



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 September 25, 2020.

ZONING ADMINISTRATOR ACTIONS SEPTEMBER 24, 2020

- Item 1: Garrett Investment Group, LLC Demolition Coastal Development Permit No. CD2019-074 (PA2019-267)
Site Address: 622, 622 ½, 624 and 624 ½ Clubhouse Avenue
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| Action: Approved by Resolution No. ZA2020-061 | Council District | 1 |
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- Item 2: Annual Review of Pacific View Memorial Park Development Agreement No. DA2006-001 (PA2009-024)
Site Address: 3500 Pacific View Drive
- | | | |
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| Action: The Zoning Administrator found that the Pacific View Memorial Park is in good faith compliance with the terms of the Development Agreement. | Council District | 4 |
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- Item 3: Advanced Champion LLC Mixed-Use Condominiums Minor Site Development Review No. SD2020-007, Modification Permit No. MD2020-007, Coastal Development Permit No. CD2020-037 and Tentative Parcel Map No. NP2020-008 (PA2020-073)
Site Address: 503 and 505 East Balboa Boulevard
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| Action: Approved by Resolution No. ZA2020-062 | Council District | 7 |
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- Item 4: Pham Wellness Building Minor Use Permit No. UP2019-057 (PA2019-261)
Site Address: 4463 Birch Street
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| Action: Approved by Resolution No. ZA2020-063 | Council District | 1 |
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**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**
(Non-Hearing Items)

Item 1: Redstone Comprehensive Sign Program No. CS2020-002 (PA2020-023)
Site Address: 4041 MacArthur Boulevard, 1200 and 1300 Dove Street

Action: Approved

Council District 3

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

RESOLUTION NO. ZA2020-061

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2019-074 TO DEMOLISH AN EXISTING 1,900-SQUARE-FOOT NONCONFORMING FOURPLEX AND 2-CAR GARAGE LOCATED AT 622, 622 ½, 624 AND 624 ½ CLUBHOUSE AVENUE (PA2019-267)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John T. Morgan Jr. (Applicant), with respect to property located at 622, 622 ½, 624 and 624 ½ Clubhouse Avenue (Property), requesting approval of a coastal development permit (CDP).
2. The lots at 622 and 624 Clubhouse Avenue are legally described as Lot 12 and Lot 13, Block 634, of Canal Section Newport Beach.
3. The Applicant proposes to demolish an existing 1,900-square-foot nonconforming fourplex and 2-car garage (Project). No new construction is proposed at this time. Future redevelopment of a single- or two-family home will require a Categorical Exclusion Order Exemption and a building permit. A construction erosion control plan will be implemented during and after demolition.
4. The application for demolition was deemed complete on December 23, 2019; therefore, the project is not subject to development restrictions of Senate Bill 330 (Housing Crisis Act of 2019).
5. The 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.
6. The 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.
7. A public hearing was held online via Zoom on September 24, 2020, observing restrictions due to the Declaration of a State of Emergency and Proclamation of Local Emergency 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 3 exempts the demolition of up multi-family residences including up to four-unit dwellings. The proposed Project consists of the demolition of four dwelling units and a two-car garage.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The Project includes the demolition of an existing fourplex, a two-car garage, and appurtenant facilities. The future redevelopment of the lots for use as a single-family or two-unit residential development would not require a CDP and would be allowed with a Categorical Exclusion Order Exemption and a building permit. No new construction is proposed with this approval.
2. The existing structure on the property is nonconforming due to density and parking, as it contains four dwelling units and only a two-car-garage. The four-plex is constructed over two legal lots. However, the lot is being used as one development with the 4-attached units, where the Planning and Zoning Code (Title 20) and Local Coastal Program Implementation Plan (Title 21) of the Newport Beach Municipal Code (NBMC) allow for up to only two dwelling units maximum on-site and a minimum of two parking spaces per dwelling unit (one enclosed and one covered). Any future redevelopment on the subject property would be required to comply with Title 20 and Title 21 requirements related to density and parking. Therefore, demolition of the existing structures would remove an existing nonconforming use with deficient parking.
3. Although the Project includes the demolition of four dwelling units in the coastal zone, the Project is exempt from Chapters 20.34 and 21.34 (Conversion of Demolition of Affordable Housing). The Project is exempt because the City has less than 50 acres (in aggregate) of privately owned, vacant land available for residential use within the City's coastal zone and three miles therefrom.

4. The demolition addresses water quality with an erosion control demolition plan that includes sandbag layout and erosion control notes. The sites are comprised of sand instead of soil, so the sandbags are adequate for any run off. Temporary fencing at the minimum height required will be erected to border the site and will hold the sandbags in place.
5. The bay is approximately 70 feet from the subject property at the terminus of Clubhouse Avenue. There is existing two-story development directly on the bay and between the subject property and the bay so there are no existing views afforded from or surrounding the subject property that would be impacted by the demolition. Prior to and after demolition, temporary construction fencing would be erected along the property lines for safety and water quality purposes.

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 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 removes a nonconforming residential structure prior to redevelopment of the site with conforming residential structures. The Project will not result in a change of land use that would result in increased demand on public access and recreation opportunities. Furthermore, any future redevelopment of Property will be required to be designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. Vertical public access to the bay is available near the site at the terminus of Clubhouse Avenue and the bay. Lateral access is available on the beach at the terminus of Clubhouse Avenue. The project does not include any features that would obstruct public 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 (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) 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.

2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2019-074, 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 Act.

PASSED, APPROVED, AND ADOPTED THIS 24TH DAY OF SEPTEMBER, 2020.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. *The development (the demolition of an existing fourplex, garages, and appurtenant facilities) shall be in substantial conformance with the approved demolition stamped and dated with the date of this approval (except as modified by applicable conditions of approval).*
2. *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.*
3. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
4. *This Coastal Development Permit does not authorize any new construction, only the demolition of the existing fourplex and appurtenant structures on-site.*
5. *All temporary construction fencing erected shall only be the minimum required. Said temporary fencing shall be well maintained and shall be kept free of graffiti. While the site is vacant and pending redevelopment, it shall also be well maintained and kept free of rubbish or overgrown weeds.*
6. 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.

7. 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/CPPP.
8. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
9. Debris from demolition shall be removed from work areas each day and removed from the Project site within 24 hours of the completion of the Project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
10. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
11. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
12. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
13. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
14. This CDP may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
15. Prior to the issuance of building permits for demolition, the Applicant shall submit a final construction erosion control plan/CPPP. The plan shall be subject to the review and approval by the Building Division.
16. 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.
17. 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.
18. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current

property owner or agent.

19. This Coastal Development Permit No. CD2019-074 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 NBMC, unless an extension is otherwise granted.

20. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Garrett Investment Group LLC Demolition CDP including, but not limited to, Coastal Development Permit No. CD2019-074 (PA2019-267). 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. ZA2020-062

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING MINOR SITE DEVELOPMENT REVIEW NO. SD2020-007, MODIFICATION PERMIT NO. MD2020-007, COASTAL DEVELOPMENT PERMIT NO. CD2020-037 AND TENTATIVE PARCEL MAP NO. NP2020-008 TO DEMOLISH TWO EXISTING SINGLE-FAMILY RESIDENCES AND CONSTRUCT A NEW THREE-STORY, MIXED-USE CONDOMINIUM STRUCTURE WITH A REDUCTION IN REQUIRED NUMBER OF NONRESIDENTIAL PARKING SPACES (TITLE 21) AND REQUIRED WIDTH OF RESIDENTIAL PARKING SPACES (TITLE 20) LOCATED AT 503 AND 505 EAST BALBOA BOULEVARD (PA2020-073)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Advanced Champion LLC (Applicant), with respect to property located at 503 and 505 East Balboa Boulevard, and legally described as Lots 2 and 3 of Block 6 in Tract 104.
2. The Applicant requests a minor site development review, modification permit, coastal development permit and tentative parcel map to demolish two existing single-family residences in the Mixed Use Vertical (MU-V) zone and construct a new approximately 7,680-square-foot, mixed-use condominium structure comprised of 1,798 square feet of commercial space and three (3) residential units. A minor site development review is required for mixed-use development of less than 9,999-square-feet and one (1) to four (4) dwelling units. A modification permit is requested to allow residential parking spaces of less than the minimum width. A coastal development permit is required for new development within the coastal zone and relief from the development standards related to nonresidential parking. A tentative parcel map is required to merge two (2) lots and for condominium purposes.
3. The subject property is designated MU-V (Mixed Use Vertical) by the General Plan Land Use Element and is located within the MU-V (Mixed Use Vertical) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is MU-V (Mixed Use Vertical) and it is located within the MU-V (Mixed Use Vertical) Coastal Zone District.
5. A public hearing was held online via Zoom on September 24, 2020, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency 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 Sections 15303 and 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction) and Class 15 (Minor Land Divisions), because it has no potential to have a significant effect on the environment.
2. Class 3 exempts new commercial construction of less than 10,000 square feet in floor area, if zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
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.
4. 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 will merge two (2) adjacent lots, allow the individual sale of the units and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

Minor Site Development Review

In accordance with Section 20.52.080(F) (Site Development Reviews - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The proposed development is allowed within the subject zoning district.*

Facts in Support of Finding:

1. The project site is located within the Mixed-Use Vertical (MU-V) District, which provides for the development of mixed-use structures that vertically integrate housing with commercial uses including retail, office, restaurant, and similar nonresidential uses. The proposed development is consistent with this designation, as it provides commercial space on the first floor and residential living area on the second and third floors.

2. The project consists of 1,798 square feet of commercial space on the first floor and three (3) residential units on the second and third floors, which complies with the floor area requirements and limitations, as well as the prescribed density range for the site.
3. The project will replace two (2) legal, nonconforming single-family residences with a mixed-use development consistent with the property's MU-V zoning and land use designation and will also provide an additional housing unit within Balboa Village.

Finding:

B. The proposed development is in compliance with all of the following applicable criteria:

- i. Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
- ii. The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
- iii. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
- iv. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
- v. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
- vi. The protection of significant views from public right(s)-of-way and compliance with Section 20.30.100 (Public View Protection).*

Facts in Support of Finding:

1. The Mixed Use Vertical (MU-V) General Land Use designation and Zoning District is intended to provide for the development of mixed-use structures that vertically integrate housing with commercial uses including retail, office, restaurant, and similar nonresidential uses. The proposed development is consistent with this designation as it provides commercial space on the first floor and residential living area on the second and third floors.
2. The project site is located within the Balboa Village Parking Management Overlay District [NBMC Section 20.28.030(D)(1)], which establishes modified parking requirements for properties located within Balboa Village (Parking Management Overlay Map PM-1). Off-street parking is not required by Title 20 for the commercial component of the proposed development, except that one (1) accessible parking space is required by the Building Code. However, off-street parking is still required for the proposed residential units in accordance with NBMC Chapter 20.40 (Off-Street Parking). The proposed project provides seven (7) residential parking spaces and complies with the Overlay District requirements.

3. The project is designed to be consistent with the overarching principles of the Balboa Village Design Guidelines. This will help to ensure compatibility with not only adjacent structures, but also with buildings throughout Balboa Village that are subject to the same set of guidelines. The proposed redevelopment will enhance the Balboa Boulevard corridor with a new, refreshed facade that maintains the pedestrian scale with storefront window treatments. The new development also proposes to bring the buildings closer to the street maintaining the historical 0-foot setback of many of the buildings within Balboa Village. Additionally, the existing driveway approach along East Balboa Boulevard will be removed and replaced with curb and sidewalk to improve pedestrian access along the street.
4. Consistent with General Plan Land Use Element Policy LU 2.1 (Resident-Serving Land Uses), the project will accommodate housing and commercial uses, and will provide employment opportunities in balance with community natural resources and open spaces.
5. Consistent with General Plan Land Use Element Policy LU 6.13.1 (Balboa Village Core), the project contributes to the development of local- and visitor-serving commercial and mixed-use buildings that integrate residential with ground-level commercial uses.
6. The project incorporates a modern and updated appearance with building materials and finishes that include smooth-painted stucco, stone veneer, standing seam metal roofing and wood trellis detail. As conditioned, the storefront will include architectural treatment to reflect traditional parts, including bulkhead, rectangular display windows, vertical piers, horizontal space for signage, awning or canopies, consistent with the building form design guidelines for storefronts of the Balboa Village Design Guidelines.
7. Pedestrian and vehicular access along Balboa Boulevard and the alleyway have been reviewed by the Public Works Department for adequacy, efficiency, and safety. The existing driveway along East Balboa Boulevard will be removed, and new curb, gutter and sidewalk constructed to match the existing adjacent improvements and decorative sidewalk.
8. No public views are present through the project site and the project is consistent with all applicable development standards.

Finding:

- C. *The proposed development is not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of person residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. The project is consistent with the development goals for Balboa Village and the MU-V Zoning District to provide housing, employment opportunities and commercial space to serve the adjoining residential neighborhoods.

2. The project includes an architecturally-pleasing design with articulation and finishes that enhance the local surrounding urban environment.
3. Conditions of approval are included to help minimize any potential impacts, including but not limited to:
 - a. Condition of Approval No. 20 helps to ensure that no construction materials or activities will infringe upon the public walkway.
 - b. Condition of Approval No.18 helps to ensure that illumination will not create an unacceptable negative impact on surrounding land uses or environmental resources.
 - c. Condition of Approval No. 30 limits the hours of construction activity to mitigate potential impacts to adjacent neighboring properties.
 - d. Condition of Approval No. 31 ensures that Best Available Control Measures will be implemented to minimize construction-related air quality impacts.

Modification Permit

In accordance with Section 20.52.050(E) (Modification Permits – Required Findings) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- D. The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

1. The neighborhood contains a mix of one (1)-, two (2)- and three (3)-story structures. The design, bulk, and scale of the proposed development is consistent with the existing and anticipated future neighborhood pattern of development. The upper levels of the building are appropriately stepped back to minimize the scale of the residential component of the project and maintains a more dominant commercial storefront.
2. Nonconforming parking dimensions are common on the Balboa Peninsula where the required parking dimensions were modified in 2010 to require greater parking dimensions for lots in excess of 30 feet in width. The proposed parking design will accommodate seven (7) onsite parking spaces as required for a three (3)-unit residential development and one (1) accessible non-residential parking space.

Finding:

- E. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

1. The granting of the Modification Permit is necessary to allow reasonable development of the property consistent with the intent and purpose of the MU-V Zoning District and General Plan Land Use designation.
2. The MU-V District development standards prescribe minimum commercial floor area, minimum residential density and minimum number of residential parking spaces. The width of the project site makes it infeasible to meet all of these standards. The required commercial ADA parking space is 12-foot wide, with an additional 5-foot loading area that must remain clear. The ADA requirement impacts achievable widths of the remaining residential parking spaces on-site. The granting of the modification for residential parking space width will facilitate a project that meets the intent and purpose of the MU-V zone and land use designation, while meeting all other applicable development standards.
3. The development will provide the required number of parking spaces required in the Balboa Village Parking Management Overlay District, including two (2) tandem parking spaces for each proposed residence and one (1) residential guest parking space as required by the Zoning Code, and one (1) accessible commercial parking space as required by the Building Code.

Finding:

- F. The granting of the modification is necessary due to practical difficulties associated with the property and the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

1. The subject property is approximately 54 feet wide and 95 feet deep. The MU-V District development standards prescribe minimum required commercial floor area, minimum residential density and minimum number of residential parking spaces. The dimensions of the project site create practical difficulties in meeting all of these standards. The granting of the modification for residential parking space width will facilitate a project that meets the intent and purpose of the MU-V zone and land use designation, and which complies with all other development standards including the amount of residential onsite parking required in the Balboa Village Parking Management Overlay District.
2. The proposed parking space dimensions are adequate for average-sized vehicles and similar to the width of parking spaces provided on other properties throughout the neighborhood.

Finding:

- G. There are no alternatives to the modification permit that could provide similar benefits to the Applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Fact in Support of Finding:

1. An alternative that would reconfigure the design of the ground floor level to accommodate compliant parking dimensions would make it infeasible to provide ground-level commercial space that complies with the intent and development standards of the MU-V Zone (i.e., depth and floor area) and would not meet the objectives of the Applicant.

Finding:

- H. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. Approval of the requested modification does not affect the provision of seven (7) residential parking spaces and one (1) accessible commercial parking space, as required by NBMC Chapter 20.40 (Off-Street Parking) and the Building Code.
2. Nonconforming parking dimensions are common on the Balboa Peninsula where the minimum parking dimensions were modified in 2010 to require additional size for lots in excess of 30 feet in width.
3. Vehicular access and parking configuration have been determined satisfactory by the Public Works Department in terms of adequacy, efficiency, and safety.

Coastal Development Permit

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:

- I. 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, and height.
 - a. The maximum residential floor area limitation is 5,130 square feet and the proposed floor area is 5,129 square feet.
 - b. A minimum of 1,796 and maximum of 2,565 square feet of nonresidential floor area is required and the project includes 1,798 square feet of nonresidential floor area.

- c. The proposed development provides the minimum required setbacks of 10 feet along the rear property line abutting the alley. No front or side setbacks are required. The upper levels of the structure are articulated to provide 790 square feet of common open space, where 225 square feet are required, and 652 square feet of private open space for each residential unit, where 256 square feet are required.
 - d. The highest guardrail is less than 26 feet from established grade and the highest ridge is no more than 31 feet from established grade, in compliance with the maximum height requirements.
 - e. The project includes covered parking for a total of eight (8) vehicles, complying with the minimum seven (7)-space parking requirement for three (3) residential units and one (1) accessible parking space for the commercial use, as required by the Building Code.
2. The neighborhood is developed with a mix of one (1)-, two- (2) and three (3)-story, structures. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development.
 3. Fact in Support of Finding B.2 is hereby incorporated in reference.
 4. The Balboa Village Parking Management Overlay District has not yet been incorporated into the City's Local Coastal Program Implementation Plan (NBMC Title 21). Because of this, the project includes a request for relief from Chapter 21.40 (Off-Street Parking), pursuant to Section 21.40.110 (Adjustments to Off-Street Parking Requirements). Section 21.40.110(A) provides requirements for allowing reduced parking. As demonstrated by the Balboa Village Parking Management Plan, prepared by Nelson Nygaard in May 2012, the project is in a relatively dense area with multiple uses within a short distance of each other. Balboa Village is conducive to a significant amount of walk-in patrons and experiences parking shortages in the daytime during the summer months. However, parking is typically available during the rest of the year. A large municipal lot and on-street parking are available in the area to accommodate the proposed use in the off-season months. During summer peak months, the commercial component will provide additional visitor-serving uses, such as retail, small eating and drinking, and personal service type uses, that are intended to serve beach and bay visitors already in the area. Furthermore, Balboa Village is served by public transportation consisting of regular bus service and additional trolley service during peak summer months that provides a parking alternative.
 5. Once the Balboa Village Parking Management Overlay District is certified, the development will be in conformance with the Local Coastal Program as amended.
 6. The project is located on an inland property in a developed area approximately 700 feet from coastal waters. Based on research of existing site conditions, the project site has an elevation between 10 feet and 11 feet, based on the North American Vertical Datum of 1988 (NAVD 88), whereas new structures are required to have a minimum finished floor of 9.0 feet (NAVD 88). As conditioned, a topographic survey prepared by a licensed land surveyor will be required prior to permits being issued. The proposed structure will

comply with the minimum finished floor requirement. The project site is separated from the ocean by a row of residential homes and a large municipal parking lot. The identified distances from coastal hazard areas coupled with the elevation of the site will help to ensure the project is reasonably safe for the economic life of the structure.

7. 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 may be 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, if needed. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
8. A construction erosion control plan has been provided to implement temporary Best Management Practices (BMPs) during construction and minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived by construction chemicals and materials.
9. 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 public viewpoint is located on the Balboa Pier, which is approximately 1,500 feet away from the project site. The property does not have any coastal resources on or adjacent to it as the area is completely developed. The site does not provide any form of public access and it is not located along the coast; it is an inland parcel not fronting Newport Harbor or the Pacific Ocean. No public coastal views are present through the project site and the project is consistent with all applicable development standards provided in Title 21 that are intended to protect the visual quality of the coast and to protect coastal views.

Finding:

- J. *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.*

Facts in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline. However, 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. While the project includes an additional dwelling unit, the site does not currently provide or inhibit public access and 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 beach and coastal waters is available immediately west of the site along Adams Street. Lateral access is available along the East Ocean Front boardwalk and public beach one block south of the site. The project does not include any features that would obstruct access along these routes.

3. The adjustments to the commercial off-street parking requirements are not expected to impact public access for the reasons cited in Fact in Support of Finding I.4.

Tentative Parcel Map

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Titles 20 and 21 of the NBMC and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

Finding:

- K. 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 proposed subdivision and improvements are consistent with the MU-V General Plan designation of the project site.
2. The project is not located within a specific plan area.
3. The Public Works Department has reviewed the Tentative Parcel Map and found it consistent with Title 19 of the NBMC and applicable requirements of the Subdivision Map Act.
4. Conditions of approval have been included to ensure compliance with Title 19.

Finding:

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

Facts in Support of Finding:

1. The approximately 5,130-square-foot site is physically suitable for the proposed development because it is rectangular in shape and is relatively flat.
2. Based on a site-specific preliminary geologic investigation prepared for project, the development is feasible with appropriate site preparation and construction.
3. The subject property is accessible from East Balboa Boulevard and the alley at the rear and is adequately served by existing utilities.

