



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Assistant City Manager/Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator and/or Community Development Director for the week ending May 31, 2024.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS MAY 30, 2024

Item 1: Tanar's Tobacco Minor Use Permit (PA2023-0032)
Site Address: 2233 West Balboa Boulevard

Action: Denied Resolution No. ZA2024-033 Council District 1

COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)

Item 1: Salamatipour Residential Condominiums Tentative Parcel Map (PA2024-0060)
Site Address: 709 and 709 ½ Larkspur Avenue

Action: Approved Council District 6

Item 2: Bay Shores Hotel Comprehensive Sign Program (PA2023-0241)
Site Address: 1800 West Balboa Boulevard

Action: Approved Council District 1

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period 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.

Wendy Joe, Civilian Investigator, NBPD (*Telecom - Massage – ABC License*)
Mark Short, Police Sergeant, NBPD (*Massage – ABC License*)

RESOLUTION NO. ZA2024-033

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH DENYING A MINOR USE PERMIT FOR A TYPE 20 (OFF-SALE BEER & WINE) ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FOR A TOBACCO RETAIL STORE LOCATED AT 2233 WEST BALBOA BLVD (PA2023-0032)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Glocal 4T, INC. dba Tanar's Tobacco, with respect to property located at 2233 West Balboa Boulevard, and legally described as Parcel 1 of Parcel Map No. 2007-146, requesting approval of a minor use permit.
2. The applicant requests a minor use permit to allow a Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control (ABC) license at an existing tobacco retail store. The Type 20 (Off-Sale Beer & Wine) ABC license would allow the existing retail business to sell beer and wine for off-site consumption. No other changes to the operation are requested and no construction is proposed. No on-site consumption of alcohol is proposed as part of the project.
3. The subject property is designated Mixed-Use Water 2 (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water (MU-W2) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and it is located within the Mixed-Use Water (Mixed-Use Water) Coastal Zone District. The project does not represent an intensification of use from the existing tobacco shop and is not considered "development", therefore, a coastal development permit is not required.
5. A public hearing was held on May 30, 2024, online via Zoom. 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.

A project which a public agency rejects or disapproves is statutorily exempt and not subject to review under the California Environmental Quality Act (CEQA) pursuant to Article 18, Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3.

SECTION 3. REQUIRED FINDINGS.

In reviewing a request for a minor use permit for an establishment that sells alcohol, the review authority must make the findings in Section 20.52.020 (F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) and Section 20.48.030(C)(3) (Alcohol Sales – Required Findings) of the NBMC. In this case, the Zoning Administrator has determined the request cannot be granted for the following reasons:

1. The property is located on the peninsula within the McFadden Square area in the Mixed-Use Water 2 (MU-W2) Zoning District of the NBMC and is designated MU-W2 of the Land Use Element of the General Plan. The surrounding properties are developed with both commercial and residential uses. There are 19 establishments with on-sale ABC licenses within the McFadden Square area which is considered an area that is significantly oversaturated with ABC licenses.
2. The Newport Beach Police Department (NBPD) reviewed the proposed application on October 10, 2023, and does not support the request due to the high concentration of existing ABC Licenses in this area.
3. The NBPD reviewed the proposed application again on May 14, 2024, to reevaluate the business after they made significant positive changes. For example, during the applicant's ABC License process, ABC Agents discovered the applicant was selling items considered to be drug paraphernalia under Section 24200.6 of the Business & Profession Code. Whereas, during a recent site visit, the business was compliant with all laws and all drug paraphernalia had been removed. Although the applicant addressed an objectionable condition of the business, the NBPD continues to not support the project due to the location's undue concentration pertaining to on-sale and off-sale alcohol licenses.
4. The property is located in the NBPD Reporting District 15 (RD 15), which is the highest crime area in Newport Beach with significant quality-of-life concerns for the residents, as well as the Police Department. The NBPD is required to report offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to the Department of ABC. These figures make up the "Crime Count." RD 15's ABC crime count is 914, which is 805% over the Citywide average crime count of 118. Since this area has at least a 20% greater number of reported crimes than the citywide average number of reported crimes, the area is found to have undue concentration. In comparison, nearby RD 13 is 226% above the citywide average, RD 16 is 94% above, and RD 25 is 111% above.
5. The property is located within census tract 0635.00 that has six off-sale licenses and a per capita ratio of one off-sale license for every 823 residents. Per the Business and Professions code, this ratio must be compared to the per capita ratio of Orange County of one off-sale license for every 1,730 residents. Since the area's ratio exceeds the ratio of retail licenses to population in the county, the area is deemed to have an undue concentration of off-sale alcohol licenses.

6. The project would increase the burden on police resources and exacerbate current quality-of-life challenges for residents, visitors, and businesses, and would generate additional public safety concerns in RD 15.
7. Due to the type of ABC license requested, the NBPD would be required to submit a determination of Public Convenience or Necessity (PCN) to demonstrate that the business operation will provide a benefit to the surrounding community. Approval of a minor use permit would indicate that the City deems this business as a benefit to the community and, therefore, serves as a PCN.
8. The property is adjacent to residential uses across the street along 23rd Street and the West Oceanfront alley. Additionally, the property is located approximately 270-feet from the beach and the addition of a Type 20 ABC license would not be appropriate within proximity to these uses.
9. Due to the adjacent residential developments, proximity to the beach, and over concentration of off-sale alcohol licenses in the area, the request to add a Type 20 ABC License to the tobacco store would be detrimental to the harmonious and orderly growth of the City, and would endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is statutorily exempt from CEQA under Article 18, Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3.
2. The Zoning Administrator of the City of Newport Beach hereby denies the Minor Use Permit filed as PA2023-0032.
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 20 (Planning and Zoning), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 30TH DAY OF MAY 2024.



Benjamin M. Zueba, AICP, Zoning Administrator

RESOLUTION NO. ZA2024-034

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A TENTATIVE PARCEL MAP FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 709 AND 709 ½ LARKSPUR AVENUE (PA2024-0060)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Matthew Watson (Applicant), on behalf of Sohrab Salamatipour (Owner) with respect to property located at 709 and 709 ½ Larkspur Avenue, and legally described as Lot 9 of Block 737 in the Corona del Mar Tract (Property), requesting approval of a tentative parcel map for condominium purposes.
2. The Applicant requests a tentative parcel map for two-unit residential condominium purposes. An existing duplex will be demolished, and a new duplex will be constructed. The tentative parcel map would allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed (Project).
3. The Property is categorized as Two Unit Residential (RT) by the General Plan Land Use Plan and is located within the Two-Unit Residential (R-2) Zoning District.
4. The Property is not located within the coastal zone; therefore, a coastal development permit (CDP) is not required.
5. On May 30, 2024, the Zoning Administrator reviewed a tentative parcel map filed as PA2024-0060. A notice of purpose of the review was given in accordance with the Newport Beach Municipal Code (NBMC). Written evidence was presented to and considered by the Zoning Administrator.

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 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 years, and the parcel does not have an average slope greater than 20%. The Project is for a two-unit

condominium subdivision and meets all identified criteria; therefore, it is eligible for the Class 15 Exemption.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

The Zoning Administrator determined the Tentative Parcel Map is consistent with the legislative intent of Title 20 of the NBMC and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps):

Finding:

- A. *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 Project includes a tentative parcel map for two-unit residential condominium purposes. The two-unit dwellings will comply with current condominium standards. The Property is currently developed with a duplex which will be demolished, and a new duplex will be constructed. The proposed subdivision and improvements are consistent with the density of the RT General Plan Land Use category and R-2 Zoning District.
2. The Property is not located within a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Property is physically suitable for a duplex because it is regular in shape and size. An existing duplex is proposed to be demolished to construct a new duplex.
2. The Property is accessible from both Larkspur Avenue and the alley in the rear. Vehicular access is taken from the alley.
3. The Property is adequately served by existing utilities.

