

**CITY OF NEWPORT BEACH
MODIFICATIONS STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Planning Department
Javier Garcia, Zoning Administrator
jgarcia@city.newport-beach.ca.us

SUBJECT: Report of the actions taken for the Modifications Hearing on Monday, June 23, 2008

Item 1: Lot Line Adjustment No. LA2008-004 (PA2008-069)
461 Newport Center Drive

Request to adjust the lot line between two adjacent parcels, taking land from one parcel and giving it to the other. The number of parcels will remain the same.

This item was continued to the 07/14/08
Modifications Hearing.

Council District 5

Item 2: Modification No. MD2008-030 (PA2008-110)
1801-1901 Dove Street, 1800-1900 Quail Street, 3900-4120 Birch Street,
3901-4121 Westerly Place

Request to allow tenant wall signs that exceed code requirements (6-inch tall letters vs. 4-inch tall letters) and additional wall signs on building elevations and site walls.

This item was approved.

Council District 4

Item 3: Modification No. MD2008-031 (PA2008-111)
821 West Bay Avenue

Request to allow an addition to an existing, non-conforming single family residence that is 39 percent of the existing structure with a new deck. The existing structure is non-conforming because it encroaches a maximum 6 inches into the required 3-foot side yard setbacks. The new addition shall conform to the current standards of the Zoning Code.

This item was approved.

Council District 1

Prepared and submitted by:



Javier S. Garcia, Zoning Administrator

APPEAL: The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

C:

David Lepo, Planning Director (*e-mail*)
Sharon Wood, Assistant City Manager (*e-mail*)
David Keely, Public Works Senior Civil Engineer (*e-mail*)
Kay Sims, Assistant Planner (*e-mail*)
Sgt. Ron Vallercamp, Vice/Narcotics (*e-mail*)
Code Enforcement Division(*e-mail*)
Erin Steffen, Office Assistant (*e-mail*)
Iris Lee, Public Works (*e-mail*)
Evelyn Tseng, Revenue (*e-mail*)



MODIFICATION PERMIT NO. MD2008-030

(PA2008-110)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No.	Modification No. MD2008-030 (PA2008-110)
Applicant	Sign Specialists Corps
Site Address	1801-1901 Dove St., 1800-1900 Quail St., 3900-4120 Birch St., 3901-4121 Westerly Place
Legal Description	Lot 1, Tract 7394

On **June 23, 2008**, the Zoning Administrator approved the application request to allow tenant wall signs that exceed code requirements (6-inch tall letters vs. 4-inch tall letters) and additional wall signs on building elevations and site walls. The property is located in the PC-11 (Newport Place Planned Community) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

1. The Land Use Element of the General Plan designates the site for "General Commercial Office" use and the Newport Place Planned Community District Regulations designate the site for "Industrial Use". The existing commercial office buildings and their uses are consistent with those designations.
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 Zoning Code, as proposed, is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code. It is a logical use of the property that would be precluded by strict application of the zoning requirements for this District for the following reason:
 - The property is governed by the Newport Place Planned Community District Regulations. The intent of the regulations seeks to minimize the number and area of signs facing the street front while providing for limited visibility of signage for customers and businesses visiting the site. The proposal creates defined specifications that are consistent with the legislative intent of the Planned Community District Regulations.

4. In accordance with the provisions of Chapter 20.93, the granting of this application is necessary due to practical difficulties associated with the property. The strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code for the following reasons:
 - The 17 acre parcel is developed as a multi-building complex with multiple tenants. The size and location with direct frontage on four streets by a single complex is unique to the Newport Place Planned Community. The strict application of the sign standards of the planned community regulations results in limited sign visibility due to the location of the buildings on site that constitutes a physical hardship that is inconsistent with the intent of the Zoning Code. The Code's sign standards promote adequate sign visibility while avoiding visual clutter created by "over-signing" the site. The sign program provides adequate visibility of signage for other sites governed by the Newport Place Planned Community text.
 - The requested pony wall signs were disapproved since there is adequate space on the building façade to accommodate wall signs for the individual tenants and an increase in the number of freestanding signs would contribute to visual blight by the over proliferation of monument signs.