Finding:

- M. 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. The project site to be developed does not support any environmental resources. As such, there would be no significant impacts to fish or wildlife or their habitat associated with the project.

Finding:

- N. 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 purposed with merging the two (2) contiguous lots and creating a subdivision of air space for condominium ownership. 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:

- O. 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.
2. Public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act. Conditions of approval require that the existing driveway along

East Balboa Boulevard be abandoned and new curb, gutter and sidewalk constructed match the existing decorative sidewalk.

Finding:

- P. 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 a Williamson Act contract.
2. The project site is currently developed for residential use and lies in a Zoning District that permits residential uses in conjunction with a mixed-use development.

Finding:

- Q. 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:

- R. 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:

- S. *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. There are two (2) existing legal, nonconforming single-family residences on the project site. The project includes the construction of an additional residential unit to contribute to the City's share of the regional housing need. The Applicant will be responsible for the payment of appropriate fair share and park fees for the development of this additional new dwelling unit. Therefore, the Tentative Parcel Map will not affect the City in meeting its regional housing need.

Finding:

- T. *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 project is designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- U. *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. The project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter Three of the Coastal Act.
2. Facts in Support of Findings I and J for the *Coastal Development Permit* (above) are hereby incorporated by reference.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 and 15315 under Class 3 (New Construction or Conversion of Small Structures) and 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. The exceptions to the Class 3 categorical exemption under Section 15300.2 are not applicable.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Site Development Review No. SD2020-007, Modification Permit No. MD2020-007, Coastal Development Permit No. CD2020-037 and Tentative Parcel Map No. NP2020-008, 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 24TH DAY OF SEPTEMBER, 2020.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

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. All proposed signs shall be in conformance with an approved Comprehensive Sign Program for the project site and provisions of NBMC Chapter 20.42 (Signs).
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
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. Modifications to the approved plans may require an amendment to this Site Development Review, Modification Permit, Coastal Development Permit and Tentative Parcel Map or the processing of a new application.
6. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
7. Prior to the 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 project 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 Minor Site Development Review/Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
8. *Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.*
9. *Prior to the issuance of building permits, Fair Share Traffic Fees shall be paid for one (1) new dwelling unit (currently \$1,923 per new additional dwelling unit) and all nonresidential uses on the ground floor in accordance with NBMC Chapter 15.38.*
10. *Prior to the recordation of the Final Parcel Map, a park dedication fee for one (1) new dwelling unit (currently \$26,125 per new additional dwelling unit) shall be paid in*

accordance with NBMC Chapter 19.52. This fee shall be paid upon submittal of the map to the Public Works Department for plan check and deposited into the appropriate Service Area account as identified in the Recreation and Open Space Element of the General Plan.

11. *Prior to issuance of final building permits, the Applicant shall prepare a written disclosure statement prior to sale, lease, or rental of a residential unit in the proposed mixed-use development consistent with Section 20.48.130.H (Notification to Owners and Tenants) of the Municipal Code.*
12. *Prior to issuance of final building permits, the Applicant shall record a deed notification with the County Recorder's Office approved as to form by the Office of the City Attorney consistent with Section 20.48.130.I (Deed Notification). The deed notification shall state that the residential units are located in a mixed-use project or in a mixed-use zoning district and that an owner may be subject to impacts, including inconvenience and discomfort, from lawful activities occurring in the project or zoning district (e.g. noise, lighting, odors, high pedestrian activity levels, etc.).*
13. *A minimum of eight (8) parking spaces shall be provided on-site (one [1] ADA nonresidential space, six [6] residential spaces, and one [1] residential guest parking space).*
14. *Commercial storefront façade shall be redesigned to incorporate additional architectural treatment reflective of traditional parts consistent with the Balbo Village Design Guidelines, to the satisfaction of the Community Development Director, including the following : 1) a bulkhead (panel below storefront window) concealed with decorative materials, such as stone veneer or ceramic tile; 2) replacement of residential glass guardrails to allow for expanded horizontal wall to allow for enhanced signage and a more dominate commercial storefront appearance; and 3) incorporation of awnings or fixed canopy to provide enhances visual interest and/or shade opportunities.*
15. *Commercial suites shall not be occupied by assembly/meeting facilities, commercial recreation and entertainment, cultural institutions, all marine service uses, schools, and visitor accommodation uses, unless an adjustment to off-street parking is approved consistent with the provisions of Title 20 and 21 of the Newport Beach Municipal Code.*
16. *Prior to the issuance of building permits, a topographic survey prepared by a licensed surveyor shall be submitted and approved.*
17. *All mechanical equipment shall be screened in accordance with NBMC Section 20.30.020 (Buffering and Screening). Screening materials shall comply with the Zoning Code height limit (26 feet for flat roof structures and 31 feet for pitched roof).*
18. *The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.*

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19. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
 20. 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.
 21. This approval does not authorize any new or existing improvements (including landscaping) within the public right-of-way.
 22. 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.
 23. 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.
 24. 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.
 25. 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.

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. 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 Advanced Champion LLC Mixed Use Condominiums including, but not limited to, Minor Site Development Review No. SD2020-007, Modification Permit No. MD2020-007, Coastal Development Permit No. CD2020-037 and Tentative Parcel Map No. NP2020-008 (PA2020-073). 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.

Fire Department

28. *A NFPA 13 Fire Sprinkler System will be required throughout the building due to the retail use within the building.*

Building Division

29. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
30. 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.
31. The Applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.

- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage carpooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10 percent soil moisture content in the top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

32. 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.
33. Prior to the issuance of a grading permit, a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to comply with the General Permit for Construction Activities shall be prepared, submitted to the State Water Quality Control Board for approval and made part of the construction program. The project Applicant will provide the City with a copy of the NOI and their application check as proof of filing with the State Water Quality Control Board. This plan will detail measures and practices that will be in effect during construction to minimize the project's impact on water quality.
34. Prior to the issuance of a grading permit, the final Water Quality Management Plan (WQMP) shall be reviewed and approved by the Building Division. The WQMP shall provide appropriate Best Management Practices (BMPs) to ensure that no violations of water quality standards or waste discharge requirements occur.
35. A list of "good housekeeping" practices will be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants will be used, stored or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The Stage 2 WQMP shall list and describe all structural and non-structural BMPs. In addition, the WQMP must also

identify the entity responsible for the long-term inspection, maintenance, and funding for all structural (and if applicable Treatment Control) BMPs.

Public Works Department

36. 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.**
37. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one-inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
38. All improvements shall be constructed as required by Ordinance and the Public Works Department.
39. *The existing driveway along East Balboa Boulevard shall be abandoned. New curb, gutter and sidewalk shall be constructed. Sidewalk shall match the existing decorative sidewalk to the satisfaction of the Public Works inspector.*
40. Each residential and commercial 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.
41. An encroachment permit is required for all work activities within the public right-of-way.
42. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
43. 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.

RESOLUTION NO. ZA2020-063

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING MINOR USE PERMIT NO. UP2019-057 TO ALLOW MASSAGE AND PERSONAL SERVICES, RESTRICTED LAND USES WITHIN AN EXISTING MULTI-TENANT COMMERCIAL BUILDING LOCATED AT 4463 BIRCH STREET (PA2019-261)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Hong Lien Pham (Applicant), with respect to property located at 4463 Birch Street and legally described as Lot 11 of Tract No. 5169 requesting approval of a minor use permit.
2. The Applicant requests a minor use permit to allow the operation of massage and personal services, restricted land uses, including day spas and healing arts (e.g., acupuncture) within an existing 11,420-square-foot commercial building. A waiver of location restrictions is requested to allow the proposed massage use(s) within 500 feet of other massage uses. No alcohol sales or late hours are proposed as part of this application.
3. The subject property is designated AO (Airport Office and Supporting Uses) by the General Plan Land Use Element and is located within the OA (Office Airport) Zoning District.
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 24, 2020, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency 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 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, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The proposed project includes the conversion of an existing medical and professional office building to various personal services, massage, and other uses. No exterior construction is proposed.

SECTION 3. REQUIRED FINDINGS.

Minor Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of such findings are set forth:

Finding:

A. The use is consistent with the General Plan and any applicable specific plan.

Facts in Support of Finding:

1. The property is designated Airport Office and Supporting Uses (AO) in the Land Use Element of the General Plan. This designation is intended to provide for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations. These may include professional offices, aviation uses, and ancillary retail, restaurant, and service uses.
2. The proposed personal services, restricted and massage uses are consistent with the AO designation, as they will provide services that support the surrounding commercial uses and the region at large. The proposed wellness building could serve and complement the nearby John Wayne Airport and the surrounding business community, as visitors and employees would be able to conveniently access the massage, acupuncture, or day spa services prior to or after a flight.
3. The subject property is not part of a specific plan area.

Finding:

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code.

Facts in Support of Finding:

1. The subject property is in the Office Airport Zoning District, which is intended to provide for uses that support or benefit from airport operations. These may include corporate and professional offices, accessory retail, restaurant, service uses, etc. The proposed uses are considered service uses and are therefore consistent with the intent of the land use designation.
2. Pursuant to Table 2-4 of Section 20.22.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the NBMC, both personal services, restricted uses (acupuncture, healing arts, etc.) and massage uses are personal services uses that may be permitted in the OA Zoning District subject to the approval of a minor use permit (MUP).

3. The existing medical and professional office building was constructed in the 1960s and does not comply with the current parking requirements of the NBMC. However, the proposed uses would not result in an intensification or increase in the degree of nonconformity. Further, evidence exists to support that the proposed use will ultimately result in a similar parking demand to the prior professional office and medical office uses. Conditions of approval are included to maintain adequate parking on-site (Condition of Approval Nos. 2 and 4).
4. The proposed massage use is consistent with the legislative intent of Section 20.48.120 (Massage Establishments and Services) and Chapter 5.50 (Massage Establishments) of the NBMC. These sections provide standards for the establishment, location, and operation of massage establishments operated as an independent use. The intent is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration that may accompany and result from large numbers of massage establishments. The project includes flexibility to provide massage in conjunction with other uses (e.g. acupuncture, physical therapy) or as a standalone business.
5. The Newport Beach Police Department (NBPD) has reviewed the project and finds the various scenarios to be acceptable subject to standard conditions of approval. Any potential massage establishment operator will be required to obtain an Operator's Permit from the NBPD.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. As proposed, potential massage operations may operate within the two main suites on the second floor. The operation may consist of up to six (6) potential massage rooms, a customer waiting area, and an equipment/laundry area in the wellness center. There would also be an accessory massage room for the acupuncturist suite. Condition of Approval No. 4 is included to limit massage uses to no more than 50 percent of the existing commercial building.
2. Condition of Approval No. 3 limits personal services, restricted uses, such as acupuncture and day spa, to no more than 75 percent of the building, subject to parking and building code requirements. The limit of 75 percent of the overall building square footage is intended to reduce the potential for blight in the airport area and allow for other complementary uses such as hair salons and makeup businesses.
3. The typical hours of operation for the various personal services restricted and massage uses will be from 8 a.m. to 8 p.m. The neighboring uses consist of offices, the Hyatt Hotel, and Enterprise Vehicle Rentals. The project's proposed hours of

operation are compatible with the allowed uses in the vicinity, as there will not be any late hours which would contribute to noise in the area.

4. The project site and surrounding area consist of a mixture of professional offices, a hotel, car rental services, as well as service uses that serve residents and visitors in the surrounding area. The proposed massage and personal services uses will provide a service that supports residents, local employees, and visitors, consistent with the existing uses in the area.

Finding:

D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.

Facts in Support of Finding:

1. The subject property is located near the intersection of Birch Street and MacArthur Boulevard, and the southern boundary of John Wayne Airport. The property is developed with a two-story, multi-tenant commercial building. The building has historically been occupied by medical offices and professional offices that serve the area. The site is accessible by a driveway on Birch Street. The 45-space surface parking lot that surrounds the building is conveniently located on-site for use of patrons and employees.
2. The two-story, 11,420-square-foot office building was originally constructed in 1969. In 1996, the first floor was converted to medical office uses. The second floor was vacant at the time of conversion, but was intended for office uses. The building was considered nonconforming at the time, as only 42 parking spaces were provided. The Zoning Code in effect at the time required 46 spaces at a rate of one space per 250 square feet of net floor area.
3. In 2005, a Zoning Code amendment (City Council Ordinance No. 2005-1) increased the parking requirement for medical office uses from one space per 250 net square feet to one space per 200 gross square feet of floor area, increasing the parking nonconformity. Therefore, the existing first-floor medical uses are nonconforming and the second-floor office uses remain nonconforming as well. Since 1996, three additional parking spaces have been constructed to reduce the degree of nonconformity, resulting in 45 parking spaces. The existing 6,181 square feet of medical uses on the first floor are still considered nonconforming under the current NBMC.
4. The proposed project will include a variety of uses with different parking requirements. Proposed uses such as medical or massage that have the same rate as the existing medical use can occupy the building (i.e., "like-for-like"), to match the existing nonconforming medical use and maintain the same level of parking demand on the site. The existing nonconforming building includes a total of 6,181 square feet

of medical on the first floor. Accordingly, up to 6,181 gross square feet can be occupied with uses that require a rate of one space per 200 square feet.

5. The existing 45 parking spaces have been adequate to accommodate parking demand for patrons and employees of the multi-tenant building. The proposed allowance for massage and personal services restricted uses are not anticipated to result in an intensification of use and will not require the provision of additional parking. Conditions of approval are included to ensure that the future buildout of the various tenant spaces will not result in over 6,181 square feet of uses that require a parking rate of one space per 200 square feet of floor area (i.e. the same as the existing medical use). The remaining tenant spaces shall be occupied with uses that require a lower parking rate of one space per 250 square feet of floor area or less (e.g., one space per 300 sf).
6. Adequate public and emergency vehicle access, public services, and utilities are provided on the property and the proposed massage establishment and personal services uses will not change this.

Finding:

E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor 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.

Facts in Support of Finding:

1. The uses have been conditioned with typical daytime hours of operation that will minimize any potential detriment to the area. Condition of Approval No. 5 restricts hours of operation to 8 a.m. to 8 p.m., daily.
2. The proposed massage and personal service uses would provide additional services to the residents and visitors in the surrounding area.
3. The proposal has been reviewed by the Building and Code Enforcement Divisions, Public Works, Fire, and Police Departments, and recommended conditions of approval have been included to limit any effects to the City or persons visiting or working in the surrounding neighborhood.

Waiver of Location Restrictions

In accordance with Section 20.48.120(B) (Massage Establishments and Services – Waiver of Location Restrictions) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

F. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.

Facts in Support of Finding:

1. The intent of the section is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration, which accompany and are brought about by large numbers of massage establishments that may act as fronts for prostitution and other illegal activity.
2. Although the proposed massage use is located within 500 feet of another establishment offering massage services, it is located in a separate development and is sufficiently separated from other massage services, the closest of which are located at the Hyatt Hotel approximately 260 feet from the subject site. Additionally, the proposed project may include multiple tenant suites offering massage services within the same commercial building. The Police Department has reviewed the proposal and does not have concerns regarding the proposal of multiple massage establishments subject to Condition of Approval Nos. 32 through 35. Similarly, the Code Enforcement Division has reviewed the proposed uses and provided Condition of Approval Nos 30 and 31 to provide additional transparency to the businesses.
3. There will be no late hours of operation, as the proposed hours, as conditioned are 8 a.m. to 8 p.m., seven (7) days a week. The massage use is complementary to the other wellness related uses in the building.
4. Condition of Approval No. 33 is included to ensure the Applicant will obtain an Operator's Permit from the Newport Beach Police Department in compliance with Chapter 5.50 (Massage Establishments) of the Newport Beach Municipal Code prior to operation of the business.

Finding:

G. The proposed use will not enlarge or encourage the development of an urban blight area.

Fact in Support of Finding:

1. The proposed massage uses are located in individual tenant spaces within a managed, multi-tenant commercial building, which will prevent problems and discourage the development of blight. The subject property is not located within a blighted area, is well maintained, and is intended to provide a service that supports the surrounding residents and visitors to Newport Beach. Additionally, there are no existing residential uses within the surrounding area. Lastly, the owner completed site work in 2014 to improve the parking lot, trash enclosure, and update the appearance of the building exterior.

Finding:

H. The proposed use will not adversely affect a religious institution, school, park, or playground.

Facts in Support of Finding:

1. The proposed use is located adjacent to John Wayne Airport and surrounding commercial uses. There are no public or private schools, playgrounds, or religious institutions within 500 feet of the subject property.
2. The subject property has adequate lighting and is visible from Birch Street.
3. The NBPD has reviewed the request for a waiver of location restrictions and has no concerns regarding the proposed massage operation.

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 15101 under Class 1 (Existing Facilities) 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 Minor Use Permit No. UP2019-057 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 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 24TH DAY OF SEPTEMBER, 2020.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division

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 amount of land uses that require a parking rate of one space per 200 square feet of floor area shall not exceed 6,181 square feet in aggregate. The uses may be located on the first or second floor subject to the requirements of the California Building Code (CBC).*
3. *The amount of personal services restricted land uses shall not exceed 75 percent of the existing building square footage, or approximately 8,565 square feet.*
4. *The amount of massage services or establishments shall not exceed 50 percent of the existing building square footage, or approximately 5,710 square feet.*
5. *Hour of operation for the massage and personal services restricted land uses shall be limited to the hours of 8 a.m. and 8 p.m., daily.*
6. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
7. 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.
8. *All proposed signs shall be in conformance the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.*
9. *Use Permit No. UP2019-057 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the NBMC, unless an extension is otherwise granted.*
10. This Use 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.
11. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and may require an amendment to this Use Permit or the processing of a new Use Permit.

12. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
13. 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.
14. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
15. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
16. 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:

Location	Between the hours of 7 AM and 10 PM		Between the hours of 10 PM and 7 AM	
	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

17. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
18. Construction activities shall comply with Section 10.28.040 of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday, and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.

19. All trash shall be stored within the building or within dumpsters stored in the existing trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
20. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
21. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
22. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
23. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and 9 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
24. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
25. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the NBMC to require such permits.
26. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Pham Wellness Building including, but not limited to, Minor Use Permit No. UP2019-057 (PA2019-261). 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.

Building Division

27. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the CBC. The construction plans must meet all applicable State Disabilities Access requirements.
28. *The second floor shall provide access to two exits without going through intervening rooms or other tenant spaces. Plans shall comply with CBC 1016.2.*
29. *Provide accessible means of egress in accordance with CBC 1009.*

Condition Nos. 30-35 only apply to massage uses:**Code Enforcement Division**

30. *All windows (except treatment room windows) shall remain visible and transparent. Window signage shall comply with the NBMC.*
31. *The name of employees and State Certifications shall be provided to City staff upon request.*

Police Department

32. *Strict adherence to the NBMC Chapter 5.50 shall be required.*
33. *The individual businesses must apply for and obtain an Operator's Permit from the Chief of Police and keep said permit in good standing.*
34. *All employees of the Applicant's business who conduct massages must be certified by the CAMTC (physicians, physical therapists, and chiropractors exempt).*
35. *As outlined in the NBMC Section 5.50.030, the business shall maintain the requirements of operation and submit to inspections by officers of the Police Department.*



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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ZONING ADMINISTRATOR ACTION LETTER

Subject: Redstone Comprehensive Sign Program (PA2020-023)
▪ Comprehensive Sign Program No. CS2020-002

Site Location 4041 MacArthur Boulevard, 1200 and 1300 Dove Street

Applicant JB3D

Legal Description Parcel 2 of Resubdivision 0458

On September 25, 2020, the Zoning Administrator approved Comprehensive Sign Program No. CS2020-002. 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

- **Zone:** PC-11 (Newport Place Planned Community)
- **General Plan:** MU-H2 (Mixed Use Horizontal)

SUMMARY

A request for a new comprehensive sign program that will establish design parameters for signage on three (3) existing commercial buildings located on a single parcel. The project site is commonly referred to as "Redstone." Comprehensive Sign Program No. CS2020-002 shall supersede Staff Approval No. SA2017-001 (PA2017-005) and Comprehensive Sign Program No. CS2015-010 (PA2015-076).

The property is located within the Newport Place Planned Community (PC-11) and the General Plan Land Use Element category is Mixed-Use Horizontal (MU-H2).

The property is bounded to the north by Newport Place Drive, to the east by MacArthur Boulevard, to the south by a parking lot, and to the west by Dove Street. The parcel is developed with two (2) multi-story office buildings, one (1) take-out service limited eating and drinking establishment, a surface parking lot, and an above ground parking structure.

A comprehensive sign program is required for this site because there are three (3) or more separate tenant spaces on the same lot, there are signs proposed to be located on or above the second story on a multi-story building, and the site maintains a frontage along a public right-of-way totaling more than 300 lineal feet.

The program includes primary and secondary frontage wall signs and freestanding ground signs. The intent of this program is to provide signage that identifies the project site, the specific buildings, and a variety of tenants.

The following deviations from the PC-11 sign standards are proposed:

- a) The installation of more than one (1) building identification sign; and
- b) A twenty (20) percent increase in height for a monument sign.

The following deviations from the Zoning Code are proposed:

- a) The installation of wall signs above the bottom of the lowest second-story window;
- b) The installation of wall signs outside the middle 50-percent of building or tenant frontage;
- c) Tenant identification signs located on adjacent walls on the same building separated by less than 30 feet where the Zoning Code requires a minimum separation of 30 feet measured along the exterior walls of the building; and

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).*

Facts 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.
- 2. 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.