Finding:

- C. *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may*

nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

1. The Property is located within an existing residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. 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. Section 2 of this Resolution is hereby incorporated by reference.

Finding:

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

Facts in Support of Finding:

1. The Project 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 NBMC 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.
2. The Project has been conditioned to require public improvements, including all damaged sidewalk panels, curb, gutter, and street along the Larkspur Avenue frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department. The Project is also conditioned to install turf or drought tolerant landscaping, as approved by the City, throughout the entire Larkspur Avenue parkway. Additionally, the installation of a new 36" box street tree along the Larkspur Avenue parkway. Street tree installation shall be per City Standard 118 and City Council Policy G-6.

Finding:

- E. 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 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 the 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 Public Works Department has reviewed the Project and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of Property within the proposed development because no public easements are located on the Property.

Finding:

- F. The 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 is developed for residential use and is located in the R-2 Zoning District, which permits residential uses.

Finding:

- G. 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. *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 Project and any future improvements are subject to Title 24 of the California Building Code which 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. *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 duplex is consistent with the R-2 Zoning District, which allows up to two residential units on the property. Therefore, the tentative parcel map for residential condominium purposes will not affect the City in meeting its regional housing needs.

Finding:

- J. *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 Project wastewater is designed to discharge into the existing sewer system and 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 Property is not located within the coastal zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby 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 the Tentative Parcel Map filed as PA2024-0060, subject to the conditions set forth in Exhibit "A" and in substantial conformance with Exhibit "B," which are both attached hereto and incorporated by reference.
3. This action shall become final and effective 10 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).

PASSED, APPROVED, AND ADOPTED THIS 30TH DAY OF MAY 2024.



Benjamin M. Zdeba, AICP, 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. After the recordation of the Parcel Map and prior to a building permit final inspection, 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 description change on the permit is final.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be cause for revocation of this approval.
4. 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 20 of the NBMC.
5. Prior to the approval of the final Parcel Map, a “Purpose Statement” shall be added to clarify that the map is for two residential condominium units and how common areas will be owned.
6. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **Salamatipour Residential Condominiums** including, but not limited to **Tentative Parcel Map (PA2024-0060)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney’s 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 the City’s costs, attorneys’ fees, and damages, which the City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

7. Prior to building permit final inspection, 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 Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
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 the construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be required for all work activities within the public right-of-way.
11. All damaged sidewalk panels, concrete curb, gutter, and street along the Larkspur Avenue frontage and any damaged concrete alley panels along the alley frontages shall be reconstructed.
12. All existing overhead utilities shall be undergrounded.
13. All existing private, non-standard improvements, including but not limited to fences and decorative walkways, within the Larkspur Avenue public right-of-way fronting the development site shall be removed.
14. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
15. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
16. Install a new 36" box street tree along the Larkspur Avenue parkway. Street tree installation shall be per City Standard 118 and City Council Policy G-6.
17. Install new turf or drought tolerant landscaping throughout the entire Larkspur Avenue parkway.

18. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

Building Division

19. Prior to recordation of the parcel map, independent utility services shall be provided for each unit, including water, electrical and gas.

Fire Department

20. Prior to the recordation of the Parcel Map, a NFPA 13D fire sprinkler system shall be required for the project.
21. Independent fire sprinkler systems shall be installed for each unit and separately connect to the water meter that serves each unit.

EXHIBIT "B"

Tentative Parcel Map
County Parcel Map No. 2023-184

TENTATIVE PARCEL MAP NO. 2023-184

OCTOBER 2023
SITE ADDRESS
709 LARKSPUR AVE
CORONA DEL MAR, CA 92625
(APN: 459-061-15)

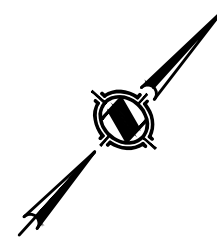
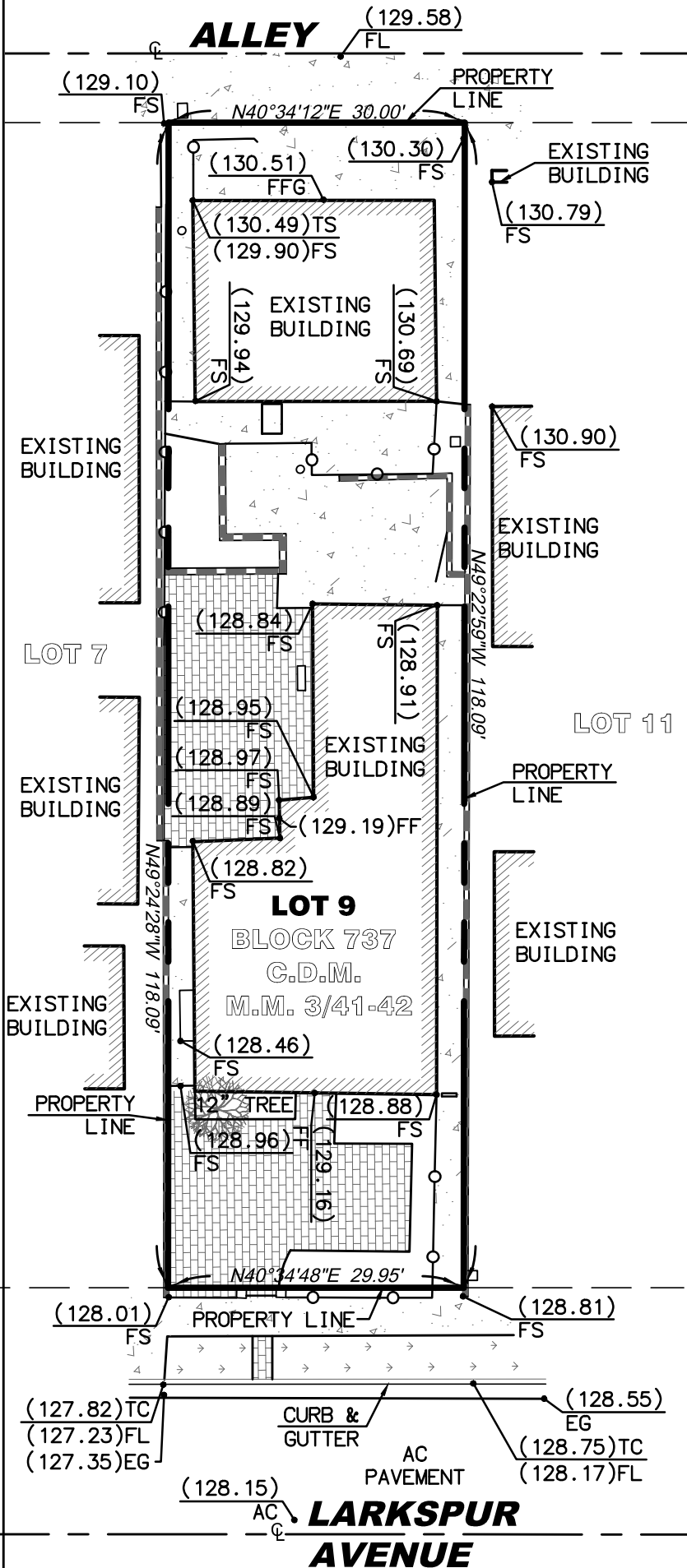
LOT 9
BLOCK 737
CORONA DEL MAR
M.M. 3/41-42

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND DESCRIBED AS FOLLOWS:

LOT 9 IN BLOCK 737 IN CORONA DEL MAR TRACT, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 3, PAGES 41 AND 42, OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

OWNER/DEVELOPER:

ASHA PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY



SCALE = 1" = 16'

PREPARED BY: A. R. H.



