.

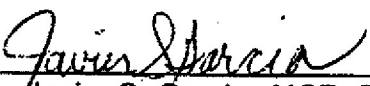
**CONDITIONS:**

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. The "Conexant" sign shall not exceed 387 square feet, as measured within a rectangle per the Koll Center Newport Planned Community development standards.
3. Anything not specifically approved by this Modification Permit is not permitted and must be addressed in a separate and subsequent Modification Permit review.

4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees shall be provided and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement if required.
6. A building permit shall be obtained prior to commencement of the construction.
7. All work performed within the public right of way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. A filing fee of \$915.00 shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.

#### MODIFICATIONS COMMITTEE

By   
Javier S. Garcia, AICP, Senior Planner  
Chairperson

JSG:mem

Attachments: Vicinity Map

Appeared  
In Opposition: None

Appeared  
In Support: None

## EXHIBIT NO. 2

### Findings for Denial

**Findings for Denial  
Modification Permit No. 2003-097  
PA2003-232**

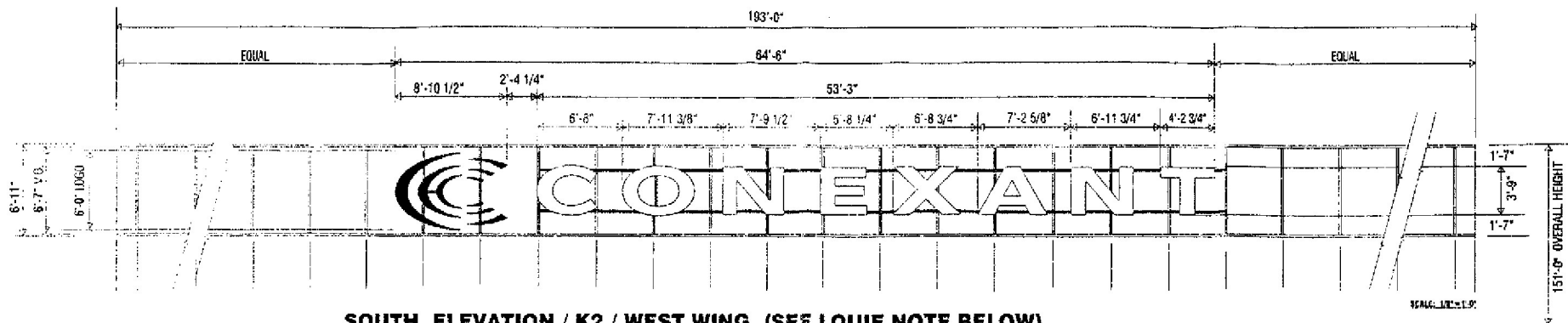
The establishment, maintenance or operation of the proposed sign will, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood for the following reasons:

1. The proposed sign is inconsistent with the legislative intent of the Koll Center Planned Community development regulations, which limits the number of wall signs to two per building with a maximum of size of 200 square feet each.
2. The existing signage as approved by the two previous Modification Permit approvals is adequate for the site and the proposed additional sign will be excessive.

## EXHIBIT NO. 3

Project Plans



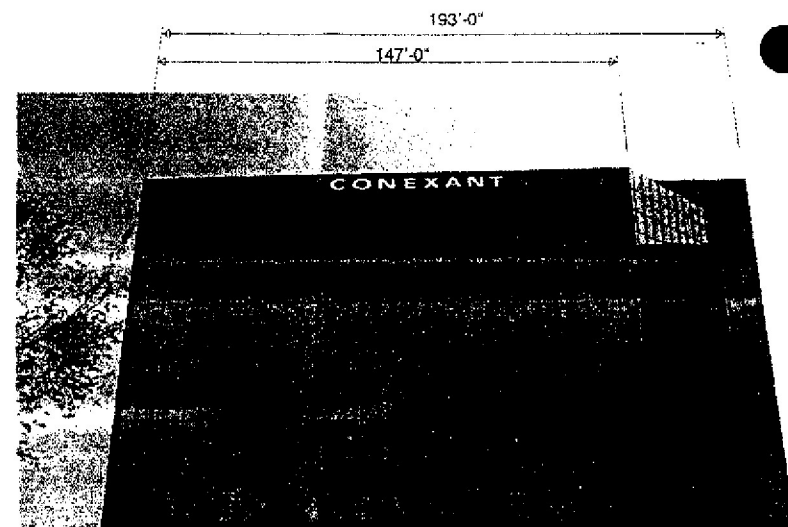


**SOUTH ELEVATION / K2 / WEST WING (SEE LOUIE NOTE BELOW)**

### SIGN #3 NEW LOGO & LETTERSET

- \* MFG. & INSTALL ONE (1) SET OF INTER. ILLUM. PLEXIGLAS & LEXAN FACED CHANNEL LOGO & LETTERS \*
- "LOGO RETURNS": FAB. FROM ALUM. & PAINTED, T/M THE MULLION COLOR ON THE BUILDING. (#313 DURANODIC BRONZE MATTE FINISH).
- "LOGO FACES": 3/16" THICK CLEAR LEXAN W/ 3M #3630-33 RED TRANSLUCENT APPLIED TO THE INTER. SURFACES.
- "RETAINERS": 1" RED TRIM CAP (CLOSELY MATCHES PMS #485 RED).
- "ILLUMINATION": BY 15 MM CLEAR RED NEON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).
- "LETTER RETURNS": FAB. FROM ALUM. & PAINTED T/M THE MULLION COLOR ON THE BUILDING. (#313 DURANODIC BRONZE, MATTE FINISH).
- "LETTER FACES": 3/16" THICK #7328 WHITE PLEXIGLAS.
- "RETAINERS": 1" WHITE TRIM CAP.
- "ILLUMINATION": BY 15 MM #6600 BRIGHT WHITE ARGON TUBING UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED.

\*NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING.



**SOUTH ELEVATION / K2 / WEST WING / Proposed Signage**  
 HEIGHT OF THE BUILDING IS 151'-0"  
 OVERALL LENGTH OF THE SOUTH ELEVATION IS 193'-0"

**FEDERAL HEATH**  
 SIGN COMPANY

Mark Webb

2150 Boggs Rd., Suite 140  
 Newport Beach, CA 92660  
 714-446-1421

D. REEVES

SENIOR PROJECT MGR

REVISIONS

NOTES

CONEXANT  
 4000 MacArthur Blvd.  
 Newport Beach, CA.

CUSTOMER APPROVAL

DATE: 04 August, 2003  
 SHEET NO: 2338887

FILE NAME

JOB NO.	
DATE	04 August, 2003
SHEET NO.	2338887
SHEET	1 OF 3



2" x 2" TUBE STEEL, PTD. #313 DK BRONZE (MATTE FIN.)

2'-2" +/-

2" x 2" TUBE STEEL  
PTD. #313 DK BRONZE (MATTE FIN.)

EXISTING WINDOW DAVIT

TRAN  
BOX

3/4" LIQUID-TIGHT EXPOSED & MTD.  
TO SQUARE TUBES & PTD.  
#313 DURANODIC BRONZE  
(MATTE FIN.)

1'-4" +/- to top of  
the building

### SIGN #3

**\*NOTE: EXACT DIMENSIONS WILL NEED TO BE  
SECURED TO DETERMINE MULLION & DAVIT SPACING**

**Please see Louie I. prior to beginning Cad Drawings,  
for specific details, dimensions. Once Cad Drawings  
are completed Louie needs to approve prior to the  
structure & signs being released to manufacturing.**

2" x 2" TUBE STEEL  
#313 DURANODIC BRONZE (MATTE FIN.)

LETTER

GLASS CURTAIN WALL  
& MULLIONS

1'-4" +/- to the bottom of the  
first horizontal mullion

SCALE: 1" = 1'-0"

**FEDERAL  
HEATH**  
SIGN COMPANY

Mark Webb

ACCOUNT # 224

Federal Sign  
2150 Boggs Rd., Suite 140  
Duluth, GA 30096  
770-476-1621

D. REEVES

DRAWN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

CONEXANT  
4000 MacArthur Blvd.  
Newport Beach, CA.

CUSTOMER APPROVAL

This is a proposed engineering drawing submitted for  
construction. It is not to be used for construction without the  
written permission of Federal Sign.

DATE

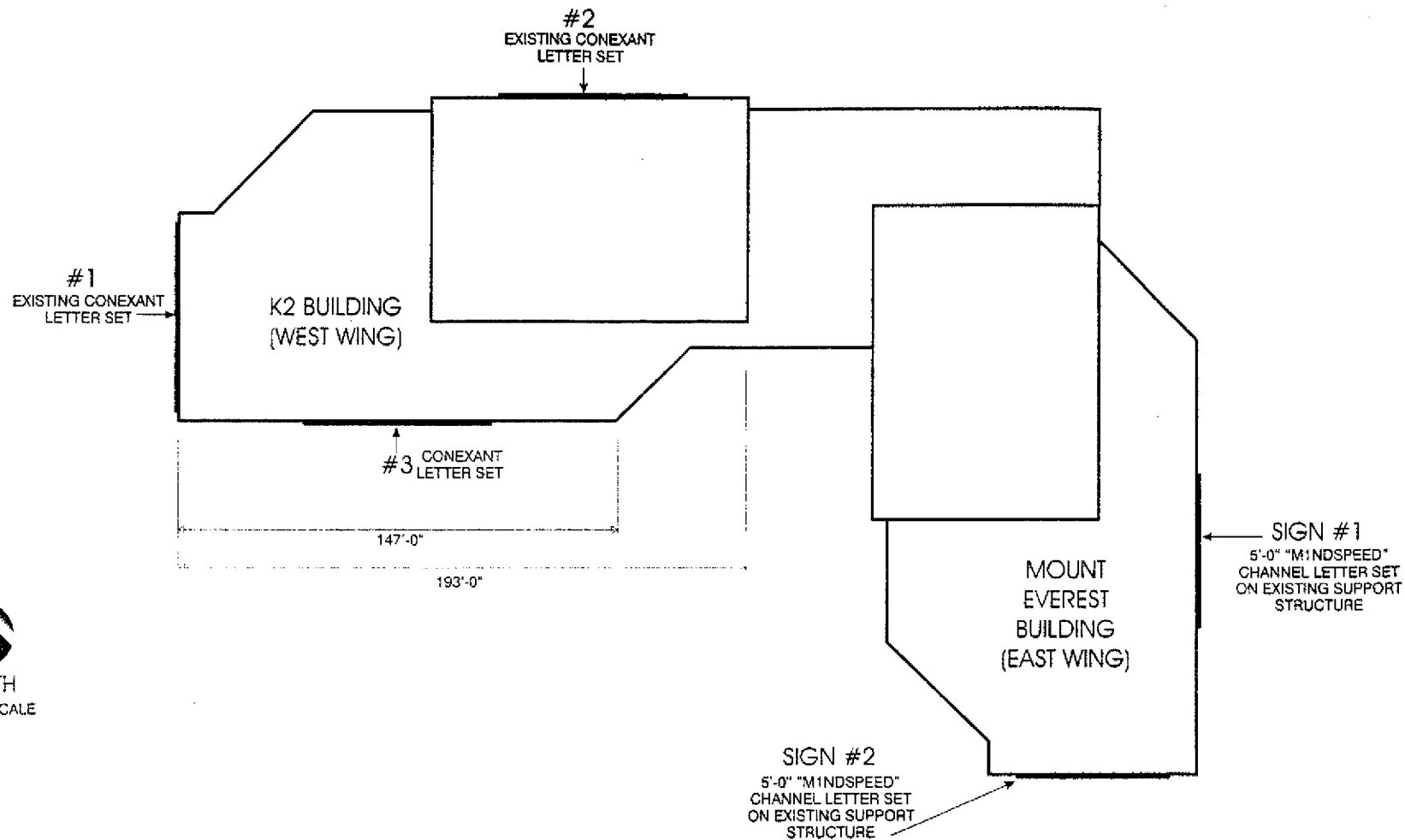
JOB NO.

DATE: 04 August, 2003

DWG NO. 2338887

SHEET 2 OF 3





**FEDERAL  
HEATH**  
SIGN COMPANY

Mark Webb

ACCOUNT REP  
Federal Sign  
2150 Boggs Rd., Suite 140  
Duluth, GA 30096  
770-476-1521

D. REEVES

DRAWN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

CONEXANT  
4000 MacArthur Blvd.  
Newport Beach, CA.

CUSTOMER APPROVAL  
DATE  
04 August, 2003  
DWG NO.  
2338887  
SHEET 3 OF 3

FILE NAME



**CITY OF NEWPORT BEACH**

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92658  
(949) 644-3200; FAX (949) 644-3229

**MODIFICATION PERMIT NO. MD2003-097**  
(PA2003-232)

Staff Person: Javier S. Garcia, 644-3206  
Appeal Period: 14 days after approval date

October 22, 2003

Conexant Systems, Inc.  
4000 MacArthur Boulevard  
Newport Beach, CA 92660

**Application No:** **Modification Permit No. MD2003-097**  
**(PA2003-232)**

**Applicant:** **Conexant Systems, Inc.**

**Address of**  
**Property Involved:** **4000 MacArthur Boulevard**

**Legal Description:** **Parcel 1 of Parcel Map Book 114, Page 22**

**Approved as Requested:**

Request approved to allow the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area. The Koll Center Planned Community District Regulations limit walls signs to 200 square feet in area per sign, and to two facades per building. The request as approved will allow for a third wall sign that identifies Conexant as a major tenant as viewed by vehicles traveling northerly on Jamboree Road. The property is located in the PC (Koll Center Newport Planned Community) District.

The Modifications Committee, on October 22, 2003, voted 3 ayes and 0 noes to approve the application request based on the following findings and subject to the following conditions.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

**FINDINGS:**

1. The Land Use Element of the General Plan designates the site for "Administrative, Professional and Financial Commercial" uses and the existing structure is consistent with this designation. The signage is accessory to the primary use.

2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).
3. The modification to the Koll Center Newport Planned Community development standards as proposed would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reasons:
  - The site is comprised of two towers and each tower has a separate primary tenant so the proposed sign is a reasonable design solution for irregularly located structures.
  - The Conexant tower has five facades. The proposed sign, along with the existing signage, will allow drivers coming from any direction to identify Conexant as a major tenant of the site.
4. The modification to the Koll Center Newport Planned Community development standards as proposed will not be detrimental to persons, property or improvements in the neighborhood or increase any detrimental effect of the existing use for the following reasons:
  - The size of the signage is consistent with the existing Conexant wall signs.
  - The size of the signage is appropriate to the scale of the building.
5. The proposed sign will not affect the flow of air or light to adjoining residential properties because there are no residential properties in the area.
6. The proposed sign will not obstruct public views from adjacent public roadways or parks because there are no public views through or across the subject property that are affected by the proposed project.


**CONDITIONS:**

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. The "Conexant" sign shall not exceed 387 square feet, as measured within a rectangle per the Koll Center Newport Planned Community development standards.
3. Anything not specifically approved by this Modification Permit is not permitted and must be addressed in a separate and subsequent Modification Permit review.

4. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. In accordance with the provisions of Chapter 13 of the Newport Beach Municipal Code or other applicable section or chapter, additional street trees shall be provided and existing street trees shall be protected in place during construction of the subject project, unless otherwise approved by the General Services Department and the Public Works Department through an encroachment permit or agreement if required.
6. A building permit shall be obtained prior to commencement of the construction.
7. All work performed within the public right of way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
8. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.055 of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.93.055 (B) of the Newport Beach Municipal Code.