Standard

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

Facts in Support of Standard

1. The proposed Comprehensive Sign Program (“Program”) complies with the purpose and intent of NBMC Chapter 20.42 (Sign Standards) because it provides the multi-tenant, multi-building, office park with reasonable identification while guarding against an excessive proliferation of signage, which would degrade the City’s unique character and aesthetic standards.
2. The Program preserves and enhances community appearance by regulating the type, size, location, quantity, and illumination of all signs.
3. The Program enhances the safety of motorists and pedestrians by minimizing the distraction of intrusive, difficult to read, or excessive signage.
4. A comprehensive sign program is intended to provide a means for the flexible application of sign regulations at a site that requires multiple signs. The proposed Program integrates all necessary signage with the overall site style and design and creates a unified architectural statement.

Standard

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

Facts in Support of Standard

1. The site is in Professional & Business Office Site No. 4 of PC-11. The neighboring buildings are relatively tall with multiple stories. The 4041 MacArthur office building is five (5) stories and approximately 70 feet tall while the 1300 Dove office building is three (3) stories tall. The take-out service limited eating and drinking establishment at 1200 Dove occupies a single-story, 235-square foot, former drive-up bank kiosk. The size and location of all proposed signage is complementary to the bulk and scale of the existing buildings.
2. All site identification signs feature similar materials, colors, and utilize the same architectural style. The monument signs feature wood panels and smooth, dark grey, non-weathering cabinet signs that complement the dark brick building façades. Wall signage along the lower level of the buildings will incorporate the same style of smooth, dark gray, non-weather bearing cabinet signs or individual channel letters.

Cabinets will not be permitted to be constructed with translucent or transparent backgrounds. Tenant signage on the upper portion of the building consists of individual channel letters constructed of smooth, durable, non-weathering, or fabricated nonferrous metals. The proposed materials and colors ensure a cohesive look that relates the multiple existing buildings on the site.

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 sign program shall be regulated by the provisions of Chapter 20.42 (Sign Standards) 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. The Program has been developed to be effective for commercial uses and to allow flexibility for future changes in tenants. Adequate tenant identification has been provided through the increase in the number of tenant identification wall sign locations and an increase in the number of tenant identification monument signs at the project site.
2. It is not anticipated that future revisions to the Program will be necessary to accommodate changes in tenants or uses. However, the Community Development Director may approve minor revisions to the Comprehensive Sign Program if the intent of the original approval is not affected.

Standard

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

Facts in Support of Standard

1. The Program allows for deviations with regards to the type, number, and location of wall signs. The approval conforms to the intent of NBMC Chapter 20.42 while

accommodating the multiple buildings and the necessary increase to provide tenant visibility.

2. The height and mass of the building facilitates the placement of signs higher than the bottom of the lowest second-story window.
3. The site allows for visitors to approach the building from multiple directions. The deviation from the number of freestanding monument signs on one site is necessary to provide adequate tenant identification. Monument signs are proposed along Newport Place Drive, MacArthur Boulevard, and Dove Street. This placement ensures that visitors will be able to identify the business park and tenants regardless of which direction they approach the site from.
4. The sign provisions of the Newport Place Planned Community District Regulations limit tenant signs to four (4)-inch letters in a single location over a doorway. The Zoning Code generally allows one (1) wall sign per tenant, with an area of up to 1.5 times the linear footage of the tenant space. The use of the Zoning Code provisions is a more appropriate use in this commercial setting to provide adequate identification and visibility for the commercial tenants.
5. The placement of the proposed wall signage generally provides the required separation from other signage except with regards to the two (2) skyline tenant signs. The two (2) proposed skyline tenant signs are designed to match the same width as the large windows below them. This ensures that the signs appear coordinated with the overall design and architectural features of the building. To maintain thirty (30) feet of separation between the two (2) skyline tenant signs would make the signs appear cluttered and not appropriately placed.
6. The placement of the proposed wall signage within the center 50 percent of the tenant frontage is not realistically feasible on these buildings. Each tenant does not have a storefront and entrances to the building are communal. The proposed tenant eyebrow signs instead have been designed to be placed above windows and other appropriate architectural features. The placement of the eyebrow tenant signs in many ways creates a similar look and feel as being centered within a tenant frontage.

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 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 Program contains no regulations affecting sign message content.

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, details, 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 Comprehensive Sign Program shall be rendered nullified and a new Comprehensive Sign Program shall be obtained for the new or altered development in accordance with the Newport Place Planned Community District Regulations and 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 in accordance with 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 shall comply with any applicable sight distance provisions of Chapter 20.42 of the NBMC or required by the Public Works Department (City Standard 110-L). Additionally, the applicant shall provide Sight Distance Exhibits for review and approval by the Public Works Department prior to issuance of building permits.
6. In accordance with Section 20.42.120(F) 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 on the tenant configurations, such as combining or dividing suites.
7. 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 Planning 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 approval and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

8. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
9. 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 prior to issuance of a building permit.
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 Redstone Comprehensive Sign Program including, but not limited to Comprehensive Sign Program No. CS2020-002 (PA2020-023) 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.

Prepared by:



Joselyn Perez
Assistant Planner

Approved by:



Jaime Murillo
Zoning Administrator

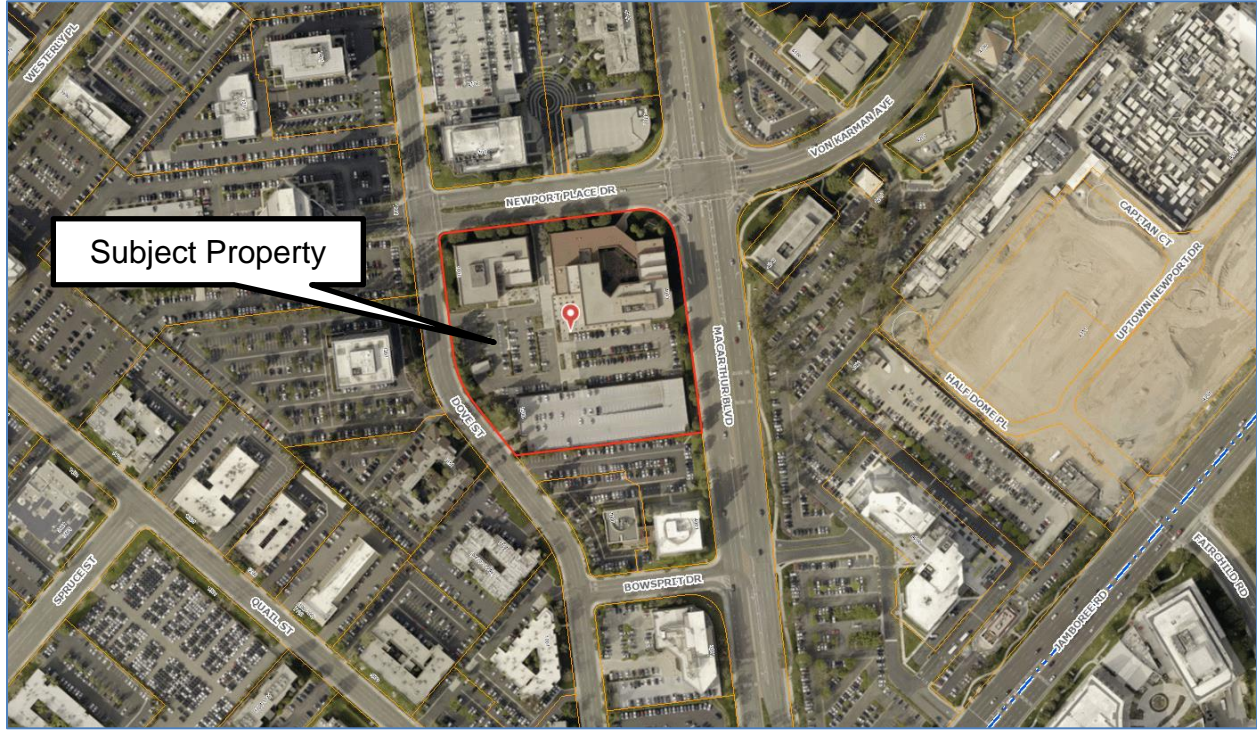
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- Attachments:
- ZA No. 1 Vicinity Map
 - ZA No. 2 Comprehensive Sign Program Matrix
 - ZA No. 3 Applicant's Project Justification
 - ZA No. 4 Project Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2020-002
PA2020-023

**4041 MacArthur Boulevard,
1200 and 1300 Dove Street**

Attachment No. ZA 2
Comprehensive Sign Program Matrix

Redstone Comprehensive Sign Program Matrix No. CS2020-002 (PA2020-023)

Primary Frontage is MacArthur Boulevard.

Secondary Frontages are defined as the following:

- Secondary Frontage A – Newport Place Drive
- Secondary Frontage B – Dove Street
- Secondary Frontage C – Parking Lot

Name	Sign Type	Primary Frontage <i>(MacArthur Blvd)</i>	Secondary Frontages	Other Specifications
Sign Type 1 Project ID Monument	Freestanding - Ground	Maximum Number: 1 Maximum Sign Area: 76 sq. ft. Maximum Sign Height: 4' Maximum Sign Width: 19'		
Sign Type 1A Project ID Monument	Freestanding - Ground		Maximum Number: 1 Maximum Sign Area: 57 sq. ft. Maximum Sign Height: 4' Maximum Sign Width: 14'-3"	- Allowed on Secondary Frontage C (Parking Lot).

Name	Sign Type	Primary Frontage <i>(MacArthur Blvd)</i>	Secondary Frontages	Other Specifications
Sign Type 2 Tenant Monument	Freestanding - Ground		Maximum Number: 1 Maximum Sign Area: 43 sq. ft. Maximum Sign Height: 4'-10" Maximum Sign Width: 9'	- Allowed on Secondary Frontage B (Dove Street).
Sign Type 2A Tenant Monument	Freestanding - Ground		Maximum Number: 1 Maximum Sign Area: 79.5 sq. ft. Maximum Sign Height: 4' Maximum Sign Width: 9'	- Allowed on Secondary Frontage A (Newport Place Drive).

Name	Sign Type	Primary Frontage <i>(MacArthur Blvd)</i>	Secondary Frontages	Other Specifications
Sign Type 3 Tenant Eyebrow Signage	Building Sign - Wall	Maximum Number: 3 Maximum Sign Area: 58 sq. ft. Maximum Sign/Letter/Logo Height: 3'-9.5" Maximum Sign Width: 15'-8.5"	Maximum Number: 2 Maximum Sign Area: 58 sq. ft. Maximum Sign/Letter/Logo Height: 3'-9.5" Maximum Sign Width: 15'-8.5"	<ul style="list-style-type: none"> - Allowed on Secondary Frontage A (Newport Place Drive) and Secondary Frontage B (Dove Street). - One sign per allowed secondary frontage. - Signs shall be either individual channel letters mounted to the face of the wall or a cabinet.
Sign Type 4 Skyline Tenant Signage	Building Sign - Wall	Maximum Number: 1 Maximum Sign Area: 102 sq. ft. Maximum Sign/Letter/Logo Height: 5' Maximum Sign Width: 24'-5"	Maximum Number: 1 Maximum Sign Area: 102 sq. ft. Maximum Sign/Letter/Logo Height: 5' Maximum Sign Width: 24'-5"	<ul style="list-style-type: none"> - Allowed on Secondary Frontage C (Parking Lot). - Signs shall be individual letters mounted to the face of the wall.

Name	Sign Type	Primary Frontage (MacArthur Blvd)	Secondary Frontages	Other Specifications
Sign Type 6 Retail Tenant Signage	Building Sign - Wall		Maximum Number: 1 Maximum Sign Area: 30 sq. ft. Maximum Sign/Letter/Logo Height: 2'-4" Maximum Sign Width: 18'	- Allowed on Secondary Frontage B (Dove Street). - Signs shall be either individual channel letters mounted to the face of the wall or a cabinet.
Sign Type 6A Retail Tenant Signage	Building Sign - Wall		Maximum Number: 1 Maximum Sign Area: 30 sq. ft. Maximum Sign/Letter/Logo Height: 5' Maximum Sign Width: 6'	- Allowed on Secondary Frontage C (Parking Lot) - Signs shall be either individual channel letters mounted to the face of the wall or a cabinet.
Sign Type 7 Building Address	Building Sign - Wall	Maximum Number: 1 Maximum Sign Area: 48 sq. ft. Maximum Sign/Letter/Logo Height: 10'-4" Maximum Sign Width: 4'-8"	Maximum Number: 2 Maximum Sign Area: 48 sq. ft. Maximum Sign/Letter/Logo Height: 10'-4" Maximum Sign Width: 4'-8"	- Allowed on Secondary Frontage C (Parking Lot). - Individual numbers mounted to the face of the wall.

Name	Sign Type	Primary Frontage <i>(MacArthur Blvd)</i>	Secondary Frontages	Other Specifications
Sign Type 7A Building Address at Entry	Building Sign - Wall		Maximum Number: 2 Maximum Sign Area: 20 sq. ft. Maximum Sign/Letter/Logo Height: 3' Maximum Sign Width: 6'-8"	- Allowed on Secondary Frontage C (Parking Lot) - Individual numbers mounted to the face of the wall.

Notes/Requirements:

- a) Sign locations shall be as depicted on approved plans.
- b) Cabinet signs with translucent or transparent backgrounds are not permitted.
- c) Requirements for all signs per the Newport Place Planned Community (PC-11) text and Municipal Code Chapter 20.42, except as provided in this sign matrix.
- d) Sign Designs shall be consistent with Citywide Sign Design Guidelines Manual.
- e) Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to this approval if the intent of the original approval is not affected.

Attachment No. ZA 3

Applicant's Project Justification

September 24, 2020

Joselyn Perez
Planning Technician
Community Development Department
CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, CA 92658

RE: Redstone Sign Program No. CS2020-002 (PA2020-023)
Address: 4040 MacArthur Blvd., 1300 Dove St., 1200 Dove St.

Dear Joselyn Perez,

On behalf of Lincoln Property Management Company, thank you for your time in reviewing this Sign Program for Redstone.

As the project signage architects, our task is to capture a high number of first-time visitors on the project's perimeter, and clearly direct them to parking and each individual suite. The revised sign program will continue to give the project a modern and exciting look that will enhance the surrounding community. The revised sign program is intended to replace and supersede any existing sheets currently in the previously approved program.

In response to comments received per our prior submittal, we made the following revisions to ensure that the signage is compliant with the sign standards of PC11 (Newport Place) except where Administration Relief has been requested:

ST-1 Project ID Monument:

This sign has been reduced to a 4' tall x 19' wide sign to satisfy the height limit for PC11. Sheet 1.2 is modified to include the sign location and sight distance information.

ST-1A Project ID Monument:

We reduced the size of this sign to 4' tall x 14'-3" wide to be compliant with the PC11 signage standards.

ST-2 Tenant Monument:

We modified the sign program to only include one of these signs at Dove Street (originally submitted as 2.2). We are requesting Administrative relief to decrease the width of the existing sign from 9' to 5'-6" wide and increase the height from 3'-11 ³/₄" to 15' tall. The proposed taller sign is more desirable because the elevated tenant names are easier to see for first time visitors. Also, the Dove Street location is ideal for directing visitors to the site since there isn't an entry off the more heavily trafficked MacArthur Blvd. We are willing to apply for a Modification Permit if needed. The revised sign location and added sight distance details are included on sheet 2.3.

ST-2A Tenant Monument:

We added this tenant monument at Newport Place Drive in place of the ST-2.1 sign that was included in our previous submittal. The overall design is harmonious with the rest of the property and the addition of the tenant names will help capture visitors to the site. This 9' wide by 4' tall sign seems to be compliant with the sign standards of PC11.

ST-3 Tenant Eyebrow Signage:

We are requesting Administrative relief to add the 3.5 tenant sign on the East elevation of 4041 MacArthur Blvd. There are a significant number of tenants that occupy the 4041 building and this location is ideal for capturing more visitors to the site. This additional sign is legible, consistent with the surrounding signage, and flexible enough to accommodate new tenants and their needs.

ST-4 Skyline Tenant Signage:

We are requesting Administrative relief to add the 4.2 sign at the South elevation of 4041 MacArthur in addition to the existing 4.1 sign at the East elevation. This would enable two of the building's primary occupants to receive maximum visibility from the MacArthur Blvd., which tends to get the most traffic. Since our previous submission, we modified the maximum width of the sign to be the same width as the windows underneath it. This alignment works well with the features of the building and is therefore more pleasing to the eye.

ST-5 Tenant Signage on Trellises:

We are eliminating these signs from the scope to comply with the signage standards of PC11.

We look forward to working with the planning department to make this project an enhancement to the City of Newport Beach, both visually and economically.

As the Signage Information Architects for many of the high-profile developments in The City of Newport, we pride ourselves on producing realistic, yet creative signage programs that meet the various needs each project presents.

Please contact me with any questions or comments at 714.204.0083 or marianne@jb3d.com

Best regards,

Marianne Warner
Designer
JB3D

Attachment No. ZA 4

Project Plans

SIGN PROGRAM FOR

REDSTONE

1200 DOVE ST.
1300 DOVE ST.
4041 MACARTHUR BLVD.
NEWPORT BEACH, CA 92660

APPLICANT: LINCOLN PROPERTIES

CONTACT:
PARKE MILLER
EXECUTIVE VICE PRESIDENT
LINCOLN PROPERTY COMPANY
949-333-2114 DIRECT
PMILLER@LPC.COM

19600 FAIRCHILD RD SUITE 100
IRVINE, CA 92612

PROGRAM DESIGNER:
JB3D
731 N. MAIN STREET
ORANGE, CA 92868
CONTACT: MARIANNE WARNER
714.204.0083
714.744.8061 fax



February 06, 2020

REDSTONE SIGN PROGRAM

TABLE OF CONTENTS

SHEET N^o.	DESCRIPTION
0.1	Introduction
0.2	Signage Overview
0.3	Site Plan
1.0 - 1.2	ST1 Project ID Monument
1A.0 - 1A.2	ST1A Project ID Monument
2.0 - 2.2	ST2 Tenant Monument
2A.0 - 2A.2	ST2A Tenant Monument
3.0 - 3.5	ST3 Tenant Eyebrow Signage
4.0 - 4.3	ST4 Skyline Tenant Signage
6.0 - 6.1	ST6 Retail Tenant Signage
6A.0 - 6A.1	ST6A Retail Tenant Signage
7.0 - 7.3	ST7 Building Address
7A.0 - 7A.2	ST7A Building Entry Address

INTRODUCTION

This master signage program is established for the purpose of establishing professional visual graphics and communications designed to mutually benefit the center and its tenants. The intent is to provide sign guidelines and criteria that are necessary to achieve a visually harmonious environment that:

1. Clearly identify the center and/or its major tenants in a comprehensive design aesthetic that is compatible with the overall environment
2. Adequately define the center's identity and a sense of place
3. Direct traffic to the site's entrances and enhance traffic flow

All tenant signage shall be subject to Property Management approval as provided in this criteria where consistent with this criteria. All signage must comply with all applicable codes and standards. All signs shall be maintained in good repair. Property Management shall be responsible for the timely removal of, and replacement of any sign deemed by the City in need of repair.

Tenant Signage Submission:

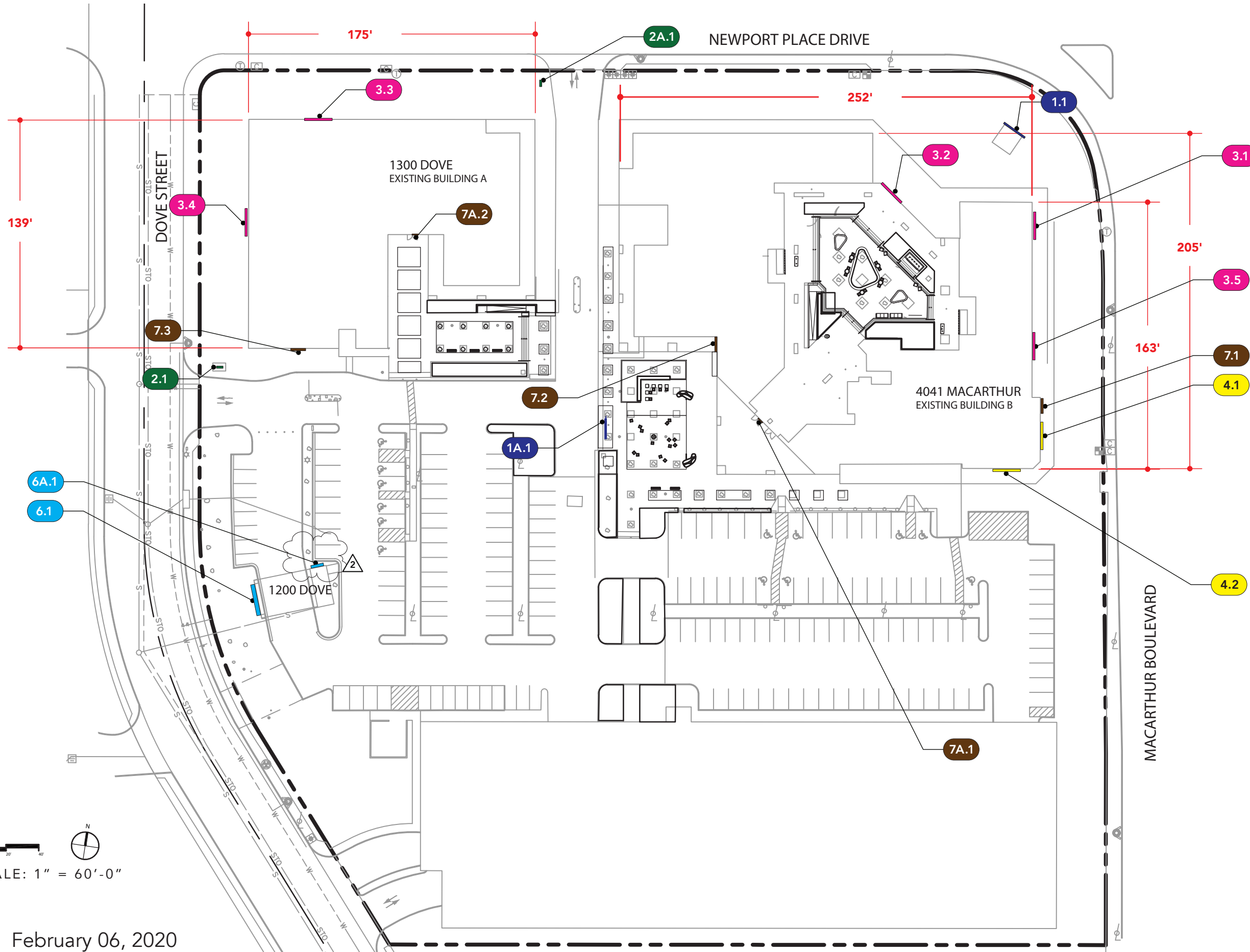
These signage requirements and approvals process have been reviewed by the City of Newport Beach. The Property Manager, through his Design Consultant, must approve any and all signage prior to submittal to the City of Newport Beach Planning & Building Divisions. The City will not issue signage permits without original documents indicating the Design Consultant's or designee's approval.