10/18/2023

PAUL D. CRAFT, P.L.S. 8516
LICENSE EXPIRES 12/31/24
JN: 23033

DATE

**APEX LAND SURVEYING
INC.**

HUNTINGTON BEACH, CALIFORNIA 92646
PHONE:(714)488-5006 FAX:(714)333-4440
APEXLSINC@GMAIL.COM



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200
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ZONING ADMINISTRATOR ACTION LETTER

Subject: Bay Shores Hotel Sign Program (PA2023-0241)
▪ Comprehensive Sign Program

Site Location 1800 West Balboa Boulevard

Applicant YESCO Signs, LLC

Legal Description Parcel A of Lot Merger No. LM2022-005

On **May 30, 2024**, the Zoning Administrator approved the Comprehensive Sign Program filed as PA2023-0241 for an existing hotel that is currently being remodeled. This approval is in accordance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code (NBMC).

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** (CV) Visitor Serving Commercial
- **Zoning District:** (CV) Commercial Visitor-Serving
- **Coastal Land Use Plan Category:** (CV-A) Visitor Serving Commercial – (0.0 – 0.75 FAR)
- **Coastal Zoning District:** (CV) Commercial Visitor-Serving

SUMMARY

As listed in the attached Comprehensive Sign Program Matrix (Attachment No. ZA 2) and required by Chapter 20.42.120 (Comprehensive Sign Program) of the NBMC, the Comprehensive Sign Program covers all signage for the project including the following:

- Two project identification wall signs;
- Two projecting (blade) signs;
- One address sign; and
- One parking entrance sign.

The project site is developed with an existing hotel that is undergoing renovations. A comprehensive sign program is required because the project proposes signs that are located on or above the second story on a multi-story building and includes three or more nonexempt signs for a single-tenant development. The Comprehensive Sign Program will allow deviations from Chapter 20.42 (Sign Standards) of the NBMC for the following:

1. More than one wall sign per primary frontage;
2. A blade sign that is up to 26 square feet where the code allows for 20 square feet; and

3. Signage on a secondary frontage that exceeds 50% of the sign area allowed for the primary building frontage signage.

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

FINDINGS AND STANDARDS

Finding

- A. *The project is exempt from environmental review under the requirements of the California Environmental Quality Act (CEQA) under 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 Comprehensive Sign Program (Program) is incidental and accessory to the principal commercial use of the property and does 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 (Sign Standards)], any adopted sign design guidelines, and the overall purpose and intent of this Section [Section 20.42.120 (Comprehensive Sign Program)].*

Facts in Support of Standard

1. A comprehensive sign program is required whenever signs are proposed to be located on or above the second story on a multi-story building and includes three or more nonexempt signs for a single-tenant development. The purpose of a comprehensive sign program is to integrate all project signs. It provides a means for the flexible application of sign regulations for projects that require multiple signs. The proposed Program provides incentive and latitude in the design and display of signs. As proposed, the Program will allow the installation of two project identification wall signs, two blade signs, one address sign, and one parking entrance sign. The font, colors, and materials of all proposed signage are coordinated to complement the architecture of the newly renovated hotel.
2. The Program complies with the purpose and intent of Chapter 20.42 (Sign Standards) of the NBMC because it provides the hotel with adequate identification while guarding against an excessive sign proliferation. The two wall signs on the primary frontage on Balboa Boulevard and the one wall sign on the secondary frontage on 18th Street are the same signs that provide the hotel with adequate identification on both frontages. The blade sign on West Balboa Boulevard will be lit

with halo illuminated reverse pan channel letters and the blade sign on 18th Street will be smaller in size and internally illuminated with white LED lights in the general location depicted on the project plans (Attachment No. ZA 3). Finally, the project includes an address sign and parking sign that are small in proportion to the building façade they are located on.

3. The Program is consistent with Chapter 20.42 of the NBMC because the proposed signs are designed to be compatible with the building design in terms of scale, size, and materials. The proposed signs are designed to effectively identify the facility property without creating sign clutter by using legible text that contrasts with the background. The placement and size of the signs are consistent with the proportions of the street frontages on which they are located. The proposed signage is adequately spaced to prevent large clusters of signage and appear less obtrusive to neighboring motorists and pedestrians.
4. The increased number of signs provides necessary identification for motorists and visitors traveling in both directions on Balboa Boulevard, which is a busy street with heavy vehicular traffic during the summer months.
5. The blade sign on 18th Street complies with all the regulations for permanent signs identified in Table 3-16 of Section 20.42.070 (Standards for Permanent Signs) of the NBMC, and no deviations are requested. The blade sign on Balboa Boulevard exceeds the maximum square footage of 20 square feet for projecting signs. Section 20.42.120 allows for a 30% increase in sign area with approval of a comprehensive sign program. The proposed blade sign is 25.6 square-feet which is a 28% increase and is consistent with the allowed deviation.

Standard

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

Facts in Support of Standard

1. The site has an existing hotel that is undergoing renovations, and the signage has been designed in a manner that will integrate with the renovated building. The number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood. The building façade along West Balboa Boulevard is large, at approximately 2,700 square feet. The proposed wall signs would consist of approximately 43.8 square feet, or 1.6% of the façade. Likewise, the façade along 18th Street is approximately 2,800 square feet. The proposed wall signs would consist of approximately 28.2 square feet, or 1% of the façade. The signs are designed and sited such that they are visible to motorists along West Balboa Boulevard and 18th Street without being excessively visually obtrusive to other visitors to the area.

2. The proposed signs visible along West Balboa Boulevard, which acts as the primary frontage, include an identification wall sign located on a tower feature above the third floor and an identification blade sign located closer to the ground level on the first floor. The blade sign is installed on the secondary frontage on 18th Street; however, this sign is facing West Balboa Boulevard and is visible to motorists and pedestrians along West Balboa Boulevard. Additionally, this frontage has an address sign to clearly identify the property address. The signage is adequately spaced and would provide visibility to both pedestrians at the sidewalk level, and motorists that have visibility to the upper levels.
3. The proposed signs visible along 18th Street, which acts as the secondary frontage, include an identification wall sign on the first floor and a blade sign on the third floor. The blade sign is installed on the primary frontage; however, this sign is facing 18th Street and is visible to motorists and pedestrians when viewed from 18th Street. Additionally, the 18th Street frontage has a parking sign to identify the parking garage for visitors seeking to park on the property.
4. Both frontages have signs that are located on higher and lower levels to create a balance of signs that are in harmony with the building and do not create visual obstructions to the nearby residential neighborhoods.
5. All proposed signage will be in harmony with the character and architectural style of the building. The placement and size of the wall signs are complementary to the building's large frontages (100-feet on both West Balboa Boulevard and 18th Street) and will comply with the limitations in the sign matrix and project plans. The proposed signs have been designed to use a consistent color pallet that is complementary to the building façade. Further, the proposed signs are not excessively illuminated.

Standard

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

Fact in Support of Standard

1. The Program addresses all project signage. Temporary and exempt signs not specifically addressed in the Program shall be regulated by the provisions of Chapter 20.42 of the NBMC.

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. It is not anticipated that future revisions to the program will be necessary to accommodate normal changes in tenants or uses. However, flexibility has been incorporated into the Sign Program Matrix to allow minor deviations from the proposed signs.
2. Consistent with Chapter 20.42.120 of the NBMC, the Community Development Director may approve minor revisions to the 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 about signing area, total number, location, and/or height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter [Chapter 20.42].*

Facts in Support of Standard

1. Facts in support of Standard B are hereby incorporated by reference.
2. The Program allows for deviations with regards to the type, number, and location of signs. The approval conforms to the intent of Chapter 20.42 and enhances the overall development of the hotel by integrating the project's signage to be appropriately located and scaled to the building's fascia and building frontage. The building has a large frontage and the allowed signs in conformance with Chapter 20.42 would not provide appropriate signage for motorists and pedestrians to identify the building. However, the Program ensures that the deviations will enhance the building without creating visual obstructions to the surrounding neighborhood.
3. The proposed signs are positioned along West Balboa Boulevard and 18th Street and no signs are proposed in the rear along Vilelle Place or the side property that could be visible to the residential neighborhoods adjacent to the Property. Additionally, the design of the signs is sufficient to provide adequate identification of the building, address, and parking area, but are not excessively large that would create a visual detriment to the 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 Program does not propose nor authorize the use and installation of prohibited signs such as animated signs or roof 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 Program contains no regulations affecting sign message content.