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. A filing fee of \$915.00 shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.

#### MODIFICATIONS COMMITTEE

By   
Javier S. Garcia, AICP, Senior Planner  
Chairperson

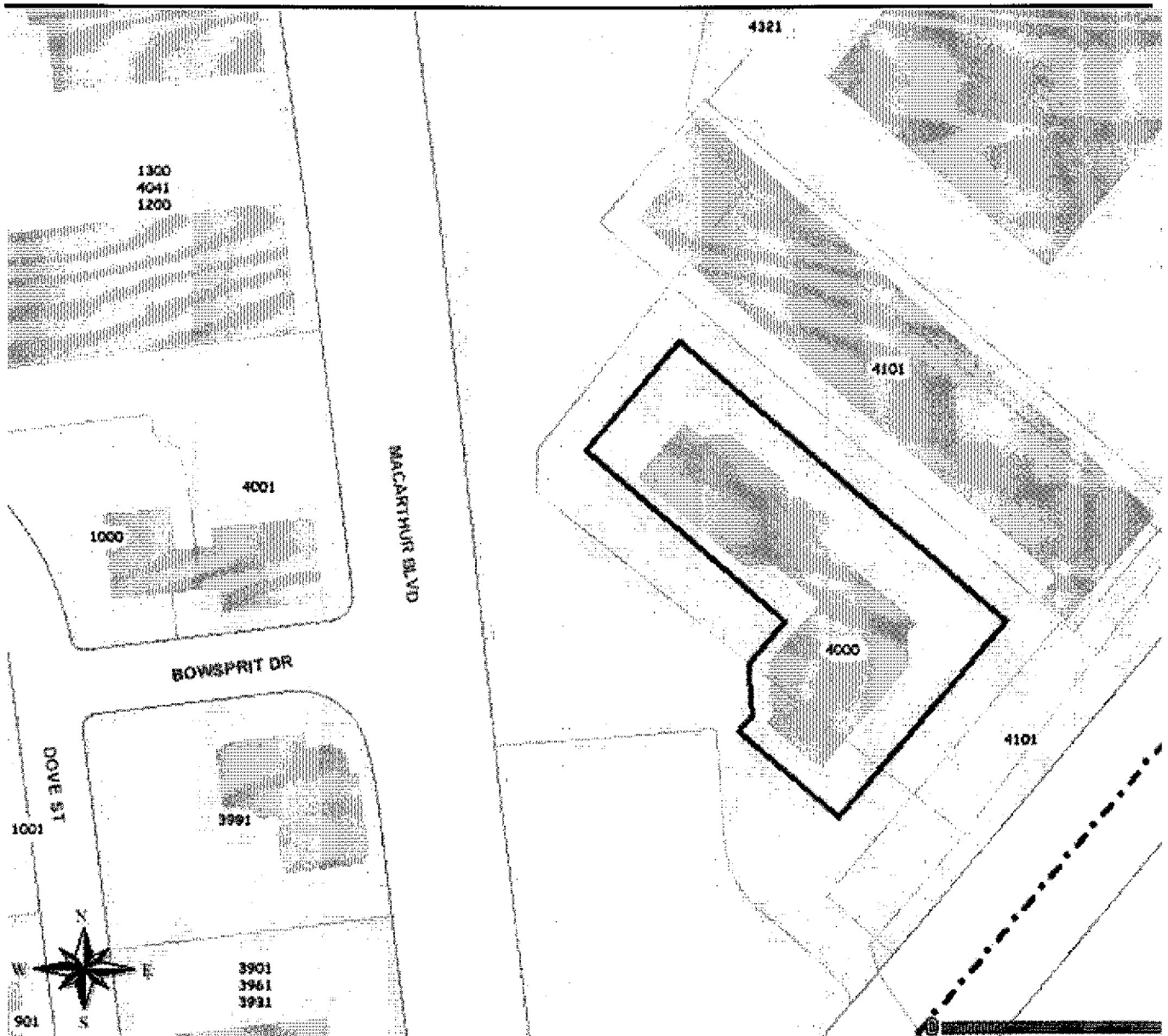
JSG:mem

Attachments: Vicinity Map

Appeared  
in Opposition: None

Appeared  
in Support: None

# VICINITY MAP



Modification Permit No. MD2003-097  
**PA2003-232**

4000 MacArthur Boulevard

RECEIVED BY  
PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

NOV 18 2003  
AM PM  
7 8 9 10 11 12 1 2 3 4 5 6

## PROOF OF PUBLICATION

STATE OF CALIFORNIA) ss.  
COUNTY OF ORANGE )

I am a Citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the below entitled matter. I am a principal clerk of the NEWPORT BEACH - COSTA MESA DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa, County of Orange, State of California, and that attached Notice is a true and complete copy as was printed and published on the following dates:

November 8, 2003

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on November 8, 2003  
at Costa Mesa, California.

Rita Newell  
Signature

## PUBLIC NOTICE

**CITY OF NEWPORT BEACH**  
City Council Chambers of the  
City of Newport Beach -  
3300 Newport Boulevard,  
Newport Beach  
**PLANNING COMMISSION**  
**AGENDA Regular Meeting -**  
**November 20, 2003**  
**at 6:30 p.m.**

1. SUBJECT: Conexant  
Systems, Inc. 4000  
MacArthur Boulevard  
SUMMARY: Request to  
permit the installation of  
a fifth tenant identi-  
fication wall sign that is  
approximately 387

square feet in area. The Kohl Center Planned Community District Regulations limit wall signs to 200 square feet in area per sign, and to two facades per building.

APPLICATION: Modification Permit No. 2003-097 (PA2003-232)

**CEQA COMPLIANCE:** This project has been reviewed, and it has been determined that it is categorically exempt under the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).

2. SUBJECT: The Neiman-Marcus Group, Inc.  
601 Newport Center

**Drive** SUMMARY: Request for a Use Permit pursuant to the Alcoholic Beverage Outlet Ordinance (ABO) to upgrade the existing license for the premises from Type 41 (On-Sale Beer and Wine Eating Place) to Type 47 (On-Sale General Eating Place) License. The new restaurant (Mariposa) with the proposed license, will replace the existing restaurant (Zodiac) which currently operates with a Type 41 License.

APPLICATION: Use  
Permit No. 2003-039  
(PA2003-229)

CEQA COMPLIANCE:

This project has been reviewed, and it has been determined that it is categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities)

Published Newport  
Beach-Costa Mesa Daily  
Pilot November 8, 2003  
\$a500

PUBLIC NOTICE

**Modification Permit No. MD2003-097  
(PA2003-232)**

Notice is hereby given that **Conexant Systems, Inc.**, property owner, has requested a Modification of the Zoning Ordinance to permit **the installation of a fifth tenant identification wall sign that is approximately 387 square feet in area.** The **Koll Center Planned Community District Regulations** limit walls signs to **200 square feet in area per sign, and to two facades per building.** The property is located in the **PC (Koll Center Newport Planned Community) District.**

Property located at: **4000 MacArthur Boulevard**

After reviewing this project, it has been determined that it is categorically exempt under the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).

**On Wednesday, October 22, 2003, at 3:00 p.m.,** a public hearing will be held by the Modifications Committee in the City Council Chambers at 3300 Newport Boulevard. All interested persons will be heard and all correspondence read at that time. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, at, or prior to, the public hearing. The appeal period of 14 days will begin from that date, during which time any interested party or their authorized agent aggrieved of that decision may file a notice of appeal to the Planning Commission with a filing fee of \$915.00 to defray the cost of the appeal procedure.

For further information contact the Newport Beach Planning Department at (949) 644-3200.

**NOTE:** The expense of this notice is paid from a filing fee collected from the applicant.

427 222 01  
HUNTER ACQUISITION CO  
4041 MACARTHUR BLVD #350  
NEWPORT BEACH CA 92660

427 222 06  
PMC GENERAL PARTNERSHIP  
4001 MACARTHUR BLVD #300  
NEWPORT BEACH CA 92660

445 131 02  
ROCKWELL SEMICONDUCTOR  
SYSTEMS  
633 W 5TH ST *duplicate*  
LOS ANGELES CA 90071

445 131 03  
ROCKWELL SEMICONDUCTOR  
SYSTEMS  
633 W 5TH ST *returned*  
LOS ANGELES CA 90071

445 131 04  
AETNA LIFE INSURANCE CO  
PO BOX 131074  
CARLSBAD CA 92013

445 131 15  
DEUTSCHE BANK AG  
5 PARK PLZ #1050 *returned*  
IRVINE CA 92614

445 131 26  
SANTA BARBARA BK & TRUST  
PO BOX 3170  
HONOLULU HI 96802 *ret*

445 131 28  
WHL 1976 T LLC  
4490 VON KARMAN AVE  
NEWPORT BEACH CA 92660

445 132 06  
SCHOLLE CORPORATION  
19402 JAMBOREE RD  
IRVINE CA 92715

445 132 18  
SPIEKER PROP  
2180 SAND HILL RD #200  
MENLO PARK CA 94025

CONEXANT  
ATTN: JAKE CISNEROS  
4000 MACARTHUR  
NEWPORT BEACH CA 92660

DENNIS STOUT  
871 N MAPLEWOD ST  
ORANGE CA 92867





Dependable Business Services



**CERTIFICATION OF PROPERTY OWNERS**

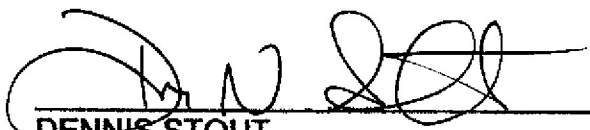
THE ATTACHED LIST REPRESENTS THE NAMES AND ADDRESSES OF ALL  
PROPERTY OWNERS LOCATED WITHIN 300 FEET OF THE  
EXTERIOR BOUNDARIES OF THE PROPERTY LOCATED AT:

4000 MacArthur

APN# 445-131-15

THIS INFORMATION WAS OBTAINED FROM METROSCAN, A DATA  
SOURCE, UTILIZING THE COUNTY ASSESSMENT ROLLS AND OTHER  
DATA SOURCES.

THE INFORMATION PROVIDED IS GENERALLY DEEMED RELIABLE, BUT IS  
NOT GUARANTEED.



DENNIS STOUT  
DEPENDABLE BUSINESS SERVICES, INC.

DATE 10-3-03

**Checklist for Categorizing  
Development and Significant Redevelopment Projects  
as Priority or Non-Priority**

Project File No.:	MD2003-097 for PA2003-232
Project Name:	Conexant Systems, Inc.
Project Location:	4000 MacArthur Boulevard
Project Description:	the installation of one internally illuminated channel letter type wall sign.

<b>PART A - Qualifying:</b>	Yes	No
1. Is this project a NEW Development?		<input checked="" type="checkbox"/>
2. Is this project a SIGNIFICANT Redevelopment?		<input checked="" type="checkbox"/>

**If you answered "NO" to both questions, STOP HERE. You do NOT need to fill out PART B.**

**If you answered "YES" to either question, please continue with PART B.**

<b>PART B - Proposed Project Includes:</b>	Yes	No
1. Residential development of 10 units or more		
2. Commercial and industrial development greater than 100,000 square feet including parking areas		
3. Automotive repair shop (SIC codes 5013, 5014, 5541, 7532-7534, and 7536-7539)		
4. Restaurant where the land area of development is 5,000 square feet or more including parking areas ( SIC code 5812)		
5. Hillside development on 10,000 square feet or more, which is located on areas with known erosive soil conditions or where natural slope is 25 percent or more		
6. Impervious surface of 2,500 square feet or more located within, directly adjacent to (within 200 feet), or discharging directly to receiving water within Environmentally Sensitive Areas <sup>1</sup> .		
7. Parking lot area of 5,000 square feet or more, or with 15 or more parking spaces, and potentially exposed to urban runoff		
8. Is this a Priority Project? Determination: If ANY of the above are answered yes, it is priority		

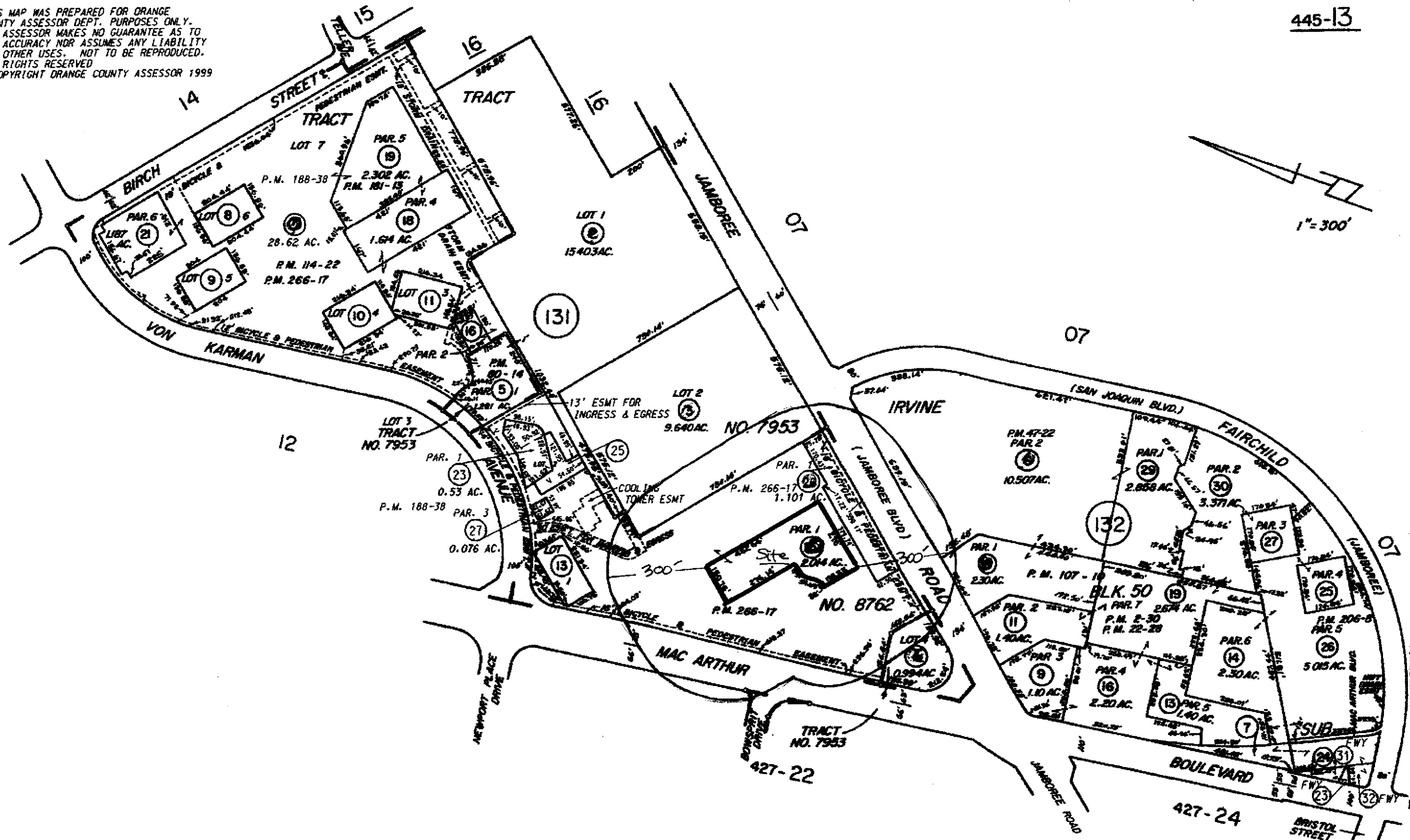
<sup>1</sup> Environmentally Sensitive Areas include, but are not limited to, all Clean Water Act Section 303(d) impaired water bodies, areas designated as Areas of Special Biological Significance by the State Water Resources Control Board, water bodies designated with the RARE beneficial use by the State Water Resources Control Board, areas designated as preserves or equivalent under the Natural Community Conservation Planning Program, and any areas designated as Critical Aquatic Resources (CARS).