Submit final detail drawings to the Design Consultant for review and approval. Incomplete submissions to the Design Consultant will be returned without review. The submission must include the size and dimensions of all signs, letter heights, materials, specified colors and color chips, mounting details of all signs, graphic representation of all signage in relation to the storefronts), including exact location of signs, and any other requirements specified by the City of Newport Beach Planning and Building Divisions. Only when the final design sets have been returned with the Design Consultant's approval may the tenant apply for City approval. Tenant shall submit plans and other required materials to the city of Newport Beach Planning and Building divisions for sign permit and building permit pursuant to the city's application processes.

SIGNAGE OVERVIEW

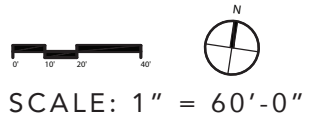
SIGN TYPE	SIGN-SPECIFIC PAGE	DESCRIPTION	SIGN LOCATION	MAX. QUANTITY	MAX. HEIGHT	MAX. WIDTH	MAX. SIGN AREA	MAX. TENANT AREA	PERMIT REQUIRED	LOGOS ALLOWED	ILLUMINATION PERMITTED
1	1.0	Project ID Monument	Ground	1	4'-0"	19'-0"	76 Sq. Ft.	16 Sq. Ft.	Yes	Yes	Yes
1A	1A	Project ID Monument	Ground	1	4'-0"	14'-3"	57 Sq. Ft.	NA	Yes	No	Yes
2	2.0	Tenant Monument	Ground	1	4'-10"	9'-0"	43 Sq. Ft.	11 Sq. Ft.	Yes	Yes	Yes
2A	2A.0	Tenant Monument	Ground	1	4'-0"	9'-0"	36 Sq. Ft.	11 Sq. Ft.	Yes	Yes	Yes
3	3.0	Tenant Eyebrow Signage	On Building	5	3'-9 1/2"	15'-8 1/2"	58 Sq. Ft.	58 Sq. Ft.	Yes	Yes	Yes
4	4.0	Skyline Tenant Signage	On Building	2	5'-0"	24'-5"	102 Sq. Ft.	102 Sq. Ft.	Yes	Yes	Yes
6	6.0	Retail Tenant Signage	On Building	1	2'-4"	18'-0"	30 Sq. Ft.	30 Sq. Ft.	Yes	Yes	Yes
6A	6A.0	Retail Tenant Signage	On Building	1	5'-0"	6'-0"	30 Sq. Ft.	30 Sq. Ft.	Yes	Yes	Yes
7	7.0	Building Address	On Building	3	10'-4"	4'-8"	48 Sq. Ft.	NA	Yes	No	No
7A	7A.0	Building Address at Entry	On Building	2	3'-0"	6'-8"	20 Sq. Ft.	NA	Yes	No	No

SITE PLAN



SIGN TYPE - LEGEND

- 1. Project ID Monument
- 1A. Project ID Monument
- 2. Tenant Monument
- 2A. Tenant Monument
- 3. Tenant Eyebrow Signage
- 4. Skyline Tenant Signage
- 6. Retail Tenant Signage
- 6A. Retail Tenant Signage
- 7. Building Address
- 7A. Building Entry Address



February 06, 2020

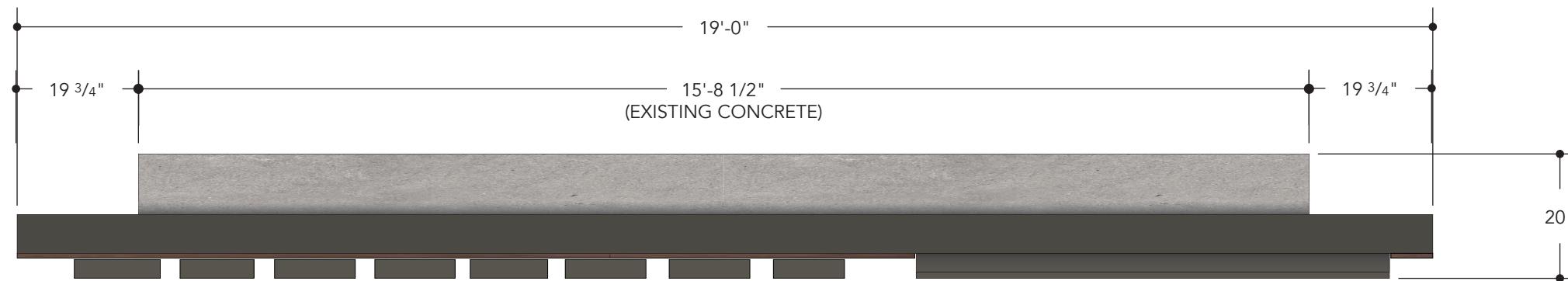
SIGN TYPE 1

PROJECT ID MONUMENT

PURPOSE	To identify the site/project and major tenants.
MAXIMUM NUMBER	One.
LOCATION	Behind property line, located on the corner of Newport Place Drive and MacArthur Boulevard.
SIGN COPY	Project name and tenant names.
MAX. SIGN AREA & SIZE	Width: 19' - 0" Height: 4'-0" Sign Area: 76 sq. ft. Tenant Area: 16 sq. ft.
SIGN CONSTRUCTION	Cladding existing concrete base with thermory wood panels and smooth, durable, non-weathering sign or fabricated from nonferrous metals (cabinet signs with translucent or transparent backgrounds are not permitted). All hardware shall be of nonferrous metals.
ILLUMINATION	External or internal illumination is permitted.
LOGO / LOGOTYPE	Permitted with approval by Property Management.
LETTER STYLE	Project font only.
COLORS	Project dark gray, white and project thermory wood spec.

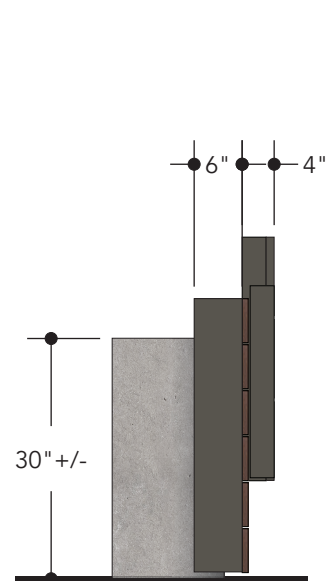
SIGN TYPE 1

PROJECT ID MONUMENT



PLAN VIEW

SCALE: 1/2" = 1'-0"



SIDE ELEVATION

SCALE: 1/2" = 1'-0"



FRONT ELEVATION

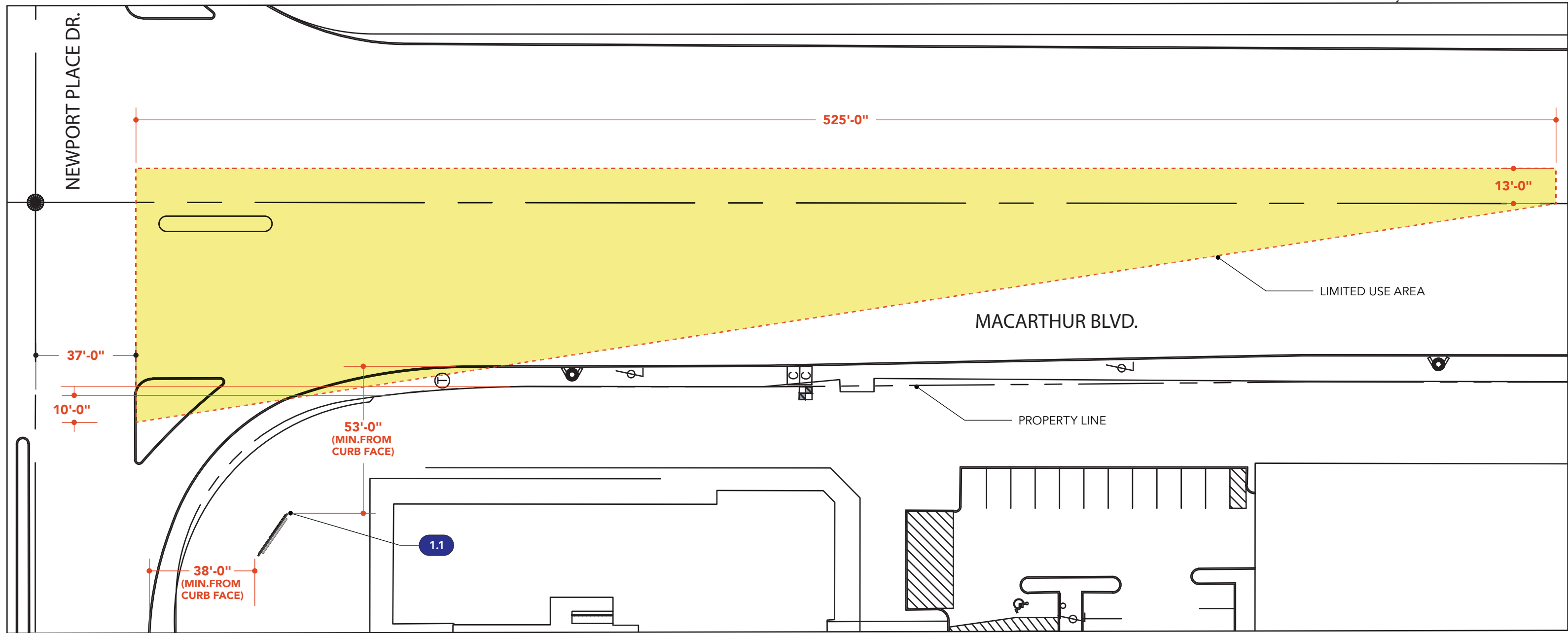
SCALE: 1/2" = 1'-0"

SIGN TYPE 1

PROJECT ID MONUMENT

SIGN TYPE - LEGEND

● ST1 Project ID Monument



SCALE: 3" = 35'-0"

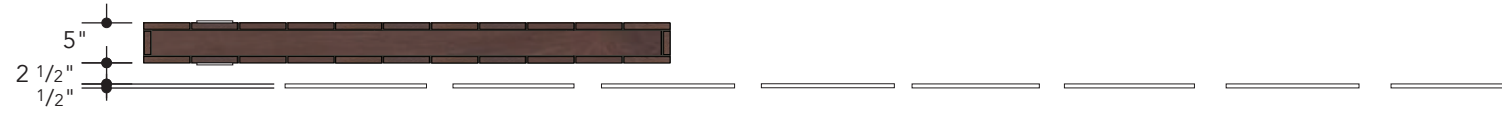
SIGN TYPE 1A

PROJECT ID MONUMENT

PURPOSE	To identify the site/project.
MAXIMUM NUMBER	One.
LOCATION	Located within planter near West entry of the 4041 MacArthur Building.
SIGN COPY	Project name.
MAX. SIGN AREA & SIZE	Width: 14' - 3" Height: 4' - 0" Sign Area: 57 sq. ft. MAX
SIGN CONSTRUCTION	Thermory wood panels and smooth, durable, non-weathering sign or fabricated from nonferrous metals (cabinet signs with translucent or transparent backgrounds are not permitted). All hardware shall be of nonferrous metals.
ILLUMINATION	Internal illumination permitted. No exposed neon lighting allowed.
LOGO / LOGOTYPE	Only Project Logo to appear on this monument. No tenant logos permitted.
LETTER STYLE	Project font only.
COLORS	Project white and project thermory wood spec.

SIGN TYPE 1A

PROJECT ID MONUMENT



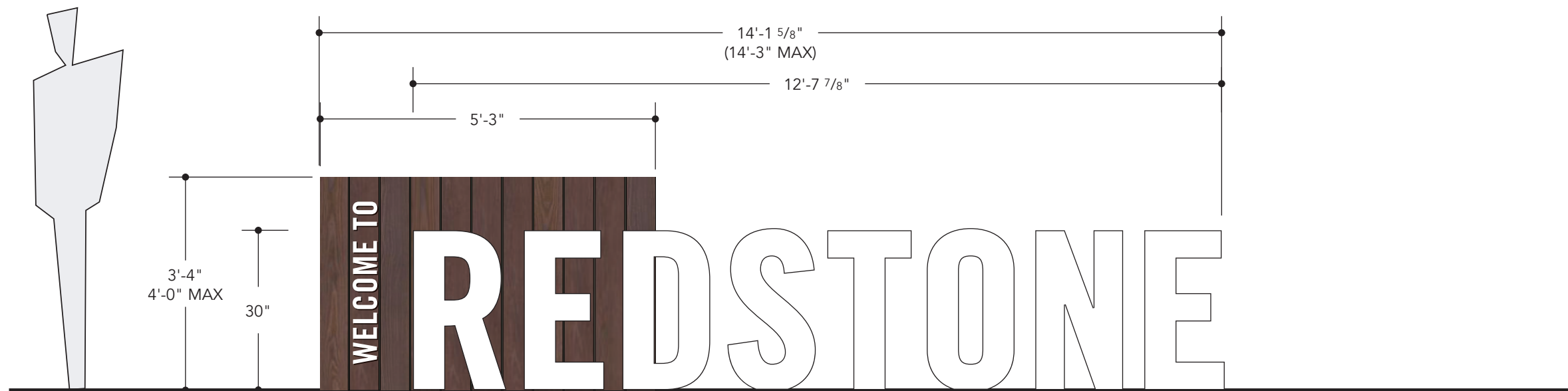
PLAN VIEW

SCALE: 1/2" = 1'-0"



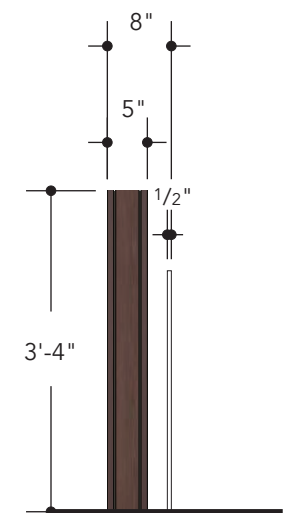
REAR VIEW

SCALE: 1/2" = 1'-0"



ELEVATION VIEW

SCALE: 1/2" = 1'-0"



SIDE VIEW 1

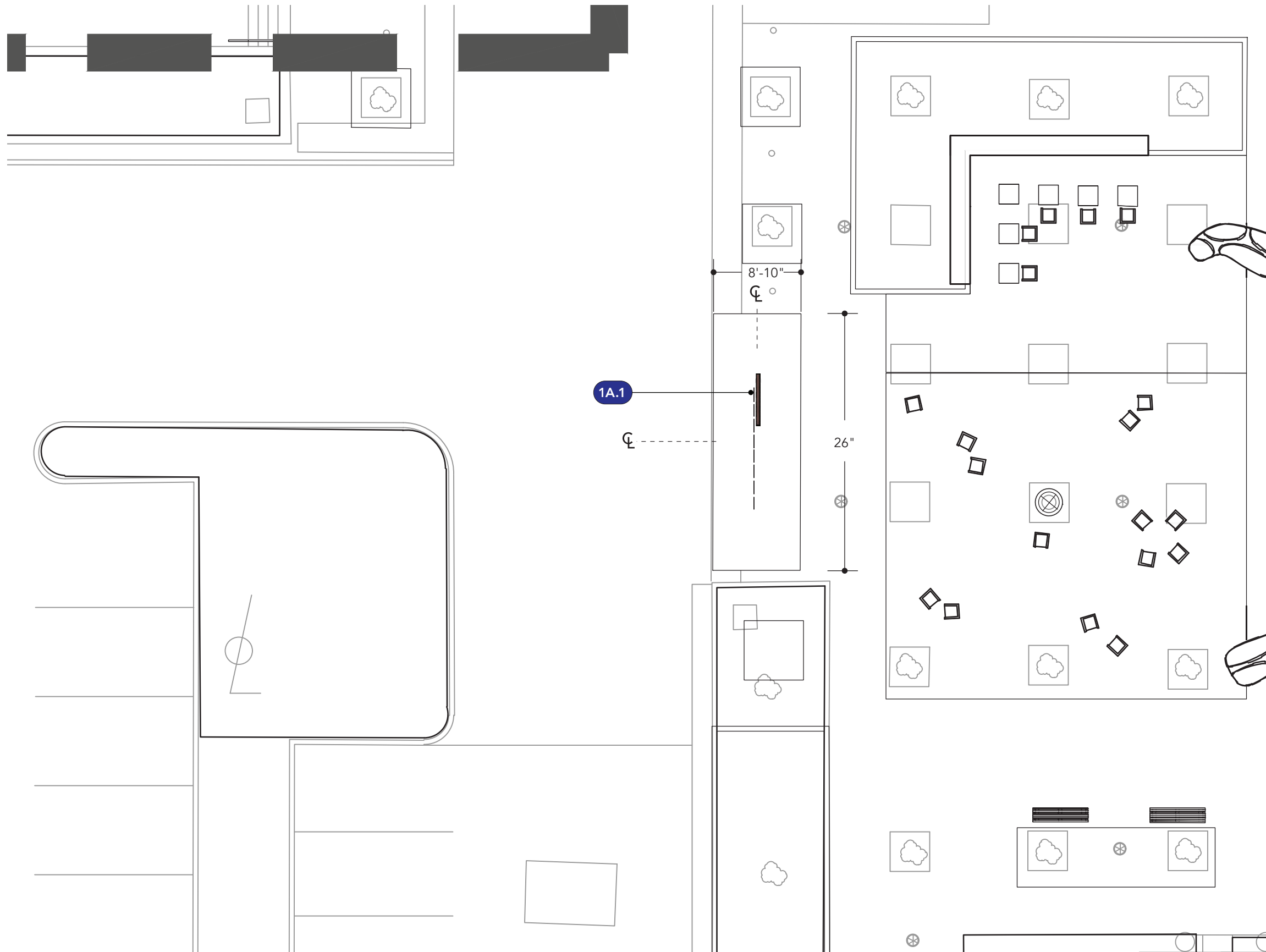
SCALE: 1/2" = 1'-0"

SIGN TYPE 1A

PROJECT ID MONUMENT

SIGN TYPE - LEGEND

● ST1A Project ID Monument



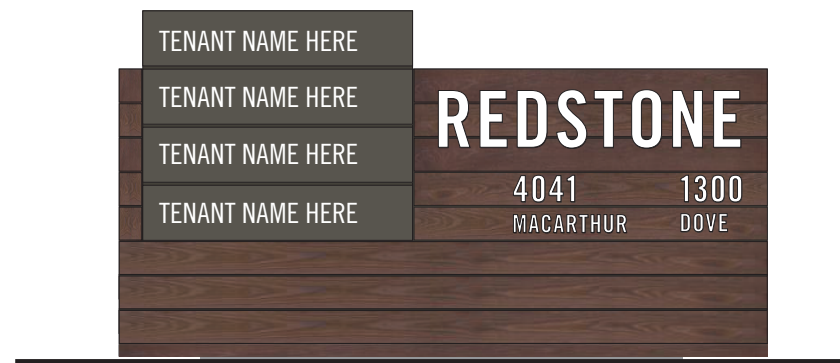
SCALE: 3/32" = 1'-0"

SIGN TYPE 2
TENANT MONUMENT

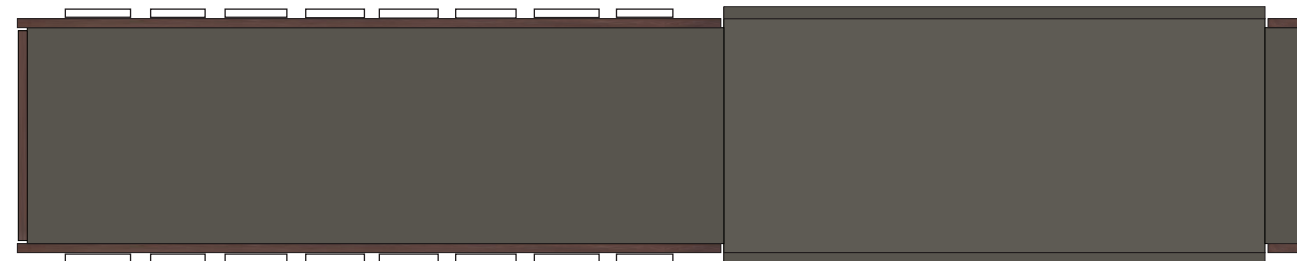
PURPOSE	To identify property name, addresses and tenants occupying the building for first time visitors.
MAXIMUM NUMBER	One
LOCATION	Behind property line on Dove Street.
SIGN COPY	Project name and/or address, up to four tenant names.
MAX. SIGN AREA & SIZE	Width: 9' - 0" Height: 4' - 10" Sign Area: 43 sq. ft. Tenant Area: 11 sq. ft.
SIGN CONSTRUCTION	Thermory wood panels and smooth, durable, non-weathering sign or fabricated from nonferrous metals (cabinet signs with translucent or transparent backgrounds are not permitted). All hardware shall be of nonferrous metals.
ILLUMINATION	Either external or internal illumination is permitted.
LOGO / LOGOTYPE	Permitted with approval by Property Management.
LETTER STYLE	Project font only.
COLORS	Project dark gray, white and project thermory wood spec.