CONDITIONS

1. The development shall be in substantial conformance with the approved site plan, details, Sign Matrix, and elevations, except as noted in the following conditions.
2. Upon demolition or substantial structural and nonstructural changes to the exterior of the development on which this approval is based, this Program shall be rendered nullified, and a new comprehensive sign program shall be obtained for the new or altered development by the Zoning Code Provisions in effect at the time the new development is approved.
3. 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 No. ZA 2.
4. All signs shall be maintained by Section 20.42.170 (Maintenance Requirements) of the NBMC. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42 of the NBMC.
5. 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 No. ZA 2 and any applicable sight distance provisions of Chapter 20.42 of the NBMC or required by the Public Works Department (City Standard 110-L).
6. In accordance with Section 20.42.120(F) (Revisions to Comprehensive Sign Programs) of the NBMC, the Community Development Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected. This may include deviations in the tenant configurations or minor revisions related to location and size of signage. There shall be no net increase in the allowed number of signs without an amendment to this sign program.
7. A building permit shall be obtained before the commencement of the construction and/or installation of the signs.
8. *Illuminated signs shall comply with the 2022 Cal Energy Code or any applicable successor section.*
9. *Structural calculations for anchorage shall comply with the American Society of Civil Engineers 7-16, Chapter 13 or any applicable successor section.*

10. *Number or address signs shall be placed above or immediately adjacent to all doors that allow Fire Department access and shall be no less than six inches in height with a one-inch stroke. Address numbers shall contrast with the background and be internally or externally illuminated.*
11. *Signs shall not project into the public right-of-way.*
12. A copy of the approval action letter, including conditions of approval and sign matrix, shall be incorporated into the City and field sets of plans before issuance of the building permits for the initial sign installations to identify this approval as the authority for location, size, and placement.
13. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **Bay Shore Hotel Sign Program including, but not limited to Comprehensive Sign Program (PA2023-0241)** 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, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under 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.

Prepared by:



Jenny Tran, Assistant Planner

Approved by:



Benjamin M. Zueba, AICP, Zoning Administrator

LAW/jt

Attachments: ZA No. 1 Vicinity Map
ZA No. 2 Comprehensive Sign Program Matrix
ZA No. 3 Project Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program
(PA2023-0241)

1800 West Balboa Boulevard

Attachment No. ZA 2

Comprehensive Sign Program Matrix

COMPREHENSIVE SIGN PROGRAM MATRIX

1800 WEST BALBOA AVENUE (PA2023-0241)

Sign Number	Sign Type	Primary Frontage <i>Balboa Boulevard</i>	Secondary Frontage <i>18th Street</i>
1	Building Sign - Wall	<u>Maximum Number:</u> 1 <u>Maximum Height:</u> 3' <u>Maximum Width:</u> 5'-5" <u>Maximum Sign Area:</u> 15 sq. ft	
2	Address Sign – Wall	<u>Maximum Number:</u> 1 <u>Maximum Height:</u> 1' <u>Maximum Width:</u> 4' <u>Maximum Sign Area:</u> 4 sq. ft	
3	Building Sign - Blade	<u>Maximum Number:</u> 1 <u>Maximum Height:</u> 7'-6" <u>Maximum Width:</u> 3'-5" <u>Maximum Sign Area:</u> 26 sq. ft <u>Minimum Vertical Clearance:</u> 18'	

4	Building Sign - Blade		<u>Maximum Number:</u> 1 <u>Maximum Height:</u> 2' <u>Maximum Width:</u> 2'-6" <u>Maximum Sign Area:</u> 5 sq. ft <u>Minimum Vertical Clearance:</u> 8'
5	Parking Entrance - Wall		<u>Maximum Number:</u> 1 <u>Maximum Height:</u> 0'-10" <u>Maximum Width:</u> 13'-3" <u>Maximum Sign Area:</u> 10 sq. ft
6	Building Sign - Wall		<u>Maximum Number:</u> 1 <u>Maximum Height:</u> 3' <u>Maximum Width:</u> 5'-5" <u>Maximum Sign Area:</u> 15 sq. ft

Notes/Requirements

- a. Requirements for all signs, including but not limited to temporary and exempt signs, are subject to Municipal Code Chapter 20.42 (Sign Standards), except as provided in this sign matrix.
- b. Sign locations shall be as depicted on approved plans.
- c. Blade signs shall not project past the property line into the public right-of-way.

Attachment No. ZA 3

Project Plans

Bay Shores HOTEL

COMPREHENSIVE SIGN PROGRAM

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Client Name & Address:
BAY SHORES PENINSULA HOTEL
1800 W BALBOA BLVD
NEWPORT BEACH CA 92663-4515

OPY:
58317

Project Name:
EXTERIOR
SIGNAGE

Account Executive:
TRAVIS
MITCHELL

Designer:
MARIO FOCA

Design Approvals

Checked by:

Creative Director:

Estimating:

Account Executive:

Client:

Rev. / Date / Designer

- 09/26/23 - MF
- 10/23/23 - MF
- 11/02/23 - MF
- 11/16/23 - SS
- 12/05/23 - MF
- 12/08/23 - MF
- 02/20/24 - MF

Description:

Classification:

Reference Design:

O.E.M Serial:

Sheet:

0.0

EXTERIOR SIGNAGE

REVISION SUMMARY

REVISION 6:

PAGE 0.2:
ADDED PROPERTY LINE W/ DIMENSIONS.
ALL RED SIGN LOCATIONS TO SCALE.

PAGE 0.3:
ADDED PROPERTY LINE W/ DIMENSIONS.
ADDED CLEARANCE DIMENSION TO SIGN #4.

PAGE 0.4:
ADDED PROPERTY LINE W/ DIMENSIONS.
ADDED CLEARANCE DIMENSION TO SIGN #4.

PAGE 2.0:
ADDED CLEARANCE DIMENSION TO SIGN #4.

PAGE 3.0:
NEW SQUARE FOOTAGE FOR SIGN #5.

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02/20/24 - MF

Description:

Classification:

Reference Design:

O.E.M Serial:

Sheet:

0.1

SITE PLAN
SCALE: 1/16"=1'-0"

PROPERTY LINE

W BALBOA BLVD

1

2

3

100'-0"