5. In accordance with the provisions of Chapter 20.93, the requested modification will be compatible with existing development(s) in the neighborhood for the following reason:
 - The neighborhood includes parcels with building wall signs, ground signs and tenant signs that generally provide visibility from the public right-of-way for buildings that front or abut the frontage streets. The proposed wall signs are comparable in area to the wall signs on adjacent parcels. Four existing ground signs are permitted per MD2001-096 and additional ground signs for vehicle-oriented directional signs will be limited to 3 feet in height and 4 feet in width. The new directional ground signs will be similar to those on parcels in the vicinity, all of which are generally less than 4 feet in height. Tenant signs on the subject parcel are similar in nature to tenant signs on adjacent parcels as they are not discernable from the street.

6. In accordance with the provisions of Chapter 20.93, the granting of this Modification Permit will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood based on the following:
 - The overall number of wall signs is reasonable due to the number of freestanding buildings on-site and the limited area authorized by this approval. The proposed ground signs comply with sight distance requirements. The 6-inch high tenant placard signs at the front door are not readily discernible from the public roadway.

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. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
3. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.
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. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
6. All non-conforming wall signs shall be removed from the parcel.
7. Any amendment to this approval requires a written staff approval or may require an amendment to this application as determined by the Zoning Administrator.
8. Existing ground signs shall conform to the conditions of Modification Permit Number MD2001-096 (PA2001-168). Freestanding vehicle-oriented directional sign, shall be permitted at each entry driveway from public streets, and shall not exceed 3 feet in height by 4 feet in width. Additional tenant-identification ground signs or pony wall signs not included in this approval are prohibited, unless an amendment to this approval is first approved.
9. Tenant wall/placard signs shall have a maximum letter height of 6 inches, maximum area of one square foot, and limited to two per building façade outlined in the attached table matrix. All signs shall comply with the sign standards of the Newport Place Planned Community District Regulations, except as modified by this approval. Sign permits for subsequent installation of individual tenant wall/placard signs shall not be required after initial overall project remodel. Upon completion of the building remodeling for the entire project, the applicant shall contact the Planning Department to schedule an inspection for verification of the sign installation.

10. A building permit shall be obtained prior to commencement of the construction.
11. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits or issuance of revised plans.
12. 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.
13. No signage or structure with affixed signage shall be located in the public right-of-way.
14. All signs shall comply with the City's Line of Sight Standard STD-110-L. Signs constructed on grade shall not exceed 24 inches in height with its base measured from the top of the curb, unless otherwise approved by the Public Works Department.
15. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
16. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired

By: 
Zoning Administrator Javier S. Garcia, AICP

JSG:cms/rm

Attachments: Table Matrix
Vicinity Map

Appeared in Opposition: None

Appeared in Support: None




Table Matrix

COMPREHENSIVE SIGN PROGRAM

(MD2008-030) PA2008-110

1800 – 1900 Quail Street
 3900 – 4120 Birch Street
 3901 – 4121 Westerly Place
 1801 -1901 Dove Street
 Newport Beach, CA 92660