SIGN TYPE 2

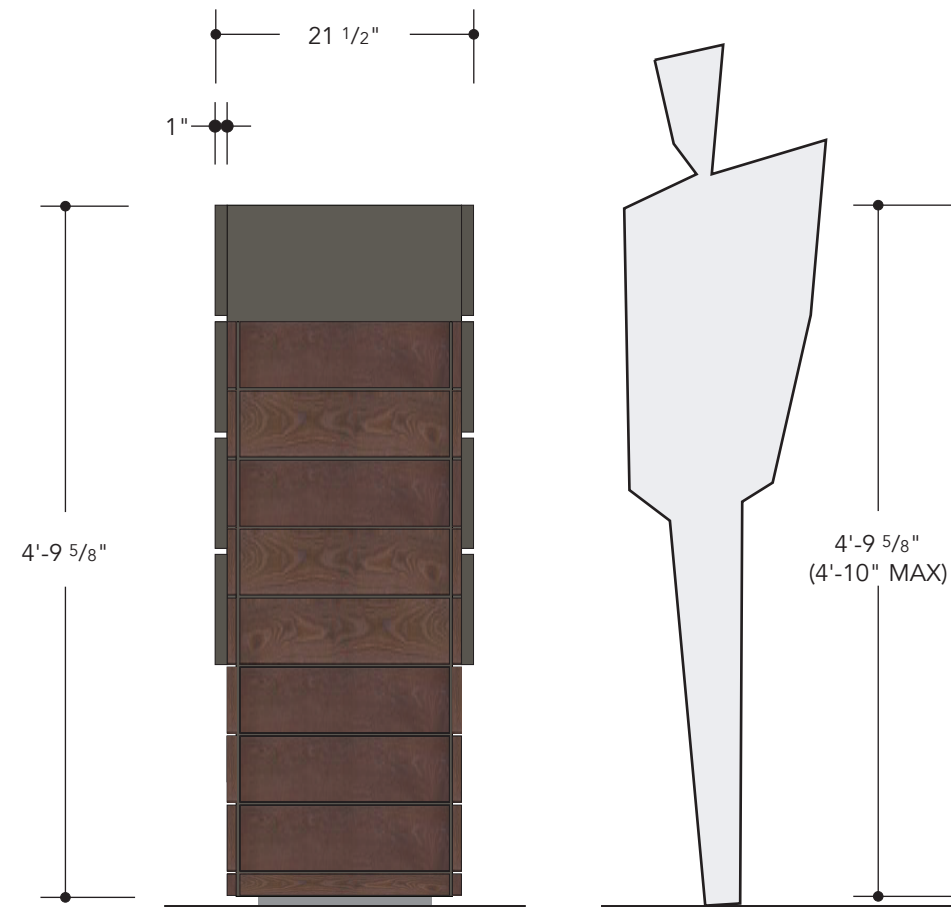
TENANT MONUMENT



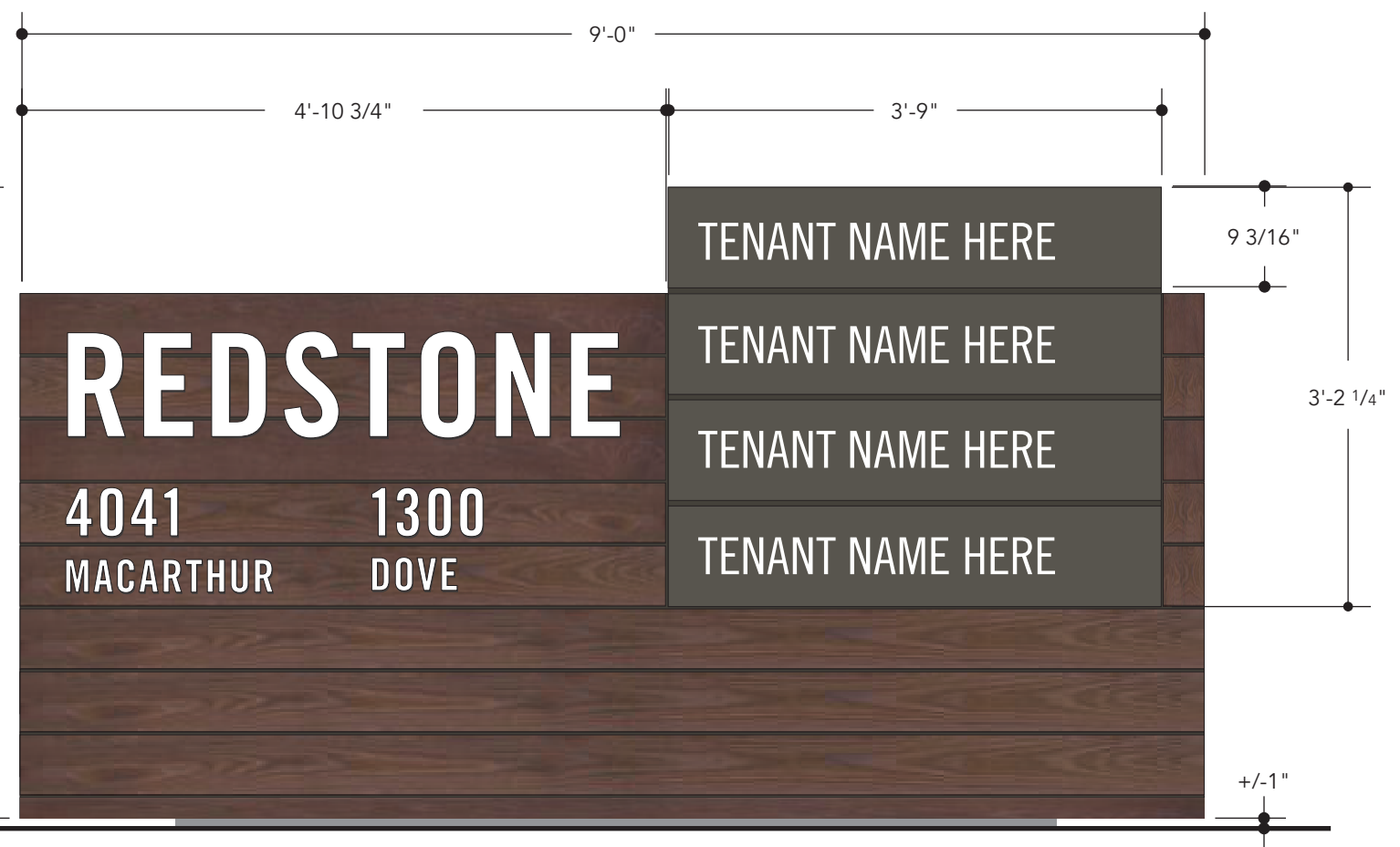
REVERSE SIDE ELEVATION
SCALE: 3/8" = 1'-0"



PLAN VIEW
SCALE: 3/4" = 1'-0"



SIDE VIEW
SCALE: 3/4" = 1'-0"



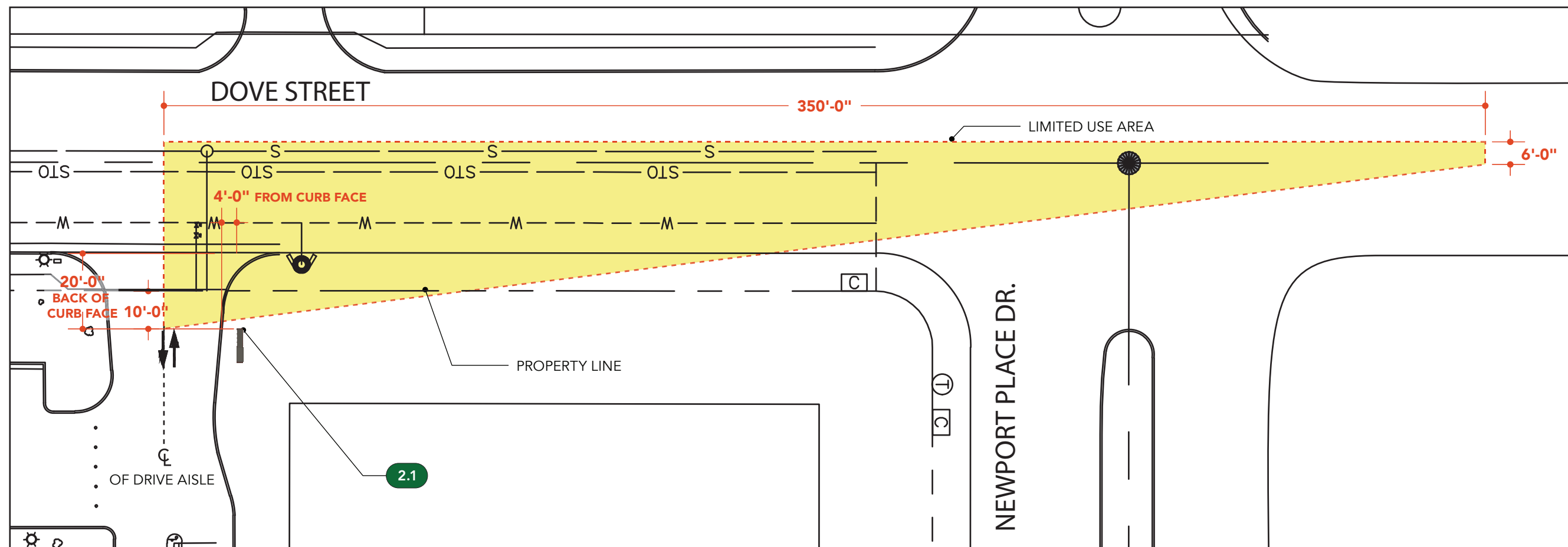
FRONT ELEVATION
SCALE: 3/4" = 1'-0"

SIGN TYPE 2

TENANT MONUMENT

SIGN TYPE - LEGEND

● ST2 Tenant Monument



SCALE: 1" = 30'-0"

SIGN TYPE 2A

TENANT MONUMENT

PURPOSE	To identify property name, addresses and tenants occupying the building for first time visitors.
MAXIMUM NUMBER	One.
LOCATION	Behind property line on Newport Place Drive.
SIGN COPY	Project name and/or address, up to four tenant names.
MAX. SIGN AREA & SIZE	Width: 9' - 0" Height: 4' - 0" Sign Area: 36 sq. ft. Tenant Area: 11 sq. ft.
SIGN CONSTRUCTION	Thermory wood panels and smooth, durable, non-weathering sign or fabricated from nonferrous metals (cabinet signs with translucent or transparent backgrounds are not permitted). All hardware shall be of nonferrous metals.
ILLUMINATION	Either external or internal illumination is permitted.
LOGO / LOGOTYPE	Permitted with approval by Property Management.
LETTER STYLE	Project font only.
COLORS	Project dark gray, white and project thermory wood spec.

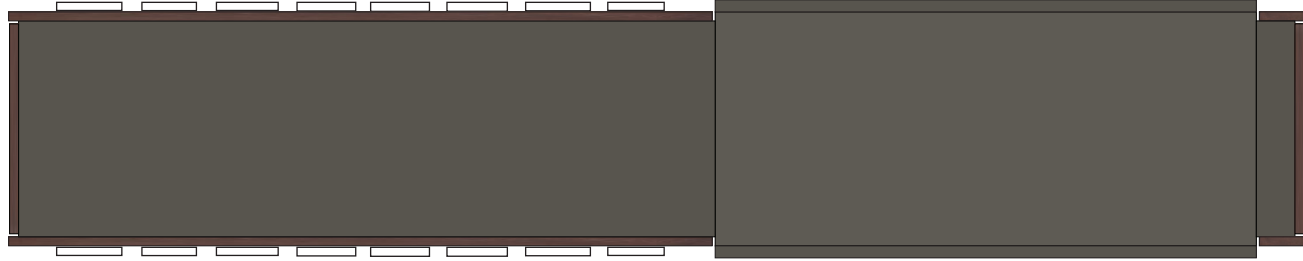
SIGN TYPE 2A

TENANT MONUMENT



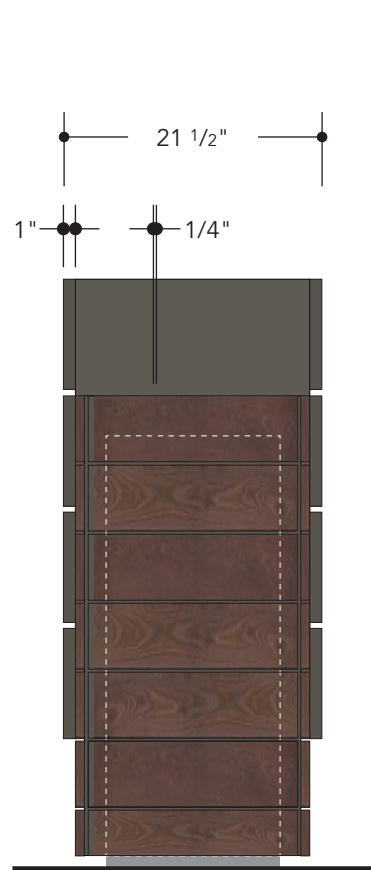
REVERSE SIDE ELEVATION

SCALE: 3/8" = 1'-0"



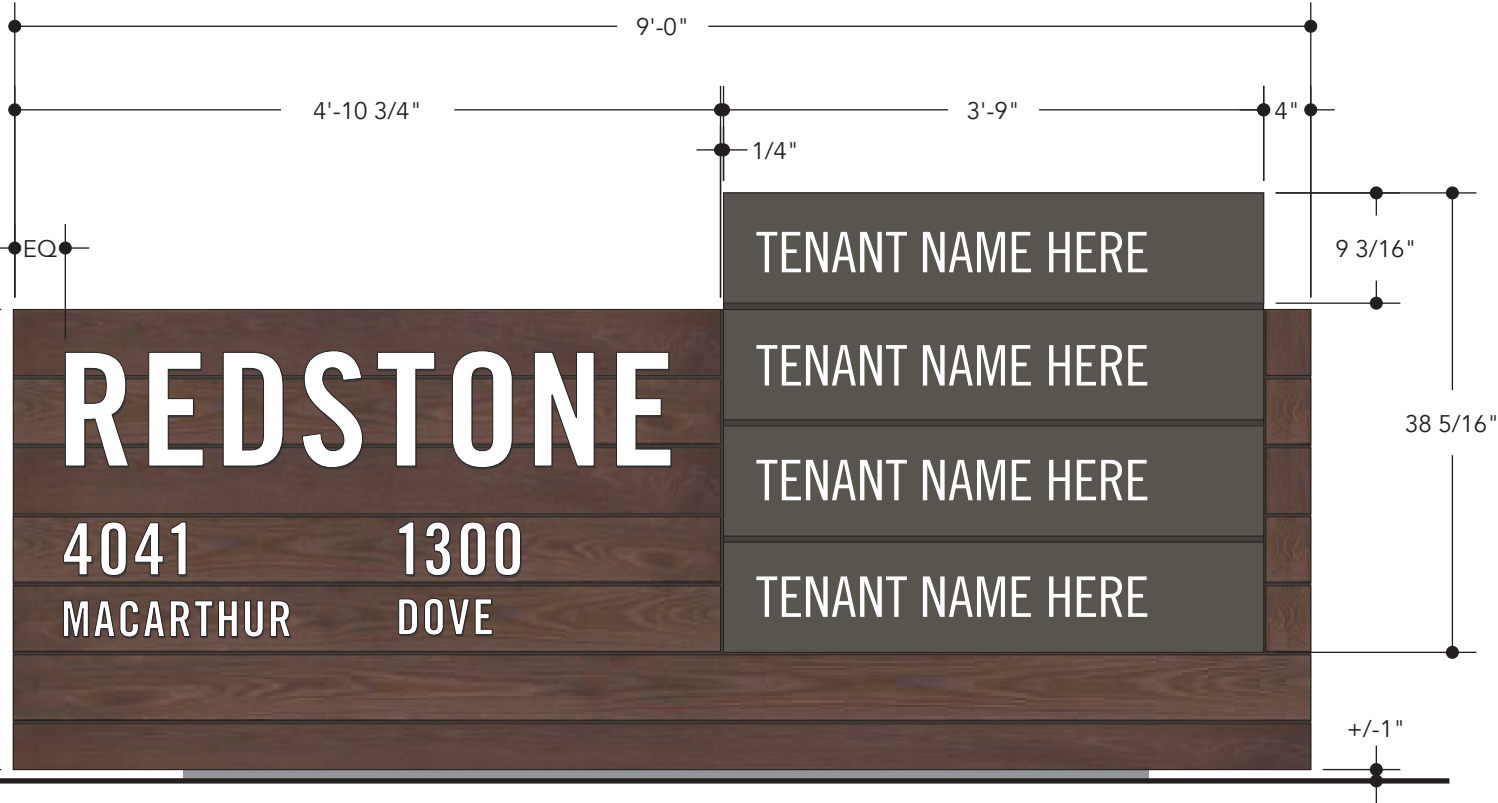
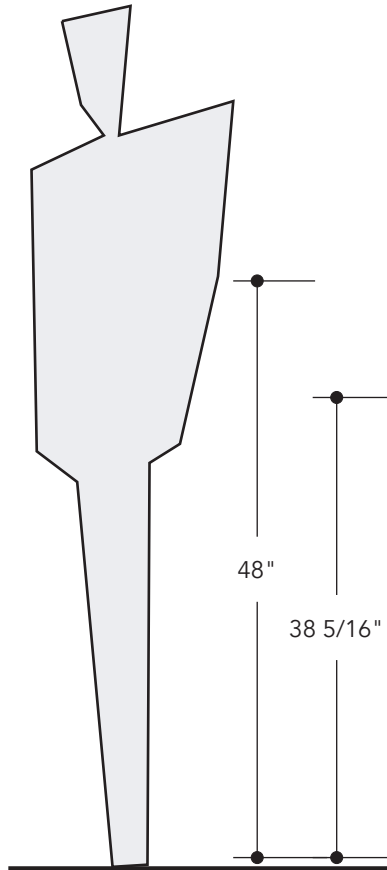
PLAN VIEW

SCALE: 3/4" = 1'-0"



SIDE VIEW

SCALE: 3/4" = 1'-0"



FRONT ELEVATION

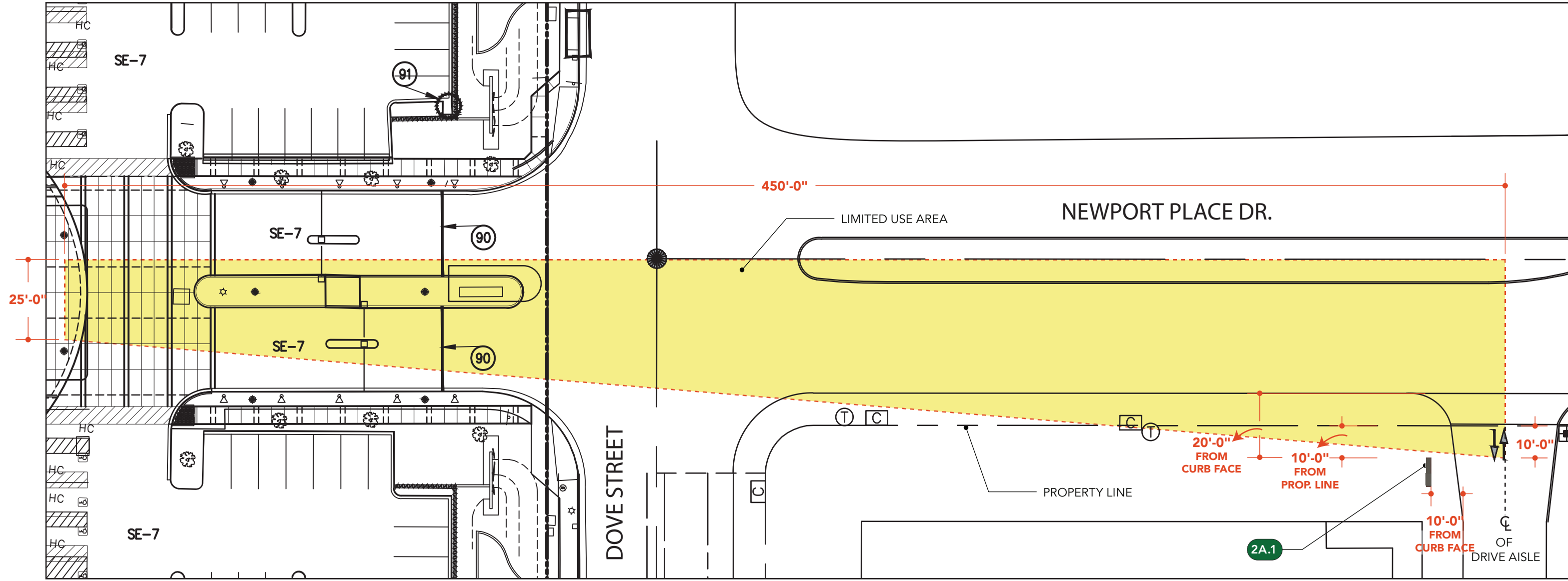
SCALE: 3/4" = 1'-0"

SIGN TYPE 2A

TENANT MONUMENT

SIGN TYPE - LEGEND

● ST2A Tenant Monument



SCALE: 1" = 30'-0"

SIGN TYPE 3

TENANT EYEBROW SIGNAGE

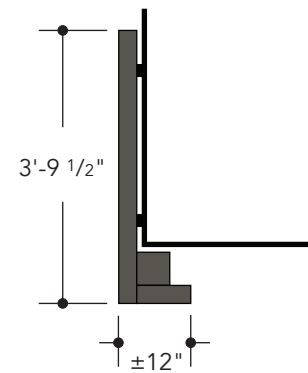
PURPOSE	To identify building tenants.
MAXIMUM NUMBER	Five.
LOCATION	4041 MacArthur Blvd: 2 signs to be located at the East Elevation 1 sign to be located at Northeast Elevation 1300 Dove: 1 sign to be located at the North Elevation 1 sign to be located at the West Elevation
SIGN COPY	Tenant names only.
MAX. SIGN AREA & SIZE	Width: 15' - 8 1/2" Height: 3' - 9 1/2" Sign Area: 58 sq. ft.
SIGN CONSTRUCTION	Smooth, durable, non-weathering sign or fabricated from nonferrous metals (cabinet signs with translucent or transparent backgrounds are not permitted). All hardware shall be of nonferrous metals.
ILLUMINATION	Internally illuminated. No exposed neon lighting allowed.
LOGO / LOGOTYPE	Permitted with approval by Property Management.
LETTER STYLE	Project font.
COLORS	Project dark gray and white. Logo colors are permitted with approval by Property Management.