PROPERTY LINE

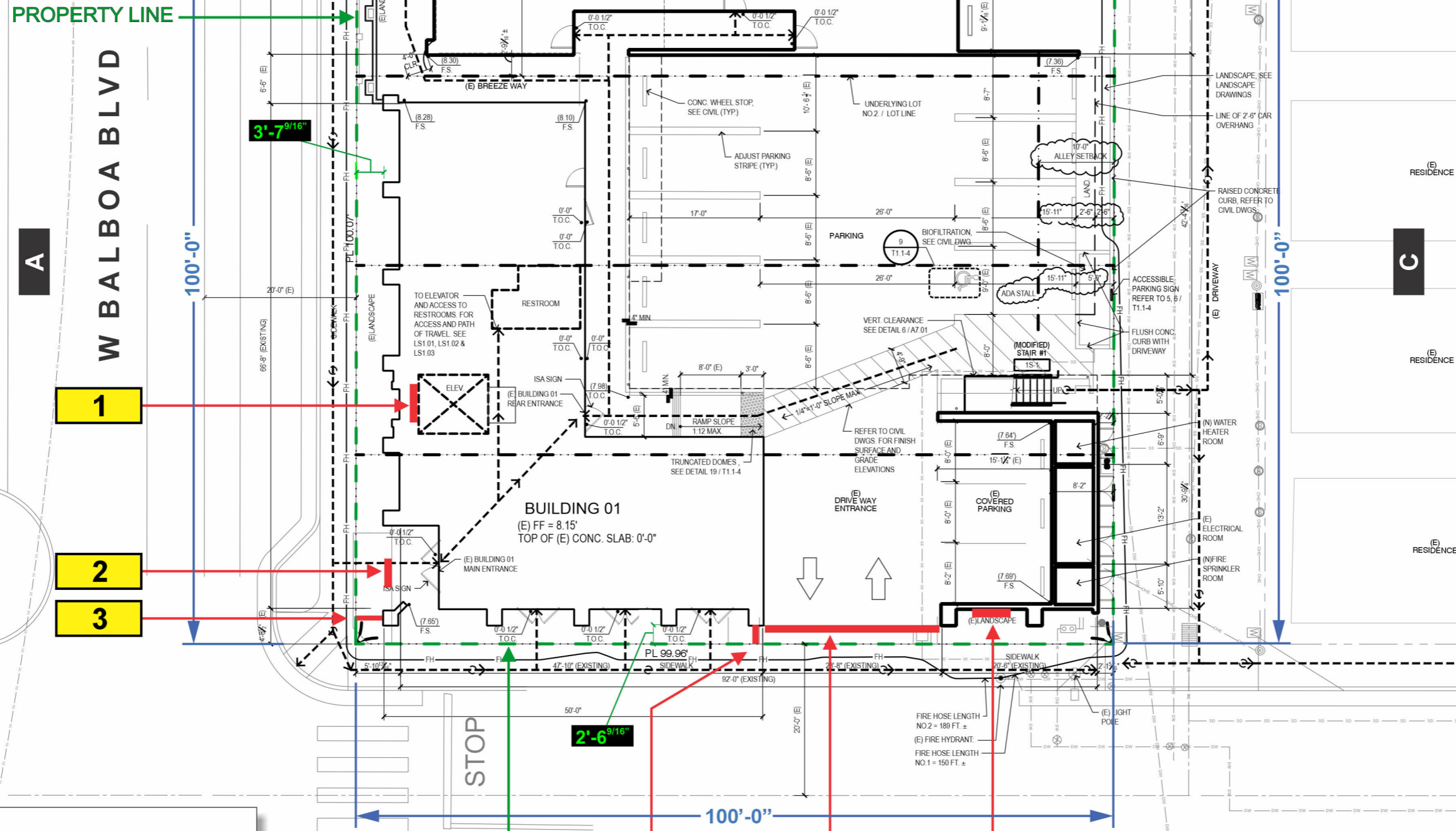
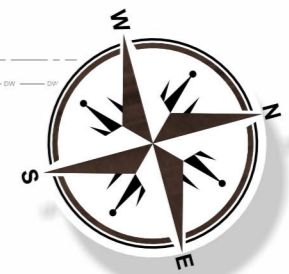
4

5

6

B

18TH ST



NEWPORT CHANNEL

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Designer:
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Creative Director:
Estimating:
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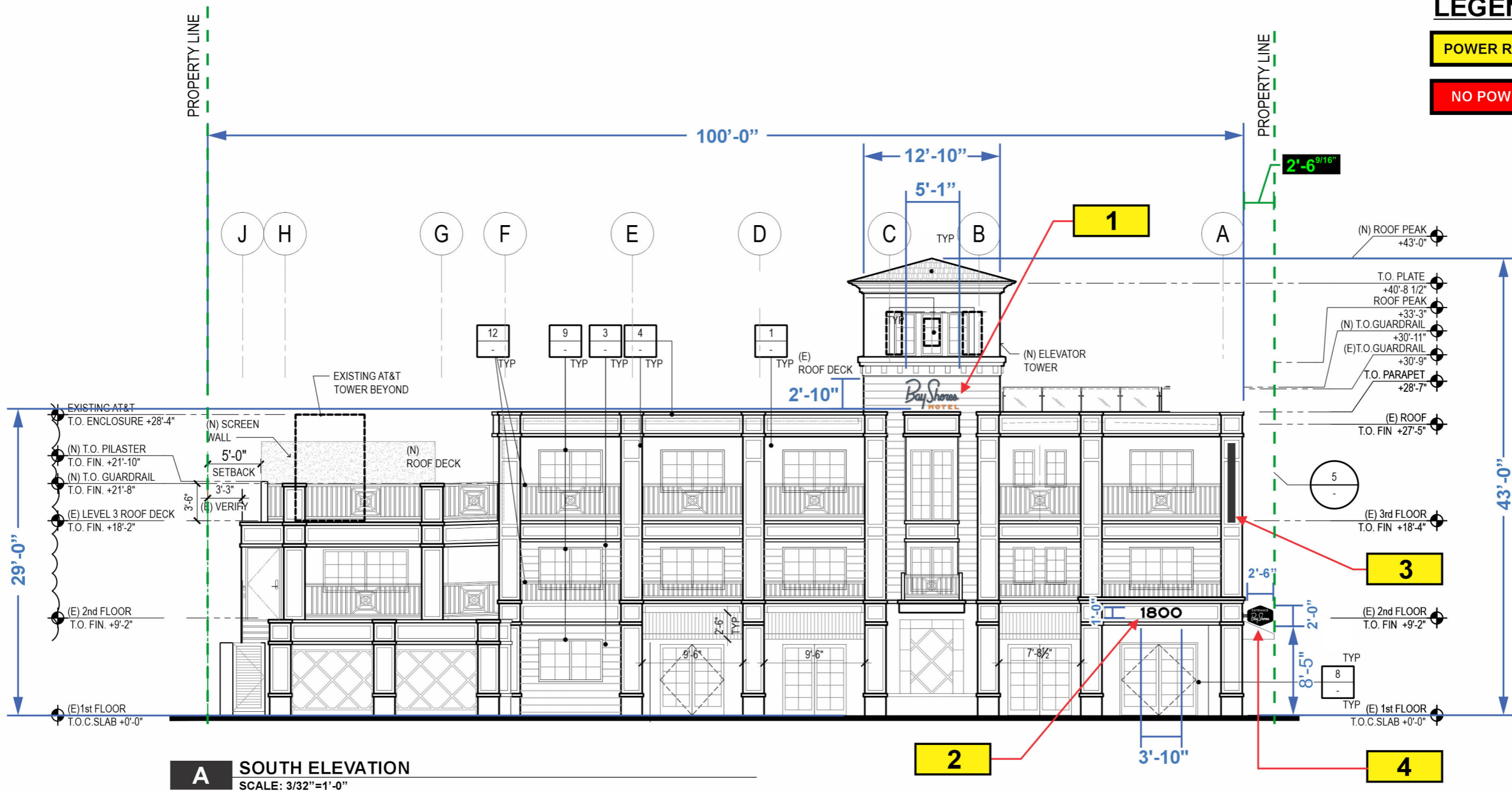
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11/16/23	- SS	
12/05/23	- MF	
12/08/23	- MF	
02/20/24	- MF	

Description:
Classification:
Reference Design:
O.E.M Serial:
Sheet: **0.2**

FIELD VERIFY ALL DIMENSIONS PRIOR TO MANUFACTURING.

LEGEND:

- POWER REQUIRED
- NO POWER REQ.