Staff Member Completing this Form: Javier Garcia

Date Form Completed: 10-1-03

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED  
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445-13



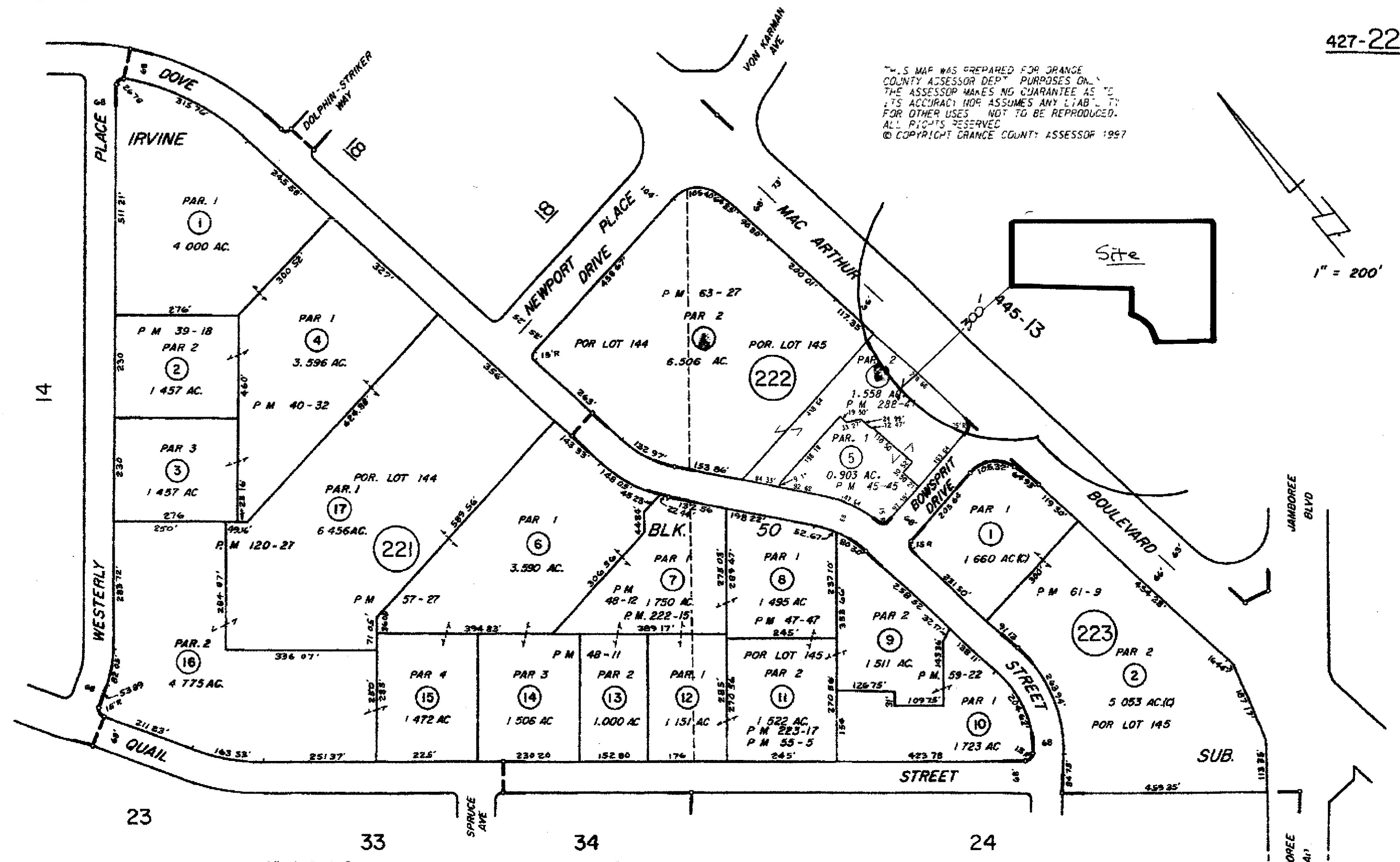
MARCH 1973

IRVINE SUB.  
TRACT NO. 7953  
TRACT NO. 8762  
PARCEL MAPS  
PARCEL MAPS

M.M. 1-88  
M.M. 310-7 TO 11 INC.  
M.M. 350-24, 25, 26  
P.M. 47-22, 60-14, 107-10  
P.M. 114-22, 181-13, 206-08, 188-38, 266-17

NOTE-ASSESSOR'S BLOCK &  
PARCEL NUMBERS  
SHOWN IN CIRCLES

ASSESSOR'S MAP  
BOOK 445 PAGE 13  
COUNTY OF ORANGE



MARCH 1978

IRVINE SUB.  
TRACT NO. 7694 (STREETS ONLY)  
PARCEL MAP  
PARCEL MAP  
PARCEL MAP  
PARCEL MAP  
PARCEL MAP

M.M. 1-88  
M.M. 294-27, 28, 29  
P.M. 39-18, 40-32, 45-45  
P.M. 47-47, 48-11, 48-12  
P.M. 55-5, 57-27, 59-22  
P.M. 61-9, 63-27, 120-27  
P.M. 288-41

NOTE - ASSESSOR'S BLOCK &  
PARCEL NUMBERS  
SHOWN IN CIRCLES

ASSESSOR'S MAP  
BOOK 427 PAGE 22  
COUNTY OF ORANGE

**AS APPROVED BY**

☒ PLANNING DIRECTOR ON (date)

☐ As Submitted    ☐ As Modified, refer to:

☐ MODIFICATIONS COMMITTEE ON (date)

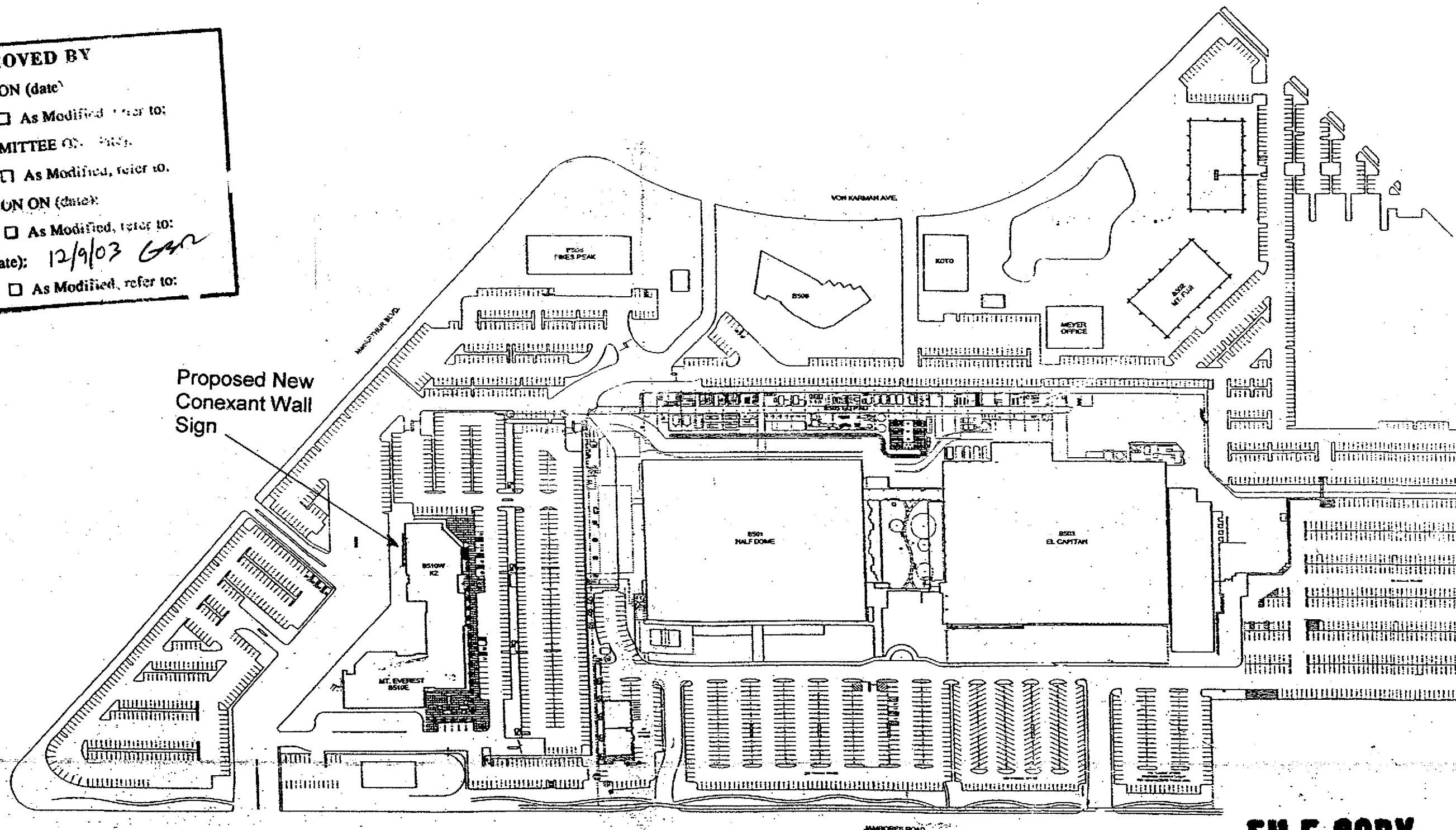
☐ As Submitted    ☐ As Modified, refer to:

☐ PLANNING COMMISSION ON (date)

☐ As Submitted    ☐ As Modified, refer to:

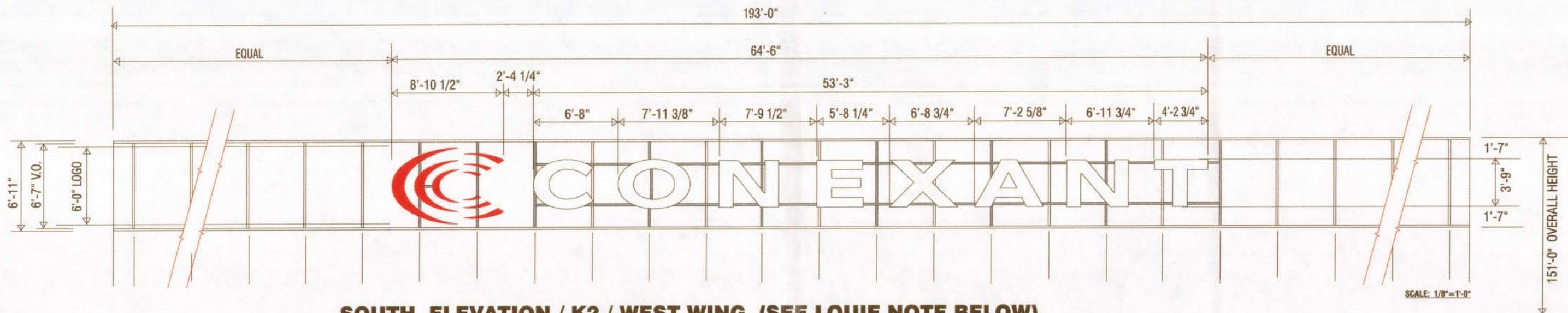
☒ CITY COUNCIL ON (date): 12/9/03 642

☒ As Submitted    ☐ As Modified, refer to:



**FILE COPY**





### SIGN #3 NEW LOGO & LETTERSET

- " MFG. & INSTALL ONE (1) SET OF INTER. ILLUM. PLEXIGLAS & LEXAN FACED CHANNEL LOGO & LETTERS "
- "LOGO RETURNS": FAB. FROM ALUM. & PAINTED. T/M THE MULLION COLOR ON THE BUILDING, ( #313 DURANODIC BRONZE MATTE FINISH).
- "LOGO FACES": 3/16" THICK CLEAR LEXAN W/ 3M #3630-33 RED TRANSLUCENT APPLIED TO THE INTER. SURFACES.
- "RETAINERS": 1" RED TRIM CAP (CLOSELY MATCHES PMS #485 RED).
- "ILLUMINATION": BY 15 MM CLEAR RED NEON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).
- "LETTER RETURNS": FAB. FROM ALUM. & PAINTED T/M THE MULLION COLOR ON THE BUILDING, (#313 DURANODIC BRONZE, MATTE FINISH).
- "LETTER FACES": 3/16" THICK #7328 WHITE PLEXIGLAS.
- "RETAINERS": 1" WHITE TRIM CAP.
- "ILLUMINATION": BY 15 MM #6500 BRIGHT WHITE ARGON TUBING (UTILIZING 60 M.A. TRANSFORMERS REMOTELY LOCATED).

**\*NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING.**

#### AS APPROVED BY:

- ☐ PLANNING DIRECTOR ON (date):
  - ☐ As Submitted ☐ As Modified refer to:
- ☐ MODIFICATIONS COMMITTEE ON (date):
  - ☐ As Submitted ☐ As Modified, refer to:
- ☐ PLANNING COMMISSION ON (date):
  - ☐ As Submitted ☐ As Modified, refer to:
- ☒ CITY COUNCIL ON (date): 12/4/03
  - ☒ As Submitted ☐ As Modified, refer to:



**SOUTH ELEVATION / K2 / WEST WING / Proposed Signage**  
 HEIGHT OF THE BUILDING IS 151'-0"  
 OVERALL LENGTH OF THE SOUTH ELEVATION IS 193'-0"

**FEDERAL HEATH**  
 SIGN COMPANY

Mark Webb  
 ACCOUNT REP.  
 Federal Sign  
 2150 Boggs Rd., Suite 140  
 Duluth, GA 30096  
 770-476-1621

D. REEVES  
 DRAWN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

CONEXANT  
 4000 MacArthur Blvd.  
 Newport Beach, CA.