SIGN TYPE 3

TENANT EYEBROW SIGNAGE



ELEVATION VIEW
SCALE: 3/8" = 1'-0"



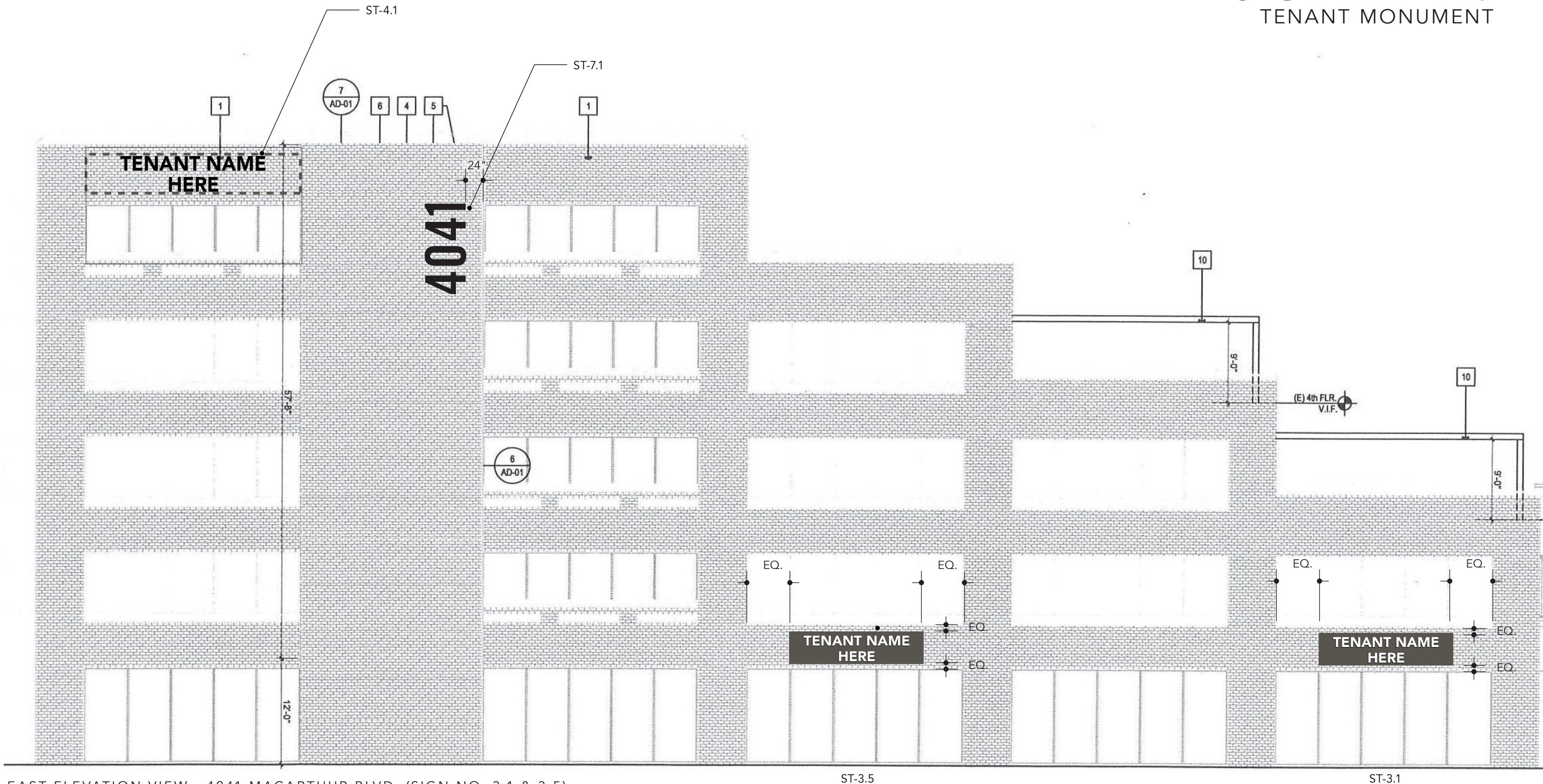
SIDE VIEW - ST-3.2
SCALE: 3/8" = 1'-0"



TYP. SIDE VIEWS WITH EXCEPTION OF ST3.2
SCALE: 3/8" = 1'-0"

SIGN TYPE 3

TENANT MONUMENT



EAST ELEVATION VIEW - 4041 MACARTHUR BLVD. (SIGN NO. 3.1 & 3.5)

SCALE: 3/32" = 1'-0"

SIGN TYPE 3

TENANT MONUMENT

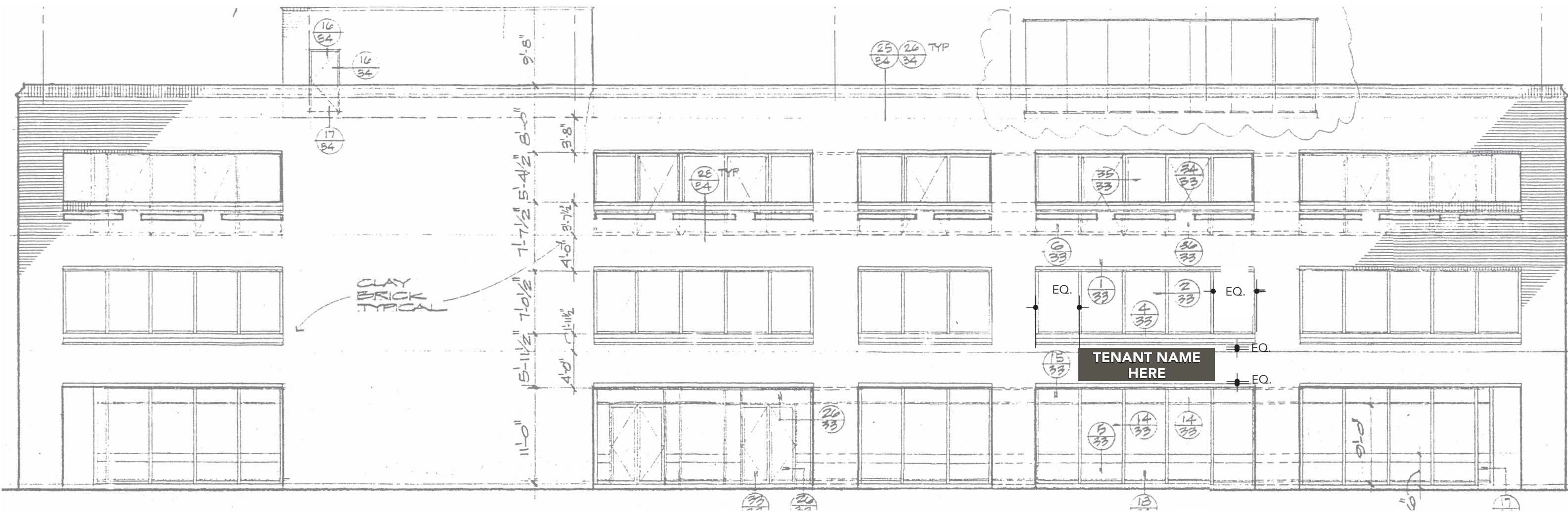


NORTHEAST ELEVATION VIEW - 4041 MACARTHUR BLVD. (SIGN NO. 3.2)

SCALE: NTS"

SIGN TYPE 3

TENANT MONUMENT

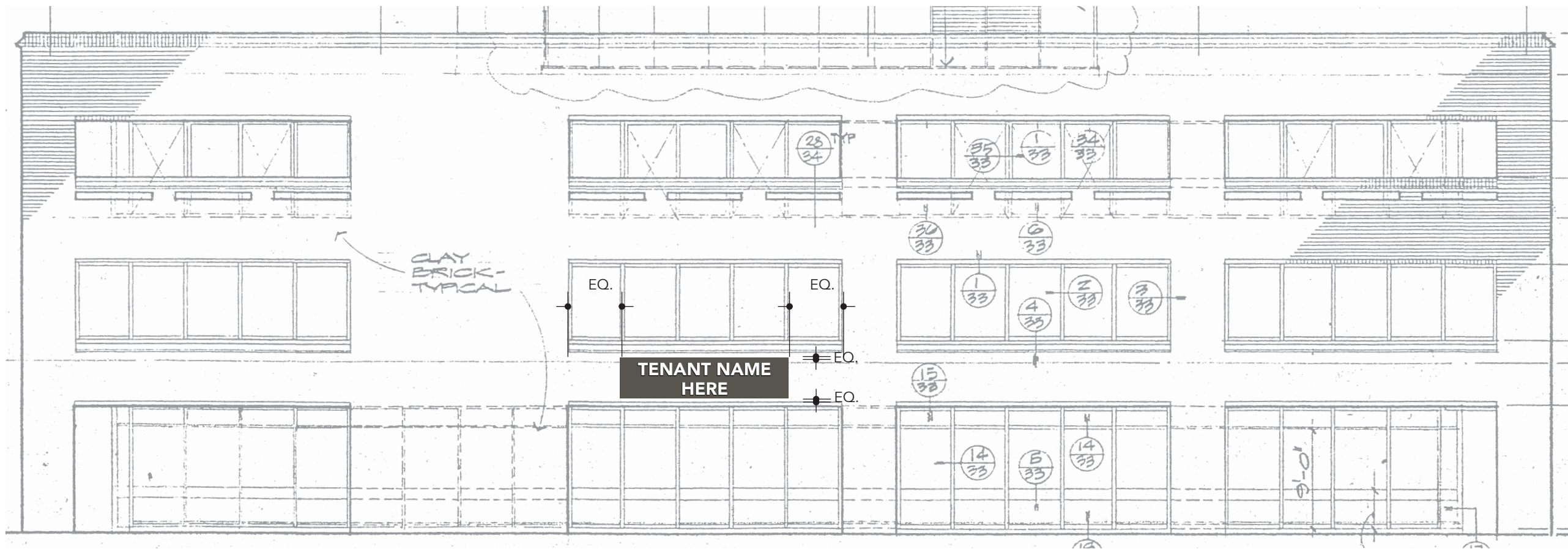


NORTH ELEVATION VIEW - 1301 DOVE ST. (SIGN NO. 3.3)

SCALE: 3/32" = 1'-0"

SIGN TYPE 3

TENANT MONUMENT



WEST ELEVATION VIEW - 1301 DOVE ST. (SIGN NO. 3.4)

SCALE: 3/32" = 1'-0"

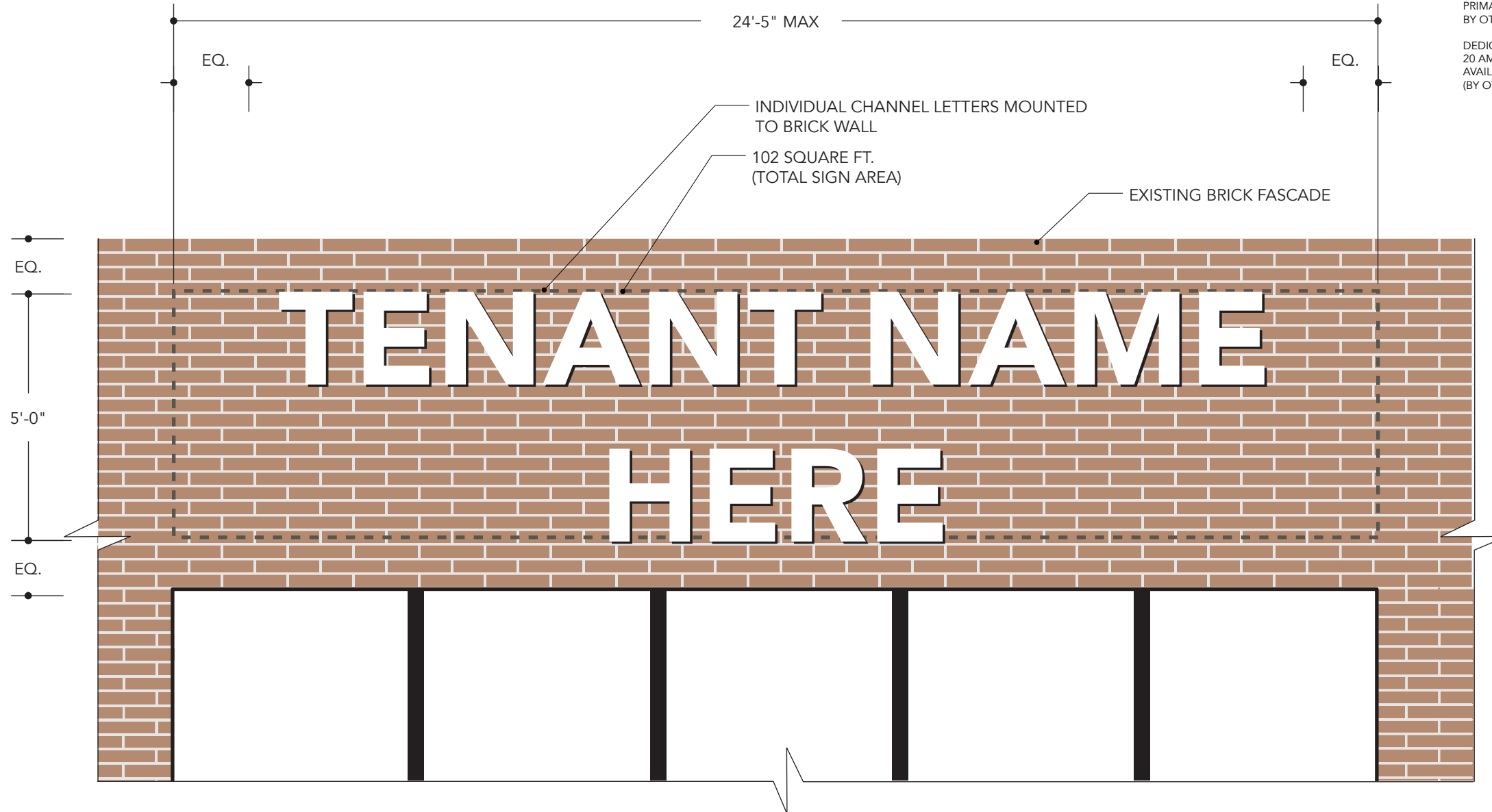
SIGN TYPE 4

SKYLINE TENANT SIGNAGE

PURPOSE	To identify major building tenants.
MAXIMUM NUMBER	Two.
LOCATION	4041 MacArthur Blvd:
SIGN COPY	Tenant names only.
MAX. SIGN AREA & SIZE	Width: 24' - 5" Height: 5' - 0" Sign Area: 102 sq. ft. Depth: 3" Minimum
SIGN CONSTRUCTION	Individual letters mounted to the face of the wall comprised of smooth, durable, non-weathering or fabricated nonferrous metals . All hardware shall be of nonferrous metals.
ILLUMINATION	Internally illuminated channel letters, halo-lit letters, or non-illuminated letters are permitted.
LOGO / LOGOTYPE	Permitted with approval by Property Management.
LETTER STYLE	Project font.
COLORS	Sides of letters to be painted white or black. Colors of tenant logo faces must contrast with the brick facade and are subject to approval by Property Management. Otherwise Project white letters are permitted.

SIGN TYPE 4

SKYLINE TENANT SIGNAGE

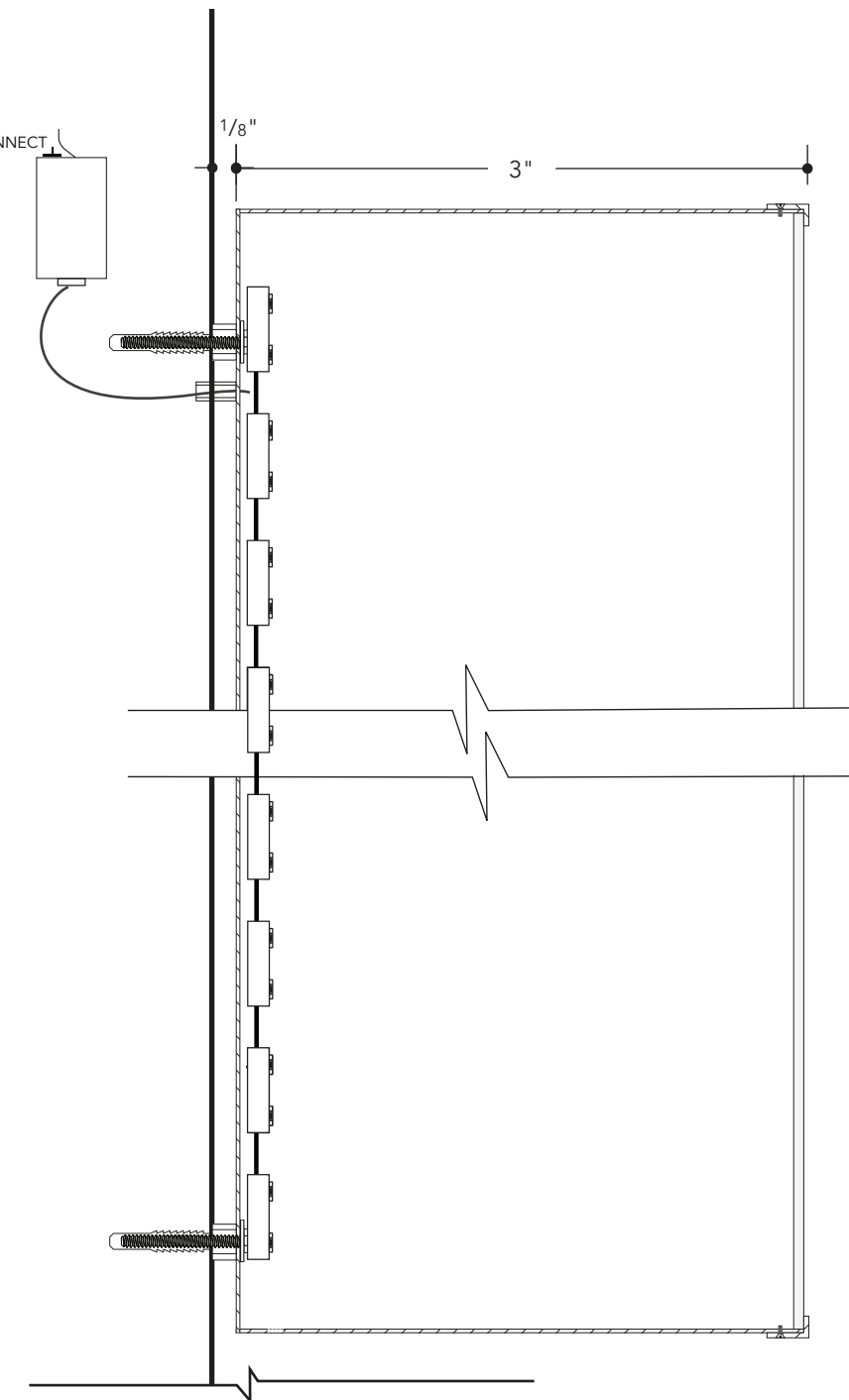


ELEVATION VIEW
SCALE: 3/8" = 1'-0"