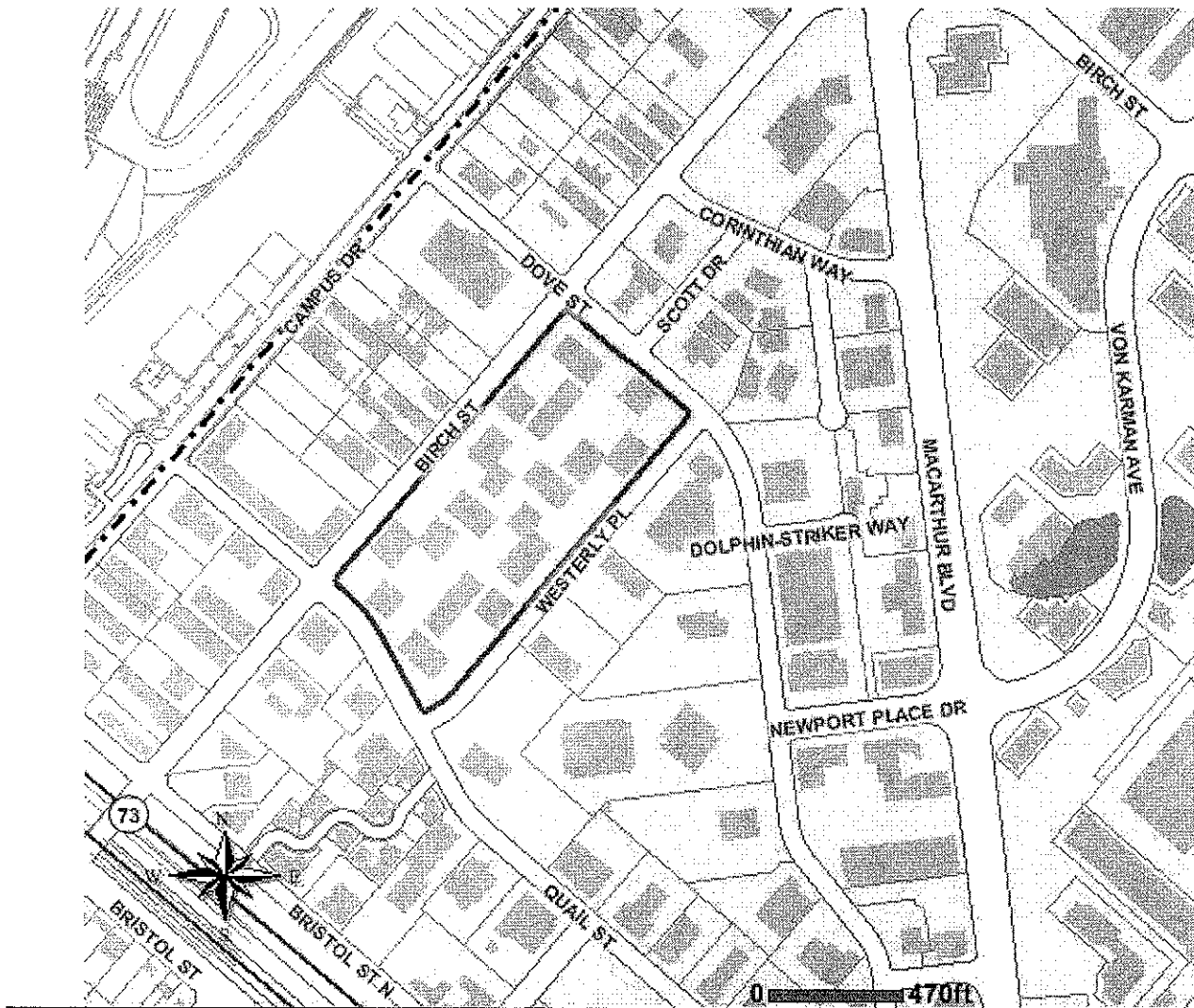
TABLE 1: Includes Frontage Designation and Size Limitations

SIGN TYPE DESIGNATION	SIGN LOCATION AND LIMITATIONS
 Wall Sign	BUILDINGS 1 THRU 18 Maximum Letter or logo Height: 24-in Maximum Area: 12-sq. ft. Maximum of two signs per building elevation.
 Directional Sign	VARIOUS LOCATIONS TO INCLUDE ENTRANCES FROM STREET Maximum Height: 3-ft Maximum Width: 4-ft One single or double-sided sign per driveway entrance from public street, interior project directional signs may be permitted, subject to review and approval by the Planning Department and Public Works Department.
 Tenant Sign at Entry	BUILDINGS 1 THRU 18 <u>Maximum:</u> Height: 6" Width: 24" Area: 1.0-Sq.Ft.
Project Identification Signs	Various locations as previously approved by Modification Permit No. 2001-096 (PA2001-168), Which permitted installation of four project identification signs, may be continued in accordance with that approval.