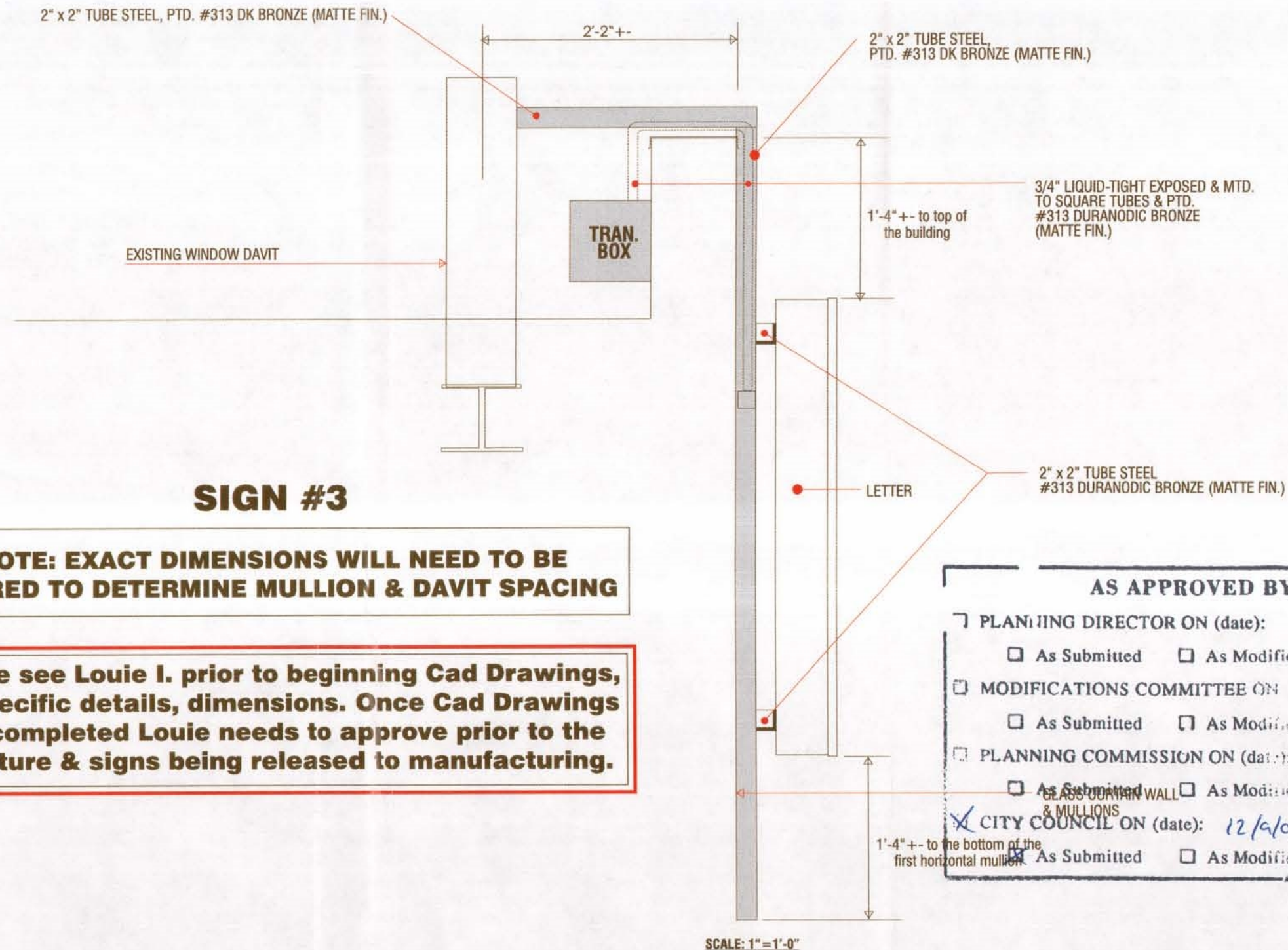
CUSTOMER APPROVAL

This is an original, unpublished drawing submitted in connection with a project we are planning for you. It is not to be copied, reproduced, exhibited or shown to anyone outside your organization without the written permission of Federal Sign.

FILE NAME

JOB NO.  
 DATE: 04 August, 2003  
 DWG NO. 2338887  
 SHEET 1 OF 3





### SIGN #3

**\*NOTE: EXACT DIMENSIONS WILL NEED TO BE SECURED TO DETERMINE MULLION & DAVIT SPACING**

**Please see Louie I. prior to beginning Cad Drawings, for specific details, dimensions. Once Cad Drawings are completed Louie needs to approve prior to the structure & signs being released to manufacturing.**

AS APPROVED BY:	
<input checked="" type="checkbox"/> PLANNING DIRECTOR ON (date):	
<input type="checkbox"/> As Submitted	<input type="checkbox"/> As Modified, refer to:
<input type="checkbox"/> MODIFICATIONS COMMITTEE ON (date):	
<input type="checkbox"/> As Submitted	<input type="checkbox"/> As Modified, refer to:
<input type="checkbox"/> PLANNING COMMISSION ON (date):	
<input type="checkbox"/> As Submitted	<input type="checkbox"/> As Modified, refer to:
<input checked="" type="checkbox"/> CITY COUNCIL ON (date): 12/9/03	
<input checked="" type="checkbox"/> As Submitted	<input type="checkbox"/> As Modified, refer to:

SCALE: 1"=1'-0"



#1  
EXISTING CONEXANT  
LETTER SET

K2 BUILDING  
(WEST WING)

#2  
EXISTING CONEXANT  
LETTER SET

#3 CONEXANT  
LETTER SET

147'-0"

193'-0"

MOUNT  
EVEREST  
BUILDING  
(EAST WING)

SIGN #2  
5'-0" "M1NDSPEED"  
CHANNEL LETTER SET  
ON EXISTING SUPPORT  
STRUCTURE

SIGN #1  
5'-0" "M1NDSPEED"  
CHANNEL LETTER SET  
ON EXISTING SUPPORT  
STRUCTURE

# AS APPROVED BY:

- ☐ PLANNING DIRECTOR ON (date):  
☐ As Submitted ☐ As Modified, refer to:  
☐ MODIFICATIONS COMMITTEE ON (date):  
☐ As Submitted ☐ As Modified, refer to:  
☐ PLANNING COMMISSION ON (date):  
☐ As Submitted ☐ As Modified, refer to:  
☒ CITY COUNCIL ON (date): 12/6/03  
☒ As Submitted ☐ As Modified, refer to:



NORTH  
NOT TO SCALE



Mark Webb

ACCOUNT REP.  
Federal Sign  
2150 Boggs Rd., Suite 140  
Duluth, GA 30096  
770-476-1621

D. REEVES

DRAWN BY

SENIOR PROJECT MGR

REVISIONS

NOTES

CONEXANT  
4000 MacArthur Blvd.  
Newport Beach, CA.

CUSTOMER APPROVAL

This is an original, unpublished drawing submitted in connection with a project we are planning for you. It is not to be copied, reproduced, exhibited or shown to anyone outside your organization without the written permission of Federal Sign.

FILE NAME

JOB NO.	
DATE:	04 August, 2003
DWG NO.	2338887
SHEET	3 OF 3



# **Attachment No. ZA 3**

Comprehensive Sign Program Matrix

SIGN TYPE	DESCRIPTION	SIGN LOCATION	MAX. QUANTITY	MAX. SIGN AREA	MAX. LETTER HEIGHT	MAX. HEIGHT OF SIGN ABOVE GROUND	LOGOS ALLOWED ILLUMINATION PERMITTED	LINEAR FRONTAGE OF BUILDING
1	CHANNEL LETTER ADDRESS	WALL	1	42 SQ FT	2'	N/A	YES	36'
2.A	VINYL ADDRESS	WALL	1	80 SQ FT	3'	N/A	NO	58'
2.B	VINYL BUILDING ID	WALL	1	21 SQ FT	1'-6"	N/A	NO	58'
2.C	VINYL BUILDING ID	WALL	1	21 SQ FT	1'-6"	N/A	NO	58'
3.A	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	68'
3.B	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	101'
3.C	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	73'
3.D	TENANT	WALL	1	387 SQ FT	5'	N/A	YES	148'
3.E	TENANT	WALL	1	35 SQ FT	2'	N/A	YES	148'
3.F	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	68'
3.G	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	148'
3.H	TENANT	WALL	1	35 SQ FT	2'	N/A	YES	148'
4.A	TENANT VINYL ID	WALL	1	35 SQ FT	2'	N/A	NO	58'

Compliance Required:

- Temporary Banner Signs shall comply with the Chapter 20.42 of the Zoning Code.
- All signs shall substantially conform to the stamped and dated approved set of plans.
- Pursuant to section 20.42.120.F 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.
- All additional exempt signs shall comply with the standards prescribed in the Zoning Code.

# **Attachment No. ZA 4**

Project Plans

# SIGN PROGRAM

4000 MacArthur  
Newport Beach, CA. 92660



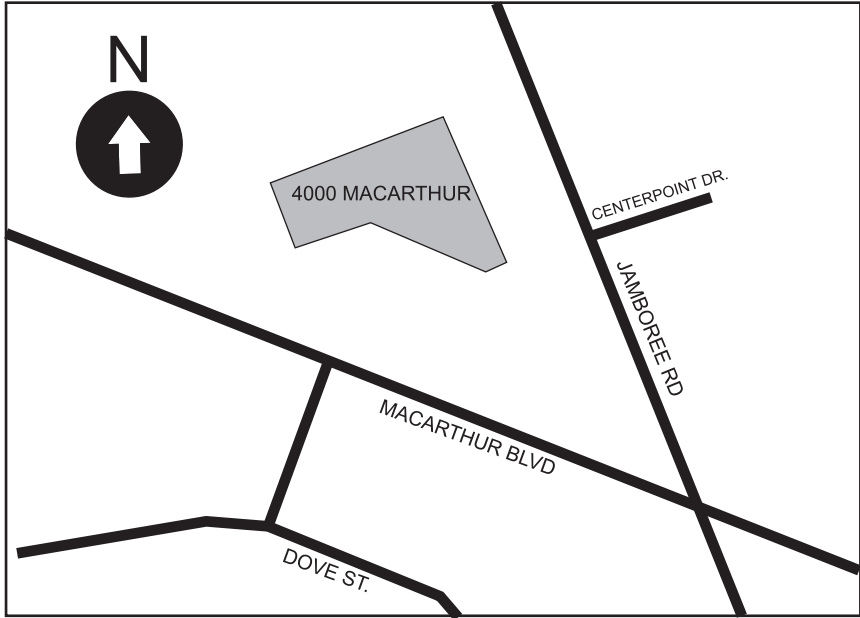
Prepared by:



Sean Baldwin  
949.633.6320  
sean@newsignstandard.com

August 12, 2021





ADDRESS: 4000 MacArthur  
Newport Beach, CA 92660

PLANNING AREA:  
BUILDING STORIES:

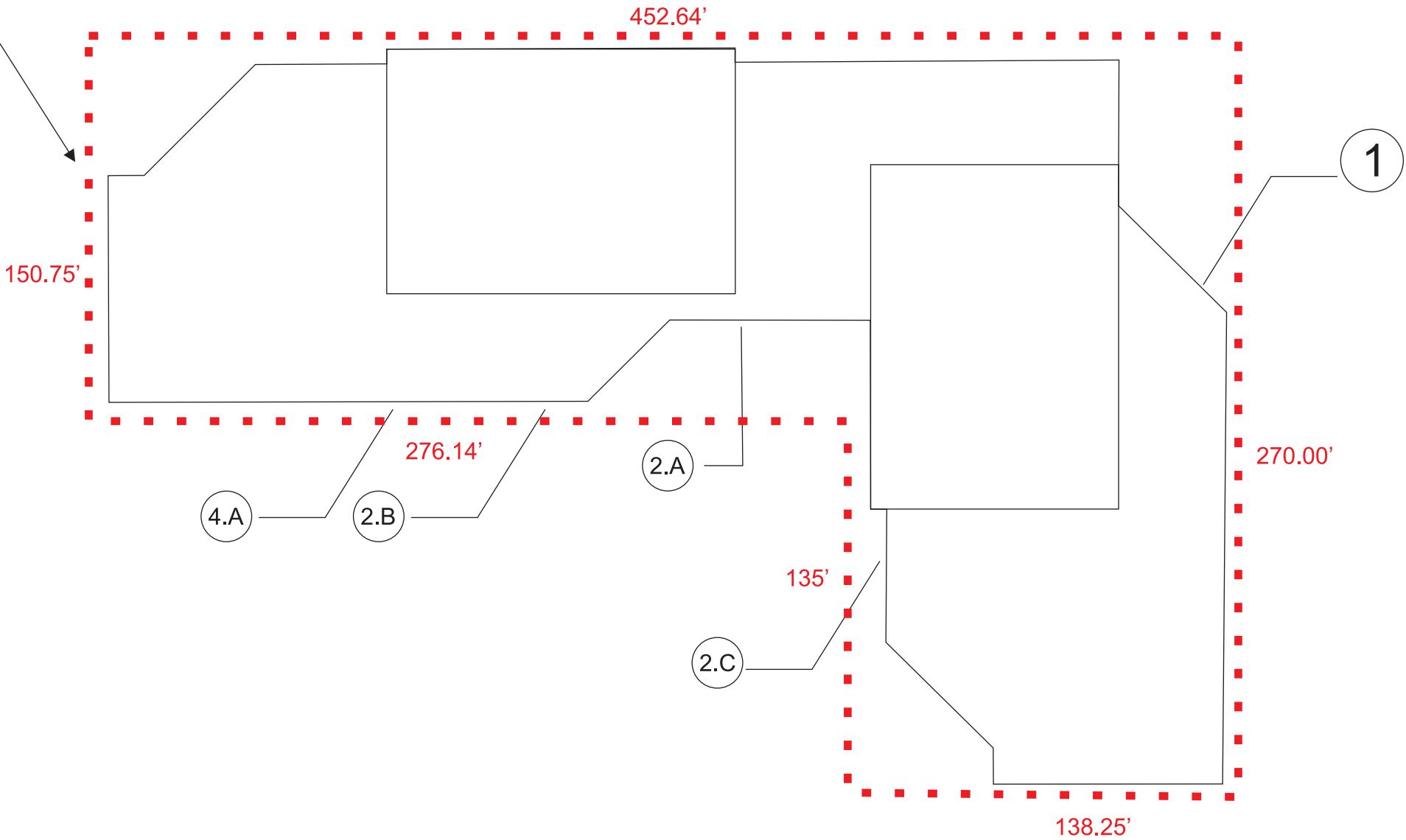


SIGN TYPE	DESCRIPTION	SIGN LOCATION	MAX. QUANTITY	MAX. SIGN AREA	MAX. LETTER HEIGHT	MAX. HEIGHT OF SIGN ABOVE GROUND	LOGOS ALLOWED ILLUMINATION PERMITTED	LINEAR FRONTAGE OF BUILDING
1	CHANNEL LETTER ADDRESS	WALL	1	42 SQ FT	2'	N/A	YES	36'
2.A	VINYL ADDRESS	WALL	1	80 SQ FT	3'	N/A	NO	58'
2.B	VINYL BUILDING ID	WALL	1	21 SQ FT	1'-6"	N/A	NO	58'
2.C	VINYL BUILDING ID	WALL	1	21 SQ FT	1'-6"	N/A	NO	58'
3.A	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	68'
3.B	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	101'
3.C	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	73'
3.D	TENANT	WALL	1	387 SQ FT	5'	N/A	YES	148'
3.E	TENANT	WALL	1	35 SQ FT	2'	N/A	YES	148'
3.F	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	68'
3.G	TENANT	WALL	1	200 SQ FT	5'	N/A	YES	148'
3.H	TENANT	WALL	1	35 SQ FT	2'	N/A	YES	148'
4.A	TENANT VINYL ID	WALL	1	35 SQ FT	2'	N/A	NO	58'

- Compliance Required:
- Temporary Banner Signs shall comply with the Chapter 20.42 of the Zoning Code.
  - All signs shall substantially conform to the stamped and dated approved set of plans.
  - Pursuant to section 20.42.120.F 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.
  - All additional exempt signs shall comply with the standards prescribed in the Zoning Code.