A SOUTH ELEVATION
SCALE: 3/32"=1'-0"

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OP#: **58317**

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- 12/08/23 - MF
- 02/20/24 - MF

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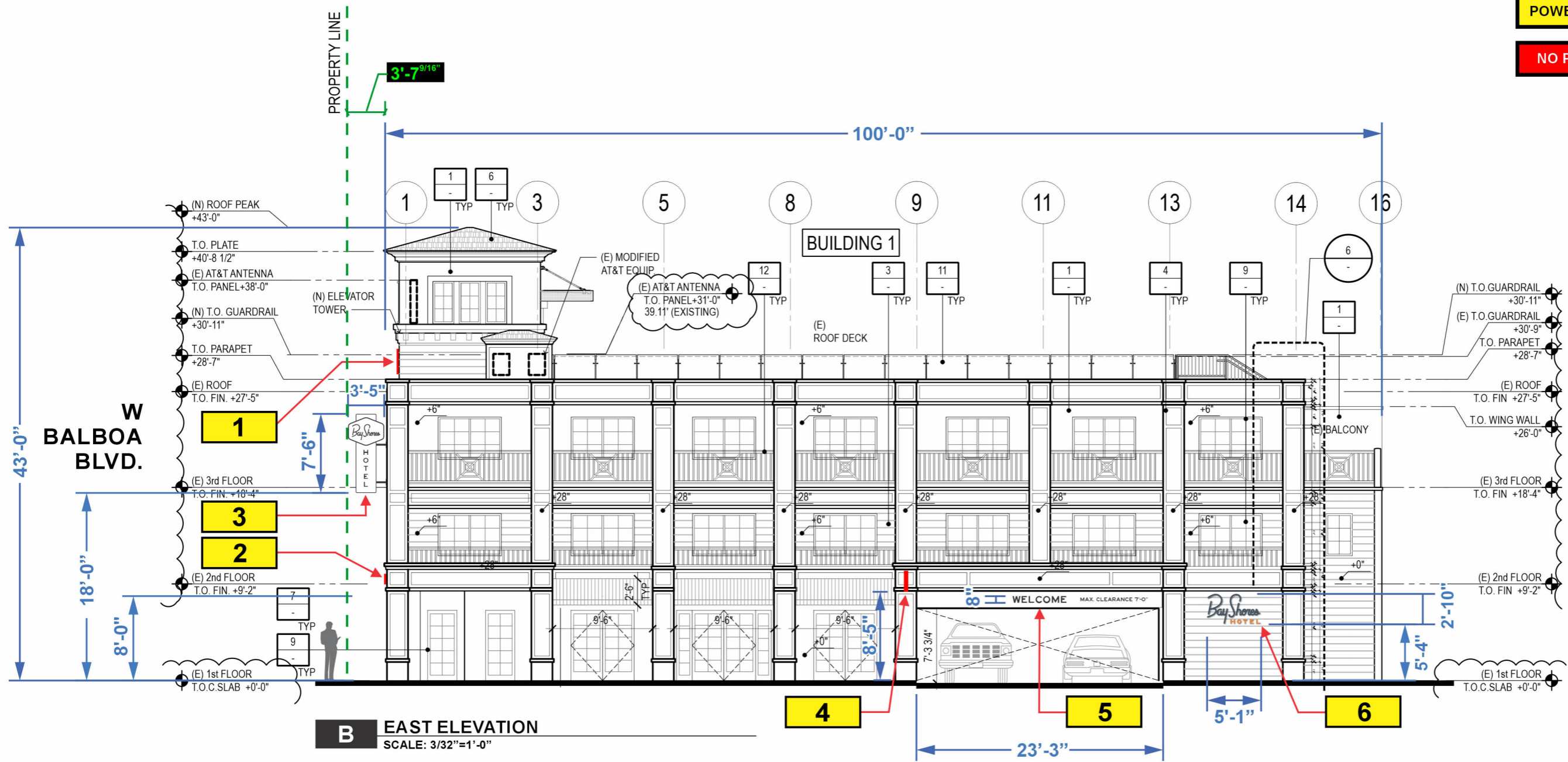
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Reference Design:

O.E.M Serial:

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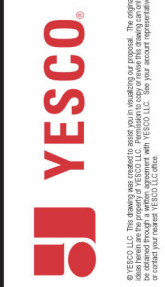
B EAST ELEVATION
SCALE: 3/32"=1'-0"

LEGEND:

POWER REQUIRED

NO POWER REQ.

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Project Name:
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Account Executive:
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Designer:
MARIO FOCA

Design Approvals

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Classification:

Reference Design:

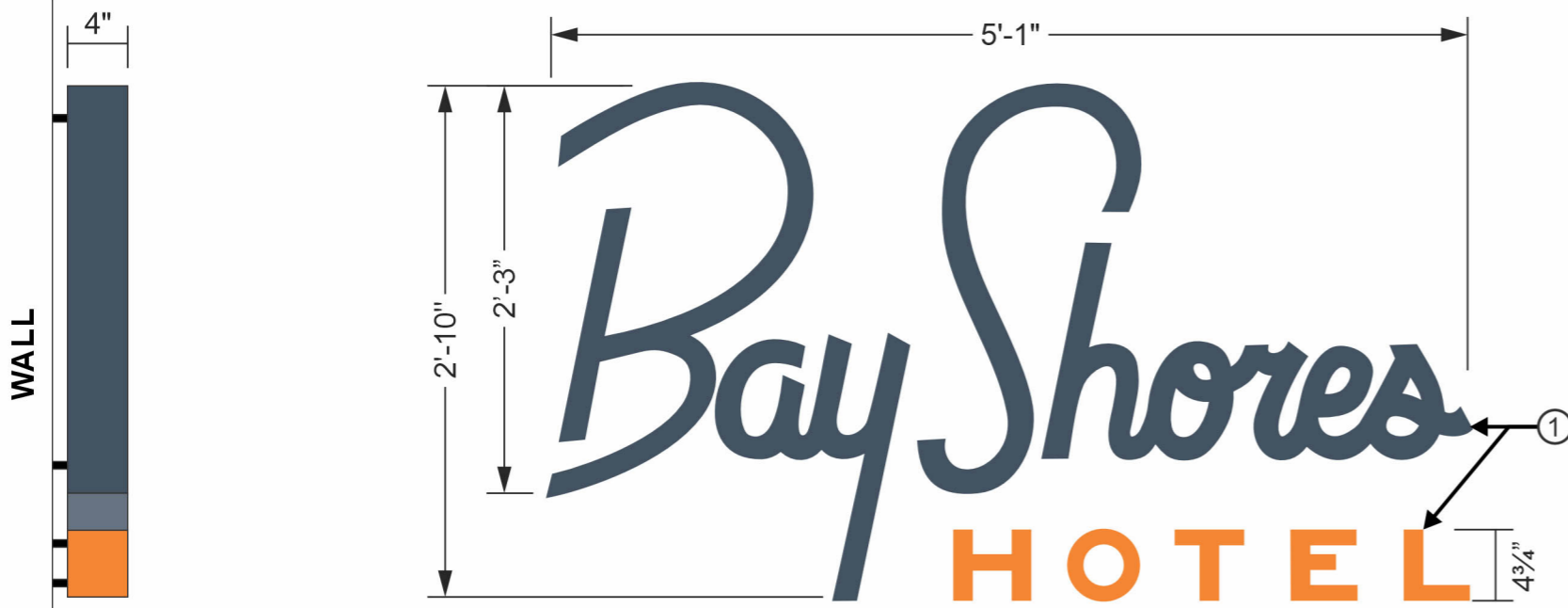
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FIELD VERIFY ALL DIMENSIONS PRIOR TO MANUFACTURING.

NOTES

- ① 4" DEEP REVERSE PAN CHANNEL LETTERS READING "BAY SHORES" PAINTED BLUE. "HOTEL" LETTERS PAINTED ORANGE WITH 5000K HALO LED ILLUMINATION. STEADY BURN.