DISCONNECT

PRIMARY POWER BY OTHERS

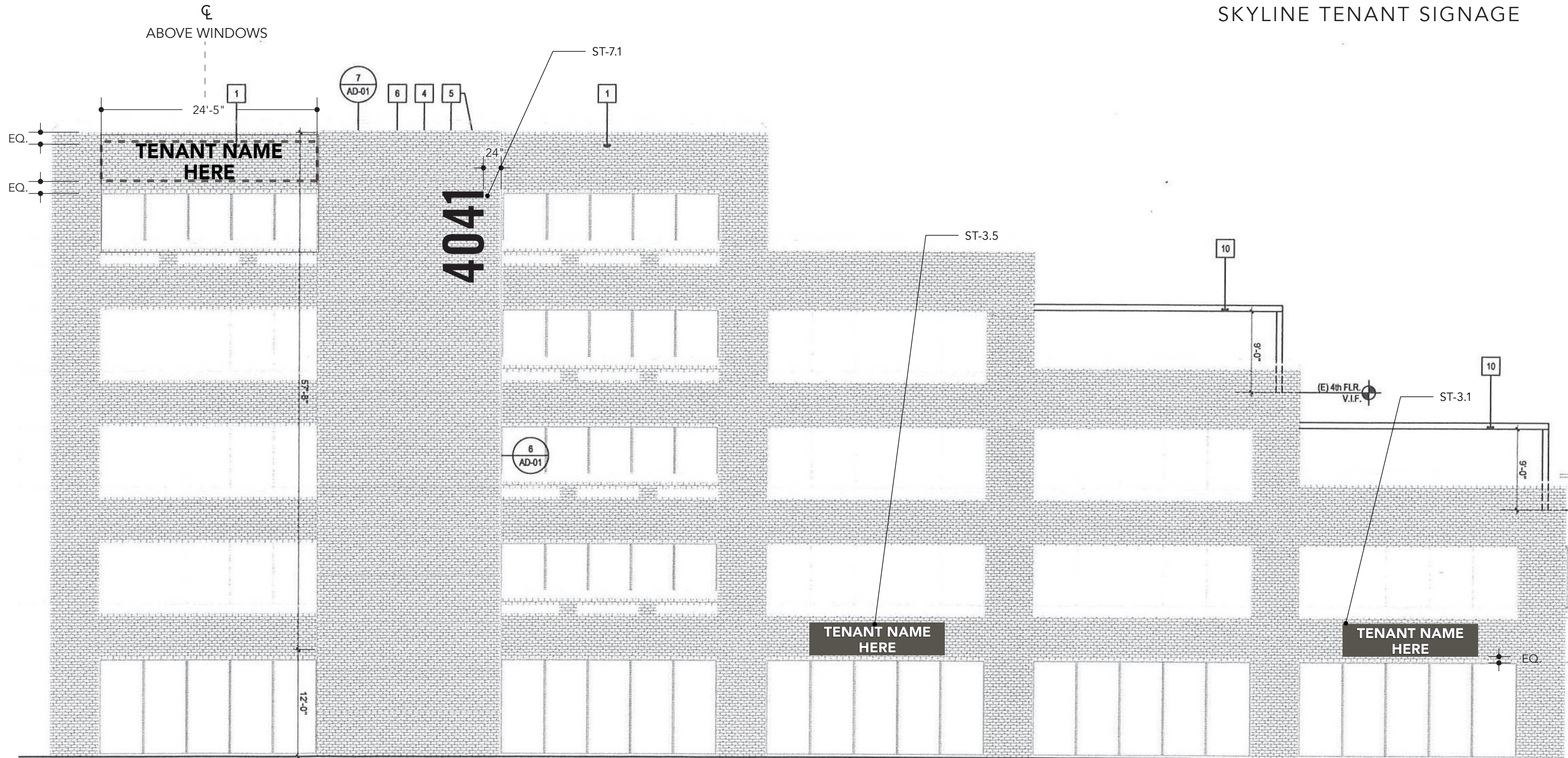
DEDICATED 120V 20 AMP CIRCUIT AVAILABLE (BY OTHERS)



SECTION DETAIL
SCALE: 3" = 1'-0"

SIGN TYPE 4

SKYLINE TENANT SIGNAGE



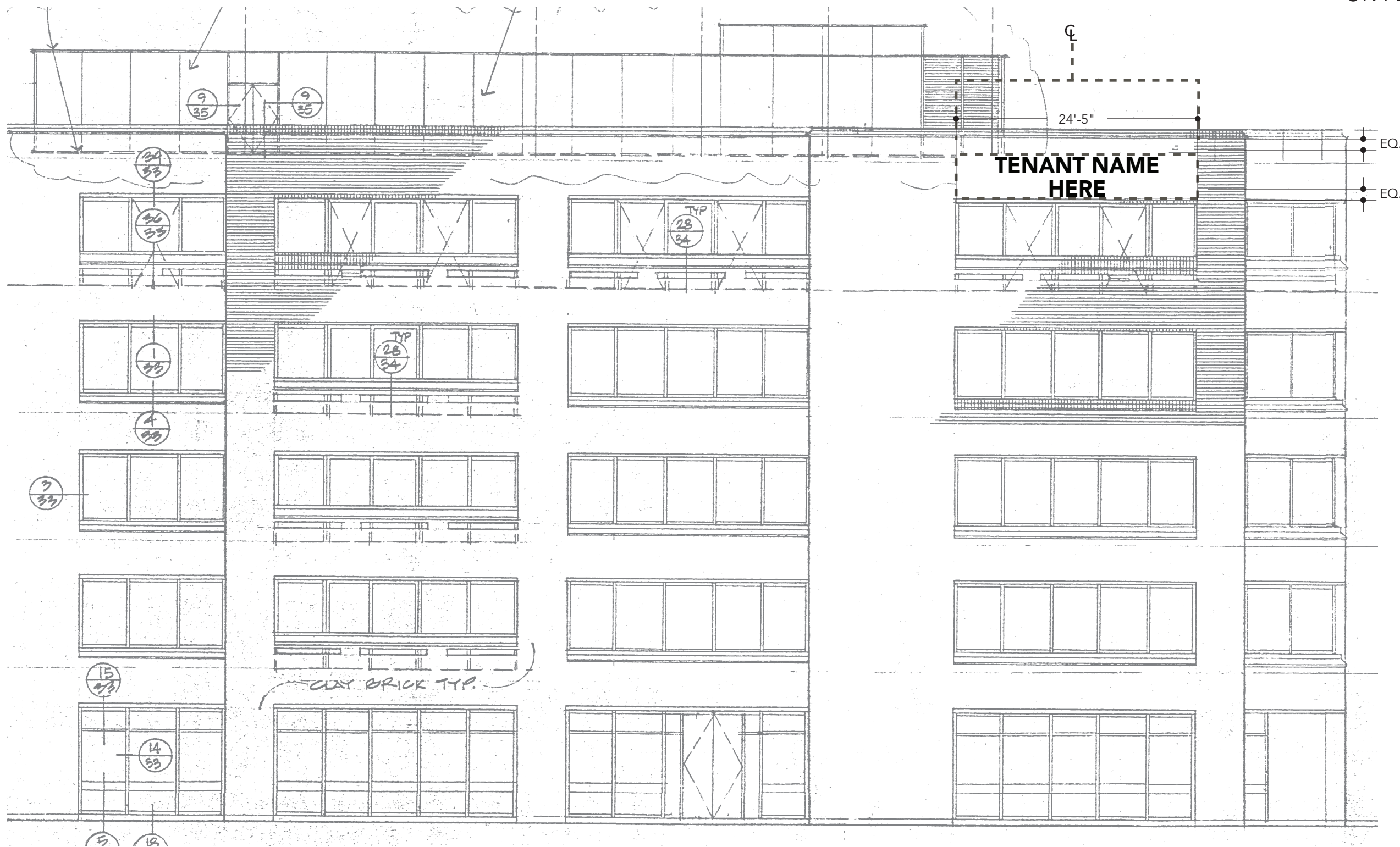
EAST ELEVATION VIEW - 4041 MACARTHUR BLVD.(SIGN NO. 4.1)

SCALE: 3/32" = 1'-0"

February 06, 2020

SIGN TYPE 4

SKYLINE TENANT SIGNAGE



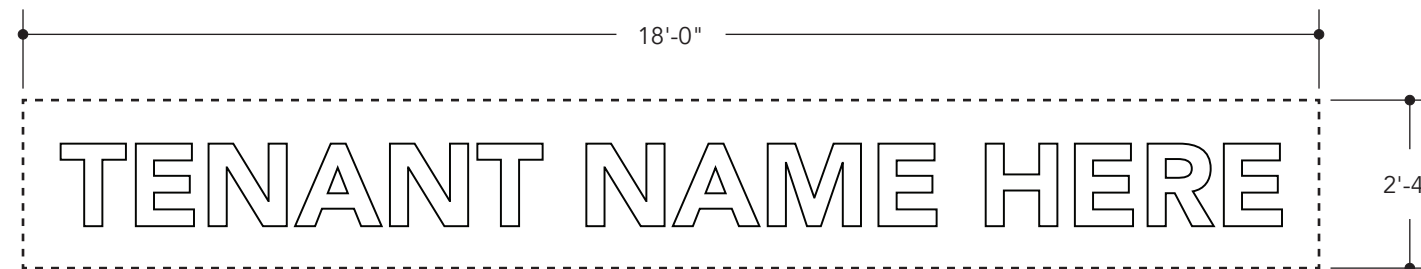
SOUTH ELEVATION VIEW - 4041 MACARTHUR BLVD (SIGN NO. 4.2).

SCALE: 3/32" = 1'-0"

SIGN TYPE 6

RETAIL TENANT SIGNAGE

PURPOSE	To identify the retail tenant.
MAXIMUM NUMBER	One.
LOCATION	1200 Dove Street.
SIGN COPY	Tenant names only.
MAX. SIGN AREA & SIZE	Width: 18'-0" Height: 2'-4" Sign Area: 30 sq. ft. MAX Depth: 3" Minimum
SIGN CONSTRUCTION	Individual letters mounted to the face of the wall comprised of smooth, durable, non-weathering or fabricated nonferrous metals . All hardware shall be of nonferrous metals.
ILLUMINATION	Internally illuminated channel letters, halo-lit letters, or non-illuminated letters are permitted.
LOGO / LOGOTYPE	Permitted with approval by Property Management.
LETTER STYLE	Project font.
COLORS	Sides of letters to be painted white or black. Colors of tenant logo faces must contrast with the brick facade and are subject to approval by Property Management. Otherwise Project white letters are permitted.

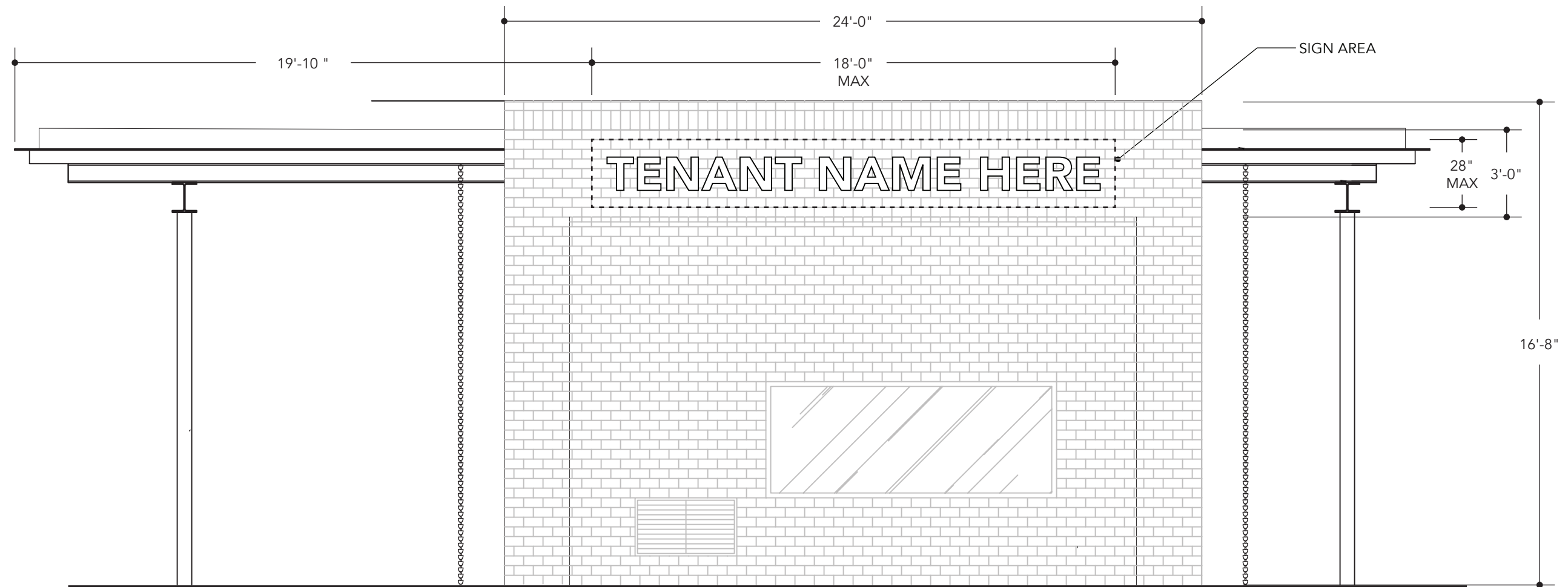


FRONT VIEW OF SIGN AREA

SCALE: 3/8" = 1'-0"

SIGN TYPE 6

RETAIL TENANT SIGNAGE

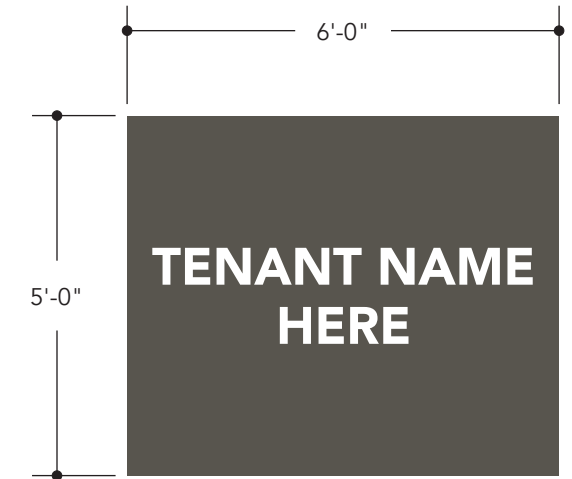


1200 DOVE PARTIAL WEST BUILDING ELEVATION
SCALE: 1/4" = 1'-0"

PURPOSE	To identify the retail tenant.
MAXIMUM NUMBER	One.
LOCATION	1200 Dove Street.
SIGN COPY	Tenant names only.
MAX. SIGN AREA & SIZE	Width: 6'-0" Height: 5'-0" Sign Area: 30 sq. ft.
SIGN CONSTRUCTION	Smooth, durable, non-weathering sign or fabricated from nonferrous metals (cabinet signs with translucent or transparent backgrounds are not permitted). All hardware shall be of nonferrous metals.
ILLUMINATION	Internally illuminated letters are permitted. No exposed neon lighting allowed.
LOGO / LOGOTYPE	Permitted with approval by Property Management.
LETTER STYLE	Project font.
COLORS	Project dark gray and white. Logo colors are permitted with approval by Property Management.

SIGN TYPE 6A

RETAIL TENANT SIGNAGE

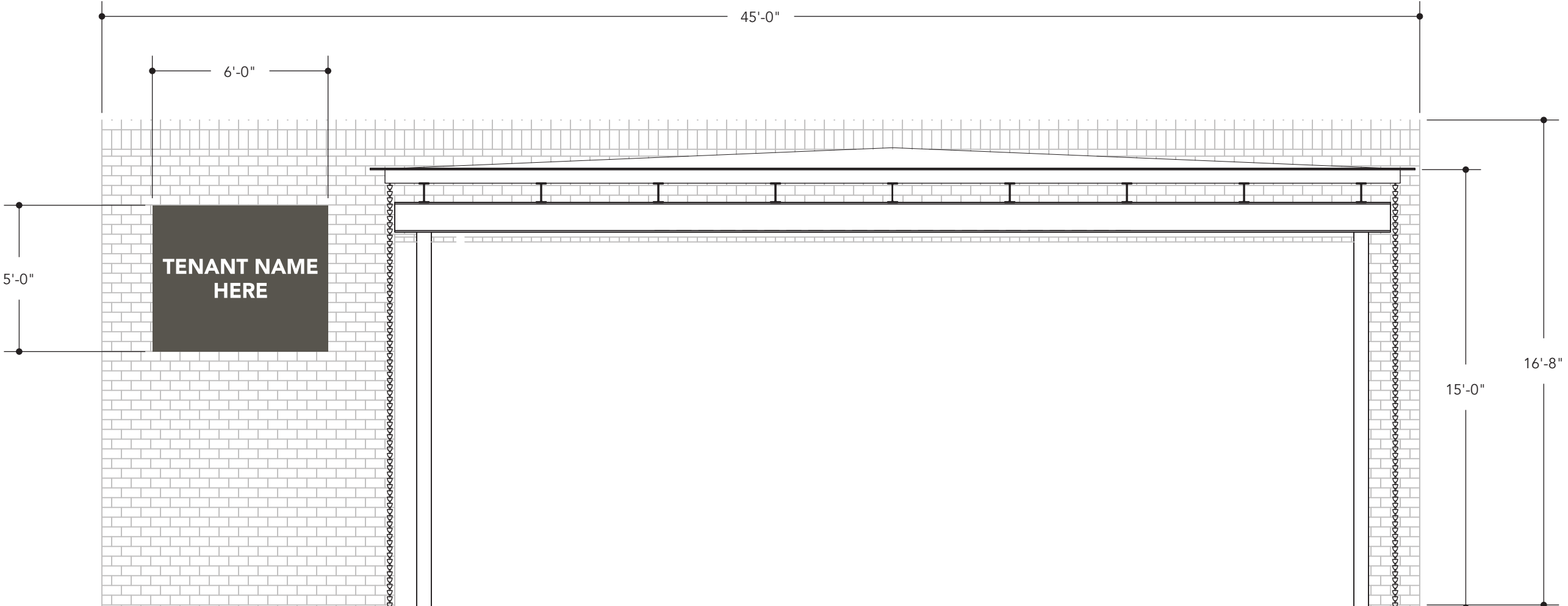


ELEVATION VIEW

SCALE: 3/8" = 1'-0"

SIGN TYPE 6A

RETAIL TENANT SIGNAGE



1200 DOVE NORTH BUILDING ELEVATION
SCALE: 1/4" = 1'-0"

PURPOSE

To identify building addresses.

MAXIMUM NUMBER

Three.

LOCATION

4041 MacArthur Blvd:
1 signs to be located at the East Elevation.
1 sign to be located at the West Elevation.
1300 Dove Street:
1 sign to be located at the South Elevation

SIGN COPY

Address numbers only.

MAX. SIGN AREA & SIZE

Width: 10' - 4"
Height: 4' - 8"
Sign Area: 48 sq. ft.

SIGN CONSTRUCTION

Individual numbers mounted to the face of the wall comprised of smooth, durable, non-weathering or fabricated nonferrous metals . All hardware shall be of nonferrous metals.

ILLUMINATION

Non-illuminated.

LOGO / LOGOTYPE

Not permitted.

LETTER STYLE

Project font only.

COLORS

Project white.