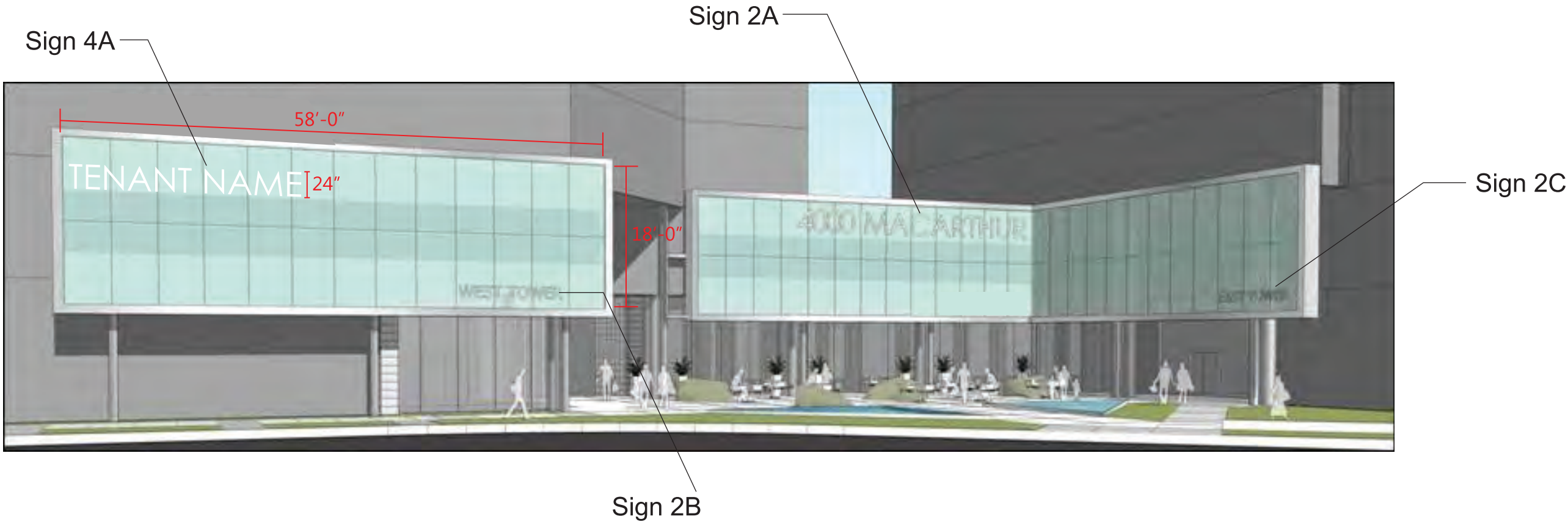
- LINEAR LENGTH OF BUILDING FRONTAGE
- PROPERTY LINES & MEASUREMENTS



TENANT NAME

2'

- Letter and Logo Specifications:
- 3M cast vinyl
  - Surface mounted to glass
  - Maximum Tenant SqFt of space 35 Sq Ft
  - This location will be the only authorized tenant location allowed by property management company.
  - All designs will be approved by property management prior to approval of the city and installation.



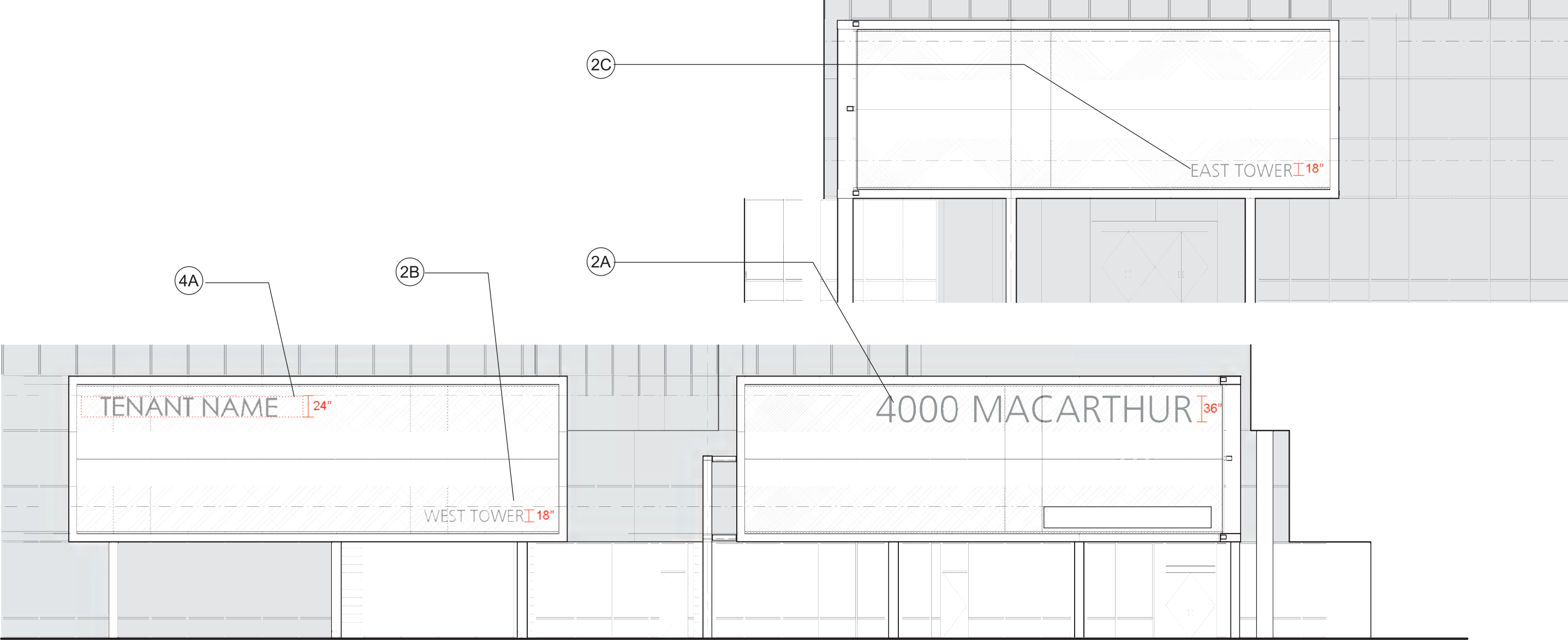


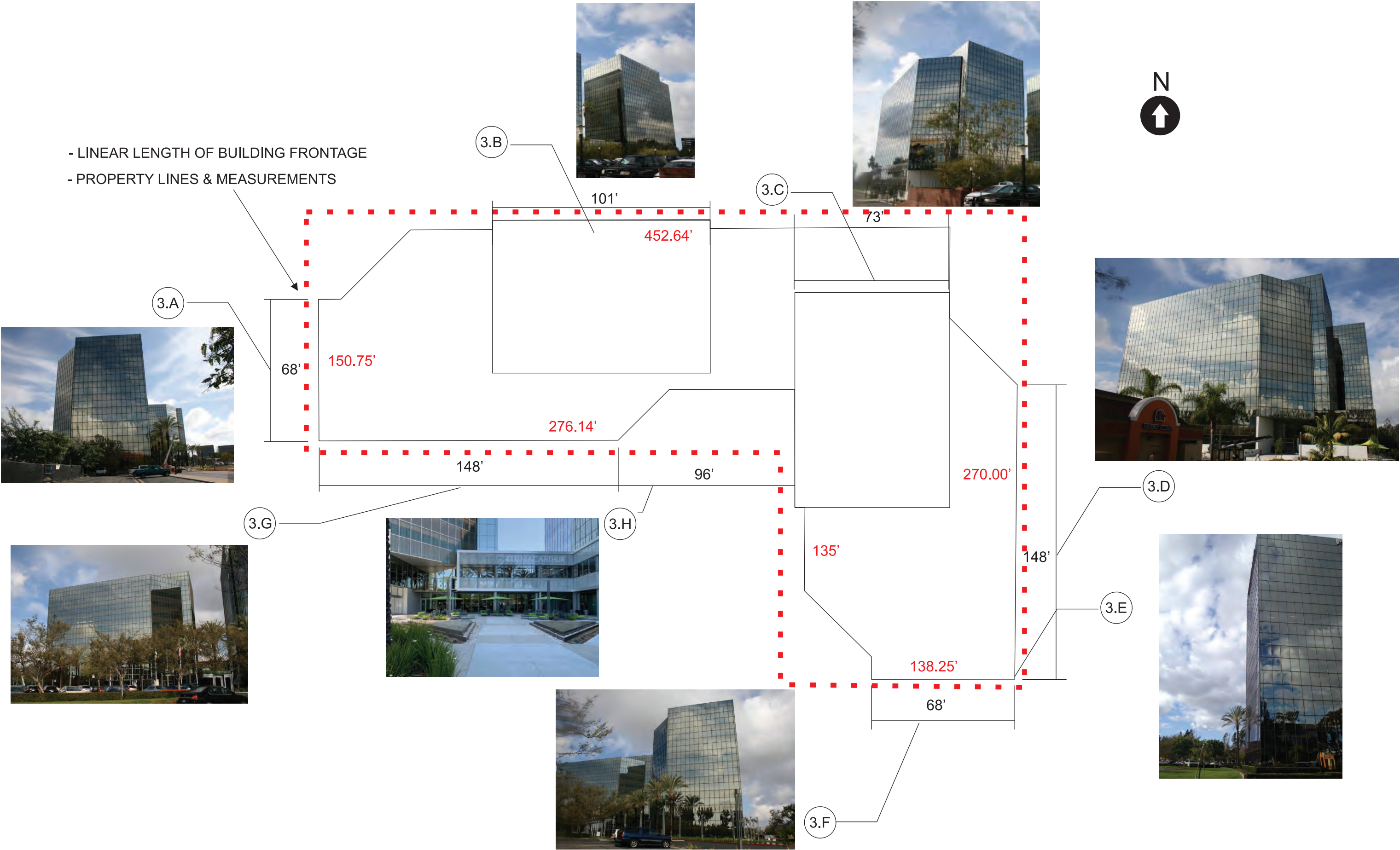
TENANT NAME

17' - 6"

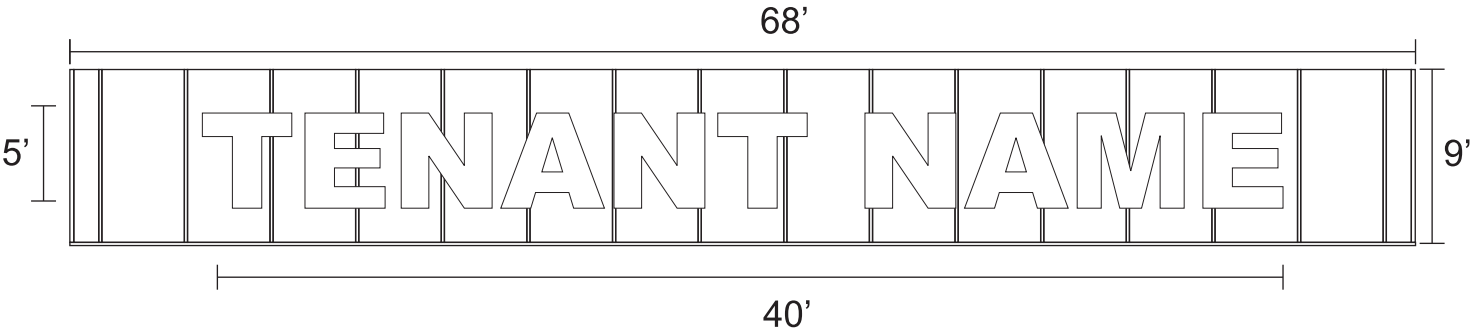
2'

Letter and Logo Specifications:  
- 3M cast vinyl  
- Surface mounted to glass

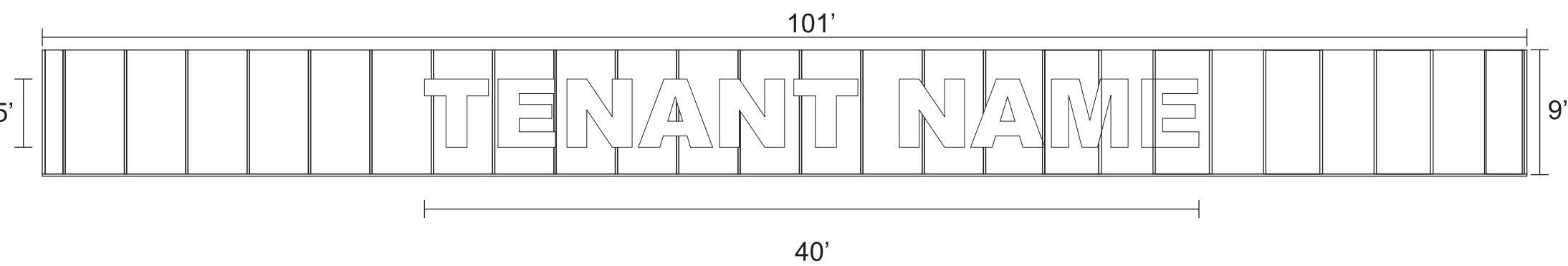




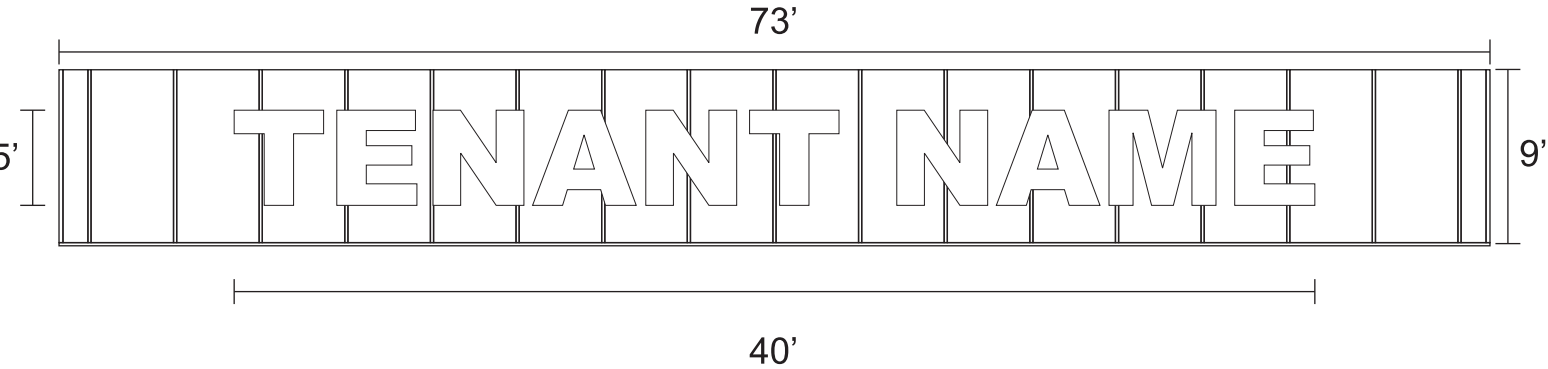
LOCATION: 3.A  
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)  
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH  
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