NOTES:

- Amendments to this program may be conducted by a written staff approval, unless otherwise required by the Zoning Administrator.

VICINITY MAP



Modification Permit No. MD2008-030
PA2008-110

**1801-1901 Dove St., 1800-1900 Quail St., 3900-
4120 Birch St., 3901-4121 Westerly Place**



MODIFICATION PERMIT NO. MD2008-031
(PA2008-111)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No. **Modification No. MD2008-031**
 (PA2008-111)

Applicant **JP Contracting**

Site Address **821 West Bay Avenue**

Legal Description **N Tract 884, Lot 23**

On **June 23, 2008**, the Zoning Administrator approved the application request to allow an addition to an existing, non-conforming single family residence that is 39 percent of the existing structure with a new deck. The existing structure is non-conforming because it encroaches a maximum 6 inches into the required 3-foot side yard setbacks. The new addition shall conform to the current standards of the Zoning Code. The property is located in the R-2 District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Two-Unit Residential" use. The existing residential structure is consistent with this designation.
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 1 (Existing Facilities).
3. The modification to the Zoning Code, as proposed, is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code. It 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 existing single-family residence is non-conforming due to the encroachment of the structure into the required 3-foot side yard setbacks.
 - Chapter 20.62 of the Zoning Code permits additions to existing legal non-conforming structures that increase up to 50 percent of the existing gross floor area with the approval of a Modification Permit.

4. In accordance with the provisions of Chapter 20.93, the granting of this application is necessary due to practical difficulties associated with the property. The strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code for the following reasons:
 - The structure is non-conforming to the side setbacks by approximately 6 inches.
 - Strict application of the code would necessitate bringing the existing 2-story structure into compliance with setbacks. Compliance would require demolition of the structure and would be a hardship.

5. In accordance with the provisions of Chapter 20.93, the requested modification will be compatible with existing development(s) in the neighborhood for the following reasons:
 - The proposed addition will be consistent with floor area limits and the minimum open space of 3,223 cubic feet required by the Zoning Code.
 - The addition does not increase the structure's inconsistency with the regulations of the Zoning Code as it fully complies with all applicable standards including setbacks.
 - The neighborhood is characterized by larger houses with 10-foot front yard setbacks. The proposed project will provide setbacks and building bulk similar to adjacent residences. Therefore, the proposal is consistent with the surrounding neighborhood as well as similar land uses throughout the City.

6. In accordance with the provisions of Chapter 20.93, the granting of this Modification Permit will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood based on the following:
 - The remaining separation is unobstructed and provides adequate light, air, and passageway for emergency personnel. Therefore, approval will not be detrimental to the neighboring properties.

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. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
3. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private

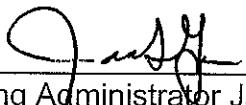
construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.

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. All structures in the front yard setback shall maintain a maximum height of 3 feet. The block wall and gateway structure in the front yard setback shall be replaced with a new structure that complies with the 3-foot height limit. Plans for the new fence structure in the front yard setback shall be approved by the Planning Department prior to issuance of a final building permit for the addition to the existing structure.
6. The finials on the side yard fence shall be removed so that the fence complies with the 6-foot height limit.
7. Architectural treatments shall be added to the building elevations for consistency with the General Plan Design Criteria for single and two-unit residential development, subject to review and approved by the Planning Department.
8. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
9. A building permit shall be obtained prior to commencement of the construction.
10. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits or issuance of revised plans.
11. 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.
12. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
13. The new addition shall comply with Minimum Liquefaction Mitigation Policy UBC 1804.5 for design of footing requirements and with CBC 2007 general requirements.

14. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code. Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

APPEAL PERIOD

The Zoning Administrator's decision may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

By: 
Zoning Administrator Javier S. Garcia, AICP

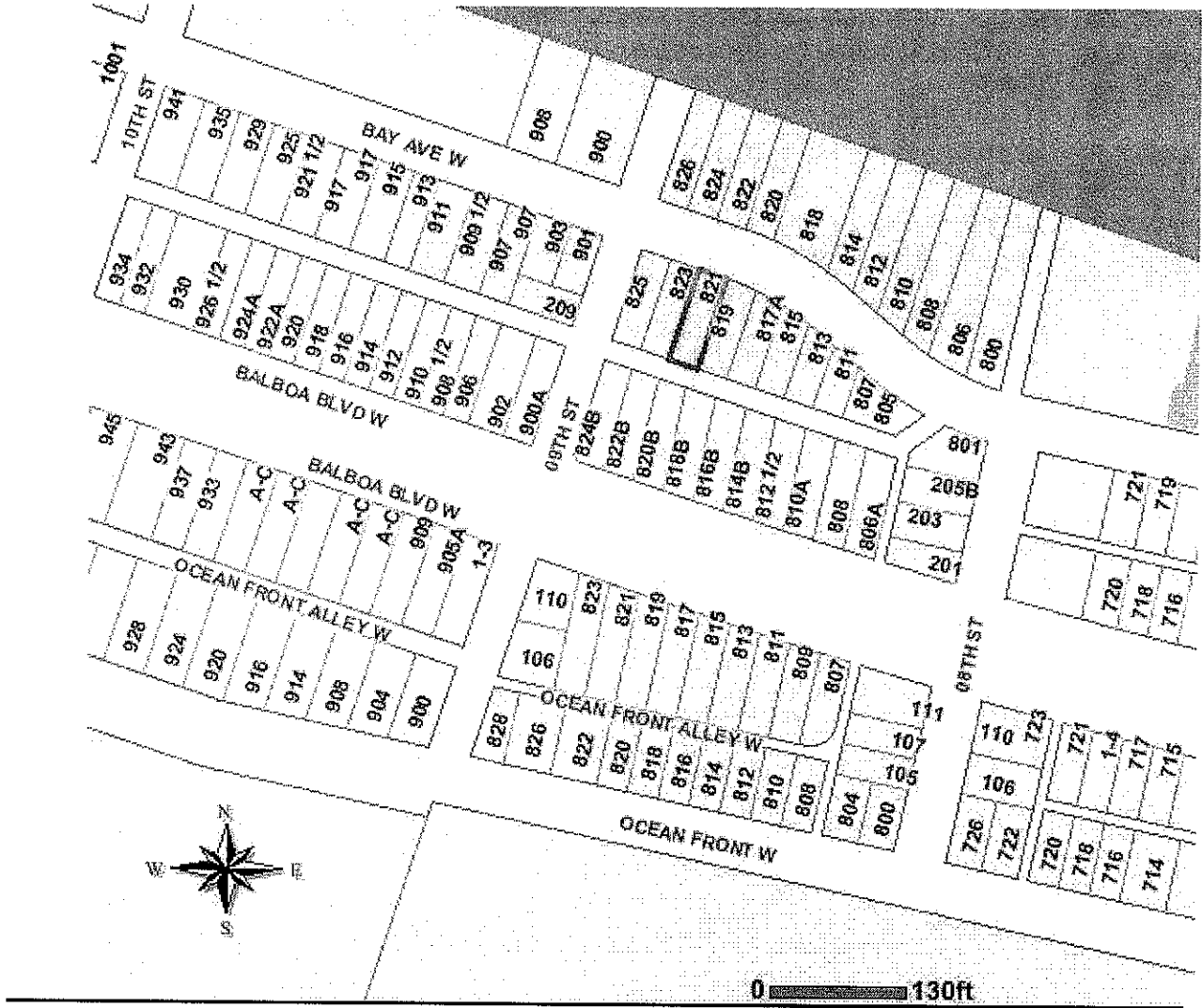
JSG:mn/rm

Attachments: Vicinity Map

Appeared in Opposition: None

Appeared in Support: None

VICINITY MAP



Modification Permit No. MD2008-031
PA2008-111

821 West Bay Avenue