SIGN TYPE 7
BUILDING ADDRESSES

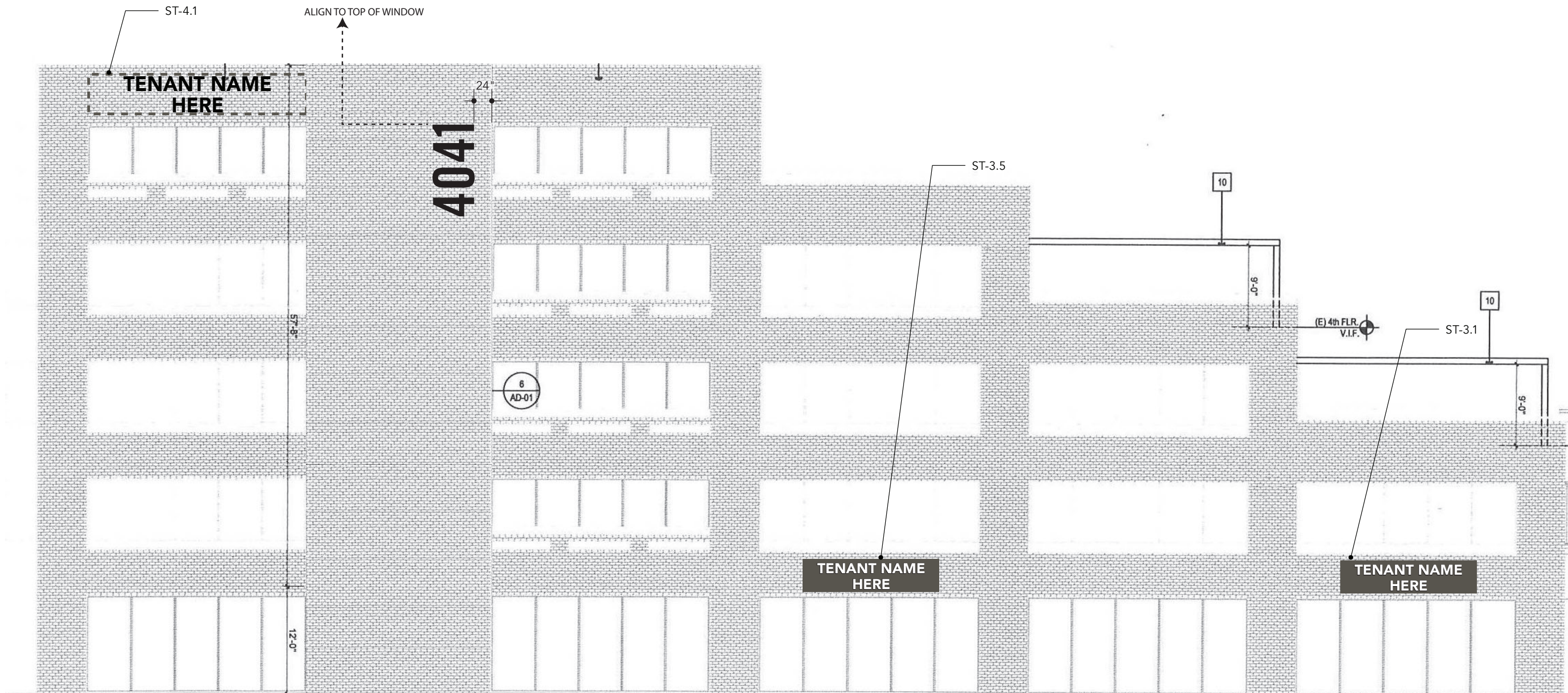


FRONT VIEW - 4041 ADDRESS
SCALE: 1/2" = 1'-0"

FRONT VIEW - 1300 ADDRESS
SCALE: 1/2" = 1'-0"

SIGN TYPE 7

BUILDING ADDRESSES

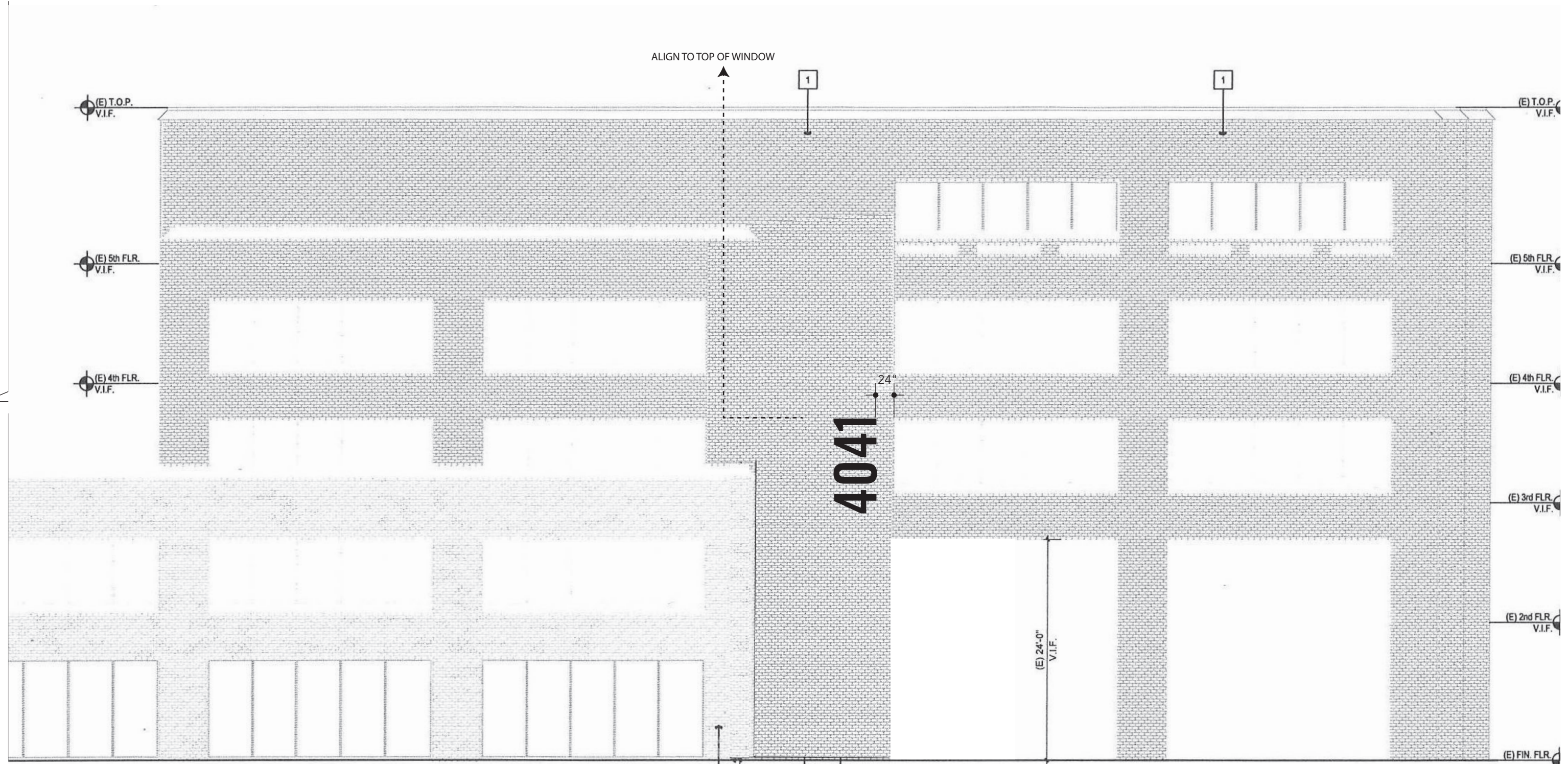


EAST ELEVATION VIEW - 4041 MACARTHUR BLVD. (SIGN NO. 7.1)

SCALE: 3/32" = 1'-0"

SIGN TYPE 7

BUILDING ADDRESSES

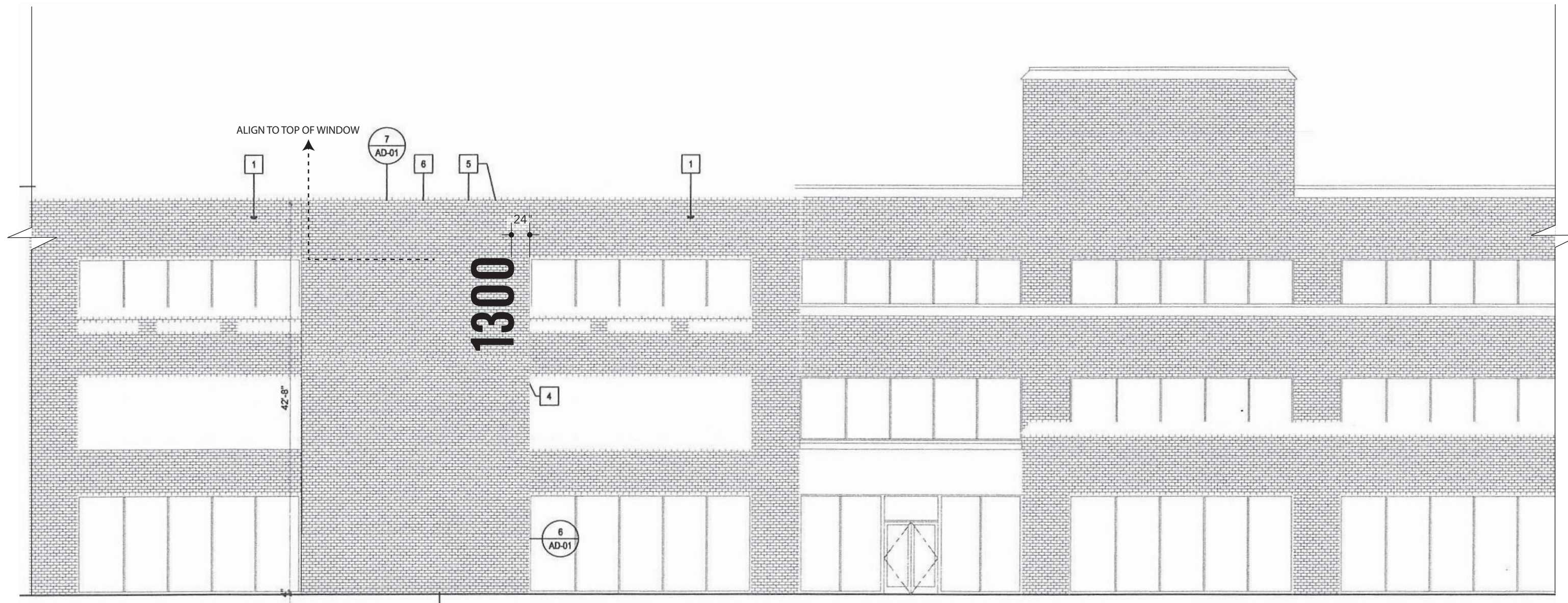


WEST ELEVATION VIEW - 4041 MACARTHUR BLVD.(SIGN NO. 7.2)

SCALE: 3/32" = 1'-0"

SIGN TYPE 7

BUILDING ADDRESSES



SOUTH ELEVATION VIEW - 1300 DOVE STREET (SIGN NO. 7.3)

SCALE: 3/32" = 1'-0"

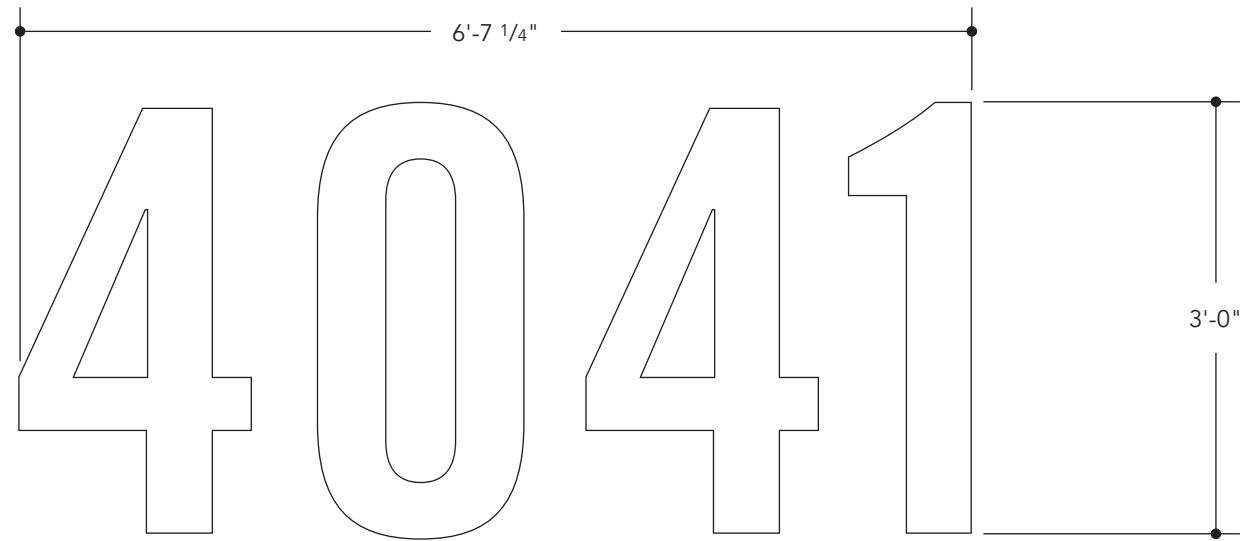
SIGN TYPE 7A

BUILDING ENTRY ADDRESS

PURPOSE	To identify building addresses.
MAXIMUM NUMBER	Two.
LOCATION	1 at the South entry of 4041 MacArthur Blvd. 1 at the East Entry of 1300 Dove Street.
SIGN COPY	Address only.
MAX. SIGN AREA & SIZE	Width: 6' - 8" Height: 3' - 0" Sign Area: 20 sq. ft.
SIGN CONSTRUCTION	Smooth, durable, non-weathering or fabricated nonferrous metals . All hardware shall be of nonferrous metals.
ILLUMINATION	Non-Illuminated.
LOGO / LOGOTYPE	NA
LETTER STYLE	Project font only.
COLORS	Project White

SIGN TYPE 7A

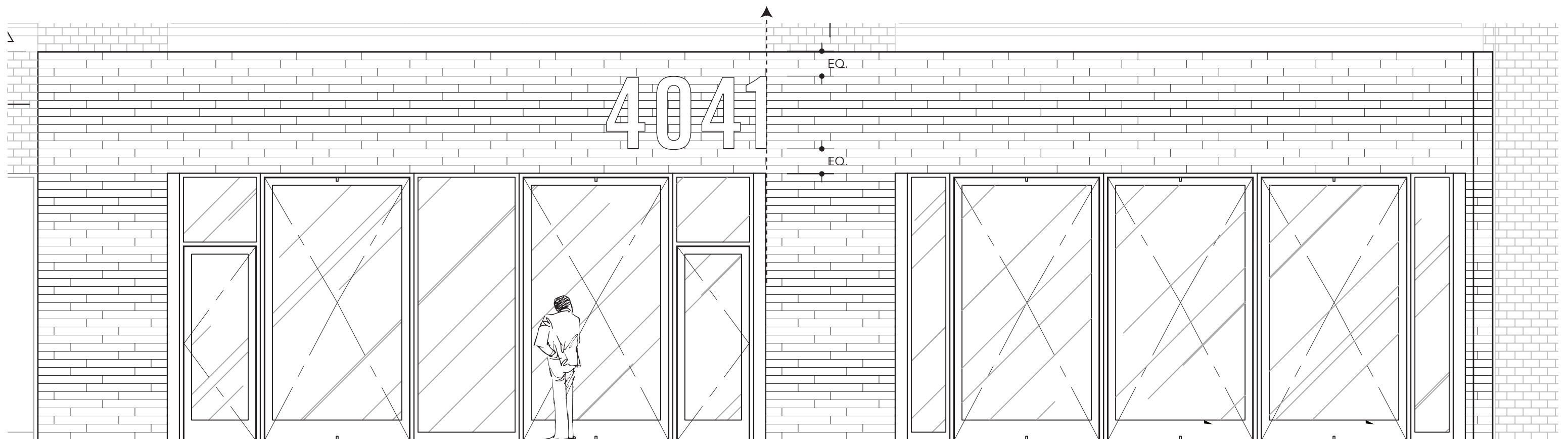
BUILDING ENTRY ADDRESS



FRONT VIEW

SCALE: 3/4" = 1'-0"

ALIGN TO EDGE OF SIDELIGHT

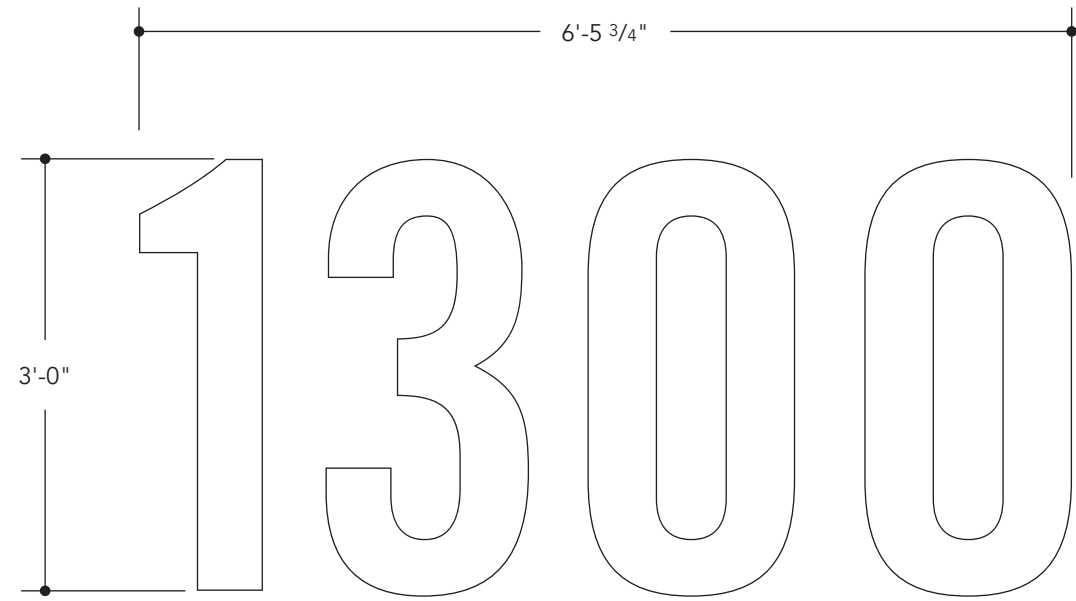


SOUTH ENTRY ELEVATION VIEW - 4041 MACARTHUR BLVD. RENDERING

SCALE: 1/4" = 1'-0"

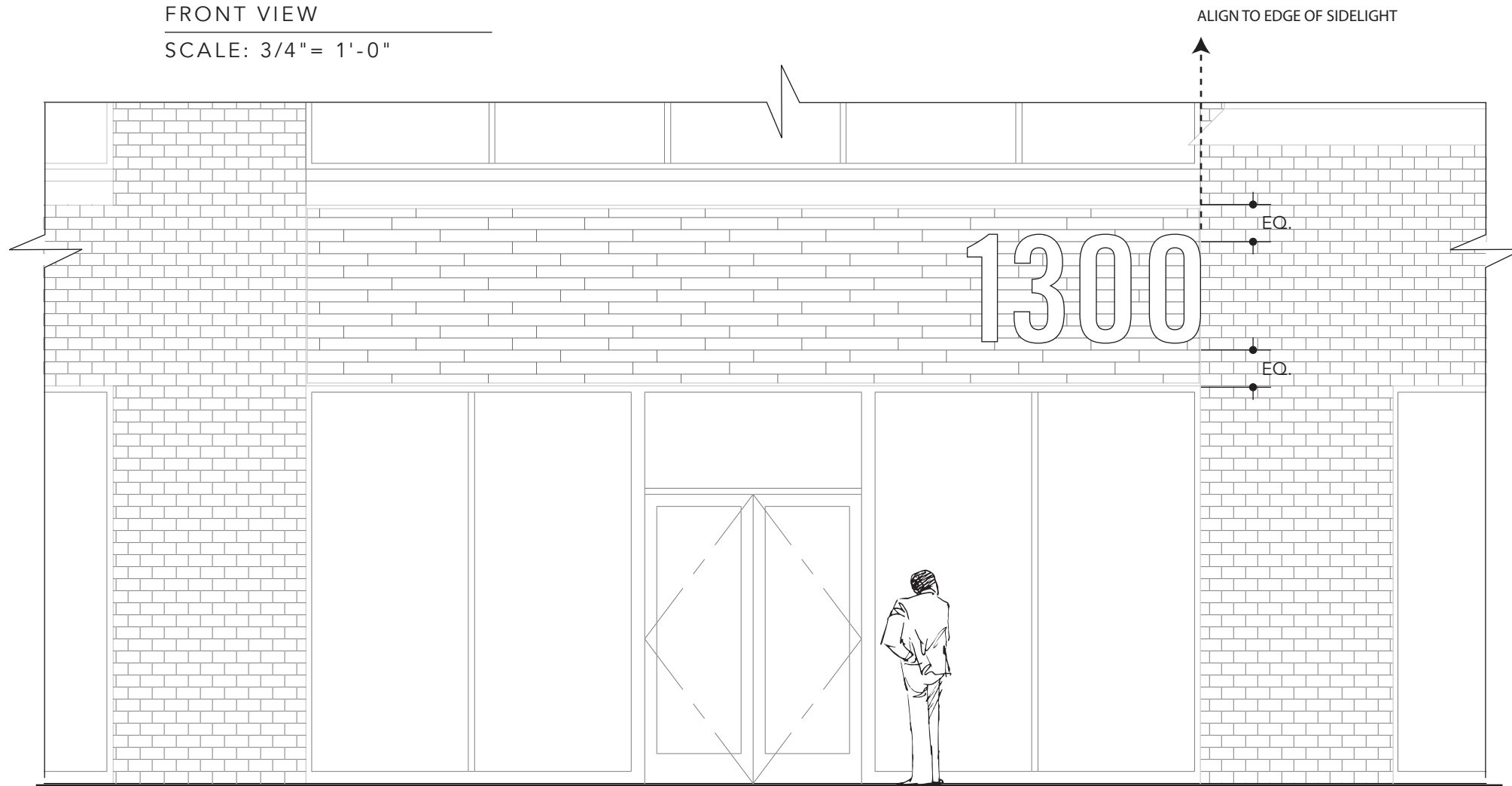
SIGN TYPE 7A

BUILDING ENTRY ADDRESS



FRONT VIEW

SCALE: 3/4" = 1'-0"



EAST ENTRY ELEVATION VIEW - 1300 DOVE STREET RENDERING

SCALE: 1/4" = 1'-0"