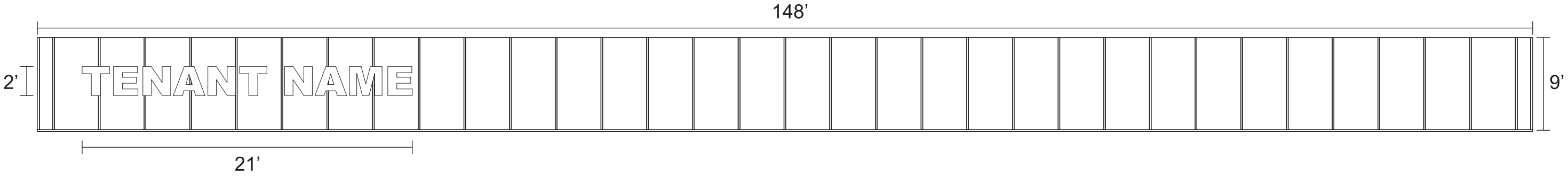
LOCATION: 3.B  
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)  
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH  
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



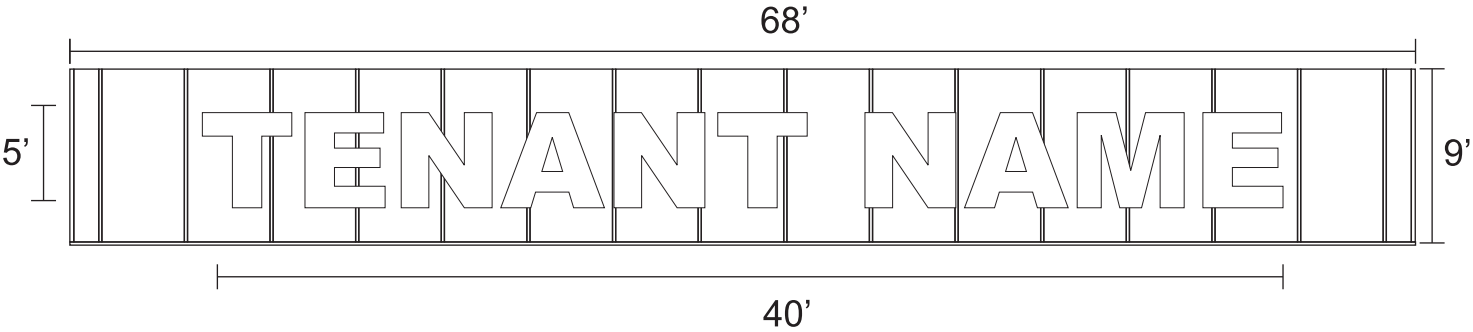
LOCATION: 3.C  
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)  
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH  
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



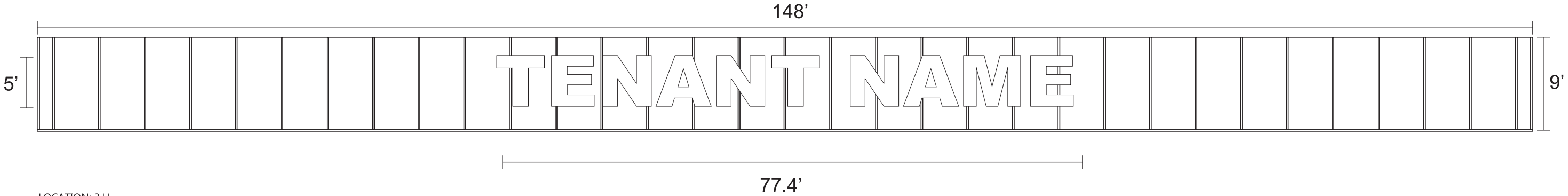
LOCATION: 3.F  
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)  
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH  
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



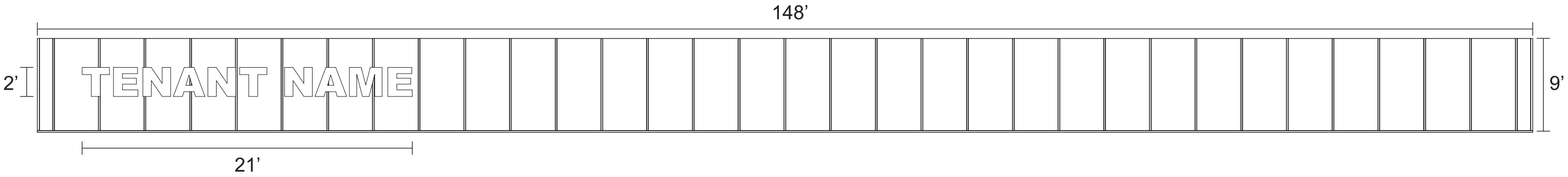
LOCATION: 3.F  
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)  
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH  
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



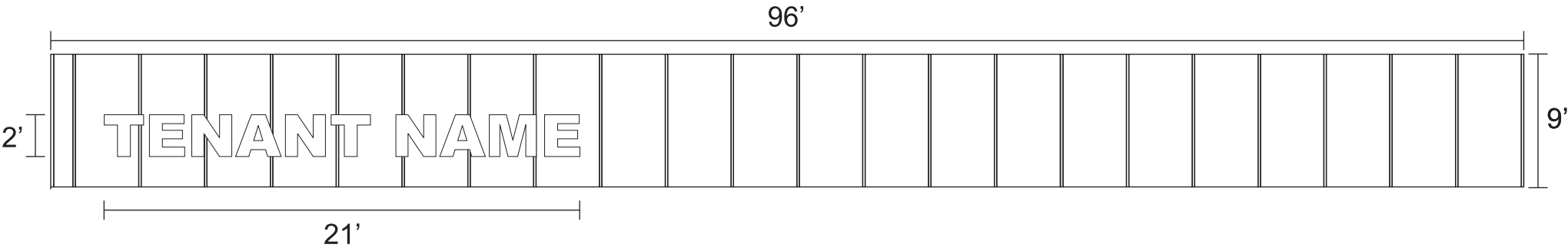
LOCATION: 3.G  
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)  
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH  
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



LOCATION: 3.H  
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)  
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH  
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)



LOCATION: 3.H  
- LETTER RETURNS: (6" RETURN) FAB. FROM ALUM. & PAINTED COLOR: MATTHEWS PAINT (Silver)  
- LETTER FACES FOR ALL LETTERS WILL BE MANUFACTURED USING 3/16" WHITE LEXAN SIGN FACE WITH MATTE FINISH  
- ILLUMINATION: SLOAN LED IS THE PREFERRED VENDOR OR EQUIVALENT (5000K)





Section 1) Sign Standards

- A. Signs from the exterior of building may be lighted, but no signs or any other contrivance shall be devised or constructed so as to rotate, gyrate, blink or move in any animated fashion.
- B. Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products sold thereon.
- C. A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/ or the pictorial symbol and calculating the area enclosed by such line.

Group 1) Wall Signs

- A) In no event shall an identification sign be placed on a wall comprise more than ten (10) percent of the area of the elevation upon which the sign is located. Said signs will be fixture signs. Signs painted directly on the surface of the wall shall not be permitted.
- B) Approved tenant signage will consist of ONE (1) tenant sign to follow the specifications provide, unless given written approval by the property management company in advance or is directly identified in the lease agreement.
- C) Property address 4000 MacArthur will be present on the north side of the building. The sign will be constructed by using a channel letter design with halo lighting to accent address at night.
- D) Property address 4000 MacArthur will be present on the South side of the building along with identification for each of the two towers (EAST TOWER) (WEST TOWER) along with (NEWPORT BEACH) to assist visitors and clients with way-finding as they approach and travel on the busy roads that surround the building property.

Section 2) Installation

- A) Only pre qualified venders will be allowed to be contracted for work at 4000 MacArthur property. This will be to ensure only venders that are licensed and insured by the state are authorized in fabrication and installation. By using pre qualified venders the property will ensure only the highest level of service, product, and safety are attained.
- B) When a Tenant Signage is to be removed and installed the qualified vender will give notice 10 working days prior to work giving tenants and property management company ample time to prepare area and facility of actions and services.
- C) When work by qualified vender is to be done on property such as Service or Site Visit vender is required to notify property management company 2 days prior so security has time to prepare for visit and escorts can be arranged on property to ensure privacy and security are kept.

SIGN TYPE 1 - BUILDING ADDRESS SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	JAMBOREE ROAD
CONTENT	4000 MACARTHUR
LOCATION	NORTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	21' X 24"
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	SIGN COPY TO CONTRAST WITH BUILDING AND MUST BE APPROVED BY BUILDING ASSOCIATION.

SIGN TYPE 2.A - BUILDING ADDRESS SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	4000 MACARTHUR
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	40' X 2'
MATERIAL	HIGH GRADE 3M VINYL WITH UV PROTECTIVE COATING
ILLUMINATION	PROHIBITED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE

SIGN SPECIFICATIONS:  
120v 20AMP  
24" HIGH LETTERING  
HALO LIT CHANNEL LETTERS  
4 MOUNTING BOLTS PER LETTER  
ANCHOR MOUNTED INTO 1/4" MARBLE

ELECTRICAL MOUNTED ACCESS PANEL WILL BE LOCATED  
INSIDE SUITE ON SECOND FLOOR.

Facility Name: \_\_\_\_\_

Date revised: \_\_\_\_\_

Signage Administrator: \_\_\_\_\_

Tenant Name: \_\_\_\_\_

Tenant Number: \_\_\_\_\_

Signature of Tenant: \_\_\_\_\_

Signature of (Facility Name): \_\_\_\_\_





SIGN TYPE 2.B - BUILDING DIRECTIONAL SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	WEST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	14' X 1'-6"
MATERIAL	HIGH GRADE 3M VINYL WITH UV PROTECTIVE COATING
ILLUMINATION	PROHIBITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE

SIGN TYPE 2.C - BUILDING DIRECTIONAL SIGN

INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	EAST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	14' X 1'-6"
MATERIAL	HIGH GRADE 3M VINYL WITH UV PROTECTIVE COATING
ILLUMINATION	PROHIBITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE

LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOGO AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT, SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS. RACEWAYS ARE PROHIBITED



Facility Name: \_\_\_\_\_

Date revised: \_\_\_\_\_

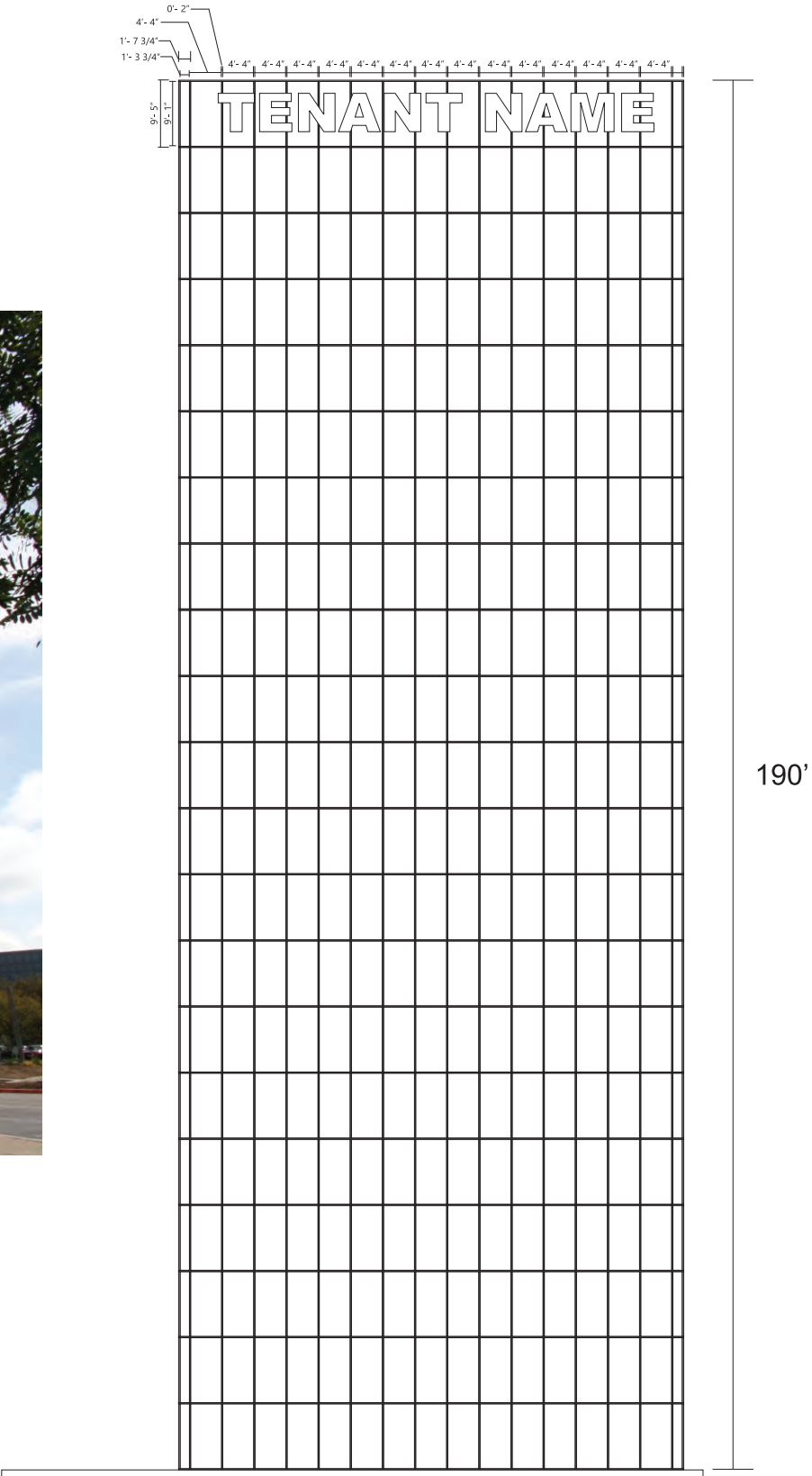
Signage Administrator: \_\_\_\_\_

Tenant Name: \_\_\_\_\_

Tenant Number: \_\_\_\_\_

Signature of Tenant: \_\_\_\_\_

Signature of (Facility Name): \_\_\_\_\_



SIGN TYPE 3.A - TENANT SIGN

INTENT	TO PROVIDE PRIMARY BUSINESS NAMES OCCUPYING A MULTI-OCCUPANT 10 STORY BUILDING.	
FRONTAGE	MACARTHUR BLVD	
CONTENT	TENANT NAME	
LOCATION	WEST SIDE TO BUILDING	
QUANTITY	ONE	
SIGN SIZE	LINEAR FRONTAGE: 68'-0" MAXIMUM SIGN AREA: 200 SQFT	MAXIMUM WIDTH: 40' MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.	
ILLUMINATION	PERMITTED	
LETTERSTYLE	PROJECT FONT	
COLOR	WHITE	





LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOGO AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT, SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS. RACEWAYS ARE PROHIBITED