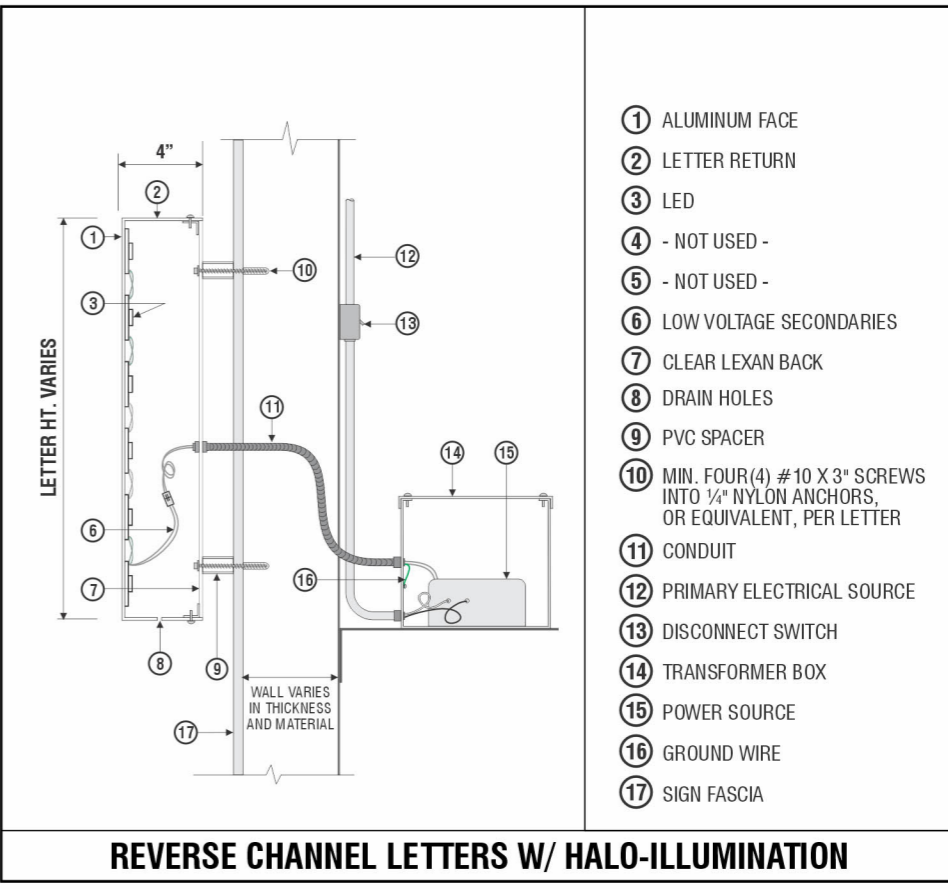


14.4 SQ.FT.

SIDE VIEW

1 6 REVERSE PAN CHANNEL LETTERS W/ HALO ILLUMINATION
SCALE: 1"=1'-0" QTY:2

**3A @ 120V PER LOCATION
BACKING: 16G SHEET METAL**



REVERSE CHANNEL LETTERS W/ HALO-ILLUMINATION

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1800 W BALBOA BLVD
NEWPORT BEACH CA 92663-4515

OPY: **58317**

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SIGNAGE

Account Executive:
TRAVIS MITCHELL

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MARIO FOCA

Design Approvals

Checked by:

Creative Director:

Estimating:

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- 02/20/24 - MF

Description:

Classification:

Reference Design:

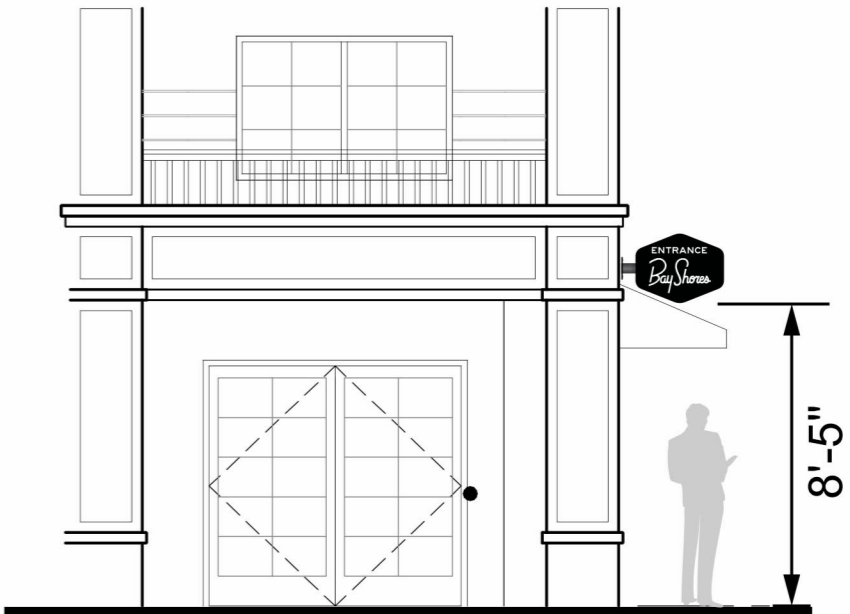
O.E.M Serial:

Sheet:

FIELD VERIFY ALL DIMENSIONS PRIOR TO MANUFACTURING.

NOTES

- ① 5" DEEP INTER. ILLUM. D/F BLADE SIGN WITH ROUTED OUT LETTERS BACKED UP WITH WHITE PLEX. CABINET FACES AND RETURNS PAINTED BLACK. INTERNALLY ILLUMINATED WITH WHITE LED.



SCALE: 3/16"=1'-0"



4 PROPOSED ILLUM. D/F ENTRANCE BLADE SIGN
SCALE: 1-1/2"=1'-0" QTY:1

SIDE VIEW

5.0 SQ.FT.

**1A @ 120V PER LOCATION
LEAVE 10' WHIP AT ACCESSIBLE REMOTE LOCATION IN J BOX.
BACKING: 16G SHEET METAL**



3D RENDERING

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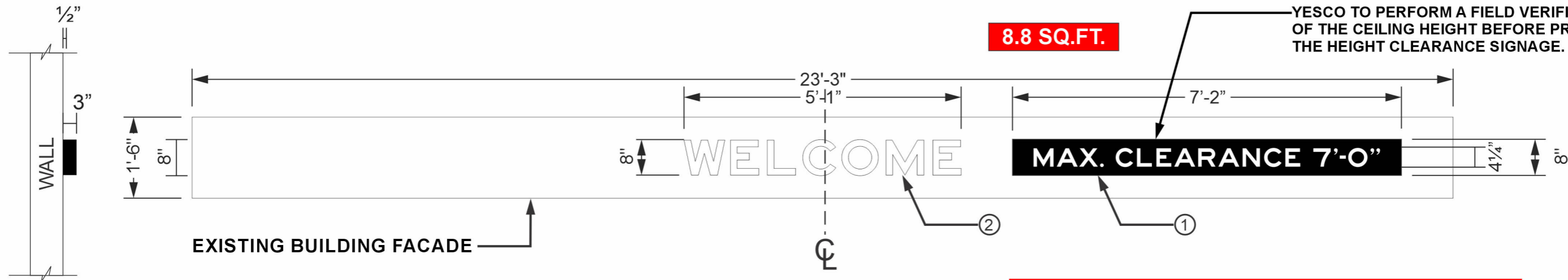
Account Executive:
TRAVIS MITCHELL
Designer:
MARIO FOCA

Design Approvals
Checked by:
Creative Director:
Estimating:
Account Executive:
Client:

Rev.	Date	Designer
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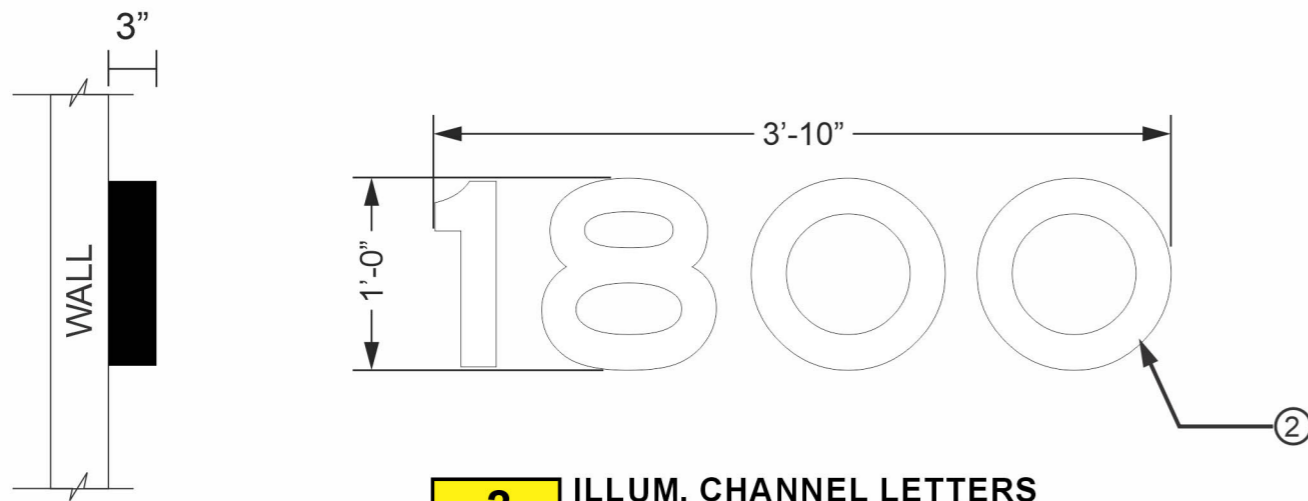


SIDE VIEW

5 PROPOSED ILLUM. S/F WALL MOUNTED LETTERS
SCALE: 1/2"=1'-0" QTY:1

3A @ 120V
LEAVE 10' WHIP AT ACCESSIBLE REMOTE LOCATION IN J BOX.
BACKING: 16G SHEET METAL

- NOTES**
- ① ILLUM. CABINET, PAINTED SATIN BLACK. ROUT-OUT PUSH-THRU WHITE ACRYLIC LETTERS. MOUNTED FLUSH TO BUILDING FACADE.
 - ② ILLUM. CHANNEL LETTERS, PAINTED SATIN BLACK. WHITE ACRYLIC FACES, BLACK TRIMCAP. MOUNTED FLUSH TO BUILDING FACADE.



SIDE VIEW

2 ILLUM. CHANNEL LETTERS
SCALE: 1"=1'-0" QTY:1

3.8 SQ.FT.

1A @ 120V PER LOCATION
LEAVE 10' WHIP AT ACCESSIBLE REMOTE LOCATION IN J BOX.
BACKING: 16G SHEET METAL

Design Approvals

Checked by:
Creative Director:
Estimating:
Account Executive:
Client:

Rev. / Date / Designer

09/26/23 - MF
10/23/23 - MF
11/02/23 - MF
11/16/23 - SS
12/05/23 - MF
12/08/23 - MF
02/20/24 - MF

Description:

FIELD VERIFY ALL DIMENSIONS PRIOR TO MANUFACTURING.

NOTES

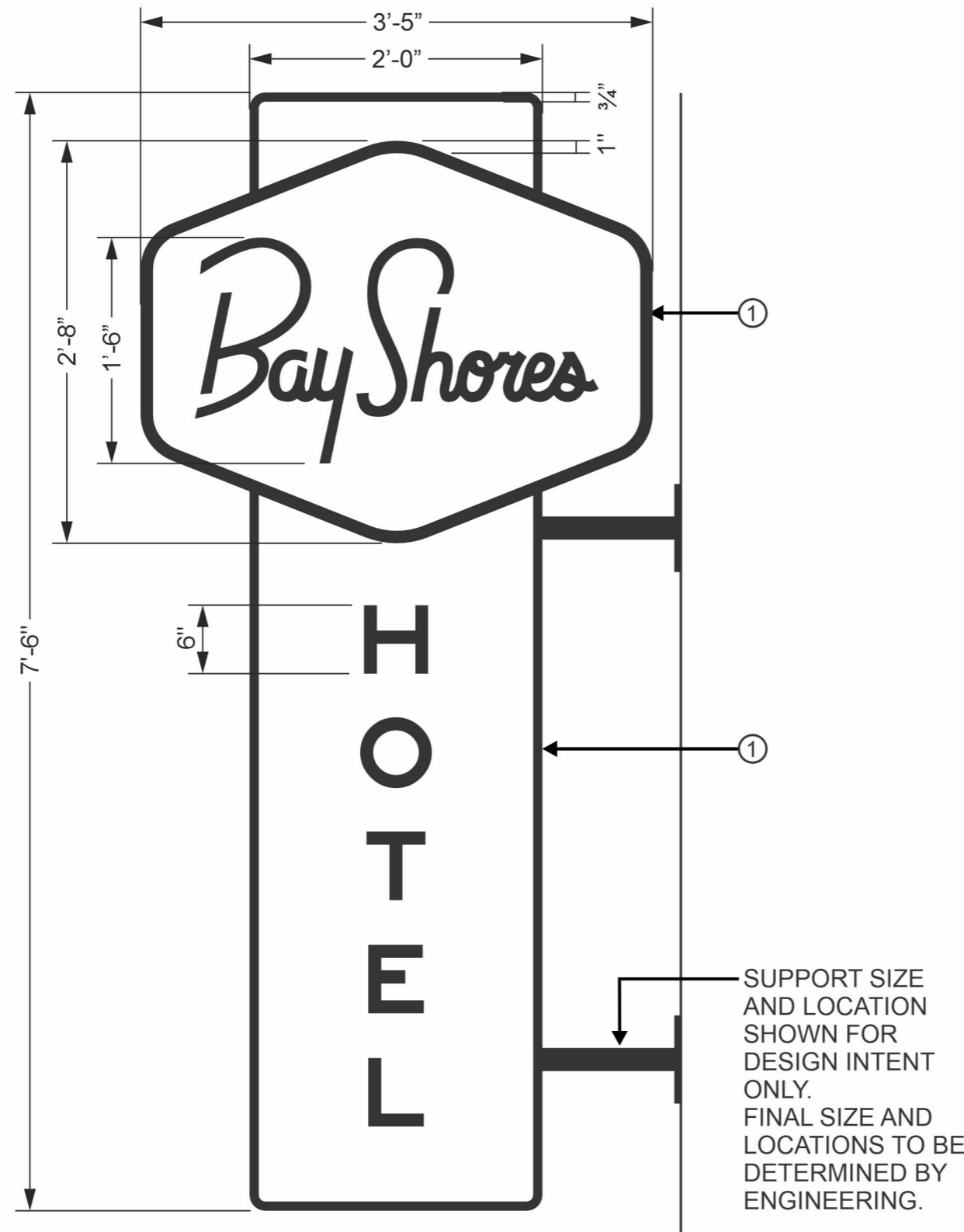
① MANUFACTURE AND INSTALL (1) ONE D/F BLADE SIGN PAINTED BLACK AND WHITE WITH 5000K EDGE HALO LED ILLUMINATION. 4" DEEP REVERSE PAN CHANNEL LETTERS PAINTED BLACK WITH 5000K LED HALO ILLUMINATION.



AS REQ.



SIDE VIEW



3 PROPOSED ILLUM. D/F BLADE SIGN CABINET
SCALE: 1"=1'-0" QTY:1

7A @ 120V PER LOCATION
LEAVE 20' WHIP OUT OF ONE OF THE STUB-OUTS
BACKING: STUB-OUTS - TBD BY ENGINEERING

25.6 SQ.FT.

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YESCO

Client Name & Address:
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1800 W BALBOA BLVD
NEWPORT BEACH CA 92663-4515

Project Name:
EXTERIOR SIGNAGE

OPY: **58317**

Account Executive:
TRAVIS MITCHELL

Designer:
MARIO FOCA

Design Approvals

Checked by:

Creative Director:

Estimating:

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12/08/23	- MF	
02/20/24	- MF	

Description:

Classification:

Reference Design:

O.E.M Serial:

Sheet: **4.0**