Facility Name: \_\_\_\_\_

Date revised: \_\_\_\_\_

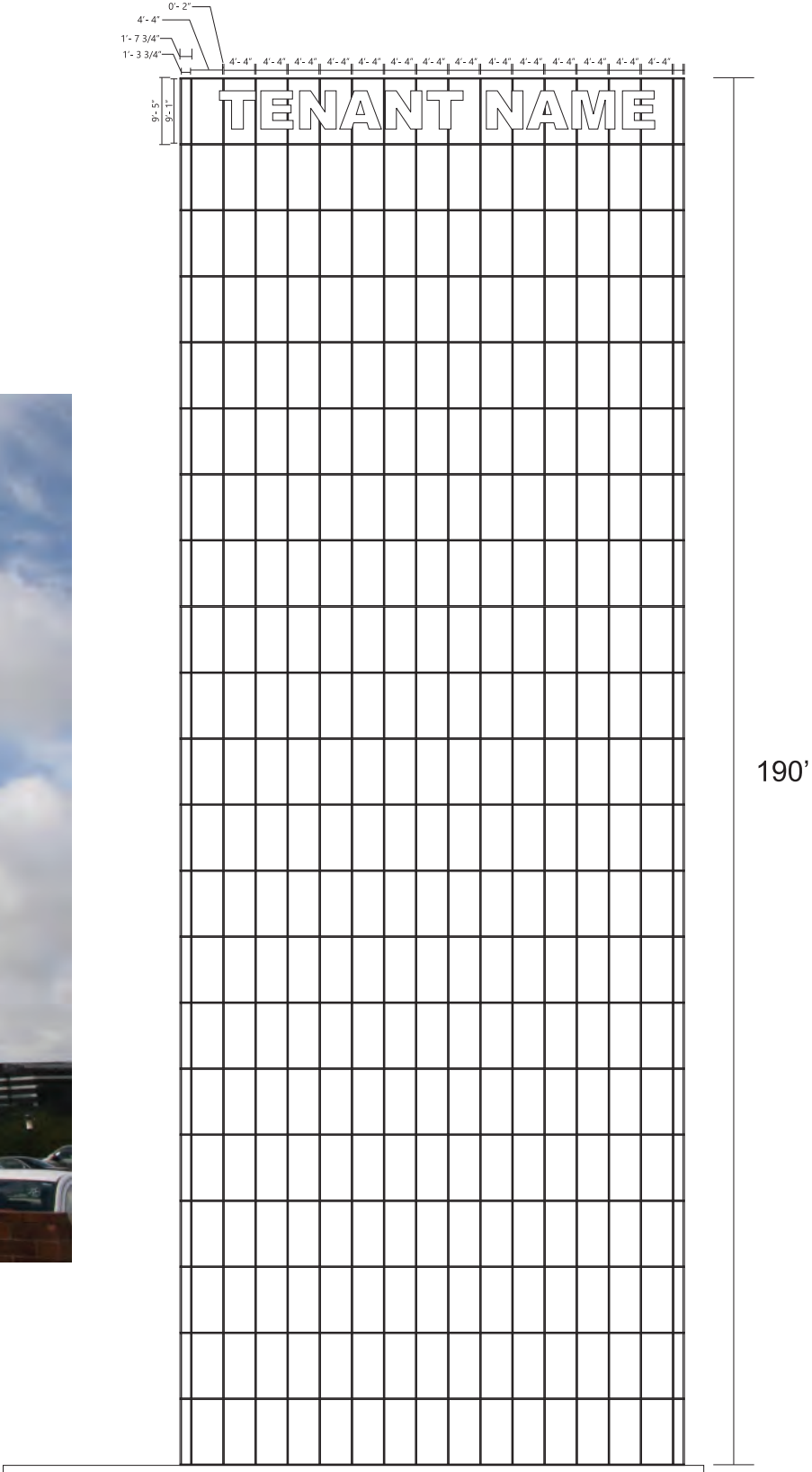
Signage Administrator: \_\_\_\_\_

Tenant Name: \_\_\_\_\_

Tenant Number: \_\_\_\_\_

Signature of Tenant: \_\_\_\_\_

Signature of (Facility Name): \_\_\_\_\_



INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	WEST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	LINEAR FRONTAGE: 68'-0"                      MAXIMUM WIDTH: 40' MAXIMUM SIGN AREA: 200 SQFT                      MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE



INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	EAST TOWER
LOCATION	NORTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	LINEAR FRONTAGE: 73'-0"                      MAXIMUM WIDTH: 40' MAXIMUM SIGN AREA: 200 SQFT                      MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE





LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOG  
AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO  
INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT,  
SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS.  
RACEWAYS ARE PROHIBITED



Facility Name: \_\_\_\_\_

Date revised: \_\_\_\_\_

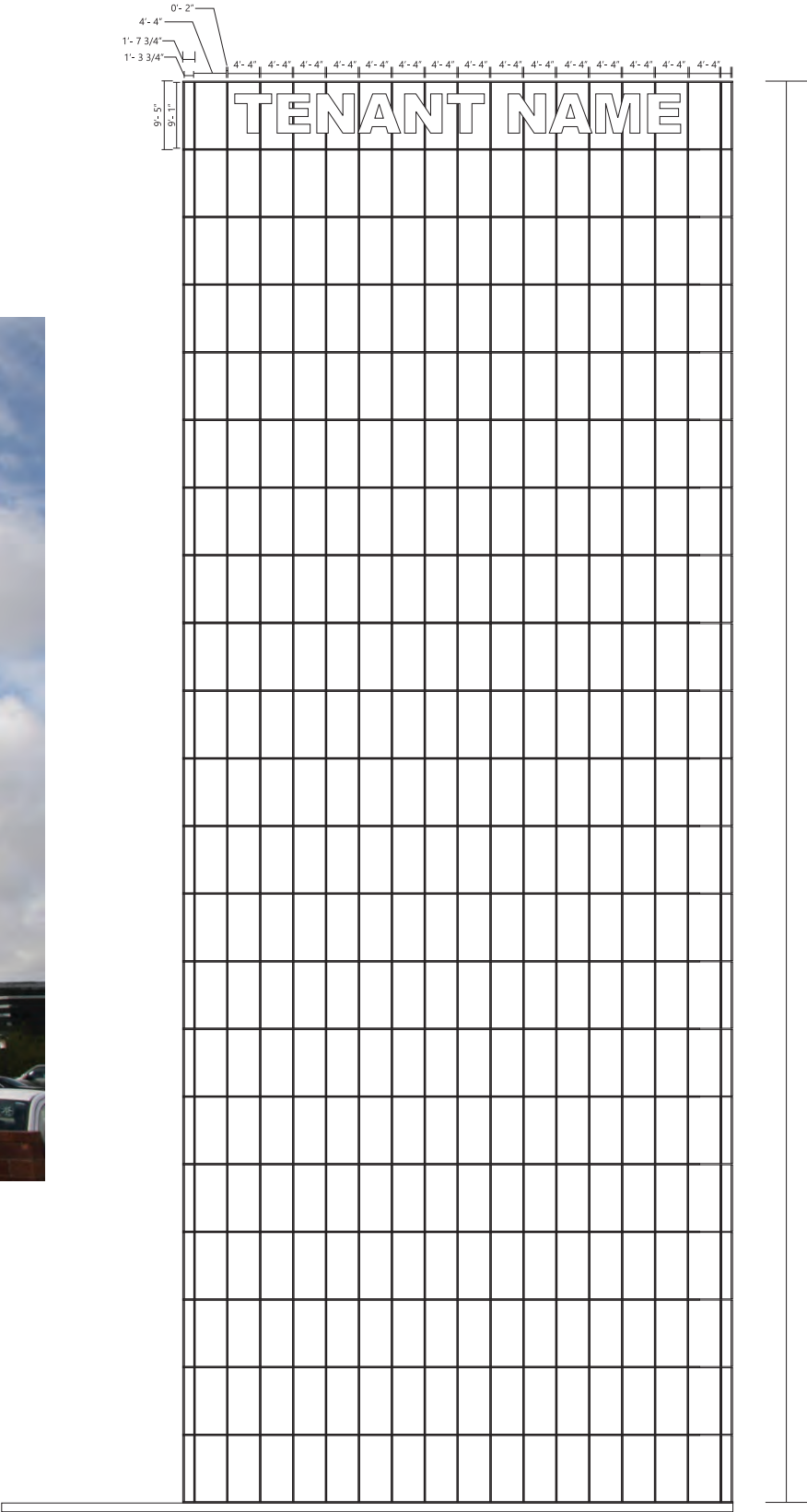
Signage Administrator: \_\_\_\_\_

Tenant Name: \_\_\_\_\_

Tenant Number: \_\_\_\_\_

Signature of Tenant \_\_\_\_\_

Signature of (Facility Name) \_\_\_\_\_



INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	JAMBOREE RD.
CONTENT	EAST TOWER
LOCATION	EAST SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	LINEAR FRONTAGE: 148'-0"                      MAXIMUM WIDTH: 77.4' MAXIMUM SIGN AREA: 387 SQFT                      MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE





LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOG AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT, SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS. RACEWAYS ARE PROHIBITED



Facility Name: \_\_\_\_\_

Date revised: \_\_\_\_\_

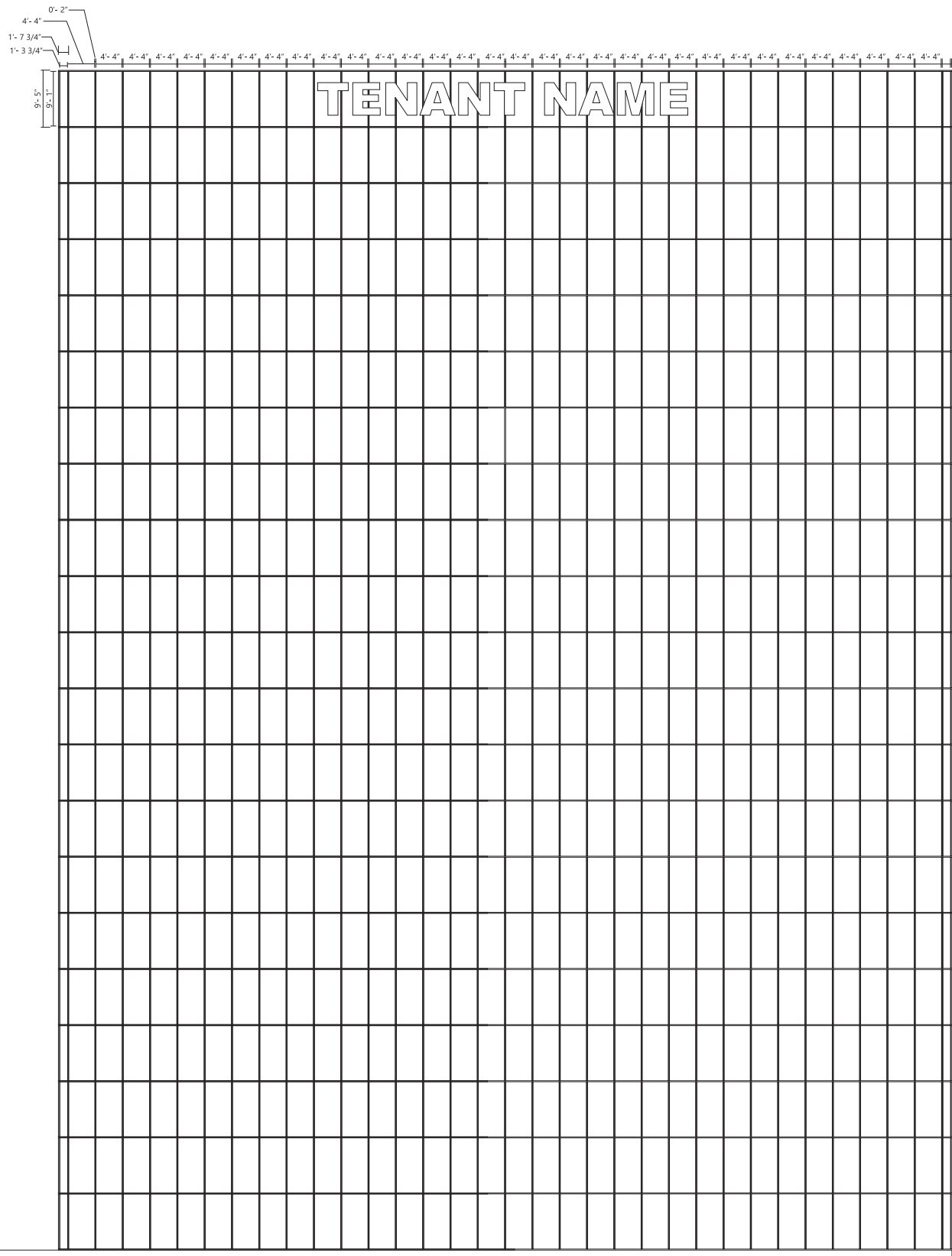
Signage Administrator: \_\_\_\_\_

Tenant Name: \_\_\_\_\_

Tenant Number: \_\_\_\_\_

Signature of Tenant: \_\_\_\_\_

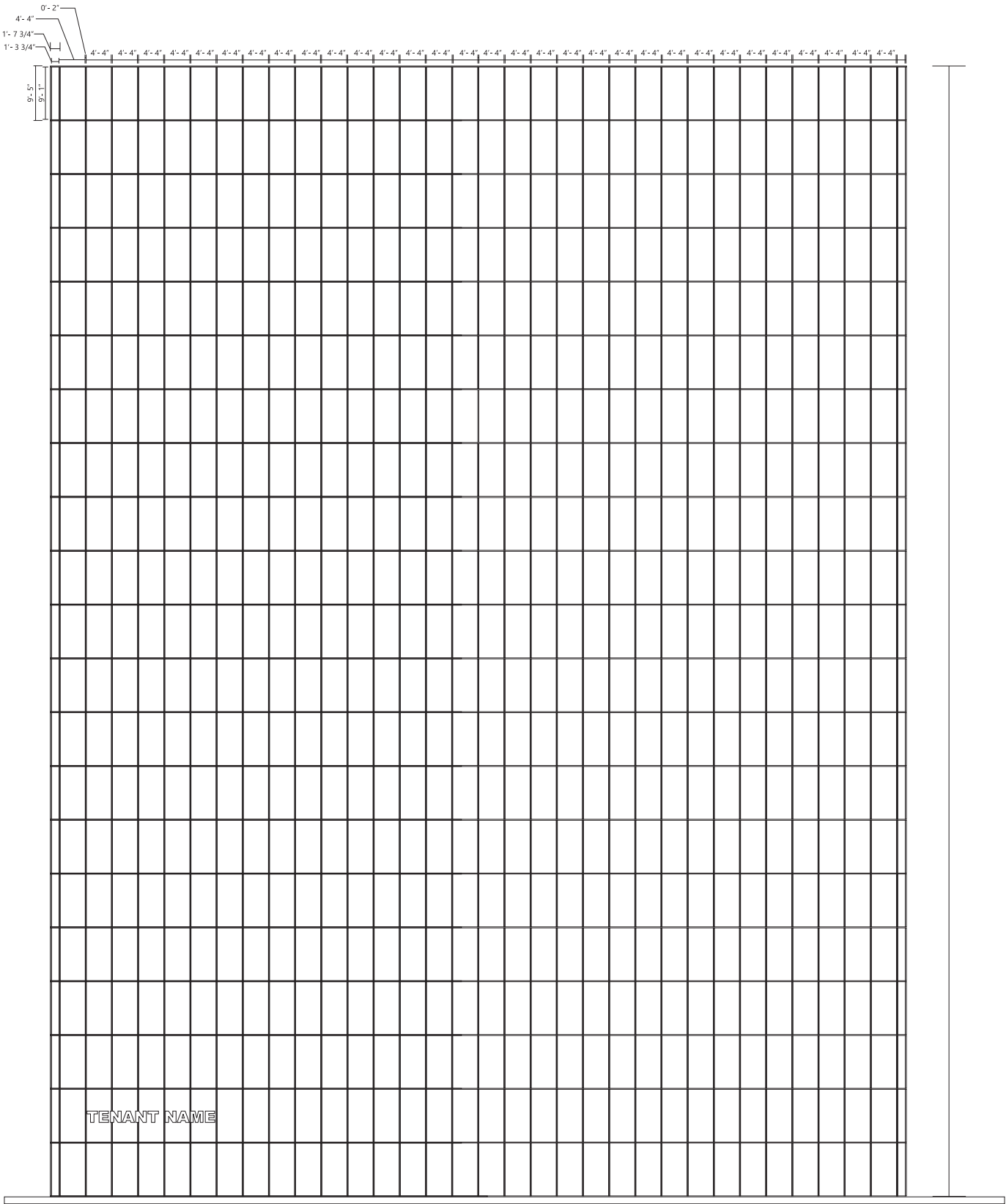
Signature of (Facility Name): \_\_\_\_\_



INTENT	TO IDENTIFY THE BUILDING TO PATRONS	
FRONTAGE	JAMBOREE RD.	
CONTENT	EAST TOWER	
LOCATION	EAST SIDE OF BUILDING	
QUANTITY	ONE	
SIGN SIZE	LINEAR FRONTAGE: 42'-0"	MAXIMUM WIDTH: 40'
	MAXIMUM SIGN AREA: 35 SQFT	MAXIMUM HEIGHT: 2'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.	
ILLUMINATION	PERMITTED	
LETTERSTYLE	PROJECT FONT	
COLOR	WHITE	

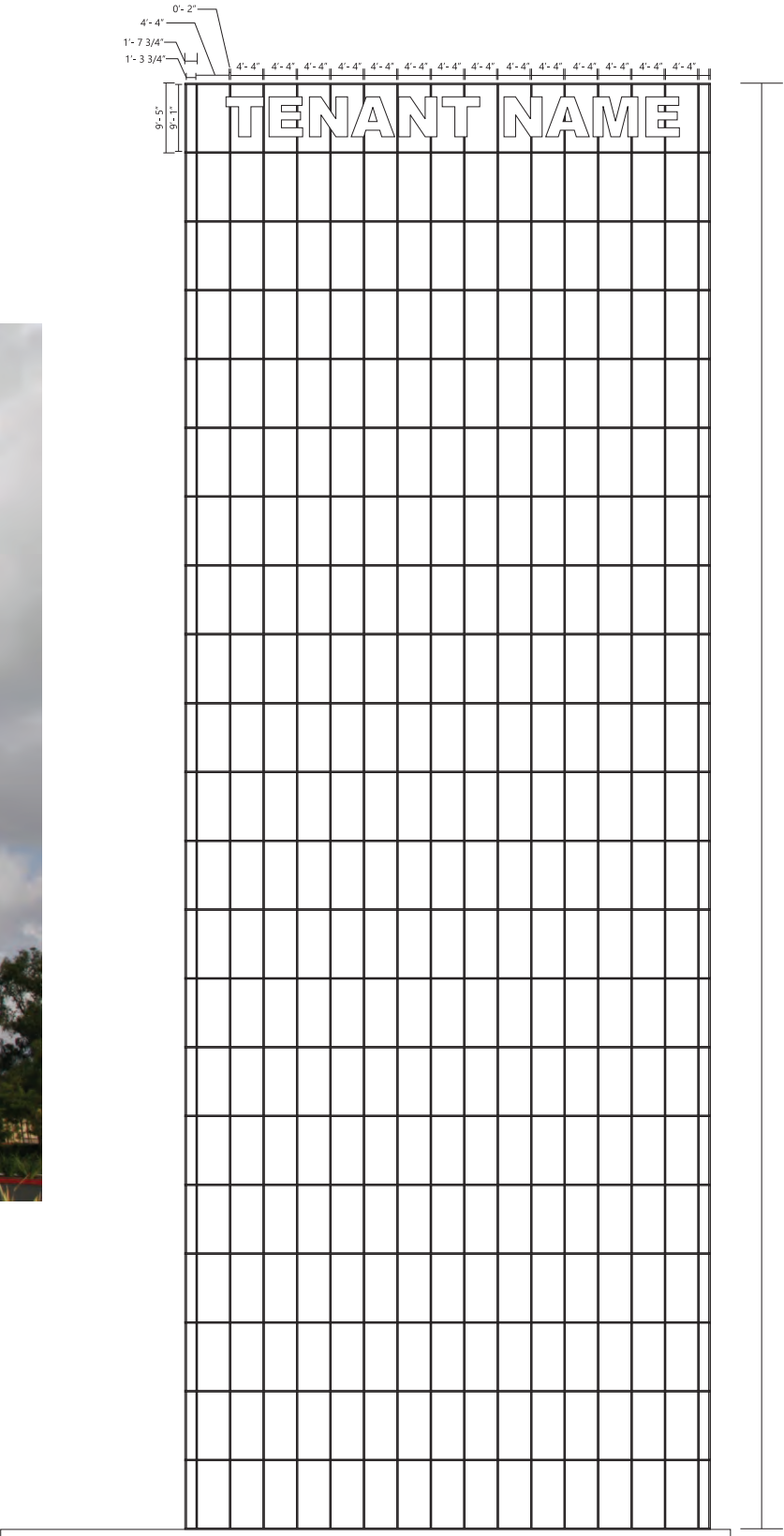






LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOG AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT, SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS. RACEWAYS ARE PROHIBITED





INTENT	TO IDENTIFY THE BUILDING TO PATRONS	
FRONTAGE	MACARTHUR BLVD	
CONTENT	EAST TOWER	
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING	
QUANTITY	ONE	
SIGN SIZE	LINEAR FRONTAGE: 68'-0"	MAXIMUM WIDTH: 77.4'
	MAXIMUM SIGN AREA: 200 SQFT	MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.	
ILLUMINATION	PERMITTED	
LETTERSTYLE	PROJECT FONT	
COLOR	WHITE	



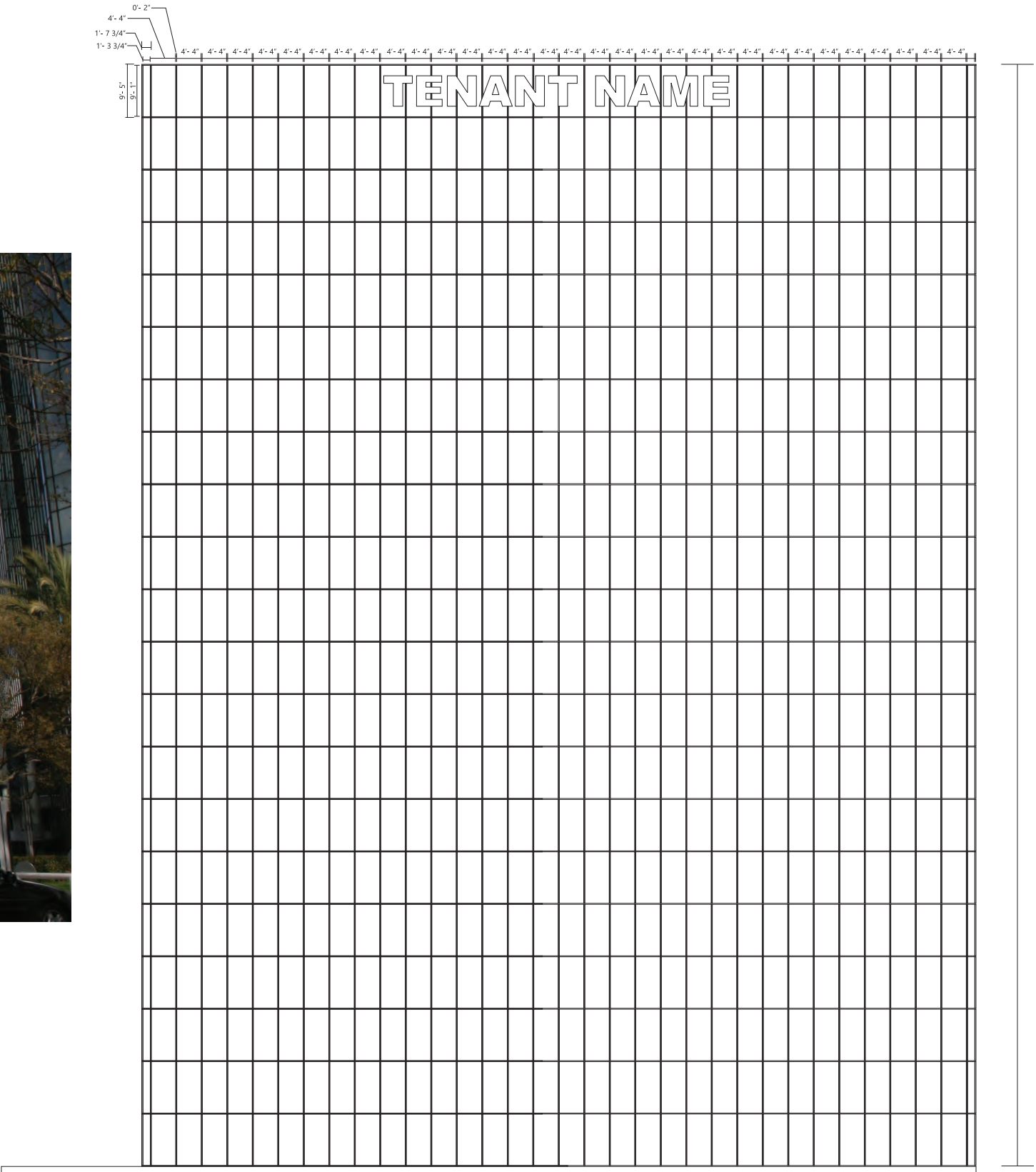
INTENT	TO IDENTIFY THE BUILDING TO PATRONS
FRONTAGE	MACARTHUR BLVD
CONTENT	WEST TOWER
LOCATION	SOUTH SIDE ENTRANCE TO BUILDING
QUANTITY	ONE
SIGN SIZE	LINEAR FRONTAGE: 148'-0"                      MAXIMUM WIDTH: 77.4' MAXIMUM SIGN AREA: 387 SQFT                      MAXIMUM HEIGHT: 5'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.
ILLUMINATION	PERMITTED
LETTERSTYLE	PROJECT FONT
COLOR	WHITE





LOCATION: 2' WILL BE ALLOWED FROM THE TOP OF THE LETTERING AND LOG  
AND 2' WILL BE ALLOWED FROM THE BOTTOM OF LETTERING AND LOGO  
INFORMATION WHICH MAKES THE SIGN APPEAR TO BE ADVERTISEMENT,  
SUCH AS TRADEMARK OR REGISTRATION ARE PROHIBITED.

INDIVIDUAL LETTERS AND LOGOS ONLY. NO CABINET SIGNS OR CLOUD SIGNS.  
RACEWAYS ARE PROHIBITED



INTENT	TO IDENTIFY THE BUILDING TO PATRONS	
FRONTAGE	JAMBOREE RD.	
CONTENT	WEST TOWER	
LOCATION	SOUTH SIDE OF BUILDING	
QUANTITY	ONE	
SIGN SIZE	LINEAR FRONTAGE: 96'-0"	MAXIMUM WIDTH: 40'
	MAXIMUM SIGN AREA: 35 SQFT	MAXIMUM HEIGHT: 2'
MATERIAL	SMOOTH, DURABLE, NON-WEATHERING SIGN. ALL HARDWARE SHALL BE OF NONFERROUS METALS.	
ILLUMINATION	PERMITTED	
LETTERSTYLE	PROJECT FONT	
COLOR	BLUE	





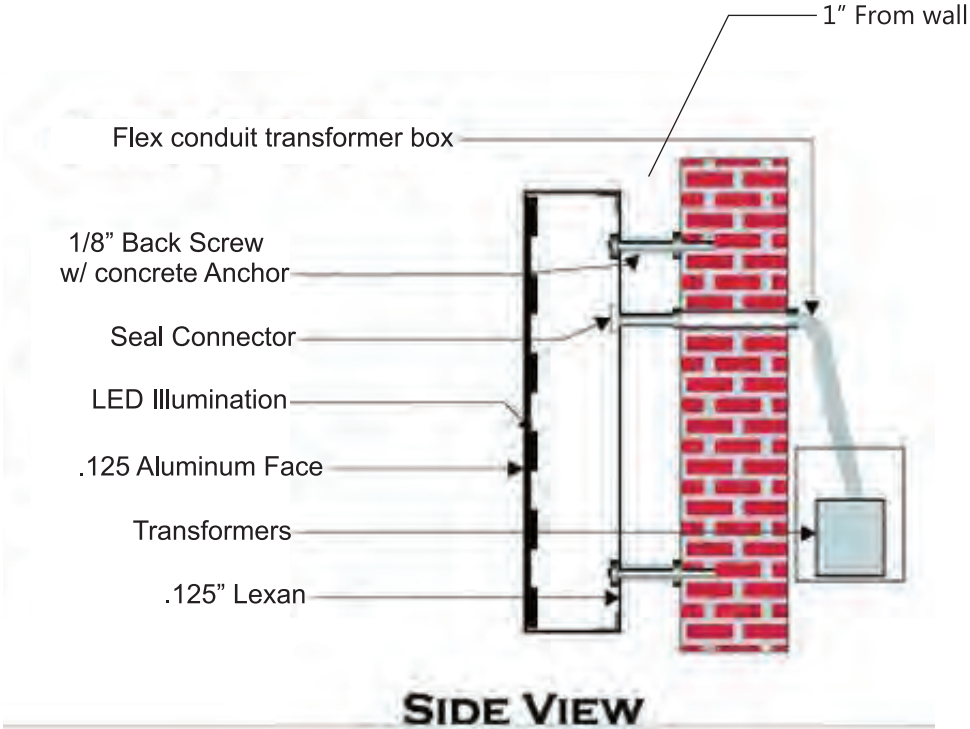
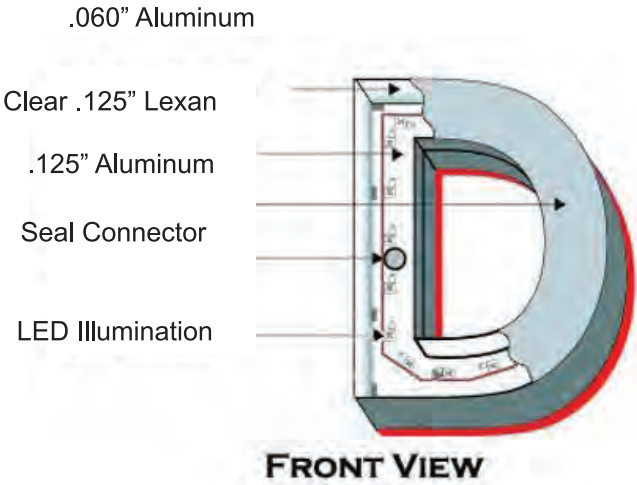
21'

# 4000 MACARTHUR

2'

- Letter and Logo Specifications:
- 6" Returns on Letters and Logo
  - Letters Painted color picked by client
  - White LED's will provide Halo Lighting Effect

EXAMPLE OF LETTER BUILD



LOCATIONS

2A 40' 4000 MACARTHUR 2'

2B 14' WEST TOWER 18"

2C 14' EAST TOWER 18"

4.A TENANT NAME 2'

TBD"

TENANT NAME

5'

- Letter and Logo Specifications:
- 6" Returns on Letters and Logo
  - Letters Painted color picked by client
  - White LED's will provide Halo Lighting Effect

EXAMPLE OF LETTER BUILD  
EXAMPLE IS FOR FABRICATION  
REFERENCE ONLY AND IS NOT  
,MEANT TO BE USED FOR  
FABRICATION.

